# Phillip Crego

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February 28, 2003

MEMO TO:

CITY COUNCIL FOR CITY OF JONESBORO
MAYOR HUBERT BRODELL
CITY CLERK, DONNA JACKSON

Re: Responsibility for Jail Bill

The provisions of Ark. Code Annotated Sec. 12-41-502 et seq. cover the issue of a municipality's responsibility to pay for prisoners housed in the County Jail. Sec. 12-41-503 sub paragraph (b) provides that where counties and municipalities share a common jail, "...the participating jurisdictions may enter into agreements to share the operational costs for such jail." The other specific relevant provisions of the Ark. Code is found in Sec. 12-41-506 sub paragraph (a) (1), which provides that absent such an agreement "...the quorum court in the county in this state may by ordinance establish a daily fee to be charged municipalities for keeping prisoners of municipalities in the County Jail." Copies of these statutory provisions are being attached hereto for your information.

It is the consensus of opinion that Craighead County and the City of Jonesboro have been operating for several years under the terms of an agreement. However, it is unclear as to when the agreement was established and what the precise terms of said agreement were. Further, I think that there is no doubt that no written agreement was entered into regarding payment of the jail bill between Craighead County and the City of Jonesboro. The lack of a written agreement, based upon my reading of the statutes, does not prevent such agreement from being enforceable or binding between the parties. However, it does make it harder to prove the precise terms of said agreement. My understanding is that the City of Jonesboro is currently paying the sum of $30.00 per day to house inmates deemed to be the responsibility of the City of Jonesboro. Said inmates are those who are arrested by the Jonesboro Police Department and housed in the County Jail for either misdemeanor or city ordinance violations. It is my understanding that we are currently paying this rate for the entire time said prisoners are incarcerated i.e.both before or after said conviction. It is my further understanding that the City of Jonesboro is paying at that rate for offenders arrested for felony offenses up until the time that formal charges are filed by the state, at which time they become the responsibility of the county. The payment amount applies both to male and female adult offenders. Regarding juvenile offenders, it is my understanding that the City of Jonesboro pays at the rate of $50.00 per day for housing said juveniles if they are arrested by a Jonesboro Police Officer. The number of juvenile offenders being dealt with by Jonesboro

Police Officers should be limited, in that the Craighead County Juvenile Intake Officers deal with the vast majority of charges dealing with juveniles. The only evidence of any documentation regarding the agreement for payment of the fee is a memo dated March 21, 1990 from then County Judge Roy C Bearden. This document sets out the rate to be charged by the county jail and recites that this was set by the Craighead County Jail Board. A copy of said letter is attached hereto for your information.

Based on the foregoing information ,it is my opinion that the jail bill incurred to date of any prior opinion payment of those expenses would be lawful assuming they were done pursuant to the agreement of the City of Jonesboro and Craighead County.

Arkansas Code Annot. Sec 12-41-506, provides that in the absence of an agreement between the city and the county, the quorum court may by ordinance establish a fee to be charged for prisoners housed in the county jail. It is my information from both the County Clerk and County Judge's office that no such ordinance exist at present nor had been passed prior to the present time. Accordingly, If the City of Jonesboro wishes to continue housing inmates in the Craighead County Jail, we would either be doing so pursuant to an agreement or it will be necessary for the Craighead County Quorum Court to establish or enact an ordinance establishing what the jail fees will be. Given the fact that the current agreement is apparently not in writing and was entered into at a long distance time in the past, there appears to be no documentation available as to what the precise terms of the agreement was. I have contacted the current sheriff plus two former sheriffs, as well as the administration of two county judges. In addition, it apparently extends back to the time prior to the current mayor's administration. My recommendation would be that a committee of the City Council be established to meet with representatives of the Craighead County Quorum Court to determine if a new written agreement can be entered into. The precise terms and conditions can be agreed upon and be reduced to writing with appropriate resolutions or ordinances on behalf of both governing bodies.

