

1                                   **COUNTY CHARGES FOR SERVICES TO**  
2                                   **INCARCERATED PERSONS**

3                                   2008 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Richard A. Greenwood**

6                                   Senate Sponsor: Gregory S. Bell

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8 **LONG TITLE**

9 **General Description:**

10           This bill modifies a provision related to county charges.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ expands a provision relating to health care expenses incurred for persons booked
- 14 into or committed to a county jail to include health care expenses incurred by health
- 15 care providers, making those expenses county charges subject to current statutory
- 16 limits;
- 17           ▶ removes language that made that provision applicable to only first and second class
- 18 counties;
- 19           ▶ establishes a fee schedule that applies in the absence of a contract with respect to
- 20 medical services provided by a health care provider; and
- 21           ▶ provides that certain information provided to a county by the Public Employees'
- 22 Benefit and Insurance Program is not a record for purposes of the Government
- 23 Records Access and Management Act.

24 **Monies Appropriated in this Bill:**

25           None

26 **Other Special Clauses:**

27           None

28 **Utah Code Sections Affected:**

29 AMENDS:

30           **17-50-319**, as last amended by Laws of Utah 2001, Chapter 249

31           **63-2-103**, as last amended by Laws of Utah 2007, Chapter 329

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

34           Section 1. Section **17-50-319** is amended to read:

35           **17-50-319. County charges enumerated.**

36           (1) County charges are:

37           (a) those incurred against the county by any law;

38           (b) the necessary expenses of the county attorney or district attorney incurred in  
39 criminal cases arising in the county, and all other expenses necessarily incurred by the county or  
40 district attorney in the prosecution of criminal cases, except jury and witness fees;

41           (c) the expenses necessarily incurred in the support of persons charged with or  
42 convicted of a criminal offense and committed to the county jail;

43           (d) for a county not within the state district court administrative system, the sum  
44 required by law to be paid jurors in civil cases;

45           (e) all charges and accounts for services rendered by any justice court judge for services  
46 in the trial and examination of persons charged with a criminal offense not otherwise provided  
47 for by law;

48           (f) the contingent expenses necessarily incurred for the use and benefit of the county;

49           (g) every other sum directed by law to be raised for any county purposes under the  
50 direction of the county legislative body or declared a county charge;

51           (h) the fees of constables for services rendered in criminal cases;

52           (i) the necessary expenses of the sheriff and deputies incurred in civil and criminal cases  
53 arising in the county, and all other expenses necessarily incurred by the sheriff and deputies  
54 performing the duties imposed upon them by law;

55           (j) the sums required by law to be paid by the county to jurors and witnesses serving at  
56 inquests and in criminal cases in justice courts; and

57           (k) [~~for a county of the first or second class and~~] subject to Subsection (2), expenses

58 incurred by a health care facility or provider in providing medical services at the request of a  
59 county sheriff for existing conditions of:

60 (i) persons booked into a county jail on a charge of a criminal offense; or

61 (ii) persons convicted of a criminal offense and committed to a county jail.

62 (2) (a) Expenses described in Subsection (1)(k) are a county charge only to the extent  
63 that they exceed any private insurance in effect that covers those expenses.

64 (b) If there is no contract between a county jail and a health care facility or provider  
65 that establishes a fee schedule for medical services rendered, expenses under Subsection (1)(k)  
66 shall be commensurate with:

67 (i) for a health care facility, the current noncapitated state Medicaid rates[-]; and

68 (ii) for a health care provider, 65% of the amount that would be paid to the health care  
69 provider:

70 (A) under the Public Employees' Benefit and Insurance Program, created in Section  
71 49-20-103; and

72 (B) if the person receiving the medical service were a covered employee under the  
73 Public Employees' Benefit and Insurance Program.

74 (c) Subsection (1)(k) does not apply to expenses of a person held at the jail at the  
75 request of an agency of the United States.

76 (d) A county that receives information from the Public Employees' Benefit and  
77 Insurance Program to enable the county to calculate the amount to be paid to a health care  
78 provider under Subsection (2)(b)(ii) shall keep that information confidential.

79 Section 2. Section **63-2-103** is amended to read:

80 **63-2-103. Definitions.**

81 As used in this chapter:

82 (1) "Audit" means:

83 (a) a systematic examination of financial, management, program, and related records for  
84 the purpose of determining the fair presentation of financial statements, adequacy of internal  
85 controls, or compliance with laws and regulations; or

86 (b) a systematic examination of program procedures and operations for the purpose of  
87 determining their effectiveness, economy, efficiency, and compliance with statutes and  
88 regulations.

89 (2) "Chronological logs" mean the regular and customary summary records of law  
90 enforcement agencies and other public safety agencies that show:

91 (a) the time and general nature of police, fire, and paramedic calls made to the agency;  
92 and

93 (b) [~~and~~] any arrests or jail bookings made by the agency.

