

**ORDINANCE NO. 2020-0224 <sup>B</sup>**

**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 cost of housing a person in the county jail has risen since the initial adoption of a county prisoner reimbursement rate;

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. 2009-07 providing for Prisoner Reimbursement of the Cost of Incarceration is amended and restated as follows:

(A) The County Council hereby fixes a per diem rate of thirty-seven and 50/100 dollars (\$37.50).

(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 24<sup>th</sup> day of February, 2020.

Board of Commissioners  
Warren County, Indiana

W. B. [Signature]  
Allen [Signature]  
[Signature]

Warren County Council

Laurie J. Kay  
Ethan Z. Fultz  
[Signature]  
John [Signature]  
Ned Ellis  
Sharon Hutchinson  
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ATTEST:

Robin Weston-Hubner  
Robin Weston-Hubner, Auditor