

**Candice B. Pierucci** proposes the following substitute bill:

**Pregnant and Postpartum Inmate Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Candice B. Pierucci**

Senate Sponsor: Stephanie Pitcher

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**LONG TITLE**

**General Description:**

This bill addresses statutes regarding pregnant and postpartum inmates.

**Highlighted Provisions:**

This bill:

▸ requires the Department of Corrections (the department) and the county jails to ensure that each female individual admitted to a correctional facility is tested for pregnancy;

▸ requires the department and each county jail to collect certain parental information on inmates;

▸ requires the department and each county jail to report to the State Commission on Criminal and Juvenile Justice:

- the number of known pregnant inmates in custody; and
- the number of inmates in custody who are parents to a minor child;

▸ amends the membership of the Correctional Postnatal and Early Childhood Advisory Board (the board);

▸ extends the repeal date of the board; and

▸ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-22-5**, as last amended by Laws of Utah 2024, Chapters 96, 187 and 341

**17-22-8**, as last amended by Laws of Utah 2023, Chapters 119, 420

**17-22-32**, as last amended by Laws of Utah 2024, Chapter 245

29 **63I-1-264**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
 30 **64-13-1**, as last amended by Laws of Utah 2023, Chapters 177, 322 and 414  
 31 **64-13-7**, as last amended by Laws of Utah 2024, Chapter 341  
 32 **64-13-10.4**, as enacted by Laws of Utah 2023, Chapter 414  
 33 **64-13-45**, as last amended by Laws of Utah 2024, Chapters 245, 341  
 34 **64-13-46**, as last amended by Laws of Utah 2024, Chapter 182  
 35 **64-13-46.1**, as renumbered and amended by Laws of Utah 2024, Chapter 182

36

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

38 Section 22. Section **17-22-5** is amended to read:

39 **17-22-5 . Sheriff's classification of jail inmates -- Classification criteria --**  
 40 **Alternative incarceration programs -- Limitation.**

41 (1) As used in this section, "living area" means the same as that term is defined in Section  
 42 64-13-7.

43 (2)(a) Except as provided in Subsections (5) and [~~(6)~~] (7), the sheriff shall adopt and  
 44 implement written policies for admission of inmates to the county jail and the  
 45 classification of individuals incarcerated in the jail which shall provide for the  
 46 separation of prisoners by gender and by such other factors as may reasonably  
 47 provide for the safety and well-being of inmates and the community.

48 (b) To the extent authorized by law, any written admission policies adopted and  
 49 implemented under this Subsection (2) shall be applied equally to all entities using  
 50 the county correctional facilities.

51 (3) Except as provided in Subsections (5) and [~~(6)~~] (7), each county sheriff shall assign  
 52 inmates to a facility or section of a facility based on classification criteria that the sheriff  
 53 develops and maintains.

54 (4)(a) Except as provided in Subsection [~~(6)~~] (7), a county sheriff may develop and  
 55 implement alternative incarceration programs that may involve housing an inmate in  
 56 a jail facility.

57 (b) An inmate housed under an alternative incarceration program under Subsection  
 57a (4)(a)  
 58 shall be considered to be in the full custody and control of the sheriff for purposes of  
 59 Sections 76-8-309 and 76-8-309.3.

60 (c) An inmate may not be placed in an alternative incarceration program under  
 61 Subsection (4)(a) unless:

62 (i) the jail facility is at maximum operating capacity, as established under Section  
63 17-22-5.5; or

64 (ii) ordered by the court.

65 (5) A jail facility shall comply with the same requirements as the Department of  
66 Corrections described in Subsections 64-13-7(4), (5), and ~~[(6)]~~ (7) when assigning an  
67 inmate to a living area, including the reporting requirements in Subsections [  
68 ~~64-13-45(2)(d) and (e).~~] 64-13-45(f) and (g).

69 (6) At the time an inmate is booked into a county jail ~~Ĥ~~ → **on a state or local criminal offense** ← ~~Ĥ~~ ,  
69a the county sheriff shall request and

70 retain the following information from the inmate:

71 (a) whether the inmate is a parent to a minor child; and

72 (b) if applicable:

73 (i) the number of minor children to whom the inmate is a parent; and

74 (ii) the ages of the minor children described in Subsection (6)(b)(i).

75 ~~[(6)]~~ (7) This section does not authorize a sheriff to modify provisions of a contract with the  
76 Department of Corrections to house in a county jail inmates sentenced to the Department  
77 of Corrections.

78 Section 7. Section **17-22-8** is amended to read:

79 **17-22-8 . Care of prisoners -- Funding of services -- Private contractor.**

80 (1) As used in this section, "medication assisted treatment plan" means a prescription plan  
81 to use buprenorphine, methadone, or naltrexone to treat substance use withdrawal  
82 symptoms or an opioid use disorder.