94 (3) "Classification," "classify," and their derivative forms mean determining whether a  
95 record series, record, or information within a record is public, private, controlled, protected, or  
96 exempt from disclosure under Subsection 63-2-201(3)(b).

97 (4) (a) "Computer program" means:

98 (i) a series of instructions or statements that permit the functioning of a computer  
99 system in a manner designed to provide storage, retrieval, and manipulation of data from the  
100 computer system; and

101 (ii) any associated documentation and source material that explain how to operate the  
102 computer program.

103 (b) "Computer program" does not mean:

104 (i) the original data, including numbers, text, voice, graphics, and images;

105 (ii) analysis, compilation, and other manipulated forms of the original data produced by  
106 use of the program; or

107 (iii) the mathematical or statistical formulas, excluding the underlying mathematical  
108 algorithms contained in the program, that would be used if the manipulated forms of the original  
109 data were to be produced manually.

110 (5) (a) "Contractor" means:

111 (i) any person who contracts with a governmental entity to provide goods or services  
112 directly to a governmental entity; or

113 (ii) any private, nonprofit organization that receives funds from a governmental entity.

114 (b) "Contractor" does not mean a private provider.

115 (6) "Controlled record" means a record containing data on individuals that is controlled  
116 as provided by Section 63-2-303.

117 (7) "Designation," "designate," and their derivative forms mean indicating, based on a  
118 governmental entity's familiarity with a record series or based on a governmental entity's review  
119 of a reasonable sample of a record series, the primary classification that a majority of records in  
120 a record series would be given if classified and the classification that other records typically  
121 present in the record series would be given if classified.

122 (8) "Elected official" means each person elected to a state office, county office,  
123 municipal office, school board or school district office, local district office, or special service  
124 district office, but does not include judges.

125 (9) "Explosive" means a chemical compound, device, or mixture:

126 (a) commonly used or intended for the purpose of producing an explosion; and

127 (b) that contains oxidizing or combustive units or other ingredients in proportions,  
128 quantities, or packing so that:

129 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the  
130 compound or mixture may cause a sudden generation of highly heated gases; and

131 (ii) the resultant gaseous pressures are capable of:

132 (A) producing destructive effects on contiguous objects; or

133 (B) causing death or serious bodily injury.

134 (10) "Government audit agency" means any governmental entity that conducts an audit.

135 (11) (a) "Governmental entity" means:

136 (i) executive department agencies of the state, the offices of the governor, lieutenant  
137 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,  
138 the Board of Examiners, the National Guard, the Career Service Review Board, the State Board  
139 of Education, the State Board of Regents, and the State Archives;

140 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal  
141 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative

142 committees, except any political party, group, caucus, or rules or sifting committee of the  
143 Legislature;

144 (iii) courts, the Judicial Council, the Office of the Court Administrator, and similar  
145 administrative units in the judicial branch;

146 (iv) any state-funded institution of higher education or public education; or

147 (v) any political subdivision of the state, but, if a political subdivision has adopted an  
148 ordinance or a policy relating to information practices pursuant to Section 63-2-701, this  
149 chapter shall apply to the political subdivision to the extent specified in Section 63-2-701 or as  
150 specified in any other section of this chapter that specifically refers to political subdivisions.

151 (b) "Governmental entity" also means every office, agency, board, bureau, committee,  
152 department, advisory board, or commission of an entity listed in Subsection (11)(a) that is  
153 funded or established by the government to carry out the public's business.

154 (12) "Gross compensation" means every form of remuneration payable for a given  
155 period to an individual for services provided including salaries, commissions, vacation pay,  
156 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any  
157 similar benefit received from the individual's employer.

158 (13) "Individual" means a human being.

159 (14) (a) "Initial contact report" means an initial written or recorded report, however  
160 titled, prepared by peace officers engaged in public patrol or response duties describing official  
161 actions initially taken in response to either a public complaint about or the discovery of an  
162 apparent violation of law, which report may describe:

163 (i) the date, time, location, and nature of the complaint, the incident, or offense;

164 (ii) names of victims;

165 (iii) the nature or general scope of the agency's initial actions taken in response to the  
166 incident;

167 (iv) the general nature of any injuries or estimate of damages sustained in the incident;

168 (v) the name, address, and other identifying information about any person arrested or  
169 charged in connection with the incident; or

170 (vi) the identity of the public safety personnel, except undercover personnel, or  
171 prosecuting attorney involved in responding to the initial incident.

172 (b) Initial contact reports do not include follow-up or investigative reports prepared  
173 after the initial contact report. However, if the information specified in Subsection (14)(a)  
174 appears in follow-up or investigative reports, it may only be treated confidentially if it is private,  
175 controlled, protected, or exempt from disclosure under Subsection 63-2-201(3)(b).

