

Derrin R. Owens proposes the following substitute bill:

Corrections Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor: Melissa G. Ballard

LONG TITLE

General Description:

This bill amends provisions related to corrections.

Highlighted Provisions:

This bill:

- amends which individuals in the custody of the Department of Corrections (the department) may petition to have a sex designation change on a birth certificate;
- prohibits an individual in the custody of the department from filing a petition in district court to legally change the individual's name;
- includes individuals on parole on the list of individuals to whom a government entity is not required to respond regarding certain records requests;
- clarifies that the department may independently investigate criminal allegations against:
 - individuals in the custody of the department; and
 - subject to certain limitations, employees of the department;
- amends the prison telephone surcharge account to allow revenue generated from offenders using department tablets and other electronic devices to be placed in the account;
- amends provisions regarding the substances administered by the department when carrying out a judgment of death by lethal intravenous injection; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

29 **26B-8-111**, as last amended by Laws of Utah 2024, Chapter 296
 30 **42-1-1**, as last amended by Laws of Utah 2024, Chapter 296
 31 **63G-2-201**, as last amended by Laws of Utah 2023, Chapters 173, 516
 32 **64-13-6**, as last amended by Laws of Utah 2024, Chapters 144, 208
 33 **64-13-42**, as last amended by Laws of Utah 2024, Chapter 144
 34 **77-19-10**, as last amended by Laws of Utah 2021, Chapter 260

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

37 Section 1. Section **26B-8-111** is amended to read:

38 **26B-8-111 . Birth certificate name or sex designation change -- Registration of**
 39 **court order and amendment of birth certificate.**

40 (1) An individual may obtain a court order in accordance with Title 42, Names, to change
 41 the name on the individual's birth certificate.

42 (2)(a) A court may grant a petition ordering a sex designation change on a birth
 43 certificate if the court determines by clear and convincing evidence that the
 44 individual seeking the sex designation change:

45 (i) is not involved in any kind of lawsuit;

46 (ii) is not [~~on probation or parole~~] an offender as defined in Section 64-13-1;

46a ~~is~~ **is not on probation;**

46b **(iv) is not incarcerated in a county jail after being convicted of a criminal offense;**

46c **(v) is not an individual who has been adjudicated for a criminal offense and is in**
 46d **the custody of the Division of Juvenile Justice and Youth Services;**

47 ~~[(iii)] (vi) ← is~~ is not seeking the amendment:

48 (A) to commit a crime;

49 (B) to interfere with the rights of others;

50 (C) to avoid creditors;

51 (D) to influence the sentence, fine, or conditions of imprisonment in a criminal
 52 case;

53 (E) to commit fraud on the public; or

54 (F) for any other fraudulent purpose;

55 ~~is~~ **(vii) ←** has transitioned from the sex designation of the biological
 55a sex at birth to the sex

56 sought ~~in~~ in the petition;

57 ~~is~~ **(viii) ←** has outwardly expressed as the sex sought in the petition in

- 57a a consistent and
58 uniform manner for at least six months; and
59 ~~Ĥ~~→ [(~~vi~~)] (ix) ←Ĥ suffers from clinically significant distress or impairment due
59a to the current sex
60 designation on the birth certificate.
- 61 (b) The court shall consider the following when making the determination described in
62 Subsection (2)(a)(iv):
63 (i) evidence of medical history, care, or treatment related to sex transitioning; and
64 (ii) evidence that the sex sought in the petition is sincerely held and part of the
65 individual's core identity.
- 66 (c)(i) An individual petitioning for a sex designation change under this section shall
67 indicate on the petition whether the individual is registered with the state's Sex
68 and Kidnap Offender Registry.
69 (ii) Based on the disclosure described in Subsection (2)(c)(i), the court may request
70 additional information from an individual who is registered with the state's Sex
71 and Kidnap Offender Registry to determine whether to grant a petition under this
72 section.
- 73 (3)(a)(i) When determining whether to grant a sex designation change for a child who
74 is at least 15 years and six months old, unless the child is emancipated, the court
75 shall appoint, notwithstanding Subsection 78A-2-703(1), a guardian ad litem for
76 the child.
77 (ii) Notwithstanding Subsection 78A-2-703(7), the child's parent or guardian is
78 responsible for the costs of the guardian ad litem's services unless the court
79 determines the parent or guardian is indigent in accordance with Section
80 78A-2-302.
- 81 (b) The guardian ad litem shall provide the court relevant evidence, whether submitted
82 by the child or other sources of evidence, regarding the following:
83 (i) whether the child is capable of making decisions with long-term consequences
84 independently of the child's parent or guardian;
85 (ii) whether the child is mature and capable of appreciating the implications of the
86 decision to change the sex designation on the child's birth certificate; and
87 (iii) whether the child meets the other requirements of this section.
- 88 (c) The guardian of a child described in Subsection (3)(a) shall:
89 (i) give notice of the proceeding to any known parent of the child; and

