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FISCAL IMPACT REPORT

SPONSOR HJC ORIGINAL DATE 03/10/11
LAST UPDATED _____ HB 426/HJCCS
SHORT TITLE Inspection of Jails SB _____
ANALYST Segura

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Unknown				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

SUMMARY

Synopsis of HJC Committee Substitute for House Bill 426

The committee substitute for House Bill 426 repeals Section 33-3-4 and proposes a new Section 33-3-4. The new section applies to the inspection of jails and detention centers and the responsibility of each governing body of a county or municipality to ensure that an annual site visit to the jail or detention center is conducted to inspect the overall conditions at the facility.

The substitute bill also mandates that following the site visit, an inspection report shall be presented at a regular meeting of the governing body.

FISCAL IMPLICATIONS

The committee substitute does not contain an appropriation.

OTHER SUBSTANTIVE ISSUES

In the original bill analysis, it was noted that most jail requirements originate in the Eighth Amendment of the US Constitution, which provides that cruel and unusual punishment shall not be inflicted. Though there are not federal requirements that local jails be inspected, there is a large body of case law that jails have certain amenities and meet certain requirements. Regular inspections are the avenue for a local body to determine whether they are meeting the minimum requirements. Additionally, if federal prisoners are housed, federal guidelines must be met.

POSSIBLE QUESTIONS

Do most counties have a regular inspection program?
Are inspections required to house federal prisoners?

RS/bym