

## CHAPTER 33: FEES

Section

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## **COUNTY DETENTION CENTER**

### **33.01 POLICY.**

KRS Chapter 441 provides for reimbursement for expenses incurred by reason of the prisoner=s confinement.

(Ord. 8-14-04, passed 8-14-2000)

### **33.02 DEFINITIONS.**

Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows:

**ADMINISTRATIVE PROCESSING/BOOKING FEE.** Twenty dollar fee assessed to each prisoner to help defray the cost of intake processing and release.

***BILLING STATEMENT.*** A written statement given to the prisoner upon his or her release from confinement detailing all charges and payments assessed to the prisoner=s account.

***INDIGENT PRISONER.*** A prisoner confirmed to have insufficient resources necessary to provide for his or her basic needs as determined by the Shelby County Detention Center.

***MEDICAL AND DENTAL EXPENSES.*** The actual cost incurred for medical attention outside the Shelby County Detention Center.

***NURSE VISIT CO-PAY.*** A prisoner that is seen by the staff nurse. A \$3 charge shall be assessed on the prisoner=s account.

***OTC MEDICATIONS.*** Over the Counter Medications (non-prescription) available from the medical department or for purchase through commissary.

***PRESCRIPTION FEE.*** The actual cost incurred for each prescription.

***PRESCRIPTION HANDLING FEE.*** In the event that a prisoner brings with him or her, or is prescribed while here, a prescription, there shall be a \$5 handling fee assessed for each prescription and subsequent refill. This charge is not for the medication, but for the staff time of recording and administering the medication for the prisoner.  
(Ord. 8-14-04, passed 8-14-2000)

### **33.03 ADMINISTRATIVE PROCESSING; BOOKING FEE.**

(A) *Policy.* KRS Chapter 441 provides for reimbursement, including but not limited to an Administrative Processing/Booking Fee. Accordingly, the Shelby County Detention Center shall impose an Administrative Processing/Booking Fee of \$20 to all persons booked into the Shelby County Detention Center. This service fee shall be imposed on all individuals who are processed and released (bond, recognizance, and the like), as well as those persons who have been admitted to the jail. This fee shall be in addition to any other fees, payments and/or penalties in accordance with the Reimbursement Policy and/or fines imposed by the court system.

(B) *Procedure.*

(1) *Admittance.* Upon entering the Shelby County Detention Center, all persons, except those the Department of Corrections is financially responsible for housing at the time of booking, shall be charged a \$20 Administrative Processing/Booking Fee.

(2) *Notification.* The Administrative Processing/Booking Fee shall be made part of the posted rules and regulations.

(3) *Application of fee.* The prisoner=s account shall be charged \$20 at the time of intake.

(4) *Collection of fee.* Any available funds in the prisoner=s account shall be used to pay any outstanding balance owed to the Shelby County Detention Center prior to release of the funds for any other purpose except ' 33.03(5).

(5) *Prisoner posting bond.* A prisoner may use funds in his or her account in order to post bond. The current Administrative Processing/Booking Fee shall be collected prior to releasing funds for bonding.

(6) *Negative prisoner account balance.* In the event that there are not sufficient funds in the prisoner=s account, a negative balance shall be placed in their account. The negative amount shall be deducted if/when deposits are made to the prisoner=s account. This negative balance shall be maintained in the prisoner=s account.

(7) *Budget.* All monies received from the Administrative Processing/Booking Fee shall be sent to the County Treasurer for placement in the jail=s budget.  
(Ord. 8-14-04, passed 8-14-2000)

#### ' 33.04 HOUSING REIMBURSEMENT FEE.

(A) *Policy.* KRS Chapter 441 provides for reimbursement, including but not limited to, per diem for room and board not to exceed \$50 per day for the entire time of their incarceration.

(B) *Procedure.*

(1) *Admittance.* Upon entering the Shelby County Detention Center, all persons, except those the Department of Corrections is financially responsible for housing, shall be assessed a per diem for room and board of \$20 per day.

(2) *Notification.* The Housing Reimbursement Fee shall be made part of the posted rules and regulations.

(3) *Application of fee.* The prisoner=s account shall be assessed a per diem fee.

(4) *Collection of fee.* Any available funds in the prisoner=s account shall be used to pay any outstanding balance owed to the Shelby County Detention Center prior to release of the funds for any other purpose, except ' 34.04(5).

