

REIMBURSEMENTS TO COUNTIES
Division 208

291-208-0010

Authority, Purpose, Policy, and Applicability

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in accordance with 2011 Or Laws, ch 598, ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of these rules is to prescribe the manner in which a county may submit a claim to the Department of Corrections for reimbursement for the costs of incarcerating persons sentenced under section 3, chapter 1, Oregon Laws 2011, as authorized in 2011 Or Laws, ch 598, including the costs of pretrial incarceration.

(3) Policy:

(a) It is the policy of the Department of Corrections to reimburse counties for the costs of incarcerating persons sentenced under section 3, chapter 1, Oregon Laws 2011, as authorized in 2011 Or Laws, ch 598 including the costs of pretrial incarceration, in accordance with these rules from moneys appropriated to the Department of Corrections for this purpose.

(b) Applicability: Reimbursement to counties for the costs of incarcerating offenders under these rules is limited to incarceration costs for offenders who committed the crime of Felony Driving Under the Influence of Intoxicants on or after December 2, 2010.

Stat Auth.: ORS 179.040, 423.020, 423.030, 423.075, 813.012, and 2011 Or Laws, ch 598

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, 813.012, and 2011 Or Laws, ch 598

291-208-0020

Definitions

(1) Incarceration: For the purposes of these rules, incarceration means confinement in a local correctional facility. This does not include confinement in an alternative form of incarceration, including but not limited to work release, work crew, home detention, or day reporting.

(2) Local Correctional Facility: For the purposes of these rules, a local correctional facility means a local or regional jail for the reception and confinement of prisoners that is provided, maintained, and operated by a county or city and holds persons for more than 36 hours.

(3) Qualifying sentence: For purposes of these rules a qualifying sentence means any sentence imposed for a conviction for Felony Driving Under the Influence of Intoxicants committed on or after December 2, 2010.

(4) Offender: For purposes of this rule, an offender means a person who is sentenced to serve a qualifying sentence.

Stat Auth.: ORS 179.040, 423.020, 423.030, 423.075, 813.012, and 2011 Or Laws, ch 598

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, 813.012, and 2011 Or Laws, ch 598

291-208-0030

Reimbursement Process

(1) A county or group of counties requesting reimbursement from the Department of Corrections under these rules must submit an invoice to the Director of the Department of Corrections or designee on a quarterly basis. The invoice shall be on a form developed by the Department of Corrections and made available to counties by the department for this purpose on the department's website. In order to receive reimbursement invoices must be received by the Director or designee not later than 45 days after the end of

the billing period for which the county or group of counties is requesting reimbursement, unless the Director or designee has granted an extension of time for submission/receipt of the invoice.

(2) In order for a county to receive reimbursement for the costs of incarcerating an offender under these rules, the offender must have:

- (a) Completed their qualifying sentence during the quarter for which the invoice is submitted; or,
- (b) Been transferred to a state correctional facility to serve the balance of their qualifying sentence during the quarter for which the invoice is submitted; or,
- (c) Been transferred to another county's local correctional facility to continue or complete the term of incarceration; or
- (d) Been released from incarceration due to a federal court order.

(3) Incarceration for probation or post-prison supervision sanctions or revocations is not subject to reimbursement under this rule.

(4) Reimbursement will be made for each day or portion of each day served in a local correctional facility for a qualifying sentence.

(5) If an offender serves a qualifying sentence in multiple counties, each county may submit an invoice for reimbursement for the numbers of days actually incarcerated in a local correctional facility in their county.

(6) Invoices may be submitted by a county or a group of counties.

(7) The invoice and supporting documents will include at a minimum the following information and documentation:

- (a) Offender's name;
- (b) Offender's State Identification Number (SID), if assigned;
- (c) A certified copy of the Statement of Imprisonment, which certifies the dates the offender was actually incarcerated in a local correctional facility, including pre-trial incarceration, for the qualifying sentence;
- (d) A copy of the court's judgment order imposing the qualifying sentence; and
- (e) The sentence completion date.

(8) Upon receipt of an invoice and the supporting documents described in subsection (7) of this section, the Director or designee will review and approve the invoice and determine the correct amount of reimbursement. Once the invoice is approved and the correct amount of the reimbursement is determined, the Director or designee will forward the invoice to the department's Accounting unit for payment.

Stat Auth.: ORS 179.040, 423.020, 423.030, 423.075, 813.012, and 2011 Or Laws, ch 598

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, 813.012, and 2011 Or Laws, ch 598

291-208-0040

Rate of Reimbursement

(1) Reimbursement to counties from the Department of Corrections for the costs of incarcerating an offender under these rules will be calculated using the rate at which the department provides funds to counties under ORS 423.530 for persons sentenced to 12 months or less of incarceration.

(2) The rate of reimbursement shall be established by the Department of Corrections each biennium.

Stat Auth.: ORS 179.040, 423.020, 423.030, 423.075, 813.012, and 2011 Or Laws, ch 598

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, 813.012, and 2011 Or Laws, ch 598

291-208-0050

Limits of Reimbursement

(1) In no case shall reimbursement to a county for the costs of incarcerating an offender exceed the number of days of incarceration ordered by the court.

(2) The total amount of funds paid by the Department of Corrections as reimbursement to counties for incarceration costs under these rules in a biennium will not exceed the amount of funds appropriated to the Department of Corrections for this purpose.

(3) Reimbursements made to counties under these rules are subject to audit by the Department of Corrections.

Stat Auth.: ORS 179.040, 423.020, 423.030, 423.075, 813.012, and 2011 Or Laws, ch 598

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075, 813.012, and 2011 Or Laws, ch 598