

Representative Ken Ivory proposes the following substitute bill:

TRAUMA-INFORMED JUSTICE PROVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill addresses trauma-informed justice.

Highlighted Provisions:

This bill:

- ▶ modifies the duties of the Commission on Criminal and Juvenile Justice;
- ▶ creates a trauma-informed justice program, including:
 - defining terms;
 - creating a committee;
 - establishing powers and duties of the committee;
 - providing for a performance incentive grant program; and
 - requiring reporting; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:



26 [63M-7-204](#), as last amended by Laws of Utah 2017, Chapter 330

27 ENACTS:

28 [63M-7-209](#), Utah Code Annotated 1953

29

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

31 Section 1. Section [63M-7-204](#) is amended to read:

32 **[63M-7-204. Duties of commission.](#)**

33 (1) The State Commission on Criminal and Juvenile Justice administration shall:

34 (a) promote the commission's purposes as enumerated in Section [63M-7-201](#);

35 (b) promote the communication and coordination of all criminal and juvenile justice
36 agencies;

37 (c) study, evaluate, and report on the status of crime in the state and on the
38 effectiveness of criminal justice policies, procedures, and programs that are directed toward the
39 reduction of crime in the state;

40 (d) study, evaluate, and report on programs initiated by state and local agencies to
41 address reducing recidivism, including changes in penalties and sentencing guidelines intended
42 to reduce recidivism, costs savings associated with the reduction in the number of inmates, and
43 evaluation of expenses and resources needed to meet goals regarding the use of treatment as an
44 alternative to incarceration, as resources allow;

45 (e) study, evaluate, and report on policies, procedures, and programs of other
46 jurisdictions which have effectively reduced crime;

47 (f) identify and promote the implementation of specific policies and programs the
48 commission determines will significantly reduce crime in Utah;

49 (g) provide analysis and recommendations on all criminal and juvenile justice
50 legislation, state budget, and facility requests, including program and fiscal impact on all
51 components of the criminal and juvenile justice system;

52 (h) provide analysis, accountability, recommendations, and supervision for state and
53 federal criminal justice grant money;

54 (i) provide public information on the criminal and juvenile justice system and give
55 technical assistance to agencies or local units of government on methods to promote public
56 awareness;

57 (j) promote research and program evaluation as an integral part of the criminal and
58 juvenile justice system;

59 (k) provide a comprehensive criminal justice plan annually;

60 (l) review agency forecasts regarding future demands on the criminal and juvenile
61 justice systems, including specific projections for secure bed space;

62 (m) promote the development of criminal and juvenile justice information systems that
63 are consistent with common standards for data storage and are capable of appropriately sharing
64 information with other criminal justice information systems by:

65 (i) developing and maintaining common data standards for use by all state criminal
66 justice agencies;

67 (ii) annually performing audits of criminal history record information maintained by
68 state criminal justice agencies to assess their accuracy, completeness, and adherence to
69 standards;

70 (iii) defining and developing state and local programs and projects associated with the
71 improvement of information management for law enforcement and the administration of
72 justice; and

73 (iv) establishing general policies concerning criminal and juvenile justice information
74 systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this
75 Subsection (1)(m);

76 (n) allocate and administer grants, from money made available, for approved education
77 programs to help prevent the sexual exploitation of children;

78 (o) allocate and administer grants funded from money from the Law Enforcement
79 Operations Account created in Section 51-9-411 for law enforcement operations and programs
80 related to reducing illegal drug activity and related criminal activity;

81 (p) request, receive, and evaluate data and recommendations collected and reported by
82 agencies and contractors related to policies recommended by the commission regarding
83 recidivism reduction;

84 (q) establish and administer a performance incentive grant program that allocates funds
85 appropriated by the Legislature to programs and practices implemented by counties that reduce
86 recidivism and reduce the number of offenders per capita who are incarcerated;

87 (r) oversee or designate an entity to oversee the implementation of juvenile justice

88 reforms; ~~and~~

89 (s) make rules and administer the juvenile holding room standards and juvenile jail
90 standards to align with the Juvenile Justice and Delinquency Prevention Act requirements
91 pursuant to 42 U.S.C. Sec. 5633[-]; and

92 (t) oversee the trauma-informed justice program described in Section [63M-7-209](#).

93 (2) If the commission designates an entity under Subsection (1)(r), the commission
94 shall ensure that the membership of the entity includes representation from the three branches
95 of government and, as determined by the commission, representation from relevant stakeholder
96 groups across all parts of the juvenile justice system, including county representation.

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

98 **63M-7-209. Trauma-informed justice program.**

99 (1) As used in this section:

100 (a) "Committee" means the Multi-Disciplinary Trauma-Informed Committee created
101 under Subsection (2).

