

COUNTY CORRECTIONAL FACILITIES FUNDING

AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: Stuart C. Reid

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LONG TITLE

General Description:

This bill modifies the calculated reimbursement that the state pays counties for housing state inmates and parolees in county facilities.

Highlighted Provisions:

This bill:

- directs the state to calculate reimbursement for counties that house state inmates and parolees in county facilities based on the average number of days over the previous five years, instead of the actual number of incarceration days for the prior year.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

**64-13e-104**, as last amended by Laws of Utah 2009, Chapter 56

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

Section 1. Section **64-13e-104** is amended to read:

**64-13e-104. Housing of state probationary inmates or state parole inmates --**

**Payment.**

(1) (a) A county shall accept and house a state probationary inmate or a state parolee

30 inmate in a county correctional facility, subject to available resources.

31 (b) If a county is unable to accept a person due to lack of resources, the county shall  
32 negotiate with another county to accept and house the person.

33 (2) Within funds appropriated by the Legislature for this purpose, the Division of  
34 Finance shall pay a county that houses a state probationary inmate or a state parole inmate at a  
35 rate of 50% of the final state daily incarceration rate.

36 (3) Funds appropriated by the Legislature under Subsection (2):

37 (a) are nonlapsing;

38 (b) may only be used for the purposes described in Subsection (2); and

39 (c) may not be used for:

40 (i) the costs of administering the payment described in this section; or

41 (ii) payment of contract costs under Section 64-13e-103.

42 (4) The costs described in Subsection (3)(c)(i) shall be covered by legislative  
43 appropriation.

44 (5) (a) The Division of Finance shall administer the payment described in Subsection  
45 (2).

46 (b) In accordance with Subsection (9), CCJJ shall, by rule made pursuant to Title 63G,  
47 Chapter 3, Utah Administrative Rulemaking Act, establish procedures for the calculation of the  
48 payment described in Subsection (2).

49 (c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount  
50 of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total  
51 amount of the payments made does not exceed the amount appropriated by the Legislature for  
52 the payments.

53 (6) Counties that receive the payment described in Subsection (2) shall, on at least a  
54 monthly basis, submit a report to CCJJ that includes:

55 (a) the number of state probationary inmates and state parole inmates the county  
56 housed under this section; and

57 (b) the total number of state probationary inmate days of incarceration and state parole

58 inmate days of incarceration that were provided by the county.

59           (7) (a) On or before September 1 of each year, CCJJ shall compile the information  
60 from the reports described in Subsection (6) that relate to the preceding state fiscal year and  
61 provide a copy of the compilation to each county that submitted a report.

62           (b) On or before September 30 of each year, CCJJ shall inform the Division of Finance  
63 and each county of the exact amount of the payment described in this section that shall be made  
64 to each county.

65           (8) On or before December 15 of each year, the Division of Finance shall distribute the  
66 payment described in Subsection (7)(b) in a single payment to each county.

67           (9) The amount paid to each county under Subsection (8) shall be calculated on a pro  
68 rata basis, based on the average number of state probationary inmate days of incarceration and  
69 the average state parole inmate days of incarceration that were provided by each county for the  
70 preceding five state fiscal [~~year~~] years.