

Part 2

Commission on Criminal and Juvenile Justice

63M-7-201 Creation -- Purpose.

- (1) The State Commission on Criminal and Juvenile Justice is created within the governor's office.
- (2) The commission's purpose is to:
 - (a) promote broad philosophical agreement concerning the objectives of the criminal and juvenile justice system in Utah;
 - (b) provide a mechanism for coordinating the functions of the various branches and levels of government concerned with criminal and juvenile justice to achieve those objectives;
 - (c) coordinate statewide efforts to reduce crime and victimization in Utah; and
 - (d) accomplish the duties enumerated in Section 63M-7-204.

Renumbered and Amended by Chapter 382, 2008 General Session

63M-7-202 Composition -- Appointments -- Ex officio members -- Terms -- United States Attorney as nonvoting member.

- (1) The State Commission on Criminal and Juvenile Justice is composed of 26 voting members as follows:
 - (a) the chief justice of the supreme court, as the presiding officer of the judicial council, or a judge designated by the chief justice;
 - (b) the state court administrator or the state court administrator's designee;
 - (c) the executive director of the Department of Corrections or the executive director's designee;
 - (d) the executive director of the Department of Health and Human Services or the executive director's designee;
 - (e) the commissioner of the Department of Public Safety or the commissioner's designee;
 - (f) the attorney general or an attorney designated by the attorney general;
 - (g) the president of the chiefs of police association or a chief of police designated by the association's president;
 - (h) the president of the sheriffs' association or a sheriff designated by the association's president;
 - (i) the chair of the Board of Pardons and Parole or a member of the Board of Pardons and Parole designated by the chair;
 - (j) the chair of the Utah Sentencing Commission or a member of the Utah Sentencing Commission designated by the chair;
 - (k) the chair of the Utah Substance Use and Mental Health Advisory Council or a member of the Utah Substance Use and Mental Health Advisory Council designated by the chair;
 - (l) the chair of the Utah Board of Juvenile Justice or a member of the Utah Board of Juvenile Justice designated by the chair;
 - (m) the chair of the Utah Victim Services Commission or a member of the Utah Victim Services Commission designated by the chair;
 - (n) the chair of the Utah Council on Victims of Crime or a member of the Utah Council on Victims of Crime designated by the chair;
 - (o) the executive director of the Salt Lake Legal Defender Association or an attorney designated by the executive director;
 - (p) the chair of the Utah Indigent Defense Commission or a member of the Indigent Defense Commission designated by the chair;
 - (q) the Salt Lake County District Attorney or an attorney designated by the district attorney; and

- (r) the following members designated to serve four-year terms:
 - (i) a juvenile court judge, appointed by the chief justice, as presiding officer of the Judicial Council;
 - (ii) a representative of the statewide association of public attorneys designated by the association's officers;
 - (iii) one member of the House of Representatives who is appointed by the speaker of the House of Representatives; and
 - (iv) one member of the Senate who is appointed by the president of the Senate.
- (2) The governor shall appoint the remaining five members to four-year staggered terms as follows:
 - (a) one criminal defense attorney appointed from a list of three nominees submitted by the Utah State Bar Association;
 - (b) one attorney who primarily represents juveniles in delinquency matters appointed from a list of three nominees submitted by the Utah Bar Association;
 - (c) one representative of public education;
 - (d) one citizen representative; and
 - (e) a representative from a local faith who has experience with the criminal justice system.
- (3) In addition to the members designated under Subsections (1) and (2), the United States Attorney for the district of Utah or an attorney designated by the United States Attorney may serve as a nonvoting member.
- (4) In appointing the members under Subsection (2), the governor shall take into account the geographical makeup of the commission.

Amended by Chapter 150, 2023 General Session

63M-7-203 Executive director -- Qualifications -- Compensation -- Appointment -- Functions.

- (1) The governor, with the advice and consent of the Senate, shall appoint a person experienced in the field of criminal justice and in administration as the executive director of the Commission on Criminal and Juvenile Justice. The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- (2)
 - (a) The executive director, under the direction of the commission, shall administer the duties of the commission and act as the governor's advisor on national, state, regional, metropolitan, and local government planning as it relates to criminal justice.
 - (b) This chapter does not derogate the planning authority conferred on state, regional, metropolitan, and local governments by existing law.

Amended by Chapter 352, 2020 General Session

63M-7-204 Duties of commission.

