

# **128th MAINE LEGISLATURE**

# **FIRST REGULAR SESSION-2017**

Legislative Document	No. 101
H.P. 69	House of Representatives, January 17, 2017

## An Act Regarding the Transportation of Prisoners to County Jails

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative STEWART of Presque Isle. Cosponsored by Senator ROSEN of Hancock and Representatives: CEBRA of Naples, ESPLING of New Gloucester, GERRISH of Lebanon, HERRICK of Paris, JOHANSEN of Monticello, Senator: LANGLEY of Hancock.

H.P. 69

### 1 Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §1057, sub-§3-A, as amended by PL 2015, c. 335, §2, is further
 amended to read:

4 3-A. Reimbursement to counties. Monthly, the Treasurer of State shall transfer 5 funds from the Government Operations Surcharge Fund to the County Jail Operations Fund program, established in Title 34-A, section 1210-D, for the purpose of supporting 6 the operation of the jails in an amount equal to 2% of the total fines, forfeitures and 7 8 penalties, including the surcharge imposed pursuant to subsection 2-A, received by the 9 Treasurer of State for deposit in the Government Operations Surcharge Fund. Monthly, 10 the Treasurer of State shall transfer funds from the Government Operations Surcharge Fund to the County Jail Transportation Reimbursement Fund, established in Title 34-A, 11 section 1210-E, for the purpose of reimbursing a county for costs incurred in the 12 transportation of a person in accordance with Title 30-A, section 1557-C in an amount 13 equal to 0.5% of the total fines, forfeitures and penalties, including the surcharge imposed 14 15 pursuant to subsection 2-A, received by the Treasurer of State for deposit in the Government Operations Surcharge Fund. The balance remaining in the Government 16 17 Operations Surcharge Fund at the end of each month must accrue to the General Fund. Funds collected and deposited each month to the Government Operations Surcharge Fund 18 must be transferred on the last day of the month in which the collections are made to the 19 20 County Jail Operations Fund program and to the County Jail Transportation 21 Reimbursement Fund.

- At the close of each month, the State Controller shall calculate the amount to be transferred to the County Jail Operations Fund program and to the County Jail <u>Transportation Reimbursement Fund</u> based on the collections made during the month. The State Controller shall transfer by journal entry the amount due to the County Jail Operations Fund program and to the County Jail Transportation Reimbursement Fund.
- 27 Sec. 2. 30-A MRSA §1557-C is enacted to read:

#### 28 §1557-C. Transportation to county jail

29 **1. Request for transportation.** A municipal law enforcement agency having 30 custody over a person pursuant to an arrest may request that the sheriff of the county jail 31 to which the person is to be transported assume custody over the person and transport the 32 person to the county jail. Upon receipt of a request for transportation under this 33 subsection, the sheriff shall assume custody over the person and ensure that the person is 34 transported to the county jail in a timely manner.

- 2. Costs of transportation. A county shall pay the costs of the transportation of a
  person to a county jail under subsection 1 and may seek reimbursement for the costs in
  accordance with subsection 3.
- 38 3. Reimbursement for costs. A county that incurs costs in the transportation of a
  39 person to a county jail in accordance with this section may obtain reimbursement of the
  40 costs in the following manner.

2 person was arrested by the municipal law enforcement agency or for a crime arising out of the circumstances that led to that arrest, the county may seek reimbursement 3 4 from that person for the actual costs incurred in transporting the person to the county 5 jail, including the per diem compensation of the accompanying officers. B. If the convicted person fails to reimburse the county for its costs in accordance 6 7 with paragraph A, the county may apply for reimbursement of costs from the County Jail Transportation Reimbursement Fund established under Title 34-A, section 8 1210<u>-E.</u> 9 10 Sec. 3. 34-A MRSA §1210-E is enacted to read: 11 §1210-E. County Jail Transportation Reimbursement Fund 12 The County Jail Transportation Reimbursement Fund, referred to in this section as 13 "the fund," is established as a nonlapsing, dedicated fund within the department. The 14 department shall administer the fund and distribute funds to the counties in accordance 15 with this section. Funds within the fund may be used only to reimburse a county for costs the county incurred in transporting a person to a county jail in accordance with Title 16 30-A, section 1557-C, except that the department may use funds from the fund to cover 17 18 the department's expenses relating to the administration of the fund. 19 1. Application for reimbursement. To be eligible to receive a disbursement from the fund, a county must apply to the fund for reimbursement under Title 30-A, section 20 21 1557-C. An application for reimbursement must include a detailed breakdown of the 22 actual costs incurred by the county in transporting a person in accordance with Title 23 30-A, section 1557-C and must, if applicable, describe prior efforts by the county to seek 24 reimbursement from the person transported under Title 30-A, section 1557-C, subsection 25 3, paragraph A. 26 2. Reimbursement criteria. Subject to the availability of funds within the fund, the 27 department shall approve and disburse funds from the fund to a county that has filed an 28 application for reimbursement in accordance with subsection 1 if the department 29 determines that: 30 A. The costs for which reimbursement is sought by the county are reasonable based 31 upon the circumstances of the transportation; and 32 B. The county has made reasonable efforts to secure reimbursement for its costs 33 from the person transported as authorized under Title 30-A, section 1557-C, 34 subsection 3, paragraph A and that person has failed to fully reimburse the county, or the county demonstrates to the satisfaction of the department that the person 35 36 transported was not convicted of a crime relating to the arrest for which the person 37 was transported. 38 **SUMMARY** 

A. If the person transported under this section is convicted of the crime for which the

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This bill authorizes a municipal law enforcement agency with custody over a person
 pursuant to an arrest to request that the sheriff of the county jail to which the person is to

1 be transported assume custody over the person and transport the person to the county jail. Upon receipt of such request, the sheriff is required to assume custody over the person 2 3 and ensure that the person is transported to the county jail in a timely manner. The costs of transporting a person under this provision are to be paid by the county, which may 4 seek reimbursement for such costs from the person transported under certain 5 circumstances or apply for reimbursement from the County Jail Transportation 6 7 Reimbursement Fund, which is established in this bill. The County Jail Transportation 8 Reimbursement Fund is funded from a percentage of the total fines, forfeitures and 9 penalties received monthly for deposit into the Government Operations Surcharge Fund.