

REPORTING REQUIREMENTS FOR COUNTY JAILS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Carol Spackman Moss

LONG TITLE

General Description:

This bill requires more information to be given on inmate deaths that occur while the inmate is in the custody of a county jail.

Highlighted Provisions:

This bill:

- requires information to be provided on inmate deaths that occur while the inmate is in the custody of a county jail;

- requires the Commission on Criminal and Juvenile Justice to submit information gathered from inmate death reports to the protection and advocacy agency designated by the governor before November 1 of each year; and

- requires that a report including only the names and causes of death of deceased inmates and the facility in which they were being held in custody will be made available to the public.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-22-32, as last amended by Laws of Utah 2019, Chapter 311

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

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

17-22-32. County jail reporting requirements.

(1) As used in this section:

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

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

(A) being transported for medical care; or

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

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

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

(2) A county jail shall submit a report to the Commission on Criminal and Juvenile Justice, created in Section 63M-7-201, before June 15 of each year that includes:

(a) the number of in-custody deaths that occurred during the preceding calendar year;

(b) for each in-custody death:

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

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

(iii) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and

(iv) a brief description of the circumstances surrounding the death;

~~[(b)]~~ (c) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(a);

~~[(c)]~~ (d) the county jail's policy for notifying an inmate's next of kin after the inmate's in-custody death;

~~[(d)]~~ (e) the county jail policies, procedures, and protocols:

(i) for treatment of an inmate experiencing withdrawal from alcohol or substance use, including use of opiates;

(ii) that relate to the county jail's provision, or lack of provision, of medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and

(iii) that relate to screening, assessment, and treatment of an inmate for a substance use or mental health disorder; and

~~[(e)]~~ (f) any report the county jail provides or is required to provide under federal law or regulation relating to inmate deaths.

(3) The Commission on Criminal and Juvenile Justice shall:

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

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

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

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

(4) The Commission on Criminal and Juvenile Justice may not provide access to or use a county jail's policies, procedures, or protocols submitted under this section in a manner or for a purpose not described in this section.

(5) A report including only the names and causes of death of deceased inmates and the facility in which they were being held in custody will be made available to the public.