

# HB0354S01 compared with HB0354

{Omitted text} shows text that was in HB0354 but was omitted in HB0354S01

inserted text shows text that was not in HB0354 but was inserted into HB0354S01

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1 **Criminal Justice Revisions**

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Ryan D. Wilcox**

. Senate Sponsor:



3 **LONG TITLE**

4 **General Description:**

5 This bill creates certain requirements for criminal justice agencies and entities working with  
6 criminal justice agencies.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ defines terms;

10 ▶ adds county attorney offices in counties of the second and third class to the statute requiring  
certain prosecutorial data collection and reporting regarding {time spent on} criminal cases and modifies  
requirements;

13 ▶ requires a county jail to:

14 • collect biometric and other personal information for individuals brought to the county jail  
for processing or booking into custody regardless of whether the county jail retains custody of the  
individual; and

17 •

## HB0354 compared with HB0354S01

to the extent possible, connect an individual in custody with the individual's state identification number and use the state identification number in association with any records regarding the individual;

- 20       ▶ amends the membership of the Public Safety Data Management Task Force;
- 21       ▶ requires the State Commission on Criminal and Juvenile Justice (the commission) to include certain DUI crash data in an annual DUI report;
- 23       ▶ requires the Department of Public Safety's Criminal Investigations and Technical Services Division to collect certain DUI crash data and provide the data to the commission;
- 25       ▶ establishes law enforcement agency requirements concerning:
  - 26           • the collection and reporting of certain DUI crash data;
  - 27           • the sharing of information with the Department of Public Safety's statewide criminal intelligence system;
  - 29           • the collection and reporting of certain lost, stolen, and untraceable firearms; and
  - 30           • the collection and reporting of the disposition of firearms in the custody of a law enforcement agency;
- 32       ▶ requires the commission to receive, compile, and publish law enforcement agency data concerning firearms;
- 34       ▶ requires law enforcement agencies to supply certain law enforcement officers with a portable biometric capture device;
- 36       ▶ provides that the public safety data portal is the repository for statutorily required data concerning:
  - 38           • certain DUI crash data;
  - 39           • law enforcement agency reporting requirements for certain firearms data; and
  - 40           • prosecutorial data collection regarding prosecutions of false sexual assault accusations;
- 41       ▶ imposes certain requirements for software service vendors if the software service is for use by a criminal justice agency and collects and stores data required by statute to be reported to the commission;
- 44       ▶ requires all prosecutorial agencies in the state to submit data to the commission concerning prosecutions brought against individuals based on false sexual assault accusations and sexual offenses in which the victim later recants;
- 47       ▶ exempts certain reporting requirements from law enforcement grant eligibility requirements;
- 49       ▶

## HB0354 compared with HB0354S01

modifies pretrial release data reporting requirements from the Administrative Office of the Courts;

51       ▶ requires the Department of Corrections to conduct a risk assessment for every individual convicted of a sex offense that would require the individual to register on the Sex, Kidnap, and Child Abuse Offender Registry;

54       ▶ requires the Department of Corrections, until January 1, 2030, to submit the results of risk assessments for sex offenders to the commission; {and}

56       ▶ includes a coordination clause to merge the changes to Sections 63I-2-277 and 77-41-115 in this bill if this bill and S.B. 41, Sex, Kidnap, and Child Abuse Offender Registry Amendments, both pass and become law, including to address the repeal and replacement of Section 77-41-115 in S.B. 41 with a newly enacted statute; and

56       ▶ makes technical and conforming changes.

### 61 Money Appropriated in this Bill:

62       None

63       This bill provides a special effective date.

65       This bill provides a coordination clause.

### 67 AMENDS:

68       **17-18a-203.5 (Effective 07/01/25)**, as enacted by Laws of Utah 2024, Chapter 538 (**Effective 07/01/25**), as enacted by Laws of Utah 2024, Chapter 538

69       **17-22-5.5 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 419 (**Effective 07/01/25**), as last amended by Laws of Utah 2024, Chapter 419

70       **36-29-111 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 506 (**Effective 07/01/25**), as last amended by Laws of Utah 2024, Chapter 506

71       **41-6a-511 (Effective 07/01/25)**, as last amended by Laws of Utah 2011, Chapter 51 (**Effective 07/01/25**), as last amended by Laws of Utah 2011, Chapter 51

72       **63A-16-1002 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 467 (**Effective 07/01/25**), as last amended by Laws of Utah 2024, Chapter 467

73       **63I-2-277** ~~{(Effective 07/01/25)}~~(Effective 05/07/25), as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

75

## HB0354 compared with HB0354S01

**63M-7-204 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 345 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapter 345

76 **63M-7-218 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 345 (**Effective 07/01/25**), as last amended by Laws of Utah 2024, Chapter 345

77 **77-20-103 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2021, Second Special Session, Chapter 4 (**Effective 07/01/25**), as renumbered and amended by Laws of Utah 2021, Second Special Session, Chapter 4

79 ENACTS:

80 **17-22-35 (Effective 05/07/25)**, Utah Code Annotated 1953 (**Effective 05/07/25**), Utah Code Annotated 1953

81 **53-10-118 (Effective 07/01/25)**, Utah Code Annotated 1953 (**Effective 07/01/25**), Utah Code Annotated 1953

82 **53-25-104 (Effective 05/07/25)**, Utah Code Annotated 1953 (**Effective 05/07/25**), Utah Code Annotated 1953

83 **53-25-105 (Effective 05/07/25)**, Utah Code Annotated 1953 (**Effective 05/07/25**), Utah Code Annotated 1953

