

SB0243S03 compared with SB0243S04

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

21 AMENDS:

22 **63M-7-204 , as last amended by Laws of Utah 2024, Chapter 345 , as last amended by Laws
of Utah 2024, Chapter 345**

24 ~~{63M-7-218 , as last amended by Laws of Utah 2024, Chapter 345 , as last amended by Laws
of Utah 2024, Chapter 345}~~

25 ~~{67-5-1 , as last amended by Laws of Utah 2024, Chapters 2, 74 and 348 , as last amended by
Laws of Utah 2024, Chapters 2, 74 and 348}~~

23 **77-7-27** , as enacted by Laws of Utah 2018, Chapter 289 , as enacted by Laws of Utah 2018,
Chapter 289

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

26 **Section 1. Section 63M-7-204 is amended to read:**

27 **63M-7-204. Duties of commission.**

28 (1) The commission shall:

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

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

32 (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;

35 (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;

41 (e) study, evaluate, and report on policies, procedures, and programs of other jurisdictions which have
effectively reduced crime;

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- (f) identify and promote the implementation of specific policies and programs the commission determines will significantly reduce crime in Utah;
- 45 (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;
- 48 (h) provide analysis, accountability, recommendations, and supervision for state and federal criminal justice grant money;
- 50 (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;
- 53 (j) promote research and program evaluation as an integral part of the criminal and juvenile justice system;
- 55 (k) provide a comprehensive criminal justice plan annually;
- 56 (l) review agency forecasts regarding future demands on the criminal and juvenile justice systems, including specific projections for secure bed space;
- 58 (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:
 - 61 (i) developing and maintaining common data standards for use by all state criminal justice agencies;
 - 63 (ii) annually performing audits of criminal history record information maintained by state criminal justice agencies to assess their accuracy, completeness, and adherence to standards;
 - 66 (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
 - 69 (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);
- 72 (n) allocate and administer grants, from money made available, for approved education programs to help prevent the sexual exploitation of children;
- 74 (o) allocate and administer grants for law enforcement operations and programs related to reducing illegal drug activity and related criminal activity;
- 76 (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);

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- 80 (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;
- 84 (r) oversee or designate an entity to oversee the implementation of juvenile justice reforms;
- 86 (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;
- 89 (t) allocate and administer grants, from money made available, for pilot qualifying education programs;
- 91 (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 and 78A-2-109.5;
- 94 (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:
- 97 (i) ensuring oversight and accountability;
- 98 (ii) supporting local corrections systems;
- 99 (iii) improving and expanding reentry and treatment services; and
- 100 (iv) strengthening probation and parole supervision;
- 101 (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:
- 103 (i) separates the data provided under Section 13-53-111 by each residential, vocational and life skills
program; and
- 105 (ii) separates the data provided under Subsection 26B-5-102(2)(n) by each mental health or substance
use treatment program;
- 107 (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;
- 111 (y) receive, compile, and publish on the commission's website the data provided under:
- 112 (i) Section 53-25-202;
- 113 (ii) Section 53-25-301; and
- 114 (iii) Section 53-25-401;
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(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;

119 (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;

124 (bb) receive, compile, and annually submit a report to the Law Enforcement and Criminal Justice Interim Committee of alleged violations of the impermissible law enforcement quota prohibition under Subsection 77-7-27(4); and

127 ~~[(bb)]~~ (cc) accept public comment.

128 (2)

(a) The commission may designate an entity to perform the duties described in this part.

130 (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.

134 (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.

29 ~~{Section 1. Section 63M-7-218 is amended to read: }~~

30 **63M-7-218. State grant requirements.**

31 (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).

34 (2) 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).

37 (3) Beginning July 1, 2025, the commission may not award any grant of state funds to an entity:

39 (a) ~~[-]~~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~~[-]~~ ; or

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(b) subject to, and in violation of, Section 77-7-27, impermissible law enforcement quota prohibition, as reported to the commission by the attorney general under Sections 67-5-1 and 77-7-27.

