

## HB0152S01 compared with HB0152

~~deleted text~~ shows text that was in HB0152 but was deleted in HB0152S01.

inserted text shows text that was not in HB0152 but was inserted into HB0152S01.

**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 REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Calvin R. Musselman**

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

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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:

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

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

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

As used in this chapter:

- (1) "Cap" means no more than 20% above the community supervision percentage multiplied by the community correctional center projection.
- (2) "Community correctional center" means the same as that term is defined in ~~[Subsection 64-13-1(3)]~~ Section 64-13-1.
- (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]~~ calendar year multiplied by the daily average percentage of offenders supervised in the community that are also housed in a community correctional center ~~[on June 30 of]~~ for the previous ~~[fiscal]~~ calendar 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]~~.
- (5) "County zone" means the eastern zone, northern zone, or western zone.
- (6) "Department" means the Department of Corrections.
- (7) (a) "Eastern zone" means, except as provided in Subsection (7)(b), Carbon, Daggett, Duchesne, Emery, Grand, San Juan, and Uintah counties.  
(b) A county with a population of ~~[150,000]~~ 250,000 or more on the date the community supervision percentage is determined is not part of the eastern zone.
- (8) (a) "Northern zone" means, except as provided in Subsection (8)(b), Box Elder, Cache, Morgan, Rich, Summit, and Wasatch counties.

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

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

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

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

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

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

(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 (4) 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%.]~~

~~[(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.]~~

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

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

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

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

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

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

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

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

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

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

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

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- (a) treatment services;
- (b) healthcare services;
- (c) employment services;
- (d) housing services;
- (e) transportation services; and
- (f) other services that contribute to an offender's successful community reintegration.