

Senator David G. Buxton proposes the following substitute bill:

OFFENDER HOUSING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeremy A. Peterson

Senate Sponsor: David G. Buxton

6	Cosponsors:	Karianne Lisonbee	V. Lowry Snow
7	Cheryl K. Acton	Kelly B. Miles	Robert M. Spendlove
8	Stewart E. Barlow	Lee B. Perry	Norman K. Thurston
9	Susan Duckworth	Dixon M. Pitcher	Raymond P. Ward
10	Rebecca P. Edwards	Val K. Potter	Elizabeth Weight
11	Justin L. Fawson	Paul Ray	Mark A. Wheatley
12	Gage Froerer	Edward H. Redd	Logan Wilde
13	Craig Hall	Marc K. Roberts	Brad R. Wilson
14	Stephen G. Handy	Angela Romero	Mike Winder
15	Sandra Hollins	Scott D. Sandall	
16	Eric K. Hutchings	Mike Schultz	

17

18 **LONG TITLE**

19 **General Description:**

20 This bill creates a process and formula for determining the release of offenders to
21 community correctional centers.

22 **Highlighted Provisions:**

23 This bill:

- 24 ▶ defines terms;



- 25 ▶ provides that the Department of Corrections ~~shall~~ may establish community
- 25a correctional
- 26 centers; and
- 27 ▶ sets a cap on the number of offenders that may be released to a community
- 28 correctional center based on population.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 ENACTS:

- 35 **64-13f-101**, Utah Code Annotated 1953
- 36 **64-13f-102**, Utah Code Annotated 1953
- 37 **64-13f-103**, Utah Code Annotated 1953

39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **64-13f-101** is enacted to read:

41 **CHAPTER 13f. COMMUNITY CORRECTIONAL CENTERS**

42 **64-13f-101. Title.**

43 This chapter is known as "Community Correctional Centers."

44 Section 2. Section **64-13f-102** is enacted to read:

45 **64-13f-102. Definitions.**

46 As used in this chapter:

47 (1) "Base percentage" means the population of a county or county zone as a percentage
48 of the state population on June 30, 2023, and June 30 of every fifth subsequent year,
49 determined using:

50 (a) the most recent United States decennial or special census; or

51 (b) another method used by the United States or state governments.

52 (2) "Cap" means the base percentage multiplied by the total number of offenders
53 housed in community correctional centers throughout the state on June 30, 2023, and June 30
54 of every fifth subsequent year.

55 (3) "Community correctional center" means the same as that term is defined in

56 Subsection 64-13-1(2).

57 (4) "County zone" means the eastern zone, northern zone, or western zone.

58 (5) "Department" means the Department of Corrections.

59 (6) (a) "Eastern zone" means, except as provided in Subsection (6)(b), Carbon,

60 Daggett, Duchesne, Emery, Grand, San Juan, and Uintah counties.

61 (b) A county with a population of 150,000 or more on the date the base percentage is
62 determined is not part of the eastern zone.

63 (7) (a) "Northern zone" means, except as provided in Subsection (7)(b), Box Elder,

64 Cache, Morgan, Rich, Summit, and Wasatch counties.

65 (b) A county with a population of 150,000 or more on the date the base percentage is
66 determined is not part of the northern zone.

67 (8) "Offender" means the same as that term is defined in Subsection 64-13-1(9).

68 (9) (a) "Western zone" means, except as provided in Subsection (9)(b), Beaver,

69 Garfield, Tooele, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, and Wayne counties.

70 (b) A county with a population of 150,000 or more on the date the base percentage is
71 determined is not part of the western zone.

72 Section 3. Section **64-13f-103** is enacted to read:

73 **64-13f-103. Establishment of community correctional centers -- Cap --**

74 **Rulemaking.**

75 (1) ~~Ĥ→ [The department shall:]~~ **Subject to appropriation by the Legislature, the**
75a **department may: ←Ĥ**

76 (a) establish community correctional centers throughout the state in accordance with
77 this section;

78 (b) project the number of offenders that may be released to community correctional
79 centers throughout the state by September 1, 2023, and September 1 of every fifth subsequent
80 year; and

81 (c) establish, by rule made in accordance with Title 63G, Chapter 3, Utah
82 Administrative Rulemaking Act, a procedure to allocate offenders to community correctional
83 centers consistent with Subsections (2) and (3) and based on the number of offenders projected
84 by the department to be released to community correctional centers under Subsection (1)(b).

85 (2) Except as provided in Subsection (3), after June 30, 2023, the total number of
86 offenders housed in one or more community correctional centers within a county or county

87 zone may not exceed the county or county zone's cap by more than 20%.

88 (3) (a) A county or county zone that exceeds the cap described in Subsection (2) on
89 July 1, 2023, may continue to exceed the cap until the day on which the county or county zone
90 first comes into compliance with the cap.

91 (b) A county or county zone described in Subsection (3)(a) may not exceed the cap
92 after the day on which the county or county zone first comes into compliance with the cap
93 described in Subsection (2).

94 (c) The department shall transfer offenders from a community correctional center in a
95 county or county zone described in Subsection (3)(a) to a community correctional center in
96 another county or county zone that does not meet or exceed the cap described in Subsection (2)
97 until the county or county zone described in Subsection (3)(a) comes into compliance with the
98 cap.