

Ryan D. Wilcox proposes the following substitute bill:

Criminal Justice Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill creates certain requirements for criminal justice agencies and entities working with
6 criminal justice agencies.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▸ defines terms;
- 10 ▸ adds county attorney offices in counties of the second and third class to the statute
11 requiring certain prosecutorial data collection and reporting regarding criminal cases and
12 modifies requirements;
- 13 ▸ requires a county jail to:
- 14 • collect biometric and other personal information for individuals brought to the county
15 jail for processing or booking into custody regardless of whether the county jail
16 retains custody of the individual; and
- 17 • to the extent possible, connect an individual in custody with the individual's state
18 identification number and use the state identification number in association with any
19 records regarding the individual;
- 20 ▸ amends the membership of the Public Safety Data Management Task Force;
- 21 ▸ requires the State Commission on Criminal and Juvenile Justice (the commission) to
22 include certain DUI crash data in an annual DUI report;
- 23 ▸ requires the Department of Public Safety's Criminal Investigations and Technical Services
24 Division to collect certain DUI crash data and provide the data to the commission;
- 25 ▸ establishes law enforcement agency requirements concerning:
- 26 • the collection and reporting of certain DUI crash data;
- 27 • the sharing of information with the Department of Public Safety's statewide criminal
28 intelligence system;

- 29 • the collection and reporting of certain lost, stolen, and untraceable firearms; and
- 30 • the collection and reporting of the disposition of firearms in the custody of a law
- 31 enforcement agency;
- 32 ▸ requires the commission to receive, compile, and publish law enforcement agency data
- 33 concerning firearms;
- 34 ▸ requires law enforcement agencies to supply certain law enforcement officers with a
- 35 portable biometric capture device;
- 36 ▸ provides that the public safety data portal is the repository for statutorily required data
- 37 concerning:
- 38 • certain DUI crash data;
- 39 • law enforcement agency reporting requirements for certain firearms data; and
- 40 • prosecutorial data collection regarding prosecutions of false sexual assault accusations;
- 41 ▸ imposes certain requirements for software service vendors if the software service is for
- 42 use by a criminal justice agency and collects and stores data required by statute to be
- 43 reported to the commission;
- 44 ▸ requires all prosecutorial agencies in the state to submit data to the commission
- 45 concerning prosecutions brought against individuals based on false sexual assault
- 46 accusations and sexual offenses in which the victim later recants;
- 47 ▸ exempts certain reporting requirements from law enforcement grant eligibility
- 48 requirements;
- 49 ▸ modifies pretrial release data reporting requirements from the Administrative Office of
- 50 the Courts;
- 51 ▸ requires the Department of Corrections to conduct a risk assessment for every individual
- 52 convicted of a sex offense that would require the individual to register on the Sex,
- 53 Kidnap, and Child Abuse Offender Registry;
- 54 ▸ requires the Department of Corrections, until January 1, 2030, to submit the results of risk
- 55 assessments for sex offenders to the commission;
- 56 ▸ includes a coordination clause to merge the changes to Sections 63I-2-277 and 77-41-115
- 57 in this bill if this bill and S.B. 41, Sex, Kidnap, and Child Abuse Offender Registry
- 58 Amendments, both pass and become law, including to address the repeal and
- 59 replacement of Section 77-41-115 in S.B. 41 with a newly enacted statute; and
- 60 ▸ makes technical and conforming changes.

61 **Money Appropriated in this Bill:**

62 None

63 **Other Special Clauses:**

64 This bill provides a special effective date.

65 This bill provides a coordination clause.

66 **Utah Code Sections Affected:**67 **AMENDS:**68 **17-18a-203.5 (Effective 07/01/25)**, as enacted by Laws of Utah 2024, Chapter 53869 **17-22-5.5 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 41970 **36-29-111 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 50671 **41-6a-511 (Effective 07/01/25)**, as last amended by Laws of Utah 2011, Chapter 5172 **63A-16-1002 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 46773 **63I-2-277 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special
74 Session, Chapter 575 **63M-7-204 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 34576 **63M-7-218 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 34577 **77-20-103 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2021,
78 Second Special Session, Chapter 479 **ENACTS:**80 **17-22-35 (Effective 05/07/25)**, Utah Code Annotated 195381 **53-10-118 (Effective 07/01/25)**, Utah Code Annotated 195382 **53-25-104 (Effective 05/07/25)**, Utah Code Annotated 195383 **53-25-105 (Effective 05/07/25)**, Utah Code Annotated 195384 **53-25-502 (Effective 07/01/25)**, Utah Code Annotated 195385 **53-25-601 (Effective 05/07/25)**, Utah Code Annotated 195386 **53-25-602 (Effective 05/07/25)**, Utah Code Annotated 195387 **63A-16-1004 (Effective 07/01/25)**, Utah Code Annotated 195388 **63M-7-216.1 (Effective 05/07/25)**, Utah Code Annotated 195389 **77-41-115 (Effective 05/07/25)**, Utah Code Annotated 195390 **Utah Code Sections affected by Coordination Clause:**91 **63I-2-277 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Third Special
92 Session, Chapter 593 **77-41-115 (Effective 05/07/25)**, Utah Code Annotated 1953

94

95 *Be it enacted by the Legislature of the state of Utah:*96 Section 1. Section **17-18a-203.5** is amended to read:

97 **17-18a-203.5 (Effective 07/01/25). District attorney and county attorney data**
 98 **collection for counties of the first, second, and third class -- Report.**

99 [~~(1)~~ In this section, "prosecution personnel" means:]

100 ~~[(a) investigators;]~~

101 ~~[(b) prosecutors;]~~

102 ~~[(c) support staff; or]~~

103 ~~[(d) other individuals paid for their work on the case.]~~

104 [~~(2)~~ (1) The district attorney in a county of the first class, and the county attorney in a
 105 county of the second or third class, shall[:]

106 ~~[(a) track the time spent by prosecution personnel on each criminal case, calculated in~~
 107 ~~quarter of an hour increments, by the offense classification; and]~~

108 ~~[(b)]~~ provide a written report to the Law Enforcement and Criminal Justice Interim
 109 Committee by November 1, annually.

110 [~~(3)~~ (2) The annual report required in Subsection [~~(2)~~ (b)] (1) shall include the following
 111 information, organized by the offense classification, for the cases that were active during
 112 the reporting period:

113 ~~[(a) the total number of hours, calculated in quarter of an hour increments, worked on~~
 114 ~~the cases by prosecution personnel;]~~

115 ~~[(b)]~~ (a) the average amount of taxpayer dollars spent per case, as calculated by the [
 116 ~~hours worked and the salary of the prosecution personnel who worked on the case]~~
 117 total number of misdemeanors, juvenile adjudications, and felonies, divided by the
 118 portion of the attorney's annual budget allocated to prosecution;

119 ~~[(c)]~~

120 ~~[(b)]~~ (b) the total number of juvenile adjudications, misdemeanors, and felonies;

121 ~~[(c)]~~ (c) the total case numbers and individual prosecutor average annual caseload of felonies
 122 broken down by sexual offenses, general crimes, and crimes of violence;

123 ~~[(d)]~~ (d) [the cumulative total hours worked and the number of cases, categorized by the
 124 following] the total number of cases categorized by the most serious charge as follows:

125 (i) cases that were dismissed prior to the filing of charges;

126 (ii) cases that were dismissed after charges were filed;

127 (iii) cases in which a plea agreement was reached by the parties prior to the
 128 preliminary hearing;

129 (iv) cases that were dismissed by the court after the preliminary hearing;

130 (v) cases in which a plea agreement was reached by the parties after the preliminary

- 131 hearing;
- 132 (vi) cases that resulted in a court ruling in favor of the state; and
- 133 (vii) cases that resulted in a court ruling in favor of the defense;
- 134 ~~[(d)]~~ (e) the average number of days between:
- 135 (i) the filing of criminal charges; and
- 136 (ii)(A) the delivery of discovery information, including witness statements;
- 137 (B) the preliminary hearing; or
- 138 (C) the first day of trial; and
- 139 ~~[(e)]~~ (f) the average number of attorneys assigned to each case.

140 Section 2. Section **17-22-5.5** is amended to read:

141 **17-22-5.5 (Effective 07/01/25). Sheriff's classification of jail facilities --**

142 **Maximum operating capacity of jail facilities -- Transfer or release of prisoners --**

143 **Limitation -- Records regarding release.**

- 144 (1)(a) Except as provided in Subsection (4), a county sheriff shall determine:
- 145 (i) subject to Subsection (1)(b), the classification of each jail facility or section of a
- 146 jail facility under the sheriff's control;
- 147 (ii) the nature of each program conducted at a jail facility under the sheriff's control;
- 148 and
- 149 (iii) the internal operation of a jail facility under the sheriff's control.
- 150 (b) A classification under Subsection (1)(a)(i) of a jail facility may not violate any
- 151 applicable zoning ordinance or conditional use permit of the county or municipality.
- 152 (2) Except as provided in Subsection (4), each county sheriff shall:
- 153 (a) with the approval of the county legislative body, establish a maximum operating
- 154 capacity for each jail facility under the sheriff's control, based on facility design and
- 155 staffing; and
- 156 (b) upon a jail facility reaching the jail facility's maximum operating capacity:
- 157 (i) transfer prisoners to another appropriate facility:
- 158 (A) under the sheriff's control; or
- 159 (B) available to the sheriff by contract;
- 160 (ii) release prisoners:
- 161 (A) to a supervised release program, according to release criteria established by
- 162 the sheriff; or
- 163 (B) to another alternative incarceration program developed by the sheriff; or
- 164 (iii) admit prisoners in accordance with law and a uniform admissions policy

165 imposed equally upon all entities using the county jail.

166 (3)(a) The sheriff shall keep records of the release status and the type of release program
167 or alternative incarceration program for any prisoner released under Subsection
168 (2)(b)(ii).

169 (b) The sheriff shall make these records available upon request to the Department of
170 Corrections, the Judiciary, and the Commission on Criminal and Juvenile Justice.

171 (4) This section may not be construed to authorize a sheriff to modify provisions of a
172 contract with the Department of Corrections to house in a county jail an individual
173 sentenced to the Department of Corrections.

174 (5) Regardless of whether a jail facility has reached the jail facility's maximum operating
175 capacity under Subsection (2), a sheriff may release an individual from a jail facility in
176 accordance with Section 17-22-35 and Section 77-20-203 or 77-20-204.

177 (6) The sheriff of a county of the first class is encouraged to open and operate all sections
178 of a jail facility within the county that is not being used to full capacity.

179 Section 3. Section **17-22-35** is enacted to read:

180 **17-22-35 (Effective 05/07/25). County jail requirements concerning state**
181 **identification numbers and biometric and other personal information.**

182 (1) As used in this section, "state identification number" means the number issued by the
183 Bureau of Criminal Identification within the Department of Public Safety that
184 corresponds to a certain individual.

185 (2) If an individual is brought to a county jail for processing or booking into custody, the
186 county jail shall, regardless of whether the county jail retains custody of the individual
187 or releases the individual due to capacity issues or another reason:

188 (a) collect the individual's biometric and other personal information required by law; and

189 (b)(i) to the extent possible, connect the individual with the individual's state
190 identification number; and

191 (ii) if identified, use the individual's state identification number in association with
192 any records created or accessed by the county jail concerning the individual.

193 Section 4. Section **36-29-111** is amended to read:

194 **36-29-111 (Effective 07/01/25). Public Safety Data Management Task Force.**

195 (1) As used in this section:

196 (a) "Cohabitant abuse protective order" means an order issued with or without notice to
197 the respondent in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse
198 Protective Orders.

- 199 (b) "Lethality assessment" means an evidence-based assessment that is intended to
200 identify a victim of domestic violence who is at a high risk of being killed by the
201 perpetrator.
- 202 (c) "Task force" means the Public Safety Data Management Task Force created in this
203 section.
- 204 (d) "Victim" means an individual who is a victim of domestic violence, as defined in
205 Section 77-36-1.
- 206 (2) There is created the Public Safety Data Management Task Force consisting of the
207 following members:
- 208 (a) three members of the Senate appointed by the president of the Senate, no more than
209 two of whom may be from the same political party;
- 210 (b) three members of the House of Representatives appointed by the speaker of the
211 House of Representatives, no more than two of whom may be from the same political
212 party; and
- 213 (c) representatives from the following organizations as requested by the executive
214 director of the State Commission on Criminal and Juvenile Justice:
- 215 (i) the State Commission on Criminal and Juvenile Justice;
- 216 (ii) the Judicial Council;
- 217 (iii) the Statewide Association of Prosecutors;
- 218 (iv) the Department of Corrections;
- 219 (v) the Department of Public Safety;
- 220 (vi) the Utah Association of Counties;
- 221 (vii) the Utah Chiefs of Police Association;
- 222 (viii) the Utah Sheriffs Association;
- 223 (ix) the Board of Pardons and Parole;
- 224 (x) the Department of Health and Human Services; and
- 225 [~~(xi) the Utah Division of Indian Affairs; and~~]
- 226 [~~(xii)~~ (xi)] any other organizations or groups as recommended by the executive
227 director of the Commission on Criminal and Juvenile Justice.
- 228 (3)(a) The president of the Senate shall designate a member of the Senate appointed
229 under Subsection (2)(a) as a cochair of the task force.
- 230 (b) The speaker of the House of Representatives shall designate a member of the House
231 of Representatives appointed under Subsection (2)(b) as a cochair of the task force.
- 232 (4)(a) A majority of the members of the task force present at a meeting constitutes a

- 233 quorum.
- 234 (b) The action of a majority of a quorum constitutes an action of the task force.
- 235 (5)(a) Salaries and expenses of the members of the task force who are legislators shall be
236 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter
237 3, Legislator Compensation.
- 238 (b) A member of the task force who is not a legislator:
- 239 (i) may not receive compensation for the member's work associated with the task
240 force; and
- 241 (ii) may receive per diem and reimbursement for travel expenses incurred as a
242 member of the task force at the rates established by the Division of Finance under
243 Sections 63A-3-106 and 63A-3-107.
- 244 (6) The State Commission on Criminal and Juvenile Justice shall provide staff support to
245 the task force.
- 246 (7) The task force shall review the state's current criminal justice data collection
247 requirements and make recommendations regarding:
- 248 (a) possible ways to connect the various records systems used throughout the state so
249 that data can be shared between criminal justice agencies and with policymakers;
- 250 (b) ways to automate the collection, storage, and dissemination of the data;
- 251 (c) standardizing the format of data collection and retention;
- 252 (d) the collection of domestic violence data in the state; and
- 253 (e) the collection of data not already required related to criminal justice.
- 254 (8) On or before November 30 of each year, the task force shall provide a report to the Law
255 Enforcement and Criminal Justice Interim Committee and the Legislative Management
256 Committee that includes:
- 257 (a) recommendations in accordance with Subsection (7)(a);
- 258 (b) information on:
- 259 (i) lethality assessments conducted in the state, including:
- 260 (A) the type of lethality assessments used by law enforcement agencies and other
261 organizations that provide domestic violence services; and
- 262 (B) training and protocols implemented by law enforcement agencies and the
263 organizations described in Subsection (8)(b)(i)(A) regarding the use of lethality
264 assessments;
- 265 (ii) the data collection efforts implemented by law enforcement agencies and the
266 organizations described in Subsection (8)(b)(i)(A);

- 267 (iii) the number of cohabitant abuse protective orders that, in the immediately
268 preceding calendar year, were:
- 269 (A) issued;
 - 270 (B) amended or dismissed before the date of expiration; or
 - 271 (C) dismissed under Section 78B-7-605; and
- 272 (iv) the prevalence of domestic violence in the state and the prevalence of the
273 following in domestic violence cases:
- 274 (A) stalking;
 - 275 (B) strangulation;
 - 276 (C) violence in the presence of a child; and
 - 277 (D) threats of suicide or homicide;
- 278 (c) a review of and feedback on:
- 279 (i) lethality assessment training and protocols implemented by law enforcement
280 agencies and the organizations described in Subsection (8)(b)(i)(A); and
 - 281 (ii) the collection of domestic violence data in the state, including:
 - 282 (A) the coordination between state, local, and not-for-profit agencies to collect
283 data from lethality assessments and on the prevalence of domestic violence,
284 including the number of voluntary commitments of firearms under Section
285 53-5c-201;
 - 286 (B) efforts to standardize the format for collecting domestic violence and lethality
287 assessment data from state, local, and not-for-profit agencies within federal
288 confidentiality requirements; and
 - 289 (C) the need for any additional data collection requirements or efforts; and
 - 290 (d) any proposed legislation.

