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Re-Entry Modifications
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Tyler Clancy
Senate Sponsor: Stephanie Pitcher

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3 **LONG TITLE**4 **General Description:**

5 This bill concerns the re-entry and reintegration of offenders and former offenders into the
6 general public.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ provides that a local mental health authority shall, to the extent feasible, coordinate with
10 the Department of Corrections (department) to ensure the continuity of mental health
11 services for county residents on probation or parole;

12 ▶ provides that a criminal justice coordinating council shall identify strategies for:

13 • connecting county residents on probation or parole with certain county-based
14 services; and

15 • educating and incentivizing employers to hire county residents who have a criminal
16 record;

17 ▶ creates the Rehabilitation and Re-entry Services Restricted Account, which:

18 • allows the department to accept donations and other funds; and

19 • restricts funds for specified purposes relating to the successful reintegration of
20 offenders and former offenders into the general public; and

21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill provides a special effective date.

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **17-43-301 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
29 Chapters 240, 299

30 **17-55-201 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,

31 Chapter 187

32 ENACTS:

33 **64-13h-101 (Effective upon governor's approval)**, Utah Code Annotated 1953

34 **64-13h-102 (Effective upon governor's approval)**, Utah Code Annotated 1953

35 **64-13h-103 (Effective upon governor's approval)**, Utah Code Annotated 1953

36

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

38 Section 1. Section **17-43-301** is amended to read:

39 **17-43-301 (Effective upon governor's approval). Local mental health authorities**
 40 **-- Responsibilities.**

41 (1) As used in this section:

42 (a) "Assisted outpatient treatment" means the same as that term is defined in Section
 43 26B-5-301.

44 (b) "Crisis worker" means the same as that term is defined in Section 26B-5-610.

45 (c) "Local mental health crisis line" means the same as that term is defined in Section
 46 26B-5-610.

47 (d) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

48 (e) "Public funds" means the same as that term is defined in Section 17-43-303.

49 (f) "Statewide mental health crisis line" means the same as that term is defined in
 50 Section 26B-5-610.

51 (2)(a)(i) In each county operating under a county executive-council form of
 52 government under Section 17-52a-203, the county legislative body is the local
 53 mental health authority, provided however that any contract for plan services shall
 54 be administered by the county executive.

55 (ii) In each county operating under a council-manager form of government under
 56 Section 17-52a-204, the county manager is the local mental health authority.

57 (iii) In each county other than a county described in Subsection (2)(a)(i) or (ii), the
 58 county legislative body is the local mental health authority.

59 (b) Within legislative appropriations and county matching funds required by this section,
 60 under the direction of the division, each local mental health authority shall:

61 (i) provide mental health services to individuals within the county; and

62 (ii) cooperate with efforts of the division to promote integrated programs that address
 63 an individual's substance use, mental health, and physical healthcare needs, as
 64 described in Section 26B-5-102.

- 65 (c) Within legislative appropriations and county matching funds required by this section,
66 each local mental health authority shall cooperate with the efforts of the department
67 to promote a system of care, as defined in Section 26B-5-101, for minors with or at
68 risk for complex emotional and behavioral needs, as described in Section 26B-1-202.
- 69 (3)(a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal
70 Cooperation Act, two or more counties may join to:
- 71 (i) provide mental health prevention and treatment services; or
72 (ii) create a united local health department that combines substance use treatment
73 services, mental health services, and local health department services in
74 accordance with Subsection (4).
- 75 (b) The legislative bodies of counties joining to provide services may establish
76 acceptable ways of apportioning the cost of mental health services.
- 77 (c) Each agreement for joint mental health services shall:
- 78 (i)(A) designate the treasurer of one of the participating counties or another
79 person as the treasurer for the combined mental health authorities and as the
80 custodian of money available for the joint services; and
81 (B) provide that the designated treasurer, or other disbursing officer authorized by
82 the treasurer, may make payments from the money available for the joint
83 services upon audit of the appropriate auditing officer or officers representing
84 the participating counties;
- 85 (ii) provide for the appointment of an independent auditor or a county auditor of one
86 of the participating counties as the designated auditing officer for the combined
87 mental health authorities;
- 88 (iii)(A) provide for the appointment of the county or district attorney of one of the
89 participating counties as the designated legal officer for the combined mental
90 health authorities; and
91 (B) authorize the designated legal officer to request and receive the assistance of
92 the county or district attorneys of the other participating counties in defending
93 or prosecuting actions within their counties relating to the combined mental
94 health authorities; and
- 95 (iv) provide for the adoption of management, clinical, financial, procurement,
96 personnel, and administrative policies as already established by one of the
97 participating counties or as approved by the legislative body of each participating
98 county or interlocal board.

