

**Senator Gregory S. Bell** proposes the following substitute bill:

**COUNTY CHARGES FOR SERVICES TO**

**INCARCERATED PERSONS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Richard A. Greenwood**

Senate Sponsor: Gregory S. Bell

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**LONG TITLE**

**General Description:**

This bill modifies a provision related to county charges.

**Highlighted Provisions:**

This bill:

▶ expands a provision relating to health care expenses incurred for persons booked into or committed to a county jail to include health care expenses incurred by health care providers, making those expenses county charges subject to current statutory limits;

▶ removes language that made that provision applicable to only first and second class counties;

▶ establishes a fee schedule that applies in the absence of a contract with respect to medical services provided by a health care provider; and

▶ provides that certain information provided to a county by the Public Employees' Benefit and Insurance Program is not a record for purposes of the Government Records Access and Management Act.

**Monies Appropriated in this Bill:**

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **17-50-319**, as last amended by Laws of Utah 2001, Chapter 249

31 **63-2-103**, as last amended by Laws of Utah 2007, Chapter 329

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

34 Section 1. Section **17-50-319** is amended to read:

35 **17-50-319. County charges enumerated.**

36 (1) County charges are:

37 (a) those incurred against the county by any law;

38 (b) the necessary expenses of the county attorney or district attorney incurred in  
39 criminal cases arising in the county, and all other expenses necessarily incurred by the county  
40 or district attorney in the prosecution of criminal cases, except jury and witness fees;

41 (c) the expenses necessarily incurred in the support of persons charged with or  
42 convicted of a criminal offense and committed to the county jail;

43 (d) for a county not within the state district court administrative system, the sum  
44 required by law to be paid jurors in civil cases;

45 (e) all charges and accounts for services rendered by any justice court judge for  
46 services in the trial and examination of persons charged with a criminal offense not otherwise  
47 provided for by law;

48 (f) the contingent expenses necessarily incurred for the use and benefit of the county;

49 (g) every other sum directed by law to be raised for any county purposes under the  
50 direction of the county legislative body or declared a county charge;

51 (h) the fees of constables for services rendered in criminal cases;

52 (i) the necessary expenses of the sheriff and deputies incurred in civil and criminal  
53 cases arising in the county, and all other expenses necessarily incurred by the sheriff and  
54 deputies performing the duties imposed upon them by law;

55 (j) the sums required by law to be paid by the county to jurors and witnesses serving at  
56 inquests and in criminal cases in justice courts; and

57 (k) ~~[for a county of the first or second class and]~~ subject to Subsection (2), expenses  
58 incurred by a health care facility or provider in providing medical services at the request of a  
59 county sheriff for existing conditions of:

60 (i) persons booked into a county jail on a charge of a criminal offense; or

61 (ii) persons convicted of a criminal offense and committed to a county jail.

62 (2) (a) Expenses described in Subsection (1)(k) are a county charge only to the extent  
63 that they exceed any private insurance in effect that covers those expenses.

64 (b) If there is no contract between a county jail and a health care facility or provider  
65 that establishes a fee schedule for medical services rendered, expenses under Subsection (1)(k)  
66 shall be commensurate with:

67 (i) for a health care facility, the current noncapitated state Medicaid rates[-]; and

68 (ii) for a health care provider, 65% of the amount that would be paid to the health care  
69 provider:

70 (A) under the Public Employees' Benefit and Insurance Program, created in Section  
71 49-20-103; and

72 (B) if the person receiving the medical service were a covered employee under the  
73 Public Employees' Benefit and Insurance Program.

74 (c) Subsection (1)(k) does not apply to expenses of a person held at the jail at the  
75 request of an agency of the United States.

76 (d) A county that receives information from the Public Employees' Benefit and  
77 Insurance Program to enable the county to calculate the amount to be paid to a health care  
78 provider under Subsection (2)(b)(ii) shall keep that information confidential.

79 Section 2. Section **63-2-103** is amended to read:

80 **63-2-103. Definitions.**

81 As used in this chapter:

82 (1) "Audit" means:

83 (a) a systematic examination of financial, management, program, and related records  
84 for the purpose of determining the fair presentation of financial statements, adequacy of  
85 internal controls, or compliance with laws and regulations; or

86 (b) a systematic examination of program procedures and operations for the purpose of  
87 determining their effectiveness, economy, efficiency, and compliance with statutes and

88 regulations.

89 (2) "Chronological logs" mean the regular and customary summary records of law  
90 enforcement agencies and other public safety agencies that show:

91 (a) the time and general nature of police, fire, and paramedic calls made to the agency;

92 (b) and any arrests or jail bookings made by the agency.

93 (3) "Classification," "classify," and their derivative forms mean determining whether a  
94 record series, record, or information within a record is public, private, controlled, protected, or  
95 exempt from disclosure under Subsection 63-2-201(3)(b).

