

1 COMMUNITY CORRECTIONAL CENTER AMENDMENTS

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Calvin R. Musselman

5 Senate Sponsor: _____

7 LONG TITLE

8 Committee Note:

9 The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

10 Legislative Vote: 14 voting for 0 voting against 2 absent

11 General Description:

12 This bill addresses the use of community correctional centers.

13 Highlighted Provisions:

14 This bill:

- 15 ▶ defines terms;
- 16 ▶ provides for the calculation of the community supervision percentage;
- 17 ▶ exempts behavioral health transition facilities from community correctional centers;
- 18 ▶ makes conforming amendments related to a cap; and
- 19 ▶ makes technical changes.

20 Money Appropriated in this Bill:

21 None

22 Other Special Clauses:

23 None

24 Utah Code Sections Affected:

25 AMENDS:

26 64-13-1, as last amended by Laws of Utah 2016, Chapter 243

27 64-13f-102, as enacted by Laws of Utah 2018, Chapter 194



28 **64-13f-103**, as enacted by Laws of Utah 2018, Chapter 194

29 ENACTS:

30 **64-13f-102.5**, Utah Code Annotated 1953

31

32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **64-13-1** is amended to read:

34 **64-13-1. Definitions.**

35 As used in this chapter:

36 (1) "Behavioral health transition facility" means a nonsecure correctional facility
37 operated by the department for the purpose of providing a therapeutic environment for
38 offenders receiving mental health services.

39 ~~[(1)]~~ (2) "Case action plan" means a document developed by the Department of
40 Corrections that identifies the program priorities for the treatment of the offender, including the
41 criminal risk factors as determined by a risk and needs assessment conducted by the
42 department.

43 ~~[(2)]~~ (3) "Community correctional center" means a nonsecure correctional facility
44 operated by the department, but does not include a behavioral health transition facility for the
45 purposes of Section [64-13f-103](#).

46 ~~[(3)]~~ (4) "Correctional facility" means any facility operated to house offenders, either in
47 a secure or nonsecure setting:

- 48 (a) by the department; or
- 49 (b) under a contract with the department.

50 ~~[(4)]~~ (5) "Criminal risk factors" means a person's characteristics and behaviors that:

- 51 (a) affect that person's risk of engaging in criminal behavior; and
 - 52 (b) are diminished when addressed by effective treatment, supervision, and other
- 53 support resources, resulting in a reduced risk of criminal behavior.

54 ~~[(5)]~~ (6) "Department" means the Department of Corrections.

55 ~~[(6)]~~ (7) "Emergency" means any riot, disturbance, homicide, inmate violence
56 occurring in any correctional facility, or any situation that presents immediate danger to the
57 safety, security, and control of the department.

58 ~~[(7)]~~ (8) "Executive director" means the executive director of the Department of

59 Corrections.

60 ~~[(8)]~~ (9) "Inmate" means any person who is committed to the custody of the department
61 and who is housed at a correctional facility or at a county jail at the request of the department.

62 ~~[(9)]~~ (10) "Offender" means any person who has been convicted of a crime for which
63 he may be committed to the custody of the department and is at least one of the following:

64 (a) committed to the custody of the department;

65 (b) on probation; or

66 (c) on parole.

67 ~~[(10)]~~ (11) "Risk and needs assessment" means an actuarial tool validated on criminal
68 offenders that determines:

69 (a) an individual's risk of reoffending; and

70 (b) the criminal risk factors that, when addressed, reduce the individual's risk of
71 reoffending.

72 ~~[(11)]~~ (12) "Secure correctional facility" means any prison, penitentiary, or other
73 institution operated by the department or under contract for the confinement of offenders,
74 where force may be used to restrain them if they attempt to leave the institution without
75 authorization.

76 Section 2. Section **64-13f-102** is amended to read:

77 **64-13f-102. Definitions.**

78 As used in this chapter:

79 ~~[(1) "Base percentage" means the population of a county or county zone as a
80 percentage of the state population on June 30, 2023, and June 30 of every fifth subsequent year;
81 determined using:]~~

82 ~~[(a) the most recent United States decennial or special census; or]~~

83 ~~[(b) another method used by the United States or state governments.]~~

84 ~~[(2)]~~ (1) "Cap" means ~~[the base]~~ no more than 20% above the community supervision
85 percentage multiplied by the [total number of offenders housed in community correctional
86 centers throughout the state on June 30, 2023, and June 30 of every fifth subsequent year]
87 community correctional center projection.