- (1) The State Commission on Criminal and Juvenile Justice administration shall:
 - (a) promote the commission's purposes as enumerated in Section 63M-7-201;
 - (b) promote the communication and coordination of all criminal and juvenile justice agencies;
 - (c) study, evaluate, and report on the status of crime in the state and on the effectiveness of criminal justice policies, procedures, and programs that are directed toward the reduction of crime in the state;
 - (d) study, evaluate, and report on programs initiated by state and local agencies to address reducing recidivism, including changes in penalties and sentencing guidelines intended to

- reduce recidivism, costs savings associated with the reduction in the number of inmates, and evaluation of expenses and resources needed to meet goals regarding the use of treatment as an alternative to incarceration, as resources allow;
- (e) study, evaluate, and report on policies, procedures, and programs of other jurisdictions which have effectively reduced crime;
 - (f) identify and promote the implementation of specific policies and programs the commission determines will significantly reduce crime in Utah;
 - (g) provide analysis and recommendations on all criminal and juvenile justice legislation, state budget, and facility requests, including program and fiscal impact on all components of the criminal and juvenile justice system;
 - (h) provide analysis, accountability, recommendations, and supervision for state and federal criminal justice grant money;
 - (i) provide public information on the criminal and juvenile justice system and give technical assistance to agencies or local units of government on methods to promote public awareness;
 - (j) promote research and program evaluation as an integral part of the criminal and juvenile justice system;
 - (k) provide a comprehensive criminal justice plan annually;
 - (l) review agency forecasts regarding future demands on the criminal and juvenile justice systems, including specific projections for secure bed space;
 - (m) promote the development of criminal and juvenile justice information systems that are consistent with common standards for data storage and are capable of appropriately sharing information with other criminal justice information systems by:
 - (i) developing and maintaining common data standards for use by all state criminal justice agencies;
 - (ii) annually performing audits of criminal history record information maintained by state criminal justice agencies to assess their accuracy, completeness, and adherence to standards;
 - (iii) defining and developing state and local programs and projects associated with the improvement of information management for law enforcement and the administration of justice; and
 - (iv) establishing general policies concerning criminal and juvenile justice information systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this Subsection (1)(m);
 - (n) allocate and administer grants, from money made available, for approved education programs to help prevent the sexual exploitation of children;
 - (o) allocate and administer grants for law enforcement operations and programs related to reducing illegal drug activity and related criminal activity;
 - (p) request, receive, and evaluate data and recommendations collected and reported by agencies and contractors related to policies recommended by the commission regarding recidivism reduction, including the data described in Section 13-53-111 and Subsection 26B-5-102(2)(l);
 - (q) establish and administer a performance incentive grant program that allocates funds appropriated by the Legislature to programs and practices implemented by counties that reduce recidivism and reduce the number of offenders per capita who are incarcerated;
 - (r) oversee or designate an entity to oversee the implementation of juvenile justice reforms;
 - (s) make rules and administer the juvenile holding room standards and juvenile jail standards to align with the Juvenile Justice and Delinquency Prevention Act requirements pursuant to 42 U.S.C. Sec. 5633;

- (t) allocate and administer grants, from money made available, for pilot qualifying education programs;
 - (u) oversee the trauma-informed justice program described in Section 63M-7-209;
 - (v) request, receive, and evaluate the aggregate data collected from prosecutorial agencies and the Administrative Office of the Courts, in accordance with Sections 63M-7-216 and 78A-2-109.5;
 - (w) report annually to the Law Enforcement and Criminal Justice Interim Committee on the progress made on each of the following goals of the Justice Reinvestment Initiative:
 - (i) ensuring oversight and accountability;
 - (ii) supporting local corrections systems;
 - (iii) improving and expanding reentry and treatment services; and
 - (iv) strengthening probation and parole supervision;
 - (x) compile a report of findings based on the data and recommendations provided under Section 13-53-111 and Subsection 26B-5-102(2)(n) that:
 - (i) separates the data provided under Section 13-53-111 by each residential, vocational and life skills program; and
 - (ii) separates the data provided under Subsection 26B-5-102(2)(n) by each mental health or substance use treatment program;
 - (y) publish the report described in Subsection (1)(x) on the commission's website and annually provide the report to the Judiciary Interim Committee, the Health and Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the related appropriations subcommittees ; and
 - (z) receive, compile, and publish on the commission's website the data provided under:
 - (i) Section 53-23-101;
 - (ii) Section 53-24-102; and
 - (iii) Section 53-26-101
- (2) If the commission designates an entity under Subsection (1)(r), the commission shall ensure that the membership of the entity includes representation from the three branches of government and, as determined by the commission, representation from relevant stakeholder groups across all parts of the juvenile justice system, including county representation.

