

## RESOLUTION NO. RS2018-1054

### **A resolution reducing the jailers' fees authorized under Tennessee Code Annotated § 8-26-105 that are assessed against misdemeanor prisoners incarcerated in Davidson County jails.**

WHEREAS, Tennessee Code Annotated § 8-26-105 authorizes the legislative body of each county to pass a resolution fixing the amount of jailers' fees which may be applied to misdemeanor prisoners; and

WHEREAS, the jailers' fees currently assessed in Davidson County total \$44.00 per day, as established in 1997 by the Metropolitan Council per Resolution No. R97-593. Previously, the jailers' fees had been \$29.26 per day; and

WHEREAS, although jailers' fees are only assessed against persons actually convicted of criminal offenses, such fees may be assessed not only against persons serving misdemeanor sentences in county jails, but also against persons being held prior to trial on misdemeanor charges. (*Tenn. Op. Att'y Gen. 84-290*; and *Tenn. Code Ann. § 40-25-104*); and

WHEREAS, jailers' fees may also be assessed upon indigent individuals because the fees can be applied to defendants convicted of misdemeanor offenses regardless of financial status. (*Tenn. Op. Att'y Gen. 03-106*); and

WHEREAS, the 1997 resolution adopted by the Metropolitan Council stated in part, as grounds for the fee, that "a more reasonable Jailer's [*sic*] fee creates more revenue for the efficient operation of Davidson County jail facilities and is in the best interest of the citizens and residents of Davidson County." (Resolution No. R97-593); and

WHEREAS, according to the Metropolitan Criminal Court Clerk, collected jail fees are reported to the General Fund (as part of the BU/Object Account 24100100.404101 for General Sessions Court cases, and BU/Object Account 24100100.404200 for State Trial Court Cases); and

WHEREAS, between FY2014-2015 and FY2016-2017, the percentage of jailers' fees actually collected in Davidson County by the Metropolitan Court Clerk totaled approximately seventeen percent (17%) of the assessed General Sessions Court case fees and approximately nine percent (9%) of the State Trial Court case fees.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE:

Section 1: The Metropolitan Council hereby fixes the amount of jailers' fees which may be applied to misdemeanor prisoners, as authorized under Tennessee Code Annotated § 8-26-105, in the amount of \$0.00.

Section 2: This resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Freddie O'Connell

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Brett A. Withers  
Members of Council