

1 SB228  
2 197308-4  
3 By Senators Orr, Figures, Sanders-Fortier, Beasley,  
4 Livingston, Albritton, Smitherman, Waggoner, Chesteen,  
5 Sessions, Ward, Allen, McClendon, Butler, Barfoot, Givhan and  
6 Holley  
7 RFD: Governmental Affairs  
8 First Read: 03-APR-19

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to sheriffs; to amend Sections 14-6-40,  
12 14-6-42, 14-6-47, 14-6-48, and 36-22-17, Code of Alabama 1975,  
13 and to repeal Section 14-6-43 of the Code of Alabama 1975,  
14 relating to the feeding of prisoners in the county jail; to  
15 increase the allowance paid by the state; to establish a  
16 Prisoner Feeding Fund in each county sheriff's office; and to  
17 make a continuing appropriation from the State General Fund  
18 commencing October 1, 2019, and thereafter to be used for  
19 emergency costs overruns in the counties.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 14-6-40, 14-6-42, 14-6-47,  
22 14-6-48, and 36-22-17, Code of Alabama 1975, are amended to  
23 read as follows:

24 "§14-6-40.

25 "The sheriff of the county, except as otherwise  
26 provided by existing laws, in his or her official capacity, in  
27 person or by his or her deputy or jailer, ~~shall feed the~~ shall

1 be responsible for the feeding of prisoners in the jail under  
2 his or her jurisdiction in accordance with the terms of this  
3 article. The food and services in preparing food, serving  
4 food, and other services incident to the feeding of prisoners  
5 shall be paid for from funds as provided in Section 14-6-42.  
6 In no event shall the sheriff be personally responsible for  
7 the cost of feeding prisoners or any shortage in the funds  
8 provided for that purpose.

9 "§14-6-42.

10 "(a) Food for and the services for preparing food,  
11 serving food, and other services incident to the feeding of  
12 prisoners in the county jail shall be paid for by the state as  
13 follows: There shall be allowed such amount as is actually  
14 necessary for food for each prisoner daily, and said amount so  
15 allowed shall be \$1.75 per capita. In addition to the above  
16 amount, there is hereby conditionally appropriated from the  
17 General Fund an amount of \$1.25 per capita. in the amount of  
18 two dollars and twenty-five cents (\$2.25) per day for each  
19 prisoner.

20 "(b) Payments made by the state pursuant to this  
21 section to the office of the sheriff shall be deposited in a  
22 separate account designated the Prisoner Feeding Fund  
23 established in Section 14-6-47. The sheriff shall maintain  
24 records of all payments received and all expenditures made  
25 from the Prisoner Feeding Fund, which shall be subject to  
26 regular audit by the Department of Examiners of Public

1 Accounts. Expenditures for the feeding of prisoners shall be  
2 exempt from the competitive bid law.

3 "(c) The allowances provided by the state in this  
4 section shall be increased by two percent each year commencing  
5 on October 1, 2020, and thereafter.

6 "§14-6-47.

7 "(a) The Prisoner Feeding Fund is established in the  
8 office of each sheriff. Except as provided in subsection (b),  
9 all monies received in the sheriff's office for food and  
10 services in preparing food, serving food, and other services  
11 incident to the feeding of prisoners in the county jail  
12 pursuant to this chapter, shall be deposited in the Prisoner  
13 Feeding Fund and shall be kept separate from all other monies.  
14 Monies deposited in the Prisoner Feeding Fund shall only be  
15 used for feeding prisoners except as provided herein. At the  
16 conclusion of each fiscal year, the sheriff may expend not  
17 more than 25 percent of the unencumbered balance in the fund  
18 on jail operation or for law enforcement purposes related to  
19 the operation of the office of the sheriff, and the remainder  
20 shall be retained in the fund for feeding expenses in the next  
21 fiscal year , or at the option of the sheriff, the entire  
22 unencumbered balance may be retained in the fund for feeding  
23 expenses in the next fiscal year. In no event shall any monies  
24 paid into the fund be expended except as authorized in this  
25 chapter.

26 "(b) (1) Nothing in this chapter shall prohibit the  
27 sheriff and the county commission from entering into mutual

1 agreements to carry out the requirements of this chapter. Any  
2 mutual agreements shall not supersede the provisions of  
3 Section 14-6-40 or exempt any funds or expenditures from audit  
4 as required by this chapter nor authorize any of the funds  
5 deposited into a prisoner feeding fund or other account for  
6 feeding prisoners to be converted into personal income for any  
7 public official or employee.

8 "(2) Nothing in this chapter shall require a change  
9 in procedures in those counties where funds for the feeding of  
10 prisoners are paid into the general fund of the county  
11 pursuant to resolution authorized under Section 36-22-17, as  
12 it existed prior to the effective date of the act adding this  
13 subsection.

