

1 **PROSECUTOR DATA COLLECTION AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Marsha Judkins**

5 Senate Sponsor: Jacob L. Anderegg

6

7 **LONG TITLE**

8 **General Description:**

9 This bill requires certain agencies and jails throughout the state to provide specific data
10 to the Commission on Criminal and Juvenile Justice.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires prosecutorial agencies, county jails, and the Administrative Office of the
- 14 Courts to provide specific data to the Commission on Criminal and Juvenile Justice;
- 15 ▶ requires that certain information and policies be made available to the public;
- 16 ▶ provides that the commission will compile and analyze the data and include it in an
- 17 annual report;
- 18 ▶ allows the Law Enforcement and Criminal Justice Interim Committee to request
- 19 data and analysis from the commission; and
- 20 ▶ provides that the commission may provide prosecutorial agencies assistance with
- 21 providing the required data.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 [63M-7-204](#), as last amended by Laws of Utah 2019, Chapter 435

29 ENACTS:

30 [17-22-32.4](#), Utah Code Annotated 1953

31 [63M-7-213](#), Utah Code Annotated 1953

32 [78A-2-109.5](#), Utah Code Annotated 1953

33

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

35 Section 1. Section [17-22-32.4](#) is enacted to read:

36 **[17-22-32.4. Jail demographics reporting.](#)**

37 (1) As used in this section, "commission" means the Commission on Criminal and
38 Juvenile Justice created in Section [63M-7-201](#).

39 (2) Each county jail shall compile and provide the following information to the
40 commission on each person booked into the facility:

41 (a) full name;

42 (b) offender tracking number;

43 (c) gender;

44 (d) date of birth;

45 (e) race;

46 (f) ethnicity; and

47 (g) zip code.

48 (3) The information shall be submitted on the last day of June and December of each
49 year for the previous six-month period in the form and manner selected by the commission. If
50 the last day of the month is a Saturday, Sunday, or state holiday, the information shall be
51 submitted on the next working day.

52 Section 2. Section [63M-7-204](#) is amended to read:

53 **[63M-7-204. Duties of commission.](#)**

54 (1) The State Commission on Criminal and Juvenile Justice administration shall:

55 (a) promote the commission's purposes as enumerated in Section [63M-7-201](#);

56 (b) promote the communication and coordination of all criminal and juvenile justice
57 agencies;

58 (c) study, evaluate, and report on the status of crime in the state and on the

59 effectiveness of criminal justice policies, procedures, and programs that are directed toward the
60 reduction of crime in the state;

61 (d) study, evaluate, and report on programs initiated by state and local agencies to
62 address reducing recidivism, including changes in penalties and sentencing guidelines intended
63 to reduce recidivism, costs savings associated with the reduction in the number of inmates, and
64 evaluation of expenses and resources needed to meet goals regarding the use of treatment as an
65 alternative to incarceration, as resources allow;

66 (e) study, evaluate, and report on policies, procedures, and programs of other
67 jurisdictions which have effectively reduced crime;

68 (f) identify and promote the implementation of specific policies and programs the
69 commission determines will significantly reduce crime in Utah;

70 (g) provide analysis and recommendations on all criminal and juvenile justice
71 legislation, state budget, and facility requests, including program and fiscal impact on all
72 components of the criminal and juvenile justice system;

73 (h) provide analysis, accountability, recommendations, and supervision for state and
74 federal criminal justice grant money;

75 (i) provide public information on the criminal and juvenile justice system and give
76 technical assistance to agencies or local units of government on methods to promote public
77 awareness;

78 (j) promote research and program evaluation as an integral part of the criminal and
79 juvenile justice system;

80 (k) provide a comprehensive criminal justice plan annually;

81 (l) review agency forecasts regarding future demands on the criminal and juvenile
82 justice systems, including specific projections for secure bed space;

83 (m) promote the development of criminal and juvenile justice information systems that
84 are consistent with common standards for data storage and are capable of appropriately sharing
85 information with other criminal justice information systems by:

86 (i) developing and maintaining common data standards for use by all state criminal
87 justice agencies;

88 (ii) annually performing audits of criminal history record information maintained by
89 state criminal justice agencies to assess their accuracy, completeness, and adherence to

90 standards;

91 (iii) defining and developing state and local programs and projects associated with the
92 improvement of information management for law enforcement and the administration of
93 justice; and

94 (iv) establishing general policies concerning criminal and juvenile justice information
95 systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this
96 Subsection (1)(m);

97 (n) allocate and administer grants, from money made available, for approved education
98 programs to help prevent the sexual exploitation of children;

99 (o) allocate and administer grants funded from money from the Law Enforcement
100 Operations Account created in Section 51-9-411 for law enforcement operations and programs
101 related to reducing illegal drug activity and related criminal activity;

102 (p) request, receive, and evaluate data and recommendations collected and reported by
103 agencies and contractors related to policies recommended by the commission regarding
104 recidivism reduction;

105 (q) establish and administer a performance incentive grant program that allocates funds
106 appropriated by the Legislature to programs and practices implemented by counties that reduce
107 recidivism and reduce the number of offenders per capita who are incarcerated;

108 (r) oversee or designate an entity to oversee the implementation of juvenile justice
109 reforms;

110 (s) make rules and administer the juvenile holding room standards and juvenile jail
111 standards to align with the Juvenile Justice and Delinquency Prevention Act requirements
112 pursuant to 42 U.S.C. Sec. 5633;

113 (t) allocate and administer grants, from money made available, for pilot qualifying
114 education programs;

115 (u) oversee the trauma-informed justice program described in Section 63M-7-209;
116 [and]

117 (v) administer the Child Welfare Parental Defense Program in accordance with
118 Sections 63M-7-211, 63M-7-211.1, and 63M-7-211.2[-]; and

119 (w) request, receive, evaluate, and publish data collected from prosecutorial agencies,
120 jails, and the Administrative Office of the Courts, in accordance with Sections 17-22-32.4,

121 [63M-7-213](#), and [78A-2-109.5](#).

