

County of Erie Local Laws of 1999

| Local Law No. | Year | Title/Subject A local law . . . |
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| 3 | 1999 | . . . requiring certain persons incarcerated in Erie County to pay the County of Erie for actual unreimbursed incarceration costs |

- Section 1. **Legislative intent.** With the rise of incarceration costs at the Erie county holding center and the Erie county correctional facility, it is in the best interest of the county of Erie to require certain persons who are in county custody at either or both the Erie county holding center and the Erie county correctional facility, and who ultimately stand convicted of the crime which led to their incarceration, to pay the county of Erie for the actual unreimbursed costs of such incarceration. This local law is further intended to reduce incarceration costs by reducing frivolous sick call visits by inmates who use sick call as an opportunity for socialization, thereby diverting resources from genuinely ill inmates and increasing operating costs. This local law shall be reviewed after two years to determine its success in reducing costs.
- Section 2. **Definition.** For purposes of this local law, the term “incarceration costs” shall mean the actual costs incurred by the county of Erie in housing a person at either or both the Erie county holding center or the Erie county correctional facility, but not limited to, room, board and educational expenses.
- Section 3. **Incarceration costs.** Any person convicted of a crime shall pay the county of Erie the sum of forty dollars for each day or part thereof for the actual, unreimbursed, pre-conviction and post-conviction incarceration costs incurred in conjunction with the incarceration of such person in either or both the Erie county holding center or the Erie county correctional facility. The maximum amount charged shall in no event exceed two thousand five hundred dollars.
- Section 4. **Waiver of correctional facility costs.** The superintendent of the Erie county correctional facility may waive all or part of the payment for incarceration costs at the Erie county correctional facility where, because of the indigence of the person ultimately convicted, the payment of said costs would work an unreasonable hardship on such person, upon that person's immediate family, or on any other person who is dependent on such individual for financial support. Presentation of evidence of receipt of public assistance benefits at the time of arrest shall be presumptive proof of indigence for purposes of this local law.

- Section 5. **Waiver of holding center costs.** The sheriff or his designee may waive all or part of the payment for incarceration costs at the Erie county holding center where, because of the indigence of the person ultimately convicted, the payment of said costs would work an unreasonable hardship on such person, upon that person's immediate family, or on any other person who is dependent on such individual for financial support. Presentation of evidence of receipt of public assistance benefits at the time of arrest shall be presumptive proof of indigence for purposes of this local law.
- Section 6. **Medical co-pay.** Each person incarcerated in the Erie county holding center or in the Erie county correctional facility shall pay a medical co-payment of two dollars for each visit to a physician. Where an inmate has health insurance coverage which requires the payment of a higher co-payment, such higher co-payment shall be charged. Where an inmate is indigent and the treating physician determines that the physician visit is not frivolous, the co-payment shall be waived.
- Section 7. **Non-payment.** In the event of non-payment of any costs which have not been waived, the county of Erie may seek to enforce payment in any manner permitted by law for enforcement of a debt.
- Section 8. The sheriff and the director of the county correctional facility shall file reports with the clerk of the legislature and with the county executive on the first day of September two thousand and on the first day of September two thousand one concerning the progress of implementation of this local law.
- Section 9. This local law shall take effect immediately and shall remain in effect until October 1, 2001.

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