

1 **JAIL REIMBURSEMENT AMENDMENTS**

2 2002 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Greg J. Curtis**

5 **This act modifies the Inmate Costs Reimbursement Program by separating the funding for**
6 **jail reimbursement from the funding for jail contracting and by setting the rate for jail**
7 **reimbursement at 70%. The act also provides that additional county and state**
8 **representatives participate in the yearly negotiation of the daily rate of jail reimbursement**
9 **and jail contracting.**

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **64-13c-201**, as enacted by Chapter 287, Laws of Utah 1999

13 **64-13c-301**, as enacted by Chapter 287, Laws of Utah 1999

14 **64-13c-302**, as last amended by Chapter 230, Laws of Utah 2001

15 **64-13c-303**, as enacted by Chapter 287, Laws of Utah 1999

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

17 Section 1. Section **64-13c-201** is amended to read:

18 **64-13c-201. County housing of state prisoners.**

19 (1) (a) When a person convicted of a felony is committed to serve time in a county
20 correctional facility as a condition of probation under Subsection 77-18-1(8), a county shall accept
21 and house the prisoner in a county correctional facility, subject to available resources. If a county
22 is unable to accept a person due to lack of resources, the county shall negotiate with another county
23 to accept and house the person.

24 (b) The department may contract with a county to house inmates, other than those
25 committed under Subsection 77-18-1(8) as a term of probation, in a county or other correctional
26 facility.

27 (c) The department shall give preference over private entities to county correctional facility



28 bed spaces for which the department has contracted under Subsection (1)(b).

29 (2) On and after July 1, 2000, compensation to a county for inmates incarcerated under this
30 chapter shall be made by the department [~~based on Section 64-13c-301~~].

30a **h (3) THE DEPARTMENT SHALL CONTRACT WITH COUNTIES TO HOUSE NO LESS THAN A**
30b **TOTAL DAILY AVERAGE OF 1250 INMATES EACH YEAR IN COUNTY FACILITIES AS A WHOLE. h**

31 Section 2. Section **64-13c-301** is amended to read:

32 **64-13c-301. Reimbursement program created -- Funding -- Purposes.**

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

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

35 (2) The director of the Department of Corrections shall use the program monies for the
36 sole purpose of reimbursing counties for costs incurred by housing inmates [~~pursuant to this~~
37 ~~chapter~~] committed under Subsection 77-18-1(8) as a term of probation.

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

39 (a) the costs of administering the Inmate Cost Reimbursement Program under this chapter[-
40 ~~Those costs shall be covered by legislative appropriation.]; or~~

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

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

43 ~~[(4)]~~ (5) All funding for the program is nonlapsing.

44 Section 3. Section **64-13c-302** is amended to read:

45 **64-13c-302. Procedures for setting county reimbursement for core inmate**
46 **incarceration costs, and medical and transportation costs.**

47 (1) (a) In order for counties to receive reimbursement under this chapter, the [~~Utah Sheriffs~~
48 ~~Association and the department~~] following parties shall annually before January 1 negotiate for
49 the fiscal year beginning on July 1 of the same year a single reimbursement rate, applicable to all
50 counties, for daily core inmate incarceration costs[-]:

51 (i) as designated by the Utah Sheriffs Association:

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

54 (B) one sheriff of a county that is currently receiving reimbursement from the department
55 for housing inmates committed to serve time in a county correctional facility as a condition of
56 probation under Subsection 77-18-1(8);

57 (ii) the executive director of the department or the executive director's designee;

58 (iii) as designated by the Utah Association of Counties;

59 (A) one member of the legislative body of one county that is currently under contract with
60 the department to house inmates; and

61 (B) one member of the legislative body of one county that is currently receiving
62 reimbursement from the department for housing inmates committed to serve time in a county
63 correctional facility as a condition of probation under Subsection 77-18-1(8);

64 (iv) the executive director of the Commission on Criminal and Juvenile Justice or the
65 executive director's designee; and

66 (v) the director of the Governor's Office of Planning and Budget or the director's designee.

67 (b) The reimbursement rate negotiated under Subsection (1)(a) shall be approved by the
68 Legislature in the annual appropriations act before the rate may be implemented.

69 (2) Each county shall negotiate directly with the department to establish reimbursement
70 rates for providing transportation services and medical care for inmates housed under Section
71 64-13c-201.

72 Section 4. Section **64-13c-303** is amended to read:

73 **64-13c-303. Payment of reimbursement -- Any shortfall.**

74 (1) The Legislature shall fund the total jail reimbursement core inmate incarceration costs
75 at the rate of 70%.

76 [~~(1)~~] (2) (a) The director of the department shall [reimburse] administer the distribution
77 of reimbursements to counties for daily inmate costs according to the amounts established under
78 Section 64-13c-302[, and to the extent monies are available in the program].

79 (b) The department shall by rule establish procedures for the distribution of reimbursement
80 from the program.

81 [~~(2) If it becomes apparent that monies in the program will be insufficient to pay all~~
82 ~~reimbursement due under this chapter in a timely manner, the department and the counties affected~~
83 ~~shall report the shortfall at the next meeting of the interim or standing legislative Law Enforcement~~
84 ~~and Criminal Justice Committee as is appropriate for that time of year.]~~

85 (3) Counties that receive reimbursement from the department under this chapter shall
86 annually on or before June 30 submit a report to the department that includes:

87 (a) the costs to the county of housing inmates under Section 64-13c-201 and a comparison
88 of these costs to the reimbursement rate established under Section 64-13c-302;

89 (b) the number of inmates the county housed under this chapter as:

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

Legislative Review Note
as of 2-7-02 10:47 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel