

**201—20.10(904) Incarceration fees.** Effective July 1, 1997, an incarceration fee of up to \$5 per month will be assessed to all inmates who are financially able to pay. The ability to pay will be determined by an inmate's medical, physical, and mental status as well as security and program levels.

**20.10(1)** Deductions will occur on the first workday of each month provided all other legal and department financial obligations have been met including personal hygiene items and postage. Legal obligations include, but may not be limited to, Iowa Code section 904.108 as amended by 1997 Iowa Acts, chapter 190; Iowa Code sections 904.508, 904.702, 904.809 and 904.909; Iowa Code chapters 610 and 610A; and Iowa Rules of Civil Procedure section 80(b). Federal obligations include but are not limited to United States Code Title 28, Section 1915(b), and Federal Rules of Civil Procedure, page 54, and United States Code Title 31, Section 3713.

**20.10(2)** For those inmates determined to be able to pay, the first deduction will occur on the first workday in August and on the first workday of each subsequent month thereafter until the release of the inmate.

**20.10(3)** If an inmate is determined to be able to pay but there are insufficient funds in the inmate's account at the time of the deduction, the amount will be deducted from subsequent credits to the account.

**20.10(4)** Inmates assigned to a violator program at ICIW or NCF, in accordance with Iowa Code section 904.207, or inmates employed in private sector jobs, in which case federal regulations apply in accordance with Iowa Code section 904.108 as amended by 1997 Iowa Acts, chapter 190, are excluded from deductions as required by rule.

**20.10(5)** The director may temporarily delay or suspend the collection of these fees or may modify the method or source of collections to minimize related administrative burdens.

This rule is intended to implement Iowa Code section 904.108 as amended by 1997 Iowa Acts, chapter 190.