291 Section 5. Section **41-6a-511** is amended to read:

292 **41-6a-511 (Effective 07/01/25). Courts to collect and maintain data.**

- 293 (1) The state courts shall collect and maintain data necessary to allow sentencing and
294 enhancement decisions to be made in accordance with this part.
- 295 (2)(a) Each justice court shall transmit dispositions electronically to the Department of
296 Public Safety in accordance with the requirement for recertification established by
297 the Judicial Council.
- 298 (b) Immediately upon filling the requirements under Subsection (2)(a), a justice court
299 shall collect and report the same DUI related data elements collected and maintained
300 by the state courts under Subsection (1).

301 (3) The department shall maintain an electronic data base for DUI related records and data
 302 including the data elements received or collected from the courts under this section.

303 (4)(a) The Commission on Criminal and Juvenile Justice shall prepare an annual report
 304 of DUI related data including the following:

- 305 (i) the data collected by the courts under Subsections (1) and (2); [~~and~~]
- 306 (ii) the DUI crash data collected from law enforcement agencies under Section
 307 53-10-118 by the Department of Public Safety's Criminal Investigations and
 308 Technical Services Division; and
- 309 [~~(ii)~~] (iii) any measures for which data are available to evaluate the profile and
 310 impacts of DUI recidivism and to evaluate the DUI related processes of:
 - 311 (A) law enforcement;
 - 312 (B) adjudication;
 - 313 (C) sanctions;
 - 314 (D) driver license control; and
 - 315 (E) alcohol education, assessment, and treatment.

316 (b) The report shall be provided in writing to the Judiciary and Transportation Interim
 317 Committees no later than the last day of October following the end of the fiscal year
 318 for which the report is prepared.

319 Section 6. Section **53-10-118** is enacted to read:

320 **53-10-118 (Effective 07/01/25). Collection of DUI crash data.**

321 (1)(a) The division shall collect from every law enforcement agency the following data
 322 concerning a crash that appears to be connected with a driving under the influence
 323 offense:

- 324 (i) whether the impaired driver was injured or killed;
- 325 (ii) whether any other individual was injured or killed;
- 326 (iii) whether there was damage to real or personal property; and
- 327 (iv) the following results or findings regarding the driver's impairment:
 - 328 (A) blood or breath alcohol concentration readings;
 - 329 (B) blood, chemical, or similar tests detecting alcohol or other drugs in an
 330 individual; and
 - 331 (C) field sobriety test results.

332 (b) In accordance with Section 53-25-104, a law enforcement agency shall provide the
 333 information described in Subsection (1)(a) in the form and manner requested by the
 334 division.

335 (2) The division shall provide the information collected under Subsection (1) to the
 336 Commission on Criminal and Juvenile Justice for use in the annual report described in
 337 Section 41-6a-511.

338 Section 7. Section **53-25-104** is enacted to read:

339 **Part 1. Disclosure and General Reporting Requirements**

340 **53-25-104 (Effective 05/07/25). DUI crash data reporting requirements.**

341 Beginning on January 1, 2026, a law enforcement agency shall collect and provide to the
 342 department's Criminal Investigations and Technical Services Division the DUI crash data
 343 described in Section 53-10-118.

344 Section 8. Section **53-25-105** is enacted to read:

345 **53-25-105 (Effective 05/07/25). Sharing information with statewide criminal**
 346 **intelligence system.**

347 Beginning on July 1, 2025, a law enforcement agency shall:

348 (1) share information from the law enforcement agency's record management system with
 349 the department's statewide criminal intelligence system as described in Subsection
 350 53-10-302(8); and

351 (2) coordinate with the department to enter into a memorandum of understanding or related
 352 agreement that may be necessary for the sharing of the information described in
 353 Subsection (1).

354 Section 9. Section **53-25-502** is enacted to read:

355 **Part 5. Firearm Reporting Requirements**

356 **53-25-502 (Effective 07/01/25). Law enforcement agency reporting requirements**
 357 **for certain firearm data.**

358 (1) As used in this section:

359 (a) "Antique firearm" means the same as that term is defined in Section 76-10-501.

360 (b) "Commission" means the State Commission on Criminal and Juvenile Justice created
 361 in Section 63M-7-201.

362 (c) "Firearm" means the same as that term is defined in Section 76-10-501.

363 (d)(i) "Untraceable firearm" means a firearm:

364 (A) that was manufactured, assembled, or otherwise created in a manner such that
 365 a serial number or other legally required identifying number or marking is not
 366 affixed to the firearm;

367 (B) that is made of plastic, fiberglass, or another material that would not be

368 detectable by a detection device commonly used at an airport or other public
369 building for security screening; or

370 (C) on which the identifying serial number or other legally required identifying
371 number or marking has been removed or altered such that the firearm's
372 provenance cannot be traced.

373 (ii) "Untraceable firearm" does not include an antique firearm.

