

Ryan D. Wilcox proposes the following substitute bill:

Criminal Justice Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Kirk A. Cullimore

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 prosecutorial agencies and courts to report to the commission data concerning
- 45 enhancements to criminal charges;
- 46 ▸ requires all prosecutorial agencies in the state to submit data to the commission
- 47 concerning certain prosecutions, dismissals, and declinations to prosecute;
- 48 ▸ exempts certain reporting requirements from law enforcement grant eligibility
- 49 requirements;
- 50 ▸ modifies pretrial release data reporting requirements from the Administrative Office of
- 51 the Courts;
- 52 ▸ requires the Department of Corrections to conduct a risk assessment for every individual
- 53 convicted of a sex offense that would require the individual to register on the Sex,
- 54 Kidnap, and Child Abuse Offender Registry;
- 55 ▸ requires the Department of Corrections, until January 1, 2030, to submit the results of risk
- 56 assessments for sex offenders to the commission;
- 57 ▸ includes coordination clauses to:
- 58 • merge the changes to Sections 63I-2-277 and 77-41-115 in this bill if this bill and S.B.
- 59 41, Sex, Kidnap, and Child Abuse Offender Registry Amendments, both pass and
- 60 become law, including to address the repeal and replacement of Section 77-41-115 in
- 61 S.B. 41 with a newly enacted statute; and
- 62 • merge the changes to Sections 53-25-104 and 63A-16-1002 if this bill and H.B. 436,

63 Impaired Driving Amendments, both pass and become law; and
 64 ▸ makes technical and conforming changes.

65 **Money Appropriated in this Bill:**

66 None

67 **Other Special Clauses:**

68 This bill provides a special effective date.

69 This bill provides coordination clauses.

70 **Utah Code Sections Affected:**

71 AMENDS:

72 **17-18a-203.5 (Effective 07/01/25)**, as enacted by Laws of Utah 2024, Chapter 538

73 **17-22-5.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 419

74 **36-29-111 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 506

75 **41-6a-511 (Effective 05/07/25)**, as last amended by Laws of Utah 2011, Chapter 51

76 **63A-16-1002 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 467

77 **63I-2-277 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special
 78 Session, Chapter 5

79 **63M-7-204 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 345

80 **63M-7-216 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 108

81 **63M-7-218 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 345

82 **77-20-103 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2021,
 83 Second Special Session, Chapter 4

84 **78A-2-109.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 319

85 ENACTS:

86 **17-22-35 (Effective 05/07/25)**, Utah Code Annotated 1953

87 **53-10-118 (Effective 05/07/25)**, Utah Code Annotated 1953

88 **53-25-104 (Effective 05/07/25)**, Utah Code Annotated 1953

89 **53-25-105 (Effective 05/07/25)**, Utah Code Annotated 1953

90 **53-25-502 (Effective 05/07/25)**, Utah Code Annotated 1953

91 **53-25-601 (Effective 05/07/25)**, Utah Code Annotated 1953

92 **53-25-602 (Effective 05/07/25)**, Utah Code Annotated 1953

93 **63A-16-1004 (Effective 05/07/25)**, Utah Code Annotated 1953

94 **63M-7-216.1 (Effective 05/07/25)**, Utah Code Annotated 1953

95 **77-41-115 (Effective 05/07/25)**, Utah Code Annotated 1953

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

97 **53-25-104 (Effective 05/07/25)**, Utah Code Annotated 1953
 98 **63A-16-1002 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 467
 99 **63I-2-277 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special
 100 Session, Chapter 5
 101 **77-41-115 (Effective 05/07/25)**, Utah Code Annotated 1953

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

104 Section 1. Section **17-18a-203.5** is amended to read:

105 **17-18a-203.5 (Effective 07/01/25). District attorney and county attorney data**
 106 **collection for counties of the first, second, and third class -- Report.**

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

108 [(a) investigators;]

109 [(b) prosecutors;]

110 [(c) support staff; or]

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

112 [~~(2)~~] (1) The district attorney in a county of the first class, and the county attorney in a
 113 county of the second or third class, shall[:]

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

116 [(b)] provide a written report to the Law Enforcement and Criminal Justice Interim
 117 Committee by [~~November~~] May 1, annually, beginning on May 1, 2026, to report data
 118 from the prior calendar year.

119 [~~(3)~~] (2) The annual report required in Subsection [~~(2)~~](b) (1) shall include the following
 120 information, organized by the offense classification, for the cases that were active during
 121 the reporting period:

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

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

128 [(c)]

129 (b) the total number of juvenile adjudications, misdemeanors, and felonies;

130 (c) the total case numbers and individual prosecutor average annual caseload of felonies

- 131 broken down by sexual offenses, general crimes, and crimes of violence;
- 132 ~~(d) [the cumulative total hours worked and the number of cases, categorized by the~~
- 133 ~~following] the total number of cases categorized by the most serious charge as follows:~~
- 134 (i) cases that were ~~[dismissed prior to the filing of charges]~~ referred to the prosecutor's
- 135 office by law enforcement but not filed due to insufficient evidence;
- 136 (ii) cases that were dismissed after charges were filed;
- 137 (iii) cases in which a plea agreement was reached by the parties prior to the
- 138 preliminary hearing;
- 139 (iv) cases that were dismissed by the court after the preliminary hearing;
- 140 (v) cases in which a plea agreement was reached by the parties after the preliminary
- 141 hearing;
- 142 (vi) cases that resulted in ~~[a court ruling in favor of the state]~~ a conviction at trial; and
- 143 (vii) cases that resulted in ~~[a court ruling in favor of the defense]~~ an acquittal at trial;
- 144 and
- 145 ~~[(d)]~~ (e) the average number of days between:
- 146 (i) the filing of criminal charges; and
- 147 (ii)(A) the delivery of discovery information, including witness statements; or
- 148 ~~[(B) the preliminary hearing; or]~~
- 149 ~~[(C)]~~ (B) the first day of trial~~[-and] .~~
- 150 ~~[(e) the average number of attorneys assigned to each case.]~~

