

**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

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**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 treatment while on probation or
- 36 parole; 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 participate in the residential, vocational and life skills program
- 85 while under the supervision of a criminal court or the Board of Pardons and Parole and are
- 86 convicted of another offense while participating in the program or within two years after the
- 87 day on which the program ends; 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 Section 4. Section **17-55-201** is enacted to read:

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

213 **17-55-201. Criminal Justice Coordinating Councils -- Creation -- Strategic plan --**  
214 **Reporting.**

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

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

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

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

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

222 (i) one county commissioner or county council member;

223 (ii) the county sheriff or the sheriff's designee;

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

225 (iv) the county attorney or the attorney's designee;

226 (v) one public defender or attorney who provides public defense within the county;

227 (vi) one district court judge;

228 (vii) one justice court judge;

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

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

232 (x) one individual who is:

233 (A) a crime victim; or

234 (B) a victim advocate, as defined in Section [77-38-403](#).

235 (b) A council may include:

236 (i) an individual representing:

237 (A) local government;

238 (B) human services programs;

239 (C) higher education;

240 (D) peer support services;

241 (E) workforce services;

242 (F) local housing services;



- 243 (G) mental health or substance use disorder providers;
- 244 (H) a health care organization within the county;
- 245 (I) a local homeless council;
- 246 (J) family counseling and support groups; or
- 247 (K) organizations that work with families of incarcerated individuals; or
- 248 (ii) an individual with lived experiences in the criminal justice system.
- 249 (3) The member described in Subsection (2)(a)(i) shall serve as chair of the council.

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

- 252 (i) mapping of all systems, resources, assets, and services within the county's or  
 253 counties' criminal justice system;
- 254 (ii) a plan for data sharing across the county's or counties' criminal justice system;
- 255 (iii) recidivism reduction objectives; and
- 256 (iv) community reintegration goals.

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

258 (5) Before November 30 of each year, a council shall provide a written report to the  
 259 commission regarding:

- 260 (a) the implementation of a strategic plan described in Subsection (4); and
- 261 (b) any data on the impact of the council on the criminal justice system in the county or  
 262 counties.

263 Section 5. Section **62A-4a-412** is amended to read:

264 **62A-4a-412. Reports, information, and referrals confidential.**

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

- 269 (a) a police or law enforcement agency investigating a report of known or suspected  
 270 abuse or neglect, including members of a child protection team;
- 271 (b) a physician who reasonably believes that a child may be the subject of abuse or  
 272 neglect;
- 273 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor

274 who is the subject of a report;

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

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

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

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

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

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

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

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

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

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

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

304 (m) a licensed child-placing agency or person who is performing a preplacement

305 adoptive evaluation in accordance with the requirements of Sections 78B-6-128 and  
306 78B-6-130;

307 (n) an Indian tribe to:

308 (i) certify or license a foster home;

309 (ii) render services to a subject of a report; or

310 (iii) investigate an allegation of abuse, neglect, or dependency; or

311 (o) the Division of Substance Abuse and Mental Health, the Department of Health, or a  
312 local substance abuse authority, described in Section 17-43-201, for the purpose of providing  
313 substance abuse treatment to a pregnant woman or a parent of a newborn child, or the services  
314 described in Subsection 62A-15-103(2)(~~o~~)(p).

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

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

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

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

330 (i) identify the referent;

331 (ii) impede a criminal investigation; or

332 (iii) endanger an individual's safety.

333 (4) Any person who willfully permits, or aides and abets the release of data or  
334 information obtained as a result of this part, in the possession of the division or contained on  
335 any part of the Management Information System, in violation of this part or Sections

336 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

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

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

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

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

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

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

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

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

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

357 (i) is provided to the court:

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

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

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

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

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

366 (ii) After considering the motion described in Subsection (8)(b)(i), the court may

367 receive the report into evidence upon a finding on the record of good cause.

