

HB0106S01 compared with HB0106

~~deleted text~~ shows text that was in HB0106 but was deleted in HB0106S01.

Inserted text shows text that was not in HB0106 but was inserted into HB0106S01.

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Representative Val K. Potter proposes the following substitute bill:

EDUCATION GRANT PROGRAM FOR INDIVIDUALS IN THE JUSTICE SYSTEM

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val K. Potter

Senate Sponsor: { } Lyle W. Hillyard

Cosponsors:

Edward H. Redd

Mike Winder

Carl R. Albrecht

John R. Westwood

Eric K. Hutchings

LONG TITLE

General Description:

This bill creates a pilot grant program for education programs for individuals in the justice system.

Highlighted Provisions:

This bill:

- ▶ addresses the duties of the State Commission on Criminal and Juvenile Justice;

HB0106S01 compared with HB0106

- ▶ provides for a pilot grant program to facilitate participation in a qualifying education program by certain individuals in the justice system; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63M-7-204, as last amended by Laws of Utah 2017, Chapter 330

ENACTS:

63M-7-209, Utah Code Annotated 1953

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

Section 1. Section **63M-7-204** is amended to read:

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

HB0106S01 compared with HB0106

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 funded from money from the Law Enforcement

HB0106S01 compared with HB0106

Operations Account created in Section 51-9-411 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;

(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; ~~and~~

(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[-]; ~~and~~

~~(t) allocate and administer grants, from money made available, for pilot qualifying education programs provided for in Section 63M-7-209.~~

(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.

Section 2. Section ~~63M-7-209~~ is enacted to read:

63M-7-209. Pilot program of competency-based career and technical education grants.

(1) As used in this section:

(a) "Certificate program provider" means ~~an institution of higher education, as described in Section 53B-2-101,~~ 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

HB0106S01 compared with HB0106

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) "Service area" means:

~~(i) the area listed in Section 53B-2a-105 for a technical college; or~~

~~(ii) an area listed for a higher education institution for which the higher education institution provides competency-based career and technical education.~~

(f) "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 ~~attorneys~~ employees who:

(a) are located in different prosecutor offices that operate in areas that have proximity to a technical college ~~, as defined in Section 53B-1-101.5~~; 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) The grant program shall include the following established by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:~~

~~(a) an application process for a prosecutor office to follow to establish a qualifying education program;~~

~~(b) demonstration to the satisfaction of the commission that the prosecutor office has:~~

~~(i) a procedure for determining individuals to participate in the qualifying education program to be eligible for an action listed in Subsection (2);~~

~~(ii) coordinated with the certificate program provider for the service area in which the~~

HB0106S01 compared with HB0106

~~prosecutor office is located to provide competency-based career and technical education;~~

~~—— (iii) established a process for tracking individuals participating in and completing a qualifying education program;~~

~~—— (iv) access to community and government counseling programs for the individuals in the qualifying education program;~~

~~—— (v) requirements for participation in employment assistance programs through the certificate program provider or the Department of Workforce Services; and~~

~~—— (vi) a procedure to be followed if an individual who enters a qualifying education program fails to participate in or complete the qualifying education program; and~~

~~—— (c) an outline of how the grant money will be spent;~~

~~—— (4) The commission may determine:~~

~~—— (a) the amount of a grant, subject to budget constraints; and~~

~~—— (b) reporting requirements for grant recipients, which include:~~

~~—— (i) the number of participants under the qualifying education programs receiving the grants; and~~

~~—— (ii) the number of participants that complete the qualifying education program described in Subsection (4)(b)(i).~~

‡ ~~(~~5~~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.~~

~~(~~6~~) If an individual completes a qualifying education program under this section, a court may take an action described in Subsection (2).~~

Legislative Review Note

HB0106S01 compared with HB0106

~~Office of Legislative Research and General Counsel~~ 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.