

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 456, As Amended in the Senate

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO COUNTY JAILS; AMENDING SECTION 20-237A, IDAHO CODE, TO INCREASE
2 A CERTAIN MINIMUM RATE THAT THE STATE BOARD OF CORRECTION IS REQUIRED
3 TO PAY COUNTIES HOUSING STATE SENTENCED PRISONERS, TO PROVIDE A CORRECT
4 CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.
5

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

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

9 20-237A. FUNDING PER DIEM COSTS OF STATE PRISONERS HOUSED IN COUNTY
10 JAILS, RELATED ADDITIONAL EXPENSES AND MANNER OF PAYMENT. (~~a~~1) The board of
11 correction shall pay each county for housing prisoners convicted, sentenced
12 and committed to the custody of the state board of correction, beginning on
13 the day after receipt by the director of notice that a person is in custody,
14 as provided in section 20-237, Idaho Code.

15 (~~b~~2) The state board of correction shall pay counties housing state
16 sentenced prisoners a minimum rate of forty-five dollars (\$~~40~~5.00) per day,
17 per inmate. Nothing stated herein will prohibit the state board of correc-
18 tion from entering into a contract with a county pursuant to section 20-241,
19 Idaho Code.

20 (~~e~~3) In addition to payment of per diem costs as above provided, the
21 state board of correction shall pay for all ordinary and necessary medical
22 and dental expenses of state prisoners housed in county jails.

23 (~~d~~4) As between themselves, the state board of correction and each of
24 the counties will be responsible for their pro rata share of any property
25 damages or personal injuries arising from the housing of state sentenced
26 prisoners, which is attributable to their respective negligence or oth-
27 erwise wrongful conduct. This provision shall not alter or affect any
28 immunities or exceptions to governmental liability the state or counties may
29 possess as to private persons pursuant to the Idaho tort claims act, ~~sections~~
30 ~~6-901, et seq.~~ chapter 9, title 6, Idaho Code.

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

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

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