- 99 (d) An agreement for joint mental health services may provide for:
- 100 (i) joint operation of services and facilities or for operation of services and facilities
101 under contract by one participating local mental health authority for other
102 participating local mental health authorities; and
- 103 (ii) allocation of appointments of members of the mental health advisory council
104 between or among participating counties.
- 105 (4) A county governing body may elect to combine the local mental health authority with
106 the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,
107 and the local health department created in Title 26A, Chapter 1, Part 1, Local Health
108 Department Act, to create a united local health department under Section 26A-1-105.5.
109 A local mental health authority that joins with a united local health department shall
110 comply with this part.
- 111 (5)(a) Each local mental health authority is accountable to the department and the state
112 with regard to the use of state and federal funds received from those departments for
113 mental health services, regardless of whether the services are provided by a private
114 contract provider.
- 115 (b) Each local mental health authority shall comply, and require compliance by its
116 contract provider, with all directives issued by the department regarding the use and
117 expenditure of state and federal funds received from those departments for the
118 purpose of providing mental health programs and services. The department shall
119 ensure that those directives are not duplicative or conflicting, and shall consult and
120 coordinate with local mental health authorities with regard to programs and services.
- 121 (6)(a) Each local mental health authority shall:
- 122 (i) review and evaluate mental health needs and services, including mental health
123 needs and services for:
- 124 (A) an individual incarcerated in a county jail or other county correctional facility;
125 and
- 126 (B) an individual who is a resident of the county and who is court ordered to
127 receive assisted outpatient treatment under Section 26B-5-351;
- 128 (ii) in accordance with Subsection (6)(b), annually prepare and submit to the division
129 a plan approved by the county legislative body for mental health funding and
130 service delivery, either directly by the local mental health authority or by contract;
- 131 (iii) establish and maintain, either directly or by contract, programs licensed under
132 Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities;

- 133 (iv) appoint, directly or by contract, a full-time or part-time director for mental health
134 programs and prescribe the director's duties;
- 135 (v) provide input and comment on new and revised rules established by the division;
- 136 (vi) establish and require contract providers to establish administrative, clinical,
137 personnel, financial, procurement, and management policies regarding mental
138 health services and facilities, in accordance with the rules of the division, and state
139 and federal law;
- 140 (vii) establish mechanisms allowing for direct citizen input;
- 141 (viii) annually contract with the division to provide mental health programs and
142 services in accordance with the provisions of Title 26B, Chapter 5, Health Care -
143 Substance Use and Mental Health;
- 144 (ix) comply with all applicable state and federal statutes, policies, audit requirements,
145 contract requirements, and any directives resulting from those audits and contract
146 requirements;
- 147 (x) provide funding equal to at least 20% of the state funds that it receives to fund
148 services described in the plan;
- 149 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
150 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special
151 Districts, and Title 51, Chapter 2a, Accounting Reports from Political
152 Subdivisions, Interlocal Organizations, and Other Local Entities Act; and
- 153 (xii) take and retain physical custody of minors committed to the physical custody of
154 local mental health authorities by a judicial proceeding under Title 26B, Chapter
155 5, Part 4, Commitment of Persons Under Age 18.
- 156 (b) Each plan under Subsection (6)(a)(ii) shall include services for adults, youth, and
157 children, which shall include:
- 158 (i) inpatient care and services;
- 159 (ii) residential care and services;
- 160 (iii) outpatient care and services;
- 161 (iv) 24-hour crisis care and services;
- 162 (v) psychotropic medication management;
- 163 (vi) psychosocial rehabilitation, including vocational training and skills development;
- 164 (vii) case management;
- 165 (viii) community supports, including in-home services, housing, family support
166 services, and respite services;

167 (ix) consultation and education services, including case consultation, collaboration
168 with other county service agencies, public education, and public information; and
169 (x) services to persons incarcerated in a county jail or other county correctional
170 facility.

