

TITLE 20
STATE PRISON AND COUNTY JAILS

CHAPTER 6
COUNTY JAILS

20-601. COUNTY JAILS -- BY WHOM KEPT AND FOR WHAT USE. The common jails in the several counties of this state are kept by the sheriffs of the counties in which they are respectively situated, and are used as follows:

1. For the detention of persons committed in order to secure their attendance as witnesses in criminal cases.

2. For the detention of persons charged with crime and committed for trial.

3. For the confinement of persons committed for contempt, or upon civil process, or by other authority of law.

4. For the confinement of persons sentenced to imprisonment therein upon a conviction for crime.

5. Any person who is arrested and taken to a county jail shall submit to the entire booking process, to include, but not be limited to, having his or her photograph taken and his or her fingerprints recorded. Any person who refuses to submit to the entire booking process will be held in the county jail until the process is completed, or until ordered to be released by a magistrate or district judge. A person held under this section shall be taken before a magistrate at the next scheduled first appearance time, but shall not be released until either the entire booking process is completed or the judge orders the release.

[(20-601) 1863, p. 475, sec. 17; R.S., R.C., & C.L., sec. 8525; C.S., sec. 9415; I.C.A., sec. 20-601; am. 1999, ch. 301, sec. 1, p. 753.]

20-602. SEPARATE ROOMS REQUIRED. (1) Each county jail shall house male and female prisoners separately.

(2) Each county jail shall house separately all juveniles processed as adults under Idaho Code.

(3) Each county jail shall develop an objective inmate classification system which addresses the safety of all prisoners and the security of the facility. The classification system shall be documented through the Idaho sheriffs' association jail inspection program using the minimum standards for detention facilities.

[(20-602) 1863, p. 475, secs. 19, 20; R.S., R.C., & C.L., sec. 8526; C.S., sec. 9416; I.C.A., sec. 20-602; am. 1993, ch. 213, sec. 1, p. 579.]

20-603. AUTHORITY TO DESIGNATE DETENTION OFFICERS TO ACT AS PEACE OFFICERS. All detention officers employed by the county sheriff who receive peace officer certification from the Idaho peace officer standards and training council shall have the authority given by statute to peace officers of the state of Idaho. The county sheriff shall have the authority to designate detention officers to act as peace officers when engaged in:

(1) Transportation of prisoners or apprehension and arrest of prisoners who have escaped; or

(2) Apprehension and arrest of persons who are suspected of having violated the terms and conditions of their probation; or

(3) Arrest of a person pursuant to court order or arrest warrant; or

(4) Arrest of a person without a warrant in cases where there is probable cause to believe the person has committed a crime within the confines of a county jail.

[20-603, added 2000, ch. 145, sec. 1, p. 374; am. 2013, ch. 146, sec. 1, p. 342.]

20-604. CONFINEMENT -- ORDER OF THE COURT. Any district judge or magistrate may order a person confined or detained, upon any grounds provided by law, in any county or municipal jail or other confinement facility within the judicial district in which the court is located. Such order may thereafter be amended to transfer such person from such jail or facility to another at any place within the judicial district. If the county in which the court is located has made an agreement with another governmental unit or agency located outside the judicial district for the confinement or detention of persons, then any district judge or magistrate acting in that county may also order a person confined or detained outside of the judicial district in the confinement facility or jail described in such agreement. All persons, officers and officials in charge of a jail or confinement facility shall accept a person for detention or confinement upon receiving a certified copy of an order made pursuant to this section.

[I.C., sec. 20-604, as added by 1973, ch. 2, sec. 2, p. 4.]