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

152 **17-22-5.5 (Effective 05/07/25). Sheriff's classification of jail facilities --**

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

154 **Limitation -- Records regarding release.**

- 155 (1)(a) Except as provided in Subsection (4), a county sheriff shall determine:
- 156 (i) subject to Subsection (1)(b), the classification of each jail facility or section of a
- 157 jail facility under the sheriff's control;
- 158 (ii) the nature of each program conducted at a jail facility under the sheriff's control;
- 159 and
- 160 (iii) the internal operation of a jail facility under the sheriff's control.
- 161 (b) A classification under Subsection (1)(a)(i) of a jail facility may not violate any
- 162 applicable zoning ordinance or conditional use permit of the county or municipality.
- 163 (2) Except as provided in Subsection (4), each county sheriff shall:
- 164 (a) with the approval of the county legislative body, establish a maximum operating

165 capacity for each jail facility under the sheriff's control, based on facility design and
166 staffing; and

167 (b) upon a jail facility reaching the jail facility's maximum operating capacity:

168 (i) transfer prisoners to another appropriate facility:

169 (A) under the sheriff's control; or

170 (B) available to the sheriff by contract;

171 (ii) release prisoners:

172 (A) to a supervised release program, according to release criteria established by
173 the sheriff; or

174 (B) to another alternative incarceration program developed by the sheriff; or

175 (iii) admit prisoners in accordance with law and a uniform admissions policy
176 imposed equally upon all entities using the county jail.

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

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

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

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

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

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

191 **17-22-35 (Effective 05/07/25). County jail requirements concerning state**
192 **identification numbers and biometric and other personal information.**

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

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

- 199 (a) collect the individual's biometric and other personal information required by law; and
200 (b)(i) to the extent possible, connect the individual with the individual's state
201 identification number; and
202 (ii) if identified, use the individual's state identification number in association with
203 any records created or accessed by the county jail concerning the individual.

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

205 **36-29-111 (Effective 05/07/25). Public Safety Data Management Task Force.**

206 (1) As used in this section:

- 207 (a) "Cohabitant abuse protective order" means an order issued with or without notice to
208 the respondent in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse
209 Protective Orders.
210 (b) "Lethality assessment" means an evidence-based assessment that is intended to
211 identify a victim of domestic violence who is at a high risk of being killed by the
212 perpetrator.
213 (c) "Task force" means the Public Safety Data Management Task Force created in this
214 section.
215 (d) "Victim" means an individual who is a victim of domestic violence, as defined in
216 Section 77-36-1.

217 (2) There is created the Public Safety Data Management Task Force consisting of the
218 following members:

- 219 (a) three members of the Senate appointed by the president of the Senate, no more than
220 two of whom may be from the same political party;
221 (b) three members of the House of Representatives appointed by the speaker of the
222 House of Representatives, no more than two of whom may be from the same political
223 party; and
224 (c) representatives from the following organizations as requested by the executive
225 director of the State Commission on Criminal and Juvenile Justice:
226 (i) the State Commission on Criminal and Juvenile Justice;
227 (ii) the Judicial Council;
228 (iii) the Statewide Association of Prosecutors;
229 (iv) the Department of Corrections;
230 (v) the Department of Public Safety;
231 (vi) the Utah Association of Counties;
232 (vii) the Utah Chiefs of Police Association;

- 233 (viii) the Utah Sheriffs Association;
- 234 (ix) the Board of Pardons and Parole;
- 235 (x) the Department of Health and Human Services; and
- 236 [~~(xi) the Utah Division of Indian Affairs; and~~]
- 237 [~~(xii)~~ (xi)] any other organizations or groups as recommended by the executive
- 238 director of the Commission on Criminal and Juvenile Justice.
- 239 (3)(a) The president of the Senate shall designate a member of the Senate appointed
- 240 under Subsection (2)(a) as a cochair of the task force.
- 241 (b) The speaker of the House of Representatives shall designate a member of the House
- 242 of Representatives appointed under Subsection (2)(b) as a cochair of the task force.
- 243 (4)(a) A majority of the members of the task force present at a meeting constitutes a
- 244 quorum.
- 245 (b) The action of a majority of a quorum constitutes an action of the task force.
- 246 (5)(a) Salaries and expenses of the members of the task force who are legislators shall be
- 247 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter
- 248 3, Legislator Compensation.
- 249 (b) A member of the task force who is not a legislator:
- 250 (i) may not receive compensation for the member's work associated with the task
- 251 force; and
- 252 (ii) may receive per diem and reimbursement for travel expenses incurred as a
- 253 member of the task force at the rates established by the Division of Finance under
- 254 Sections 63A-3-106 and 63A-3-107.
- 255 (6) The State Commission on Criminal and Juvenile Justice shall provide staff support to
- 256 the task force.
- 257 (7) The task force shall review the state's current criminal justice data collection
- 258 requirements and make recommendations regarding:
- 259 (a) possible ways to connect the various records systems used throughout the state so
- 260 that data can be shared between criminal justice agencies and with policymakers;
- 261 (b) ways to automate the collection, storage, and dissemination of the data;
- 262 (c) standardizing the format of data collection and retention;
- 263 (d) the collection of domestic violence data in the state; and
- 264 (e) the collection of data not already required related to criminal justice.
- 265 (8) On or before November 30 of each year, the task force shall provide a report to the Law
- 266 Enforcement and Criminal Justice Interim Committee and the Legislative Management

