

**An Ordinance of FLOYD County, Indiana
Providing for Prisoner Reimbursement of
the cost of incarceration**

ORDINANCE NO. IX

WHEREAS, IC 36-2-13-15 permits a county in the State of Indiana to require certain county prisoners to reimburse the county for certain costs incurred by the county during their incarceration if the County Legislative Body has so elected to do so by ordinance; and

WHEREAS, IC 35-50-5-4 permits a court to order certain persons convicted of a felony or misdemeanor to execute a reimbursement plan to make repayments to the county for the costs described in IC36-2-13-15, in the amount set by the court; and

WHEREAS, the implementation of a prisoner reimbursement program pursuant to the statute(s) will benefit the taxpayers of FLOYD County, Indiana; and

WHEREAS, the FLOYD County Board of Commissioners and FLOYD County Council wishes to provide for the implementation of a prisoner reimbursement program pursuant to the statute(s).

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

Section 1. Pursuant to IC 36-2-13-15, the county elects to implement the provisions of the statute, effective JANUARY 1, 2010.

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

Section 3. The County Council hereby fixes a daily per diem amount, payable by the prisoners of \$35.00.

Section 4. The Board of Commissioners hereby directs the Sheriff of FLOYD County to collect and account for the prisoner reimbursement payments pursuant to the statute. If the Sheriff fails to collect such amounts, the County Attorney is authorized to begin legal proceedings or take other action to collect such amounts.

Section 5. The Board of Commissioners, and County Council hereby establish a separate, non-reverting fund for the placement of the funds collected pursuant to the ordinance, to be designated as the "FLOYD County Prisoner Reimbursement Fund" as established in IC36-2-13-16. Such fund

may be used for any purposes now or in the future permitted by law, which purposes include the operation, remodeling, maintenance, repair, enlarging, or equipment of or for the FLOYD County Jail. Money from the fund cannot be used to augment the salaries of the Sheriff or other jail personnel.

ADOPTED BY THE FLOYD COUNTY BOARD OF COMMISSIONERS
AND FLOYD COUNTY COUNCIL.

Board of Commissioners
FLOYD County, Indiana

Dated 9/1/09

[Signature]

Charles G. Freiberger

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FLOYD County Council

Dated 9/8/09

John J. Schell

Carol Shupe

[Signature]

Ed Heaven

Randy J. McArthur

[Signature]

ATTEST: Dated 9/8/09

Teresa A. Plaiss Auditor