

CHAPTER 52
MAINTENANCE AND BOARD FOR COUNTY JAIL PRISONERS

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52.01 AUTHORITY. This Chapter is enacted pursuant to authority given to Sheboygan County under Wis. Stat. §§ 302.381, 302.388, 302.372, and 302.38(2), and 303.08(4).

52.02 INTENT. It is the intent of this Ordinance that persons incarcerated in the Sheboygan County Jail shall, to the extent authorized by law, be responsible for paying for the cost of their incarceration.

52.03 COST OF MAINTENANCE. The actual per day cost of maintaining a prisoner is determined to be as follows:

- (1) For a person confined to the Sheboygan County Jail and who was given "Huber" privileges pursuant to Wis. Stat. § 303.08 or work-release privileges pursuant to Wis. Stat. § 973.09(4), the sum of Twenty Dollars (\$20.00) per day, together with a processing fee of Thirty Dollars (\$30.00) for each period of confinement.
- (2) For a person in a home detention program pursuant to Wis. Stat. § 302.425, including as a pretrial detainee, a sum as determined by the Law Committee reflecting the individual cost of administering the home detention program, but not to exceed the sum of Thirty Dollars (\$30.00) per day, together with a processing fee of Thirty Dollars (\$30.00) for each period of confinement.
- (3) For a person in ordinary confinement, including as a pretrial detainee, the sum of Twenty Dollars (\$20.00) per day, together with a booking fee of Thirty Dollars (\$30.00).
- (4) For medical expenses incurred by Sheboygan County, including as a pretrial detainee, the actual cost of medical expenses.
- (5) For a person confined to the Sheboygan County Jail with "Huber" privileges pursuant to Wis. Stat. § 303.08 or work-release privileges pursuant to Wis. Stat. § 973.09(4) as a result of a transfer to Sheboygan County from another jurisdiction, a one-time transfer fee of One Hundred Dollars (\$100.00) per prisoner transfer, plus the other fees set forth in Subsection (1), above.

52.04 NO DUPLICATION OF EXPENSES. Sheboygan County shall not recover the same expenses twice. Only one booking or processing fee shall be applied if a person has a continuum of confinement from one form of detention to another.

52.05 REIMBURSEMENT FORM. Each person confined to the Sheboygan County Jail including to home detention and including pretrial detainees shall be required to complete a financial disclosure form provided by the Sheriff. This form shall provide for obtaining the Social Security number, age and marital status of a prisoner, the number and ages of children of a prisoner, the income of a prisoner, the type and value of real estate owned by a prisoner, the type and value of personal property of a prisoner, a prisoner's cash and financial institution accounts, the types and values of a prisoner's investments, any pension plans and annuities of a prisoner, and any other personalty of significant cash value owned by a prisoner. This form shall be used by the Sheriff, the Sheboygan County District Attorney, and the Sheboygan County Corporation Counsel to investigate the financial status of the prisoner in order to seek reimbursement as appropriate. The information on the completed form

is not a public record except that Sheboygan County shall provide the information from the form in response to a request for information under Wis. Stat. § 49.22(2m) made by the Wisconsin Department of Workforce Development or under Wis. Stat. § 59.53(5) made by the Child Support Agency.

52.06 INSTITUTIONAL ACCOUNTS. The Sheriff may charge a prisoner for the expenses set forth in Section 52.03 of this Code while he or she is a prisoner only after conviction or if charging expenses was agreed to as part of a deferred prosecution agreement; plus the costs to investigate the financial status of the prisoner and the expenses of collection.

- (1) If the Sheriff maintains an institutional account for a prisoner's use for payment of items from canteen, vending, or similar services, the Sheriff may make deductions from the account to pay for the expenses set forth in Section 52.03 of this Code. If the prisoner has a balance due for expenses under Section 52.04 of this Code, from prior incarcerations, any institutional account created as part of a subsequent incarceration may be used to recover the sums due from the prior incarceration.
- (2) If the Sheriff maintains an account of a "Huber" prisoner pursuant to Wis. Stat. § 303.08(3), the Sheriff may make deductions from the account to pay for the expenses set forth in Section 52.03 of this Code subject to the limitations of Wis. Stat. § 303.08(5).

