

JAIL FUNDING AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David L. Thomas

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies code provisions regarding state reimbursement to county correctional facilities.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "core inmate incarceration costs" regarding state reimbursement of counties for housing prison inmates by removing the limitation of "direct" expenses and including capital infrastructure depreciation; and

- ▶ requires that when felons serve a jail sentence as a term of probation, the state reimbursement shall include a 10% overage.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

64-13c-101, as enacted by Chapter 287, Laws of Utah 1999

64-13c-301, as last amended by Chapter 270, Laws of Utah 2002

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **64-13c-101** is amended to read:

29 **64-13c-101. Definitions.**

30 As used in this chapter:

31 (1) [~~(a)~~] "Core inmate incarceration costs:"

32 (a) means the county correctional facility's [direct] costs of incarcerating an inmate,
33 including housing, feeding, and clothing[. ~~These costs also include~~], and may include capital
34 infrastructure depreciation; and

35 (b) includes the costs of programs the facility provides for inmates, but these costs do
36 not include programs provided only for inmates housed at the facility under this chapter.

37 [~~(b) "Core inmate incarceration costs" do not include costs of inmate transportation~~
38 ~~services or medical care.]~~

39 (2) "Department" means the Department of Corrections.

40 (3) "Inmate" means felony probationers sentenced to county jail under Subsection
41 77-18-1(8), inmates of the state prison system, and parolees.

42 (4) "Inmate costs" includes core inmate incarceration costs, and also inmate
43 transportation services and inmate medical care.

44 (5) "Program" means the Inmate Costs Reimbursement Program created in Section
45 64-13c-301.

46 Section 2. Section **64-13c-301** is amended to read:

47 **64-13c-301. Reimbursement program created -- Funding -- Purposes.**

48 (1) (a) There is created a program known as the Inmate Costs Reimbursement Program.

49 (b) The program shall be funded by appropriations from the Legislature, and shall
50 include a 10% overage.

51 (2) The director of the Department of Corrections shall use the program monies for the
52 sole purpose of reimbursing counties for costs incurred by housing inmates committed under
53 Subsection 77-18-1(8) as a term of probation.

54 (3) The program monies may not be used for:

55 (a) the costs of administering the Inmate Cost Reimbursement Program under this
56 chapter; or

57 (b) payment of contract costs under Subsection 64-13c-201(1)(b).

58 (4) Those costs under Subsection (3)(a) shall be covered by legislative appropriation.

59 (5) All funding for the program is nonlapsing.

Legislative Review Note
as of 12-19-05 11:29 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

Passage of SB 50 would require \$13,934,200 in FY07 and \$14,253,000 in FY 2008 for the Department of Corrections. If the Legislature also wants to fund Capital Depreciation Costs, the fiscal note would be increased \$2,228,500 in FY 07 and \$2,272,600 in FY 08.

	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2007</u>	<u>FY 2008</u>
	<u>Approp.</u>	<u>Approp.</u>	<u>Revenue</u>	<u>Revenue</u>
General Fund	\$11,705,700	\$11,980,500	\$0	\$0
TOTAL	\$11,705,700	\$11,980,500	\$0	\$0

Individual and Business Impact

No individual or business fiscal impact.