20-605. COSTS OF CONFINEMENT. The county wherein any court has entered an order pursuant to section 20-604, Idaho Code, shall pay all direct and indirect costs of the detention or confinement of the person to the governmental unit or agency owning or operating the jail or confinement facilities in which the person was confined or detained. The amount of such direct and indirect costs shall be determined on a per day per person basis by agreement between the county wherein the court entered the order and the county or governmental unit or agency owning or operating such jail or confinement facilities. In the absence of such agreement or order fixing the cost as provided in section 20-606, Idaho Code, the charge for each person confined or detained shall be the sum of thirty-five dollars (\$35.00) per day, plus the cost of any medical or dental services paid at the rate of reimbursement as provided in chapter 35, title 31, Idaho Code, unless a rate of reimbursement is otherwise established by contract or agreement; provided, however, that the county may determine whether the detained or confined person is eligible for any local, state, federal or private program that covers dental, medical and/or burial expenses. That person will be required to apply for those benefits, and any such benefits obtained may be applied to the detained or confined person's incurred expenses, and in the event of the death of such detained or confined person, the county wherein the court entered the order shall pay all actual burial costs. Release from an order pursuant to section 20-604, Idaho Code, for the purpose of a person receiving medical treatment shall not relieve the county of its obligation of paying the medical care expenses imposed in this section. In case a person confined or detained was initially arrested by a city police officer for violation of the motor vehicle laws of this state or for violation of a city ordinance, the cost of such confinement or detention shall be a charge against such city by the county wherein the order of confinement was entered. All payments under this section shall be acted upon for each calendar month by the second Monday of the month following the date of billing.

[20-605, added 1973, ch. 2, sec. 3, p. 4; am. 1983, ch. 13, sec. 1, p. 48; am. 1986, ch. 115, sec. 1, p. 307; am. 1992, ch. 138, sec. 1, p. 428; am. 1994, ch. 362, sec. 1, p. 1136; am. 2009, ch. 177, sec. 1, p. 558; am. 2011, ch. 291, sec. 1, p. 794.]

20-606. DETERMINING CONFINEMENT COSTS -- DECREE. If a district judge or magistrate orders the confinement or detention of any person under the preceding section 20-604, Idaho Code, in a jail or confinement facility in which there is no agreement as to the daily costs of confinement or detention, then any governmental unit or agency involved may apply by petition to the district court of the county in which such jail or confinement facility is located to determine the direct and indirect costs of confinement per person per day at the jail or facility. Such petition shall be filed with the district court and a copy thereof served upon the board of county commissioners or clerk thereof of the county or counties to be affected thereby, which county or counties shall be denominated as the respondent. Such respondent shall thereafter be allowed twenty (20) days to appear and plead to said petition. The determination of such costs shall be made by a district judge sitting without a jury in the same manner as other civil actions under all rules of procedure for district courts of the state of Idaho. Upon the final determination of the petition by trial or otherwise, the district court shall enter a decree binding upon all parties thereto for all persons then confined from said county or counties joined in the petition, stating the dollar amount of the confinement or detention costs per person per day which shall be paid by any such county confining or detaining persons in the jail or facility pursuant to a court order made under section 20-604, Idaho Code. Such decree shall have the force and effect of a final judgment, but the district court shall have continuing jurisdiction to vacate or modify such decree upon a material change of circumstances affecting such costs.

[I.C., sec. 20-606, as added by 1973, ch. 2, sec. 4, p. 4; am. 1989, ch. 231, sec. 1, p. 560.]

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, including any period of pretrial detention;

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

(c) In pursuing reimbursement under this section the county may investigate 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 prisoners. 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 accounts, 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 subsection (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 sentenced prisoner, term of sentence and date of admission.

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

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

(c) Before entering any order on behalf of the county against the defendant, the court shall take into consideration any legal obligation of the defendant to support a spouse, minor children, other dependents or provide victim restitution and any moral obligation to support dependents to whom the defendant is providing or has in fact provided support.

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

[20-607, added 1997, ch. 102, sec. 1, p. 236; am. 2003, ch. 245, sec. 1, p. 635; am. 2007, ch. 85, sec. 1, p. 236.]

20-610. SERVICE OF PAPERS ON SHERIFF FOR PRISONER. A sheriff or jailer upon whom a paper in a judicial proceeding, directed to a prisoner in his custody, is served, must forthwith deliver it to the prisoner with a note thereon of the time of its service. For a neglect to do so he is liable to the prisoner for all damages occasioned thereby.

