

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF CASS COUNTY
AMENDING ORDINANCE 98-10, 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") permits counties in the State of Indiana to require certain county prisoners to reimburse the county for certain costs incurred by the county during the 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 Cass 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 CASS COUNTY FOLLOWS:

Section 1. Pursuant to § 36-2-13-15, the Board hereby elects to implement the provisions of the Act, effective August 1, 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 cost permitted by the Act. The Board of Commissioners requests that the Court consider ordering such reimbursement for inmates serving the executed portion of a sentence on weekends or holidays.

Section 3. The County Commissioners 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 Commissioners or \$30.00 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 investigation 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 Cass County to collect and account for the prisoner reimbursement payments pursuant to the Act. If the Sheriff fails to collect such amount, 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 funds collected pursuant to the Act, shall be deposited into the Cass County Prisoner Reimbursement Fund 2516. 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 or a county jail or juvenile detention center.


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

Adopted by the Board of Commissioners of Cass County, Indiana this 6th day of May, 2024.

CASS COUNTY BOARD OF
COMMISSIONERS:



Ruth Baker, President



Michael W. Stajduhar, Vice President



Mike Deitrich

Attest:



Cheryl Alcorn, Auditor