

Senator Todd Weiler proposes the following substitute bill:

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 services.

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;
- treatment services for inmates with an opiate addiction; and
- prescriptions not dispensed to an inmate during incarceration; 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:



26 ENACTS:

27 [17-22-32](#), Utah Code Annotated 1953

28 [64-13-45](#), Utah Code Annotated 1953

29

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

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

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

33 (1) As used in this section:

34 (a) "CCJJ" means the Commission on Criminal and Juvenile Justice created in Section
35 [63M-7-201](#).

36 (b) (i) "In-custody death" means an inmate death that occurs while the inmate is housed
37 in a county jail.

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

39 (A) being transported for medical care; or

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

41 (c) "Inmate" means an individual who is housed by a county jail in the state.

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

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

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

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

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

49 (d) any report the county jail provides under federal law or regulation relating to inmate
50 deaths;

51 (e) a list of the prescription medications that:

52 (i) were prescribed to an inmate before the inmate was admitted to the county jail;

53 (ii) the inmate did not finish taking before the inmate was admitted to the county jail;

54 (iii) the inmate informed the county jail of the inmate's desire or need to continue
55 taking; and

56 (iv) the county jail declined to dispense to the inmate while the inmate was

57 incarcerated at the county jail; and

58 (f) an outline of treatment services available for inmates with an opiate addiction.

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

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

61 before November 1 of each year.

62 Section 2. Section ~~64-13-45~~ is enacted to read:

63 **64-13-45. Department reporting requirements.**

64 (1) As used in this section:

65 (a) "CCJJ" means the Commission on Criminal and Juvenile Justice created in Section
66 [63M-7-201](#).

67 (b) (i) "In-custody death" means an inmate death that occurs while the inmate is housed
68 by the department or a correctional facility other than a county jail.

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

70 (A) being transported for medical care; or

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

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

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

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

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

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

79 (d) any report the department provides under federal law or regulation relating to
80 inmate deaths;

81 (e) a list of the prescription medications that:

82 (i) were prescribed to an inmate before the inmate was admitted to the department or a
83 correctional facility other than a county jail;

84 (ii) the inmate did not finish taking before the inmate was admitted to the department
85 or correctional facility;

86 (iii) the inmate informed the department or correctional facility of the inmate's desire
87 or need to continue taking; and

88 (iv) the department or correctional facility declined to dispense to the inmate while the
89 inmate was incarcerated at the department or correctional facility; and
90 (f) an outline of treatment services available for inmates with an opiate addiction.
91 (3) CCJJ shall compile the information from the reports described in Subsection (2)
92 and submit the compilation to the Law Enforcement and Criminal Justice Interim Committee
93 before November 1 of each year.