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

369 **62A-15-103. Division -- Creation -- Responsibilities.**

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

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

374 (2) The division shall:

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

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

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

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

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

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

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

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

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

397 (A) emergency department utilization;

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

429 local mental health authorities;

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

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

432 (A) local substance abuse authorities;

433 (B) local mental health authorities; and

434 (C) in counties where they exist, a private contract provider that has an annual or

435 otherwise ongoing contract to provide comprehensive substance abuse or mental health

436 programs or services for the local substance abuse authority or local mental health authority;

437 (ix) contract with local substance abuse authorities and local mental health authorities

438 to provide a comprehensive continuum of services that include community-based services for

439 individuals involved in the criminal justice system, in accordance with division policy, contract

440 provisions, and the local plan;

441 (x) contract with private and public entities for special statewide or nonclinical

442 services, or services for individuals involved in the criminal justice system, according to

443 division rules;

444 (xi) review and approve each local substance abuse authority's plan and each local

445 mental health authority's plan in order to ensure:

446 (A) a statewide comprehensive continuum of substance abuse services;

447 (B) a statewide comprehensive continuum of mental health services;

448 (C) services result in improved overall health and functioning;

449 (D) a statewide comprehensive continuum of community-based services designed to

450 reduce criminal risk factors for individuals who are determined to have substance abuse or

451 mental illness conditions or both, and who are involved in the criminal justice system;

452 (E) compliance, where appropriate, with the certification requirements in Subsection

453 (2)(j); and

454 (F) appropriate expenditure of public funds;

455 (xii) review and make recommendations regarding each local substance abuse

456 authority's contract with the local substance abuse authority's provider of substance abuse

457 programs and services and each local mental health authority's contract with the local mental

458 health authority's provider of mental health programs and services to ensure compliance with

459 state and federal law and policy;

460 (xiii) monitor and ensure compliance with division rules and contract requirements;  
461 and

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

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

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

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

474 (i) a review and determination regarding whether:

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

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

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

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

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

486 (A) a substance use disorder;

487 (B) a mental health disorder; or

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

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



491 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
492 Rulemaking Act, that:  
493 (A) establish training and certification requirements for a peer support specialist;  
494 (B) specify the types of services a peer support specialist is qualified to provide;  
495 (C) specify the type of supervision under which a peer support specialist is required to  
496 operate; and  
497 (D) specify continuing education and other requirements for maintaining or renewing  
498 certification as a peer support specialist; and

499 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
500 Rulemaking Act, that:  
501 (A) establish the requirements for a person to be certified to carry out, as needed, the  
502 division's duty to train and certify an adult as a peer support specialist; and  
503 (B) specify how the division shall provide oversight of a person certified to train and  
504 certify a peer support specialist;

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

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

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

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

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

522 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements and procedures~~  
523 ~~for the certification of licensed public and private providers, including individuals licensed by~~  
524 ~~the Division of Occupational and Professional Licensing, programs licensed by the department,~~  
525 ~~and health care facilities licensed by the Department of Health, who provide, as part of their~~  
526 ~~practice, substance use disorder and mental health treatment to an individual involved in the~~  
527 ~~criminal justice system, including:]~~

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

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

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

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

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

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

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

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

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

552 (j) establish performance goals and outcome measurements for a mental health or

553 substance use treatment program that is licensed under Chapter 2, Licensure of Programs and  
554 Facilities, and contracts with the department, including goals and measurements related to  
555 employment and reducing recidivism of individuals receiving mental health or substance use  
556 treatment who are involved with the criminal justice system;

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

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

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

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

568 (i) individuals who participate in a mental health or substance use treatment program  
569 while incarcerated and are convicted of another offense within two years after release from  
570 incarceration;

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

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

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

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

583 (n) annually, on or before August 31, submit the data collected under Subsection

584 ~~[(2)(k)]~~ (2)(l) and any recommendations to improve the data collection to the State  
585 Commission on Criminal and Juvenile Justice~~[- which shall compile a report of findings based~~  
586 on the data and provide the report to the Judiciary Interim Committee, the Health and Human  
587 Services Interim Committee, the Law Enforcement and Criminal Justice Interim Committee,  
588 and the related appropriations subcommittees; and] to be included in the report described in  
589 Subsection 63M-7-204(1)(x);