84 **53-25-502 (Effective 07/01/25)**, Utah Code Annotated 1953 (**Effective 07/01/25**), Utah Code Annotated 1953

85 **53-25-601 (Effective 05/07/25)**, Utah Code Annotated 1953 (**Effective 05/07/25**), Utah Code Annotated 1953

86 **53-25-602 (Effective 05/07/25)**, Utah Code Annotated 1953 (**Effective 05/07/25**), Utah Code Annotated 1953

87 **63A-16-1004 (Effective 07/01/25)**, Utah Code Annotated 1953 (**Effective 07/01/25**), Utah Code Annotated 1953

88 **63M-7-216.1 (Effective 05/07/25)**, Utah Code Annotated 1953 (**Effective 05/07/25**), Utah Code Annotated 1953

89 **77-41-115 (Effective 05/07/25)**, Utah Code Annotated 1953 (**Effective 05/07/25**), Utah Code Annotated 1953

90 **Utah Code Sections affected by Coordination Clause:**

91

# HB0354 compared with HB0354S01

63I-2-277 (Effective 07/01/25), as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 (Effective 07/01/25), as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

93 77-41-115 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code Annotated 1953

94

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

96 Section 1. Section 17-18a-203.5 is amended to read:

97 **17-18a-203.5. District attorney and county attorney data collection for counties of the first, second, and third class -- Report.**

90 ~~[(1) In this section, "prosecution personnel" means:]~~

91 ~~[(a) investigators;]~~

92 ~~[(b) prosecutors;]~~

93 ~~[(c) support staff; or]~~

94 ~~[(d) other individuals paid for {f} their{ } the individuals' } work on the case.]~~

95 ~~[(2)]~~ (1) The district attorney in a county of the first class, and the county attorney in a county of the second or third class, shall ~~;~~

97 ~~[(a) track the time spent by prosecution personnel on each criminal case, calculated in quarter of an hour increments, by the offense classification; and]~~

99 ~~[(b)]~~ (b) provide a written report to the Law Enforcement and Criminal Justice Interim Committee by November 1, annually.

101 ~~[(3)]~~ (2) The annual report required in Subsection ~~[(2)(b)]~~ (1) shall include the following information, organized by the offense classification, for the cases that were active during the reporting period:

104 ~~[(a) the total number of hours, calculated in quarter of an hour increments, worked on the cases by prosecution personnel;]~~

106 ~~[(b)]~~ (a) the average amount of taxpayer dollars spent per case, as calculated by the ~~hours worked and the salary of the prosecution personnel who worked on the case]~~ total number of misdemeanors, juvenile adjudications, and felonies, divided by the portion of the attorney's annual budget allocated to prosecution;

108 ~~[(c)]~~

120 ~~[(d)]~~ (b) the total number of juvenile adjudications, misdemeanors, and felonies;

## HB0354 compared with HB0354S01

- 121 (c) the total case numbers and individual prosecutor average annual caseload of felonies broken down  
by sexual offenses, general crimes, and crimes of violence;
- 123 (d) [the cumulative total hours worked and the number of cases, categorized by the following] the total  
number of cases categorized by the most serious charge as follows:
- 110 (i) cases that were dismissed prior to the filing of charges;
- 111 (ii) cases that were dismissed after charges were filed;
- 112 (iii) cases in which a plea agreement was reached by the parties prior to the preliminary hearing;
- 114 (iv) cases that were dismissed by the court after the preliminary hearing;
- 115 (v) cases in which a plea agreement was reached by the parties after the preliminary hearing;
- 117 (vi) cases that resulted in a court ruling in favor of the state; and
- 118 (vii) cases that resulted in a court ruling in favor of the defense;
- 119 ~~(d)~~ (e) the average number of days between:
- 120 (i) the filing of criminal charges; and
- 121 (ii)
- . (A) the delivery of discovery information, including witness statements;
- 122 (B) the preliminary hearing; or
- 123 (C) the first day of trial; and
- 124 ~~(e)~~ (f) the average number of attorneys assigned to each case.
- 140 Section 2. Section 17-22-5.5 is amended to read:
- 141 **17-22-5.5. Sheriff's classification of jail facilities -- Maximum operating capacity of jail**  
**facilities -- Transfer or release of prisoners -- Limitation -- Records regarding release.**
- 129 (1)
- . (a) Except as provided in Subsection (4), a county sheriff shall determine:
- 130 (i) subject to Subsection (1)(b), the classification of each jail facility or section of a jail facility  
under the sheriff's control;
- 132 (ii) the nature of each program conducted at a jail facility under the sheriff's control; and
- 134 (iii) the internal operation of a jail facility under the sheriff's control.
- 135 (b) A classification under Subsection (1)(a)(i) of a jail facility may not violate any applicable zoning  
ordinance or conditional use permit of the county or municipality.
- 137 (2) Except as provided in Subsection (4), each county sheriff shall:
- 138

