

Representative Ryan D. Wilcox proposes the following substitute bill:

CRIMINAL JUSTICE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill addresses provisions related to the criminal justice system.

Highlighted Provisions:

This bill:

- ▶ creates and modifies definitions;
- ▶ 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 or program who is not in compliance with certain statutory reporting requirements;
- ▶ requires certain residential, vocational, and life skills programs to provide data to CCJJ;
- ▶ requires CCJJ to evaluate, report, and publish certain data;
- ▶ requires a county to create a Criminal Justice Coordinating Council subject to certain requirements;
- ▶ removes and modifies 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:



- 26 • establish outcome measurements for treatment programs, including
- 27 measurements related to recidivism reduction;
- 28 • coordinate with the Administrative Office of the Courts, the Department of
- 29 Corrections (DOC), the Department of Workforce Services, and the Board of
- 30 Pardons and Parole to collect certain recidivism data;
- 31 • meet certain reporting requirements for the measurements and data; and
- 32 • publish certain treatment information online;
- 33 ▶ modifies the Statewide Behavioral Health Crisis Response Account;
- 34 ▶ requires DOC to:
- 35 • track an offender's compliance with certain conditions of probation or parole;
- 36 and
- 37 • create a case action plan for an offender within a certain time frame;
- 38 ▶ prohibits DOC from contracting with a county to house state inmates if the county is
- 39 not in compliance with certain statutory reporting requirements;
- 40 ▶ provides that a felony offense is not required for participation in a drug court
- 41 program; and
- 42 ▶ makes technical and conforming changes.

43 **Money Appropriated in this Bill:**

- 44 This bill appropriates in fiscal year 2023:
- 45 ▶ to General Fund Restricted -- Behavioral Health Crisis Response Account, as an
 - 46 ongoing appropriation:
 - 47 • from General Fund, \$1,000,000; and
 - 48 ▶ to Department of Health and Human Services -- Integrated Health Care Services --
 - 49 Non-Medicaid Behavioral Health Treatment and Crisis Response, as an ongoing
 - 50 appropriation:
 - 51 • from the General Fund Restricted -- Behavioral Health Crisis Response
 - 52 Account, \$1,000,000.

53 **Other Special Clauses:**

54 This bill provides a coordination clause.

55 **Utah Code Sections Affected:**

56 AMENDS:

- 57 [17-22-32](#), as last amended by Laws of Utah 2020, Chapters 283 and 413
- 58 [62A-4a-412](#), as last amended by Laws of Utah 2021, Chapters 29, 231, 262, and 419
- 59 [62A-15-103](#), as last amended by Laws of Utah 2021, Chapters 231 and 277
- 60 [62A-15-123](#), as enacted by Laws of Utah 2021, Chapter 76
- 61 [62A-15-602](#), as last amended by Laws of Utah 2021, Chapter 122
- 62 [63M-7-204](#), as last amended by Laws of Utah 2021, Chapters 64 and 426
- 63 [64-13-6](#), as last amended by Laws of Utah 2021, Chapters 173, 246, and 260
- 64 [64-13-21](#), as last amended by Laws of Utah 2021, Chapters 173 and 260
- 65 [64-13-26](#), as last amended by Laws of Utah 2015, Chapter 412
- 66 [64-13e-103](#), as last amended by Laws of Utah 2020, Chapter 410
- 67 [78A-5-201](#), as last amended by Laws of Utah 2015, Chapter 412

68 ENACTS:

- 69 [13-53-111](#), Utah Code Annotated 1953
- 70 [17-55-101](#), Utah Code Annotated 1953
- 71 [17-55-201](#), Utah Code Annotated 1953
- 72 [63M-7-218](#), Utah Code Annotated 1953

73 REPEALS:

- 74 [62A-15-103.5](#), as last amended by Laws of Utah 2021, Chapter 64

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

- 76 [17-55-101](#), Utah Code Annotated 1953
- 77 [17-55-201](#), Utah Code Annotated 1953



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

80 Section 1. Section **13-53-111** is enacted to read:

81 **13-53-111. Recidivism reporting requirements.**

82 (1) A residential, vocational and life skills program shall collect data on recidivism of
83 participants, including data on:

84 (a) participants who are ordered by a criminal court or the Board of Pardons and Parole
85 to participate in the residential, vocational and life skills program and commit another offense
86 while participating in the program or within two years after the day on which the program ends;
87 and

88 (b) the type of services provided to, and employment of, the participants described in
89 Subsection (1)(a).

90 (2) A residential, vocational and life skills program shall annually, on or before August
91 31, provide the data described in Subsection (1) to the State Commission on Criminal and
92 Juvenile Justice, to be included in the report described in Subsection [63M-7-204\(1\)\(x\)](#).

93 Section 2. Section **17-22-32** is amended to read:

94 **17-22-32. County jail reporting requirements.**

95 (1) As used in this section:

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

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

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

101 (A) being transported for medical care; or

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

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

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

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

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

109 (b) the number of inmates in the county jail on the last day of each month who identify
110 as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity
111 published by the United States Federal Bureau of Investigation;

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

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

115 (i) the Bureau of Indian Affairs;

116 (ii) a state prison;

117 (iii) a federal prison;

118 (iv) the United States Immigration and Customs Enforcement;

119 (v) any other entity with which a county jail has entered a contract to house inmates on
120 the entity's behalf;

121 (e) the number of inmates that are denied pretrial release and held in the custody of the
122 county jail while the inmate awaited final disposition of the inmate's criminal charges;

123 (f) for each inmate booked into the county jail:

124 (i) the name of the agency that arrested the inmate;

125 (ii) the date and time the inmate was booked into and released from the custody of the
126 county jail;

127 (iii) if the inmate was released from the custody of the county jail, the reason the
128 inmate was released from the custody of the county jail;

129 (iv) if the inmate was released from the custody of the county jail on a financial
130 condition, whether the financial condition was set by a bail commissioner or a court;

131 (v) the number of days the inmate was held in the custody of the county jail before
132 disposition of the inmate's criminal charges;

133 (vi) whether the inmate was released from the custody of the county jail before final
134 disposition of the inmate's criminal charges; and

135 (vii) the state identification number of the inmate;

136 (g) the number of in-custody deaths that occurred at the county jail;

137 (h) for each in-custody death;

138 (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or
139 disability, if any, of the deceased;

140 (ii) the date, time, and location of death;

141 (iii) the law enforcement agency that detained, arrested, or was in the process of
142 arresting the deceased; and

143 (iv) a brief description of the circumstances surrounding the death;

144 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
145 each of the in-custody deaths described in Subsection (2)(g);

146 (j) the county jail's policy for notifying an inmate's next of kin after the inmate's
147 in-custody death;

148 (k) the county jail policies, procedures, and protocols:

149 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,

150 including use of opiates;

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

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

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

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

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

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

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

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

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

168 (A) the county jail; and

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

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

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

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

175 (4) The commission shall:

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

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

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

180 Committee and the Utah Substance Use and Mental Health Advisory Council before November

181 1 of each year; and

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

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

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

189 Section 3. Section **17-55-101** is enacted to read:

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

191 **Part 1. General Provisions**

192 **17-55-101. Definitions.**

193 As used in this part:

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

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

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

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

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

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

206 (i) educational services;

207 (ii) housing services;

208 (iii) health care services;

209 (iv) workforce services; and

210 (v) human services programs.

