

**CRIMINAL JUSTICE AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill addresses provisions related to the criminal justice system.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies provisions requiring a county jail to report certain information to the State Commission on Criminal and Juvenile Justice (CCJJ);
- ▶ prohibits CCJJ from providing a state grant to an agency who is not in compliance with certain statutory reporting requirements;
- ▶ requires a county to create a Criminal Justice Coordinating Council subject to certain requirements;
- ▶ removes provisions related to certification by the Division of Substance Abuse and Mental Health (DSAMH) of treatment providers who work with individuals involved in the criminal justice system;
- ▶ requires DSAMH to:
  - establish outcome measurements for treatment programs, including measurements related to recidivism reduction; and
  - coordinate with the Administrative Office of the Courts, the Department of Corrections (DOC), and the Board of Pardons and Parole to collect certain recidivism data;



- 28           ▶ modifies the Statewide Behavioral Health Crisis Response Account;
- 29           ▶ requires DOC to:
  - 30               • track an offender's compliance with treatment conditions of probation or parole;
  - 31 and
  - 32               • use best efforts to ensure an offender has a case action plan before the day on
  - 33 which supervision of the offender in the community begins;
  - 34           ▶ prohibits DOC from contracting with a county to house state inmates if the county is
  - 35 not in compliance with certain statutory reporting requirements; and
  - 36           ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38           This bill appropriates in fiscal year 2023:

- 39           ▶ to Department of Health and Human Services -- Integrated Health Care Services --
- 40 Non-Medicaid Behavioral Health Treatment and Crisis Response, as an ongoing
- 41 appropriation:
  - 42               • from the General Fund Restricted -- Behavioral Health Crisis Response
  - 43 Account, \$1,000,000.

44 **Other Special Clauses:**

45           None

46 **Utah Code Sections Affected:**

47 AMENDS:

- 48           17-22-32, as last amended by Laws of Utah 2020, Chapters 283 and 413
- 49           62A-4a-412, as last amended by Laws of Utah 2021, Chapters 29, 231, 262, and 419
- 50           62A-15-103, as last amended by Laws of Utah 2021, Chapters 231 and 277
- 51           62A-15-123, as enacted by Laws of Utah 2021, Chapter 76
- 52           63M-7-204, as last amended by Laws of Utah 2021, Chapters 64 and 426
- 53           64-13-6, as last amended by Laws of Utah 2021, Chapters 173, 246, and 260
- 54           64-13-21, as last amended by Laws of Utah 2021, Chapters 173 and 260
- 55           64-13-26, as last amended by Laws of Utah 2015, Chapter 412
- 56           64-13e-103, as last amended by Laws of Utah 2020, Chapter 410

57 ENACTS:

- 58           17-55-101, Utah Code Annotated 1953

59 [17-55-201](#), Utah Code Annotated 1953

60 [63M-7-218](#), Utah Code Annotated 1953

61 REPEALS:

62 [62A-15-103.5](#), as last amended by Laws of Utah 2021, Chapter 64



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

65 Section 1. Section **17-22-32** is amended to read:

66 **17-22-32. County jail reporting requirements.**

67 (1) As used in this section:

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

70 (b) (i) "In-custody death" means an inmate death that occurs while the inmate is in the  
71 custody of a county jail.

72 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:

73 (A) being transported for medical care; or

74 (B) receiving medical care outside of a county jail.

75 (c) "Inmate" means an individual who is processed or booked into custody or housed in  
76 a county jail in the state.

77 (d) "Opiate" means the same as that term is defined in Section [58-37-2](#).

78 (2) Each county jail shall submit a report to the commission before June 15 of each year  
79 that includes, for the preceding calendar year [~~if reasonably available~~]:

80 (a) the average daily inmate population each month;

81 (b) the number of inmates in the county jail on the last day of each month who identify  
82 as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity

83 published by the United States Federal Bureau of Investigation;

84 (c) the number of inmates booked into the county jail;

85 (d) the number of inmates held in the county jail each month on behalf of each of the  
86 following entities:

87 (i) the Bureau of Indian Affairs;

88 (ii) a state prison;

89 (iii) a federal prison;

- 90 (iv) the United States Immigration and Customs Enforcement;
- 91 (v) any other entity with which a county jail has entered a contract to house inmates on
- 92 the entity's behalf;
- 93 (e) the number of inmates that are denied pretrial release and held in the custody of the
- 94 county jail while the inmate awaited final disposition of the inmate's criminal charges;
- 95 (f) for each inmate booked into the county jail:
- 96 (i) the name of the agency that arrested the inmate;
- 97 (ii) the date and time the inmate was booked into and released from the custody of the
- 98 county jail;
- 99 (iii) if the inmate was released from the custody of the county jail, the reason the
- 100 inmate was released from the custody of the county jail;
- 101 (iv) if the inmate was released from the custody of the county jail on a financial
- 102 condition, whether the financial condition was set by a bail commissioner or a court;
- 103 (v) the number of days the inmate was held in the custody of the county jail before
- 104 disposition of the inmate's criminal charges;
- 105 (vi) whether the inmate was released from the custody of the county jail before final
- 106 disposition of the inmate's criminal charges; and
- 107 (vii) the state identification number of the inmate;
- 108 (g) the number of in-custody deaths that occurred at the county jail;
- 109 (h) for each in-custody death;
- 110 (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or
- 111 disability, if any, of the deceased;
- 112 (ii) the date, time, and location of death;
- 113 (iii) the law enforcement agency that detained, arrested, or was in the process of
- 114 arresting the deceased; and
- 115 (iv) a brief description of the circumstances surrounding the death;
- 116 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
- 117 each of the in-custody deaths described in Subsection (2)(g);
- 118 (j) the county jail's policy for notifying an inmate's next of kin after the inmate's
- 119 in-custody death;
- 120 (k) the county jail policies, procedures, and protocols:

121 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,  
122 including use of opiates;

123 (ii) that relate to the county jail's provision, or lack of provision, of medications used to  
124 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all  
125 forms of buprenorphine and naltrexone; and

126 (iii) that relate to screening, assessment, and treatment of an inmate for a substance use  
127 or mental health disorder; and

128 (l) any report the county jail provides or is required to provide under federal law or  
129 regulation relating to inmate deaths.

130 (3) (a) Subsection (2) does not apply to a county jail if the county jail:

131 (i) collects and stores the data described in Subsection (2); and

132 (ii) enters into a memorandum of understanding with the commission that allows the  
133 commission to access the data described in Subsection (2).

134 (b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include  
135 a provision to protect any information related to an ongoing investigation and comply with all  
136 applicable federal and state laws.

137 (c) If the commission accesses data from a county jail in accordance with Subsection  
138 (3)(a), the commission may not release a report prepared from that data, unless:

139 (i) the commission provides the report for review to:

140 (A) the county jail; and

141 (B) any arresting agency that is named in the report; and

142 (ii) (A) the county jail approves the report for release;

143 (B) the county jail reviews the report and prepares a response to the report to be  
144 published with the report; or

145 (C) the county jail fails to provide a response to the report within four weeks after the  
146 day on which the commission provides the report to the county jail.

147 (4) The commission shall:

148 (a) compile the information from the reports described in Subsection (2);

149 (b) omit or redact any identifying information of an inmate in the compilation to the  
150 extent omission or redaction is necessary to comply with state and federal law;

151 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim

152 Committee and the Utah Substance Use and Mental Health Advisory Council before November  
153 1 of each year; and

154 (d) submit the compilation to the protection and advocacy agency designated by the  
155 governor before November 1 of each year.

156 (5) The [~~Commission on Criminal and Juvenile Justice~~] commission may not provide  
157 access to or use a county jail's policies, procedures, or protocols submitted under this section in  
158 a manner or for a purpose not described in this section.

159 (6) A report including only the names and causes of death of deceased inmates and the  
160 facility in which they were being held in custody [~~with~~] shall be made available to the public.

