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JAIL REIMBURSEMENT—HISTORY, STATUTORY REQUIREMENTS,  
COMPARISONS WITH OTHER STATES, TRENDS, AND FUNDING  
ALTERNATIVES

OFFICE OF THE LEGISLATIVE FISCAL ANALYST  
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**INTRODUCTION**

In the 1983 General Session, the Utah State Legislature decided to reimburse counties for offenders which were convicted of a felony and sentenced to jail as a condition of probation. The program is known as the Jail Reimbursement (JR) program. JR inmates are sentenced to jail for a term of 365 days or less. Since this time, JR policy changes have been dynamic and debate has been continuous between Legislative Leaders, Sheriffs, and the Department of Corrections.

This report provides a brief history of Jail Reimbursement, current statutory requirements, current trends, cost projections, JR costs in other states, and alternatives for Legislative action.

Information used in this report was provided by the Department of Corrections, the Office of the Legislative Fiscal Analyst, the Office of the Legislative Auditor General, and other states. All data analysis, conclusions and recommendations are the responsibility of the authors.

**HISTORY**

As noted above, Jail Reimbursement payments were first authorized in the 1983 General Session. Since that time, the program has been modified, adjusted, eliminated for further study, reestablished, further modified, and additional study of the program was requested again. A detailed history of JR is provided in Appendix A on page 14 of this report. The following timeline provides a brief history regarding JR:

1982 — Legislature authorized County jail incarcerations as a condition of probation as it was the prevailing practice in previous years.

1983 — Jail Reimbursement Program authorized.

1988 — State Court System incorporated all District Courts. The Legislature stopped JR funding in FY 1990 to evaluate the program. Most Legislators present at discussions on incorporating the district courts into the state system felt this agreement would eliminate future need for continuing state funding of Jail Reimbursement.

1992 — Fiscal Analyst and CCJJ recommended reinstatement of Jail Reimbursement.

1993 — Jail Reimbursement Program reinstated for FY 1994.

1994 — Jail Reimbursement was paid based on 80 percent of prison operating costs until FY 2000.

1999 — Jail Reimbursement and Jail Contracting funding mechanism connected through establishment of a single Core Rate.

2002 — Jail Reimbursement Program funded at 70 percent of Core Rate.

2004 — Intent Language indicated that medical and transportation costs for JR inmates could be paid with any funds remaining after all reimbursements were paid as indicated in statute.<sup>1</sup>

2006 — Core Rate Committee can include capital infrastructure depreciation in addition to direct costs to the Core Rate recommendation.<sup>2</sup>

Jail Reimbursement continues to be a notable issue that the Utah State Legislature has faced since 1983. In addition to the historical items listed above, the following issues are always at the forefront of any JR discussion:

- The 70 percent Core Rate per Bed Day reimbursement payment as outlined in UCA 64-13c-303;
- Jail Contracting and Jail Reimbursement tied to the same core rate;
- Inflationary core rate adjustments;
- Medical and transportation costs of JR inmates; and
- Bed day growth trends exceeding appropriation growth.

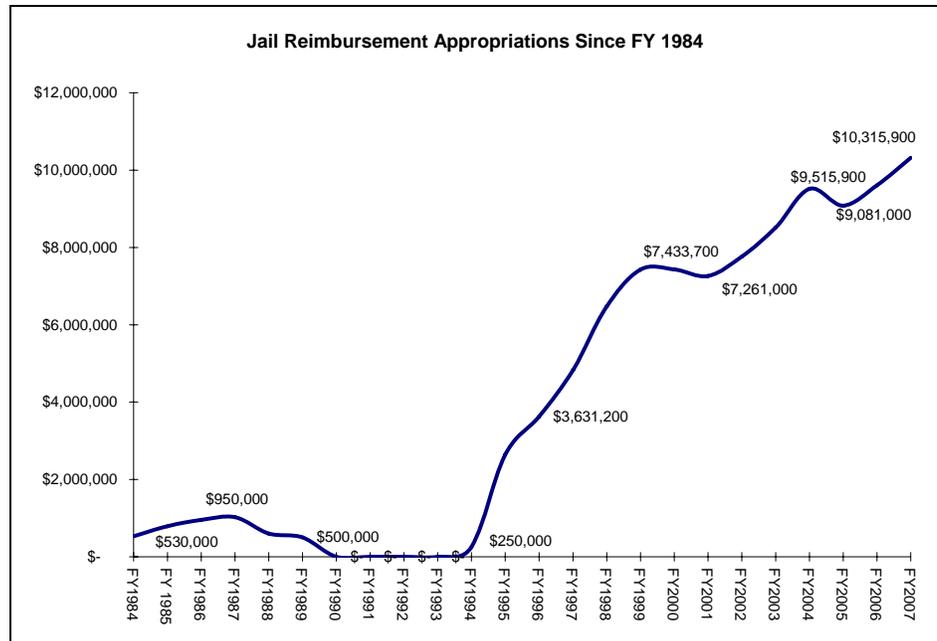
#### **JAIL REIMBURSEMENT APPROPRIATIONS HISTORY**

The JR program has seen tremendous funding growth since it was reestablished in FY 1994. Appropriations have increased by an average of 11.9 percent annually since FY 1995. The following table charts Jail reimbursement appropriations since funding was first allocated in FY 1984.

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<sup>1</sup> Many of the facts contained in this expanded history of the JR Program are from *A Performance Audit of Utah's Jail Reimbursement Program*, Office of the Legislative Auditor General, January 2006.

