

1 **LAW ENFORCEMENT AND CRIMINAL JUSTICE -**
2 **STATUTORY REPORTS REPEAL**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Don L. Ipson**

6 Senate Sponsor: Todd Weiler

7
8 **LONG TITLE**

9 **Committee Note:**

10 The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

11 **General Description:**

12 This bill modifies provisions of the Utah Code regarding annual reporting requirements
13 for agencies.

14 **Highlighted Provisions:**

15 This bill:

16 ▶ eliminates the following annual agency reporting requirements:

17 • Commission on Criminal and Juvenile Justice report on the grants allocated
18 from the Law Enforcement Operations Account;

19 • Commission on Criminal and Juvenile Justice report on the funds allocated
20 from the Law Enforcement Services Account;

21 • Utah Substance Abuse Advisory Council written report on the implementation,
22 impact, and results of the Drug Offender Reform Act;

23 • Utah Department of Corrections written report regarding the housing of state
24 inmates in county jails; and

25 • Commission on Criminal and Juvenile Justice written report on the number of
26 state parole and probationary inmates who are housed in county jails.

27 **Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **51-9-411**, as last amended by Laws of Utah 2011, Chapter 342

34 **51-9-412**, as last amended by Laws of Utah 2014, Chapter 280

35 **63M-7-305**, as last amended by Laws of Utah 2011, Chapter 51

36 REPEALS:

37 **64-13e-106**, as last amended by Laws of Utah 2015, Chapter 48



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

40 Section 1. Section **51-9-411** is amended to read:

41 **51-9-411. Law Enforcement Operations Account -- Share of surcharge -- Uses.**

42 (1) As used in this section:

43 (a) "Account" means the Law Enforcement Operations Account.

44 (b) "Commission" means the Commission on Criminal and Juvenile Justice created in

45 Section **63M-7-201**.

46 (c) "Law enforcement agency" means a state or local law enforcement agency.

47 (d) "Other appropriate agency" means a state or local government agency, or a nonprofit
48 organization, that works to prevent illegal drug activity and enforce laws regarding illegal drug
49 activity and related criminal activity by:

50 (i) programs, including education, prevention, treatment, and research programs; and

51 (ii) enforcement of laws regarding illegal drugs.

52 (2) There is created a restricted account within the General Fund known as the Law
53 Enforcement Operations Account.

54 (3) (a) The Division of Finance shall allocate the balance of the collected surcharge
55 under Section **51-9-401** that is not allocated under Title 51, Chapter 9, Part 4, Criminal
56 Conviction Surcharge Allocation, to the account, to be appropriated by the Legislature.

57 (b) Money in the account shall be appropriated to the commission for implementing
58 law enforcement operations and programs related to reducing illegal drug activity and related

59 criminal activity as listed in Subsection (5).

60 (c) The state treasurer shall invest money in the account according to Title 51, Chapter
61 7, State Money Management Act.

62 (d) The Division of Finance shall deposit interest or other earnings derived from
63 investment of account money into the General Fund.

64 (4) (a) The commission shall allocate grants of funds from the account for the purposes
65 under Subsection (5) to state, local, or multijurisdictional law enforcement agencies and other
66 appropriate agencies.

67 (b) The grants shall be made by an application process established by the commission
68 in accordance with Subsection (6).

69 (5) (a) The first priority of the commission is to annually allocate not more than
70 \$2,500,000, depending upon funding available from other sources, to directly fund the
71 operational costs of state and local law enforcement agencies' drug or crime task forces,
72 including multijurisdictional task forces.

73 (b) The second priority of the commission is to allocate grants for specified law
74 enforcement agency functions and other agency functions as the commission finds appropriate
75 to more effectively reduce illegal drug activity and related criminal activity, including
76 providing education, prevention, treatment, and research programs.

77 (6) (a) In allocating grants and determining the amount of the grants, the commission
78 shall consider:

79 (i) the demonstrated ability of the agency to appropriately use the grant to implement
80 the proposed functions and how this function or task force will add to the law enforcement
81 agency's current efforts to reduce illegal drug activity and related criminal activity; and

82 (ii) the agency's cooperation with other state and local agencies and task forces.

83 (b) Agencies qualify for a grant only if they demonstrate compliance with all reporting
84 and policy requirements applicable under this section and under Title 63M, Chapter 7,
85 Criminal Justice and Substance Abuse, in order to qualify as a potential grant recipient.

86 (7) Recipient agencies may only use grant money after approval or appropriation by the
87 agency's governing body, and a determination that the grant money is nonlapsing.

88 (8) A recipient law enforcement agency may use funds granted under this section only
89 for the purposes stated by the commission in the grant.

90 (9) For each fiscal year, any law enforcement agency that receives a grant from the
91 commission under this section shall prepare, and file with the commission and the state auditor,
92 a report in a form specified by the commission. The report shall include the following
93 regarding each grant:

- 94 (a) the agency's name;
- 95 (b) the amount of the grant;
- 96 (c) the date of the grant;
- 97 (d) how the grant has been used; and
- 98 (e) a statement signed by both the agency's or political subdivision's executive officer
99 or designee and by the agency's legal counsel, that all grant funds were used for law
100 enforcement operations and programs approved by the commission and that relate to reducing
101 illegal drug activity and related criminal activity, as specified in the grant.

