Senate Engrossed

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JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
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CHAPTER 78

SENATE BILL 1036

AN ACT

AMENDING SECTION 31-121, ARIZONA REVISED STATUTES; RELATING TO JAILS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 31-121, Arizona Revised Statutes, is amended to read:

31-121. Duty of sheriff to receive and provide for prisoners; contracts for furnishing food; city or town prisoners; employment; canteens; special services fund; insurance; education programs

A. The sheriff shall receive all persons WHO ARE committed to jail by competent authority and provide them with necessary food, clothing and bedding, the cost of which shall be a county charge or, if a county jail district has been established, a charge of the district, except as otherwise provided by law.

B. Notwithstanding subsection A of this section, the sheriff may establish procedures to recover from the inmate the cost of providing the inmate with necessary food. The cost to the inmate shall not exceed ~~one dollar~~ TWO DOLLARS per day. All meal costs recovered from the inmate shall be used for meal preparation or to improve meal quality.

C. The county board of supervisors or board of directors of a county jail district may enter into contracts for furnishing food for persons WHO ARE confined in the county jail, but ~~such~~ A contract shall not be made for a period longer than one year.

D. A person who is arrested by a peace officer employed by a city or town and ~~thereafter~~ WHO IS charged in a municipal court as defined in section 22-401 may be housed in a county jail. The costs of this incarceration shall be paid by the city or town ~~which~~ THAT established the municipal court in which the charges are to be filed. A person who is convicted in a municipal court may be sentenced to a county jail. The costs of this incarceration shall be paid by the city or town ~~which~~ THAT established the municipal court in which the sentence was rendered. A person WHO IS arrested by a peace officer employed by a city or town and ~~thereafter~~ WHO IS charged in the superior court or a justice court may be housed in a county jail. The costs of this incarceration are a county expense. Two or more cities, towns or counties may enter into agreements with one another for joint or cooperative action pursuant to section 11-952.

E. Notwithstanding subsection D of this section, the cost for providing for prisoners committed to the county jail by competent authority of the county or any political subdivision in the county shall be borne by the county jail district in any county in which such district, pursuant to title 48, chapter 25, is established and operating.

F. Any prisoner WHO IS accepted by the county jail may be employed as provided by section 31-141.

G. At the discretion of the board of supervisors or board of directors of a county jail district, the sheriff may maintain a canteen pursuant to this subsection at any jail facility under the sheriff's jurisdiction to sell to confined persons toilet articles, candy, tobacco products, notions and

other sundries and may provide the necessary facilities, equipment, personnel and merchandise. The sheriff shall specify the commodities to be sold in the canteen. The sheriff shall fix the prices of the commodities at such amounts as will, as far as possible, render each canteen self-supporting.

H. A special services fund is established in the office of the county treasurer. The sheriff shall deposit any canteen and charge-a-call telephone profits, if such become available, in the special services fund. All profits resulting from inmate services shall also be deposited in the special services fund. The board of supervisors may insure against the damage or loss of canteen materials, supplies and equipment THAT ARE owned by the county jail facility.

I. The sheriff shall hold in trust all special services fund monies for the benefit and welfare of inmates. These monies may be used for the education and welfare of inmates, including the establishment, maintenance and purchase of items for resale and other necessary expenses incurred in operating the canteens.

J. The county board of supervisors or board of directors of a county jail district may authorize a biennial audit of the canteen operations at any jail facility referred to in this section. At the end of each intervening fiscal year, the jail administration shall prepare a statement of operations. At least one copy of any audit report or statement of operations shall be posted both at the canteen and for inmates at designated areas.

K. Each county that operates a county jail shall offer an education program to serve all prisoners who are under eighteen years of age and prisoners who are pupils with disabilities, who are twenty-one years of age or younger and who are confined in the county jail. The county sheriff and the county school superintendent shall agree on the method of delivery of the education program.

L. This section does not prohibit a city or town from recovering incarceration costs pursuant to section 13-804.01.

APPROVED BY THE GOVERNOR APRIL 13, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2004.