[(20-610) 1863, p. 475, sec. 28; R.S., R.C., & C.L., sec. 8537; C.S., sec. 9427; I.C.A., sec. 20-613.]

20-612. RECEPTION AND BOARD OF PRISONERS. The sheriff must receive all persons committed to jail by competent authority except mentally ill persons not charged with a crime and juveniles. It shall be the duty of the board of county commissioners to furnish all persons committed to the county jail

with necessary food, clothing and bedding, and medical care as provided in section 20-605, Idaho Code, and the board of county commissioners is authorized to pay therefor out of the county treasury under such rules and regulations as they may prescribe.

[(20-612) 1863, p. 475, sec. 30; R.S., R.C., & C.L., sec. 8539; C.S., sec. 9429; I.C.A., sec. 20-615; am. 1949, ch. 150, sec. 1, p. 306; am. 1992, ch. 138, sec. 2, p. 428; am. 1994, ch. 362, sec. 2, p. 1136.]

20-613. SECURITY FOR BOARD OF CIVIL PRISONERS. Whenever a person is committed upon process in a civil action or proceeding, except when the people of this state are a party thereto, the sheriff is not bound to receive such person, unless security is given on the part of the party at whose instance the process is issued, by a deposit of money, to meet the expenses for him of necessary food, clothing and bedding, or to detain such person any longer than these expenses are provided for. This section does not apply to cases where a party is committed as a punishment for disobedience to the mandates, process, writs or orders of court.

[(20-613) 1863, p. 475, sec. 31; R.S., R.C., & C.L., sec. 8540; C.S., sec. 9430; I.C.A., sec. 20-616.]

20-614. PRISONERS MUST BE ACTUALLY CONFINED EXCEPT ON ORDER OF COURT FOR PRIVATE EMPLOYMENT. (1) A prisoner committed to the county jail by any court for trial or examination, or upon conviction for a public offense, must be confined in the jail until he is legally discharged unless the court specifies otherwise.

(2) If the committed person has been regularly employed, the sheriff shall, if ordered by the committing judge, arrange for a continuation of said employment insofar as possible without interruption.

(3) Whenever the prisoner is not employed, and between the hours or periods of his employment, he shall be confined in jail as an ordinary prisoner.

(4) In case of any violation of the conditions laid down for his conduct, custody and employment the prisoner shall be returned to the court, and the court may then require the balance of his or her sentence be spent in actual confinement and may cancel any earned diminution of his or her term.

(5) The sheriff shall receive such extra compensation and mileage for the administration of this act as the county commissioners determine.

(6) The court may also by its order authorize the use of a jail in a contiguous or other county where the prisoner is employed, and while the prisoner is so employed under this act such prisoner shall be in the other county's custody.

(7) The defendant may be incarcerated on nonemployment days only. If such confinement is approved, the court shall provide that the county jail shall be reimbursed the costs of confinement, in the amount provided in section 20-605, Idaho Code, by the defendant.

[(20-614) 1863, p. 475, sec. 32; R.S., R.C., & C.L., sec. 8528; C.S., sec. 9418; I.C.A., sec. 20-604; am. 1957, ch. 237, sec. 1, p. 567; am. 1977, ch. 11, sec. 1, p. 22; am. 1987, ch. 182, sec. 1, p. 361; am. 1989, ch. 104, sec. 1, p. 237; am. 1989, ch. 231, sec. 2, p. 560; am. 1993, ch. 213, sec. 3, p. 579; am. 1994, ch. 28, sec. 1, p. 46; am. 2000, ch. 115, sec. 1, p. 254.]

20-615. RECEPTION OF FEDERAL PRISONERS. The sheriff must receive and keep in the county jail any prisoner committed thereto by process or order issued under the authority of the United States, until he is discharged according to law, as if he had been committed under process issued under the authority of this state; provision being made by the United States for the support of such prisoner.

[(20-615) 1863, p. 475, sec. 31; R.S., R.C., & C.L., sec. 8529; C.S., sec. 9419; I.C.A., sec. 20-605.]

