

FIRST RESPONDER MENTAL HEALTH SERVICES

AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: _____

LONG TITLE

General Description:

This bill concerns mental health services for first responders.

Highlighted Provisions:

This bill:

- ▶ creates and modifies definitions;
- ▶ requires the Department of Public Safety (department) to take certain actions regarding critical incident stress management services for employees or volunteers of a first responder agency, including providing an annual training for volunteers;
- ▶ broadens the scope of individuals who are considered to be eligible for certain mental health resources;
- ▶ clarifies that certain individuals remain eligible for mental health resources despite subsequent employment as a non-first responder;
- ▶ requires first responder agencies to:
 - provide certain information concerning mental health resources to employed first responders; and
 - designate a mental health resources liaison and inform the department of the identity of the liaison;
- ▶ allows the department to assist a first responder entity in drafting a grant application seeking mental health resources;



- 28 ▶ requires the department to:
- 29 • annually inform first responder agencies of certain mental health resources
- 30 information;
- 31 • post on the department's website certain information concerning mental health
- 32 resources for first responders;
- 33 • receive complaints and investigate a denial of mental health resources to an
- 34 individual by a first responder agency; and
- 35 • report an uncured denial of denial of mental health resources to an eligible
- 36 individual to specified individuals;
- 37 ▶ requires the State Commission on Criminal and Juvenile Justice (commission) to
- 38 receive and investigate a referral from the department involving a denial of mental
- 39 health resources to an eligible individual;
- 40 ▶ allows the commission to, in the commission's discretion, refuse to award a grant of
- 41 state funds to an entity for a specified period of time due to the entity's improper
- 42 denial of mental health resources to an eligible individual; and
- 43 ▶ makes technical and conforming changes.

44 Money Appropriated in this Bill:

45 None

46 Other Special Clauses:

47 This bill provides a special effective date.

48 Utah Code Sections Affected:

49 AMENDS:

50 **53-2d-206 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 19,

51 327 and renumbered and amended by Laws of Utah 2023, Chapter 310 and last

52 amended by Coordination Clause, Laws of Utah 2023, Chapters 307, 327

53 **53-21-101 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 16,

54 19, 310, and 328

55 **53-21-102**, as last amended by Laws of Utah 2023, Chapter 19

56 **53-21-103**, as last amended by Laws of Utah 2023, Chapter 19

57 **63M-7-204**, as last amended by Laws of Utah 2023, Chapters 158, 330, 382, and 500

58 **63M-7-218**, as last amended by Laws of Utah 2023, Chapters 158, 161 and 382

59 ENACTS:

60 **53-21-104.1**, Utah Code Annotated 1953

61

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

63 Section 1. Section **53-2d-206 (Effective 07/01/24)** is amended to read:

64 **53-2d-206 (Effective 07/01/24). Personnel critical incident stress management**
65 **program.**

66 (1) The bureau shall [~~develop and implement~~] facilitate a statewide program to provide
67 support and counseling for personnel who have been exposed to one or more stressful incidents
68 in the course of providing emergency services.

69 (2) [~~This~~] The critical incident stress management program shall include:

70 (a) ongoing training for agencies providing emergency services and counseling
71 program volunteers;

72 (b) critical incident stress debriefing for personnel at no cost to the emergency
73 provider; and

74 (c) advising the department on training requirements for licensure as a behavioral
75 emergency services technician.

76 (3) (a) The department shall annually provide informational resources to first responder
77 agencies about the critical incident stress management program in a format that will ensure that
78 the first responder agency receives the information.

79 (b) The informational resources described in Subsection (3)(a) shall include
80 educational resources about the critical incident stress management program directed to:

81 (i) the first responder agency administration; and

82 (ii) the employees or volunteers of the first responder agency.

83 [~~3~~] (4) (a) The department shall receive, process, and reimburse reasonable actual
84 expenses, including mileage, incurred by a volunteer during the course of [~~the~~] a volunteer's
85 provision of critical incident stress management services under this section.

