

HB0354S03 compared with HB0354S02

~~{Omitted text}~~ shows text that was in HB0354S02 but was omitted in HB0354S03
inserted text shows text that was not in HB0354S02 but was inserted into HB0354S03

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Criminal Justice Revisions
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ryan D. Wilcox
Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill creates certain requirements for criminal justice agencies and entities working with criminal justice agencies and modifies requirements for certain criminal offenders.

Highlighted Provisions:

- This bill:
- defines terms;
 - adds county attorney offices in counties of the second and third class to the statute requiring certain prosecutorial data collection and reporting regarding criminal cases and modifies requirements;
 - requires a county jail to:
 - 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
 - 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;

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- 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 • certain 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;
- 46 ▶ requires all prosecutorial agencies in the state to submit data to the commission concerning
certain prosecutions, dismissals, and declinations to prosecute;
- 48 ▶ exempts certain reporting requirements from law enforcement grant eligibility requirements;
- 50 ▶ modifies pretrial release data reporting requirements from the Administrative Office of the
Courts;

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- 52 ▸ 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;
- 55 ▸ requires the Department of Corrections, until January 1, 2030, to submit the results of risk assessments for sex offenders to the commission;
- 57 ▸ reduces the amount of time that must elapse before an offender who is on the Sex, Kidnap, and Child Abuse Offender Registry for an offense requiring lifetime registration is:
 - 60 • able to first petition for early removal from the registry; and
 - 61 • able to file an additional petition for early removal if the offender's previous petition is denied;
- 57 ▸ includes coordination clauses to:
 - 58 • merge the changes {~~to Sections 63I-2-277 and 77-41-115 in this bill if~~} in this bill and S.B. 41, Sex, Kidnap, and Child Abuse Offender Registry Amendments, if 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~~} in this bill and and H.B. 436, Impaired Driving Amendments, if both pass and become law; and
- 64 ▸ makes technical and conforming changes.

69 Money Appropriated in this Bill:

70 None

71 Other Special Clauses:

72 This bill provides a special effective date.

73 This bill provides coordination clauses.

75 AMENDS:

76 **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

77 **17-22-5.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 419 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapter 419

78 **36-29-111 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 506 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapter 506

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

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

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

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

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

63M-7-218 (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

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

77-41-112 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 116, 234 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 116, 234

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

ENACTS:

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

53-10-118 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

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

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

53-25-502 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

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97 53-25-601 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code
Annotated 1953

98 53-25-602 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code
Annotated 1953

99 63A-16-1004 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code
Annotated 1953

100 63M-7-216.1 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code
Annotated 1953

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

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

103 53-25-104 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code
Annotated 1953

104 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

105 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

107 77-41-115 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code
Annotated 1953

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

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

110 17-18a-203.5. District attorney and county attorney data collection for counties of the first,
111 second, and third class -- Report.

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

108 [(a) investigators;]

109 [(b) prosecutors;]

110 [(c) support staff; or]

111 [(d) other individuals paid for their work on the case.]

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[(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[:]

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

116 [(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.

119 [(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:

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

124 [(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;

128 [(c)]

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:

134 (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;

136 (ii) cases that were dismissed after charges were filed;

137 (iii) cases in which a plea agreement was reached by the parties prior to the preliminary hearing;

139 (iv) cases that were dismissed by the court after the preliminary hearing;

140 (v) cases in which a plea agreement was reached by the parties after the preliminary hearing;

142 (vi) cases that resulted in [a court ruling in favor of the state] a conviction at trial; and

143 (vii) cases that resulted in [a court ruling in favor of the defense] an acquittal at trial; and

145 [(d)] (e) the average number of days between:

146 (i) the filing of criminal charges; and

147 (ii)

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(A) the delivery of discovery information, including witness statements; or

~~[(B) the preliminary hearing; or]~~

~~[(C)] (B) the first day of trial[; and] .~~

~~[(e) the average number of attorneys assigned to each case.]~~

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

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.

(1)

(a) Except as provided in Subsection (4), a county sheriff shall determine:

(i) subject to Subsection (1)(b), the classification of each jail facility or section of a jail facility under the sheriff's control;

(ii) the nature of each program conducted at a jail facility under the sheriff's control; and

(iii) the internal operation of a jail facility under the sheriff's control.

(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.

