



County Technical Assistance Service

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Care of Workhouse Prisoners

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Care of Workhouse Prisoners

Reference Number: CTAS-1462

It is the duty of the superintendent to:

1. Discharge each prisoner as soon as such prisoner's time is out or upon order of the board of commissioners;
2. See that prisoners are properly guarded to prevent escape;
3. See that they are kindly and humanely treated and properly provided with clothing, wholesome food properly cooked and prepared for eating three times a day when at work;
4. See that they are warmly and comfortably housed at night and in bad weather;
5. See that when sick they have proper medicine and medical treatment, and, in case of death, are decently buried; and
6. Keep the males separate from the females.

T.C.A. § 41-2-109.

Medical Care of Workhouse Prisoners

Reference Number: CTAS-1463

The county health officer or jail physician is required to attend on all workhouse prisoners while they remain in the jail building, after sentence to the workhouse, and give them such medicine and medical treatment as may be necessary. By law, the health officer and physician receive no additional compensation for such services other than their regular salary. T.C.A. § 41-2-118(a). If the county does not have a health officer or jail physician, the county may contract for medical services with a private physician. T.C.A. § 41-2-118(b).

Transfer to State Psychiatric Hospital

Whenever the sheriff or superintendent or other official in charge of the county workhouse or penal farm determines that a prisoner convicted and sentenced to the workhouse or penal farm requires hospitalization for treatment of a mental illness, the official may seek the admission of the prisoner to a state psychiatric hospital under T.C.A. § 33-6-201, Title 33, Chapter 6, Part 4 or Title 33, Chapter 6, Part 5. T.C.A. § 41-2-122(a).

A prisoner from a workhouse or penal farm who is admitted to a state psychiatric hospital under T.C.A. § 33-6-201, Title 33, Chapter 6, Part 4, or Title 33, Chapter 6, Part 5, shall be returned to the workhouse or penal farm when the superintendent of the hospital determines that the prisoner no longer meets the standards under which the prisoner was admitted or when continued hospitalization is no longer advisable or beneficial. T.C.A. § 41-2-122(b).

Reimbursement for State Inmate Medical Care

The state is liable for expenses incurred from the emergency hospitalization and medical treatment rendered to any state prisoner incarcerated in a county jail or workhouse provided that the prisoner is admitted to the hospital. The sheriff of the county in which the state prisoner is incarcerated must file a petition with the criminal court committing the state prisoner to the county jail or workhouse attaching thereto a copy of the hospital bills of costs for the state prisoner. It is the duty of the court committing the state prisoner to the county jail or workhouse to examine bills of costs, and if the costs are proved, the court is required to certify the fact thereon and forward a copy to the judicial cost accountant. The expenses for emergency hospitalization and medical treatment are paid in the same manner as court costs. T.C.A. § 41-4-115(b).

The state is responsible for the transportation costs and cost of any guard necessary when a state prisoner is admitted to a hospital or requires follow-up treatment. Such reimbursement is to be made according to the procedures established by T.C.A. § 41-8-106, but shall be in addition to the per diem established in T.C.A. § 41-8-106. T.C.A. § 41-4-115(c).

If a defendant serving a felony sentence in a local workhouse develops medical problems that the local workhouse is not equipped to treat, the court has the authority to transfer the defendant to the Department of Correction. T.C.A. § 40-35-314(e).

Charging Inmates for Issued Items-Workhouse

Reference Number: CTAS-1464

Any county may, by a resolution adopted by a two-thirds vote of the county legislative body, establish and implement a plan authorizing the workhouse superintendent to charge an inmate committed to the county workhouse a fee, not to exceed the actual cost, for items issued to the inmate upon each new admission to the county workhouse. T.C.A. § 41-4-142(a).

Additionally, any county may, by a resolution adopted by a two-thirds vote of its county legislative body, establish and implement a plan authorizing the workhouse superintendent to charge an inmate committed to the workhouse a nominal fee set by the county legislative body at the time of adoption for the following special services, when provided at the inmate's request:

1. Participation in GED or other scholastic testing for which the administering agency charges a fee for each test administered;
2. Escort by correctional officers to a hospital or other health care facility for the purpose of visiting an immediate family member who is a patient at such facility; or
3. Escort by correctional officers for the purpose of visiting a funeral home or church upon the death of an immediate family member.

T.C.A. § 41-4-142(b).

A plan adopted pursuant to T.C.A. § 41-4-142(a) or (b) may authorize the workhouse superintendent to deduct the amount from the inmate's workhouse trust account or any other account or fund established by or for the benefit of the inmate while incarcerated. Nothing in T.C.A. § 41-4-142 shall be construed as authorizing the workhouse superintendent to deny necessary clothing or hygiene items or to fail to provide the services specified in T.C.A. § 41-4-142(b) based on the inmate's inability to pay such fee or costs. T.C.A. § 41-4-142(c).

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