ORDINANCE NO. 2026-0803G

AN ORDINANCE PROVIDING FOR PRISONER REIMBURSEMENT OF THE COST OF INCARCERATION

WHEREAS, I.C. 36-2-13-15 permits a county to be reimbursed by certain persons for certain costs of incarceration if the county legislative body has so elected by ordinance to implement I.C. 36-2-13-15;

WHEREAS, I.C. 35-50-5-4 permits a court to order certain persons convicted of a felony or misdemeanor to execute a reimbursement plan and make repayments to the county for the costs described in I.C. 36-2-13-15;

WHEREAS, the county fiscal body shall set the per diem at the amount that is reasonably related to the average daily cost of housing a person in the county jail;

WHEREAS, the County previously passed Ordinance No. 2020-0224 setting rates, and such rates have since been increased by statute;

WHEREAS, the county legislative body has, as prescribed in I.C. 36-2-13-16, established a nonreverting county prisoner reimbursement fund and all amounts collected under I.C. 36-2-13-15 are deposited therein with appropriations from such fund used only for the operation, construction, repair, remodeling, enlarging, and equipment of the county jail; and

WHEREAS, increasing the prisoner reimbursement rate will benefit the taxpayers of Warren County, Indiana.

NOW, THEREFORE, BE IT ORDAINED by the Warren County Board of Commissioners and the Warren County Council that Ordinance No. 2020-0224, codified as Chapter 42.01 in the Warren County Code, providing for Prisoner Reimbursement of the Cost of Incarceration is amended and restated as follows:

§ 42.01 REIMBURSEMENT OF THE COST OF INCARCERATION

(A) The County Council hereby fixes a per diem rate of Forty-two Dollars ($42.00).

(B) The amount of the reimbursement shall be as prescribed in IC 36-2-13-15(d) or as set by court in IC 35-50-5-4 (c).

(C) If a court does not fix a reimbursement amount pursuant to IC 35-50-5-4(c), the County Sheriff shall determine whether reimbursement is required under IC 36-2- 13-15 because the person is not a member of a family that makes less than 150% of the federal poverty level guidelines, is detained for more than seventy-two (72) hours and is not detained as a child subject to the jurisdiction of a juvenile court.

(D) The County Sheriff shall collect the amounts due; if the County Sheriff does not

collect the amount due to the County, the County Attorney may collect the amount due.

(E) The Warren County Prisoner Reimbursement Fund is established as prescribed in IC 36-2-13-16.

Adopted by the Warren County Board of Commissioners and the Warren County Council this 3rd day of August, 2026.

Board of Commissioners
Warren County, Indiana

Warren County Council

ATTEST:

Robin Weston-Hubner, Auditor