## HB0354 compared with HB0354S01

- (a) with the approval of the county legislative body, establish a maximum operating capacity for each jail facility under the sheriff's control, based on facility design and staffing; and
- 141 (b) upon a jail facility reaching the jail facility's maximum operating capacity:
- 142 (i) transfer prisoners to another appropriate facility:
- 143 (A) under the sheriff's control; or
- 144 (B) available to the sheriff by contract;
- 145 (ii) release prisoners:
- 146 (A) to a supervised release program, according to release criteria established by the sheriff; or
- 148 (B) to another alternative incarceration program developed by the sheriff; or
- 149 (iii) admit prisoners in accordance with law and a uniform admissions policy imposed equally upon all entities using the county jail.
- 151 (3)
- . (a) The sheriff shall keep records of the release status and the type of release program or alternative incarceration program for any prisoner released under Subsection (2)(b)(ii).
- 154 (b) The sheriff shall make these records available upon request to the Department of Corrections, the Judiciary, and the Commission on Criminal and Juvenile Justice.
- 156 (4) This section may not be construed to authorize a sheriff to modify provisions of a contract with the Department of Corrections to house in a county jail an individual sentenced to the Department of Corrections.
- 159 (5) Regardless of whether a jail facility has reached the jail facility's maximum operating capacity under Subsection (2), a sheriff may release an individual from a jail facility in accordance with Section 17-22-35 and Section 77-20-203 or 77-20-204.
- 162 (6) The sheriff of a county of the first class is encouraged to open and operate all sections of a jail facility within the county that is not being used to full capacity.
- 179 Section 3. Section 3 is enacted to read:
- 180 **17-22-35. County jail requirements concerning state identification numbers and biometric and other personal information.**
- 167 (1) As used in this section, "state identification number" means the number issued by the Bureau of Criminal Identification within the Department of Public Safety that corresponds to a certain individual.

170

## HB0354 compared with HB0354S01

(2) If an individual is brought to a county jail for processing or booking into custody, the county jail shall, regardless of whether the county jail retains custody of the individual or releases the individual due to capacity issues or another reason:

173 (a) collect the individual's biometric and other personal information required by law; and

174 (b)

. (i) to the extent possible, connect the individual with the individual's state identification number; and

176 (ii) if identified, use the individual's state identification number in association with any records created or accessed by the county jail concerning the individual.

193 Section 4. Section **36-29-111** is amended to read:

194 **36-29-111. Public Safety Data Management Task Force.**

180 (1) As used in this section:

181 (a) "Cohabitant abuse protective order" means an order issued with or without notice to the respondent in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders.

184 (b) "Lethality assessment" means an evidence-based assessment that is intended to identify a victim of domestic violence who is at a high risk of being killed by the perpetrator.

187 (c) "Task force" means the Public Safety Data Management Task Force created in this section.

189 (d) "Victim" means an individual who is a victim of domestic violence, as defined in Section 77-36-1.

191 (2) There is created the Public Safety Data Management Task Force consisting of the following members:

193 (a) three members of the Senate appointed by the president of the Senate, no more than two of whom may be from the same political party;

195 (b) three members of the House of Representatives appointed by the speaker of the House of Representatives, no more than two of whom may be from the same political party; and

198 (c) representatives from the following organizations as requested by the executive director of the State Commission on Criminal and Juvenile Justice:

200 (i) the State Commission on Criminal and Juvenile Justice;

201 (ii) the Judicial Council;

202 (iii) the Statewide Association of Prosecutors;

203 (iv) the Department of Corrections;

204 (v) the Department of Public Safety;

205 (vi) the Utah Association of Counties;



## HB0354 compared with HB0354S01

- 206 (vii) the Utah Chiefs of Police Association;
- 207 (viii) the Utah Sheriffs Association;
- 208 (ix) the Board of Pardons and Parole;
- 209 (x) the Department of Health and Human Services; and
- 210 [~~(xi) the Utah Division of Indian Affairs; and~~]
- 211 [~~(xii)~~] (xi) any other organizations or groups as recommended by the executive director of the  
Commission on Criminal and Juvenile Justice.
- 213 (3)
- . (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)  
(a) as a cochair of the task force.
- 215 (b) The speaker of the House of Representatives shall designate a member of the House of  
Representatives appointed under Subsection (2)(b) as a cochair of the task force.
- 217 (4)
- . (a) A majority of the members of the task force present at a meeting constitutes a quorum.
- 219 (b) The action of a majority of a quorum constitutes an action of the task force.
- 220 (5)
- . (a) Salaries and expenses of the members of the task force who are legislators shall be paid in  
accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator  
Compensation.
- 223 (b) A member of the task force who is not a legislator:
- 224 (i) may not receive compensation for the member's work associated with the task force; and
- 226 (ii) may receive per diem and reimbursement for travel expenses incurred as a member of the task force  
at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 229 (6) The State Commission on Criminal and Juvenile Justice shall provide staff support to the task force.
- 231 (7) The task force shall review the state's current criminal justice data collection requirements and make  
recommendations regarding:
- 233 (a) possible ways to connect the various records systems used throughout the state so that data can be  
shared between criminal justice agencies and with policymakers;
- 235 (b) ways to automate the collection, storage, and dissemination of the data;
- 236 (c) standardizing the format of data collection and retention;
- 237 (d) the collection of domestic violence data in the state; and

## HB0354 compared with HB0354S01

- 238 (e) the collection of data not already required related to criminal justice.
- 239 (8) On or before November 30 of each year, the task force shall provide a report to the Law  
Enforcement and Criminal Justice Interim Committee and the Legislative Management Committee  
that includes:
- 242 (a) recommendations in accordance with Subsection (7)(a);
- 243 (b) information on:
- 244 (i) lethality assessments conducted in the state, including:
- 245 (A) the type of lethality assessments used by law enforcement agencies and other organizations that  
provide domestic violence services; and
- 247 (B) training and protocols implemented by law enforcement agencies and the organizations described in  
Subsection (8)(b)(i)(A) regarding the use of lethality assessments;
- 250 (ii) the data collection efforts implemented by law enforcement agencies and the organizations  
described in Subsection (8)(b)(i)(A);
- 252 (iii) the number of cohabitant abuse protective orders that, in the immediately preceding calendar year,  
were:
- 254 (A) issued;
- 255 (B) amended or dismissed before the date of expiration; or
- 256 (C) dismissed under Section 78B-7-605; and
- 257 (iv) the prevalence of domestic violence in the state and the prevalence of the following in domestic  
violence cases:
- 259 (A) stalking;
- 260 (B) strangulation;
- 261 (C) violence in the presence of a child; and
- 262 (D) threats of suicide or homicide;
- 263 (c) a review of and feedback on:
- 264 (i) lethality assessment training and protocols implemented by law enforcement agencies and the  
organizations described in Subsection (8)(b)(i)(A); and
- 266 (ii) the collection of domestic violence data in the state, including:
- 267 (A) the coordination between state, local, and not-for-profit agencies to collect data from lethality  
assessments and on the prevalence of domestic violence, including the number of voluntary  
commitments of firearms under Section 53-5c-201;

