

CRIMINAL JUSTICE PROGRAMS AND AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill amends Utah Code provisions regarding corrections, sentencing, probation and parole, controlled substance offenses, substance abuse and mental health treatment,

29 vehicle offenses, and related provisions to modify penalties and sentencing guidelines,
30 treatment programs for persons in the criminal justice system, and probation and parole
31 compliance and violations to address recidivism.

32 **Highlighted Provisions:**

33 This bill:

- 34 ▶ reduces penalties for specified offenses involving controlled substances and
35 provides that specified penalties be increased for subsequent convictions for the
36 same offenses;
- 37 ▶ reduces the penalties for motor vehicle and vessel offenses as specified;
- 38 ▶ defines criminal risk factors and requires that these factors be considered in
39 providing mental health and substance abuse treatment through governmental
40 programs to individuals involved in the criminal justice system;
- 41 ▶ requires the Division of Substance Abuse and Mental Health to establish standards
42 for mental health and substance abuse treatment, and for treatment providers,
43 concerning individuals who are incarcerated or who are required by a court or the
44 Board of Pardons and Parole to participate in treatment;
- 45 ▶ requires that the Division of Substance Abuse and Mental Health, working with the
46 courts and the Department of Corrections, establish performance goals and outcome
47 measurements for treatment programs, including recidivism;
- 48 ▶ requires that the Division of Substance Abuse and Mental Health track the
49 performance and outcome data and make this information available to the public;
- 50 ▶ requires that the collected data be submitted to the Commission on Criminal and
51 Juvenile Justice and that the commission compile the data and make it available to
52 specified legislative interim committees;
- 53 ▶ requires the Division of Substance Abuse and Mental Health, in collaboration with
54 the Commission on Criminal and Juvenile Justice, to analyze specified programs
55 and practices, and provide recommendations to the Legislature;
- 56 ▶ requires the Commission on Criminal and Juvenile Justice to study and report on

57 programs initiated by state and local agencies to address recidivism, including cost reductions
58 and the costs and resources required to meet goals for providing treatment as an alternative to
59 incarceration;

60 ▶ provides that the Commission on Criminal and Juvenile Justice administer a
61 performance incentive grant program that allocates funds to counties for programs
62 and practices that reduce recidivism;

63 ▶ requires that the Sentencing Commission modify sentencing guidelines, criminal
64 history scores, and guidelines for periods of incarceration to implement the
65 recommendations of the Commission on Criminal and Juvenile Justice regarding
66 reducing recidivism;

67 ▶ requires that the Sentencing Commission establish graduated sanctions to provide
68 prompt and effective responses to violations of probation or parole;

69 ▶ requires that the Sentencing Commission establish graduated incentives to provide
70 prompt and effective responses to an offender's compliance and positive conduct;

71 ▶ requires that the Department of Corrections implement the graduated sanctions and
72 incentives established by the Sentencing Commission;

73 ▶ requires that the Department of Corrections, in collaboration with the Commission
74 on Criminal and Juvenile Justice, the Division of Substance Abuse and Mental
75 Health, and the Utah Association of Counties gather information related to
76 treatment and program outcomes, including recidivism reduction and cost savings
77 based on the reduction in the number of inmates, and provide the information to the
78 Commission on Criminal and Juvenile Justice;

79 ▶ provides payments to county jails for housing probation and parole violators as
80 funding is available;

81 ▶ requires that the Department of Corrections develop case action plans for offenders,
82 including a risk and needs assessment and treatment priorities;

83 ▶ provides that the Department of Corrections may impose a sanction of three to five
84 days for violations of probation or parole as part of the program of graduated

85 sanctions;

86 ▶ requires that the Department of Corrections evaluate and update inmates' case action
87 plans, including treatment resources and supervision levels to address reentry of

88 inmates into the community at the termination of incarceration;

89 ▶ requires that the Department of Corrections establish a program allowing offenders
90 to earn credits of days for compliance with terms of probation or parole, which will
91 reduce the time on probation or parole;

92 ▶ requires that the Department of Corrections report annually to the Commission on
93 Criminal and Juvenile Justice the data collected regarding the earned credits
94 program;

95 ▶ requires the Department of Corrections to establish standards, including best
96 practices, for treatment programs provided in county jails;

97 ▶ requires the Department of Corrections to establish standards and a certification
98 program for the public and private providers of the treatment programs;

99 ▶ requires the Department of Corrections to establish goals and outcome
100 measurements regarding the treatment programs, collect related data, and analyze
101 the data to determine effectiveness;

102 ▶ requires that the Department of Corrections collaborate with the Division of
103 Substance Abuse and Mental Health to:

104 • track a group of program participants to determine net benefit from using
105 treatment as an alternative to incarceration; and

106 • evaluate costs and resources needed to meet goals for using treatment as an
107 alternative to incarceration;

108 ▶ requires that the Department of Corrections provide the data collected regarding the
109 treatment programs to the Commission on Criminal and Juvenile Justice for the
110 commission's use in preparing its annual report;

111 ▶ requires that the Department of Corrections establish an audit for compliance with
112 the treatment standards;

- 113 ▶ provides that time served in confinement for a violation of probation is counted as
- 114 time served toward any term of incarceration imposed for the violation of probation;
- 115 ▶ requires that the Board of Pardons and Parole establish an earned time program that
- 116 reduces the period of incarceration for offenders who successfully complete
- 117 programs intended to reduce the risk of recidivism, collect data on the
- 118 implementation of the program, and report the data to the Commission on Criminal
- 119 and Juvenile Justice;
- 120 ▶ requires that if the Board of Pardons and Parole orders incarceration for a parole
- 121 violation, the board shall impose a period of incarceration that is consistent with the
- 122 guidelines established by the Sentencing Commission;
- 123 ▶ amends the offense of criminal trespass; and
- 124 ▶ modifies a description regarding restricted persons and dangerous weapons as
- 125 related to amendments made in this legislation regarding controlled substances.

126 **Money Appropriated in this Bill:**

127 None

128 **Other Special Clauses:**

129 This bill provides a special effective date.

130 **Utah Code Sections Affected:**

131 AMENDS:

- 132 **41-1a-201**, as last amended by Laws of Utah 2014, Chapter 237
- 133 **41-1a-205**, as last amended by Laws of Utah 2014, Chapter 229
- 134 **41-1a-214**, as renumbered and amended by Laws of Utah 1992, Chapter 1
- 135 **41-1a-218**, as last amended by Laws of Utah 2013, Chapter 91
- 136 **41-1a-220**, as renumbered and amended by Laws of Utah 1992, Chapter 1
- 137 **41-1a-221**, as last amended by Laws of Utah 1999, Chapter 238
- 138 **41-1a-229**, as last amended by Laws of Utah 2014, Chapter 237
- 139 **41-1a-301**, as last amended by Laws of Utah 2014, Chapter 237
- 140 **41-1a-401**, as last amended by Laws of Utah 2014, Chapters 61, 237, and 237