

SB0193S01 compared with SB0193

~~deleted text~~ shows text that was in SB0193 but was deleted in SB0193S01.

inserted text shows text that was not in SB0193 but was inserted into SB0193S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: _____

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

Utah Code Sections Affected:

AMENDS:

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

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:

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

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

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

(A) being transported for medical care; or

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

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

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

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

(a) the average daily inmate population each month;

(b) the number of inmates in the county ~~{jail's custody}~~ jail on the last day of each month who identify ~~{, in whole or in part, as each of the following:~~

~~— (i) Alaskan Native;~~

~~— (ii) American Indian;~~

~~— (iii) Asian;~~

~~— (iv) Black or African American;~~

~~— (v) Hispanic or Latino;~~

~~— (vi) Native Hawaiian or Pacific Islander;~~

~~— (vii) White; and~~

~~— (viii) another race}~~ as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity published by the United States Federal Bureau of Investigation;

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(c) the number of inmates ~~admitted to~~ booked into the county ~~jail's facility~~ jail;

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

(i) the Bureau of Indian Affairs;

(ii) a state ~~for~~ prison;

(iii) a federal prison;

~~(iii)~~ iv) the United States Immigration and Customs Enforcement;

~~(iv)~~ the United States Marshals Service; and

~~(v) another entity~~;

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

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

(f) for each inmate booked into the county jail;

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

(ii) the date and time the inmate was booked into and released from the custody of the county jail;

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

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

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

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

(vii) the state identification number of the inmate;

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

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

~~(c)~~ (g)i the county jail's policy for notifying an inmate's next of kin after the

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inmate's in-custody death;

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

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

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

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

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

~~[(3) The]~~ (3) (a) Subsection (2) does not apply to a county jail if the county jail:

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

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

(b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include a provision to protect any information related to an ongoing investigation and comply with all applicable federal and state laws.

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

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

(A) the county jail; and

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

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

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

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

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

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

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

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

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

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