83 (2) Except as provided in Subsection (7), a sheriff shall:

84 (a) receive each individual committed to jail by competent authority;

85 (b) provide each prisoner with necessary food, clothing, and bedding in the manner  
86 prescribed by the county legislative body;

87 (c) provide each prisoner medical care when:

88 (i) the prisoner's symptoms evidence a serious disease or injury;

89 (ii) the prisoner's disease or injury is curable or may be substantially alleviated; and

90 (iii) the potential for harm to the person by reason of delay or the denial of medical  
91 care would be substantial;

92 (d) provide each prisoner, as part of the intake process, with the option of continuing any  
93 of the following medically prescribed methods of contraception:

94 (i) an oral contraceptive;

- 95 (ii) an injectable contraceptive;
- 96 (iii) a patch;
- 97 (iv) a vaginal ring; or
- 98 (v) an intrauterine device, if the prisoner was prescribed the intrauterine device
- 99 because the prisoner experiences serious and persistent adverse effects when using
- 100 the methods of contraception described in Subsections (2)(d)(i) and (ii);~~and~~
- 101 (e) cooperate with medical personnel to continue a medication assisted treatment plan
- 102 for an inmate if the inmate was an active client before arrest and commitment~~[-]~~ ; and
- 103 (f) ensure that each female prisoner younger than 50 years old who has been
- 104 incarcerated for longer than 72 hours ~~Ĥ~~ → on a state or local criminal offense ← ~~Ĥ~~ is offered,
- 104a which the prisoner may reject, a test
- 105 for pregnancy.
- 106 (3) A sheriff may provide the generic form of a contraceptive described in Subsection
- 107 (2)(d)(i) or (ii).
- 108 (4) A sheriff shall follow the provisions of Section 64-13-46 if a prisoner is pregnant or in
- 109 postpartum recovery~~[-, including the reporting requirements in Subsection 64-13-45(2)(e)].~~
- 110 (5)(a) Except as provided in Section 17-22-10 and Subsection (5)(b), the expense
- 111 incurred in providing the services required by this section to prisoners shall be paid
- 112 from the county treasury.
- 113 (b) The expense incurred in providing the services described in Subsection (2)(d) to
- 114 prisoners shall be paid by the Department of Health and Human Services.
- 115 (6) A medication used for a medication assisted treatment plan under Subsection (2)(e):
- 116 (a) shall be administered to an inmate in accordance with the inmate's prescription under
- 117 the direction of the sheriff;
- 118 (b) may be paid for by a county; and
- 119 (c) may be left or stored at a jail at the discretion of the sheriff.
- 120 (7) If the county executive contracts with a private contractor to provide the services
- 121 required by this section, the sheriff shall provide only those services required of the
- 122 sheriff by the contract between the county and the private contractor.
- 123 Section 11. Section **17-22-32** is amended to read:
- 124 **17-22-32 . County jail reporting requirements.**
- 125 (1) As used in this section:
- 126 (a) "Commission" means the State Commission on Criminal and Juvenile Justice created
- 127 in Section 63M-7-201.

- 128 (b)(i) "In-custody death" means an inmate death that occurs while the inmate is in the  
129 custody of a county jail.
- 130 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:  
131 (A) being transported for medical care; or  
132 (B) receiving medical care outside of a county jail.
- 133 (c) "Inmate" means an individual who is processed or booked into custody or housed in  
134 a county jail in the state.
- 135 (d) "Opiate" means the same as that term is defined in Section 58-37-2.
- 136 (2) Each county jail shall submit a report to the commission before June 15 of each year  
137 that includes, for the preceding calendar year:
- 138 (a) the average daily inmate population each month;  
139 (b) the number of inmates in the county jail on the last day of each month who identify  
140 as each race or ethnicity included in the Standards for Transmitting Race and  
141 Ethnicity published by the United States Federal Bureau of Investigation;  
142 (c) the number of inmates booked into the county jail;  
143 (d) the number of inmates held in the county jail each month on behalf of each of the  
144 following entities:  
145 (i) the Bureau of Indian Affairs;  
146 (ii) a state prison;  
147 (iii) a federal prison;  
148 (iv) the United States Immigration and Customs Enforcement; and  
149 (v) any other entity with which a county jail has entered a contract to house inmates  
150 on the entity's behalf;
- 151 (e) the number of inmates that are denied pretrial release and held in the custody of the  
152 county jail while the inmate awaited final disposition of the inmate's criminal charges;
- 153 (f) for each inmate booked into the county jail:  
154 (i) the name of the agency that arrested the inmate;  
155 (ii) the date and time the inmate was booked into and released from the custody of  
156 the county jail;  
157 (iii) if the inmate was released from the custody of the county jail, the reason the  
158 inmate was released from the custody of the county jail;  
159 (iv) if the inmate was released from the custody of the county jail on a financial  
160 condition, whether the financial condition was set by a county sheriff or a court;  
161 (v) the number of days the inmate was held in the custody of the county jail before

