

Effective 5/13/2014

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 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 with the department to house state inmates; and
 - (ii) 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.

Amended by Chapter 436, 2014 General Session