

Representative Carl Wimmer proposes the following substitute bill:

**DEPARTMENT OF CORRECTIONS -
TRACKING AND REIMBURSEMENT OF
INDIVIDUAL PRISONER COSTS**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions in the Criminal Code and the State Institutions Code to require offenders who receive medical, dental, and postsecondary educational services, while in prison, to reimburse the state for a portion of the costs of the services received.

Highlighted Provisions:

This bill:

▶ ~~Ĥ→ [reassigns responsibility for the recidivism reduction plan from the Board of Regents to the Utah Department of Corrections and the State Board of Education and requires the department to collaborate with the State Board of Regents and the Utah College of Applied Technology Board of Trustees;]~~

▶ requires the Utah Department of Corrections to jointly develop and implement a recidivism reduction plan with the State Board of Regents and the State Board of Education; ←Ĥ

▶ requires the department to make a report to the ~~Ĥ→~~ Education and ←Ĥ Law Enforcement and Criminal

Justice Interim ~~Ĥ→~~ [~~Committee~~] Committees ←Ĥ on the recidivism reduction plan before October 1, 2010;

▶ provides a specified copayment by an inmate receiving hospital, medical, dental, and prescription medication services through the department;

▶ requires an inmate with assets exceeding \$200,000 to pay for the inmate's medical and dental care and provides a cap for the costs;



- 26 ▶ specifies that the department provides medical treatment if an inmate is unable to
- 27 pay for the treatment because of inadequate financial resources;
- 28 ▶ requires an inmate participating in postsecondary education through the department
- 29 to pay or reimburse the department for 50% of the costs of tuition;
- 30 ▶ requires the department to coordinate a deferred postsecondary education tuition
- 31 repayment program with the Office of State Debt Collection to provide a
- 32 participating inmate:
 - 33 • a reasonable time frame to make payments, beginning no later than two years
 - 34 after termination of the inmate's parole; and
 - 35 • a reasonable payment amount to allow an inmate to reimburse the tuition
 - 36 obligation incurred while under the supervision of the department;
 - 37 ▶ provides that tuition costs not paid by the inmate at the time of participating in
 - 38 postsecondary education will be paid from the Prison Telephone Surcharge
 - 39 Account;
 - 40 ▶ provides that of the amounts collected by the Office of State Debt Collection:
 - 41 • 10% may be used by the Office of State Debt Collection for purposes of
 - 42 operating the deferred payment program; and
 - 43 • all other funds collected as repayment for postsecondary tuition costs will be
 - 44 deposited into the Prison Telephone Surcharge Account to be used by the
 - 45 department for education and training programs for inmates;
 - 46 ▶ directs that ongoing funds provided to the State Board of Regent's Prison
 - 47 Recidivism Program in fiscal year 2009-10 shall be transferred to the Prison
 - 48 Telephone Surcharge Account for the purpose of inmate postsecondary education
 - 49 and training;
 - 50 ▶ requires the department to turn over to the Office of State Debt Collection any
 - 51 unpaid tuition debt at the time the offender is released from parole; and
 - 52 ▶ specifies that only inmates lawfully present in the United States may participate in
 - 53 the postsecondary educational program offered through the department.

54 Monies Appropriated in this Bill:

55 None

56 Other Special Clauses:

57 None

58 **Utah Code Sections Affected:**

59 AMENDS:

60 **53A-1-403.5**, as last amended by Laws of Utah 2002, Chapter 210

61 **64-13-30**, as last amended by Laws of Utah 2002, Chapter 140

62 **64-13-33**, as enacted by Laws of Utah 1985, Chapter 211

63 **64-13-42**, as enacted by Laws of Utah 2005, Chapter 302

64 ENACTS:

65 **64-13-30.5**, Utah Code Annotated 1953

65a **Ĥ→ 64-13-30.7, Utah Code Annotated 1953 ←Ĥ**

66 **Uncodified Material Affected:**

67 ENACTS UNCODIFIED MATERIAL



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

70 Section 1. Section **53A-1-403.5** is amended to read:

71 **53A-1-403.5. Education of persons in custody of the Utah Department of**
72 **Corrections -- Contracting for services -- Recidivism reduction plan -- Collaboration**
73 **among state agencies -- Annual report.**

74 (1) The State Board of Education **Ĥ→**, **[and] ←Ĥ** the **Ĥ→ [f] State Board of Regents [f]**
75a **and the ←Ĥ** Utah Department of

75 Corrections, subject to legislative appropriation, are responsible for the education of persons in
76 the custody of the Utah Department of Corrections.

