

1 **COUNTY CORRECTIONAL FACILITIES FUNDING**

2 **AMENDMENTS**

3 2012 GENERAL SESSION

4 STATE OF UTAH

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

6 Senate Sponsor: Stuart C. Reid

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **64-13e-104**, as last amended by Laws of Utah 2009, Chapter 56

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

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

27 **64-13e-104. Housing of state probationary inmates or state parole inmates --**



28 **Payment.**

29 (1) (a) A county shall accept and house a state probationary inmate or a state parole
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.

Legislative Review Note
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Office of Legislative Research and General Counsel