## HB0354 compared with HB0354S01

- 271 (B) efforts to standardize the format for collecting domestic violence and lethality assessment data from  
state, local, and not-for-profit agencies within federal confidentiality requirements; and
- 274 (C) the need for any additional data collection requirements or efforts; and
- 275 (d) any proposed legislation.
- 291 Section 5. Section **41-6a-511** is amended to read:
- 292 **41-6a-511. Courts to collect and maintain data.**
- 278 (1) The state courts shall collect and maintain data necessary to allow sentencing and enhancement  
decisions to be made in accordance with this part.
- 280 (2)
- . (a) Each justice court shall transmit dispositions electronically to the Department of Public Safety in  
accordance with the requirement for recertification established by the Judicial Council.
- 283 (b) Immediately upon filling the requirements under Subsection (2)(a), a justice court shall collect  
and report the same DUI related data elements collected and maintained by the state courts under  
Subsection (1).
- 286 (3) The department shall maintain an electronic data base for DUI related records and data including the  
data elements received or collected from the courts under this section.
- 288 (4)
- . (a) The Commission on Criminal and Juvenile Justice shall prepare an annual report of DUI related data  
including the following:
- 290 (i) the data collected by the courts under Subsections (1) and (2); [~~and~~]
- 291 (ii) the DUI crash data collected from law enforcement agencies under Section 53-10-118 by the  
Department of Public Safety's Criminal Investigations and Technical Services Division; and
- 294 [~~(ii)~~] (iii) any measures for which data are available to evaluate the profile and impacts of DUI  
recidivism and to evaluate the DUI related processes of:
- 296 (A) law enforcement;
- 297 (B) adjudication;
- 298 (C) sanctions;
- 299 (D) driver license control; and
- 300 (E) alcohol education, assessment, and treatment.
- 301

## HB0354 compared with HB0354S01

(b) The report shall be provided in writing to the Judiciary and Transportation Interim Committees no later than the last day of October following the end of the fiscal year for which the report is prepared.

319 Section 6. Section 6 is enacted to read:

320 **53-10-118. Collection of DUI crash data.**

306 (1)

(a) The division shall collect from every law enforcement agency the following data concerning a crash that appears to be connected with a driving under the influence offense:

309 (i) whether the impaired driver was injured or killed;

310 (ii) whether any other individual was injured or killed;

311 (iii) whether there was damage to real or personal property; and

312 (iv) the following results or findings regarding the driver's impairment:

313 (A) blood or breath alcohol concentration readings;

314 (B) blood, chemical, or similar tests detecting alcohol or other drugs in an individual; and

316 (C) field sobriety test results.

317 (b) In accordance with Section 53-25-104, a law enforcement agency shall provide the information described in Subsection (1)(a) in the form and manner requested by the division.

320 (2) The division shall provide the information collected under Subsection (1) to the Commission on Criminal and Juvenile Justice for use in the annual report described in Section 41-6a-511.

338 Section 7. Section 7 is enacted to read:

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### **Part 1. Disclosure and General Reporting Requirements**

340 **53-25-104. DUI crash data reporting requirements.**

Beginning on January 1, 2026, a law enforcement agency shall collect and provide to the department's Criminal Investigations and Technical Services Division the DUI crash data described in Section 53-10-118.

344 Section 8. Section 8 is enacted to read:

345 **53-25-105. Sharing information with statewide criminal intelligence system.**

Beginning on July 1, 2025, a law enforcement agency shall:

334 (1) share information from the law enforcement agency's record management system with the department's statewide criminal intelligence system as described in Subsection 53-10-302(8); and

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## HB0354 compared with HB0354S01

(2) coordinate with the department to enter into a memorandum of understanding or related agreement that may be necessary for the sharing of the information described in Subsection (1).

354 Section 9. Section 9 is enacted to read:

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### Part 5. Firearm Reporting Requirements

356 **53-25-502. Law enforcement agency reporting requirements for certain firearm data.**

344 (1) As used in this section:

345 (a) "Antique firearm" means the same as that term is defined in Section 76-10-501.

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

348 (c) "Firearm" means the same as that term is defined in Section 76-10-501.

349 (d)

(i) "Untraceable firearm" means a firearm:

350 (A) that was manufactured, assembled, or otherwise created in a manner such that a serial number or other legally required identifying number or marking is not affixed to the firearm;

353 (B) that is made of plastic, fiberglass, or another material that would not be detectable by a detection device commonly used at an airport or other public building for security screening; or

356 (C) on which the identifying serial number or other legally required identifying number or marking has been removed or altered such that the firearm's provenance cannot be traced.

359 (ii) "Untraceable firearm" does not include an antique firearm.