- 267 Committee that includes:
- 268 (a) recommendations in accordance with Subsection (7)(a);
- 269 (b) information on:
- 270 (i) lethality assessments conducted in the state, including:
- 271 (A) the type of lethality assessments used by law enforcement agencies and other
- 272 organizations that provide domestic violence services; and
- 273 (B) training and protocols implemented by law enforcement agencies and the
- 274 organizations described in Subsection (8)(b)(i)(A) regarding the use of lethality
- 275 assessments;
- 276 (ii) the data collection efforts implemented by law enforcement agencies and the
- 277 organizations described in Subsection (8)(b)(i)(A);
- 278 (iii) the number of cohabitant abuse protective orders that, in the immediately
- 279 preceding calendar year, were:
- 280 (A) issued;
- 281 (B) amended or dismissed before the date of expiration; or
- 282 (C) dismissed under Section 78B-7-605; and
- 283 (iv) the prevalence of domestic violence in the state and the prevalence of the
- 284 following in domestic violence cases:
- 285 (A) stalking;
- 286 (B) strangulation;
- 287 (C) violence in the presence of a child; and
- 288 (D) threats of suicide or homicide;
- 289 (c) a review of and feedback on:
- 290 (i) lethality assessment training and protocols implemented by law enforcement
- 291 agencies and the organizations described in Subsection (8)(b)(i)(A); and
- 292 (ii) the collection of domestic violence data in the state, including:
- 293 (A) the coordination between state, local, and not-for-profit agencies to collect
- 294 data from lethality assessments and on the prevalence of domestic violence,
- 295 including the number of voluntary commitments of firearms under Section
- 296 53-5c-201;
- 297 (B) efforts to standardize the format for collecting domestic violence and lethality
- 298 assessment data from state, local, and not-for-profit agencies within federal
- 299 confidentiality requirements; and
- 300 (C) the need for any additional data collection requirements or efforts; and

301 (d) any proposed legislation.

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

303 **41-6a-511 (Effective 05/07/25). Courts to collect and maintain data.**

304 (1) The state courts shall collect and maintain data necessary to allow sentencing and
305 enhancement decisions to be made in accordance with this part.

306 (2)(a) Each justice court shall transmit dispositions electronically to the Department of
307 Public Safety in accordance with the requirement for recertification established by
308 the Judicial Council.

309 (b) Immediately upon filling the requirements under Subsection (2)(a), a justice court
310 shall collect and report the same DUI related data elements collected and maintained
311 by the state courts under Subsection (1).

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

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

316 (i) the data collected by the courts under Subsections (1) and (2); ~~and~~

317 (ii) the DUI crash data collected from law enforcement agencies under Section
318 53-10-118 by the Department of Public Safety's Criminal Investigations and
319 Technical Services Division; and

320 ~~[(ii)]~~ (iii) any measures for which data are available to evaluate the profile and
321 impacts of DUI recidivism and to evaluate the DUI related processes of:

322 (A) law enforcement;

323 (B) adjudication;

324 (C) sanctions;

325 (D) driver license control; and

326 (E) alcohol education, assessment, and treatment.

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

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

331 **53-10-118 (Effective 05/07/25). Collection of DUI crash data.**

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

- 335 (i) whether the impaired driver was injured or killed;
 336 (ii) whether any other individual was injured or killed;
 337 (iii) whether there was damage to real or personal property; and
 338 (iv) the following results or findings regarding the driver's impairment:
 339 (A) blood, breath, or urine alcohol concentration readings; and
 340 (B) blood, urine, chemical, or similar tests detecting alcohol or other drugs in an
 341 individual.
- 342 (b) In accordance with Section 53-25-104, a law enforcement agency shall provide the
 343 information described in Subsection (1)(a) in the form and manner requested by the
 344 division.
- 345 (2) The division shall provide the information collected under Subsection (1) to the
 346 Commission on Criminal and Juvenile Justice for use in the annual report described in
 347 Section 41-6a-511.

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

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

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

351 **53-25-104 (Effective 05/07/25). DUI crash data reporting requirements.**

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

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

356 **53-25-105 (Effective 05/07/25). Sharing information with statewide criminal**
 357 **intelligence system.**

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

- 359 (1) share information from the law enforcement agency's record management system with
 360 the department's statewide criminal intelligence system as described in Subsection
 361 53-10-302(8); and
- 362 (2) coordinate with the department to enter into a memorandum of understanding or related
 363 agreement that may be necessary for the sharing of the information described in
 364 Subsection (1).

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

366 **Part 5. Firearm Reporting Requirements**

367 **53-25-502 (Effective 05/07/25). Law enforcement agency reporting requirements**

368 **for certain firearm data.**

369 (1) As used in this section:

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

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

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

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

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

378 (B) that is made of plastic, fiberglass, or another material that would not be
379 detectable by a detection device commonly used at an airport or other public
380 building for security screening; or

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

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

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

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

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

394 (A) returned to the property owner;

395 (B) destroyed;

396 (C) retained in evidence or other storage;

397 (D) transferred to another governmental entity; or

398 (E) submitted to a non-governmental entity for sale or disposal under Section
399 77-11a-403.

