

SB149 ENGROSSED



1 SB149
2 5IJJ6MM-2
3 By Senator Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 20-Feb-24



SB149 Engrossed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to prisoners; to amend Sections 14-6-42, 14-6-47, and 14-6-51, Code of Alabama 1975; to further provide for the funds the state sends to counties for the feeding of prisoners; to further provide for the monies to be deposited in a county's Prisoner Feeding Fund; to further provide for the monies deposited into and paid out of the Emergency Prisoner Feeding Fund; to further provide for the process of applying for monies from the Emergency Prisoner Feeding Fund; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 14-6-42, 14-6-47, and 14-6-51, Code of Alabama 1975, are amended to read as follows:

"§14-6-42

(a) Food and the services for preparing food, serving food, and other services incident to the feeding of prisoners in the county jail shall be paid for by the state as follows:

(1) in the amount of two ~~Two~~ dollars ~~and~~ twenty-five cents (\$2.25) per day for each prisoner.

(2) Beginning October 1, 2024, two dollars fifty cents



SB149 Engrossed

29 (\$2.50) per day for each prisoner.

30 (3) Beginning October 1, 2025, two dollars seventy-five
31 cents (\$2.75) per day for each prisoner.

32 (4) Beginning October 1, 2026, three dollars (\$3) per
33 day for each prisoner.

34 (b) (1) Payments made by the state pursuant to this
35 section to the office of the sheriff shall be deposited in a
36 separate account designated the Prisoner Feeding Fund
37 established in Section 14-6-47.

38 (2) The sheriff shall maintain records of all payments
39 received and all expenditures made from the Prisoner Feeding
40 Fund, which shall be subject to regular audit by the
41 Department of Examiners of Public Accounts.

42 (3) Expenditures for the feeding of prisoners shall be
43 exempt from the competitive bid law.

44 (c) The sheriff or county commission may use funds from
45 any available source, including, but not limited to, other
46 monies received by the sheriff or county commission for the
47 feeding of federal or municipal prisoners, to accomplish the
48 purposes of this chapter."

49 "§14-6-47

50 (a) The Prisoner Feeding Fund is established in the
51 office of each sheriff. Except as provided in subsection (b),
52 all state monies received in the sheriff's office for food and
53 services in preparing food, serving food, and other services
54 incident to the feeding of prisoners in the county jail
55 ~~pursuant to this chapter~~, shall be deposited in the Prisoner
56 Feeding Fund and shall be kept separate from all other monies.



SB149 Engrossed

57 Monies deposited in the Prisoner Feeding Fund shall only be
58 used for feeding prisoners except as provided ~~herein~~in this
59 section. At the conclusion of each fiscal year, the sheriff
60 may expend not more than 25 percent of the unencumbered
61 balance in the fund on jail operation or for law enforcement
62 purposes related to the operation of the office of the
63 sheriff, and the remainder shall be retained in the fund for
64 feeding expenses in the next fiscal year, or at the option of
65 the sheriff, the entire unencumbered balance may be retained
66 in the fund for feeding expenses in the next fiscal year. In
67 no event shall any monies paid into the fund be expended
68 except as authorized in this chapter.

69 (b) (1) Nothing in this chapter shall prohibit the
70 sheriff and the county commission from entering into mutual
71 agreements to carry out the requirements of this chapter. Any
72 mutual agreements shall not supersede Section 14-6-40 or
73 exempt any funds or expenditures from audit as required by
74 this chapter nor authorize any of the funds deposited into a
75 prisoner feeding fund or other account for feeding prisoners
76 to be converted into personal income for any public official
77 or employee.

78 (2) Nothing in this chapter shall require a change in
79 procedures in those counties where funds for the feeding of
80 prisoners are paid into the general fund of the county
81 pursuant to resolution authorized under Section 36-22-17, as
82 it existed prior to August 1, 2019.

83 (c) All records related to payments received and
84 expenditures made for food preparation and the feeding of



SB149 Engrossed

85 prisoners in the county jail shall be kept by the sheriff's
86 office on forms prescribed by the Department of Examiners of
87 Public Accounts and shall be subject to regular audit.

88 (d) All funds held by the sheriff on August 1, 2019,
89 that were reimbursed by the State of Alabama or any other
90 governmental entity for the feeding of prisoners in a county
91 jail shall be deposited into the Prisoner Feeding Fund. No
92 funds deposited into the Prisoner Feeding Fund or any other
93 ~~moneys monies~~ received by the sheriff for feeding of federal
94 or municipal prisoners shall be converted into personal income
95 for any public official or employee under any circumstances."

96 "§14-6-51

97 (a) ~~There is hereby established the~~ The Emergency
98 Prisoner Feeding Fund ~~into which there is automatically~~
99 ~~appropriated five hundred~~ is established and seven hundred
100 fifty thousand dollars ~~(\$500,000)~~ (\$750,000) is automatically
101 appropriated into the fund each state fiscal year beginning
102 with the fiscal year ending September 30, ~~2019~~ 2025.

103 (b) ~~The state~~ State Comptroller shall transfer ~~moneys~~
104 ~~monies~~ from the General Fund to the emergency fund at the
105 beginning of each state fiscal year or as soon as possible
106 thereafter.

107 (c) The emergency fund shall not exceed a total
108 accumulated amount of one million dollars (\$1,000,000).

109 (d) The funds may be expended from time to time upon
110 joint application by a county commission and the sheriff of a
111 county in the case of an unforeseeable emergency cost overrun
112 ~~that fully depletes~~ in the Prisoner Feeding Fund in the county



SB149 Engrossed

113 treasury.

114 (e) This application shall be submitted to the
115 Department of Finance and shall be supported by the sworn
116 statements by the chair of the county commission and the
117 sheriff stating the reason for the need for emergency funding
118 and the reason for the unforeseeable cost overrun.

119 (f) The Department of Finance may demand any pertinent
120 financial records prior to disbursing any emergency funding.

121 (g) The department shall determine when ~~a cost overrun~~
122 an application qualifies for disbursement of funds, but shall
123 not consider the transfer of funds from another local source
124 to continue feeding prisoners as grounds to deny the
125 application.

126 (h) A county commission may not receive from this
127 emergency fund per year more than 80 percent of the actual
128 cost overrun as substantiated by financial records up to a
129 maximum of ~~twenty-five~~ fifty thousand dollars ~~(\$25,000)~~
130 (\$50,000) per year."

131 Section 2. This act shall become effective on June 1,
132 2024.



SB149 Engrossed

133
134
135 Senate

136 Read for the first time and referred20-Feb-24
137 to the Senate committee on Finance
138 and Taxation General Fund
139
140 Read for the second time and placed21-Mar-24
141 on the calendar:
142 0 amendments
143
144 Read for the third time and passed09-Apr-24
145 as amended
146 Yeas 34
147 Nays 0
148 Abstains 0
149
150

Patrick Harris,
Secretary.

151
152
153