

HOUSE BILL No. 2047

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-13.

Synopsis: Reimbursements by county jail inmates. Eliminates the 72 hour minimum stay before a prisoner is required to reimburse the county for the cost of detention. Increases the prisoner reimbursement fee from \$30 to \$50. Allows funds in the prisoner reimbursement fund to be used for the cost of care, maintenance, and housing of prisoners, including the costs of housing prisoners in the facilities of another county.

Effective: July 1, 2001.

Bischoff

January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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HOUSE BILL No. 2047



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-2-13-15 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) As used in this
- 3 section, "lawful detention" has the meaning set forth in IC 35-41-1-18.
- 4 (b) This section applies to a county only if the legislative body for
- 5 the county elects by ordinance to implement this section.
- 6 (c) A person who is:
- 7 (1) sentenced under this article for a felony or a misdemeanor;
- 8 (2) subject to lawful detention in a county jail; ~~for a period of~~
- 9 ~~more than seventy-two (72) hours;~~
- 10 (3) not a member of a family that makes less than 150% of the
- 11 federal income poverty level; and
- 12 (4) not detained as a child subject to the jurisdiction of a juvenile
- 13 court;
- 14 shall reimburse the county for the costs described in subsection (d).
- 15 (d) A person described in subsection (c) shall reimburse the county
- 16 for the sum of the following amounts:
- 17 (1) The lesser of:



1 (A) the per diem amount specified under subsection (e); or
 2 (B) **thirty fifty** dollars (~~\$30~~); **(\$50)**;
 3 multiplied by each day or part of a day that the person is lawfully
 4 detained in a county jail or lawfully detained under IC 35-33-11-3
 5 for more than six (6) hours.

6 (2) The direct cost of investigating whether the person is indigent.

7 (3) The cost of collecting the amount for which the person is
 8 liable under this section.

9 (e) The county fiscal body shall fix the per diem described in
 10 subsection (d)(1)(A) in an amount that is reasonably related to the
 11 average daily cost of housing a person in the county jail. If the county
 12 transfers the person to another county or the department of correction
 13 under IC 35-33-11-3, the per diem is equal to the per diem charged to
 14 the county under IC 35-33-11-5.

15 (f) The county sheriff shall collect the amounts due from a person
 16 under this section in conformity with the procedures specified in the
 17 ordinance adopted under subsection (b). If the county sheriff does not
 18 collect the amount due to the county, the county attorney may collect
 19 the amount due.

20 SECTION 2. IC 36-2-13-16 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. (a) If the county
 22 legislative body adopts an ordinance electing to implement section 15
 23 of this chapter, the county legislative body shall establish a
 24 nonreverting county prisoner reimbursement fund.

25 (b) All amounts collected under section 15 of this chapter must be
 26 deposited in the county prisoner reimbursement fund.

27 (c) Any amount earned from the investment of amounts in the fund
 28 becomes part of the fund.

29 (d) Notwithstanding any other law, upon appropriation by the
 30 county fiscal body, amounts in the fund may be used by the county only
 31 for:

32 **(1)** the operation, construction, repair, remodeling, enlarging, and
 33 equipment of:

34 ~~(1)~~ (A) a county jail; or

35 ~~(2)~~ (B) a juvenile detention center to be operated under
 36 IC 31-31-8 or IC 31-31-9; **or**

37 **(2) the costs of care, maintenance, and housing of prisoners,**
 38 **including the costs of housing prisoners in the facilities of**
 39 **another county.**

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