

1 **INTERSTATE COMPACT FOR ADULT**
2 **OFFENDER SUPERVISION - APPLICATION**

3 **FEE**

4 2004 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Karen Hale**

7
8 **LONG TITLE**

9 **General Description:**

10 This bill provides for an application process and fee for adult offenders who want to
11 move out of state, but are still under the supervision of the Department of Corrections.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides a process by which adult offenders under the supervision of the
15 Department of Corrections may move to another state;
- 16 ▶ allows the Department of Corrections to create an application for a transfer out of
17 state;
- 18 ▶ sets an application fee;
- 19 ▶ creates a restricted account within the General Fund; and
- 20 ▶ requires that the fee be deposited in the restricted account for the administration of
21 the Interstate Compact.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 ENACTS:



28 77-28c-104, Utah Code Annotated 1953

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

32 Section 1. Section 77-28c-104 is enacted to read:

33 **77-28c-104. Definitions -- Compact transfer application fee.**

34 (1) As used in this section:

35 (a) "Department" means the Department of Corrections.

36 (b) "Offender" has the same meaning as provided in Section 77-28c-103, Article
37 II(a)(9).

38 (2) (a) Offenders desiring a transfer of supervision to another state under the Interstate
39 Compact for Adult Offender Supervision shall apply to the department for transfer.

40 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
41 department shall make rules governing the transfer of supervision of an offender.

42 (3) The department shall collect a fee of \$50 from each offender applying for transfer
43 of supervision to another state under the Interstate Compact for Adult Offender Supervision.

44 Section 2. Section 77-28c-105 is enacted to read:

45 **77-28c-105. Compact for Adult Offender Supervision Restricted Account.**

46 (1) There is created within the General Fund, a restricted account known as the
47 Interstate Compact for Adult Offender Supervision Restricted Account.

48 (2) Monies in the account shall consist of the compact application fee collected by the
49 department for a transfer of supervision under the provisions of Subsection 77-28c-104(3).

50 (3) Upon appropriation by the Legislature, monies in the account shall be used:

51 (a) to cover costs incurred in the collection of the fee; and

52 (b) for the administration of the Interstate Compact for Adult Offender Supervision,
53 including the payment of the annual assessment levied under Subsection 77-28c-103, Article

54 X(b).

Legislative Review Note

as of 1-22-04 10:09 AM

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

Office of Legislative Research and General Counsel

State Impact

It is estimated that provisions of this bill may generate up to \$29,000 annually to be deposited into the General Fund Restricted, "Interstate Compact for Adult Offender Supervision Restricted Account," created by the bill. The bill then appropriates the funds to the Department of Corrections to administer the bill's provisions.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
GF Restricted	\$29,000	\$29,000	\$29,000	\$29,000
TOTAL	\$29,000	\$29,000	\$29,000	\$29,000

Individual and Business Impact

Individuals impacted by this legislation will pay a \$50 application fee.

Office of the Legislative Fiscal Analyst