400 (b) A law enforcement agency shall compile the data described in Subsection (2)(a) for
401 each calendar year in the standardized format developed by the commission under

- 402 Subsection (3).
- 403 (c) The reporting requirements under Subsection (2)(a)(i) do not apply to a criminal
- 404 offense or investigation for an offense under Title 23A, Wildlife Resources Act, that
- 405 involves a firearm.
- 406 (3) The commission shall:
- 407 (a) develop a standardized format for reporting the data described in Subsection (2);
- 408 (b) compile the data submitted under Subsection (2); and
- 409 (c) annually on or before August 1, publish a report of the data described in Subsection
- 410 (2) on the commission's website.
- 411 (4) This section does not apply to:
- 412 (a) the Department of Corrections; or
- 413 (b) a law enforcement agency created under Section 41-3-104.
- 414 Section 10. Section **53-25-601** is enacted to read:

Part 6. Law Enforcement Equipment Requirements

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

417 As used in this part:

- 418 (1)(a) "Biometric data" means data generated by automatic measurements of an
- 419 individual's unique biological characteristics.
- 420 (b) "Biometric data" includes data described in Subsection (1)(a) that is generated by
- 421 automatic measurements of an individual's fingerprint.
- 422 (c) "Biometric data" does not include:
- 423 (i) a physical or digital photograph;
- 424 (ii) a video or audio recording; or
- 425 (iii) data generated from an item described in Subsection (1)(c)(i) or (ii).
- 426 (2) "Portable biometric capture device" means a device or electronic application that:
- 427 (a) is able to accurately capture at least one form of an individual's biometric data;
- 428 (b) can be carried by a law enforcement officer, either on the law enforcement officer's
- 429 person or in the law enforcement officer's vehicle; and
- 430 (c) is capable of transmitting or allowing for the transfer of captured biometric data into
- 431 a law enforcement database so that the captured biometric data can be used to
- 432 identify an individual based on the individual's existing biometric data in the law
- 433 enforcement database.

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

435 **53-25-602 (Effective 05/07/25). Portable biometric capture method requirement.**

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

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

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

441 **63A-16-1002 (Effective 05/07/25). Public safety portal.**

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

445 (2) The division shall assist with the development and management of the public safety
446 portal.

447 (3) The division, in collaboration with the commission, shall create:

448 (a) master standards and formats for information submitted to the public safety portal;

449 (b) a gateway, bridge, website, or other method for reporting entities to provide the
450 information;

451 (c) a master data management index or system to assist in the retrieval of information
452 from the public safety portal;

453 (d) a protocol for accessing information in the public safety portal that complies with
454 state privacy regulations; and

455 (e) a protocol for real-time audit capability of all data accessed from the public safety
456 portal by participating data source, data use entities, and regulators.

457 (4) The public safety portal shall be the repository for the statutorily required data described
458 in:

459 (a) Section 13-53-111, recidivism reporting requirements;

460 (b) Section 17-22-32, county jail reporting requirements;

461 (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;

462 (d) Section 26B-1-427, Alcohol Abuse Tracking Committee;

463 (e) Section 41-6a-511, courts to collect and maintain data;

464 (f) Section 53-10-118, collection of DUI crash data;

465 [(f)] (g) Section 53-25-301, reporting requirements for reverse-location warrants;

466 [(g)] (h) Section 53-25-202, sexual assault offense reporting requirements for law
467 enforcement agencies;

468 [(h)] (i) Section 53E-3-516, school disciplinary and law enforcement action report;

469 [(i)] (j) Section 53-25-501, reporting requirements for seized firearms;

- 470 (k) Section 53-25-502, law enforcement agency reporting requirements for certain
 471 firearm data;
- 472 ~~(j)~~ (l) Section 63M-7-214, law enforcement agency grant reporting;
- 473 ~~(k)~~ (m) Section 63M-7-216, prosecutorial data collection;
- 474 (n) Section 63M-7-216.1, prosecutorial data collection regarding certain prosecutions,
 475 dismissals, and declinations to prosecute;
- 476 ~~(H)~~ (o) Section 63M-7-220, domestic violence data collection;
- 477 ~~(m)~~ (p) Section 64-13-21, supervision of sentenced offenders placed in community;
- 478 ~~(n)~~ (q) Section 64-13-25, standards for programs;
- 479 ~~(o)~~ (r) Section 64-13-45, department reporting requirements;
- 480 ~~(p)~~ (s) Section 64-13e-104, county correctional facility reimbursement program for
 481 state probationary inmates and state parole inmates;
- 482 ~~(q)~~ (t) Section 77-7-8.5, use of tactical groups;
- 483 ~~(r)~~ (u) Section 77-11b-404, forfeiture reporting requirements;
- 484 ~~(s)~~ (v) Section 77-20-103, release data requirements;
- 485 ~~(t)~~ (w) Section 77-22-2.5, court orders for criminal investigations;
- 486 ~~(u)~~ (x) Section 78A-2-109.5, court data collection on criminal cases;
- 487 ~~(v)~~ (y) Section 80-6-104, data collection on offenses committed by minors; and
- 488 ~~(w)~~ (z) any other statutes ~~[which]~~ that require the collection of specific data and the
 489 reporting of that data to the commission.
- 490 (5) Before October 1, 2025, the commission shall report all data collected to the Law
 491 Enforcement and Criminal Justice Interim Committee.
- 492 (6) The commission may:
- 493 (a) enter into contracts with private or governmental entities to assist entities in
 494 complying with the data reporting requirements of Subsection (4); and
- 495 (b) adopt, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 496 rules to administer this section, including establishing requirements and procedures
 497 for collecting the data described in Subsection (4).
- 498 Section 13. Section **63A-16-1004** is enacted to read:
- 499 **63A-16-1004 (Effective 05/07/25). Software service required to be compatible**
 500 **with public safety portal.**
- 501 (1) A vendor that operates a software service described in Subsection (2) shall:
- 502 (a) establish an automated connection to the commission's public safety portal; and
- 503 (b) ensure that the connection described in Subsection (1)(a) is operational within one

504 year of the criminal justice agency's system that uses the software service becoming
505 active.

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

507 (a) is for use by a criminal justice agency within the state's criminal justice system; and

508 (b) collects and stores data required by statute to be reported to the commission.

