

## HB0126S03 compared with HB0126S02

~~text~~ shows text that was in HB0126S02 but was deleted in HB0126S03.

Inserted text shows text that was not in HB0126S02 but was inserted into HB0126S03.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

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

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**LONG TITLE**

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### General Description:

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

### Highlighted Provisions:

This bill:

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

### Money Appropriated in this Bill:

This bill appropriates in the fiscal year 2019:

- ▶ to Corrections -- Corrections Programs and Operations -- ~~Prison Operations Draper Facility~~ Adult Probation and Parole Programs as an ongoing appropriation:
  - from the General Fund, \$2,315,000
- ▶ to Capital Budget -- Capital Development - Other State Government -- Community Correctional Centers as an ongoing appropriation:
  - from the General Fund, \$131,900
- ▶ to Capital Budget -- Capital Development - Other State Government -- Community Correctional Centers as an one-time appropriation:
  - from the General Fund, \$8,163,000

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

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

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

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

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

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

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### CHAPTER 13f. COMMUNITY CORRECTIONAL CENTERS

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

This chapter is known as "Community Correctional Centers."

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

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

As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Rulemaking.**

(1) The department shall:

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

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

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

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

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

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

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

#### **Section 4. Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for

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fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

### ITEM 1

To Corrections -- Corrections Programs and Operations

From General Fund \$2,315,000

Schedule of Programs:

~~{Corrections}~~ Adult Probation and Parole ~~Programs {and Operations}~~

\$2,315,000

### ITEM 2

To Capital Budget -- Capital Development - Other State Government

From General Fund \$131,900

From General Fund, One-time \$8,163,000

Schedule of Programs:

Community Correctional Centers \$8,294,900

The Legislature intends that:

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

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

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