(2) Except as provided in Subsection (4), each county sheriff shall:

(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

(b) upon a jail facility reaching the jail facility's maximum operating capacity:

(i) transfer prisoners to another appropriate facility:

(A) under the sheriff's control; or

(B) available to the sheriff by contract;

(ii) release prisoners:

(A) to a supervised release program, according to release criteria established by the sheriff; or

(B) to another alternative incarceration program developed by the sheriff; or

(iii) admit prisoners in accordance with law and a uniform admissions policy imposed equally upon all entities using the county jail.

(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).

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(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.

(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.

(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.

(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.

Section 3. Section 3 is enacted to read:

17-22-35. County jail requirements concerning state identification numbers and biometric and other personal information.

(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.

(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:

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

(b)

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

(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.

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

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

(1) As used in this section:

(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.

(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.

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- 213 (c) "Task force" means the Public Safety Data Management Task Force created in this section.
- 215 (d) "Victim" means an individual who is a victim of domestic violence, as defined in Section 77-36-1.
- 217 (2) There is created the Public Safety Data Management Task Force consisting of the following members:
- 219 (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;
- 221 (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
- 224 (c) representatives from the following organizations as requested by the executive director of the State Commission on Criminal and Juvenile Justice:
- 226 (i) the State Commission on Criminal and Juvenile Justice;
- 227 (ii) the Judicial Council;
- 228 (iii) the Statewide Association of Prosecutors;
- 229 (iv) the Department of Corrections;
- 230 (v) the Department of Public Safety;
- 231 (vi) the Utah Association of Counties;
- 232 (vii) the Utah Chiefs of Police Association;
- 233 (viii) the Utah Sheriffs Association;
- 234 (ix) the Board of Pardons and Parole;
- 235 (x) the Department of Health and Human Services; and
- 236 [~~(xi) the Utah Division of Indian Affairs; and~~]
- 237 [~~(xii)~~] (xi) any other organizations or groups as recommended by the executive director of the Commission on Criminal and Juvenile Justice.
- 239 (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.
- 241 (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.
- 243 (4)
- (a) A majority of the members of the task force present at a meeting constitutes a quorum.
- 245 (b) The action of a majority of a quorum constitutes an action of the task force.

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- 246 (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.
- 249 (b) A member of the task force who is not a legislator:
- 250 (i) may not receive compensation for the member's work associated with the task force; and
- 252 (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.
- 255 (6) The State Commission on Criminal and Juvenile Justice shall provide staff support to the task force.
- 257 (7) The task force shall review the state's current criminal justice data collection requirements and make recommendations regarding:
- 259 (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;
- 261 (b) ways to automate the collection, storage, and dissemination of the data;
- 262 (c) standardizing the format of data collection and retention;
- 263 (d) the collection of domestic violence data in the state; and
- 264 (e) the collection of data not already required related to criminal justice.
- 265 (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:
- 268 (a) recommendations in accordance with Subsection (7)(a);
- 269 (b) information on:
- 270 (i) lethality assessments conducted in the state, including:
- 271 (A) the type of lethality assessments used by law enforcement agencies and other organizations that provide domestic violence services; and
- 273 (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;
- 276 (ii) the data collection efforts implemented by law enforcement agencies and the organizations described in Subsection (8)(b)(i)(A);
- 278 (iii) the number of cohabitant abuse protective orders that, in the immediately preceding calendar year, were:

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- 280 (A) issued;
- 281 (B) amended or dismissed before the date of expiration; or
- 282 (C) dismissed under Section 78B-7-605; and
- 283 (iv) the prevalence of domestic violence in the state and the prevalence of the following in domestic
violence cases:
- 285 (A) stalking;
- 286 (B) strangulation;
- 287 (C) violence in the presence of a child; and
- 288 (D) threats of suicide or homicide;
- 289 (c) a review of and feedback on:
- 290 (i) lethality assessment training and protocols implemented by law enforcement agencies and the
organizations described in Subsection (8)(b)(i)(A); and
- 292 (ii) the collection of domestic violence data in the state, including:
- 293 (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;
- 297 (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
- 300 (C) the need for any additional data collection requirements or efforts; and
- 301 (d) any proposed legislation.
- 308 Section 5. Section **41-6a-511** is amended to read:
- 309 **41-6a-511. Courts to collect and maintain data.**
- 304 (1) The state courts shall collect and maintain data necessary to allow sentencing and enhancement
decisions to be made in accordance with this part.
- 306 (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.
- 309 (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).

