



2004 - 196

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Municipalities – Jails – Prisons and
Prisoners – Medical Expenses – Indigents –
Chambers County

A municipality is not responsible for the medical expenses of indigent municipal prisoners housed in the county jail unless the municipality has contracted to provide for such costs. A county is not responsible for the medical costs of an indigent municipal prisoner simply because the county has agreed to house municipal prisoners.

Dear Mr. Jones:

This opinion of the Attorney General is issued in response to your request on behalf of the City of Valley.

QUESTION

For the purposes of liability for medical expenses under section 14-6-19 of the Code of Alabama, or any other provision of the law, does an indigent municipal prisoner incarcerated in a county jail under contractual agreement with the county thereby become a county prisoner for the purposes of imposing liability upon the county for the payment of medical expenses for the prisoner?

FACTS AND ANALYSIS

This Office has repeatedly stated that municipal prisoners housed in the county jail continue to be municipal prisoners. Opinions of the Attorney General to Honorable Oscar W. McCrory, Mayor, Town of Frisco City, dated April 6, 1999, A.G. No. 99-00160; Honorable Paul K. McWhorter, III, Mayor, Cedar Bluff, dated February 1, 1991, A.G. No. 91-00160; Honorable Richard Ramsey, III, Houston County Attorney, dated October 21, 1986, A.G. No. 87-00021. Accordingly, a municipality remains responsible for the costs of indigent municipal prisoners housed in the county jail. *Id.*

Most recently, however, in an opinion issued to Honorable Claude E. McCoy, Jr., Attorney, Chambers County, dated October 28, 2003, A.G. No. 2004-017, this Office explained that an exception to this rule for medical expenses was created in *Baptist Health Sys. v. City of Midfield*, 792 So. 2d 1095 (2001). In that case, the Supreme Court of Alabama construed section 14-6-19 of the Code of Alabama as requiring only the county to pay for the medical care of county prisoners. *Id.* at 1096-97. The Court determined that section 14-6-19 does not require a municipality to be responsible for the medical expenses of municipal prisoners. *Id.* The Court did not, however, find that the county was responsible for the medical care of municipal prisoners that are housed in the county jail.

Even though municipalities are not statutorily responsible for the medical expenses of indigent municipal prisoners, a municipality may contractually obligate itself to pay for the medical expenses of indigent municipal prisoners housed in the county jail. Section 11-80-3 of the Code of Alabama authorizes municipalities and counties to enter into agreements for use of the county jail. ALA. CODE § 11-80-3 (1994). Therefore, this Office has specifically stated that a municipality is not responsible for the medical costs of an indigent municipal prisoner housed in a county jail unless the municipality has contracted to provide for such costs. A.G. No. 2004-017 at 1; opinion to Jimmy L. Nunn, Attorney, City of Selma, dated September 25, 2002, A.G. No. 2002-348.

CONCLUSION

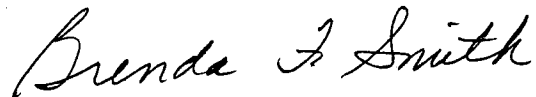
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Honorable John Ben Jones
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I hope this opinion answers your question. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

TROY KING
Attorney General
By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH
Chief, Opinions Division

TK/GWB/JG
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