374 (2)(a) Beginning on July 1, 2027, a law enforcement agency shall collect and annually,
375 on or before April 30, report to the commission the following data for the previous
376 calendar year:

377 (i) the number of criminal offenses reported to, or investigated by, the law
378 enforcement agency in which the law enforcement agency determined that a lost,
379 stolen, or untraceable firearm was used in the commission of the criminal offense,
380 categorized by the type of offense; and

381 (ii) the number of firearms, separated by each category described in Subsections
382 (2)(a)(ii)(A) through (E), in the custody of the law enforcement agency that were:

383 (A) returned to the property owner;

384 (B) destroyed;

385 (C) retained in evidence or other storage;

386 (D) transferred to another governmental entity; or

387 (E) submitted to a non-governmental entity for sale or disposal under Section
388 77-11a-403.

389 (b) A law enforcement agency shall compile the data described in Subsection (2)(a) for
390 each calendar year in the standardized format developed by the commission under
391 Subsection (3).

392 (c) The reporting requirements under Subsection (2)(a)(i) do not apply to a criminal
393 offense or investigation for an offense under Title 23A, Wildlife Resources Act, that
394 involves a firearm.

395 (3) The commission shall:

396 (a) develop a standardized format for reporting the data described in Subsection (2);

397 (b) compile the data submitted under Subsection (2); and

398 (c) annually on or before August 1, publish a report of the data described in Subsection
399 (2) on the commission's website.

400 (4) This section does not apply to:

401 (a) the Department of Corrections; or

402 (b) a law enforcement agency created under Section 41-3-104.

403 Section 10. Section **53-25-601** is enacted to read:

404 **Part 6. Law Enforcement Equipment Requirements**

405 **53-25-601 (Effective 05/07/25). Definitions.**

406 As used in this part:

407 (1)(a) "Biometric data" means data generated by automatic measurements of an
408 individual's unique biological characteristics.

409 (b) "Biometric data" includes data described in Subsection (1)(a) that is generated by
410 automatic measurements of an individual's fingerprint, voiceprint, eye retinas, irises,
411 or any other unique biological pattern or characteristic that is used to identify a
412 specific individual.

413 (c) "Biometric data" does not include:

414 (i) a physical or digital photograph;

415 (ii) a video or audio recording; or

416 (iii) data generated from an item described in Subsection (1)(c)(i) or (ii).

417 (2) "Portable biometric capture device" means a device or electronic application that:

418 (a) is able to accurately capture at least one form of an individual's biometric data;

419 (b) can be carried by a law enforcement officer, either on the law enforcement officer's
420 person or in the law enforcement officer's vehicle; and

421 (c) is capable of transmitting or allowing for the transfer of captured biometric data into
422 a law enforcement database so that the captured biometric data can be used to
423 identify an individual based on the individual's existing biometric data in the law
424 enforcement database.

425 Section 11. Section **53-25-602** is enacted to read:

426 **53-25-602 (Effective 05/07/25). Portable biometric capture method requirement.**

427 Beginning January 1, 2027, a law enforcement agency shall ensure that every law
428 enforcement officer who is on duty outside of the law enforcement agency's facility is supplied
429 with a portable biometric capture device.

430 Section 12. Section **63A-16-1002** is amended to read:

431 **63A-16-1002 (Effective 07/01/25). Public safety portal.**

432 (1) The commission shall oversee the creation and management of a public safety portal for
433 information and data required to be reported to the commission and accessible to all
434 criminal justice agencies in the state.

435 (2) The division shall assist with the development and management of the public safety

- 436 portal.
- 437 (3) The division, in collaboration with the commission, shall create:
- 438 (a) master standards and formats for information submitted to the public safety portal;
- 439 (b) a gateway, bridge, website, or other method for reporting entities to provide the
- 440 information;
- 441 (c) a master data management index or system to assist in the retrieval of information
- 442 from the public safety portal;
- 443 (d) a protocol for accessing information in the public safety portal that complies with
- 444 state privacy regulations; and
- 445 (e) a protocol for real-time audit capability of all data accessed from the public safety
- 446 portal by participating data source, data use entities, and regulators.
- 447 (4) The public safety portal shall be the repository for the statutorily required data described
- 448 in:
- 449 (a) Section 13-53-111, recidivism reporting requirements;
- 450 (b) Section 17-22-32, county jail reporting requirements;
- 451 (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;
- 452 (d) Section 26B-1-427, Alcohol Abuse Tracking Committee;
- 453 (e) Section 41-6a-511, courts to collect and maintain data;
- 454 (f) Section 53-10-118, collection of DUI crash data;
- 455 [~~(f)~~] (g) Section 53-25-301, reporting requirements for reverse-location warrants;
- 456 [~~(g)~~] (h) Section 53-25-202, sexual assault offense reporting requirements for law
- 457 enforcement agencies;
- 458 [~~(h)~~] (i) Section 53E-3-516, school disciplinary and law enforcement action report;
- 459 [~~(i)~~] (j) Section 53-25-501, reporting requirements for seized firearms;
- 460 (k) Section 53-25-502, law enforcement agency reporting requirements for certain
- 461 firearm data;
- 462 [~~(j)~~] (l) Section 63M-7-214, law enforcement agency grant reporting;
- 463 [~~(k)~~] (m) Section 63M-7-216, prosecutorial data collection;
- 464 (n) Section 63M-7-216.1, prosecutorial data collection regarding prosecutions of false
- 465 sexual assault accusations;
- 466 [~~(l)~~] (o) Section 63M-7-220, domestic violence data collection;
- 467 [~~(m)~~] (p) Section 64-13-21, supervision of sentenced offenders placed in community;
- 468 [~~(n)~~] (q) Section 64-13-25, standards for programs;
- 469 [~~(o)~~] (r) Section 64-13-45, department reporting requirements;

