

1                   **COMMUNITY CORRECTIONAL CENTER AMENDMENTS**

2   2021 GENERAL SESSION

3   STATE OF UTAH

4                   **Chief Sponsor: Calvin R. Musselman**

5   Senate Sponsor: David G. Buxton

6   Cosponsors:                         Mike Schultz  
7   Matthew H. Gwynn                     Steve Waldrip  
8   Kelly B. Miles                         Ryan D. Wilcox

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9  
10 **LONG TITLE**

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



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 shall:

118 (1) determine the county or county zone in which an offender is supervised by  
119 identifying the location of the offender's primary offense;

120 (2) have sole discretion in identifying the offender's primary offense under Subsection  
121 (1), taking into account the severity of the crimes for which the offender has been convicted  
122 and sentenced; and

123 (3) only include an offender on probation or parole supervision with the department in  
124 the community supervision percentage calculation.

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

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

127 **Rulemaking.**

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

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

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

134 (c) establish, by rule made in accordance with Title 63G, Chapter 3, Utah  
135 Administrative Rulemaking Act, a procedure to allocate offenders to community correctional

136 centers consistent with Subsections (2) and (3) and based on the number of offenders projected  
137 by the department to be released to community correctional centers under Subsection (1)(b).

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

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

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

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