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

510 **63I-2-277 (Effective 05/07/25). Repeal dates: Title 77.**

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

513 (2) Subsection 77-23f-103(2)(a)(ii), regarding a notice for certain reverse-location search
514 warrant applications, is repealed January 1, 2033.

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

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

519 **63M-7-204 (Effective 05/07/25). Duties of commission.**

520 (1) The commission shall:

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

522 (b) promote the communication and coordination of all criminal and juvenile justice
523 agencies;

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

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

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

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

537 (g) provide analysis and recommendations on all criminal and juvenile justice

- 538 legislation, state budget, and facility requests, including program and fiscal impact on
539 all components of the criminal and juvenile justice system;
- 540 (h) provide analysis, accountability, recommendations, and supervision for state and
541 federal criminal justice grant money;
- 542 (i) provide public information on the criminal and juvenile justice system and give
543 technical assistance to agencies or local units of government on methods to promote
544 public awareness;
- 545 (j) promote research and program evaluation as an integral part of the criminal and
546 juvenile justice system;
- 547 (k) provide a comprehensive criminal justice plan annually;
- 548 (l) review agency forecasts regarding future demands on the criminal and juvenile
549 justice systems, including specific projections for secure bed space;
- 550 (m) promote the development of criminal and juvenile justice information systems that
551 are consistent with common standards for data storage and are capable of
552 appropriately sharing information with other criminal justice information systems by:
- 553 (i) developing and maintaining common data standards for use by all state criminal
554 justice agencies;
- 555 (ii) annually performing audits of criminal history record information maintained by
556 state criminal justice agencies to assess their accuracy, completeness, and
557 adherence to standards;
- 558 (iii) defining and developing state and local programs and projects associated with
559 the improvement of information management for law enforcement and the
560 administration of justice; and
- 561 (iv) establishing general policies concerning criminal and juvenile justice information
562 systems and making rules as necessary to carry out the duties under Subsection
563 (1)(k) and this Subsection (1)(m);
- 564 (n) allocate and administer grants, from money made available, for approved education
565 programs to help prevent the sexual exploitation of children;
- 566 (o) allocate and administer grants for law enforcement operations and programs related
567 to reducing illegal drug activity and related criminal activity;
- 568 (p) request, receive, and evaluate data and recommendations collected and reported by
569 agencies and contractors related to policies recommended by the commission
570 regarding recidivism reduction, including the data described in Section 13-53-111
571 and Subsection 26B-5-102(2)(l);

- 572 (q) establish and administer a performance incentive grant program that allocates funds
573 appropriated by the Legislature to programs and practices implemented by counties
574 that reduce recidivism and reduce the number of offenders per capita who are
575 incarcerated;
- 576 (r) oversee or designate an entity to oversee the implementation of juvenile justice
577 reforms;
- 578 (s) make rules and administer the juvenile holding room standards and juvenile jail
579 standards to align with the Juvenile Justice and Delinquency Prevention Act
580 requirements pursuant to 42 U.S.C. Sec. 5633;
- 581 (t) allocate and administer grants, from money made available, for pilot qualifying
582 education programs;
- 583 (u) request, receive, and evaluate the aggregate data collected from prosecutorial
584 agencies and the Administrative Office of the Courts, in accordance with Sections
585 63M-7-216, 63M-7-216.1, and 78A-2-109.5;
- 586 (v) report annually to the Law Enforcement and Criminal Justice Interim Committee on
587 the progress made on each of the following goals of the Justice Reinvestment
588 Initiative:
- 589 (i) ensuring oversight and accountability;
- 590 (ii) supporting local corrections systems;
- 591 (iii) improving and expanding reentry and treatment services; and
- 592 (iv) strengthening probation and parole supervision;
- 593 (w) compile a report of findings based on the data and recommendations provided under
594 Section 13-53-111 and Subsection 26B-5-102(2)(n) that:
- 595 (i) separates the data provided under Section 13-53-111 by each residential,
596 vocational and life skills program; and
- 597 (ii) separates the data provided under Subsection 26B-5-102(2)(n) by each mental
598 health or substance use treatment program;
- 599 (x) publish the report described in Subsection (1)(w) on the commission's website and
600 annually provide the report to the Judiciary Interim Committee, the Health and
601 Human Services Interim Committee, the Law Enforcement and Criminal Justice
602 Interim Committee, and the related appropriations subcommittees;
- 603 (y) receive, compile, and publish on the commission's website the data provided under:
- 604 (i) Section 53-25-202;
- 605 (ii) Section 53-25-301; and

- 606 (iii) Section 53-25-401;
- 607 (z) review, research, advise, and make recommendations to the three branches of
608 government regarding evidence-based sex offense management policies and
609 practices, including supervision standards, treatment standards, and the sex offender
610 registry;
- 611 (aa) receive and evaluate a referral from the Department of Public Safety received under
612 Section 53-21-104.3 involving a denial of mental health resources to an eligible
613 individual, including, if appropriate in the commission's discretion, deny the relevant
614 entity from receiving any grant of state funds under Section 63M-7-218 for a
615 specified period of time; and
- 616 (bb) accept public comment.
- 617 (2)(a) The commission may designate an entity to perform the duties described in this
618 part.
- 619 (b) If the commission designates an entity under Subsection (2)(a), the commission shall
620 ensure that the membership of the designated entity includes representation from
621 relevant stakeholder groups from the parts of the justice system implicated in the
622 policy area.
- 623 (3) in fulfilling the commission's duties under Subsection (1), the commission may seek
624 input and request assistance from groups with knowledge and expertise in criminal
625 justice, including other boards and commissions affiliated or housed within the
626 commission.
- 627 Section 16. Section **63M-7-216** is amended to read:
- 628 **63M-7-216 (Effective 05/07/25). Prosecutorial data collection -- Policy**
629 **transparency.**
- 630 (1) As used in this section:
- 631 (a) "Commission" means the Commission on Criminal and Juvenile Justice created in
632 Section 63M-7-201.
- 633 (b)(i) "Criminal case" means a case where an offender is charged with an offense for
634 which a mandatory court appearance is required under the Uniform Bail Schedule.
- 635 (ii) "Criminal case" does not mean a case for criminal non-support under Section
636 76-7-201 or any proceeding involving collection or payment of child support,
637 medical support, or child care expenses by or on behalf of the Office of Recovery
638 Services under Section 26B-9-108 or 76-7-202.
- 639 (c) "Offense tracking number" means a distinct number applied to each criminal offense