90 (ii) provide the court with a declaration of the status of any divorce or custody matter
91 pertaining to the child, including the case name, case number, court, judge, and
92 current status of the case.

93 (d) The court shall:

94 (i) consider any objection given by a parent;

95 (ii) close the hearing on a petition for a sex designation change;

96 (iii) receive all evidence; and

97 (iv) make a determination as to whether:

98 (A) all of the requirements of Subsection (2) have been met; and

99 (B) the evidence supports a finding by clear and convincing evidence that the sex
100 designation change is in the best interest of the child and would not create a
101 risk of harm to the minor.

102 (4)(a) A court may not grant a petition for a sex designation change if:

103 (i) the birth certificate is for a child who is younger than 15 years and six months old;

104 or

105 (ii) the child's parent or guardian with legal custody has not given permission.

106 (b) An order granting a sex designation change under this section is not effective until
107 the individual is at least 16 years old.

108 (5) A petition for a sex designation under this section may be combined with a petition
109 under Title 42, Names.

110 (6)(a) Upon the receipt of a certified order granting a birth certificate amendment, any
111 required application, and an appropriate fee, the department shall issue:

112 (i) a birth certificate that does not indicate which fields were amended unless
113 requested by the individual; and

114 (ii) an amendment history of the birth certificate, including the fields of the birth
115 certificate that have been amended and the date of the amendment.

116 (b) The department shall retain a record of all amendments to a birth certificate,
117 including any amendment history issued by the department.

118 (7) The provisions of this section are severable.

119 (8) This section only applies to birth certificates issued by the state.

120 (9) The provisions of Title 76, Chapter 8, Part 5, Falsification in Official Matters, apply to
121 this section when applicable.

122 Section 2. Section **42-1-1** is amended to read:

123 **42-1-1 . By petition to district court -- Contents.**

124 (1) ~~[Any]~~ Except as provided in Subsection (2) and subject to Subsection (3), any natural
 125 person, desiring to change the natural person's name, may file a petition in the district
 126 court of the county where the natural person resides, setting forth:

127 (a) the cause for which the change of name is sought;

128 (b) the name proposed; and

129 (c) that the natural person has been a bona fide resident of the county for the year
 130 immediately prior to the filing of the petition.

131 (2) A natural person who is an offender, as that term is defined in Section 64-13-1, may not
 132 file a petition in district court to change the natural person's name.

133 ~~[(2)]~~ (3)(a) A natural person petitioning for a name change under this section shall
 134 indicate on the petition whether the individual is registered with the state's Sex and
 135 Kidnap Offender Registry.

136 (b) The court may request additional information from a natural person who is registered
 137 with the state's Sex and Kidnap Offender Registry to make the determination
 138 described in Subsection 77-41-105(8).

139 ~~[(3)]~~ (4) The provisions of Title 76, Chapter 8, Part 5, Falsification in Official Matters,
 140 apply to this section when applicable.

141 Section 3. Section **63G-2-201** is amended to read:

142 **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,**
 143 **protected, and other restricted records -- Disclosure and nondisclosure of records --**
 144 **Certified copy of record -- Limits on obligation to respond to record request.**

145 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public
 146 record free of charge, and the right to take a copy of a public record during normal
 147 working hours, subject to Sections 63G-2-203 and 63G-2-204.

148 (b) A right under Subsection (1)(a) does not apply with respect to a record:

149 (i) a copy of which the governmental entity has already provided to the person;

150 (ii) that is the subject of a records request that the governmental entity is not required
 151 to fill under Subsection (7)(a)(v); or

152 (iii)(A) that is accessible only by a computer or other electronic device owned or
 153 controlled by the governmental entity;

154 (B) that is part of an electronic file that also contains a record that is private,
 155 controlled, or protected; and

156 (C) that the governmental entity cannot readily segregate from the part of the
 157 electronic file that contains a private, controlled, or protected record.

