

Representative Karianne Lisonbee proposes the following substitute bill:

**PROBATION AND PAROLE EMPLOYMENT INCENTIVE
PROGRAM**

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill establishes an employment incentive program for adult probation and parole.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Adult Probation and Parole Employment Incentive Program, to be administered by the Department of Corrections and the Governor's Office of Planning and Budget;
- ▶ requires the department to track and report certain statistics and other information relating to adult probation and parole;
- ▶ creates a restricted account to hold money to be used for the employment incentive program;
- ▶ describes the criteria and calculations upon which employment incentives payments are made to the department and to adult probation and parole regions; and
- ▶ provides for disbursement of employment incentive payments and describe the purposes for which the payments may be expended.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **64-13g-101**, Utah Code Annotated 1953

32 **64-13g-102**, Utah Code Annotated 1953

33 **64-13g-103**, Utah Code Annotated 1953



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

36 Section 1. Section **64-13g-101** is enacted to read:

37 **CHAPTER 13g. PROBATION AND PAROLE EMPLOYMENT**

38 **INCENTIVE PROGRAM**

39 **64-13g-101. Definitions.**

40 As used in this chapter:

41 (1) "Average daily population" means the average daily number of individuals on
42 parole or felony probation in the region during the applicable fiscal year.

43 (2) "Baseline parole employment rate" means the average of the parole employment
44 rates for fiscal years ~~2020, 2021, and 2022~~ 2023, 2024, and 2025 .

45 (3) "Baseline probation employment rate" means the average of the probation
46 employment rates for fiscal years ~~2020, 2021, and 2022~~ 2023, 2024, and 2025 .

47 (4) "Department" means the Department of Corrections.

48 (5) "Eligible employment" means an occupation, or combined occupations, that:

49 (a) consist of at least 130 hours in a 30-day period; and

50 (b) are verified via paystubs, employment letters, contracts, or other reliable methods,
51 as determined by the department.

52 (6) "Evidence-based" means a supervision policy, procedure, program, or practice
53 demonstrated by scientific research to reduce recidivism of individuals on parole or felony
54 probation.

55 (7) "Marginal cost of incarceration" means the total costs of incarceration, per inmate,
56 that fluctuate based on inmate population.

57 (8) "Office" means the Governor's Office of Planning and Budget.

58 (9) "Parole employment rate" means the percentage of individuals on parole who held
59 eligible employment for at least nine months in a one-year period, if at least a portion of the
60 nine-months was during the preceding fiscal year.

61 (10) "Probation employment rate" means the percentage of individuals on felony
62 probation who held eligible employment for at least nine months in a one-year period, if at
63 least a portion of the nine-months was during the preceding fiscal year.

64 (11) "Program" means the Adult Probation and Parole Employment Incentive Program,
65 created in Section [64-13g-102](#).

66 (12) "Region" means one of the geographic regions into which the Department of
67 Corrections has divided the state for purposes of supervising adult probation and parole.

68 (13) "Restricted account" means the Employment Incentive Restricted Account created
69 in Section [64-13g-103](#).

70 Section 2. Section **64-13g-102** is enacted to read:

71 **64-13g-102. Adult Probation and Parole Employment Incentive Program.**

72 (1) There is created the Adult Probation and Parole Employment Incentive Program.

73 (2) The department and the office shall implement the program in accordance with the
74 requirements of this chapter.

75 (3) Beginning July ~~2023~~ **2026**, and each July after ~~2023~~ **2026**, the
76 department shall calculate and

76 report to the office, for the preceding fiscal year, for each region and statewide:

77 (a) the parole employment rate and the average length of employment of individuals on
78 parole;

79 (b) the probation employment rate and average length of employment of individuals on
80 felony probation;

81 (c) the percentage of individuals on parole or felony probation who are convicted of a
82 crime committed on or after the day on which the individuals began parole or felony probation;

83 (d) the number and percentage of individuals who successfully complete parole or
84 felony probation;

85 (e) if the recidivism percentage described in Subsection (3)(c) represents a decrease in
86 the recidivism percentage when compared to the fiscal year immediately preceding the fiscal
87 year to which the recidivism percentage described in Subsection (3)(c) relates, the estimated

88 costs of incarceration savings to the state, based on the marginal cost of incarceration;

89 (f) the number of individuals who successfully complete parole and, during the entire
90 six months before the day on which the individuals' parole ends, held eligible employment; and

91 (g) the number of individuals who successfully complete felony probation and, during
92 the entire six months before the day on which the individuals' parole ended, held eligible
93 employment.

