
**Criminal Justice & Corrections
Committee**

SB 5461

Brief Description: Changing limits on costs of incarceration charged to offenders.

Sponsors: Senator Fairley.

Brief Summary of Bill

- Requires offenders, with the financial means, to pay \$50 per day if confined in a prison or the actual cost of incarceration if confined in a local jail.
- Provides that in no case may the court require the offender to pay more than \$100 per day for his or her cost of incarceration.

Hearing Date: 3/31/05

Staff: Yvonne Walker (786-7841).

Background:

Counties and the state are authorized to recover costs for inmate incarceration under limited circumstances, however, other legal financial obligations may take precedence.

In an instance where a felony offender, with the means to pay, is sentenced to prison, the court may require the offender to pay for his or her cost of incarceration at a rate of \$50 per day. The Department of Corrections is responsible for establishing deductions to be made from the inmate's wages to contribute to the cost of incarceration and the development of the Correctional Industries Program. Generally, an inmate's wages are subject to deductions ranging anywhere from 5 percent to 70 percent of their wages. Funds received by inmates from outside of the prison are also subject to the 70 percent deduction.

Courts may also require any inmate sentenced to a city or county jail, with the means to pay, to compensate the locality for his or her incarceration. Costs of incarceration can range up to a maximum of \$50 per day for an offender sentenced to a local jail. All funds received by inmates for the cost of incarceration in a county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the offenders' jail costs.

Summary of Bill:

If a court determines that an offender has the means to pay for the cost of his or her incarceration, the court may require the offender to pay: (1) \$50 per day if he or she is confined in a prison, or (2) the actual cost of incarceration if the offender is confined in a local jail. In no case may the court require the offender to pay more than \$100 per day for his or her cost of incarceration.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.