

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 261

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO COUNTY JAILS; AMENDING SECTION 20-237A, IDAHO CODE, TO REVISE A
PROVISION REGARDING PER DIEM COSTS OF STATE PRISONERS IN COUNTY JAILS;
AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

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

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

(2) The state board of correction shall pay counties housing state-sen-
tenced prisoners a minimum rate of ~~fifty-five dollars (\$55.00)~~ one hundred
fifty dollars (\$150) per day per inmate for the first seven (7) days of cus-
tody and ~~seventy-five dollars (\$75.00)~~ two hundred dollars (\$200) per day
per inmate thereafter. Nothing stated herein will prohibit the state board
of correction from entering into a contract with a county pursuant to section
20-241, Idaho Code.

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

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

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

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

(7) The germane committees of the legislature shall review the costs of
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 its
3 passage and approval, and retroactively to January 1, 2025.