- 640 by the Bureau of Criminal Identification.
- 641 (d) "Pre-filing diversion" means an agreement between a prosecutor and an individual
642 prior to being charged with a crime, before an information or indictment is filed, in
643 which the individual is diverted from the traditional criminal justice system into a
644 program of supervision and supportive services in the community.
- 645 (e) "Post-filing diversion" is as described in Section 77-2-5.
- 646 (f) "Prosecutorial agency" means the Office of the Attorney General and any city,
647 county, or district attorney acting as a public prosecutor.
- 648 (g) "Publish" means to make aggregated data available to the general public.
- 649 (2) Beginning July 1, 2021, all prosecutorial agencies within the state shall submit the
650 following data with regards to each criminal case referred to it from a law enforcement
651 agency to the commission for compilation and analysis:
- 652 (a) the defendant's:
- 653 (i) full name;
- 654 (ii) offense tracking number;
- 655 (iii) date of birth; and
- 656 (iv) zip code;
- 657 (b) referring agency;
- 658 (c) whether the prosecutorial agency filed charges, declined charges, initiated a
659 pre-filing diversion, or asked the referring agency for additional information;
- 660 (d) if charges were filed, the case number and the court in which the charges were filed;
- 661 (e) all charges brought against the defendant;
- 662 (f) if applicable, all enhancements to the charges against the defendant;
- 663 [~~(f)~~] (g) whether bail was requested and, if so, the requested amount;
- 664 [~~(g)~~] (h) the date of initial discovery disclosure;
- 665 [~~(h)~~] (i) whether post-filing diversion was offered and, if so, whether it was entered;
- 666 [~~(i)~~] (j) if post-filing diversion or other plea agreement was accepted, the date entered by
667 the court; and
- 668 [~~(j)~~] (k) the date of conviction, acquittal, plea agreement, dismissal, or other disposition
669 of the case.
- 670 (3)(a) The information required by Subsection (2), including information that was
671 missing or incomplete at the time of an earlier submission but is presently available,
672 shall be submitted within 90 days of the last day of March, June, September, and
673 December of each year for the previous 90-day period in the form and manner

- 674 selected by the commission.
- 675 (b) If the last day of the month is a Saturday, Sunday, or state holiday, the information
676 shall be submitted on the next working day.
- 677 (4) The prosecutorial agency shall maintain a record of all information collected and
678 transmitted to the commission for 10 years.
- 679 (5) The commission shall include in the plan required by Subsection 63M-7-204(1)(k) an
680 analysis of the data received, comparing and contrasting the practices and trends among
681 and between prosecutorial agencies in the state. The Law Enforcement and Criminal
682 Justice Interim Committee may request an in-depth analysis of the data received
683 annually. Any request shall be in writing and specify which data points the report shall
684 focus on.
- 685 (6) The commission may provide assistance to prosecutorial agencies in setting up a
686 method of collecting and reporting data required by this section.
- 687 (7) Beginning January 1, 2021, all prosecutorial agencies shall publish specific office
688 policies. If the agency does not maintain a policy on a topic in this subsection, the
689 agency shall affirmatively disclose that fact. Policies shall be published online on the
690 following topics:
- 691 (a) screening and filing criminal charges;
- 692 (b) plea bargains;
- 693 (c) sentencing recommendations;
- 694 (d) discovery practices;
- 695 (e) prosecution of juveniles, including whether to prosecute a juvenile as an adult;
- 696 (f) collection of fines and fees;
- 697 (g) criminal and civil asset forfeiture practices;
- 698 (h) services available to victims of crime, both internal to the prosecutorial office and by
699 referral to outside agencies;
- 700 (i) diversion programs; and
- 701 (j) restorative justice programs.

702 Section 17. Section **63M-7-216.1** is enacted to read:

703 **63M-7-216.1 (Effective 05/07/25). Prosecutorial data collection regarding certain**
704 **prosecutions, dismissals, and declinations to prosecute.**

705 (1) Beginning January 1, 2026, all prosecutorial agencies within the state shall collect and
706 submit the following data to the commission:

707 (a) the number of prosecutions during the previous calendar year in which charges were

- 708 brought against an individual based on the individual's false accusation that a felony
709 or misdemeanor had occurred;
710 (b) the disposition of each prosecution described in Subsection (1)(a); and
711 (c) the number of cases during the previous calendar year for which an alleged violation
712 of any felony or misdemeanor was dismissed or declined:
713 (i) based on evidence that no crime was committed or attempted;
714 (ii) based on insufficient evidence to establish a likelihood of success at trial; or
715 (iii) because the victim was unable to participate.

716 (2) The information required by Subsection (1) shall be submitted to the commission in the
717 form and manner selected by the commission.

718 Section 18. Section **63M-7-218** is amended to read:

719 **63M-7-218 (Effective 05/07/25). State grant requirements.**

720 (1) Except as provided in Subsection (2), the commission may not award a grant of state
721 funds to an entity subject to, and not in compliance with, the reporting requirements in
722 Subsection 63A-16-1002(4).