360 (2)

(a) Beginning on July 1, 2027, a law enforcement agency shall collect and annually, on or before April 30, report to the commission the following data for the previous calendar year:

363 (i) the number of criminal offenses reported to, or investigated by, the law enforcement agency in which the law enforcement agency determined that a lost, stolen, or untraceable firearm was used in the commission of the criminal offense, categorized by the type of offense; and

367 (ii) the number of firearms, separated by each category described in Subsections (2)(a)(ii)(A) through (E), in the custody of the law enforcement agency that were:

369 (A) returned to the property owner;

370 (B) destroyed;

371 (C) retained in evidence or other storage;

372 (D) transferred to another governmental entity; or

## HB0354 compared with HB0354S01

- 373 (E) submitted to a non-governmental entity for sale or disposal under Section 77-11a-403.  
375 (b) A law enforcement agency shall compile the data described in Subsection (2)(a) for each calendar  
year in the standardized format developed by the commission under Subsection (3).  
378 (c) The reporting requirements under Subsection (2)(a)(i) do not apply to a criminal offense or  
investigation for an offense under Title 23A, Wildlife Resources Act, that involves a firearm.  
381 (3) The commission shall:  
382 (a) develop a standardized format for reporting the data described in Subsection (2);  
383 (b) compile the data submitted under Subsection (2); and  
384 (c) annually on or before August 1, publish a report of the data described in Subsection (2) on the  
commission's website.  
386 (4) This section does not apply to:  
387 (a) the Department of Corrections; or  
388 (b) a law enforcement agency created under Section 41-3-104.  
403 Section 10. Section 10 is enacted to read:

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### **Part 6. Law Enforcement Equipment Requirements**

#### 405 **53-25-601. Definitions.**

As used in this part:

- 393 (1)  
394 . (a) "Biometric data" means data generated by automatic measurements of an individual's unique  
biological characteristics.  
395 (b) "Biometric data" includes data described in Subsection (1)(a) that is generated by automatic  
measurements of an individual's fingerprint, voiceprint, eye retinas, irises, or any other unique  
biological pattern or characteristic that is used to identify a specific individual.  
399 (c) "Biometric data" does not include:  
400 (i) a physical or digital photograph;  
401 (ii) a video or audio recording; or  
402 (iii) data generated from an item described in Subsection (1)(c)(i) or (ii).  
403 (2) "Portable biometric capture device" means a device or electronic application that:  
404 (a) is able to accurately capture at least one form of an individual's biometric data;  
405 (b) can be carried by a law enforcement officer, either on the law enforcement officer's person or in the  
law enforcement officer's vehicle; and

## HB0354 compared with HB0354S01

407 (c) is capable of transmitting or allowing for the transfer of captured biometric data into a law  
enforcement database so that the captured biometric data can be used to identify an individual based  
425 on the individual's existing biometric data in the law enforcement database.

425 Section 11. Section 11 is enacted to read:

426 **53-25-602. Portable biometric capture method requirement.**

Beginning January 1, 2027, a law enforcement agency shall ensure that every law  
enforcement officer who is on duty outside of the law enforcement agency's facility is supplied  
430 with a portable biometric capture device.

430 Section 12. Section 63A-16-1002 is amended to read:

431 **63A-16-1002. Public safety portal.**

418 (1) The commission shall oversee the creation and management of a public safety portal for information  
and data required to be reported to the commission and accessible to all criminal justice agencies in  
the state.

421 (2) The division shall assist with the development and management of the public safety portal.

423 (3) The division, in collaboration with the commission, shall create:

424 (a) master standards and formats for information submitted to the public safety portal;

425 (b) a gateway, bridge, website, or other method for reporting entities to provide the information;

427 (c) a master data management index or system to assist in the retrieval of information from the public  
safety portal;

429 (d) a protocol for accessing information in the public safety portal that complies with state privacy  
regulations; and

431 (e) a protocol for real-time audit capability of all data accessed from the public safety portal by  
participating data source, data use entities, and regulators.

433 (4) The public safety portal shall be the repository for the statutorily required data described in:

435 (a) Section 13-53-111, recidivism reporting requirements;

436 (b) Section 17-22-32, county jail reporting requirements;

437 (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;

438 (d) Section 26B-1-427, Alcohol Abuse Tracking Committee;

439 (e) Section 41-6a-511, courts to collect and maintain data;

440 (f) Section 53-10-118, collection of DUI crash data;

441 [~~f~~] (g) Section 53-25-301, reporting requirements for reverse-location warrants;

## HB0354 compared with HB0354S01

- 442 ~~[(g)]~~ (h) Section 53-25-202, sexual assault offense reporting requirements for law enforcement agencies;
- 444 ~~[(h)]~~ (i) Section 53E-3-516, school disciplinary and law enforcement action report;
- 445 ~~[(i)]~~ (j) Section 53-25-501, reporting requirements for seized firearms;
- 446 (k) Section 53-25-502, law enforcement agency reporting requirements for certain firearm data;
- 448 ~~[(j)]~~ (l) Section 63M-7-214, law enforcement agency grant reporting;
- 449 ~~[(k)]~~ (m) Section 63M-7-216, prosecutorial data collection;
- 450 (n) Section 63M-7-216.1, prosecutorial data collection regarding prosecutions of false sexual assault accusations;
- 452 ~~[(l)]~~ (o) Section 63M-7-220, domestic violence data collection;
- 453 ~~[(m)]~~ (p) Section 64-13-21, supervision of sentenced offenders placed in community;
- 454 ~~[(n)]~~ (q) Section 64-13-25, standards for programs;
- 455 ~~[(o)]~~ (r) Section 64-13-45, department reporting requirements;
- 456 ~~[(p)]~~ (s) Section 64-13e-104, county correctional facility reimbursement program for state probationary inmates and state parole inmates;
- 458 ~~[(q)]~~ (t) Section 77-7-8.5, use of tactical groups;
- 459 ~~[(r)]~~ (u) Section 77-11b-404, forfeiture reporting requirements;
- 460 ~~[(s)]~~ (v) Section 77-20-103, release data requirements;
- 461 ~~[(t)]~~ (w) Section 77-22-2.5, court orders for criminal investigations;
- 462 ~~[(u)]~~ (x) Section 78A-2-109.5, court data collection on criminal cases;
- 463 ~~[(v)]~~ (y) Section 80-6-104, data collection on offenses committed by minors; and
- 464 ~~[(w)]~~ (z) any other statutes ~~[which]~~ that require the collection of specific data and the reporting of that data to the commission.
- 466 (5) Before October 1, 2025, the commission shall report all data collected to the Law Enforcement and Criminal Justice Interim Committee.
- 468 (6) The commission may:
- 469 (a) enter into contracts with private or governmental entities to assist entities in complying with the data reporting requirements of Subsection (4); and
- 471 (b) adopt, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules to administer this section, including establishing requirements and procedures for collecting the data described in Subsection (4).