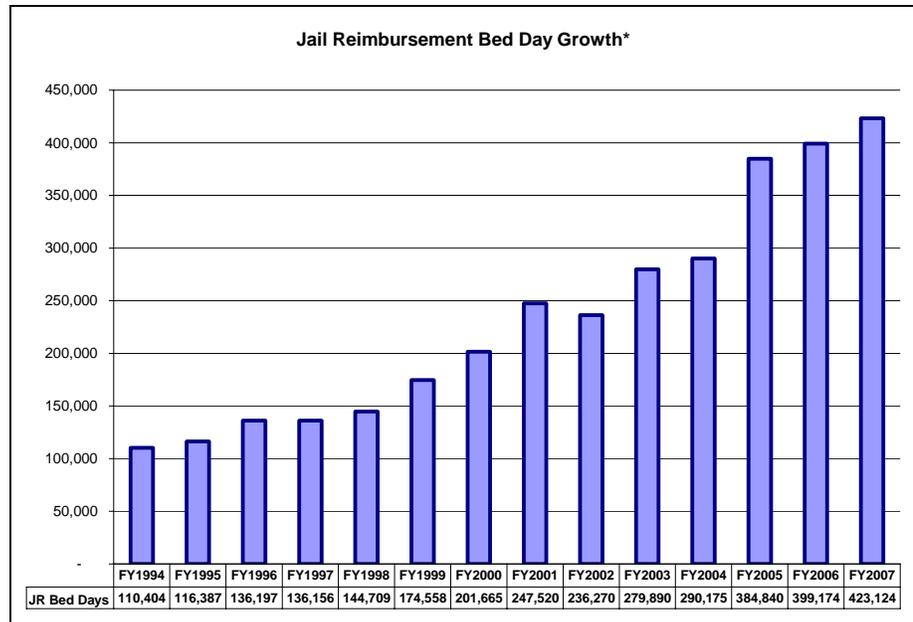
<sup>2</sup> Senate Bill 50 — *Jail Funding Amendments*, Senator David Thomas, 2006 General Session.



From a financial perspective, the trend appears very dramatic. The percent change between FY 1995 and FY 2007 for jail reimbursement spending increased 154.1 percent. Initial funding between FY 1994 and FY 1998 shows a sharp increase, however, this was a part of reestablishing the JR program. Eliminating the planned growth period, JR funding growth has increased 34.6 percent or 4.3 percent per annum since FY 2000. More discussion of JR trends can be found starting on page 6.

**JAIL REIMBURSEMENT BED DAY HISTORY**

Bed days have increased from 110,000 in FY 1994 to an estimated 426,000 in FY 2007. Since FY 1994, bed days have increased by an average of 11.3 percent annually. The following table charts JR bed day data since FY 1994.



\* FY 2007 Bed Day Estimate; All Other FYs Are Actual Bed Day Counts

The percent change for allowable jail reimbursement bed days increased 285 percent between FY 1994 and FY 2007. More discussion of bed day trends and projections starts on page 6.

**STATUTORY REQUIREMENTS**

According to UCA 64-13c, The Utah Department of Corrections (UDC) administers the Jail Reimbursement program. If a convicted felon is committed to serve their sentence in a county correctional facility as a condition of probation, that inmate qualifies for jail reimbursement funding. Jail reimbursement funds are dispersed under the following guidelines:

- County Jails are reimbursed at 70 percent of the core rate (an average of all Counties’ direct costs) from funds appropriated by the Legislature; and
- The core rate shall be proposed by a core rate committee as indicated in UCA 64-13c-302.

The full Jail Reimbursement Statute is available in Appendix B on page 16 of this report.

**FUNDING RESPONSIBILITY OF THE UDC**

UCA 64-13c-301 requires the UDC to administer the JR program. All appropriated funds must be used for reimbursing counties for qualified inmates. The UDC cannot use funds for administrative costs or jail contracts. The UDC is not authorized to spend more funds than the Legislature has allocated to the program—resulting in funding below

70 percent of the core rate per bed day billed. However, the Legislature approved appropriations based on bed day projections, prepared over 18 months in advance of the fiscal year, from the UDC. The following table compares the number of bed days for which appropriations were based and the actual bed days billed. The differences between projected and actual bed days in the last few years have been substantial and resulted in a JR program shortage. More information regarding actuals and projections is provided on pages 6 through 8.

<b>Fiscal Year</b>	<b>Projected Bed Days*</b>	<b>Actual Bed Days</b>	<b>Difference</b>
FY03	247,446	279,890	32,444
FY04	282,262	290,175	7,913
FY05	302,370	384,840	82,470
FY06	324,261	399,174	74,913

\* Numbers used by the Legislature when considering JR appropriations.

For your information, Jail Reimbursement funding has usually been substantially over or under the actual 70 percent threshold established in statute. In the last three years, actual funding has averaged 57 percent of the core rate due to increasing bed day billings as noted in the JR Bed Day Growth Table on page 4. The chart on page 7 depicts the relationship of funding to bed days billed.

#### **ADMINISTRATIVE RULE GOVERNS JAIL REIMBURSEMENT SHORTFALLS**

According to Administrative Rule R251-113-7—Notice of Fund Shortfall, “If the fund falls short of being able to cover the core rate the department shall collect all billings against the fund and hold until the end of the fiscal year. At that time, the remaining funds shall be dispersed at an equal percentage across all participating counties.” The full text of Administrative Rule R 251-113-7 is found in Appendix B on page 20.

#### **JAIL REIMBURSEMENT PROGRAMS IN OTHER STATES**

As a part of this Jail Reimbursement study, a survey of other states regarding their JR programs was conducted. Survey results of Utah and seven other States with Jail Reimbursement Programs are presented below. All of the survey responses from the 31 participating states along with the survey instrument can be reviewed starting on page 21. The survey information provided is for informational purposes only. It was not the purpose of this report to evaluate the performance of other states’ jail programs or their corresponding JR policy.

Comparative Survey Result of Utah and 7 Other Jail Reimbursement States*		
	Surveyed Jail Reimbursement States	JR Rate Amount
1	Arkansas	\$ 28.00
2	Michigan	\$ 43.50
3	New Mexico	Variable--Based on County Costs
4	Oklahoma	\$ 20.00
5	Oregon	\$ 65.00
6	Utah	\$ 29.62
7	Washington	Variable--Based on Administrative Rules and Contracts
8	Wyoming	\$ 45.00

\* Detailed information from surveyed states can be found in Appendix C on Page 22.

### COMPARISONS BETWEEN UTAH AND THE OTHER SURVEYED STATES WITH JAIL REIMBURSEMENT PROGRAMS

The aggregated data provides the information useful for comparison with Utah. The State of Utah and seven other states with a jail reimbursement program comprise 26 percent of the states surveyed. Utah's Jail Reimbursement rate is 27 percent less than the average of the other seven surveyed states that reimburse counties for JR inmates.

### JAIL REIMBURSEMENT TRENDS AND PROJECTIONS

This section of the report expands trend information and projects future Jail Reimbursement growth previously noted in the appropriations history section beginning on page 2. The remainder of the report details the following information and analyses:

- Jail Reimbursement (JR) trends;
- Core Rate Trends;
- Multiple JR bed day and appropriation projections;
- JR alternatives; and
- Analyst recommendations.