96 (4) (a) "Computer program" means:

97 (i) a series of instructions or statements that permit the functioning of a computer  
98 system in a manner designed to provide storage, retrieval, and manipulation of data from the  
99 computer system; and

100 (ii) any associated documentation and source material that explain how to operate the  
101 computer program.

102 (b) "Computer program" does not mean:

103 (i) the original data, including numbers, text, voice, graphics, and images;

104 (ii) analysis, compilation, and other manipulated forms of the original data produced by  
105 use of the program; or

106 (iii) the mathematical or statistical formulas, excluding the underlying mathematical  
107 algorithms contained in the program, that would be used if the manipulated forms of the  
108 original data were to be produced manually.

109 (5) (a) "Contractor" means:

110 (i) any person who contracts with a governmental entity to provide goods or services  
111 directly to a governmental entity; or

112 (ii) any private, nonprofit organization that receives funds from a governmental entity.

113 (b) "Contractor" does not mean a private provider.

114 (6) "Controlled record" means a record containing data on individuals that is controlled  
115 as provided by Section 63-2-303.

116 (7) "Designation," "designate," and their derivative forms mean indicating, based on a  
117 governmental entity's familiarity with a record series or based on a governmental entity's  
118 review of a reasonable sample of a record series, the primary classification that a majority of

119 records in a record series would be given if classified and the classification that other records  
120 typically present in the record series would be given if classified.

121 (8) "Elected official" means each person elected to a state office, county office,  
122 municipal office, school board or school district office, local district office, or special service  
123 district office, but does not include judges.

124 (9) "Explosive" means a chemical compound, device, or mixture:

125 (a) commonly used or intended for the purpose of producing an explosion; and

126 (b) that contains oxidizing or combustive units or other ingredients in proportions,  
127 quantities, or packing so that:

128 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the  
129 compound or mixture may cause a sudden generation of highly heated gases; and

130 (ii) the resultant gaseous pressures are capable of:

131 (A) producing destructive effects on contiguous objects; or

132 (B) causing death or serious bodily injury.

133 (10) "Government audit agency" means any governmental entity that conducts an audit.

134 (11) (a) "Governmental entity" means:

135 (i) executive department agencies of the state, the offices of the governor, lieutenant  
136 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,  
137 the Board of Examiners, the National Guard, the Career Service Review Board, the State Board  
138 of Education, the State Board of Regents, and the State Archives;

139 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal  
140 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative  
141 committees, except any political party, group, caucus, or rules or sifting committee of the  
142 Legislature;

143 (iii) courts, the Judicial Council, the Office of the Court Administrator, and similar  
144 administrative units in the judicial branch;

145 (iv) any state-funded institution of higher education or public education; or

146 (v) any political subdivision of the state, but, if a political subdivision has adopted an  
147 ordinance or a policy relating to information practices pursuant to Section 63-2-701, this  
148 chapter shall apply to the political subdivision to the extent specified in Section 63-2-701 or as  
149 specified in any other section of this chapter that specifically refers to political subdivisions.

150 (b) "Governmental entity" also means every office, agency, board, bureau, committee,  
151 department, advisory board, or commission of an entity listed in Subsection (11)(a) that is  
152 funded or established by the government to carry out the public's business.

153 (12) "Gross compensation" means every form of remuneration payable for a given  
154 period to an individual for services provided including salaries, commissions, vacation pay,  
155 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any  
156 similar benefit received from the individual's employer.

157 (13) "Individual" means a human being.

158 (14) (a) "Initial contact report" means an initial written or recorded report, however  
159 titled, prepared by peace officers engaged in public patrol or response duties describing official  
160 actions initially taken in response to either a public complaint about or the discovery of an  
161 apparent violation of law, which report may describe:

162 (i) the date, time, location, and nature of the complaint, the incident, or offense;

163 (ii) names of victims;

164 (iii) the nature or general scope of the agency's initial actions taken in response to the  
165 incident;

166 (iv) the general nature of any injuries or estimate of damages sustained in the incident;

167 (v) the name, address, and other identifying information about any person arrested or  
168 charged in connection with the incident; or

169 (vi) the identity of the public safety personnel, except undercover personnel, or  
170 prosecuting attorney involved in responding to the initial incident.

171 (b) Initial contact reports do not include follow-up or investigative reports prepared  
172 after the initial contact report. However, if the information specified in Subsection (14)(a)  
173 appears in follow-up or investigative reports, it may only be treated confidentially if it is  
174 private, controlled, protected, or exempt from disclosure under Subsection 63-2-201(3)(b).

175 (15) "Legislative body" means the Legislature.

176 (16) "Notice of compliance" means a statement confirming that a governmental entity  
177 has complied with a records committee order.

