441.206 State contribution for jail -- Allocation -- Payments -- Use of funds.

(1)   For the care and maintenance of prisoners charged with or convicted of violations of state law, each county shall receive a contribution from the State Treasury in an amount equal to that paid to the county pursuant to this section in fiscal year 1983-84 or the amount that should have been paid to the county in fiscal year 1983-84 under the conditions set forth in subsection (5) of this section. Any additional moneys appropriated for county jails shall be allocated on the basis of a formula comprised of the following factors:

(a)   Sixty percent (60%) of the allocation shall be based on the amount of the 1983-84 funding formula each county received, or should have received under the conditions set forth in subsection (5) of this section;

(b)   Ten percent (10%) of the allocation shall be based on each county's comparative ranking of median household income in inverse order, as determined by the 1980 federal census of population; and

(c)   Thirty percent (30%) of the allocation shall be based on the proportion of each county's age at risk population (18-34) to the state total, as determined by the 1980 federal census of population.

(2)   Payments of the state contribution for jail operating expenses shall be made monthly by the Department of Corrections to the county treasurer. The election by a county to close its jail and to contract with another county for the incarceration of prisoners, as permitted by KRS 441.025, shall not affect the state contribution provided for in subsection (1) of this section.

(3)   All state funds paid to a county under this section, any funds paid to a county by the United States government, a city, or another county for the incarceration of prisoners and any interest earned on the funds shall be expended on the incarceration of prisoners, as provided in KRS 441.025. Any funds paid under subsection (1) of this section and any interest earned on the funds shall be expended on the incarceration of prisoners, in accordance with regulations promulgated pursuant to KRS 441.055, within twelve (12) months of the close of the fiscal year in which the funds were received. Any funds received by a county under subsection (1) of this section that are not expended for this purpose shall be returned to the State Treasury.

(4)   A county shall not receive less than twenty-four thousand dollars ($24,000) pursuant to this section from the State Treasury for the care and maintenance of prisoners charged with or convicted of violations of state law.

(5)   If the capacity of a jail was substantially increased during the years 1980 through 1982 due to construction or renovation, and if, a result, the amount paid to the county in fiscal year 1983-84 pursuant to this section and to 1982 Ky. Acts ch. 385, sec. 3, was not representative of the true jail population, then the commissioner of the Department of Corrections may, upon proper documentation by the county, permit an estimate of the current capacity of the jail to be used as a basis for calculating the amount that should have been paid to the county in fiscal year 1983-84. The estimate of current capacity shall be used to calculate payments made

pursuant to subsection (1) of this section after July 14, 1992, but shall not be used to recalculate past payments.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 211, sec. 122, effective July 14, 1992; and ch. 224, sec. 1, effective July 14, 1992. -- Reenacted and amended 1984 Ky. Acts ch. 415, sec. 1, effective July 13, 1984. --Created 1982 Ky. Acts ch. 385, sec. 3, effective July 1, 1982.

Formerly codified as KRS 441.007.

Legislative Research Commission Note. (7/14/92). This section was amended by two 1992 Acts which do not appear to be in conflict and have been compiled together.

Legislative Research Commission Note. This section was repealed by 1982 Ky. Acts ch. 385, sec. 51, effective July 15, 1984. Thereafter, this repeal was nullified by 1984 Ky. Acts ch. 415, sec. 20, effective July 13, 1984.