- 162 disposition of the inmate's criminal charges;
- 163 (vi) whether the inmate was released from the custody of the county jail before final
- 164 disposition of the inmate's criminal charges; and
- 165 (vii) the state identification number of the inmate;
- 166 (g) the number of in-custody deaths that occurred at the county jail;
- 167 (h) for each in-custody death:
- 168 (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis
- 169 or disability, if any, of the deceased;
- 170 (ii) the date, time, and location of death;
- 171 (iii) the law enforcement agency that detained, arrested, or was in the process of
- 172 arresting the deceased; and
- 173 (iv) a brief description of the circumstances surrounding the death;
- 174 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
- 175 each of the in-custody deaths described in Subsection (2)(g);
- 176 (j) the county jail's policy for notifying an inmate's next of kin after the inmate's
- 177 in-custody death;
- 178 (k) the county jail policies, procedures, and protocols:
- 179 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
- 180 including use of opiates;
- 181 (ii) that relate to the county jail's provision, or lack of provision, of medications used
- 182 to treat, mitigate, or address an inmate's symptoms of withdrawal, including
- 183 methadone and all forms of buprenorphine and naltrexone; and
- 184 (iii) that relate to screening, assessment, and treatment of an inmate for a substance
- 185 use or mental health disorder; [~~and~~]
- 186 (l) the number of female inmates that the county jail knows were pregnant while
- 187 incarcerated in the county jail;
- 188 (m) the number of inmates who gave birth and were restrained in accordance with
- 189 Section 64-13-46, including:
- 190 (i) the types of restraints used; and
- 191 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the
- 192 inmate, medical or corrections staff, or the public;
- 193 (n) the number of inmates incarcerated in the county jail who are the parent of a minor
- 194 child as that term is defined in Section 81-1-101; and
- 195 [(†)] (o) any report the county jail provides or is required to provide under federal law or

- 196 regulation relating to inmate deaths.
- 197 (3)(a) Subsection (2) does not apply to a county jail if the county jail:
- 198 (i) collects and stores the data described in Subsection (2); and
- 199 (ii) enters into a memorandum of understanding with the commission that allows the
- 200 commission to access the data described in Subsection (2).
- 201 (b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include a
- 202 provision to protect any information related to an ongoing investigation and comply
- 203 with all applicable federal and state laws.
- 204 (c) If the commission accesses data from a county jail in accordance with Subsection
- 205 (3)(a), the commission may not release a report prepared from that data, unless:
- 206 (i) the commission provides the report for review to:
- 207 (A) the county jail; and
- 208 (B) any arresting agency that is named in the report; and
- 209 (ii)(A) the county jail approves the report for release;
- 210 (B) the county jail reviews the report and prepares a response to the report to be
- 211 published with the report; or
- 212 (C) the county jail fails to provide a response to the report within four weeks after
- 213 the day on which the commission provides the report to the county jail.
- 214 (4) The commission shall:
- 215 (a) compile the information from the reports described in Subsection (2);
- 216 (b) omit or redact any identifying information of an inmate in the compilation to the
- 217 extent omission or redaction is necessary to comply with state and federal law;
- 218 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
- 219 Committee and the Utah Substance Use and Mental Health Advisory Committee
- 220 before November 1 of each year; and
- 221 (d) submit the compilation to the protection and advocacy agency designated by the
- 222 governor before November 1 of each year.
- 223 (5) The commission may not provide access to or use a county jail's policies, procedures, or
- 224 protocols submitted under this section in a manner or for a purpose not described in this
- 225 section.
- 226 (6) A report including only the names and causes of death of deceased inmates and the
- 227 facility in which they were being held in custody shall be made available to the public.
- 228 Section 1. Section **63I-1-264** is amended to read:
- 229 **63I-1-264 . Repeal dates: Title 64.**

230 Section 64-13-46.1, Correctional Postnatal and Early Childhood Advisory Board, is  
231 repealed July 1, [~~2025~~] 2027.

