

HB0403S02 compared with HB0403S01

~~text~~ shows text that was in HB0403S01 but was deleted in HB0403S02.

text shows text that was not in HB0403S01 but was inserted into HB0403S02.

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 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 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;

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- ▶ 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:~~

~~—————▶ to the Governor's Office = Commission on Criminal and Juvenile Justice = CCJJ
Commission as a one-time appropriation:~~

~~—————• from the General Fund, One-time, \$13,000,000.} None~~

Other Special Clauses:

~~{None} This bill provides a coordination clause.~~

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

63A-16-1001, Utah Code Annotated 1953

63A-16-1002, Utah Code Annotated 1953

63M-7-218, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

63A-16-1002, Utah Code Annotated 1953

63M-7-218, Utah Code Annotated 1953

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

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

Part 10. Criminal Justice Database

63A-16-1001. Definitions.

As used in this part:

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

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

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

(4) "Division" means the Division of Technology Services created in Section 63A-16-103.

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

63A-16-1002. Criminal Justice Database.

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

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

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

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

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

(c) ~~an~~ **a master data management** index or ~~cataloguing~~ system to assist in the retrieval of information in the database; ~~and~~

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

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

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

~~(4)~~**(5) The database shall be the repository for the statutorily required data described in:**

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

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

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

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

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

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- (f) Section 64-13-21, supervision of sentenced offenders placed in community;
- (g) Section 64-13-25, standards for programs;
- (h) Section 64-13-45, department reporting requirements;
- (i) Section 64-13e-104, housing of state probationary inmates or state parole inmates;
- (j) Section 77-7-8.5, use of tactical groups;
- (k) Section 77-20-103, release data requirements;
- (l) Section 77-22-2.5, court orders for criminal investigations;
- (m) Section 78A-2-109.5, court demographics reporting;
- (n) Section 78B-7-120, lethality assessments; and
- (o) any other statutes which require the collection of specific data and the reporting of that data to the commission.

(f)(5)(6) The commission shall report:

- (a) progress on the database, including creation, configuration, and data entered, to the Law Enforcement and Criminal Justice Interim Committee not later than November 2022; and
- (b) all data collected as of December 31, 2022, to the Law Enforcement and Criminal Justice Interim Committee, the House Law Enforcement and Criminal Justice Standing Committee, and the Senate Judiciary, Law Enforcement and Criminal Justice Standing Committee not later than January 16, 2023.

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

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

- (1) As used in this section:
 - (a) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (b) "Law enforcement agency" means a state or local law enforcement agency.
 - (c) "Other appropriate agency" means a state or local government agency, or a nonprofit organization, that works to prevent illegal drug activity and enforce laws regarding illegal drug activity and related criminal activity by:
 - (i) programs, including education, prevention, treatment, and research programs; and
 - (ii) enforcement of laws regarding illegal drugs.
- (2) The commission shall implement law enforcement operations and programs related to reducing illegal drug activity as listed in Subsection (3).

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

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

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

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

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

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

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

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

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

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

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

(i) the agency's name;

(ii) the amount of the grant;

(iii) the date of the grant;

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(iv) how the grant has been used; and

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

Section ~~{3}~~4. Section **63M-7-218** is enacted to read:

63M-7-218. State grant requirements.

Beginning July 1, 2023, the commission may not award any grant of state funds to any entity subject to, and not in compliance with, the reporting requirements in Subsections 63A-16-1002(~~{4}~~5)(a) through (n).

Section ~~{4. Appropriation:~~

~~— The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act,5. Coordinating H.B. 403 with S.B. 179 -- Substantive amendments.~~

If this H.B. 403 and S.B. 179, Criminal Justice Amendments, both pass and become law, it is the intent of the Legislature ~~{appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah:~~

ITEM 1

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

~~— From General Fund, One-time \$13,000,000~~

~~— Schedule of Programs:~~

~~— CCJJ Commission \$13,000,000~~

~~— The Legislature intends that:~~

~~(1) appropriations provided under this section be used for that the Office of Legislative Research and General Counsel, when preparing the Utah Code database for publication:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Section 17-55-201, Criminal Justice Database described in Section 63A-16-1002;

and

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

~~Coordinating Councils reporting;~~

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

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

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

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

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

~~(i) Section 64-13-25, standards for programs;~~

~~(j) Section 64-13-45, department reporting requirements;~~

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

~~(l) Section 77-7-8.5, use of tactical groups;~~

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

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

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

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

(6) The commission shall report:

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

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

(2) not enact Section 63M-7-218 in S.B. 179, and modify Section 63M-7-218 in this H.B. 403 to read as follows:

"63M-7-218. State grant requirements.

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