

Senator Todd D. Weiler proposes the following substitute bill:

CRIMINAL JUSTICE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses provisions related to the criminal justice system.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies provisions requiring a county jail to report certain information to the State Commission on Criminal and Juvenile Justice (CCJJ);
- ▶ prohibits CCJJ from providing a state grant to an agency who is not in compliance with certain statutory reporting requirements;
- ▶ requires a county to create a Criminal Justice Coordinating Council subject to certain requirements;
- ▶ removes provisions related to certification by the Division of Substance Abuse and Mental Health (DSAMH) of treatment providers who work with individuals involved in the criminal justice system;
- ▶ requires DSAMH to:
 - establish outcome measurements for treatment programs, including measurements related to recidivism reduction; and
 - coordinate with the Administrative Office of the Courts, the Department of



26 Corrections (DOC), and the Board of Pardons and Parole to collect certain recidivism data;

27 ▶ modifies the Statewide Behavioral Health Crisis Response Account;

28 ▶ requires DOC to:

29 • track an offender's compliance with treatment conditions of probation or parole;

30 and

31 • use best efforts to ensure an offender has a case action plan before the day on

32 which supervision of the offender in the community begins;

33 ▶ prohibits DOC from contracting with a county to house state inmates if the county is

34 not in compliance with certain statutory reporting requirements; and

35 ▶ makes technical and conforming changes.

36 **Money Appropriated in this Bill:**

37 This bill appropriates in fiscal year 2023:

38 ▶ to General Fund Restricted -- Behavioral Health Crisis Response Account, as an
39 ongoing appropriation:

40 • from General Fund, \$1,000,000; and

41 ▶ to Department of Health and Human Services -- Integrated Health Care Services --

42 Non-Medicaid Behavioral Health Treatment and Crisis Response, as an ongoing

43 appropriation:

44 • from the General Fund Restricted -- Behavioral Health Crisis Response

45 Account, \$1,000,000.

46 **Other Special Clauses:**

47 This bill provides a coordination clause.

48 **Utah Code Sections Affected:**

49 AMENDS:

50 17-22-32, as last amended by Laws of Utah 2020, Chapters 283 and 413

51 62A-4a-412, as last amended by Laws of Utah 2021, Chapters 29, 231, 262, and 419

52 62A-15-103, as last amended by Laws of Utah 2021, Chapters 231 and 277

53 62A-15-123, as enacted by Laws of Utah 2021, Chapter 76

54 63M-7-204, as last amended by Laws of Utah 2021, Chapters 64 and 426

55 64-13-6, as last amended by Laws of Utah 2021, Chapters 173, 246, and 260

56 64-13-21, as last amended by Laws of Utah 2021, Chapters 173 and 260

57 **64-13-26**, as last amended by Laws of Utah 2015, Chapter 412

58 **64-13e-103**, as last amended by Laws of Utah 2020, Chapter 410

59 ENACTS:

60 **17-55-101**, Utah Code Annotated 1953

61 **17-55-201**, Utah Code Annotated 1953

62 **63M-7-218**, Utah Code Annotated 1953

63 REPEALS:

64 **62A-15-103.5**, as last amended by Laws of Utah 2021, Chapter 64

65 **Utah Code Sections Affected by Coordination Clause:**

66 **17-55-101**, Utah Code Annotated 1953

67 **17-55-102**, Utah Code Annotated 1953



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

70 Section 1. Section **17-22-32** is amended to read:

71 **17-22-32. County jail reporting requirements.**

72 (1) As used in this section:

73 (a) "Commission" means the State Commission on Criminal and Juvenile Justice
74 created in Section **63M-7-201**.

75 (b) (i) "In-custody death" means an inmate death that occurs while the inmate is in the
76 custody of a county jail.

77 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:

78 (A) being transported for medical care; or

79 (B) receiving medical care outside of a county jail.

80 (c) "Inmate" means an individual who is processed or booked into custody or housed in
81 a county jail in the state.

82 (d) "Opiate" means the same as that term is defined in Section **58-37-2**.

83 (2) Each county jail shall submit a report to the commission before June 15 of each year
84 that includes, for the preceding calendar year [~~if reasonably available~~]:

85 (a) the average daily inmate population each month;

86 (b) the number of inmates in the county jail on the last day of each month who identify
87 as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity

88 published by the United States Federal Bureau of Investigation;

89 (c) the number of inmates booked into the county jail;

90 (d) the number of inmates held in the county jail each month on behalf of each of the
91 following entities:

92 (i) the Bureau of Indian Affairs;

93 (ii) a state prison;

94 (iii) a federal prison;

95 (iv) the United States Immigration and Customs Enforcement;

96 (v) any other entity with which a county jail has entered a contract to house inmates on
97 the entity's behalf;

98 (e) the number of inmates that are denied pretrial release and held in the custody of the
99 county jail while the inmate awaited final disposition of the inmate's criminal charges;

100 (f) for each inmate booked into the county jail:

101 (i) the name of the agency that arrested the inmate;

102 (ii) the date and time the inmate was booked into and released from the custody of the
103 county jail;

104 (iii) if the inmate was released from the custody of the county jail, the reason the
105 inmate was released from the custody of the county jail;

106 (iv) if the inmate was released from the custody of the county jail on a financial
107 condition, whether the financial condition was set by a bail commissioner or a court;

108 (v) the number of days the inmate was held in the custody of the county jail before
109 disposition of the inmate's criminal charges;

110 (vi) whether the inmate was released from the custody of the county jail before final
111 disposition of the inmate's criminal charges; and

112 (vii) the state identification number of the inmate;

113 (g) the number of in-custody deaths that occurred at the county jail;

114 (h) for each in-custody death;

115 (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or
116 disability, if any, of the deceased;

117 (ii) the date, time, and location of death;

118 (iii) the law enforcement agency that detained, arrested, or was in the process of

119 arresting the deceased; and
120 (iv) a brief description of the circumstances surrounding the death;
121 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
122 each of the in-custody deaths described in Subsection (2)(g);
123 (j) the county jail's policy for notifying an inmate's next of kin after the inmate's
124 in-custody death;
125 (k) the county jail policies, procedures, and protocols:
126 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
127 including use of opiates;
128 (ii) that relate to the county jail's provision, or lack of provision, of medications used to
129 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all
130 forms of buprenorphine and naltrexone; and
131 (iii) that relate to screening, assessment, and treatment of an inmate for a substance use
132 or mental health disorder; and
133 (l) any report the county jail provides or is required to provide under federal law or
134 regulation relating to inmate deaths.
135 (3) (a) Subsection (2) does not apply to a county jail if the county jail:
136 (i) collects and stores the data described in Subsection (2); and
137 (ii) enters into a memorandum of understanding with the commission that allows the
138 commission to access the data described in Subsection (2).
139 (b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include
140 a provision to protect any information related to an ongoing investigation and comply with all
141 applicable federal and state laws.
142 (c) If the commission accesses data from a county jail in accordance with Subsection
143 (3)(a), the commission may not release a report prepared from that data, unless:
144 (i) the commission provides the report for review to:
145 (A) the county jail; and
146 (B) any arresting agency that is named in the report; and
147 (ii) (A) the county jail approves the report for release;
148 (B) the county jail reviews the report and prepares a response to the report to be
149 published with the report; or

150 (C) the county jail fails to provide a response to the report within four weeks after the
151 day on which the commission provides the report to the county jail.

152 (4) The commission shall:

153 (a) compile the information from the reports described in Subsection (2);

154 (b) omit or redact any identifying information of an inmate in the compilation to the
155 extent omission or redaction is necessary to comply with state and federal law;

156 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
157 Committee and the Utah Substance Use and Mental Health Advisory Council before November
158 1 of each year; and

159 (d) submit the compilation to the protection and advocacy agency designated by the
160 governor before November 1 of each year.