723 (2)(a) The commission may award a grant to an entity under Section 63A-16-1003 even
724 if the entity is not in compliance with the reporting requirements described in
725 Subsection 63A-16-1002(4).

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

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

732 Section 19. Section **77-20-103** is amended to read:

733 **77-20-103 (Effective 05/07/25). Release data requirements.**

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

738 (a) for the preceding calendar year:

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

- 742 (A) the individual's own recognizance;
743 (B) a financial condition; and
744 (C) a release condition other than a financial condition;
- 745 (ii) the number of offenses that carry a potential penalty of incarceration an
746 individual committed while on pretrial release under each of the following
747 categories of release, separated by each type of release:
- 748 (A) the individual's own recognizance;
749 (B) a financial condition; and
750 (C) a release condition other than a financial condition; and
- 751 (iii) the total amount of fees and fines, including bond forfeiture, collected by the
752 court from an individual for the individual's failure to comply with a condition of
753 release under each of the following categories of release, separated by each type
754 of release:
- 755 (A) an individual's own recognizance;
756 (B) a financial condition; and
757 (C) a release condition other than a financial condition; and
- 758 (b) at the end of the preceding calendar year:
- 759 (i) the total number of outstanding warrants of arrest for individuals who were
760 released from law enforcement custody on pretrial release under each of the
761 following categories of release, separated by each type of release:
- 762 (A) the individual's own recognizance;
763 (B) a financial condition; and
764 (C) a release condition other than a financial condition;
- 765 (ii) for each of the categories described in Subsection (1)(b)(i), the average length of
766 time that the outstanding warrants had been outstanding; and
- 767 (iii) for each of the categories described in Subsection (1)(b)(i), the number of
768 outstanding warrants for arrest for crimes of each of the following categories:
- 769 (A) a first degree felony;
770 (B) a second degree felony;
771 (C) a third degree felony;
772 (D) a class A misdemeanor;
773 (E) a class B misdemeanor; and
774 (F) a class C misdemeanor.
- 775 (2) The data described in Subsection (1) shall include cases involving pretrial release by a

776 temporary pretrial status order and a pretrial release order.

777 (3) Each county jail shall submit the following data, based on the preceding calendar year,
778 to the Commission of Criminal and Juvenile Justice before July 1 of each year:

779 (a) the number of individuals released upon payment of monetary bail before appearing
780 before a court;

781 (b) the number of individuals released on the individual's own recognizance before
782 appearing before a court; and

783 (c) the amount of monetary bail, any fees, and any other money paid by or on behalf of
784 individuals collected by the county jail.

785 [~~3~~] (4) The Commission on Criminal and Juvenile Justice shall compile the data collected
786 under this section and shall submit the compiled data in an electronic report to the Law
787 Enforcement and Criminal Justice Interim Committee before November 1 of each year.

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

789 Section 20. Section **77-41-115** is enacted to read:

790 **77-41-115 (Effective 05/07/25). Sex offender risk assessment -- Department of**
791 **Corrections responsibilities.**

792 (1) As used in this section:

793 (a) "Dynamic factors" means an individual's individual characteristics, issues, resources,
794 or circumstances that:

795 (i) can change or be influenced; and

796 (ii) affect the risk of:

797 (A) recidivism; or

798 (B) violating conditions of probation or parole.

799 (b) "Multi-domain assessment" means an evaluation process or tool that reports in
800 quantitative and qualitative terms an offender's condition, stability, needs, resources,
801 dynamic factors, and static factors that affect the offender's transition into the
802 community and compliance with conditions of probation or parole.

803 (c) "Static factors" means an individual's individual characteristics, issues, resources, or
804 circumstances that:

805 (i) are unlikely to be changeable or influenced; and

806 (ii) affect the risk of:

807 (A) recidivism; or

808 (B) violating conditions of probation or parole.

809 (2) The Department of Corrections shall:

- 810 (a) for a sex offender convicted after May 7, 2025, of an offense committed in this state
 811 described in Subsection 77-41-102(19)(a), conduct, if available, multi-domain
 812 assessments that are validated for the population and offense type of the individual to
 813 inform the treatment and supervision needs of the individual; and
 814 (b) 30 days after the day on which a calendar quarterly period ends, submit the results of
 815 any risk assessments completed under Subsection (2)(a) during the preceding quarter
 816 to the State Commission on Criminal and Juvenile Justice.

817 Section 21. Section **78A-2-109.5** is amended to read:

818 **78A-2-109.5 (Effective 05/07/25). Court data collection and reporting.**

819 (1) As used in this section, "commission" means the Commission on Criminal and Juvenile
 820 Justice created in Section 63M-7-201.

821 (2) The Administrative Office of the Courts shall submit the following information to the
 822 commission for each criminal case filed with the court:

823 (a) case number;

824 (b) the defendant's:

825 (i) full name;

826 (ii) offense tracking number; and

827 (iii) date of birth;

828 (c) charges filed;

829 (d) if applicable, all enhancements to the charges against the defendant;

830 [~~(d)~~] (e) initial appearance date;

831 [~~(e)~~] (f) bail amount set by the court, if any;

832 [~~(f)~~] (g) whether the defendant was represented by a public defender, private counsel, or
 833 pro se;

834 [~~(g)~~] (h) whether the defendant has previously been convicted of an offense;

835 [~~(h)~~] (i) final disposition of the charges; and

836 [~~(i)~~] (j) if the defendant is convicted, the defendant's total score for any pretrial risk
 837 assessment used by a magistrate or judge in making a determination about pretrial
 838 release as described in Section 77-20-205.

839 (3)(a) The Administrative Office of the Courts shall submit the information described in
 840 Subsection (2) to the commission on the 15th day of July and January of each year
 841 for the previous six-month period ending the last day of June and December of each
 842 year in the form and manner selected by the commission.