45 {Section 2. ~~Section 67-5-1 is amended to read:~~ }

46 **67-5-1. General duties -- Restrictions.**

47 (1) The attorney general shall:

48 (a) perform all duties in a manner consistent with the attorney-client relationship under Section 67-5-17;

50 (b) except as provided in Sections 10-3-928 and 17-18a-403, attend the Supreme Court and the Court of Appeals of this state, and all courts of the United States, and prosecute or defend all causes to which the state or any officer, board, or commission of the state in an official capacity is a party, and take charge, as attorney, of all civil legal matters in which the state is interested;

55 (c) after judgment on any cause referred to in Subsection (1)(b), direct the issuance of process as necessary to execute the judgment;

57 (d) account for, and pay over to the proper officer, all money that comes into the attorney general's possession that belongs to the state;

59 (e) keep a file of all cases in which the attorney general is required to appear, including any documents and papers showing the court in which the cases have been instituted and tried, and whether they are civil or criminal, and:

62 (i) if civil, the nature of the demand, the stage of proceedings, and, when prosecuted to judgment, a memorandum of the judgment and of any process issued if satisfied, and if not satisfied, documentation of the return of the sheriff;

65 (ii) if criminal, the nature of the crime, the mode of prosecution, the stage of proceedings, and, when prosecuted to sentence, a memorandum of the sentence and of the execution, if the sentence has been executed, and, if not executed, the reason for the delay or prevention; and

69 (iii) deliver this information to the attorney general's successor in office;

70 (f) exercise supervisory powers over the district and county attorneys of the state in all matters pertaining to the duties of the district and county attorneys' offices, including the authority described in Subsection (2);

73 (g) give the attorney general's opinion in writing and without fee, when required, upon any question of law relating to the office of the requester:

75 (i) in accordance with Section 67-5-1.1, to the Legislature or either house;

76 (ii) to any state officer, board, or commission; and

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- 77 (iii) to any county attorney or district attorney;
- 78 (h) when required by the public service or directed by the governor, assist any county, district, or city attorney in the discharge of county, district, or city attorney's duties;
- 80 (i) purchase in the name of the state, under the direction of the state Board of Examiners, any property offered for sale under execution issued upon judgments in favor of or for the use of the state, and enter satisfaction in whole or in part of the judgments as the consideration of the purchases;
- 84 (j) when the property of a judgment debtor in any judgment mentioned in Subsection (1)(i) has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance taking precedence of the judgment in favor of the state, redeem the property, under the direction of the state Board of Examiners, from the prior judgment, lien, or encumbrance, and pay all money necessary for the redemption, upon the order of the state Board of Examiners, out of any money appropriated for these purposes;
- 91 (k) when in the attorney general's opinion it is necessary for the collection or enforcement of any judgment, institute and prosecute on behalf of the state any action or proceeding necessary to set aside and annul all conveyances fraudulently made by the judgment debtors, and pay the cost necessary to the prosecution, when allowed by the state Board of Examiners, out of any money not otherwise appropriated;
- 96 (l) discharge the duties of a member of all official boards of which the attorney general is or may be made a member by the Utah Constitution or by the laws of the state, and other duties prescribed by law;
- 99 (m) institute and prosecute proper proceedings in any court of the state or of the United States to restrain and enjoin corporations organized under the laws of this or any other state or territory from acting illegally or in excess of their corporate powers or contrary to public policy, and in proper cases forfeit their corporate franchises, dissolve the corporations, and wind up their affairs;
- 104 (n) institute investigations for the recovery of all real or personal property that may have escheated or should escheat to the state, and for that purpose, subpoena any persons before any of the district courts to answer inquiries and render accounts concerning any property, examine all books and papers of any corporations, and when any real or personal property is discovered that should escheat to the state, institute suit in the district court of the county where the property is situated for its recovery, and escheat that property to the state;

