

# HB0033S01 compared with HB0033

~~{deleted text}~~ shows text that was in HB0033 but was deleted in HB0033S01.

inserted text shows text that was not in HB0033 but was inserted into HB0033S01.

**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.

Representative Calvin R. Musselman proposes the following substitute bill:

## COMMUNITY CORRECTIONAL CENTER AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Calvin R. Musselman**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

~~{Committee Note:~~

~~\_\_\_\_\_ The Law Enforcement and Criminal Justice Interim Committee recommended this bill.~~

~~\_\_\_\_\_ Legislative Vote: 14 voting for 0 voting against \_\_\_\_\_ 2 absent~~

~~{General Description:~~

This bill addresses the use of community correctional centers.

### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for the calculation of the community supervision percentage;
- ▶ exempts behavioral health transition facilities from community correctional centers;
- ▶ makes conforming amendments related to a cap; and
- ▶ makes technical changes.

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### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

**64-13-1**, as last amended by Laws of Utah 2016, Chapter 243

**64-13f-102**, as enacted by Laws of Utah 2018, Chapter 194

**64-13f-103**, as enacted by Laws of Utah 2018, Chapter 194

#### ENACTS:

**64-13f-102.5**, Utah Code Annotated 1953

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

Section 1. Section **64-13-1** is amended to read:

#### **64-13-1. Definitions.**

As used in this chapter:

(1) "Behavioral health transition facility" means a nonsecure correctional facility operated by the department for the purpose of providing a therapeutic environment for offenders receiving mental health services.

~~(1)~~ (2) "Case action plan" means a document developed by the Department of Corrections that identifies the program priorities for the treatment of the offender, including the criminal risk factors as determined by a risk and needs assessment conducted by the department.

~~(2)~~ (3) "Community correctional center" means a nonsecure correctional facility operated by the department, but does not include a behavioral health transition facility for the purposes of Section 64-13f-103.

~~(3)~~ (4) "Correctional facility" means any facility operated to house offenders, either in a secure or nonsecure setting:

- (a) by the department; or
- (b) under a contract with the department.

~~(4)~~ (5) "Criminal risk factors" means a person's characteristics and behaviors that:

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(a) affect that person's risk of engaging in criminal behavior; and  
(b) are diminished when addressed by effective treatment, supervision, and other support resources, resulting in a reduced risk of criminal behavior.

~~[(5)]~~ (6) "Department" means the Department of Corrections.

~~[(6)]~~ (7) "Emergency" means any riot, disturbance, homicide, inmate violence occurring in any correctional facility, or any situation that presents immediate danger to the safety, security, and control of the department.

~~[(7)]~~ (8) "Executive director" means the executive director of the Department of Corrections.

~~[(8)]~~ (9) "Inmate" means any person who is committed to the custody of the department and who is housed at a correctional facility or at a county jail at the request of the department.

~~[(9)]~~ (10) "Offender" means any person who has been convicted of a crime for which he may be committed to the custody of the department and is at least one of the following:

- (a) committed to the custody of the department;
- (b) on probation; or
- (c) on parole.

~~[(10)]~~ (11) "Risk and needs assessment" means an actuarial tool validated on criminal offenders that determines:

- (a) an individual's risk of reoffending; and
- (b) the criminal risk factors that, when addressed, reduce the individual's risk of reoffending.

~~[(11)]~~ (12) "Secure correctional facility" means any prison, penitentiary, or other institution operated by the department or under contract for the confinement of offenders, where force may be used to restrain them if they attempt to leave the institution without authorization.

