

Ryan D. Wilcox proposes the following substitute bill:

Criminal Code Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill concerns certain criminal offenses.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ defines terms;

9 ▶ requires certain state agencies to regularly review and make recommendations concerning
10 certain statutory criminal offenses;

11 ▶ requires the State Commission on Criminal and Juvenile Justice to receive, compile, and
12 submit a report on state agency reviews of statutory criminal offenses;

13 ▶ lowers the penalty for criminal violations concerning an unauthorized use of a name in a
14 charity solicitation;

15 ▶ repeals the criminal offense relating to abuse of the flag;

16 ▶ contains a coordination clause to coordinate technical changes between this bill and H.B.

17 21, Criminal Code Recodification and Cross References, due to the repeal of Section

18 76-10-604 in H.B. 21; and

19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill provides a coordination clause.

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **63M-7-204**, as last amended by Laws of Utah 2024, Chapter 345

27 **76-10-604**, as last amended by Laws of Utah 1995, Chapter 20

28 ENACTS:

29 **67-28-101**, Utah Code Annotated 1953

30 **67-28-102**, Utah Code Annotated 1953

31 REPEALS:

32 **76-9-601**, as enacted by Laws of Utah 1973, Chapter 196

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

34

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

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

37 **63M-7-204 . Duties of commission.**

38 (1) The commission shall:

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

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

42 (c) study, evaluate, and report on the status of crime in the state and on the effectiveness
43 of criminal justice policies, procedures, and programs that are directed toward the
44 reduction of crime in the state;

45 (d) study, evaluate, and report on programs initiated by state and local agencies to
46 address reducing recidivism, including changes in penalties and sentencing
47 guidelines intended to reduce recidivism, costs savings associated with the reduction
48 in the number of inmates, and evaluation of expenses and resources needed to meet
49 goals regarding the use of treatment as an alternative to incarceration, as resources
50 allow;

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

53 (f) identify and promote the implementation of specific policies and programs the
54 commission determines will significantly reduce crime in Utah;

55 (g) provide analysis and recommendations on all criminal and juvenile justice
56 legislation, state budget, and facility requests, including program and fiscal impact on
57 all components of the criminal and juvenile justice system;

58 (h) provide analysis, accountability, recommendations, and supervision for state and
59 federal criminal justice grant money;

60 (i) provide public information on the criminal and juvenile justice system and give
61 technical assistance to agencies or local units of government on methods to promote
62 public awareness;

- 63 (j) promote research and program evaluation as an integral part of the criminal and
64 juvenile justice system;
- 65 (k) provide a comprehensive criminal justice plan annually;
- 66 (l) review agency forecasts regarding future demands on the criminal and juvenile
67 justice systems, including specific projections for secure bed space;
- 68 (m) promote the development of criminal and juvenile justice information systems that
69 are consistent with common standards for data storage and are capable of
70 appropriately sharing information with other criminal justice information systems by:
- 71 (i) developing and maintaining common data standards for use by all state criminal
72 justice agencies;
- 73 (ii) annually performing audits of criminal history record information maintained by
74 state criminal justice agencies to assess their accuracy, completeness, and
75 adherence to standards;
- 76 (iii) defining and developing state and local programs and projects associated with
77 the improvement of information management for law enforcement and the
78 administration of justice; and
- 79 (iv) establishing general policies concerning criminal and juvenile justice information
80 systems and making rules as necessary to carry out the duties under Subsection
81 (1)(k) and this Subsection (1)(m);
- 82 (n) allocate and administer grants, from money made available, for approved education
83 programs to help prevent the sexual exploitation of children;
- 84 (o) allocate and administer grants for law enforcement operations and programs related
85 to reducing illegal drug activity and related criminal activity;
- 86 (p) request, receive, and evaluate data and recommendations collected and reported by:
- 87 (i) [-]agencies and contractors related to policies recommended by the commission
88 regarding recidivism reduction, including the data described in Section 13-53-111
89 and Subsection 26B-5-102(2)(1); and
- 90 (ii) state agencies under Section 67-28-102;
- 91 (q) establish and administer a performance incentive grant program that allocates funds
92 appropriated by the Legislature to programs and practices implemented by counties
93 that reduce recidivism and reduce the number of offenders per capita who are
94 incarcerated;
- 95 (r) oversee or designate an entity to oversee the implementation of juvenile justice
96 reforms;

