

# HB0354S02 compared with HB0354

~~{Omitted text}~~ shows text that was in HB0354 but was omitted in HB0354S02

inserted text shows text that was not in HB0354 but was inserted into HB0354S02

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1

## Criminal Justice Revisions

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor:

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### 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

## HB0354 compared with HB0354S02

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 prosecutorial agencies and courts to report to the commission data concerning enhancements to criminal charges;
- 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}~~ certain prosecutions, dismissals, and declinations to prosecute;

## HB0354 compared with HB0354S02

- 47 ▶ exempts certain reporting requirements from law enforcement grant eligibility requirements;
- 49 ▶ 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}
- 57 ▶ includes coordination clauses to:
- 58 • 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
- 62 • merge the changes to Sections 53-25-104 and 63A-16-1002 if this bill and H.B. 436, Impaired Driving Amendments, both pass and become law; and
- 56 ▶ makes technical and conforming changes.

### 65 Money Appropriated in this Bill:

66 None

### 67 Other Special Clauses:

68 This bill provides a special effective date.

69 This bill provides coordination clauses.

### 71 AMENDS:

- 72 **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
- 73 **17-22-5.5 ~~{(Effective 07/01/25)}~~(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 419 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 419
- 74 **36-29-111 ~~{(Effective 07/01/25)}~~(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 506 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 506

75

## HB0354 compared with HB0354S02

41-6a-511 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), as last amended by Laws of Utah 2011,  
Chapter 51 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), as last amended by Laws of Utah 2011,  
Chapter 51

76 63A-16-1002 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), as last amended by Laws of Utah 2024,  
Chapter 467 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), as last amended by Laws of Utah 2024,  
Chapter 467

77 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

79 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

80 **63M-7-216 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter  
108 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 108**

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81 63M-7-218 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), as last amended by Laws of Utah 2024,  
Chapter 345 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), as last amended by Laws of Utah 2024,  
Chapter 345

82 77-20-103 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), as renumbered and amended by Laws of  
Utah 2021, Second Special Session, Chapter 4 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), as  
renumbered and amended by Laws of Utah 2021, Second Special Session, Chapter 4

84 **78A-2-109.5 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter  
319 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 319**

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85 ENACTS:

86 17-22-35 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code  
Annotated 1953

87 53-10-118 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), Utah Code Annotated 1953 ~~{(Effective  
07/01/25)}~~(Effective 05/07/25), Utah Code Annotated 1953

88 53-25-104 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code  
Annotated 1953

89 53-25-105 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code  
Annotated 1953

90

## HB0354 compared with HB0354S02

53-25-502 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), Utah Code Annotated 1953 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), Utah Code Annotated 1953

91 53-25-601 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code Annotated 1953

92 53-25-602 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code Annotated 1953

93 63A-16-1004 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), Utah Code Annotated 1953 ~~{(Effective 07/01/25)}~~(Effective 05/07/25), Utah Code Annotated 1953

94 63M-7-216.1 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code Annotated 1953

95 77-41-115 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code Annotated 1953

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

97 53-25-104 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code Annotated 1953

98 63A-16-1002 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 467 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 467

99 63I-2-277 (Effective 05/07/25), as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 (Effective 05/07/25), as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

101 77-41-115 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code Annotated 1953

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

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

105 **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]~~

## HB0354 compared with HB0354S02

- 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)]~~ provide a written report to the Law Enforcement and Criminal Justice Interim Committee by ~~[November]~~ May 1, annually, beginning on May 1, 2026, to report data from the prior calendar year.
- 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 ~~[(e)]~~
- 129 (b) the total number of juvenile adjudications, misdemeanors, and felonies;
- 130 (c) the total case numbers and individual prosecutor average annual caseload of felonies broken down by sexual offenses, general crimes, and crimes of violence;
- 132 (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]~~ referred to the prosecutor's office by law enforcement but not filed due to insufficient evidence;
- 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]~~ a conviction at trial; and
- 118 (vii) cases that resulted in ~~[a court ruling in favor of the defense]~~ an acquittal at trial;
- 119 ~~{(d)}~~ and
- 145 ~~[(d)]~~ (e) the average number of days between:

## HB0354 compared with HB0354S02

- 120 (i) the filing of criminal charges; and  
121 (ii)  
(A) the delivery of discovery information, including witness statements;  
122 ~~{(B)}~~ or  
148 ~~[(B) the preliminary hearing; or]~~  
123 ~~[(C)]~~ (B) the first day of trial ~~[; and]~~ .  
124 ~~[(e) the average number of attorneys assigned to each case.]~~

151 Section 2. Section 17-22-5.5 is amended to read:

152 **17-22-5.5. ~~{(Effective 07/01/25)}~~(Effective 05/07/25)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 (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.

## HB0354 compared with HB0354S02

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.

190 Section 3. Section **3** is enacted to read:

191 **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 (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.

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

205 **36-29-111. ~~{(Effective 07/01/25)}~~(Effective 05/07/25)Public Safety Data Management Task Force.**

180 (1) As used in this section:



## HB0354 compared with HB0354S02

- 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;
- 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

## HB0354 compared with HB0354S02

- (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
- 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

## HB0354 compared with HB0354S02

- (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;
- 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.
- 302 Section 5. Section **41-6a-511** is amended to read:
- 303 **41-6a-511. ~~{(Effective 07/01/25)}~~{(Effective 05/07/25)}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)

## HB0354 compared with HB0354S02

- (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 (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.
- 330 Section 6. Section 6 is enacted to read:
- 331 **53-10-118. ~~{(Effective 07/01/25)}~~{(Effective 05/07/25)}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

## HB0354 compared with HB0354S02

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

313 (A) blood ~~{or}~~, breath, or urine alcohol concentration readings; and

314 (B) blood, urine, 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.

349 Section 7. Section 7 is enacted to read:

324

### Part 1. Disclosure and General Reporting Requirements

351 **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.

355 Section 8. Section 8 is enacted to read:

356 **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

337 (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).

365 Section 9. Section 9 is enacted to read:

341

### Part 5. Firearm Reporting Requirements

367 **53-25-502. ~~{(Effective 07/01/25)}~~(Effective 05/07/25)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.

## HB0354 compared with HB0354S02

- 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
- 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.

## HB0354 compared with HB0354S02

- 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.

414 Section 10. Section **10** is enacted to read:

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

#### 416 **53-25-601. Definitions.**

As used in this part:

393 (1)

- (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  
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 on the individual's existing biometric data in the law enforcement database.

434 Section 11. Section **11** is enacted to read:

#### 435 **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 with a portable biometric capture device.

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

441 **63A-16-1002.** ~~{(Effective 07/01/25)}~~(Effective 05/07/25) **Public safety portal.**

## HB0354 compared with HB0354S02

- 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;
- 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](#)} [certain prosecutions, dismissals, and declinations to prosecute](#);
- 452 [~~l~~] (o) Section 63M-7-220, domestic violence data collection;



## HB0354 compared with HB0354S02

- 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).
- 498 Section 13. Section 13 is enacted to read:
- 499 **63A-16-1004.** ~~{(Effective 07/01/25)}~~**(Effective 05/07/25)** **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.

## HB0354 compared with HB0354S02

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

510 **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.}~~

515 (3) Subsection 77-41-115(2)(b), 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.

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

519 **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, 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

## HB0354 compared with HB0354S02

- (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;
- 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

## HB0354 compared with HB0354S02

- (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, 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;

## HB0354 compared with HB0354S02

- 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.

627 Section 16. Section 63M-7-216 is amended to read:

628 **63M-7-216. Prosecutorial data collection -- Policy transparency.**

- 630 (1) As used in this section:
- 631 (a) "Commission" means the Commission on Criminal and Juvenile Justice created in Section  
63M-7-201.
- 633 (b)
- (i) "Criminal case" means a case where an offender is charged with an offense for which a mandatory  
court appearance is required under the Uniform Bail Schedule.
- 635 (ii) "Criminal case" does not mean a case for criminal non-support under Section 76-7-201 or any  
proceeding involving collection or payment of child support, medical support, or child care  
expenses by or on behalf of the Office of Recovery Services under Section 26B-9-108 or 76-7-202.
- 639 (c) "Offense tracking number" means a distinct number applied to each criminal offense by the Bureau  
of Criminal Identification.
- 641 (d) "Pre-filing diversion" means an agreement between a prosecutor and an individual prior to being  
charged with a crime, before an information or indictment is filed, in which the individual is

## HB0354 compared with HB0354S02

diverted from the traditional criminal justice system into a program of supervision and supportive services in the community.