(5) *Prisoner posting bond.* A prisoner may use funds in his or her account in order to post bond. The current Housing Reimbursement Fee shall be collected prior to releasing funds for bonding.

(6) *Negative prisoner account balance.* In the event that there are not sufficient funds in the prisoner=s account, a negative balance shall be placed in their account. The negative amount shall be deducted if/when deposits are made to the prisoner=s account. This negative balance shall be maintained in the prisoner=s account for an indefinite period of time in the event of re-incarceration.

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

(8) *Budget.* All monies received from the Housing Reimbursement Fee shall be sent to the County Treasurer for placement in the jail=s budget.  
(Ord. 8-14-04, passed 8-14-2000)

### 33.05 MEDICAL AND DENTAL EXPENSES.

(A) *Policy.* KRS Chapter 441 provides for the collection of actual medical and dental expenses.

(B) *Procedure.*

(1) *Medical/Dental expenses.* Any medical and/or dental expense incurred by a prisoner in the Shelby County Detention Center shall be charged to the prisoner=s account.

(2) *Medication.* Any prescribed or over the counter medications shall be charged to the prisoner=s account.

(3) *Assessment to prisoner account.* The actual cost of service received by the prisoner shall be charged to the prisoner=s account.

(4) *Prisoners without necessary funds.* No prisoner shall be denied medical care or medication based upon his or her ability to pay.

(5) *Right of refusal of treatment.* The prisoner retains the right to refuse medical care and/or treatment unless determined by the medical personnel that the delay in treatment cannot be postponed until after the period of confinement without hazard to the life or health of the prisoner.

(6) *Services not requiring medical pay:*

(a) Health Appraisal;

(b) In-House Mental Health Services; and

(c) Drug & Alcohol Programs (AA/NA).

(7) *Exempt prisoner.* A prisoner for which the Department of Corrections is financially responsible for housing shall be exempt from payment of medical services provided them, except for the Nurse Visit Co-Pay pursuant to KRS 441.045

(8) *Negative prisoner account balance.* In the event that there are not sufficient funds in the prisoner=s account, a negative balance shall be assessed to the prisoner=s account. The negative amount shall be deducted if/when deposits are made to the prisoner=s account. This negative balance shall be maintained in the prisoner=s account for an indefinite period of time in the event of re-incarceration.

(9) *Budget.* All monies received from the Medical and Dental Expense reimbursement shall be sent to the County Treasurer for placement in the jail=s budget.  
(Ord. 8-14-04, passed 8-14-2000)

**33.06 REIMBURSEMENT FOR COUNTY PROPERTY.**

(A) *Policy.* KRS Chapter 441 provides for the collection of restitution for damage to Shelby County Detention Center property. A Negotiated Billing Statement Agreement to be used is attached at the end of this chapter as Appendix A.

(B) *Procedure.*

(1) *Abused/misused property.* Prisoner(s) who have been found to have abused or misused county property shall be responsible for restitution for any damage. A supervisor must approve the prisoner=s account being charged.

(2) *Restitution amount.* The amount of restitution shall be limited to the actual cost of repair and/or replacement and a reasonable administrative fee for the time associated with the repair and/or replacement.

(3) *Negative prisoner account balance.* In the event that there are not sufficient funds in the prisoner=s account, a negative balance shall be placed in their account. The negative amount shall be deducted if/when deposits are made to the prisoner=s account. This negative balance shall be maintained in the prisoner=s account for an indefinite period of time in the event of re-incarceration.

(4) *Budget.* All monies received from the restitution for damage to property shall be sent to the County Treasurer for placement in the jail=s budget.  
(Ord. 8-14-04, passed 8-14-2000)

**33.07 COLLECTION OF FEES.**

(A) *Policy.* The prisoner shall pay in full the balance due on the billing statement at time of release or participate in a reimbursement plan pursuant to KRS Chapter 441.

(B) *Procedure.*

(1) *Fees owed by prisoners.* Upon release, jailer or his or her designee, shall collect from prisoner all fees due.

(2) *Reimbursement plan.* In the event prisoner is unable to pay the entire amount owed upon release or there exists circumstances justifying a modification of the fees presently assessed, jailer or his or her designee may work with the prisoner to develop a reimbursement plan to be implemented upon the prisoner=s release.

