

1 HB407  
2 115743-1  
3 By Representatives Treadaway, Drake, McCutcheon, Moore (P),  
4 Hammon and Canfield  
5 RFD: County and Municipal Government  
6 First Read: 21-JAN-10

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8 SYNOPSIS: Under existing law, the sheriff of a county  
9 receives an allowance for food for prisoners in the  
10 county jail in the amount of \$1.75 per capita per  
11 day and also receives an allowance for food  
12 preparation and service based on the number of  
13 prisoners in the jail per day, which allowances are  
14 paid by the state.

15 Also, under existing law, the sheriff is  
16 authorized to retain any unexpended balance in  
17 these allowances after feeding prisoners except in  
18 counties where the county commission provides by  
19 resolution for the allowances to be paid to the  
20 county general fund.

21 This bill would provide that, effective  
22 beginning the next term of office of the sheriff,  
23 the allowance for feeding prisoners would be  
24 deposited in a special fund in the county treasury  
25 and used only for feeding prisoners.

26  
27 A BILL

1 TO BE ENTITLED

2 AN ACT

3  
4 To amend Sections 14-6-40, 14-6-41, 14-6-42,  
5 14-6-43, 14-6-47, 14-6-48, and 36-22-17, Code of Alabama 1975,  
6 relating to sheriffs and the allowances for feeding prisoners  
7 in the county jail; to provide a special fund for the feeding  
8 of prisoners; to require that records of these funds be kept  
9 by the sheriff; to require that these funds be subject to  
10 regular audit by the Department of Examiners of Public  
11 Accounts; and to provide that the sheriff is responsible for  
12 feeding prisoners in his or her official capacity only and  
13 shall not be personally responsible for any shortage in funds  
14 for the feeding of prisoners.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 14-6-40, 14-6-41, 14-6-42,  
17 14-6-43, 14-6-47, 14-6-48, and 36-22-17, Code of Alabama 1975,  
18 are amended to read as follows:

19 "§14-6-40.

20 "The sheriff of the county, ~~except as otherwise~~  
21 ~~provided by existing laws~~ in his or her official capacity, in  
22 person or by his or her deputy or jailer, ~~shall feed the~~  
23 shall be responsible for the feeding of prisoners in the jail  
24 under his or her jurisdiction ~~in accordance with the terms of~~  
25 ~~this article.~~ Payment for the feeding of prisoners shall be  
26 from funds available as provided in Sections 14-6-42 and  
27 14-6-43. The person holding the office of sheriff shall not be

1 personally responsible for the cost of or any shortage in the  
2 funds for the feeding of prisoners.

3 "§14-6-41.

4 "(a) It shall be the duty of the ~~Board~~ Department of  
5 Corrections to supervise, either in person or by deputy, the  
6 feeding of all prisoners in the jails of this state. The  
7 sheriffs shall ~~not be required to~~ prepare and make out what is  
8 commonly known as the daily ration sheet or expense account,  
9 which means a daily record of foods served to prisoners.

10 "(b) The county commission of each county shall  
11 supervise the feeding of all prisoners in the county jails  
12 over which it has jurisdiction.

13 "§14-6-42.

14 "Food for prisoners in the county jail shall be paid  
15 for by the state ~~as follows: There shall be allowed such~~  
16 ~~amount as is actually necessary for food~~ at the rate of one  
17 dollar seventy-five cents (\$1.75) a day for each prisoner  
18 ~~daily, and said amount so allowed shall be \$1.75 per capita.~~  
19 In addition to the above amount, there is hereby conditionally  
20 appropriated from the General Fund an amount of ~~\$1.25 per~~  
21 ~~capita~~ one dollar twenty-five cents (\$1.25) per day for each  
22 prisoner. Payment shall be made by the state to the office of  
23 the sheriff and shall be kept in the Prisoner Feeding Fund  
24 established in Section 14-6-47. The sheriff shall maintain  
25 records of all payments received and all expenditures made  
26 from the Prisoner Feeding Fund, which shall be subject to

1 regular audit by the Department of Examiners of Public  
2 Accounts.

3 "§14-6-43.

