

**INCARCERATION REPORTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill requires the Department of Corrections and county jails to report on in-custody deaths and opiate addiction treatment plans.

**Highlighted Provisions:**

This bill:

► requires the Department of Corrections and county jails to report to the Commission on Criminal and Juvenile Justice regarding:

- in-custody inmate deaths; and
- treatment plans for inmates with an opiate addiction; and

► requires the Commission on Criminal and Juvenile Justice to compile the information reported and submit the compilation to the Law Enforcement and Criminal Justice Interim Committee.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**17-22-32**, Utah Code Annotated 1953

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



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

Section 1. Section **17-22-32** is enacted to read:

**17-22-32. County jail reporting requirements.**

(1) As used in this section:

(a) "Case action treatment plan" means a document developed by a county jail that identifies the program priorities for the county jail's treatment of an inmate.

(b) "CCJJ" means the Commission on Criminal and Juvenile Justice created in Section [63M-7-201](#).

(c) (i) "In-custody death" means an inmate death that occurs while the inmate is in the custody of a county jail.

(ii) "In-custody death" includes an inmate death that occurs while the inmate is:

(A) being transported for medical care; or

(B) receiving medical care outside of a county jail.

(d) (i) "Inmate" means an individual who is committed to the custody of a county jail in the state.

(ii) "Inmate" does not include an inmate who is housed at a county jail at the request of the Department of Corrections.

(e) "Opiate" means the same as that term is defined in Section [58-37-2](#).

(2) A county jail shall submit a report to CCJJ before August 1 of each year that includes:

(a) the number of in-custody deaths that occurred during the preceding state fiscal year;

(b) the causes of each of the in-custody deaths described in Subsection (2)(a);

(c) the county jail's policy for notifying an inmate's next of kin after the inmate's in-custody death;

(d) a list of the prescription medications the county jail does not provide to an inmate during incarceration;

(e) a case action treatment plan for inmates with an opiate addiction; and

(f) any report the county jail provides under federal law or regulation relating to inmate deaths or treatment for opiate use.

(3) CCJJ shall compile the information from the reports described in Subsection (2)

59 and submit the compilation to the Law Enforcement and Criminal Justice Interim Committee  
60 before November 1 of each year.

61 Section 2. Section **64-13-45** is enacted to read:

62 **64-13-45. Department reporting requirements.**

63 (1) As used in this section:

64 (a) "Case action treatment plan" means a document developed by a county jail that  
65 identifies the program priorities for the department's treatment of an inmate.

66 (b) "CCJJ" means the Commission on Criminal and Juvenile Justice created in Section  
67 63M-7-201.

68 (c) (i) "In-custody death" means an inmate death that occurs while the inmate is in the  
69 custody of the department.

70 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:

71 (A) being transported for medical care; or

72 (B) receiving medical care outside of a correctional facility.

73 (d) "Opiate" means the same as that term is defined in Section 58-37-2.

74 (2) The department shall submit a report to CCJJ before August 1 of each year that  
75 includes:

76 (a) the number of in-custody deaths that occurred during the preceding state fiscal year;

77 (b) the causes of each of the in-custody deaths described in Subsection (2)(a);

78 (c) the department's policy for notifying an inmate's next of kin after the inmate's  
79 in-custody death;

80 (d) a list of the prescription medications the county jail does not provide to an inmate  
81 during incarceration;

82 (e) a case action treatment plan for inmates with an opiate addiction; and

83 (f) any report the county jail provides under federal law or regulation relating to inmate  
84 deaths or treatment for opiate use.

85 (3) CCJJ shall compile the information from the reports described in Subsection (2)

86 and submit the compilation to the Law Enforcement and Criminal Justice Interim Committee

87 before November 1 of each year.

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**