



STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

January 28, 1977

ATTORNEY GENERAL OPINION NO. 77- 37

Mr. Galen E. Morford  
Harvey County Sheriff  
Harvey County Courthouse  
Newton, Kansas 67114

RE: Counties -- Prisoners -- Medical Treatment

SYNOPSIS: The cost of medical treatment provided a prisoner after he is placed under confinement shall be borne by the jurisdiction where the confinement occurs.

\* \* \*

Dear Mr. Morford:

You inquire if Harvey County is legally obligated to reimburse the costs of a prisoner's medical and hospital expenses which were incurred while he was in the custody of Outagamie County, Wisconsin officials. You state that Wisconsin had custody of the prisoner as a result of a felony warrant issued by Harvey County and the expenses at issue were incurred during the time he was under the jurisdiction and control of the Wisconsin officials awaiting transportation to Harvey County.

A prisoner whether confined in the county jail or a state institution has a right to medical care [*Edwards v. Duncan*, 355 F.2d 993 (1966)], and a denial of such care may constitute a denial of rights guaranteed by the Fourteenth Amendment. The case of *Pfannenstiel v. Doerfler*, 152 Kan. 479 (1940), announced the rule that failure or refusal of a sheriff or other officer having custody of a prisoner to provide or make effort to provide medical attention which is plainly and urgently needed constitutes failure to discharge faithfully and "with humanity the duties imposed upon him."

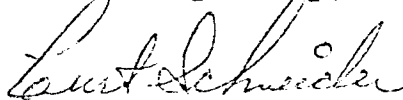
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In *City of Tulsa v. Sisler*, 285 P.2d 422, 423 (1955), the Court held:

"So long as they were under arrest and held as city prisoners, it was the responsibility of the police to keep them safely and this included the duty to furnish them necessary medical care."  
[Emphasis supplied.]

While the prisoner was in Wisconsin custody, it was the duty of the sheriff or other custodian there to furnish any necessary medical care and treatment. Harvey County, Kansas, authorities owed no such duty to the prisoner until he was delivered to their custody. In my judgment, under these circumstances, Harvey County has no legal obligation to reimburse the Wisconsin custodian for the costs incurred in behalf of the prisoner while held in his custody and prior to delivery to Kansas authorities.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

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