

214 (A) the defendant needs substance abuse or mental health treatment, as determined by a
215 validated risk and needs screening ~~H→~~ [or] and ~~←H~~ assessment, that warrants treatment services
215a that are
216 immediately available in the community; or

217 (B) the sentence previously imposed shall be executed.

218 (iv) If the defendant had, prior to the imposition of a term of incarceration or the
219 execution of the previously imposed sentence under this Subsection (12), served time in jail as
220 a condition of probation or due to a violation of probation under Subsection 77-18-1(12)(e)(iii),
221 the time the probationer served in jail constitutes service of time toward the sentence
222 previously imposed.

223 (13) The court may order the defendant to commit himself or herself to the custody of
224 the Division of Substance Abuse and Mental Health for treatment at the Utah State Hospital as
225 a condition of probation or stay of sentence, only after the superintendent of the Utah State
226 Hospital or the superintendent's designee has certified to the court that:

- 227 (a) the defendant is appropriate for and can benefit from treatment at the state hospital;
- 228 (b) treatment space at the hospital is available for the defendant; and
- 229 (c) persons described in Subsection 62A-15-610(2)(g) are receiving priority for
230 treatment over the defendants described in this Subsection (13).

231 (14) Presentence investigation reports are classified protected in accordance with Title
232 63G, Chapter 2, Government Records Access and Management Act. Notwithstanding Sections
233 63G-2-403 and 63G-2-404, the State Records Committee may not order the disclosure of a
234 presentence investigation report. Except for disclosure at the time of sentencing pursuant to
235 this section, the department may disclose the presentence investigation only when:

- 236 (a) ordered by the court pursuant to Subsection 63G-2-202(7);
- 237 (b) requested by a law enforcement agency or other agency approved by the department
238 for purposes of supervision, confinement, and treatment of the offender;
- 239 (c) requested by the Board of Pardons and Parole;
- 240 (d) requested by the subject of the presentence investigation report or the subject's
241 authorized representative; or
- 242 (e) requested by the victim of the crime discussed in the presentence investigation
243 report or the victim's authorized representative, provided that the disclosure to the victim shall
244 include only information relating to statements or materials provided by the victim, to the