

Representative Ryan D. Wilcox proposes the following substitute bill:

JUSTICE REINVESTMENT INITIATIVE MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill requires the Division of Technology Services and the State Commission on Criminal and Juvenile Justice to collaborate on and create a Criminal Justice Database as a repository for statutorily required data collection.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Division of Technology Services to create a database for data required to be reported to the State Commission on Criminal and Juvenile Justice;
- ▶ provides parameters and standards for the database;
- ▶ requires the State Commission on Criminal and Juvenile Justice to assist with the development and management of the database;
- ▶ requires that the State Commission on Criminal and Juvenile Justice provide reports to Interim and Standing Committees; and
- ▶ provides that entities that are not in compliance with reporting requirements may not receive grants from the Commission on Criminal and Juvenile Justice.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:



26 ▶ to the Governor's Office – Commission on Criminal and Juvenile Justice – CCJJ
27 Commission as a one-time appropriation:

- 28 • from the General Fund, One-time, \$13,000,000.

29 **Other Special Clauses:**

30 ~~H~~→ [None] This bill provides a coordination clause. ←~~H~~

31 **Utah Code Sections Affected:**

32 ENACTS:

33 [63A-16-1001](#), Utah Code Annotated 1953

34 [63A-16-1002](#), Utah Code Annotated 1953

35 [63M-7-218](#), Utah Code Annotated 1953



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

38 Section 1. Section **63A-16-1001** is enacted to read:

39 **Part 10. Criminal Justice Database**

40 **63A-16-1001. Definitions.**

41 As used in this part:

42 (1) "Commission" means the State Commission on Criminal and Juvenile Justice
43 created in Section [63M-7-201](#).

44 (2) "Criminal justice agency" means an agency or institution directly involved in the
45 apprehension, prosecution, and incarceration of an individual involved in criminal activity,
46 including law enforcement, correctional facilities, jails, courts, probation, and parole.

47 (3) "Database" means the Criminal Justice Database created in this part.

48 (4) "Division" means the Division of Technology Services created in Section
49 [63A-16-103](#).

50 Section 2. Section **63A-16-1002** is enacted to read:

51 **63A-16-1002. Criminal Justice Database.**

52 (1) The commission shall oversee the creation and management of a Criminal Justice
53 Database, organized by county, and accessible to all criminal justice agencies in the state.

54 (2) The division shall assist with the development and management of the database.

55 (3) The division, in collaboration with the commission, shall create:

56 (a) master standards and formats for information submitted to the database;

57 (b) a portal, bridge, website, or other method for reporting entities to provide the
 58 information;

59 (c) ~~H~~ ~~→~~ ~~[an]~~ ~~a master data management~~ ~~←H~~ ~~index or~~ ~~H~~ ~~→~~ ~~[cataloguing]~~ ~~←H~~ ~~system to~~
 59a assist in the retrieval of information in the
 60 database; ~~H~~ ~~→~~ ~~[and]~~ ~~←H~~

61 (d) a protocol for accessing information in the database ~~H~~ ~~→~~ that complies with state
 61a privacy regulations; and

61b (e) a protocol for real-time audit capability of all data accessed through the portal by
 61c participating data source, data use entities, and regulators ~~←H~~ .

62 (4) The database shall be the repository for the statutorily required data described in:

63 (a) Section 17-22-32, county jail reporting requirements;

64 (b) Section 24-4-118, forfeiture reporting requirements;

65 (c) Section 41-6a-511, courts to collect and maintain data;

66 (d) Section 63M-7-214, law enforcement agency grant reporting;

67 (e) Section 63M-7-216, prosecutorial data collection;

68 (f) Section 64-13-21, supervision of sentenced offenders placed in community;

69 (g) Section 64-13-25, standards for programs;

70 (h) Section 64-13-45, department reporting requirements;

71 (i) Section 64-13e-104, housing of state probationary inmates or state parole inmates;

72 (j) Section 77-7-8.5, use of tactical groups;

73 (k) Section 77-20-103, release data requirements;

74 (l) Section 77-22-2.5, court orders for criminal investigations;

75 (m) Section 78A-2-109.5, court demographics reporting;

76 (n) Section 78B-7-120, lethality assessments; and

77 (o) any other statutes which require the collection of specific data and the reporting of
 78 that data to the commission.

