March 16, 1999

OPINION NO. 99-021

The Honorable Kevin J. Baxter
Erie County Prosecuting Attorney
247 Columbus Avenue, Suite 319
Sandusky, Ohio 44870-2636

Dear Prosecutor Baxter:

You have requested an opinion concerning the recoupment of the county's processing costs when a person is confined in the county jail. You have stated that the county incurs various labor and material costs when a person is processed for confinement in the county jail. These costs may include, but are not limited to, the salary of the processing deputy sheriff, fingerprinting and photographing the person, and providing the person with a jail uniform and personal hygiene items. You wish to know whether R.C. 341.06 authorizes the county to adopt a policy that requires a person confined to the county jail to reimburse the county for these processing costs.

R.C. 341.06 provides, in part, as follows:

> (A)(1) In lieu of requiring offenders to reimburse the county for expenses incurred by reason of the person's confinement under section 341.14 or 341.19 of the Revised Code,[1] the board of county commissioners, in an agreement with the sheriff, may adopt a prisoner reimbursement policy for the jail pursuant to this section to be administered in the jail under the sheriff's direction. The sheriff

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[1] R.C. 341.14(B)(1) authorizes a board of county commissioners that receives a prisoner for confinement in the county jail pursuant to R.C. 341.12 to "require the prisoner to reimburse the county for its expenses incurred by reason of the prisoner's confinement." R.C. 341.19(A)(1) authorizes a board of county commissioners to "require a person who was convicted of an offense and who is confined in the county jail to reimburse the county for its expenses incurred by reason of the person's confinement."

> may appoint a reimbursement coordinator to administer the jail's prisoner reimbursement policy.
>
> (2) A prisoner reimbursement policy adopted under this section is a policy that requires a person confined to the jail to *reimburse the county for any expenses it incurs by reason of the person's confinement in the jail, which expenses may include, but are not limited to,* the following:
>
> (a) A per diem fee for room and board of not more than sixty dollars per day or the actual per diem cost, whichever is less, for the entire period of time the person is confined to the jail;
>
> (b) Actual charges for medical and dental treatment;
>
> (c) Reimbursement for county property damaged by the person while confined to the jail. (Footnote and emphasis added.)

The plain language of R.C. 341.06 authorizes a board of county commissioners to adopt a reimbursement policy that requires a person confined to the county jail to reimburse the county for any expenses it incurs by reason of the person's confinement in the county jail.

It is a well-settled principle that, if the language of a statute is clear, unequivocal, and definite, the statute must be applied accordingly. *State v. Herbert*, 49 Ohio St. 2d 88, 94-95, 358 N.E.2d 1090, 1094 (1976); *Sears v. Weimer*, 143 Ohio St. 312, 55 N.E.2d 413 (1944) (syllabus, paragraph five). It is apparent that the processing costs you have described arise when a person is confined in the county jail. Such costs, therefore, are expenses the county "incurs by reason of the person's confinement in the [county] jail." R.C. 341.06(A)(2). Accordingly, a board of county commissioners may adopt a prisoner reimbursement policy that requires a person confined to the county jail to reimburse the county for those processing costs.

Based on the foregoing, it is my opinion, and you are hereby advised that, pursuant to R.C. 341.06, a board of county commissioners may adopt a prisoner reimbursement policy that requires a person to reimburse the county for the costs it incurs when the person is processed for confinement in the county jail.

Respectfully,

BETTY D. MONTGOMERY
Attorney General

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SYLLABUS: 99-021

Pursuant to R.C. 341.06, a board of county commissioners may adopt a prisoner reimbursement policy that requires a person to reimburse the county for the costs it incurs when the person is processed for confinement in the county jail.