161 Section 2. Section **17-55-101** is enacted to read:

162 **CHAPTER 55. CRIMINAL JUSTICE COORDINATING COUNCILS**

163 **Part 1. General Provisions**

164 **17-55-101. Definitions.**

165 As used in this part:

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

168 (2) "Criminal justice agency" means an agency or institution directly involved in the  
169 apprehension, prosecution, or incarceration of a person involved in criminal activity.

170 (3) "Criminal justice coordinating council" or "council" means a council created by a  
171 county in accordance with Section [17-55-201](#).

172 (4) "Criminal justice system" means the continuum of criminal justice agencies and  
173 post-incarceration services that an individual may encounter as a result of the individual's  
174 criminal activity.

175 (5) (a) "Post-incarceration services" means services that may assist an individual who  
176 is leaving incarceration to reintegrate into the community.

177 (b) "Post-incarceration services" includes:

178 (i) educational services;

179 (ii) housing services;

180 (iii) health care services;

181 (iv) workforce services; and

182 (v) human services programs.

183 Section 3. Section 17-55-201 is enacted to read:

184 **Part 2. Criminal Justice Coordinating Councils**

185 **17-55-201. Criminal Justice Coordinating Councils -- Creation -- Strategic plan --**

186 **Reporting.**

187 (1) (a) Beginning January 1, 2023, a county shall:

188 (i) create a Criminal Justice Coordinating Council; or

189 (ii) jointly with another county or counties, create a Criminal Justice Coordinating  
190 Council.

191 (b) The purpose of a council is to coordinate and improve components of the criminal  
192 justice system in the county or counties.

193 (2) (a) A council shall include:

194 (i) one county commissioner;

195 (ii) the county sheriff;

196 (iii) one chief of police of a municipality within the county;

197 (iv) the county attorney;

198 (v) the public defender or an attorney who provides public defense within the county;

199 (vi) one district court judge;

200 (vii) one probation or parole officer;

201 (viii) one representative from the local mental health authority within the county;

202 (ix) one member of the public who is a crime victim; and

203 (x) one member of the public with lived experiences in the criminal justice system.

204 (b) A council may include individuals representing:

205 (i) local government;

206 (ii) human services programs;

207 (iii) higher education;

208 (iv) peer support services;

209 (v) workforce services;

210 (vi) local homeless services;

211 (vii) mental health or substance use disorder providers;

212 (viii) family counseling and support groups; or

213 (ix) organizations that work with families of incarcerated individuals.

214 (3) (a) A council shall develop and implement a strategic plan for the county's or  
215 counties' criminal justice system that includes:

216 (i) mapping of all systems, resources, assets, and services within the county's or  
217 counties' criminal justice system;

218 (ii) a plan for data sharing across the county's or counties' criminal justice system;

219 (iii) recidivism reduction objectives; and

220 (iv) community reintegration goals.

221 (b) The commission may assist a council in the development of a strategic plan.

222 (4) Before November 30 of each year, a council shall provide a written report to the  
223 commission regarding:

224 (a) the implementation of a strategic plan described in Subsection (3); and

225 (b) any data on the impact of the council on the criminal justice system in the county or  
226 counties.

227 Section 4. Section **62A-4a-412** is amended to read:

228 **62A-4a-412. Reports, information, and referrals confidential.**

229 (1) Except as otherwise provided in this chapter, reports made under this part, as well  
230 as any other information in the possession of the division obtained as the result of a report are  
231 private, protected, or controlled records under Title 63G, Chapter 2, Government Records  
232 Access and Management Act, and may only be made available to:

233 (a) a police or law enforcement agency investigating a report of known or suspected  
234 abuse or neglect, including members of a child protection team;

235 (b) a physician who reasonably believes that a child may be the subject of abuse or  
236 neglect;

237 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor  
238 who is the subject of a report;

239 (d) a contract provider that has a written contract with the division to render services to  
240 a minor who is the subject of a report;

241 (e) a subject of the report, the natural parents of the child, and the guardian ad litem;

242 (f) a court, upon a finding that access to the records may be necessary for the  
243 determination of an issue before the court, provided that in a divorce, custody, or related  
244 proceeding between private parties, the record alone is:



- 245 (i) limited to objective or undisputed facts that were verified at the time of the  
246 investigation; and
- 247 (ii) devoid of conclusions drawn by the division or any of the division's workers on the  
248 ultimate issue of whether or not an individual's acts or omissions constituted any level of abuse  
249 or neglect of another individual;
- 250 (g) an office of the public prosecutor or its deputies in performing an official duty;
- 251 (h) a person authorized by a Children's Justice Center, for the purposes described in  
252 Section 67-5b-102;
- 253 (i) a person engaged in bona fide research, when approved by the director of the  
254 division, if the information does not include names and addresses;
- 255 (j) the State Board of Education, acting on behalf of itself or on behalf of a local  
256 education agency, as defined in Section 63J-5-102, for the purpose of evaluating whether an  
257 individual should be permitted to obtain or retain a license as an educator or serve as an  
258 employee or volunteer in a school, limited to information with substantiated or supported  
259 findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug  
260 offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against  
261 the Person, and with the understanding that the office must provide the subject of a report  
262 received under Subsection (1)(k) with an opportunity to respond to the report before making a  
263 decision concerning licensure or employment;
- 264 (k) any individual identified in the report as a perpetrator or possible perpetrator of  
265 abuse or neglect, after being advised of the screening prohibition in Subsection (2);
- 266 (l) a person filing a petition for a child protective order on behalf of a child who is the  
267 subject of the report;
- 268 (m) a licensed child-placing agency or person who is performing a preplacement  
269 adoptive evaluation in accordance with the requirements of Sections 78B-6-128 and  
270 78B-6-130;
- 271 (n) an Indian tribe to:
- 272 (i) certify or license a foster home;
- 273 (ii) render services to a subject of a report; or
- 274 (iii) investigate an allegation of abuse, neglect, or dependency; or
- 275 (o) the Division of Substance Abuse and Mental Health, the Department of Health, or a

276 local substance abuse authority, described in Section 17-43-201, for the purpose of providing  
277 substance abuse treatment to a pregnant woman or a parent of a newborn child, or the services  
278 described in Subsection 62A-15-103(2)[(⊕)].

279 (2) (a) A person, unless listed in Subsection (1), may not request another person to  
280 obtain or release a report or any other information in the possession of the division obtained as  
281 a result of the report that is available under Subsection (1)(k) to screen for potential  
282 perpetrators of abuse or neglect.

283 (b) A person who requests information knowing that the request is a violation of  
284 Subsection (2)(a) is subject to the criminal penalty in Subsection (4).

285 (3) (a) Except as provided in Section 62A-4a-1007, the division and law enforcement  
286 officials shall ensure the anonymity of the person or persons making the initial report and any  
287 others involved in the division's or law enforcement officials' subsequent investigation.

288 (b) Notwithstanding any other provision of law, excluding Section 80-3-107, but  
289 including this chapter and Title 63G, Chapter 2, Government Records Access and Management  
290 Act, when the division makes a report or other information in the division's possession  
291 available under Subsection (1)(e) to a subject of the report or a parent of a child, the division  
292 shall remove from the report or other information only the names, addresses, and telephone  
293 numbers of individuals or specific information that could:

- 294 (i) identify the referent;
- 295 (ii) impede a criminal investigation; or
- 296 (iii) endanger an individual's safety.

297 (4) Any person who willfully permits, or aides and abets the release of data or  
298 information obtained as a result of this part, in the possession of the division or contained on  
299 any part of the Management Information System, in violation of this part or Sections  
300 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

301 (5) (a) As used in this Subsection (5), "physician" means an individual licensed to  
302 practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical  
303 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

304 (b) The physician-patient privilege does not:

- 305 (i) excuse a physician from reporting suspected abuse, neglect, fetal alcohol syndrome,  
306 or fetal drug dependency under this part; and

307 (ii) constitute grounds for excluding evidence regarding a child's injuries, or the cause  
308 of the child's injuries, in any judicial or administrative proceeding resulting from a report under  
309 this part.