77 (2) **Ŝ→ [In order to] (a) To ←Ŝ** fulfill **Ŝ→ [this] the ←Ŝ** responsibility **Ŝ→ under**
78a **Subsection (1) ←Ŝ**, the **[boards] State Board of Education and the**

78 Utah Department of Corrections shall, where feasible, contract with appropriate private or
79 public agencies to provide educational and related administrative services. **Ŝ→ Contracts for**
79a **postsecondary education and training shall be under Subsection (2)(b)**

79b **(b)(i) The contract under Subsection (2)(a) to provide postsecondary education and**
79c **training shall be with a community college if the correctional facility is located within the**
79d **service region of a community college, except under Subsection (2)(b)(ii).**

79e **(ii) If the community college under Subsection (2)(b)(i) declines to provide the**
79f **education and training or cannot meet reasonable contractual terms for providing the**
79g **education and training as specified by the Utah Department of Corrections, postsecondary**
79h **education and training under Subsection (2)(a) may be procured through other appropriate**
79i **private or public agencies.←Ŝ**

80 (3) (a) As its corrections education program, the **[boards] State Board of Education Ĥ→**,
80a **[and] the State Board of Regents, and ←Ĥ**

- 81 the Utah Department of Corrections shall develop and implement a recidivism reduction plan,
82 including the following components:
- 83 (i) inmate assessment;
 - 84 (ii) cognitive problem-solving skills;
 - 85 (iii) basic literacy skills;
 - 86 (iv) career skills;
 - 87 (v) job placement;

- 88 (vi) postrelease tracking and support;
 89 (vii) research and evaluation;
 90 (viii) family involvement and support; and
 91 (ix) multiagency collaboration.

92 (b) The plan shall be developed and implemented through the State Office of
 93 Education ~~H→~~, ~~[and]~~ ~~←H~~ the ~~H→~~ **State Board of Regents, and the** ~~←H~~ [Board of Regents
 93a office] Utah Department of Corrections in collaboration
 94 with the following entities:

- 95 (i) the Utah College of Applied Technology Board of Trustees;
 96 ~~[(i)]~~ (ii) local boards of education;
 97 ~~[(ii)]~~ ~~H→~~ ~~[(iii)]~~ ~~[Department of Corrections]~~ **the State Board of Regents;**
 98 ~~[f]~~ (iii) ~~[f]~~ ~~[(iv)]~~ ~~←H~~ Department of Workforce Services;
 99 ~~H→~~ ~~[f]~~ (iv) ~~[f]~~ ~~[(v)]~~ ~~←H~~ Department of Human Services;
 100 ~~H→~~ ~~[f]~~ (v) ~~[f]~~ ~~[(vi)]~~ ~~←H~~ Board of Pardons and Parole;
 101 ~~H→~~ ~~[f]~~ (vi) ~~[f]~~ ~~[(vii)]~~ ~~←H~~ State Office of Rehabilitation; and
 102 ~~H→~~ ~~[f]~~ (vii) ~~[f]~~ ~~[(viii)]~~ ~~←H~~ the Governor's Office.

103 ~~H→~~ ~~[(c)]~~ ~~The Legislature may provide appropriations for implementation of the plan through~~
 104 ~~a line item appropriation to any one or a combination of the entities listed in Subsection (3)(b).]~~ ~~←H~~

105 (4) The ~~[boards]~~ department shall make a report to the ~~H→~~ ~~[f]~~ **Education** ~~[f]~~ **and** ~~←H~~
 105a Law Enforcement
 106 and Criminal Justice Interim ~~H→~~ ~~[Committee]~~ Committees ~~←H~~ on [the effectiveness of] the
 106a recidivism reduction plan
 107 before October 1, ~~[2006]~~ 2010.

108 Section 2. Section **64-13-30** is amended to read:

109 **64-13-30. Expenses incurred by offenders -- Payment to department or county**
 110 **jail -- Medical care and copayments.**

111 (1) (a) The department shall establish and collect from ~~[offenders]~~ each offender on a
 112 work release ~~[programs]~~ program the reasonable costs of the offender's maintenance,
 113 transportation, and incidental expenses incurred by the department on behalf of the ~~[offenders]~~
 114 offender.

115 (b) Priority shall be given to restitution and family support obligations.

116 (c) The offender's reimbursement to the department for the cost of obtaining the
 117 offender's DNA specimen, under Section 53-10-404 is the next priority after Subsection (1)(b).

118 (2) The department, under its rules, may advance funds to any offender as necessary to

119 establish the offender in a work release program.

120 (3) (a) The department or county jail may require an inmate to make a [reasonable]
121 copayment for medical and dental services provided by the department or county jail.

122 (b) For services provided while in the custody of the department, the copayment by the
123 inmate is \$5 for primary medical care, \$5 for dental care, and \$2 for prescription medication.

124 (c) For services provided outside of a prison facility while in the custody of the
125 department, the offender is responsible for 10% of the costs associated with hospital care with
126 a cap on an inmate's share of hospital care expenses not to exceed \$2,000 per fiscal year.

127 (4) (a) An inmate who has assets exceeding \$200,000, as determined by the department
128 upon entry into the department's custody, is responsible to pay the costs of all medical and
129 dental care up to 20% of the inmate's total determined asset value ~~and~~ .

130 (b) ~~After~~ ~~an inmate has received medical and dental care equal to 20% of~~
130a ~~the inmate's~~
131 ~~total asset value~~ , ~~the inmate will be subject to the copayments provided in Subsection (3).~~

132 (5) The department shall turn over to the Office of State Debt Collection any debt
133 under this section that is unpaid at the time the offender is released from parole.

