***Effective 5/4/2022***

# Chapter 13g
# Probation and Parole Employment Incentive Program

**64-13g-101 Definitions.**

As used in this chapter:

(1) "Average daily population" means the average daily number of individuals on parole or felony probation in the region during the applicable fiscal year.

(2) "Baseline parole employment rate" means the average of the parole employment rates for fiscal years 2023, 2024, and 2025.

(3) "Baseline probation employment rate" means the average of the probation employment rates for fiscal years 2023, 2024, and 2025.

(4) "Department" means the Department of Corrections.

(5) "Eligible employment" means an occupation, or combined occupations, that:

(a) consist of at least 130 hours in a 30-day period; and

(b) are verified via paystubs, employment letters, contracts, or other reliable methods, as determined by the department.

(6) "Evidence-based" means a supervision policy, procedure, program, or practice demonstrated by scientific research to reduce recidivism of individuals on parole or felony probation.

(7) "Marginal cost of incarceration" means the total costs of incarceration, per inmate, that fluctuate based on inmate population.

(8) "Office" means the Governor's Office of Planning and Budget.

(9) "Parole employment rate" means the percentage of individuals on parole who held eligible employment for at least nine months in a one-year period, if at least a portion of the nine-months was during the preceding fiscal year.

(10) "Probation employment rate" means the percentage of individuals on felony probation who held eligible employment for at least nine months in a one-year period, if at least a portion of the nine-months was during the preceding fiscal year.

(11) "Program" means the Adult Probation and Parole Employment Incentive Program, created in Section 64-13g-102.

(12) "Region" means one of the geographic regions into which the Department of Corrections has divided the state for purposes of supervising adult probation and parole.

(13) "Restricted account" means the Employment Incentive Restricted Account created in Section 64-13g-103.

Enacted by Chapter 393, 2022 General Session

**64-13g-102 Adult Probation and Parole Employment Incentive Program.**

(1) There is created the Adult Probation and Parole Employment Incentive Program.

(2) The department and the office shall implement the program in accordance with the requirements of this chapter.

(3) Beginning July 2026, and each July after 2026, the department shall calculate and report to the office, for the preceding fiscal year, for each region and statewide:

(a) the parole employment rate and the average length of employment of individuals on parole;

(b) the probation employment rate and average length of employment of individuals on felony probation;

(c) the recidivism percentage, using applicable recidivism metrics described in Subsections 63M-7-102(1) and (3);
(d) the number and percentage of individuals who successfully complete parole or felony probation;
(e) if the recidivism percentage described in Subsection (3)(c) represents a decrease in the recidivism percentage when compared to the fiscal year immediately preceding the fiscal year to which the recidivism percentage described in Subsection (3)(c) relates, the estimated costs of incarceration savings to the state, based on the marginal cost of incarceration;
(f) the number of individuals who successfully complete parole and, during the entire six months before the day on which the individuals' parole ends, held eligible employment; and
(g) the number of individuals who successfully complete felony probation and, during the entire six months before the day on which the individuals' parole ended, held eligible employment.
(4) In addition to the information described in Subsection (3), the department shall report, for each region, the number and types of parole or probation programs that were created, replaced, or discontinued during the preceding fiscal year.
(5) After receiving the information described in Subsections (3) and (4), the office, in consultation with the department, shall, for each region:
(a) add the region's baseline parole employment rate and the region's baseline probation employment rate;
(b) add the region's parole employment rate and the region's probation employment rate;
(c) subtract the sum described in Subsection (5)(a) from the sum described in Subsection (5)(b); and
(d)
(i) if the rate difference described in Subsection (5)(c) is zero or less than zero, assign an employment incentive payment of zero to the region; or
(ii) except as provided in Subsection (7), if the rate difference described in Subsection (5)(c) is greater than zero, assign an employment incentive payment to the region by:
(A) multiplying the rate difference by the average daily population for that region; and
(B) multiplying the product of the calculation described in Subsection (5)(d)(ii)(A) by $2,500.
(6) In addition to the employment incentive payment described in Subsection (5), after receiving the information described in Subsections (3) and (4), the office, in consultation with the department, shall, for each region, multiply the sum of the numbers described in Subsections (3)(f) and (g) for the region by $2,500 to determine the end-of-supervision employment incentive payment for the region.
(7) The employment incentive payment, or end-of-supervision employment supervision payment, for a region is zero if the recidivism percentage for the region, described in Subsection (3)(c), represents an increase in the recidivism percentage when compared to the fiscal year immediately preceding the fiscal year to which the recidivism percentage for the region, described in Subsection (3)(c), relates.
(8) Upon determining an employment incentive payment for a region in accordance with Subsections (5)(d)(ii), (6), and (7), the office shall authorize distribution, from the restricted account, of the incentive payment as follows:
(a) 15% of the payment may be used by the department for expenses related to administering the program; and
(b) 85% of the payment shall be used by the region to improve and expand supervision and rehabilitative services to individuals on parole or adult probation, including by:
(i) implementing and expanding evidence-based practices for risk and needs assessments for individuals;

(ii) implementing and expanding intermediate sanctions, including mandatory community service, home detention, day reporting, restorative justice programs, and furlough programs;
(iii) expanding the availability of evidence-based practices for rehabilitation programs, including drug and alcohol treatment, mental health treatment, anger management, cognitive behavior programs, and job training and other employment services;
(iv) hiring additional officers, contractors, or other personnel to implement evidence-based practices for rehabilitative and vocational programing;
(v) purchasing and adopting new technologies or equipment that are relevant to, and enhance, supervision, rehabilitation, or vocational training; or
(vi) evaluating the effectiveness of rehabilitation and supervision programs and ensuring program fidelity.

(9)
(a) The report described in Subsections (3) and (4) is a public record.
(b) The department shall maintain a complete and accurate accounting of the payment and use of funds under this section.
(c) If the money in the restricted account is insufficient to make the full employment incentive payments or the full end-of-supervision employment incentive payments, the office shall authorize the payments on a prorated basis.

Amended by Chapter 208, 2024 General Session

**64-13g-103 Employment Incentive Restricted Account.**

(1) There is created within the General Fund a restricted account known as the "Employment Incentive Restricted Account."
(2) The account consists of appropriations made by the Legislature.
(3) The office shall authorize expenditures from the account in accordance with Section 64-13g-102.
(4) Subject to legislative appropriations, the department and each region shall expend money from the restricted account only in accordance with Subsection 64-13g-102(8).

Enacted by Chapter 393, 2022 General Session