161 (5) The [~~Commission on Criminal and Juvenile Justice~~] commission may not provide
162 access to or use a county jail's policies, procedures, or protocols submitted under this section in
163 a manner or for a purpose not described in this section.

164 (6) A report including only the names and causes of death of deceased inmates and the
165 facility in which they were being held in custody [~~will~~] shall be made available to the public.

166 Section 2. Section **17-55-101** is enacted to read:

167 **CHAPTER 55. CRIMINAL JUSTICE COORDINATING COUNCILS**

168 **Part 1. General Provisions**

169 **17-55-101. Definitions.**

170 As used in this part:

171 (1) "Commission" means the State Commission on Criminal and Juvenile Justice
172 created in Section [63M-7-201](#).

173 (2) "Criminal justice agency" means an agency or institution directly involved in the
174 apprehension, prosecution, or incarceration of a person involved in criminal activity.

175 (3) "Criminal justice coordinating council" or "council" means a council created by a
176 county in accordance with Section [17-55-201](#).

177 (4) "Criminal justice system" means the continuum of criminal justice agencies and
178 post-incarceration services that an individual may encounter as a result of the individual's
179 criminal activity.

180 (5) (a) "Post-incarceration services" means services that may assist an individual who

181 is leaving incarceration to reintegrate into the community.

182 (b) "Post-incarceration services" includes:

183 (i) educational services;

184 (ii) housing services;

185 (iii) health care services;

186 (iv) workforce services; and

187 (v) human services programs.

188 Section 3. Section **17-55-201** is enacted to read:

189 **Part 2. Criminal Justice Coordinating Councils**

190 **17-55-201. Criminal Justice Coordinating Councils -- Creation -- Strategic plan --**

191 **Reporting.**

192 (1) (a) Beginning January 1, 2023, a county shall:

193 (i) create a Criminal Justice Coordinating Council; or

194 (ii) jointly with another county or counties, create a Criminal Justice Coordinating

195 Council.

196 (b) The purpose of a council is to coordinate and improve components of the criminal

197 justice system in the county or counties.

198 (2) (a) A council shall include:

199 (i) one county commissioner;

200 (ii) the county sheriff;

201 (iii) one chief of police of a municipality within the county;

202 (iv) the county attorney;

203 (v) the public defender or an attorney who provides public defense within the county;

204 (vi) one district court judge;

205 (vii) one probation or parole officer;

206 (viii) one representative from the local mental health authority within the county;

207 (ix) one member of the public who is a crime victim; and

208 (x) one member of the public with lived experiences in the criminal justice system.

209 (b) A council may include individuals representing:

210 (i) local government;

211 (ii) human services programs;

- 212 (iii) higher education;
- 213 (iv) peer support services;
- 214 (v) workforce services;
- 215 (vi) local homeless services;
- 216 (vii) mental health or substance use disorder providers;
- 217 (viii) family counseling and support groups; or
- 218 (ix) organizations that work with families of incarcerated individuals.
- 219 (3) (a) A council shall develop and implement a strategic plan for the county's or
- 220 counties' criminal justice system that includes:
- 221 (i) mapping of all systems, resources, assets, and services within the county's or
- 222 counties' criminal justice system;
- 223 (ii) a plan for data sharing across the county's or counties' criminal justice system;
- 224 (iii) recidivism reduction objectives; and
- 225 (iv) community reintegration goals.
- 226 (b) The commission may assist a council in the development of a strategic plan.
- 227 (4) Before November 30 of each year, a council shall provide a written report to the
- 228 commission regarding:
- 229 (a) the implementation of a strategic plan described in Subsection (3); and
- 230 (b) any data on the impact of the council on the criminal justice system in the county or
- 231 counties.
- 232 Section 4. Section **62A-4a-412** is amended to read:
- 233 **62A-4a-412. Reports, information, and referrals confidential.**
- 234 (1) Except as otherwise provided in this chapter, reports made under this part, as well
- 235 as any other information in the possession of the division obtained as the result of a report are
- 236 private, protected, or controlled records under Title 63G, Chapter 2, Government Records
- 237 Access and Management Act, and may only be made available to:
- 238 (a) a police or law enforcement agency investigating a report of known or suspected
- 239 abuse or neglect, including members of a child protection team;
- 240 (b) a physician who reasonably believes that a child may be the subject of abuse or
- 241 neglect;
- 242 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor

243 who is the subject of a report;

244 (d) a contract provider that has a written contract with the division to render services to
245 a minor who is the subject of a report;

246 (e) a subject of the report, the natural parents of the child, and the guardian ad litem;

247 (f) a court, upon a finding that access to the records may be necessary for the
248 determination of an issue before the court, provided that in a divorce, custody, or related
249 proceeding between private parties, the record alone is:

250 (i) limited to objective or undisputed facts that were verified at the time of the
251 investigation; and

252 (ii) devoid of conclusions drawn by the division or any of the division's workers on the
253 ultimate issue of whether or not an individual's acts or omissions constituted any level of abuse
254 or neglect of another individual;

255 (g) an office of the public prosecutor or its deputies in performing an official duty;

256 (h) a person authorized by a Children's Justice Center, for the purposes described in
257 Section [67-5b-102](#);

258 (i) a person engaged in bona fide research, when approved by the director of the
259 division, if the information does not include names and addresses;

260 (j) the State Board of Education, acting on behalf of itself or on behalf of a local
261 education agency, as defined in Section [63J-5-102](#), for the purpose of evaluating whether an
262 individual should be permitted to obtain or retain a license as an educator or serve as an
263 employee or volunteer in a school, limited to information with substantiated or supported
264 findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug
265 offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against
266 the Person, and with the understanding that the office must provide the subject of a report
267 received under Subsection (1)(k) with an opportunity to respond to the report before making a
268 decision concerning licensure or employment;

269 (k) any individual identified in the report as a perpetrator or possible perpetrator of
270 abuse or neglect, after being advised of the screening prohibition in Subsection (2);

271 (l) a person filing a petition for a child protective order on behalf of a child who is the
272 subject of the report;

273 (m) a licensed child-placing agency or person who is performing a preplacement

274 adoptive evaluation in accordance with the requirements of Sections 78B-6-128 and
275 78B-6-130;

276 (n) an Indian tribe to:

277 (i) certify or license a foster home;

278 (ii) render services to a subject of a report; or

279 (iii) investigate an allegation of abuse, neglect, or dependency; or

280 (o) the Division of Substance Abuse and Mental Health, the Department of Health, or a
281 local substance abuse authority, described in Section 17-43-201, for the purpose of providing
282 substance abuse treatment to a pregnant woman or a parent of a newborn child, or the services
283 described in Subsection 62A-15-103(2)[(⊕)].

284 (2) (a) A person, unless listed in Subsection (1), may not request another person to
285 obtain or release a report or any other information in the possession of the division obtained as
286 a result of the report that is available under Subsection (1)(k) to screen for potential
287 perpetrators of abuse or neglect.

288 (b) A person who requests information knowing that the request is a violation of
289 Subsection (2)(a) is subject to the criminal penalty in Subsection (4).

290 (3) (a) Except as provided in Section 62A-4a-1007, the division and law enforcement
291 officials shall ensure the anonymity of the person or persons making the initial report and any
292 others involved in the division's or law enforcement officials' subsequent investigation.

293 (b) Notwithstanding any other provision of law, excluding Section 80-3-107, but
294 including this chapter and Title 63G, Chapter 2, Government Records Access and Management
295 Act, when the division makes a report or other information in the division's possession
296 available under Subsection (1)(e) to a subject of the report or a parent of a child, the division
297 shall remove from the report or other information only the names, addresses, and telephone
298 numbers of individuals or specific information that could:

299 (i) identify the referent;

300 (ii) impede a criminal investigation; or

301 (iii) endanger an individual's safety.

