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## FISCAL IMPACT REPORT



SPONSOR: Taylor DATE TYPED: 2/1/02 HB 354

SHORT TITLE: Reimburse Certain County Incarceration Costs SB \_\_\_\_\_

ANALYST: Wilson

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	\$1,000.0			Recurring	General Fund

### SOURCES OF INFORMATION

Corrections Department (CD)  
Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

HB 354 appropriates \$1,000.0 from the General Fund to the Local Government Division of the Department of Finance and Administration for expenditure in FY2000 for the purpose of reimbursing counties for the expense of incarcerating certain parole violators or persons awaiting transportation to the custody of the CD following the entry and filing of the written judgment and sentence and commitment to the CD.

Reimbursement for inmates in the county jail are limited to:

- (1) a person under parole supervision by the CD who is held in the county jail for a parole violation solely on the basis of an arrest and hold order or a warrant issued by the CD; or
- (2) a person incarcerated in a county jail while awaiting transportation to the custody of the CD following the entry and filing of the written Judgment and Sentence and Commitment to the CD.

The amount of reimbursement is limited as follows:

- (1) a county shall receive reimbursement in an amount not to exceed \$30.00 for each day that the person is incarcerated in a county jail;

- (2) in each fiscal year, a county with 100,000 persons or more, as determined by the 2000 United States Census, shall not cumulatively receive more than fifty percent (50%) of the total amount of money allocated to all counties as reimbursement; and
- (3) for each fiscal year, the total amount of the reimbursement by the state to the counties pursuant to provisions contained in this subsection shall not exceed the amount appropriated to the local government division of the Department of Finance and Administration for the purposes of reimbursing the counties.

### Significant Issues

The CD notes that the Probation and Parole Division of the CD currently receives an annual appropriation of \$1,000.0 for the purpose of reimbursing counties for the cost of housing parole violators. This \$1,000.0 to the CD would probably be removed from the CD and transferred to the Department of Finance and Administration to fund the appropriation contained in HB 354.

The \$1,000.0 annual appropriation to the CD has in most years been sufficient to reimburse only those counties who have been submitting bills to the CD and only for purposes of reimbursing those counties for incarcerating parole violators. To date, the CD has not been responsible for reimbursing counties for the cost of housing inmates who are awaiting transport to the CD following the entry and filing of a written Judgment and Sentence. However, for the past several years, for those counties that have been billing the Corrections for the cost of housing parole violators, the CD has been invoiced by those counties at a rate of from approximately \$65.00 per day to approximately \$85.00 per day. Although this bill limits the amount of reimbursement to \$30.00 per day, such a reduction is probably justified because the counties should be required to pay for some of the costs of housing these inmates since their incarceration benefits the safety of those in the local community. Furthermore, since the appropriation to the CD has never been used to reimburse counties for the cost of housing inmates who are awaiting transportation to the CD following the filing of a written Judgment and Sentence, the \$1,000,000 appropriation may be insufficient to reimburse the counties for both types of costs unless there are some limitations.

CD agrees that HB 354 more appropriately places the appropriation with the local government division of the Department of Finance and Administration, which is the state agency designed to deal with the counties; rather than the CD, which is not well equipped to deal with the counties.

### **FISCAL IMPLICATIONS**

The appropriation of \$1,000.0 contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY2003 shall revert to the General Fund.

The bill appropriates \$1,000.0 from the General Fund to the local government division of the Department of Finance and Administration for the purpose of reimbursing counties for the costs of housing certain inmates. Therefore, the annual \$1,000.0 appropriation to the CD for similar purposes should be removed from the CD's appropriation.

**ADMINISTRATIVE IMPLICATIONS**

In both the short term and the long term, this bill will result in a minor decrease in the administrative burden upon CD personnel who are currently required to account for and respond to billings from various different counties related to the costs of housing parole violators.

**RELATIONSHIP**

Relates to: HB 343, County Reimbursement for Extradition Costs

DW/njw