843 (b) If the last day of the month is a Saturday, Sunday, or state holiday, the

- 844 Administrative Office of the Courts shall submit the information described in
845 Subsection (2) to the commission on the next working day.
- 846 (4) Before July 1 of each year, the Administrative Office of the Courts shall submit the
847 following data on cases involving individuals charged with class A misdemeanors and
848 felonies, broken down by judicial district, to the commission for each preceding calendar
849 year:
- 850 (a) the number of cases in which a preliminary hearing is set and placed on the court
851 calendar;
- 852 (b) the median and range of the number of times that a preliminary hearing is continued
853 in cases in which a preliminary hearing is set and placed on the court calendar;
- 854 (c) the number of cases, and the average time to disposition for those cases, in which
855 only written statements from witnesses are submitted as probable cause at the
856 preliminary hearing;
- 857 (d) the number of cases, and the average time to disposition for those cases, in which
858 written statements and witness testimony are submitted as probable cause at the
859 preliminary hearing;
- 860 (e) the number of cases, and the average time to disposition for those cases, in which
861 only witness testimony is submitted as probable cause at the preliminary hearing; and
- 862 (f) the number of cases in which a preliminary hearing is held and the defendant is
863 bound over for trial.
- 864 (5) The commission shall include the data collected under Subsection (4) in the
865 commission's annual report described in Section 63M-7-205.
- 866 (6) No later than November 1, 2027, the Administrative Office of the Courts shall provide
867 the Law Enforcement and Criminal Justice Interim Committee with a written report on,
868 for each fiscal year that begins on and after July 1, 2024:
- 869 (a) the total number of offenses, including the level of each offense, for which an
870 enhancement was sought under Section 76-3-203.17;
- 871 (b) the total number of offenses, including the level of each offense, that were enhanced
872 under Section 76-3-203.17; and
- 873 (c) the total amount of fines that were imposed under Section 76-3-203.17.

874 Section 22. **Effective Date.**

- 875 (1) Except as provided in Subsection (2), this bill takes effect May 7, 2025.
- 876 (2) The actions affecting Section 17-18a-203.5 (Effective 07/01/25) take effect on July 1,
877 2025.

878 Section 23. **Coordinating H.B. 354 with S.B. 41.**
879 If H.B. 354, Criminal Justice Revisions, and S.B. 41, Sex, Kidnap, and Child Abuse
880 Offender Registry Amendments, both pass and become law, the Legislature intends that, on
881 May 7, 2025:
882 (1) Section 77-41-115, enacted by H.B. 354, be deleted;
883 (2) Section 53-29-302, enacted in S.B. 41, have the following subsection inserted as
884 Subsection (1) and the remaining subsections be renumbered accordingly:
885 "(1) As used in this section:
886 (a) "Dynamic factors" means an individual's individual characteristics, issues, resources,
887 or circumstances that:
888 (i) can change or be influenced; and
889 (ii) affect the risk of:
890 (A) recidivism; or
891 (B) violating conditions of probation or parole.
892 (b) "Multi-domain assessment" means an evaluation process or tool that reports in
893 quantitative and qualitative terms an offender's condition, stability, needs, resources, dynamic
894 factors, and static factors that affect the offender's transition into the community and
895 compliance with conditions of probation or parole.
896 (c) "Static factors" means an individual's individual characteristics, issues, resources, or
897 circumstances that:
898 (i) are unlikely to be changeable or influenced; and
899 (ii) affect the risk of:
900 (A) recidivism; or
901 (B) violating conditions of probation or parole.";
902 (3) Subsection 53-29-302(2), enacted in S.B. 41, be amended to read:
903 "(2) The Department of Corrections shall:
904 (a) register an offender in the custody of the Department of Corrections with the
905 department upon:
906 (i) placement on probation;
907 (ii) commitment to a secure correctional facility operated by or under contract with
908 the Department of Corrections;
909 (iii) release from confinement to parole status, termination or expiration of sentence,
910 or escape;
911 (iv) entrance to and release from any community-based residential program operated

912 by or under contract with the Department of Corrections; or
913 (v) termination of probation or parole; and
914 (b)(i) for an offender convicted after May 7, 2025, of an offense committed in this state
915 that requires the individual to register as a sex offender, conduct, if available, multi-domain
916 assessments that are validated for the population and offense type of the offender to inform the
917 treatment and supervision needs of the offender; and
918 (ii) 30 days after the day on which a calendar quarterly period ends, submit the
919 results of any risk assessments completed under Subsection (2)(b)(i) during the preceding
920 quarter to the State Commission on Criminal and Juvenile Justice.";
921 (4) Subsection 63I-2-277(3), enacted in H.B. 354, be deleted; and
922 (5) The following language be inserted numerically according to title placement as a
923 subsection in Section 63I-2-253, and the remaining subsections be renumbered accordingly:
924 "Subsection 53-29-302(2)(b)(ii), regarding the requirement for the Department of
925 Corrections to submit the results of risk assessments for sex offenders to the State Commission
926 on Criminal and Juvenile Justice, is repealed January 1, 2030.".
927 **Section 24. Coordinating H.B. 354 with H.B. 436.**
928 If H.B. 354, Criminal Justice Revisions, and H.B. 436, Impaired Driving Amendments,
929 both pass and become law, the Legislature intends that, on May 7, 2025:
930 (1) Section 53-25-104, enacted in H.B. 436, supersedes Section 53-25-104, enacted in H.B.
931 354; and
932 (2) Subsection 63A-16-1002(4)(f), enacted in H.B. 354 and H.B. 436, be amended to read:
933 "(f) Section 53-10-118, regarding driving under the influence data;".