

1 AN ACT relating to jail fees.

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) **Upon conviction**, a prisoner in a county jail shall be required by the sentencing
5 court to reimburse the county for expenses incurred by reason of the prisoner's
6 confinement as set out in this section, except for good cause shown.

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

- 10 1. An administrative processing or booking fee;
- 11 2. A per diem for room and board of not more than fifty dollars (\$50) per
12 day or the actual per diem cost, whichever is less, for the entire period of
13 time the prisoner is confined to the jail;
- 14 3. Actual charges for medical and dental treatment; and
- 15 4. Reimbursement for county property damaged or any injury caused by the
16 prisoner while confined to the jail.

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

24 (3) The jailer or **the jailer's** ~~[his]~~ designee may bill and attempt to collect any amount
25 owed which remains unpaid **if the prisoner's charges result in a conviction**. The
26 governing body of the county may, upon the advice of the jailer, contract with one
27 (1) or more public agencies or private vendors to perform this billing and collection.

1 Within twelve (12) months after the date of the prisoner's release from confinement,
2 the county attorney, jailer, or the jailer's designee, may file a civil action to seek
3 reimbursement from that prisoner for any amount owed which remains unpaid.

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

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

10 (6) (a) Payment of any required fees may be automatically deducted from the
11 prisoner's property or canteen account. If the prisoner has no funds in his or
12 her account, a deduction may be made creating a negative balance. If funds
13 become available or if the prisoner reenters the jail at a later date, the fees may
14 be deducted from the prisoner's property or canteen account.

15 **(b) Any fees collected pursuant to paragraph (a) of this subsection shall be**
16 **returned to the prisoner if the charges against the prisoner do not result in a**
17 **conviction.**

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

26 (8) No per diem shall be charged to any prisoner who is required to pay a work release
27 fee pursuant to KRS 439.179, a prisoner that has been ordered to pay a

1 reimbursement fee by the court pursuant to KRS 534.045, or that the Department of
2 Corrections is financially responsible for housing.

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