

Effective 7/1/2023

Chapter 13e
County Correctional Facility Contracting and Reimbursement

Superseded 9/1/2025

64-13e-102 Definitions.

As used in this chapter:

- (1) "Alternative treatment program" means:
 - (a) an evidence-based cognitive behavioral therapy program; or
 - (b) a certificate-based program provided by:
 - (i) an institution of higher education described in Subsection 53B-1-102(1)(b); or
 - (ii) a degree-granting institution acting in the degree-granting institution's technical education role described in Section 53B-2a-201.
- (2) "Board" means the Board of Pardons and Parole.
- (3) "Commission" means the State Commission on Criminal and Juvenile Justice, created in Section 63M-7-201.
- (4)
 - (a) "Condition of probation day" means a day spent by a state probationary inmate in a county correctional facility as a condition of probation.
 - (b) "Condition of probation day" includes a day spent by a state probationary inmate in a county correctional facility:
 - (i) after the date of sentencing;
 - (ii) before the date of sentencing, if a court orders that the state probationary inmate shall receive credit for time served in a county correctional facility before the date of sentencing;
 - (iii) as a condition of an original order of probation; and
 - (iv) as a condition of a new order of probation after a prior revocation of probation.
 - (c) "Condition of probation day" does not include a day spent by a state probationary inmate in a county correctional facility:
 - (i) as a probation sanction day;
 - (ii) after the state probationary inmate has spent 365 consecutive days in a county correctional facility for a single order of probation;
 - (iii) as a condition of a plea in abeyance agreement if a conviction has not been entered;
 - (iv) on a hold instituted by the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security; or
 - (v) after the termination of probation if the state probationary inmate is:
 - (A) sentenced to prison; or
 - (B) eligible for release.
- (5) "Department" means the Department of Corrections, created in Section 64-13-2.
- (6) "Division" means the Division of Finance, created in Section 63A-3-101.
- (7)
 - (a) "Eligible bed day" means a day spent by a state probationary inmate or a state parole inmate in a county correctional facility that is eligible for reimbursement under Section 64-13e-104.
 - (b) "Eligible bed day" includes:
 - (i) a condition of probation day;
 - (ii) a parole hold day;
 - (iii) a parole sanction day; and
 - (iv) a probation sanction day.

- (8)
- (a) "Parole hold day" means a day spent in a county correctional facility by a state parole inmate under Subsection 64-13-29(3) based on a suspected violation of the state parole inmate's terms of parole.
 - (b) "Parole hold day" does not include a day spent in a county correctional facility by a state parole inmate:
 - (i) after the state parole inmate has spent 72 hours, excluding weekends and holidays, for a single suspected violation of the state parole inmate's terms of parole; or
 - (ii) as a parole sanction day.
- (9)
- (a) "Parole sanction day" means a day spent in a county correctional facility by a state parole inmate as a sanction under Subsection 64-13-6(2) for a violation of the state parole inmate's terms of parole.
 - (b) "Parole sanction day" includes not more than three consecutive days and not more than a total of six days within a period of 30 days for each sanction.
 - (c) "Parole sanction day" does not include a parole hold day.
- (10)
- (a) "Probation sanction day" means a day spent in a county correctional facility by a state probationary inmate as a sanction under Subsection 64-13-6(2) based on a violation of the state probationary inmate's terms of probation.
 - (b) "Probation sanction day" includes not more than three consecutive days and not more than a total of six days within a period of 30 days for each sanction.
 - (c) "Probation sanction day" does not include:
 - (i) a condition of probation day; or
 - (ii) a day spent in a county correctional facility by a state probationary inmate under Subsection 64-14-205(3) based on a suspected violation of the state probationary inmate's terms of probation.
- (11) "State daily incarceration rate" means the average daily incarceration rate, calculated by the department based on the previous three fiscal years, that reflects the following expenses incurred by the department for housing an inmate:
- (a) executive overhead;
 - (b) administrative overhead;
 - (c) transportation overhead;
 - (d) division overhead; and
 - (e) motor pool expenses.
- (12) "State inmate" means an individual, other than a state probationary inmate or state parole inmate, who is committed to the custody of the department.
- (13) "State parole inmate" means an individual who is:
- (a) on parole, as defined in Section 77-27-1; and
 - (b) housed in a county correctional facility for a reason related to the individual's parole.
- (14) "State probationary inmate" means a felony probationer sentenced to time in a county correctional facility under Subsection 77-18-105(6).
- (15) "Treatment program" means:
- (a) an alcohol treatment program;
 - (b) a substance abuse treatment program;
 - (c) a sex offender treatment program; or
 - (d) an alternative treatment program.

