

Senator Darin G. Peterson 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 operating costs for each correctional facility housing inmates for the state; and
- issue a request for proposals for a ~~500~~ 300 ~~bed~~ -bed facility that does not affect current construction and contracts, and requiring the department to report to the Legislature prior to the 2007 General Session regarding its progress about the



26 facility.

27 **Monies Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **64-13-1**, as last amended by Chapter 36, Laws of Utah 2003

34 ENACTS:

35 **64-13-26.5**, Utah Code Annotated 1953

36 **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.

49 [~~(3)~~] (4) "Department" means the Department of Corrections.

50 [~~(4)~~] (5) "Emergency" means any riot, disturbance, homicide, inmate violence
51 occurring in any correctional facility, or any situation that presents immediate danger to the
52 safety, security, and control of the department.

53 [~~(5)~~] (6) "Executive director" means the executive director of the Department of
54 Corrections.

55 [~~(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 and evaluate a request for proposals ~~§→~~ ~~[before contracting]~~ ~~←§~~
70 for ~~§→~~ ~~[a new]~~ ~~the next~~ ~~←§~~ correctional prison facility complex ~~§→~~ ~~[, except that the]~~ ~~of 300 or~~
70a ~~more beds to be constructed on or after June 1, 2006. The department shall select the site of~~
70b ~~the facility complex regarding which the request for proposals is to be issued. The~~ ~~←§~~ request
70c for proposals may not
71 affect:

72 (a) the funding, construction, or expansion of any correctional prison facility ~~§→~~ ~~complex~~ ~~←§~~
72a currently

73 ~~§→~~ ~~[existing or]~~ ~~←§~~ under construction on ~~§→~~ ~~[May]~~ ~~June~~ ~~←§~~ 1, 2006; or

74 (b) contracts under Subsection 64-13c-201(1)(c) and Section 64-13c-401 that are in
75 effect on ~~§→~~ ~~[May]~~ ~~June~~ ~~←§~~ 1, 2006.

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

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

78 (b) county jails; and

79 (c) other interested agencies and entities.

80 (3) (a) The department shall evaluate the proposals to determine which proposal ~~§→~~ ~~,~~ ~~if~~
80a ~~any,~~ ~~←§~~

81 provides the best value to the state based on:

82 (i) capital costs;

83 (ii) operating costs;

84 (iii) quality of operation;

85 (iv) program opportunities for offenders; and

86 (v) any other criteria the department finds to be necessary.

87 (b) The department may exclude maximum security beds from the process and

88 comparison.

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

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

94 (b) The report shall be submitted annually on or before November 1.

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

96 **64-13-26.6. Construction of 500-bed facility -- Report to Legislature.**

97 (1) When the department determines that construction of a ~~500~~ 300 ~~bed~~ ~~or~~
97a **larger correctional facility complex** ~~facility~~ is necessary
98 to address inmate housing needs, including preventing the early release of inmates due to an
99 inadequate number of beds, the department shall issue a request for proposals ~~and based on~~
99a **the proposals and the department's own reports, [for evaluation**
100 **and comparison of] evaluate and compare the ~~best~~ facilities to determine the facility that would**
100a **~~best~~ meet the needs of the**
101 **~~department~~ state ~~.~~**

102 (2) The department shall report on its progress in complying with Subsection (1) to the
103 legislative Executive Appropriations Committee and the Executive Offices and Criminal
104 Justice Appropriations Subcommittee prior to the 2007 General Session of the Legislature.

Fiscal Note
Bill Number SB0175S02

Correctional Facility Bidding Process

15-Feb-06

11:17 AM

State Impact

No Fiscal Impact.

Individual and Business Impact

No Fiscal Impact.

Office of the Legislative Fiscal Analyst