

§1557-B. Transfer from a sending jail to a receiving jail

1. Transfer. A sheriff may transfer a prisoner from a jail to another jail upon the request of the sheriff of the sending jail and the approval of the sheriff of the receiving jail. A sheriff may transfer a prisoner to a correctional facility upon the request of the sheriff of the sending jail and the approval of the Commissioner of Corrections.

[PL 2015, c. 335, §16 (NEW).]

2. Transfer cost. The county of the sending jail shall pay the cost of the transfer or return of the prisoner under subsection 1.

[PL 2015, c. 335, §16 (NEW).]

3. Reimbursement. Reimbursement for the support of a prisoner who is transferred by a sending jail to a receiving jail or the Department of Corrections is subject to the provisions of this subsection.

A. During a state fiscal year in which the funding required by Title 34-A, section 1210-E, subsection 2 has been appropriated to the County Jail Operations Fund and disbursements have been made equal to that amount to the counties as required by Title 34-A, section 1210-E, subsection 5, the receiving jail or the department may not charge the sending jail a per diem rate for the transferred prisoner. [PL 2021, c. 732, Pt. D, §2 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

B. During a state fiscal year in which less than the funding required by Title 34-A, section 1210-E, subsection 2 has been appropriated to the County Jail Operations Fund or disbursements have not been made equal to that amount to the counties as required by Title 34-A, section 1210-E, subsection 5, the following provisions apply:

- (1) The receiving jail may charge the sending jail a per diem rate for the transferred prisoner;
- (2) The rate charged by the receiving jail must equal the amount calculated by the department in making the disbursement to the counties under Title 34-A, section 1210-E, subsection 9; and
- (3) The department may charge the sending jail an amount that has been negotiated between the department and the jail that does not exceed \$108 per diem per prisoner. [PL 2021, c. 732, Pt. D, §2 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

C. The sending jail shall reimburse the receiving jail or the department for any costs incurred in the provision of extraordinary medical or surgical treatment for conditions of the prisoner that existed prior to transfer. [PL 2015, c. 335, §16 (NEW).]

D. Payment amounts provided for in this subsection may be adjusted or dispensed with upon terms mutually agreeable to the sheriff of the sending jail and the sheriff of the receiving jail or the department. [PL 2015, c. 335, §16 (NEW).]

[PL 2021, c. 732, Pt. D, §2 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

4. Transferee subject to rules. A prisoner transferred under this section is subject to the general rules of the facility to which the prisoner is transferred, except that for a prisoner who has been sentenced:

A. The term of the original sentence remains the same unless altered by the court; [PL 2015, c. 335, §16 (NEW).]

B. The prisoner becomes eligible for deductions as provided in Title 17-A, section 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311 for a prisoner sentenced to imprisonment in a county jail; [PL 2019, c. 113, Pt. C, §76 (AMD).]

C. The prisoner becomes eligible for release and discharge as provided in Title 17-A, section 2314, subsection 1 for a prisoner sentenced to imprisonment in a county jail; [PL 2019, c. 113, Pt. C, §77 (AMD).]

D. The prisoner is entitled to have the time served in the facility under this section deducted from the sentence; and [PL 2015, c. 335, §16 (NEW).]

E. The prisoner becomes eligible for furloughs, work or other release programs, participation in public works and charitable projects and home-release monitoring as authorized by sections 1556, 1605, 1606 and 1659-A and may apply pursuant to the rules governing the sending jail. [PL 2015, c. 335, §16 (NEW).]

[PL 2019, c. 113, Pt. C, §§76, 77 (AMD).]

5. Return of prisoner. A prisoner transferred pursuant to this section must be returned to the sending jail upon the request of the sheriff of the sending jail, the sheriff of the receiving jail or the Commissioner of Corrections.

[PL 2015, c. 335, §16 (NEW).]

6. Commissioner of Corrections to determine temporary housing assignments. If a county that does not have a jail, has a jail that is not fully certified or has a jail that is unfit for occupation is unable to locate space in any other county facility for an adult or juvenile, the sheriff of that county may contact the Commissioner of Corrections for approval to obtain temporary housing in a correctional or detention facility operated by the Department of Corrections. The sheriff of the sending jail shall contact each other county facility in a continuing effort to locate placement in a county facility. When the sheriff of the sending jail locates available space in a county facility, the sheriff of the sending jail shall transfer the prisoner from the department's correctional or detention facility and place the prisoner in the county facility.

[PL 2015, c. 335, §16 (NEW).]

SECTION HISTORY

PL 2015, c. 335, §16 (NEW). PL 2019, c. 113, Pt. C, §§76, 77 (AMD). PL 2021, c. 732, Pt. D, §2 (AMD). PL 2021, c. 732, Pt. D, §7 (AFF).

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