211 (6) "Recidivism" means reoffending after release from incarceration.

212 Section 4. Section **17-55-201** is enacted to read:

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

214 **17-55-201. Criminal Justice Coordinating Councils -- Creation -- Strategic plan --**

215 **Reporting.**

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

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

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

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

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

223 (i) one county commissioner;

224 (ii) the county sheriff, or the sheriff's designee;

225 (iii) one chief of police of a municipality within the county, or the chief's designee;

226 (iv) the county attorney, or the attorney's designee;

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

228 (vi) one district court judge;

229 (vii) one justice court judge;

230 (viii) one representative from the Division of Adult Probation and Parole within the
231 Department of Corrections;

232 (ix) one representative from the local mental health authority within the county;

233 (x) one member of the public who is a crime victim; and

234 (xi) one member of the public with lived experiences in the criminal justice system.

235 (b) A council may include individuals representing:

236 (i) local government;

237 (ii) human services programs;

238 (iii) higher education;

239 (iv) peer support services;

240 (v) workforce services;

241 (vi) local housing services;

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

- 243 (viii) a health care organization within the county;
- 244 (ix) a local homeless council;
- 245 (x) family counseling and support groups; or
- 246 (xi) organizations that work with families of incarcerated individuals.
- 247 (3) The county commissioner on a council shall serve as chair of the council.
- 248 (4) (a) A council shall develop and implement a strategic plan for the county's or
- 249 counties' criminal justice system that includes:
- 250 (i) mapping of all systems, resources, assets, and services within the county's or
- 251 counties' criminal justice system;
- 252 (ii) a plan for data sharing across the county's or counties' criminal justice system;
- 253 (iii) recidivism reduction objectives; and
- 254 (iv) community reintegration goals.
- 255 (b) The commission may assist a council in the development of a strategic plan.
- 256 (5) Before November 30 of each year, a council shall provide a written report to the
- 257 commission regarding:
- 258 (a) the implementation of a strategic plan described in Subsection (4); and
- 259 (b) any data on the impact of the council on the criminal justice system in the county or
- 260 counties.
- 261 Section 5. Section **62A-4a-412** is amended to read:
- 262 **62A-4a-412. Reports, information, and referrals confidential.**
- 263 (1) Except as otherwise provided in this chapter, reports made under this part, as well
- 264 as any other information in the possession of the division obtained as the result of a report are
- 265 private, protected, or controlled records under Title 63G, Chapter 2, Government Records
- 266 Access and Management Act, and may only be made available to:
- 267 (a) a police or law enforcement agency investigating a report of known or suspected
- 268 abuse or neglect, including members of a child protection team;
- 269 (b) a physician who reasonably believes that a child may be the subject of abuse or
- 270 neglect;
- 271 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor
- 272 who is the subject of a report;
- 273 (d) a contract provider that has a written contract with the division to render services to

274 a minor who is the subject of a report;

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

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

279 (i) limited to objective or undisputed facts that were verified at the time of the
280 investigation; and

281 (ii) devoid of conclusions drawn by the division or any of the division's workers on the
282 ultimate issue of whether or not an individual's acts or omissions constituted any level of abuse
283 or neglect of another individual;

284 (g) an office of the public prosecutor or its deputies in performing an official duty;

285 (h) a person authorized by a Children's Justice Center, for the purposes described in
286 Section 67-5b-102;

287 (i) a person engaged in bona fide research, when approved by the director of the
288 division, if the information does not include names and addresses;

289 (j) the State Board of Education, acting on behalf of itself or on behalf of a local
290 education agency, as defined in Section 63J-5-102, for the purpose of evaluating whether an
291 individual should be permitted to obtain or retain a license as an educator or serve as an
292 employee or volunteer in a school, limited to information with substantiated or supported
293 findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug
294 offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against
295 the Person, and with the understanding that the office must provide the subject of a report
296 received under Subsection (1)(k) with an opportunity to respond to the report before making a
297 decision concerning licensure or employment;

298 (k) any individual identified in the report as a perpetrator or possible perpetrator of
299 abuse or neglect, after being advised of the screening prohibition in Subsection (2);

300 (l) a person filing a petition for a child protective order on behalf of a child who is the
301 subject of the report;

302 (m) a licensed child-placing agency or person who is performing a preplacement
303 adoptive evaluation in accordance with the requirements of Sections 78B-6-128 and
304 78B-6-130;

305 (n) an Indian tribe to:
306 (i) certify or license a foster home;
307 (ii) render services to a subject of a report; or
308 (iii) investigate an allegation of abuse, neglect, or dependency; or
309 (o) the Division of Substance Abuse and Mental Health, the Department of Health, or a
310 local substance abuse authority, described in Section 17-43-201, for the purpose of providing
311 substance abuse treatment to a pregnant woman or a parent of a newborn child, or the services
312 described in Subsection 62A-15-103(2)(~~o~~)(p).

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

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

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

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

- 328 (i) identify the referent;
- 329 (ii) impede a criminal investigation; or
- 330 (iii) endanger an individual's safety.

331 (4) Any person who willfully permits, or aides and abets the release of data or
332 information obtained as a result of this part, in the possession of the division or contained on
333 any part of the Management Information System, in violation of this part or Sections
334 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

335 (5) (a) As used in this Subsection (5), "physician" means an individual licensed to

336 practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical
337 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

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

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

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

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

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

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

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

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

355 (i) is provided to the court:

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

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

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

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

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

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

366 Section 6. Section 62A-15-103 is amended to read:

367 **62A-15-103. Division -- Creation -- Responsibilities.**

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

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

372 (2) The division shall:

373 (a) (i) educate the general public regarding the nature and consequences of substance
374 abuse by promoting school and community-based prevention programs;

375 (ii) render support and assistance to public schools through approved school-based
376 substance abuse education programs aimed at prevention of substance abuse;

377 (iii) promote or establish programs for the prevention of substance abuse within the
378 community setting through community-based prevention programs;

379 (iv) cooperate with and assist treatment centers, recovery residences, and other
380 organizations that provide services to individuals recovering from a substance abuse disorder,
381 by identifying and disseminating information about effective practices and programs;

382 [~~(v) except as provided in Section 62A-15-103.5, make rules in accordance with Title~~
383 ~~63G, Chapter 3, Utah Administrative Rulemaking Act, to develop, in collaboration with public~~
384 ~~and private programs, minimum standards for public and private providers of substance abuse~~
385 ~~and mental health programs licensed by the department under Title 62A, Chapter 2, Licensure~~
386 ~~of Programs and Facilities;]~~

387 [~~(vi)~~] (v) promote integrated programs that address an individual's substance abuse,
388 mental health, and physical health[~~, and criminal risk factors~~];

389 [~~(vii)~~] (vi) establish and promote an evidence-based continuum of screening,
390 assessment, prevention, treatment, and recovery support services in the community for
391 individuals with a substance use disorder [~~and~~] or mental illness [~~that addresses criminal risk~~
392 ~~factors~~];

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

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

395 (A) emergency department utilization;

396 (B) jail and prison populations;

