
ENGROSSED
HOUSE BILL No. 1230

DIGEST OF HB 1230 (Updated February 19, 1998 12:29 pm - DI 44)

Citations Affected: IC 35-50; IC 36-2.

Synopsis: Reimbursement by inmates to county jail. Allows a court to order persons who are sentenced for a felony or a misdemeanor to reimburse the county for the cost of housing the person in the county jail if the county adopts an ordinance that allows for the reimbursement. Requires a county that adopts a reimbursement ordinance to establish a nonreverting fund for the deposit of amounts collected from jail detainees to be used for the operation, construction, repair, remodeling, enlarging, and equipment of a county jail or juvenile detention center.

Effective: July 1, 1998.

Tincher, Behning, Richardson,
Mahern, Buell

(SENATE SPONSORS — LONG, MEEKS)

January 13, 1998, read first time and referred to Committee on Elections and Apportionment.

January 29, 1998, amended, reported — Do Pass.

February 2, 1998, read second time, amended, ordered engrossed.

February 3, 1998, engrossed. Read third time, passed. Yeas 97, nays 2.

SENATE ACTION

February 9, 1998, read first time and referred to Committee on Finance.

February 19, 1998, amended, reported favorably — Do Pass.

HEA 1230—Concur+



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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 1997 General Assembly.

HOUSE ENROLLED ACT No. 1230

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 35-50-5-4 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]: **Sec. 4. (a) This section applies only:**
4 (1) if the county in which a criminal proceeding was filed
5 adopts an ordinance under IC 36-2-13-15; and
6 (2) to a person who is sentenced under this article for a felony
7 or a misdemeanor.
8 (b) At the time the court imposes a sentence, the court may
9 order the person to execute a reimbursement plan as directed by
10 the court and make repayments under the plan to the county for
11 the costs described in IC 36-2-13-15.
12 (c) The court shall fix an amount under this section that:
13 (1) may not exceed an amount the person can or will be able
14 to pay;
15 (2) does not harm the person's ability to reasonably be
16 self-supporting or to reasonably support any dependent of the
17 person; and
18 (3) takes into consideration and gives priority to any other
19 restitution, reparation, repayment, costs, fine, or child
20 support obligations the person is required to pay.

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1 (d) When an order is issued under this section, the issuing court
 2 shall send a certified copy of the order to the clerk of the circuit
 3 court in the county where the felony or misdemeanor charge was
 4 filed. Upon receiving the order, the clerk shall enter and index the
 5 order in the circuit court judgment docket in the manner
 6 prescribed by IC 33-17-2-3.

7 (e) An order under this section is not discharged:

8 (1) by the completion of a sentence imposed for a felony or
 9 misdemeanor; or

10 (2) by the liquidation of a person's estate by a receiver under
 11 IC 34-1-12 and IC 34-2-7.

12 SECTION 2. IC 36-2-13-15 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 1998]: Sec. 15. (a) As used in this section, "lawful detention" has
 15 the meaning set forth in IC 35-41-1-18.

16 (b) This section applies to a county only if the legislative body
 17 for the county elects by ordinance to implement this section.

18 (c) A person who is:

19 (1) sentenced under this article for a felony or a
 20 misdemeanor;

21 (2) subject to lawful detention in a county jail for a period of
 22 more than seventy-two (72) hours;

23 (3) not a member of a family that makes less than 150% of the
 24 federal income poverty level; and

25 (4) not detained as a child subject to the jurisdiction of a
 26 juvenile court;

27 shall reimburse the county for the costs described in subsection (d).

28 (d) A person described in subsection (c) shall reimburse the
 29 county for the sum of the following amounts:

30 (1) The lesser of:

31 (A) the per diem amount specified under subsection (e); or

32 (B) thirty dollars (\$30);

33 multiplied by each day or part of a day that the person is
 34 lawfully detained in a county jail or lawfully detained under
 35 IC 35-33-11-3 for more than six (6) hours.

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

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

40 (e) The county fiscal body shall fix the per diem described in
 41 subsection (d)(1)(A) in an amount that is reasonably related to the
 42 average daily cost of housing a person in the county jail. If the

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1 county transfers the person to another county or the department
 2 of correction under IC 35-33-11-3, the per diem is equal to the per
 3 diem charged to the county under IC 35-33-11-5.

4 (f) The county sheriff shall collect the amounts due from a
 5 person under this section in conformity with the procedures
 6 specified in the ordinance adopted under subsection (b). If the
 7 county sheriff does not collect the amount due to the county, the
 8 county attorney may collect the amount due.

9 SECTION 3. IC 36-2-13-16 IS ADDED TO THE INDIANA CODE
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 1998]: Sec. 16. (a) If the county legislative body adopts an
 12 ordinance electing to implement section 15 of this chapter, the
 13 county legislative body shall establish a nonreverting county
 14 prisoner reimbursement fund.

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

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

19 (d) Notwithstanding any other law, upon appropriation by the
 20 county fiscal body, amounts in the fund may be used by the county
 21 only for the operation, construction, repair, remodeling, enlarging,
 22 and equipment of:

23 (1) a county jail; or

24 (2) a juvenile detention center to be operated under
 25 IC 31-31-8 or IC 31-31-9.

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