

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: _____

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:

- ▶ reassigns responsibility for the recidivism reduction plan from the Board of Regents to the department 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 department to make a report to the Law Enforcement and Criminal Justice Interim Committee 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 account;
 - 39 ▶ provides that of the amounts collected by the Office of State Debt Collection:
 - 40 • 10% may be used by the Office of State Debt Collection for purposes of
 - 41 operating the deferred payment program; and
 - 42 • all other funds collected as repayment for postsecondary tuition costs will be
 - 43 deposited into the Prison Telephone Surcharge Account to be used by the
 - 44 department for education and training programs for inmates;
 - 45 ▶ requires the department to turn over to the Office of State Debt Collection any
 - 46 unpaid tuition debt at the time the offender is released from parole;
 - 47 ▶ specifies that only inmates lawfully present in the United States may participate in
 - 48 the postsecondary educational program offered through the department.

49 **Monies Appropriated in this Bill:**

50 This bill redirects an ongoing appropriation, subject to future budget constraints,
51 \$364,100 from the General Fund and \$50,000 from the Education Fund beginning in
52 fiscal year 2009-10 to the Prison Telephone Surcharge Account for the purpose of
53 inmate education and training.

54 **Other Special Clauses:**

55 None

56 **Utah Code Sections Affected:**

57 AMENDS:

58 **53A-1-403.5**, as last amended by Laws of Utah 2002, Chapter 210

59 **64-13-30**, as last amended by Laws of Utah 2002, Chapter 140

60 **64-13-33**, as enacted by Laws of Utah 1985, Chapter 211

61 **64-13-42**, as enacted by Laws of Utah 2005, Chapter 302

62 ENACTS:

63 **64-13-30.5**, Utah Code Annotated 1953



64
65 *Be it enacted by the Legislature of the state of Utah:*

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

67 **53A-1-403.5. Education of persons in custody of Department of Corrections --**
68 **Contracting for services -- Recidivism reduction plan -- Collaboration among state**
69 **agencies -- Annual report.**

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

73 (2) In order to fulfill this responsibility, the [~~boards~~] State Board of Education and the
74 Department of Corrections shall, where feasible, contract with appropriate private or public
75 agencies to provide educational and related administrative services.

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

- 79 (i) inmate assessment;
- 80 (ii) cognitive problem-solving skills;
- 81 (iii) basic literacy skills;
- 82 (iv) career skills;
- 83 (v) job placement;
- 84 (vi) postrelease tracking and support;
- 85 (vii) research and evaluation;
- 86 (viii) family involvement and support; and
- 87 (ix) multiagency collaboration.

88 (b) The plan shall be developed and implemented through the State Office of
 89 Education and the [~~Board of Regents office~~] Department of Corrections in collaboration with
 90 the following entities:

- 91 (i) the Utah College of Applied Technology Board of Trustees;
 92 [~~(i)~~] (ii) local boards of education;
 93 [~~(ii)~~] (iii) [~~Department of Corrections~~] the State Board of Regents;
 94 [~~(iii)~~] (iv) Department of Workforce Services;
 95 [~~(iv)~~] (v) Department of Human Services;
 96 [~~(v)~~] (vi) Board of Pardons and Parole;
 97 [~~(vi)~~] (vii) State Office of Rehabilitation; and
 98 [~~(vii)~~] (viii) the Governor's Office.

99 (c) The Legislature may provide appropriations for implementation of the plan through
 100 a line item appropriation to any one or a combination of the entities listed in Subsection (3)(b).

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

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

105 **64-13-30. Expenses incurred by offenders -- Payment to department or county**
 106 **jail -- Medical care and copayments.**

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

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

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

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

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

118 (b) For services provided while in the custody of the department, the copayment by the

119 inmate is \$5 for primary medical care, \$5 for dental care, and \$2 for prescription medication.

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

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

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

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

130 (6) An inmate may not be denied medical treatment if ~~he~~ the inmate is unable to pay
131 ~~the copayment~~ for the treatment because of inadequate financial resources.

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

133 **64-13-30.5. Payment by inmate for postsecondary educational tuition.**

134 (1) (a) An inmate participating in a postsecondary education program through the
135 department shall pay to the department at the time of enrollment tuition for 50% of the costs of
136 postsecondary education.

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

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

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

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

149 (iii) establish a payment schedule and payment amounts, including prevailing interest

150 rates, commensurate with student loans currently being offered by local financial institutions.

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

153 (e) The department shall pay costs of postsecondary education not paid by the offender
154 at the time of participation in the program from the prison telephone surcharge account.

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

158 (b) All other funds collected as repayment for postsecondary tuition costs will be
159 deposited in the prison telephone surcharge account.

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

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

163 **64-13-33. Restitution for offenses -- Debt collection.**

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

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

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

171 **64-13-42. Prison Telephone Surcharge Account -- Funding inmate and offender**
172 **education and training programs.**

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

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

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

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

179 (iii) (A) money paid by inmates participating in postsecondary education provided by
180 the department;

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

184 (C) money collected by the Office of State Debt Collection for debt described in
185 Subsection (B); and

186 (iv) money appropriated by the Legislature.

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

190 Section 6. **Appropriation.**

191 (1) Beginning in fiscal year 2009-10, as an ongoing appropriation and subject to future
192 budget constraints, there is appropriated to the Prison Telephone Surcharge Account:

193 (a) \$364,100 from the General Fund; and

194 (b) \$50,000 from the Education Fund.

195 (2) The appropriation under Subsection (1) shall be used to establish necessary
196 program resources to promote and provide inmate postsecondary education.

197 (3) The appropriations in Subsection (1) redirect funds that have been appropriated in
198 prior fiscal years to the State Board of Regents to the Prison Telephone Surcharge Account for
199 the same ongoing purpose of inmate postsecondary education and training.

Fiscal Note**H.B. 100 1st Sub. (Buff) - Department of Corrections - Tracking and Reimbursement of Individual Prisoner Costs**

2009 General Session

State of Utah

State Impact

Enactment of this bill will appropriate, on an ongoing basis, \$364,100 from the General Fund and \$50,000 from the Education Fund to the Prison Telephone Surcharge Account. Language in the bill requires this appropriation to be redirected from the budget of the Board of Regents - Prison Recidivism Program.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$364,100	\$364,100	\$0	\$0	\$0
Education Fund	\$0	\$50,000	\$50,000	\$0	\$0	\$0
Total	\$0	\$414,100	\$414,100	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses. Local governments that provide services to offenders may see an increase in revenue. Offenders who receive services will be required to pay.