

DAVIS COUNTY

RESOLUTION NO. 2014-372

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY PROVIDING NOTICE OF DAVIS COUNTY'S INTENT TO REIMBURSE FUNDS UNLAWFULLY SEIZED, COLLECTED, OR TAKEN FOR COSTS OF INCARCERATION FROM INDIVIDUALS HOUSED IN THE DAVIS COUNTY JAIL SINCE APRIL 9, 2010

WHEREAS, Utah Code Ann. § 76-3-201 authorizes Counties to collect restitution funds from individuals convicted of crimes to mitigate the costs of incarceration (Pay-to-Stay), and state law sets forth a procedure to receive such Pay-to-Stay restitution; and

WHEREAS, the Davis County Sheriff's Office ("DCSO"), in an effort to collect Pay-to-Stay restitution, has seized, collected, or otherwise obtained funds from individuals housed in the Davis County Jail without submitting a claim for restitution or receiving a court order; and

WHEREAS, the Davis County Attorney's Office ("DCAO") has advised DCSO and the Board of County Commissioners that taking or obtaining funds for Pay-to-Stay restitution without first submitting a claim for restitution and receiving a court order authorizing the restitution violates state law and meaningful steps must be taken to return property to the lawful owner(s); and

WHEREAS, Judge Michael G. Allphin, in a written Order dated April 9, 2014, found that DCSO's practice of taking funds from inmate accounts for Pay-to-Stay restitution did not comply with applicable state statutes and ordered DCSO to immediately cease its practice; and

WHEREAS, based upon legal counsel received from the DCAO and Judge Allphin's April 9, 2014 Order, Davis County believes it is legally and morally obligated to reimburse individuals whose funds have been unlawfully seized, taken, or otherwise obtained by DCSO for Pay-to-Stay restitution without a valid court order.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY AS FOLLOWS:

Section 1. Resolution. The Board of County Commissioners of Davis County declares its intent to fully reimburse individuals that have been housed in the Davis County Jail since April 9, 2010, and that have had funds unlawfully taken from their accounts, or collected by any other means, for Pay-to-Stay restitution without a valid court order.

Section 2. Effective Date. This Resolution shall become effective immediately upon its adoption.

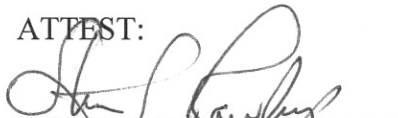
Unanimously adopted this 4<sup>th</sup> day of November, 2014 with Commissioners  
P. Bret Millburn and John Petroff Jr. all voting aye.

DAVIS COUNTY



P. Bret Millburn, Chair Pro-Tem  
Board of County Commissioners

ATTEST:

  
Steve S. Rawlings  
Davis County Clerk/Auditor