

COUNTY JAIL CONTRACTING AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Brad L. Dee

LONG TITLE

General Description:

This bill modifies the provisions ~~Ŝ→ [for which a county may refuse to accept a state probationer or parolee for]~~ regarding the ~~←Ŝ~~ incarceration ~~Ŝ→~~ of state parole inmates or state probationary inmates ~~←Ŝ~~ in a county correctional facility.

Highlighted Provisions:

This bill:

▶ provides that a county may ~~Ŝ→ [refuse to accept a state probationer or parolee for incarceration in]~~ release a number of inmates from ~~←Ŝ~~ a county correctional facility if the state does not appropriate funds as specified.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

64-13e-104, as last amended by Laws of Utah 2012, Chapter 51

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

Section 1. Section **64-13e-104** is amended to read:

64-13e-104. Housing of state probationary inmates or state parole inmates --

Payment.



S.B. 241

28 (1) (a) A county shall accept and house a state probationary inmate or a state parole
 29 inmate in a county correctional facility, subject to available resources.

30 [~~(b) If a county is unable to accept a person due to lack of resources, the county shall~~
 31 ~~negotiate with another county to accept and house the person.~~]

32 (b) A county may ~~Ŝ→~~ ~~[refuse to accept and house a state probationary inmate or a state~~
 33 ~~parole inmate in]~~ **release a number of inmates from** ~~←Ŝ~~ a county correctional facility ~~Ŝ→~~ , **but**
 33a **not to exceed the number of state probationary inmates and state parole inmates in excess of**
 33b **the five year average as established in Subsection (9)** ~~←Ŝ~~ **if:**

34 (i) the state does not fully comply with the provisions of Subsection (9) for the most
 35 current fiscal year; or

36 (ii) funds appropriated by the Legislature for this purpose are less than 50% of the
 37 average actual state daily incarceration rate.

38 (2) Within funds appropriated by the Legislature for this purpose, the Division of
 39 Finance shall pay a county that houses a state probationary inmate or a state parole inmate at a
 40 rate of 50% of the final state daily incarceration rate.

41 (3) Funds appropriated by the Legislature under Subsection (2):

42 (a) are nonlapsing;

43 (b) may only be used for the purposes described in Subsection (2); and

44 (c) may not be used for:

45 (i) the costs of administering the payment described in this section; or

46 (ii) payment of contract costs under Section [64-13e-103](#).

47 (4) The costs described in Subsection (3)(c)(i) shall be covered by legislative
 48 appropriation.

49 (5) (a) The Division of Finance shall administer the payment described in Subsection
 50 (2).

51 (b) In accordance with Subsection (9), CCJJ shall, by rule made pursuant to Title 63G,
 52 Chapter 3, Utah Administrative Rulemaking Act, establish procedures for the calculation of the
 53 payment described in Subsection (2).

54 (c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount
 55 of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total
 56 amount of the payments made does not exceed the amount appropriated by the Legislature for
 57 the payments.

58 (6) Counties that receive the payment described in Subsection (2) shall, on at least a

59 monthly basis, submit a report to CCJJ that includes:

60 (a) the number of state probationary inmates and state parole inmates the county
61 housed under this section; and

62 (b) the total number of state probationary inmate days of incarceration and state parole
63 inmate days of incarceration that were provided by the county.

64 (7) (a) On or before September 1 of each year, CCJJ shall compile the information
65 from the reports described in Subsection (6) that relate to the preceding state fiscal year and
66 provide a copy of the compilation to each county that submitted a report.

67 (b) On or before September 30 of each year, CCJJ shall inform the Division of Finance
68 and each county of the exact amount of the payment described in this section that shall be made
69 to each county.

70 (8) On or before December 15 of each year, the Division of Finance shall distribute the
71 payment described in Subsection (7)(b) in a single payment to each county.

72 (9) The amount paid to each county under Subsection (8) shall be calculated on a pro
73 rata basis, based on the average number of state probationary inmate days of incarceration and
74 the average state parole inmate days of incarceration that were provided by each county for the
75 preceding five state fiscal years.

Legislative Review Note
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Office of Legislative Research and General Counsel