

Senator Todd Weiler proposes the following substitute bill:

INCARCERATION REPORTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Carol Spackman Moss

LONG TITLE

General Description:

This bill requires the Department of Corrections and county jails to report on in-custody deaths and alcohol and substance use treatment policies.

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 policies for inmates with a substance or alcohol addiction; and
- medications 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) (i) "In-custody death" means an inmate death that occurs while the inmate is in the
35 custody of a county jail.

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

37 (A) being transported for medical care; or

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

39 (b) "Inmate" means an individual who is processed or booked into custody or housed in
40 a county jail in the state.

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

42 (2) A county jail shall submit a report to the Commission on Criminal and Juvenile
43 Justice, created in Section [63M-7-201](#), before August 1 of each year that includes:

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

45 (b) the known, or discoverable on reasonable inquiry, causes and contributing factors
46 of each of the in-custody deaths described in Subsection (2)(a);

47 (c) all conditions for which the county jail was treating or asked to treat an inmate
48 within 14 days before the inmate's in-custody death;

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

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

52 (i) a county jail knew were prescribed to an inmate within 30 days before the day on
53 which the inmate was booked into custody in the county jail;

54 (ii) the inmate did not finish taking before the day on which the inmate was admitted to
55 the county jail;

56 (iii) the inmate informed the county jail of the inmate's desire or need to continue

57 taking while in custody of the county jail; and

58 (iv) the county jail failed or declined to provide to the inmate while the inmate was in
59 custody of the county jail;

60 (f) the county jail policies, procedures, and protocols:

61 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
62 including use of opiates; and

63 (ii) relating to the county jail's provision, or lack of provision, of medications used to
64 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all
65 forms of buprenorphine and naltrexone.

66 (g) any report the county jail provides or is required to provide under federal law or
67 regulation relating to inmate deaths.

68 (3) The Commission on Criminal and Juvenile Justice shall compile the information
69 from the reports described in Subsection (2) and submit the compilation to the Law
70 Enforcement and Criminal Justice Interim Committee before November 1 of each year.

71 (4) A county jail may not include identifying information in a report described in
72 Subsection (2).

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

74 **64-13-45. Department reporting requirements.**

75 (1) As used in this section:

76 (a) (i) "In-custody death" means an inmate death that occurs while the inmate is in the
77 custody of the department.

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

79 (A) being transported for medical care; or

80 (B) receiving medical care outside of a correctional facility, other than a county jail.

81 (b) "Inmate" means an individual who is processed or booked into custody or housed in
82 the department or a correctional facility other than a county jail.

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

84 (2) The department shall submit a report to the Commission on Criminal and Juvenile
85 Justice, created in Section [63M-7-201](#), before August 1 of each year that includes:

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

87 (b) the known, or discoverable on reasonable inquiry, causes and contributing factors

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

89 (c) all conditions for which the department was treating or asked to treat an inmate
90 within 14 days before the inmate's in-custody death;

91 (d) the department's policy for notifying an inmate's next of kin after the inmate's
92 in-custody death;

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

94 (i) the department knew were prescribed to an inmate within 30 days before the day on
95 which the inmate was admitted to the department or correctional facility other than a county
96 jail;

97 (ii) the inmate did not finish taking before the day on which the inmate was admitted to
98 the department or correctional facility;

99 (iii) the inmate informed the county jail of the inmate's desire or need to continue
100 taking while in custody of the department or correctional facility; and

101 (iv) the department or correctional facility failed or declined to provide to the inmate
102 while the inmate was in custody of the department or correctional facility;

103 (f) the department policies, procedures, and protocols:

104 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
105 including use of opiates; and

106 (ii) relating to the department's provision, or lack of provision, of medications used to
107 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all
108 forms of buprenorphine and naltrexone.

109 (g) any report the department provides or is required to provide under federal law or
110 regulation relating to inmate deaths.

111 (3) The Commission on Criminal and Juvenile Justice shall compile the information
112 from the reports described in Subsection (2) and submit the compilation to the Law
113 Enforcement and Criminal Justice Interim Committee before November 1 of each year.

114 (4) The department may not include identifying information in a report described in
115 Subsection (2).