



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

February 15, 1978

ATTORNEY GENERAL OPINION NO. 78- 66

Mr. M. T. Bringle
Labette County Undersheriff
Labette County Courthouse
Oswego, Kansas 67356

Re: Counties--Medical Expenses--Liability For Injury--Escape

Synopsis: The cost of medical treatment provided a prisoner arrested for violation of a state statute is the responsibility of the county. The cost of medical treatment provided a prisoner arrested for violation of a local municipal ordinance is borne by the city.

The cost of medical treatment provided an individual not under arrest nor in the custody of the sheriff is not the obligation of the county.

* * *

Dear Mr. Bringle:

As Labette County Undersheriff you inquire about county liability of prisoner expenses. Specifically you request an opinion from this office regarding the following questions:

- (1) Is the county liable for a prisoner who is arrested by a city and housed in city jail awaiting to be charged by the city and/or county and becomes ill?
- (2) Is the county liable for a prisoner who is arrested by a city and is housed in the county jail for a city, awaiting city court and becomes ill?
- (3) Is the county liable for medical expenses of a person who has escaped from another state's county jail and is injured by a citizen of this county while the

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escapee is attempting to further his escape in a felonious manner, and law enforcement personnel from both jurisdictions are in the process of searching for him?

The questions you raise concerning the liability of expenses of prisoners as between the county and city were recently discussed in an Attorney General Opinion No. 77-286. In that opinion we stated that K.S.A. 19-1930 requires municipalities to pay for housing in the county jail of only those persons arrested for violations of municipal ordinances. Those individuals arrested by local authorities for violation of state statutes are the responsibility of the county.

Thus in the situation you describe in your first question where an individual is arrested by a city policeman and housed in a city jail awaiting to be charged for violation of a city ordinance and becomes ill, the county is not liable for the resulting expenses. However, in the same situation if the prisoner is arrested by the city policemen for violation of a state statute, then the county would be liable for the expenses.

These same principles apply to your second question regarding the expenses liability in the situation whereby a city police officer arrests an individual for violation of a city ordinance and houses that prisoner in the county jail awaiting his city court appearance. In that situation the city is liable for the expenses of housing said prisoner including any medical expenses.

To summarize, pursuant to K.S.A. 19-1930, a county is liable for the expenses of housing which includes medical expenses of those prisoners arrested for violation of state statutes irregardless that the prisoner was arrested by a city official and placed in a city jail. The city is liable for the expenses of housing which includes medical expenses of those prisoners arrested for violation of city ordinances, irregardless that the prisoner arrested by the city officer is placed in the county jail.

Lastly you inquire whether your county is liable for medical expenses of an escapee from another state's county jail, whereby the escapee in attempting to further his escape is injured by a citizen of your county.

The specific situation you inquire about involves the escape of an Oklahoma prisoner. The escapee while in Labette County stole a firearm from a Labette County law enforcement officer and proceeded to try to take a Labette County citizen as a hostage. In doing this the escapee was shot by another Labette County citizen. The escapee was taken to a medical facility in Labette County for treatment, by Labette County officials.

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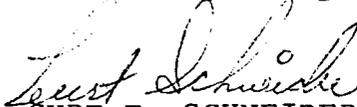
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This question too has been previously discussed in Attorney General Opinion No. 77-325. In that opinion we stated that the cost of medical treatment provided an individual not under arrest nor in the custody of the sheriff is not the obligation of the county.

Thus, with respect to the last situation you inquire about, if the escapee after being injured by a resident in your county was again arrested and taken into custody by county law enforcement officials, then the medical expenses incurred in behalf of the injured escapee will be the obligation of the county. If he was not arrested or placed into custody then the resulting medical expenses are not the responsibility of the county.

I am enclosing copies of abovementioned Attorney General Opinions Nos. 77-286 and 77-325 for your information.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

CTS:BEW:jj

Enclosure