

**COUNTY JAILS AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Derrin R. Owens**

House Sponsor: Craig Hall

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**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

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37 (1) Section [64-13e-103.2](#) is repealed June 30, 2024.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

58           **64-13e-105. Subcommittee on Jail Contracting and Reimbursement -- Purpose --**  
59 **Responsibilities -- Membership.**

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

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

66           (a) the [actual] state daily incarceration rate, described in Section 64-13e-103.1;

67           (b) the [actual] county daily incarceration rate;

68           (c) jail contracting and jail reimbursement processes and goals, including the creation  
69 of a comprehensive statewide system of jail contracting and reimbursement;

70           (d) developing a partnership between the state and counties to create common goals for  
71 housing state inmates;

72           (e) calculations for the projected number of beds needed;

73           (f) programming for inmates while incarcerated;

74           (g) proposals to reduce recidivism;

75           (h) enhancing partnerships to improve law enforcement and incarceration programs;

76           (i) inmate transportation costs; and

77           ~~[(e)]~~ (j) the compilation described in Subsection 64-13e-104(7).

78           ~~[(2) The following individuals shall meet in accordance with Subsection (1):]~~

79           (3) The membership of the subcommittee shall consist of the following nine members:

80           (a) as designated by the Utah Sheriffs Association:

81           (i) one sheriff of a county that is currently under contract with the department to house  
82 state inmates; and

83           (ii) one sheriff of a county that is currently receiving reimbursement from the  
84 department for housing state probationary inmates or state parole inmates;

85           (b) the executive director of the department or the executive director's designee;

86 (c) as designated by the Utah Association of Counties:  
87 (i) one member of the legislative body of one county that is currently under contract  
88 with the department to house state inmates; and

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

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

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

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

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

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

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

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

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

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

109 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
110 [63A-3-107](#).

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