

**JAIL CONTRACTING RATE AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael E. Noel**

Senate Sponsor: Ralph Okerlund

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**LONG TITLE**

**General Description:**

This bill modifies the State Institutions code regarding the jail contracting rate for county jail beds that provide treatment services for state inmates.

**Highlighted Provisions:**

This bill:

- ▶ increases the contract rate for county jail beds that house state inmates and that provide treatment services from 84% to 86% of the average state daily incarceration rate.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**64-13e-103**, as last amended by Laws of Utah 2015, Chapter 271

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

Section 1. Section **64-13e-103** is amended to read:

**64-13e-103. Contracts for housing state inmates.**

(1) Subject to Subsection (6), the department may contract with a county to house state inmates in a county or other correctional facility.

(2) The department shall give preference for placement of state inmates, over private

30 entities, to county correctional facility bed spaces for which the department has contracted  
31 under Subsection (1).

32 (3) (a) The compensation rate for housing state inmates pursuant to a contract  
33 described in Subsection (1) shall be:

34 (i) [~~84%~~] 86% of the final state daily incarceration rate for beds in a county that,  
35 pursuant to the contract, are dedicated to a treatment program to state inmates, if the treatment  
36 program is approved by the department under Subsection (3)(c); and

37 (ii) 73% of the final state daily incarceration rate for beds in a county other than the  
38 beds described in Subsection (3)(a)(i).

39 (b) The department shall:

40 (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
41 Rulemaking Act, that establish standards that a treatment program is required to meet before  
42 the treatment program is considered for approval for the purpose of a county receiving payment  
43 based on the rate described in Subsection (3)(a)(i); and

44 (ii) determine on an annual basis, based on appropriations made by the Legislature for  
45 the contracts described in this section, whether to approve a treatment program that meets the  
46 standards established under Subsection (3)(b)(i), for the purpose of a county receiving payment  
47 based on the rate described in Subsection (3)(a)(i).

48 (c) The department may not approve a treatment program for the purpose of a county  
49 receiving payment based on the rate described in Subsection (3)(a)(i), unless:

50 (i) the program meets the standards established under Subsection (3)(b)(i);

51 (ii) the department determines that the Legislature has appropriated sufficient funds to:

52 (A) pay the county that provides the treatment program at the rate described in  
53 Subsection (3)(a)(i); and

54 (B) pay each county that does not provide a treatment program an amount per state  
55 inmate that is not less than the amount per state inmate received for the preceding fiscal year by  
56 a county that did not provide a treatment program; and

57 (iii) the department determines that the treatment program is needed by the department

58 at the location where the treatment program will be provided.

59 (4) Compensation to a county for state inmates incarcerated under this section shall be  
60 made by the department.

61 (5) Counties that contract with the department under Subsection (1) shall, on or before  
62 June 30 of each year, submit a report to the department that includes:

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

64 (b) the total number of state inmate days of incarceration that were provided by the  
65 county.

66 (6) Except as provided under Subsection (7), the department may not enter into a  
67 contract described under Subsection (1), unless the Legislature has previously passed a joint  
68 resolution that includes the following information regarding the proposed contract:

69 (a) the approximate number of beds to be contracted;

70 (b) the final state daily incarceration rate;

71 (c) the approximate amount of the county's long-term debt; and

72 (d) the repayment time of the debt for the facility where the inmates are to be housed.

73 (7) The department may enter into a contract with a county government to house  
74 inmates without complying with the approval process described in Subsection (6) only if the  
75 county facility was under construction, or already in existence, on March 16, 2001.

76 (8) Any resolution passed by the Legislature under Subsection (6) does not bind or  
77 obligate the Legislature or the department regarding the proposed contract.