171 (7)(a) If a local mental health authority provides for a local mental health crisis line
172 under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv),
173 the local mental health authority shall:

174 (i) collaborate with the statewide mental health crisis line described in Section
175 26B-5-610;

176 (ii) ensure that each individual who answers calls to the local mental health crisis line:

177 (A) is a mental health therapist or a crisis worker; and

178 (B) meets the standards of care and practice established by the Division of
179 Integrated Healthcare, in accordance with Section 26B-5-610; and

180 (iii) ensure that when necessary, based on the local mental health crisis line's
181 capacity, calls are immediately routed to the statewide mental health crisis line to
182 ensure that when an individual calls the local mental health crisis line, regardless
183 of the time, date, or number of individuals trying to simultaneously access the
184 local mental health crisis line, a mental health therapist or a crisis worker answers
185 the call without the caller first:

186 (A) waiting on hold; or

187 (B) being screened by an individual other than a mental health therapist or crisis
188 worker.

189 (b) If a local mental health authority does not provide for a local mental health crisis line
190 under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv),
191 the local mental health authority shall use the statewide mental health crisis line as a
192 local crisis line resource.

193 (8) Before disbursing any public funds, each local mental health authority shall require that
194 each entity that receives any public funds from a local mental health authority agrees in
195 writing that:

196 (a) the entity's financial records and other records relevant to the entity's performance of
197 the services provided to the mental health authority shall be subject to examination
198 by:

199 (i) the division;

200 (ii) the local mental health authority director;

- 201 (iii)(A) the county treasurer and county or district attorney; or
 202 (B) if two or more counties jointly provide mental health services under an
 203 agreement under Subsection (3), the designated treasurer and the designated
 204 legal officer;
- 205 (iv) the county legislative body; and
 206 (v) in a county with a county executive that is separate from the county legislative
 207 body, the county executive;
- 208 (b) the county auditor may examine and audit the entity's financial and other records
 209 relevant to the entity's performance of the services provided to the local mental health
 210 authority; and
- 211 (c) the entity will comply with the provisions of Subsection (5)(b).
- 212 (9) A local mental health authority may receive property, grants, gifts, supplies, materials,
 213 contributions, and any benefit derived therefrom, for mental health services. If those
 214 gifts are conditioned upon their use for a specified service or program, they shall be so
 215 used.
- 216 (10) Public funds received for the provision of services pursuant to the local mental health
 217 plan may not be used for any other purpose except those authorized in the contract
 218 between the local mental health authority and the provider for the provision of plan
 219 services.
- 220 (11) A local mental health authority shall:
- 221 (a) provide assisted outpatient treatment services to a resident of the county who has
 222 been ordered under Section 26B-5-351 to receive assisted outpatient treatment[-] ; and
- 223 (b) to the extent feasible, coordinate with the Department of Corrections to ensure the
 224 continuity of mental health services for county residents who are on probation or
 225 parole.
- 226 Section 2. Section **17-55-201** is amended to read:
- 227 **17-55-201 (Effective upon governor's approval). Criminal justice coordinating**
 228 **councils -- Creation -- Strategic plan -- Reporting requirements.**
- 229 (1)(a) Beginning January 1, 2023, a county shall:
- 230 (i) create a criminal justice coordinating council; or
 231 (ii) jointly with another county or counties, create a criminal justice coordinating
 232 council.
- 233 (b) The purpose of a council is to coordinate and improve components of the criminal
 234 justice system in the county or counties.

- 235 (2)(a) A council shall include:
- 236 (i) one county commissioner or county council member;
- 237 (ii) the county sheriff or the sheriff's designee;
- 238 (iii) one chief of police of a municipality within the county or the chief's designee;
- 239 (iv) the county attorney or the attorney's designee;
- 240 (v) one public defender or attorney who provides public defense within the county;
- 241 (vi) one district court judge;
- 242 (vii) one justice court judge;
- 243 (viii) one representative from the Division of Adult Probation and Parole within the
- 244 Department of Corrections;
- 245 (ix) one representative from the local mental health authority within the county; and
- 246 (x) one individual who is:
- 247 (A) a crime victim; or
- 248 (B) a victim advocate, as defined in Section 77-38-403.
- 249 (b) A council may include:
- 250 (i) an individual representing:
- 251 (A) local government;
- 252 (B) human services programs;
- 253 (C) higher education;
- 254 (D) peer support services;
- 255 (E) workforce services;
- 256 (F) local housing services;
- 257 (G) mental health or substance use disorder providers;
- 258 (H) a health care organization within the county;
- 259 (I) a local homeless council;
- 260 (J) family counseling and support groups; or
- 261 (K) organizations that work with families of incarcerated individuals; or
- 262 (ii) an individual with lived experiences in the criminal justice system.
- 263 (3)(a) A member who is an elected county official shall serve as chair of the council.
- 264 (b) The council shall elect the member to serve as chair under Subsection (3)(a).
- 265 (4)(a) A council shall develop and implement a strategic plan for the county's or
- 266 counties' criminal justice system that includes:
- 267 (i) mapping of all systems, resources, assets, and services within the county's or
- 268 counties' criminal justice system;