397 (C) the homeless population; and

- 398 (D) the child welfare system; and
- 399 [~~(x)~~] (ix) promote or establish programs for education and certification of instructors to
- 400 educate individuals convicted of driving under the influence of alcohol or drugs or driving with
- 401 any measurable controlled substance in the body;
- 402 (b) (i) collect and disseminate information pertaining to mental health;
- 403 (ii) provide direction over the state hospital including approval of the state hospital's
- 404 budget, administrative policy, and coordination of services with local service plans;
- 405 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 406 Rulemaking Act, to educate families concerning mental illness and promote family
- 407 involvement, when appropriate, and with patient consent, in the treatment program of a family
- 408 member; and
- 409 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 410 Rulemaking Act, to direct that an individual receiving services through a local mental health
- 411 authority or the Utah State Hospital be informed about and, if desired by the individual,
- 412 provided assistance in the completion of a declaration for mental health treatment in
- 413 accordance with Section [62A-15-1002](#);
- 414 (c) (i) consult and coordinate with local substance abuse authorities and local mental
- 415 health authorities regarding programs and services;
- 416 (ii) provide consultation and other assistance to public and private agencies and groups
- 417 working on substance abuse and mental health issues;
- 418 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
- 419 medical and social agencies, public health authorities, law enforcement agencies, education and
- 420 research organizations, and other related groups;
- 421 (iv) promote or conduct research on substance abuse and mental health issues, and
- 422 submit to the governor and the Legislature recommendations for changes in policy and
- 423 legislation;
- 424 (v) receive, distribute, and provide direction over public funds for substance abuse and
- 425 mental health services;
- 426 (vi) monitor and evaluate programs provided by local substance abuse authorities and
- 427 local mental health authorities;
- 428 (vii) examine expenditures of local, state, and federal funds;

- 429 (viii) monitor the expenditure of public funds by:
- 430 (A) local substance abuse authorities;
- 431 (B) local mental health authorities; and
- 432 (C) in counties where they exist, a private contract provider that has an annual or
- 433 otherwise ongoing contract to provide comprehensive substance abuse or mental health
- 434 programs or services for the local substance abuse authority or local mental health authority;
- 435 (ix) contract with local substance abuse authorities and local mental health authorities
- 436 to provide a comprehensive continuum of services that include community-based services for
- 437 individuals involved in the criminal justice system, in accordance with division policy, contract
- 438 provisions, and the local plan;
- 439 (x) contract with private and public entities for special statewide or nonclinical
- 440 services, or services for individuals involved in the criminal justice system, according to
- 441 division rules;
- 442 (xi) review and approve each local substance abuse authority's plan and each local
- 443 mental health authority's plan in order to ensure:
- 444 (A) a statewide comprehensive continuum of substance abuse services;
- 445 (B) a statewide comprehensive continuum of mental health services;
- 446 (C) services result in improved overall health and functioning;
- 447 (D) a statewide comprehensive continuum of community-based services designed to
- 448 reduce criminal risk factors for individuals who are determined to have substance abuse or
- 449 mental illness conditions or both, and who are involved in the criminal justice system;
- 450 (E) compliance, where appropriate, with the certification requirements in Subsection
- 451 (2)(j); and
- 452 (F) appropriate expenditure of public funds;
- 453 (xii) review and make recommendations regarding each local substance abuse
- 454 authority's contract with the local substance abuse authority's provider of substance abuse
- 455 programs and services and each local mental health authority's contract with the local mental
- 456 health authority's provider of mental health programs and services to ensure compliance with
- 457 state and federal law and policy;
- 458 (xiii) monitor and ensure compliance with division rules and contract requirements;
- 459 and

460 (xiv) withhold funds from local substance abuse authorities, local mental health
461 authorities, and public and private providers for contract noncompliance, failure to comply
462 with division directives regarding the use of public funds, or for misuse of public funds or
463 money;

464 (d) ensure that the requirements of this part are met and applied uniformly by local
465 substance abuse authorities and local mental health authorities across the state;

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

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

472 (i) a review and determination regarding whether:

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

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

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

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

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

484 (A) a substance use disorder;

485 (B) a mental health disorder; or

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

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

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

- 491 (A) establish training and certification requirements for a peer support specialist;
- 492 (B) specify the types of services a peer support specialist is qualified to provide;
- 493 (C) specify the type of supervision under which a peer support specialist is required to
- 494 operate; and

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

496 certification as a peer support specialist; and

497 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

498 Rulemaking Act, that:

499 (A) establish the requirements for a person to be certified to carry out, as needed, the

500 division's duty to train and certify an adult as a peer support specialist; and

501 (B) specify how the division shall provide oversight of a person certified to train and

502 certify a peer support specialist;

503 ~~[(i) except as provided in Section 62A-15-103.5, establish by rule, in accordance with~~

504 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act, minimum standards and~~

505 ~~requirements for the provision of substance use disorder and mental health treatment to an~~

506 ~~individual who is incarcerated or who is required to participate in treatment by a court or by the~~

507 ~~Board of Pardons and Parole, including:]~~

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

509 ~~Mental Health Advisory Council to develop and coordinate the standards, including standards~~

510 ~~for county and state programs serving individuals convicted of class A and class B~~

511 ~~misdemeanors;]~~

512 ~~[(ii) determining that the standards ensure available treatment, including the most~~

513 ~~current practices and procedures demonstrated by recognized scientific research to reduce~~

514 ~~recidivism, including focus on the individual's criminal risk factors; and]~~

515 ~~[(iii) requiring that all public and private treatment programs meet the standards~~

516 ~~established under this Subsection (2)(i) in order to receive public funds allocated to the~~

517 ~~division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice~~

518 ~~for the costs of providing screening, assessment, prevention, treatment, and recovery support;]~~

519 ~~[(j) except as provided in Section 62A-15-103.5, establish by rule, in accordance with~~

520 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements and procedures~~

521 ~~for the certification of licensed public and private providers, including individuals licensed by~~

522 the Division of Occupational and Professional Licensing, programs licensed by the department,
523 and health care facilities licensed by the Department of Health, who provide, as part of their
524 practice, substance use disorder and mental health treatment to an individual involved in the
525 criminal justice system, including:]

526 [~~(i)~~ collaboration with the Department of Corrections, the Utah Substance Use and
527 Mental Health Advisory Council, and the Utah Association of Counties to develop, coordinate,
528 and implement the certification process;]

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

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

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

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

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

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

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

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

550 (j) establish performance goals and outcome measurements for a mental health or
551 substance use treatment program that is licensed under Chapter 2, Licensure of Programs and
552 Facilities, and contracts with the department, including goals and measurements related to

553 employment and reducing recidivism of individuals receiving mental health or substance use
554 treatment who are involved with the criminal justice system;

555 (k) annually, on or before November 30, submit a written report to the Judiciary
556 Interim Committee, the Health and Human Services Interim Committee, and the Law
557 Enforcement and Criminal Justice Interim Committee, that includes:

558 (i) a description of the performance goals and outcome measurements described in
559 Subsection (2)(j); and

560 (ii) information on the effectiveness of the goals and measurements in ensuring
561 appropriate and adequate mental health or substance use treatment is provided in a treatment
562 program described in Subsection (2)(j);

563 (l) collaborate with the Administrative Office of the Courts, the Department of
564 Corrections, the Department of Workforce Services, and the Board of Pardons and Parole to
565 collect data on recidivism, including data on:

566 (i) individuals who participate in a mental health or substance use treatment program
567 while incarcerated and commit another offense within two years after release from
568 incarceration;

