

RESOLUTION # 96-52

**TO ESTABLISH A COMMUNITY RESTORATION FEE
RESOLUTION**

TO ESTABLISH A COMMUNITY RESTORATION FEE TO BE PAID BY PRISONERS WHO ARE CONVICTED AND SENTENCED FOR A CRIME OR PRISONERS WHO LATER BECOME CONVICTED OF CHARGES FOR WHICH THEY WERE ORIGINALLY INCARCERATED, WITH THE COST OF INCARCERATION BEING FUNDED BY TORRANCE COUNTY; CALLING FOR ALTERNATIVES IN LIEU OF PAYMENT.

WHEREAS, Torrance County spends approximately \$390,000.00 per year to house prisoners.

WHEREAS, the County Commission believes it is appropriate for those persons incarcerated by Torrance County to pay a portion of the costs incurred for incarceration, rather than continuing to unduly burden the County taxpayers with this cost; and

WHEREAS, the County Commission is anxious to utilize every possible means of establishing reasonable and most-efficient methods of reimbursing the community for housing persons convicted of crimes; and

WHEREAS, national statistics indicate that during the last decade the nation's jail population has almost doubled on a per capita basis with jails operating at 97% percent capacity; and

WHEREAS, The County Commission has experienced recent problems with increased numbers of prisoners, as a result of diligent law enforcement, and it is likely that this problem will continue as citizens and elected officials continue to seek maximum deterrents and punishment of crime;

WHEREAS, Parents or guardians of minor children are responsible for the actions of their children or wards.

WHEREAS, it is appropriate for the County Commission to establish the Community Restoration Fee.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, THE GOVERNING BODY OF TORRANCE COUNTY, NEW MEXICO

Section 1. That a Community Restoration Fee shall be established by the County Commission to be paid by prisoners who are convicted and sentenced for a crime or prisoners who later become convicted of charges for which they were originally incarcerated by Torrance County. This amount of the fee shall be based upon

the actual booking and incarceration costs, but prisoners shall not be charged for less than one day of jail residence. The amount of the Fee may be established by the County Commission at less than 100% of cost.

Section 2. That the County Commission will design a program for alternative restitution for those convicted prisoners who are unable to pay their Community Restoration Fee due to indigence. The alternative restitution plan may include, but not be limited to community service.

Section 3. That the County Commission will further expand the program for restitution through community service by utilizing the prisoner's occupational skill, whenever possible, shall be credited to the booking and incarceration costs of jail residence.

Section 4. that revenue collected through the Community Restoration Fee shall be a revenue source for the Detention Fund (Fund 420). That this program shall be self-supporting with all administrative costs paid from the collection of fees.

Section 5. Parents or guardians of minor children convicted under the Children's Code of the State of N.M. or who enter into consent decrees under provision of the Children's Code should defray the costs of incarceration or detention of their children or wards as a deterrent to further delinquent behavior.

Section 6. That this program shall be implemented as a Pilot Program for eighteen months after which it shall be evaluated prior to continuance.

APPROVED THIS 24 DAY OF July, 1996.



ATTEST: Carlo Clayton
County Clerk

Bill Williams
Bill Williams, Chairman

Roy Spencer
Roy Spencer, Commissioner

Rodger Rayner
Rodger Rayner, Commissioner