

Representative Jeremy A. Peterson 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

LONG TITLE

General Description:

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

Highlighted Provisions:

23 This bill:

24 ▶ defines terms;



- 25 ▶ provides that the Department of Corrections shall establish community 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 This bill appropriates in the fiscal year 2019:

- 31 ▶ to Corrections -- Corrections Programs and Operations -- Adult Probation and
- 32 Parole Programs as an ongoing appropriation:

- 33 • from the General Fund, \$2,315,000

- 34 ▶ to Capital Budget -- Capital Development - Other State Government -- Community
- 35 Correctional Centers as an ongoing appropriation:

- 36 • from the General Fund, \$131,900

- 37 ▶ to Capital Budget -- Capital Development - Other State Government -- Community
- 38 Correctional Centers as an one-time appropriation:

- 39 • from the General Fund, \$8,163,000

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 ENACTS:

44 **64-13f-101**, Utah Code Annotated 1953

45 **64-13f-102**, Utah Code Annotated 1953

46 **64-13f-103**, Utah Code Annotated 1953



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

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

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

51 **64-13f-101. Title.**

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

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

54 **64-13f-102. Definitions.**

55 As used in this chapter:

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

- 59 (a) the most recent United States decennial or special census; or
- 60 (b) another method used by the United States or state governments.

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

64 (3) "Community correctional center" means the same as that term is defined in
65 Subsection [64-13-1\(2\)](#).

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

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

68 (6) (a) "Eastern zone" means, except as provided in Subsection (6)(b), Carbon,
69 Daggett, Duchesne, Emery, Grand, San Juan, and Uintah 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 eastern zone.

72 (7) (a) "Northern zone" means, except as provided in Subsection (7)(b), Box Elder,
73 Cache, Morgan, Rich, Summit, and Wasatch counties.

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

76 (8) "Offender" means the same as that term is defined in Subsection [64-13-1\(9\)](#).

77 (9) (a) "Western zone" means, except as provided in Subsection (9)(b), Beaver,
78 Garfield, Tooele, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, and Wayne counties.

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

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

82 **64-13f-103. Establishment of community correctional centers -- Cap --**

83 **Rulemaking.**

84 (1) The department shall:

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

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

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

94 (2) Except as provided in Subsection (3), after June 30, 2023, the total number of
95 offenders housed in one or more community correctional centers within a county or county
96 zone may not exceed the county or county zone's cap by more than 20%.

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

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

103 (c) The department shall transfer offenders from a community correctional center in a
104 county or county zone described in Subsection (3)(a) to a community correctional center in
105 another county or county zone that does not meet or exceed the cap described in Subsection (2)
106 until the county or county zone described in Subsection (3)(a) comes into compliance with the
107 cap.

108 **Section 4. Appropriation.**

109 The following sums of money are appropriated for the fiscal year beginning July 1,
110 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for
111 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
112 Act, the Legislature appropriates the following sums of money from the funds or accounts
113 indicated for the use and support of the government of the state of Utah.

114 ITEM 1

115 To Corrections -- Corrections Programs and Operations

116 From General Fund

\$2,315,000

117 Schedule of Programs:

118	<u>Adult Probation and Parole Programs</u>	<u>\$2,315,000</u>
119	<u>ITEM 2</u>	
120	<u>To Capital Budget -- Capital Development - Other State Government</u>	
121	<u>From General Fund</u>	<u>\$131,900</u>
122	<u>From General Fund, One-time</u>	<u>\$8,163,000</u>
123	<u>Schedule of Programs:</u>	
124	<u>Community Correctional Centers</u>	<u>\$8,294,900</u>

125 The Legislature intends that:

126 (1) one-time appropriations provided under this section be used to establish community
127 correctional centers under Section [64-13f-103](#);

128 (2) ongoing appropriations provided under this section be used to maintain and operate
129 the community correctional centers described in Subsection (1); and

130 (3) under Section [63J-1-603](#), appropriations provided under this section not lapse at the
131 close of fiscal year 2019 and the use of any nonlapsing funds is limited to the purpose
132 described in Subsection (1).