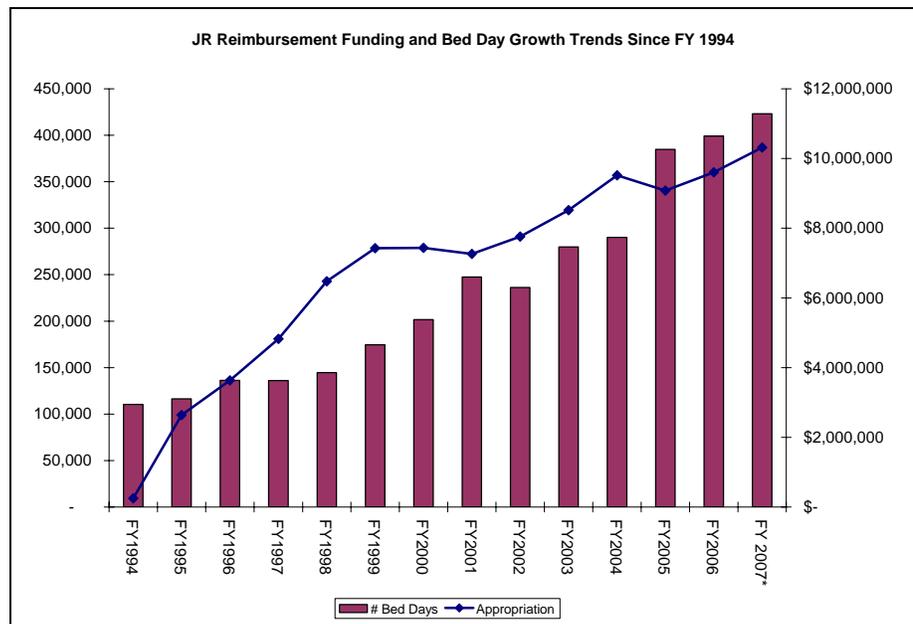
For your information, the Department of Corrections makes an annual presentation regarding the JR program to the Law Enforcement and Criminal Justice Interim Committee each year before September 1.

### JAIL REIMBURSEMENT TRENDS

Jail Reimbursement trends indicate tremendous growth in both bed days used by the felons sentenced to jail as a condition of probation and appropriated dollars. Bed days have doubled and Legislative appropriations for JR have increased \$2,882,000 since FY 2000. The following table and graph details and depicts jail reimbursement growth.

Jail Reimbursement Appropriations and # of Bed Days Since FY 1994		
Fiscal Year	# Bed Days	Appropriation
FY1994	110,404	\$ 250,000
FY1995	116,387	\$ 2,640,100
FY1996	136,197	\$ 3,631,200
FY1997	136,156	\$ 4,826,100
FY1998	144,709	\$ 6,476,900
FY1999	174,558	\$ 7,428,200
FY2000	201,665	\$ 7,433,700
FY2001	247,520	\$ 7,261,000
FY2002	236,270	\$ 7,760,600
FY2003	279,890	\$ 8,515,900
FY2004	290,175	\$ 9,515,900
FY2005	384,840	\$ 9,081,000
FY2006	399,174	\$ 9,605,900
FY 2007*	423,124	\$ 10,315,900

\* FY 2007 Appropriation Contains \$710,000 one-time funds



\* FY 2007 includes \$710,000 in one-time General Fund

As noted in the graph above, appropriations were generally growing faster than bed day growth in the early years of the second installment of the JR program. Currently, the opposite is true in the JR program—bed day growth exceeds appropriation increases. The Jail Reimbursement program has had insufficient funding since FY 2005 because of one or a combination of following factors:

- Bed day projections used to develop Legislative appropriations were significantly lower than actual bed days billed, and/or

- The Legislature did not adopt the bed day projections and thus underfunded JR growth, and/or
- The Legislature did not fund previous JR growth.

### CORE RATE HISTORICAL TRENDS

The Core Rate was established by UCA 64-13c-302 and the full text of the statute is available in Appendix B on pages 16-20. The Department of Corrections, in conjunction with all applicable counties, develops the core rate recommendation for Legislative adoption. The rate consists of an average of the counties' direct, daily core inmate incarceration costs. Direct inmate costs include housing, clothing, security, supervision, food and other basic services. In contrast, Utah's Prison Rate per Day costs also includes additional costs for medical, transportation, administration, and other overhead costs not considered in the Core Rate.

The core rate is used by both the JR and JC programs, but in different ways. Jail contracts are paid at the full core rate, while JR inmates are reimbursed at 70 percent of the core rate. The following table provides Core Rate historical information along with the proposed Core rate for FY 2008.

	Core Rate or Jail Contracting Rate	70% of Core Rate or Jail Reimbursement Rate	Proposed Core Rate
FY2000	\$ 38.00	\$ 26.60	\$ 37.14
FY2001	\$ 43.07	\$ 30.15	\$ 43.07
FY2002	\$ 43.07	\$ 30.15	\$ 43.95
FY2003	\$ 42.32	\$ 29.62	\$ 42.32
FY2004	\$ 42.32	\$ 29.62	\$ 44.33
FY2005	\$ 42.32	\$ 29.62	\$ 45.23
FY2006	\$ 42.32	\$ 29.62	\$ 43.96
FY 2007	\$ 42.32	\$ 29.62	\$ 43.10
FY 2008*		\$ 34.41	\$ 49.15

\* Core Rate Proposed by Core Rate Committee

Due to the passage of Senate Bill 50 in the 2006 General Session, the Core Rate Committee included capital infrastructure depreciation costs as a part of their Core Rate recommendation for FY 2008. The Core Rate Committee recommended a new core rate of \$49.15 or an increase of \$6.83 per bed day — of which \$3.43 consists of capital depreciation costs and the remaining \$3.40 for inflation-based increases. The FY 2008 Core Rate recommendation represents a 16 percent increase to the current Core Rate of \$42.32. The proposed core rate increase would yield a Jail Reimbursement rate of \$34.41 from the current \$29.62 per bed day. The Core Rate would be \$45.72 if only inflationary increases were approved by the Legislature.

