

88 designated by the correctional facility administrator shall conduct a mental health evaluation of
89 the subject prisoner ~~H→ [:] , and shall explain what efforts have been made to address the~~
89a **findings of the evaluation including provision of medication or other treatment.** ←H

90 (3) Upon the filing of a petition, the district court shall hold a hearing within three
91 working days. The court:

92 (a) shall confidentially review the prisoner's medical and mental health records as they
93 are available ~~H→ , including the evaluation referenced in this section~~ ←H :

94 (b) may hear testimony or receive evidence, subject to the Utah Rules of Evidence,
95 concerning the circumstances of the prisoner's lack of nutrition or hydration; and

96 (c) may exclude from the hearing any person whose presence is not necessary for the
97 purposes of the hearing, due to the introduction of personal medical and mental health
98 evidence.

99 (4) After conducting the hearing under Subsection (3), the district court shall issue an
100 order to involuntarily feed or hydrate the prisoner, if the court finds by a preponderance of
101 evidence that:

102 (a) (i) the prisoner is likely to suffer severe harm or death by refusing to accept
103 sufficient nutrition or hydration; and

104 (ii) the correctional facility's medical or penological objectives are valid and outweigh
105 the prisoner's right to refuse treatment; or

106 (b) the prisoner is refusing sufficient nutrition or hydration with the intent to obstruct
107 or delay any judicial or administrative proceeding pending against the prisoner.

108 (5) The district court shall state its findings of fact and conclusions of law on the
109 record.

110 (6) The correctional facility administrator shall serve copies of the petition and a notice
111 of the district court hearing on the prisoner and the prisoner's counsel, if the prisoner is
112 represented by counsel, at least 48 hours in advance of the hearing under Subsection (3).

113 (7) The prisoner has the right to attend the hearing, testify, present evidence, and
114 cross-examine witnesses.

115 Section 5. Section **77-16b-105** is enacted to read:

116 **77-16b-105. Involuntary feeding or hydration of prisoners -- Standards,**
117 **continuing jurisdiction, and records.**

118 (1) Any involuntary nutrition or hydration of a prisoner pursuant to this chapter shall