

COUNTY COMMISSIONERS  
ORDINANCE NO. 98-06

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF  
WARREN COUNTY PROVIDING FOR PRISONER  
REIMBURSEMENT OF INCARCERATION COSTS

WHEREAS, IC §§ 36-2-13-15, 36-2-13-16 and 35-50-5-4 (collectively, the "Act") permit counties in the State of Indiana to require certain county prisoners to reimburse the county for certain costs incurred by the county during their incarceration;

WHEREAS, by placing limitations on the persons mandated to pay such reimbursements, the Act only requires reimbursement from prisoners with the means to pay such amounts; and

WHEREAS, the implementation of a prisoner reimbursement program pursuant to the Act will benefit the taxpayers of Warren County, Indiana (the "County"); and

WHEREAS, the Board of Commissioners of the County (the "Board") wishes to provide for the implementation of a prisoner reimbursement program pursuant to the Act.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WARREN COUNTY AS FOLLOWS:

Section 1. Pursuant to IC § 36-2-13-15, the Board hereby elects to implement the provisions of the Act, effective September 21, 1998.

Section 2. Pursuant to IC §§ 35-50-5-4 and 36-2-13-15, a court may order persons meeting the qualifications set forth in the Act, to execute a reimbursement plan as directed by the court and make repayments under the plan to the County for the costs permitted by the Act.

Section 3. The County Council of the County shall fix a per diem payable by the prisoners which is reasonably related to the average daily cost of housing a prisoner in the County's facilities. Pursuant to the Act, the amount of reimbursement shall be the sum of (i) the lesser of such per diem determined by the Council or \$30 per day multiplied by each day or part of that such person is lawfully detained for more than six hours, (ii) the direct cost of investigating whether the person is indigent, and (iii) the cost of collecting the amount for which the person is liable.

Section 4. The Board of Commissioners hereby directs the Sheriff of Warren County to collect and account for the prisoner reimbursement payments pursuant to the Act. If the Sheriff fails to collect such amounts, the County Attorney is authorized to begin legal proceedings or take other actions to collect such amounts. The Board of Commissioners will consider the Sheriff's recommendation with respect to an agreement or arrangement with a collection agency or similar entity to assist in said collection.

Section 5. The Board of Commissioners hereby establish a separate, non-reverting fund for the placement of the funds collected pursuant to the Act, to be designated as the "Warren County Prisoner Reimbursement Fund." Such fund may be used for any purposes now or in the future permitted by law, which purposes currently include the operation, construction, repair, remodeling, enlarging, and equipment of a county jail or a juvenile detention center.

Section 6. This Ordinance shall be in full force and effect upon its adoption.

Adopted by the Board of Commissioners of Warren County, Indiana, this 21 day of September, 1998.

**BOARD OF COMMISSIONERS,  
WARREN COUNTY, INDIANA**

Randall H. Brenner

Donald W. Andrews

James E. Lankam

Attest:

Jacqueline Brier