569 (ii) individuals who are ordered by a criminal court or the Board of Pardons and Parole
570 to participate in a mental health or substance use treatment program and commit another
571 offense while participating in the treatment program or within two years after the day on which
572 the treatment program ends;

573 (iii) the type of treatment provided to, and employment of, the individuals described in
574 Subsections (2)(l)(i) and (ii); and

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

577 (m) [in] at the division's discretion, use the data described in Subsection (2)(l) to make
578 decisions regarding the use of funds allocated to the division[; the Administrative Office of the
579 Courts, and the Department of Corrections to provide treatment for which standards are
580 established under Subsection (2)(i)] to provide treatment;

581 (n) annually, on or before August 31, submit the data collected under Subsection
582 [(2)(k)] (2)(l) and any recommendations to improve the data collection to the State
583 Commission on Criminal and Juvenile Justice[; which shall compile a report of findings based

584 ~~on the data and provide the report to the Judiciary Interim Committee, the Health and Human~~
585 ~~Services Interim Committee, the Law Enforcement and Criminal Justice Interim Committee,~~
586 ~~and the related appropriations subcommittees; and] to be included in the report described in~~
587 Subsection 63M-7-204(1)(x);

588 (o) publish the following on the division's website:

589 (i) the performance goals and outcome measurements described in Subsection (2)(j);

590 and

591 (ii) a description of the services provided and the contact information for the mental
592 health and substance use treatment programs described in Subsection (2)(j) and residential,
593 vocational and life skills programs, as defined in Section 13-53-102; and

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

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

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

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

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

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

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

- 615 (A) information on safe handling, storage, and use of firearms in a home environment;
- 616 (B) information about at-risk individuals and individuals who are legally prohibited
- 617 from possessing firearms;
- 618 (C) information about suicide prevention awareness; and
- 619 (D) information about the availability of firearm safety packets;
- 620 (ii) procure cable-style gun locks for distribution under this section;
- 621 (iii) produce a firearm safety packet that includes the firearm safety brochure and the
- 622 cable-style gun lock described in this Subsection (3); and
- 623 (iv) create a suicide prevention education course that:
- 624 (A) provides information for distribution regarding firearm safety education;
- 625 (B) incorporates current information on how to recognize suicidal behaviors and
- 626 identify individuals who may be suicidal; and
- 627 (C) provides information regarding crisis intervention resources;
- 628 (b) distributing, free of charge, the firearm safety packet to the following persons, who
- 629 shall make the firearm safety packet available free of charge:
- 630 (i) health care providers, including emergency rooms;
- 631 (ii) mobile crisis outreach teams;
- 632 (iii) mental health practitioners;
- 633 (iv) other public health suicide prevention organizations;
- 634 (v) entities that teach firearm safety courses;
- 635 (vi) school districts for use in the seminar, described in Section [53G-9-702](#), for parents
- 636 of students in the school district; and
- 637 (vii) firearm dealers to be distributed in accordance with Section [76-10-526](#);
- 638 (c) creating and administering a rebate program that includes a rebate that offers
- 639 between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms
- 640 dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident;
- 641 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 642 making rules that establish procedures for:
- 643 (i) producing and distributing the suicide prevention education course and the firearm
- 644 safety brochures and packets;
- 645 (ii) procuring the cable-style gun locks for distribution; and

- 646 (iii) administering the rebate program; and
647 (e) reporting to the Health and Human Services Interim Committee regarding
648 implementation and success of the firearm safety program and suicide prevention education
649 course at or before the November meeting each year.
- 650 (4) (a) The division may refuse to contract with and may pursue legal remedies against
651 any local substance abuse authority or local mental health authority that fails, or has failed, to
652 expend public funds in accordance with state law, division policy, contract provisions, or
653 directives issued in accordance with state law.
- 654 (b) The division may withhold funds from a local substance abuse authority or local
655 mental health authority if the authority's contract provider of substance abuse or mental health
656 programs or services fails to comply with state and federal law or policy.
- 657 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority
658 or local mental health authority, the division shall review and determine whether the local
659 substance abuse authority or local mental health authority is complying with the oversight and
660 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and
661 17-43-309.
- 662 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and
663 liability described in Section 17-43-303 and to the responsibility and liability described in
664 Section 17-43-203.
- 665 (6) In carrying out the division's duties and responsibilities, the division may not
666 duplicate treatment or educational facilities that exist in other divisions or departments of the
667 state, but shall work in conjunction with those divisions and departments in rendering the
668 treatment or educational services that those divisions and departments are competent and able
669 to provide.
- 670 (7) The division may accept in the name of and on behalf of the state donations, gifts,
671 devises, or bequests of real or personal property or services to be used as specified by the
672 donor.
- 673 (8) The division shall annually review with each local substance abuse authority and
674 each local mental health authority the authority's statutory and contract responsibilities
675 regarding:
- 676 (a) use of public funds;

677 (b) oversight of public funds; and
678 (c) governance of substance use disorder and mental health programs and services.
679 (9) The Legislature may refuse to appropriate funds to the division upon the division's
680 failure to comply with the provisions of this part.

681 (10) If a local substance abuse authority contacts the division under Subsection
682 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant
683 minor, the division shall:

684 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
685 capacity to provide the treatment services; or

686 (b) otherwise ensure that treatment services are made available to the pregnant woman
687 or pregnant minor.

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

690 (a) provide coordination between a local education agency and local mental health
691 authority;

692 (b) recommend evidence-based and evidence informed mental health screenings and
693 intervention assessments for a local education agency; and

694 (c) coordinate with the local community, including local departments of health, to
695 enhance and expand mental health related resources for a local education agency.

696 Section 7. Section **62A-15-123** is amended to read:

697 **62A-15-123. Statewide Behavioral Health Crisis Response Account -- Creation --**
698 **Administration -- Permitted uses.**

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

701 (a) money appropriated or otherwise made available by the Legislature; and

702 (b) contributions of money, property, or equipment from federal agencies, political
703 subdivisions of the state, or other persons.

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

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

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

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

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

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

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

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

723 (vi) mental health crisis services provided by local substance abuse authorities as
724 described in Section 17-43-201 and local mental health authorities described in Section
725 17-43-301 to provide prolonged mental health services for up to 90 days after the day on which
726 an individual experiences a mental health crisis.

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

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

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

736 (a) the amount of each disbursement from the ~~[restricted account described in Section~~
737 ~~62A-15-123]~~ account;

738 (b) the recipient of each disbursement, the goods and services received, and a

739 description of the project funded by the disbursement;

740 (c) any conditions placed by the division on the disbursements from the [restricted]
741 account;

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

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

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

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

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

749 Section 8. Section **62A-15-602** is amended to read:

750 **62A-15-602. Definitions.**

751 As used in this part, Part 7, Commitment of Persons Under Age 18 to Division of
752 Substance Abuse and Mental Health, Part 8, Interstate Compact on Mental Health, Part 9, Utah
753 Forensic Mental Health Facility, Part 10, Declaration for Mental Health Treatment, and Part
754 12, Essential Treatment and Intervention Act:

755 (1) "Adult" means an individual 18 years of age or older.

756 (2) "Approved treatment facility or program" means a mental health or substance use
757 treatment provider that meets the [standards] goals and measurements described in Subsection
758 [~~62A-15-103(2)(a)(v)~~] 62A-15-103(2)(j).

