

SB149 ENROLLED



1 SB149
2 5IJJ6MM-3
3 By Senator Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 20-Feb-24



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1 Enrolled, An Act,

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4 Relating to prisoners; to amend Sections 14-6-42,
5 14-6-47, and 14-6-51, Code of Alabama 1975; to further provide
6 for the funds the state sends to counties for the feeding of
7 prisoners; to further provide for the monies to be deposited
8 in a county's Prisoner Feeding Fund; to further provide for
9 the monies deposited into and paid out of the Emergency
10 Prisoner Feeding Fund; to further provide for the process of
11 applying for monies from the Emergency Prisoner Feeding Fund;
12 and to make nonsubstantive, technical revisions to update the
13 existing code language to current style.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 "§14-6-42

18 (a) Food and the services for preparing food, serving
19 food, and other services incident to the feeding of prisoners
20 in the county jail shall be paid for by the state as follows:

21 (1) in the amount of two Two dollars and twenty-five
22 cents (\$2.25) per day for each prisoner.

23 (2) Beginning October 1, 2024, two dollars fifty cents
24 (\$2.50) per day for each prisoner.

25 (3) Beginning October 1, 2025, two dollars seventy-five
26 cents (\$2.75) per day for each prisoner.

27 (4) Beginning October 1, 2026, three dollars (\$3) per
28 day for each prisoner.



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

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

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

39 (c) The sheriff or county commission may use funds from
40 any available source, including, but not limited to, other
41 monies received by the sheriff or county commission for the
42 feeding of federal or municipal prisoners, to accomplish the
43 purposes of this chapter."

44 "§14-6-47

45 (a) The Prisoner Feeding Fund is established in the
46 office of each sheriff. Except as provided in subsection (b),
47 all state monies received in the sheriff's office for food and
48 services in preparing food, serving food, and other services
49 incident to the feeding of prisoners in the county jail
50 ~~pursuant to this chapter~~, shall be deposited in the Prisoner
51 Feeding Fund and shall be kept separate from all other monies.
52 Monies deposited in the Prisoner Feeding Fund shall only be
53 used for feeding prisoners except as provided ~~herein~~ in this
54 section. At the conclusion of each fiscal year, the sheriff
55 may expend not more than 25 percent of the unencumbered
56 balance in the fund on jail operation or for law enforcement



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57 purposes related to the operation of the office of the
58 sheriff, and the remainder shall be retained in the fund for
59 feeding expenses in the next fiscal year, or at the option of
60 the sheriff, the entire unencumbered balance may be retained
61 in the fund for feeding expenses in the next fiscal year. In
62 no event shall any monies paid into the fund be expended
63 except as authorized in this chapter.

64 (b) (1) Nothing in this chapter shall prohibit the
65 sheriff and the county commission from entering into mutual
66 agreements to carry out the requirements of this chapter. Any
67 mutual agreements shall not supersede Section 14-6-40 or
68 exempt any funds or expenditures from audit as required by
69 this chapter nor authorize any of the funds deposited into a
70 prisoner feeding fund or other account for feeding prisoners
71 to be converted into personal income for any public official
72 or employee.

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

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

83 (d) All funds held by the sheriff on August 1, 2019,
84 that were reimbursed by the State of Alabama or any other



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85 governmental entity for the feeding of prisoners in a county
86 jail shall be deposited into the Prisoner Feeding Fund. No
87 funds deposited into the Prisoner Feeding Fund or any other
88 ~~moneys~~ monies received by the sheriff for feeding of federal
89 or municipal prisoners shall be converted into personal income
90 for any public official or employee under any circumstances."

91 "§14-6-51

92 (a) ~~There is hereby established the~~ The Emergency
93 Prisoner Feeding Fund ~~into which there is automatically~~
94 ~~appropriated five hundred~~ is established and seven hundred
95 fifty thousand dollars ~~(\$500,000)~~ (\$750,000) is automatically
96 appropriated into the fund each state fiscal year beginning
97 with the fiscal year ending September 30, ~~2019~~ 2025.

98 (b) ~~The state~~ State Comptroller shall transfer ~~moneys~~
99 monies from the General Fund to the emergency fund at the
100 beginning of each state fiscal year or as soon as possible
101 thereafter.

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

104 (d) The funds may be expended from time to time upon
105 joint application by a county commission and the sheriff of a
106 county in the case of an unforeseeable emergency cost overrun
107 ~~that fully depletes in~~ the Prisoner Feeding Fund in the county
108 treasury.

109 (e) This application shall be submitted to the
110 Department of Finance and shall be supported by ~~the~~ sworn
111 statements by the chair of the county commission and the
112 sheriff stating the reason for the need for emergency funding



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113 and the reason for the unforeseeable cost overrun.

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

116 (g) The department shall determine when ~~a cost overrun~~
117 an application qualifies for disbursement of funds, but shall
118 not consider the transfer of funds from another local source
119 to continue feeding prisoners as grounds to deny the
120 application.

121 (h) A county commission may not receive from this
122 emergency fund per year more than 80 percent of the actual
123 cost overrun as substantiated by financial records up to a
124 maximum of ~~twenty-five-fifty~~ thousand dollars ~~(\$25,000)~~
125 (\$50,000) per year."

126 Section 2. This act shall become effective on June 1,
127 2024.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB149

Senate 09-Apr-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 25-Apr-24

By: Senator Orr