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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2015	.	
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Appropriations Subcommittee on Criminal and Civil Justice  
(Bradley) recommended the following:

**Senate Amendment**

Delete lines 49 - 118  
and insert:

(b) The state shall pay:

1. Forty-three percent of the actual costs of providing  
detention care as determined by the department pursuant to  
subsection (5);

2. The actual costs of detention care for fiscally



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10 constrained counties in the manner described in subsection (4);  
11 and

12 3. The actual costs of providing detention care for  
13 juveniles residing out of state.

14 ~~(4) Notwithstanding subsection (3), the state shall pay all~~  
15 ~~costs of detention care for juveniles for which a fiscally~~  
16 ~~constrained county would otherwise be billed.~~

17 ~~(a) By October 1, 2004, the department shall develop a~~  
18 ~~methodology for determining the amount of each fiscally~~  
19 ~~constrained county's costs of detention care for juveniles, for~~  
20 ~~the period of time prior to final court disposition, which must~~  
21 ~~be paid by the state. At a minimum, this methodology must~~  
22 ~~consider the difference between the amount appropriated to the~~  
23 ~~department for offsetting the costs associated with the~~  
24 ~~assignment of juvenile pretrial detention expenses to the~~  
25 ~~fiscally constrained county and the total estimated costs to the~~  
26 ~~fiscally constrained county, for the fiscal year, of detention~~  
27 ~~care for juveniles for the period of time prior to final court~~  
28 ~~disposition.~~

29 ~~(b) Subject to legislative appropriation and based on the~~  
30 ~~methodology developed under paragraph (a), the department shall~~  
31 ~~provide funding to offset the costs to fiscally constrained~~  
32 ~~counties of detention care for juveniles for the period of time~~  
33 ~~prior to final court disposition. If county matching funds are~~  
34 ~~required by the department to eliminate the difference~~  
35 ~~calculated under paragraph (a) or the difference between the~~  
36 ~~actual costs of the fiscally constrained counties and the amount~~  
37 ~~appropriated in small county grants for use in mitigating such~~  
38 ~~costs, that match amount must be allocated proportionately among~~



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39 all fiscally constrained counties.

40       (5) Each county that is not a fiscally constrained county  
41 shall incorporate into its annual county budget sufficient funds  
42 to pay its share of the actual costs of detention care for  
43 juveniles who ~~reside~~ resided in that county for the most  
44 recently completed fiscal year ~~the period of time prior to final~~  
45 ~~court disposition. This amount shall be based upon the prior use~~  
46 ~~of secure detention for juveniles who are residents of that~~  
47 ~~county, as calculated by the department. Each county shall pay~~  
48 ~~the estimated costs at the beginning of each month. Any~~  
49 ~~difference between the estimated costs and actual costs shall be~~  
50 ~~reconciled at the end of the state fiscal year.~~

51       (a) Each county that is not a fiscally constrained county  
52 shall pay fifty-seven percent of the actual costs of providing  
53 detention care as determined by the department pursuant to this  
54 statute.

55       (b) The department shall determine the actual costs of  
56 detention care based on the cost of detention care through the  
57 certified forward period, plus any additional legislative  
58 appropriation for detention not included in the certified  
59 forward amount. The number of detention days shall be based on  
60 the most recent twelve month period.

61       (c) The department shall calculate the percentage of  
62 detention use for each county that is not a fiscally constrained  
63 county by dividing the total number of detention days for  
64 juveniles residing in the county during the most recent twelve  
65 month period by the total number of detention days for all  
66 juveniles residing in counties that are not a fiscally  
67 constrained county for the most recent twelve month period.



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68       (d) The department shall calculate the share of actual  
69 costs for each county that is not a fiscally constrained county  
70 by multiplying the county's percentage of detention usage by  
71 fifty-seven percent of the total actual cost of detention care  
72 for all counties that are not a fiscally constrained county.

73       (e) The department shall inform each county that is not a  
74 fiscally constrained county of the county's percentage of  
75 detention use and of the amount of the county's share of the  
76 actual costs of detention care. Each county that is not a  
77 fiscally constrained county shall pay the department one-twelfth  
78 of its share of actual costs by the first day of each month,  
79 beginning on July 1 of the year following receipt of the  
80 information.