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Wages or Salary of Employed Prisoners - Cost for Boarding

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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When a prisoner is employed for wages or salary, the superintendent of the workhouse collects the wages or salary or can require the prisoner to turn over the wages or salary when received. The superintendent of the workhouse must deposit the money in a trust checking account and must keep a ledger showing the status of the account of each prisoner. In the case of a jail prisoner, the sheriff shall collect the wages or salary of the prisoner or require the prisoner to turn over the wages or salary when received and shall perform the duties prescribed above. T.C.A. § 41-2-129(a).

Every prisoner gainfully employed is liable for the cost of the prisoner's board in the workhouse as fixed by the county board of workhouse commissioners. The superintendent of the workhouse shall charge the prisoner's account if the prisoner has one for such board. If the prisoner is gainfully self-employed the prisoner shall pay for such board, in default of which the prisoner's privilege under T.C.A. §§ 41-2-127 - 41-2-132 shall be automatically forfeited. If necessarily absent from the workhouse at a meal time, a prisoner shall at the prisoner's request be furnished with an adequate nourishing lunch to carry to work. If the workhouse food is furnished directly by the county, the superintendent of the workhouse shall account for and pay over such board payments to the county. T.C.A. § 41-2-129(b)(1) - (5).

The same provisions shall apply in the case of jail prisoners, except that the county legislative body shall have and exercise the duties and authority prescribed for the county board of workhouse commissioners in the case of workhouse prisoners, and the sheriff shall have and exercise the duties and authority prescribed for the superintendent in the case of workhouse prisoners. T.C.A. § 41-2-129(b)(6).

By order of the county board of workhouse commissioners, or county legislative body if there is no county board of workhouse commissioners, or in the case of jail prisoners, the wages or salaries of employed prisoners shall be disbursed for the following purposes in the order stated:

1. The board of the prisoner;
2. Necessary travel expenses to and from work and other incidental expenses of the prisoner;
3. Support of the prisoner's dependents, if any, the amount to be determined by the local governing body of the county workhouse or by the county legislative body in the case of jail prisoners;
4. Payment of docket costs connected with the prisoner's commitment;
5. Payment either in full or ratably of the prisoner's obligations acknowledged by the prisoner in writing or that have been reduced to judgment; and
6. After deductions are made as set forth above, \$2, if there is at least a balance of \$2 in the account, shall be deducted each month from a prisoner's trust account for any month the prisoner is gainfully employed, to be applied to the county-operated victim's assistance program, if such a program exists in the county.
7. After deductions are made in accordance with subdivisions (c)(1)-(6), four dollars (\$4.00), if there is at least a balance of four dollars (\$4.00) in the account, shall be deducted each month from a prisoner's trust account for any month the prisoner is gainfully employed, to be directly applied to satisfy any judgments, against the prisoner, for restitution in favor of the victim.

T.C.A. § 41-2-129(c).

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