94 (4) In addition to the information described in Subsection (3), the department shall
95 report, for each region, the number and types of parole or probation programs that were
96 created, replaced, or discontinued during the preceding fiscal year.

97 (5) After receiving the information described in Subsections (3) and (4), the office, in
98 consultation with the department, shall, for each region:

99 (a) add the region's baseline parole employment rate and the region's baseline probation
100 employment rate;

101 (b) add the region's parole employment rate and the region's probation employment
102 rate;

103 (c) subtract the sum described in Subsection (5)(a) from the sum described in
104 Subsection (5)(b); and

105 (d) (i) if the rate difference described in Subsection (5)(c) is zero or less than zero,
106 assign an employment incentive payment of zero to the region; or

107 (ii) except as provided in Subsection (7), if the rate difference described in Subsection
108 (5)(c) is greater than zero, assign an employment incentive payment to the region by:

109 (A) multiplying the rate difference by the average daily population for that region; and

110 (B) multiplying the product of the calculation described in Subsection (5)(d)(ii)(A) by
111 \$2,500.

112 (6) In addition to the employment incentive payment described in Subsection (5), after
113 receiving the information described in Subsections (3) and (4), the office, in consultation with
114 the department, shall, for each region, multiply the sum of the numbers described in
115 Subsections (3)(f) and (g) for the region by \$2,500 to determine the end-of-supervision
116 employment incentive payment for the region.

117 (7) The employment incentive payment, or end-of-supervision employment supervision
118 payment, for a region is zero if the recidivism percentage for the region, described in

119 Subsection (3)(c), represents an increase in the recidivism percentage when compared to the
120 fiscal year immediately preceding the fiscal year to which the recidivism percentage for the
121 region, described in Subsection (3)(c), relates.

122 (8) Upon determining an employment incentive payment for a region in accordance
123 with Subsections (5)(d)(ii), (6), and (7), the office shall authorize distribution, from the
124 restricted account, of the incentive payment as follows:

125 (a) 15% of the payment may be used by the department for expenses related to
126 administering the program; and

127 (b) 85% of the payment shall be used by the region to improve and expand supervision
128 and rehabilitative services to individuals on parole or adult probation, including by:

129 (i) implementing and expanding evidence-based practices for risk and needs
130 assessments for individuals;

131 (ii) implementing and expanding intermediate sanctions, including mandatory
132 community service, home detention, day reporting, restorative justice programs, and furlough
133 programs;

134 (iii) expanding the availability of evidence-based practices for rehabilitation programs,
135 including drug and alcohol treatment, mental health treatment, anger management, cognitive
136 behavior programs, and job training and other employment services;

137 (iv) hiring additional officers, contractors, or other personnel to implement
138 evidence-based practices for rehabilitative and vocational programing;

139 (v) purchasing and adopting new technologies or equipment that are relevant to, and
140 enhance, supervision, rehabilitation, or vocational training; or

141 (vi) evaluating the effectiveness of rehabilitation and supervision programs and
142 ensuring program fidelity.

143 (9) (a) The report described in Subsections (3) and (4) is a public record.

144 (b) The department shall maintain a complete and accurate accounting of the payment
145 and use of funds under this section.

146 (c) If the money in the restricted account is insufficient to make the full employment
147 incentive payments or the full end-of-supervision employment incentive payments, the office
148 shall authorize the payments on a prorated basis.

149 Section 3. Section **64-13g-103** is enacted to read:

150 **64-13g-103. Employment Incentive Restricted Account.**

151 (1) There is created within the General Fund a restricted account known as the
152 "Employment Incentive Restricted Account."

153 (2) The account consists of appropriations made by the Legislature.

154 (3) The office shall authorize expenditures from the account in accordance with
155 Section [64-13g-102](#).

156 (4) Subject to legislative appropriations, the department and each region shall expend
157 money from the restricted account only in accordance with Subsection [64-13g-102\(8\)](#).