

MITCHELL COUNTY ORDINANCE NO. 3

LIABILITY OF COUNTY JAIL PRISONERS

I. LIABILITY

101. All adult prisoners sentenced to confinement in the Mitchell County Jail shall be liable to Mitchell County, Iowa, for the cost of their confinement. The amount of liability shall be a per diem liability for each day confined and shall be in an amount as hereinafter provided. A part of a day shall be considered one day for purposes of this ordinance. Liability shall be incurred only for confinement as a result of a sentence lawfully imposed by a court of competent jurisdiction unless a prisoner has been confined prior to trial on a charge resulting in a conviction whether or not such conviction subsequently results in the confinement of the prisoner. In such a case, the prisoner shall be liable for the cost of pretrial confinement in addition to confinement as a result of a lawfully imposed sentence.

102. The per diem amount of liability shall be the actual cost of said confinement to Mitchell County, Iowa. The amount shall be determined and fixed, from time to time by resolution of the Board of Supervisors, which resolution shall plainly refer to this section. The frequency of such determination by the Board of Supervisors shall be at the discretion of the Board of Supervisors and may be changed by the

Board of Supervisors at any time to reflect changes in the actual cost of such confinement to the County.

103. The liability imposed by this ordinance shall be for confinement in the Mitchell County Jail or in any other confinement facility provided by Mitchell County for the confinement of prisoners, whether or not physically situated within Mitchell County, Iowa.

II. RECORD

201. Upon completion of any sentence by a confined person, or upon conviction of any person who was confined prior to trial but who is not thereafter sentenced to serve a sentence of confinement, the jailer shall immediately certify to the County Auditor the number of days of confinement and/or pretrial confinement served by any person made liable under this ordinance. The certification shall state the total number of days of confinement together with the full name, home address, and social security number of the person so confined.

202. The Mitchell County Auditor shall compute the liability of any confined person arising under this ordinance and shall keep an accurate account of such liability of any confined person. The Auditor shall keep an index of the names of persons liable and the record of the account of such confined persons in

the office of the County Auditor shall constitute notice of the lien hereinafter provided.

III. ENFORCEMENT

301. Any liability for the cost of confinement arising under this ordinance shall be and constitute a lien on any real estate owned by the person liable therefor.

302. Upon notification of the death of any person liable for the cost of confinement as provided in this ordinance, the Mitchell County Auditor shall file a claim in the estate of said deceased person and take all necessary measures and actions to enforce the claim so filed.

303. When directed by the Board of Supervisors, it shall be the duty of the County Attorney to proceed with the collection of any liability arising under this ordinance or to foreclose any liens created by this ordinance, all as part of the duties of his office.

304. The Board of Supervisors is hereby empowered to compromise any and all liabilities to the county arising under the terms of this ordinance when such compromise is deemed to be for the best interests of the county. The Board of Supervisors shall further release liens accruing hereunder when fully paid or

when compromised and settled by the Board of Supervisors or when an estate of which real estate affected by this chapter is a part has been probated and the proceeds allowable have been applied on such liens.

305. Nothing in this ordinance shall be construed to prevent the exercise of any power by the Board of Supervisors described and granted in Section 331.303(7), Code of Iowa.

IV. SEVERABILITY CLAUSE

401. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

V. EFFECTIVE DATE

501. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.