

COMMONWEALTH OF KENTUCKY
KENTON COUNTY FISCAL COURT
KENTON COUNTY, KENTUCKY

ORDINANCE NO. 226.02

AN ORDINANCE AMENDING KENTON COUNTY ORDINANCE NO. 225.73 RELATING TO THE COLLECTION OF PER DIEM CHARGES AND PROCESSING/BOOKING FEES FOR PRISONERS AT THE KENTON COUNTY DETENTION CENTER

WHEREAS, the Kenton County Fiscal Court has established a per diem charge and administrative processing/booking fee for prisoners at the Kenton County Detention Center; and,

WHEREAS, the Kentucky Supreme Court recently *held* that only prisoners who are sentenced on the charge(s) that resulted in confinement and for which the fees and charges were incurred owe these charges and fees; and,

WHEREAS, the Kenton Fiscal Court recognizes that as a consequence of the Court's decision, not every prisoner will owe these charges and fees and that its current Ordinance (as amended from Ordinance No. 225.56) needs to be revised;

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, THAT KENTON COUNTY ORDINANCE NO. 225.73 IS AMENDED AS FOLLOWS:

Section I

- (A) Pursuant to KRS Chapter 441, the County Jailer **or his or her designee** is ordered to collect administrative/booking fees in the amount of thirty-five dollars (\$35) for every person **from every prisoner** admitted to the County Detention Center **who has funds available during their detention and where collection is permitted by law**. Furthermore, the County Jailer **or his or her designee** is ordered to turn over all fees collected to the County Fiscal Court Treasurer for placement in the jail's budget as required by law.
- (B) Pursuant to KRS Chapter 441, the Kenton County Jailer **or his or her designee**, is ordered to collect a per diem of twenty dollars (\$20) per day from every prisoner lodged at the Kenton County Detention Center **who has funds available during their detention and where collection is permitted by law**. Said per diem shall be collected to offset the cost of room and board. Furthermore, the Kenton County Jailer or his or her designee is ordered to turn over all monies collected to the Kenton County Fiscal Court Treasurer for placement in the jail's budget as required by law.
- (C) **Pursuant to KRS Chapter 441, fees and per diem charges collected from available funds of a prisoner must be returned to the prisoner if the prisoner is not sentenced on the charge(s) for which he/she was detained and for which the fees and per diems were incurred, and no collection of fees or per diem arrearages can be pursued after the prisoner's release from custody without an order from the sentencing court that includes reimbursement of arrearages.**

Section II

That should any section or part of any section or any provision of this Ordinance be declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance. **All prior Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.**

Section III

This ordinance shall be in effect when passed, published and recorded according to law.

Adopted this _____ day of _____, 2022.

First Reading – January 25, 2022

Second Reading – February 8, 2022 Yes _____ No _____

KENTON COUNTY FISCAL COURT

KRIS KNOCHELMANN
Judge-Executive

ATTEST:

Sue Kaiser, Fiscal Court Clerk