

RESOLUTION NO. 1 - 2010

A RESOLUTION CREATING A FEE FOR COSTS AND EXPENSES INCURRED BY THE COUNTY IN THE HOUSING OF INMATES TO BE ASSESSED AGAINST INMATES INCARCERATED IN THE CHEROKEE COUNTY JAIL OR AT THE DIRECTION OF THE CHEROKEE COUNTY SHERIFF, HOUSED IN SOME OTHER FACILITY IN LIEU OF THE CHEROKEE COUNTY JAIL.

WHEREAS, Cherokee County, Kansas, is a county municipal government with the power of home rule pursuant to K.S.A. 19-101 et seq.; and

WHEREAS, the cost of housing and otherwise caring for and maintaining prisoners in the custody of Cherokee County is a recurring expense that places a burden on the taxpayers of Cherokee County, Kansas, unless these costs can be defrayed; and,

WHEREAS, pursuant to K.S.A. 19-1930(e), the County Commissioners of Cherokee County may provide by resolution that any inmate who is incarcerated in the county jail shall be required to pay to the county a fee in an amount not to exceed the below-assigned county's cost of providing certain services to the inmate as stated below;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE GOVERNING BODY OF CHEROKEE COUNTY, KANSAS THAT:

**Section 1. Fees to be Assessed Against Inmates.**

Every inmate housed in the Cherokee County jail and convicted of a misdemeanor or felony and who is not subject to the provisions of K.S.A. 19-1930(a), (b), or (c), shall pay the sum of \$20.00 per day for each day that the inmate is incarcerated in the Cherokee County jail including, but not limited to, any and all days which are credited to that inmate's misdemeanor or felony sentence. This fee does not apply to cases involving a diversion agreement, unless the diversion agreement is subsequently set aside and a conviction occurs for the offenses for which the diversion agreement is entered.

**Section 2. Housing Fee.**

The amount of the Housing Fee created hereby shall be as follows:  
\$20.00 per day.

**Section 3. Fee billing; hearing, deposit to county treasurer of collected funds.**

The Sheriff shall include notification and inmate's acknowledgment of said fee in booking procedure; and shall, prior to releasing any inmate, present to the inmate a statement of fees provided for hereunder and charged the inmate and, if the inmate fails to pay the amount charged by cash, money order, or release of funds from the inmate's jail commissary account, the Sheriff shall provide notice and immediate hearing to said inmate to the effect that the inmate's commissary account shall be garnished in payment or partial payment of the fee charges, and forwarded to the County Treasurer pursuant to the terms of K.S.A 19-1930(e).

**Section 4. Priority of Other Expenses.**

Pursuant to K.S.A. 19-1930(e), any restitution, child support, court costs, or fines owed by any inmate shall take priority over this housing fee.

**Section 5. Duties.**

The Sheriff shall be responsible for performing the duties required under this resolution pursuant to the requirements of K.S.A. 19-1930.

**Section 6. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this resolution, or the application thereof to any circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution.

**Section 7. Repeal.**

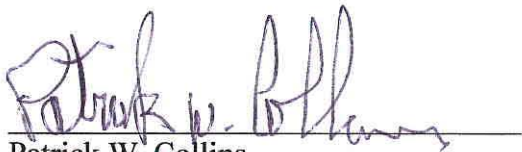
The provisions of any previously enacted resolution that are inconsistent herewith are repealed.

**Section 8. Effective Date.**

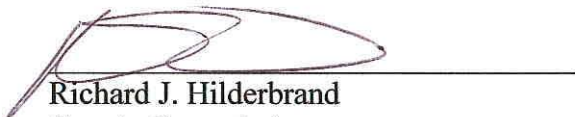
This resolution shall take effect and be in full force from and after its passage and publication once in the official County newspaper.

Adopted this 29<sup>th</sup> day of March, 2010, by the BOARD OF COMMISSIONERS OF

CHEROKEE COUNTY, KANSAS.



Patrick W. Collins  
County Commissioner



Richard J. Hilderbrand  
County Commissioner



Jack G. Garner  
County Commissioner

ATTEST:



Crystal Gatewood  
County Clerk of Cherokee County,  
Kansas