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

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

592 and

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

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

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

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

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

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

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

614 (i) produce and periodically review and update a firearm safety brochure and other

615 educational materials with information about the safe handling and use of firearms that  
616 includes:

- 617 (A) information on safe handling, storage, and use of firearms in a home environment;
- 618 (B) information about at-risk individuals and individuals who are legally prohibited  
619 from possessing firearms;
- 620 (C) information about suicide prevention awareness; and
- 621 (D) information about the availability of firearm safety packets;

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

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

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

- 626 (A) provides information for distribution regarding firearm safety education;
- 627 (B) incorporates current information on how to recognize suicidal behaviors and  
628 identify individuals who may be suicidal; and
- 629 (C) provides information regarding crisis intervention resources;

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

- 632 (i) health care providers, including emergency rooms;
- 633 (ii) mobile crisis outreach teams;
- 634 (iii) mental health practitioners;
- 635 (iv) other public health suicide prevention organizations;
- 636 (v) entities that teach firearm safety courses;
- 637 (vi) school districts for use in the seminar, described in Section [53G-9-702](#), for parents  
638 of students in the school district; and
- 639 (vii) firearm dealers to be distributed in accordance with Section [76-10-526](#);

640 (c) creating and administering a rebate program that includes a rebate that offers  
641 between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms  
642 dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident;

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

- 645 (i) producing and distributing the suicide prevention education course and the firearm

646 safety brochures and packets;

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

648 (iii) administering the rebate program; and

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

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

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

659 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority  
660 or local mental health authority, the division shall review and determine whether the local  
661 substance abuse authority or local mental health authority is complying with the oversight and  
662 management responsibilities described in Sections [17-43-201](#), [17-43-203](#), [17-43-303](#), and  
663 [17-43-309](#).

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

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

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

675 (8) The division shall annually review with each local substance abuse authority and  
676 each local mental health authority the authority's statutory and contract responsibilities

677 regarding:

678 (a) use of public funds;

679 (b) oversight of public funds; and

680 (c) governance of substance use disorder and mental health programs and services.

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

683 (10) If a local substance abuse authority contacts the division under Subsection

684 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant  
685 minor, the division shall:

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

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

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

692 (a) provide coordination between a local education agency and local mental health  
693 authority;

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

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

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

699 **62A-15-123. Statewide Behavioral Health Crisis Response Account -- Creation --**  
700 **Administration -- Permitted uses.**

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

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

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

706 (2) (a) Subject to appropriations by the Legislature and any contributions to the account  
707 described in Subsection (1)(b), the division shall disburse funds in the account only for the

708 purpose of support or implementation of services or enhancements of those services in order to  
709 rapidly, efficiently, and effectively deliver 988 services in the state.

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

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

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

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

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

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

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

725 (vi) mental health crisis services provided by local substance abuse authorities as  
726 described in Section 17-43-201 and local mental health authorities described in Section  
727 17-43-301 to provide prolonged mental health services for up to 90 days after the day on which  
728 an individual experiences a mental health crisis.

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

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

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

738 (a) the amount of each disbursement from the ~~[restricted account described in Section~~



739 ~~62A-15-123~~] account;

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

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

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

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

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

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

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

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

752 **62A-15-602. Definitions.**

753 As used in this part, Part 7, Commitment of Persons Under Age 18 to Division of  
754 Substance Abuse and Mental Health, Part 8, Interstate Compact on Mental Health, Part 9, Utah  
755 Forensic Mental Health Facility, Part 10, Declaration for Mental Health Treatment, and Part  
756 12, Essential Treatment and Intervention Act:

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

758 (2) "Approved treatment facility or program" means a mental health or substance use  
759 treatment provider that meets the [~~standards~~] goals and measurements described in Subsection

760 [~~62A-15-103(2)(a)(v)~~] ~~62A-15-103(2)(j)~~.