102 ~~[(10) The commission shall report in writing to the legislative Law Enforcement and~~
103 ~~Criminal Justice Interim Committee annually regarding the grants allocated under this section,~~
104 ~~including the amounts and uses of the grants.]~~

105 Section 2. Section **51-9-412** is amended to read:

106 **51-9-412. Law Enforcement Services Account -- Funding -- Uses.**

107 (1) As used in this section:

- 108 (a) "Account" means the Law Enforcement Services Account.
- 109 (b) "Commission" means the Commission on Criminal and Juvenile Justice created in
110 Section [63M-7-201](#).

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

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

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

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

118 (3) (a) The Division of Finance shall allocate funds from the collected surcharge in
119 accordance with Subsection [51-9-401\(1\)\(c\)](#) to the account, but not to exceed the amount
120 appropriated by the Legislature.

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

124 (4) The commission shall allocate funds from the account to local law enforcement
125 agencies on a pro-rata basis determined by:

126 (a) the average daily number of occupied beds in a halfway house in each agency's
127 jurisdiction for increased enforcement in areas with halfway houses;

128 (b) the average daily number of occupied beds in a parole violator center in each
129 agency's jurisdiction; or

130 (c) both Subsections (4)(a) and (b).

131 (5) A law enforcement agency may use funds received under this section only for the
132 purposes stated in this section.

133 (6) For each fiscal year, any law enforcement agency that receives funds from the
134 commission under this section shall prepare, and file with the commission and the state auditor,
135 a report in a form specified by the commission. The report shall include the following:

136 (a) the agency's name;

137 (b) the amount received;

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

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

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

147 Section 3. Section **63M-7-305** is amended to read:

148 **63M-7-305. Drug Offender Reform Act -- Coordination.**

149 (1) As used in this section:

150 (a) "Council" means the Utah Substance Abuse Advisory Council.

151 (b) "Drug Offender Reform Act" and "act" mean the screening, assessment, substance

152 abuse treatment, and supervision provided to convicted offenders under Subsection
153 [77-18-1.1\(2\)](#) to:

154 (i) determine offenders' specific substance abuse treatment needs as early as possible in
155 the judicial process;

156 (ii) expand treatment resources for offenders in the community;

157 (iii) integrate treatment of offenders with supervision by the Department of
158 Corrections; and

159 (iv) reduce the incidence of substance abuse and related criminal conduct.

160 (c) "Substance abuse authority" has the same meaning as in Section [17-43-201](#).

161 (2) The council shall provide ongoing oversight of the implementation, functions, and
162 evaluation of the Drug Offender Reform Act.

163 (3) The council shall develop an implementation plan for the Drug Offender Reform
164 Act. The plan shall:

165 (a) identify local substance abuse authority areas where the act will be implemented, in
166 cooperation with the Division of Substance Abuse and Mental Health, the Department of
167 Corrections, and the local substance abuse authorities;

168 (b) include guidelines on how funds appropriated under the act should be used;

169 (c) require that treatment plans under the act are appropriate for criminal offenders;

170 (d) include guidelines on the membership of local planning groups;

171 (e) include guidelines on the membership of the Department of Corrections' planning
172 group under Subsection (5); and

173 (f) provide guidelines for the Commission on Criminal and Juvenile Justice to conduct
174 an evaluation of the implementation, impact, and results of the act.

175 (4) (a) Each local substance abuse authority designated under Subsection (3) to
176 implement the act shall establish a local planning group and shall submit a plan to the council
177 detailing how the authority proposes to use the act funds. The uses shall be in accordance with
178 the guidelines established by the council under Subsection (3).

179 (b) Upon approval of the plan by the council, the Division of Substance Abuse and
180 Mental Health shall allocate the funds.

181 (c) Local substance abuse authorities shall annually, on or before October 1, submit to
182 the Division of Substance Abuse and Mental Health and to the council reports detailing use of

183 the funds and the impact and results of the use of the funds during the prior fiscal year ending
184 June 30.

185 (5) (a) The Department of Corrections shall establish a planning group and shall submit
186 a plan to the council detailing how the department proposes to use the act funds. The uses shall
187 be in accordance with the guidelines established by the council under Subsection (3).

188 (b) The Department of Corrections shall annually, before October 1, submit to the
189 council a report detailing use of the funds and the impact and results of the use of the funds
190 during the prior fiscal year ending June 30.

191 (6) The council shall monitor the progress and evaluation of the act and shall provide a
192 written report on the implementation, impact, and results of the act to the [~~Law Enforcement
193 and Criminal Justice and the~~] Health and Human Services legislative interim [~~committees~~
194 committee] annually before November 1.

195 Section 4. **Repealer.**

196 This bill repeals:

197 Section **64-13e-106, Report to Legislature.**

Legislative Review Note
Office of Legislative Research and General Counsel