759 (3) "Assisted outpatient treatment" means involuntary outpatient mental health
760 treatment ordered under Section 62A-15-630.5.

761 (4) "Commitment to the custody of a local mental health authority" means that an adult
762 is committed to the custody of the local mental health authority that governs the mental health
763 catchment area where the adult resides or is found.

764 (5) "Community mental health center" means an entity that provides treatment and
765 services to a resident of a designated geographical area, that operates by or under contract with
766 a local mental health authority, and that complies with state standards for community mental
767 health centers.

768 (6) "Designated examiner" means:

769 (a) a licensed physician, preferably a psychiatrist, who is designated by the division as

770 specially qualified by training or experience in the diagnosis of mental or related illness; or

771 (b) a licensed mental health professional designated by the division as specially
772 qualified by training and who has at least five years' continual experience in the treatment of
773 mental illness.

774 (7) "Designee" means a physician who has responsibility for medical functions
775 including admission and discharge, an employee of a local mental health authority, or an
776 employee of a person that has contracted with a local mental health authority to provide mental
777 health services under Section [17-43-304](#).

778 (8) "Essential treatment" and "essential treatment and intervention" mean court-ordered
779 treatment at a local substance abuse authority or an approved treatment facility or program for
780 the treatment of an adult's substance use disorder.

781 (9) "Harmful sexual conduct" means the following conduct upon an individual without
782 the individual's consent, including the nonconsensual circumstances described in Subsections
783 [76-5-406\(2\)\(a\)](#) through (l):

784 (a) sexual intercourse;

785 (b) penetration, however slight, of the genital or anal opening of the individual;

786 (c) any sexual act involving the genitals or anus of the actor or the individual and the
787 mouth or anus of either individual, regardless of the gender of either participant; or

788 (d) any sexual act causing substantial emotional injury or bodily pain.

789 (10) "Informed waiver" means the patient was informed of a right and, after being
790 informed of that right and the patient's right to waive the right, expressly communicated his or
791 her intention to waive that right.

792 (11) "Institution" means a hospital or a health facility licensed under Section [26-21-8](#).

793 (12) "Local substance abuse authority" means the same as that term is defined in
794 Section [62A-15-102](#) and described in Section [17-43-201](#).

795 (13) "Mental health facility" means the Utah State Hospital or other facility that
796 provides mental health services under contract with the division, a local mental health
797 authority, a person that contracts with a local mental health authority, or a person that provides
798 acute inpatient psychiatric services to a patient.

799 (14) "Mental health officer" means an individual who is designated by a local mental
800 health authority as qualified by training and experience in the recognition and identification of

801 mental illness, to:

802 (a) apply for and provide certification for a temporary commitment; or

803 (b) assist in the arrangement of transportation to a designated mental health facility.

804 (15) "Mental illness" means:

805 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
806 behavioral, or related functioning; or

807 (b) the same as that term is defined in:

808 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
809 published by the American Psychiatric Association; or

810 (ii) the current edition of the International Statistical Classification of Diseases and
811 Related Health Problems.

812 (16) "Patient" means an individual who is:

813 (a) under commitment to the custody or to the treatment services of a local mental
814 health authority; or

815 (b) undergoing essential treatment and intervention.

816 (17) "Physician" means an individual who is:

817 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or

818 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical
819 Practice Act.

820 (18) "Serious bodily injury" means bodily injury that involves a substantial risk of
821 death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or
822 protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

823 (19) "Substantial danger" means that due to mental illness, an individual is at serious
824 risk of:

825 (a) suicide;

826 (b) serious bodily self-injury;

827 (c) serious bodily injury because the individual is incapable of providing the basic
828 necessities of life, including food, clothing, or shelter;

829 (d) causing or attempting to cause serious bodily injury to another individual; or

830 (e) engaging in harmful sexual conduct.

831 (20) "Treatment" means psychotherapy, medication, including the administration of

832 psychotropic medication, or other medical treatments that are generally accepted medical or
833 psychosocial interventions for the purpose of restoring the patient to an optimal level of
834 functioning in the least restrictive environment.

835 Section 9. Section **63M-7-204** is amended to read:

836 **63M-7-204. Duties of commission.**

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

838 (a) promote the commission's purposes as enumerated in Section [63M-7-201](#);

839 (b) promote the communication and coordination of all criminal and juvenile justice
840 agencies;

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

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

849 (e) study, evaluate, and report on policies, procedures, and programs of other
850 jurisdictions which have effectively reduced crime;

851 (f) identify and promote the implementation of specific policies and programs the
852 commission determines will significantly reduce crime in Utah;

853 (g) provide analysis and recommendations on all criminal and juvenile justice
854 legislation, state budget, and facility requests, including program and fiscal impact on all
855 components of the criminal and juvenile justice system;

856 (h) provide analysis, accountability, recommendations, and supervision for state and
857 federal criminal justice grant money;

858 (i) provide public information on the criminal and juvenile justice system and give
859 technical assistance to agencies or local units of government on methods to promote public
860 awareness;

861 (j) promote research and program evaluation as an integral part of the criminal and
862 juvenile justice system;

- 863 (k) provide a comprehensive criminal justice plan annually;
- 864 (l) review agency forecasts regarding future demands on the criminal and juvenile
865 justice systems, including specific projections for secure bed space;
- 866 (m) promote the development of criminal and juvenile justice information systems that
867 are consistent with common standards for data storage and are capable of appropriately sharing
868 information with other criminal justice information systems by:
 - 869 (i) developing and maintaining common data standards for use by all state criminal
870 justice agencies;
 - 871 (ii) annually performing audits of criminal history record information maintained by
872 state criminal justice agencies to assess their accuracy, completeness, and adherence to
873 standards;
 - 874 (iii) defining and developing state and local programs and projects associated with the
875 improvement of information management for law enforcement and the administration of
876 justice; and
 - 877 (iv) establishing general policies concerning criminal and juvenile justice information
878 systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this
879 Subsection (1)(m);
- 880 (n) allocate and administer grants, from money made available, for approved education
881 programs to help prevent the sexual exploitation of children;
- 882 (o) allocate and administer grants for law enforcement operations and programs related
883 to reducing illegal drug activity and related criminal activity;
- 884 (p) request, receive, and evaluate data and recommendations collected and reported by
885 agencies and contractors related to policies recommended by the commission regarding
886 recidivism reduction, including the data described in Section 13-53-111 and Subsection
887 62A-15-103(2)(l);
- 888 (q) establish and administer a performance incentive grant program that allocates funds
889 appropriated by the Legislature to programs and practices implemented by counties that reduce
890 recidivism and reduce the number of offenders per capita who are incarcerated;
- 891 (r) oversee or designate an entity to oversee the implementation of juvenile justice
892 reforms;
- 893 (s) make rules and administer the juvenile holding room standards and juvenile jail

894 standards to align with the Juvenile Justice and Delinquency Prevention Act requirements
895 pursuant to 42 U.S.C. Sec. 5633;

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

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

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

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

904 (i) ensuring oversight and accountability;

905 (ii) supporting local corrections systems;

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

907 (iv) strengthening probation and parole supervision[-];

908 (x) compile a report of findings based on the data and recommendations provided
909 under Section [13-53-111](#) and Subsection [62A-15-103\(2\)\(n\)](#) that:

910 (i) separates the data provided under Section [13-53-111](#) by each residential, vocational
911 and life skills program; and

912 (ii) separates the data provided under Subsection [62A-15-103\(2\)\(n\)](#) by each mental
913 health or substance use treatment program; and

914 (y) publish the report described in Subsection (1)(x) on the commission's website and
915 annually provide the report to the Judiciary Interim Committee, the Health and Human Services
916 Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the
917 related appropriations subcommittees.