310 (6) A child-placing agency or person who receives a report in connection with a  
311 preplacement adoptive evaluation under Sections 78B-6-128 and 78B-6-130:

312 (a) may provide this report to the person who is the subject of the report; and

313 (b) may provide this report to a person who is performing a preplacement adoptive  
314 evaluation in accordance with the requirement of Sections 78B-6-128 and 78B-6-130, or to a  
315 licensed child-placing agency or to an attorney seeking to facilitate an adoption.

316 (7) A member of a child protection team may, before the day on which the child is  
317 removed, share case-specific information obtained from the division under this section with  
318 other members of the child protection team.

319 (8) (a) Except as provided in Subsection (8)(b), in a divorce, custody, or related  
320 proceeding between private parties, a court may not receive into evidence a report that:

321 (i) is provided to the court:

322 (A) under Subsection (1)(f); or

323 (B) by a parent of the child after the record is made available to the parent under  
324 Subsection (1)(e);

325 (ii) describes a parent of the child as the alleged perpetrator; and

326 (iii) is found to be unsubstantiated, unsupported, or without merit.

327 (b) (i) After a motion to admit the report described in Subsection (8)(a) is made, the  
328 court shall allow sufficient time for all subjects of the record to respond before making a  
329 finding on the motion.

330 (ii) After considering the motion described in Subsection (8)(b), the court may receive  
331 the report into evidence upon a finding on the record of good cause.

332 Section 5. Section 62A-15-103 is amended to read:

333 **62A-15-103. Division -- Creation -- Responsibilities.**

334 (1) (a) There is created the Division of Substance Abuse and Mental Health within the  
335 department, under the administration and general supervision of the executive director.

336 (b) The division is the substance abuse authority and the mental health authority for  
337 this state.

338 (2) The division shall:

339 (a) (i) educate the general public regarding the nature and consequences of substance

340 abuse by promoting school and community-based prevention programs;

341 (ii) render support and assistance to public schools through approved school-based

342 substance abuse education programs aimed at prevention of substance abuse;

343 (iii) promote or establish programs for the prevention of substance abuse within the

344 community setting through community-based prevention programs;

345 (iv) cooperate with and assist treatment centers, recovery residences, and other

346 organizations that provide services to individuals recovering from a substance abuse disorder,

347 by identifying and disseminating information about effective practices and programs;

348 [~~(v) except as provided in Section 62A-15-103.5, make rules in accordance with Title~~

349 ~~63G, Chapter 3, Utah Administrative Rulemaking Act, to develop, in collaboration with public~~

350 ~~and private programs, minimum standards for public and private providers of substance abuse~~

351 ~~and mental health programs licensed by the department under Title 62A, Chapter 2, Licensure~~

352 ~~of Programs and Facilities;]~~

353 [~~(vi)~~] (v) promote integrated programs that address an individual's substance abuse,

354 mental health, and physical health~~[, and criminal risk factors]~~;

355 [~~(vii)~~] (vi) establish and promote an evidence-based continuum of screening,

356 assessment, prevention, treatment, and recovery support services in the community for

357 individuals with a substance use disorder [~~and~~] or mental illness [~~that addresses criminal risk~~

358 ~~factors]~~;

359 [~~(viii)~~] (vii) evaluate the effectiveness of programs described in this Subsection (2);

360 [~~(ix)~~] (viii) consider the impact of the programs described in this Subsection (2) on:

361 (A) emergency department utilization;

362 (B) jail and prison populations;

363 (C) the homeless population; and

364 (D) the child welfare system; and

365 [~~(x)~~] (ix) promote or establish programs for education and certification of instructors to

366 educate individuals convicted of driving under the influence of alcohol or drugs or driving with

367 any measurable controlled substance in the body;

368 (b) (i) collect and disseminate information pertaining to mental health;

369 (ii) provide direction over the state hospital including approval of the state hospital's  
370 budget, administrative policy, and coordination of services with local service plans;

371 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
372 Rulemaking Act, to educate families concerning mental illness and promote family  
373 involvement, when appropriate, and with patient consent, in the treatment program of a family  
374 member; and

375 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
376 Rulemaking Act, to direct that an individual receiving services through a local mental health  
377 authority or the Utah State Hospital be informed about and, if desired by the individual,  
378 provided assistance in the completion of a declaration for mental health treatment in  
379 accordance with Section [62A-15-1002](#);

380 (c) (i) consult and coordinate with local substance abuse authorities and local mental  
381 health authorities regarding programs and services;

382 (ii) provide consultation and other assistance to public and private agencies and groups  
383 working on substance abuse and mental health issues;

384 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,  
385 medical and social agencies, public health authorities, law enforcement agencies, education and  
386 research organizations, and other related groups;

387 (iv) promote or conduct research on substance abuse and mental health issues, and  
388 submit to the governor and the Legislature recommendations for changes in policy and  
389 legislation;

390 (v) receive, distribute, and provide direction over public funds for substance abuse and  
391 mental health services;

392 (vi) monitor and evaluate programs provided by local substance abuse authorities and  
393 local mental health authorities;

394 (vii) examine expenditures of local, state, and federal funds;

395 (viii) monitor the expenditure of public funds by:

396 (A) local substance abuse authorities;

397 (B) local mental health authorities; and

398 (C) in counties where they exist, a private contract provider that has an annual or  
399 otherwise ongoing contract to provide comprehensive substance abuse or mental health

400 programs or services for the local substance abuse authority or local mental health authority;  
401 (ix) contract with local substance abuse authorities and local mental health authorities  
402 to provide a comprehensive continuum of services that include community-based services for  
403 individuals involved in the criminal justice system, in accordance with division policy, contract  
404 provisions, and the local plan;  
405 (x) contract with private and public entities for special statewide or nonclinical  
406 services, or services for individuals involved in the criminal justice system, according to  
407 division rules;  
408 (xi) review and approve each local substance abuse authority's plan and each local  
409 mental health authority's plan in order to ensure:  
410 (A) a statewide comprehensive continuum of substance abuse services;  
411 (B) a statewide comprehensive continuum of mental health services;  
412 (C) services result in improved overall health and functioning;  
413 (D) a statewide comprehensive continuum of community-based services designed to  
414 reduce criminal risk factors for individuals who are determined to have substance abuse or  
415 mental illness conditions or both, and who are involved in the criminal justice system;  
416 (E) compliance, where appropriate, with the certification requirements in Subsection  
417 (2)(j); and  
418 (F) appropriate expenditure of public funds;  
419 (xii) review and make recommendations regarding each local substance abuse  
420 authority's contract with the local substance abuse authority's provider of substance abuse  
421 programs and services and each local mental health authority's contract with the local mental  
422 health authority's provider of mental health programs and services to ensure compliance with  
423 state and federal law and policy;  
424 (xiii) monitor and ensure compliance with division rules and contract requirements;  
425 and  
426 (xiv) withhold funds from local substance abuse authorities, local mental health  
427 authorities, and public and private providers for contract noncompliance, failure to comply  
428 with division directives regarding the use of public funds, or for misuse of public funds or  
429 money;  
430 (d) ensure that the requirements of this part are met and applied uniformly by local

431 substance abuse authorities and local mental health authorities across the state;

432 (e) require each local substance abuse authority and each local mental health authority,  
433 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a plan to  
434 the division on or before May 15 of each year;

435 (f) conduct an annual program audit and review of each local substance abuse authority  
436 and each local substance abuse authority's contract provider, and each local mental health  
437 authority and each local mental health authority's contract provider, including:

438 (i) a review and determination regarding whether:

439 (A) public funds allocated to the local substance abuse authority or the local mental  
440 health authorities are consistent with services rendered by the authority or the authority's  
441 contract provider, and with outcomes reported by the authority's contract provider; and

442 (B) each local substance abuse authority and each local mental health authority is  
443 exercising sufficient oversight and control over public funds allocated for substance use  
444 disorder and mental health programs and services; and

445 (ii) items determined by the division to be necessary and appropriate;

446 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,  
447 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

448 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer  
449 supports services to an individual with:

450 (A) a substance use disorder;

451 (B) a mental health disorder; or

452 (C) a substance use disorder and a mental health disorder;

453 (ii) certify a person to carry out, as needed, the division's duty to train and certify an  
454 adult as a peer support specialist;

455 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
456 Rulemaking Act, that:

457 (A) establish training and certification requirements for a peer support specialist;

458 (B) specify the types of services a peer support specialist is qualified to provide;

459 (C) specify the type of supervision under which a peer support specialist is required to  
460 operate; and

461 (D) specify continuing education and other requirements for maintaining or renewing

462 certification as a peer support specialist; and

463 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
464 Rulemaking Act, that:

465 (A) establish the requirements for a person to be certified to carry out, as needed, the  
466 division's duty to train and certify an adult as a peer support specialist; and

467 (B) specify how the division shall provide oversight of a person certified to train and  
468 certify a peer support specialist;

469 ~~[(i) except as provided in Section 62A-15-103.5, establish by rule, in accordance with~~  
470 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act, minimum standards and~~  
471 ~~requirements for the provision of substance use disorder and mental health treatment to an~~  
472 ~~individual who is incarcerated or who is required to participate in treatment by a court or by the~~  
473 ~~Board of Pardons and Parole, including:]~~

474 ~~[(i) collaboration with the Department of Corrections and the Utah Substance Use and~~  
475 ~~Mental Health Advisory Council to develop and coordinate the standards, including standards~~  
476 ~~for county and state programs serving individuals convicted of class A and class B~~  
477 ~~misdemeanors;]~~

478 ~~[(ii) determining that the standards ensure available treatment, including the most~~  
479 ~~current practices and procedures demonstrated by recognized scientific research to reduce~~  
480 ~~recidivism, including focus on the individual's criminal risk factors, and]~~

481 ~~[(iii) requiring that all public and private treatment programs meet the standards~~  
482 ~~established under this Subsection (2)(i) in order to receive public funds allocated to the~~  
483 ~~division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice~~  
484 ~~for the costs of providing screening, assessment, prevention, treatment, and recovery support;]~~

485 ~~[(j) except as provided in Section 62A-15-103.5, establish by rule, in accordance with~~  
486 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements and procedures~~  
487 ~~for the certification of licensed public and private providers, including individuals licensed by~~  
488 ~~the Division of Occupational and Professional Licensing, programs licensed by the department,~~  
489 ~~and health care facilities licensed by the Department of Health, who provide, as part of their~~  
490 ~~practice, substance use disorder and mental health treatment to an individual involved in the~~  
491 ~~criminal justice system, including:]~~

492 ~~[(i) collaboration with the Department of Corrections, the Utah Substance Use and~~



493 Mental Health Advisory Council, and the Utah Association of Counties to develop, coordinate,  
494 and implement the certification process;]

495 ~~[(ii) basing the certification process on the standards developed under Subsection (2)(i)~~  
496 ~~for the treatment of an individual involved in the criminal justice system; and]~~

497 ~~[(iii) the requirement that a public or private provider of treatment to an individual~~  
498 ~~involved in the criminal justice system shall obtain certification on or before July 1, 2016, and~~  
499 ~~shall renew the certification every two years, in order to qualify for funds allocated to the~~  
500 ~~division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice~~  
501 ~~on or after July 1, 2016;]~~

502 ~~[(k) (i) collaborate with the State Commission on Criminal and Juvenile Justice to~~  
503 ~~analyze and provide recommendations to the Legislature regarding:~~

504 (i) pretrial services and the resources needed to reduce recidivism;

505 (ii) county jail and county behavioral health early-assessment resources needed for an  
506 ~~[offender] individual~~ convicted of a class A or class B misdemeanor; and

507 (iii) the replacement of federal dollars associated with drug interdiction law  
508 enforcement task forces that are reduced;

509 ~~[(l) (i) establish performance goals and outcome measurements for all treatment~~  
510 ~~programs for which minimum standards are established under Subsection (2)(i), including~~  
511 ~~recidivism data and data regarding cost savings associated with recidivism reduction and the~~  
512 ~~reduction in the number of inmates, that are obtained in collaboration with the Administrative~~  
513 ~~Office of the Courts and the Department of Corrections; and]~~

514 ~~[(ii) collect data to track and determine whether the goals and measurements are being~~  
515 ~~attained and make this information available to the public;]~~

516 (j) establish performance goals and outcome measurements for all treatment programs,  
517 including goals and measurements related to reducing recidivism of individuals receiving  
518 treatment who are involved with the criminal justice system;

519 (k) collaborate with the Administrative Office of the Courts, the Department of  
520 Corrections, and the Board of Pardons and Parole to collect data on recidivism, including data  
521 on:

522 (i) individuals who receive mental health or substance use treatment while incarcerated  
523 and commit another offense within one year after release from incarceration;

524 (ii) individuals who are ordered by a criminal court or the Board of Pardons and Parole  
525 to participate in mental health or substance use treatment and commit another offense while  
526 receiving the treatment or within one year after the treatment ends;

527 (iii) the type of treatment provided to the individuals described in Subsections (2)(k)(i)  
528 and (ii); and

529 (iv) cost savings associated with recidivism reduction and the reduction in the number  
530 of inmates in the state;

531 ~~[(m)]~~ (l) ~~[in]~~ at the division's discretion, use the data described in Subsection (2)(k) to  
532 make decisions regarding the use of funds allocated to the division~~[-, the Administrative Office~~  
533 ~~of the Courts, and the Department of Corrections to provide treatment for which standards are~~  
534 ~~established under Subsection (2)(i)] to provide treatment;~~

535 ~~[(m)]~~ (m) annually, on or before August 31, submit the data collected under Subsection  
536 (2)(k) to the State Commission on Criminal and Juvenile Justice~~[-, which shall compile a report~~  
537 ~~of findings based on the data and provide the report to the Judiciary Interim Committee, the~~  
538 ~~Health and Human Services Interim Committee, the Law Enforcement and Criminal Justice~~  
539 ~~Interim Committee, and the related appropriations subcommittees] to be included in the report~~  
540 described in Subsection 63M-7-204(1)(x); and

541 ~~[(o)]~~ (n) consult and coordinate with the Department of Health and the Division of  
542 Child and Family Services to develop and manage the operation of a program designed to  
543 reduce substance abuse during pregnancy and by parents of a newborn child that includes:

544 (i) providing education and resources to health care providers and individuals in the  
545 state regarding prevention of substance abuse during pregnancy;

546 (ii) providing training to health care providers in the state regarding screening of a  
547 pregnant woman or pregnant minor to identify a substance abuse disorder; and

548 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn  
549 child in need of substance abuse treatment services to a facility that has the capacity to provide  
550 the treatment services.

