

LEGISLATURE OF THE STATE OF IDAHO

Sixtieth Legislature

First Regular Session - 2009

IN THE SENATE

SENATE BILL NO. 1042

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PRISONERS; AMENDING SECTION 18-2507, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO STATEMENTS REGARDING COSTS OF CERTAIN PROSECUTIONS, TO REVISE PROCEDURES FOR THE SUBMISSION AND PAYMENT OF CLAIMS AND TO PROVIDE CORRECT TERMINOLOGY.

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

SECTION 1. That Section 18-2507, Idaho Code, be, and the same is hereby amended to read as follows:

18-2507. EXPENSE OF PROSECUTION – HOW PAID. Whenever a person is prosecuted under any of the provisions of section 18-2505, Idaho Code, and whenever a prisoner in the custody of the board of correction housed in a state correctional facility, as defined in section 18-101A, Idaho Code, shall be prosecuted for any crime committed therein, the clerk of the district court shall make out a statement of all the costs incurred by the county for the prosecution of such case, and for the guarding and keeping of such prisoner, and when certified by the judge who tried the case, such statement shall be audited submitted to and reviewed by the board of examiners. If approved, the board of examiners shall submit the claim, ~~with a request for an appropriation, to the legislature at its first session after the rendition of such claim. If the legislature appropriates funds for such claim, the amount shall be paid by the board of examiners to the Idaho department of correction who shall pay the claim to the treasurer of the county where the trial was had conducted.~~ The provisions of this section shall apply to prosecution of a prisoner in the custody of the board of correction and housed in a private correctional facility unless otherwise provided for in any contract between the state of Idaho and the private prison contractor entered into pursuant to chapter 2, title 20, Idaho Code.

Costs of prosecution of all other prisoners housed in a private correctional facility shall be recoverable from the private prison contractor, as provided in section 20-809, Idaho Code.