## HB0354 compared with HB0354S01

488 Section 13. Section 13 is enacted to read:

489 **63A-16-1004. Software service required to be compatible with public safety portal.**

477 (1) A vendor that operates a software service described in Subsection (2) shall:

478 (a) establish an automated connection to the commission's public safety portal; and

479 (b) ensure that the connection described in Subsection (1)(a) is operational within one year of the criminal justice agency's system that uses the software service becoming active.

482 (2) A software service is subject to Subsection (1) if the software service:

483 (a) is for use by a criminal justice agency within the state's criminal justice system; and

484 (b) collects and stores data required by statute to be reported to the commission.

499 Section 14. Section 63I-2-277 is amended to read:

500 **63I-2-277. ~~{(Effective 07/01/25)}~~{(Effective 05/07/25)} Repeal dates: Title 77.**

488 (1) Subsection 77-23f-102(2)(a)(ii), regarding a notice for certain reverse-location search warrant applications, is repealed January 1, 2033.

490 (2) Subsection 77-23f-103(2)(a)(ii), regarding a notice for certain reverse-location search warrant applications, is repealed January 1, 2033.

492 ~~{(3)} Subsection 77-41-115(2), regarding the requirement for the Department of Corrections to submit the results of risk assessments for sex offenders to the State Commission on Criminal and Juvenile Justice, is repealed January 1, 2030.}~~

505 (3) Subsection 77-41-115(2), regarding the requirement for the Department of Corrections to submit the results of risk assessments for sex offenders to the State Commission on Criminal and Juvenile Justice, is repealed January 1, 2030.

508 Section 15. Section 63M-7-204 is amended to read:

509 **63M-7-204. Duties of commission.**

497 (1) The commission shall:

498 (a) promote the commission's purposes as enumerated in Section 63M-7-201;

499 (b) promote the communication and coordination of all criminal and juvenile justice agencies;

501 (c) study, evaluate, and report on the status of crime in the state and on the effectiveness of criminal justice policies, procedures, and programs that are directed toward the reduction of crime in the state;

504 (d) study, evaluate, and report on programs initiated by state and local agencies to address reducing recidivism, including changes in penalties and sentencing guidelines intended to reduce recidivism,

## HB0354 compared with HB0354S01

costs savings associated with the reduction in the number of inmates, and evaluation of expenses and resources needed to meet goals regarding the use of treatment as an alternative to incarceration, as resources allow;

- 510 (e) study, evaluate, and report on policies, procedures, and programs of other jurisdictions which have effectively reduced crime;
- 512 (f) identify and promote the implementation of specific policies and programs the commission determines will significantly reduce crime in Utah;
- 514 (g) provide analysis and recommendations on all criminal and juvenile justice legislation, state budget, and facility requests, including program and fiscal impact on all components of the criminal and juvenile justice system;
- 517 (h) provide analysis, accountability, recommendations, and supervision for state and federal criminal justice grant money;
- 519 (i) provide public information on the criminal and juvenile justice system and give technical assistance to agencies or local units of government on methods to promote public awareness;
- 522 (j) promote research and program evaluation as an integral part of the criminal and juvenile justice system;
- 524 (k) provide a comprehensive criminal justice plan annually;
- 525 (l) review agency forecasts regarding future demands on the criminal and juvenile justice systems, including specific projections for secure bed space;
- 527 (m) promote the development of criminal and juvenile justice information systems that are consistent with common standards for data storage and are capable of appropriately sharing information with other criminal justice information systems by:
- 530 (i) developing and maintaining common data standards for use by all state criminal justice agencies;
- 532 (ii) annually performing audits of criminal history record information maintained by state criminal justice agencies to assess their accuracy, completeness, and adherence to standards;
- 535 (iii) defining and developing state and local programs and projects associated with the improvement of information management for law enforcement and the administration of justice; and
- 538 (iv) establishing general policies concerning criminal and juvenile justice information systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this Subsection (1)(m);
- 541 (n) allocate and administer grants, from money made available, for approved education programs to help prevent the sexual exploitation of children;