In reaching a determination as to what constitutes a "municipal prisoner" so that the City of Jonesboro has responsibility for payment of a fee to house said prisoner in the County jail, you should know that Arkansas law is unclear on this point. To aid in this determination I am enclosing a copy of the Arkansas Attorney Opinion 2001-359 dated January 17, 2002. I would direct your attention in particular to then Attorney General Mark Pryor's response to question No. 2 in said opinion. This opinion takes what I view to be a common sense approach in determining what constitutes a "county prisoner" vs. "municipal prisoner" for purposes of financial responsibility. As you will note, this opinion makes the distinction based upon which entity has the authority to prosecute the charge causing the inmate to be housed. It specifically supercedes the prior attorney general opinion which advocated a somewhat more complicated formula for determining financial responsibility. In reading said opinion, you should be aware that attorney general opinions are not binding, but rather advisory in nature. However, these opinions are the best available indicator as to how the courts would decide. Of course, any definitive answer would have to come from a court decision. The only other alternative for a definitive answer would be for the Arkansas Legislature to pass additional legislation clarifying the question. This has not been done prior to this point in time but as you are aware the legislature is currently in session and the prospect of new legislation being introduced and passed

is still there.

Opinion No. 2001-359

January 17, 2002

The Honorable David M. Haak
State Representative
9 Wood Place
Texarkana, AR 71854-3333

Dear Representative Haak:

You have requested an Attorney General opinion in response to the following questions:

(1) Is the "certified over" procedure that is referred to in Attorney General Opinion No. 82-104 the same thing as the first appearance procedure of Rule 8.3 of the Arkansas Rules of Criminal Procedure?

(2) If the response to Question 1 is yes, does Opinion No. 82-104 stand for the proposition that once this Rule 8.3 procedure occurs, the county is thereafter financially responsible for the incarceration costs of such incarcerated persons even though such incarcerated persons were initially arrested by city police officers and even though felony informations have not yet been filed against such incarcerated persons by the prosecuting attorney?

(3) If the response to Question 2 is yes, is there any conflict between Opinion No. 82-104 and Opinion No. 91-409 in which the opinion was expressed that a prisoner arrested by city police remained a city prisoner until felony charges were filed against the prisoner?

02/21/2003 17:40 870-972-1700 CRAIGHEAD PROSECUTOR PAGE 02/08

Assistant Attorney General Suzanne Antley prepared the foregoing opinion, which I hereby approve.

Sincerely,

MARK PRYOR
Attorney General

MP:SA/cyh

02/21/2003 17:40 870-972-1700 CRAIGHEAD PROSECUTOR PAGE 08/08

**RESPONSE**

***Question 1 – Is the "certified over" procedure that is referred to in Attorney General Opinion No. 82-104 the same thing as the first appearance procedure of Rule 8.3 of the Arkansas Rules of Criminal Procedure?***

It is my opinion that the "certified over" procedure that is referred to in Attorney General Opinion No. 82-104 is not the same thing as the first appearance procedure of Rule 8.3 of the Arkansas Rules of Criminal Procedure.

Opinion No. 82-104 stated:

> 'County prisoner' also includes those persons who have been convicted of a misdemeanor and sentenced to a term of imprisonment in the county jail (A.S.A. § 41-902, *supra*) and those persons who have been incarcerated while awaiting trial on felony charges which have been 'filed direct' or have been 'certified over' to circuit court after a preliminary hearing. (*See* A.S.A. § 46-403).

The source of the term "certified over," as used in the above-quoted portion of Opinion No. 82-104, is unclear. That precise term does not appear in the Arkansas Code or in the Arkansas Rules of Criminal Procedure. However, the term is routinely used to refer to the process whereby a municipal court transfers a case to circuit court if the case is one over which the municipal court cannot exercise jurisdiction because the offense in question is a felony. Typically, a case is not "certified over" at the "first appearance" that is made pursuant to Rule 8.3. Rather, the case is normally "certified over" at a probable cause hearing that is held later. For this reason, I do not interpret Opinion No. 82-104 to have used the term "certified over" in a manner that is synonymous with the first appearance procedure of Rule 8.3.