- 645 (e) "Post-filing diversion" is as described in Section 77-2-5.
- 646 (f) "Prosecutorial agency" means the Office of the Attorney General and any city, county, or district attorney acting as a public prosecutor.
- 648 (g) "Publish" means to make aggregated data available to the general public.
- 649 (2) Beginning July 1, 2021, all prosecutorial agencies within the state shall submit the following data with regards to each criminal case referred to it from a law enforcement agency to the commission for compilation and analysis:
- 652 (a) the defendant's:
- 653 (i) full name;
- 654 (ii) offense tracking number;
- 655 (iii) date of birth; and
- 656 (iv) zip code;
- 657 (b) referring agency;
- 658 (c) whether the prosecutorial agency filed charges, declined charges, initiated a pre-filing diversion, or asked the referring agency for additional information;
- 660 (d) if charges were filed, the case number and the court in which the charges were filed;
- 661 (e) all charges brought against the defendant;
- 662 (f) if applicable, all enhancements to the charges against the defendant;
- 663 [~~(f)~~] (g) whether bail was requested and, if so, the requested amount;
- 664 [~~(g)~~] (h) the date of initial discovery disclosure;
- 665 [~~(h)~~] (i) whether post-filing diversion was offered and, if so, whether it was entered;
- 666 [~~(i)~~] (j) if post-filing diversion or other plea agreement was accepted, the date entered by the court; and
- 668 [~~(j)~~] (k) the date of conviction, acquittal, plea agreement, dismissal, or other disposition of the case.
- 670 (3)
- (a) The information required by Subsection (2), including information that was missing or incomplete at the time of an earlier submission but is presently available, shall be submitted within 90 days of the last day of March, June, September, and December of each year for the previous 90-day period in the form and manner selected by the commission.

675

## HB0354 compared with HB0354S02

- (b) If the last day of the month is a Saturday, Sunday, or state holiday, the information shall be submitted on the next working day.
- 677 (4) The prosecutorial agency shall maintain a record of all information collected and transmitted to the commission for 10 years.
- 679 (5) The commission shall include in the plan required by Subsection 63M-7-204(1)(k) an analysis of the data received, comparing and contrasting the practices and trends among and between prosecutorial agencies in the state. The Law Enforcement and Criminal Justice Interim Committee may request an in-depth analysis of the data received annually. Any request shall be in writing and specify which data points the report shall focus on.
- 685 (6) The commission may provide assistance to prosecutorial agencies in setting up a method of collecting and reporting data required by this section.
- 687 (7) Beginning January 1, 2021, all prosecutorial agencies shall publish specific office policies. If the agency does not maintain a policy on a topic in this subsection, the agency shall affirmatively disclose that fact. Policies shall be published online on the following topics:
- 691 (a) screening and filing criminal charges;
- 692 (b) plea bargains;
- 693 (c) sentencing recommendations;
- 694 (d) discovery practices;
- 695 (e) prosecution of juveniles, including whether to prosecute a juvenile as an adult;
- 696 (f) collection of fines and fees;
- 697 (g) criminal and civil asset forfeiture practices;
- 698 (h) services available to victims of crime, both internal to the prosecutorial office and by referral to outside agencies;
- 700 (i) diversion programs; and
- 701 (j) restorative justice programs.

702 Section 17. Section 17 is enacted to read:

703 **63M-7-216.1. Prosecutorial data collection regarding {~~prosecutions of false sexual assault accusations~~} certain prosecutions, dismissals, and declinations to prosecute.**

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

609

## HB0354 compared with HB0354S02

(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:}~~ that a felony or misdemeanor had occurred;

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

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

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

711 (c) the number of cases during the previous calendar year for which an alleged violation of any felony or misdemeanor was dismissed or declined:

713 (i) based on evidence that no crime was committed or attempted;

714 (ii) based on insufficient evidence to establish a likelihood of success at trial; or

715 (iii) because the victim was unable to participate.

