

1 AN ACT relating to county jails.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 441.265 is amended to read as follows:

4 (1) (a) A prisoner in a county jail shall be required, from the prisoner's booking
5 date,~~[by the sentencing court]~~ to reimburse the county for expenses incurred
6 by reason of the prisoner's confinement as set out in this section, except for
7 good cause shown.

8 (b) If the prisoner is not convicted of any charges brought as a result of the
9 prisoner's arrest, the county jail shall clear the prisoner of any outstanding
10 expenses incurred by reason of the prisoner's confinement as set out in this
11 section and reimburse the prisoner for any expenses already paid to the
12 county jail, except for:

13 1. Any amount owed to the jail due to a prisoner's prior confinement in
14 the jail; and

15 2. Expenses pursuant to subsection (2)(a)(4) of this section.

16 (2) (a) The jailer may adopt, with the approval of the county's governing body, a
17 prisoner fee and expense reimbursement policy, which may include~~[,]~~ but not
18 be limited to~~[,]~~ the following:

19 1. An administrative processing or booking fee;

20 2. A per diem for room and board of not more than fifty dollars (\$50) per
21 day or the actual per diem cost, whichever is less, for the entire period of
22 time the prisoner is confined to the jail, with the maximum per diem
23 adjusted annually by the department for any increase or decrease in
24 the nonseasonally adjusted annual average Consumer Price Index for
25 All Urban Consumers (CPI-U), U.S. City Average, All Items, between
26 the two (2) most recent calendar years available, as published by the
27 United States Bureau of Labor Statistics, not later than the second

1 *Friday in February each year;*

2 3. Actual charges for medical and dental treatment; and

3 4. Reimbursement for county property damaged or any injury caused by the
4 prisoner while confined to the jail.

5 (b) Rates charged may be adjusted in accordance with the fee and expense
6 reimbursement policy based upon the ability of the prisoner confined to the
7 jail to pay, giving consideration to any legal obligation of the prisoner to
8 support a spouse, minor children, or other dependents. The prisoner's interest
9 in any jointly owned property and the income, assets, earnings, or other
10 property owned by the prisoner's spouse or family shall not be used to
11 determine a prisoner's ability to pay.

12 (3) The jailer or *the jailer's*~~[his]~~ designee may bill and attempt to collect any amount
13 owed which remains unpaid. The governing body of the county may, upon the
14 advice of the jailer, contract with one (1) or more public agencies or private vendors
15 to perform this billing and collection. Within twelve (12) months after the date of
16 the prisoner's release from confinement, the county attorney, jailer, or the jailer's
17 designee~~[,]~~ may file a civil action to seek reimbursement from that prisoner for any
18 amount owed which remains unpaid.

19 (4) Any fees or reimbursement received under this section shall be forwarded to the
20 county treasurer for placement in the jail's budget.

21 (5) The governing body of the county may require a prisoner who is confined in the
22 county jail to pay a reasonable fee, not exceeding actual cost, for any medical
23 treatment or service received by the prisoner. However, no prisoner confined in the
24 jail shall be denied any necessary medical care because of inability to pay.

25 (6) Payment of any required fees may be automatically deducted from the prisoner's
26 property or canteen account. If the prisoner has no funds in his account, a deduction
27 may be made creating a negative balance. If funds become available or if the

1 prisoner reenters the jail at a later date, the fees may be deducted from the prisoner's
2 property or canteen account as follows:~~[-]~~

3 (a) Up to one hundred percent (100%) of the initial deposit in the prisoner's
4 canteen account may be automatically deducted for:

5 1. Any amount owed to the jail due to a prisoner's prior confinement in
6 the jail; and

7 2. Expenses pursuant to subsection 2(a)(4) of this section.

8 (b) Up to fifty percent (50%) of subsequent deposits to the prisoner's canteen
9 account for all other expenses incurred by reason of the prisoner's
10 confinement as set out in the this section.

11 (7) Prior to the prisoner's release, the jailer or the jailer's~~[his]~~ designee may work with
12 the confined prisoner to create a reimbursement plan to be implemented upon the
13 prisoner's release. At the end of the prisoner's incarceration, the prisoner shall be
14 presented with a billing statement produced by the jailer or designee. After the
15 prisoner's release, the jailer or the jailer's~~[his]~~ designee may, after negotiation with
16 the prisoner, release the prisoner from all or part of the prisoner's repayment
17 obligation if the jailer believes that the prisoner will be unable to pay the full
18 amount due.

19 (8) No per diem shall be charged to any prisoner who is required to pay a work release
20 fee pursuant to KRS 439.179, a prisoner that has been ordered to pay a
21 reimbursement fee by the court pursuant to KRS 534.045, or that the Department of
22 Corrections is financially responsible for housing.

23 (9) No medical reimbursement, except that provided for in KRS 441.045, shall be
24 charged to any prisoner that the Department of Corrections is financially
25 responsible for housing.