134 (6) An inmate may not be denied medical treatment if [he] the inmate is unable to pay
135 [the copayment] for the treatment because of inadequate financial resources.

136 Section 3. Section **64-13-30.5** is enacted to read:

137 **64-13-30.5. Payment by inmate for postsecondary educational tuition.**

138 (1) (a) An inmate participating in a postsecondary education program through the
139 department shall pay to the department at the time of enrollment ~~tuition for~~ ~~50%~~ of the
139a costs of

140 ~~the~~ ~~postsecondary education~~ ~~tuition~~ .

141 (b) If an inmate desires to participate in the postsecondary education program but is
142 unable to pay the costs of the education because of inadequate financial resources, the inmate
143 may participate in a deferred tuition payment program under this section.

144 (c) The department and the Office of State Debt Collection shall coordinate a deferred
145 postsecondary education tuition repayment program to provide inmates a reasonable payment
146 schedule and payment amount to allow for deferred payment of the postsecondary educational
147 tuition obligation the inmate incurred while under supervision of the department, which shall:

148 (i) account for all postsecondary education tuition costs incurred by the inmate while
149 under the supervision of the department;

150 (ii) establish an appropriate time for the inmate to begin payment of postsecondary
151 education tuition costs, which shall require that payments start no later than two years after
152 termination of parole; and

153 (iii) establish a payment schedule and payment amounts, including prevailing interest
154 rates, commensurate with student loans currently being offered by local financial institutions.

155 (d) Neither the department nor the Office of State Debt Collection may relieve an
156 offender of the postsecondary tuition repayment responsibility.

157 (e) The department shall pay costs of postsecondary education not paid by the offender
158 at the time of participation in the program from the Prison Telephone Surcharge Account.

159 (2) (a) Of those tuition funds collected by the Office of State Debt Collection under
160 this section, 10% may be used by the Office of State Debt Collection for operation of the
161 deferred payment program.

162 (b) All other funds collected as repayment for postsecondary tuition costs shall be
163 deposited in the Prison Telephone Surcharge Account.

164 (3) Only inmates lawfully present in the United States may participate in the
165 postsecondary educational program offered through the department.

166 Section 4. Section **64-13-33** is amended to read:

167 **64-13-33. Restitution for offenses -- Debt collection.**

168 (1) Following an administrative hearing, the department is authorized to require
169 restitution from an offender for expenses incurred by the department as a result of the
170 offender's violation of department rules. The department is authorized to require payment from
171 the offender's account or to place a hold on it to secure compliance with this section.

172 (2) The department shall turn over to the Office of State Debt Collection any debt
173 under this section that is unpaid at the time the offender is released from parole.

174 Section 5. Section **64-13-42** is amended to read:

175 **64-13-42. Prison Telephone Surcharge Account -- Funding inmate and offender**
176 **education and training programs.**

177 (1) (a) There is created within the General Fund a restricted account known as the
178 Prison Telephone Surcharge Account.

179 (b) The Prison Telephone Surcharge Account consists of:

180 (i) beginning July 1, 2006, revenue generated by the state from pay telephone services

181 located at any correctional facility as defined in Section 64-13-1; [and]

182 (ii) interest on account monies[-]; ~~§~~ → [and] ← ~~§~~

183 (iii) (A) money paid by inmates participating in postsecondary education provided by
 184 the department; and

185 (B) money repaid by former inmates who have a written agreement with the
 186 department to pay for a specified portion of the tuition costs under the department's deferred
 187 tuition payment program;

188 (iv) money collected by the Office of State Debt Collection for debt described in
 189 Subsection (1)(b)(iii); and

190 (v) money appropriated by the Legislature.

191 (2) Upon appropriation by the Legislature, monies from the Prison Telephone
 192 Surcharge Account shall be used by the department for education and training programs for
 193 offenders and inmates as defined in Section 64-13-1.

193a **§ → (3) Funds appropriated from the Prison Telephone Surcharge Account may only be used**
 193b **by the Department purposes under Subsections 53A-1-403.5(3)(a)(i) and (iv). ← §**

194 **§ → [Section 6. Legislative intent -- Use of funds for inmate postsecondary education**
 195 **and training:**

196 **It is the intent of the Legislature that any ongoing funds provided to the State Board of**
 197 **Regent's Prison Recidivism Program in fiscal year 2009-10 shall be transferred to the Prison**
 198 **Telephone Surcharge Account for establishing necessary program resources and promoting and**
 199 **providing inmate postsecondary education.]**

199a **Section 6. Section 64-13-30.7 is enacted to read:**

199b **64-13-30.7. Use of funds for inmate postsecondary education and training.**

199c **Any ongoing funds provided to the State Board of Regent's Prison Recidivism Program**

199d **beginning in fiscal year 2009-10 shall be transferred to the Prison Telephone Surcharge**

199e **Account for establishing necessary program resources and promoting and providing inmate**

199f **postsecondary education. ← §**

Fiscal Note

**H.B. 100 2nd Sub. (Gray) - Department of Corrections - Tracking and
Reimbursement of Individual Prisoner Costs**

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
