

## SENATE BILL No. 93

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-50-5-4; IC 36-2-13-15; IC 36-2-13-16.

**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.

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January 8, 1998, read first time and referred to Committee on Finance.

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Second Regular Session 110th General Assembly (1998)

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.

## SENATE BILL No. 93

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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 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**  
7           **felony 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**  
17           **the person; and**



- 1           (3) takes into consideration and gives priority to any other  
2           restitution, reparation, repayment, costs, or fine the person  
3           is required to pay.
- 4           (d) When an order is issued under this section, the issuing  
5           court shall send a certified copy of the order to the clerk of the  
6           circuit court in the county where the felony or misdemeanor  
7           charge was filed. Upon receiving the order, the clerk shall enter  
8           and index the order in the circuit court judgment docket in the  
9           manner prescribed by IC 33-17-2-3.
- 10          (e) An order under this section is not discharged:
- 11           (1) by the completion of a sentence imposed for a felony or  
12           misdemeanor; or
- 13           (2) by the liquidation of a person's estate by a receiver under  
14           IC 34-1-12 and IC 34-2-7.
- 15          SECTION 2. IC 36-2-13-15 IS ADDED TO THE INDIANA  
16          CODE AS A NEW SECTION TO READ AS FOLLOWS  
17          [EFFECTIVE JULY 1, 1998]: Sec. 15. (a) As used in this section,  
18          "lawful detention" has the meaning set forth in IC 35-41-1-18.
- 19          (b) This section applies to a county only if the legislative body  
20          for the county elects by ordinance to implement this section.
- 21          (c) A person who is:
- 22           (1) sentenced under this article for a felony or a  
23           misdemeanor;
- 24           (2) subject to lawful detention in a county jail for a period of  
25           more than seventy-two (72) hours;
- 26           (3) not indigent; and
- 27           (4) not detained as a child subject to the jurisdiction of a  
28           juvenile court;
- 29          shall reimburse the county for the costs described in subsection (d).
- 30          (d) A person described in subsection (c) shall reimburse the  
31          county for the sum of the following amounts:
- 32           (1) The lesser of:
- 33                (A) the per diem amount specified under subsection (e);
- 34                or
- 35                (B) thirty dollars (\$30);
- 36           multiplied by each day or part of a day that the person is  
37           lawfully detained in a county jail or lawfully detained under  
38           IC 35-33-11-3 for more than six (6) hours.
- 39           (2) The direct cost of investigating whether the person is  
40           indigent.
- 41           (3) The cost of collecting the amount for which the person is  
42           liable under this section.



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

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

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

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

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

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

26                   (1) a county jail; or

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