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(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.

(4)

(a) The Commission on Criminal and Juvenile Justice shall prepare an annual report of DUI related data including the following:

(i) the data collected by the courts under Subsections (1) and (2); [~~and~~]

(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

~~[(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:

(A) law enforcement;

(B) adjudication;

(C) sanctions;

(D) driver license control; and

(E) alcohol education, assessment, and treatment.

(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.

Section 6. Section 6 is enacted to read:

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

(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:

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

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

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

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

(A) blood, breath, or urine alcohol concentration readings; and

(B) blood, urine, chemical, or similar tests detecting alcohol or other drugs in an individual.

(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.

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(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.

Section 7. Section 7 is enacted to read:

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

1. Disclosure and General 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.

Section 8. Section 8 is enacted to read:

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

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

- (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
- (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).

Section 9. Section 9 is enacted to read:

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

5. Firearm Reporting Requirements

(1) As used in this section:

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

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

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

(d)

(i) "Untraceable firearm" means a firearm:

(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;

(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

(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.

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- 384 (ii) "Untraceable firearm" does not include an antique firearm.
385 (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:
- 388 (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
- 392 (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:
- 394 (A) returned to the property owner;
395 (B) destroyed;
396 (C) retained in evidence or other storage;
397 (D) transferred to another governmental entity; or
398 (E) submitted to a non-governmental entity for sale or disposal under Section 77-11a-403.
- 400 (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).
- 403 (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.
- 406 (3) The commission shall:
407 (a) develop a standardized format for reporting the data described in Subsection (2);
408 (b) compile the data submitted under Subsection (2); and
409 (c) annually on or before August 1, publish a report of the data described in Subsection (2) on the
commission's website.
- 411 (4) This section does not apply to:
412 (a) the Department of Corrections; or
413 (b) a law enforcement agency created under Section 41-3-104.
- 420 Section 10. Section **10** is enacted to read:
422 **53-25-601. Definitions.**

6. Law Enforcement Equipment Requirements
As used in this part:
- 418 (1)

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(a) "Biometric data" means data generated by automatic measurements of an individual's unique biological characteristics.

(b) "Biometric data" includes data described in Subsection (1)(a) that is generated by automatic measurements of an individual's fingerprint.

(c) "Biometric data" does not include:

(i) a physical or digital photograph;

(ii) a video or audio recording; or

(iii) data generated from an item described in Subsection (1)(c)(i) or (ii).

(2) "Portable biometric capture device" means a device or electronic application that:

(a) is able to accurately capture at least one form of an individual's biometric data;

(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

(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.

Section 11. Section 11 is enacted to read:

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.

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

63A-16-1002. Public safety portal.

(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.

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

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

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

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

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

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- 453 (d) a protocol for accessing information in the public safety portal that complies with state privacy
regulations; and
- 455 (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.
- 457 (4) The public safety portal shall be the repository for the statutorily required data described in:
- 459 (a) Section 13-53-111, recidivism reporting requirements;
- 460 (b) Section 17-22-32, county jail reporting requirements;
- 461 (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;
- 462 (d) Section 26B-1-427, Alcohol Abuse Tracking Committee;
- 463 (e) Section 41-6a-511, courts to collect and maintain data;
- 464 (f) Section 53-10-118, collection of DUI crash data;
- 465 ~~[(f)]~~ (g) Section 53-25-301, reporting requirements for reverse-location warrants;
- 466 ~~[(g)]~~ (h) Section 53-25-202, sexual assault offense reporting requirements for law enforcement
agencies;
- 468 ~~[(h)]~~ (i) Section 53E-3-516, school disciplinary and law enforcement action report;
- 469 ~~[(i)]~~ (j) Section 53-25-501, reporting requirements for seized firearms;
- 470 (k) Section 53-25-502, law enforcement agency reporting requirements for certain firearm data;
- 472 ~~[(j)]~~ (l) Section 63M-7-214, law enforcement agency grant reporting;
- 473 ~~[(k)]~~ (m) Section 63M-7-216, prosecutorial data collection;
- 474 (n) Section 63M-7-216.1, prosecutorial data collection regarding certain prosecutions, dismissals, and
declinations to prosecute;
- 476 ~~[(l)]~~ (o) Section 63M-7-220, domestic violence data collection;
- 477 ~~[(m)]~~ (p) Section 64-13-21, supervision of sentenced offenders placed in community;
- 478 ~~[(n)]~~ (q) Section 64-13-25, standards for programs;
- 479 ~~[(o)]~~ (r) Section 64-13-45, department reporting requirements;
- 480 ~~[(p)]~~ (s) Section 64-13e-104, county correctional facility reimbursement program for state probationary
inmates and state parole inmates;
- 482 ~~[(q)]~~ (t) Section 77-7-8.5, use of tactical groups;
- 483 ~~[(r)]~~ (u) Section 77-11b-404, forfeiture reporting requirements;
- 484 ~~[(s)]~~ (v) Section 77-20-103, release data requirements;
- 485 ~~[(t)]~~ (w) Section 77-22-2.5, court orders for criminal investigations;