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

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

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

770 (6) "Designated examiner" means:

771 (a) a licensed physician, preferably a psychiatrist, who is designated by the division as  
772 specially qualified by training or experience in the diagnosis of mental or related illness; or

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

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

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

783 (9) "Harmful sexual conduct" means the following conduct upon an individual without  
784 the individual's consent, including the nonconsensual circumstances described in Subsections  
785 [76-5-406\(2\)\(a\)](#) through (l):

786 (a) sexual intercourse;

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

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

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

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

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

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

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

801 (14) "Mental health officer" means an individual who is designated by a local mental  
802 health authority as qualified by training and experience in the recognition and identification of  
803 mental illness, to:

- 804 (a) apply for and provide certification for a temporary commitment; or
- 805 (b) assist in the arrangement of transportation to a designated mental health facility.

806 (15) "Mental illness" means:

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

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

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

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

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

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

817 (b) undergoing essential treatment and intervention.

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

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

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

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

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

827 (a) suicide;

828 (b) serious bodily self-injury;

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

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

832 (e) engaging in harmful sexual conduct.

833 (20) "Treatment" means psychotherapy, medication, including the administration of  
834 psychotropic medication, or other medical treatments that are generally accepted medical or  
835 psychosocial interventions for the purpose of restoring the patient to an optimal level of  
836 functioning in the least restrictive environment.

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

838 **63M-7-204. Duties of commission.**

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

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

841 (b) promote the communication and coordination of all criminal and juvenile justice  
842 agencies;

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

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

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

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

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

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

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

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

865 (k) provide a comprehensive criminal justice plan annually;

866 (l) review agency forecasts regarding future demands on the criminal and juvenile  
867 justice systems, including specific projections for secure bed space;

868 (m) promote the development of criminal and juvenile justice information systems that  
869 are consistent with common standards for data storage and are capable of appropriately sharing  
870 information with other criminal justice information systems by:

871 (i) developing and maintaining common data standards for use by all state criminal  
872 justice agencies;

873 (ii) annually performing audits of criminal history record information maintained by  
874 state criminal justice agencies to assess their accuracy, completeness, and adherence to  
875 standards;

876 (iii) defining and developing state and local programs and projects associated with the  
877 improvement of information management for law enforcement and the administration of  
878 justice; and

879 (iv) establishing general policies concerning criminal and juvenile justice information  
880 systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this  
881 Subsection (1)(m);

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

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

886 (p) request, receive, and evaluate data and recommendations collected and reported by  
887 agencies and contractors related to policies recommended by the commission regarding  
888 recidivism reduction, including the data described in Section [13-53-111](#) and Subsection  
889 [62A-15-103\(2\)\(l\)](#);

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

893 (r) oversee or designate an entity to oversee the implementation of juvenile justice

894 reforms;

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

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

900 (u) oversee the trauma-informed justice program described in Section 63M-7-209;

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

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

906 (i) ensuring oversight and accountability;

907 (ii) supporting local corrections systems;

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

909 (iv) strengthening probation and parole supervision[.];

910 (x) compile a report of findings based on the data and recommendations provided  
911 under Section 13-53-111 and Subsection 62A-15-103(2)(n) that:

912 (i) separates the data provided under Section 13-53-111 by each residential, vocational  
913 and life skills program; and

914 (ii) separates the data provided under Subsection 62A-15-103(2)(n) by each mental  
915 health or substance use treatment program; and

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

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

924 Section 10. Section 63M-7-218 is enacted to read:

925 **63M-7-218. State grant requirements.**

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

928 (2) Beginning July 1, 2023, the commission may not award any grant of state funds to:

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

930 (b) a county jail that is subject to, and not in compliance with, Subsection [17-22-32\(2\)](#)  
931 or [77-20-103\(2\)](#);

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

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

936 (e) a law enforcement agency that is subject to, and not in compliance with, Subsection  
937 [63M-7-214\(7\)](#) or [77-7-8.5\(2\)](#);

938 (f) a prosecutorial agency that is subject to, and not in compliance with, Subsection  
939 [63M-7-216\(2\)](#) or [77-22-2.5\(9\)](#); or