Amended by Chapter 214, 2025 General Session

Effective 9/1/2025

64-13e-102 Definitions.

As used in this chapter:

- (1) "Alternative treatment program" means:
 - (a) an evidence-based cognitive behavioral therapy program; or
 - (b) a certificate-based program provided by:
 - (i) an institution of higher education described in Subsection 53B-1-102(1)(b); or
 - (ii) a degree-granting institution acting in the degree-granting institution's technical education role described in Section 53B-2a-201.
- (2) "Average state daily incarceration cost" means the average cost incurred by the department per bed day over the previous three fiscal years, that reflects the following expenses incurred by the department for housing an inmate:
 - (a) executive overhead;
 - (b) administrative overhead;
 - (c) transportation overhead;
 - (d) division overhead; and
 - (e) motor pool expenses.
- (3) "Board" means the Board of Pardons and Parole.
- (4) "Commission" means the State Commission on Criminal and Juvenile Justice, created in Section 63M-7-201.
- (5)
 - (a) "Condition of probation day" means a day spent by a state probationary inmate in a county correctional facility as a condition of probation.
 - (b) "Condition of probation day" includes a day spent by a state probationary inmate in a county correctional facility:
 - (i) after the date of sentencing;
 - (ii) before the date of sentencing, if a court orders that the state probationary inmate shall receive credit for time served in a county correctional facility before the date of sentencing;
 - (iii) as a condition of an original order of probation; and
 - (iv) as a condition of a new order of probation after a prior revocation of probation.
 - (c) "Condition of probation day" does not include a day spent by a state probationary inmate in a county correctional facility:
 - (i) as a probation sanction day;
 - (ii) after the state probationary inmate has spent 365 consecutive days in a county correctional facility for a single order of probation;
 - (iii) as a condition of a plea in abeyance agreement if a conviction has not been entered;
 - (iv) on a hold instituted by the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security; or
 - (v) after the termination of probation if the state probationary inmate is:
 - (A) sentenced to prison; or
 - (B) eligible for release.
- (6) "Department" means the Department of Corrections, created in Section 64-13-2.
- (7) "Division" means the Division of Finance, created in Section 63A-3-101.
- (8)
 - (a) "Eligible bed day" means a day spent by a state probationary inmate or a state parole inmate in a county correctional facility that is eligible for reimbursement under Section 64-13e-104.

