

IN THE SENATE

SENATE BILL NO. 1036

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO COUNTY JAILS; AMENDING SECTION 20-607, IDAHO CODE, TO ESTABLISH
ADDITIONAL PROVISIONS RELATING TO PRISONER REIMBURSEMENT TO THE COUNTY
AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 20-607, Idaho Code, be, and the same is hereby
amended to read as follows:

20-607. PRISONER REIMBURSEMENT TO THE COUNTY. (1) The county sheriff
shall seek reimbursement for any expenses incurred by the county in relation
to the charge or charges for which a person was sentenced to a county jail as
follows:

(a) From each person who is or was a prisoner, not more than twenty-five
dollars (\$25.00) per day for the expenses of maintaining that prisoner
up to a maximum of five hundred dollars (\$500), whichever is less, for
the entire period of time the person was confined in the county jail, in-
cluding any period of pretrial detention;

(b) Any other expenses incurred by the county in order to collect pay-
ments under this section;

(c) In pursuing reimbursement under this section the county may inves-
tigate the financial status of the person;

(d) The county where the person was sentenced shall charge the person
a daily maintenance cost according to paragraph (a) of this subsection
and shall seek reimbursement once the debt has been incurred.

(2) Before seeking any reimbursement under this section, the sheriff
shall develop a form to be used for determining the financial status of pris-
oners. The form shall provide for obtaining the age and marital status of
the prisoner, the number and ages of children of the prisoner, the number
and ages of other dependents, type and value of real estate, type and value
of real and personal property, type and value of investments, cash, bank ac-
counts, pensions, annuities, salary, wages and any other personal property
of significant cash value. The county shall use the form when investigating
the financial status of a prisoner and when seeking reimbursement.

(3) (a) A prisoner in a county jail shall provide accurate information
and cooperate with the county sheriff for purposes of satisfying sub-
section (2) of this section.

(b) A prisoner who willfully refuses to provide accurate information
or cooperate as provided in paragraph (a) of this subsection shall not
receive a reduction in his or her term under section 20-621, Idaho Code.

(4) At the request of the board of county commissioners, the sheriff of
the county shall forward to the board a list containing the name of each sen-
tenced prisoner, term of sentence and date of admission.

1 (5) (a) Within one (1) year of the release of a person as a sentenced
2 prisoner from any county jail, a representative for that county may
3 file a civil action in the magistrate's division pursuant to the pro-
4 visions of chapter 23, title 1, Idaho Code, to seek reimbursement from
5 that person for the cost of incarceration. A civil action may be filed
6 only after determining from the financial status form, as required in
7 subsection (2) of this section, that sufficient assets are available to
8 justify further recovery efforts and that further action to collect the
9 daily expense for maintaining the sentenced person by the county will
10 not cause the sentenced person or his dependents to qualify for public
11 assistance.

12 (b) A civil action brought under this section shall be instituted in the
13 name of the county in which the jail is located and shall state the dates
14 and places of sentence, the length of time set forth in the sentence,
15 the length of time actually served, and the amount or amounts due to the
16 county pursuant to this section.

17 (c) Before entering any order on behalf of the county against the de-
18 fendant, the court shall take into consideration any legal obligation
19 of the defendant to support a spouse, minor children, other dependents
20 or provide victim restitution and any moral obligation to support de-
21 pendents to whom the defendant is providing or has in fact provided sup-
22 port.

23 (6) The reimbursements secured under this section shall be credited to
24 the justice fund or current expense fund of the county to be available for
25 jail maintenance and operation purposes.

26 (7) Any judgment obtained against a person under this section may be
27 served against such person's commissary account in any jail in the state of
28 Idaho.