

TEXAS COMMISSION ON JAIL STANDARDS

EXECUTIVE DIRECTOR

Adan Munoz, Jr.

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OPINION COMMITTEE



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October 2, 2006

The Honorable Greg Abbott
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

RQ-0537-GA

FILE # ML-45017-06
I.D. # 45017

Re: Whether a county may maintain a negative balance on an inmate's commissary account for medical services rendered during a previous stay at the county jail.

Dear General Abbott:

On behalf of the Commission on Jail Standards, I respectfully request your opinion on whether a county jail may deduct from an inmate's commissary account, those funds necessary to recover costs for that inmate's medical services incurred during a previous stay in the county jail. In sum, we ask whether a county jail may maintain a negative balance on an inmate's commissary account that persists after the inmate has been discharged from the jail, and which may be used to recover medical costs should an inmate return to the jail and have funds deposited into his or her account.

Article 104.002(d) Code of Criminal Procedure provides:

A person who is or was a prisoner in a county jail and received medical, dental, or health related services from a county or a hospital district shall be required to pay for such services when they are rendered... A prisoner, unless the prisoner fully pays for the cost of services received, shall remain obligated to reimburse the county or hospital district for any medical, dental, or health services provided...

Attorney General Opinion DM-413 further indicates that the county or hospital district is responsible for payment for inmate medical services that are not paid by the inmate, but that the county may collect reimbursement from the inmate. Whether collection may take place through the deduction of funds from an inmate's commissary account after maintaining a negative balance on the inmate's account, as many counties have traditionally done, is not addressed. We therefore ask if such a deduction would be lawful.

Respectfully submitted,

Adan Munoz, Jr.
Executive Director

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