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

922 Section 10. Section [63M-7-218](#) is enacted to read:

923 **[63M-7-218. State grant requirements.](#)**

924 (1) As used in this section, "commission" means the State Commission on Criminal

925 and Juvenile Justice created in Section [63M-7-201](#).

926 (2) Beginning January 1, 2023, the commission may not award any grant of state funds

927 to:

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

929 (b) a county jail that is subject to, and not in compliance with, Subsection [17-22-32\(2\)](#)

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

931 (c) a criminal justice coordinating council that is subject to, and not in compliance
932 with, Subsection [17-55-201\(4\)](#);

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

935 (e) a law enforcement agency that is subject to, and not in compliance with, Subsection
936 [63M-7-214\(7\)](#) or [77-7-8.5\(2\)](#);

937 (f) a prosecutorial agency that is subject to, and not in compliance with, Subsection
938 [63M-7-216\(2\)](#) or [77-22-2.5\(9\)](#); or

939 (g) a residential, vocational and life skills program that is subject to, and not in
940 compliance with, Section [13-53-111](#).

941 Section 11. Section **64-13-6** is amended to read:

942 **64-13-6. Department duties.**

943 (1) The department shall:

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

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

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

950 (d) ensure that offender participation in all program opportunities described in
951 Subsection (1)(c) is voluntary;

952 (e) where appropriate, utilize offender volunteers as mentors in the program
953 opportunities described in Subsection (1)(c);

954 (f) provide treatment for sex offenders who are found to be treatable based upon
955 criteria developed by the department;

956 (g) provide the results of ongoing clinical assessment of sex offenders and objective
957 diagnostic testing to sentencing and release authorities;

958 (h) manage programs that take into account the needs and interests of victims, where
959 reasonable;

960 (i) supervise probationers and parolees as directed by statute and implemented by the
961 courts and the Board of Pardons and Parole;

962 (j) subject to Subsection (2), investigate criminal conduct involving offenders
963 incarcerated in a state correctional facility;

964 (k) cooperate and exchange information with other state, local, and federal law
965 enforcement agencies to achieve greater success in prevention and detection of crime and
966 apprehension of criminals;

967 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
968 Offender Supervision;

969 (m) establish a case action plan based on appropriate validated risk, needs, and
970 responsibility assessments for each offender as follows:

971 (i) (A) if an offender is to be supervised in the community, the department shall
972 establish a case action plan [~~shall be established~~] for the offender [~~not more~~] no later than [~~90~~]
973 60 days after [~~supervision by the department~~] the day on which the department's community
974 supervision of the offender begins; and

975 (B) if the offender is committed to the custody of the department, the department shall
976 establish a case action plan [~~shall be established~~] for the offender [~~not more~~] no later than [~~120~~]
977 90 days after the [~~commitment~~] day on which the offender is committed to the custody of the
978 department;

979 (ii) each case action plan shall integrate an individualized, evidence-based, and
980 evidence-informed treatment and program plan with clearly defined completion requirements;

981 (iii) the department shall share each newly established case action plan with the
982 sentencing and release authority within 30 days after the day on which the case action plan is
983 established; and

984 (iv) the department shall share any changes to a case action plan, including any change
985 in an offender's risk assessment, with the sentencing and release authority within 30 days after
986 the day of the change; and

987 (n) ensure that any training or certification required of a public official or public
988 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
989 22, State Training and Certification Requirements, if the training or certification is required:

- 990 (i) under this title;
- 991 (ii) by the department; or
- 992 (iii) by an agency or division within the department.

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

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

997 (b) upon approval by the court or the Board of Pardons and Parole, impose as a
998 sanction for an individual's violation of the terms of probation or parole a period of
999 incarceration of not more than three consecutive days and not more than a total of five days
1000 within a period of 30 days.

1001 (3) (a) By following the procedures in Subsection (3)(b), the department may
1002 investigate the following occurrences at state correctional facilities:

- 1003 (i) criminal conduct of departmental employees;
- 1004 (ii) felony crimes resulting in serious bodily injury;
- 1005 (iii) death of any person; or
- 1006 (iv) aggravated kidnaping.

1007 (b) Before investigating any occurrence specified in Subsection (3)(a), the department
1008 shall:

1009 (i) notify the sheriff or other appropriate law enforcement agency promptly after
1010 ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a) has
1011 occurred; and

1012 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to
1013 conduct an investigation involving an occurrence specified in Subsection (3)(a).

1014 (4) Upon request, the department shall provide copies of investigative reports of
1015 criminal conduct to the sheriff or other appropriate law enforcement agencies.

1016 (5) (a) The executive director of the department, or the executive director's designee if
1017 the designee possesses expertise in correctional programming, shall consult at least annually

1018 with cognitive and career-readiness staff experts from the Utah system of higher education and
1019 the State Board of Education to review the department's evidence-based and evidence-informed
1020 treatment and program opportunities.

1021 (b) Beginning in the 2022 interim, the department shall provide an annual report to the
1022 Law Enforcement and Criminal Justice Interim Committee regarding the department's
1023 implementation of and offender participation in evidence-based and evidence-informed
1024 treatment and program opportunities designed to reduce the criminogenic and recidivism risks
1025 of offenders over time.

1026 (6) (a) As used in this Subsection (6):

1027 (i) "Accounts receivable" means any amount owed by an offender arising from a
1028 criminal judgment that has not been paid.

1029 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,
1030 surcharges, costs, interest, penalties, restitution to victims, third-party claims, claims,
1031 reimbursement of a reward, and damages that an offender is ordered to pay.

1032 (b) The department shall collect and disburse, with any interest and any other costs
1033 assessed under Section 64-13-21, an accounts receivable for an offender during:

1034 (i) the parole period and any extension of that period in accordance with Subsection
1035 (6)(c); and

1036 (ii) the probation period for which the court orders supervised probation and any
1037 extension of that period by the department in accordance with Subsection 77-18-105(7).

1038 (c) (i) If an offender has an unpaid balance of the offender's accounts receivable at the
1039 time that the offender's sentence expires or terminates, the department shall be referred to the
1040 sentencing court for the sentencing court to enter a civil judgment of restitution and a civil
1041 accounts receivable as described in Section 77-18-114.

1042 (ii) If the board makes an order for restitution within 60 days from the day on which
1043 the offender's sentence expires or terminates, the board shall refer the order for restitution to
1044 the sentencing court to be entered as a civil judgment of restitution as described in Section
1045 77-18-114.

1046 (d) This Subsection (6) only applies to offenders sentenced before July 1, 2021.
1047 Section 12. Section 64-13-21 is amended to read:

1048 **64-13-21. Supervision of sentenced offenders placed in community -- Rulemaking**

1049 -- POST certified parole or probation officers and peace officers -- Duties -- Supervision
1050 fee.

1051 (1) (a) The department, except as otherwise provided by law, shall supervise sentenced
1052 offenders placed in the community on probation by the courts, on parole by the Board of
1053 Pardons and Parole, or upon acceptance for supervision under the terms of the Interstate
1054 Compact for the Supervision of Parolees and Probationers.

