

Representative Carol Spackman Moss 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 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

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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) So that the state may oversee the inmate healthcare system, a county jail shall
43 submit a report to the Commission on Criminal and Juvenile Justice, created in Section
44 [63M-7-201](#), before August 1 of each year that includes:

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

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

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

50 (d) the county jail policies, procedures, and protocols:

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

53 (ii) relating to the county jail's provision, or lack of provision, of medications used to
54 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all
55 forms of buprenorphine and naltrexone; and

56 (e) any report the county jail provides or is required to provide under federal law or

57 regulation relating to inmate deaths.

58 (3) The Commission on Criminal and Juvenile Justice shall:

59 (a) compile the information from the reports described in Subsection (2);

60 (b) omit or redact any identifying information of an inmate in the compilation to the

61 extent omission or redaction is necessary to comply with state and federal law; and

62 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim

63 Committee before November 1 of each year.

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

65 **64-13-45. Department reporting requirements.**

66 (1) As used in this section:

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

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, other than a county jail.

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

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

75 (2) So that the state may oversee the inmate healthcare system, the department shall
76 submit a report to the Commission on Criminal and Juvenile Justice, created in Section

77 [63M-7-201](#), before August 1 of each year that includes:

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

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

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

83 (d) the department policies, procedures, and protocols:

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

86 (ii) relating to the department's provision, or lack of provision, of medications used to
87 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all

88 forms of buprenorphine and naltrexone; and

89 (e) any report the department provides or is required to provide under federal law or
90 regulation relating to inmate deaths.

91 (3) The Commission on Criminal and Juvenile Justice shall:

92 (a) compile the information from the reports described in Subsection (2);

93 (b) omit or redact any identifying information of an inmate in the compilation to the
94 extent omission or redaction is necessary to comply with state and federal law; and

95 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
96 Committee before November 1 of each year.