Amended by Chapter 158, 2023 General Session
Amended by Chapter 330, 2023 General Session
Amended by Chapter 382, 2023 General Session
Amended by Chapter 500, 2023 General Session

63M-7-205 Annual report by the commission.

- (1) The commission shall annually prepare and publish a report directed to the governor, the Legislature, and the Judicial Council.
- (2) The report shall describe how the commission fulfilled its statutory purposes and duties during the year.

Renumbered and Amended by Chapter 382, 2008 General Session

63M-7-206 Election of chair -- Meetings.

The membership of the Commission on Criminal and Juvenile Justice by simple majority vote of those in attendance shall annually elect one of their number to serve as chair. The chair is responsible for the call and conduct of meetings. Meetings shall be called and held at least

bimonthly. One of the bimonthly meetings shall be held while the Legislature is convened in its annual session. Additional meetings may be called upon request by a majority of the commission's members.

Renumbered and Amended by Chapter 382, 2008 General Session

63M-7-207 Members serve without pay -- Reimbursement for expenses.

- (1) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- (2) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Amended by Chapter 387, 2014 General Session

63M-7-208 Juvenile justice oversight -- Delegation -- Effective dates.

- (1) The State Commission on Criminal and Juvenile Justice shall:
 - (a) support implementation and expansion of evidence-based juvenile justice programs and practices, including assistance regarding implementation fidelity, quality assurance, and ongoing evaluation;
 - (b) examine and make recommendations on the use of third-party entities or an intermediary organization to assist with implementation and to support the performance-based contracting system authorized in Subsection (1)(m);
 - (c) oversee the development of performance measures to track juvenile justice reforms, and ensure early and ongoing stakeholder engagement in identifying the relevant performance measures;
 - (d) evaluate currently collected data elements throughout the juvenile justice system and contract reporting requirements to streamline reporting, reduce redundancies, eliminate inefficiencies, and ensure a focus on recidivism reduction;
 - (e) review averted costs from reductions in out-of-home placements for juvenile justice youth placed with the Division of Juvenile Justice Services and the Division of Child and Family Services, and make recommendations to prioritize the reinvestment and realignment of resources into community-based programs for youth living at home, including the following:
 - (i) statewide expansion of:
 - (A) juvenile receiving centers, as defined in Section 80-1-102;
 - (B) mobile crisis outreach teams, as defined in Section 62A-15-102;
 - (C) youth courts; and
 - (D) victim-offender mediation;
 - (ii) statewide implementation of nonresidential diagnostic assessment;
 - (iii) statewide availability of evidence-based programs and practices including cognitive behavioral and family therapy programs for minors assessed by a validated risk and needs assessment as moderate or high risk;
 - (iv) implementation and infrastructure to support the sustainability and fidelity of evidence-based juvenile justice programs, including resources for staffing, transportation, and flexible funds; and

- (v) early intervention programs such as family strengthening programs, family wraparound services, and proven truancy interventions;
 - (f) assist the Administrative Office of the Courts in the development of a statewide sliding scale for the assessment of fines, fees, and restitution, based on the ability of the minor's family to pay;
 - (g) analyze the alignment of resources and the roles and responsibilities of agencies, such as the operation of early intervention services, receiving centers, and diversion, and make recommendations to reallocate functions as appropriate, in accordance with Section 80-5-401;
 - (h) comply with the data collection and reporting requirements under Section 80-6-104;
 - (i) develop a reasonable timeline within which all programming delivered to minors in the juvenile justice system must be evidence-based or consist of practices that are rated as effective for reducing recidivism by a standardized program evaluation tool;
 - (j) provide guidelines to be considered by the Administrative Office of the Courts and the Division of Juvenile Justice Services in developing tools considered by the Administrative Office of the Courts and the Division of Juvenile Justice Services in developing or selecting tools to be used for the evaluation of juvenile justice programs;
 - (k) develop a timeline to support improvements to juvenile justice programs to achieve reductions in recidivism and review reports from relevant state agencies on progress toward reaching that timeline;
 - (l) subject to Subsection (2), assist in the development of training for juvenile justice stakeholders, including educators, law enforcement officers, probation staff, judges, Division of Juvenile Justice Services staff, Division of Child and Family Services staff, and program providers;
 - (m) subject to Subsection (3), assist in the development of a performance-based contracting system, which shall be developed by the Administrative Office of the Courts and the Division of Juvenile Justice Services for contracted services in the community and contracted out-of-home placement providers;
 - (n) assist in the development of a validated detention risk assessment tool that is developed or adopted and validated by the Administrative Office of the Courts and the Division of Juvenile Justice Services as provided in Section 80-5-203; and
 - (o) annually issue and make public a report to the governor, president of the Senate, speaker of the House of Representatives, and chief justice of the Utah Supreme Court on the progress of the reforms and any additional areas in need of review.
- (2) Training described in Subsection (1)(l) should include instruction on evidence-based programs and principles of juvenile justice, such as risk, needs, responsivity, and fidelity, and shall be supplemented by the following topics:
- (a) adolescent development;
 - (b) identifying and using local behavioral health resources;
 - (c) cross-cultural awareness;
 - (d) graduated responses;
 - (e) Utah juvenile justice system data and outcomes; and
 - (f) gangs.
- (3) The system described in Subsection (1)(m) shall provide incentives for:
- (a) the use of evidence-based juvenile justice programs and practices rated as effective by the tools selected in accordance with Subsection (1)(j);
 - (b) the use of three-month timelines for program completion; and
 - (c) evidence-based programs and practices for minors living at home in rural areas.