86 (b) The department shall, on the department's website, provide information concerning:

87 (i) the expenses that are eligible for reimbursement for a critical incident stress
88 management program volunteer under Subsection (4)(a); and

89 (ii) instructions on how a critical incident stress management volunteer may submit a

90 request for reimbursement under Subsection (4)(a).

91 (5) (a) The department shall, in collaboration with current critical incident stress
92 management program volunteers, organize and provide an annual training for critical incident
93 stress management program volunteers.

94 (b) For the training described in Subsection (5)(a), the department shall:

95 (i) pay for or reimburse reasonable actual expenses for a critical incident stress
96 management program volunteer who attends the training;

97 (ii) collaborate with existing critical incident stress management program volunteers to
98 determine a location for the training; and

99 (iii) provide information on the department's website about the training.

100 Section 2. Section 53-21-101 (Effective 07/01/24) is amended to read:

101 **53-21-101 (Effective 07/01/24). Definitions.**

102 As used in this chapter:

103 (1) "Crime scene investigator technician" means an individual employed by a law
104 enforcement agency to collect and analyze evidence from crime scenes and crime-related
105 incidents.

106 [~~(2) "Department" means the Department of Public Safety.~~]

107 (2) "Designated mental health resources liaison" means a non-leadership human
108 resources or other administrative employee designated by a first responder agency who receives
109 and processes a request for mental health resources on behalf of the first responder agency
110 under this chapter.

111 (3) "First responder" means:

112 (a) a law enforcement officer, as defined in Section 53-13-103;

113 (b) an emergency medical technician, as defined in Section 53-2e-101;

114 (c) an advanced emergency medical technician, as defined in Section 53-2e-101;

115 (d) a paramedic, as defined in Section 53-2e-101;

116 (e) a firefighter, as defined in Section 34A-3-113;

117 (f) a dispatcher, as defined in Section 53-6-102;

118 (g) a correctional officer, as defined in Section 53-13-104;

119 (h) a special function officer, as defined in Section 53-13-105, employed by a local
120 sheriff;

- 121 (i) a search and rescue worker under the supervision of a local sheriff;
- 122 (j) a forensic interviewer or victim advocate employed by a children's justice center
123 established in accordance with Section [67-5b-102](#);
- 124 (k) a credentialed criminal justice system victim advocate as defined in Section
125 [77-38-403](#) who responds to incidents with a law enforcement officer;
- 126 (l) a crime scene investigator technician;
- 127 (m) a wildland firefighter; [or]
- 128 (n) an investigator or prosecutor of cases involving sexual crimes against children[-]; or
- 129 (o) a civilian employee of a first responder agency who has been authorized to view or
130 otherwise access information concerning crimes, accidents, or other traumatic events.
- 131 (4) "First responder agency" means:
- 132 (a) a special district, municipality, interlocal entity, or other political subdivision that
133 employs a first responder to provide fire protection, paramedic, law enforcement, or emergency
134 services; or
- 135 (b) a certified private law enforcement agency as defined in Section [53-19-102](#).
- 136 (5) "Mental health resources" means:
- 137 (a) an assessment to determine appropriate mental health treatment that is performed
138 by a mental health therapist;
- 139 (b) outpatient mental health treatment provided by a mental health therapist; or
- 140 (c) peer support services provided by a peer support specialist who is qualified to
141 provide peer support services under Subsection [26B-5-102\(2\)\(h\)](#).
- 142 (6) "Mental health therapist" means the same as that term is defined in Section
143 [58-60-102](#).
- 144 (7) "Plan" means a plan to implement or expand a program that provides mental health
145 resources to first responders for which the division awards a grant under this chapter.
- 146 (8) "Retired" means the status of an individual who has become eligible, applies for,
147 and may receive an allowance under Title 49, Utah State Retirement and Insurance Benefit Act.
- 148 (9) "Separated" means the status of an individual who has separated from employment
149 as a first responder from a first responder agency as a result of a critical incident involving the
150 first responder.
- 151 Section 3. Section [53-21-102](#) is amended to read:

152 **53-21-102. Mental health services -- Requirement to provide -- Eligibility --**
153 **Confidentiality -- Requests -- Reporting noncompliance -- Designation.**