302 (4) Any person who willfully permits, or aides and abets the release of data or
303 information obtained as a result of this part, in the possession of the division or contained on
304 any part of the Management Information System, in violation of this part or Sections

305 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

306 (5) (a) As used in this Subsection (5), "physician" means an individual licensed to
307 practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical
308 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

309 (b) The physician-patient privilege does not:

310 (i) excuse a physician from reporting suspected abuse, neglect, fetal alcohol syndrome,
311 or fetal drug dependency under this part; and

312 (ii) constitute grounds for excluding evidence regarding a child's injuries, or the cause
313 of the child's injuries, in any judicial or administrative proceeding resulting from a report under
314 this part.

315 (6) A child-placing agency or person who receives a report in connection with a
316 preplacement adoptive evaluation under Sections 78B-6-128 and 78B-6-130:

317 (a) may provide this report to the person who is the subject of the report; and

318 (b) may provide this report to a person who is performing a preplacement adoptive
319 evaluation in accordance with the requirement of Sections 78B-6-128 and 78B-6-130, or to a
320 licensed child-placing agency or to an attorney seeking to facilitate an adoption.

321 (7) A member of a child protection team may, before the day on which the child is
322 removed, share case-specific information obtained from the division under this section with
323 other members of the child protection team.

324 (8) (a) Except as provided in Subsection (8)(b), in a divorce, custody, or related
325 proceeding between private parties, a court may not receive into evidence a report that:

326 (i) is provided to the court:

327 (A) under Subsection (1)(f); or

328 (B) by a parent of the child after the record is made available to the parent under
329 Subsection (1)(e);

330 (ii) describes a parent of the child as the alleged perpetrator; and

331 (iii) is found to be unsubstantiated, unsupported, or without merit.

332 (b) (i) After a motion to admit the report described in Subsection (8)(a) is made, the
333 court shall allow sufficient time for all subjects of the record to respond before making a
334 finding on the motion.

335 (ii) After considering the motion described in Subsection (8)(b), the court may receive

336 the report into evidence upon a finding on the record of good cause.

337 Section 5. Section **62A-15-103** is amended to read:

338 **62A-15-103. Division -- Creation -- Responsibilities.**

339 (1) (a) There is created the Division of Substance Abuse and Mental Health within the
340 department, under the administration and general supervision of the executive director.

341 (b) The division is the substance abuse authority and the mental health authority for
342 this state.

343 (2) The division shall:

344 (a) (i) educate the general public regarding the nature and consequences of substance
345 abuse by promoting school and community-based prevention programs;

346 (ii) render support and assistance to public schools through approved school-based
347 substance abuse education programs aimed at prevention of substance abuse;

348 (iii) promote or establish programs for the prevention of substance abuse within the
349 community setting through community-based prevention programs;

350 (iv) cooperate with and assist treatment centers, recovery residences, and other
351 organizations that provide services to individuals recovering from a substance abuse disorder,
352 by identifying and disseminating information about effective practices and programs;

353 [~~(v) except as provided in Section 62A-15-103.5, make rules in accordance with Title~~
354 ~~63G, Chapter 3, Utah Administrative Rulemaking Act, to develop, in collaboration with public~~
355 ~~and private programs, minimum standards for public and private providers of substance abuse~~
356 ~~and mental health programs licensed by the department under Title 62A, Chapter 2, Licensure~~
357 ~~of Programs and Facilities;]~~

358 [~~(vi)~~] (v) promote integrated programs that address an individual's substance abuse,
359 mental health, and physical health[~~, and criminal risk factors~~];

360 [~~(vii)~~] (vi) establish and promote an evidence-based continuum of screening,
361 assessment, prevention, treatment, and recovery support services in the community for
362 individuals with a substance use disorder [~~and~~] or mental illness [~~that addresses criminal risk~~
363 ~~factors~~];

364 [~~(viii)~~] (vii) evaluate the effectiveness of programs described in this Subsection (2);

365 [~~(ix)~~] (viii) consider the impact of the programs described in this Subsection (2) on:

366 (A) emergency department utilization;

- 367 (B) jail and prison populations;
- 368 (C) the homeless population; and
- 369 (D) the child welfare system; and
- 370 [~~(x)~~] (ix) promote or establish programs for education and certification of instructors to
- 371 educate individuals convicted of driving under the influence of alcohol or drugs or driving with
- 372 any measurable controlled substance in the body;
- 373 (b) (i) collect and disseminate information pertaining to mental health;
- 374 (ii) provide direction over the state hospital including approval of the state hospital's
- 375 budget, administrative policy, and coordination of services with local service plans;
- 376 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 377 Rulemaking Act, to educate families concerning mental illness and promote family
- 378 involvement, when appropriate, and with patient consent, in the treatment program of a family
- 379 member; and
- 380 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 381 Rulemaking Act, to direct that an individual receiving services through a local mental health
- 382 authority or the Utah State Hospital be informed about and, if desired by the individual,
- 383 provided assistance in the completion of a declaration for mental health treatment in
- 384 accordance with Section [62A-15-1002](#);
- 385 (c) (i) consult and coordinate with local substance abuse authorities and local mental
- 386 health authorities regarding programs and services;
- 387 (ii) provide consultation and other assistance to public and private agencies and groups
- 388 working on substance abuse and mental health issues;
- 389 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
- 390 medical and social agencies, public health authorities, law enforcement agencies, education and
- 391 research organizations, and other related groups;
- 392 (iv) promote or conduct research on substance abuse and mental health issues, and
- 393 submit to the governor and the Legislature recommendations for changes in policy and
- 394 legislation;
- 395 (v) receive, distribute, and provide direction over public funds for substance abuse and
- 396 mental health services;
- 397 (vi) monitor and evaluate programs provided by local substance abuse authorities and

398 local mental health authorities;

399 (vii) examine expenditures of local, state, and federal funds;

400 (viii) monitor the expenditure of public funds by:

401 (A) local substance abuse authorities;

402 (B) local mental health authorities; and

403 (C) in counties where they exist, a private contract provider that has an annual or

404 otherwise ongoing contract to provide comprehensive substance abuse or mental health

405 programs or services for the local substance abuse authority or local mental health authority;

406 (ix) contract with local substance abuse authorities and local mental health authorities

407 to provide a comprehensive continuum of services that include community-based services for

408 individuals involved in the criminal justice system, in accordance with division policy, contract

409 provisions, and the local plan;

410 (x) contract with private and public entities for special statewide or nonclinical

411 services, or services for individuals involved in the criminal justice system, according to

412 division rules;

413 (xi) review and approve each local substance abuse authority's plan and each local

414 mental health authority's plan in order to ensure:

415 (A) a statewide comprehensive continuum of substance abuse services;

416 (B) a statewide comprehensive continuum of mental health services;

417 (C) services result in improved overall health and functioning;

418 (D) a statewide comprehensive continuum of community-based services designed to

419 reduce criminal risk factors for individuals who are determined to have substance abuse or

420 mental illness conditions or both, and who are involved in the criminal justice system;

421 (E) compliance, where appropriate, with the certification requirements in Subsection

422 (2)(j); and

423 (F) appropriate expenditure of public funds;

424 (xii) review and make recommendations regarding each local substance abuse

425 authority's contract with the local substance abuse authority's provider of substance abuse

426 programs and services and each local mental health authority's contract with the local mental

427 health authority's provider of mental health programs and services to ensure compliance with

428 state and federal law and policy;

429 (xiii) monitor and ensure compliance with division rules and contract requirements;
430 and