- (b) "Eligible bed day" includes:
 - (i) a condition of probation day;
 - (ii) a parole hold day;
 - (iii) a parole sanction day; and
 - (iv) a probation sanction day.
- (9)
 - (a) "Parole hold day" means a day spent in a county correctional facility by a state parole inmate under Subsection 64-13-29(3) based on a suspected violation of the state parole inmate's terms of parole.
 - (b) "Parole hold day" does not include a day spent in a county correctional facility by a state parole inmate:
 - (i) after the state parole inmate has spent 72 hours, excluding weekends and holidays, for a single suspected violation of the state parole inmate's terms of parole; or
 - (ii) as a parole sanction day.
- (10)
 - (a) "Parole sanction day" means a day spent in a county correctional facility by a state parole inmate as a sanction under Subsection 64-13-6(2) for a violation of the state parole inmate's terms of parole.
 - (b) "Parole sanction day" includes not more than three consecutive days and not more than a total of six days within a period of 30 days for each sanction.
 - (c) "Parole sanction day" does not include a parole hold day.
- (11)
 - (a) "Probation sanction day" means a day spent in a county correctional facility by a state probationary inmate as a sanction under Subsection 64-13-6(2) based on a violation of the state probationary inmate's terms of probation.
 - (b) "Probation sanction day" includes not more than three consecutive days and not more than a total of six days within a period of 30 days for each sanction.
 - (c) "Probation sanction day" does not include:
 - (i) a condition of probation day; or
 - (ii) a day spent in a county correctional facility by a state probationary inmate under Subsection 64-14-205(3) based on a suspected violation of the state probationary inmate's terms of probation.
- (12) "Rate surplus" means the dollar amount by which the average state daily incarceration cost for a given year exceeds 105% of the prior year's state daily incarceration rate.
- (13) "State daily incarceration rate" means the daily per bed dollar basis upon which the department will calculate payments to other parties for housing state inmates and state probationary inmates.
- (14) "State inmate" means an individual, other than a state probationary inmate or state parole inmate, who is committed to the custody of the department.
- (15) "State parole inmate" means an individual who is:
 - (a) on parole, as defined in Section 77-27-1; and
 - (b) housed in a county correctional facility for a reason related to the individual's parole.
- (16) "State probationary inmate" means a felony probationer sentenced to time in a county correctional facility under Subsection 77-18-105(6).
- (17) "Treatment program" means:
 - (a) an alcohol treatment program;
 - (b) a substance abuse treatment program;
 - (c) a sex offender treatment program; or

- (d) an alternative treatment program.

Amended by Chapter 243, 2025 General Session

64-13e-103 County correctional facility contracting program for state inmates -- Payments -- Reporting -- Contracts.

- (1) Subject to Subsection (7), the department may only contract with a county to house state inmates in a county correctional facility.
- (2)
 - (a) The compensation rate for housing state inmates pursuant to a contract described in Subsection (1) shall be:
 - (i) except as provided in Subsection (2)(a)(ii), 84% of the state daily incarceration rate for a county correctional facility bed space in a county that, pursuant to the contract, is dedicated to a treatment program for state inmates, if the treatment program is approved by the department under Subsection (2)(c);
 - (ii) 75% of the state daily incarceration rate for a county correctional facility bed space in a county that, pursuant to the contract, is dedicated to an alternative treatment program for state inmates, if the alternative treatment program is approved by the department under Subsection (2)(c); and
 - (iii) 70% of the state daily incarceration rate for a county correctional facility bed space in a county other than the bed spaces described in Subsections (2)(a)(i) and (ii).
 - (b) The department shall:
 - (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish standards that a treatment program is required to meet before the treatment program is considered for approval for the purpose of a county receiving payment based on the rate described in Subsection (2)(a)(i) or (ii); and
 - (ii) determine on an annual basis, based on appropriations made by the Legislature for the contracts described in this section, whether to approve a treatment program that meets the standards established under Subsection (2)(b)(i), for the purpose of a county receiving payment based on the rate described in Subsection (2)(a)(i) or (ii).
 - (c) The department may not approve a treatment program for the purpose of a county receiving payment based on the rate described in Subsection (2)(a)(i) or (ii), unless:
 - (i) the program meets the standards established under Subsection (2)(b)(i); and
 - (ii) the department determines that the treatment program is needed by the department at the location where the treatment program will be provided.
 - (d)
 - (i) The department shall annually:
 - (A) collect information from each county described in Subsection (1) regarding the treatment programs for state inmates offered by the county;
 - (B) evaluate, review, and audit the results of each treatment program on state inmate recidivism and other relevant metrics; and
 - (C) on or before November 30, report the results of the information described in Subsection (2)(d)(i)(B) to the Criminal Justice Appropriations Subcommittee.
 - (ii) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection (2)(d)(i).
- (3)
 - (a) Compensation to a county for state inmates incarcerated under this section shall be made by the department.