178 (17) "Person" means:

179 (a) an individual;

180 (b) a nonprofit or profit corporation;

- 181 (c) a partnership;
- 182 (d) a sole proprietorship;
- 183 (e) other type of business organization; or
- 184 (f) any combination acting in concert with one another.
- 185 (18) "Private provider" means any person who contracts with a governmental entity to
- 186 provide services directly to the public.
- 187 (19) "Private record" means a record containing data on individuals that is private as
- 188 provided by Section 63-2-302.
- 189 (20) "Protected record" means a record that is classified protected as provided by
- 190 Section 63-2-304.
- 191 (21) "Public record" means a record that is not private, controlled, or protected and that
- 192 is not exempt from disclosure as provided in Subsection 63-2-201(3)(b).
- 193 (22) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,
- 194 card, tape, recording, electronic data, or other documentary material regardless of physical form
- 195 or characteristics:
- 196 (i) that is prepared, owned, received, or retained by a governmental entity or political
- 197 subdivision; and
- 198 (ii) where all of the information in the original is reproducible by photocopy or other
- 199 mechanical or electronic means.
- 200 (b) "Record" does not mean:
- 201 (i) a personal note or personal communication prepared or received by an employee or
- 202 officer of a governmental entity in the employee's or officer's private capacity;
- 203 (ii) a temporary draft or similar material prepared for the originator's personal use or
- 204 prepared by the originator for the personal use of an individual for whom the originator is
- 205 working;
- 206 (iii) material that is legally owned by an individual in the individual's private capacity;
- 207 (iv) material to which access is limited by the laws of copyright or patent unless the
- 208 copyright or patent is owned by a governmental entity or political subdivision;
- 209 (v) proprietary software;
- 210 (vi) junk mail or a commercial publication received by a governmental entity or an
- 211 official or employee of a governmental entity;

212 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections  
213 of a library open to the public;

214 (viii) material that is cataloged, indexed, or inventoried and contained in the collections  
215 of a library open to the public, regardless of physical form or characteristics of the material;

216 (ix) a daily calendar or other personal note prepared by the originator for the  
217 originator's personal use or for the personal use of an individual for whom the originator is  
218 working;

219 (x) a computer program that is developed or purchased by or for any governmental  
220 entity for its own use;

221 (xi) a note or internal memorandum prepared as part of the deliberative process by:

222 (A) a member of the judiciary;

223 (B) an administrative law judge;

224 (C) a member of the Board of Pardons and Parole; or

225 (D) a member of any other body charged by law with performing a quasi-judicial  
226 function; [or]

227 (xii) a telephone number or similar code used to access a mobile communication  
228 device that is used by an employee or officer of a governmental entity, provided that the  
229 employee or officer of the governmental entity has designated at least one business telephone  
230 number that is a public record as provided in Section 63-2-301[-]; or

231 information provided by the Public Employees' Benefit and Insurance Program,  
232 created in Section 49-20-103, to a county to enable the county to calculate the amount to be  
233 paid to a health care provider under Subsection 17-50-319(2)(b)(ii).

234 (23) "Record series" means a group of records that may be treated as a unit for  
235 purposes of designation, description, management, or disposition.

236 (24) "Records committee" means the State Records Committee created in Section  
237 63-2-501.

238 (25) "Records officer" means the individual appointed by the chief administrative  
239 officer of each governmental entity, or the political subdivision to work with state archives in  
240 the care, maintenance, scheduling, designation, classification, disposal, and preservation of  
241 records.

242 (26) "Schedule," "scheduling," and their derivative forms mean the process of



243 specifying the length of time each record series should be retained by a governmental entity for  
244 administrative, legal, fiscal, or historical purposes and when each record series should be  
245 transferred to the state archives or destroyed.

246 (27) "Sponsored research" means research, training, and other sponsored activities as  
247 defined by the federal Executive Office of the President, Office of Management and Budget:

248 (a) conducted:

249 (i) by an institution within the state system of higher education defined in Section  
250 53B-1-102; and

251 (ii) through an office responsible for sponsored projects or programs; and

252 (b) funded or otherwise supported by an external:

253 (i) person that is not created or controlled by the institution within the state system of  
254 higher education; or

255 (ii) federal, state, or local governmental entity.

256 (28) "State archives" means the Division of Archives and Records Service created in  
257 Section 63-2-901.

258 (29) "State archivist" means the director of the state archives.

259 (30) "Summary data" means statistical records and compilations that contain data  
260 derived from private, controlled, or protected information but that do not disclose private,  
261 controlled, or protected information.

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**Fiscal Note**

**H.B. 121 1st Sub. (Buff) - County Charges for Services to Incarcerated  
Persons**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill could result in costs savings for counties currently paying above medicaid rates for incarcerated individuals.

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