551 (3) In addition to the responsibilities described in Subsection (2), the division shall,  
552 within funds appropriated by the Legislature for this purpose, implement and manage the  
553 operation of a firearm safety and suicide prevention program, in consultation with the Bureau  
554 of Criminal Identification created in Section 53-10-201, including:

555 (a) coordinating with the Department of Health, local mental health and substance  
556 abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a  
557 Utah-based nonprofit organization with expertise in the field of firearm use and safety that  
558 represents firearm owners, to:

559 (i) produce and periodically review and update a firearm safety brochure and other  
560 educational materials with information about the safe handling and use of firearms that  
561 includes:

562 (A) information on safe handling, storage, and use of firearms in a home environment;

563 (B) information about at-risk individuals and individuals who are legally prohibited  
564 from possessing firearms;

565 (C) information about suicide prevention awareness; and

566 (D) information about the availability of firearm safety packets;

567 (ii) procure cable-style gun locks for distribution under this section;

568 (iii) produce a firearm safety packet that includes the firearm safety brochure and the  
569 cable-style gun lock described in this Subsection (3); and

570 (iv) create a suicide prevention education course that:

571 (A) provides information for distribution regarding firearm safety education;

572 (B) incorporates current information on how to recognize suicidal behaviors and  
573 identify individuals who may be suicidal; and

574 (C) provides information regarding crisis intervention resources;

575 (b) distributing, free of charge, the firearm safety packet to the following persons, who  
576 shall make the firearm safety packet available free of charge:

577 (i) health care providers, including emergency rooms;

578 (ii) mobile crisis outreach teams;

579 (iii) mental health practitioners;

580 (iv) other public health suicide prevention organizations;

581 (v) entities that teach firearm safety courses;

582 (vi) school districts for use in the seminar, described in Section [53G-9-702](#), for parents  
583 of students in the school district; and

584 (vii) firearm dealers to be distributed in accordance with Section [76-10-526](#);

585 (c) creating and administering a rebate program that includes a rebate that offers

586 between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms  
587 dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident;

588 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
589 making rules that establish procedures for:

590 (i) producing and distributing the suicide prevention education course and the firearm  
591 safety brochures and packets;

592 (ii) procuring the cable-style gun locks for distribution; and

593 (iii) administering the rebate program; and

594 (e) reporting to the Health and Human Services Interim Committee regarding  
595 implementation and success of the firearm safety program and suicide prevention education  
596 course at or before the November meeting each year.

597 (4) (a) The division may refuse to contract with and may pursue legal remedies against  
598 any local substance abuse authority or local mental health authority that fails, or has failed, to  
599 expend public funds in accordance with state law, division policy, contract provisions, or  
600 directives issued in accordance with state law.

601 (b) The division may withhold funds from a local substance abuse authority or local  
602 mental health authority if the authority's contract provider of substance abuse or mental health  
603 programs or services fails to comply with state and federal law or policy.

604 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority  
605 or local mental health authority, the division shall review and determine whether the local  
606 substance abuse authority or local mental health authority is complying with the oversight and  
607 management responsibilities described in Sections [17-43-201](#), [17-43-203](#), [17-43-303](#), and  
608 [17-43-309](#).

609 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and  
610 liability described in Section [17-43-303](#) and to the responsibility and liability described in  
611 Section [17-43-203](#).

612 (6) In carrying out the division's duties and responsibilities, the division may not  
613 duplicate treatment or educational facilities that exist in other divisions or departments of the  
614 state, but shall work in conjunction with those divisions and departments in rendering the  
615 treatment or educational services that those divisions and departments are competent and able  
616 to provide.

617 (7) The division may accept in the name of and on behalf of the state donations, gifts,  
618 devises, or bequests of real or personal property or services to be used as specified by the  
619 donor.

620 (8) The division shall annually review with each local substance abuse authority and  
621 each local mental health authority the authority's statutory and contract responsibilities  
622 regarding:

- 623 (a) use of public funds;
- 624 (b) oversight of public funds; and
- 625 (c) governance of substance use disorder and mental health programs and services.

626 (9) The Legislature may refuse to appropriate funds to the division upon the division's  
627 failure to comply with the provisions of this part.

628 (10) If a local substance abuse authority contacts the division under Subsection  
629 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant  
630 minor, the division shall:

- 631 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the  
632 capacity to provide the treatment services; or
- 633 (b) otherwise ensure that treatment services are made available to the pregnant woman  
634 or pregnant minor.

635 (11) The division shall employ a school-based mental health specialist to be housed at  
636 the State Board of Education who shall work with the State Board of Education to:

- 637 (a) provide coordination between a local education agency and local mental health  
638 authority;
- 639 (b) recommend evidence-based and evidence informed mental health screenings and  
640 intervention assessments for a local education agency; and
- 641 (c) coordinate with the local community, including local departments of health, to  
642 enhance and expand mental health related resources for a local education agency.

643 Section 6. Section **62A-15-123** is amended to read:

644 **62A-15-123. Statewide Behavioral Health Crisis Response Account -- Creation --**  
645 **Administration -- Permitted uses.**

646 (1) There is created a restricted account within the General Fund known as the  
647 "Statewide Behavioral Health Crisis Response Account," consisting of:

648 (a) money appropriated or otherwise made available by the Legislature; and  
649 (b) contributions of money, property, or equipment from federal agencies, political  
650 subdivisions of the state, or other persons.

651 (2) (a) Subject to appropriations by the Legislature and any contributions to the account  
652 described in Subsection (1)(b), the division shall disburse funds in the account only for the  
653 purpose of support or implementation of services or enhancements of those services in order to  
654 rapidly, efficiently, and effectively deliver 988 services in the state.

655 (b) Funds distributed from the account to county local mental health and substance  
656 abuse authorities for the provision of crisis services are not subject to the 20% county match  
657 described in Sections 17-43-201 and 17-43-301.

658 (c) [The] Except as provided in Subsection (2)(d), the division shall prioritize  
659 expending funds from the account as follows:

660 (i) the Statewide Mental Health Crisis Line, as defined in Section 62A-15-1301,  
661 including coordination with 911 emergency service, as defined in Section 69-2-102, and  
662 coordination with local substance abuse authorities as described in Section 17-43-201, and  
663 local mental health authorities, described in Section 17-43-301;

664 (ii) mitigation of any negative impacts on 911 emergency service from 988 services;

665 (iii) mobile crisis outreach teams as defined in Section 62A-15-1401, distributed in  
666 accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah  
667 Administrative Rulemaking Act;

668 (iv) behavioral health receiving centers as defined in Section 62A-15-118;

669 (v) stabilization services as described in Section 62A-1-104; and

670 (vi) mental health crisis services provided by local substance abuse authorities as  
671 described in Section 17-43-201 and local mental health authorities described in Section  
672 17-43-301 to provide prolonged mental health services for up to 90 days after the day on which  
673 an individual experiences a mental health crisis.

674 (d) If the Legislature appropriates money to the account for a purpose described in  
675 Subsection (2)(c), the division shall use the appropriation for that purpose.

676 (3) Subject to appropriations by the Legislature and any contributions to the account  
677 described in Subsection (1)(b), the division may expend funds in the account for administrative  
678 costs that the division incurs related to administering the account.

679 (4) The division director shall submit and make available to the public a report before  
 680 December of each year to the Behavioral Health Crisis Response Commission, as defined in  
 681 Section 63C-18-202, the Social Services Appropriations Subcommittee, and the Legislative  
 682 Management Committee that includes:

683 (a) the amount of each disbursement from the [~~restricted account described in Section~~  
 684 62A-15-123] account;

685 (b) the recipient of each disbursement, the goods and services received, and a  
 686 description of the project funded by the disbursement;

687 (c) any conditions placed by the division on the disbursements from the [~~restricted~~  
 688 account];

689 (d) the anticipated expenditures from the [~~restricted account described in this chapter~~  
 690 account] for the next fiscal year;

691 (e) the amount of any unexpended funds carried forward;

692 (f) the number of Statewide Mental Health Crisis Line calls received;

693 (g) the progress towards accomplishing the goals of providing statewide mental health  
 694 crisis service; and

695 (h) other relevant justification for ongoing support from the [~~restricted~~] account.