232 Section 20. Section **64-13-1** is amended to read:

233 **64-13-1 . Definitions.**

234 As used in this chapter:

- 235 (1) "Behavioral health transition facility" means a nonsecure correctional facility operated  
236 by the department for the purpose of providing a therapeutic environment for offenders  
237 receiving mental health services.
- 238 (2) "Case action plan" means a document developed by the Department of Corrections that  
239 identifies:
- 240 (a) the program priorities for the treatment of the offender, including the criminal risk  
241 factors as determined by risk, needs, and responsivity assessments conducted by the  
242 department; and
- 243 (b) clearly defined completion requirements.
- 244 (3) "Community correctional center" means a nonsecure correctional facility operated by  
245 the department, but does not include a behavioral health transition facility for the  
246 purposes of Section 64-13f-103.
- 247 (4) "Correctional facility" means any facility operated to house offenders in a secure or  
248 nonsecure setting:
- 249 (a) by the department; or
- 250 (b) under a contract with the department.
- 251 (5) "Criminal risk factors" means an individual's characteristics and behaviors that:
- 252 (a) affect the individual's risk of engaging in criminal behavior; and
- 253 (b) are diminished when addressed by effective treatment, supervision, and other support  
254 resources, resulting in a reduced risk of criminal behavior.
- 255 (6) "Department" means the Department of Corrections.
- 256 (7) "Direct supervision" means a housing and supervision system that is designed to meet  
257 the goals described in Subsection 64-13-14(5) and has the elements described in  
258 Subsection 64-13-14(6).
- 259 (8) "Emergency" means any riot, disturbance, homicide, inmate violence occurring in any  
260 correctional facility, or any situation that presents immediate danger to the safety,  
261 security, and control of the department.
- 262 (9) "Evidence-based" means a program or practice that has had multiple randomized control  
263 studies or a meta-analysis demonstrating that the program or practice is effective for a



- 264 specific population or has been rated as effective by a standardized program evaluation  
265 tool.
- 266 (10) "Evidence-informed" means a program or practice that is based on research and the  
267 experience and expertise of the department.
- 268 (11) "Executive director" means the executive director of the Department of Corrections.
- 269 (12) "Inmate" means an individual who is:
- 270 (a) committed to the custody of the department; and  
271 (b) housed at a correctional facility or at a county jail at the request of the department.
- 272 (13) "Minor child" means the same as that term is defined in Section 81-1-101.
- 273 ~~[(13)]~~ (14) "Offender" means an individual who has been convicted of a crime for which the  
274 individual may be committed to the custody of the department and is at least one of the  
275 following:
- 276 (a) committed to the custody of the department;  
277 (b) on probation; or  
278 (c) on parole.
- 279 ~~[(14)]~~ (15) "Recidivism" means a return to criminal activity after a previous criminal  
280 conviction.
- 281 ~~[(15)]~~ (16) "Restitution" means the same as that term is defined in Section 77-38b-102.
- 282 ~~[(16)]~~ (17) "Risk and needs assessment" means an actuarial tool validated on criminal  
283 offenders that determines:
- 284 (a) an individual's risk of reoffending; and  
285 (b) the criminal risk factors that, when addressed, reduce the individual's risk of  
286 reoffending.
- 287 ~~[(17)]~~ (18) "Secure correctional facility" means any prison, penitentiary, or other institution  
288 operated by the department or under contract for the confinement of offenders, where  
289 force may be used to restrain an offender if the offender attempts to leave the institution  
290 without authorization.
- 291 ~~[(18)]~~ (19) "Serious illness" means, as determined by the inmate's physician, an illness that  
292 substantially impairs the inmate's quality of life.
- 293 ~~[(19)]~~ (20) "Serious injury" means, as determined by the inmate's physician, bodily injury  
294 that involves a substantial risk of death, prolonged unconsciousness, prolonged and  
295 obvious disfigurement, or prolonged loss or impairment of the function of a bodily  
296 member, organ, or mental faculty.
- 297 ~~[(20)]~~ (21) "State-issued driver license" means a driver license issued in accordance with

298 Title 53, Chapter 3, Part 2, Driver Licensing Act, or an equivalent issued by another  
299 state.

300 ~~[(21)]~~ (22) "State-issued identification card" means an identification card issued in  
301 accordance with Title 53, Chapter 3, Part 8, Identification Card Act, or an equivalent  
302 issued by another state.

303 Section 24. Section **64-13-7** is amended to read:

304 **64-13-7 . Individuals in custody.**

305 (1) As used in this section:

306 (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.

307 (b) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

308 (c) "Criminogenic factor" means a personal trait, condition, outside influence, or societal  
309 factor that tends to increase an inmate's likelihood of committing a criminal offense.

310 (d)(i) "Living area" means a location within a correctional facility where an inmate is  
311 assigned to sleep, recreate, study, or interact with other inmates.

312 (ii) "Living area" does not include a location within a correctional facility where an  
313 inmate is temporarily placed by staff of the correctional facility to facilitate  
314 transfers, visitation, medical care, or other needs of the correctional facility or  
315 inmate.

316 (e) "Transgender inmate" means an inmate whose gender identity or expression does not  
317 correspond with the inmate's biological sex at birth.

