

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 533

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO COUNTY JAILS; AMENDING SECTION 20-237A, IDAHO CODE, TO REVISE A  
PROVISION REGARDING PER DIEM RATES FOR PRISONERS AND TO MAKE TECHNICAL  
CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 20-237A, Idaho Code, be, and the same is hereby  
amended to read as follows:

20-237A. FUNDING PER DIEM COSTS OF STATE PRISONERS HOUSED IN COUNTY  
JAILS, RELATED ADDITIONAL EXPENSES AND MANNER OF PAYMENT. (1) The board of  
correction shall pay each county for housing prisoners convicted, sentenced  
and committed to the custody of the state board of correction, includ-  
ing probationers and parolees committed to a county jail under section  
20-219(7) (b), Idaho Code, beginning on the day after receipt by the director  
of notice that a person is in custody, as provided in section 20-237, Idaho  
Code.

(2) The state board of correction shall pay counties housing state-sen-  
tenced prisoners a minimum rate of ~~forty~~ forty five-five dollars (\$455.00) per  
day, ~~per inmate for the first seven (7) days of custody and seventy-five~~  
dollars (\$75.00) per day per inmate thereafter. Nothing stated herein will  
prohibit the state board of correction from entering into a contract with a  
county pursuant to section 20-241, Idaho Code.

(3) In addition to payment of per diem costs as ~~above~~ provided in this  
section, the state board of correction shall pay for all ordinary and neces-  
sary medical and dental expenses of state prisoners housed in county jails.

(4) As between themselves, the state board of correction and each of the  
counties will be responsible for their pro rata share of any property damages  
or personal injuries arising from the housing of state-sentenced prisoners,  
which is attributable to their respective negligence or otherwise wrongful  
conduct. This provision shall not alter or affect any immunities or excep-  
tions to governmental liability the state or counties may possess as to pri-  
vate persons pursuant to the Idaho tort claims act, chapter 9, title 6, Idaho  
Code.

(5) The legislature shall appropriate sufficient funds annually to the  
department of correction to make all payments to counties as required in this  
section.

(6) The county sheriffs shall bill the department of correction at  
least every sixty (60) days. The department of correction shall pay such  
bills within sixty (60) days of their receipt.

(7) The germane committees of the legislature shall review the costs of  
housing inmates in county jails every three (3) years beginning in 2004.