696 Section 7. Section 63M-7-204 is amended to read:

697 **63M-7-204. Duties of commission.**

698 (1) The State Commission on Criminal and Juvenile Justice administration shall:

699 (a) promote the commission's purposes as enumerated in Section 63M-7-201;

700 (b) promote the communication and coordination of all criminal and juvenile justice  
 701 agencies;

702 (c) study, evaluate, and report on the status of crime in the state and on the  
 703 effectiveness of criminal justice policies, procedures, and programs that are directed toward the  
 704 reduction of crime in the state;

705 (d) study, evaluate, and report on programs initiated by state and local agencies to  
 706 address reducing recidivism, including changes in penalties and sentencing guidelines intended  
 707 to reduce recidivism, costs savings associated with the reduction in the number of inmates, and  
 708 evaluation of expenses and resources needed to meet goals regarding the use of treatment as an  
 709 alternative to incarceration, as resources allow;

- 710 (e) study, evaluate, and report on policies, procedures, and programs of other
- 711 jurisdictions which have effectively reduced crime;
- 712 (f) identify and promote the implementation of specific policies and programs the
- 713 commission determines will significantly reduce crime in Utah;
- 714 (g) provide analysis and recommendations on all criminal and juvenile justice
- 715 legislation, state budget, and facility requests, including program and fiscal impact on all
- 716 components of the criminal and juvenile justice system;
- 717 (h) provide analysis, accountability, recommendations, and supervision for state and
- 718 federal criminal justice grant money;
- 719 (i) provide public information on the criminal and juvenile justice system and give
- 720 technical assistance to agencies or local units of government on methods to promote public
- 721 awareness;
- 722 (j) promote research and program evaluation as an integral part of the criminal and
- 723 juvenile justice system;
- 724 (k) provide a comprehensive criminal justice plan annually;
- 725 (l) review agency forecasts regarding future demands on the criminal and juvenile
- 726 justice systems, including specific projections for secure bed space;
- 727 (m) promote the development of criminal and juvenile justice information systems that
- 728 are consistent with common standards for data storage and are capable of appropriately sharing
- 729 information with other criminal justice information systems by:
  - 730 (i) developing and maintaining common data standards for use by all state criminal
  - 731 justice agencies;
  - 732 (ii) annually performing audits of criminal history record information maintained by
  - 733 state criminal justice agencies to assess their accuracy, completeness, and adherence to
  - 734 standards;
  - 735 (iii) defining and developing state and local programs and projects associated with the
  - 736 improvement of information management for law enforcement and the administration of
  - 737 justice; and
  - 738 (iv) establishing general policies concerning criminal and juvenile justice information
  - 739 systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this
  - 740 Subsection (1)(m);



741 (n) allocate and administer grants, from money made available, for approved education  
742 programs to help prevent the sexual exploitation of children;

743 (o) allocate and administer grants for law enforcement operations and programs related  
744 to reducing illegal drug activity and related criminal activity;

745 (p) request, receive, and evaluate data and recommendations collected and reported by  
746 agencies and contractors related to policies recommended by the commission regarding  
747 recidivism reduction;

748 (q) establish and administer a performance incentive grant program that allocates funds  
749 appropriated by the Legislature to programs and practices implemented by counties that reduce  
750 recidivism and reduce the number of offenders per capita who are incarcerated;

751 (r) oversee or designate an entity to oversee the implementation of juvenile justice  
752 reforms;

753 (s) make rules and administer the juvenile holding room standards and juvenile jail  
754 standards to align with the Juvenile Justice and Delinquency Prevention Act requirements  
755 pursuant to 42 U.S.C. Sec. 5633;

756 (t) allocate and administer grants, from money made available, for pilot qualifying  
757 education programs;

758 (u) oversee the trauma-informed justice program described in Section [63M-7-209](#);

759 (v) request, receive, and evaluate the aggregate data collected from prosecutorial  
760 agencies and the Administrative Office of the Courts, in accordance with Sections [63M-7-216](#)  
761 and [78A-2-109.5](#); [~~and~~]

762 (w) report annually to the Law Enforcement and Criminal Justice Interim Committee  
763 on the progress made on each of the following goals of the Justice Reinvestment Initiative:

764 (i) ensuring oversight and accountability;

765 (ii) supporting local corrections systems;

766 (iii) improving and expanding reentry and treatment services; and

767 (iv) strengthening probation and parole supervision[~~;~~]; and

768 (x) compile a report of findings based on the data provided by the Division of  
769 Substance Abuse and Mental Health under Subsection [62A-15-103](#)(2)(m) and annually provide  
770 the report to the Judiciary Interim Committee, the Health and Human Services Interim  
771 Committee, the Law Enforcement and Criminal Justice Interim Committee, and the related

772 appropriations subcommittees.

773 (2) If the commission designates an entity under Subsection (1)(r), the commission  
774 shall ensure that the membership of the entity includes representation from the three branches  
775 of government and, as determined by the commission, representation from relevant stakeholder  
776 groups across all parts of the juvenile justice system, including county representation.

777 Section 8. Section **63M-7-218** is enacted to read:

778 **63M-7-218. State grant requirements.**

779 (1) As used in this section, "commission" means the State Commission on Criminal  
780 and Juvenile Justice created in Section [63M-7-201](#).

781 (2) Beginning July 1, 2022, the commission may not award any grant of state funds to:

782 (a) a county that is subject to, and not in compliance with, Subsection [64-13e-104\(6\)](#);

783 (b) a county jail that is subject to, and not in compliance with, Subsection [17-22-3\(2\)](#)

784 or [77-20-103\(2\)](#);

785 (c) a state or local government agency or nonprofit organization that is subject to, and  
786 not in compliance with, Subsection [63M-7-214\(7\)](#);

787 (d) a law enforcement agency that is subject to, and not in compliance with, Subsection  
788 [63M-7-214\(7\)](#) or [77-7-8.5\(2\)](#); or

789 (e) a prosecutorial agency that is subject to, and not in compliance with, Subsection  
790 [63M-7-216\(2\)](#) or [77-22-2.5\(9\)](#).

791 (3) Beginning January 1, 2023, the commission may not award any grant of state funds  
792 to a criminal justice coordinating council that is subject to, and not in compliance with,  
793 Subsection [17-55-201\(4\)](#).

794 Section 9. Section **64-13-6** is amended to read:

795 **64-13-6. Department duties.**

796 (1) The department shall:

797 (a) protect the public through institutional care and confinement, and supervision in the  
798 community of offenders where appropriate;

799 (b) implement court-ordered punishment of offenders;

800 (c) provide evidence-based and evidence-informed program opportunities for offenders  
801 designed to reduce offenders' criminogenic and recidivism risks, including behavioral,  
802 cognitive, educational, and career-readiness program opportunities;

- 803 (d) ensure that offender participation in all program opportunities described in  
804 Subsection (1)(c) is voluntary;
- 805 (e) where appropriate, utilize offender volunteers as mentors in the program  
806 opportunities described in Subsection (1)(c);
- 807 (f) provide treatment for sex offenders who are found to be treatable based upon  
808 criteria developed by the department;
- 809 (g) provide the results of ongoing clinical assessment of sex offenders and objective  
810 diagnostic testing to sentencing and release authorities;
- 811 (h) manage programs that take into account the needs and interests of victims, where  
812 reasonable;
- 813 (i) supervise probationers and parolees as directed by statute and implemented by the  
814 courts and the Board of Pardons and Parole;
- 815 (j) subject to Subsection (2), investigate criminal conduct involving offenders  
816 incarcerated in a state correctional facility;
- 817 (k) cooperate and exchange information with other state, local, and federal law  
818 enforcement agencies to achieve greater success in prevention and detection of crime and  
819 apprehension of criminals;
- 820 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult  
821 Offender Supervision;
- 822 (m) establish a case action plan based on appropriate validated risk, needs, and  
823 responsivity assessments for each offender as follows:
- 824 (i) ~~[(A)]~~ if an offender is to be supervised in the community, the department shall:  
825 (A) use best efforts to establish a case action plan for the offender before the day on  
826 which the department's community supervision of the offender begins; and
- 827 (B) establish a case action plan [shall be established] for the offender [not more] no  
828 later than 90 days after [supervision by the department] the day on which the department's  
829 community supervision of the offender begins; and
- 830 ~~[(B)]~~ (ii) if the offender is committed to the custody of the department, the department  
831 shall establish a case action plan [shall be established] for the offender [not more] no later than  
832 120 days after the [commitment] day on which the offender is committed to the custody of the  
833 department;