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

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

943 **64-13-6. Department duties.**

944 (1) The department shall:

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

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

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

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

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

955 (f) provide treatment for sex offenders who are found to be treatable based upon

956 criteria developed by the department;

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

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

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

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

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

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

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

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

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

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

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

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



987 the day of the change; and

988 (n) ensure that any training or certification required of a public official or public  
989 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
990 22, State Training and Certification Requirements, if the training or certification is required:

991 (i) under this title;

992 (ii) by the department; or

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

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

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

998 (b) upon approval by the court or the Board of Pardons and Parole, impose as a  
999 sanction for an individual's violation of the terms of probation or parole a period of  
1000 incarceration of not more than three consecutive days and not more than a total of five days  
1001 within a period of 30 days.

1002 (3) (a) By following the procedures in Subsection (3)(b), the department may  
1003 investigate the following occurrences at state correctional facilities:

1004 (i) criminal conduct of departmental employees;

1005 (ii) felony crimes resulting in serious bodily injury;

1006 (iii) death of any person; or

1007 (iv) aggravated kidnaping.

1008 (b) Before investigating any occurrence specified in Subsection (3)(a), the department  
1009 shall:

1010 (i) notify the sheriff or other appropriate law enforcement agency promptly after  
1011 ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a) has  
1012 occurred; and

1013 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to  
1014 conduct an investigation involving an occurrence specified in Subsection (3)(a).

1015 (4) Upon request, the department shall provide copies of investigative reports of  
1016 criminal conduct to the sheriff or other appropriate law enforcement agencies.

1017 (5) (a) The executive director of the department, or the executive director's designee if

1018 the designee possesses expertise in correctional programming, shall consult at least annually  
1019 with cognitive and career-readiness staff experts from the Utah system of higher education and  
1020 the State Board of Education to review the department's evidence-based and evidence-informed  
1021 treatment and program opportunities.

1022 (b) Beginning in the 2022 interim, the department shall provide an annual report to the  
1023 Law Enforcement and Criminal Justice Interim Committee regarding the department's  
1024 implementation of and offender participation in evidence-based and evidence-informed  
1025 treatment and program opportunities designed to reduce the criminogenic and recidivism risks  
1026 of offenders over time.

1027 (6) (a) As used in this Subsection (6):

1028 (i) "Accounts receivable" means any amount owed by an offender arising from a  
1029 criminal judgment that has not been paid.

1030 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,  
1031 surcharges, costs, interest, penalties, restitution to victims, third-party claims, claims,  
1032 reimbursement of a reward, and damages that an offender is ordered to pay.

1033 (b) The department shall collect and disburse, with any interest and any other costs  
1034 assessed under Section 64-13-21, an accounts receivable for an offender during:

1035 (i) the parole period and any extension of that period in accordance with Subsection  
1036 (6)(c); and

1037 (ii) the probation period for which the court orders supervised probation and any  
1038 extension of that period by the department in accordance with Subsection 77-18-105(7).

1039 (c) (i) If an offender has an unpaid balance of the offender's accounts receivable at the  
1040 time that the offender's sentence expires or terminates, the department shall be referred to the  
1041 sentencing court for the sentencing court to enter a civil judgment of restitution and a civil  
1042 accounts receivable as described in Section 77-18-114.

1043 (ii) If the board makes an order for restitution within 60 days from the day on which  
1044 the offender's sentence expires or terminates, the board shall refer the order for restitution to  
1045 the sentencing court to be entered as a civil judgment of restitution as described in Section  
1046 77-18-114.

1047 (d) This Subsection (6) only applies to offenders sentenced before July 1, 2021.  
1048 Section 12. Section 64-13-21 is amended to read:

1049           **64-13-21. Supervision of sentenced offenders placed in community -- Rulemaking**  
1050 **-- POST certified parole or probation officers and peace officers -- Duties -- Supervision**  
1051 **fee.**

1052           (1) (a) The department, except as otherwise provided by law, shall supervise sentenced  
1053 offenders placed in the community on probation by the courts, on parole by the Board of  
1054 Pardons and Parole, or upon acceptance for supervision under the terms of the Interstate  
1055 Compact for the Supervision of Parolees and Probationers.