As noted above, the JR and JC programs are tied to the same core rate and, therefore, any increase for Jail Reimbursement will automatically and significantly increase Jail Contracting costs. For example, if the Core Rate was increased to \$49.15 as recommended above, an additional \$3,380,000 would be necessary for Jail Contracting in addition to the \$3,077,000 increase required to fund Jail Reimbursement in FY 2008.

At present, Counties seem to have little or no problems with the Jail Contracting program because funding covers the agreed costs of all their contracted beds. Because JR funding has been short for the last few years, it appears that Jail Reimbursement is the primary source of tension between the Counties and the Legislature regarding qualified inmate incarcerations.

Legislators felt the 70 percent agreement was made in good faith and that all parties were satisfied. However, two concerns have arisen: 1) the significant difference in starting pay between county and state correctional officers, and 2) one county's jail reimbursements increased nearly 50 percent just a few years after the 70 percent agreement. The marked increase gave some Legislators the impression that since the JR funding percentage was reduced, counties might arbitrarily bill more bed days to maintain or increase their funding allocations. Whether or not this is true, the concern remains.

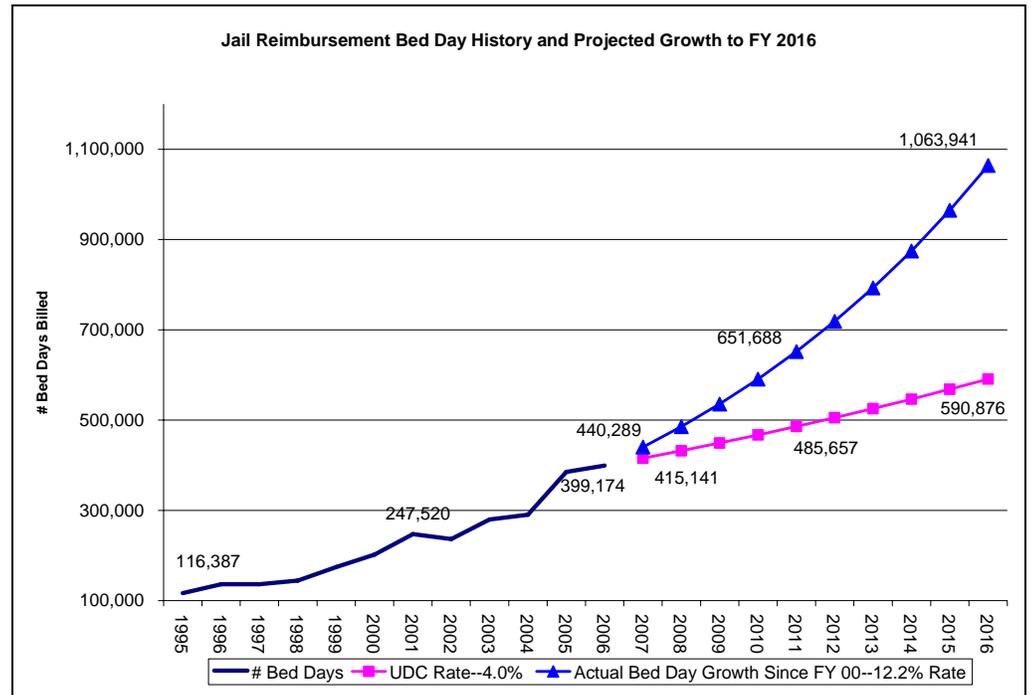
Because of these concerns, the Analyst is recommending that the jail contract rate and the jail reimbursement rate currently tied to the same core rate be separated to allow more flexibility for Legislative action. The programs should be separated for an additional reason—JR is a short term incarceration reimbursement program and JC is designed for longer term inmates and necessitates different funding requirements.

#### **JAIL REIMBURSEMENT PROJECTIONS**

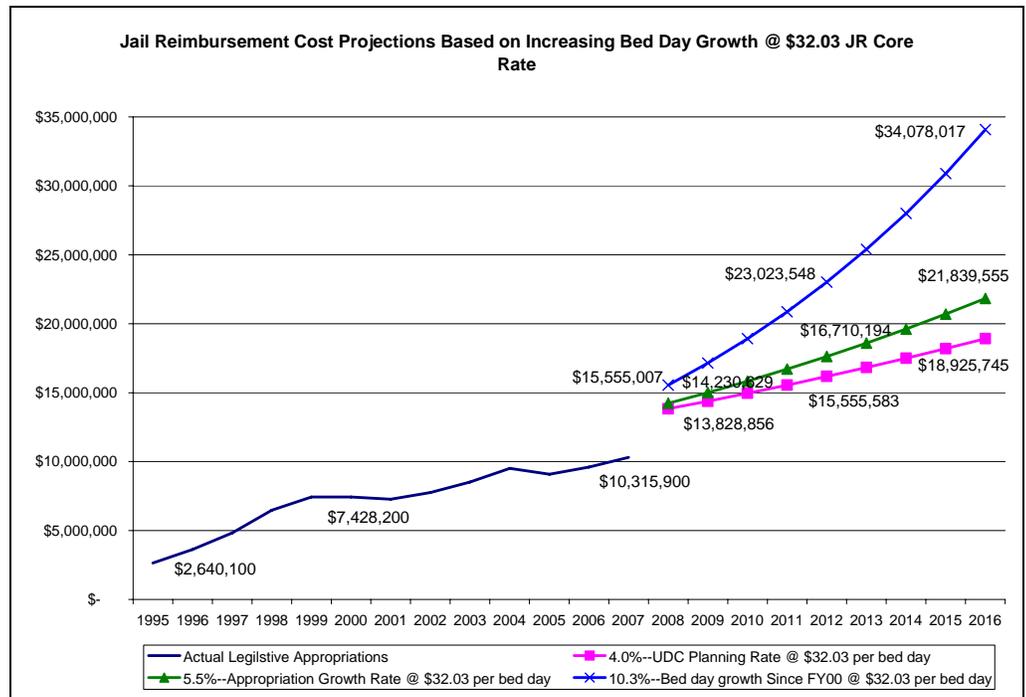
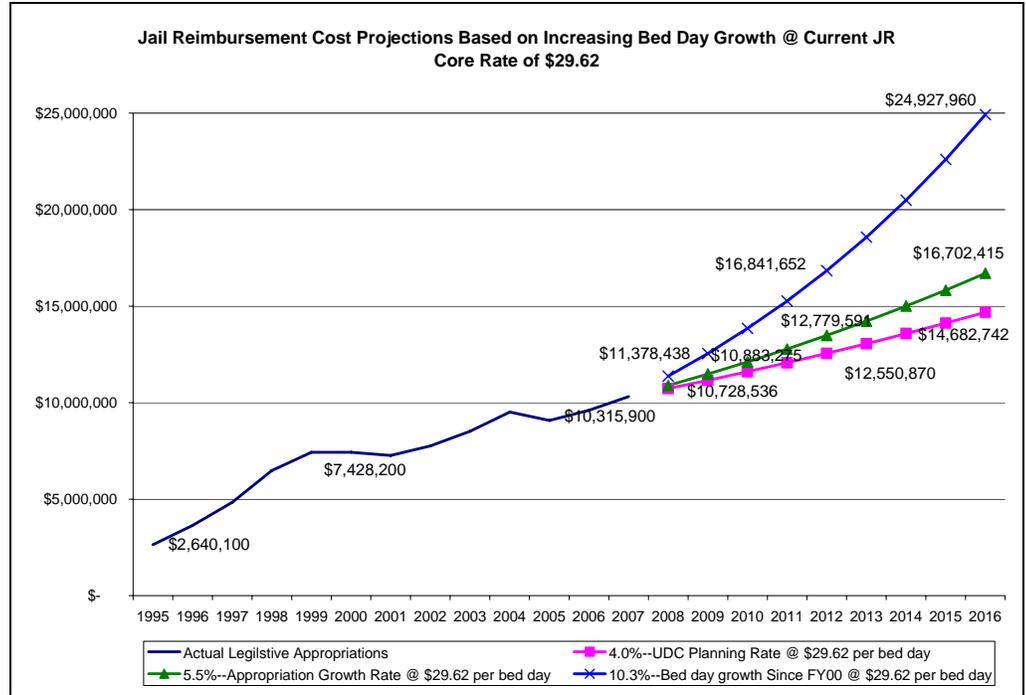
The remainder of the report provides additional information and growth projections necessary for future Legislative policy and appropriations in the Jail Reimbursement Program. For your information, current trends indicate overall inmate populations will increase by 250 prisoners per year. Jail reimbursement bed day growth has increased 110 percent since FY 2000.