- (4) The State Commission on Criminal and Juvenile Justice may delegate the duties imposed under this section to a subcommittee or board established by the State Commission on Criminal and Juvenile Justice in accordance with Subsection 63M-7-204(2).

Amended by Chapter 161, 2023 General Session

Superseded 7/1/2024

63M-7-209 Trauma-informed justice program.

(1) As used in this section:

- (a) "Committee" means the Multi-Disciplinary Trauma-Informed Committee created under Subsection (2).
- (b) "First responder" includes:
 - (i) a law enforcement officer, as defined in Section 53-13-103;
 - (ii) emergency medical service personnel, as defined in Section 26B-4-101; and
 - (iii) a firefighter.
- (c) "Trauma-informed" means a policy, procedure, program, or practice that demonstrates an ability to minimize retraumatization associated with the criminal and juvenile justice system.
- (d) "Victim" means the same as that term is defined in Section 77-37-2.

(2)

- (a) The commission shall create a committee known as the Multi-Disciplinary Trauma-Informed Committee to assist the commission in meeting the requirements of this section. The commission shall provide for the membership, terms, and quorum requirements of the committee, except that:
 - (i) at least one member of the committee shall be a victim;
 - (ii) the executive director of the Department of Health and Human Services or the executive director's designee shall be on the committee; and
 - (iii) the commission shall terminate the committee on June 30, 2020.
- (b) The commission shall use the Utah Office for Victims of Crime, the Utah Office on Domestic and Sexual Violence, and the Utah Council on Victims of Crime in meeting the requirements of this section.

(3)

- (a) The committee shall work with statewide coalitions, children's justice centers, and other stakeholders to complete, by no later than September 1, 2019, a review of current and recommended trauma-informed policies, procedures, programs, or practices in the state's criminal and juvenile justice system, including:
 - (i) reviewing the role of victim advocates and victim services in the criminal and juvenile justice system and:
 - (A) how to implement the option of a comprehensive, seamless victim advocate system that is based on the best interests of victims and assists a victim throughout the criminal and juvenile justice system or a victim's process of recovering from the trauma the victim experienced as a result of being a victim of crime; and
 - (B) recommending what minimum qualifications a victim advocate must meet, including recommending trauma-informed training or trauma-informed continuing education hours;
 - (ii) reviewing of best practice standards and protocols, including recommending adoption or creation of trauma-informed interview protocols, that may be used to train persons within the criminal and juvenile justice system concerning trauma-informed policies, procedures, programs, or practices, including training of:
 - (A) peace officers that is consistent with the training developed under Section 53-10-908;