- 158 (2) A record is public unless otherwise expressly provided by statute.
- 159 (3) The following records are not public:
- 160 (a) a record that is private, controlled, or protected under Sections 63G-2-302, 63G-2-303,
161 63G-2-304, and 63G-2-305; and
- 162 (b) a record to which access is restricted pursuant to court rule, another state statute,
163 federal statute, or federal regulation, including records for which access is governed
164 or restricted as a condition of participation in a state or federal program or for
165 receiving state or federal funds.
- 166 (4) Only a record specified in Section 63G-2-302, 63G-2-303, 63G-2-304, or 63G-2-305
167 may be classified private, controlled, or protected.
- 168 (5)(a) A governmental entity may not disclose a record that is private, controlled, or
169 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),
170 Section 63G-2-202, 63G-2-206, or 63G-2-303.
- 171 (b) A governmental entity may disclose a record that is private under Subsection
172 63G-2-302(2) or protected under Section 63G-2-305 to persons other than those
173 specified in Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or
174 a designee, determines that:
- 175 (i) there is no interest in restricting access to the record; or
176 (ii) the interests favoring access are greater than or equal to the interest favoring
177 restriction of access.
- 178 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may
179 disclose a record that is protected under Subsection 63G-2-305(51) if:
- 180 (i) the head of the governmental entity, or a designee, determines that the disclosure:
181 (A) is mutually beneficial to:
182 (I) the subject of the record;
183 (II) the governmental entity; and
184 (III) the public; and
185 (B) serves a public purpose related to:
186 (I) public safety; or
187 (II) consumer protection; and
188 (ii) the person who receives the record from the governmental entity agrees not to use
189 or allow the use of the record for advertising or solicitation purposes.
- 190 (6) A governmental entity shall provide a person with a certified copy of a record if:
191 (a) the person requesting the record has a right to inspect it;

- 192 (b) the person identifies the record with reasonable specificity; and
193 (c) the person pays the lawful fees.
- 194 (7)(a) In response to a request, a governmental entity is not required to:
- 195 (i) create a record;
- 196 (ii) compile, format, manipulate, package, summarize, or tailor information;
- 197 (iii) provide a record in a particular format, medium, or program not currently
198 maintained by the governmental entity;
- 199 (iv) fulfill a person's records request if the request unreasonably duplicates prior
200 records requests from that person;
- 201 (v) fill a person's records request if:
- 202 (A) the record requested is:
- 203 (I) publicly accessible online; or
- 204 (II) included in a public publication or product produced by the governmental
205 entity receiving the request; and
- 206 (B) the governmental entity:
- 207 (I) specifies to the person requesting the record where the record is accessible
208 online; or
- 209 (II) provides the person requesting the record with the public publication or
210 product and specifies where the record can be found in the public
211 publication or product; or
- 212 (vi) fulfill a person's records request if:
- 213 (A) the person has been determined under Section 63G-2-209 to be a vexatious
214 requester;
- 215 (B) the State Records Committee order determining the person to be a vexatious
216 requester provides that the governmental entity is not required to fulfill a
217 request from the person for a period of time; and
- 218 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 219 (b) A governmental entity shall conduct a reasonable search for a requested record.
- 220 (8)(a) Although not required to do so, a governmental entity may, upon request from the
221 person who submitted the records request, compile, format, manipulate, package,
222 summarize, or tailor information or provide a record in a format, medium, or program
223 not currently maintained by the governmental entity.
- 224 (b) In determining whether to fulfill a request described in Subsection (8)(a), a
225 governmental entity may consider whether the governmental entity is able to fulfill

