

**JAIL CONTRACTING AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael E. Noel**

Senate Sponsor: Daniel W. Thatcher

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**LONG TITLE**

**General Description:**

This bill changes the daily rate for treatment beds in county facilities.

**Highlighted Provisions:**

This bill:

- ▶ increases the daily rate from 86% to 89% for treatment beds for state inmates in county facilities.

**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 2016, Chapter 167

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

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

32 (i) [~~86%~~] 89% of the final state daily incarceration rate for beds in a county that,  
33 pursuant to the contract, are dedicated to a treatment program to state inmates, if the treatment  
34 program is approved by the department under Subsection (3)(c); and

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

37 (b) The department shall:

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

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

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

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

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

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

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

55 (iii) the department determines that the treatment program is needed by the department  
56 at the location where the treatment program will be provided.

57 (4) Compensation to a county for state inmates incarcerated under this section shall be

58 made by the department.

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

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

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

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

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

68 (b) the final state daily incarceration rate;

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

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

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

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