470 ~~[(p)]~~ (s) Section 64-13e-104, county correctional facility reimbursement program for
 471 state probationary inmates and state parole inmates;
 472 ~~[(q)]~~ (t) Section 77-7-8.5, use of tactical groups;
 473 ~~[(r)]~~ (u) Section 77-11b-404, forfeiture reporting requirements;
 474 ~~[(s)]~~ (v) Section 77-20-103, release data requirements;
 475 ~~[(t)]~~ (w) Section 77-22-2.5, court orders for criminal investigations;
 476 ~~[(u)]~~ (x) Section 78A-2-109.5, court data collection on criminal cases;
 477 ~~[(v)]~~ (y) Section 80-6-104, data collection on offenses committed by minors; and
 478 ~~[(w)]~~ (z) any other statutes ~~[which]~~ that require the collection of specific data and the
 479 reporting of that data to the commission.

480 (5) Before October 1, 2025, the commission shall report all data collected to the Law
 481 Enforcement and Criminal Justice Interim Committee.

482 (6) The commission may:

- 483 (a) enter into contracts with private or governmental entities to assist entities in
 484 complying with the data reporting requirements of Subsection (4); and
- 485 (b) adopt, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 486 Act, rules to administer this section, including establishing requirements and
 487 procedures for collecting the data described in Subsection (4).

488 Section 13. Section **63A-16-1004** is enacted to read:

489 **63A-16-1004 (Effective 07/01/25). Software service required to be compatible**
 490 **with public safety portal.**

491 (1) A vendor that operates a software service described in Subsection (2) shall:

- 492 (a) establish an automated connection to the commission's public safety portal; and
- 493 (b) ensure that the connection described in Subsection (1)(a) is operational within one
 494 year of the criminal justice agency's system that uses the software service becoming
 495 active.

496 (2) A software service is subject to Subsection (1) if the software service:

- 497 (a) is for use by a criminal justice agency within the state's criminal justice system; and
- 498 (b) collects and stores data required by statute to be reported to the commission.

499 Section 14. Section **63I-2-277** is amended to read:

500 **63I-2-277 (Effective 05/07/25). Repeal dates: Title 77.**

501 (1) Subsection 77-23f-102(2)(a)(ii), regarding a notice for certain reverse-location search
 502 warrant applications, is repealed January 1, 2033.

503 (2) Subsection 77-23f-103(2)(a)(ii), regarding a notice for certain reverse-location search

504 warrant applications, is repealed January 1, 2033.

505 (3) Subsection 77-41-115(2), regarding the requirement for the Department of Corrections
506 to submit the results of risk assessments for sex offenders to the State Commission on
507 Criminal and Juvenile Justice, is repealed January 1, 2030.

508 Section 15. Section **63M-7-204** is amended to read:

509 **63M-7-204 (Effective 05/07/25). Duties of commission.**

510 (1) The commission shall:

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

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

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

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

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

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

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

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

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

535 (j) promote research and program evaluation as an integral part of the criminal and
536 juvenile justice system;

537 (k) provide a comprehensive criminal justice plan annually;

- 538 (l) review agency forecasts regarding future demands on the criminal and juvenile
539 justice systems, including specific projections for secure bed space;
- 540 (m) promote the development of criminal and juvenile justice information systems that
541 are consistent with common standards for data storage and are capable of
542 appropriately sharing information with other criminal justice information systems by:
- 543 (i) developing and maintaining common data standards for use by all state criminal
544 justice agencies;
- 545 (ii) annually performing audits of criminal history record information maintained by
546 state criminal justice agencies to assess their accuracy, completeness, and
547 adherence to standards;
- 548 (iii) defining and developing state and local programs and projects associated with
549 the improvement of information management for law enforcement and the
550 administration of justice; and
- 551 (iv) establishing general policies concerning criminal and juvenile justice information
552 systems and making rules as necessary to carry out the duties under Subsection
553 (1)(k) and this Subsection (1)(m);
- 554 (n) allocate and administer grants, from money made available, for approved education
555 programs to help prevent the sexual exploitation of children;
- 556 (o) allocate and administer grants for law enforcement operations and programs related
557 to reducing illegal drug activity and related criminal activity;
- 558 (p) request, receive, and evaluate data and recommendations collected and reported by
559 agencies and contractors related to policies recommended by the commission
560 regarding recidivism reduction, including the data described in Section 13-53-111
561 and Subsection 26B-5-102(2)(l);
- 562 (q) establish and administer a performance incentive grant program that allocates funds
563 appropriated by the Legislature to programs and practices implemented by counties
564 that reduce recidivism and reduce the number of offenders per capita who are
565 incarcerated;
- 566 (r) oversee or designate an entity to oversee the implementation of juvenile justice
567 reforms;
- 568 (s) make rules and administer the juvenile holding room standards and juvenile jail
569 standards to align with the Juvenile Justice and Delinquency Prevention Act
570 requirements pursuant to 42 U.S.C. Sec. 5633;
- 571 (t) allocate and administer grants, from money made available, for pilot qualifying