Opinion No. 82-104 made reference to the "certified over" process in the context of responding to the question of what constitutes a "county prisoner." The opinion simply noted that persons whose cases have been "certified over" should be deemed "county prisoners." It does not appear that Opinion No. 82-104 was addressing the particular question of when a prisoner should *first* be deemed a county prisoner. It is my understanding that this is the real issue out of which your questions arise. That is, it is my understanding that you are concerned with the

02/21/2003 17:40 870-972-1700 CRAIGHEAD PROSECUTOR PAGE 03/08

issue of how to determine whether a prisoner is a county prisoner or a city prisoner for purposes of allocating the costs of his incarceration.

Some particular confusion seems to surround this issue in cases that have been "certified over." In order for such cases to go forward, the prosecutor must file felony charges against the defendant. When the prosecutor delays in filing charges, it is unclear whether the prisoner is the responsibility of the county or of the municipality that originally arrested him.

As explained more fully in response to Question 2, it is my opinion that a prisoner should be the responsibility of the entity that has the authority to prosecute him, and that entity should therefore pay the costs of his incarceration. In my opinion, a determination of who has the authority to prosecute a particular defendant can usually be made at the time of arrest. Accordingly, neither the time of "first appearance," nor the time at which a case is "certified over" is decisive of this issue.

***Question 2 – If the response to Question 1 is yes, does Opinion No. 82-104 stand for the proposition that once this Rule 8.3 procedure occurs, the county is thereafter financially responsible for the incarceration costs of such incarcerated persons even though such incarcerated persons were initially arrested by city police officers and even though felony informations have not yet been filed against such incarcerated persons by the prosecuting attorney?***

As indicated in response to Question 1, it is my opinion that the "first appearance" procedure and the "certified over" procedure are not synonymous. As also indicated, it is my opinion that neither of these procedures is the point at which a prisoner is usually determined to be either a county prisoner or a city prisoner for purposes of allocating the costs of incarceration. Rather, it is my opinion that this determination can usually be made at the time of arrest. In any event, the determination, in my view, should turn on the question of who has the authority to prosecute the individual.

In considering the issue of the allocation of incarceration costs, it must first be noted that counties and cities can enter into an agreement concerning these costs. A.C.A. § 12-41-506. If a county and city have entered into such an agreement, the terms of that agreement will govern the allocation of costs. If the county and city have not entered into such an agreement, the county can charge the city a daily fee

02/21/2003 17:48 870-972-1700 CRAIGHEAD PROSECUTOR PAGE 04/08

for housing "prisoners of the municipality" in the county jail. *Id.* More specifically, the statute states in pertinent part:

> 12-41-506. Expenses of municipal prisoners held in county jails.
>
> (a)(1) In the absence of an agreement on jail costs between a county and all municipalities having law enforcement agencies in the county, the quorum court in a county in this state may by ordinance establish a daily fee to be charged municipalities for keeping prisoners of municipalities in the county jail.
> (2) The fee shall be based upon the reasonable expenses which the county incurs in keeping such prisoners in the county jail.
> (b)(1) Municipalities whose prisoners are maintained in the county jail shall be responsible for paying the fee established by the quorum court in the county.
> (2) When a person is sentenced to a county jail for violating a municipal ordinance, the municipality shall be responsible for paying the fee established by an agreement or ordinance of the quorum court in the county.
> (3) Municipalities may appropriate funds to assist the county in the maintenance and operation of the county jail.

A.C.A. § 12-41-506(a) and (b).

The statute does not define the phrase "prisoners of the municipality," as used therein. A determination of the meaning of the phrase is therefore necessary in order to determine whether it is appropriate for the county to charge the city a fee for housing particular prisoners.[1]

As you note in your correspondence, Attorney General Opinion No. 91-409 expressed the view that incarcerated persons who were initially arrested by the city police remain prisoners of the municipality until felony charges are filed against

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[1] I have recently opined that in the absence of an agreement to the contrary between the city and the county, the county becomes responsible for the costs of a prisoner upon delivery of that prisoner to the county. See Op. Att'y Gen. No. 2001-293. That opinion addressed *initial* responsibility for paying claimants, rather than the ultimate allocation of costs between the city and the county. It should be noted that if the cost in question is for a service to which the prisoner is constitutionally entitled, such as medical care, and the service would not be provided if the county did not pay the cost, the county should pay the cost initially, even though recovery from other sources may be obtained later.