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- 486 ~~[(u)]~~ (x) Section 78A-2-109.5, court data collection on criminal cases;
487 ~~[(v)]~~ (y) Section 80-6-104, data collection on offenses committed by minors; and
488 ~~[(w)]~~ (z) any other statutes ~~[which]~~ that require the collection of specific data and the reporting of that
data to the commission.
- 490 (5) Before October 1, 2025, the commission shall report all data collected to the Law Enforcement and
Criminal Justice Interim Committee.
- 492 (6) The commission may:
- 493 (a) enter into contracts with private or governmental entities to assist entities in complying with the data
reporting requirements of Subsection (4); and
- 495 (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).
- 504 Section 13. Section **13** is enacted to read:
- 505 **63A-16-1004. Software service required to be compatible with public safety portal.**
- 501 (1) A vendor that operates a software service described in Subsection (2) shall:
- 502 (a) establish an automated connection to the commission's public safety portal; and
- 503 (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.
- 506 (2) A software service is subject to Subsection (1) if the software service:
- 507 (a) is for use by a criminal justice agency within the state's criminal justice system; and
- 508 (b) collects and stores data required by statute to be reported to the commission.
- 515 Section 14. Section **63I-2-277** is amended to read:
- 516 **63I-2-277. Repeal dates: Title 77.**
- 511 (1) Subsection 77-23f-102(2)(a)(ii), regarding a notice for certain reverse-location search warrant
applications, is repealed January 1, 2033.
- 513 (2) Subsection 77-23f-103(2)(a)(ii), regarding a notice for certain reverse-location search warrant
applications, is repealed January 1, 2033.
- 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.
- 525 Section 15. Section **63M-7-204** is amended to read:

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526 **63M-7-204. Duties of commission.**

- 520 (1) The commission shall:
- 521 (a) promote the commission's purposes as enumerated in Section 63M-7-201;
- 522 (b) promote the communication and coordination of all criminal and juvenile justice agencies;
- 524 (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;
- 527 (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;
- 533 (e) study, evaluate, and report on policies, procedures, and programs of other jurisdictions which have
effectively reduced crime;
- 535 (f) identify and promote the implementation of specific policies and programs the commission
determines will significantly reduce crime in Utah;
- 537 (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;
- 540 (h) provide analysis, accountability, recommendations, and supervision for state and federal criminal
justice grant money;
- 542 (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;
- 545 (j) promote research and program evaluation as an integral part of the criminal and juvenile justice
system;
- 547 (k) provide a comprehensive criminal justice plan annually;
- 548 (l) review agency forecasts regarding future demands on the criminal and juvenile justice systems,
including specific projections for secure bed space;
- 550 (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:

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- 553 (i) developing and maintaining common data standards for use by all state criminal justice agencies;
- 555 (ii) annually performing audits of criminal history record information maintained by state criminal
justice agencies to assess their accuracy, completeness, and adherence to standards;
- 558 (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
- 561 (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);
- 564 (n) allocate and administer grants, from money made available, for approved education programs to
help prevent the sexual exploitation of children;
- 566 (o) allocate and administer grants for law enforcement operations and programs related to reducing
illegal drug activity and related criminal activity;
- 568 (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);
- 572 (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;
- 576 (r) oversee or designate an entity to oversee the implementation of juvenile justice reforms;
- 578 (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;
- 581 (t) allocate and administer grants, from money made available, for pilot qualifying education programs;
- 583 (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;
- 586 (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:
 - 589 (i) ensuring oversight and accountability;
 - 590 (ii) supporting local corrections systems;
 - 591 (iii) improving and expanding reentry and treatment services; and
 - 592 (iv) strengthening probation and parole supervision;