79 (5) The commission shall report:

80 (a) progress on the database, including creation, configuration, and data entered, to the
 81 Law Enforcement and Criminal Justice Interim Committee not later than November 2022; and

82 (b) all data collected as of December 31, 2022, to the Law Enforcement and Criminal
 83 Justice Interim Committee, the House Law Enforcement and Criminal Justice Standing
 84 Committee, and the Senate Judiciary, Law Enforcement and Criminal Justice Standing
 85 Committee not later than January 16, 2023.

86 Section 3. Section 63M-7-218 is enacted to read:

87 **63M-7-218. State grant requirements.**

88 Beginning July 1, 2023, the commission may not award any grant of state funds to any
 89 entity subject to, and not in compliance with, the reporting requirements in Subsections
 90 63A-16-1002(4)(a) through (n).

91 **Section 4. Appropriation.**

92 The following sums of money are appropriated for the fiscal year beginning July 1,
 93 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
 94 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 95 Act, the Legislature appropriates the following sums of money from the funds or accounts
 96 indicated for the use and support of the government of the state of Utah.

97 ITEM 1

98 To Governor's Office -- Commission on Criminal and Juvenile Justice

99 From General Fund, One-time \$13,000,000

100 Schedule of Programs:

101 CCJJ Commission \$13,000,000

102 The Legislature intends that:

103 (1) appropriations provided under this section be used for the development and
 104 management of the Criminal Justice Database described in Section 63A-16-1002; and

105 (2) under Section 63J-1-603, appropriations provided under this section not lapse at the
 106 close of fiscal year 2023 and the use of any nonlapsing funds is limited to the purpose
 107 described in Subsection (1).

107a **Ĥ→ Section 4. Coordinating HB 403 with SB 179. Substantive amendments.**

107b **If this H.B. 403 and S.B. 179, Criminal Justice Amendments, both pass and become law, it is**
 107c **the intent of the Legislature that the Office of Legislative Research and General Counsel, when**
 107d **preparing the Utah Code database for publication:**

107e **(1) modify Section 63A-16-1002 to read as follows:**

107f **"63A-16-1002. Criminal Justice Database.**

107g **(1) The commission shall oversee the creation and management of a Criminal Justice**

107h **Database, organized by county, and accessible to all criminal justice agencies in the state.**

107i **(2) The division shall assist with the development and management of the database.**

107j **(3) The division, in collaboration with the commission, shall create:**

107k **(a) master standards and formats for information submitted to the database;**

107l **(b) a portal, bridge, website, or other method for reporting entities to provide the**
 107m **information;**

107n **(c) an index or cataloguing system to assist in the retrieval of information in the**

107o **database; and**

107p **(d) a protocol for accessing information in the database.**

107q **(4) The database shall be the repository for the statutorily required data from reports**

107r **described in:**

107s **(a) Section 13-53-111, recidivism reporting requirements;**

107t **(b) Section 17-22-32, county jail reporting requirements;**

107u **(c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;**

107v **(d) Section 24-4-118, forfeiture reporting requirements;**

107w **(e) Section 41-6a-511, courts to collect and maintain data;**

107x **(f) Section 63M-7-214, law enforcement agency grant reporting;**

107y **(g) Section 63M-7-216, prosecutorial data collection;**

107z **(h) Section 64-13-21, supervision of sentenced offenders placed in community;**

107aa **(i) Section 64-13-25, standards for programs;**

107ab **(j) Section 64-13-45, department reporting requirements;**

107ac **(k) Section 64-13e-104, housing of state probationary inmates or state parole inmates;**

107ad **(l) Section 77-7-8.5, use of tactical groups;**

107ae **(m) Section 77-20-103, release data requirements;**

107af **(n) Section 77-22-2.5, court orders for criminal investigations;**

107ag **(o) Section 78A-2-109.5, court demographics reporting; and**

107ah **(p) any other statutes which require the collection of specific data and the reporting of**

107ai **that data to the commission.";** and

107aj **(2) not enact Section 63M-7-218 in S.B. 179, and modify Section 63M-7-218 in this H.B.**

107ak **403 to read as follows:**

107al **"63M-7-218. State grant requirements.**

107am **Beginning July 1, 2023, the commission may not award any grant of state funds to any**

107an **entity subject to, and not in compliance with, the reporting requirements described in**

107ao **Subsections 63A-16-1002(4)(a) through (o)."** ←Ĥ