14 "(c) All records related to payments received and  
15 expenditures made for food preparation and the feeding of  
16 prisoners in the county jail shall be kept ~~and statements made~~  
17 by the sheriff's office on forms prescribed ~~and furnished~~ by  
18 the ~~Department of Finance~~ Department of Examiners of Public  
19 Accounts and shall be subject to regular audit.

20 "(d) All funds held by the sheriff on the effective  
21 date of the act adding this subsection that were reimbursed by  
22 the State of Alabama or any other governmental entity for the  
23 feeding of prisoners in a county jail shall be deposited into  
24 the Prisoner Feeding Fund. No funds deposited into the  
25 Prisoner Feeding Fund or any other moneys received by the  
26 sheriff for feeding of federal or municipal prisoners shall be

1 converted into personal income for any public official or  
2 employee under any circumstances.

3 "§14-6-48.

4 "The sheriff shall be the custodian of all funds  
5 paid into the Prisoner Feeding Fund pursuant to Section  
6 14-6-47, which funds shall be public funds of the office of  
7 the sheriff. Any unexpended monies in the Prisoner Feeding  
8 Fund on the effective date of any new term of office shall  
9 remain in the fund to be expended by the office of the sheriff  
10 as provided in this chapter. Any sheriff who fails to enter  
11 into a book, to be kept by him for that purpose, any account  
12 paid him by the state maintain records for feeding prisoners,  
13 or to keep such book in his office as one of the public  
14 records thereof, as required in this chapter or to lay submit  
15 the same before the grand jury at each term of the circuit  
16 court held in his or her county or, upon the expiration of his  
17 or her term of office, to turn the same over to his or her  
18 successor as required by law is guilty of a misdemeanor.

19 "§36-22-17.

20 "~~All~~ Except as otherwise provided herein, all fees,  
21 commissions, percentages, allowances, charges and court costs  
22 heretofore collectible for the use of the sheriff and his or  
23 her deputies, excluding the allowances and amounts received  
24 for feeding prisoners, which the various sheriffs of the  
25 various counties shall be entitled to keep and retain, except  
26 in those instances where the county commission directs such  
27 allowances and amounts to be paid into the general fund of the

1 ~~county by proper resolution passed by said county commission~~  
2 ~~of said county,~~ shall be collected and paid into the general  
3 fund of the county. Except as otherwise provided in subsection  
4 (b) of Section 14-6-47, all monies paid by the state for the  
5 feeding of prisoners pursuant to Title 14, Chapter 6 shall be  
6 paid into the Prisoner Feeding Fund established in Section  
7 14-6-47, and expended only as provided in Chapter 6."

8 Section 2. Section 14-6-43 of the Code of Alabama  
9 1975, is repealed.

10 Section 3. There is hereby continuously appropriated  
11 annually for the feeding of prisoners in the county jails as  
12 provided herein, the sum of five hundred thousand dollars  
13 (\$500,000) from the State General Fund for the fiscal year  
14 commencing October 1, 2019, increased by 1.5 percent per year  
15 for each fiscal year thereafter, compounded when the  
16 adjustment is made at the beginning of each year. The funds  
17 shall be held by the Department of Finance in a special  
18 account to be disbursed upon joint application by a county  
19 commission and the sheriff of a county in case of an  
20 unforeseeable emergency cost overrun that fully depletes the  
21 Prisoner Feeding Fund in the county treasury. This application  
22 shall be supported by the sworn statements by the chair of the  
23 county commission and the sheriff stating the reason for the  
24 need for emergency funding and the reason for the  
25 unforeseeable cost overrun. The department may demand any  
26 pertinent financial records prior to disbursing any emergency  
27 funding. The department shall determine when a cost overrun

1       qualifies for disbursement of funds. A county commission may  
2       not receive from this emergency fund per year more than 80  
3       percent of the actual cost overrun as substantiated by  
4       financial records up to a maximum of twenty-five thousand  
5       dollars (\$25,000) per year. At the end of every calendar year,  
6       any funds remaining in the account that have not been  
7       disbursed and that have accumulated in excess of one million  
8       dollars (\$1,000,000), increased 1.5 percent each year after  
9       fiscal year 2019, compounded when the adjustment is made at  
10      the beginning of each year, shall be returned to the State  
11      Treasury.

12                   Section 4. This act shall become effective on the  
13      first day of the third month following its passage and  
14      approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Governmental Affairs..... 03-APR-19

Read for the second time and placed on the calen-  
dar 1 amendment..... 09-APR-19

Read for the third time and passed as amended .... 16-APR-19

Yeas 31  
Nays 0

Patrick Harris,  
Secretary.