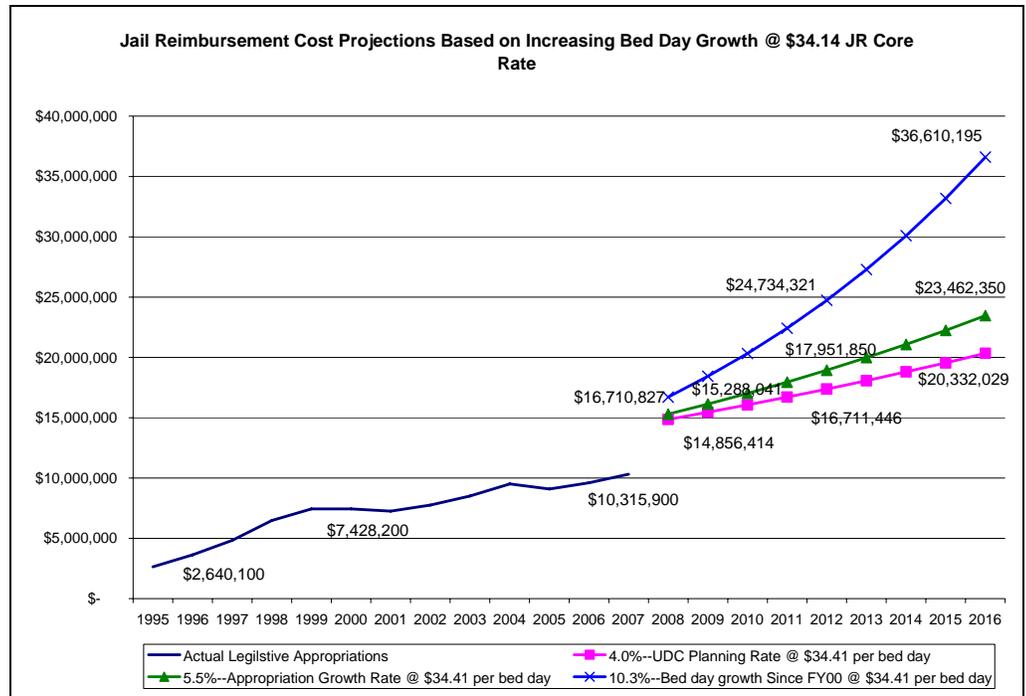
The following graph projects JR bed day growth for the next 10 fiscal years. Projections are based on actual County billings for jail reimbursement of qualified inmates and past growth trends. These

data can be useful for the Executive Appropriations Committee and the Executive Offices and Criminal Justice Appropriations Subcommittee. Two rates are straight line projected for bed day growth in the future: 1) the Department of Corrections growth rate they are using for their projections and 2) the annualized percent increase bed day growth rate since FY 2000.



The following three graphs project JR appropriation growth based on the current core rate (\$29.62), a core rate adjusted for actual county inflation (\$32.03), and the proposed core rate bed day growth for the next 10 fiscal years (\$34.41). The core rate is then applied to the UDC projection rate (4.0%), appropriation growth rate since FY 2000 (5.5%), and the average annual bed day growth rate since FY 2000 (10.3%). Projections are based on historical data and growth trends. These data can be useful to Legislative leadership and appropriation subcommittee members as they consider the recommendations and alternatives on pages 12 and 13. Again, the following charts present a number of possible future cost scenarios in the Jail Reimbursement Program.





The charts indicate that even at the current core rate, costs could escalate substantially in the next few years. Such growth may further strain relationships between the participating counties and the State. However, regardless of potential future growth rates, the Analyst does not believe the bed day growth rate can be matched by a sustainable appropriation growth rate. Also, bed day growth will probably not continue along a similar trend for the next 10 years. For this reason, the Analyst lists possible alternatives for action and makes two recommendations.