1056           (b) If a sentenced offender participates in substance use treatment or a residential,  
1057 vocational and life skills program, as defined in Section 13-53-102, while under supervision on  
1058 probation or parole, the department shall monitor the offender's compliance with and  
1059 completion of with the treatment or program.

1060           ~~[(b)]~~ (c) The department shall establish standards for:

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

1065 (2)(b)(ii)~~[-]; and~~

1066           (ii) the monitoring described in Subsection (1)(b).

1067           (2) The department shall apply the graduated and evidence-based responses established  
1068 by the Utah Sentencing Commission to facilitate a prompt and appropriate response to an  
1069 individual's violation of the terms of probation or parole, including:

1070           (a) sanctions to be used in response to a violation of the terms of probation or parole;  
1071 and

1072           (b) requesting approval from the court or Board of Pardons and Parole to impose a  
1073 sanction for an individual's violation of the terms of probation or parole, for a period of  
1074 incarceration of not more than three consecutive days and not more than a total of five days  
1075 within a period of 30 days.

1076           (3) The department shall implement a program of graduated incentives as established  
1077 by the Utah Sentencing Commission to facilitate the department's prompt and appropriate  
1078 response to an offender's:

1079           (a) compliance with the terms of probation or parole; or

1080 (b) positive conduct that exceeds those terms.

1081 (4) (a) The department shall, in collaboration with the State Commission on Criminal  
1082 and Juvenile Justice and the Division of Substance Abuse and Mental Health, create standards  
1083 and procedures for the collection of information, including cost savings related to recidivism  
1084 reduction and the reduction in the number of inmates, related to the use of the graduated and  
1085 evidence-based responses and graduated incentives, and offenders' outcomes.

1086 (b) The collected information shall be provided to the State Commission on Criminal  
1087 and Juvenile Justice not less frequently than annually on or before August 31.

1088 (5) Employees of the department who are POST certified as law enforcement officers  
1089 or correctional officers and who are designated as parole and probation officers by the  
1090 executive director have the following duties:

1091 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance  
1092 with the conditions of the parole or probation agreement;

1093 (b) investigating or apprehending any offender who has escaped from the custody of  
1094 the department or absconded from supervision;

1095 (c) supervising any offender during transportation; or

1096 (d) collecting DNA specimens when the specimens are required under Section  
1097 [53-10-404](#).

1098 (6) (a) (i) A monthly supervision fee of \$30 shall be collected from each offender on  
1099 probation or parole.

1100 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the  
1101 department upon a showing by the offender that imposition would create a substantial hardship  
1102 or if the offender owes restitution to a victim.

1103 (b) (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
1104 Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the  
1105 supervision fee and the circumstances under which an offender may request a hearing.

1106 (ii) In determining whether the imposition of the supervision fee would constitute a  
1107 substantial hardship, the department shall consider the financial resources of the offender and  
1108 the burden that the fee would impose, with regard to the offender's other obligations.

1109 (7) (a) For offenders placed on probation under Section [77-18-105](#) or parole under  
1110 Subsection [76-3-202\(2\)\(a\)](#) on or after October 1, 2015, but before January 1, 2019, the

1111 department shall establish a program allowing an offender to earn credits for the offender's  
1112 compliance with the terms of the offender's probation or parole, which shall be applied to  
1113 reducing the period of probation or parole as provided in this Subsection (7).

1114 (b) The program shall provide that an offender earns a reduction credit of 30 days from  
1115 the offender's period of probation or parole for each month the offender completes without any  
1116 violation of the terms of the offender's probation or parole agreement, including the case action  
1117 plan.

1118 (c) The department shall maintain a record of credits earned by an offender under this  
1119 Subsection (7) and shall request from the court or the Board of Pardons and Parole the  
1120 termination of probation or parole not fewer than 30 days prior to the termination date that  
1121 reflects the credits earned under this Subsection (7).

