

**64-13-23 Offender's income and finances.**

The department may require each offender, while in the custody of the department or while on probation or parole, to place funds received or earned by him from any source into an account administered by the department or into a joint account with the department at a federally insured financial institution.

- (1) The department may require each offender to maintain a minimum balance in either or both accounts for the particular offender's use upon discharge from the custody of the department or upon completion of parole or probation.
- (2) If the funds are placed in a joint account at a federally insured financial institution:
  - (a) any interest accrues to the benefit of the offender account; and
  - (b) the department may require that the signatures of both the offender and a departmental representative be submitted to the financial institution to withdraw funds from the account.
- (3) If the funds are placed in an account administered by the department, the department may by rule designate a certain portion of the offender's funds as interest-bearing savings, and another portion as noninterest-bearing to be used for day-to-day expenses.
- (4) The department may withhold part of the offender's funds in either account for expenses of:
  - (a) incarceration, supervision, or treatment;
  - (b) court-ordered restitution, reparation, fines, alimony, support payments, or similar court-ordered payments;
  - (c) obtaining the offender's DNA specimen, if the offender is required under Section 53-10-404 to provide a specimen;
  - (d) department-ordered restitution; and
  - (e) any other debt to the state.
- (5)
  - (a) Offenders may not be granted free process in civil actions, including petitions for a writ of habeas corpus, if, at any time from the date the cause of action arose through the date the cause of action remains pending, there are any funds in either account which have not been withheld or are not subject to withholding under Subsection (3) or (4).
  - (b) The amount assessed for the filing fee, service of process and other fees and costs shall not exceed the total amount of funds the offender has in excess of the indigence threshold established by the department but not less than \$25 including the withholdings under Subsection (3) or (4) during the identified period of time.
  - (c) The amounts assessed shall not exceed the regular fees and costs provided by law.
- (6) The department may disclose information on offender accounts to the Office of Recovery Services and other appropriate state agencies.

Amended by Chapter 140, 2002 General Session