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**CORRECTIONAL FACILITY BIDDING
PROCESS - PRIVATIZATION OF
CORRECTIONAL FACILITIES**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: _____

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, 2008 and requiring the department to report to the Legislature prior to the 2008 General Session regarding its progress regarding the facility.

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



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

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

40 **64-13-1. Definitions.**

41 As used in this chapter:

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

43 (a) by the department; or

44 (b) under a contract with the department.

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

47 (a) by the department; or

48 (b) under a contract with the department.

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

51 [~~(3)~~] (4) "Department" means the Department of Corrections.

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

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

57 [~~(6)~~] (7) "Inmate" means any person who is committed to the custody of the department
58 and who is housed at a correctional facility or at a county jail at the request of the department.

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

- 61 (a) committed to the custody of the department;
- 62 (b) on probation; or
- 63 (c) on parole.

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

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

69 **64-13-26.5. Bidding process required for correctional facilities.**

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

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

- 73 (a) contractors, as defined in Section 64-13d-102;
- 74 (b) county jails; and
- 75 (c) other interested agencies and entities.

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

- 78 (i) capital costs;
- 79 (ii) operating costs;
- 80 (iii) quality of operation; and
- 81 (iv) program opportunities for offenders.

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

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

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

89 (b) The report shall be submitted annually on or before September 1, 2007.

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

91 **64-13-26.6. Construction of 500-bed facility -- Report to Legislature.**

92 (1) On or before July 1, 2008, the department shall issue a request for proposals for the
93 construction of a 500-bed facility that is to address inmate housing needs, including preventing
94 the early release of inmates due to an inadequate number of beds.

95 (2) The department shall report on its progress in complying with Subsection (1) to the
96 legislative Executive Offices and Criminal Justice Appropriations Subcommittee prior to the
97 2008 General Session of the Legislature.

Legislative Review Note

as of 1-25-07 9:10 AM

Office of Legislative Research and General Counsel

Fiscal Note

**H.B. 177 - Correctional Facility Bidding Process - Privatization of
Correctional Facilities**
2007 General Session
State of Utah

State Impact

HB 177 requires the Department of Corrections issue requests for proposal (RFP) for all new bed construction. Enactment of this bill will require \$85,400 in ongoing funding and \$1,500 in one-time funding for a Program Coordinator within the Department of Corrections.

| | <u>FY 2007 Approp.</u> | <u>FY 2008 Approp.</u> | <u>FY 2009 Approp.</u> | <u>FY 2007 Revenue</u> | <u>FY 2008 Revenue</u> | <u>FY 2009 Revenue</u> |
|------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| General Fund | \$0 | \$85,400 | \$85,400 | \$0 | \$0 | \$0 |
| General Fund, One-Time | \$0 | \$1,500 | \$0 | \$0 | \$0 | \$0 |
| Total | \$0 | \$86,900 | \$85,400 | \$0 | \$0 | \$0 |

Individual, Business and/or Local Impact

Enactment of this bill may result in direct, measurable costs and/or benefits for businesses or local governments.