

**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

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**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.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the Division of Technology Services to create a database for information and data required to be reported to the State Commission on Criminal and Juvenile Justice;
- ▶ provides parameters and standards for the database;
- ▶ creates a grant program to assist agencies with compliance;
- ▶ 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.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a coordination clause.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63M-7-214**, as renumbered and amended by Laws of Utah 2020, Chapter 230

33 ENACTS:

34 **63A-16-1001**, Utah Code Annotated 1953

35 **63A-16-1002**, Utah Code Annotated 1953

36 **63M-7-218**, Utah Code Annotated 1953

37 **Utah Code Sections Affected by Coordination Clause:**

38 **63A-16-1002**, Utah Code Annotated 1953

39 **63M-7-218**, Utah Code Annotated 1953



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

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

43 **Part 10. Criminal Justice Database**

44 **63A-16-1001. Definitions.**

45 As used in this part:

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

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

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

52 (4) "Division" means the Division of Technology Services created in Section  
53 [63A-16-103](#).

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

55 **63A-16-1002. Criminal Justice Database.**

56 (1) The commission shall oversee the creation and management of a Criminal Justice

57 Database for information and data required to be reported to the commission, organized by  
58 county, and accessible to all criminal justice agencies in the state.

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

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

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

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

64 (c) a master data management index or system to assist in the retrieval of information  
65 in the database;

66 (d) a protocol for accessing information in the database that complies with state  
67 privacy regulations; and

68 (e) a protocol for real-time audit capability of all data accessed through the portal by  
69 participating data source, data use entities, and regulators.

70 (4) Each criminal justice agency charged with reporting information to the commission  
71 shall provide the data or information to the database in a form prescribed by the commission.

72 (5) The database shall be the repository for the statutorily required data described in:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

87 (o) any other statutes which require the collection of specific data and the reporting of

88 that data to the commission.

89 (6) The commission shall report:

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

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

96 Section 3. Section **63M-7-214** is amended to read:

97 **63M-7-214. Commission on Criminal and Juvenile Justice -- Grants.**

98 (1) As used in this section:

99 (a) "Commission" means the Commission on Criminal and Juvenile Justice created in  
100 Section **63M-7-201**.

101 (b) "Law enforcement agency" means a state or local law enforcement agency.

102 (c) "Other appropriate agency" means a state or local government agency, or a nonprofit  
103 organization, that works to prevent illegal drug activity and enforce laws regarding illegal drug  
104 activity and related criminal activity by:

105 (i) programs, including education, prevention, treatment, and research programs; and

106 (ii) enforcement of laws regarding illegal drugs.

107 (2) The commission shall implement law enforcement operations and programs related  
108 to reducing illegal drug activity as listed in Subsection (3).

109 (3) (a) The first priority of the commission is to annually allocate not more than  
110 \$2,500,000, depending upon funding available from other sources, to directly fund the  
111 operational costs of state and local law enforcement agencies' drug or crime task forces,  
112 including multijurisdictional task forces.

113 (b) The second priority of the commission is to allocate grants for specified law  
114 enforcement agency functions and other agency functions as the commission finds appropriate  
115 to more effectively reduce illegal drug activity and related criminal activity, including  
116 providing education, prevention, treatment, and research programs.

117 (4) (a) In allocating grants and determining the amount of the grants to carry out the  
118 purposes of Subsection (3), the commission shall consider:

119 (i) the demonstrated ability of the agency to appropriately use the grant to implement  
120 the proposed functions and how this function or task force will add to the law enforcement  
121 agency's current efforts to reduce illegal drug activity and related criminal activity; and

122 (ii) the agency's cooperation with other state and local agencies and task forces.

123 (b) Agencies qualify for a grant only if they demonstrate compliance with all reporting  
124 and policy requirements applicable under this section and under Title 63M, Chapter 7,  
125 Criminal Justice and Substance Abuse, in order to qualify as a potential grant recipient.

126 (5) The commission shall allocate grants to local law enforcement agencies to assist in  
127 complying with the requirements of Subsection 63A-16-1002(4). The commission shall only  
128 use funds appropriated for this purpose for the grants.

