

### §3063-C. Transfer to jails

**1. Transfer of prisoner.** The commissioner may transfer a prisoner serving a sentence in a correctional facility to a county jail, upon the request of the chief administrative officer and the approval of the sheriff of the jail.

[PL 2015, c. 335, §28 (NEW).]

**2. Cost of transfer.** The department shall pay the cost of the transfer or the return of the prisoner.

[PL 2015, c. 335, §28 (NEW).]

**3. Reimbursement.** By agreement between the commissioner and the sheriff of the receiving jail pursuant to this section, the department shall pay directly to the jail reimbursement in accordance with this subsection.

A. During a state fiscal year in which the funding required by section 1210-E, subsection 2 has been appropriated to the County Jail Operations Fund and disbursements have been made equal to the amount due to the counties as required by section 1210-E, the receiving jail may charge the department for the transferred prisoner a rate to be negotiated between the sheriff of the jail and the department that is no higher than \$25 per diem per prisoner. [PL 2021, c. 732, Pt. D, §6 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

B. During a state fiscal year in which less than the funding required by section 1210-E, subsection 2 has been appropriated to the County Jail Operations Fund or disbursements have not been made equal to the amount due to the counties as required by section 1210-E, the receiving jail may charge the department for the transferred prisoner a rate to be negotiated between the sheriff of the county jail and the department that is no higher than \$108 per diem per prisoner. [PL 2021, c. 732, Pt. D, §6 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

C. The department shall reimburse the receiving jail 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, §28 (NEW).]

D. Payment amounts provided for in this section may be adjusted or dispensed with upon terms mutually agreeable to the commissioner and the sheriff of the receiving jail. [PL 2015, c. 335, §28 (NEW).]

[PL 2021, c. 732, Pt. D, §6 (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, §28 (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 committed to the department; [PL 2019, c. 113, Pt. C, §100 (AMD).]

C. The prisoner becomes eligible for release and discharge as provided in Title 17-A, section 2314, subsection 1 for a prisoner committed to the department; [PL 2019, c. 113, Pt. C, §100 (AMD).]

D. The prisoner is entitled to have the time served in the jail under this section deducted from the sentence; and [PL 2015, c. 335, §28 (NEW).]

E. The prisoner becomes eligible for furloughs, work or other release programs, and supervised community confinement as authorized by sections 3035 and 3036-A and may apply pursuant to the rules governing the correctional facility from which the prisoner was transferred. [PL 2015, c. 335, §28 (NEW).]

[PL 2019, c. 113, Pt. C, §100 (AMD).]

**5. Return of prisoner.** A prisoner transferred pursuant to this section must be returned to the department upon the request of the commissioner or the sheriff.

[PL 2015, c. 335, §28 (NEW).]

#### SECTION HISTORY

PL 2015, c. 335, §28 (NEW). PL 2019, c. 113, Pt. C, §100 (AMD). PL 2021, c. 732, Pt. D, §6 (AMD). PL 2021, c. 732, Pt. D, §7 (AFF).

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