

**Representative Calvin R. Musselman** proposes the following substitute bill:

**COMMUNITY CORRECTIONAL CENTER REVISIONS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Calvin R. Musselman**

Senate Sponsor: David G. Buxton

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**LONG TITLE**

**General Description:**

This bill concerns community correctional centers.

**Highlighted Provisions:**

This bill:

- ▶ amends county zone definitions for community correctional centers;
- ▶ establishes procedures and criteria for:
  - transferring offenders between community correctional centers; and
  - establishing a new community correctional center; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**64-13f-102**, as last amended by Laws of Utah 2021, Chapter 85

**64-13f-103**, as last amended by Laws of Utah 2021, Chapter 85

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

27 Section 1. Section **64-13f-102** is amended to read:

28 **64-13f-102. Definitions.**

29 As used in this chapter:

30 (1) "Cap" means no more than 20% above the community supervision percentage  
31 multiplied by the community correctional center projection.

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

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

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

43 (5) "County zone" means the eastern zone, northern zone, or western zone.

44 (6) "Department" means the Department of Corrections.

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

47 (b) A county with a population of [~~+150,000~~] 250,000 or more on the date the  
48 community supervision percentage is determined is not part of the eastern zone.

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

51 (b) A county with a population of [~~+150,000~~] 250,000 or more on the date the  
52 community supervision percentage is determined is not part of the northern zone.

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

55 (10) (a) "Western zone" means, except as provided in Subsection (10)(b), Beaver,  
56 Garfield, Tooele, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, Washington, and Wayne

57 counties.

58 (b) A county with a population of [~~150,000~~] 250,000 or more on the date the  
59 community supervision percentage is determined is not part of the western zone.

60 Section 2. Section **64-13f-103** is amended to read:

61 **64-13f-103. Establishment of community correctional centers -- Cap --**  
62 **Rulemaking -- Procedures.**

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

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

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

69 (c) establish, by rule made in accordance with Title 63G, Chapter 3, Utah  
70 Administrative Rulemaking Act, a procedure to allocate offenders to community correctional  
71 centers consistent with Subsections (2) [~~and~~], (3), and (4) and based on the number of  
72 offenders projected by the department to be released to community correctional centers under  
73 Subsection (1)(b).

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

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

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

82 [(c)] (2) (a) [~~The~~] Except as provided in Subsection (3), the department shall transfer  
83 offenders from a community correctional center in a county or county zone [described in  
84 Subsection (3)(a)] that is exceeding the county's or county zone's cap to a community  
85 correctional center in another county or county zone that [does not meet or exceed the cap until  
86 the county or county zone described in Subsection (3)(a) comes into compliance with the cap]  
87 is not meeting or exceeding the county's or county zone's cap.

88 (b) After a county or county zone transfers offenders under Subsection (2)(a), the  
89 department shall permanently reduce the total number of available beds within the county or  
90 county zone according to the number of offenders transferred to a different community  
91 correctional center under Subsection (2)(a), unless the reduction places the county or county  
92 zone below the county's or county zone's cap.

93 (3) The department may not transfer an offender under Subsection (2)(a) unless the  
94 department determines that the transfer is in the best interest of the offender's successful  
95 re-entry into the community.

96 (4) When opening a new community correctional center, the department shall:

97 (a) determine which counties or county zones are operating in excess of the counties' or  
98 county zones' respective caps;

99 (b) compare the percentages at which the counties or county zones identified in  
100 Subsection (4)(a) are operating above the counties' or county zones' respective caps;

101 (c) use the comparison described in Subsection (4)(b) to determine the number of  
102 offenders who may be transferred from each county or county zone to the new community  
103 correctional center, giving priority to offender transfers from counties or county zones that  
104 have the highest percentages; and

105 (d) limit the offenders who will be placed in the new community correctional center to:

106 (i) offenders who are residents of the county or county zone within which the new  
107 community correctional center is located; or

108 (ii) offenders for whom the placement would be in the best interest of successful  
109 re-entry into the community, as determined by the department.

110 (5) The department shall consider the proximity of the following services to the new  
111 community correctional center when determining the placement of a new community  
112 correctional center within a county or county zone:

113 (a) treatment services;

114 (b) healthcare services;

115 (c) employment services;

116 (d) housing services;

117 (e) transportation services; and

118 (f) other services that contribute to an offender's successful community reintegration.