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Criminal Code Amendments
2025 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

LONG TITLE

General Description:

This bill concerns certain criminal offenses.

Highlighted Provisions:

This bill:

- defines terms;
- requires certain state agencies to regularly review and make recommendations concerning certain statutory criminal offenses;
- requires the State Commission on Criminal and Juvenile Justice to receive, compile, and submit a report on state agency reviews of statutory criminal offenses;
- lowers the penalty for criminal violations concerning an unauthorized use of a name in a charity solicitation;
- repeals the criminal offense relating to abuse of the flag; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

76-10-604, as last amended by Laws of Utah 1995, Chapter 20

ENACTS:

67-28-101, Utah Code Annotated 1953

67-28-102, Utah Code Annotated 1953

REPEALS:

76-9-601, as enacted by Laws of Utah 1973, Chapter 196

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

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

33 **63M-7-204 . Duties of commission.**

34 (1) The commission shall:

- 35 (a) promote the commission's purposes as enumerated in Section 63M-7-201;
- 36 (b) promote the communication and coordination of all criminal and juvenile justice
37 agencies;
- 38 (c) study, evaluate, and report on the status of crime in the state and on the effectiveness
39 of criminal justice policies, procedures, and programs that are directed toward the
40 reduction of crime in the state;
- 41 (d) study, evaluate, and report on programs initiated by state and local agencies to
42 address reducing recidivism, including changes in penalties and sentencing
43 guidelines intended to reduce recidivism, costs savings associated with the reduction
44 in the number of inmates, and evaluation of expenses and resources needed to meet
45 goals regarding the use of treatment as an alternative to incarceration, as resources
46 allow;
- 47 (e) study, evaluate, and report on policies, procedures, and programs of other
48 jurisdictions which have effectively reduced crime;
- 49 (f) identify and promote the implementation of specific policies and programs the
50 commission determines will significantly reduce crime in Utah;
- 51 (g) provide analysis and recommendations on all criminal and juvenile justice
52 legislation, state budget, and facility requests, including program and fiscal impact on
53 all components of the criminal and juvenile justice system;
- 54 (h) provide analysis, accountability, recommendations, and supervision for state and
55 federal criminal justice grant money;
- 56 (i) provide public information on the criminal and juvenile justice system and give
57 technical assistance to agencies or local units of government on methods to promote
58 public awareness;
- 59 (j) promote research and program evaluation as an integral part of the criminal and
60 juvenile justice system;
- 61 (k) provide a comprehensive criminal justice plan annually;
- 62 (l) review agency forecasts regarding future demands on the criminal and juvenile
63 justice systems, including specific projections for secure bed space;
- 64 (m) promote the development of criminal and juvenile justice information systems that

- 65 are consistent with common standards for data storage and are capable of
66 appropriately sharing information with other criminal justice information systems by:
- 67 (i) developing and maintaining common data standards for use by all state criminal
68 justice agencies;
 - 69 (ii) annually performing audits of criminal history record information maintained by
70 state criminal justice agencies to assess their accuracy, completeness, and
71 adherence to standards;
 - 72 (iii) defining and developing state and local programs and projects associated with
73 the improvement of information management for law enforcement and the
74 administration of justice; and
 - 75 (iv) establishing general policies concerning criminal and juvenile justice information
76 systems and making rules as necessary to carry out the duties under Subsection
77 (1)(k) and this Subsection (1)(m);
- 78 (n) allocate and administer grants, from money made available, for approved education
79 programs to help prevent the sexual exploitation of children;
- 80 (o) allocate and administer grants for law enforcement operations and programs related
81 to reducing illegal drug activity and related criminal activity;
- 82 (p) request, receive, and evaluate data and recommendations collected and reported by:
- 83 (i) [-]agencies and contractors related to policies recommended by the commission
84 regarding recidivism reduction, including the data described in Section 13-53-111
85 and Subsection 26B-5-102(2)(1); and
 - 86 (ii) state agencies under Section 67-28-102;
- 87 (q) establish and administer a performance incentive grant program that allocates funds
88 appropriated by the Legislature to programs and practices implemented by counties
89 that reduce recidivism and reduce the number of offenders per capita who are
90 incarcerated;
- 91 (r) oversee or designate an entity to oversee the implementation of juvenile justice
92 reforms;
- 93 (s) make rules and administer the juvenile holding room standards and juvenile jail
94 standards to align with the Juvenile Justice and Delinquency Prevention Act
95 requirements pursuant to 42 U.S.C. Sec. 5633;
- 96 (t) allocate and administer grants, from money made available, for pilot qualifying
97 education programs;
- 98 (u) request, receive, and evaluate the aggregate data collected from prosecutorial