431 (xiv) withhold funds from local substance abuse authorities, local mental health
432 authorities, and public and private providers for contract noncompliance, failure to comply
433 with division directives regarding the use of public funds, or for misuse of public funds or
434 money;

435 (d) ensure that the requirements of this part are met and applied uniformly by local
436 substance abuse authorities and local mental health authorities across the state;

437 (e) require each local substance abuse authority and each local mental health authority,
438 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a plan to
439 the division on or before May 15 of each year;

440 (f) conduct an annual program audit and review of each local substance abuse authority
441 and each local substance abuse authority's contract provider, and each local mental health
442 authority and each local mental health authority's contract provider, including:

443 (i) a review and determination regarding whether:

444 (A) public funds allocated to the local substance abuse authority or the local mental
445 health authorities are consistent with services rendered by the authority or the authority's
446 contract provider, and with outcomes reported by the authority's contract provider; and

447 (B) each local substance abuse authority and each local mental health authority is
448 exercising sufficient oversight and control over public funds allocated for substance use
449 disorder and mental health programs and services; and

450 (ii) items determined by the division to be necessary and appropriate;

451 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
452 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

453 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer
454 supports services to an individual with:

455 (A) a substance use disorder;

456 (B) a mental health disorder; or

457 (C) a substance use disorder and a mental health disorder;

458 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
459 adult as a peer support specialist;

460 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
461 Rulemaking Act, that:
462 (A) establish training and certification requirements for a peer support specialist;
463 (B) specify the types of services a peer support specialist is qualified to provide;
464 (C) specify the type of supervision under which a peer support specialist is required to
465 operate; and
466 (D) specify continuing education and other requirements for maintaining or renewing
467 certification as a peer support specialist; and

468 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
469 Rulemaking Act, that:
470 (A) establish the requirements for a person to be certified to carry out, as needed, the
471 division's duty to train and certify an adult as a peer support specialist; and
472 (B) specify how the division shall provide oversight of a person certified to train and
473 certify a peer support specialist;

474 [~~(i) except as provided in Section 62A-15-103.5, establish by rule, in accordance with~~
475 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act, minimum standards and~~
476 ~~requirements for the provision of substance use disorder and mental health treatment to an~~
477 ~~individual who is incarcerated or who is required to participate in treatment by a court or by the~~
478 ~~Board of Pardons and Parole, including:]~~

479 [~~(i) collaboration with the Department of Corrections and the Utah Substance Use and~~
480 ~~Mental Health Advisory Council to develop and coordinate the standards, including standards~~
481 ~~for county and state programs serving individuals convicted of class A and class B~~
482 ~~misdemeanors;]~~

483 [~~(ii) determining that the standards ensure available treatment, including the most~~
484 ~~current practices and procedures demonstrated by recognized scientific research to reduce~~
485 ~~recidivism, including focus on the individual's criminal risk factors; and]~~

486 [~~(iii) requiring that all public and private treatment programs meet the standards~~
487 ~~established under this Subsection (2)(i) in order to receive public funds allocated to the~~
488 ~~division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice~~
489 ~~for the costs of providing screening, assessment, prevention, treatment, and recovery support;]~~

490 [~~(j) except as provided in Section 62A-15-103.5, establish by rule, in accordance with~~

491 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements and procedures~~
492 ~~for the certification of licensed public and private providers, including individuals licensed by~~
493 ~~the Division of Occupational and Professional Licensing, programs licensed by the department,~~
494 ~~and health care facilities licensed by the Department of Health, who provide, as part of their~~
495 ~~practice, substance use disorder and mental health treatment to an individual involved in the~~
496 ~~criminal justice system, including:]~~

497 ~~[(i) collaboration with the Department of Corrections, the Utah Substance Use and~~
498 ~~Mental Health Advisory Council, and the Utah Association of Counties to develop, coordinate,~~
499 ~~and implement the certification process;]~~

500 ~~[(ii) basing the certification process on the standards developed under Subsection (2)(i)~~
501 ~~for the treatment of an individual involved in the criminal justice system; and]~~

502 ~~[(iii) the requirement that a public or private provider of treatment to an individual~~
503 ~~involved in the criminal justice system shall obtain certification on or before July 1, 2016, and~~
504 ~~shall renew the certification every two years, in order to qualify for funds allocated to the~~
505 ~~division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice~~
506 ~~on or after July 1, 2016;]~~

507 ~~[(k)]~~ (i) collaborate with the State Commission on Criminal and Juvenile Justice to
508 analyze and provide recommendations to the Legislature regarding:

509 (i) pretrial services and the resources needed to reduce recidivism;

510 (ii) county jail and county behavioral health early-assessment resources needed for an
511 ~~[offender]~~ individual convicted of a class A or class B misdemeanor; and

512 (iii) the replacement of federal dollars associated with drug interdiction law
513 enforcement task forces that are reduced;

514 ~~[(l) (i) establish performance goals and outcome measurements for all treatment~~
515 ~~programs for which minimum standards are established under Subsection (2)(i), including~~
516 ~~recidivism data and data regarding cost savings associated with recidivism reduction and the~~
517 ~~reduction in the number of inmates, that are obtained in collaboration with the Administrative~~
518 ~~Office of the Courts and the Department of Corrections; and]~~

519 ~~[(ii) collect data to track and determine whether the goals and measurements are being~~
520 ~~attained and make this information available to the public;]~~

521 (j) establish performance goals and outcome measurements for all treatment programs,

522 including goals and measurements related to reducing recidivism of individuals receiving
523 treatment who are involved with the criminal justice system;

524 (k) collaborate with the Administrative Office of the Courts, the Department of
525 Corrections, and the Board of Pardons and Parole to collect data on recidivism, including data
526 on:

527 (i) individuals who receive mental health or substance use treatment while incarcerated
528 and commit another offense within one year after release from incarceration;

529 (ii) individuals who are ordered by a criminal court or the Board of Pardons and Parole
530 to participate in mental health or substance use treatment and commit another offense while
531 receiving the treatment or within one year after the treatment ends;

532 (iii) the type of treatment provided to the individuals described in Subsections (2)(k)(i)
533 and (ii); and

534 (iv) cost savings associated with recidivism reduction and the reduction in the number
535 of inmates in the state;

536 ~~[(m)]~~ (l) ~~[in]~~ at the division's discretion, use the data described in Subsection (2)(k) to
537 make decisions regarding the use of funds allocated to the division~~[, the Administrative Office~~
538 ~~of the Courts, and the Department of Corrections to provide treatment for which standards are~~
539 ~~established under Subsection (2)(i)]~~ to provide treatment;

540 ~~[(m)]~~ (m) annually, on or before August 31, submit the data collected under Subsection
541 (2)(k) to the State Commission on Criminal and Juvenile Justice~~[, which shall compile a report~~
542 ~~of findings based on the data and provide the report to the Judiciary Interim Committee, the~~
543 ~~Health and Human Services Interim Committee, the Law Enforcement and Criminal Justice~~
544 ~~Interim Committee, and the related appropriations subcommittees]~~ to be included in the report
545 described in Subsection 63M-7-204(1)(x); and

546 ~~[(o)]~~ (n) consult and coordinate with the Department of Health and the Division of
547 Child and Family Services to develop and manage the operation of a program designed to
548 reduce substance abuse during pregnancy and by parents of a newborn child that includes:

549 (i) providing education and resources to health care providers and individuals in the
550 state regarding prevention of substance abuse during pregnancy;

551 (ii) providing training to health care providers in the state regarding screening of a
552 pregnant woman or pregnant minor to identify a substance abuse disorder; and

553 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn
554 child in need of substance abuse treatment services to a facility that has the capacity to provide
555 the treatment services.

