

**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

Cosponsors:
Douglas C. Aagard

Ron Bigelow
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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:

- ▶ 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;
- ▶ requires the department to make a report to the Education and Law Enforcement and Criminal Justice Interim Committees 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;
- ▶ specifies that the department provides medical treatment if an inmate is unable to pay for the treatment because of inadequate financial resources;

30 ▶ requires an inmate participating in postsecondary education through the department
31 to pay or reimburse the department for 50% of the costs of tuition;

32 ▶ requires the department to coordinate a deferred postsecondary education tuition
33 repayment program with the Office of State Debt Collection to provide a
34 participating inmate:

35 • a reasonable time frame to make payments, beginning no later than two years
36 after termination of the inmate's parole; and

37 • a reasonable payment amount to allow an inmate to reimburse the tuition
38 obligation incurred while under the supervision of the department;

39 ▶ provides that tuition costs not paid by the inmate at the time of participating in
40 postsecondary education will be paid from the Prison Telephone Surcharge
41 Account;

42 ▶ provides that of the amounts collected by the Office of State Debt Collection:

43 • 10% may be used by the Office of State Debt Collection for purposes of
44 operating the deferred payment program; and

45 • all other funds collected as repayment for postsecondary tuition costs will be
46 deposited into the Prison Telephone Surcharge Account to be used by the
47 department for education and training programs for inmates;

48 ▶ directs that ongoing funds provided to the State Board of Regent's Prison
49 Recidivism Program in fiscal year 2009-10 shall be transferred to the Prison
50 Telephone Surcharge Account for the purpose of inmate postsecondary education
51 and training;

52 ▶ requires the department to turn over to the Office of State Debt Collection any
53 unpaid tuition debt at the time the offender is released from parole; and

54 ▶ specifies that only inmates lawfully present in the United States may participate in
55 the postsecondary educational program offered through the department.

56 **Monies Appropriated in this Bill:**

57 None

58 **Other Special Clauses:**

59 None

60 **Utah Code Sections Affected:**

61 AMENDS:

62 **53A-1-403.5**, as last amended by Laws of Utah 2002, Chapter 210

63 **64-13-30**, as last amended by Laws of Utah 2002, Chapter 140

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

65 **64-13-42**, as enacted by Laws of Utah 2005, Chapter 302

66 ENACTS:

67 **64-13-30.5**, Utah Code Annotated 1953

68 **64-13-30.7**, Utah Code Annotated 1953

69 **Uncodified Material Affected:**

70 ENACTS UNCODIFIED MATERIAL



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

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

74 **53A-1-403.5. Education of persons in custody of the Utah Department of**
75 **Corrections -- Contracting for services -- Recidivism reduction plan -- Collaboration**
76 **among state agencies -- Annual report.**

77 (1) The State Board of Education [~~and~~], the State Board of Regents, and the Utah
78 Department of Corrections, subject to legislative appropriation, are responsible for the
79 education of persons in the custody of the Utah Department of Corrections.

80 (2) [~~In order to~~] (a) To fulfill [this] the responsibility[~~, the boards~~] under Subsection
81 (1), the State Board of Education and the Utah Department of Corrections shall, where
82 feasible, contract with appropriate private or public agencies to provide educational and
83 related administrative services. Contracts for postsecondary education and training shall be
84 under Subsection (2)(b).

85 (b) (i) The contract under Subsection (2)(a) to provide postsecondary education and

86 training shall be with a community college if the correctional facility is located within the
87 service region of a community college, except under Subsection (2)(b)(ii).

88 (ii) If the community college under Subsection (2)(b)(i) declines to provide the
89 education and training or cannot meet reasonable contractual terms for providing the
90 education and training as specified by the Utah Department of Corrections, postsecondary
91 education and training under Subsection (2)(a) may be procured through other appropriate
92 private or public agencies.

