

# HB274 INTRODUCED



1 HB274  
2 MV5711W-1  
3 By Representative Lee  
4 RFD: Ways and Means General Fund  
5 First Read: 29-Feb-24



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SYNOPSIS:

Under existing law, the state pays each county \$2.25 per day for each prisoner in the county jail for the feeding of prisoners.

This bill would require the state to pay \$3.25 per day for each prisoner in the county jail for the feeding of prisoners.

This bill would also authorize a sheriff or county commission to use funds from any available source to feed prisoners.

Under existing law, all monies received in a sheriff's office for the feeding of prisoners shall be deposited in the Prisoner Feeding Fund.

This bill would provide that all state monies received in a sheriff's office for the feeding of prisoners shall be deposited in the Prisoner Feeding Fund.

Under existing law, \$500,000 is deposited into the Emergency Prisoner Feeding Fund each fiscal year.

This bill would provide that \$750,000 shall be deposited into the Emergency Prisoner Feeding Fund each fiscal year.

Under existing law, a county commission and sheriff may only apply for funds from the Emergency Prisoner Feeding Fund after their local feeding fund



## HB274 INTRODUCED

29 has been fully depleted by an unforeseeable emergency  
30 cost overrun.

31 This bill would authorize a county commission to  
32 apply for funds from the Emergency Prisoner Feeding  
33 Fund following an unforeseeable emergency cost overrun.

34 This bill would also prohibit the Department of  
35 Finance from considering the transfer of funds from  
36 another local source to continue feeding prisoners as  
37 grounds to deny an application for funds from the  
38 Emergency Prisoner Feeding Fund.

39 Under existing law, a county commission may not  
40 receive more than \$25,000 per year from the Emergency  
41 Prisoner Feeding Fund.

42 This bill would provide that a county commission  
43 may not receive more than \$50,000 per year from the  
44 Emergency Prisoner Feeding Fund.

45 This bill would also make nonsubstantive,  
46 technical revisions to update the existing code  
47 language to current style.

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A BILL

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TO BE ENTITLED

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AN ACT

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54 Relating to prisoners; to amend Sections 14-6-42,  
55 14-6-47, and 14-6-51, Code of Alabama 1975; to further provide  
56 for the funds the state sends to counties for the feeding of



## HB274 INTRODUCED

57 prisoners; to further provide for the monies to be deposited  
58 in a county's Prisoner Feeding Fund; to further provide for  
59 the monies deposited into and paid out of the Emergency  
60 Prisoner Feeding Fund; to further provide for the process of  
61 applying for monies from the Emergency Prisoner Feeding Fund;  
62 and to make nonsubstantive, technical revisions to update the  
63 existing code language to current style.

64 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

67 "§14-6-42

68 (a) Food and the services for preparing food, serving  
69 food, and other services incident to the feeding of prisoners  
70 in the county jail shall be paid for by the state in the  
71 amount of ~~two~~three dollars and twenty-five cents ~~(\$2.25)~~  
72 (\$3.25) per day for each prisoner.

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

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

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

83 (c) The sheriff or county commission may use funds from  
84 any available source, including, but not limited to, other



## HB274 INTRODUCED

85 monies received by the sheriff or county commission for the  
86 feeding of federal or municipal prisoners, to accomplish the  
87 purposes of this chapter."

88 "§14-6-47

89 (a) The Prisoner Feeding Fund is established in the  
90 office of each sheriff. Except as provided in subsection (b),  
91 all state monies received in the sheriff's office for food and  
92 services in preparing food, serving food, and other services  
93 incident to the feeding of prisoners in the county jail  
94 ~~pursuant to this chapter~~, shall be deposited in the Prisoner  
95 Feeding Fund and shall be kept separate from all other monies.  
96 Monies deposited in the Prisoner Feeding Fund shall only be  
97 used for feeding prisoners except as provided ~~herein~~ in this  
98 section. At the conclusion of each fiscal year, the sheriff  
99 may expend not more than 25 percent of the unencumbered  
100 balance in the fund on jail operation or for law enforcement  
101 purposes related to the operation of the office of the  
102 sheriff, and the remainder shall be retained in the fund for  
103 feeding expenses in the next fiscal year, or at the option of  
104 the sheriff, the entire unencumbered balance may be retained  
105 in the fund for feeding expenses in the next fiscal year. In  
106 no event shall any monies paid into the fund be expended  
107 except as authorized in this chapter.

108 (b) (1) Nothing in this chapter shall prohibit the  
109 sheriff and the county commission from entering into mutual  
110 agreements to carry out the requirements of this chapter. Any  
111 mutual agreements shall not supersede Section 14-6-40 or  
112 exempt any funds or expenditures from audit as required by



## HB274 INTRODUCED

113 this chapter nor authorize any of the funds deposited into a  
114 prisoner feeding fund or other account for feeding prisoners  
115 to be converted into personal income for any public official  
116 or employee.

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

122 (c) All records related to payments received and  
123 expenditures made for food preparation and the feeding of  
124 prisoners in the county jail shall be kept by the sheriff's  
125 office on forms prescribed by the Department of Examiners of  
126 Public Accounts and shall be subject to regular audit.

127 (d) All funds held by the sheriff on August 1, 2019,  
128 that were reimbursed by the State of Alabama or any other  
129 governmental entity for the feeding of prisoners in a county  
130 jail shall be deposited into the Prisoner Feeding Fund. No  
131 funds deposited into the Prisoner Feeding Fund or any other  
132 ~~moneys~~ monies received by the sheriff for feeding of federal  
133 or municipal prisoners shall be converted into personal income  
134 for any public official or employee under any circumstances."

135 "§14-6-51

136 (a) There is hereby established the The Emergency  
137 Prisoner Feeding Fund ~~into which there is automatically~~  
138 ~~appropriated five hundred~~ is established and seven hundred  
139 fifty thousand dollars ~~(\$500,000)~~ (\$750,000) is automatically  
140 appropriated into the fund each state fiscal year beginning



## HB274 INTRODUCED

141 with the fiscal year ending September 30, ~~2019~~2025.

142 (b) The state Comptroller shall transfer ~~moneys~~monies  
143 from the General Fund to the emergency fund at the beginning  
144 of each state fiscal year or as soon as possible thereafter.

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

147 (d) The funds may be expended from time to time upon  
148 joint application by a county commission and the sheriff of a  
149 county in the case of an unforeseeable emergency cost overrun  
150 ~~that fully depletes in~~ the Prisoner Feeding Fund in the county  
151 treasury.

152 (e) This application shall be submitted to the  
153 Department of Finance and shall be supported by ~~the~~ sworn  
154 statements by the chair of the county commission and the  
155 sheriff stating the reason for the need for emergency funding  
156 and the reason for the unforeseeable cost overrun.

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

159 (g) The department shall determine when ~~a cost overrun~~  
160 an application qualifies for disbursement of funds, but shall  
161 not consider the transfer of funds from another local source  
162 to continue feeding prisoners as grounds to deny the  
163 application.

164 (h) A county commission may not receive from this  
165 emergency fund per year more than 80 percent of the actual  
166 cost overrun as substantiated by financial records up to a  
167 maximum of ~~twenty-five~~fifty thousand dollars ~~(\$25,000)~~  
168 (\$50,000) per year."



## HB274 INTRODUCED

169                   Section 2. This act shall become effective on June 1,  
170    2024.