

1 **CORRECTIONAL FACILITY BIDDING**

2 **PROCESS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Howard A. Stephenson**

6 House Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the duties of the Department of Corrections.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires the Department of Corrections to:

14 • issue a request for proposals to private prison contractors, county jails, and other
15 interested agencies and entities when expanding, remodelling, or constructing
16 new correctional facility beds;

17 • evaluate proposals to determine which proposal provides the best value to the
18 state based on capital costs, operating costs, and program opportunities for
19 offenders; and

20 • report annually to the legislative Law Enforcement and Criminal Justice Interim
21 Committee the summarized capital and operating costs for each correctional
22 facility housing inmates for the state.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 **64-13-1**, as last amended by Chapter 36, Laws of Utah 2003

30 ENACTS:

31 **64-13-26.5**, Utah Code Annotated 1953



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

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

35 **64-13-1. Definitions.**

36 As used in this chapter:

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

- 38 (a) by the department; or
- 39 (b) under a contract with the department.

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

- 42 (a) by the department; or
- 43 (b) under a contract with the department.

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

46 [~~(3)~~] (4) "Department" means the Department of Corrections.

47 [~~(4)~~] (5) "Emergency" means any riot, disturbance, homicide, inmate violence
48 occurring in any correctional facility, or any situation that presents immediate danger to the
49 safety, security, and control of the department.

50 [~~(5)~~] (6) "Executive director" means the executive director of the Department of
51 Corrections.

52 [~~(6)~~] (7) "Inmate" means any person who is committed to the custody of the department
53 and who is housed at a correctional facility or at a county jail at the request of the department.

54 [~~(7)~~] (8) "Offender" means any person who has been convicted of a crime for which he
55 may be committed to the custody of the department and is at least one of the following:

- 56 (a) committed to the custody of the department;
- 57 (b) on probation; or
- 58 (c) on parole.

59 ~~[(8)]~~ (9) "Secure correctional facility" means any prison, penitentiary, or other
60 institution operated by the department or under contract for the confinement of offenders,
61 where force may be used to restrain them if they attempt to leave the institution without
62 authorization.

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

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

65 (1) The department shall issue a request for proposals before:

66 (a) building new correctional facility beds;

67 (b) remodeling existing correctional facility beds; or

68 (c) contracting for a new correctional facility.

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

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

71 (b) county jails; and

72 (c) other interested agencies and entities.

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

75 (i) capital costs;

76 (ii) operating costs;

77 (iii) quality of operation; and

78 (iv) program opportunities for offenders.

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

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

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

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

Legislative Review Note

as of 1-17-06 1:43 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

Passage of SB 175 will require \$85,000 in ongoing funding. If private contractors receive state contracts, the Department of Corrections will require additional employees for contractual oversight.

	<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	\$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.
