

**CONDITIONS OF PROBATION**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott K. Jenkins**

House Sponsor: Eric K. Hutchings

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**LONG TITLE**

**General Description:**

This bill modifies the provisions regarding the incarceration of state probationary inmates in a county correctional facility.

**Highlighted Provisions:**

This bill:

► provides that a county may release a specified number of inmates from a county correctional facility if the state does not appropriate an amount of funds as specified.

**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 2014, Chapter 436

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

30 (b) A county may release a number of inmates from a county correctional facility, but  
31 not to exceed the number of state probationary inmates [~~and state parole inmates~~] in excess of  
32 the number of inmates funded by the appropriation authorized in Subsection (2),<sub>2</sub> if:

33 (i) the state does not fully comply with the provisions of Subsection (9) for the most  
34 current fiscal year; or

35 (ii) funds appropriated by the Legislature for this purpose are less than 50% of the  
36 average actual state daily incarceration rate.

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

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

41 (a) are nonlapsing;

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

43 (c) may not be used for:

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

45 (ii) payment of contract costs under Section [64-13e-103](#).

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

48 (5) (a) The Division of Finance shall administer the payment described in Subsection  
49 (2).

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

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

57 (6) Counties that receive the payment described in Subsection (2) shall, on at least a

58 monthly basis, submit a report to CCJJ that includes:

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

61 (b) the total number of state probationary inmate days of incarceration and state parole  
62 inmate days of incarceration that were provided by the county.

63 (7) (a) On or before September 30 of each year, CCJJ shall compile the information  
64 from the reports described in Subsection (6) that relate to the preceding state fiscal year and  
65 provide a copy of the compilation to each county that submitted a report.

66 (b) On or before October 15 of each year, CCJJ shall inform the Division of Finance  
67 and each county of the exact amount of the payment described in this section that shall be made  
68 to each county.

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

71 (9) The amount paid to each county under Subsection (8) shall be calculated on a pro  
72 rata basis, based on the average number of state probationary inmate days of incarceration and  
73 the average state parole inmate days of incarceration that were provided by each county for the  
74 preceding five state fiscal years.