

AMENDMENTS TO LB 383

Introduced by Council

1 1. Insert the following new sections:

2 Sec. 7. For purposes of sections 7 to 10 of this act:

3 (1) Criminal detention facility has the same meaning as  
4 in section 83-4,125; and

5 (2) State prisoner means a person who has been convicted  
6 and sentenced as an adult to a Department of Correctional Services  
7 facility, has been placed on probation for such offense, or is a  
8 parolee held on behalf of the department.

9 Sec. 8. (1) The county in which a prisoner committed an  
10 offense or is alleged to have committed an offense is responsible  
11 for the cost of keeping and maintaining the prisoner in a criminal  
12 detention facility located within the state which is not reimbursed  
13 by a city, the state, or the federal government.

14 (2) Subject to the appropriation limitations and claims  
15 filing deadlines established in this section for county jail  
16 reimbursement assistance, after sentencing if a prisoner is a state  
17 prisoner, the state shall reimburse the county where the state  
18 prisoner was or is maintained in a criminal detention facility at  
19 the rate of thirty-five dollars per day for each day the state  
20 prisoner was maintained in the criminal detention facility for  
21 such offense until the day the state prisoner is transferred to a  
22 Department of Correctional Services facility, placed on probation  
23 for such offense, or released from custody at the request of

1 the department, except that during any quarterly fiscal period  
2 if state appropriations are not sufficient to satisfy all of the  
3 eligible county jail reimbursement claims filed, then the state  
4 shall prorate each county's total reimbursement for that quarterly  
5 fiscal period in proportion to the remaining appropriation.

6 (3) Any county jail reimbursement claims not timely filed  
7 by any county and any county jail reimbursement claims paid by the  
8 state on a prorated basis shall not be filed or refiled, and no  
9 such claims shall be reimbursed by the state.

10 (4) Subject to available appropriations, the department  
11 shall reimburse all counties on a quarterly basis for all eligible  
12 county jail reimbursement claims as soon as practicable after the  
13 end of each quarterly filed period.

14 (5) The county board or county board of corrections shall  
15 request reimbursement as provided in section 9 of this act. If  
16 the department has been notified under section 83-4,133 that the  
17 criminal detention facility which is requesting reimbursement does  
18 not qualify for reimbursement under this section, the department  
19 shall deny the reimbursement request for the days the facility was  
20 not qualified.

21 (6) If a conviction on which reimbursement for prisoner  
22 costs was based is reversed and the case dismissed, the amount of  
23 such reimbursement shall be refunded as provided in section 9 of  
24 this act. The county attorney shall notify the sheriff or county  
25 board of corrections of the dismissal of any such case.

26 (7) The Department of Correctional Services shall  
27 reimburse counties for eligible county jail reimbursement claims

1 subject to the appropriation limitations and claims filing  
2 deadlines in this section. The total annual appropriations approved  
3 by the Legislature for the department for county jail reimbursement  
4 assistance shall not exceed three million nine hundred ten thousand  
5 dollars. County jail reimbursement claims filed for any fiscal year  
6 shall only be paid out of the same fiscal year's appropriation,  
7 including any amounts reappropriated or certified as encumbrances  
8 for county jail reimbursement assistance, but no previous fiscal  
9 year claims shall be paid or filed by counties to be paid from a  
10 subsequent fiscal year's new appropriation established for county  
11 jail reimbursement assistance. County jail reimbursement claims, as  
12 certified by each county, shall be received in the office of the  
13 accounting section of the department within forty-five days after  
14 the end of any quarterly fiscal period ending on March 31, June  
15 30, September 30, and December 31. Any claims not meeting these  
16 deadlines shall be determined ineligible for future filing and  
17 shall not be reimbursed by the state.

18           Sec. 9. (1) The county board of each county and the  
19 county board of corrections serving pursuant to Chapter 23, article  
20 28, confining state prisoners within its jails shall receive  
21 reimbursement from the state pursuant to section 8 of this act  
22 for boarding such prisoners. Such boards are hereby authorized to  
23 provide such meals, fuel, lights, washing, and clothing as may be  
24 necessary for the comfort of such prisoners while in custody in  
25 the county. The sheriff or county board of corrections shall, on  
26 a regular basis not less than quarterly nor more than monthly,  
27 make a report in writing to the Director of Correctional Services

1 of the number of state prisoners in custody in such county for  
2 whom reimbursement is claimed and the number of days for which  
3 reimbursement is claimed and the number of state prisoners for  
4 whom reimbursement was obtained under section 8 of this act  
5 and the amount of reimbursement to be refunded. Such report  
6 shall be consistent with the rules and regulations adopted and  
7 promulgated by the Department of Correctional Services. All claims  
8 for reimbursement shall be sworn to by the sheriff or a designated  
9 representative of the county board of corrections before the clerk  
10 of the county and certified to under his or her seal. Thereupon  
11 the director shall request that a warrant be drawn upon the State  
12 Treasurer for the amount due to the county treasurer of the county,  
13 and the amount drawn shall be credited to the general fund of the  
14 county.

15 (2) For purposes of substantiating a claim, the  
16 department may audit the records and reports of a county relating  
17 to the county's claim for reimbursement under this section and  
18 section 8 of this act. The department shall audit such records and  
19 reports once every two years or as otherwise deemed necessary by  
20 the department. The county board or county board of corrections  
21 shall keep the records pertaining to a claim for two years after  
22 the date the claim is submitted to the department.

23 Sec. 10. The Department of Correctional Services shall  
24 adopt and promulgate rules and regulations to implement sections 7  
25 to 10 of this act.

26 2. On page 4, line 20, after "60-3,190" insert "and  
27 section 8 of this act".

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3. Renumber the remaining sections accordingly.