- (B) first responders;
 - (C) prosecutors;
 - (D) defense counsel;
 - (E) judges and other court personnel;
 - (F) the Board of Pardons and Parole and its personnel;
 - (G) the Department of Corrections, including Adult Probation and Parole; and
 - (H) others involved in the state's criminal and juvenile justice system;
- (iii) recommending outcome based metrics to measure achievement related to trauma-informed policies, procedures, programs, or practices in the criminal and juvenile justice system;
 - (iv) recommending minimum qualifications and continuing education of individuals providing training, consultation, or administrative supervisory consultation within the criminal and juvenile justice system regarding trauma-informed policies, procedures, programs, or practices;
 - (v) identifying needs that are not funded or that would benefit from additional resources;
 - (vi) identifying funding sources, including outlining the restrictions on the funding sources, that may fund trauma-informed policies, procedures, programs, or practices;
 - (vii) reviewing which governmental entities should have the authority to implement recommendations of the committee; and
 - (viii) reviewing the need, if any, for legislation or appropriations to meet budget needs.
- (b) Whenever the commission conducts a related survey, the commission, when possible, shall include how victims and their family members interact with Utah's criminal and juvenile justice system, including whether the victims and family members are treated with trauma-informed policies, procedures, programs, or practices throughout the criminal and juvenile justice system.
- (4) The commission shall establish and administer a performance incentive grant program that allocates money appropriated by the Legislature to public or private entities:
 - (a) to provide advocacy and related service for victims in connection with the Board of Pardons and Parole process; and
 - (b) that have demonstrated experience and competency in the best practices and standards of trauma-informed care.
 - (5) The commission shall report to the Judiciary Interim Committee, at the request of the Judiciary Interim Committee, and the Law Enforcement and Criminal Justice Interim Committee by no later than the September 2019 interim regarding the grant under Subsection (4), the committee's activities under this section, and whether the committee should be extended beyond June 30, 2020.

Amended by Chapter 330, 2023 General Session

Effective 7/1/2024

63M-7-209 Trauma-informed justice program.

- (1) As used in this section:
 - (a) "Committee" means the Multi-Disciplinary Trauma-Informed Committee created under Subsection (2).
 - (b) "First responder" includes:
 - (i) a law enforcement officer, as defined in Section 53-13-103;
 - (ii) emergency medical service personnel, as defined in Section 53-2d-101; and
 - (iii) a firefighter.

- (c) "Trauma-informed" means a policy, procedure, program, or practice that demonstrates an ability to minimize retraumatization associated with the criminal and juvenile justice system.
 - (d) "Victim" means the same as that term is defined in Section 77-37-2.
- (2)
- (a) The commission shall create a committee known as the Multi-Disciplinary Trauma-Informed Committee to assist the commission in meeting the requirements of this section. The commission shall provide for the membership, terms, and quorum requirements of the committee, except that:
 - (i) at least one member of the committee shall be a victim;
 - (ii) the executive director of the Department of Health and Human Services or the executive director's designee shall be on the committee; and
 - (iii) the commission shall terminate the committee on June 30, 2020.
 - (b) The commission shall use the Utah Office for Victims of Crime, the Utah Office on Domestic and Sexual Violence, and the Utah Council on Victims of Crime in meeting the requirements of this section.
- (3)
- (a) The committee shall work with statewide coalitions, children's justice centers, and other stakeholders to complete, by no later than September 1, 2019, a review of current and recommended trauma-informed policies, procedures, programs, or practices in the state's criminal and juvenile justice system, including:
 - (i) reviewing the role of victim advocates and victim services in the criminal and juvenile justice system and:
 - (A) how to implement the option of a comprehensive, seamless victim advocate system that is based on the best interests of victims and assists a victim throughout the criminal and juvenile justice system or a victim's process of recovering from the trauma the victim experienced as a result of being a victim of crime; and
 - (B) recommending what minimum qualifications a victim advocate must meet, including recommending trauma-informed training or trauma-informed continuing education hours;
 - (ii) reviewing of best practice standards and protocols, including recommending adoption or creation of trauma-informed interview protocols, that may be used to train persons within the criminal and juvenile justice system concerning trauma-informed policies, procedures, programs, or practices, including training of:
 - (A) peace officers that is consistent with the training developed under Section 53-10-908;
 - (B) first responders;
 - (C) prosecutors;
 - (D) defense counsel;
 - (E) judges and other court personnel;
 - (F) the Board of Pardons and Parole and its personnel;
 - (G) the Department of Corrections, including Adult Probation and Parole; and
 - (H) others involved in the state's criminal and juvenile justice system;
 - (iii) recommending outcome based metrics to measure achievement related to trauma-informed policies, procedures, programs, or practices in the criminal and juvenile justice system;
 - (iv) recommending minimum qualifications and continuing education of individuals providing training, consultation, or administrative supervisory consultation within the criminal and juvenile justice system regarding trauma-informed policies, procedures, programs, or practices;
 - (v) identifying needs that are not funded or that would benefit from additional resources;

