

**HALFWAY HOUSE AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Eric K. Hutchings**

Senate Sponsor: Scott K. Jenkins

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**LONG TITLE**

**General Description:**

This bill modifies the uses of the Law Enforcement Services Account.

**Highlighted Provisions:**

This bill:

► provides that funds available in the Law Enforcement Services Account may be distributed to law enforcement agencies based on a formula established by the Commission on Criminal and Juvenile Justice to establish the marginal impact of placing parolees in halfway houses and parole violator centers within the jurisdiction of each law enforcement agency.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**51-9-412**, as last amended by Laws of Utah 2013, Chapter 439

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

Section 1. Section **51-9-412** is amended to read:

**51-9-412. Law Enforcement Services Account -- Funding -- Uses.**



28 (1) As used in this section:

29 (a) "Account" means the Law Enforcement Services Account.

30 (b) "Commission" means the Commission on Criminal and Juvenile Justice created in  
31 Section 63M-7-201.

32 (c) "Halfway house" means a facility that houses parolees upon release from prison or  
33 houses probationers who have violated the terms of their probation.

34 (d) "Law enforcement agency" means a local law enforcement agency.

35 (e) "Parole violator center" means a facility that houses parolees who have violated the  
36 conditions of their parole agreement.

37 (2) There is created a restricted account within the General Fund known as the "Law  
38 Enforcement Services Account."

39 (3) (a) The Division of Finance shall allocate funds from the collected surcharge in  
40 accordance with Subsection 51-9-401(1)(c) to the account, but not to exceed the amount  
41 appropriated by the Legislature.

42 (b) Money in the account shall be appropriated to the commission to administer and  
43 distribute to law enforcement agencies providing services directly to areas with halfway houses  
44 or parole violator centers, or both.

45 (4) The commission shall allocate funds from the account to local law enforcement  
46 agencies on a pro-rata basis determined by the [~~number of beds in each agency's jurisdiction for~~  
47 ~~increased enforcement~~] marginal impact of parolees placed in areas with halfway houses or  
48 parole violator centers, or both.

49 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
50 the Commission on Criminal and Juvenile Justice shall make rules to establish a formula and  
51 procedures by which the marginal impact of parolees and probationers placed is calculated.

52 (b) In making the rules regarding the marginal impact of parolees and probationers, the  
53 Commission on Criminal and Juvenile Justice shall consider the following information  
54 regarding each applicant for funds:

55 (i) the community share of state inmates as determined by the percentage of the state's  
56 population that resides within that community's jurisdiction, as applied to the total state inmate  
57 population; and

58 (ii) the marginal impact of state parolees on a community as determined by the

59 community share of state inmates applied to the daily average of occupied beds at halfway  
60 houses, parole violator centers, or both within that community.

61 [~~5~~] (6) A law enforcement agency may use funds received under this section only for  
62 the purposes stated in this section.

63 [~~6~~] (7) For each fiscal year, any law enforcement agency that receives funds from the  
64 commission under this section shall prepare, and file with the commission and the state auditor,  
65 a report in a form specified by the commission. The report shall include the following:

66 (a) the agency's name;

67 (b) the amount received;

68 (c) how the funds were used, including the impact on crime reduction efforts in areas  
69 with halfway houses or parole violator centers, or both; and

70 (d) a statement signed by both the agency's or political subdivision's executive officer  
71 or designee and by the agency's legal counsel that all funds were used for law enforcement  
72 operations related to reducing criminal activity in areas with halfway houses or parole violator  
73 centers, or both.

74 [~~7~~] (8) The commission shall report in writing to the legislative Law Enforcement  
75 and Criminal Justice Interim Committee annually regarding the funds allocated under this  
76 section, including the amounts and uses.

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**Legislative Review Note**  
as of 3-4-14 10:09 AM

**Office of Legislative Research and General Counsel**