- 97 (s) make rules and administer the juvenile holding room standards and juvenile jail
98 standards to align with the Juvenile Justice and Delinquency Prevention Act
99 requirements pursuant to 42 U.S.C. Sec. 5633;
- 100 (t) allocate and administer grants, from money made available, for pilot qualifying
101 education programs;
- 102 (u) request, receive, and evaluate the aggregate data collected from prosecutorial
103 agencies and the Administrative Office of the Courts, in accordance with Sections
104 63M-7-216 and 78A-2-109.5;
- 105 (v) report annually to the Law Enforcement and Criminal Justice Interim Committee on
106 the progress made on each of the following goals of the Justice Reinvestment
107 Initiative:
- 108 (i) ensuring oversight and accountability;
- 109 (ii) supporting local corrections systems;
- 110 (iii) improving and expanding reentry and treatment services; and
- 111 (iv) strengthening probation and parole supervision;
- 112 (w) compile a report of findings based on the data and recommendations provided under
113 Section 13-53-111 and Subsection 26B-5-102(2)(n) that:
- 114 (i) separates the data provided under Section 13-53-111 by each residential,
115 vocational and life skills program; and
- 116 (ii) separates the data provided under Subsection 26B-5-102(2)(n) by each mental
117 health or substance use treatment program;
- 118 (x) publish the report described in Subsection (1)(w) on the commission's website and
119 annually provide the report to the Judiciary Interim Committee, the Health and
120 Human Services Interim Committee, the Law Enforcement and Criminal Justice
121 Interim Committee, and the related appropriations subcommittees;
- 122 (y) receive, compile, and publish on the commission's website the data provided under:
- 123 (i) Section 53-25-202;
- 124 (ii) Section 53-25-301; and
- 125 (iii) Section 53-25-401;
- 126 (z) review, research, advise, and make recommendations to the three branches of
127 government regarding evidence-based sex offense management policies and
128 practices, including supervision standards, treatment standards, and the sex offender
129 registry;
- 130 (aa) receive and evaluate a referral from the Department of Public Safety received under

131 Section 53-21-104.3 involving a denial of mental health resources to an eligible
 132 individual, including, if appropriate in the commission's discretion, deny the relevant
 133 entity from receiving any grant of state funds under Section 63M-7-218 for a
 134 specified period of time; and

135 (bb) accept public comment.

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

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

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

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

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

148

REQUIREMENTS

149 **67-28-101 . Definitions.**

150 As used in this chapter:

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

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

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

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

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

160 **67-28-102 . State agency review and recommendation regarding criminal**
 161 **offenses.**

162 (1) On or before July 1, 2026, and on or before July 1 every three years after 2026, every

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

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

187 **76-10-604 . Violations -- Classification of offense.**

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

190 Section 5. **Repealer.**

191 This bill repeals:

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

193 Section 6. **Effective Date.**

194 This bill takes effect on May 7, 2025.

195 Section 7. **Coordinating H.B. 353 with H.B. 21.**

196 If H.B. 353, Criminal Code Amendments, and H.B. 21, Criminal Code

197 Recodification and Cross References, both pass and become law, the Legislature intends that,
198 on May 7, 2025:

199 (1) Subsection 76-12-402(3) in H.B. 21 be amended to read:

200 "(3) A violation of Subsection (2) is an infraction."; and

201 (2) Subsection 76-12-403(3) in H.B. 21 be amended to read:

202 "(3) A violation of Subsection (2) is an infraction."