

1 SB324
2 185425-3
3 By Senator Williams
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 15-MAR-17

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 12-15-108, Code of Alabama 1975, to
12 provide that a municipality is responsible for half of the
13 expenses of a child under the jurisdiction of the juvenile
14 court if the child resides in a municipality with a specified
15 population; to provide that the law enforcement agency in
16 whose custody a child is initially held or detained is
17 responsible for all transportation costs of the child
18 throughout the period in which the child is under the
19 jurisdiction of the juvenile court; and to provide that the
20 act does not supersede certain local laws in effect on the
21 effective date of the act.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 12-15-108, Code of Alabama 1975,
24 is amended to read as follows:

25 "§12-15-108.

26 "(a) (1) Except as otherwise provided in this chapter
27 or by local law, all expenses necessary or appropriate ~~to the~~

1 for carrying out of the purposes and intent of this chapter
2 and all expenses of for the housing, maintenance, and medical
3 care of children under the jurisdiction of the juvenile court
4 pursuant to this chapter that may be incurred by order of the
5 juvenile court in carrying out the provisions and intent of
6 this chapter (, except costs paid by parents, legal guardians,
7 legal custodians, or trustees and court costs as provided by
8 law), shall be valid charges and preferred claims against the
9 county. These claims apportioned equally between the county
10 and municipality in whose custody the child is initially held
11 or detained if the population of the municipality is at least
12 15 percent of the total population of the county in which the
13 child is initially taken into custody.

14 "(2) All necessary or appropriate expenses for the
15 housing, maintenance, and medical expenses of a child under
16 the jurisdiction of the juvenile court whose residence is
17 outside the corporate limits of a municipality or within a
18 municipality whose population is less than 15 percent of the
19 total population of the county shall be valid charges and
20 preferred claims against the county. For the purpose of this
21 section, the residence of the child is determined by the
22 physical address at which the child's parent, legal guardian,
23 or legal custodian resides. County and municipal population is
24 determined by the most recent federal decennial census
25 preceding the juvenile court jurisdiction over the child.

26 "(3) Notwithstanding subdivisions (1) and (2), the
27 county and any municipality within the county may reach an

1 agreement whereby the municipality assists with the payment of
2 costs for juveniles or contributes to other expenses of the
3 county in lieu of direct payment for the costs of juveniles.
4 Any agreements or arrangements in place on the effective date
5 of the act adding this amendatory language shall remain in
6 place until altered or revoked by mutual agreement of the
7 county and municipality.

8 "(4) All expenses shall be paid by the county
9 ~~treasurer~~ when itemized and sworn to by the creditor or other
10 persons knowing the facts in the case and when approved by the
11 juvenile court. If a municipality is financially responsible
12 for half of the expenses related to a child as provided in
13 this section, the county shall invoice the municipality for
14 half of all expenses paid by the county. The invoice shall be
15 delivered at least 60 days prior to the date the county shall
16 make payment to any creditor or other person. The municipality
17 shall reimburse the county for its portion of the expenses
18 within 30 days of receipt of an invoice from the county.

19 "(5) Notwithstanding the foregoing, a municipality
20 shall reimburse the county the actual costs of housing,
21 maintenance, and medical expenses of those children held in a
22 facility utilized by the county for housing children, or other
23 facility licensed by the Department of Youth Services utilized
24 by the county, as a result of a child being cited or detained
25 for an alleged violation of an ordinance of the municipality
26 that is not based on a state criminal statute adopted by the
27 municipality as a municipal ordinance.

1 "(b) Except where a county and municipality have
2 entered into a written agreement regarding transportation of
3 juveniles, all transportation costs and expenses related to a
4 child under the jurisdiction of the juvenile court shall be
5 the responsibility of the local law enforcement agency in
6 whose custody the child is initially held or detained and
7 shall remain the responsibility of that agency throughout the
8 period in which the child is under the jurisdiction of the
9 juvenile court, terminating only upon the final disposition of
10 his or her case.

11 "(c) (1) Any local law existing on the effective date
12 of the act adding this subsection that establishes a different
13 or alternative formula for local funding of housing,
14 maintenance, or medical expenses for children under the
15 jurisdiction of the juvenile court shall remain in full force
16 and effect, and where applicable, a local law creating a
17 juvenile fund that receives contributions from the county and
18 municipalities within the county shall be deemed the necessary
19 and proper method for payment of the expenses for the housing,
20 maintenance, and medical expenses of a child under the
21 jurisdiction of the juvenile court until or unless the local
22 law is amended or repealed.

23 "(2) Nothing in this section prohibits the enactment
24 and implementation of a local law establishing a different or
25 alternative formula for county and municipal cost-sharing of
26 housing, maintenance, or medical expenses for children under
27 the jurisdiction of the juvenile court in the counties and

1 municipalities subject to the local law. Additionally, nothing
2 in this section shall prevent a county and municipality from
3 reaching an agreement to share costs for the housing,
4 maintenance, or medical expenses of a child under the
5 jurisdiction of the juvenile court through direct payments for
6 the costs or through other financial arrangement mutually
7 agreed upon by the county and municipality.

8 "(d) Where a local law provides revenues for the
9 housing, maintenance, or medical expenses of a child under the
10 jurisdiction of the juvenile court, a municipality financially
11 responsible for one-half of such expenses pursuant to this
12 section shall be granted a credit against that financial
13 responsibility in the amount of one-half of any revenues
14 generated and paid for these purposes pursuant to the local
15 law."

16 Section 2. This act shall take effect on October 1,
17 2017, and shall be applicable to any housing, maintenance, and
18 medical expenses or any transportation expenses incurred on
19 and after October 1, 2017, for the benefit of any child under
20 the jurisdiction of the juvenile court.

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Economic
Development..... 15-MAR-17

Read for the second time and placed on the calen-
dar with 1 substitute and..... 20-APR-17

Read for the third time and passed as amended 11-MAY-17

Yeas 26
Nays 0

Patrick Harris,
Secretary.