

1 **COUNTY CORRECTIONAL FACILITIES FUNDING**
2 **AMENDMENTS**

3 2011 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: Michael E. Noel**

6 Senate Sponsor: _____
7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions of Title 64, Chapter 13e, State Payment and
11 Reimbursement to County Correctional Facilities, relating to determining the actual
12 state daily incarceration rate and the compensation rate for housing state inmates
13 pursuant to a contract.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ defines terms;
17 ▶ provides that the compensation rate for housing state inmates pursuant to a contract

18 shall be:

- 19 • 73% of the final state daily incarceration rate for ~~H→~~ beds in ~~←H~~ a county that

19a ~~H→~~ [provides] , pursuant to the contract, are dedicated to ~~←H~~ a

20 treatment program to state inmates ~~H→~~ [that] , if the treatment program ~~←H~~ is approved by
20a the Department of

21 Corrections; and

- 22 • 70% of the final state daily incarceration rate for ~~H→~~ beds in ~~←H~~ a county that

22a ~~H→~~ [does not provide

23 a treatment program to state inmates that is approved by the Department of

24 Corrections] are not described in the preceding paragraph ~~←H~~ ;

- 25 ▶ grants rulemaking authority to the Department of Corrections;
26 ▶ describes the criteria for approving a treatment program; and
27 ▶ makes technical changes.



59 63A-3-101.

60 (5) "Final state daily incarceration rate" means the average actual state daily
61 incarceration rate, calculated, reviewed, and discussed under Section 64-13e-105, and approved
62 by the Legislature under Subsection 64-13e-105(3).

63 (6) "State inmate" means a person, other than a state probationary inmate or state
64 parole inmate, who is committed to the custody of the department.

65 (7) "State parole inmate" means a person who is:

66 (a) on parole, as defined in Section 77-27-1; and

67 (b) housed in a county jail for a reason related to the person's parole.

68 (8) "State probationary inmate" means a felony probationer sentenced to time in a
69 county jail under Subsection 77-18-1(8).

70 (9) "Treatment program" means:

71 (a) an alcohol treatment program;

72 (b) a substance abuse treatment program; or

73 (c) a sex offender treatment program.

74 Section 2. Section **64-13e-103** is amended to read:

75 **64-13e-103. Contracts for housing state inmates.**

76 (1) Subject to Subsection (6), the department may contract with a county to house state
77 inmates in a county or other correctional facility.

78 (2) The department shall give preference for placement of state inmates, over private
79 entities, to county correctional facility bed spaces for which the department has contracted
80 under Subsection (1).

81 (3) (a) The compensation rate for housing state inmates pursuant to a contract
82 described in Subsection (1) shall be ~~[70% of the final state daily incarceration rate.];~~

83 (i) 73% of the final state daily incarceration rate for ~~Ĥ~~→ **beds in** ←~~Ĥ~~ a county that
83a ~~Ĥ~~→ **[provides]** , pursuant to the contract, are dedicated to ←~~Ĥ~~ a treatment
84 program to state inmates ~~Ĥ~~→ **[that]** , if the treatment program ←~~Ĥ~~ is approved by the department
84a under Subsection (3)(c); and

85 (ii) 70% of the final state daily incarceration rate for ~~Ĥ~~→ **beds in** ←~~Ĥ~~ a county
85a ~~Ĥ~~→ **[that does not provide a**
86 **treatment program to state inmates that is approved by the department under Subsection (3)(c)] other**
86a **than the beds described in Subsection (3)(a)(i) ←~~Ĥ~~ .**

87 (b) The department shall:

88 (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative

89 Rulemaking Act, that establish standards that a treatment program is required to meet before