834            [~~(ii)~~] (iii) each case action plan shall integrate an individualized, evidence-based, and  
835 evidence-informed treatment and program plan with clearly defined completion requirements;

836            [~~(iii)~~] (iv) the department shall share each newly established case action plan with the  
837 sentencing and release authority within 30 days after the day on which the case action plan is  
838 established; and

839            [~~(iv)~~] (v) the department shall share any changes to a case action plan, including any  
840 change in an offender's risk assessment, with the sentencing and release authority within 30  
841 days after the day of the change; and

842            (n) ensure that any training or certification required of a public official or public  
843 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
844 22, State Training and Certification Requirements, if the training or certification is required:

845            (i) under this title;

846            (ii) by the department; or

847            (iii) by an agency or division within the department.

848            (2) The department may in the course of supervising probationers and parolees:

849            (a) respond in accordance with the graduated and evidence-based processes established  
850 by the Utah Sentencing Commission under Subsection 63M-7-404(6), to an individual's  
851 violation of one or more terms of the probation or parole; and

852            (b) upon approval by the court or the Board of Pardons and Parole, impose as a  
853 sanction for an individual's violation of the terms of probation or parole a period of  
854 incarceration of not more than three consecutive days and not more than a total of five days  
855 within a period of 30 days.

856            (3) (a) By following the procedures in Subsection (3)(b), the department may  
857 investigate the following occurrences at state correctional facilities:

858            (i) criminal conduct of departmental employees;

859            (ii) felony crimes resulting in serious bodily injury;

860            (iii) death of any person; or

861            (iv) aggravated kidnaping.

862            (b) Before investigating any occurrence specified in Subsection (3)(a), the department  
863 shall:

864            (i) notify the sheriff or other appropriate law enforcement agency promptly after

865 ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a) has  
866 occurred; and

867 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to  
868 conduct an investigation involving an occurrence specified in Subsection (3)(a).

869 (4) Upon request, the department shall provide copies of investigative reports of  
870 criminal conduct to the sheriff or other appropriate law enforcement agencies.

871 (5) (a) The executive director of the department, or the executive director's designee if  
872 the designee possesses expertise in correctional programming, shall consult at least annually  
873 with cognitive and career-readiness staff experts from the Utah system of higher education and  
874 the State Board of Education to review the department's evidence-based and evidence-informed  
875 treatment and program opportunities.

876 (b) Beginning in the 2022 interim, the department shall provide an annual report to the  
877 Law Enforcement and Criminal Justice Interim Committee regarding the department's  
878 implementation of and offender participation in evidence-based and evidence-informed  
879 treatment and program opportunities designed to reduce the criminogenic and recidivism risks  
880 of offenders over time.

881 (6) (a) As used in this Subsection (6):

882 (i) "Accounts receivable" means any amount owed by an offender arising from a  
883 criminal judgment that has not been paid.

884 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,  
885 surcharges, costs, interest, penalties, restitution to victims, third-party claims, claims,  
886 reimbursement of a reward, and damages that an offender is ordered to pay.

887 (b) The department shall collect and disburse, with any interest and any other costs  
888 assessed under Section [64-13-21](#), an accounts receivable for an offender during:

889 (i) the parole period and any extension of that period in accordance with Subsection  
890 (6)(c); and

891 (ii) the probation period for which the court orders supervised probation and any  
892 extension of that period by the department in accordance with Subsection [77-18-105](#)(7).

893 (c) (i) If an offender has an unpaid balance of the offender's accounts receivable at the  
894 time that the offender's sentence expires or terminates, the department shall be referred to the  
895 sentencing court for the sentencing court to enter a civil judgment of restitution and a civil

896 accounts receivable as described in Section 77-18-114.

897 (ii) If the board makes an order for restitution within 60 days from the day on which  
898 the offender's sentence expires or terminates, the board shall refer the order for restitution to  
899 the sentencing court to be entered as a civil judgment of restitution as described in Section  
900 77-18-114.

901 (d) This Subsection (6) only applies to offenders sentenced before July 1, 2021.

902 Section 10. Section 64-13-21 is amended to read:

903 **64-13-21. Supervision of sentenced offenders placed in community -- Rulemaking**  
904 **-- POST certified parole or probation officers and peace officers -- Duties -- Supervision**  
905 **fee.**

906 (1) (a) The department, except as otherwise provided by law, shall supervise sentenced  
907 offenders placed in the community on probation by the courts, on parole by the Board of  
908 Pardons and Parole, or upon acceptance for supervision under the terms of the Interstate  
909 Compact for the Supervision of Parolees and Probationers.

910 (b) If substance use treatment is a condition of a sentenced offender's probation or  
911 parole, the department shall monitor the offender's compliance with the treatment.

912 [~~(b)~~] (c) The department shall establish standards for:

913 (i) the supervision of offenders in accordance with sentencing guidelines and  
914 supervision length guidelines, including the graduated and evidence-based responses,  
915 established by the Utah Sentencing Commission, giving priority, based on available resources,  
916 to felony offenders and offenders sentenced [~~pursuant to~~] under Subsection 58-37-8(2)(b)(ii)[-];  
917 and

918 (ii) the treatment monitoring described in Subsection (1)(b).

919 (2) The department shall apply the graduated and evidence-based responses established  
920 by the Utah Sentencing Commission to facilitate a prompt and appropriate response to an  
921 individual's violation of the terms of probation or parole, including:

922 (a) sanctions to be used in response to a violation of the terms of probation or parole;  
923 and

924 (b) requesting approval from the court or Board of Pardons and Parole to impose a  
925 sanction for an individual's violation of the terms of probation or parole, for a period of  
926 incarceration of not more than three consecutive days and not more than a total of five days

927 within a period of 30 days.

928 (3) The department shall implement a program of graduated incentives as established  
929 by the Utah Sentencing Commission to facilitate the department's prompt and appropriate  
930 response to an offender's:

931 (a) compliance with the terms of probation or parole; or

932 (b) positive conduct that exceeds those terms.

933 (4) (a) The department shall, in collaboration with the State Commission on Criminal  
934 and Juvenile Justice and the Division of Substance Abuse and Mental Health, create standards  
935 and procedures for the collection of information, including cost savings related to recidivism  
936 reduction and the reduction in the number of inmates, related to the use of the graduated and  
937 evidence-based responses and graduated incentives, and offenders' outcomes.

938 (b) The collected information shall be provided to the State Commission on Criminal  
939 and Juvenile Justice not less frequently than annually on or before August 31.

940 (5) Employees of the department who are POST certified as law enforcement officers  
941 or correctional officers and who are designated as parole and probation officers by the  
942 executive director have the following duties:

943 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance  
944 with the conditions of the parole or probation agreement;

945 (b) investigating or apprehending any offender who has escaped from the custody of  
946 the department or absconded from supervision;

947 (c) supervising any offender during transportation; or

948 (d) collecting DNA specimens when the specimens are required under Section

949 [53-10-404](#).

950 (6) (a) (i) A monthly supervision fee of \$30 shall be collected from each offender on  
951 probation or parole.

952 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the  
953 department upon a showing by the offender that imposition would create a substantial hardship  
954 or if the offender owes restitution to a victim.

955 (b) (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
956 Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the  
957 supervision fee and the circumstances under which an offender may request a hearing.