52.07 PREPAYMENT. Because participation in a home detention program is discretionary with the Sheriff, the Sheriff may require prepayment of the expenses set forth in Section 52.03 of this Code as a requirement for participation in the program.

52.08 WAGES OF PRISONER. The wages, salary, and unemployment training benefits received by prisoners shall be divided by the Sheriff for the following purposes, in the order stated:

- (1) Necessary travel expense to and from work;
- (2) Court-ordered support of the prisoner's dependants, if any;
- (3) Expenses owed to the County under Section 52.04 of this Code;
- (4) Payment, either in full or ratably, of the prisoner's obligations acknowledged by the prisoner in writing or which have been reduced to judgment;
- (5) The balance, if any, to the prisoner upon the prisoner's discharge.

52.09 PRISONER COOPERATION. A prisoner in a jail shall cooperate with the Sheriff in seeking reimbursement for expenses incurred for that prisoner. A prisoner who intentionally refuses to cooperate may not earn good-time credit under Wis. Stat. § 302.43 or diminution of sentence under Wis. Stat. § 303.19(3).

52.10 ACTION FOR REIMBURSEMENT. Within twelve (12) months after the release of a prisoner from jail, the County may commence an action in circuit court to recover the expenses under Section 52.03 of this Code plus the costs to investigate the financial status of the prisoner and the expenses of collection not otherwise recovered or be barred. The County shall only commence actions for recovery or take other collection activities against persons who were convicted of offenses or if charging expenses was agreed to as part of deferred prosecution agreements.

52.11 PROCEEDS. Any sums collected under this Ordinance shall be deposited with the County Treasurer, except to the extent that the portion of the sums collected for meals for Huber prisoners are subject to sales tax which shall be assessed and forwarded to the Department of Revenue.

52.12 COUNTY WORK CAMP PROGRAM. Pursuant to the authority granted to the County Board under Wis. Stat. § 303.10(1), there is hereby established a County Work Camp Program for the purpose of providing for the reformation and employment of persons sentenced to the Sheboygan County Jail. The County Work Camp Program shall operate under the following terms and conditions:

- (1) The Work Camp Program shall be in the form of a "day camp" in which prisoners may be transported from the Jail in the morning by the Sheriff to the sites and returned to the Jail at the end of the day after work by the Sheriff.

Comment [CAB1]: Statute of Limitations for Medical Expenses is 2 years, all other expenses 1 year. Wis. Stat. § 302.372(6)(a) and (am)

- (2) The work sites shall be limited to locations and properties owned by Sheboygan County together with locations and properties of any other public agency in Sheboygan County and other entities exempt from taxation deemed appropriate by the Sheriff, subject to the consent of the Administrators of the work sites.
- (3) The Sheriff shall administer the Work Camp Program, including eligibility for participation, length of work day, and staffing level. The Sheriff shall have exclusive discretion with respect to the staffing level to be assigned.
- (4) Prisoners assigned to the Work Camp Program shall be on a volunteer basis, without compensation, although the Sheriff may, at his or her discretion, waive the daily fees charged to prisoners pursuant to this Chapter for each day of labor performed.
- (5) Prisoners assigned to the Work Camp Program shall not be given sentence credit beyond "good time" credit pursuant to Wis. Stat. § 302.43 unless they are eligible to receive community service credit pursuant to Wis. Stat. § 973.03(3). Pursuant to Wis. Stat. § 973.03(3)(am), the Sheriff is delegated to set the amount of community service credit to be given in cooperation with the Chief Judge. No prisoner may be denied good time credit for refusing to participate in a work camp program.
- (6) The Sheriff shall adhere to the provisions of Wis. Stat. § 303.10 in the operation of the County Work Camp program.

History: Ord. 4 (2000/01); Ord. 27 (2003/04); Ord. 21 (2009/10); Ord. 4 (2010/11); Ord. 8 (2018/19);