



Restoration of state per diem to local and regional jails

In 2010 the state reduced payments to local and regional jails in response to the Great Recession. The local responsible per diem should be increased at least to the rate in place prior to 2010 (\$8/\$22).

Amendments

- **HB 30:** [Item 61#2h](#) (Krizek)
- **SB 30:** [Item 61#1s](#) (Peake)

What the amendments would accomplish

These amendments would restore the local-responsible per diem to the pre-2010 level of \$8/day or \$22/day for jail farms. The current local-responsible per diem is \$5/day or \$18/day for jail farms. In 2010 the state reduced payments to local and regional jails in response to the Great Recession.

Background

Local responsible inmates include any individual arrested on a state warrant and incarcerated awaiting trial; any person convicted of a misdemeanor offense and sentenced to a term in a local correctional facility; and any individual convicted of a felony offense and given an effective sentence of 12 months or less, or less than one year.

In 2022, the General Assembly restored part of the payment for state responsible inmates, to \$12 a day. In 2023, the General Assembly restored \$1 of the per diem (from \$4/day to \$5/day) for local responsible inmates.

Key points

- Operating costs continue to climb while per diem payments have lagged.
- The state's finances have recovered from the Great Recession.
- Neither the Code nor the Appropriations Act require adjustments based on inflation while inflation is recognized in other areas of the budget (such as the Standards of Quality).

Details about state/local funding of local/regional jails

- In FY22, localities spent \$623.8 million in operating and capital costs for jails and jail farms (including debt service) and an additional \$15.9 million to house inmates in other jurisdictions; the state through the Compensation Board contributed \$364.6 million.
- In FY22, the Commonwealth's share of total expenditures was 34 percent; a decrease from FY21 (35.0 percent). The average locality share of costs was 58 percent. In comparison, in FY09, the state's share of expenditures was 41 percent; the local share was 49 percent.
- While state per diems range between \$5 to \$15 per day, the average operating cost per inmate per day in FY22 was \$125.47, up \$18.28 from FY21.
- While there is no requirement in the Code or Appropriations Act to adjust per diem rates for inflation, inflation is recognized in other areas of the budget, such as the Standards of Quality. Local governments would prefer that per diems be regularly adjusted at the rate of inflation, but at the very least that the local responsible per diem be increased to the rate in place prior to 2010 (\$8/\$22).

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