1055 (b) If substance use treatment or participation in a residential, vocational and life skills
1056 program, as defined in Section 13-53-102, is a condition of a sentenced offender's probation or
1057 parole, the department shall monitor the offender's compliance and completion with the
1058 treatment or program.

1059 ~~(b)~~ (c) The department shall establish standards for:

1060 (i) the supervision of offenders in accordance with sentencing guidelines and
1061 supervision length guidelines, including the graduated and evidence-based responses,
1062 established by the Utah Sentencing Commission, giving priority, based on available resources,
1063 to felony offenders and offenders sentenced ~~[pursuant to Subsection]~~ under Subsections
1064 58-37-8(2)(b)(i)(B) and (2)(b)(ii)[:]; and

1065 (ii) the monitoring described in Subsection (1)(b).

1066 (2) The department shall apply the graduated and evidence-based responses established
1067 by the Utah Sentencing Commission to facilitate a prompt and appropriate response to an
1068 individual's violation of the terms of probation or parole, including:

1069 (a) sanctions to be used in response to a violation of the terms of probation or parole;
1070 and

1071 (b) requesting approval from the court or Board of Pardons and Parole to impose a
1072 sanction for an individual's violation of the terms of probation or parole, for a period of
1073 incarceration of not more than three consecutive days and not more than a total of five days
1074 within a period of 30 days.

1075 (3) The department shall implement a program of graduated incentives as established
1076 by the Utah Sentencing Commission to facilitate the department's prompt and appropriate
1077 response to an offender's:

1078 (a) compliance with the terms of probation or parole; or

1079 (b) positive conduct that exceeds those terms.

1080 (4) (a) The department shall, in collaboration with the State Commission on Criminal
1081 and Juvenile Justice and the Division of Substance Abuse and Mental Health, create standards
1082 and procedures for the collection of information, including cost savings related to recidivism
1083 reduction and the reduction in the number of inmates, related to the use of the graduated and
1084 evidence-based responses and graduated incentives, and offenders' outcomes.

1085 (b) The collected information shall be provided to the State Commission on Criminal
1086 and Juvenile Justice not less frequently than annually on or before August 31.

1087 (5) Employees of the department who are POST certified as law enforcement officers
1088 or correctional officers and who are designated as parole and probation officers by the
1089 executive director have the following duties:

1090 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance
1091 with the conditions of the parole or probation agreement;

1092 (b) investigating or apprehending any offender who has escaped from the custody of
1093 the department or absconded from supervision;

1094 (c) supervising any offender during transportation; or

1095 (d) collecting DNA specimens when the specimens are required under Section

1096 [53-10-404](#).

1097 (6) (a) (i) A monthly supervision fee of \$30 shall be collected from each offender on
1098 probation or parole.

1099 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the
1100 department upon a showing by the offender that imposition would create a substantial hardship
1101 or if the offender owes restitution to a victim.

1102 (b) (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
1103 Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the
1104 supervision fee and the circumstances under which an offender may request a hearing.

1105 (ii) In determining whether the imposition of the supervision fee would constitute a
1106 substantial hardship, the department shall consider the financial resources of the offender and
1107 the burden that the fee would impose, with regard to the offender's other obligations.

1108 (7) (a) For offenders placed on probation under Section [77-18-105](#) or parole under
1109 Subsection [76-3-202\(2\)\(a\)](#) on or after October 1, 2015, but before January 1, 2019, the
1110 department shall establish a program allowing an offender to earn credits for the offender's

1111 compliance with the terms of the offender's probation or parole, which shall be applied to
1112 reducing the period of probation or parole as provided in this Subsection (7).

1113 (b) The program shall provide that an offender earns a reduction credit of 30 days from
1114 the offender's period of probation or parole for each month the offender completes without any
1115 violation of the terms of the offender's probation or parole agreement, including the case action
1116 plan.

1117 (c) The department shall maintain a record of credits earned by an offender under this
1118 Subsection (7) and shall request from the court or the Board of Pardons and Parole the
1119 termination of probation or parole not fewer than 30 days prior to the termination date that
1120 reflects the credits earned under this Subsection (7).

1121 (d) This Subsection (7) does not prohibit the department from requesting a termination
1122 date earlier than the termination date established by earned credits under Subsection (7)(c).

1123 (e) The court or the Board of Pardons and Parole shall terminate an offender's
1124 probation or parole upon completion of the period of probation or parole accrued by time
1125 served and credits earned under this Subsection (7) unless the court or the Board of Pardons
1126 and Parole finds that termination would interrupt the completion of a necessary treatment
1127 program, in which case the termination of probation or parole shall occur when the treatment
1128 program is completed.

1129 (f) The department shall report annually to the State Commission on Criminal and
1130 Juvenile Justice on or before August 31:

1131 (i) the number of offenders who have earned probation or parole credits under this
1132 Subsection (7) in one or more months of the preceding fiscal year and the percentage of the
1133 offenders on probation or parole during that time that this number represents;

1134 (ii) the average number of credits earned by those offenders who earned credits;

1135 (iii) the number of offenders who earned credits by county of residence while on
1136 probation or parole;

1137 (iv) the cost savings associated with sentencing reform programs and practices; and

1138 (v) a description of how the savings will be invested in treatment and
1139 early-intervention programs and practices at the county and state levels.

1140 Section 13. Section **64-13-26** is amended to read:

1141 **64-13-26. Private providers of services.**

1142 (1) ~~[The]~~ Subject to Subsection 64-13-21(1)(b), the department may contract with
1143 ~~[private providers or other agencies]~~ a private provider or another agency for the provision of
1144 care, treatment, and supervision of ~~[offenders]~~ an offender committed to the care and custody
1145 of the department.

1146 (2) (a) The department shall:

1147 (i) establish standards for the operation of the programs;

1148 (ii) establish standards ~~[pursuant to]~~ under Section 64-13-25 regarding program
1149 standards; and

1150 (iii) annually review the programs for compliance.

1151 (b) The reviews described in Subsection (2)(a) shall be classified as confidential
1152 internal working papers.

1153 (c) Access to records regarding the reviews is available upon the discretion of the
1154 executive director or the governor, or upon court order.

1155 Section 14. Section **64-13e-103** is amended to read:

1156 **64-13e-103. Contracts for housing state inmates.**

1157 (1) Subject to Subsection (6), the department may contract with a county to house state
1158 inmates in a county or other correctional facility.

1159 (2) The department shall give preference for placement of state inmates, over private
1160 entities, to county correctional facility bed spaces for which the department has contracted
1161 under Subsection (1).

1162 (3) (a) The compensation rate for housing state inmates pursuant to a contract
1163 described in Subsection (1) shall be:

1164 (i) except as provided in Subsection (3)(a)(ii), 83.19% of the actual state daily
1165 incarceration rate for beds in a county that, pursuant to the contract, are dedicated to a
1166 treatment program for state inmates, if the treatment program is approved by the department
1167 under Subsection (3)(c);

1168 (ii) 74.18% of the actual state daily incarceration rate for beds in a county that, pursuant
1169 to the contract, are dedicated to an alternative treatment program for state inmates, if the
1170 alternative treatment program is approved by the department under Subsection (3)(c); and

1171 (iii) 66.23% of the actual state daily incarceration rate for beds in a county other than
1172 the beds described in Subsections (3)(a)(i) and (ii).