318 (2) An offender committed for incarceration in a state correctional facility or for  
319 supervision on probation or parole, shall be placed in the custody of the department.

320 (3) The department shall establish procedures and is responsible for the appropriate  
321 assignment or transfer of an offender to a facility or program.

322 (4) Subject to Subsection (5), the department or a county jail may not:

323 (a) assign an inmate whose biological sex at birth is male to a living area where an  
324 inmate whose biological sex at birth is female is assigned; or

325 (b) assign an inmate whose biological sex at birth is female to a living area where an  
326 inmate whose biological sex at birth is male is assigned.

327 (5)(a) Upon a request from a transgender inmate to be assigned to a living area with  
328 inmates whose biological sex at birth do not correspond with the transgender inmate's  
329 biological sex at birth, or if the department or a county jail seeks to assign a  
330 transgender inmate to a living area with inmates whose biological sex at birth do not  
331 correspond with the transgender inmate's biological sex at birth, the department or a

- 332 county jail shall undertake an individualized security analysis considering  
333 criminogenic and other factors including:
- 334 (i) the transgender inmate's anatomy which may be verified through a conversation  
335 with the transgender inmate, reviewing the transgender inmate's medical records,  
336 routine protocols applicable to all inmates, or as part of a broader medical  
337 examination of the transgender inmate conducted in private by a medical  
338 professional if necessary;
  - 339 (ii) the physical characteristics of the transgender inmate;
  - 340 (iii) the transgender inmate's criminal history, including whether the transgender  
341 inmate has displayed predatory behavior against individuals whose biological sex  
342 at birth do not correspond with the transgender inmate's biological sex at birth;
  - 343 (iv) the history of the transgender inmate's behavior while in the department's or a  
344 county jail's custody;
  - 345 (v) the likelihood of the transgender inmate causing physical or psychological harm  
346 to, or committing offenses against, inmates in the requested living area whose  
347 biological sex at birth do not correspond with the transgender inmate's biological  
348 sex at birth;
  - 349 (vi) the safety of correctional facility staff if the transgender inmate were to be  
350 assigned to the requested living area;
  - 351 (vii) an analysis of whether the transgender inmate has a history or pattern of:
    - 352 (A) anti-social attitudes or behaviors;
    - 353 (B) interacting with peers who display anti-social attitudes or behaviors;
    - 354 (C) negative family issues or influence;
    - 355 (D) a lack of achievement in education and employment;
    - 356 (E) not participating in pro-social leisure activities; or
    - 357 (F) substance abuse;
  - 358 (viii) whether the requested living area assignment would:
    - 359 (A) ensure the transgender inmate's health and safety; and
    - 360 (B) assist the transgender inmate in successfully reentering the community; and
  - 361 (ix) any other factor determined to be relevant by the executive director or a county  
362 sheriff.
- 363 (b) The department or a county jail may assign a transgender inmate to a living area with  
364 inmates whose biological sex at birth do not correspond with the transgender inmate's  
365 biological sex at birth only if:

- 366 (i) the department or a county jail determines, after undertaking the individualized  
367 security analysis described in Subsection (5)(a), that the assignment presents a low  
368 risk of causing:
- 369 (A) any physical or psychological harm to an inmate who resides in or will reside  
370 in the living area, the correctional facility staff that manage the living area, or  
371 the transgender inmate;
- 372 (B) disruption to correctional facility management; and  
373 (C) overall security issues; and
- 374 (ii) there is no evidence that the transgender inmate is claiming a gender identity or  
375 expression that does not correspond with the inmate's biological sex at birth solely  
376 for the purpose of altering the inmate's living area assignment.
- 377 (6) If the department or a county jail, after complying with Subsection (5), assigns a  
378 transgender inmate to a living area with inmates whose biological sex at birth do not  
379 correspond with the transgender inmate's biological sex at birth, the department or a  
380 county jail shall:
- 381 (a)(i) undertake the security analysis described in Subsection (5)(a) after a security  
382 incident involving the transgender inmate and at regular intervals determined by  
383 the executive director or a county sheriff to ensure that the assignment continues  
384 to meet the conditions described in Subsection (5)(b); and
- 385 (ii) if the analysis conducted in Subsection (6)(a) demonstrates that the assignment no  
386 longer meets the conditions described in Subsection (5)(b), assign the transgender  
387 inmate to a living area with inmates whose biological sex at birth corresponds  
388 with the transgender inmate's biological sex at birth; and
- 389 (b) comply with the reporting requirements described in Subsections [~~64-13-45(2)(d)~~  
390 ~~and (e)~~] 64-13-45(2)(f) and (g).