- 226 the request without unreasonably interfering with the governmental entity's duties
227 and responsibilities.
- 228 (c) A governmental entity may require a person who makes a request under Subsection
229 (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for
230 providing the information or record as requested.
- 231 (9)(a) Notwithstanding any other provision of this chapter, and subject to Subsection
232 (9)(b), a governmental entity is not required to respond to, or provide a record in
233 response to, a record request if the request is submitted by or in behalf of an
234 individual who is on parole or confined in a jail or other correctional facility
235 following the individual's conviction.
- 236 (b) Subsection (9)(a) does not apply to:
- 237 (i) the first five record requests submitted to the governmental entity by or in behalf
238 of an individual described in Subsection (9)(a) during any calendar year
239 requesting only a record that contains a specific reference to the individual; or
240 (ii) a record request that is submitted by an attorney of an individual described in
241 Subsection (9)(a).
- 242 (10)(a) A governmental entity may allow a person requesting more than 50 pages of
243 records to copy the records if:
- 244 (i) the records are contained in files that do not contain records that are exempt from
245 disclosure, or the records may be segregated to remove private, protected, or
246 controlled information from disclosure; and
- 247 (ii) the governmental entity provides reasonable safeguards to protect the public from
248 the potential for loss of a public record.
- 249 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:
- 250 (i) provide the requester with the facilities for copying the requested records and
251 require that the requester make the copies; or
- 252 (ii) allow the requester to provide the requester's own copying facilities and personnel
253 to make the copies at the governmental entity's offices and waive the fees for
254 copying the records.
- 255 (11)(a) A governmental entity that owns an intellectual property right and that offers the
256 intellectual property right for sale or license may control by ordinance or policy the
257 duplication and distribution of the material based on terms the governmental entity
258 considers to be in the public interest.
- 259 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections

260 granted to the governmental entity under federal copyright or patent law as a result of
261 its ownership of the intellectual property right.

262 (12) A governmental entity may not use the physical form, electronic or otherwise, in
263 which a record is stored to deny, or unreasonably hinder the rights of a person to inspect
264 and receive a copy of a record under this chapter.

265 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide
266 access to an electronic copy of a record in lieu of providing access to its paper
267 equivalent if:

268 (a) the person making the request requests or states a preference for an electronic copy;

269 (b) the governmental entity currently maintains the record in an electronic format that is
270 reproducible and may be provided without reformatting or conversion; and

271 (c) the electronic copy of the record:

272 (i) does not disclose other records that are exempt from disclosure; or

273 (ii) may be segregated to protect private, protected, or controlled information from
274 disclosure without the undue expenditure of public resources or funds.

275 (14) In determining whether a record is properly classified as private under Subsection
276 63G-2-302(2)(d), the governmental entity, State Records Committee, local appeals
277 board, or court shall consider and weigh:

278 (a) any personal privacy interests, including those in images, that would be affected by
279 disclosure of the records in question; and

280 (b) any public interests served by disclosure.

281 Section 4. Section **64-13-6** is amended to read:

282 **64-13-6 . Department duties.**

283 (1) The department shall:

284 (a) protect the public through institutional care and confinement, and supervision in the
285 community of offenders where appropriate;

286 (b) implement court-ordered punishment of offenders;

287 (c) provide evidence-based and evidence-informed program opportunities for offenders
288 designed to reduce offenders' criminogenic and recidivism risks, including
289 behavioral, cognitive, educational, and career-readiness program opportunities;

290 (d) ensure that offender participation in all program opportunities described in
291 Subsection (1)(c) is voluntary;

292 (e) where appropriate, utilize offender volunteers as mentors in the program
293 opportunities described in Subsection (1)(c);

- 294 (f) provide treatment for sex offenders who are found to be treatable based upon criteria
295 developed by the department;
- 296 (g) provide the results of ongoing clinical assessment of sex offenders and objective
297 diagnostic testing to sentencing and release authorities;
- 298 (h) manage programs that take into account the needs and interests of victims, where
299 reasonable;
- 300 (i) supervise probationers and parolees as directed by statute and implemented by the
301 courts and the Board of Pardons and Parole;
- 302 (j) subject to Subsection (3), investigate criminal conduct involving offenders
303 incarcerated in a state correctional facility;
- 304 (k) cooperate and exchange information with other state, local, and federal law
305 enforcement agencies to achieve greater success in prevention and detection of crime
306 and apprehension of criminals;
- 307 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
308 Offender Supervision;
- 309 (m) establish a case action plan based on appropriate validated risk, needs, and
310 responsivity assessments for each offender as follows:
- 311 (i)(A) if an offender is to be supervised in the community, the department shall
312 establish a case action plan for the offender no later than 60 days after the day
313 on which the department's community supervision of the offender begins; and
314 (B) if the offender is committed to the custody of the department, the department
315 shall establish a case action plan for the offender no later than 90 days after the
316 day on which the offender is committed to the custody of the department;
- 317 (ii) each case action plan shall:
- 318 (A) integrate an individualized, evidence-based, and evidence-informed treatment
319 and program plan with clearly defined completion requirements; and
320 (B) require that a case manager will:
- 321 (I) ensure that an assessment of the education level, occupational interests, and
322 aptitudes of the inmate has been completed;
- 323 (II) refer the inmate to a higher education student advisor at an institution
324 offering programs consistent with the inmate's interests and aptitudes for
325 advisement on educational preferences and plans;
- 326 (III) incorporate the inmate's interests, aptitudes, and student advisement into
327 an education plan consistent with the guidance provided by the Higher