**JAIL REIMBURSEMENT ALTERNATIVES**

Based on the information and the analyses proffered above, the Legislature may want to consider the following six alternatives for Jail Reimbursement funding listed in no order of importance:

1. Continuing the current Jail Reimbursement funding process limited within Legislative appropriations, statute, and administrative rule;
  2. Reimbursing Counties at 70% of the core rate even if supplemental funding may be required, this alternative assumes more accurate bed day projections;
  3. Funding Counties at 100% of the core rate or the current Jail Contract rate;
  4. Ceasing the Jail Reimbursement program;
  5. Funding Jail Reimbursement at some other percentage or set rate;
- or

6. Considering a Jail Reimbursement base funding amount that includes periodic inflationary increases which could help the Legislature in their long-range planning efforts. JR funds could be distributed to Counties based on their respective population to eliminate any incentives to over bill the JR program. This option puts the onus on the Counties to better manage and operate their Jail programs and gives Counties a better idea of the funding that would be available in the future.

**JAIL REIMBURSEMENT RECOMMENDATIONS**

The Analyst recommends the following actions be undertaken by the Utah State Legislature:

1. Implement one of the Jail Reimbursement alternatives suggested above; and
2. Separate the JC and JR core rate connection. By keeping the rates tied to both programs as is current policy, changes in one program automatically results in financial adjustments in the other program.

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**APPENDIX A: DETAILED HISTORY OF JAIL REIMBURSEMENT<sup>3</sup>**

**1982 — Legislature Authorized *County Jail Incarcerations as a Condition of Probation*.**<sup>4</sup>

**1983 — Jail Reimbursement (JR) Program Authorized.**

The Legislature authorized payments to supplement costs for prisoners sentenced to county jails as a condition of probation.<sup>5</sup> At the time JR funding was established, the legislation stated that “Reimbursement, however, may not exceed the funds appropriated by the Legislature for that purpose in any fiscal year.”<sup>6</sup> Although the legislation directed the then Board of Corrections to “define the actual costs of incarceration and provide a formula for reimbursement,”<sup>7</sup> Legislators understood that the formula would be applied until appropriated funds were exhausted.

**1988 — State Court System Incorporated All District Courts.**

The District Court Act incorporated district courts from the local court system to the state court system. Consequently, all felons are convicted and sentenced by state district courts and in accordance with state statute. In the same year, HB 60 — *State Reimbursement of County Jail Expenditures* ended JR payments to the counties so the policy could be studied further.

**1992 — Fiscal Analyst and CCJJ Recommend Reinstatement of JR.**

In November 1992, the Legislative Fiscal Analyst released a report on its study of JR. The report recommended that the state reestablish the JR program with the cost of bed days being tied to the state prison cost, up to 80 percent of the prison daily rate. The Commission on Criminal and Juvenile Justice (CCJJ) also released a report in July 1989. This report said that the state should resume financial responsibility of the program by placing all convicted felons with the UDC. The UDC would still place inmates in county jails through the jail contracting program.

**1993 — JR Program Reinstated.**

Based on the fiscal analyst’s recommendations, \$250,000 was appropriated to pay the counties’ costs for housing JR inmates. House Bill 162 in the 1993 General Session tied the reimbursement rate to the daily inmate cost at the state prison. The intent at that time was that by 1998, over a four-year period, the appropriation would be increased yearly up

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<sup>3</sup> Many of the facts contained in this expanded history of the JR Program are from *A Performance Audit of Utah’s Jail Reimbursement Program*, Office of the Legislative Auditor General, January 2006.

<sup>4</sup> House Bill 32 — *County Jail Incarceration as a Condition of Probation*, Rep. Walker, 1982 General Session.

<sup>5</sup> House Bill 50 — *Cost of County Jail Reimbursement*, Rep. Walker, 1983 General Session.

<sup>6</sup> *ibid*

<sup>7</sup> *ibid*

to 80 percent of the state prison daily inmate cost. In 1998, \$7.4 million was appropriated; this was estimated to be \$2.3 million short by CCJJ.

**1999 — Jail Reimbursement and Contracting Become Connected Through Establishment of Core Rate.**

In 1999, House Bill 118 connected the JR and jail contracting (JC) programs by establishing a core rate that applied to both programs. The Core Rate Committee, charged with recommending a base rate for both the JC and JR programs, was created at this time. Counties were reimbursed 100 percent of the core rate for housing inmates under either the JR or JC program. Prior to the core rate being established, these two programs were reimbursed at different rates and negotiated separately. Now that the JR and JC programs are tied to the same core rate, any increase for jail reimbursement will automatically increase jail contracting costs.

**2002 — Jail Reimbursement Program Funded at 70 Percent.**

House Bill 319 in the 2002 General Session changed funding to the JR program from 100 percent to 70 percent. Also in this year the Legislature modified the Core Rate Setting Committee to its current makeup of four representatives from the counties and three from state agencies. The core rate committee was first established with House Bill 118 in the 1999 general session. The make-up of the original committee consisted of two sheriffs, two county representatives and one representative from the UDC.

**2004 — Intent Language Clarified Medical and Transportation Payments for JR.**

The Legislature passed intent language stating that counties are not to be reimbursed for medical and transportation costs incurred by condition of probation inmates unless surplus funds are available. The intent language clarified ambiguity in House Bill 319 about the payment of medical and transportation costs associated with condition of probation inmates.

**2006 — Core Rate Committee May Include Capital Infrastructure Depreciation in Core Rate Recommendation.** In the 2006 General Session, the Legislature passed Senate Bill 50. SB 50 allowed the core rate committee to include capital infrastructure depreciation costs as a part of the core rate recommendation to the Legislature. The effect of this legislation accounts for 50 percent of the increase in the FY2008 core rate recommendation of \$49.15 per bed day. The core rate recommendation from the Core Rate committee for FY2007 was \$43.10. The reimbursement rate approved for FY 2007 is \$42.32 per bed day.

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**APPENDIX B — JAIL REIMBURSEMENT STATUTE, UCA 64-13C  
ADMINISTRATIVE RULE R251-113-7****CHAPTER 13c  
STATE REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES**

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**PART 1  
GENERAL PROVISIONS****64-13c-101. Definitions.**

As used in this chapter:

- (1) (a) "Core inmate incarceration costs" means the county correctional facility's direct costs of incarcerating an inmate, including housing, feeding, and clothing. These costs also include the costs of programs the facility provides for inmates, but these costs do not include programs provided only for inmates housed at the facility under this chapter.
- (b) "Core inmate incarceration costs" do not include costs of inmate transportation services or medical care.
- (2) "Department" means the Department of Corrections.
- (3) "Inmate" means felony probationers sentenced to county jail under Subsection 77-18-1(8), inmates of the state prison system, and parolees.
- (4) "Inmate costs" includes core inmate incarceration costs, and also inmate transportation services and inmate medical care.
- (5) "Program" means the Inmate Costs Reimbursement Program created in Section 64-13c-301.