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- 593 (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:
- 595 (i) separates the data provided under Section 13-53-111 by each residential, vocational and life skills
program; and
- 597 (ii) separates the data provided under Subsection 26B-5-102(2)(n) by each mental health or substance
use treatment program;
- 599 (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;
- 603 (y) receive, compile, and publish on the commission's website the data provided under:
- 604 (i) Section 53-25-202;
- 605 (ii) Section 53-25-301; and
- 606 (iii) Section 53-25-401;
- 607 (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;
- 611 (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
- 616 (bb) accept public comment.
- 617 (2)
- (a) The commission may designate an entity to perform the duties described in this part.
- 619 (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.
- 623 (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.
- 634 Section 16. Section **63M-7-216** is amended to read:

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

(1) As used in this section:

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

(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.

(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.

(c) "Offense tracking number" means a distinct number applied to each criminal offense by the Bureau of Criminal Identification.

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

(e) "Post-filing diversion" is as described in Section 77-2-5.

(f) "Prosecutorial agency" means the Office of the Attorney General and any city, county, or district attorney acting as a public prosecutor.

(g) "Publish" means to make aggregated data available to the general public.

(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:

(a) the defendant's:

(i) full name;

(ii) offense tracking number;

(iii) date of birth; and

(iv) zip code;

(b) referring agency;

(c) whether the prosecutorial agency filed charges, declined charges, initiated a pre-filing diversion, or asked the referring agency for additional information;

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- 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 (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;

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- (e) prosecution of juveniles, including whether to prosecute a juvenile as an adult;
- (f) collection of fines and fees;
- (g) criminal and civil asset forfeiture practices;
- (h) services available to victims of crime, both internal to the prosecutorial office and by referral to outside agencies;
- (i) diversion programs; and
- (j) restorative justice programs.

Section 17. Section 17 is enacted to read:

63M-7-216.1. Prosecutorial data collection regarding certain prosecutions, dismissals, and declinations to prosecute.

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

(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 that a felony or misdemeanor had occurred;

(b) the disposition of each prosecution described in Subsection (1)(a); and

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

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

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

(iii) because the victim was unable to participate.

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

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

63M-7-218. State grant requirements.

(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).

(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).

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(b) Subsection (1) does not apply to the law enforcement reporting requirements for certain firearm data described in Section 53-25-502.

(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.

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

77-20-103. Release data requirements.

(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:

(a) for the preceding calendar year:

(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:

(A) the individual's own recognizance;

(B) a financial condition; and

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

(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:

(A) the individual's own recognizance;

(B) a financial condition; and

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

(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:

(A) an individual's own recognizance;

(B) a financial condition; and

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

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- 758 (b) at the end of the preceding calendar year:
- 759 (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:
- 762 (A) the individual's own recognizance;
- 763 (B) a financial condition; and
- 764 (C) a release condition other than a financial condition;
- 765 (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
- 767 (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:
- 769 (A) a first degree felony;
- 770 (B) a second degree felony;
- 771 (C) a third degree felony;
- 772 (D) a class A misdemeanor;
- 773 (E) a class B misdemeanor; and
- 774 (F) a class C misdemeanor.
- 775 (2) The data described in Subsection (1) shall include cases involving pretrial release by a temporary
pretrial status order and a pretrial release order.
- 777 (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:
- 779 (a) the number of individuals released upon payment of monetary bail before appearing before a court;
- 781 (b) the number of individuals released on the individual's own recognizance before appearing before a
court; and
- 783 (c) the amount of monetary bail, any fees, and any other money paid by or on behalf of individuals
collected by the county jail.
- 785 [(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.