958 (ii) In determining whether the imposition of the supervision fee would constitute a  
959 substantial hardship, the department shall consider the financial resources of the offender and  
960 the burden that the fee would impose, with regard to the offender's other obligations.

961 (7) (a) For offenders placed on probation under Section 77-18-105 or parole under  
962 Subsection 76-3-202(2)(a) on or after October 1, 2015, but before January 1, 2019, the  
963 department shall establish a program allowing an offender to earn credits for the offender's  
964 compliance with the terms of the offender's probation or parole, which shall be applied to  
965 reducing the period of probation or parole as provided in this Subsection (7).

966 (b) The program shall provide that an offender earns a reduction credit of 30 days from  
967 the offender's period of probation or parole for each month the offender completes without any  
968 violation of the terms of the offender's probation or parole agreement, including the case action  
969 plan.

970 (c) The department shall maintain a record of credits earned by an offender under this  
971 Subsection (7) and shall request from the court or the Board of Pardons and Parole the  
972 termination of probation or parole not fewer than 30 days prior to the termination date that  
973 reflects the credits earned under this Subsection (7).

974 (d) This Subsection (7) does not prohibit the department from requesting a termination  
975 date earlier than the termination date established by earned credits under Subsection (7)(c).

976 (e) The court or the Board of Pardons and Parole shall terminate an offender's  
977 probation or parole upon completion of the period of probation or parole accrued by time  
978 served and credits earned under this Subsection (7) unless the court or the Board of Pardons  
979 and Parole finds that termination would interrupt the completion of a necessary treatment  
980 program, in which case the termination of probation or parole shall occur when the treatment  
981 program is completed.

982 (f) The department shall report annually to the State Commission on Criminal and  
983 Juvenile Justice on or before August 31:

984 (i) the number of offenders who have earned probation or parole credits under this  
985 Subsection (7) in one or more months of the preceding fiscal year and the percentage of the  
986 offenders on probation or parole during that time that this number represents;

987 (ii) the average number of credits earned by those offenders who earned credits;

988 (iii) the number of offenders who earned credits by county of residence while on



989 probation or parole;

990 (iv) the cost savings associated with sentencing reform programs and practices; and

991 (v) a description of how the savings will be invested in treatment and

992 early-intervention programs and practices at the county and state levels.

993 Section 11. Section **64-13-26** is amended to read:

994 **64-13-26. Private providers of services.**

995 (1) ~~[The]~~ Subject to Subsection 64-13-21(1)(b), the department may contract with  
996 ~~[private providers or other agencies]~~ a private provider or another agency for the provision of  
997 care, treatment, and supervision of ~~[offenders]~~ an offender committed to the care and custody  
998 of the department.

999 (2) (a) The department shall:

1000 (i) establish standards for the operation of the programs;

1001 (ii) establish standards ~~[pursuant to]~~ under Section 64-13-25 regarding program  
1002 standards; and

1003 (iii) annually review the programs for compliance.

1004 (b) The reviews described in Subsection (2)(a) shall be classified as confidential  
1005 internal working papers.

1006 (c) Access to records regarding the reviews is available upon the discretion of the  
1007 executive director or the governor, or upon court order.

1008 Section 12. Section **64-13e-103** is amended to read:

1009 **64-13e-103. Contracts for housing state inmates.**

1010 (1) Subject to Subsection (6), the department may contract with a county to house state  
1011 inmates in a county or other correctional facility.

1012 (2) The department shall give preference for placement of state inmates, over private  
1013 entities, to county correctional facility bed spaces for which the department has contracted  
1014 under Subsection (1).

1015 (3) (a) The compensation rate for housing state inmates pursuant to a contract  
1016 described in Subsection (1) shall be:

1017 (i) except as provided in Subsection (3)(a)(ii), 83.19% of the actual state daily  
1018 incarceration rate for beds in a county that, pursuant to the contract, are dedicated to a  
1019 treatment program for state inmates, if the treatment program is approved by the department

1020 under Subsection (3)(c);

1021 (ii) 74.18% of the actual state daily incarceration rate for beds in a county that, pursuant  
1022 to the contract, are dedicated to an alternative treatment program for state inmates, if the  
1023 alternative treatment program is approved by the department under Subsection (3)(c); and

1024 (iii) 66.23% of the actual state daily incarceration rate for beds in a county other than  
1025 the beds described in Subsections (3)(a)(i) and (ii).

1026 (b) The department shall:

1027 (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
1028 Rulemaking Act, that establish standards that a treatment program is required to meet before  
1029 the treatment program is considered for approval for the purpose of a county receiving payment  
1030 based on the rate described in Subsection (3)(a)(i) or (ii); and

1031 (ii) determine on an annual basis, based on appropriations made by the Legislature for  
1032 the contracts described in this section, whether to approve a treatment program that meets the  
1033 standards established under Subsection (3)(b)(i), for the purpose of a county receiving payment  
1034 based on the rate described in Subsection (3)(a)(i) or (ii).

1035 (c) The department may not approve a treatment program for the purpose of a county  
1036 receiving payment based on the rate described in Subsection (3)(a)(i) or (ii), unless:

1037 (i) the program meets the standards established under Subsection (3)(b)(i);

1038 (ii) the department determines that the Legislature has appropriated sufficient funds to:

1039 (A) pay the county that provides the treatment program at the rate described in

1040 Subsection (3)(a)(i) or (ii); and

1041 (B) pay each county that does not provide a treatment program an amount per state  
1042 inmate that is not less than the amount per state inmate received for the preceding fiscal year by  
1043 a county that did not provide a treatment program; and

1044 (iii) the department determines that the treatment program is needed by the department  
1045 at the location where the treatment program will be provided.

1046 (4) Compensation to a county for state inmates incarcerated under this section shall be  
1047 made by the department.

1048 (5) Counties that contract with the department under Subsection (1) shall, on or before  
1049 June 30 of each year, submit a report to the department that includes:

1050 (a) the number of state inmates the county housed under this section; and

1051 (b) the total number of state inmate days of incarceration that were provided by the  
1052 county.

1053 (6) Except as provided under Subsection (7), the department may not enter into a  
1054 contract described under Subsection (1), unless:

1055 (a) the county jail within the county is in compliance with the reporting requirements  
1056 described in Subsection 17-22-32(2); and

1057 (b) the Legislature has previously passed a joint resolution that includes the following  
1058 information regarding the proposed contract:

1059 [~~(a)~~] (i) the approximate number of beds to be contracted;

1060 [~~(b)~~] (ii) the daily rate at which the county is paid to house a state inmate;

1061 [~~(c)~~] (iii) the approximate amount of the county's long-term debt; and

1062 [~~(d)~~] (iv) the repayment time of the debt for the facility where the inmates are to be  
1063 housed.

1064 (7) The department may enter into a contract with a county government to house  
1065 inmates without complying with the approval process described in Subsection (6) only if the  
1066 county facility was under construction, or already in existence, on March 16, 2001.

1067 (8) Any resolution passed by the Legislature under Subsection (6) does not bind or  
1068 obligate the Legislature or the department regarding the proposed contract.

1069 Section 13. **Appropriation.**

1070 The following sums of money are appropriated for the fiscal year beginning July 1,  
1071 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
1072 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
1073 Act, the Legislature appropriates the following sums of money from the funds or accounts  
1074 indicated for the use and support of the government of the state of Utah.

1075 ITEM 1

1076 To Department of Health and Human Services -- Integrated Health Care Services

1077 From General Fund Restricted -- Behavioral Health

1078 Crisis Response Account

\$1,000,000

1079 Schedule of Programs:

1080 Non-Medicaid Behavioral Health

1081 Treatment of Crisis Response

\$1,000,000

1082            The Legislature intends that the appropriations under this item be used to build and  
1083 operate one or more behavioral health receiving centers in the state.

1084            Section 14. **Repealer.**

1085            This bill repeals:

1086            Section **62A-15-103.5, Provider certification.**