- 572 education programs;
- 573 (u) request, receive, and evaluate the aggregate data collected from prosecutorial
574 agencies and the Administrative Office of the Courts, in accordance with Sections
575 63M-7-216, 63M-7-216.1, and 78A-2-109.5;
- 576 (v) report annually to the Law Enforcement and Criminal Justice Interim Committee on
577 the progress made on each of the following goals of the Justice Reinvestment
578 Initiative:
- 579 (i) ensuring oversight and accountability;
- 580 (ii) supporting local corrections systems;
- 581 (iii) improving and expanding reentry and treatment services; and
- 582 (iv) strengthening probation and parole supervision;
- 583 (w) compile a report of findings based on the data and recommendations provided under
584 Section 13-53-111 and Subsection 26B-5-102(2)(n) that:
- 585 (i) separates the data provided under Section 13-53-111 by each residential,
586 vocational and life skills program; and
- 587 (ii) separates the data provided under Subsection 26B-5-102(2)(n) by each mental
588 health or substance use treatment program;
- 589 (x) publish the report described in Subsection (1)(w) on the commission's website and
590 annually provide the report to the Judiciary Interim Committee, the Health and
591 Human Services Interim Committee, the Law Enforcement and Criminal Justice
592 Interim Committee, and the related appropriations subcommittees;
- 593 (y) receive, compile, and publish on the commission's website the data provided under:
- 594 (i) Section 53-25-202;
- 595 (ii) Section 53-25-301; and
- 596 (iii) Section 53-25-401;
- 597 (z) review, research, advise, and make recommendations to the three branches of
598 government regarding evidence-based sex offense management policies and
599 practices, including supervision standards, treatment standards, and the sex offender
600 registry;
- 601 (aa) receive and evaluate a referral from the Department of Public Safety received under
602 Section 53-21-104.3 involving a denial of mental health resources to an eligible
603 individual, including, if appropriate in the commission's discretion, deny the relevant
604 entity from receiving any grant of state funds under Section 63M-7-218 for a
605 specified period of time; and

- 606 (bb) accept public comment.
- 607 (2)(a) The commission may designate an entity to perform the duties described in this
608 part.
- 609 (b) If the commission designates an entity under Subsection (2)(a), the commission shall
610 ensure that the membership of the designated entity includes representation from
611 relevant stakeholder groups from the parts of the justice system implicated in the
612 policy area.
- 613 (3) in fulfilling the commission's duties under Subsection (1), the commission may seek
614 input and request assistance from groups with knowledge and expertise in criminal
615 justice, including other boards and commissions affiliated or housed within the
616 commission.

617 Section 16. Section **63M-7-216.1** is enacted to read:

618 **63M-7-216.1 (Effective 05/07/25). Prosecutorial data collection regarding**
619 **prosecutions of false sexual assault accusations.**

- 620 (1) Beginning January 1, 2026, all prosecutorial agencies within the state shall collect and
621 submit the following data to the commission:
- 622 (a) the number of prosecutions during the previous calendar year in which charges were
623 brought against an individual based on the individual's false accusation of:
- 624 (i) rape in violation of Section 76-5-402;
625 (ii) object rape in violation of Section 76-5-402.2;
626 (iii) forcible sodomy in violation of Section 76-5-403;
627 (iv) forcible sexual abuse in violation of Section 76-5-404; or
628 (v) aggravated sexual assault in violation of Section 76-5-405;
- 629 (b) the disposition of each prosecution described in Subsection (1)(a); and
630 (c) the number of cases for which an alleged violation of an offense described in Title
631 76, Chapter 5, Part 4, Sexual Offenses, was later recanted by the victim.
- 632 (2) The information required by Subsection (1) shall be submitted to the commission in the
633 form and manner selected by the commission.

634 Section 17. Section **63M-7-218** is amended to read:

635 **63M-7-218 (Effective 07/01/25). State grant requirements.**

- 636 (1) Except as provided in Subsection (2), the commission may not award a grant of state
637 funds to an entity subject to, and not in compliance with, the reporting requirements in
638 Subsection 63A-16-1002(4).
- 639 (2)(a) The commission may award a grant to an entity under Section 63A-16-1003 even

640 if the entity is not in compliance with the reporting requirements described in
641 Subsection 63A-16-1002(4).

642 (b) Subsection (1) does not apply to the law enforcement reporting requirements for
643 certain firearm data described in Section 53-25-502.

644 (3) Beginning July 1, 2025, the commission may not award any grant of state funds to an
645 entity subject to the requirements under Sections 53-21-102 and 53-21-104.3, if the
646 commission has determined under Subsection 63M-7-204(1)(aa) that the entity is
647 currently not eligible to receive state grant funds under this section.

648 Section 18. Section **77-20-103** is amended to read:

649 **77-20-103 (Effective 07/01/25). Release data requirements.**

650 (1) The Administrative Office of the Courts shall submit the following data on cases
651 involving individuals for whom the Administrative Office of the Courts has a state
652 identification number broken down by judicial district to the Commission on Criminal
653 and Juvenile Justice before July 1 of each year:

654 (a) for the preceding calendar year:

655 (i) the number of individuals charged with a criminal offense who failed to appear at
656 a required court proceeding while on pretrial release under each of the following
657 categories of release, separated by each type of release:

658 (A) the individual's own recognizance;

659 (B) a financial condition; and

660 (C) a release condition other than a financial condition;

661 (ii) the number of offenses that carry a potential penalty of incarceration an
662 individual committed while on pretrial release under each of the following
663 categories of release, separated by each type of release:

664 (A) the individual's own recognizance;