- 269 (ii) a plan for data sharing across the county's or counties' criminal justice system;
- 270 (iii) recidivism reduction objectives; and
- 271 (iv) community reintegration goals, including identifying strategies for:
- 272 (A) connecting county residents who are on probation or parole with county-based
- 273 housing, employment, mental health services, substance use treatment, and
- 274 related resources; and
- 275 (B) educating and incentivizing employers to hire county residents who have a
- 276 criminal record.
- 277 (b) The commission may assist a council in the development of a strategic plan.
- 278 (5) As part of the council's duties described in Subsection (4)(a)(i), the council shall prepare
- 279 a list of private probation providers for a court to provide to defendants as described in
- 280 Section 77-18-105.
- 281 (6) Before November 30 of each year, a council shall provide a written report to the
- 282 commission regarding:
- 283 (a) the implementation of a strategic plan described in Subsection (4); and
- 284 (b) any data on the impact of the council on the criminal justice system in the county or
- 285 counties.

286 Section 3. Section **64-13h-101** is enacted to read:

287 **CHAPTER 13h. Rehabilitation and Re-entry Services**

288 **64-13h-101 (Effective upon governor's approval). Definitions.**

289 As used in this chapter:

- 290 (1) "Account" means the Rehabilitation and Re-entry Services Restricted Account created
- 291 in Section 64-13h-102.
- 292 (2) "Department" means the Department of Corrections.
- 293 (3) "Offender" means the same as that term is defined in Section 64-13-1.

294 Section 4. Section **64-13h-102** is enacted to read:

295 **64-13h-102 (Effective upon governor's approval). Creation of Rehabilitation**

296 **and Re-entry Services Restricted Account.**

- 297 (1) There is created a restricted account within the General Fund known as the
- 298 Rehabilitation and Re-entry Services Restricted Account.
- 299 (2) The account includes:
- 300 (a) private donations, grants, gifts, bequests, or money made available from any other
- 301 source to implement this section and Section 64-13h-103;
- 302 (b) money appropriated to the account by the Legislature; and

303 (c) any interest earned on the account.

304 (3) The department shall administer the account for the purposes described in Section
305 64-13h-103.

306 (4) Upon appropriation by the Legislature, the department shall use money in the account as
307 described in Section 64-13h-103.

308 Section 5. Section **64-13h-103** is enacted to read:

309 **64-13h-103 (Effective upon governor's approval). Uses of Rehabilitation and**
310 **Re-entry Services Restricted Account.**

311 (1) Account funds shall be used to provide direct services to offenders that will increase the
312 likelihood of successful reintegration into the general public and decrease the likelihood
313 of recidivism, which may include:

314 (a) educational services;

315 (b) job skills training;

316 (c) life skills training;

317 (d) apprenticeships;

318 (e) job placement assistance;

319 (f) assistance with affordable housing or supervised or transitional housing services;

320 (g) substance use treatment, mental health services, or physical health services; or

321 (h) case worker access, before or after leaving incarceration.

322 (2) The department may expend money from the account to offset actual department
323 expenses related to administering this section.

324 Section 6. **Effective Date.**

325 This bill takes effect:

326 (1) except as provided in Subsection (2), May 7, 2025; or

327 (2) if approved by two-thirds of all members elected to each house:

328 (a) upon approval by the governor;

329 (b) without the governor's signature, the day following the constitutional time limit of
330 Utah Constitution, Article VII, Section 8; or

331 (c) in the case of a veto, the date of veto override.