556 (3) In addition to the responsibilities described in Subsection (2), the division shall,
557 within funds appropriated by the Legislature for this purpose, implement and manage the
558 operation of a firearm safety and suicide prevention program, in consultation with the Bureau
559 of Criminal Identification created in Section 53-10-201, including:

560 (a) coordinating with the Department of Health, local mental health and substance
561 abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a
562 Utah-based nonprofit organization with expertise in the field of firearm use and safety that
563 represents firearm owners, to:

564 (i) produce and periodically review and update a firearm safety brochure and other
565 educational materials with information about the safe handling and use of firearms that
566 includes:

567 (A) information on safe handling, storage, and use of firearms in a home environment;

568 (B) information about at-risk individuals and individuals who are legally prohibited
569 from possessing firearms;

570 (C) information about suicide prevention awareness; and

571 (D) information about the availability of firearm safety packets;

572 (ii) procure cable-style gun locks for distribution under this section;

573 (iii) produce a firearm safety packet that includes the firearm safety brochure and the
574 cable-style gun lock described in this Subsection (3); and

575 (iv) create a suicide prevention education course that:

576 (A) provides information for distribution regarding firearm safety education;

577 (B) incorporates current information on how to recognize suicidal behaviors and
578 identify individuals who may be suicidal; and

579 (C) provides information regarding crisis intervention resources;

580 (b) distributing, free of charge, the firearm safety packet to the following persons, who
581 shall make the firearm safety packet available free of charge:

582 (i) health care providers, including emergency rooms;

583 (ii) mobile crisis outreach teams;

- 584 (iii) mental health practitioners;
- 585 (iv) other public health suicide prevention organizations;
- 586 (v) entities that teach firearm safety courses;
- 587 (vi) school districts for use in the seminar, described in Section 53G-9-702, for parents
- 588 of students in the school district; and
- 589 (vii) firearm dealers to be distributed in accordance with Section 76-10-526;
- 590 (c) creating and administering a rebate program that includes a rebate that offers
- 591 between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms
- 592 dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident;
- 593 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 594 making rules that establish procedures for:
- 595 (i) producing and distributing the suicide prevention education course and the firearm
- 596 safety brochures and packets;
- 597 (ii) procuring the cable-style gun locks for distribution; and
- 598 (iii) administering the rebate program; and
- 599 (e) reporting to the Health and Human Services Interim Committee regarding
- 600 implementation and success of the firearm safety program and suicide prevention education
- 601 course at or before the November meeting each year.
- 602 (4) (a) The division may refuse to contract with and may pursue legal remedies against
- 603 any local substance abuse authority or local mental health authority that fails, or has failed, to
- 604 expend public funds in accordance with state law, division policy, contract provisions, or
- 605 directives issued in accordance with state law.
- 606 (b) The division may withhold funds from a local substance abuse authority or local
- 607 mental health authority if the authority's contract provider of substance abuse or mental health
- 608 programs or services fails to comply with state and federal law or policy.
- 609 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority
- 610 or local mental health authority, the division shall review and determine whether the local
- 611 substance abuse authority or local mental health authority is complying with the oversight and
- 612 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and
- 613 17-43-309.
- 614 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and

615 liability described in Section 17-43-303 and to the responsibility and liability described in
616 Section 17-43-203.

617 (6) In carrying out the division's duties and responsibilities, the division may not
618 duplicate treatment or educational facilities that exist in other divisions or departments of the
619 state, but shall work in conjunction with those divisions and departments in rendering the
620 treatment or educational services that those divisions and departments are competent and able
621 to provide.

622 (7) The division may accept in the name of and on behalf of the state donations, gifts,
623 devises, or bequests of real or personal property or services to be used as specified by the
624 donor.

625 (8) The division shall annually review with each local substance abuse authority and
626 each local mental health authority the authority's statutory and contract responsibilities
627 regarding:

- 628 (a) use of public funds;
- 629 (b) oversight of public funds; and
- 630 (c) governance of substance use disorder and mental health programs and services.

631 (9) The Legislature may refuse to appropriate funds to the division upon the division's
632 failure to comply with the provisions of this part.

633 (10) If a local substance abuse authority contacts the division under Subsection
634 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant
635 minor, the division shall:

- 636 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
637 capacity to provide the treatment services; or
- 638 (b) otherwise ensure that treatment services are made available to the pregnant woman
639 or pregnant minor.

640 (11) The division shall employ a school-based mental health specialist to be housed at
641 the State Board of Education who shall work with the State Board of Education to:

- 642 (a) provide coordination between a local education agency and local mental health
643 authority;
- 644 (b) recommend evidence-based and evidence informed mental health screenings and
645 intervention assessments for a local education agency; and

646 (c) coordinate with the local community, including local departments of health, to
647 enhance and expand mental health related resources for a local education agency.

648 Section 6. Section **62A-15-123** is amended to read:

649 **62A-15-123. Statewide Behavioral Health Crisis Response Account -- Creation --**
650 **Administration -- Permitted uses.**

651 (1) There is created a restricted account within the General Fund known as the
652 "Statewide Behavioral Health Crisis Response Account," consisting of:

653 (a) money appropriated or otherwise made available by the Legislature; and

654 (b) contributions of money, property, or equipment from federal agencies, political
655 subdivisions of the state, or other persons.

656 (2) (a) Subject to appropriations by the Legislature and any contributions to the account
657 described in Subsection (1)(b), the division shall disburse funds in the account only for the
658 purpose of support or implementation of services or enhancements of those services in order to
659 rapidly, efficiently, and effectively deliver 988 services in the state.

660 (b) Funds distributed from the account to county local mental health and substance
661 abuse authorities for the provision of crisis services are not subject to the 20% county match
662 described in Sections [17-43-201](#) and [17-43-301](#).

663 (c) ~~[The]~~ Except as provided in Subsection (2)(d), the division shall prioritize
664 expending funds from the account as follows:

665 (i) the Statewide Mental Health Crisis Line, as defined in Section [62A-15-1301](#),
666 including coordination with 911 emergency service, as defined in Section [69-2-102](#), and
667 coordination with local substance abuse authorities as described in Section [17-43-201](#), and
668 local mental health authorities, described in Section [17-43-301](#);

669 (ii) mitigation of any negative impacts on 911 emergency service from 988 services;

670 (iii) mobile crisis outreach teams as defined in Section [62A-15-1401](#), distributed in
671 accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah
672 Administrative Rulemaking Act;

673 (iv) behavioral health receiving centers as defined in Section [62A-15-118](#);

674 (v) stabilization services as described in Section [62A-1-104](#); and

675 (vi) mental health crisis services provided by local substance abuse authorities as
676 described in Section [17-43-201](#) and local mental health authorities described in Section

677 17-43-301 to provide prolonged mental health services for up to 90 days after the day on which
678 an individual experiences a mental health crisis.

679 (d) If the Legislature appropriates money to the account for a purpose described in
680 Subsection (2)(c), the division shall use the appropriation for that purpose.

681 (3) Subject to appropriations by the Legislature and any contributions to the account
682 described in Subsection (1)(b), the division may expend funds in the account for administrative
683 costs that the division incurs related to administering the account.

684 (4) The division director shall submit and make available to the public a report before
685 December of each year to the Behavioral Health Crisis Response Commission, as defined in
686 Section 63C-18-202, the Social Services Appropriations Subcommittee, and the Legislative
687 Management Committee that includes:

688 (a) the amount of each disbursement from the [~~restricted account described in Section~~
689 ~~62A-15-123~~] account;

690 (b) the recipient of each disbursement, the goods and services received, and a
691 description of the project funded by the disbursement;

692 (c) any conditions placed by the division on the disbursements from the [~~restricted~~]
693 account;

694 (d) the anticipated expenditures from the [~~restricted account described in this chapter~~]
695 account for the next fiscal year;

696 (e) the amount of any unexpended funds carried forward;

697 (f) the number of Statewide Mental Health Crisis Line calls received;

698 (g) the progress towards accomplishing the goals of providing statewide mental health
699 crisis service; and

700 (h) other relevant justification for ongoing support from the [~~restricted~~] account.

