

OFFENDER SUPERVISION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

General Description:

This bill amends provisions relating to the preparation of a presentence investigation report by a Department of Corrections employee.

Highlighted Provisions:

This bill:

- ▶ removes provisions relating to a POST certified Department of Corrections employee's duty to provide investigative services;
- ▶ provides that a Department of Corrections employee who is trained to prepare a presentence investigation report may prepare a report for the court, the department, or the Board of Pardons and Parole; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

64-13-21, as last amended by Laws of Utah 2015, Chapter 412

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



28 Section 1. Section **64-13-21** is amended to read:

29 **64-13-21. Supervision of sentenced offenders placed in community -- Rulemaking**
30 **-- POST certified parole or probation officers and peace officers -- Duties -- Supervision**
31 **fee.**

32 (1) (a) The department, except as otherwise provided by law, shall supervise sentenced
33 offenders placed in the community on probation by the courts, on parole by the Board of
34 Pardons and Parole, or upon acceptance for supervision under the terms of the Interstate
35 Compact for the Supervision of Parolees and Probationers.

36 (b) [~~Standards~~] The department shall establish standards for the supervision of
37 offenders [~~shall be established by the department~~] in accordance with sentencing guidelines,
38 including the graduated sanctions matrix, established by the Utah Sentencing Commission,
39 giving priority, based on available resources, to felony offenders and offenders sentenced
40 pursuant to Subsection [58-37-8\(2\)\(b\)\(ii\)](#).

41 (2) The department shall apply graduated sanctions established by the Utah Sentencing
42 Commission to facilitate a prompt and appropriate response to an individual's violation of the
43 terms of probation or parole, including:

44 (a) sanctions to be used in response to a violation of the terms of probation or parole;
45 and

46 (b) requesting approval from the court or Board of Pardons and Parole to impose a
47 sanction for an individual's violation of the terms of probation or parole, for a period of
48 incarceration of not more than three consecutive days and not more than a total of five days
49 within a period of 30 days.

50 (3) The department shall implement a program of graduated incentives as established
51 by the Utah Sentencing Commission to facilitate the department's prompt and appropriate
52 response to an offender's:

53 (a) compliance with the terms of probation or parole; or

54 (b) positive conduct that exceeds those terms.

55 (4) (a) The department shall, in collaboration with the Commission on Criminal and
56 Juvenile Justice and the Division of Substance Abuse and Mental Health, create standards and
57 procedures for the collection of information, including cost savings related to recidivism
58 reduction and the reduction in the number of inmates, related to the use of the graduated

59 sanctions and incentives, and offenders' outcomes.

60 (b) The collected information shall be provided to the Commission on Criminal and
61 Juvenile Justice not less frequently than annually on or before August 31.

62 (5) Employees of the department who are POST certified as law enforcement officers
63 or correctional officers and who are designated as parole and probation officers by the
64 executive director have the following duties:

65 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance
66 with the conditions of the parole or probation agreement;

67 (b) investigating or apprehending any offender who has escaped from the custody of
68 the department or absconded from supervision;

69 ~~[(c) providing investigative services for the courts, the department, or the Board of
70 Pardons and Parole;]~~

71 ~~[(d)]~~ (c) supervising any offender during transportation; or

72 ~~[(e)]~~ (d) collecting DNA specimens when the specimens are required under Section
73 [53-10-404](#).

74 (6) (a) A monthly supervision fee of \$30 shall be collected from each offender on
75 probation or parole. The fee may be suspended or waived by the department upon a showing
76 by the offender that imposition would create a substantial hardship or if the offender owes
77 restitution to a victim.

78 (b) (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
79 Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the
80 supervision fee and the circumstances under which an offender may request a hearing.

81 (ii) In determining whether the imposition of the supervision fee would constitute a
82 substantial hardship, the department shall consider the financial resources of the offender and
83 the burden that the fee would impose, with regard to the offender's other obligations.

84 (7) (a) The department shall establish a program allowing an offender on probation
85 under Section [77-18-1](#) or on parole under Subsection [76-3-202\(1\)\(a\)](#) to earn credits for the
86 offender's compliance with the terms of the offender's probation or parole, which shall be
87 applied to reducing the period of probation or parole as provided in this Subsection (7).

88 (b) The program shall provide that an offender earns a reduction credit of 30 days from
89 the offender's period of probation or parole for each month the offender completes without any

90 violation of the terms of the offender's probation or parole agreement, including the case action
91 plan.

92 (c) The department shall maintain a record of credits earned by an offender under this
93 Subsection (7) and shall request from the court or the Board of Pardons and Parole the
94 termination of probation or parole not fewer than 30 days prior to the termination date that
95 reflects the credits earned under this Subsection (7).

96 (d) This Subsection (7) does not prohibit the department from requesting a termination
97 date earlier than the termination date established by earned credits under Subsection (7)(c).

98 (e) The court or the Board of Pardons and Parole shall terminate an offender's
99 probation or parole upon completion of the period of probation or parole accrued by time
100 served and credits earned under this Subsection (7) unless the court or the Board of Pardons
101 and Parole finds that termination would interrupt the completion of a necessary treatment
102 program, in which case the termination of probation or parole shall occur when the treatment
103 program is completed.

104 (f) The department shall report annually to the Commission on Criminal and Juvenile
105 Justice on or before August 31:

106 (i) the number of offenders who have earned probation or parole credits under this
107 Subsection (7) in one or more months of the preceding fiscal year and the percentage of the
108 offenders on probation or parole during that time that this number represents;

109 (ii) the average number of credits earned by those offenders who earned credits;

110 (iii) the number of offenders who earned credits by county of residence while on
111 probation or parole;

112 (iv) the cost savings associated with sentencing reform programs and practices; and

113 (v) a description of how the savings will be invested in treatment and
114 early-intervention programs and practices at the county and state levels.

115 (8) Employees of the department who are trained to prepare a presentence investigation
116 report may prepare a presentence investigation report for the court, the department, or the
117 Board of Pardons and Parole.