

COUNTY JAILS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor: Craig Hall

LONG TITLE

General Description:

This bill sets specific amounts for jail contracting and reimbursement rates and creates a committee to study the issue.

Highlighted Provisions:

This bill:

- ▶ sets a specific amount for the daily jail contracting rate;
- ▶ sets a specific amount for the daily jail reimbursement rate;
- ▶ caps the number of beds in certain categories;
- ▶ creates the Subcommittee on Jail Contracting and Reimbursement within the Commission on Criminal and Juvenile Justice;
- ▶ defines the membership of the subcommittee;
- ▶ sets responsibilities and study items;
- ▶ requires a report to the Law Enforcement and Criminal Justice Interim Committee and the Executive Offices and Criminal Justice Appropriations Subcommittee; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-2-264, as renumbered and amended by Laws of Utah 2008, Chapter 382

30 **64-13e-105**, as last amended by Laws of Utah 2020, Chapter 410
31 ENACTS:
32 **64-13e-103.2**, Utah Code Annotated 1953

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

35 Section 1. Section **63I-2-264** is amended to read:

36 **63I-2-264. Repeal dates -- Title 64.**

37 (1) Section 64-13e-103.2 is repealed June 30, 2024.

38 Section 2. Section **64-13e-103.2** is enacted to read:

39 **64-13e-103.2. State daily incarceration rate -- Limits -- Payments to jails.**

40 (1) Notwithstanding Sections 64-13e-103 and 64-13e-103.1, the actual state daily
41 incarceration rate shall be \$85.27. This rate shall apply to inmates under Section 64-13e-103
42 and probationary and parole inmates under Section 64-13e-104.

43 (2) Notwithstanding Subsection 64-13e-103(3)(a), the number of jail beds contracted
44 for shall be 1450 at the base rate of 71.57%, with the exception of:

45 (a) the beds set aside for Subsection 64-13e-103(3)(a)(i) which shall be 434 beds and
46 shall be reimbursed at 88.53% of the actual state daily incarceration rate; and

47 (b) the beds set aside for Subsection 64-13e-103(3)(a)(ii) which shall be 235 beds and
48 shall be reimbursed at 79.52% of the actual state daily incarceration rate.

49 (3) Notwithstanding Subsection 64-13e-104(9), the five year average state probationary
50 or parole inmate days is set at 300,000 days.

51 (4) Notwithstanding Subsection 64-13e-104(2), within funds appropriated by the
52 Legislature for this purpose, the Division of Finance shall pay a county that houses a state
53 probationary inmate or a state parole inmate at a rate of 50% of the actual state daily
54 incarceration rate.

55 (5) Expenditures for Section 64-13e-103 shall be \$35,173,900 annually.

56 (6) Expenditures for Section 64-13e-104 shall be \$12,790,700 annually.

57 Section 3. Section **64-13e-105** is amended to read:

64-13e-105. Subcommittee on Jail Contracting and Reimbursement -- Purpose -- Responsibilities -- Membership.

(1) There is created within the Commission on Criminal and Juvenile Justice, the Subcommittee on Jail Contracting and Reimbursement consisting of the individuals listed in Subsection (3).

~~(2) [Before September 30 of each year, the individuals described in Subsection (2)]~~
The subcommittee shall meet at least quarterly to review, [and] discuss, and make recommendations for:

- (a) the [actual] state daily incarceration rate, described in Section 64-13e-103.1;
- (b) the [actual] county daily incarceration rate;
- (c) jail contracting and jail reimbursement processes and goals, including the creation of a comprehensive statewide system of jail contracting and reimbursement;
- (d) developing a partnership between the state and counties to create common goals for housing state inmates;
- (e) calculations for the projected number of beds needed;
- (f) programming for inmates while incarcerated;
- (g) proposals to reduce recidivism;
- (h) enhancing partnerships to improve law enforcement and incarceration programs;
- (i) inmate transportation costs; and
- ~~[(e)]~~ (j) the compilation described in Subsection 64-13e-104(7).
- ~~[(2) The following individuals shall meet in accordance with Subsection (1):]~~
- (3) The membership of the subcommittee shall consist of the following nine members:
 - (a) as designated by the Utah Sheriffs Association:
 - (i) one sheriff of a county that is currently under contract with the department to house state inmates; and
 - (ii) one sheriff of a county that is currently receiving reimbursement from the department for housing state probationary inmates or state parole inmates;
 - (b) the executive director of the department or the executive director's designee;

(c) as designated by the Utah Association of Counties:

(i) one member of the legislative body of one county that is currently under contract with the department to house state inmates; and

(ii) one member of the legislative body of one county that is currently receiving reimbursement from the department for housing state probationary inmates or state parole inmates;

(d) the executive director of the Commission on Criminal and Juvenile Justice or the executive director's designee; ~~and~~

(e) one member of the House of Representatives, appointed by the speaker of the House of Representatives;

(f) one member of the Senate, appointed by the president of the Senate; and

~~[(e)]~~ (g) the executive director of the Governor's Office of Management and Budget or the executive director's designee.

(4) The subcommittee shall report to the Law Enforcement and Criminal Justice Interim Committee in November 2022 and 2024 on progress and efforts to create a comprehensive statewide jail reimbursement and contracting system.

(5) The subcommittee shall report to the Executive Offices and Criminal Justice Appropriations Subcommittee not later than October 31 in 2022, 2023, and 2024 on costs associated with creating a comprehensive statewide jail reimbursement and contracting system.

(6) (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

(i) Section [63A-3-106](#);

(ii) Section [63A-3-107](#); and

(iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and [63A-3-107](#).

(b) Compensation and expenses of a member who is a legislator are governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.