154 (1) Every first responder agency within the state shall provide or make available mental
155 health resources to:

156 (a) all first responders;

157 (b) the spouse and children of first responders;

158 (c) surviving spouses of first responders whose death is classified as a line-of-duty
159 death under Title 49, Utah State Retirement and Insurance Benefit Act;

160 (d) retired or separated first responders for at least three years from the date that the
161 retired or separated first responder requests mental health resources, regardless of any
162 subsequent employment as a non-first responder; and

163 (e) spouses of retired or separated first responders for a least three years from the date
164 that the spouse of the retired or separated first responder requests mental health resources,
165 regardless of any subsequent employment as a non-first responder.

166 (2) All access by first responders and their families to mental health resources shall be
167 kept confidential.

168 (3) A first responder agency shall:

169 (a) annually provide information to all employed first responders regarding:

170 (i) the availability of mental health resources under this section, including:

171 (A) for individuals in addition to the first responders as described in Subsection (1);

172 and

173 (B) subsequent to a separation or retirement;

174 (ii) how to access the mental health resources under this section; and

175 (iii) directions on how to appeal a denial of mental health resources under this section

176 to the department, as provided under Section [53-21-104.1](#); and

177 (b) (i) assign a designated mental health resources liaison;

178 (ii) inform the department of the identity of the designated mental health resources
179 liaison; and

180 (iii) update the department as to the identity of the designated mental health resources
181 liaison when a new individual is assigned.

182 Section 4. Section **53-21-103** is amended to read:

183 **53-21-103. Grants to first responder agencies -- Rulemaking.**

184 (1) The department may award grants to first responder agencies to provide mental
185 health resources in response to a:

- 186 (a) request for proposal;
- 187 (b) request for qualifications; or
- 188 (c) program description that meets the criteria in Subsection (2).

189 (2) The request for proposal, request for qualifications, or program description received
190 by the department shall require mental health providers contracted or employed by the first
191 responder agency to have training and experience in working with first responders and provide,
192 at a minimum, the following services:

- 193 (a) regular periodic screenings for all employees within the first responder agency;
- 194 (b) assessments and availability to mental health services for personnel directly
195 involved in a critical incident within 12 hours of the incident; and
- 196 (c) regular and continuing access to the mental health program for:
 - 197 (i) spouses and children of first responders;
 - 198 (ii) first responders who have retired or separated from the agency; and
 - 199 (iii) spouses of first responders who have retired or separated from the agency.

200 (3) An application from a first responder agency for a grant under this chapter shall
201 provide the following details:

- 202 (a) a proposed plan to provide mental health resources to first responders in the first
203 responder agency;
- 204 (b) the number of first responders to be served by the proposed plan;
- 205 (c) how the proposed plan will ensure timely and effective provision of mental health
206 resources to first responders in the first responder agency;
- 207 (d) the cost of the proposed plan; and
- 208 (e) the sustainability of the proposed plan.

209 (4) In evaluating a project proposal for a grant under this section, the department shall
210 consider:

- 211 (a) the extent to which the first responders that will be served by the proposed plan are
212 likely to benefit from the proposed plan;
- 213 (b) the cost of the proposed plan; and

214 (c) the viability of the proposed plan.

215 (5) A first responder agency may not apply for a grant to fund a program already in
216 place. However, a request for proposal to fund an expansion of an already existing program
217 shall, in addition to the requirements of Subsection (4), provide:

218 (a) the scope and cost of the agency's current program;

219 (b) the number of additional first responders the expansion will serve; and

220 (c) whether the expansion will provide services under Subsection (2) that the current
221 program does not provide.

222 (6) The department shall prioritize grant funding for:

223 (a) counties of the 3rd, 4th, 5th, and 6th class;

224 (b) cities of the 3rd, 4th, and 5th class; and

225 (c) towns.

226 (7) The department may adopt rules in accordance with Title 63G, Chapter 3, Utah
227 Administrative Rulemaking Act, to administer this chapter.