- 99 agencies and the Administrative Office of the Courts, in accordance with Sections
100 63M-7-216 and 78A-2-109.5;
- 101 (v) report annually to the Law Enforcement and Criminal Justice Interim Committee on
102 the progress made on each of the following goals of the Justice Reinvestment
103 Initiative:
- 104 (i) ensuring oversight and accountability;
- 105 (ii) supporting local corrections systems;
- 106 (iii) improving and expanding reentry and treatment services; and
- 107 (iv) strengthening probation and parole supervision;
- 108 (w) compile a report of findings based on the data and recommendations provided under
109 Section 13-53-111 and Subsection 26B-5-102(2)(n) that:
- 110 (i) separates the data provided under Section 13-53-111 by each residential,
111 vocational and life skills program; and
- 112 (ii) separates the data provided under Subsection 26B-5-102(2)(n) by each mental
113 health or substance use treatment program;
- 114 (x) publish the report described in Subsection (1)(w) on the commission's website and
115 annually provide the report to the Judiciary Interim Committee, the Health and
116 Human Services Interim Committee, the Law Enforcement and Criminal Justice
117 Interim Committee, and the related appropriations subcommittees;
- 118 (y) receive, compile, and publish on the commission's website the data provided under:
- 119 (i) Section 53-25-202;
- 120 (ii) Section 53-25-301; and
- 121 (iii) Section 53-25-401;
- 122 (z) review, research, advise, and make recommendations to the three branches of
123 government regarding evidence-based sex offense management policies and
124 practices, including supervision standards, treatment standards, and the sex offender
125 registry;
- 126 (aa) receive and evaluate a referral from the Department of Public Safety received under
127 Section 53-21-104.3 involving a denial of mental health resources to an eligible
128 individual, including, if appropriate in the commission's discretion, deny the relevant
129 entity from receiving any grant of state funds under Section 63M-7-218 for a
130 specified period of time; and
- 131 (bb) accept public comment.
- 132 (2)(a) The commission may designate an entity to perform the duties described in this

133 part.

134 (b) If the commission designates an entity under Subsection (2)(a), the commission shall
 135 ensure that the membership of the designated entity includes representation from
 136 relevant stakeholder groups from the parts of the justice system implicated in the
 137 policy area.

138 (3) in fulfilling the commission's duties under Subsection (1), the commission may seek
 139 input and request assistance from groups with knowledge and expertise in criminal
 140 justice, including other boards and commissions affiliated or housed within the
 141 commission.

142 Section 2. Section **67-28-101** is enacted to read:

143 **CHAPTER 28. STATE AGENCY CRIMINAL OFFENSE REVIEW**

144

REQUIREMENTS

145 **67-28-101 . Definitions.**

146 As used in this chapter:

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

149 (2) "Criminal offense" means an act or omission that may result in a felony, misdemeanor,
 150 or infraction.

151 (3)(a) "State agency" means a department, division, board, council, committee,
 152 institution, office, bureau, or other similar administrative unit of the executive branch
 153 of state government.

154 (b) "State agency" does not include the attorney general.

155 Section 3. Section **67-28-102** is enacted to read:

156 **67-28-102 . State agency review and recommendation regarding criminal**
 157 **offenses.**

158 (1) On or before July 1, 2026, and on or before July 1 every three years after 2026, every
 159 state agency shall complete a review of the criminal offenses contained in the statutes:

160 (a) for which the state agency is responsible for enforcement; or

161 (b) contained in the state agency's designated area of code.

162 (2)(a) A state agency review required under this section shall require the state agency to
 163 evaluate each criminal offense described in Subsection (1) and recommend whether
 164 the criminal offense:

- 165 (i) would benefit from legislative amendment, clarification, or repeal; and
166 (ii) should have the penalty level increased, reduced, or remain the same.
- 167 (b) The review under Subsection (2)(a) shall include the state agency's specific
168 recommendations and reasoning for any recommended statutory changes.
- 169 (c) Each state agency shall submit the results of the review required under this section to
170 the commission:
- 171 (i) within 30 days after the day on which the review is completed; and
172 (ii) in the standardized format developed by the commission under Subsection (3).
- 173 (3) The commission shall:
- 174 (a) develop a standardized format for reporting the information described in Subsection
175 (2);
- 176 (b) compile the information that was submitted under Subsection (2); and
- 177 (c) annually, on or before October 1, submit a report to the Law Enforcement and
178 Criminal Justice Interim Committee that contains:
- 179 (i) the compiled information received for the current year, if any; and
180 (ii) the names of any agencies that failed to submit a review that was required under
181 this section.

182 Section 4. Section **76-10-604** is amended to read:

183 **76-10-604 . Violations -- Classification of offense.**

184 Any person who violates the provisions of this part is guilty of [~~a class B misdemeanor~~]
185 an infraction.

186 Section 5. **Repealer.**

187 This bill repeals:

188 Section **76-9-601, Abuse of a flag.**

189 Section 6. **Effective Date.**

190 This bill takes effect on May 7, 2025.