

ORDINANCE 2011-11

AN ORDINANCE ENACTING SECTION 1-6-5, INMATE PROCESSING FEE, OF THE TOOELE COUNTY CODE, ESTABLISHING AN INMATE PROCESSING FEE

WHEREAS, the Tooele County Sheriff has a statutory duty to care for prisoners in the county jail pursuant to UCA 17-22-8 and the Tooele County Sheriff expends significant time and resources meeting this statutory obligation; and

WHEREAS, UCA 76-3-201(6) provides that persons incarcerated in the county jail can be held personally responsible for the costs associated with their incarceration; and the procedure of "booking" or "processing an inmate" is one of the costs associated with incarceration; and

WHEREAS, UCA 17-22-2.5(1)(a)(ii) grants the Board of County Commissioners the authority to adopt an ordinance for a fee in an amount reasonably related to, but not exceeding, the actual cost of providing the service, in this case "booking" or "processing an inmate."

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I - SECTION ENACTED. Section 1-6-5, Inmate Processing Fee, of the Tooele County Code is hereby enacted to read as follows:

1-6-5. Inmate processing fee.

(1) Each time a person is booked (or booked and released) into the Tooele County Detention Center, they will be charged an inmate processing fee of Twenty Dollars (\$20.00).

(2) The inmate processing fee shall not apply and/or may be waived by the Tooele County Sheriff in the following circumstances:

(a) The inmate is being held for another agency for a per diem payment;

or

(b) The inmate is being held for safekeeping for another agency.

(3) The inmate processing fee shall be collected before the inmate is released from the Tooele County Detention Center, or the fee shall be deducted from the inmate's trust account before any other fees are deducted.

(4) Any person who is directed by any court to be booked and released from jail shall pay the fee prior to being admitted into the detention center for processing.

(5) Any person who is found not guilty by the court may receive a refund of their booking fee, with proof from the court of the not guilty verdict (a plea in abeyance does not count as a not guilty plea).

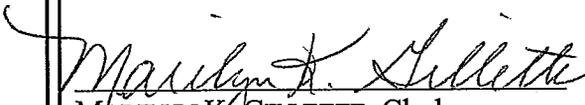
SECTION II - REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION III - EFFECTIVE DATE. This ordinance shall take effect fifteen (15) days after its passage, provided the same has been published, with the name of the members voting for and against the same, for at least one publication in one issue of a newspaper published in and having general circulation in Tooele County.

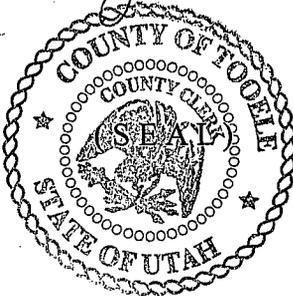
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 7th day of June 2011.

ATTEST:

TOOELE COUNTY COMMISSION:


MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman



Commissioner Johnson voted aye
Commissioner Clegg voted aye
Commissioner Hurst voted aye

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney