

Senator Howard A. Stephenson proposes the following substitute bill:

CORRECTIONAL FACILITY BIDDING

PROCESS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill amends the duties of the Department of Corrections regarding correctional facilities.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Corrections to:
 - issue a request for proposals to private prison contractors, county jails, and other interested agencies and entities constructing new correctional facility beds;
 - evaluate proposals to determine which proposal provides the best value to the state based on capital costs, operating costs, and program opportunities for offenders;
 - report annually to the legislative Law Enforcement and Criminal Justice Interim Committee the summarized capital and operating costs for each correctional facility housing inmates for the state; and
 - issue a request for proposals for a 500-bed facility on or before July 1, 2007 and requiring the department to report to the Legislature prior to the 2007 General Session regarding its progress regarding the facility.



26 **Monies Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **64-13-1**, as last amended by Chapter 36, Laws of Utah 2003

33 ENACTS:

34 **64-13-26.5**, Utah Code Annotated 1953

35 **64-13-26.6**, Utah Code Annotated 1953



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

38 Section 1. Section **64-13-1** is amended to read:

39 **64-13-1. Definitions.**

40 As used in this chapter:

41 (1) "Community correctional center" means a nonsecure correctional facility operated:

42 (a) by the department; or

43 (b) under a contract with the department.

44 (2) "Correctional facility" means any facility operated to house offenders, either in a
45 secure or nonsecure setting:

46 (a) by the department; or

47 (b) under a contract with the department.

48 (3) "Correctional facility bed" means the space allocated to house one inmate or other
49 offender committed to the custody of the department.

50 [~~(3)~~] (4) "Department" means the Department of Corrections.

51 [~~(4)~~] (5) "Emergency" means any riot, disturbance, homicide, inmate violence
52 occurring in any correctional facility, or any situation that presents immediate danger to the
53 safety, security, and control of the department.

54 [~~(5)~~] (6) "Executive director" means the executive director of the Department of
55 Corrections.

56 [~~(6)~~] (7) "Inmate" means any person who is committed to the custody of the department

57 and who is housed at a correctional facility or at a county jail at the request of the department.

58 ~~[(7)]~~ (8) "Offender" means any person who has been convicted of a crime for which he
59 may be committed to the custody of the department and is at least one of the following:

60 (a) committed to the custody of the department;

61 (b) on probation; or

62 (c) on parole.

63 ~~[(8)]~~ (9) "Secure correctional facility" means any prison, penitentiary, or other
64 institution operated by the department or under contract for the confinement of offenders,
65 where force may be used to restrain them if they attempt to leave the institution without
66 authorization.

67 Section 2. Section **64-13-26.5** is enacted to read:

68 **64-13-26.5. Bidding process required for correctional facilities.**

69 (1) The department shall issue a request for proposals before contracting for a new
70 correctional facility.

71 (2) The department shall issue the request for proposals to:

72 (a) private prison contractors, as defined in Section 64-13d-102;

73 (b) county jails; and

74 (c) other interested agencies and entities.

75 (3) (a) The department shall evaluate the proposals to determine which proposal
76 provides the best value to the state based on:

77 (i) capital costs;

78 (ii) operating costs;

79 (iii) quality of operation; and

80 (iv) program opportunities for offenders.

81 (b) The department may exclude maximum security beds from the process and
82 comparison.

83 (4) Any private contracts made under this section are subject to Title 64, Chapter 13d,
84 Private Correctional Facilities Act.

85 (5) (a) The department shall provide to the legislative Law Enforcement and Criminal
86 Justice Interim Committee a report summarizing the capital and operating costs for each
87 correctional facility housing inmates for the state.

88 (b) The report shall be submitted annually on or before September 1.

89 Section 3. Section **64-13-26.6** is enacted to read:

90 **64-13-26.6. Construction of 500-bed facility -- Report to Legislature.**

91 (1) On or before July 1, 2007, the department shall issue a request for proposals for the
92 construction of a 500-bed facility that is to address inmate housing needs, including preventing
93 the early release of inmates due to an inadequate number of beds.

94 (2) The department shall report on its progress in complying with Subsection (1) to the
95 legislative ~~§~~ → **Executive Appropriations Committee and the** ← ~~§~~ Executive Offices and
95a Criminal Justice Appropriations Subcommittee prior to the
96 2007 General Session of the Legislature.

State Impact

Passage of SB 175 will require \$85,000 to fund an additional FTE and related overhead costs at the Department of Corrections.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
General Fund, One-Time	\$85,000	\$85,000	\$0	\$0
TOTAL	\$85,000	\$85,000	\$0	\$0

Individual and Business Impact

For-profit correctional businesses may experience positive fiscal impacts.

Office of the Legislative Fiscal Analyst