(3) *Negotiated billing statement agreement.* The reimbursement plan shall be set out in the Negotiated Billing Statement. If the prisoner chooses to participate in a negotiated billing agreement with the jailer or his or her designee, the terms of the agreement shall be set forth in a Negotiated Billing Statement Agreement signed by all parties.

(4) *Contract with outside agencies.* The Fiscal Court, upon the advice of the jailer, may contract with 1 or more public agencies or private vendors to perform billing and/or collection of outstanding account balances. The jailer or his or her designee may report unpaid prisoner accounts to the collection agencies.

(5) *Civil action taken against released prisoner.* After the date of the prisoner=s release from confinement, the county attorney, jailer, or jailer=s designee, may file a civil action to seek reimbursement from the prisoner for any amount owed which remains unpaid.

(Ord. 8-14-04, passed 8-14-2000)

*COUNTY COURTHOUSE***33.20 FEES AND COSTS FOR PAYMENT OF EXPENSES.**

(A) The following fees and costs in circuit and district court in civil and criminal cases are assessed for the purpose of paying expenses for courthouses, bonds related to them, and administration thereof:

- (1) A fee of \$25 is added to filing fees in civil cases in Circuit Court;
- (2) A cost of \$25 is added to the court costs a defendant is required to pay in criminal cases in Circuit Court;
- (3) A fee of \$25 is added to filing fees in civil cases appealed from Circuit Court to the Court of Appeals;
- (4) A cost of \$10 is added to the court costs for each traffic offense in District Court;
- (5) A cost of \$20 is added to the court costs a defendant is required to pay in misdemeanor cases in District Court;
- (6) A fee of \$10 is added to filing fees in small claims cases in District Court;
- (7) A fee of \$10 is added to filing fees in civil cases in District Court; and
- (8) A fee of \$10 is added to filing fees in probate cases in District Court.

(B) The following fees are assessed on subpoena and civil summons service by the local sheriff for the purpose of paying expenses for courthouses, bonds related to them, and administration thereof:

- (1) A fee of \$10 is added to the fees normally charged by the local sheriff to the person requesting service of a subpoena; and
- (2) A fee of \$10 is added to the fees normally charged by the local sheriff to the person requesting service of a civil summons.

(C) The Shelby County Sheriff shall not later than monthly remit to the Shelby Fiscal Court all fees collected pursuant to this section.

(D) All fees and costs collected by the Shelby County Circuit Clerk shall be forwarded to the Commonwealth of Kentucky, Finance and Administration Cabinet not later than monthly for remittance to the Shelby County Fiscal Court  
(Ord. 6-4-03, passed 6-4-2002; Am. Ord. 08-07-04, passed 8-7-2012)



**APPENDIX A: NEGOTIATED BILLING STATEMENT AGREEMENT**

**THIS NEGOTIATED BILLING STATEMENT AGREEMENT** made and entered into on this the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by and between the Shelby County Jailer, hereinafter referred to as AJAILER@ \_\_\_\_\_ and SSN# \_\_\_\_\_, herein referred to as ADETAINEE@.

WHEREAS, JAILER will provide KRS Chapter 441 and Shelby County Detention Center policy to DETAINEE for review, upon DETAINEE=S request, and

WHEREAS, DETAINEE is unable to pay the fees set forth in the billing statement presented to DETAINEE by JAILER, a copy of billing statement is attached hereto and marked Exhibit AA@, and

WHEREAS, DETAINEE and JAILER have negotiated a means of DETAINEE satisfying the charges due on the billing statement.

NOW THEREFORE, in consideration of the foregoing premises, the receipt of all of which is hereby acknowledged, the JAILER and DETAINEE agree as follows:

- (1) DETAINEE shall pay the total sum of \$ \_\_\_\_\_ in satisfaction of the fees set forth in the billing statement.
- (2) DETAINEE shall pay said sum to JAILER within twelve (12) months of date by paying monthly payments of \$ \_\_\_\_\_ payable to the Shelby County Detention Center and mailed, or presented to JAILER at 1000 Detention Road, Shelbyville, Kentucky 40065.
- (3) Each monthly payment is due and payable on the first day of the month commencing the month of \_\_\_\_\_ until satisfied in full.

This the \_\_\_\_\_ of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
JAILER

\_\_\_\_\_  
DETAINEE

(Ord. 8-14-04, passed 8-14-2000)