228 (8) The department shall:

229 (a) notify entities that may be eligible for a grant under this section about the grant
230 program; and

231 (b) on or before October 1, ~~[2023]~~ 2024, and October 1, 2025, provide a report to the
232 Law Enforcement and Criminal Justice Interim Committee that describes:

233 (i) the number of entities that have been notified by the department about the grant
234 program under this section; and

235 (ii) the number of grant applications that the department has received.

236 (9) The department may assist a first responder entity in drafting a grant application
237 under this section.

238 Section 5. Section **53-21-104.1** is enacted to read:

239 **53-21-104.1. Education -- Complaints -- Investigations.**

240 (1) The department shall annually inform all first responder entities in the state of the
241 requirements described in Section [53-21-102](#).

242 (2) In addition to the notification required under Subsection (1), the department shall,
243 on the department's website, provide information describing:

244 (a) an individual's eligibility for mental health resources under Section [53-21-102](#);

245 (b) the statutory definition for mental health resources provided in Section 53-21-101;

246 (c) the designated mental health resources liaison for each first responder agency as
247 described in Subsection 53-21-102(3)(b); and

248 (d) how to appeal a denial of mental health resources to the department.

249 (3) (a) The department shall investigate a denial of mental health resources that is
250 received under Subsection (2)(d) to determine whether the denial was in violation of this
251 chapter.

252 (b) If, after an investigation, the department determines that a first responder agency
253 improperly denied mental health resources in violation of this chapter, the department shall
254 notify the first responder agency and provide the first responder agency with a reasonable time
255 to correct the improper denial.

256 (c) The department shall determine whether a first responder agency has cured the
257 violation within the time described in Subsection (3)(b) and, if the first responder agency has
258 not, the department shall send a letter within a reasonable time identifying the first responder
259 agency and the relevant details of the department's investigation to:

260 (i) the commissioner;

261 (ii) the chairs of the Law Enforcement and Criminal Justice Interim Committee; and

262 (iii) the director of the State Commission on Criminal and Juvenile Justice, who shall
263 refer the matter for investigation under Section 63M-7-204 and may restrict state grant money
264 under Section 63M-7-21.

265 Section 6. Section 63M-7-204 is amended to read:

266 **63M-7-204. Duties of commission.**

267 (1) The State Commission on Criminal and Juvenile Justice administration shall:

268 (a) promote the commission's purposes as enumerated in Section 63M-7-201;

269 (b) promote the communication and coordination of all criminal and juvenile justice
270 agencies;

271 (c) study, evaluate, and report on the status of crime in the state and on the
272 effectiveness of criminal justice policies, procedures, and programs that are directed toward the
273 reduction of crime in the state;

274 (d) study, evaluate, and report on programs initiated by state and local agencies to
275 address reducing recidivism, including changes in penalties and sentencing guidelines intended

276 to reduce recidivism, costs savings associated with the reduction in the number of inmates, and
277 evaluation of expenses and resources needed to meet goals regarding the use of treatment as an
278 alternative to incarceration, as resources allow;

279 (e) study, evaluate, and report on policies, procedures, and programs of other
280 jurisdictions which have effectively reduced crime;

281 (f) identify and promote the implementation of specific policies and programs the
282 commission determines will significantly reduce crime in Utah;

283 (g) provide analysis and recommendations on all criminal and juvenile justice
284 legislation, state budget, and facility requests, including program and fiscal impact on all
285 components of the criminal and juvenile justice system;

286 (h) provide analysis, accountability, recommendations, and supervision for state and
287 federal criminal justice grant money;

288 (i) provide public information on the criminal and juvenile justice system and give
289 technical assistance to agencies or local units of government on methods to promote public
290 awareness;

291 (j) promote research and program evaluation as an integral part of the criminal and
292 juvenile justice system;

293 (k) provide a comprehensive criminal justice plan annually;

294 (l) review agency forecasts regarding future demands on the criminal and juvenile
295 justice systems, including specific projections for secure bed space;

296 (m) promote the development of criminal and juvenile justice information systems that
297 are consistent with common standards for data storage and are capable of appropriately sharing
298 information with other criminal justice information systems by:

299 (i) developing and maintaining common data standards for use by all state criminal
300 justice agencies;

