

Ryan D. Wilcox proposes the following substitute bill:

**Criminal Code Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor: Brady Brammer

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) Except as provided in Subsection (4), on or before July 1, 2026, and on or before July 1

163 every three years after 2026, every state agency shall complete a review of the criminal  
164 offenses contained in the statutes:

165 (a) for which the state agency is responsible to prosecute or refer for prosecution; or

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

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

170 (i) would benefit from legislative amendment, clarification, or repeal; and

171 (ii) should have the penalty level increased, reduced, or remain the same.

172 (b) The review under Subsection (2)(a) shall include the state agency's specific  
173 recommendations and reasoning for any recommended statutory changes.

174 (c) Each state agency shall submit the results of the review required under this section to  
175 the commission:

176 (i) within 30 days after the day on which the review is completed; and

177 (ii) in the standardized format developed by the commission under Subsection (3).

178 (3) The commission shall:

179 (a) develop a standardized format for reporting the information described in Subsection  
180 (2);

181 (b) compile the information that was submitted under Subsection (2); and

182 (c) annually, on or before October 1, submit a report to the Law Enforcement and  
183 Criminal Justice Interim Committee that contains:

184 (i) the compiled information received for the current year, if any; and

185 (ii) the names of any agencies that failed to submit a review that was required under  
186 this section.

187 (4) This section does not apply to the Division of Professional Licensing with regard to  
188 offenses in Title 58, Chapters 37 through 37e.

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

190 **76-10-604 . Violations -- Classification of offense.**

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

193 Section 5. **Repealer.**

194 This bill repeals:

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

196 Section 6. **Effective Date.**

197 This bill takes effect on May 7, 2025.

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

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

200 Recodification and Cross References, both pass and become law, the Legislature intends that,

201 on May 7, 2025:

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

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

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

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