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

702 **63M-7-204. Duties of commission.**

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

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

705 (b) promote the communication and coordination of all criminal and juvenile justice
706 agencies;

707 (c) study, evaluate, and report on the status of crime in the state and on the

708 effectiveness of criminal justice policies, procedures, and programs that are directed toward the
709 reduction of crime in the state;

710 (d) study, evaluate, and report on programs initiated by state and local agencies to
711 address reducing recidivism, including changes in penalties and sentencing guidelines intended
712 to reduce recidivism, costs savings associated with the reduction in the number of inmates, and
713 evaluation of expenses and resources needed to meet goals regarding the use of treatment as an
714 alternative to incarceration, as resources allow;

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

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

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

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

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

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

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

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

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

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

737 (ii) annually performing audits of criminal history record information maintained by
738 state criminal justice agencies to assess their accuracy, completeness, and adherence to

- 739 standards;
- 740 (iii) defining and developing state and local programs and projects associated with the
741 improvement of information management for law enforcement and the administration of
742 justice; and
- 743 (iv) establishing general policies concerning criminal and juvenile justice information
744 systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this
745 Subsection (1)(m);
- 746 (n) allocate and administer grants, from money made available, for approved education
747 programs to help prevent the sexual exploitation of children;
- 748 (o) allocate and administer grants for law enforcement operations and programs related
749 to reducing illegal drug activity and related criminal activity;
- 750 (p) request, receive, and evaluate data and recommendations collected and reported by
751 agencies and contractors related to policies recommended by the commission regarding
752 recidivism reduction;
- 753 (q) establish and administer a performance incentive grant program that allocates funds
754 appropriated by the Legislature to programs and practices implemented by counties that reduce
755 recidivism and reduce the number of offenders per capita who are incarcerated;
- 756 (r) oversee or designate an entity to oversee the implementation of juvenile justice
757 reforms;
- 758 (s) make rules and administer the juvenile holding room standards and juvenile jail
759 standards to align with the Juvenile Justice and Delinquency Prevention Act requirements
760 pursuant to 42 U.S.C. Sec. 5633;
- 761 (t) allocate and administer grants, from money made available, for pilot qualifying
762 education programs;
- 763 (u) oversee the trauma-informed justice program described in Section [63M-7-209](#);
- 764 (v) request, receive, and evaluate the aggregate data collected from prosecutorial
765 agencies and the Administrative Office of the Courts, in accordance with Sections [63M-7-216](#)
766 and [78A-2-109.5](#); [~~and~~]
- 767 (w) report annually to the Law Enforcement and Criminal Justice Interim Committee
768 on the progress made on each of the following goals of the Justice Reinvestment Initiative:
- 769 (i) ensuring oversight and accountability;

770 (ii) supporting local corrections systems;
771 (iii) improving and expanding reentry and treatment services; and
772 (iv) strengthening probation and parole supervision[-]; and
773 (x) compile a report of findings based on the data provided by the Division of
774 Substance Abuse and Mental Health under Subsection 62A-15-103(2)(m) and annually provide
775 the report to the Judiciary Interim Committee, the Health and Human Services Interim
776 Committee, the Law Enforcement and Criminal Justice Interim Committee, and the related
777 appropriations subcommittees.

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

782 Section 8. Section **63M-7-218** is enacted to read:

783 **63M-7-218. State grant requirements.**

784 (1) As used in this section, "commission" means the State Commission on Criminal
785 and Juvenile Justice created in Section 63M-7-201.

786 (2) Beginning July 1, 2022, the commission may not award any grant of state funds to:

787 (a) a county that is subject to, and not in compliance with, Subsection 64-13e-104(6);

788 (b) a county jail that is subject to, and not in compliance with, Subsection 17-22-3(2)
789 or 77-20-103(2);

790 (c) a state or local government agency or nonprofit organization that is subject to, and
791 not in compliance with, Subsection 63M-7-214(7);

792 (d) a law enforcement agency that is subject to, and not in compliance with, Subsection
793 63M-7-214(7) or 77-7-8.5(2); or

794 (e) a prosecutorial agency that is subject to, and not in compliance with, Subsection
795 63M-7-216(2) or 77-22-2.5(9).

796 (3) Beginning January 1, 2023, the commission may not award any grant of state funds
797 to a criminal justice coordinating council that is subject to, and not in compliance with,
798 Subsection 17-55-201(4).

799 Section 9. Section **64-13-6** is amended to read:

800 **64-13-6. Department duties.**

801 (1) The department shall:

802 (a) protect the public through institutional care and confinement, and supervision in the

803 community of offenders where appropriate;

804 (b) implement court-ordered punishment of offenders;

805 (c) provide evidence-based and evidence-informed program opportunities for offenders

806 designed to reduce offenders' criminogenic and recidivism risks, including behavioral,

807 cognitive, educational, and career-readiness program opportunities;

808 (d) ensure that offender participation in all program opportunities described in

809 Subsection (1)(c) is voluntary;

810 (e) where appropriate, utilize offender volunteers as mentors in the program

811 opportunities described in Subsection (1)(c);

812 (f) provide treatment for sex offenders who are found to be treatable based upon

813 criteria developed by the department;

814 (g) provide the results of ongoing clinical assessment of sex offenders and objective

815 diagnostic testing to sentencing and release authorities;

816 (h) manage programs that take into account the needs and interests of victims, where

817 reasonable;

818 (i) supervise probationers and parolees as directed by statute and implemented by the

819 courts and the Board of Pardons and Parole;

820 (j) subject to Subsection (2), investigate criminal conduct involving offenders

821 incarcerated in a state correctional facility;

822 (k) cooperate and exchange information with other state, local, and federal law

823 enforcement agencies to achieve greater success in prevention and detection of crime and

824 apprehension of criminals;

825 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult

826 Offender Supervision;

827 (m) establish a case action plan based on appropriate validated risk, needs, and

828 responsivity assessments for each offender as follows:

829 (i) [~~(A)~~] if an offender is to be supervised in the community, the department shall:

830 (A) use best efforts to establish a case action plan for the offender before the day on

831 which the department's community supervision of the offender begins; and

832 (B) establish a case action plan [~~shall be established~~] for the offender [~~not more~~] no
833 later than 90 days after [~~supervision by the department~~] the day on which the department's
834 community supervision of the offender begins; and

835 [~~(B)~~] (ii) if the offender is committed to the custody of the department, the department
836 shall establish a case action plan [~~shall be established~~] for the offender [~~not more~~] no later than
837 120 days after the [~~commitment~~] day on which the offender is committed to the custody of the
838 department;

839 [~~(ii)~~] (iii) each case action plan shall integrate an individualized, evidence-based, and
840 evidence-informed treatment and program plan with clearly defined completion requirements;

841 [~~(iii)~~] (iv) the department shall share each newly established case action plan with the
842 sentencing and release authority within 30 days after the day on which the case action plan is
843 established; and

844 [~~(iv)~~] (v) the department shall share any changes to a case action plan, including any
845 change in an offender's risk assessment, with the sentencing and release authority within 30
846 days after the day of the change; and

847 (n) ensure that any training or certification required of a public official or public
848 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
849 22, State Training and Certification Requirements, if the training or certification is required:

850 (i) under this title;

851 (ii) by the department; or

852 (iii) by an agency or division within the department.

