

1 SB324  
2 181207-3  
3 By Senator Williams  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 15-MAR-17

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8 SYNOPSIS: Under existing law, a county is generally  
9 responsible for the necessary expenses of a child  
10 under the jurisdiction of the juvenile court,  
11 except that a municipality is responsible for the  
12 expenses if the child is being cited or detained  
13 for an alleged violation of an ordinance of the  
14 municipality.

15 This bill would provide that a municipality  
16 would be responsible for half of the housing,  
17 maintenance, and medical care expenses of a child  
18 under the jurisdiction of the juvenile court if the  
19 child resides in a municipality the population of  
20 which is at least 15 percent of the total  
21 population of the county.

22 This bill would also provide that the law  
23 enforcement agency in whose custody a child is  
24 initially held or detained would be responsible for  
25 all transportation costs of the child throughout  
26 the period in which the child is under the  
27 jurisdiction of the juvenile court.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
5

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 "§12-15-108.

21 "(a) (1) Except as otherwise provided in this chapter  
22 or by local law, all expenses necessary or appropriate ~~to the~~  
23 for carrying out ~~of~~ the purposes and intent of this chapter  
24 and all expenses ~~of~~ for the housing, maintenance, and medical  
25 care of children under the jurisdiction of the juvenile court  
26 pursuant to this chapter that may be incurred by order of the  
27 juvenile court ~~in carrying out the provisions and intent of~~

1 ~~this chapter (~~ except costs paid by parents, legal guardians,  
2 legal custodians, or trustees and court costs as provided by  
3 law)~~,~~ shall be ~~valid charges and preferred claims against the~~  
4 ~~county. These claims~~ apportioned equally between the county  
5 and municipality in which the child is a resident if the  
6 population of the municipality is at least 15 percent of the  
7 total population of the county.

8 "(2) All necessary or appropriate expenses for the  
9 housing, maintenance, and medical expenses of a child under  
10 the jurisdiction of the juvenile court whose residence is  
11 outside the corporate limits of a municipality or within a  
12 municipality whose population is less than 15 percent of the  
13 total population of the county shall be valid charges and  
14 preferred claims against the county; provided the county and a  
15 municipality may reach an agreement whereby the municipality  
16 assists with the payment of costs for juveniles. Any  
17 agreements or arrangements in place on the effective date of  
18 the act adding this amendatory language shall remain in place  
19 until altered or revoked by mutual agreement of the county and  
20 municipality. For the purpose of this section, the residence  
21 of the child is determined by the physical address at which  
22 the child's parent, legal guardian, or legal custodian  
23 resides. County and municipal population is determined by the  
24 most recent federal decennial census preceding the juvenile  
25 court jurisdiction over the child.

26 "(3) All expenses shall be paid by the county  
27 ~~treasurer~~ when itemized and sworn to by the creditor or other

1 persons knowing the facts in the case and when approved by the  
2 juvenile court. If a municipality is financially responsible  
3 for half of the expenses related to a child as provided in  
4 this section, the county shall invoice the municipality for  
5 half of all expenses paid by the county. The municipality  
6 shall reimburse the county for its portion of the expenses  
7 within 30 days of receipt of an invoice from the county

8 "(4) Notwithstanding the foregoing, a municipality  
9 shall reimburse the county the actual costs of housing,  
10 maintenance, and medical expenses of those children held in a  
11 facility utilized by the county for housing children, or other  
12 facility licensed by the Department of Youth Services utilized  
13 by the county, as a result of a child being cited or detained  
14 for an alleged violation of an ordinance of the municipality  
15 that is not based on a state criminal statute adopted by the  
16 municipality as a municipal ordinance.

17 "(b) All transportation costs and expenses related  
18 to a child under the jurisdiction of the juvenile court shall  
19 be the responsibility of the local law enforcement agency in  
20 whose custody the child is initially held or detained and  
21 shall remain the responsibility of that agency throughout the  
22 period in which the child is under the jurisdiction of the  
23 juvenile court, terminating only upon the final disposition of  
24 his or her case.

25 "(c) (1) Any local law existing on the effective date  
26 of the act adding this subsection which establishes a  
27 different or alternative formula for local funding of housing,

1 maintenance, or medical expenses for children under the  
2 jurisdiction of the juvenile court shall remain in full force  
3 and effect.

4 "(2) Nothing in this section prohibits the enactment  
5 and implementation of a local law establishing a different or  
6 alternative formula for county and municipal cost-sharing of  
7 housing, maintenance, or medical expenses for children under  
8 the jurisdiction of the juvenile court in the counties and  
9 municipalities subject to the local law. Additionally, nothing  
10 in this section shall prevent a county and municipality from  
11 reaching an agreement to share costs for the housing,  
12 maintenance, or medical expenses of a child under the  
13 jurisdiction of the juvenile court.

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

22 Section 2. This act shall take effect on October 1,  
23 2017, and shall be applicable to any housing, maintenance, and  
24 medical expenses or any transportation expenses incurred on  
25 and after October 1, 2017, for the benefit of any child under  
26 the jurisdiction of the juvenile court.