- (b) Funds from the County Correctional Facility Contracting Reserve Program may be used only once existing annual appropriated funds for the fiscal year have been exhausted.
- (4) Counties that contract with the department under Subsection (1) shall, on or before June 30 of each year, submit a report to the department that includes:
 - (a) the number of state inmates the county housed under this section;
 - (b) the total number of state inmate days of incarceration that were provided by the county; and
 - (c) the information required under Subsection (2)(d)(i)(A).
- (5) Except as provided under Subsection (6), the department may not enter into a contract with a county as described under Subsection (1), unless:
 - (a) beginning July 1, 2023, the county correctional facility within the county is in compliance with the reporting requirements described in Subsection 17-22-32(2); and
 - (b) the Legislature has previously passed a joint resolution that includes the following information regarding the proposed contract:
 - (i) the approximate number of beds to be contracted;
 - (ii) the approximate amount of the county's long-term debt; and
 - (iii) the repayment time of the debt for the facility where the inmates are to be housed.
- (6) The department may enter into a contract with a county government to house inmates without complying with the approval process described in Subsection (5) only if the county facility was under construction, or already in existence, on March 16, 2001.
- (7) Any resolution passed by the Legislature under Subsection (5) does not bind or obligate the Legislature or the department regarding the proposed contract.

Amended by Chapter 243, 2025 General Session

64-13e-103.1 Calculating the average state daily incarceration cost and the state incarceration rate.

- (1) Before September 15 of each year, the department shall:
 - (a) calculate the average state daily incarceration cost; and
 - (i) if the average state daily incarceration cost equals more than 105% of the previous year's state daily incarceration rate:
 - (A) set the state daily incarceration rate at 105% of the prior year's state daily incarceration rate; and
 - (B) record that year's rate surplus; or
 - (ii) if the average state daily incarceration cost is less than 105% of the previous year's state daily incarceration rate:
 - (A) set the state daily incarceration rate at the state daily incarceration cost; or
 - (B) if in any one or more of the prior three years there existed a rate surplus, and that rate surplus has not been used to augment the state daily incarceration cost in another year, add the rate surplus or surpluses to the state daily incarceration cost and set the state daily incarceration rate to that combined amount, up to 105% of the previous year's state daily incarceration rate; and
 - (b) inform each county and the commission of the state daily incarceration rate.
- (2) Except as provided in Subsections (3) and (4), the state daily incarceration rate may not be less than the rate presented to the Executive Appropriations Committee of the Legislature for purposes of setting the appropriation for the department's budget.
- (3) Notwithstanding any other provision in this section, in a fiscal year where General Fund revenue growth is not sufficient to fund the state daily incarceration rate presented to the

Executive Appropriations Committee, the state daily incarceration rate shall be reset by the Executive Appropriations Committee in an appropriations act.

(4) For the fiscal year beginning July 1, 2025, only, the state daily incarceration rate is \$120.75.

Amended by Chapter 243, 2025 General Session

Superseded 9/1/2025

64-13e-103.3 Estimating the annual number of county correctional facility bed spaces required for state inmates.

- (1)
- (a) Before September 15 of each year, the department shall estimate the total number of annual county correctional facility bed spaces that are required for state inmates in the upcoming fiscal year, including the annual number of bed spaces that shall be dedicated to:
 - (i) a treatment program for state inmates under Subsection 64-13e-103(3)(a)(i); and
 - (ii) an alternative treatment program for state inmates under Subsection 64-13e-103(3)(a)(ii).
 - (b) The department's estimates described in Subsection (1)(a) shall be based upon:
 - (i) a review of the annual numbers of county correctional facility bed spaces used for state inmates during the preceding years; and
 - (ii) any other information relevant to the department.
- (2) The department shall inform each county of the estimates described in Subsection (1)(a).

Enacted by Chapter 246, 2023 General Session

Effective 9/1/2025

64-13e-103.3 Estimating the annual number of county correctional facility bed spaces required for state inmates.