93 (3) (a) As its corrections education program, the [~~boards~~] State Board of Education,
94 the State Board of Regents, and the Utah Department of Corrections shall develop and
95 implement a recidivism reduction plan, including the following components:

- 96 (i) inmate assessment;
- 97 (ii) cognitive problem-solving skills;
- 98 (iii) basic literacy skills;
- 99 (iv) career skills;
- 100 (v) job placement;
- 101 (vi) postrelease tracking and support;
- 102 (vii) research and evaluation;
- 103 (viii) family involvement and support; and
- 104 (ix) multiagency collaboration.

105 (b) The plan shall be developed and implemented through the State Office of
106 Education [~~and~~], the State Board of Regents [~~office~~], and the Utah Department of Corrections
107 in collaboration with the following entities:

- 108 (i) the Utah College of Applied Technology Board of Trustees;
- 109 [~~(i)~~] (ii) local boards of education;
- 110 [~~(ii)~~] Department of Corrections;
- 111 [~~(iii)~~] (iii) Department of Workforce Services;
- 112 [~~(iv)~~] (iv) Department of Human Services;
- 113 [~~(v)~~] (v) Board of Pardons and Parole;

114 [~~(vi)~~] (vi) State Office of Rehabilitation; and
115 [~~(vii)~~] (vii) the Governor's Office.
116 [~~(c)~~] ~~The Legislature may provide appropriations for implementation of the plan~~
117 ~~through a line item appropriation to any one or a combination of the entities listed in~~
118 ~~Subsection (3)(b).]~~

119 (4) The [~~boards~~] department shall make a report to the Education and Law
120 Enforcement and Criminal Justice Interim [~~Committee~~] Committees on [~~the effectiveness of~~]
121 the recidivism reduction plan before October 1, [~~2006~~] 2010.

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

123 **64-13-30. Expenses incurred by offenders -- Payment to department or county**
124 **jail -- Medical care and copayments.**

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

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

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

132 (2) The department, under its rules, may advance funds to any offender as necessary to
133 establish the offender in a work release program.

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

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

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

141 (4) (a) An inmate who has assets exceeding \$200,000, as determined by the

142 department upon entry into the department's custody, is responsible to pay the costs of all
143 medical and dental care up to 20% of the inmate's total determined asset value.

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

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

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

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

151 **64-13-30.5. Payment by inmate for postsecondary educational tuition.**

152 (1) (a) An inmate participating in a postsecondary education program through the
153 department shall pay to the department at the time of enrollment 50% of the costs of the
154 postsecondary education tuition.

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

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

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

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

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

169 (d) Neither the department nor the Office of State Debt Collection may relieve an

170 offender of the postsecondary tuition repayment responsibility.

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

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

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

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

180 Section 4. Section **64-13-30.7** is enacted to read:

181 **64-13-30.7. Use of funds for inmate postsecondary education and training.**

182 Any ongoing funds provided to the State Board of Regent's Prison Recidivism Program
183 beginning in fiscal year 2009-10 shall be transferred to the Prison Telephone Surcharge
184 Account for establishing necessary program resources and promoting and providing inmate
185 postsecondary education.

186 Section 5. Section **64-13-33** is amended to read:

187 **64-13-33. Restitution for offenses -- Debt collection.**

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

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

194 Section 6. Section **64-13-42** is amended to read:

195 **64-13-42. Prison Telephone Surcharge Account -- Funding inmate and offender**
196 **education and training programs.**

197 (1) (a) There is created within the General Fund a restricted account known as the

198 Prison Telephone Surcharge Account.

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

200 (i) beginning July 1, 2006, revenue generated by the state from pay telephone services
201 located at any correctional facility as defined in Section 64-13-1; [~~and~~]

202 (ii) interest on account monies[-]; and

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

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

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

210 (v) money appropriated by the Legislature.

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

214 (3) Funds appropriated from the Prison Telephone Surcharge Account may only be
215 used by the department for purposes under Subsections 53A-1-403.5(3)(a)(i) and (iv).