

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 556

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1
2 RELATING TO STATE PRISONERS HOUSED IN COUNTY JAILS; AMENDING SECTION
3 20-237A, IDAHO CODE, TO REVISE A PROVISION REGARDING PER DIEM COSTS OF
4 STATE PRISONERS HOUSED IN COUNTY JAILS; AND DECLARING AN EMERGENCY AND
5 PROVIDING AN EFFECTIVE DATE.

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. (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, includ-
13 ing probationers and parolees committed to a county jail under section
14 20-219(7) (b), Idaho Code, beginning on the day after receipt by the director
15 of notice that a person is in custody, as provided in section 20-237, Idaho
16 Code.

17 (2) The state board of correction shall pay counties housing state-sen-
18 tenced prisoners a minimum rate of ~~fifty-five dollars (\$55.00)~~ eighty dol-
19 lars (\$80.00) per day per inmate ~~for the first seven (7) days of custody and~~
20 ~~seventy-five dollars (\$75.00) per day per inmate thereafter.~~ Nothing stated
21 herein will prohibit the state board of correction from entering into a con-
22 tract with a county pursuant to section 20-241, Idaho Code.

23 (3) In addition to payment of per diem costs as provided in this sec-
24 tion, the state board of correction shall pay for all ordinary and necessary
25 medical and dental expenses of state prisoners housed in county jails.

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

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

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

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

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2026.