

# Chapter 11

## Ordinance Setting Charges For Incarcerated Persons

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### 11.01 Maintenance and Board for County Jail Prisoners

- (1) Authority. This Ordinance is enacted pursuant to authority given to Kewaunee County under Wis. Stats. §302.388, 302.372 and 302.38(2), and 303.08(4).
- (2) Intent. It is the intent of this Ordinance that persons incarcerated in the Kewaunee County Jail shall, to the extent authorized by law, be responsible for paying for the cost of their incarceration.
- (3) Cost of Maintenance. The actual per day cost of maintaining a prisoner is to be determined by the Law Enforcement Committee, which shall report its determination to the full board annually.
- (4) Booking Fees. The Sheriff is authorized to charge a booking fee to be determined by the Law Enforcement Committee to each sentenced prisoner for each period of incarceration served pursuant to a sentence imposed by a Circuit Court in the Kewaunee County Jail, to pay for the cost of intake processing.

11.02 No Duplication of Expenses. Kewaunee County shall not recover the same expenses twice.

11.03 Reimbursement Form. Each person confined to the Kewaunee County Jail shall be required to complete a financial disclosure form provided by the Sheriff. This form shall provide for obtaining the Social Security number, age and marital status of a prisoner, the number and ages of children of a prisoner, the income of a prisoner, the type and value of real estate owned by a prisoner, the type and value of personal property of a prisoner, a prisoner's cash and financial institution accounts, the types of values of a prisoner's investments, any pension plans and annuities of a prisoner, and any other personal significant cash value owned by a prisoner. This form shall

be used by the Sheriff, the District Attorney, and Corporation Counsel to make reimbursement and to investigate the financial status of the prisoner. The information on the completed form is not a public record except that Kewaunee County shall provide the information from the form in response to a request for information under Wis. Stats. §49.22(2m) made by the Wisconsin Department of Workforce Development or under Wis. Stats, §59:53(5) made by the Child Support Agency.

11.04 Institutional Accounts. The Sheriff may charge a prisoner for the fees as determined above, while he/she is a prisoner; plus the costs to investigate the financial status of the prisoner and the expenses of collection.

- (1) If the Sheriff maintains an institutional account for a prisoner's use for payment of items from canteen, vending, or similar services, the Sheriff may make deductions from the account to pay for the expenses set forth above. If the prisoner has a balance due for expenses under this Ordinance, from prior incarcerations, any institutional account created as part of a subsequent incarceration may be used to recover the sums due from the prior incarceration.
- (2) If the Sheriff maintains an account of a Huber prisoner pursuant to Wis. Stats. §303.08(3), the Sheriff may make deductions from the account to pay for the expenses set forth in this Ordinance subject to the limitations of Wis. Stats. §303.08(5).

11.05 Prepayment. Because participation in a home detention program is discretionary with the Sheriff, the Sheriff may require prepayment of the expenses set forth above as a requirement for participation in the program.

11.06 Wages of a Prisoner. The wages, salary, and unemployment training benefits received by prisoners shall be divided by the Sheriff for the following purposes, in order stated:

- (1) Necessary travel expense to and from work;
- (2) Court ordered support of the prisoner's dependents, if any;
- (3) Expenses owed to the County under this Ordinance;
- (4) Payment either in full or ratably, of the prisoner's obligations acknowledged by the prisoner in writing or which have been reduced to judgment;
- (5) The balance, if any, to the prisoner upon the prisoner's discharge.

11.07 Prisoner Cooperation. A prisoner shall cooperate with the Sheriff in seeking reimbursement for expenses incurred for that prisoner. A prisoner who intentionally refuses to cooperate may not earn good-time credit under Wis. Stats. §302.43 or diminution of sentence under Wis. Stats. §303.19(3).

- 11.08 Action for reimbursement. Within twelve (12) months after the release of a prisoner from jail, Kewaunee County may commence an action in Circuit Court to recover the expenses under this Ordinance plus the costs to investigate the financial status of the prisoner and the expenses of collection not otherwise recovered or be barred.
- 11.09 Proceeds. Any sums collected under this Ordinance shall be deposited with the County Treasurer, except to the extent that the portion of the sums collected for meals for Huber prisoners are subject to sales tax which shall be assessed and forwarded to the Department of Revenue.