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- 113 (o) administer the Children's Justice Center as a program to be implemented in various counties
pursuant to Sections 67-5b-101 through 67-5b-107;
- 115 (p) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4a, Constitutional and
Federalism Defense Act;
- 117 (q) pursue any appropriate legal action to implement the state's public lands policy established in
Section 63C-4a-103;
- 121 (r) investigate and prosecute violations of all applicable state laws relating to fraud in connection with
the state Medicaid program and any other medical assistance program administered by the state,
including violations of Title 26B, Chapter 3, Part 11, Utah False Claims Act;
- 122 (s) investigate and prosecute complaints of abuse, neglect, or exploitation of patients:
- 123 (i) in health care facilities that receive payments under the state Medicaid program;
- 126 (ii) in board and care facilities, as defined in the federal Social Security Act, 42 U.S.C. Sec. 1396b(q)(4)
(B), regardless of the source of payment to the board and care facility; and
- 128 (iii) who are receiving medical assistance under the Medicaid program as defined in Section 26B-3-101
in a noninstitutional or other setting;
- 130 (t)
- 131 (i) report at least twice per year to the Legislative Management Committee on any pending or
anticipated lawsuits, other than eminent domain lawsuits, that might:
- 133 (A) cost the state more than \$500,000; or
- 135 (B) require the state to take legally binding action that would cost more than \$500,000 to
implement; and
- 139 (ii) if the meeting is closed, include an estimate of the state's potential financial or other legal exposure
in that report;
- 141 (u)
- (i) submit a written report to the committees described in Subsection (1)(u)(ii) that summarizes any
lawsuit or decision in which a court or the Office of the Attorney General has determined that a
state statute is unconstitutional or unenforceable since the attorney general's last report under this
Subsection (1)(u), including any:
- (A) settlements reached;
- (B) consent decrees entered;
- (C) judgments issued;

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- 142 (D) preliminary injunctions issued;
- 143 (E) temporary restraining orders issued; or
- 144 (F) formal or informal policies of the Office of the Attorney General to not enforce a law; and
- 146 (ii) at least 30 days before the Legislature's May and November interim meetings, submit the report described in Subsection (1)(u)(i) to:
- 148 (A) the Legislative Management Committee;
- 149 (B) the Judiciary Interim Committee; and
- 150 (C) the Law Enforcement and Criminal Justice Interim Committee;
- 151 (v) if the attorney general operates the Office of the Attorney General or any portion of the Office of the Attorney General as an internal service fund agency in accordance with Section 67-5-4, submit to the rate committee established in Section 67-5-34:
- 154 (i) a proposed rate and fee schedule in accordance with Subsection 67-5-34(4); and
- 155 (ii) any other information or analysis requested by the rate committee;
- 156 (w) before the end of each calendar year, create an annual performance report for the Office of the Attorney General and post the report on the attorney general's website;
- 158 (x) ensure that any training required under this chapter complies with Title 63G, Chapter 22, State Training and Certification Requirements;
- 160 (y) notify the legislative general counsel in writing within three business days after the day on which the attorney general is officially notified of a claim, regardless of whether the claim is filed in state or federal court, that challenges:
- 163 (i) the constitutionality of a state statute;
- 164 (ii) the validity of legislation; or
- 165 (iii) any action of the Legislature;
- 166 (z)
- (i) notwithstanding Title 63G, Chapter 6a, Utah Procurement Code, provide a special advisor to the Office of the Governor and the Office of the Attorney General in matters relating to Native American and tribal issues to:
- 169 (A) establish outreach to the tribes and affected counties and communities; and
- 170 (B) foster better relations and a cooperative framework; and
- 171 (ii) annually report to the Executive Offices and Criminal Justice Appropriations Subcommittee regarding:

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- 173 (A) the status of the work of the special advisor described in Subsection (1)(z)(i); and
175 (B) whether the need remains for the ongoing appropriation to fund the special advisor described in
Subsection (1)(z)(i);~~and]~~
- 177 (aa)
- (i) enforce compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in accordance with
Section 63G-31-401; and
- 179 (ii) report to the Legislative Management Committee, upon request, regarding the attorney general's
enforcement under this Subsection (1)(aa)~~[-]~~ ;
- 181 (bb) ensure compliance with Title 53B, Chapter 27, Part 6, Student Legal Representation, by:
- 183 (i) establishing a process to track the number of complaints submitted by students;
- 184 (ii) pursuing civil action to enforce statutory protections; and
- 185 (iii) no later than November 1 each year, reporting to the Judiciary Interim Committee regarding the
attorney general's enforcement under this Subsection [~~(1)(aa)~~] (1)(bb); and
- 188 (cc) investigate complaints of a violation of Section 77-7-27, impermissible law enforcement quota
prohibition, and report a substantiated violation to the State Commission on Criminal and Juvenile
Justice under Section 63M-7-218.
- 191 (2)
- (a) The attorney general may require a district attorney or county attorney of the state to, upon request,
report on the status of public business entrusted to the district or county attorney's charge.
- 194 (b) The attorney general may review investigation results de novo and file criminal charges, if
warranted, in any case involving a first degree felony, if:
- 196 (i) a law enforcement agency submits investigation results to the county attorney or district attorney of
the jurisdiction where the incident occurred and the county attorney or district attorney:
- 199 (A) declines to file criminal charges; or
- 200 (B) fails to screen the case for criminal charges within six months after the law enforcement agency's
submission of the investigation results; and
- 202 (ii) after consultation with the county attorney or district attorney of the jurisdiction where the incident
occurred, the attorney general reasonably believes action by the attorney general would not interfere
with an ongoing investigation or prosecution by the county attorney or district attorney of the
jurisdiction where the incident occurred.

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- (c) If the attorney general decides to conduct a review under Subsection (2)(b), the district attorney, county attorney, and law enforcement agency shall, within 14 days after the day on which the attorney general makes a request, provide the attorney general with:
- 211 (i) all information relating to the investigation, including all reports, witness lists, witness statements,
and other documents created or collected in relation to the investigation;
- 214 (ii) all recordings, photographs, and other physical or digital media created or collected in relation to the
investigation;
- 216 (iii) access to all evidence gathered or collected in relation to the investigation; and
- 217 (iv) the identification of, and access to, all officers or other persons who have information relating to the
investigation.
- 219 (d) If a district attorney, county attorney, or law enforcement agency fails to timely comply with
Subsection (2)(c), the attorney general may seek a court order compelling compliance.
- 222 (e) If the attorney general seeks a court order under Subsection (2)(d), the court shall grant the order
unless the district attorney, county attorney, or law enforcement agency shows good cause and a
compelling interest for not complying with Subsection (2)(c).
- 226 (3) The attorney general:
- 227 (a) is a full-time employee of the state; and
- 228 (b) may not engage in the private practice of law.
- 138 Section 2. Section ~~77-7-27~~ is amended to read:
- 139 **77-7-27. Impermissible law enforcement quota prohibition.**
- 231 (1) As used in this section:
- 232 (a)
- (i) "Impermissible quota" means any requirement or minimum standard regarding the number or
percentage of citations made by a law enforcement officer.
- 234 (ii) "Impermissible quota" does not include targeted overtime shifts for which the law enforcement
agency receives grant money or other reimbursement.
- 236 (b) "Law enforcement agency" means an entity of the state, or a political subdivision of the state, that
exists primarily to prevent and detect crime and enforce criminal laws, statutes, or ordinances.
- 239 [~~(b) "Law enforcement quota" means any requirement or minimum standard regarding the number or
percentage of citations or arrests made by a law enforcement officer.~~]
- 241 (2) A political subdivision or law enforcement agency employing a peace officer may not;

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- 242 (a) require or direct that a peace officer meet [~~a law enforcement~~] an impermissible quota;
- 243 (b) evaluate, promote, compensate, reward, or discipline a peace officer on the basis of an
impermissible quota; or
- 245 (c) transfer a peace officer from an employment assignment on the basis of an impermissible quota.
- 247 (3) Subsection (2) does not prohibit a political subdivision or law enforcement agency from including a
peace officer's engagement with the community or enforcement activity, including a metric based on
the peace officer's interactions with members of the community, as part of an overall determination
of the peace officer's performance.
- 251 (4) ~~{ The attorney general shall investigate }~~ A person may report an alleged violation of this section ~~{ in~~
~~accordance with Section 67-5-1 }~~ to the State Commission on Criminal and Juvenile Justice.

162 Section 3. **Effective date.**

This bill takes effect on May 7, 2025.

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