

COUNTY CORRECTIONAL FUNDING AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill modifies the State Institutions Code by increasing the compensation rate to counties for housing state inmates.

Highlighted Provisions:

This bill:

- ▶ increases the rate at which the state reimburses counties for housing state inmates and providing treatment programs to 79% of the final state daily incarceration rate;

and

- ▶ increases the rate at which the state reimburses counties for housing state inmates in facilities that do not provide treatment programs to 73% of the final state daily incarceration rate.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

64-13e-103, as last amended by Laws of Utah 2011, Chapter 93

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



28 Section 1. Section **64-13e-103** is amended to read:

29 **64-13e-103. Contracts for housing state inmates.**

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

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

35 (3) (a) The compensation rate for housing state inmates pursuant to a contract
36 described in Subsection (1) shall be:

37 (i) [~~73%~~] 79% of the final state daily incarceration rate for beds in a county that,
38 pursuant to the contract, are dedicated to a treatment program to state inmates, if the treatment
39 program is approved by the department under Subsection (3)(c); and

40 (ii) [~~70%~~] 73% of the final state daily incarceration rate for beds in a county other than
41 the beds described in Subsection (3)(a)(i).

42 (b) The department shall:

43 (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
44 Rulemaking Act, that establish standards that a treatment program is required to meet before
45 the treatment program is considered for approval for the purpose of a county receiving payment
46 based on the rate described in Subsection (3)(a)(i); and

47 (ii) determine on an annual basis, based on appropriations made by the Legislature for
48 the contracts described in this section, whether to approve a treatment program that meets the
49 standards established under Subsection (3)(b)(i), for the purpose of a county receiving payment
50 based on the rate described in Subsection (3)(a)(i).

51 (c) The department may not approve a treatment program for the purpose of a county
52 receiving payment based on the rate described in Subsection (3)(a)(i), unless:

53 (i) the program meets the standards established under Subsection (3)(b)(i);

54 (ii) the department determines that the Legislature has appropriated sufficient funds to:

55 (A) pay the county that provides the treatment program at the rate described in
56 Subsection (3)(a)(i); and

57 (B) pay each county that does not provide a treatment program an amount per state
58 inmate that is not less than the amount per state inmate received for the preceding fiscal year by

59 a county that did not provide a treatment program; and
60 (iii) the department determines that the treatment program is needed by the department
61 at the location where the treatment program will be provided.
62 (4) Compensation to a county for state inmates incarcerated under this section shall be
63 made by the department.
64 (5) Counties that contract with the department under Subsection (1) shall, on or before
65 June 30 of each year, submit a report to the department that includes:
66 (a) the number of state inmates the county housed under this section; and
67 (b) the total number of state inmate days of incarceration that were provided by the
68 county.
69 (6) Except as provided under Subsection (7), the department may not enter into a
70 contract described under Subsection (1), unless the Legislature has previously passed a joint
71 resolution that includes the following information regarding the proposed contract:
72 (a) the approximate number of beds to be contracted;
73 (b) the final state daily incarceration rate;
74 (c) the approximate amount of the county's long-term debt; and
75 (d) the repayment time of the debt for the facility where the inmates are to be housed.
76 (7) The department may enter into a contract with a county government to house
77 inmates without complying with the approval process described in Subsection (6) only if the
78 county facility was under construction, or already in existence, on March 16, 2001.
79 (8) Any resolution passed by the Legislature under Subsection (6) does not bind or
80 obligate the Legislature or the department regarding the proposed contract.

Legislative Review Note
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Office of Legislative Research and General Counsel