20-616. SHERIFF ANSWERABLE FOR FEDERAL PRISONERS. A sheriff to whose custody a prisoner is committed, as provided in the last section, is answerable for his safe-keeping in the courts of the United States, according to the laws thereof.

[(20-616) 1863, p. 475, sec. 42; R.S., R.C., & C.L., sec. 8530; C.S., sec. 9420; I.C.A., sec. 20-606.]

20-617. LABOR OF PRISONERS ON PUBLIC WORKS. Persons confined in the county jail under a judgment of conviction, suspended sentence or withheld judgment rendered in any criminal case, either under a judgment of imprisonment or a judgment for the payment of a fine and costs, may be required to perform labor on federal, state or other governmental projects or community service projects.

[(20-617) 1868, p. 90, sec. 1; R.S. & R.C., sec. 8541; am. 1915, ch. 141, p. 298, sec. 1; reen. C.L., sec. 8541; C.S., sec. 9431; am. 1927, ch. 74, sec. 1, p. 93; I.C.A., sec. 20-617; am. 2000, ch. 112, sec. 1, p. 249; am. 2016, ch. 212, sec. 1, p. 597.]

20-618. JAIL COMMISSARY FUND. County jails which provide commissary items to inmates, and collect the costs or a portion of the costs for such items from an inmate with sufficient funds to pay for items, are authorized to create a self-perpetuating commissary fund. The purpose of the commissary fund is to both supply and provide a fund from which reimbursement can be made to the county for an inmate's use or purchases of necessary hygiene items, recreational devices and other inmate care items, medical items and services, and any other debts incurred pursuant to this chapter. This fund shall be subject to a yearly audit authorized by the board of county commissioners.

[20-618, added 1994, ch. 29, sec. 1, p. 47; am. 1996, ch. 14, sec. 1, p. 34; am. 2005, ch. 181, sec. 1, p. 555.]

20-619. FEE FOR MEDICAL SERVICE. (1) County sheriff departments administering county jails may charge a nominal fee of twenty dollars (\$20.00) to any nonindigent inmate who has sufficient funds in his commissary or personal account for the purpose of seeing the jail provided doctor or nurse for a medical complaint. In the event that an inmate is indigent, such service shall be provided by the county at no cost.

(2) The county sheriff departments administering county jails may charge actual costs to any nonindigent inmate who has sufficient funds in his commissary or personal account for pharmaceuticals prescribed or authorized by jail medical staff.

(3) A "nonindigent" inmate, for purposes of this section, is an inmate who has money in his commissary or personal account normally used for the purchase of personal items for the inmate.

(4) All debts incurred pursuant to this section may be collected from the inmate's commissary or personal account, in whole or in part, at any time during the period of incarceration, whenever moneys exist in or are placed into the inmate's commissary or personal account, provided that the jail has in place a process by which the affected inmate may contest the assessment of moneys owed. Collection of moneys owed may occur at any time, in whole or in part, until such time as the full balance of the moneys owed is completely retired, provided that there shall be no further efforts to collect the debt after four (4) years from the date in which the debt was actually incurred.

(5) The county sheriff may require the inmate to provide health insurance information including, but not limited to, group, plan and identification numbers. The county sheriff is authorized to submit medical costs to the inmate's health insurance company on behalf of the inmate.

[20-619, added 1994, ch. 213, sec. 1, p. 672; am. 2001, ch. 50, sec. 1, p. 92; am. 2005, ch. 181, sec. 2, p. 556.]

20-620. NO PRISONER EXEMPT FROM LABOR. No prisoner liable to employment as provided in this chapter shall be exempt therefrom except by reason of physical disability.

[(20-620) 1895, p. 100, sec. 4; reen. 1899, p. 253, sec. 4; reen. R.C., sec. 8542d; compiled and reen. C.L., sec. 8542d; C.S., sec. 9435; I.C.A., sec. 20-620.]

