

**COMMONWEALTH OF KENTUCKY**  
**COUNTY OF TRIMBLE**  
**ORDINANCE NO. 220.22**  
**AN ORDINANCE RELATING TO:**  
**REQUIRING PRISONERS IN COUNTY JAIL TO REIMBURSE**  
**TRIMBLE COUNTY FOR EXPENSES INCURRED BY REASON OF THE**  
**PRISONER'S CONFINEMENT INCLUDING PER DIEM AND MEDICAL**  
**EXPENSES**

WHEREAS, a bill was enacted by the General Assembly during the year 2000 session (Chapter 537 of the Kentucky Acts 2000, SB 332) which bill became a new section of KRS Chapter 441, and

WHEREAS, said bill authorizes jailers with the approval of county governments to adopt a policy whereby prisoners will reimburse the county fees and expenses incurred in their incarceration, and

WHEREAS, Trimble County does not have the present capability of operating a jail in Trimble County and must therefore pay other counties to house Trimble County prisoners, and

WHEREAS, the cost of housing those prisoners and paying their medical bills has an adverse impact on the ability of the Trimble County Fiscal Court to provide for the other needs of the citizens of Trimble County,

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE FISCAL COURT OF TRIMBLE COUNTY, COMMONWEALTH OF KENTUCKY, in accordance with Chapter 537 of the Kentucky Acts (SB 332) attached hereto and in accordance with the policy of the Trimble County Jailer, attached hereto:

The Trimble County Fiscal Court adopts the written policy of the Trimble County Jailer with respect the reimbursement of fees and expenses, including medical expenses, incurred in the housing of Trimble County prisoners. Specifically the Trimble County Fiscal Court adopts the following policy as a part of this ordinance:

- (1) All prisoners sentenced in the Trimble County District Court or the Trimble County Circuit Court and for whom Trimble County bears the responsibility of the cost of their incarceration, shall pay the following fees, costs and expenses:
  - (a) Any administration or booking fee required by the jail housing said prisoner;

- (b) A per diem for room and board of not more than fifty dollars (\$50.00) per day or the actual per diem cost to Trimble County, whichever is less, for each day the prisoner is confined in jail;
  - (c) Actual costs for medical and dental treatment;
  - (d) Reimbursement for county property damaged or any injury caused by the prisoner while confined or while being transported to or from jail, this to include damage to the property in any jail where Trimble County prisoners are housed and for which Trimble County is assessed costs by the host jail.
- (2) The rates charged may be adjusted in accordance with the fee and expense policy based on the ability of the prisoner to pay with consideration given to any legal obligation of the prisoner to support a spouse, minor children or other dependents. The prisoner's interest in any jointly owned property and the income, assets, earnings, or other property owned by the prisoner's spouse or family shall not be used to determine the prisoner's ability to pay.
- (3) The jailer, or anyone designated by the jailer, may bill and attempt to collect any amount owed under this Ordinance and the policy of the Trimble County Jailer. Within twelve (12) months after the prisoner's release from confinement, the county attorney, jailer, or anyone designated by the jailer, may file a civil action to see reimbursement from any prisoner for any amount which remains unpaid.
- (4) All fees received under this Ordinance shall be forwarded immediately to the Trimble County Treasurer for deposit to the Jail Fund of Trimble County.
- (5) No prisoner shall be denied proper medical treatment or service due to his or her inability to pay for such service at the time it is rendered. However, this section shall not prevent the jailer, anyone designated by the jailer, or the county attorney, from taking all legal actions available to seek reimbursement of the costs of such medical treatment after release of the prisoner.
- (6) Payment of all fees, including but not necessarily limited to per diem for room and board and the costs of medical treatment and services, shall be automatically deducted from the prisoner's property or canteen account. If the prisoner has no funds in his or her canteen account, a deduction shall be made creating a negative

balance in such account and as funds become available, or if the prisoner re-enters the jail at a later date, the fees may be deducted from the prisoner's property or canteen account at that time.

- (7) Prior to release the jailer or his designee may work with the confined prisoner to create a plan of reimbursement to be implemented upon the prisoner's release. At the time of release, the prisoner shall be presented with a billing statement produced by the jailer or his designee.
- (8) No per diem may be charged to any prisoner who is required to pay a work release fee pursuant to KRS 439.179 or to a prisoner who has been ordered to pay a reimbursement fee by the court pursuant to KRS 534.045 or for whom the Kentucky Department of Corrections is financially responsible for housing.
- (9) No medical reimbursement may be charged to any prisoner for whom the Kentucky Department of Corrections is financially responsible for housing.

This matter having come on for a first reading before the Trimble County Fiscal Court at a regular meeting of the Fiscal Court held on August 21, 2000, and the same was approved as the first reading by vote of the Fiscal Court. This matter having come on for a hearing and second reading before the Trimble County Fiscal Court at a regular meeting of the Fiscal Court held on November 20, 2000, and a motion having been made by Michael Dunaway and seconded by Stephen Stark and following discussion the same was approved as the second reading by vote of the Fiscal Court and the same is hereby adopted by the Trimble County Fiscal Court

Approved as to form and content by Trimble County Attorney:

  
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Perry R. Arnold, Trimble County Attorney

After second reading on November 20, 2000 the foregoing Ordinance was approved to be published and on the same occasion was signed in open Court by the County Judge/Executive, Honorable Ray Clem as evidence of his approval, attested under the seal of the Trimble County Fiscal Court Clerk.

Ray Clem  
Ray Clem, Trimble County Judge/Executive

Attest: Susan Barnes  
Trimble County Fiscal Court Clerk

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COUNTY: TRIMBLE COUNTY  
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