

ORDINANCE 2005-**II**

WHEREAS, Indiana Code 36-2-13-15 authorizes a sentencing Court to order a Criminal Defendant under certain circumstances to reimburse a County for the costs of the Defendant's incarceration; and

WHEREAS, it is unfair that law abiding taxpayers should pay such costs when a mechanism exists by which such costs can be paid by a Criminal Defendant following conviction; and

WHEREAS, the County desires to reduce the financial burden to law abiding taxpayers of the costs to confine criminals and hereby elects to implement the provisions of Indiana Code 36-2-13-15.

NOW, THEREFORE, BE IT HEREBY ORDAINED that:

A. A person who is:

- (1) sentenced for a felony or a misdemeanor;
- (2) subject to lawful detention in a county jail for a period of more than 72 hours;
- (3) not a member of a family that makes less than 150% of the federal income poverty level; and
- (4) not detained as a child subject to the jurisdiction of a juvenile court;

may be ordered to reimburse the county for the costs described in Subsection B.

B. A person described in Subsection A., if ordered, shall reimburse the county for the sum of the following amounts:

- (1) The lesser of:
 - (A) the per diem amount specified under subsection C.; or
 - (B) thirty dollars (\$ 30);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under Indiana Code 35-33-11-3 for more than six (6) hours.

- (2) The direct cost of investigating whether the person is indigent.
- (3) The cost of collecting the amount for which the person is liable under this Ordinance.

C. The county fiscal body shall fix the per diem described in Subsection B(1)(A) an amount that is reasonably related to the average daily cost of housing a person in the county jail.

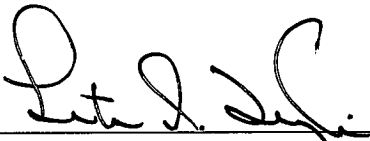
For purposes of this Ordinance, such per diem fee has been fixed at \$30.00.

- D. If the county transfers the person to another county or the department of correction under Indiana Code 35-33-11-3, the per diem is equal to the per diem charged to the county under Indiana Code 35-33-11-5.
- E. The county sheriff, if s/he shall believe that such sums are capable of being collected, shall collect the amounts due from a person under this Ordinance through any lawful means including but not limited to the filing of civil action.

If the county sheriff does not collect the amount due to the county, the county attorney may collect the amount due.

- F. This Ordinance shall be effective immediately upon its passage, approval and publication, as may be required by applicable law.

PASSED BY THE COMMISSIONERS OF WABASH COUNTY, INDIANA, this 2 day of May, 2005.



Wabash County Commissioner



Wabash County Commissioner



Wabash County Commissioner

ATTEST:



Wabash County Auditor

PROOF OF PUBLICATION

State of Indiana, Wabash County, SS:

Timothy J. McLaughlin, Managing Editor

Being duly sworn upon his oath, says that the advertisement, a copy of which is hereto annexed, was published in:

THE NORTH MANCHESTER NEWS-JOURNAL

A Independent newspaper of general circulation published in the town of North Manchester, county and state aforesaid, for 1 weeks successively, the first of which was on

on May 11, 2005
the second on _____, 2005
the third on _____, 2005

Tim McLaughlin, Publisher

Subscribed and sworn to me this 11 day of May, 2005

\$ 45.84
Printer's Fee

Michael J. McLaughlin, Notary Public

My commission expires 6-1-12

PUBLIC NOTICE

GENERAL ORDINANCE NO. 2005-II

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 - (4) not detained as a child subject to the jurisdiction of a juvenile court;
 may be ordered to reimburse the county for the costs described in Subsection B.
- B. A person described in Subsection A, if ordered, shall reimburse the county for the sum of the following amounts:
 - (1) The lesser of:
 - (A) the per diem amount specified under subsection C; or
 - (B) thirty dollars (\$30);
 multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under Indiana Code 35-33-1-3 for more than six (6) hours.
 - (2) The direct cost of investigating whether the person is indigent.
 - (3) The cost of collecting the amount for which the person is liable under this Ordinance.