Section 2. Section **64-13f-102** is amended to read:

### **64-13f-102. Definitions.**

As used in this chapter:

~~[(1) "Base percentage" means the population of a county or county zone as a percentage of the state population on June 30, 2023, and June 30 of every fifth subsequent year, determined using:]~~

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~~[(a) the most recent United States decennial or special census; or]~~

~~[(b) another method used by the United States or state governments.]~~

~~[(2)] (1) "Cap" means [the base] no more than 20% above the community supervision percentage multiplied by the [total number of offenders housed in community correctional centers throughout the state on June 30, 2023, and June 30 of every fifth subsequent year] community correctional center projection.~~

~~[(3)] (2) "Community correctional center" means the same as that term is defined in Subsection 64-13-1~~[(2)]~~(3).~~

~~(3) "Community correctional center projection" means the daily average number of offenders projected to be supervised in the community by the department in the next fiscal year multiplied by the percentage of offenders supervised in the community that are also housed in a community correctional center on June 30 of the previous fiscal year.~~

~~(4) "Community supervision percentage" means the percentage calculated by dividing the total number of offenders supervised in the community by the department in each county or county zone by the total number of offenders supervised in the community by the department on June 30, 2024, and on June 30 of every fifth subsequent year.~~

~~[(4)] (5) "County zone" means the eastern zone, northern zone, or western zone.~~

~~[(5)] (6) "Department" means the Department of Corrections.~~

~~[(6)] (7) (a) "Eastern zone" means, except as provided in Subsection ~~[(6)]~~ (7)(b), Carbon, Daggett, Duchesne, Emery, Grand, San Juan, and Uintah counties.~~

~~(b) A county with a population of 150,000 or more on the date the [base] community supervision percentage is determined is not part of the eastern zone.~~

~~[(7)] (8) (a) "Northern zone" means, except as provided in Subsection ~~[(7)]~~ (8)(b), Box Elder, Cache, Morgan, Rich, Summit, and Wasatch counties.~~

~~(b) A county with a population of 150,000 or more on the date the [base] community supervision percentage is determined is not part of the northern zone.~~

~~[(8)] (9) "Offender" means the same as that term is defined in Subsection 64-13-1~~[(9)]~~(10).~~

~~[(9)] (10) (a) "Western zone" means, except as provided in Subsection ~~[(9)]~~ (10)(b), Beaver, Garfield, Tooele, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, and Wayne counties.~~

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(b) A county with a population of 150,000 or more on the date the [base] community supervision percentage is determined is not part of the western zone.

Section 3. Section **64-13f-102.5** is enacted to read:

### **64-13f-102.5. Calculation of the community supervision percentage.**

In calculating the community supervision percentage, the department shall:

(1) ~~{shall}~~ determine the county or county zone in which an offender is supervised by identifying the location of the offender's ~~{most recent court conviction}~~

~~— (2) shall~~ primary offense;

(2) have sole discretion in identifying the offender's primary offense under Subsection (1), taking into account the severity of the crimes for which the offender has been convicted and sentenced; and

(3) only include an offender on probation or parole supervision with the department in the community supervision percentage calculation ~~{, and}~~.

~~{ — (3) may not include convictions for offenses that occur while the offender is in the custody of the department.~~

~~‡~~ Section 4. Section **64-13f-103** is amended to read:

### **64-13f-103. Establishment of community correctional centers -- Cap --**

#### **Rulemaking.**

(1) Subject to appropriation by the Legislature, the department may:

(a) establish community correctional centers throughout the state in accordance with this section;

(b) project the number of offenders that may be released to community correctional centers throughout the state by September 1, 2023, and September 1 of every fifth subsequent year; and

(c) establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a procedure to allocate offenders to community correctional centers consistent with Subsections (2) and (3) and based on the number of offenders projected by the department to be released to community correctional centers under Subsection (1)(b).

(2) Except as provided in Subsection (3), after June 30, 2023, the total number of offenders housed in one or more community correctional centers within a county or county zone may not exceed the county or county zone's cap by more than 20%.

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(3) (a) A county or county zone that exceeds the cap described in Subsection (2) on July 1, 2023, may continue to exceed the cap until the day on which the county or county zone first comes into compliance with the cap.

(b) A county or county zone described in Subsection (3)(a) may not exceed the cap after the day on which the county or county zone first comes into compliance with the cap [~~described in Subsection (2)~~].

(c) The department shall transfer offenders from a community correctional center in a county or county zone described in Subsection (3)(a) to a community correctional center in another county or county zone that does not meet or exceed the cap [~~described in Subsection (2)~~] until the county or county zone described in Subsection (3)(a) comes into compliance with the cap.