665 (B) a financial condition; and

666 (C) a release condition other than a financial condition; and

667 (iii) the total amount of fees and fines, including bond forfeiture, collected by the
668 court from an individual for the individual's failure to comply with a condition of
669 release under each of the following categories of release, separated by each type
670 of release:

671 (A) an individual's own recognizance;

672 (B) a financial condition; and

673 (C) a release condition other than a financial condition; and

- 674 (b) at the end of the preceding calendar year:
- 675 (i) the total number of outstanding warrants of arrest for individuals who were
- 676 released from law enforcement custody on pretrial release under each of the
- 677 following categories of release, separated by each type of release:
- 678 (A) the individual's own recognizance;
- 679 (B) a financial condition; and
- 680 (C) a release condition other than a financial condition;
- 681 (ii) for each of the categories described in Subsection (1)(b)(i), the average length of
- 682 time that the outstanding warrants had been outstanding; and
- 683 (iii) for each of the categories described in Subsection (1)(b)(i), the number of
- 684 outstanding warrants for arrest for crimes of each of the following categories:
- 685 (A) a first degree felony;
- 686 (B) a second degree felony;
- 687 (C) a third degree felony;
- 688 (D) a class A misdemeanor;
- 689 (E) a class B misdemeanor; and
- 690 (F) a class C misdemeanor.

691 (2) The data described in Subsection (1) shall include cases involving pretrial release by a

692 temporary pretrial status order and a pretrial release order.

693 (3) Each county jail shall submit the following data, based on the preceding calendar year,

694 to the Commission of Criminal and Juvenile Justice before July 1 of each year:

- 695 (a) the number of individuals released upon payment of monetary bail before appearing
- 696 before a court;
- 697 (b) the number of individuals released on the individual's own recognizance before
- 698 appearing before a court; and
- 699 (c) the amount of monetary bail, any fees, and any other money paid by or on behalf of
- 700 individuals collected by the county jail.

701 [~~3~~] (4) The Commission on Criminal and Juvenile Justice shall compile the data collected

702 under this section and shall submit the compiled data in an electronic report to the Law

703 Enforcement and Criminal Justice Interim Committee before November 1 of each year.

704 *The following section is affected by a coordination clause at the end of this bill.*

705 Section 19. Section **77-41-115** is enacted to read:

706 **77-41-115 (Effective 05/07/25). Sex offender risk assessment -- Department of**

707 **Corrections responsibilities.**

708 The Department of Corrections shall:

- 709 (1) for a sex offender convicted after May 7, 2025, of an offense committed in this state
710 described in Subsection 77-41-102(19)(a), conduct a risk assessment to ascertain the risk
711 that the individual may commit another offense described in Subsection
712 77-41-102(19)(a); and
713 (2) 30 days after the day on which a calendar quarterly period ends, submit the results of
714 any risk assessments completed under Subsection (1) during the preceding quarter to the
715 State Commission on Criminal and Juvenile Justice.

716 Section 20. **Effective Date.**

- 717 (1) Except as provided in Subsection (2), this bill takes effect July 1, 2025.
718 (2) The actions affecting the following sections take effect on May 7, 2025:
719 (a) Section 77-41-115 (Effective 05/07/25);
720 (b) Section 53-25-602 (Effective 05/07/25);
721 (c) Section 53-25-104 (Effective 05/07/25);
722 (d) Section 63I-2-277 (Effective 05/07/25);
723 (e) Section 63M-7-204 (Effective 05/07/25);
724 (f) Section 17-22-35 (Effective 05/07/25);
725 (g) Section 53-25-105 (Effective 05/07/25);
726 (h) Section 63M-7-216.1 (Effective 05/07/25); and
727 (i) Section 53-25-601 (Effective 05/07/25).

728 Section 21. **Coordinating H.B. 354 with S.B. 41.**

729 If H.B. 354, Criminal Justice Revisions, and S.B. 41, Sex, Kidnap, and Child Abuse
730 Offender Registry Amendments, both pass and become law, the Legislature intends that, on
731 May 7, 2025:

- 732 (1) Section 77-41-115 enacted by H.B. 354 be deleted;
733 (2) Subsection 53-29-302(2), enacted in S.B. 41, be amended to read:

734 "(2) The Department of Corrections shall:

735 (a) register an offender in the custody of the Department of Corrections with the
736 department upon:

- 737 (i) placement on probation;
738 (ii) commitment to a secure correctional facility operated by or under contract with
739 the Department of Corrections;
740 (iii) release from confinement to parole status, termination or expiration of sentence,
741 or escape;

742 (iv) entrance to and release from any community-based residential program operated
743 by or under contract with the Department of Corrections; or

744 (v) termination of probation or parole; and

745 (b)(i) for a sex offender convicted after May 7, 2025, of an offense committed in this
746 state, conduct a risk assessment to ascertain the risk that the individual may commit another
747 offense that requires an individual to register as a sex offender; and

748 (ii) 30 days after the day on which a calendar quarterly period ends, submit the
749 results of any risk assessments completed under Subsection (2)(b)(i) during the preceding
750 quarter to the State Commission on Criminal and Juvenile Justice.";

751 (3) Subsection 63I-2-277(3), enacted in H.B. 354, be deleted; and

752 (4) The following language be inserted numerically according to title placement as a
753 subsection in Section 63I-2-253, and the remaining subsections be renumbered accordingly:

754 "Subsection 53-29-302(2)(b)(ii), regarding the requirement for the Department of
755 Corrections to submit the results of risk assessments for sex offenders to the State Commission
756 on Criminal and Juvenile Justice, is repealed January 1, 2030."