- 328 Education and Corrections Council created in Section 53B-35-201; and
329 (IV) refer the inmate to the student advisor at the institution called for in the
330 case action plan for guidance and assistance with the education process;
- 331 (iii) the department shall share each newly established case action plan with the
332 sentencing and release authority within 30 days after the day on which the case
333 action plan is established; and
- 334 (iv) the department shall share any changes to a case action plan, including any
335 change in an offender's risk assessment, with the sentencing and release authority
336 within 30 days after the day of the change;
- 337 (n) ensure that an inmate has reasonable access to legal research;
- 338 (o) ensure that any training or certification required of a public official or public
339 employee, as those terms are defined in Section 63G-22-102, complies with Title
340 63G, Chapter 22, State Training and Certification Requirements, if the training or
341 certification is required:
- 342 (i) under this title;
- 343 (ii) by the department; or
- 344 (iii) by an agency or division within the department;
- 345 (p) when reporting on statewide recidivism, include the metrics and requirements
346 described in Section 63M-7-102;
- 347 (q) create a reentry division that focuses on the successful reentry of inmates into the
348 community;
- 349 (r) coordinate with the Board of Pardons and Parole regarding inmate records that are
350 necessary for the Board of Pardons and Parole to make necessary determinations
351 regarding an inmate; and
- 352 (s) ensure that inmate records regarding discipline, programs, and other relevant metrics
353 are:
- 354 (i) complete and updated in a timely manner; and
- 355 (ii) when applicable, shared with the Board of Pardons and Parole in a timely manner.
- 356 (2) The department may in the course of supervising probationers and parolees:
- 357 (a) respond to an individual's violation of one or more terms of the probation or parole in
358 accordance with the graduated and evidence-based processes established by the adult
359 sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and
- 360 (b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction
361 for an individual's violation of the terms of probation or parole a period of

362 incarceration of not more than three consecutive days and not more than a total of
363 five days within a period of 30 days.

364 ~~[(3)(a) By following the procedures in Subsection (3)(b), the department may~~
365 ~~investigate the following occurrences at state correctional facilities:]~~

366 ~~[(i) criminal conduct of departmental employees;]~~
367 ~~[(ii) felony crimes resulting in serious bodily injury;]~~
368 ~~[(iii) death of any person; or]~~
369 ~~[(iv) aggravated kidnaping.]~~

370 ~~[(b) Before investigating any occurrence specified in Subsection (3)(a), the department~~
371 ~~shall:]~~

372 ~~[(i) notify the sheriff or other appropriate law enforcement agency promptly after~~
373 ~~ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a)~~
374 ~~has occurred; and]~~

375 ~~[(ii) obtain consent of the sheriff or other appropriate law enforcement agency to~~
376 ~~conduct an investigation involving an occurrence specified in Subsection (3)(a).]~~

377 ~~[(4) Upon request, the department shall provide copies of investigative reports of criminal~~
378 ~~conduct to the sheriff or other appropriate law enforcement agencies.]~~

379 (3) In accordance with department policy, the department may conduct criminal
380 investigations regarding an allegation that:

381 (a) an offender has committed a criminal offense; or
382 (b) an employee of the department has committed a criminal offense.

383 ~~[(5)]~~ (4)(a) The executive director of the department, or the executive director's designee
384 if the designee possesses expertise in correctional programming, shall consult at least
385 annually with cognitive and career-readiness staff experts from the Utah system of
386 higher education and the State Board of Education to review the department's
387 evidence-based and evidence-informed treatment and program opportunities.

388 (b) Beginning in the 2022 interim, the department shall provide an annual report to the
389 Law Enforcement and Criminal Justice Interim Committee regarding:

390 (i) the department's implementation of and offender participation in evidence-based
391 and evidence-informed treatment and program opportunities designed to reduce
392 the criminogenic and recidivism risks of offenders over time; and
393 (ii) the progress of the department's implementation of the inmate program
394 requirements described in Section 64-13-50.

