

MONTGOMERY COUNTY BOARD OF COMMISSIONERS

ORDINANCE 2015- 3

**AN ORDINANCE AMENDING AND REPEALING CERTAIN
ORDINANCES CONCERNING JAIL INMATES**

WHEREAS, the Montgomery County Code of Ordinances contains several ordinances relating to the collection of fees and expenses from inmates detained at the Montgomery County jail;

AND WHEREAS, the Montgomery County Sheriff has requested certain changes to two of the County's ordinances relating to inmates at the County Jail, specifically Section 36.05, "County Prisoner", and Section 36.16, "Sheriff's Office Prisoner Processing Fee";

AND WHEREAS, the Montgomery County Board of Commissioners have reviewed these ordinances and believe the revisions are necessary and appropriate. In particular, Section 36.16 should be repealed, and Section 36.05 should be amended, relocated, and divided into two new code sections in order to update, clarify, and correct clerical errors in the ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Montgomery County Board of Commissioners, as follows:

1. Section 36.16, "Sheriff's Office Prisoner Processing Fee", which reads as follows:

§36.16 SHERIFF'S OFFICE PRISONER- PROCESSING FEE

(A) Beginning March 1, 2011, the sheriff will assess a \$25 processing fee each time the sheriff processes a person taken into custody into the Montgomery County Jail.

(B) The sheriff's processing fee must be collected before sheriff releases the prisoner from jail or the fee must be deducted from the inmate's jail-commissary fund. These funds must be deposited into the Montgomery County General Fund. But the Montgomery County Council may appropriate these funds to the Montgomery County Sheriff's office for any expenses associated with administrating or complying with I.C. §36-2-13-5(8) including, not limited to, salaries, wages, benefits, supplies, equipment, transportation and other expenses. (Ord. 2011-3, adopted 2-28-11)

Should be and hereby is repealed in its entirety.

2. Section 36.05, "County Prisoners", which currently reads as follows:

§36.05 COUNTY PRISONERS

(A) The Sheriff may request and receive a travel advance for transportation of prisoners from out-of-state, as provided under I.C. 35-33-10-3, from the Sheriff's budget under "designated prisoner transportation." Upon completion of the transportation of prisoners, the Sheriff shall submit receipts for all travel expenses incurred and return any monies not used in the travel. (Ord. 88-6, passed - -88)

(B)(1) This section does not apply to a person confined to a county jail who:

- (a) Maintains a policy of insurance from a private company covering:
 - 1. Medicare care;
 - 2. Dental care;
 - 3. Eye care; or
 - 4. Any other health care related service.
- (b) Is willing to pay for the person's own medical care; or
- (c) Is committed to the Department of Correction.

(1) "Except as provided in division (B)(3) below, a person confined to a county jail may be required to make a co-payment in an amount of not more than Fifteen Dollars (\$15) for each provision of any of the following services:"

(2) The person does not have funds in the person's commissary account or trust account within sixty (60) days after the service is provided;"

- (a) Medicare care;
- (b) Dental care;
- (c) Eye care; and
- (d) Any other health care related service.

(3) A person confined to a county jail is not required to make the co-payment under division (B)(2) above if:

- (a) The person does not have funds in the person's commissary account or trust account at the time the service is provided;
- (b) The person does not have funds in the person's commissary account or trust account within 30 days after the service is provided;
- (c) The service is provided in an emergency;
- (d) The service is provided as a result of an injury received in the county jail; or
- (e) The service is provided at the request of the Sheriff or Jail Administrator.

(4) The County Sheriff shall:

- (a) Collect up to \$10 from the commissary account or inmate trust account within 30 days from the date the services are provided;
- (b) Deposit these funds in a separate account and forward these funds to the County Auditor on a monthly basis; and
- (c) Maintain records of all transactions and make those records available to the County Auditor upon request.

(5) The County Auditor shall deposit all funds received into the County Medical Care for Inmates Fund.

(6) The County Medicare Care for Inmates Fund shall be used solely to offset county expenditures from the County General Fund for Inmate Medical Care.
(Ord. 95-1, passed 2-21-95)

Should be and is amended, relocated within the Code, and divided into two separate Code sections, such that the current §36.05(A), with clerical revisions, becomes new Code Section 36.05, as follows:

“§36.05 PRISONER TRANSPORTATION COSTS
The Sheriff may request and receive a travel advance for transportation of prisoners from out-of-state, as provided under I.C. 35-33-10-3, from the Sheriff’s budget under “designated prisoner transportation”. Upon completion of the transportation of prisoners, the Sheriff shall submit receipts for all travel expenses incurred and return any monies not used in the travel. (Ord. 88-6, passed - -88; Amended Ord. 2015-3, passed 3-9-15).”

and such that the current §36.05(B), with revisions, becomes new Code Section 36.17, as follows:

“§36.17 PRISONER HEALTHCARE CO-PAYMENTS
(A) This section does not apply to a person confined to a county jail who:
(1) Maintains a policy of insurance from a private company covering the following services provided while the person is confined to a county jail:
(a) Medical care;
(b) Dental care;
(c) Eye care; or
(d) Any other health care related service.
(2) Is willing and able to pay for the person’s own medical, dental, eye, or health care; or
(3) Is committed to the Department of Correction.

(B) Except as provided in division (C) below, a person confined to the Montgomery County jail may be required to make a co-payment in an amount of not more than Fifteen Dollars (\$15) for each provision of any of the following services:

- (1) Medical care;
- (2) Dental care;
- (3) Eye care; and
- (4) Any other health care related service.

(C) A person confined to the Montgomery County jail is not required to make the co-payment under division (B) above if:

- (1) The person does not have funds in the person’s commissary account or trust account at the time the service is provided;
- (2) The person does not have funds in the person’s commissary account or trust account within 60 days after the service is provided;

- (3) The service is provided in an emergency;
- (4) The service is provided as a result of an injury received in the county jail; or
- (5) The service is provided at the request of the Sheriff or Jail Administrator.

(D) The County Sheriff shall:

- (1) Collect up to Fifteen Dollars (\$15) from the commissary account or inmate trust account within 60 days from the date the services are provided;
- (2) Deposit these funds in a separate account and forward these funds to the County Auditor on a monthly basis; and
- (3) Maintain records of all transactions and make those records available to the County Auditor upon request.

(E) The County Auditor shall deposit all funds received under this section into the County Medical Care for Inmates Fund.

(F) The County Medical Care for Inmates Fund shall be used solely to offset county expenditures from the County General Fund for Inmate Medical Care.

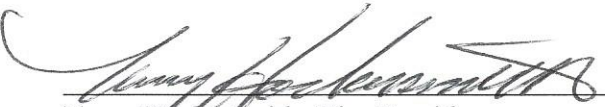
(Ord. 95-1, passed 2-21-95; Amended Ord. 2011-4; Revised Ord 2015-3, passed 3-9-15).”

IT IS FURTHER ORDERED that this ordinance shall be effective upon adoption.

All of which is ordered by the Board of Commissioners of Montgomery County this 9th day of March, 2015.

BOARD OF COMMISSIONERS
OF MONTGOMERY COUNTY

Phil Bane, President




Terry Hoekersmith, Vice President

James D. Fulwider, Member

Constituting a majority of the Montgomery
County Board of Commissioners

ATTEST:



Jennifer Andel, Auditor