

64-13-20 Investigative services -- Presentence investigation reports.

- (1) The department shall:
 - (a) provide investigative services and prepare reports to:
 - (i) assist the courts in sentencing;
 - (ii) assist the Board of Pardons and Parole in its decision-making responsibilities regarding offenders;
 - (iii) assist the department in managing offenders; and
 - (iv) assure the professional and accountable management of the department;
 - (b) establish standards for providing investigative services based on available resources, giving priority to felony cases; and
 - (c) employ staff for the purpose of conducting:
 - (i) thorough presentence investigations of the social, physical, and mental conditions and backgrounds of offenders; and
 - (ii) examinations when required by the court or the Board of Pardons and Parole.
- (2) The department may provide recommendations concerning appropriate measures to be taken regarding offenders.
- (3)
 - (a) The presentence investigation reports prepared by the department are protected as defined in Section 63G-2-305 and after sentencing may not be released except by express court order or by rules made by the Department of Corrections.
 - (b) The reports are intended only for use by:
 - (i) the court in the sentencing process;
 - (ii) the Board of Pardons and Parole in its decisionmaking responsibilities; and
 - (iii) the department in the supervision, confinement, and treatment of the offender.
- (4) Presentence investigation reports shall be made available upon request to other correctional programs within the state if the offender who is the subject of the report has been committed or is being evaluated for commitment to the facility for treatment as a condition of probation or parole.
- (5)
 - (a) The presentence investigation reports shall include a victim impact statement in all felony cases and in misdemeanor cases if the defendant caused bodily harm or death to the victim.
 - (b) Victim impact statements shall:
 - (i) identify the victim of the offense;
 - (ii) itemize any economic loss suffered by the victim as a result of the offense;
 - (iii) identify any physical, mental, or emotional injuries suffered by the victim as a result of the offense, and the seriousness and permanence;
 - (iv) describe any change in the victim's personal welfare or familial relationships as a result of the offense;
 - (v) identify any request for mental health services initiated by the victim or the victim's family as a result of the offense; and
 - (vi) contain any other information related to the impact of the offense upon the victim or the victim's family that the court requires.
- (6) If the victim is deceased; under a mental, physical, or legal disability; or otherwise unable to provide the information required under this section, the information may be obtained from the personal representative, guardian, or family members, as necessary.
- (7) The department shall employ staff necessary to pursue investigations of complaints from the public, staff, or offenders regarding the management of corrections programs.

Amended by Chapter 81, 2009 General Session