02/21/2003 17:40 870-972-1700 CRAIGHEAD PROSECUTOR PAGE 05/08

them. This view is also reflected in Opinions Nos. 97-299, 97-006, 96-249, and 91-040.

It is my opinion that a better and more precise view is that persons who are initially arrested by the city police are "prisoners of the municipality" if the city has the authority to prosecute them. This determination can usually be made at the time of arrest on the basis of the offense for which the individual is arrested. If the individual is arrested for an offense that is a felony (or any other offense that the city does not have authority to prosecute), the city cannot prosecute him. This fact is known at the time of arrest. That prisoner, therefore, becomes a prisoner of the county at the time of arrest. If, on the other hand, the individual is arrested for a misdemeanor offense that the city has authority to prosecute, the fact that the city can prosecute him is known at the time of arrest. He therefore becomes a prisoner of the municipality at the time of arrest. To the extent that any previous opinions of this office have implied otherwise, they are hereby superseded.

I base my view of this matter upon a common sense interpretation of the intent of the cost-sharing statute (A.C.A. § 12-41-506). Cities are clearly required to pay the costs they would incur if they had the facilities to incarcerate the prisoners whom they have the authority to prosecute. Because cities do not have the authority to prosecute felony offenses (unless appointed to do so by the county prosecutor), they should not be held responsible for the costs of housing a prisoner who has been arrested for a felony and who would therefore be prosecuted by the county prosecutor. Because only the county prosecutor has the authority to prosecute that prisoner, the county should bear the costs of incarcerating him.[2]

The above-stated conclusions are, of course, easy to apply in situations involving a prisoner who is charged with or is arrested for only one offense. I acknowledge that more complex situations frequently arise, and in fact, may be more typical. For example, an individual may be arrested for violation of a city ordinance, and it is later learned that there is a warrant out for his arrest on a felony charge. Another example would be a situation in which an individual is arrested for a misdemeanor, but is later charged with a felony. It is my opinion that in these situations, the city and the county must share the costs of incarceration for the period of time during which it is assumed that the both entities will be prosecuting the individual. As soon as it becomes apparent that the county also has the

[2] This conclusion would, of course, be impacted if the county prosecutor appointed the city attorney to prosecute the defendant.

02/21/2003 17:40 870-972-1700 CRAIGHEAD PROSECUTOR PAGE 06/08

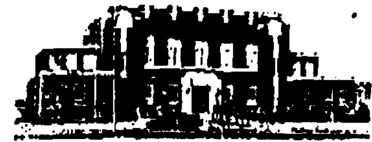
authority to prosecute the individual, the city and the county will both become responsible for the costs of incarceration and must share that responsibility. As soon as either entity indicates that it does not intend to prosecute the individual, the other entity will bear the full responsibility for the incarceration costs, if it can (and intends to) prosecute the individual. Thus, in the foregoing examples, the city would bear the full responsibility for the cost of incarcerating an individual who has already been arrested for violation of a city ordinance until it is learned that there is a warrant out for the individual's arrest on a felony charge. At that point, the city and the county will share the responsibility for the cost of incarcerating the individual until either entity indicates that it does not intend to prosecute the individual. At that point, the other entity will bear the full responsibility for incarceration costs. Similarly, in the case of the individual who has already been arrested for a misdemeanor but is later charged with a felony, the city will bear the full responsibility for the incarceration costs until the individual is charged with the felony, at which time the county and the city will share the responsibility for those costs. When either entity indicates that it does not intend to prosecute the individual, the other entity will bear the full responsibility for the cost of incarcerating him. Again, the determination will turn on the question of who has the authority to prosecute the individual. If both entities have such authority and both intend to prosecute, then both should bear the cost of incarcerating the individual until such time as they indicate that they do not intend to prosecute.