795 Section 20. Section 77-41-112 is amended to read:

796 **77-41-112. Removal from registry -- Requirements -- Procedure.**

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- 798 (1) An offender who is required to register with the Sex, Kidnap, and Child Abuse Offender Registry
may petition the court for an order removing the offender from the Sex, Kidnap, and Child Abuse
Offender Registry if:
- 801 (a)
- 802 (i) the offender was convicted of an offense described in Subsection (2);
- 804 (ii) at least five years have passed after the day on which the offender's sentence for the offense
terminated;
- 805 (iii) the offense is the only offense for which the offender was required to register;
- 809 (iv) the offender has not been convicted of another offense, excluding a traffic offense, since the day
on which the offender was convicted of the offense for which the offender is required to register, as
evidenced by a certificate of eligibility issued by the bureau;
- 811 (v) the offender successfully completed all treatment ordered by the court or the Board of Pardons and
Parole relating to the offense; and
- 813 (vi) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating
to the offense;
- 815 (b)
- 816 (i) the offender is required to register in accordance with Subsection 77-41-105(3)(a);
- 817 (ii) at least 10 years have passed after the later of:
- 818 (A) the day on which the offender was placed on probation;
- 819 (B) the day on which the offender was released from incarceration to parole;
- 821 (C) the day on which the offender's sentence was terminated without parole;
- 823 (D) the day on which the offender entered a community-based residential program; or
- 827 (E) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender
was terminated;
- 829 (iii) the offender has not been convicted of another offense that is a class A misdemeanor, felony, or
capital felony within the most recent 10-year period after the date described in Subsection (1)(b)(ii),
as evidenced by a certificate of eligibility issued by the bureau;
- 827 (iv) the offender successfully completed all treatment ordered by the court or the Board of Pardons and
Parole relating to the offense; and
- 829 (v) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating
to the offense; or

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- 831 (c)
- 833 (i) the offender is required to register in accordance with Subsection 77-41-105(3)(c);
- 834 (ii) at least [20] 12 years have passed after the later of:
- 835 (A) the day on which the offender was placed on probation;
- 836 (B) the day on which the offender was released from incarceration to parole;
- 837 (C) the day on which the offender's sentence was terminated without parole;
- 839 (D) the day on which the offender entered a community-based residential program; or
- 839 (E) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender was terminated;
- 841 (iii) the offender has not been convicted of another offense that is a class A misdemeanor, felony, or capital felony within the most recent [20-year] 12-year period after the date described in Subsection (1)(c)(ii), as evidenced by a certificate of eligibility issued by the bureau;
- 845 (iv) the offender completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense;
- 847 (v) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense; and
- 849 (vi) the offender submits to an evidence-based risk assessment to the court, with the offender's petition, that:
- 851 (A) meets the standards for the current risk assessment, score, and risk level required by the Board of Pardons and Parole for parole termination requests;
- 853 (B) is completed within the six months before the date on which the petition is filed; and
- 855 (C) describes the evidence-based risk assessment of the current level of risk to the safety of the public posed by the offender.
- 857 (2) The offenses referred to in Subsection (1)(a)(i) are:
- 858 (a) enticing a minor under Section 76-4-401, if the offense is a class A misdemeanor;
- 859 (b) kidnapping under Section 76-5-301;
- 860 (c) unlawful detention under Section 76-5-304, if the conviction of violating Section 76-5-304 is the only conviction for which the offender is required to register;
- 862 (d) unlawful sexual activity with a minor under Section 76-5-401, if, at the time of the offense, the offender is not more than 10 years older than the victim;
- 864

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(e) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the offender is not more than 10 years older than the victim;

(f) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, and at the time of the offense, the offender is not more than 15 years older than the victim;

(g) voyeurism under Section 76-9-702.7, if the offense is a class A misdemeanor; or

(h) an offense for which an individual is required to register under Subsection 77-41-102(1)(c), (11)(c), or (19)(c), if the offense is not substantially equivalent to an offense described in Subsection 77-41-102(1)(a), (11)(a), or (19)(a).

(3)

(a)

(i) An offender seeking removal from the Sex, Kidnap, and Child Abuse Offender Registry under this section shall apply for a certificate of eligibility from the bureau.

(ii) An offender who intentionally or knowingly provides false or misleading information to the bureau when applying for a certificate of eligibility is guilty of a class B misdemeanor and subject to prosecution under Section 76-8-504.6.

(iii) Regardless of whether the offender is prosecuted, the bureau may deny a certificate of eligibility to an offender who provides false information on an application.

(b)

(i) The bureau shall:

(A) perform a check of records of governmental agencies, including national criminal databases, to determine whether an offender is eligible to receive a certificate of eligibility; and

(B) determine whether the offender meets the requirements described in Subsection (1)(a)(ii), (a)(v), (a)(vi), (b)(ii), (b)(iv), (b)(v), (c)(ii), (c)(iv), or (c)(v).