- (vi) identifying funding sources, including outlining the restrictions on the funding sources, that may fund trauma-informed policies, procedures, programs, or practices;
 - (vii) reviewing which governmental entities should have the authority to implement recommendations of the committee; and
 - (viii) reviewing the need, if any, for legislation or appropriations to meet budget needs.
- (b) Whenever the commission conducts a related survey, the commission, when possible, shall include how victims and their family members interact with Utah's criminal and juvenile justice system, including whether the victims and family members are treated with trauma-informed policies, procedures, programs, or practices throughout the criminal and juvenile justice system.
- (4) The commission shall establish and administer a performance incentive grant program that allocates money appropriated by the Legislature to public or private entities:
- (a) to provide advocacy and related service for victims in connection with the Board of Pardons and Parole process; and
 - (b) that have demonstrated experience and competency in the best practices and standards of trauma-informed care.
- (5) The commission shall report to the Judiciary Interim Committee, at the request of the Judiciary Interim Committee, and the Law Enforcement and Criminal Justice Interim Committee by no later than the September 2019 interim regarding the grant under Subsection (4), the committee's activities under this section, and whether the committee should be extended beyond June 30, 2020.

Amended by Chapter 310, 2023 General Session

Amended by Chapter 330, 2023 General Session

63M-7-210 Pilot program of competency-based career and technical education grants.

- (1) As used in this section:
- (a) "Certificate program provider" means a technical college that provides competency-based career and technical education.
 - (b) "Commission" means the State Commission on Criminal and Juvenile Justice.
 - (c)
 - (i) "Competency-based career and technical education" means career and technical education that will result in appropriate licensing, certification, or other evidence of completion of training and qualification for specific employment.
 - (ii) "Competency-based career and technical education" includes services provided under Section 53B-2a-106.
 - (d) "Qualifying education program" means a program overseen by a city or county prosecutor office to provide for an individual obtaining:
 - (i) a high school diploma or a Utah high school completion diploma as defined by rule made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (ii) competency-based career and technical education.
 - (e) "Technical college" means the same as that term is defined in Section 53B-1-101.5.
- (2) In accordance with this section, the commission shall establish a pilot grant program for fiscal year 2019 that funds the costs of two employees who:
- (a) are located in different prosecutor offices that operate in areas that have proximity to a technical college; and

- (b) oversee a program that provides for participation in a qualifying education program by an individual who is convicted of, pleads guilty to, or pleads no contest to a misdemeanor or third degree felony:
 - (i) as an alternative to incarceration;
 - (ii) for a reduction of fines or court fees;
 - (iii) for a two-step conviction reduction under Section 76-3-402; or
 - (iv) for a combination of the actions described in Subsections (2)(b)(i) through (iii).
- (3) As a condition of participating in a qualifying education program under this section, an individual shall:
 - (a) comply with the requirements of the plea agreement entered into by the individual, the prosecutor, and the court; and
 - (b) work with a financial aid officer for a qualifying education program and pay the tuition for the competency-based career and technical education charged by the certificate program provider.
- (4) The commission will structure and administer the grant pilot program consistent with other grant program requirements that the commission administers.
- (5) The commission shall compile a report regarding this grant pilot program based on performance measures and provide the report by no later than November 30, 2020, to the Law Enforcement and Criminal Justice Interim Committee, and the related appropriations subcommittee.

Amended by Chapter 136, 2019 General Session

63M-7-214 Commission on Criminal and Juvenile Justice -- Grants.

- (1) As used in this section:
 - (a) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (b) "Law enforcement agency" means a state or local law enforcement agency.
 - (c) "Other appropriate agency" means a state or local government agency, or a nonprofit organization, that works to prevent illegal drug activity and enforce laws regarding illegal drug activity and related criminal activity by:
 - (i) programs, including education, prevention, treatment, and research programs; and
 - (ii) enforcement of laws regarding illegal drugs.
- (2) The commission shall implement law enforcement operations and programs related to reducing illegal drug activity as listed in Subsection (3).
- (3)
 - (a) The first priority of the commission is to annually allocate not more than \$2,500,000, depending upon funding available from other sources, to directly fund the operational costs of state and local law enforcement agencies' drug or crime task forces, including multijurisdictional task forces.
 - (b) The second priority of the commission is to allocate grants for specified law enforcement agency functions and other agency functions as the commission finds appropriate to more effectively reduce illegal drug activity and related criminal activity, including providing education, prevention, treatment, and research programs.
- (4)
 - (a) In allocating grants and determining the amount of the grants to carry out the purposes of Subsection (3), the commission shall consider:

- (i) the demonstrated ability of the agency to appropriately use the grant to implement the proposed functions and how this function or task force will add to the law enforcement agency's current efforts to reduce illegal drug activity and related criminal activity; and
 - (ii) the agency's cooperation with other state and local agencies and task forces.
- (b) Agencies qualify for a grant only if they demonstrate compliance with all reporting and policy requirements applicable under this section and under Title 63M, Chapter 7, Criminal Justice and Substance Abuse, in order to qualify as a potential grant recipient.
- (5) The commission shall allocate grants to local law enforcement agencies to assist in complying with the requirements of Subsection 63A-16-1002(4). The commission shall only use funds appropriated for this purpose for the grants.
 - (6) Recipient agencies may only use grant money after approval or appropriation by the agency's governing body, and a determination that the grant money is nonlapsing.
 - (7) A recipient law enforcement agency may use funds granted under this section only for the purposes stated by the commission in the grant.
 - (8)
 - (a) For each fiscal year, any law enforcement agency that receives a grant from the commission under this section shall prepare and file with the commission and the state auditor a report in a form specified by the commission.
 - (b) The report shall include the following regarding each grant:
 - (i) the agency's name;
 - (ii) the amount of the grant;
 - (iii) the date of the grant;
 - (iv) how the grant has been used; and
 - (v) a statement signed by both the agency's or political subdivision's executive officer or designee and by the agency's legal counsel, that all grant funds were used for law enforcement operations and programs approved by the commission and that relate to reducing illegal drug activity and related criminal activity, as specified in the grant.

Amended by Chapter 390, 2022 General Session

63M-7-215 Pretrial Release Programs Special Revenue Fund -- Funding -- Uses.

- (1) As used in this section:
 - (a) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (b) "Fund" means the Pretrial Release Programs Special Revenue Fund created in this section.
- (2) There is created an expendable special revenue fund known as the "Pretrial Release Programs Special Revenue Fund."
- (3) The Division of Finance shall administer the fund in accordance with this section.
- (4) The fund shall consist of:
 - (a) money collected and remitted to the fund under Section 77-20-403;
 - (b) appropriations from the Legislature;
 - (c) interest earned on money in the fund; and
 - (d) contributions from other public or private sources.
- (5) The commission shall award grants from the fund to county agencies and other agencies the commission determines appropriate to assist counties with establishing and expanding pretrial services programs that serve the purpose of:
 - (a) assisting a court in making an informed decision regarding an individual's pretrial release; and

- (b) providing supervision of an individual released from law enforcement custody on conditions pending a final determination of a criminal charge filed against the individual.
- (6) The commission may retain up to 3% of the money deposited into the fund to pay for administrative costs incurred by the commission, including salary and benefits, equipment, supplies, or travel costs that are directly related to the administration of this section.
- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall establish a grant application and review process for the expenditure of money from the fund.
- (8) The grant application and review process shall describe:
 - (a) the requirements to complete the grant application;
 - (b) requirements for receiving funding;
 - (c) criteria for the approval of a grant application; and
 - (d) support offered by the commission to complete a grant application.
- (9) Upon receipt of a grant application, the commission shall:
 - (a) review the grant application for completeness;
 - (b) make a determination regarding the grant application;
 - (c) inform the grant applicant of the commission's determination regarding the grant application; and
 - (d) if approved, award grants from the fund to the grant applicant.
- (10) Before November 30 of each year, the commission shall provide an electronic report to the Law Enforcement and Criminal Justice Interim Committee regarding the status of the fund and expenditures made from the fund.

Amended by Chapter 4, 2021 Special Session 2

63M-7-216 Prosecutorial data collection -- Policy transparency.

- (1) As used in this section:
 - (a) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (b)
 - (i) "Criminal case" means a case where an offender is charged with an offense for which a mandatory court appearance is required under the Uniform Bail Schedule.
 - (ii) "Criminal case" does not mean a case for criminal non-support under Section 76-7-201 or any proceeding involving collection or payment of child support, medical support, or child care expenses by or on behalf of the Office of Recovery Services under Section 26B-9-108 or 76-7-202.
 - (c) "Offense tracking number" means a distinct number applied to each criminal offense by the Bureau of Criminal Identification.
 - (d) "Pre-filing diversion" means an agreement between a prosecutor and an individual prior to being charged with a crime, before an information or indictment is filed, in which the individual is diverted from the traditional criminal justice system into a program of supervision and supportive services in the community.
 - (e) "Post-filing diversion" is as described in Section 77-2-5.
 - (f) "Prosecutorial agency" means the Office of the Attorney General and any city, county, or district attorney acting as a public prosecutor.
 - (g) "Publish" means to make aggregated data available to the general public.