391 Section 18. Section **64-13-10.4** is amended to read:

392 **64-13-10.4 . Entry of an inmate -- Identification application requests -- Parental**  
393 **information request.**

- 394 (1)(a) Within 15 days after the date on which an inmate enters incarceration in a state  
395 correctional facility, and, if applicable, approximately six months before the date of  
396 the inmate's anticipated release as described in Subsection 64-13-10.6(3), the  
397 department shall determine whether the inmate has:
- 398 (i) a certified copy of the inmate's birth certificate;
- 399 (ii) a copy of the inmate's social security card; and

- 400 (iii) a current state-issued driver license or state-issued identification card.
- 401 (b) For any document described in Subsection (1)(a) that the inmate does not possess,  
402 the department shall:
- 403 (i) inform the inmate that each document listed in Subsection (1)(a) may be required  
404 to obtain employment upon release;
- 405 (ii) inquire whether the inmate would like to apply for and obtain any of the  
406 documents described in Subsection (1)(a); and
- 407 (iii)(A) if the inmate accepts assistance in obtaining the documents described in  
408 Subsection (1)(a), subject to Subsection (5), provide the assistance described in  
409 Subsections (2) through (4) within 30 days after the date on which the inmate  
410 accepts assistance; or
- 411 (B) if the inmate refuses assistance in obtaining the documents described in  
412 Subsection (1)(a), maintain a record of the inmate's refusal in the department's  
413 electronic file management system.
- 414 (2)(a) If an inmate was born in the United States and accepts assistance in obtaining a  
415 certified copy of the inmate's birth certificate, the department shall:
- 416 (i) request that the inmate pay the fee for obtaining the certified copy of the inmate's  
417 birth certificate; or
- 418 (ii) if the department determines that the inmate is unable to pay the fee as described  
419 in Subsection (2)(a)(i), determine whether funds are available from a private  
420 donation and use the private donation to pay the fee.
- 421 (b) If funds are available to pay the fee for obtaining a certified copy of a birth certificate  
422 as described in Subsection (2)(a), the department shall request a certified copy of the  
423 inmate's birth certificate from the inmate's state of birth.
- 424 (3) If an inmate accepts assistance in obtaining a copy of the inmate's social security card  
425 and does not have a copy of the inmate's social security card, the department shall  
426 coordinate with the Social Security Administration in obtaining a copy of the inmate's  
427 social security card, unless the inmate previously requested the maximum number of  
428 yearly or lifetime requests.
- 429 (4) If an inmate accepts assistance in obtaining a state-issued identification card or driver  
430 license, the department shall follow the procedure described in Subsection 64-13-10.6(4).
- 431 (5) The requirements [~~of this section~~] of Subsections (1) through (4) do not apply if the  
432 inmate is not:
- 433 (a) a citizen of the United States; or

434 (b) a lawful resident of the United States who has legal authorization to work in the  
435 United States.

436 (6) At the time an inmate enters incarceration in a state correctional facility, the department  
437 shall request and retain the following information from the inmate:

438 (a) whether the inmate is a parent to a minor child; and

439 (b) if applicable:

440 (i) the number of minor children to whom the inmate is a parent; and

441 (ii) the ages of the minor children described in Subsection (6)(b)(i).

442 Section 9. Section **64-13-45** is amended to read:

443 **64-13-45 . Department reporting requirements.**

444 (1) As used in this section:

445 (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.

446 (b)(i) "In-custody death" means an inmate death that occurs while the inmate is in the  
447 custody of the department.

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

449 (A) being transported for medical care; or

450 (B) receiving medical care outside of a correctional facility, other than a county  
451 jail.

452 (c) "Inmate" means an individual who is processed or booked into custody or housed in  
453 the department or a correctional facility other than a county jail.

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

455 (e) "Transgender inmate" means the same as that term is defined in Section 64-13-7.

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

458 (a) the number of in-custody deaths that occurred during the preceding calendar year,  
459 including:

460 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors  
461 of each of the in-custody deaths described in Subsection (2)(a); and

462 (ii) the department's policy for notifying an inmate's next of kin after the inmate's  
463 in-custody death;

464 (b) the department policies, procedures, and protocols:

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

467 (ii) that relate to the department's provision, or lack of provision, of medications used

