

(O-94-84)

18061

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON APR 25 1994

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 30 AND SECTIONS 51.3001, 51.3002 AND 51.3003 RELATING TO RECOVERY OF INCARCERATION COSTS FROM SENTENCED PRISONERS

WHEREAS, the City desires to reduce the cost of operation of its Pre-arraignment Detention Facility by requiring sentenced prisoners to pay incarceration costs in accordance with the provisions of California Penal Code section 1203.1c; and

WHEREAS, the state legislature in California Penal Code section 1203.1c has authorized a city to adopt an ordinance for the recovery of incarceration costs from sentenced prisoners; and

WHEREAS, California Penal Code section 1203.1c shall be operative in a city upon the adoption of an ordinance to that effect by the City Council; and

WHEREAS, California Penal Code section 1023.1c requires that the city's ordinance include a designation of the officer responsible for collection of moneys ordered pursuant to that section; and

WHEREAS, California Penal Code section 1203.1c requires the City Council to include a determination, to be reviewed annually, of the average per-day costs in the city jail or other local detention facility; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Division 30, and Sections 51.3001, 51.3002 and 51.3003, to read as follows:

DIVISION 30

Recovery of Incarceration Costs

SEC. 51.3001 Intent and Purpose

It is the intent and purpose of the City Council to adopt an ordinance making California Penal Code section 1203.1c operative in the City of San Diego in accordance with the requirements of that state statute.

SEC. 51.3002 City Manager Authorized to Collect

(a) The City Manager is hereby authorized and empowered to collect the reasonable costs of incarceration allowed by California Penal Code section 1203.1c from any defendant convicted of any offense and ordered to serve a period of confinement in a City jail or San Diego Pre-arraignment Detention Facility.

(b) The City shall charge an incarceration fee from criminal defendants for each day of incarceration.

(c) Subject to approval by the City Council and the presiding judges of the Municipal and Superior Courts, the City Manager shall determine the incarceration fee per person and shall prepare a payment schedule for reimbursement of the costs of incarceration pursuant to California Penal Code section 1203.1c. The incarceration fee proposed by the City Manager shall be based upon the actual reasonable costs of incarceration and shall be

calculated on the actual average daily cost of incarceration per person.

(d) The City Manager shall review annually the daily incarceration fee to determine whether it reflects the actual cost of incarceration. The City Manager shall adjust the fee as required, subject to the approval of the City Council and the presiding judges of the Superior and Municipal Courts.

SEC. 51.3003 Defendant Rights

Before an incarceration fee may be imposed, a defendant shall be accorded counsel, hearing and all other procedural rights provided in California Penal Code section 1203.1c.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Joseph M. Battaglino
Joseph M. Battaglino
Deputy City Attorney

JMB:jp
03/09/94
Or.Dept:PS&S
O-94-84
Form=o+t

Passed and adopted by the Council of The City of San Diego on APR 25 1994
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By *John Kueg*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on APR 11 1994, and on APR 25 1994.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By *John Kueg*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-18061</u>	Adopted <u>APR 25 1994</u>

RECEIVED
 94 MAR 30 PM 4: 19
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 SAN DIEGO, CA

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CITY ADMINISTRATION BLDG.
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 1...

ORDINANCE NUMBER 0-18061 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER V, ARTICLE 1, OF THE
SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 30 ND
SECTIONS 51.3001, 51.3002 AND 51.3003 RELATING TO RE-
COVERY OF INCARCERATION COSTS FROM SENTENCED
PRISONERS
A complete copy of the Ordinance is available for inspection in the Office
of the City Clerk of the City of San Diego, 2nd Floor, City Administration
Building, 202 C Street, San Diego, CA 92101.
INTRODUCED ON April 11, 1994. Passed and adopted by the Council of
the City of San Diego on April 25, 1994.
AUTHENTICATED BY:
SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL) By ESTHER CERESO, Deputy
Pub. May 9 284875

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-18061 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

MAY 9

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 9th day of MAY, 1994.

Corey Donahue

(Signature)

2" x 2 = \$51.20