853 (2) The department may in the course of supervising probationers and parolees:

854 (a) respond in accordance with the graduated and evidence-based processes established
855 by the Utah Sentencing Commission under Subsection [63M-7-404\(6\)](#), to an individual's
856 violation of one or more terms of the probation or parole; and

857 (b) upon approval by the court or the Board of Pardons and Parole, impose as a
858 sanction for an individual's violation of the terms of probation or parole a period of
859 incarceration of not more than three consecutive days and not more than a total of five days
860 within a period of 30 days.

861 (3) (a) By following the procedures in Subsection (3)(b), the department may
862 investigate the following occurrences at state correctional facilities:

- 863 (i) criminal conduct of departmental employees;
- 864 (ii) felony crimes resulting in serious bodily injury;
- 865 (iii) death of any person; or
- 866 (iv) aggravated kidnaping.
- 867 (b) Before investigating any occurrence specified in Subsection (3)(a), the department
- 868 shall:
- 869 (i) notify the sheriff or other appropriate law enforcement agency promptly after
- 870 ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a) has
- 871 occurred; and
- 872 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to
- 873 conduct an investigation involving an occurrence specified in Subsection (3)(a).
- 874 (4) Upon request, the department shall provide copies of investigative reports of
- 875 criminal conduct to the sheriff or other appropriate law enforcement agencies.
- 876 (5) (a) The executive director of the department, or the executive director's designee if
- 877 the designee possesses expertise in correctional programming, shall consult at least annually
- 878 with cognitive and career-readiness staff experts from the Utah system of higher education and
- 879 the State Board of Education to review the department's evidence-based and evidence-informed
- 880 treatment and program opportunities.
- 881 (b) Beginning in the 2022 interim, the department shall provide an annual report to the
- 882 Law Enforcement and Criminal Justice Interim Committee regarding the department's
- 883 implementation of and offender participation in evidence-based and evidence-informed
- 884 treatment and program opportunities designed to reduce the criminogenic and recidivism risks
- 885 of offenders over time.
- 886 (6) (a) As used in this Subsection (6):
- 887 (i) "Accounts receivable" means any amount owed by an offender arising from a
- 888 criminal judgment that has not been paid.
- 889 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,
- 890 surcharges, costs, interest, penalties, restitution to victims, third-party claims, claims,
- 891 reimbursement of a reward, and damages that an offender is ordered to pay.
- 892 (b) The department shall collect and disburse, with any interest and any other costs
- 893 assessed under Section [64-13-21](#), an accounts receivable for an offender during:

894 (i) the parole period and any extension of that period in accordance with Subsection
895 (6)(c); and

896 (ii) the probation period for which the court orders supervised probation and any
897 extension of that period by the department in accordance with Subsection 77-18-105(7).

898 (c) (i) If an offender has an unpaid balance of the offender's accounts receivable at the
899 time that the offender's sentence expires or terminates, the department shall be referred to the
900 sentencing court for the sentencing court to enter a civil judgment of restitution and a civil
901 accounts receivable as described in Section 77-18-114.

902 (ii) If the board makes an order for restitution within 60 days from the day on which
903 the offender's sentence expires or terminates, the board shall refer the order for restitution to
904 the sentencing court to be entered as a civil judgment of restitution as described in Section
905 77-18-114.

906 (d) This Subsection (6) only applies to offenders sentenced before July 1, 2021.
907 Section 10. Section 64-13-21 is amended to read:

908 **64-13-21. Supervision of sentenced offenders placed in community -- Rulemaking**
909 **-- POST certified parole or probation officers and peace officers -- Duties -- Supervision**
910 **fee.**

911 (1) (a) The department, except as otherwise provided by law, shall supervise sentenced
912 offenders placed in the community on probation by the courts, on parole by the Board of
913 Pardons and Parole, or upon acceptance for supervision under the terms of the Interstate
914 Compact for the Supervision of Parolees and Probationers.

915 (b) If substance use treatment is a condition of a sentenced offender's probation or
916 parole, the department shall monitor the offender's compliance with the treatment.

917 ~~[(b)]~~ (c) The department shall establish standards for:

918 (i) the supervision of offenders in accordance with sentencing guidelines and
919 supervision length guidelines, including the graduated and evidence-based responses,
920 established by the Utah Sentencing Commission, giving priority, based on available resources,
921 to felony offenders and offenders sentenced ~~[pursuant to]~~ under Subsection 58-37-8(2)(b)(ii)[-];
922 and

923 (ii) the treatment monitoring described in Subsection (1)(b).

924 (2) The department shall apply the graduated and evidence-based responses established

925 by the Utah Sentencing Commission to facilitate a prompt and appropriate response to an
926 individual's violation of the terms of probation or parole, including:

927 (a) sanctions to be used in response to a violation of the terms of probation or parole;
928 and

929 (b) requesting approval from the court or Board of Pardons and Parole to impose a
930 sanction for an individual's violation of the terms of probation or parole, for a period of
931 incarceration of not more than three consecutive days and not more than a total of five days
932 within a period of 30 days.

933 (3) The department shall implement a program of graduated incentives as established
934 by the Utah Sentencing Commission to facilitate the department's prompt and appropriate
935 response to an offender's:

936 (a) compliance with the terms of probation or parole; or

937 (b) positive conduct that exceeds those terms.

938 (4) (a) The department shall, in collaboration with the State Commission on Criminal
939 and Juvenile Justice and the Division of Substance Abuse and Mental Health, create standards
940 and procedures for the collection of information, including cost savings related to recidivism
941 reduction and the reduction in the number of inmates, related to the use of the graduated and
942 evidence-based responses and graduated incentives, and offenders' outcomes.

943 (b) The collected information shall be provided to the State Commission on Criminal
944 and Juvenile Justice not less frequently than annually on or before August 31.

945 (5) Employees of the department who are POST certified as law enforcement officers
946 or correctional officers and who are designated as parole and probation officers by the
947 executive director have the following duties:

948 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance
949 with the conditions of the parole or probation agreement;

950 (b) investigating or apprehending any offender who has escaped from the custody of
951 the department or absconded from supervision;

952 (c) supervising any offender during transportation; or

953 (d) collecting DNA specimens when the specimens are required under Section
954 [53-10-404](#).

955 (6) (a) (i) A monthly supervision fee of \$30 shall be collected from each offender on

956 probation or parole.

957 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the
958 department upon a showing by the offender that imposition would create a substantial hardship
959 or if the offender owes restitution to a victim.

960 (b) (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
961 Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the
962 supervision fee and the circumstances under which an offender may request a hearing.

963 (ii) In determining whether the imposition of the supervision fee would constitute a
964 substantial hardship, the department shall consider the financial resources of the offender and
965 the burden that the fee would impose, with regard to the offender's other obligations.

966 (7) (a) For offenders placed on probation under Section 77-18-105 or parole under
967 Subsection 76-3-202(2)(a) on or after October 1, 2015, but before January 1, 2019, the
968 department shall establish a program allowing an offender to earn credits for the offender's
969 compliance with the terms of the offender's probation or parole, which shall be applied to
970 reducing the period of probation or parole as provided in this Subsection (7).

971 (b) The program shall provide that an offender earns a reduction credit of 30 days from
972 the offender's period of probation or parole for each month the offender completes without any
973 violation of the terms of the offender's probation or parole agreement, including the case action
974 plan.

975 (c) The department shall maintain a record of credits earned by an offender under this
976 Subsection (7) and shall request from the court or the Board of Pardons and Parole the
977 termination of probation or parole not fewer than 30 days prior to the termination date that
978 reflects the credits earned under this Subsection (7).

979 (d) This Subsection (7) does not prohibit the department from requesting a termination
980 date earlier than the termination date established by earned credits under Subsection (7)(c).

