

**Senator Daniel W. Thatcher** proposes the following substitute bill:

**STATEWIDE JAIL DATA AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: Paul Ray

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**LONG TITLE**

**General Description:**

This bill modifies reporting requirements for county jails.

**Highlighted Provisions:**

This bill:

▶ adds certain data reporting requirements related to inmate population to current county jail reporting requirements.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

⠠→ [None] This bill has a Coordination Clause with H.B. 288. ←⠠

**Utah Code Sections Affected:**

AMENDS:

**17-22-32**, as last amended by Laws of Utah 2019, Chapter 311

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

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

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

(1) As used in this section:

**1st Sub. S.B. 193**



26 (a) "Commission" means the Commission on Criminal and Juvenile Justice created in  
 27 Section 63M-7-201.

28 ~~[(a)]~~ (b) (i) "In-custody death" means an inmate death that occurs while the inmate is in  
 29 the custody of a county jail.

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

31 (A) being transported for medical care; or

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

33 ~~[(b)]~~ (c) "Inmate" means an individual who is processed or booked into custody or  
 34 housed in a county jail in the state.

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

36 (2) [A] Each county jail shall submit a report to the [~~Commission on Criminal and~~  
 37 Juvenile Justice, created in Section 63M-7-201,] commission before June 15 of each year that  
 38 includes[:], for the preceding calendar year ~~Ŝ~~→ **if reasonably available** ←~~Ŝ~~ :

39 (a) the average daily inmate population each month;

40 (b) the number of inmates in the county jail on the last day of each month who identify  
 41 as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity  
 42 published by the United States Federal Bureau of Investigation;

43 (c) the number of inmates booked into the county jail;

44 (d) the number of inmates held in the county jail each month on behalf of each of the  
 45 following entities:

46 (i) the Bureau of Indian Affairs;

47 (ii) a state prison;

48 (iii) a federal prison;

49 (iv) the United States Immigration and Customs Enforcement;

50 (v) any other entity with which a county jail has entered a contract to house inmates on  
 51 the entity's behalf;

52 (e) the number of inmates that are denied pretrial release and held in the custody of the  
 53 county jail while the inmate awaited final disposition of the inmate's criminal charges;

54 (f) for each inmate booked into the county jail:

55 (i) the name of the agency that arrested the inmate;

56 (ii) the date and time the inmate was booked into and released from the custody of the

57 county jail;

58 (iii) if the inmate was released from the custody of the county jail, the reason the  
59 inmate was released from the custody of the county jail;

60 (iv) if the inmate was released from the custody of the county jail on a financial  
61 condition, whether the financial condition was set by a bail commissioner or a court;

62 (v) the number of days the inmate was held in the custody of the county jail before  
63 disposition of the inmate's criminal charges;

64 (vi) whether the inmate was released from the custody of the county jail before final  
65 disposition of the inmate's criminal charges; and

66 (vii) the state identification number of the inmate;

67 ~~[(a)]~~ (g) the number of in-custody deaths that occurred [during the preceding calendar  
68 year] at the county jail;

69 ~~[(b)]~~ (h) the known, or discoverable on reasonable inquiry, causes and contributing  
70 factors of each of the in-custody deaths described in Subsection (2)~~[(a)]~~(e);

71 ~~[(c)]~~ (i) the county jail's policy for notifying an inmate's next of kin after the inmate's  
72 in-custody death;

73 ~~[(d)]~~ (j) the county jail policies, procedures, and protocols:

74 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,  
75 including use of opiates;

76 (ii) that relate to the county jail's provision, or lack of provision, of medications used to  
77 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all  
78 forms of buprenorphine and naltrexone; and

79 (iii) that relate to screening, assessment, and treatment of an inmate for a substance use  
80 or mental health disorder; and

81 ~~[(e)]~~ (k) any report the county jail provides or is required to provide under federal law  
82 or regulation relating to inmate deaths.

83 (3) (a) Subsection (2) does not apply to a county jail if the county jail:

84 (i) collects and stores the data described in Subsection (2); and

85 (ii) enters into a memorandum of understanding with the commission that allows the  
86 commission to access the data described in Subsection (2).

87 (b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include

88 a provision to protect any information related to an ongoing investigation and comply with all  
89 applicable federal and state laws.

90 (c) If the commission accesses data from a county jail in accordance with Subsection  
91 (3)(a), the commission may not release a report prepared from that data, unless:

92 (i) the commission provides the report for review to:

93 (A) the county jail; and

94 (B) any arresting agency that is named in the report; and

95 (ii) (A) the county jail approves the report for release;

96 (B) the county jail reviews the report and prepares a response to the report to be  
97 published with the report; or

98 (C) the county jail fails to provide a response to the report within four weeks after the  
99 day on which the commission provides the report to the county jail.

100 [~~3~~] (4) The [~~Commission on Criminal and Juvenile Justice~~] commission shall:

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

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

104 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim  
105 Committee and the Utah Substance Use and Mental Health Advisory Council before November  
106 1 of each year.

107 [~~4~~] (5) The Commission on Criminal and Juvenile Justice may not provide access to  
108 or use a county jail's policies, procedures, or protocols submitted under this section in a manner  
109 or for a purpose not described in this section.

109a **H→ Section 2. Coordination Clause.**

109b **If S.B. 193 and H.B. 288, Prosecutor Data Collection Amendments, both pass and**  
109c **become law, it is the intent of the Legislature that Section 17-22-32.4 enacted in H.B. 288 not**  
109d **take effect.** ←H