4 "(a) ~~The~~ In addition to the funds paid pursuant to  
5 Section 14-6-42, the sheriffs of the several counties of the  
6 state shall receive pay and deposit into the Prisoner Feeding  
7 Fund established in Section 14-6-47 the following payments  
8 from the state for services in preparing food, serving food,  
9 and other services incident to the feeding of prisoners, not  
10 including the cost of food to be served to such prisoners,~~as~~  
11 follows:

12 "(1) For one prisoner, \$1.00 per prisoner per day;

13 "(2) For each prisoner, from two to five prisoners,  
14 \$.50 per prisoner per day;

15 "(3) For each prisoner, from six to 10 prisoners,  
16 \$.40 per prisoner per day;

17 "(4) For each prisoner, from 11 to 20 prisoners,  
18 \$.30 per prisoner per day; and

19 "(5) For each prisoner, from 21 to 85 prisoners,  
20 \$.05 per prisoner per day.

21 "(b) In all counties where there are two or more  
22 jails, the report of prisoners in said jails shall be made  
23 upon the number of prisoners confined, but the sheriff shall  
24 be only paid as if all of said prisoners were confined in one  
25 jail.

26 "§14-6-47.

1           "(a) There is hereby established in the office of  
2 each sheriff the Prisoner Feeding Fund. Except as provided in  
3 subsection (b), all amounts received in the sheriff's office  
4 for food preparation and feeding of prisoners in the county  
5 jail pursuant to this chapter, shall be paid into the Prisoner  
6 Feeding Fund established in this section. At the conclusion of  
7 any fiscal year, any funds remaining in the Prisoner Feeding  
8 Fund in excess of 20 percent of the actual costs for feeding  
9 of prisoners in the prior 12 months may be expended on jail  
10 operation and expenses other than feeding, or at the option of  
11 the sheriff, may be retained in the Prisoner Feeding Fund for  
12 feeding expenses in the next fiscal year. In no event shall  
13 the person holding the office of sheriff be personally  
14 responsible for the cost of feeding the prisoners or any  
15 shortage in the fund nor shall any monies paid into the fund  
16 be expended except as authorized in this chapter.

17           "(b) Nothing in this chapter shall prohibit the  
18 sheriff and the county commission from entering into mutual  
19 agreements to carry out the requirements of this chapter nor  
20 shall it require a change in procedures in those counties  
21 where funds for the feeding of prisoners are paid into the  
22 general fund of the county on the effective date of the act  
23 adding this subsection pursuant to resolution authorized under  
24 Section 36-22-17 as enacted prior to the effective date of  
25 that act. Provided, however, such mutual agreements shall not  
26 exempt any funds or expenditures from audit as required by  
27 this chapter nor authorize any of the funds deposited into a

1 prisoner feeding fund or other account for feeding prisoners  
2 to be converted into personal income for any public official  
3 or employee.

4 "(c) All records related to payments received and  
5 expenditures made for food preparation and the feeding of  
6 prisoners in the county jail shall be kept and statements made  
7 by the sheriff's office on forms prescribed and furnished by  
8 the Department of Finance Department of Examiners of Public  
9 Accounts. All such records shall be subject to regular audit  
10 by the department.

11 "§14-6-48.

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

27 "§36-22-17.

1           ~~All~~ Except as otherwise provided herein, all fees,  
2           commissions, percentages, allowances, charges, and court costs  
3           heretofore collectible for the use of the sheriff and his or  
4           her deputies, ~~excluding the allowances and amounts received~~  
5           ~~for feeding prisoners, which the various sheriffs of the~~  
6           ~~various counties shall be entitled to keep and retain, except~~  
7           ~~in those instances where the county commission directs such~~  
8           ~~allowances and amounts to be paid into the general fund of the~~  
9           ~~county by proper resolution passed by said county commission~~  
10          ~~of said county,~~ shall be collected and paid into the general  
11          fund of the county. Except as otherwise provided in subsection  
12          (b) of Section 14-6-47, all monies paid by the state for the  
13          feeding of prisoners pursuant to Title 14, Chapter 6, shall be  
14          paid into the Prisoner Feeding Fund established in Section  
15          14-6-47, and expended only as provided in that chapter."

16                 Section 2. This act shall become effective at the  
17                 beginning of the next term of office of the sheriffs of the  
18                 several counties.