***Question 3 – If the response to Question 2 is yes, is there any conflict between Opinion No. 82-104 and Opinion No. 91-409 in which the opinion was expressed that a prisoner arrested by city police remained a city prisoner until felony charges were filed against the prisoner?***

It is unclear, in my opinion, whether Opinion No. 82-104 and Opinion No. 91-409 were actually addressing the same issue and whether the question of a conflict between them is pertinent. In any event, this question is now moot in light of the position I have taken on the issue of how to determine whether a prisoner is the responsibility of the city or of the county.

02/21/2003 17:40 870-972-1700 CRAIGHEAD PROSECUTOR PAGE 07/08

**Roy C. "Red" Bearden**
*County Judge*
Craighead County
Jonesboro, AR
72401



March 21, 1990

933-4028

To: All Concerned
Craighead County Sheriff
Cities of Craighead County
U.S. Marshalls Office
State Correction Department
County Sheriff's of Arkansas

The Craighead County Jail Board met on February 27, 1990 at 9:30 a.m. The purpose of the meeting was to set the billing cost per day at the new County Jail.

The Board set the following rates:

$30.00 per day for County inmates, State inmates sentenced from Craighead County.

$36.00 per day for out of County inmates, federal inmates.

$50.00 per day for juveniles.

These figures will be re-evaluated after three (3) months and adjustments will be made at that time.

These costs will become effective as soon as the inmates are transferred to the new facility.

Sincerely,

Roy C. Bearden
Craighead County Judge

RCB:jt

Prisoner Rate
Craighead County

SECTION.
12-41-504. Feeding and keeping prisoners.
12-41-505. Expenses and support.
12-41-506. Expenses of municipal prisoners held in county jails.
12-41-510. United States prisoners.

### 12-41-502. Supervision.

The sheriff of each county in this state shall have the custody, rule, and charge of the jail within his county and all prisoners committed in his county, and he may appoint a jailer for whose conduct he shall be responsible.

**History.** Rev. Stat., ch. 81, § 2; C. & M. Dig., § 6207; Pope's Dig., § 8170; A.S.A. 1947, § 46-402.

CASE NOTES

**Inmate Safety.**

Complaint that charged sheriff with violating county jail inmates' constitutional right to reasonably safe conditions during confinement could not be dismissed since it was possible for the inmates to prove that the sheriff had breached his duty to provide a reasonably safe place of confinement imposed by the United States Constitution, this section, and § 12-41-507. Hamilton v. Covington, 445 F. Supp. 195 (W.D. Ark. 1978).

**Cited:** Cain v. Woodruff County, 89 Ark. 456, 117 S.W. 768 (1909); Clay County v. Ruff, 192 Ark. 150, 90 S.W.2d 474 (1936); Henderson v. Dudley, 264 Ark. 697, 574 S.W.2d 658 (1978); Coones v. State, 280 Ark. 321, 657 S.W.2d 553 (1983); Gravett v. Villines, 314 Ark. 320, 862 S.W.2d 260 (1993).

### 12-41-503. Management of local jail populations.

(a) Sheriffs and other keepers or administrators of jails within the State of Arkansas are responsible for managing the populations and operations of their respective facilities in compliance with the laws and constitution of this state and within the requirements of the United States Constitution.

(b) Neither sheriffs nor other keepers or administrators of jails shall refuse to accept any prisoner lawfully arrested or committed within the jurisdiction of the supporting agency of the jail except as necessary to limit prisoner population in compliance with subsection (a) of this section.

(c) A sheriff, or his designee, in counties with a population of over two hundred fifty thousand (250,000) persons shall be permitted to determine if persons convicted and sentenced to the county jail shall serve their sentences on electronic monitoring or on weekends when this does not conflict with any court orders.

(d) When more than one (1) legal jurisdiction, i.e., counties or municipalities, share a common jail, the participating jurisdictions may enter into agreements to share the operational costs of such jail.

