

SB0241S01 compared with SB0241

~~text~~ shows text that was in SB0241 but was deleted in SB0241S01.

text shows text that was not in SB0241 but was inserted into SB0241S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Jacob L. Anderegg proposes the following substitute bill:

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 ~~for which a county may refuse to accept a~~ regarding the incarceration of state parole inmates or state ~~probationer or parolee for incarceration~~ probationary inmates in a county correctional facility.

Highlighted Provisions:

This bill:

- ▶ provides that a county may ~~refuse to accept~~ release a ~~state probationer or parolee for incarceration in~~ number of inmates from a county correctional facility if the state does not appropriate funds as specified ~~(-)~~ ;
- ▶ delays the dates by which the Commission on Criminal and Juvenile Justice must compile information from reporting counties and then report to the Division of Finance; and

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- ▶ delays by two weeks the statutory deadlines related to setting the final state daily incarceration rate.

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

64-13e-105, as last amended by Laws of Utah 2013, Chapter 310

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.

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

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

(b) A county may ~~refuse to accept and house a state probationary inmate or a state parole inmate in~~ release a number of inmates from a county correctional facility, but not to exceed the number of state probationary inmates and state parole inmates in excess of the number of inmates funded by the appropriation authorized in Subsection (2) if:

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

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

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

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

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- (a) are nonlapsing;
- (b) may only be used for the purposes described in Subsection (2); and
- (c) may not be used for:
 - (i) the costs of administering the payment described in this section; or
 - (ii) payment of contract costs under Section 64-13e-103.

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

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

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

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

(6) Counties that receive the payment described in Subsection (2) shall, on at least a monthly basis, submit a report to CCJJ that includes:

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

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

(7) (a) On or before September ~~1~~30 of each year, CCJJ shall compile the information from the reports described in Subsection (6) that relate to the preceding state fiscal year and provide a copy of the compilation to each county that submitted a report.

(b) On or before ~~September 30~~October 15 of each year, CCJJ shall inform the Division of Finance and each county of the exact amount of the payment described in this section that shall be made to each county.

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

(9) The amount paid to each county under Subsection (8) shall be calculated on a pro

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rata basis, based on the average number of state probationary inmate days of incarceration and the average state parole inmate days of incarceration that were provided by each county for the preceding five state fiscal years.

†

Legislative Review Note

— as of ~~2-24-14 1:22 PM~~

— ~~Office of Legislative Research and General Counsel;~~ Section 2. Section 64-13e-105 is amended to read:

64-13e-105. Procedures for setting the final state daily incarceration rate.

(1) (a) Before September [†] 15 of each year, the department shall calculate, and inform the counties and CCJJ of the average actual state daily incarceration rate for the most recent three years for which the data is available.

(b) The actual state daily incarceration rates used to calculate the average rate described in Subsection (1)(a) may not be less than the rates presented to the Executive Appropriations Committee of the Legislature for purposes of setting the appropriation for the department's budget.

(2) Before September [†5] 30 of each year, the following parties shall meet to review and discuss the average actual state daily incarceration rate, described in Subsection (1) and the compilation described in Subsection 64-13e-104(7):

(a) as designated by the Utah Sheriffs Association:

(i) one sheriff of a county that is currently under contract with the department to house state inmates; and

(ii) one sheriff of a county that is currently receiving reimbursement from the department for housing state probationary inmates or state parole inmates;

(b) the executive director of the department or the executive director's designee;

(c) as designated by the Utah Association of Counties:

(i) one member of the legislative body of one county that is currently under contract

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with the department to house state inmates; and

(i) one member of the legislative body of one county that is currently receiving reimbursement from the department for housing state probationary inmates or state parole inmates;

(d) the executive director of the Commission on Criminal and Juvenile Justice or the executive director's designee; and

(e) the executive director of the Governor's Office of Management and Budget or the executive director's designee.

(3) (a) The average actual state daily incarceration rate, reviewed and discussed under Subsection (2), may not be used for purposes of calculating payment or reimbursement under this chapter, unless approved by the Legislature in the annual appropriations act.

(b) Nothing in this chapter prohibits the Legislature from setting the final state daily incarceration rate at an amount higher or lower than:

(i) the average actual state incarceration rate; or

(ii) the final state daily incarceration rate that was used during the preceding fiscal year.