

CHAPTER 188

(HB 590)

AN ACT relating to jails.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 441.265 is amended to read as follows:

- (1) (a) A prisoner in a county jail shall be required ***beginning from the prisoner's booking date***~~by the sentencing court~~ to reimburse the county for expenses incurred by reason of the prisoner's confinement as set out in this section, except for good cause shown.
- (b) ***If the prisoner is not convicted of any charges brought as a result of the prisoner's arrest, the county jail shall waive any outstanding expenses owed by the prisoner and reimburse the prisoner for any expenses already paid to the county jail for confinement due to that arrest, but the county jail shall not be required to waive or reimburse any expenses incurred by the prisoner for confinement related to a prior arrest, or for property damage or injury caused by the prisoner while confined to the jail.***
- (2) (a) The jailer may adopt, with the approval of the county's governing body, a prisoner fee and expense reimbursement policy, which may include, but not be limited to, the following:
1. An administrative processing or booking fee;
 2. A per diem for room and board of not more than fifty dollars (\$50) per day or the actual per diem cost, whichever is less, for the entire period of time the prisoner is confined to the jail. ***Not later than the second Friday in February of each year, the Department of Corrections shall adjust the fifty dollar (\$50) maximum per diem for room and board at a rate accounting for any percentage increase or decrease in the nonseasonally adjusted annual average Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, as published by the United States Bureau of Labor Statistics, using 2022 as the base year;***
 3. Actual charges for medical and dental treatment; and
 4. Reimbursement for county property damaged or any injury caused by the prisoner while confined to the jail.
- (b) Rates charged may be adjusted in accordance with the fee and expense reimbursement policy based upon the ability of the prisoner confined to the jail to pay, giving consideration to any legal obligation of the prisoner to support a spouse, minor children, or other dependents. The prisoner's interest in any jointly owned property and the income, assets, earnings, or other property owned by the prisoner's spouse or family shall not be used to determine a prisoner's ability to pay.
- (3) The jailer or his ***or her*** designee may bill and attempt to collect any amount owed which remains unpaid. The governing body of the county may, upon the advice of the jailer, contract with one (1) or more public agencies or private vendors to perform this billing and collection. Within twelve (12) months after the date of the prisoner's release from confinement, the county attorney, jailer, or the jailer's designee, may file a civil action to seek reimbursement from that prisoner for any amount owed which remains unpaid.
- (4) Any fees or reimbursement received under this section shall be forwarded to the county treasurer for placement in the jail's budget.
- (5) The governing body of the county may require a prisoner who is confined in the county jail to pay a reasonable fee, not exceeding actual cost, for any medical treatment or service received by the prisoner. However, no prisoner confined in the jail shall be denied any necessary medical care because of inability to pay.
- (6) Payment of any required fees may be automatically deducted from the prisoner's property or canteen account. If the prisoner has no funds in his ***or her*** account, a deduction may be made creating a negative balance. If funds become available or if the prisoner reenters the jail at a later date, the fees may be deducted from the prisoner's property or canteen account. ***Automatic deductions from a prisoner's canteen account shall be made as follows:***
- (a) ***Up to one hundred percent (100%) of an initial deposit in the prisoner's account may be deducted for:***

- 1. Any amount owed by the prisoner that is associated with a confinement for a prior arrest; and*
 - 2. Fees and expenses incurred pursuant to subsection (2)(a)4. of this section; and*
- (b) Up to fifty percent (50%) of any subsequent deposit in the prisoner's account for all expenses incurred by reason of the prisoner's confinement as set out in this section.*
- (7) Prior to the prisoner's release, the jailer or his *or her* designee may work with the confined prisoner to create a reimbursement plan to be implemented upon the prisoner's release. At the end of the prisoner's incarceration, the prisoner shall be presented with a billing statement produced by the jailer or designee. After the prisoner's release, the jailer or his *or her* designee may, after negotiation with the prisoner, release the prisoner from all or part of the prisoner's repayment obligation if the jailer believes that the prisoner will be unable to pay the full amount due.
- (8) 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.
- (9) No medical reimbursement, except that provided for in KRS 441.045, shall be charged to any prisoner that the Department of Corrections is financially responsible for housing.

Signed by Governor April 8, 2022.