(e) When a shared jail is operated and a jurisdiction which is eligible to participate in the shared operation opts not to participate, then, in the event that the jurisdiction has prisoners committed to the shared jail, that jurisdiction may be required to pay fixed per diem charges, not to exceed actual costs, including capital costs, for each prisoner committed or housed in the jail.

(f) Agreements with agencies or jurisdictions not eligible for participation in a shared jail operation project may be made for the housing of prisoners, provided the charges assessed do not exceed the actual costs, including capital costs.

(g) Jails shall accept prisoners of the United States Government provided space and staffing are available and the delivering government agency agrees to pay a per diem charge not to exceed the actual costs, including capital costs.

(h) Nothing in this section prohibits any jurisdiction from entering into a contractual agreement with a private organization for the operation of a jail facility.

**History.** Acts 1997, No. 1097, § 1; 1999, No. 754, § 1.

**A.C.R.C. Notes.** References to "this subchapter" in §§ 12-41-502 — 12-41-511 may not apply to this section which was enacted subsequently.

**Publisher's Notes.** Former § 12-41-503, concerning prisoners, was repealed by Acts 1997, No. 1097, § 3. The section was derived from Rev. Stat., ch. 81, § 3; C. & M. Dig., § 6208; Pope's Dig., § 8171; A.S.A. 1947, § 46-403.

**Amendments.** The 1999 amendment inserted (c) and redesignated the remaining subsections accordingly; and made stylistic changes.

### 12-41-504. Feeding and keeping prisoners.

The quorum court in each county shall prescribe the method and procedure for feeding and keeping prisoners confined in the county jail and shall provide for payment for food and services.

**History.** Acts 1977, No. 342, § 1; A.S.A. 1947, § 46-404.1.

CASE NOTES

**Cited:** Union County v. Warner Brown Hosp., 297 Ark. 460, 7[illegible] S.W.2d 798 (1989).

### 12-41-505. Expenses and support.

(a) Every person who may be committed to the common jail of the county by lawful authority for any criminal offense or misdemeanor, if he shall be convicted, shall pay the expenses in carrying him to jail and also for his support from the day of his initial incarceration for the whole time he remains there.

(b) The expenses which accrue shall be paid as directed in the act regulating criminal proceedings.

(c) The property of such person shall be subject to the payment of such expenses.

**History.** Rev. Stat., ch. 81, §§ 5, 7; C. & M. Dig., §§ 6209, 62[illegible]; Pope's Dig., §§ 8172, 8175; A.S.A. 1947, §§ 46-404, 46-407; Acts 1999, No. 1128, § 1.

**Amendments.** The 1999 amendment substituted "from the day of his initial incarceration for the whole time" for "while" in (a); deleted former (b)(1); deleted "after the conviction" following "expenses which accrue" in (b); and made stylistic changes.

CASE NOTES

**Cited:** Union County v. Warner Brown Hosp., 297 Ark. 460, 7[illegible] S.W.2d 798 (1989).

### 12-41-506. Expenses of municipal prisoners held in county jails.

(a)(1) In the absence of an agreement on jail costs between a county and all municipalities having la[illegible]

enforcement agencies in the county, the quorum court in a county in this state may by ordinance establish a daily fee to be charged municipalities for keeping prisoners of municipalities in the county jail.

(2) The fee shall be based upon the reasonable expenses which the county incurs in keeping such prisoners in the county jail.

(b)(1) Municipalities whose prisoners are maintained in the county jail shall be responsible for paying the fee established by the quorum court in the county.

(2) When a person is sentenced to a county jail for violating a municipal ordinance, the municipality shall be responsible for paying the fee established by an agreement or ordinance of the quorum court in the county.

(3) Municipalities may appropriate funds to assist the county in the maintenance and operation of the county jail.

(c)(1) Each county sheriff shall bill each municipality monthly for the cost of keeping prisoners in the county jail.

(2) Each sheriff shall remit to the county treasurer monthly the fees collected under this section, and such fees shall be credited to the county general fund.

(d) Counties shall give priority to in-county municipalities over contracts for out-of-county prisoners.