395 ~~[(6)]~~ (5)(a) As used in this Subsection [(6):] (5):

- 396 (i) "Accounts receivable" means any amount owed by an offender arising from a
 397 criminal judgment that has not been paid.
- 398 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,
 399 surcharges, costs, interest, penalties, restitution to victims, third-party claims,
 400 claims, reimbursement of a reward, and damages that an offender is ordered to
 401 pay.
- 402 (b) The department shall collect and disburse, with any interest and any other costs
 403 assessed under Section 64-13-21, an accounts receivable for an offender during:
- 404 (i) the parole period and any extension of that period in accordance with Subsection [
 405 ~~(6)(e)~~] (5)(c); and
- 406 (ii) the probation period for which the court orders supervised probation and any
 407 extension of that period by the department in accordance with Subsection
 408 77-18-105(7).
- 409 (c)(i) If an offender has an unpaid balance of the offender's accounts receivable at the
 410 time that the offender's sentence expires or terminates, the department shall be
 411 referred to the sentencing court for the sentencing court to enter a civil judgment
 412 of restitution and a civil accounts receivable as described in Section 77-18-114.
- 413 (ii) If the board makes an order for restitution within 60 days from the day on which
 414 the offender's sentence expires or terminates, the board shall refer the order for
 415 restitution to the sentencing court to be entered as a civil judgment of restitution as
 416 described in Section 77-18-114.
- 417 (d) This Subsection [~~(6)~~] (5) only applies to offenders sentenced before July 1, 2021.
 418 Section 5. Section **64-13-42** is amended to read:
- 419 **64-13-42 . Prison Telephone Surcharge Account -- Funding inmate and offender**
 420 **education and training programs.**
- 421 (1)(a) There is created within the General Fund a restricted account known as the Prison
 422 Telephone Surcharge Account.
- 423 (b) The Prison Telephone Surcharge Account consists of:
- 424 (i) revenue generated by the state from pay telephone services located at any
 425 correctional facility as defined in Section 64-13-1;
- 426 (ii) interest on account money;
- 427 (iii)(A) money paid by inmates participating in postsecondary education provided
 428 by the department; and
- 429 (B) money repaid by former inmates who have a written agreement with the

430 department to pay for a specified portion of the tuition costs under the
431 department's deferred tuition payment program;
432 (iv) money collected by the Office of State Debt Collection for debt described in
433 Subsection (1)(b)(iii);
434 (v) revenue generated from offenders using department tablets or other electronic
435 devices; and
436 [(v)] (vi) money appropriated by the Legislature.

437 (2) Upon appropriation by the Legislature, money from the Prison Telephone Surcharge
438 Account shall be used by the department for education and training programs for
439 offenders and inmates as defined in Section 64-13-1.

440 Section 6. Section **77-19-10** is amended to read:

441 **77-19-10 . Judgment of death -- Location and procedures for execution.**

442 (1) The executive director of the Department of Corrections or a designee shall ensure that
443 the method of judgment of death specified in the warrant or as required under Section
444 77-18-113 is carried out at a secure correctional facility operated by the department and
445 at an hour determined by the department on the date specified in the warrant.

446 (2) When the judgment of death is to be carried out by lethal intravenous injection, the
447 executive director of the department or a designee shall select two or more persons
448 trained in accordance with accepted medical practices to administer intravenous
449 injections, who shall each administer a continuous intravenous injection, [~~one of which~~
450 ~~shall be of a lethal quantity of:~~]

451 [~~(a) sodium thiopental; or~~]

452 [~~(b) other equally or more effective substance sufficient to cause death.] consisting of
453 one or more substances of a type and amount that is sufficiently effective to cause
454 death without a substantial risk of severe pain.~~

455 (3) If the judgment of death is to be carried out by firing squad under Subsection
456 77-18-113(2), (3), or (4) the executive director of the department or a designee shall
457 select a five-person firing squad of peace officers.

458 (4) Compensation for persons administering intravenous injections and for members of a
459 firing squad under Subsection 77-18-113(2), (3), or (4) shall be in an amount determined
460 by the director of the Division of Finance.

461 (5) Death under this section shall be certified by a physician.

462 (6) The department shall adopt and enforce rules governing procedures for the execution of
463 judgments of death.

464 Section 7. **Effective Date.**

465 This bill takes effect on May 7, 2025.