- (1)
- (a) Before September 15 of each year, the department shall estimate the total number of annual county correctional facility bed spaces that are required for state inmates in the upcoming fiscal year, including the annual number of bed spaces that shall be dedicated to:
 - (i) a treatment program for state inmates under Subsection 64-13e-103(2)(a)(i); and
 - (ii) an alternative treatment program for state inmates under Subsection 64-13e-103(2)(a)(ii).
 - (b) The department's estimates described in Subsection (1)(a) shall be based upon:
 - (i) a review of the annual numbers of county correctional facility bed spaces used for state inmates during the preceding years; and
 - (ii) any other information relevant to the department.
- (2) The department shall inform each county of the estimates described in Subsection (1)(a).

Amended by Chapter 243, 2025 General Session

64-13e-104 County correctional facility reimbursement program for state probationary inmates and state parole inmates -- Payments.

- (1) A county may receive reimbursement from the state for the county's eligible bed days as described in this section.
- (2) Within funds appropriated by the Legislature for the purpose described in Subsection (1), the division shall:
 - (a) pay a county for the county's eligible bed days at a rate of 50% of the state daily incarceration rate; and

- (b) administer the payments under this section.
- (3) Funds appropriated by the Legislature under Subsection (2):
 - (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 county correctional facility contract costs for state inmates under Section 64-13e-103.
- (4) The costs described in Subsection (3)(c)(i) shall be funded by legislative appropriation.
- (5) The commission may adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules to administer this section, including establishing requirements and procedures for collecting data from counties for the purpose of completing the calculations described in this section.
- (6) Each county that receives the payment described in Subsection (2) shall submit a report to the commission in accordance with the requirements established by the commission.
- (7)
 - (a) On or before September 30 of each year, the commission shall:
 - (i) 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; and
 - (ii) calculate:
 - (A) the eligible bed days for each county; and
 - (B) the amount owed to each county based on the county's eligible bed days in accordance with Subsection (2).
 - (b) On or before October 15 of each year, the commission shall inform the division and each county of the exact amount of the payment described in this section that shall be made to each county.
- (8)
 - (a) On or before December 15 of each year, the division shall distribute the payment described in Subsection (7)(b) in a single payment to each county.
 - (b) Funds from the Jail Reimbursement Reserve Program may be used only once existing annual appropriated funds for the fiscal year have been exhausted.

Amended by Chapter 467, 2024 General Session

Repealed 9/1/2025

64-13e-105 Subcommittee on County Correctional Facility Contracting and Reimbursement -- Purpose -- Responsibilities -- Membership.

- (1) There is created within the commission, the Subcommittee on County Correctional Facility Contracting and Reimbursement consisting of the individuals listed in Subsection (3).
- (2) The subcommittee shall meet at least annually to review, discuss, and make recommendations for:
 - (a) the state daily incarceration rate, described in Section 64-13e-103.1;
 - (b) county correctional facility contracting and reimbursement processes and goals, including the creation of a comprehensive statewide system of county correctional facility contracting and reimbursement;
 - (c) developing a partnership between the state and counties to create common goals for housing state inmates;

- (d) calculations for the projected number of bed spaces needed;
 - (e) programming for inmates while incarcerated;
 - (f) proposals to reduce recidivism;
 - (g) enhancing partnerships to improve law enforcement and incarceration programs;
 - (h) inmate transportation costs; and
 - (i) the compilation described in Subsection 64-13e-104(7).
- (3) The membership of the subcommittee shall consist of the following nine members:
- (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 for housing state probationary inmates or state parole inmates;
 - (d) the executive director of the commission or the executive director's designee;
 - (e) one member of the House of Representatives, appointed by the speaker of the House of Representatives;
 - (f) one member of the Senate, appointed by the president of the Senate; and
 - (g) the executive director of the Governor's Office of Planning and Budget or the executive director's designee.
- (4) The subcommittee shall report to the Law Enforcement and Criminal Justice Interim Committee in November of each year on the status of the comprehensive statewide county correctional facility reimbursement and contracting system.
- (5) The subcommittee shall report to the Criminal Justice Appropriations Subcommittee not later than October 31 of each year on costs associated with the comprehensive statewide county correctional facility reimbursement and contracting system established in this chapter.
- (6)
- (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the division according to Sections 63A-3-106 and 63A-3-107.
 - (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Amended by Chapter 271, 2025 General Session