

Legislative Analysis



JAILS: MULTIPLE INMATES IN CELLS

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House Bill 4071

Sponsor: Rep. Matt Lori

Committee: Judiciary

Complete to 6-29-11

A REVISED SUMMARY OF HOUSE BILL 4071 AS INTRODUCED 1-13-11

The bill would revise provisions regulating the number of inmates housed in a jail cell, eliminate the restriction on the percent of inmates in a jail allowed to be double bunked, revise criteria on which inmates can and cannot be housed together, and allow high security and segregation cells to be constructed to house multiple inmates.

Currently, jails may only double bunk inmates in a cell intended for one inmate and put more than two inmates in a cell designed for that purpose under certain criteria. House Bill 4071 would amend the Corrections Code to revise the criteria to allow for more prisoners to be housed in a cell than currently allowed.

Double Bunking. The code allows the housing of two inmates in a county jail cell that was designed and constructed for single occupancy under certain conditions. One condition allows double bunking if the cell is at least 65 square feet in area and provides unrestricted access to a day area that is available at least 14 hours per day and contains an average of at least 20 additional square feet of space per inmate. House Bill 4071 would eliminate the requirement that the day area be accessible for at least 14 hours per day.

Currently, a person who has no prior criminal convictions can only be double bunked with an inmate who does not have a prior felony conviction. The bill would delete this restriction.

The bill would also eliminate a provision that requires the authorization of the sentencing judge before an inmate who must serve his or her minimum sentence before being eligible for parole can be double bunked with another inmate.

Currently, no more than 75 percent of the total inmate population of jail can be double bunked and pretrial inmates must be housed in separate cell blocks or housing units from sentenced inmates. If a jail has five or more floors, pretrial inmates must be housed on separate floors from sentenced inmates. The bill would eliminate this provision.

Two or more inmates in same cell. Currently, the code allows two or more inmates to be housed in a county jail cell that was designed and constructed for housing two or more inmates if certain conditions are met. The bill would revise one of the conditions. Instead of requiring the basic cell to have at least 52 square feet in area per inmate, the bill would require only 25 square feet in area per inmate. If the inmates were confined in

the cell for 10 or more hours per day, at least 35 square feet in area would have to be provided per inmate.

Further, the code bans the construction of high security and segregation cells to house multiple inmates. The bill would eliminate this prohibition.

FISCAL IMPACT:

The bill essentially gives counties the ability to expand existing jail capacities by housing additional inmates within their existing jail space. For counties where the number of inmates has been at or near overall jail capacity under current law, the bill could reduce county costs in two ways. First, such a county might avoid future costs of expanding current jail space in response to current or future overcrowding. Second, the county may see its existing costs decrease if it is able to house more inmates within its own jail rather than through an arrangement with another jail facility (e.g. a neighboring county) to house those inmates.

Conversely, for counties that already have excess capacity and have agreements with one or more other counties to house those counties' inmates, the bill could reduce both revenue and related county jail costs under those agreements to the extent that the neighboring counties are now able to house inmates locally.

Finally, the bill could conceivably reduce state prison costs if additional county jail bed capacity results in fewer commitments to state prisons. This could occur in one of two ways: First, additional parole violators might be housed in county jails rather than returned to prisons using any additional capacity that results from the bill's provisions. Second, any added capacity might also allow judges to sentence more convicted felons to county jail sentences rather than to state prison sentences if jail capacity is a factor in these decisions. In this instance, any state savings would be partially offset by additional reimbursement to counties under the County Jail Reimbursement Program. However, reimbursement under the program is capped at appropriated levels. For FY 2010-11, program funding is \$16.6 million.

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