122 (2) If the commission designates an entity under Subsection (1)(r), the commission
123 shall ensure that the membership of the entity includes representation from the three branches
124 of government and, as determined by the commission, representation from relevant stakeholder
125 groups across all parts of the juvenile justice system, including county representation.

126 Section 3. Section **63M-7-213** is enacted to read:

127 **63M-7-213. Prosecutorial data collection -- Policy transparency.**

128 (1) As used in this section:

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

131 (b) "Prosecutorial agency" means the Office of the Attorney General and any city,
132 county, or district attorney acting as a public prosecutor.

133 (c) "Publish" means to make available to the general public.

134 (2) Beginning July 1, 2021, all prosecutorial agencies within the state shall submit the
135 following data with regards to each criminal case referred to it from a law enforcement agency
136 to the commission for compilation and analysis:

137 (a) the defendant's:

138 (i) full name;

139 (ii) offender tracking number;

140 (iii) date of birth; and

141 (iv) zip code;

142 (b) referring agency;

143 (c) whether the prosecutorial agency filed charges, declined charges, initiated a
144 pre-filing diversion, or asked the referring agency for additional information;

145 (d) if charges were filed, the case number or other nomenclature by which the criminal
146 case can be identified;

147 (e) all charges brought against the defendant;

148 (f) whether bail was requested and, if so, the requested amount;

149 (g) the initial appearance date;

150 (h) the date of initial discovery disclosure;

151 (i) whether post-filing diversion was offered and, if so, whether it was entered;

152 (j) if post-filing diversion or other plea agreement was accepted, the date entered by the
153 court; and

154 (k) the date of conviction, acquittal, plea agreement, dismissal, or other disposition of
155 the case.

156 (3) (a) The information required by Subsection (2), including information that was
157 missing or incomplete at the time of an earlier submission but is presently available, shall be
158 submitted on the last day of March, June, September, and December of each year in the form
159 and manner selected by the commission on the following schedule:

160 (i) the information submitted on March 31 shall be for the period of July 1 through
161 September 30 of the previous year;

162 (ii) the information submitted on June 30 shall be for the period of October 1 through
163 December 31 of the previous year;

164 (iii) the information submitted on September 30 shall be for the period of January 1
165 through March 31 of the current year; and

166 (iv) the information submitted on December 31 shall be for the period of April 1
167 through June 30 of the current year.

168 (b) If the last day of the month is a Saturday, Sunday, or state holiday, the information
169 shall be submitted on the next working day.

170 (4) The prosecutorial agency shall maintain a record of all information collected and
171 transmitted to the commission for 10 years.

172 (5) The commission shall include in the plan required by Subsection [63M-7-204\(1\)\(k\)](#)
173 an analysis of the data received, comparing and contrasting the practices and trends among and
174 between prosecutorial agencies in the state. The Law Enforcement and Criminal Justice Interim
175 Committee may request an in-depth analysis of the data received annually. Any request shall be
176 in writing and specify which data points the report shall focus on.

177 (6) The commission may provide assistance to prosecutorial agencies in setting up a
178 method of collecting and reporting data required by this section.

179 (7) Beginning January 1, 2021, all prosecutorial agencies shall publish specific office
180 policies. If the agency does not maintain a policy on a topic in this subsection, the agency shall
181 affirmatively disclose that fact. Policies shall be published online and made available in printed
182 form on request on the following topics:

- 183 (a) screening and filing criminal charges;
184 (b) plea bargains;
185 (c) sentencing recommendations;
186 (d) discovery practices;
187 (e) prosecution of juveniles, including whether to prosecute a juvenile as an adult;
188 (f) collection of fines and fees;
189 (g) criminal and civil forfeiture practices;
190 (h) services available to victims of crime, both internal to the prosecutorial office and
191 by referral to outside agencies;
192 (i) diversion programs;
193 (j) internal policies for evaluation, discipline, or promotion of prosecutors, and rotation
194 among divisions, units, or assignments by prosecutors throughout or within the prosecutorial
195 office;
196 (k) restorative justice programs; and
197 (l) office training, including a list of in-house training offered to all employees in the
198 previous year.
199 (8) (a) A prosecutorial agency not in compliance with this section by July 1, 2022, in
200 accordance with the commission's guidelines may not receive grants or other funding intended
201 to assist with bringing the agency into compliance with this section. In addition, any funds
202 received for the purpose of bringing the agency into compliance with this section shall be
203 returned to the source of the funding.
204 (b) Only funding received from the commission by a prosecutorial agency specifically
205 intended to assist the agency with compliance with this section may be recalled.
206 Section 4. Section **78A-2-109.5** is enacted to read:
207 **78A-2-109.5. Court demographics reporting.**
208 (1) As used in this section, "commission" means the Commission on Criminal and
209 Juvenile Justice created in Section [63M-7-201](#).
210 (2) The Administrative Office of the Courts shall compile and provide the following
211 information to the commission for each criminal case filed with the court:
212 (a) case number;
213 (b) the defendant's;

214 (i) full name;
215 (ii) offender tracking number; and
216 (iii) date of birth;
217 (c) charges filed;
218 (d) bail amount set by the court, if any; and
219 (e) final disposition of the charges.
220 (3) The information shall be submitted on the last day of June and December of each
221 year for the previous six-month period in the form and manner selected by the commission. If
222 the last day of the month is a Saturday, Sunday, or state holiday, the information shall be
223 submitted on the next working day.