617 (2) The information required by Subsection (1) shall be submitted to the commission in the form and manner selected by the commission.

718 Section 18. Section **63M-7-218** is amended to read:

719 **63M-7-218.** ~~{(Effective 07/01/25)}~~(Effective 05/07/25) **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.

732 Section 19. Section **77-20-103** is amended to read:



## HB0354 compared with HB0354S02

- 733           **77-20-103. ~~{(Effective 07/01/25)}~~{(Effective 05/07/25)}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       (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;

## HB0354 compared with HB0354S02

- 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;
- 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.

789 Section 20. Section **20** is enacted to read:

790 **77-41-115. Sex offender risk assessment -- Department of Corrections responsibilities.**

792 (1) As used in this section:

793 (a) "Dynamic factors" means an individual's individual characteristics, issues, resources, or  
circumstances that:

795 (i) can change or be influenced; and

796 (ii) affect the risk of:

797 (A) recidivism; or

798 (B) violating conditions of probation or parole.

## HB0354 compared with HB0354S02

- 799 (b) "Multi-domain assessment" means an evaluation process or tool that reports in quantitative and qualitative terms an offender's condition, stability, needs, resources, dynamic factors, and static factors that affect the offender's transition into the community and compliance with conditions of probation or parole.
- 803 (c) "Static factors" means an individual's individual characteristics, issues, resources, or circumstances that:
- 805 (i) are unlikely to be changeable or influenced; and
- 806 (ii) affect the risk of:
- 807 (A) recidivism; or
- 808 (B) violating conditions of probation or parole.
- The Department of Corrections shall:
- 693 {(+) (a) 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-}, if available, multi-domain assessments that are validated for the population and offense type of the individual to inform the treatment and supervision needs of the individual {may commit another offense described in Subsection 77-41-102(19)(a)} ; and
- 697 {(2)} (b) 30 days after the day on which a calendar quarterly period ends, submit the results of any risk assessments completed under Subsection {(+)} (2)(a) during the preceding quarter to the State Commission on Criminal and Juvenile Justice.
- 817 Section 21. Section 78A-2-109.5 is amended to read:
- 818 **78A-2-109.5. Court data collection and reporting.**
- 819 (1) As used in this section, "commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
- 821 (2) The Administrative Office of the Courts shall submit the following information to the commission for each criminal case filed with the court:
- 823 (a) case number;
- 824 (b) the defendant's:
- 825 (i) full name;
- 826 (ii) offense tracking number; and
- 827 (iii) date of birth;
- 828 (c) charges filed;

## HB0354 compared with HB0354S02

- 829 (d) if applicable, all enhancements to the charges against the defendant;
- 830 [~~(d)~~] (e) initial appearance date;
- 831 [~~(e)~~] (f) bail amount set by the court, if any;
- 832 [~~(f)~~] (g) whether the defendant was represented by a public defender, private counsel, or pro se;
- 834 [~~(g)~~] (h) whether the defendant has previously been convicted of an offense;
- 835 [~~(h)~~] (i) final disposition of the charges; and
- 836 [~~(i)~~] (j) if the defendant is convicted, the defendant's total score for any pretrial risk assessment used  
by a magistrate or judge in making a determination about pretrial release as described in Section  
77-20-205.
- 839 (3)
- (a) The Administrative Office of the Courts shall submit the information described in Subsection (2)  
to the commission on the 15th day of July and January of each year for the previous six-month  
period ending the last day of June and December of each year in the form and manner selected by  
the commission.
- 843 (b) If the last day of the month is a Saturday, Sunday, or state holiday, the Administrative Office of  
the Courts shall submit the information described in Subsection (2) to the commission on the next  
working day.
- 846 (4) Before July 1 of each year, the Administrative Office of the Courts shall submit the following data  
on cases involving individuals charged with class A misdemeanors and felonies, broken down by  
judicial district, to the commission for each preceding calendar year:
- 850 (a) the number of cases in which a preliminary hearing is set and placed on the court calendar;
- 852 (b) the median and range of the number of times that a preliminary hearing is continued in cases in  
which a preliminary hearing is set and placed on the court calendar;
- 854 (c) the number of cases, and the average time to disposition for those cases, in which only written  
statements from witnesses are submitted as probable cause at the preliminary hearing;
- 857 (d) the number of cases, and the average time to disposition for those cases, in which written statements  
and witness testimony are submitted as probable cause at the preliminary hearing;
- 860 (e) the number of cases, and the average time to disposition for those cases, in which only witness  
testimony is submitted as probable cause at the preliminary hearing; and
- 862 (f) the number of cases in which a preliminary hearing is held and the defendant is bound over for trial.
- 864

