

Senate Bill 7

By: Senators Albers of the 56th, Robertson of the 29th, Beach of the 21st, Still of the 48th,
Payne of the 54th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding jails, so as to require that certain municipal
3 corporations make municipal detention facilities or jails available for use by a sheriff under
4 certain conditions; to provide for fee and fee cap; to provide for related matters; to provide
5 for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to
9 general provisions regarding jails, is amended by adding a new Code section to read as
10 follows:

11 "42-4-17.

12 (a) Any municipal corporation that owns or operates a municipal detention facility or jail
13 located within the radius provided for in subsection (a) of Code Section 35-2-122 as the
14 jurisdiction of the Capitol Police Division of the Department of Public Safety, regardless
15 of whether or not such municipal detention facility or jail is actively incarcerating inmates,
16 shall, at the request of the sheriff of the county where such municipal detention facility or
17 jail is located, and provided that sufficient funding has been appropriated to such sheriff,

18 place such municipal detention facility or jail at the disposal of such sheriff for use in the
19 detention of persons placed in the custody of such sheriff.

20 (b) In the event that a sheriff requests the use of a municipal detention facility or jail
21 pursuant to subsection (a) of this Code section, the municipal corporation may charge such
22 sheriff a fee for the use of such municipal detention facility or jail; provided, however, that
23 in no event shall such fee exceed the actual cost incurred by such municipal corporation
24 in maintaining such municipal detention facility or jail."

25 **SECTION 2.**

26 This Act shall become effective upon its approval by the Governor or upon its becoming law
27 without such approval.

28 **SECTION 3.**

29 All laws and parts of laws in conflict with this Act are repealed.