

## 2023 Kansas Statutes

**19-1930. County jails; U.S. prisoners, city prisoners and inmates on parole or conditional release; compensation for maintenance; medical examination before receiving or detaining, when; payments by inmates to defray maintenance cost; Sedgwick county, tax levy; failure of sheriff or keeper of the jail to perform duties; attorney visitation.** (a) (1) The sheriff or the keeper of the jail in any county of the state shall receive all prisoners committed to the sheriff's or jailer's custody by the authority of the United States or by the authority of any city located in such county and shall keep them safely in the same manner as prisoners of the county until discharged in accordance with law. The county maintaining such prisoners shall receive from the United States or such city compensation for the maintenance of such prisoners in an amount equal to that provided by the county for maintenance of county prisoners and provision shall be made for the maintenance of such prisoners in the same manner as prisoners of the county. The governing body of any city committing prisoners to the county jail shall provide for the payment of such compensation upon receipt of a statement from the sheriff of such county as to the amount due therefor from such city.

(2) The sheriff and the keeper of the jail shall not be required to receive or detain a prisoner under paragraph (1) who is in the custody of an arresting agency until the prisoner has been examined by a medical care facility as defined in K.S.A. 65-425, and amendments thereto, or a healthcare provider as defined in K.S.A. 40-3401, and amendments thereto, if the prisoner appears to be:

(A) Unconscious or having been unconscious at any time during custody or during the events leading to the person's custody;

(B) suffering from a serious illness;

(C) suffering from a serious injury; or

(D) seriously impaired by alcohol or drugs or combination thereof.

(3) Except as provided in K.S.A. 22-4613, and amendments thereto, the prisoner shall remain in the custody of the arresting agency during the examination required under paragraph (2).

(4) The cost of the examination and resulting treatment under paragraph (2) is the financial responsibility of the prisoner receiving the examination or treatment in accordance with K.S.A. 19-4444 and 22-4612, and amendments thereto.

(b) The sheriff or the keeper of the jail in any county of the state shall receive all prisoners committed to the sheriff's or jailer's custody pursuant to K.S.A. 75-5217, and amendments thereto, and shall keep them safely in the same manner as prisoners of the county until discharged in accordance with law or until otherwise ordered by the secretary of corrections. The cost of maintenance of such prisoners, including medical costs of such prisoners shall be paid by the department of corrections in an amount equal to that provided by the county for maintenance of county prisoners.

(c) In lieu of charging city authorities for the cost of maintenance of prisoners as provided by subsections (a) and (b), the board of county commissioners of Sedgwick county may levy a tax not to exceed one mill upon all tangible taxable property of the county to pay such costs and the costs of maintaining county prisoners. No revenue derived from such levy shall be used to pay the costs of maintenance of prisoners committed to the jail by federal or state authorities, or authorities of other counties or cities in other counties. For the purpose of this subsection, if any portion of a city is located within a county levying a tax hereunder, all prisoners of such city shall be deemed prisoners of such county.

(d) The board of county commissioners of a county may provide by resolution that any inmate of the county jail who participates in a work release or job training program for which the inmate receives compensation or a subsistence allowance shall be required to pay to the county an amount not exceeding \$20 per day to defray costs of maintaining such inmate in the county jail. Such resolution shall provide for reduction or waiver of such amount in instances in which payment would create undue hardship for an inmate. The inmate shall pay any amount charged pursuant to such resolution, in cash or by money order, to the county treasurer, who shall deposit the entire amount in the county treasury and credit it to the county general fund. If payment is made in cash, the county treasurer shall provide the inmate with a written

receipt for such payment. If the county is otherwise entitled to receive reimbursement or compensation for the maintenance of an inmate who is required to pay an amount pursuant to such resolution, the amount paid by such inmate shall be deducted from the amount of the other reimbursement or compensation to which the county is entitled.

(e) (1) The board of county commissioners of a county may provide by resolution that any inmate of the county jail who is incarcerated in the county jail pursuant to a sentence for the conviction of a crime in this state shall be required to pay to the county a fee in an amount not exceeding the county's daily cost of housing the inmate to defray the costs of maintaining such inmate in the county jail for each day prior to and after conviction for an offense resulting in a conviction.

(2) Such resolution shall provide:

(A) For the priority of restitution, child support, court costs or fines over such fee;

(B) for reduction or waiver of such amount in instances in which payment would create undue hardship for an inmate and for a procedure to provide for a reduction or waiver; and

(C) that if the inmate fails to pay such amount charged pursuant to such resolution, the county keeping such inmate may garnish such inmate's commissary account to recover such costs, upon notice and hearing given to such inmate as provided for in any such resolution contemplated herein.

(3) The inmate shall pay the amount charged pursuant to such resolution, in cash or by money order, or by release of funds in the inmate's jail commissary account, to the county treasurer, who shall deposit the entire amount in the county treasury and credit it to the county general fund.

(4) The sheriff shall forward any garnished commissary account payment to the county treasurer, who shall deposit the entire amount in the county treasury and credit it to the county general fund.

(5) If the county is otherwise entitled to receive reimbursement or compensation for the maintenance of an inmate who is required to pay an amount pursuant to such resolution, and such reimbursement or compensation constitutes the entirety of the costs of maintaining such inmate in the county jail, the amount paid by such inmate shall be deducted from the amount of the other reimbursement or compensation to which the county is entitled.

(f) If any sheriff or keeper of the jail neglects or refuses to perform the services and duties required by the provisions of this act, the sheriff or keeper of the jail shall be subject to the same penalties, forfeitures and actions as if the prisoners had been committed under the authority of this state.

(g) Attorneys of prisoners held in a county jail shall be permitted to visit them professionally at all reasonable hours.

(h) As used in this section:

(1) "Arresting agency" does not include a surety, bail agent or bail enforcement agent who arrests a person who was released on an appearance bond pursuant to K.S.A. 22-2809, and amendments thereto.

(2) "Serious injury" means any injury with a substantial risk of death or resulting in:

(A) Loss of orientation, loss of full movement of a limb or complaint of neck or spinal pain with an onset related to the incident leading to or during the person's custody;

(B) a reasonable belief a bone fracture may exist;

(C) laceration with an appearance it needs sutures;

(D) loss or serious impairment of vision with an onset during or subsequent to the events leading to the arrest;

(E) loss or fracture of any teeth with an onset during or subsequent to the events leading to the arrest; or

(F) any similar condition reasonably indicating immediate assessment by a medical care provider is prudent.

(3) "Serious illness" includes, but is not limited to:

(A) Any illness or ailment resulting in loss of consciousness or responsiveness or affecting a person's level of consciousness to a degree immediate intervention is prudent;

(B) a body temperature in excess of 101° F;

(C) acute or chronic blood loss indicative of underlying illness; or

(D) pain to a degree it affects the person's ability to function.

(4) "Seriously impaired by alcohol or drugs or combination thereof" means the loss of consciousness, inability to stand without assistance or inability to move from one location to another without assistance reasonably believed to be induced by the consumption of alcohol, a controlled substance as defined in chapter 65 of the Kansas Statutes Annotated, and amendments thereto, a drug other than a controlled substance or a combination of alcohol, controlled substances or drugs.

**History:** L. 1963, ch. 174, § 1; L. 1981, ch. 350, § 2; L. 1984, ch. 101, § 1; L. 1988, ch. 104, § 1; L. 1990, ch. 66, § 25; L. 2003, ch. 69, § 1; L. 2004, ch. 33, § 1; L. 2023, ch. 83, § 12; July 1.