- 468 to treat, mitigate, or address an inmate's symptoms of withdrawal, including  
469 methadone and all forms of buprenorphine and naltrexone; and  
470 (iii) that relate to screening, assessment, and treatment of an inmate for a substance  
471 use disorder or mental health disorder;
- 472 (c) the number of female inmates that the department knows who are pregnant and  
473 currently incarcerated in a correctional facility operated by the department;
- 474 [(e)] (d) the number of inmates who gave birth and were restrained in accordance with  
475 Section 64-13-46, including:  
476 (i) the types of restraints used; and  
477 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the  
478 inmate, medical or corrections staff, or the public;
- 479 (e) the number of inmates incarcerated in a correctional facility operated by the  
480 department who are the parent of a minor child;
- 481 [(d)] (f) the number of transgender inmates that are assigned to a living area with inmates  
482 whose biological sex at birth do not correspond with the transgender inmate's  
483 biological sex at birth in accordance with Section 64-13-7, including:  
484 (i) the results of the individualized security analysis conducted for each transgender  
485 inmate in accordance with Subsection 64-13-7(5)(a); and  
486 (ii) a detailed explanation regarding how the security conditions described in  
487 Subsection 64-13-7(5)(b) are met for each transgender inmate;
- 488 [(e)] (g) the number of transgender inmates that were:  
489 (i) assigned to a living area with inmates whose biological sex at birth do not  
490 correspond with the transgender inmate's biological sex at birth; and  
491 (ii) removed and assigned to a living area with inmates whose biological sex at birth  
492 corresponds with the transgender inmate's biological sex at birth in accordance  
493 with Subsection 64-13-7(6); and
- 494 [(f)] (h) any report the department provides or is required to provide under federal law or  
495 regulation relating to inmate deaths.
- 496 (3) The Commission on Criminal and Juvenile Justice shall:  
497 (a) compile the information from the reports described in Subsection (2);  
498 (b) omit or redact any identifying information of an inmate in the compilation to the  
499 extent omission or redaction is necessary to comply with state and federal law[-]; and  
500 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim  
501 Committee and the Utah Substance Use and Mental Health Advisory Committee

502 before November 1 of each year.

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

506 Section 4. Section ~~64-13-46~~ is amended to read:

507 **64-13-46 . Pregnant inmates.**

508 (1) As used in this section:

509 (a) "Postpartum recovery" means, as determined by the pregnant inmate's physician, the  
510 period immediately following delivery, including the entire period the inmate is in  
511 the hospital or health care facility after birth.

512 (b) "Restraints" means any physical restraint or mechanical device used to control the  
513 movement of an inmate's body or limbs, including flex cuffs, soft restraints, shackles,  
514 or a convex shield.

515 (c)(i) "Shackles" means metal restraints, including leg irons, belly chains, or a  
516 security or tether chain.

517 (ii) "Shackles" does not include hard metal handcuffs.

518 (2) The department shall ensure that each female inmate younger than 50 years old is  
519 offered, which the inmate may reject, a test for pregnancy upon admission, or within a  
520 reasonable time after admission, to a correctional facility.

521 [~~2~~] (3) Subject to Subsections [~~3~~] and [~~4~~] (4) and (5), if the staff of a correctional facility  
522 knows or has reason to believe that an inmate is pregnant or is in postpartum recovery,  
523 the staff shall, when restraining the inmate at any time or location, use the least  
524 restrictive restraints necessary to ensure the safety and security of the inmate and others.

525 [~~3~~] (4) A correctional staff member may not use restraints on an inmate during the third  
526 trimester of pregnancy, labor, or childbirth unless a correctional staff member makes an  
527 individualized determination that there are compelling grounds to believe that the inmate  
528 presents:

529 (a) an immediate and serious risk of harm to the inmate, the inmate's infant, medical  
530 staff, correctional staff, or the public; or

531 (b) a substantial risk of escape that cannot reasonably be reduced by the use of other  
532 existing means.

533 [~~4~~] (5) Notwithstanding Subsection [~~3~~] (4), under no circumstances may shackles, leg  
534 restraints, or waist restraints be used on an inmate during the third trimester of  
535 pregnancy, labor, childbirth, or postpartum recovery.



- 536 ~~[(5)]~~ (6) Correctional staff present during labor or childbirth shall:
- 537 (a) be stationed in a location that offers the maximum privacy to the inmate, while
- 538 taking into consideration safety and security concerns; and
- 539 (b) be female, if practicable.
- 540 ~~[(6)]~~ (7) If a correctional staff member authorizes restraints under Subsection ~~[(2) or (3)]~~ (3)
- 541 or (4), the correctional staff member shall make a written record of the authorization and
- 542 use of the restraints that includes:
- 543 (a) an explanation of the grounds for the correctional staff member's authorization on the
- 544 use of restraints;
- 545 (b) the type of restraints that were used; and
- 546 (c) the length of time the restraints were used.
- 547 ~~[(7)]~~ (8) The record described in Subsection ~~[(6)]~~ (7):
- 548 (a) shall be retained by the correctional facility for five years;
- 549 (b) shall be available for public inspection with individually identifying information
- 550 redacted; and
- 551 (c) may not be considered a medical record under state or federal law.
- 552 ~~[(8)]~~ (9) For a minimum of 48 hours after an inmate has given birth, a correctional facility
- 553 shall, if directed by the inmate's physician, allow the infant to remain with the inmate at
- 554 the health care facility.
- 555 ~~[(9)]~~ (10) A correctional facility shall provide:
- 556 (a) an inmate who is pregnant, or who has given birth within the past six weeks, access
- 557 to a social worker to help the inmate:
- 558 (i) arrange childcare;
- 559 (ii) establish a reunification plan; and
- 560 (iii) establish a substance abuse treatment plan, if needed; and
- 561 (b) an inmate in postpartum recovery access to postpartum care for up to 12 weeks as
- 562 determined by the inmate's physician.
- 563 ~~[(10)]~~ (11) The department may not create or operate a nursery in a correctional facility to
- 564 provide space for a female inmate and the inmate's child.

