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



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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].
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)] <u>(5)</u> 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;

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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:

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- 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