301 (ii) annually performing audits of criminal history record information maintained by
302 state criminal justice agencies to assess their accuracy, completeness, and adherence to
303 standards;

304 (iii) defining and developing state and local programs and projects associated with the
305 improvement of information management for law enforcement and the administration of
306 justice; and

307 (iv) establishing general policies concerning criminal and juvenile justice information
308 systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this
309 Subsection (1)(m);

310 (n) allocate and administer grants, from money made available, for approved education
311 programs to help prevent the sexual exploitation of children;

312 (o) allocate and administer grants for law enforcement operations and programs related
313 to reducing illegal drug activity and related criminal activity;

314 (p) request, receive, and evaluate data and recommendations collected and reported by
315 agencies and contractors related to policies recommended by the commission regarding
316 recidivism reduction, including the data described in Section 13-53-111 and Subsection
317 26B-5-102(2)(l);

318 (q) establish and administer a performance incentive grant program that allocates funds
319 appropriated by the Legislature to programs and practices implemented by counties that reduce
320 recidivism and reduce the number of offenders per capita who are incarcerated;

321 (r) oversee or designate an entity to oversee the implementation of juvenile justice
322 reforms;

323 (s) make rules and administer the juvenile holding room standards and juvenile jail
324 standards to align with the Juvenile Justice and Delinquency Prevention Act requirements
325 pursuant to 42 U.S.C. Sec. 5633;

326 (t) allocate and administer grants, from money made available, for pilot qualifying
327 education programs;

328 (u) oversee the trauma-informed justice program described in Section 63M-7-209;

329 (v) request, receive, and evaluate the aggregate data collected from prosecutorial
330 agencies and the Administrative Office of the Courts, in accordance with Sections 63M-7-216
331 and 78A-2-109.5;

332 (w) report annually to the Law Enforcement and Criminal Justice Interim Committee
333 on the progress made on each of the following goals of the Justice Reinvestment Initiative:

334 (i) ensuring oversight and accountability;

335 (ii) supporting local corrections systems;

336 (iii) improving and expanding reentry and treatment services; and

337 (iv) strengthening probation and parole supervision;

338 (x) compile a report of findings based on the data and recommendations provided
339 under Section 13-53-111 and Subsection 26B-5-102(2)(n) that:

340 (i) separates the data provided under Section 13-53-111 by each residential, vocational
341 and life skills program; and

342 (ii) separates the data provided under Subsection 26B-5-102(2)(n) by each mental
343 health or substance use treatment program;

344 (y) publish the report described in Subsection (1)(x) on the commission's website and
345 annually provide the report to the Judiciary Interim Committee, the Health and Human Services
346 Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the
347 related appropriations subcommittees; [~~and~~]

348 (z) receive, compile, and publish on the commission's website the data provided under:

349 (i) Section 53-23-101;

350 (ii) Section 53-24-102; and

351 (iii) Section 53-26-101; and

352 (aa) receive and investigate a referral from the Department of Public Safety received
353 under Section 53-21-104.1 involving a denial of mental health resources to an eligible
354 individual, including, if appropriate in the commission's discretion, deny the relevant entity
355 from receiving any grant of state funds under Section 63M-7-218 for a specified period of time.

356 (2) If the commission designates an entity under Subsection (1)(r), the commission
357 shall ensure that the membership of the entity includes representation from the three branches
358 of government and, as determined by the commission, representation from relevant stakeholder
359 groups across all parts of the juvenile justice system, including county representation.

360 Section 7. Section 63M-7-218 is amended to read:

361 **63M-7-218. State grant requirements.**

362 (1) Beginning July 1, 2023, the commission may not award any grant of state funds to
363 any entity subject to, and not in compliance with, the reporting requirements in Subsections
364 63A-16-1002(5)(a) through (r).

365 (2) Beginning July 1, 2025, the commission may not award any grant of state funds to
366 an entity subject to the requirements under Sections 53-21-102 and 53-21-104.1, if the
367 commission has determined under Subsection 63M-7-204(1)(aa) that the entity is currently not
368 eligible to receive state grant funds under this section.

369 Section 8. **Effective date.**

370 This bill takes effect on July 1, 2024.