

1 **REPORTING REQUIREMENTS FOR COUNTY JAILS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Todd Weiler**

5 House Sponsor: Carol Spackman Moss

7 **LONG TITLE**

8 **General Description:**

9 This bill requires more information to be given on inmate deaths that occur while the
10 inmate is in the custody of a county jail.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires information to be provided on inmate deaths that occur while the inmate is
14 in the custody of a county jail;

15 ▶ requires the Commission on Criminal and Juvenile Justice to submit information
16 gathered from inmate death reports to the protection and advocacy agency
17 designated by the governor before November 1 of each year; and

18 ▶ requires that a report including only the names and causes of death of deceased
19 inmates and the facility in which they were being held in custody will be made
20 available to the public.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 **AMENDS:**

27 **17-22-32**, as last amended by Laws of Utah 2019, Chapter 311

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

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

31 **17-22-32. County jail reporting requirements.**

32 (1) As used in this section:

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

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

36 (A) being transported for medical care; or

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

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

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

41 (2) A county jail shall submit a report to the Commission on Criminal and Juvenile
42 Justice, created in Section 63M-7-201, before June 15 of each year that includes:

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

44 (b) for each in-custody death:

45 (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or
46 disability, if any, of the deceased;

47 (ii) the date, time, and location of death;

48 (iii) the law enforcement agency that detained, arrested, or was in the process of
49 arresting the deceased; and

50 (iv) a brief description of the circumstances surrounding the death;

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

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

55 ~~(d)~~ (e) the county jail policies, procedures, and protocols:

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

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

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

63 ~~(e)~~ (f) any report the county jail provides or is required to provide under federal law
64 or regulation relating to inmate deaths.

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

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

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

69 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
70 Committee and the Utah Substance Use and Mental Health Advisory Council before November
71 1 of each year~~[-]; and~~

72 (d) submit the compilation to the protection and advocacy agency designated by the
73 governor before November 1 of each year.

74 (4) The Commission on Criminal and Juvenile Justice may not provide access to or use
75 a county jail's policies, procedures, or protocols submitted under this section in a manner or for
76 a purpose not described in this section.

77 (5) A report including only the names and causes of death of deceased inmates and the
78 facility in which they were being held in custody will be made available to the public.