(ii) If the offender meets the requirements described in Subsection (1)(a), (b), or (c), the bureau shall issue a certificate of eligibility to the offender, which is valid for a period of 90 days after the day on which the bureau issues the certificate.

(4)

(a)

(i) The bureau shall charge application and issuance fees for a certificate of eligibility in accordance with the process in Section 63J-1-504.

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- (ii) The application fee shall be paid at the time the offender submits an application for a certificate of eligibility to the bureau.
- 895 (iii) If the bureau determines that the issuance of a certificate of eligibility is appropriate, the offender will be charged an additional fee for the issuance of a certificate of eligibility.
- 898 (b) Funds generated under this Subsection (4) shall be deposited into the General Fund as a dedicated credit by the department to cover the costs incurred in determining eligibility.
- 901 (5)
- (a) The offender shall file the petition, including original information, the court docket, the certificate of eligibility from the bureau, and the document from the department described in Subsection (3)(b)(iv) with the court, and deliver a copy of the petition to the office of the prosecutor.
- 905 (b) Upon receipt of a petition for removal from the Sex, Kidnap, and Child Abuse Offender Registry, the office of the prosecutor shall provide notice of the petition by first-class mail to the victim at the most recent address of record on file or, if the victim is still a minor under 18 years old, to the parent or guardian of the victim.
- 909 (c) The notice described in Subsection (5)(b) shall include a copy of the petition, state that the victim has a right to object to the removal of the offender from the registry, and provide instructions for registering an objection with the court.
- 912 (d) The office of the prosecutor shall provide the following, if available, to the court within 30 days after the day on which the office receives the petition:
- 914 (i) presentencing report;
- 915 (ii) an evaluation done as part of sentencing; and
- 916 (iii) other information the office of the prosecutor determines the court should consider.
- 918 (e) The victim, or the victim's parent or guardian if the victim is a minor under 18 years old, may respond to the petition by filing a recommendation or objection with the court within 45 days after the day on which the petition is mailed to the victim.
- 921 (6)
- (a) The court shall:
- 922 (i) review the petition and all documents submitted with the petition; and
- 923 (ii) hold a hearing if requested by the prosecutor or the victim.
- 924 (b)

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(i) Except as provided in Subsections (6)(b)(ii) and (iii), the court may grant the petition and order removal of the offender from the registry if the court determines that the offender has met the requirements described in Subsection (1)(a) or (b) and removal is not contrary to the interests of the public.

(ii) When considering a petition filed under Subsection (1)(c), the court shall determine whether the offender has demonstrated, by clear and convincing evidence, that the offender is rehabilitated and does not pose a threat to the safety of the public.

(iii) In making the determination described in Subsection (6)(b)(ii), the court may consider:

(A) the nature and degree of violence involved in the offense that requires registration;

(B) the age and number of victims of the offense that requires registration;

(C) the age of the offender at the time of the offense that requires registration;

(D) the offender's performance while on supervision for the offense that requires registration;

(E) the offender's stability in employment and housing;

(F) the offender's community and personal support system;

(G) other criminal and relevant noncriminal behavior of the offender both before and after the offense that requires registration;

(H) the level of risk posed by the offender as evidenced by the evidence-based risk assessment described in Subsection (1)(c)(vi); and

(I) any other relevant factors.

(c) In determining whether removal is contrary to the interests of the public, the court may not consider removal unless the offender has substantially complied with all registration requirements under this chapter at all times.

(d) If the court grants the petition, the court shall forward a copy of the order directing removal of the offender from the registry to the department and the office of the prosecutor.

(e)

(i) Except as provided in Subsection (6)(e)(ii), if the court denies the petition, the offender may not submit another petition for three years.

(ii) If the offender files a petition under Subsection (1)(c) and the court denies the petition, the offender may not submit another petition for [eight] five years.

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(7) The court shall notify the victim and the Sex, Kidnap, and Child Abuse Offender Registry office in the department of the court's decision within three days after the day on which the court issues the court's decision in the same manner described in Subsection (5).

(8) Except as provided in Subsection (9), an offender required to register under Subsection 77-41-105(3)(b) may petition for early removal from the registry under Subsection (1)(b) if the offender:

(a) meets the requirements of Subsections (1)(b)(ii) through (v);

(b) has resided in this state for at least 183 days in a year for two consecutive years; and

(c) intends to primarily reside in this state.

