

SHEBOYGAN COUNTY ORDINANCE NO. 08 (2018/19)

Re: **Amending Maintenance and Board Charges for County Jail Prisoners to include Pretrial Detainees**

WHEREAS, Sheboygan County has utilized the authority granted to it by Wis. Stat. § 302.425 to pass on to County Jail prisoners a part of the cost for their incarceration through the adoption of Chapter 52 of the County Code, and

WHEREAS, as currently written, Sheboygan County charges prisoners for a part of the cost of their incarceration only for the charges incurred after conviction, even though Wis. Stat. § 302.425 authorizes charging prisoners for costs incurred prior to conviction, and

WHEREAS, the Sheriff is moving to a model of pretrial detention through the use of a home detention monitoring and day reporting system which, while beneficial to the detainee and to the County, nevertheless has a significant expense to administer, and

WHEREAS, while it is not appropriate that pretrial detainees who are subsequently acquitted be charged with a part of their pretrial detention costs, it is appropriate that pretrial detainees who are subsequently convicted should be charged with a part of their pretrial detention costs;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Amending Code.** Section 52 of the Sheboygan County Code of Ordinances is hereby amended as follows (only those Sections or portions of Sections appear)(additions indicated by shading, deletions by strike out):

52.03(2) For a person in a home detention program pursuant to Wis. Stat. § 302.425, including as a pretrial detainee, a sum as determined by the Law Committee reflecting the individual cost of administering the home detention program, but not to exceed the sum of Thirty Dollars (\$30.00) per day, together with a processing fee of Thirty Dollars (\$30.00) for each period of confinement.

(3) For a person in ordinary confinement, including as a pretrial detainee, the sum of Twenty Dollars (\$20.00) per day, together with a booking fee of Thirty Dollars (\$30.00).

(4) For medical expenses incurred by Sheboygan County, including as a pretrial detainee, the actual cost of medical expenses.

(5) For a person confined to the Sheboygan County Jail with “Huber” privileges pursuant to Wis. Stat. § 303.08 or work-release privileges pursuant to Wis. Stat. § 973.09(4) as a result of ~~result of~~ a transfer to Sheboygan County from another jurisdiction, a one-time transfer fee of One Hundred Dollars (\$100.00) per prisoner transfer, plus the other fees set forth in Subsection (1), above.

52.04 NO DUPLICATION OF EXPENSES. Sheboygan County shall not recover the same expenses twice. Only one booking or processing fee shall be applied if a person has a continuum of confinement from one form of detention to another.

52.05 REIMBURSEMENT FORM. Each person confined to the Sheboygan County Jail including to home detention and including pretrial detainees 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 and values of a prisoner's investments, any pension plans and annuities of a prisoner, and any other personalty of significant cash value owned by a prisoner. This form shall be used by the Sheriff, the Sheboygan County District Attorney, and the Sheboygan County Corporation Counsel ~~to make reimbursement and to investigate the financial status of the prisoner in order to seek reimbursement as appropriate.~~ The information on the completed form is not a public record except that Sheboygan County shall provide the information from the form in response to a request for information under Wis. Stat. § 49.22(2m) made by the Wisconsin Department of Workforce Development or under Wis. Stat. § 59.53(5) made by the Child Support Agency.

- 52.06 INSTITUTIONAL ACCOUNTS. The Sheriff may charge a prisoner for the expenses set forth in Section ~~52.04~~ 52.03 of this Code while he or she is a prisoner only after conviction or if charging expenses was agreed to as part of a deferred prosecution agreement; plus the costs to investigate the financial status of the prisoner and the expenses of collection.
- 52.10 ACTION FOR REIMBURSEMENT. Within twelve (12) months after the release of a prisoner from jail, the County may commence an action in circuit court to recover the expenses under Section 52.03 of this Code plus the costs to investigate the financial status of the prisoner and the expenses of collection not otherwise recovered or be barred. The County shall only commence actions for recovery or take other collection activities against persons who were convicted of offenses or if charging expenses was agreed to as part of deferred prosecution agreements.

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 21st day of August, 2018

LAW COMMITTEE

Vernon Koch

Vernon Koch, Chairperson

Thomas V. Epping, Vice-Chairperson

Robert Ziegelbauer

Robert Ziegelbauer, Secretary

Paul A. Gruber

Paul A. Gruber

Brian C. Hoffmann

Brian C. Hoffmann

Opposed to Introduction:

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Enacted 08/21/2018