

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 136

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1
2 RELATING TO COUNTY JAILS; AMENDING SECTION 20-237A, IDAHO CODE, TO PROVIDE
3 FUNDING FOR CERTAIN PROBATIONERS AND PAROLEES COMMITTED TO A COUNTY
4 JAIL.

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

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

8 20-237A. FUNDING PER DIEM COSTS OF STATE PRISONERS HOUSED IN COUNTY
9 JAILS, RELATED ADDITIONAL EXPENSES AND MANNER OF PAYMENT. (1) The board
10 of correction shall pay each county for housing prisoners convicted, sen-
11 tenced and committed to the custody of the state board of correction,
12 including probationers and parolees committed to a county jail under section
13 20-219(7) (b), Idaho Code, beginning on the day after receipt by the director
14 of notice that a person is in custody, as provided in section 20-237, Idaho
15 Code.

16 (2) The state board of correction shall pay counties housing state sen-
17 tenced prisoners a minimum rate of forty-five dollars (\$45.00) per day, per
18 inmate. Nothing stated herein will prohibit the state board of correction
19 from entering into a contract with a county pursuant to section 20-241, Idaho
20 Code.

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

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

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

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

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