176 (15) "Legislative body" means the Legislature.

177 (16) "Notice of compliance" means a statement confirming that a governmental entity  
178 has complied with a records committee order.

179 (17) "Person" means:

180 (a) an individual;

181 (b) a nonprofit or profit corporation;

182 (c) a partnership;

183 (d) a sole proprietorship;

184 (e) other type of business organization; or

185 (f) any combination acting in concert with one another.

186 (18) "Private provider" means any person who contracts with a governmental entity to  
187 provide services directly to the public.

188 (19) "Private record" means a record containing data on individuals that is private as  
189 provided by Section 63-2-302.

190 (20) "Protected record" means a record that is classified protected as provided by  
191 Section 63-2-304.

192 (21) "Public record" means a record that is not private, controlled, or protected and that  
193 is not exempt from disclosure as provided in Subsection 63-2-201(3)(b).

194 (22) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,  
195 card, tape, recording, electronic data, or other documentary material regardless of physical form  
196 or characteristics:

197 (i) that is prepared, owned, received, or retained by a governmental entity or political

198 subdivision; and

199 (ii) where all of the information in the original is reproducible by photocopy or other  
200 mechanical or electronic means.

201 (b) "Record" does not mean:

202 (i) a personal note or personal communication prepared or received by an employee or  
203 officer of a governmental entity in the employee's or officer's private capacity;

204 (ii) a temporary draft or similar material prepared for the originator's personal use or  
205 prepared by the originator for the personal use of an individual for whom the originator is  
206 working;

207 (iii) material that is legally owned by an individual in the individual's private capacity;

208 (iv) material to which access is limited by the laws of copyright or patent unless the  
209 copyright or patent is owned by a governmental entity or political subdivision;

210 (v) proprietary software;

211 (vi) junk mail or a commercial publication received by a governmental entity or an  
212 official or employee of a governmental entity;

213 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections of  
214 a library open to the public;

215 (viii) material that is cataloged, indexed, or inventoried and contained in the collections  
216 of a library open to the public, regardless of physical form or characteristics of the material;

217 (ix) a daily calendar or other personal note prepared by the originator for the  
218 originator's personal use or for the personal use of an individual for whom the originator is  
219 working;

220 (x) a computer program that is developed or purchased by or for any governmental  
221 entity for its own use;

222 (xi) a note or internal memorandum prepared as part of the deliberative process by:

223 (A) a member of the judiciary;

224 (B) an administrative law judge;

225 (C) a member of the Board of Pardons and Parole; or

226 (D) a member of any other body charged by law with performing a quasi-judicial  
227 function; [or]

228 (xii) a telephone number or similar code used to access a mobile communication device  
229 that is used by an employee or officer of a governmental entity, provided that the employee or  
230 officer of the governmental entity has designated at least one business telephone number that is  
231 a public record as provided in Section 63-2-301[-]; or

232 (xiii) information provided by the Public Employees' Benefit and Insurance Program,  
233 created in Section 49-20-103, to a county to enable the county to calculate the amount to be  
234 paid to a health care provider under Subsection 17-50-319(2)(b)(ii).

235 (23) "Record series" means a group of records that may be treated as a unit for  
236 purposes of designation, description, management, or disposition.

237 (24) "Records committee" means the State Records Committee created in Section  
238 63-2-501.

239 (25) "Records officer" means the individual appointed by the chief administrative officer  
240 of each governmental entity, or the political subdivision to work with state archives in the care,  
241 maintenance, scheduling, designation, classification, disposal, and preservation of records.

242 (26) "Schedule," "scheduling," and their derivative forms mean the process of  
243 specifying the length of time each record series should be retained by a governmental entity for  
244 administrative, legal, fiscal, or historical purposes and when each record series should be  
245 transferred to the state archives or destroyed.

246 (27) "Sponsored research" means research, training, and other sponsored activities as  
247 defined by the federal Executive Office of the President, Office of Management and Budget:

248 (a) conducted:

249 (i) by an institution within the state system of higher education defined in Section  
250 53B-1-102; and

251 (ii) through an office responsible for sponsored projects or programs; and

252 (b) funded or otherwise supported by an external:

253 (i) person that is not created or controlled by the institution within the state system of

254 higher education; or

255 (ii) federal, state, or local governmental entity.

256 (28) "State archives" means the Division of Archives and Records Service created in

257 Section 63-2-901.

258 (29) "State archivist" means the director of the state archives.

259 (30) "Summary data" means statistical records and compilations that contain data

260 derived from private, controlled, or protected information but that do not disclose private,

261 controlled, or protected information.