- (2) Beginning July 1, 2021, all prosecutorial agencies within the state shall submit the following data with regards to each criminal case referred to it from a law enforcement agency to the commission for compilation and analysis:
 - (a) the defendant's:
 - (i) full name;
 - (ii) offense tracking number;
 - (iii) date of birth; and
 - (iv) zip code;
 - (b) referring agency;
 - (c) whether the prosecutorial agency filed charges, declined charges, initiated a pre-filing diversion, or asked the referring agency for additional information;
 - (d) if charges were filed, the case number and the court in which the charges were filed;
 - (e) all charges brought against the defendant;
 - (f) whether bail was requested and, if so, the requested amount;
 - (g) the date of initial discovery disclosure;
 - (h) whether post-filing diversion was offered and, if so, whether it was entered;
 - (i) if post-filing diversion or other plea agreement was accepted, the date entered by the court; and
 - (j) the date of conviction, acquittal, plea agreement, dismissal, or other disposition of the case.
- (3)
 - (a) The information required by Subsection (2), including information that was missing or incomplete at the time of an earlier submission but is presently available, shall be submitted within 90 days of the last day of March, June, September, and December of each year for the previous 90-day period in the form and manner selected by the commission.
 - (b) If the last day of the month is a Saturday, Sunday, or state holiday, the information shall be submitted on the next working day.
- (4) The prosecutorial agency shall maintain a record of all information collected and transmitted to the commission for 10 years.
- (5) The commission shall include in the plan required by Subsection 63M-7-204(1)(k) an analysis of the data received, comparing and contrasting the practices and trends among and between prosecutorial agencies in the state. The Law Enforcement and Criminal Justice Interim Committee may request an in-depth analysis of the data received annually. Any request shall be in writing and specify which data points the report shall focus on.
- (6) The commission may provide assistance to prosecutorial agencies in setting up a method of collecting and reporting data required by this section.
- (7) Beginning January 1, 2021, all prosecutorial agencies shall publish specific office policies. If the agency does not maintain a policy on a topic in this subsection, the agency shall affirmatively disclose that fact. Policies shall be published online on the following topics:
 - (a) screening and filing criminal charges;
 - (b) plea bargains;
 - (c) sentencing recommendations;
 - (d) discovery practices;
 - (e) prosecution of juveniles, including whether to prosecute a juvenile as an adult;
 - (f) collection of fines and fees;
 - (g) criminal and civil asset forfeiture practices;
 - (h) services available to victims of crime, both internal to the prosecutorial office and by referral to outside agencies;
 - (i) diversion programs; and

(j) restorative justice programs.

(8)

- (a) A prosecutorial agency not in compliance with this section by July 1, 2022, in accordance with the commission's guidelines may not receive grants or other funding intended to assist with bringing the agency into compliance with this section. In addition, any funds received for the purpose of bringing the agency into compliance with this section shall be returned to the source of the funding.
- (b) Only funding received from the commission by a prosecutorial agency specifically intended to assist the agency with compliance with this section may be recalled.

Amended by Chapter 330, 2023 General Session

63M-7-218 State grant requirements.

Beginning July 1, 2023, the commission may not award any grant of state funds to any entity subject to, and not in compliance with, the reporting requirements in Subsections 63A-16-1002(5) (a) through (r).

Amended by Chapter 158, 2023 General Session

Amended by Chapter 161, 2023 General Session

Amended by Chapter 382, 2023 General Session

63M-7-219 Victim Services Restricted Account -- Funding -- Uses.

- (1) There is created in the General Fund a restricted account known as the "Victim Services Restricted Account."
- (2) The Victim Services Restricted Account is funded by:
 - (a) money appropriated to the account by the Legislature;
 - (b) gifts, donations, or grants from private entities or individuals; and
 - (c) interest earned on money in the account.
- (3) Subject to appropriation, the Legislature shall use the funds in the Victim Services Restricted Account to fund services for victims, including using funds for:
 - (a) services provided by Children's Justice Centers;
 - (b) services for sexual assault and domestic violence victims;
 - (c) services recommended by the Utah Victim Services Commission under Section 63M-7-804;or
 - (d) any administrative costs associated with implementing victim services.

Enacted by Chapter 150, 2023 General Session