1173 (b) The department shall:

1174 (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative

1175 Rulemaking Act, that establish standards that a treatment program is required to meet before

1176 the treatment program is considered for approval for the purpose of a county receiving payment

1177 based on the rate described in Subsection (3)(a)(i) or (ii); and

1178 (ii) determine on an annual basis, based on appropriations made by the Legislature for

1179 the contracts described in this section, whether to approve a treatment program that meets the

1180 standards established under Subsection (3)(b)(i), for the purpose of a county receiving payment

1181 based on the rate described in Subsection (3)(a)(i) or (ii).

1182 (c) The department may not approve a treatment program for the purpose of a county

1183 receiving payment based on the rate described in Subsection (3)(a)(i) or (ii), unless:

1184 (i) the program meets the standards established under Subsection (3)(b)(i);

1185 (ii) the department determines that the Legislature has appropriated sufficient funds to:

1186 (A) pay the county that provides the treatment program at the rate described in

1187 Subsection (3)(a)(i) or (ii); and

1188 (B) pay each county that does not provide a treatment program an amount per state

1189 inmate that is not less than the amount per state inmate received for the preceding fiscal year by

1190 a county that did not provide a treatment program; and

1191 (iii) the department determines that the treatment program is needed by the department

1192 at the location where the treatment program will be provided.

1193 (4) Compensation to a county for state inmates incarcerated under this section shall be

1194 made by the department.

1195 (5) Counties that contract with the department under Subsection (1) shall, on or before

1196 June 30 of each year, submit a report to the department that includes:

1197 (a) the number of state inmates the county housed under this section; and

1198 (b) the total number of state inmate days of incarceration that were provided by the

1199 county.

1200 (6) Except as provided under Subsection (7), the department may not enter into a

1201 contract described under Subsection (1), unless:

1202 (a) the county jail within the county is in compliance with the reporting requirements

1203 described in Subsection [17-22-32\(2\)](#); and

1204 (b) the Legislature has previously passed a joint resolution that includes the following
1205 information regarding the proposed contract:

- 1206 [~~(a)~~] (i) the approximate number of beds to be contracted;
- 1207 [~~(b)~~] (ii) the daily rate at which the county is paid to house a state inmate;
- 1208 [~~(c)~~] (iii) the approximate amount of the county's long-term debt; and
- 1209 [~~(d)~~] (iv) the repayment time of the debt for the facility where the inmates are to be
1210 housed.

1211 (7) The department may enter into a contract with a county government to house
1212 inmates without complying with the approval process described in Subsection (6) only if the
1213 county facility was under construction, or already in existence, on March 16, 2001.

1214 (8) Any resolution passed by the Legislature under Subsection (6) does not bind or
1215 obligate the Legislature or the department regarding the proposed contract.

1216 Section 15. Section **78A-5-201** is amended to read:

1217 **78A-5-201. Creation and expansion of existing drug court programs -- Definition**
1218 **of drug court program -- Criteria for participation in drug court programs -- Reporting**
1219 **requirements.**

1220 (1) There may be created a drug court program in any judicial district that
1221 demonstrates:

- 1222 (a) the need for a drug court program; and
- 1223 (b) the existence of a collaborative strategy between the court, prosecutors, defense
1224 counsel, corrections, and substance abuse treatment services to reduce substance abuse by
1225 offenders.

1226 (2) The collaborative strategy in each drug court program shall:

- 1227 (a) include monitoring and evaluation components to measure program effectiveness;

1228 and

1229 (b) be submitted to, for the purpose of coordinating the disbursement of funding, the:

- 1230 (i) executive director of the Department of Human Services;
- 1231 (ii) executive director of the Department of Corrections; and
- 1232 (iii) state court administrator.

1233 (3) (a) Funds disbursed to a drug court program shall be allocated as follows:

- 1234 (i) 87% to the Department of Human Services for testing, treatment, and case

1235 management; and

1236 (ii) 13% to the Administrative Office of the Courts for increased judicial and court
1237 support costs.

1238 (b) This provision does not apply to federal block grant funds.

1239 (4) A drug court program shall include continuous judicial supervision using a
1240 cooperative approach with prosecutors, defense counsel, corrections, substance abuse treatment
1241 services, juvenile court probation, and the Division of Child and Family Services as appropriate
1242 to promote public safety, protect participants' due process rights, and integrate substance abuse
1243 treatment with justice system case processing.

1244 (5) Screening criteria for participation in a drug court program shall include:

1245 (a) a plea to, conviction of, or adjudication for a nonviolent drug offense or
1246 drug-related offense;

1247 (b) an agreement to frequent alcohol and other drug testing;

1248 (c) participation in one or more substance abuse treatment programs; and

1249 (d) an agreement to submit to sanctions for noncompliance with drug court program
1250 requirements.

1251 (6) (a) The Judicial Council shall develop rules prescribing eligibility requirements for
1252 participation in adult criminal drug courts.

1253 (b) Acceptance of an offender into a drug court shall be based on a risk and needs
1254 assessment, without regard to the nature of the offense.

1255 (c) A plea to, conviction of, or adjudication for a felony offense is not required for
1256 participation in a drug court program.

1257 Section 16. **Repealer.**

1258 This bill repeals:

1259 Section **62A-15-103.5, Provider certification.**

1260 Section 17. **Appropriation.**

1261 The following sums of money are appropriated for the fiscal year beginning July 1,
1262 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
1263 fiscal year 2023.

1264 Subsection 17(a). **Operating and Capital Budgets.**

1265 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the

1266 Legislature appropriates the following sums of money from the funds or accounts indicated for
1267 the use and support of the government of the state of Utah.

1268 ITEM 1

1269 To Department of Health and Human Services -- Integrated Health Care Services

1270 From General Fund Restricted -- Behavioral Health

1271 Crisis Response Account \$1,000,000

1272 Schedule of Programs:

1273 Non-Medicaid Behavioral Health

1274 Treatment and Crisis Response \$1,000,000

1275 The Legislature intends that the appropriations under this item be used to build and
1276 operate one or more behavioral health receiving centers in a rural area of the state.

1277 Subsection 17(b). Restricted Fund and Account Transfers.

1278 The Legislature authorizes the State Division of Finance to transfer the following
1279 amounts between the following funds or accounts as indicated. Expenditures and outlays from
1280 the funds to which the money is transferred must be authorized by an appropriation.

1281 ITEM 2

1282 To General Fund Restricted -- Behavioral Health Crisis Response Account

1283 From General Fund \$1,000,000

1284 Schedule of Programs:

1285 General Fund Restricted -- Behavioral

1286 Health Crisis Response Account \$1,000,000

1287 **Section 18. Coordinating S.B. 179 with H.B. 324 -- Superseding and substantive**
1288 **amendments.**

1289 If this S.B. 179 and H.B. 324, Criminal Justice Coordinating Councils, both pass and
1290 become law, it is the intent of the Legislature that Sections [17-55-101](#) and [17-55-201](#) in this
1291 S.B. 179 supersede Sections [17-55-101](#) and [17-55-102](#) in H.B. 324 and that the Office of
1292 Legislative Research and General Counsel, in preparing the Utah Code database for
1293 publication, not enact Sections [17-55-101](#) and [17-55-102](#) in H.B. 324.