## HB0354 compared with HB0354S02

(5) The commission shall include the data collected under Subsection (4) in the commission's annual report described in Section 63M-7-205.

866 (6) No later than November 1, 2027, the Administrative Office of the Courts shall provide the Law Enforcement and Criminal Justice Interim Committee with a written report on, for each fiscal year that begins on and after July 1, 2024:

869 (a) the total number of offenses, including the level of each offense, for which an enhancement was sought under Section 76-3-203.17;

871 (b) the total number of offenses, including the level of each offense, that were enhanced under Section 76-3-203.17; and

873 (c) the total amount of fines that were imposed under Section 76-3-203.17.

874 Section 22. **Effective date.**

701 (1) Except as provided in Subsection (2), this bill takes effect {~~July 1,~~ May 7, 2025.

702 (2) The actions affecting {~~the following sections~~ Section 17-18a-203.5 (Effective 07/01/25) take effect on {~~May 7, 2025;~~ July 1, 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);}~~}

706 {~~(d) {Section 63M-7-204 (Effective 05/07/25);}~~}

707 {~~(e) {Section 17-22-35 (Effective 05/07/25);}~~}

708 {~~(f) {Section 53-25-105 (Effective 05/07/25);}~~}

709 {~~(g) {Section 63M-7-216.1 (Effective 05/07/25); and}~~}

710 {~~(h) {Section 53-25-601 (Effective 05/07/25);}~~}

878 Section 23. **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) Section 53-29-302, enacted in S.B. 41, have the following subsection inserted as Subsection (1) and the remaining subsections be renumbered accordingly:

"(1) As used in this section:

(a) "Dynamic factors" means an individual's individual characteristics, issues, resources,

## HB0354 compared with HB0354S02

or circumstances that:

(i) can change or be influenced; and

(ii) affect the risk of:

(A) recidivism; or

(B) violating conditions of probation or parole.

(b) "Multi-domain assessment" means an evaluation process or tool that reports in quantitative and qualitative terms an offender's condition, stability, needs, resources, dynamic factors, and static factors that affect the offender's transition into the community and compliance with conditions of probation or parole.

(c) "Static factors" means an individual's individual characteristics, issues, resources, or circumstances that:

(i) are unlikely to be changeable or influenced; and

(ii) affect the risk of:

(A) recidivism; or

(B) violating conditions of probation or parole.";

(3) 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 an offender convicted after May 7, 2025, of an offense committed in this state that requires the individual to register as a sex offender, conduct, if available, multi-domain assessments that are validated for the population and offense type of the offender to inform the treatment and supervision needs of the offender; and

## HB0354 compared with HB0354S02

(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.";

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

(5) The following language be inserted numerically according to title placement as a 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."

927

**Section 24. Coordinating H.B. 354 with H.B. 436.**

If H.B. 354, Criminal Justice Revisions, and H.B. 436, Impaired Driving Amendments, both pass and become law, the Legislature intends that, on May 7, 2025:

(1) Section 53-25-104, enacted in H.B. 436, supersedes Section 53-25-104, enacted in H.B. 354; and

(2) Subsection 63A-16-1002(4)(f), enacted in H.B. 354 and H.B. 436, be amended to read:

"(f) Section 53-10-118, regarding driving under the influence data;"

2-20-25 9:42 AM