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News

Indigent Prisoners' Rights Emphasized

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Law enforcement officials holding indigent prisoners because of inability to pay fines face civil rights suits in federal court, according to an opinion released today by the State Attorney General's office.

Bart Durham, an assistant attorney general, said, "not releasing an indigent prisoner at the end of his sentence for failure to pay a fine could very well result in a successful civil rights action in federal court brought by the prisoners against those responsible."

Durham cited rulings by the U.S. Supreme Court and the U.S. District Court for Tennessee in 1971 which held such incarcerations as unconstitutional and a violation of the

equal protection clause.

The ruling came in answer to a letter from Rep. Frank Buck, D-Smithville. Buck said a DeKalb County General Sessions Court judge had instructed the local sheriff to keep an inmate locked up until his fine was paid.

"He does not allow any credit toward the fine for jail time. It has gone to the extent that when the sheriff tried to release an indigent prisoner at the end of his sentence, the judge, upon learning of this, will issue an *caus* for the arrest of the person and have him locked up again," Buck said.

Buck said some prisoners have remained in jail for as long as three months on a 30-day sentence because of inability to pay fines.