History: C. 1953, 64-13c-101, enacted by L. 1999, ch. 287, § 1.

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**PART 2  
INCARCERATION OF STATE PRISONERS IN COUNTY FACILITIES****64-13c-201. County housing of state prisoners.**

- (1) (a) When a person convicted of a felony is committed to serve time in a county correctional facility as a condition of probation under Subsection 77-18-1(8), a county shall accept and house the prisoner in a county correctional facility, subject to available resources. 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) The department may contract with a county to house inmates, other than those committed under Subsection 77-18-1(8) as a term of probation, in a county or other correctional facility.
- (c) The department shall give preference over private entities to county correctional facility bed spaces for which the department has contracted under Subsection (1)(b).

(2) On and after July 1, 2000, compensation to a county for inmates incarcerated under this chapter shall be made by the department.

History: C. 1953, 64-13c-201, enacted by L. 1999, ch. 287, § 2; 2002, ch. 270, § 2.

#### Annotations

Amendment Notes. - The 2002 amendment, effective May 6, 2002, deleted "based on Section 64-13c-301" after "department" at the end of Subsection (2).

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### PART 3

#### REIMBURSEMENT OF INMATE COSTS

64-13c-301. Reimbursement program created - Funding - Purposes.

(1) (a) There is created a program known as the Inmate Costs Reimbursement Program.

(b) The program shall be funded by appropriations from the Legislature.

(2) The director of the Department of Corrections shall use the program monies for the sole purpose of reimbursing counties for costs incurred by housing inmates committed under Subsection 77-18-1(8) as a term of probation.

(3) The program monies may not be used for:

(a) the costs of administering the Inmate Cost Reimbursement Program under this chapter; or

(b) payment of contract costs under Subsection 64-13c-201(1)(b).

(4) Those costs under Subsection (3)(a) shall be covered by legislative appropriation.

(5) All funding for the program is nonlapsing.

History: C. 1953, 64-13c-301, enacted by L. 1999, ch. 287, § 3; 2002, ch. 270, § 3.

#### Annotations

Amendment Notes. - The 2002 amendment, effective May 6, 2002, substituted "committed under Subsection 77-18-1(8) as a term of probation" for "pursuant to this chapter" in Subsection (2), added Subsections (3)(b) and (4), and made related changes.

64-13c-302. Procedures for setting county reimbursement for core inmate incarceration costs, and medical and transportation costs.

(1) (a) In order for counties to receive reimbursement under this chapter, the following parties shall annually before January 1 negotiate for the fiscal year beginning on July 1 of the same year a single reimbursement rate, applicable to all counties, for daily core inmate incarceration costs:

(i) as designated by the Utah Sheriffs Association:

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

- (B) one sheriff of a county that is currently receiving reimbursement from the department for housing inmates committed to serve time in a county correctional facility as a condition of probation under Subsection 77-18-1(8);
- (ii) the executive director of the department or the executive director's designee;
- (iii) as designated by the Utah Association of Counties:
- (A) one member of the legislative body of one county that is currently under contract with the department to house inmates; and
- (B) one member of the legislative body of one county that is currently receiving reimbursement from the department for housing inmates committed to serve time in a county correctional facility as a condition of probation under Subsection 77-18-1(8);
- (iv) the executive director of the Commission on Criminal and Juvenile Justice or the executive director's designee; and
- (v) the director of the Governor's Office of Planning and Budget or the director's designee.
- (b) The reimbursement rate negotiated under Subsection (1)(a) shall be approved by the Legislature in the annual appropriations act before the rate may be implemented.
- (2) Each county shall negotiate directly with the department to establish reimbursement rates for providing transportation services and medical care for inmates housed under Section 64-13c-201.

History: C. 1953, 64-13c-302, enacted by L. 1999, ch. 287, § 4; 2001, ch. 230, § 1; 2002, ch. 270, § 4.

#### Annotations

Amendment Notes. - The 2001 amendment, effective March 16, 2001, added Subsection (1)(b), adding the (1)(a) designation, and in Subsection (1)(a), substituted "January 1" for "July 1" and inserted "of the same year."

The 2002 amendment, effective May 6, 2002, substituted "following parties" for "Utah Sheriffs Association and the department" in the introductory language of Subsection (1)(a), added Subsections (1)(a)(i) to (v), and made related changes.

#### 64-13c-303. Payment of reimbursement.

- (1) The Legislature shall fund the total jail reimbursement core inmate incarceration costs at the rate of 70%.
- (2) (a) The director of the department shall administer the distribution of reimbursements to counties for daily inmate costs according to the amounts established under Section 64-13c-302.
- (b) The department shall by rule establish procedures for the distribution of reimbursement from the program.
- (3) Counties that receive reimbursement from the department under this chapter shall annually on or before June 30 submit a report to the department that includes:
- (a) the costs to the county of housing inmates under Section 64-13c-201 and a comparison of these costs to the reimbursement rate established under Section 64-13c-302;
- (b) the number of inmates the county housed under this chapter as:

- (i) a condition of a sentence of probation; and
- (ii) by contract with the department; and
- (c) the total number of inmate days of incarceration provided.

History: C. 1953, 64-13c-303, enacted by L. 1999, ch. 287, § 5; 2002, ch. 270, § 5.

#### Annotations

Amendment Notes. - The 2002 amendment, effective May 6, 2002, added Subsection (1); in Subsection (2)(a), substituted "administer the distribution of reimbursements to" for "reimburse" and deleted "and to the extent monies are available in the program" from the end; deleted former Subsection (2), relating to shortfalls in reimbursement funds; and made a related designation change.

Sunset Act. - See Section 63-55b-164 for the repeal date of Subsection (1) of this section.

64-13c-304. Report to Legislature.

- (1) The department shall provide to the legislative Law Enforcement and Criminal Justice Interim Committee a report regarding housing of inmates under this chapter, including:
  - (a) core inmate costs established under this chapter;
  - (b) participating counties;
  - (c) the costs established for each participating county for transportation and medical care; and
  - (d) the numbers of inmates housed as a condition of probation and housed by contract with the department.
- (2) The report shall be submitted annually on or before September 1.