981 (e) The court or the Board of Pardons and Parole shall terminate an offender's
982 probation or parole upon completion of the period of probation or parole accrued by time
983 served and credits earned under this Subsection (7) unless the court or the Board of Pardons
984 and Parole finds that termination would interrupt the completion of a necessary treatment
985 program, in which case the termination of probation or parole shall occur when the treatment
986 program is completed.

987 (f) The department shall report annually to the State Commission on Criminal and
988 Juvenile Justice on or before August 31:

989 (i) the number of offenders who have earned probation or parole credits under this
990 Subsection (7) in one or more months of the preceding fiscal year and the percentage of the
991 offenders on probation or parole during that time that this number represents;

992 (ii) the average number of credits earned by those offenders who earned credits;

993 (iii) the number of offenders who earned credits by county of residence while on
994 probation or parole;

995 (iv) the cost savings associated with sentencing reform programs and practices; and

996 (v) a description of how the savings will be invested in treatment and

997 early-intervention programs and practices at the county and state levels.

998 Section 11. Section **64-13-26** is amended to read:

999 **64-13-26. Private providers of services.**

1000 (1) [~~The~~] Subject to Subsection 64-13-21(1)(b), the department may contract with
1001 [~~private providers or other agencies~~] a private provider or another agency for the provision of
1002 care, treatment, and supervision of [offenders] an offender committed to the care and custody
1003 of the department.

1004 (2) (a) The department shall:

1005 (i) establish standards for the operation of the programs;

1006 (ii) establish standards [~~pursuant to~~] under Section 64-13-25 regarding program
1007 standards; and

1008 (iii) annually review the programs for compliance.

1009 (b) The reviews described in Subsection (2)(a) shall be classified as confidential
1010 internal working papers.

1011 (c) Access to records regarding the reviews is available upon the discretion of the
1012 executive director or the governor, or upon court order.

1013 Section 12. Section **64-13e-103** is amended to read:

1014 **64-13e-103. Contracts for housing state inmates.**

1015 (1) Subject to Subsection (6), the department may contract with a county to house state
1016 inmates in a county or other correctional facility.

1017 (2) The department shall give preference for placement of state inmates, over private

1018 entities, to county correctional facility bed spaces for which the department has contracted
1019 under Subsection (1).

1020 (3) (a) The compensation rate for housing state inmates pursuant to a contract
1021 described in Subsection (1) shall be:

1022 (i) except as provided in Subsection (3)(a)(ii), 83.19% of the actual state daily
1023 incarceration rate for beds in a county that, pursuant to the contract, are dedicated to a
1024 treatment program for state inmates, if the treatment program is approved by the department
1025 under Subsection (3)(c);

1026 (ii) 74.18% of the actual state daily incarceration rate for beds in a county that, pursuant
1027 to the contract, are dedicated to an alternative treatment program for state inmates, if the
1028 alternative treatment program is approved by the department under Subsection (3)(c); and

1029 (iii) 66.23% of the actual state daily incarceration rate for beds in a county other than
1030 the beds described in Subsections (3)(a)(i) and (ii).

1031 (b) The department shall:

1032 (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
1033 Rulemaking Act, that establish standards that a treatment program is required to meet before
1034 the treatment program is considered for approval for the purpose of a county receiving payment
1035 based on the rate described in Subsection (3)(a)(i) or (ii); and

1036 (ii) determine on an annual basis, based on appropriations made by the Legislature for
1037 the contracts described in this section, whether to approve a treatment program that meets the
1038 standards established under Subsection (3)(b)(i), for the purpose of a county receiving payment
1039 based on the rate described in Subsection (3)(a)(i) or (ii).

1040 (c) The department may not approve a treatment program for the purpose of a county
1041 receiving payment based on the rate described in Subsection (3)(a)(i) or (ii), unless:

1042 (i) the program meets the standards established under Subsection (3)(b)(i);

1043 (ii) the department determines that the Legislature has appropriated sufficient funds to:

1044 (A) pay the county that provides the treatment program at the rate described in
1045 Subsection (3)(a)(i) or (ii); and

1046 (B) pay each county that does not provide a treatment program an amount per state
1047 inmate that is not less than the amount per state inmate received for the preceding fiscal year by
1048 a county that did not provide a treatment program; and

1049 (iii) the department determines that the treatment program is needed by the department
1050 at the location where the treatment program will be provided.

1051 (4) Compensation to a county for state inmates incarcerated under this section shall be
1052 made by the department.

1053 (5) Counties that contract with the department under Subsection (1) shall, on or before
1054 June 30 of each year, submit a report to the department that includes:

1055 (a) the number of state inmates the county housed under this section; and

1056 (b) the total number of state inmate days of incarceration that were provided by the
1057 county.

1058 (6) Except as provided under Subsection (7), the department may not enter into a
1059 contract described under Subsection (1), unless:

1060 (a) the county jail within the county is in compliance with the reporting requirements
1061 described in Subsection 17-22-32(2); and

1062 (b) the Legislature has previously passed a joint resolution that includes the following
1063 information regarding the proposed contract:

1064 ~~(a)~~ (i) the approximate number of beds to be contracted;

1065 ~~(b)~~ (ii) the daily rate at which the county is paid to house a state inmate;

1066 ~~(c)~~ (iii) the approximate amount of the county's long-term debt; and

1067 ~~(d)~~ (iv) the repayment time of the debt for the facility where the inmates are to be
1068 housed.

1069 (7) The department may enter into a contract with a county government to house
1070 inmates without complying with the approval process described in Subsection (6) only if the
1071 county facility was under construction, or already in existence, on March 16, 2001.

1072 (8) Any resolution passed by the Legislature under Subsection (6) does not bind or
1073 obligate the Legislature or the department regarding the proposed contract.

1074 Section 13. **Appropriation.**

1075 The following sums of money are appropriated for the fiscal year beginning July 1,
1076 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
1077 fiscal years 2023.

1078 Subsection 13(a). Operating and Capital Budgets.

1079 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the

1080 Legislature appropriates the following sums of money from the funds or accounts indicated for
 1081 the use and support of the government of the state of Utah.

1082 ITEM 1

1083 To Department of Health and Human Services -- Integrated Health Care Services

1084 From General Fund Restricted -- Behavioral Health

1085 Crisis Response Account \$1,000,000

1086 Schedule of Programs:

1087 Non-Medicaid Behavioral Health

1088 Treatment of Crisis Response \$1,000,000

1089 The Legislature intends that the appropriations under this item be used to build and
 1090 operate one or more behavioral health receiving centers in the state.

1091 Subsection 13(b). Restricted Fund and Account Transfers.

1092 The Legislature authorizes the State Division of Finance to transfer the following
 1093 amounts between the following funds or accounts as indicated. Expenditures and outlays from
 1094 the funds to which the money is transferred must be authorized by an appropriation.

1095 ITEM 2

1096 To General Fund Restricted -- Behavioral Health Crisis Response Account

1097 From General Fund \$1,000,000

1098 Schedule of Programs:

1099 General Fund Restricted -- Behavioral

1100 Health Crisis Response Account \$1,000,000

1101 **Section 14. Repealer.**

1102 This bill repeals:

1103 Section **62A-15-103.5, Provider certification.**

1104 **Section 15. Coordinating S.B. 179 with H.B. 324 -- Superseding and substantive**
 1105 **amendments.**

1106 If this S.B. 179 and H.B. 324, Criminal Justice Coordinating Councils, both pass and
 1107 become law, the Legislature intends that Sections [17-55-101](#) and [17-55-201](#) in this S.B. 179
 1108 supersede Sections [17-55-101](#) and [17-55-102](#) in H.B. 324 and that the Office of Legislative
 1109 Research and General Counsel, in preparing the Utah Code database for publication, not enact
 1110 Sections [17-55-101](#) and [17-55-102](#) in H.B. 324.