

## HB0177S01 compared with HB0177

~~{deleted text}~~ shows text that was in HB0177 but was deleted in HB0177S01.

Inserted text shows text that was not in HB0177 but was inserted into HB0177S01.

**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.

~~{TRAUMA-INFORMED}~~ 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

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#### 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.

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### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### 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

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*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 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

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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 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

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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) oversee the trauma-informed justice program described 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. Trauma-informed justice program.**

(1) As used in this section:

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

(b) "First responder" includes:

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

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

(iii) a firefighter.

(c) "Trauma-informed" means a policy, procedure, program, or practice that demonstrates an ability to minimize retraumatization associated with the criminal and juvenile justice system ~~{ by recognizing the presence of trauma symptoms and acknowledging the role that trauma plays in the life of a victim, a victim's family, agency staff, and others involved with the criminal and juvenile justice system }~~.

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

(2) (a) The commission shall create a committee known as the Multi-Disciplinary

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Trauma-Informed Committee to assist the commission in meeting the requirements of this section. The commission shall provide for the membership, terms, and quorum requirements of the committee, except that:

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

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

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

(iv) the commission shall terminate the committee on June 30, 2020.

(b) The commission shall use the Utah Office for Victims of Crime, the Utah Office on Domestic and Sexual Violence, and the Utah Council on Victims of Crime in meeting the requirements of this section ~~and may work with the Department of Health~~.

(3) (a) The committee shall work with statewide coalitions, children's justice centers, and other stakeholders to complete, by no later than September 1, 2019, a ~~study~~ review of current and recommended trauma-informed policies, procedures, programs, or practices in the state's criminal and juvenile justice system, including:

(i) reviewing the role of victim advocates and victim services in the criminal and juvenile justice system and:

(A) how to implement the option of a comprehensive, seamless victim advocate system that is based on the best interests of victims and assists a victim throughout the criminal and juvenile justice system or a victim's process of recovering from the trauma the victim experienced as a result of being a victim of crime; and

(B) recommending what minimum qualifications a victim advocate must meet, including recommending trauma-informed training or trauma-informed continuing education hours;

(ii) ~~a review~~ reviewing of best practice standards and protocols, including recommending adoption or creation of trauma-informed interview protocols, that may be used to train persons within the criminal and juvenile justice system concerning trauma-informed policies, procedures, programs, or practices, including training of:

(A) peace officers that is consistent with the training developed under Section 76-5-608;

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(B) first responders;

(C) prosecutors;

(D) defense counsel;

(E) judges and other court personnel;

(F) the Board of Pardons and Parole and its personnel;

(G) the Department of Corrections, including Adult Probation and Parole; and

(H) others involved in the state's criminal and juvenile justice system;

(iii) recommending outcome based metrics to measure achievement related to trauma-informed policies, procedures, programs, or practices in the criminal and juvenile justice system;

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

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

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

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

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

(b) ~~{When}~~**Whenever** the commission conducts a related survey, the ~~{committee}~~**commission, when possible**, shall include ~~{in the survey}~~ how victims and their family members interact with Utah's criminal and juvenile justice system, including whether the victims and family members are treated with trauma-informed policies, procedures, programs, or practices throughout the criminal and juvenile justice system.

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

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

(b) that have ~~{been trained}~~**demonstrated experience** and ~~{certified}~~**competency** in the

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best practices and standards of trauma-informed care~~{ to assist victims in participating in the process of the Board of Pardons and Parole and the Department of Correction's release plans}~~.

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

### Section 3. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

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**Legislative Review Note**

**Office of Legislative Research and General Counsel}**