**History.** Acts 1981, No. 796, § 1; A.S.A. 1947, § 46-419.1; Acts 1993, No. 516, § 1; 1993, No. 1290, § 1; 1995, No. 555, § 1.

**Amendments.** The 1993 amendment by No. 516 designated the two sentences of (a) as (a)(1) and (a)(2); added (b)(2), (b)(3), and (c); inserted "by ordinance" in (a)(1); and substituted "the county jail" for "a county jail" in (b)(1).

The 1993 amendment by No. 1290 substituted "In the absence of an agreement on jail costs between a county and all municipalities having law enforcement agencies in the county, the quorum court in a county" for "The quorum courts in the various counties" in (a)(1); added (b)(4); in (c)(2), deleted "monthly" following "remit" and inserted "monthly" following "treasurer"; and added (d).

The 1995 amendment repealed (b)(4).

### 12-41-510. United States prisoners.

(a)(1) It shall be the duty of the keeper of the jail in each county and of the keeper or warden at the penitentiary walls to receive into his custody all persons who may, from time to time, be committed to his custody under the authority of the United States.

(2) He shall safely keep every such prisoner according to the warrant or precept of such commitment until he shall be discharged by the due course of the laws of the United States.

(b) The keeper of every jail shall be subject to the same penalties for any neglect or failure of duty herein as he would be subject to by the laws of this state for the like neglect or failure in case of a prisoner committed under the authority of the laws of this state.

**History.** Rev. Stat., ch. 81, §§ 13-15; C. & M. Dig., §§ 6214-6216; Acts 1927, No. 366, § 3; Pope's Dig., §§ 8177-8179; A.S.A. 1947, §§ 46-409 — 46-411; Acts 1997, No. 1097, § 4.

**Amendments.** The 1997 amendment repealed (c).

## Subchapter 7 — County and City Jails — Revenue Bonds

SECTION.

12-41-701. Definitions.
12-41-702. Method supplemental.
12-41-703. Adoption of ordinance.
12-41-704. Jail boards.
12-41-705. Bonds — Authority to issue.
12-41-706. Bonds — Authorizing resolution.
12-41-707. Bonds — Contract between parties — Enforcement.
12-41-708. Bonds — Terms and conditions.
12-41-709. Bonds — Sale — Disposition of proceeds.
12-41-710. Bonds — Coupons — Execution — Seal.
12-41-711. Bonds — Liability on.
12-41-712. Bonds — Pledge of revenues — Funds.
12-41-713. Bonds — Tax exemption.
12-41-714. Bonds — Investments by public entities.
12-41-715. Fees, costs, etc. — Disposition.
12-41-716. Use of county jail fund for supervision and transportation of inmates.

**A.C.R.C. Notes.** References to "this subchapter" in §§ 12-41-701 to 12-41-715 may not apply to § 12-41-716, which was enacted subsequently.

### 12-41-701. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Bonds" means bonds and any series of bonds authorized by and issued by a county or municipality pursuant to the provisions of this subchapter;

(2) "Jail" means the county jail and jail facilities of a county or a municipal jail or jail facilities of any municipality in this state. The term "jail" shall also mean a jail constructed and operated under a cooperative agreement between any two (2) or more municipalities, two (2) or more counties, or one (1) or more municipalities and one (1) or more counties, for the incarceration of their respective prisoners;

(3) "Board" means the county jail board or the municipal jail board, as the case may be, established by ordinance of the quorum court or the governing body of the municipality under the provisions of this subchapter;

(4) "Construct" means to acquire, construct, reconstruct, remodel, install, and equip any lands, buildings, structures, improvements, or other real, personal, or mixed property used in connection with a jail and to make other necessary expenditures in connection therewith, by such methods and in such manner as may be authorized by law. The term "construct" also includes payment or provision for payment of expenses incidental thereto;

(5) "Expansion" means any additions, renovations, extensions, or improvements to a county or municipal jail or jail facility and may include any necessary or appropriate remodeling or improvement to a present jail and shall include appropriate equipment and furnishings as determined by the board;