102 (b) "First responder" includes:

103 (i) a law enforcement officer, as defined in Section [53-13-103](#);

104 (ii) emergency medical service personnel, as defined in Section [26-8a-102](#); and

105 (iii) a firefighter.

106 (c) "Trauma-informed" means a policy, procedure, program, or practice that
107 demonstrates an ability to minimize retraumatization associated with the criminal and juvenile
108 justice system.

109 (d) "Victim" means the same as that term is defined in Section [77-37-2](#).

110 (2) (a) The commission shall create a committee known as the Multi-Disciplinary
111 Trauma-Informed Committee to assist the commission in meeting the requirements of this
112 section. The commission shall provide for the membership, terms, and quorum requirements of
113 the committee, except that:

114 (i) at least one member of the committee shall be a victim;

115 (ii) the executive director of the Department of Health or the executive director's
116 designee shall be on the committee;

117 (iii) the executive director of the Department of Human Services or the executive
118 director's designee shall be on the committee; and

- 119 (iv) the commission shall terminate the committee on June 30, 2020.
- 120 (b) The commission shall use the Utah Office for Victims of Crime, the Utah Office on
121 Domestic and Sexual Violence, and the Utah Council on Victims of Crime in meeting the
122 requirements of this section.
- 123 (3) (a) The committee shall work with statewide coalitions, children's justice centers,
124 and other stakeholders to complete, by no later than September 1, 2019, a review of current and
125 recommended trauma-informed policies, procedures, programs, or practices in the state's
126 criminal and juvenile justice system, including:
- 127 (i) reviewing the role of victim advocates and victim services in the criminal and
128 juvenile justice system and:
- 129 (A) how to implement the option of a comprehensive, seamless victim advocate system
130 that is based on the best interests of victims and assists a victim throughout the criminal and
131 juvenile justice system or a victim's process of recovering from the trauma the victim
132 experienced as a result of being a victim of crime; and
- 133 (B) recommending what minimum qualifications a victim advocate must meet,
134 including recommending trauma-informed training or trauma-informed continuing education
135 hours;
- 136 (ii) reviewing of best practice standards and protocols, including recommending
137 adoption or creation of trauma-informed interview protocols, that may be used to train persons
138 within the criminal and juvenile justice system concerning trauma-informed policies,
139 procedures, programs, or practices, including training of:
- 140 (A) peace officers that is consistent with the training developed under Section
141 [76-5-608](#);
- 142 (B) first responders;
- 143 (C) prosecutors;
- 144 (D) defense counsel;
- 145 (E) judges and other court personnel;
- 146 (F) the Board of Pardons and Parole and its personnel;
- 147 (G) the Department of Corrections, including Adult Probation and Parole; and
- 148 (H) others involved in the state's criminal and juvenile justice system;
- 149 (iii) recommending outcome based metrics to measure achievement related to

150 trauma-informed policies, procedures, programs, or practices in the criminal and juvenile
151 justice system;

152 (iv) recommending minimum qualifications and continuing education of individuals
153 providing training, consultation, or administrative supervisory consultation within the criminal
154 and juvenile justice system regarding trauma-informed policies, procedures, programs, or
155 practices;

156 (v) identifying needs that are not funded or that would benefit from additional
157 resources;

158 (vi) identifying funding sources, including outlining the restrictions on the funding
159 sources, that may fund trauma-informed policies, procedures, programs, or practices;

160 (vii) reviewing which governmental entities should have the authority to implement
161 recommendations of the committee; and

162 (viii) reviewing the need, if any, for legislation or appropriations to meet budget needs.

163 (b) Whenever the commission conducts a related survey, the commission, when
164 possible, shall include how victims and their family members interact with Utah's criminal and
165 juvenile justice system, including whether the victims and family members are treated with
166 trauma-informed policies, procedures, programs, or practices throughout the criminal and
167 juvenile justice system.

168 (4) The commission shall establish and administer a performance incentive grant
169 program that allocates money appropriated by the Legislature to public or private entities:

170 (a) to provide advocacy and related service for victims in connection with the Board of
171 Pardons and Parole process; and

172 (b) that have demonstrated experience and competency in the best practices and
173 standards of trauma-informed care.

174 (5) The commission shall report to the Judiciary Interim Committee, at the request of
175 the Judiciary Interim Committee, and the Law Enforcement and Criminal Justice Interim
176 Committee by no later than the September 2019 interim regarding the grant under Subsection
177 (4), the committee's activities under this section, and whether the committee should be
178 extended beyond June 30, 2020.

179 Section 3. **Effective date.**

180 If approved by two-thirds of all the members elected to each house, this bill takes effect

181 upon approval by the governor, or the day following the constitutional time limit of Utah
182 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
183 the date of veto override.