

# Pay-to-Stay Legislative Guide

Key legislative components for policymakers and advocates seeking to undo the harmful practice of pay-to-stay fees in their jurisdiction.

**Pay-to-stay fees make reentry more onerous and strain relationships with loved ones, thereby reproducing cycles of incarceration.**

**Pay-to-stay** (“PTS”) fees entail the harmful practice of charging adults and juveniles held in jails, prisons, and detention centers for the costs of their incarceration, including medical fees and expenses for room & board. Not only can these fees be charged during incarceration, but if they are not paid off before release, the fees can also follow individuals after their time is served in the form of debt that can sometimes be collected by garnishing wages or inheritances.

Campaign Zero’s research found that within the vast majority of states, correctional facilities have the ability to charge incarcerated adults for daily room & board fees and medical co-pays, and to bill parents or legal guardians of incarcerated youth for child support or per diem fees. As of December 2023, only two states—California and Illinois—have repealed all correctional room & board and medical fees; all other states allow for the imposition of some PTS fees.

## Why End Pay-to-Stay Fees?

**1** Pay-to-stay fees impose excessive financial burdens on incarcerated individuals and their families, many of whom are already economically strained before and during incarceration.

**2** Pay-to-stay fees serve as significant barriers to accessing basic goods and services during incarceration, such as medical care.

**3** The financial burden of pay-to-stay fees hinders successful reentry.

**4** Pay-to-stay fees are ineffective fiscal policies that fail to generate significant revenue or meaningfully impact states’ budgets.

## Purpose of this guide

This guide is intended for policymakers and advocates seeking to undo this harmful practice in their jurisdiction. Specifically, this document outlines the key components that any legislation must address to end PTS fees.

# Adult PTS fees Legislative Checklist



## Repeal / Strikethrough

- ☐ **Strike through all applicable language pertaining to adult costs of incarceration, including room & board fees and medical co-pay.**

Sometimes these fees are explicitly called out and other times they are referred to more generally as costs for “support,” “maintenance,” “confinement” or “supervision”; “incarceration fees”; fees for “prisoner’s keep”; etc. The fees may also sometimes be specified in the context of work release. If your jurisdiction has explicit statutes authorizing imposition of room & board fees, amend to strike/repeal the relevant statutory language.

*Examples of relevant language to strike out include:*

### CONNECTICUT GENERAL STATUTES §18-85A

“...The state shall have a claim against each inmate for the costs of such inmate’s incarceration under this section, and regulations adopted in accordance with this section, for which the state has not been reimbursed...”

### ALABAMA CODE § 14-8-6

“...The department is authorized to withhold from an inmate’s earnings the cost incident to the inmate’s confinement as the department shall deem appropriate and reasonable...”

### MAINE REVISED STATUTES 34-A §3031

“...The commissioner may establish medical and dental fees not to exceed \$5 for the medical and dental services that are provided pursuant to this subsection and a fee not to exceed \$5 for prescriptions, medication or prosthetic devices...”

## Explicit ban

- ☐ **Include explicit language prohibiting the imposition of adult PTS fees and their enforcement.**

*Suggested model language looks like the following:*

### ROOM & BOARD:

The Department of Corrections shall not require a person in their custody to pay or reimburse for the costs of their confinement, including room & board fees and other associated costs.

### MEDICAL CO-PAY:

The Department of Corrections shall not impose a medical co-pay for any medical visits, including but not limited to:

**Incarcerated individual initiated (non-emergency)**

**Licensed medical provider initiated**

**Emergency**

## Retroactive application

- ☐ **Include language applying the repeal retroactively and/or voiding PTS fees already imposed.**

*Suggested model language looks like the following:*

On behalf of any correctional institution or facility, the state must cease to collect all ongoing fee impositions against any incarcerated or previously incarcerated individual. Any debt stemming from unpaid fees shall be voided and any judgements that enforced these fees shall also be vacated.

**(For related retroactive language, see California AB 177)**



# Youth PTS fees Legislative Checklist



## Repeal / Strikethrough

- ☐ **Strike through all applicable language pertaining to youth costs of incarceration (post-adjudication), including room & board fees and medical co-pay.**

These fees are variously referred to as “cost of care”; “cost of supervision”; “cost of support”; “child support”; etc.

If your jurisdiction has explicit statutory language authorizing imposition of room & board fees, amend to strike/repeal the language.

*Examples of relevant language to strike out include:*

### NEW HAMPSHIRE REVISED STATUTES §621:31

“...If it appears that the parent or estate of a child who is subject to the provisions of this chapter is able to contribute to the support of the child, the court may enter an order requiring the parent, guardian, or executor of the child’s estate to pay a reasonable sum toward the support, education, or maintenance of the child...”

### TEXAS FAMILY CODE §54.06

“...At any stage of the proceeding, when a child has been placed outside the child’s home, the juvenile court, after giving the parent or other person responsible for the child’s support a reasonable opportunity to be heard, shall order the parent or other person to pay in a manner directed by the court a reasonable sum for the support in whole or in part of the child or the court shall waive the payment by order...”

## Explicit ban

- ☐ **Include explicit language prohibiting the imposition of youth PTS fees and their enforcement.**

*Suggested model language looks like the following:*

### ROOM & BOARD:

The Department/Court shall not order a child or the child’s parent, guardian, or custodian to pay a sum of money to cover the support of the child if placed in a correctional facility.

### MEDICAL CO-PAY:

The Department/Court shall not order a child or the child’s parent, guardian, or custodian to pay a sum of money to cover medical services if placed in a correctional facility.

## Retroactive application

- ☐ **Include language applying the repeal retroactively and/or voiding PTS fees already imposed.**

*Suggested model language looks like the following:*

On behalf of any correctional institution or facility, the state must cease to collect all ongoing fee impositions against any incarcerated or previously incarcerated individual. Any debt stemming from unpaid fees shall be voided and any judgements that enforced these fees shall also be vacated.

# Definitions of Key Terms

For the purpose of research and advocacy, we define the key terms in the following way:

- **Pay-to-stay (“PTS”):** Fees charged to adults and juveniles held in jails, prisons, and detention centers for the costs of their incarceration; we specifically mean it to refer to room & board fees and medical co-pays.
- **Incarcerated Adults:** Individuals 18 years or over who are incarcerated in county jails, state prisons, or other correctional facilities.
- **Incarcerated Youths:** Individuals under 18 who are held in juvenile detention facilities post-adjudication (this does not include juveniles under extended supervision, foster care, or any other form of non-correctional custody).
- **Room & Board Fees:** Charges levied against incarcerated individuals/their families for the costs the facility incurs for providing meals and a place to sleep while in custody.
- **Medical Co-pays:** Charges levied against incarcerated individuals/their families for the costs the facility incurs for providing medical treatment and mental health services, payable by medical insurance or other assets, over the duration of their custody.

## Pay-to-Stay Harm Index

Please consult our [Pay-to-Stay Harm Index](#) to see how pay-to-stay policies are enacted in your state.

The Harm Index captures the assessment of state statutes and departmental policies related to the imposition, collection, and enforcement of pay-to-stay fees. We call this the Harm Index because each criterion, if practiced, contributes to the harmful impact of pay-to-stay fees. The information gathered was coded and reviewed by Campaign Zero staff between June 2022 and December 2023.