

Senator Todd D. Weiler proposes the following substitute bill:

PRETRIAL DETENTION REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Stephanie Pitcher

LONG TITLE

General Description:

This bill creates a task force.

Highlighted Provisions:

This bill:

- ▶ creates the Pretrial Services and Detention Task Force.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-2-277, as last amended by Laws of Utah 2016, Chapter 348

ENACTS:

77-20-14, Utah Code Annotated 1953

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

Section 1. Section **63I-2-277** is amended to read:

63I-2-277. Repeal dates -- Title 77.



26 Section 77-20-14 is repealed December 31, 2022.

27 Section 2. Section 77-20-14 is enacted to read:

28 **77-20-14. Pretrial Services and Detention Task Force -- Creation -- Membership --**
29 **Quorum -- Compensation -- Staff -- Vacancies -- Duties -- Report.**

30 (1) As used in this section "pretrial services and detention" means determinations of
31 whether to detain or release an individual in custody from the time of an initial arrest or charge
32 until the adjudication of one or more criminal charges. It includes any terms imposed as
33 conditions of release.

34 (2) There is created a Pretrial Services and Detention Task Force consisting of the
35 following 21 members:

36 (a) two members of the Senate, not from the same political party, appointed by the
37 president of the Senate;

38 (b) two members of the House of Representatives, not from the same political party,
39 appointed by the speaker of the House of Representatives;

40 (c) The speaker of the House of Representatives and the president of the Senate shall
41 jointly appoint the following two members:

42 (i) a representative of an organization that specializes in civil rights or civil liberties on
43 behalf of incarcerated individuals; and

44 (ii) a representative of an organization that represents the interests of the bail bond
45 industry;

46 (d) a district court judge familiar with pretrial services appointed by the chief justice;

47 (e) the state court administrator or the state court administrator's designee;

48 (f) the commissioner of the Department of Public Safety or the commissioner's
49 designee;

50 (g) the attorney general or the attorney general's designee;

51 (h) the president of the Chiefs of Police Association or a chief of police designated by
52 the association's president;

53 (i) the president of the Sheriffs' Association or a sheriff designated by the association's
54 president;

55 (j) the chair of the Utah Sentencing Commission or a member of the Utah Sentencing
56 Commission designated by the chair;

57 (k) the chair of the Utah Council on Victims of Crime or a member of the Utah
58 Council on Victims of Crime designated by the chair;

59 (l) the executive director of the Salt Lake Legal Defender Association or the executive
60 director's designee;

61 (m) the chair of the Utah Indigent Defense Commission or the chair's designee;

62 (n) the Salt Lake County District Attorney or the district attorney's designee;

63 (o) a representative of the Statewide Association of Prosecutors and Public Attorneys
64 designated by the association's officers to represent prosecutors from a county of the second
65 through sixth class;

66 (p) an attorney who primarily represents indigent defendants in the courts of a county
67 of the third through sixth class, recommended by the chair of the Indigent Defense
68 Commission; and

69 (q) the executive director of the Commission on Criminal and Juvenile Justice, or the
70 executive director's designee.

71 (3) A vacancy in a position appointed under Subsection (2)(a), (b), or (c) shall be filled
72 by appointing a replacement member in the same manner as the member creating the vacancy
73 was appointed under Subsection (2)(a), (b), or (c).

74 (4) (a) The president of the Senate shall designate a senator appointed under
75 Subsection (2)(a) as a co-chair of the task force.

76 (b) The speaker of the House of Representatives shall designate a member of the House
77 of Representatives appointed under Subsection (2)(b) as a co-chair of the task force.

78 (5) (a) The task force shall meet quarterly beginning July 1, 2021. A quorum consists
79 of 12 members.

80 (b) The action of a majority of a quorum constitutes an action of the task force.

81 (6) (a) Salaries and expenses of the members of the task force who are legislators shall
82 be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3,
83 Legislator Compensation.

84 (b) A member of the task force who is not a legislator:

85 (i) may not receive compensation or benefits for the member's service associated with
86 the task force; and

87 (ii) may receive per diem and travel expenses incurred as a member of the task force at

88 the rates established by the Division of Finance in accordance with Sections 63A-3-106 and
89 63A-3-107 and rules made by the Division of Finance pursuant to Sections 63A-3-106 and
90 63A-3-107.

91 (7) The Office of Legislative Research and General Counsel shall provide staff support
92 to the task force.

93 (8) The task force shall:

94 (a) seek input from various stakeholders, about how pretrial services are being
95 implemented statewide;

96 (b) identify barriers to effective implementation of pretrial services and develop model
97 protocols and procedures to overcome those barriers;

98 (c) identify and discuss the implementation of pretrial services and make legislative
99 recommendations to continue to improve them; and

100 (d) develop and make legislative recommendations regarding best practices related to
101 pretrial services, including:

102 (i) legal procedures and requirements around pretrial services; and

103 (ii) pretrial services which should be available and, where necessary, funded statewide
104 as alternatives to pretrial detention, including monetary bail.

105 (9) (a) On or before November 30, 2022, the task force shall provide a report to the
106 Law Enforcement and Criminal Justice Interim Committee.

107 (b) The report shall include:

108 (i) a summary of the task force's findings under Subsection (8);

109 (ii) recommendations for improvements in pretrial services in Utah; and

110 (iii) recommended legislation, if necessary.