(9) An offender required to register under Subsection 77-41-105(3)(b) for life may petition for early removal from the registry under Subsection (1)(c) if:

(a) the offense requiring the offender to register is substantially equivalent to an offense listed in Section 77-41-106;

(b) the offender meets the requirements of Subsections (1)(c)(ii) through (vi);

(c) the offender has resided in this state for at least 183 days in a year for two consecutive years; and

(d) the offender intends to primarily reside in this state.

Section 21. Section 21 is enacted to read:

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

(1) As used in this section:

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

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- 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.
809 (2) The Department of Corrections shall:
810 (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, 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; and
814 (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.
1004 Section 22. Section **78A-2-109.5** is amended to read:
1005 **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;
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

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~~[(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 (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;

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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.

1061 Section 23. **Effective date.**

Effective Date.

875 (1) Except as provided in Subsection (2), this bill takes effect May 7, 2025.

876 (2) The actions affecting Section 17-18a-203.5 (Effective 07/01/25) take effect on July 1, 2025.

1065 Section 24. **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~~ } Subsection 53-29-205(3)(y), enacted { by H.B. } in S.B. { 354 } 41, be
{ ~~deleted;~~ } amended to read:

"(y) an offense described in Subsection 53-29-203(1)(b) that would otherwise be subject
to a 12-year petition for removal as described in Section 53-29-206, if:

(i) the sentencing court determines that the offender was under 21 years old at the
time the offense was committed; and

(ii) the offense did not involve force or coercion as described in Subsection
53-29-203(3).";

(2) Subsection 53-29-206(1), enacted in S.B. 41, be amended to read:

"(1) An offender who is required to register on the registry for a registrable offense
subject to a lifetime registration period described in Subsection 53-29-203(1)(b) is eligible to
petition the court under Section 53-29-207 for an order of removal from the registry at a
12-year entrance into the community period described in Subsection (2) if:

(a) the offender has not been convicted of another offense that is a class A
misdemeanor, felony, or capital felony within the most recent 12-year period after the date
described in Subsection (2), as evidenced by a certificate of eligibility issued by the bureau;

(b) the offender successfully completed all treatment ordered by the court or the
Board of Pardons and Parole relating to the offense;

(c) the offender has paid all restitution ordered by the court or the Board of Pardons
and Parole relating to the offense; and

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(d) the offender submits to an evidence-based risk assessment that:

(i) meets the standards for the current risk assessment, score, and risk level

required by the Board of Pardons and Parole for parole termination requests;

(ii) is completed within the six months before the date on which the petition is filed; and

(iii) describes the evidence-based risk assessment of the current level of risk to the safety of the public posed by the offender.";

(3) Subsection 53-29-206(2), enacted in S.B. 41, be amended to read:

"(2) An offender who qualifies under Subsection (1) may petition the court under

Section 53-29-207 for an order of removal from the registry if 12 years have passed after the later of the following events in which the offender has entered into the community:

(a) the day on which the offender was placed on probation;

(b) the day on which the offender was released from incarceration to parole;

(c) the day on which the offender's sentence was terminated without parole;

(d) the day on which the offender entered a community-based residential program; or

(e) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender was terminated.";

(4) Subsection 53-29-207(2)(a)(iii), enacted in S.B. 41, be amended to read:

"(iii) Subsections 53-29-206(1) and (2), if the offender is seeking a 12-year petition for removal; and";

(5) Subsection 53-29-207(6)(b)(ii), enacted in S.B. 41, be amended to read:

"(ii) When considering a petition filed by an offender subject to a lifetime registration

requirement and eligible for a 12-year petition for removal from the registry as described in

Section 53-29-206, the court shall determine whether the offender has demonstrated, by clear and convincing evidence, that the offender is rehabilitated and does not pose a threat to the safety of the public.";

(6) Subsection 53-29-207(6)(e)(ii), enacted in S.B. 41, be amended to read:

"(ii) If the offender is an offender subject to a lifetime registration requirement and

eligible for a 12-year petition for removal from the registry as described in Section 53-29-206

and files a petition for removal that is denied by the court, the offender may not submit another petition for five years after the day on which the court denied the petition.";

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~~{(2)}~~ (7) 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, 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)}~~ (8) 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

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(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

(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)}~~ (9) 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{"."}."

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

(11) Section 77-41-115, enacted in H.B. 354, be deleted.

1164

Section 25. 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;"

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