20-621. COMMUTATION FOR GOOD BEHAVIOR. Every person serving a jail sentence in a county jail in the state of Idaho who has a good record as a prisoner and who performs the tasks assigned him in an orderly and peaceable manner, shall upon the recommendation of the sheriff be allowed five (5) days off of each and every month of his sentence, by the magistrate judge.

[(20-621) 1915, ch. 130, p. 287; reen. C.L., sec. 8542e; C.S., sec. 9436; I.C.A., sec. 20-621; am. 1989, ch. 231, sec. 4, p. 561.]

20-622. INSPECTION OF JAIL BY COMMISSIONERS. The county commissioners must inspect the county jail, and once every three (3) months inquire into the state thereof as respects the security thereof, treatment and condition of the prisoners, and take all necessary precaution against escape, sickness or infection.

[(20-622) 1863, p. 596, sec. 2; R.S., R.C., & C.L., sec. 8543; C.S., sec. 9437; I.C.A., sec. 20-622.]

20-624. IMPRISONMENT FOR FINE. Whenever any defendant is confined solely for willful non-payment of any fine, the court, may, in lieu of payment, confine such person at the rate of thirty-five dollars (\$35.00) per day until the fine imposed is satisfied.

[(20-624) 1863, p. 596, sec. 8; R.S., R.C., & C.L., sec. 8545; C.S., sec. 9439; I.C.A., sec. 20-624; am. 1957, ch. 11, sec. 1, p. 14; am. 1989, ch. 231, sec. 6, p. 561; am. 1992, ch. 138, sec. 3, p. 428; am. 1995, ch. 265, sec. 1, p. 848.]

20-627. UNLAWFUL CONVEYANCE OF ARTICLES INTO AND OUT OF COUNTY JAIL. Any person who shall deliver or attempt to deliver or shall have in his possession with the intent to deliver, any letter, article or thing, to one confined in a county jail or in any other place or building used or substituted for a county jail, or who deposits or conceals any letter, article or

thing in or about such jail or in or about such other place or building used or substituted for a county jail with the intent that one confined in such jail or such other place or building shall obtain or receive the same, without the knowledge or permission of the sheriff or a deputy sheriff; or any person who shall receive from one confined within a jail any letter, article or thing with the intent to convey the same out of the jail without the knowledge and permission of the sheriff or a deputy sheriff; or any person who shall purchase, exchange, take or receive from any prisoner while he may be working or remaining outside the county jail, any letter, article or thing without the knowledge and permission of the sheriff or a deputy sheriff, shall be guilty of a misdemeanor.

[(20-627) C.S., sec. 9441-A, as added by 1929, ch. 213, sec. 1, p. 433; I.C.A., sec. 20-627.]

20-628. JAIL DISCIPLINARY ACTION FOR FRIVOLOUS OR MALICIOUS COURT PROCEEDINGS. (1) In any case, whether filed in state, federal or administrative court, in which a prisoner in a county jail submits a frivolous or malicious claim, or knowingly testifies falsely or otherwise knowingly presents false evidence or information to the court, the prisoner may be subject to jail disciplinary action. Such disciplinary action may be initiated upon the court's finding that:

- (a) The prisoner has filed a claim that is frivolous or malicious;
- (b) The prisoner filed a claim solely to harass the party;
- (c) The prisoner has knowingly testified falsely or otherwise knowingly submitted false evidence or information to the court; or
- (d) The prisoner has committed a fraud upon the court.

(2) In the absence of a finding by the court under subsection (1) of this section, and upon review and recommendation by the county prosecutor, or the attorney general, a disciplinary hearing may be held by the appropriate authority at the county jail, pursuant to chapter 6, title 20, Idaho Code, to determine whether the prisoner has filed a claim that is malicious or intended solely to harass the party, or has testified falsely or otherwise presented false evidence or information to the court.

(3) Upon a finding of guilt under either subsection (1) or (2) of this section, the prisoner shall be subject to jail disciplinary detention and loss of privileges consistent with established jail disciplinary procedures.

[20-628, added 1996, ch. 420, sec. 4, p. 1400.]