## HB0354 compared with HB0354S01

- 543 (o) allocate and administer grants for law enforcement operations and programs related to reducing  
illegal drug activity and related criminal activity;
- 545 (p) request, receive, and evaluate data and recommendations collected and reported by agencies and  
contractors related to policies recommended by the commission regarding recidivism reduction,  
including the data described in Section 13-53-111 and Subsection 26B-5-102(2)(l);
- 549 (q) establish and administer a performance incentive grant program that allocates funds appropriated  
by the Legislature to programs and practices implemented by counties that reduce recidivism and  
reduce the number of offenders per capita who are incarcerated;
- 553 (r) oversee or designate an entity to oversee the implementation of juvenile justice reforms;
- 555 (s) make rules and administer the juvenile holding room standards and juvenile jail standards to align  
with the Juvenile Justice and Delinquency Prevention Act requirements pursuant to 42 U.S.C. Sec.  
5633;
- 558 (t) allocate and administer grants, from money made available, for pilot qualifying education programs;
- 560 (u) request, receive, and evaluate the aggregate data collected from prosecutorial agencies and the  
Administrative Office of the Courts, in accordance with Sections 63M-7-216, 63M-7-216.1, and  
78A-2-109.5;
- 563 (v) report annually to the Law Enforcement and Criminal Justice Interim Committee on the progress  
made on each of the following goals of the Justice Reinvestment Initiative:
- 566 (i) ensuring oversight and accountability;
- 567 (ii) supporting local corrections systems;
- 568 (iii) improving and expanding reentry and treatment services; and
- 569 (iv) strengthening probation and parole supervision;
- 570 (w) compile a report of findings based on the data and recommendations provided under Section  
13-53-111 and Subsection 26B-5-102(2)(n) that:
- 572 (i) separates the data provided under Section 13-53-111 by each residential, vocational and life skills  
program; and
- 574 (ii) separates the data provided under Subsection 26B-5-102(2)(n) by each mental health or substance  
use treatment program;
- 576 (x) publish the report described in Subsection (1)(w) on the commission's website and annually provide  
the report to the Judiciary Interim Committee, the Health and Human Services Interim Committee,

## HB0354 compared with HB0354S01

the Law Enforcement and Criminal Justice Interim Committee, and the related appropriations subcommittees;

- 580 (y) receive, compile, and publish on the commission's website the data provided under:  
581 (i) Section 53-25-202;  
582 (ii) Section 53-25-301; and  
583 (iii) Section 53-25-401;  
584 (z) review, research, advise, and make recommendations to the three branches of government regarding evidence-based sex offense management policies and practices, including supervision standards, treatment standards, and the sex offender registry;  
588 (aa) receive and evaluate a referral from the Department of Public Safety received under Section 53-21-104.3 involving a denial of mental health resources to an eligible individual, including, if appropriate in the commission's discretion, deny the relevant entity from receiving any grant of state funds under Section 63M-7-218 for a specified period of time; and  
593 (bb) accept public comment.  
594 (2)  
. (a) The commission may designate an entity to perform the duties described in this part.  
596 (b) If the commission designates an entity under Subsection (2)(a), the commission shall ensure that the membership of the designated entity includes representation from relevant stakeholder groups from the parts of the justice system implicated in the policy area.  
600 (3) in fulfilling the commission's duties under Subsection (1), the commission may seek input and request assistance from groups with knowledge and expertise in criminal justice, including other boards and commissions affiliated or housed within the commission.

617 Section 16. Section **16** is enacted to read:

618 **63M-7-216.1. Prosecutorial data collection regarding prosecutions of false sexual assault accusations.**

607 (1) Beginning January 1, 2026, all prosecutorial agencies within the state shall collect and submit the following data to the commission:

609 (a) the number of prosecutions during the previous calendar year in which charges were brought against an individual based on the individual's false accusation of:

611 (i) rape in violation of Section 76-5-402;

612 (ii) object rape in violation of Section 76-5-402.2;

## HB0354 compared with HB0354S01

- 613 (iii) forcible sodomy in violation of Section 76-5-403;
- 614 (iv) forcible sexual abuse in violation of Section 76-5-404; or
- 615 (v) aggravated sexual assault in violation of Section 76-5-405; {and}
- 616 (b) the disposition of each prosecution described in Subsection (1)(a){-} ; and
- 630 (c) the number of cases for which an alleged violation of an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, was later recanted by the victim.
- 617 (2) The information required by Subsection (1) shall be submitted to the commission in the form and manner selected by the commission.
- 634 Section 17. Section **63M-7-218** is amended to read:
- 635 **63M-7-218. State grant requirements.**
- 621 (1) Except as provided in Subsection (2), the commission may not award a grant of state funds to an entity subject to, and not in compliance with, the reporting requirements in Subsection 63A-16-1002(4).
- 624 (2)
- . (a) The commission may award a grant to an entity under Section 63A-16-1003 even if the entity is not in compliance with the reporting requirements described in Subsection 63A-16-1002(4).
- 627 (b) Subsection (1) does not apply to the law enforcement reporting requirements for certain firearm data described in Section 53-25-502.
- 629 (3) Beginning July 1, 2025, the commission may not award any grant of state funds to an entity subject to the requirements under Sections 53-21-102 and 53-21-104.3, if the commission has determined under Subsection 63M-7-204(1)(aa) that the entity is currently not eligible to receive state grant funds under this section.
- 648 Section 18. Section **77-20-103** is amended to read:
- 649 **77-20-103. Release data requirements.**
- 635 (1) The Administrative Office of the Courts shall submit the following data on cases involving individuals for whom the Administrative Office of the Courts has a state identification number broken down by judicial district to the Commission on Criminal and Juvenile Justice before July 1 of each year:
- 639 (a) for the preceding calendar year:
- 640

## HB0354 compared with HB0354S01

(i) the number of individuals charged with a criminal offense who failed to appear at a required court proceeding while on pretrial release under each of the following categories of release, separated by each type of release:

643 (A) the individual's own recognizance;

644 (B) a financial condition; and

645 (C) a release condition other than a financial condition;

646 (ii) the number of offenses that carry a potential penalty of incarceration an individual committed while on pretrial release under each of the following categories of release, separated by each type of release:

649 (A) the individual's own recognizance;

650 (B) a financial condition; and

651 (C) a release condition other than a financial condition; and

652 (iii) the total amount of fees and fines, including bond forfeiture, collected by the court from an individual for the individual's failure to comply with a condition of release under each of the following categories of release, separated by each type of release:

656 (A) an individual's own recognizance;

657 (B) a financial condition; and

658 (C) a release condition other than a financial condition; and

659 (b) at the end of the preceding calendar year:

660 (i) the total number of outstanding warrants of arrest for individuals who were released from law enforcement custody on pretrial release under each of the following categories of release, separated by each type of release:

663 (A) the individual's own recognizance;

664 (B) a financial condition; and

665 (C) a release condition other than a financial condition;

666 (ii) for each of the categories described in Subsection (1)(b)(i), the average length of time that the outstanding warrants had been outstanding; and

668 (iii) for each of the categories described in Subsection (1)(b)(i), the number of outstanding warrants for arrest for crimes of each of the following categories:

670 (A) a first degree felony;

671 (B) a second degree felony;

## HB0354 compared with HB0354S01

- 672 (C) a third degree felony;
- 673 (D) a class A misdemeanor;
- 674 (E) a class B misdemeanor; and
- 675 (F) a class C misdemeanor.
- 676 (2) The data described in Subsection (1) shall include cases involving pretrial release by a temporary pretrial status order and a pretrial release order.
- 678 (3) Each county jail shall submit the following data, based on the preceding calendar year, to the Commission of Criminal and Juvenile Justice before July 1 of each year:
- 680 (a) the number of individuals released upon payment of monetary bail before appearing before a court;
- 682 (b) the number of individuals released on the individual's own recognizance before appearing before a court; and
- 684 (c) the amount of monetary bail, any fees, and any other money paid by or on behalf of individuals collected by the county jail.
- 686 [~~3~~] (4) The Commission on Criminal and Juvenile Justice shall compile the data collected under this section and shall submit the compiled data in an electronic report to the Law Enforcement and Criminal Justice Interim Committee before November 1 of each year.

705 Section 19. Section **19** is enacted to read:

706 **77-41-115. Sex offender risk assessment -- Department of Corrections responsibilities.**

The Department of Corrections shall:

- 693 (1) for a sex offender convicted after May 7, 2025, of an offense committed in this state described in Subsection 77-41-102(19)(a), conduct a risk assessment to ascertain the risk that the individual may commit another offense described in Subsection 77-41-102(19)(a); and
- 697 (2) 30 days after the day on which a calendar quarterly period ends, submit the results of any risk assessments completed under Subsection (1) during the preceding quarter to the State Commission on Criminal and Juvenile Justice.

716 Section 20. **Effective date.**

- 701 (1) Except as provided in Subsection (2), this bill takes effect July 1, 2025.
- 702 (2) The actions affecting the following sections take effect on May 7, 2025:
- 703 (a) Section 77-41-115 (Effective 05/07/25);
- 704 (b) Section 53-25-602 (Effective 05/07/25);
- 705 (c) Section 53-25-104 (Effective 05/07/25);

## HB0354 compared with HB0354S01

- 722 (d) Section 63I-2-277 (Effective 05/07/25);  
706 ~~{(d)}~~ (e) Section 63M-7-204 (Effective 05/07/25);  
707 ~~{(e)}~~ (f) Section 17-22-35 (Effective 05/07/25);  
708 ~~{(f)}~~ (g) Section 53-25-105 (Effective 05/07/25);  
709 ~~{(g)}~~ (h) Section 63M-7-216.1 (Effective 05/07/25); and  
710 ~~{(h)}~~ (i) Section 53-25-601 (Effective 05/07/25).  
728 Section 21. **Coordinating H.B. 354 with S.B. 41.**

If H.B. 354, Criminal Justice Revisions, and S.B. 41, Sex, Kidnap, and Child Abuse Offender Registry Amendments, both pass and become law, the Legislature intends that, on May 7, 2025:

(1) Section 77-41-115 enacted by H.B. 354 be deleted;

(2) Subsection 53-29-302(2), enacted in S.B. 41, be amended to read:

"(2) The Department of Corrections shall:

(a) register an offender in the custody of the Department of Corrections with the department upon:

\_\_\_\_\_ (i) placement on probation;

\_\_\_\_\_ (ii) commitment to a secure correctional facility operated by or under contract with the Department of Corrections;

\_\_\_\_\_ (iii) release from confinement to parole status, termination or expiration of sentence, or escape;

\_\_\_\_\_ (iv) entrance to and release from any community-based residential program operated by or under contract with the Department of Corrections; or

\_\_\_\_\_ (v) termination of probation or parole; and

(b)(i) for a sex offender convicted after May 7, 2025, of an offense committed in this state, conduct a risk assessment to ascertain the risk that the individual may commit another offense that requires an individual to register as a sex offender; and

\_\_\_\_\_ (ii) 30 days after the day on which a calendar quarterly period ends, submit the results of any risk assessments completed under Subsection (2)(b)(i) during the preceding quarter to the State Commission on Criminal and Juvenile Justice.";

(3) Subsection 63I-2-277(3), enacted in H.B. 354, be deleted; and

(4) The following language be inserted numerically according to title placement as a



## **HB0354 compared with HB0354S01**

subsection in Section 63I-2-253, and the remaining subsections be renumbered accordingly:  
"Subsection 53-29-302(2)(b)(ii), regarding the requirement for the Department of  
Corrections to submit the results of risk assessments for sex offenders to the State Commission  
on Criminal and Juvenile Justice, is repealed January 1, 2030."

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