129 [~~5~~] (6) Recipient agencies may only use grant money after approval or appropriation  
130 by the agency's governing body, and a determination that the grant money is nonlapsing.

131 [~~6~~] (7) A recipient law enforcement agency may use funds granted under this section  
132 only for the purposes stated by the commission in the grant.

133 [~~7~~] (8) (a) For each fiscal year, any law enforcement agency that receives a grant from  
134 the commission under this section shall prepare and file with the commission and the state  
135 auditor a report in a form specified by the commission.

136 (b) The report shall include the following regarding each grant:

137 (i) the agency's name;

138 (ii) the amount of the grant;

139 (iii) the date of the grant;

140 (iv) how the grant has been used; and

141 (v) a statement signed by both the agency's or political subdivision's executive officer  
142 or designee and by the agency's legal counsel, that all grant funds were used for law  
143 enforcement operations and programs approved by the commission and that relate to reducing  
144 illegal drug activity and related criminal activity, as specified in the grant.

145 Section 4. Section **63M-7-218** is enacted to read:

146 **63M-7-218. State grant requirements.**

147 Beginning July 1, 2023, the commission may not award any grant of state funds to any  
148 entity subject to, and not in compliance with, the reporting requirements in Subsections  
149 63A-16-1002(5)(a) through (n).

150 Section 5. **Coordinating H.B. 403 with S.B. 179 -- Substantive amendments.**

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

154 (1) modify Section 63A-16-1002 to read as follows:

155 "63A-16-1002. Criminal Justice Database.

156 (1) The commission shall oversee the creation and management of a Criminal Justice  
157 Database for information and data required to be reported to the commission, organized by  
158 county, and accessible to all criminal justice agencies in the state.

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

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

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

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

164 (c) a master data management index or system to assist in the retrieval of information  
165 in the database;

166 (d) a protocol for accessing information in the database that complies with state  
167 privacy regulations; and

168 (e) a protocol for real-time audit capability of all data accessed through the portal by  
169 participating data source, data use entities, and regulators.

170 (4) Each criminal justice agency charged with reporting information to the commission  
171 shall provide the data or information to the database in a form prescribed by the commission.

172 (5) The database shall be the repository for the statutorily required data described in:

173 (a) Section 13-53-111, recidivism reporting requirements;

174 (b) Section 17-22-32, county jail reporting requirements;

175 (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;

176 (d) Section 24-4-118, forfeiture reporting requirements;

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

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

179 (g) Section 63M-7-216, prosecutorial data collection;

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

- 181           (i) Section 64-13-25, standards for programs;
- 182           (j) Section 64-13-45, department reporting requirements;
- 183           (k) Section 64-13e-104, housing of state probationary inmates or state parole inmates;
- 184           (l) Section 77-7-8.5, use of tactical groups;
- 185           (m) Section 77-20-103, release data requirements;
- 186           (n) Section 77-22-2.5, court orders for criminal investigations;
- 187           (o) Section 78A-2-109.5, court demographics reporting; and
- 188           (p) any other statutes which require the collection of specific data and the reporting of  
189 that data to the commission.
- 190           (6) The commission shall report:
- 191           (a) progress on the database, including creation, configuration, and data entered, to the  
192 Law Enforcement and Criminal Justice Interim Committee not later than November 2022; and
- 193           (b) all data collected as of December 31, 2022, to the Law Enforcement and Criminal  
194 Justice Interim Committee, the House Law Enforcement and Criminal Justice Standing  
195 Committee, and the Senate Judiciary, Law Enforcement and Criminal Justice Standing  
196 Committee not later than January 16, 2023."; and
- 197           (2) not enact Section 63M-7-218 in S.B. 179, and modify Section 63M-7-218 in this  
198 H.B. 403 to read as follows:
- 199           "63M-7-218. State grant requirements.  
200           Beginning July 1, 2023, the commission may not award any grant of state funds to any  
201 entity subject to, and not in compliance with, the reporting requirements in Subsections  
202 63A-16-1002(5)(a) through (o)."