

1 may be used for purposes that include, but are not limited to, the
2 construction, renovation or repair of specific facilities, cash
3 control, facility maintenance and the individual operations
4 accounts of facilities operated by the authority. The authority may
5 create other separate accounts within these funds that it
6 determines are necessary for the efficient operation of the
7 authority.

8 (b) Revenues deposited into these funds shall be used to make
9 payments of interest and shall be pledged as security for bonds,
10 security interests or notes issued or lease-purchase obligations
11 entered into with another state entity by the authority pursuant to
12 this article.

13 (c) Whenever the authority determines that the balance in
14 these funds is in excess of the immediate requirements of this
15 article, it may request that the excess be invested until needed.
16 In this case, the excess shall be invested in a manner consistent
17 with the investment of temporary state funds. Interest earned on
18 any money invested pursuant to this section shall be credited to
19 these funds.

20 (d) If the authority determines that moneys held in these
21 funds are in excess of the amount needed to carry out the purposes
22 of this article, it shall take any action that is necessary to
23 release the excess and transfer it to the General Revenue Fund of
24 the State Treasury.

1 (e) These funds consist of the following:

2 (1) Amounts raised by the authority by the sale of bonds or
3 other borrowing authorized by this article;

4 (2) Moneys collected and deposited in the State Treasury which
5 are specifically designated by Acts of the Legislature for
6 inclusion in these funds;

7 (3) Contributions, grants and gifts from any source, both
8 public and private, which may be used by the authority for any
9 project or projects;

10 (4) All sums paid by the counties pursuant to subsection (h)
11 of this section; and

12 (5) All interest earned on investments made by the state from
13 moneys deposited in these funds.

14 (f) The amounts deposited in these funds shall be accounted
15 for and expended in the following manner:

16 (1) Amounts raised by the sale of bonds or other borrowing
17 authorized by this article shall be deposited in a separate account
18 within these funds and expended for the purpose of construction,
19 renovation and repair of correctional facilities, regional jails
20 and juvenile detention and correctional facilities for which need
21 has been determined by the authority;

22 (2) Amounts deposited from all other sources shall be pledged
23 first to the debt service on any bonded indebtedness, including
24 lease-purchase obligations entered into by the authority with

1 another state entity or other obligation incurred by borrowing of
2 the authority;

3 (3) After any requirements of debt service have been
4 satisfied, the authority shall requisition from these funds the
5 amounts that are necessary to provide for payment of the
6 administrative expenses of this article;

7 (4) The authority shall requisition from these funds, after
8 any requirements of debt service have been satisfied, the amounts
9 that are necessary for the maintenance and operation of regional
10 jails that are constructed pursuant to the provisions of this
11 article and shall expend those amounts for that purpose. These
12 funds shall make an accounting of all amounts received from each
13 county by virtue of any filing fees, court costs or fines required
14 by law to be deposited in these funds and amounts from the jail
15 improvement funds of the various counties. After the expenses of
16 administration have been deducted, the amounts expended in the
17 respective regions from those sources shall be in proportion to the
18 percentage the amount contributed to these funds by the counties in
19 each region bears to the total amount received by these funds from
20 those sources;

21 (5) Notwithstanding any other provisions of this article, sums
22 paid into these funds by each county pursuant to subsection (h) of
23 this section for each inmate shall be placed in a separate account
24 and shall be requisitioned from these funds to pay for costs

1 incurred at the regional jail facility at which each inmate was
2 incarcerated; and

3 (6) Any amounts deposited in these funds from other sources
4 permitted by this article shall be expended in the respective
5 regions based on particular needs to be determined by the
6 authority.

7 (g) (1) After a regional jail facility becomes available
8 pursuant to this article for the incarceration of inmates, each
9 county within the region shall incarcerate all persons whom the
10 county would have incarcerated in any jail prior to the
11 availability of the regional jail facility in the regional jail
12 facility except those whose incarceration in a local jail facility
13 used as a local holding facility is specified as appropriate under
14 the standards and procedures developed pursuant to section nine of
15 this article and who the sheriff or the circuit court elects to
16 incarcerate therein.

17 (2) Notwithstanding the provisions of subdivision (1) of this
18 subsection, circuit and magistrate courts are authorized to:

19 (A) Detain persons who have been arrested or charged with a
20 crime, in a county or municipal jail, specified as appropriate
21 under the standards and procedures developed pursuant to section
22 nine of this article, for a period not to exceed ninety-six hours;
23 or

24 (B) Commit persons convicted of a crime in a county or

1 municipal jail, specified as appropriate under the standards and
2 procedures developed pursuant to section nine of this article, for
3 a period not to exceed fourteen days.

4 (h) When inmates are placed in a regional jail facility
5 pursuant to subsection (g) of this section, the county shall pay
6 into the Regional Jail and Correctional Facility Authority Fund a
7 cost per ~~day~~ hour for each incarcerated inmate to be determined by
8 the Regional Jail and Correctional Facility Authority according to
9 criteria and by procedures established by legislative rules
10 proposed for promulgation pursuant to article three, chapter
11 twenty-nine-a of this code and as established in section ten-a of
12 this article to cover the costs of operating the regional jail
13 facilities of this state to maintain each inmate. The per hour cost
14 applies as soon as an inmate is incarcerated until the time he or
15 she is released from incarceration. When an inmate's incarceration
16 covers a fraction of an hour, the county shall pay the full per
17 hour rate for that time. The per ~~diem~~ hour costs for incarcerating
18 inmates may not include the cost of construction, acquisition or
19 renovation of the regional jail facilities: *Provided*, That each
20 regional jail facility operating in this state shall keep a record
21 of the date and time that an inmate is incarcerated. ~~and a county~~
22 ~~may not be charged for a second day of incarceration for an~~
23 ~~individual inmate until that inmate has remained incarcerated for~~
24 ~~more than twenty-four hours. After that, in cases of continuous~~

1 ~~incarceration, subsequent per diem charges shall be made upon a~~
2 ~~county only as subsequent intervals of twenty-four hours pass from~~
3 ~~the original time of incarceration.~~

NOTE: The purpose of this bill is to provide to counties an hourly cost when paying for the incarceration of inmates in regional jails instead of an daily rate.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.