565 Section 3. Section **64-13-46.1** is amended to read:

566 **64-13-46.1 . Correctional Postnatal and Early Childhood Advisory Board --**

567 **Duties -- Rulemaking.**

- 568 (1) As used in this part:
- 569 (a) "Advisory board" means the Correctional Postnatal and Early Childhood Advisory

- 570 Board.
- 571 (b) "Correctional facility" means a facility operated by the department or a county  
572 sheriff that houses inmates in a secure setting.
- 573 (c) "Incarcerated mother" means an inmate who:
- 574 (i) has recently given birth before entering a correctional facility;
- 575 (ii) is pregnant and incarcerated in a correctional facility; or
- 576 (iii) has given birth while incarcerated in a correctional facility.
- 577 (2) The advisory board shall consist of the following members:
- 578 (a) two individuals from the department, appointed by the executive director;
- 579 (b) one individual appointed by the Board of Pardons and Parole;
- 580 (c) one individual appointed by the president of the Utah Sheriffs' Association;
- 581 (d) one individual representing the Administrative Office of the Courts appointed by the  
582 Judicial Council;
- 583 (e) one individual appointed by the Statewide Association of Public Attorneys and  
584 Prosecutors;
- 585 (f) one individual appointed by the Utah Association of Criminal Defense Lawyers; and
- 586 ~~[(d)]~~ (g) four individuals appointed by the executive director of the Department of Health  
587 and Human Services, including:
- 588 (i) ~~[two]~~ one pediatric healthcare ~~[providers]~~ provider;
- 589 (ii) one individual with expertise in early childhood development;
- 590 ~~[(iii)]~~ one individual employed by the Division of Child and Family Services; and
- 591 ~~[(iii)]~~ (iv) one individual with experience advocating for incarcerated women.
- 592 ~~(3)[(a) Except as provided in Subsection (3)(b), a member of the advisory board shall be~~  
593 ~~appointed for a four-year term.]~~
- 594 ~~[(b) A member that is appointed to complete an unexpired term may complete the~~  
595 ~~unexpired term and serve a subsequent four-year term.]~~
- 596 ~~[(c) Appointments and reappointments may be staggered so that one-fourth of the~~  
597 ~~advisory board changes each year.]~~
- 598 ~~[(d)]~~ The advisory board shall annually elect a chair and co-chair of the board from  
599 among the members of the board~~[to serve a two-year term].~~
- 600 (4) The advisory board shall meet at least bi-annually, or more frequently as determined by  
601 the executive director, the chair, or three or more members of the advisory board.
- 602 (5) A majority of the board constitutes a quorum and a vote of the majority of the members  
603 present constitutes an action of the advisory board.

- 604 (6) A member of the advisory board may not receive compensation or benefits for the  
605 member's service, but may receive per diem and travel expenses as allowed in:
- 606 (a) Section 63A-3-106;  
607 (b) Section 63A-3-107; and  
608 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
609 63A-3-107.
- 610 (7) The advisory board shall:
- 611 (a) review research regarding childhood development and best practices for placing  
612 infants and incarcerated mothers in a diversion program not located in a correctional  
613 facility;  
614 (b) study the costs of implementing a diversion program for infants and incarcerated  
615 mothers removed from a correctional facility;  
616 (c) create a provisional plan for implementing a diversion program for infants and  
617 incarcerated mothers removed from a correctional facility; and  
618 (d) advise and make recommendations to the department and county sheriffs regarding  
619 rules and policies for placing an infant or incarcerated mother in a diversion program  
620 not located in a correctional facility.
- 621 (8) On or before November 30[~~, 2024~~] of each year, the advisory board shall provide a  
622 report of the advisory board's research and study under Subsections (7)(a) through (c),  
623 including any proposed legislation, to:
- 624 (a) the Law Enforcement and Criminal Justice Interim Committee; and  
625 (b) the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee.
- 626 Section 26. **Effective Date.**  
627 This bill takes effect on May 7, 2025.