

**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

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**LONG TITLE**

**General Description:**

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

**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;

▸ requires the Utah Substance Use and Mental Health Advisory Council to convene a workgroup to study alcohol and substance use withdrawal in county jails; and

▸ requires the Commission on Criminal and Juvenile Justice and the Utah Substance Use and Mental Health Advisory Council to report to the Law Enforcement and Criminal Justice Interim Committee.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



26 This bill provides a repeal date.

27 **Utah Code Sections Affected:**

28 ENACTS:

29 [17-22-32](#), Utah Code Annotated 1953

30 [64-13-45](#), Utah Code Annotated 1953

31 **Uncodified Material Affected:**

32 ENACTS UNCODIFIED MATERIAL



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

35 Section 1. Section [17-22-32](#) is enacted to read:

36 **[17-22-32](#). County jail reporting requirements.**

37 (1) As used in this section:

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

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

41 (A) being transported for medical care; or

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

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

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

46 (2) So that the state may oversee the inmate health care system, a county jail shall  
47 submit a report to the Commission on Criminal and Juvenile Justice, created in Section  
48 [63M-7-201](#), before August 1 of each year that includes:

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

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

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

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

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

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

60 (e) any report the county jail provides or is required to provide under federal law or  
61 regulation relating to inmate deaths.

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

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

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

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

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

69 **64-13-45. Department reporting requirements.**

70 (1) As used in this section:

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

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

74 (A) being transported for medical care; or

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

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

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

79 (2) So that the state may oversee the inmate health care system, the department shall  
80 submit a report to the Commission on Criminal and Juvenile Justice, created in Section  
81 [63M-7-201](#), before August 1 of each year that includes:

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

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

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

87 (d) the department policies, procedures, and protocols;

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

90 (ii) relating to the department's provision, or lack of provision, of medications used to  
91 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all  
92 forms of buprenorphine and naltrexone; and

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

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

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

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

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

101 **Section 3. Substance use in county jails study -- Creation -- Membership -- Duties.**

102 (1) The Utah Substance Use and Mental Health Advisory Council shall convene a  
103 workgroup to study substance use treatment in county jails.

104 (2) The workgroup shall consist of individuals representing:

105 (a) the Division of Substance Abuse and Mental Health within the Department of  
106 Human Services;

107 (b) the Utah Sheriffs' Association;

108 (c) the Statewide Association of Prosecutors of Utah;

109 (d) the Utah Association of Counties;

110 (e) a district attorney or a county attorney actively engaged in the practice of civil or  
111 constitutional law from:

112 (i) a county of the first class described in Section [17-50-501](#); and

113 (ii) one county of the second, third, fourth, fifth, or sixth class described in Section  
114 [17-50-501](#);

115 (f) the Department of Health;

116 (g) the Utah Association of Criminal Defense Lawyers;

117 (h) substance abuse treatment providers in Utah; and

118 (i) other stakeholders, as determined by the council.

119 (3) The workgroup shall identify:

120 (a) the number of deaths in county jails in the state after December 31, 2012, and  
121 before January 1, 2017;

122 (b) treatment and other resources available to an offender suffering from alcohol or  
123 substance use withdrawal in a county jail in the state; and

124 (c) other issues regarding substance use disorder related treatment in county jails in the  
125 state.

126 (4) The council shall present a report of the workgroup's findings, including any  
127 recommendations for legislation, to the Law Enforcement and Criminal Justice Interim  
128 Committee before November 30, 2018.

129 **Section 4. Repeal date.**

130 Uncodified Section 3, Substance Use in County Jails Study, is repealed November 30,  
131 2018.