

534.045 Assessment of reimbursement fee against jail prisoners -- Collection -- Fee determination -- Relevant evidence -- Modification.

- (1) Pursuant to a conviction of a misdemeanor, including traffic offenses, where a person is sentenced to incarceration in the county jail, the District Court may assess a reimbursement fee to help defray the expenses of the prisoner's room and board. The reimbursement fee shall not exceed twenty-five percent (25%) of the prisoner's gross daily wages or forty dollars (\$40) per day, whichever is less. All moneys shall be paid directly to the jailer.
- (2) In determining whether a reimbursement fee as described in subsection (1) of this section is to be assessed, and in establishing the amount of the fee, the court shall consider evidence relevant to the prisoner's ability to pay the fee but shall not consider as evidence the following:
 - (a) Joint ownership, if any, that the prisoner may have in real property;
 - (b) Joint ownership, if any, that the prisoner may have in any assets, earnings, or other sources of income; and
 - (c) The income, assets, earnings, or other property, both real and personal, that might be owned by the prisoner's spouse or family.
- (3) After considering all relevant evidence to the issue of the prisoner's ability to pay, the court shall enter as part of its judgment the amount of the reimbursement fee, if any, that shall be paid by the prisoner during his period of incarceration in the county jail. The fee shall bear a reasonable relationship to the person's income. Upon petition by the prisoner affected by the order, the amount may be modified to reflect any changes in the financial status of the prisoner. In any appeal that might be taken from the conviction, the amount of the reimbursement fee may be challenged.
- (4) If the person sentenced to jail is released in accordance with the provisions of KRS 439.179 and is subject to the provisions of KRS 439.179(4), the payment of the reimbursement fee shall be suspended so long as the person is gainfully employed.
- (5) When imposing any payment authorized by this section, the court shall order the defendant to make the payment to the named officer, person, or organization. The court shall not order any payment authorized by this section to be made through the circuit clerk.

Effective: August 1, 2002

History: Amended 2002 Ky. Acts ch. 183, sec. 39, effective August 1, 2002. -- Amended 1992 Ky. Acts ch. 334, sec. 1, effective July 14, 1992; and ch. 368, sec. 2, effective July 14, 1992. - Created 1982 Ky. Acts ch. 385, sec. 48, effective July 1, 1982.

Legislative Research Commission Note (7/14/92). This section was amended by 1992 Acts chs. 334 and 368 which are in conflict. Pursuant to KRS 446.250, Act ch. 368 which was last enacted by the General Assembly prevails.