88 ~~[(3)]~~ (2) "Community correctional center" means the same as that term is defined in
89 Subsection 64-13-1~~[(2)]~~(3).

90 (3) "Community correctional center projection" means the daily average number of
91 offenders projected to be supervised in the community by the department in the next fiscal year
92 multiplied by the percentage of offenders supervised in the community that are also housed in a
93 community correctional center on June 30 of the previous fiscal year.

94 (4) "Community supervision percentage" means the percentage calculated by dividing
95 the total number of offenders supervised in the community by the department in each county or
96 county zone by the total number of offenders supervised in the community by the department
97 on June 30, 2024, and on June 30 of every fifth subsequent year.

98 ~~[(4)]~~ (5) "County zone" means the eastern zone, northern zone, or western zone.

99 ~~[(5)]~~ (6) "Department" means the Department of Corrections.

100 ~~[(6)]~~ (7) (a) "Eastern zone" means, except as provided in Subsection ~~[(6)]~~ (7)(b),
101 Carbon, Daggett, Duchesne, Emery, Grand, San Juan, and Uintah counties.

102 (b) A county with a population of 150,000 or more on the date the [base] community
103 supervision percentage is determined is not part of the eastern zone.

104 ~~[(7)]~~ (8) (a) "Northern zone" means, except as provided in Subsection ~~[(7)]~~ (8)(b), Box
105 Elder, Cache, Morgan, Rich, Summit, and Wasatch counties.

106 (b) A county with a population of 150,000 or more on the date the [base] community
107 supervision percentage is determined is not part of the northern zone.

108 ~~[(8)]~~ (9) "Offender" means the same as that term is defined in Subsection
109 64-13-1~~[(9)]~~(10).

110 ~~[(9)]~~ (10) (a) "Western zone" means, except as provided in Subsection ~~[(9)]~~ (10)(b),
111 Beaver, Garfield, Tooele, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, and Wayne
112 counties.

113 (b) A county with a population of 150,000 or more on the date the [base] community
114 supervision percentage is determined is not part of the western zone.

115 Section 3. Section **64-13f-102.5** is enacted to read:

116 **64-13f-102.5. Calculation of the community supervision percentage.**

117 In calculating the community supervision percentage, the department:

118 (1) shall determine the county or county zone in which an offender is supervised by
119 identifying the location of the offender's most recent court conviction;

120 (2) shall only include an offender on probation or parole supervision with the

121 department in the community supervision percentage calculation; and

122 (3) may not include convictions for offenses that occur while the offender is in the
123 custody of the department.

124 Section 4. Section **64-13f-103** is amended to read:

125 **64-13f-103. Establishment of community correctional centers -- Cap --**
126 **Rulemaking.**

127 (1) Subject to appropriation by the Legislature, the department may:

128 (a) establish community correctional centers throughout the state in accordance with
129 this section;

130 (b) project the number of offenders that may be released to community correctional
131 centers throughout the state by September 1, 2023, and September 1 of every fifth subsequent
132 year; and

133 (c) establish, by rule made in accordance with Title 63G, Chapter 3, Utah
134 Administrative Rulemaking Act, a procedure to allocate offenders to community correctional
135 centers consistent with Subsections (2) and (3) and based on the number of offenders projected
136 by the department to be released to community correctional centers under Subsection (1)(b).

137 (2) Except as provided in Subsection (3), after June 30, 2023, the total number of
138 offenders housed in one or more community correctional centers within a county or county
139 zone may not exceed the county or county zone's cap by more than 20%.

140 (3) (a) A county or county zone that exceeds the cap described in Subsection (2) on
141 July 1, 2023, may continue to exceed the cap until the day on which the county or county zone
142 first comes into compliance with the cap.

143 (b) A county or county zone described in Subsection (3)(a) may not exceed the cap
144 after the day on which the county or county zone first comes into compliance with the cap
145 [~~described in Subsection (2)~~].

146 (c) The department shall transfer offenders from a community correctional center in a
147 county or county zone described in Subsection (3)(a) to a community correctional center in
148 another county or county zone that does not meet or exceed the cap [~~described in Subsection~~
149 ~~(2)~~] until the county or county zone described in Subsection (3)(a) comes into compliance with
150 the cap.