History: C. 1953, 64-13c-304, enacted by L. 1999, ch. 287, § 6.

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## PART 4 CONTRACTING PROCEDURES

64-13c-401. Legislative approval of contracting.

- (1) Except as provided under Subsection (2), the department may enter into a contract with a county government to house inmates only if the Legislature has previously passed a joint resolution which includes the following information regarding the proposed agreement:
  - (a) the approximate number of beds to be contracted;
  - (b) the county's average daily rate the department will pay the county per inmate, as determined under Title 64, Chapter 13c, Part 3, Reimbursement of Inmate Costs; and
  - (c) the approximate amount of the county's long-term debt and the length of that debt for the facility where the inmates are to be housed.

(2) The department may enter into a contract with a county government to house inmates without complying with the approval process in Subsection (1) only if the county facility is currently under construction or currently exists as of the effective date of this act.

(3) Any resolution passed by the Legislature under Subsection (1) does not bind or obligate the Legislature or the department regarding the proposed contract.

History: C. 1953, 64-13c-401, enacted by L. 2001, ch. 230, § 2.

Annotations

Effective Dates. - Laws 2001, ch. 230, § 3 makes the act effective on March 16, 2001.

**Jail Reimbursement Administrative Rule R251-113-7. Notice of Fund Shortfall.**

(1) Should it be projected that the appropriated fund will be spent prior to the end of the fiscal year, the Department shall notify the Legislative Fiscal Analyst Office in writing. The report will explain the factors used to determine the shortfall.

(2) The Department shall also notify each participating county jail that the fund will be short.

(3) If the fund falls short of being able to cover the core rate the department shall collect all billings against the fund and hold until the end of the fiscal year. At that time, the remaining funds shall be dispersed at an equal percentage across all participating counties.

**APPENDIX C — JAIL REIMBURSEMENT AND PRISON SURVEY  
INSTRUMENT AND CORRESPONDING SURVEY RESULTS**

**Jail Reimbursement and Prison Survey**

INFORMATION: The State of Utah has a Jail Reimbursement Program established in statute. This program reimburses county jails for incarcerating offenders sentenced to county facilities as a condition of felony probation. As required by UCA 64-13c-303, counties should be reimbursed at 70% of core inmate incarceration costs (29.62 per day or 70% of the \$42.32 core rate.).

Your State: \_\_\_\_\_

Question:	Yes	No
Are felons convicted on state statute--sentenced to jail as a condition of probation? (Y/N)	<input type="checkbox"/>	<input type="checkbox"/>
Sent to county jails? (Y/N)	<input type="checkbox"/>	<input type="checkbox"/>
Counties reimbursed by state? (Y/N)	<input type="checkbox"/>	<input type="checkbox"/>
Jail reimbursement rate amount:	<input type="checkbox"/>	<input type="checkbox"/>
Jail contracting rate amount:	<input type="checkbox"/>	<input type="checkbox"/>
State prison cost per inmate per day	<input type="checkbox"/>	<input type="checkbox"/>
<b>Jail reimbursement rates include (Please includes rates if the answer is Yes):</b>		
Direct costs: (Y/N)	<input type="checkbox"/>	<input type="checkbox"/>
Indirect costs: (Y/N)	<input type="checkbox"/>	<input type="checkbox"/>
Medical costs: (Y/N)	<input type="checkbox"/>	<input type="checkbox"/>
Transportation costs: (Y/N)	<input type="checkbox"/>	<input type="checkbox"/>
Capital depreciation costs: (Y/N)	<input type="checkbox"/>	<input type="checkbox"/>

Notes:

Jail Reimbursement and Prison Survey Results for Utah and 30 Other States										
#	State	Felons convicted on state statute--sentenced to Jail as a condition of Probation (Y/N)	Sent to County Jails (Y/N)	Counties Reimbursed by State (Y/N)	JR Rate Amount	JC Rate Amount	State Prison Cost Per Inmate Per Day	Additional Notes		
1	Alaska	Y	N	N/A	N/A					
2	Arizona	Y	Y	N	N/A					
3	Arkansas	N	N	Y	\$ 28.00		\$ 48.24	Counties only hold convicted offenders until there is space in state facilities; counties pay the cost prior to conviction.		
4	California	N	Y	N	N/A	N/A	\$ 86.30			
5	Colorado	Y	Y	N	N/A					
6	Connecticut	Y	N	N/A	N/A					
7	Delaware	Y	N	N/A	N/A					
8	Hawaii	Y	N	N/A	N/A					
9	Idaho	Y	Y	N	N/A					
10	Illinois	Y	N	N/A	N/A					
11	Indiana	Y	Y	N	N/A		\$ 57.69			
12	Iowa	N	N	N/A	N/A		\$ 64.02			
13	Maine	Y	N	N/A	N/A					
14	Michigan	N	Y	Y	\$ 43.50			For sentences of 180 days or less the state pays \$11 to \$12 per day.		
15	Minnesota	Y	Y	N	N/A	\$ 55.00				
16	Missouri	Y	N	N/A	N/A					
17	Nebraska	Y	N	N/A	N/A					
18	Nevada	Y	N	N/A	N/A					
19	New Mexico	Y	Y	Y	Variable					
20	North Carolina	Y	N	N/A	N/A					
21	North Dakota	Y	Y	N	N/A	\$ 50.00	\$ 65.00			
22	Ohio	Y	N	N/A	N/A					
23	Oklahoma	Y	Y	Y	\$ 20.00	\$ 31.00	\$ 56.98	Minimum Security: \$43.52; Medium Security: \$46.79;		
24	Oregon	Y	Y	Y	\$ 65.00		\$ 87.00	Maximum Security: \$56.98		
25	Rhode Island	Y	N	N/A	N/A					
26	South Dakota	Y	Y	N	N/A		\$ 43.00			
27	Texas	N	N	N	N/A	N/A	\$ 40.06			
28	Utah	Y	Y	Y	\$ 29.62	\$ 42.32	\$ 62.17			
29	Washington	N	Y	Y	30.00-60.00	42.00-71.00	\$ 74.44	JR and JC costs vary based on a variety of factors determined by the Office of Financial Management.		
30	West Virginia	N	N	N/A	N/A	\$ 48.50	\$ 62.00			
31	Wyoming	Y	Y	Y	\$ 45.00					