§ 29.28 Payment of costs for prosecution of incarcerated individual-patients.

(a) When an incarcerated individual-patient, as defined in subdivision (a) of section 29.27 of this article, who was committed from a state correctional facility, is alleged to have committed an offense while in the custody of the department, the department of corrections and community supervision shall pay all reasonable costs for the prosecution of such offense, including but not limited to, costs for: a grand jury impaneled to hear and examine evidence of such offense, petit jurors, witnesses, the defense of any incarcerated individual financially unable to obtain counsel in accordance with the provisions of the county law, the district attorney, the costs of the sheriff and the appointment of additional court attendants, officers or other judicial personnel.

(b) It shall be the duty of the governing body of any county wherein such prosecution occurs to cause a sworn statement of all costs to be forwarded to the department of corrections and community supervision. Upon certification by such department that such costs as authorized by this section have been incurred, the commissioner of corrections and community supervision shall forward the proper vouchers to the state comptroller. It shall be the duty of the comptroller to examine such statement and to correct same by striking therefrom any and all items which are not authorized pursuant to the provisions of this section and after correcting such statement, the comptroller shall draw his or her warrant for the amount of any such costs in favor of the appropriate county treasurer, which sum shall be paid to said county treasurer out of any moneys appropriated therefor.

(c) The department shall, after consultation with the director of the budget, promulgate rules and regulations to carry out the provisions of this section.