1122 (d) This Subsection (7) does not prohibit the department from requesting a termination  
1123 date earlier than the termination date established by earned credits under Subsection (7)(c).

1124 (e) The court or the Board of Pardons and Parole shall terminate an offender's  
1125 probation or parole upon completion of the period of probation or parole accrued by time  
1126 served and credits earned under this Subsection (7) unless the court or the Board of Pardons  
1127 and Parole finds that termination would interrupt the completion of a necessary treatment  
1128 program, in which case the termination of probation or parole shall occur when the treatment  
1129 program is completed.

1130 (f) The department shall report annually to the State Commission on Criminal and  
1131 Juvenile Justice on or before August 31:

1132 (i) the number of offenders who have earned probation or parole credits under this  
1133 Subsection (7) in one or more months of the preceding fiscal year and the percentage of the  
1134 offenders on probation or parole during that time that this number represents;

1135 (ii) the average number of credits earned by those offenders who earned credits;

1136 (iii) the number of offenders who earned credits by county of residence while on  
1137 probation or parole;

1138 (iv) the cost savings associated with sentencing reform programs and practices; and

1139 (v) a description of how the savings will be invested in treatment and  
1140 early-intervention programs and practices at the county and state levels.

1141 Section 13. Section **64-13-26** is amended to read:

1142 **64-13-26. Private providers of services.**

1143 (1) [The] Subject to Subsection [64-13-21\(1\)\(b\)](#), the department may contract with  
1144 [~~private providers or other agencies~~] a private provider or another agency for the provision of  
1145 care, treatment, and supervision of [~~offenders~~] an offender committed to the care and custody  
1146 of the department.

1147 (2) (a) The department shall:

1148 (i) establish standards for the operation of the programs;

1149 (ii) establish standards [~~pursuant to~~] under Section [64-13-25](#) regarding program  
1150 standards; and

1151 (iii) annually review the programs for compliance.

1152 (b) The reviews described in Subsection (2)(a) shall be classified as confidential  
1153 internal working papers.

1154 (c) Access to records regarding the reviews is available upon the discretion of the  
1155 executive director or the governor, or upon court order.

1156 Section 14. Section **64-13e-103** is amended to read:

1157 **64-13e-103. Contracts for housing state inmates.**

1158 (1) Subject to Subsection (6), the department may contract with a county to house state  
1159 inmates in a county or other correctional facility.

1160 (2) The department shall give preference for placement of state inmates, over private  
1161 entities, to county correctional facility bed spaces for which the department has contracted  
1162 under Subsection (1).

1163 (3) (a) The compensation rate for housing state inmates pursuant to a contract  
1164 described in Subsection (1) shall be:

1165 (i) except as provided in Subsection (3)(a)(ii), 83.19% of the actual state daily  
1166 incarceration rate for beds in a county that, pursuant to the contract, are dedicated to a  
1167 treatment program for state inmates, if the treatment program is approved by the department  
1168 under Subsection (3)(c);

1169 (ii) 74.18% of the actual state daily incarceration rate for beds in a county that, pursuant  
1170 to the contract, are dedicated to an alternative treatment program for state inmates, if the  
1171 alternative treatment program is approved by the department under Subsection (3)(c); and

1172 (iii) 66.23% of the actual state daily incarceration rate for beds in a county other than

1173 the beds described in Subsections (3)(a)(i) and (ii).

1174 (b) The department shall:

1175 (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
1176 Rulemaking Act, that establish standards that a treatment program is required to meet before  
1177 the treatment program is considered for approval for the purpose of a county receiving payment  
1178 based on the rate described in Subsection (3)(a)(i) or (ii); and

1179 (ii) determine on an annual basis, based on appropriations made by the Legislature for  
1180 the contracts described in this section, whether to approve a treatment program that meets the  
1181 standards established under Subsection (3)(b)(i), for the purpose of a county receiving payment  
1182 based on the rate described in Subsection (3)(a)(i) or (ii).

1183 (c) The department may not approve a treatment program for the purpose of a county  
1184 receiving payment based on the rate described in Subsection (3)(a)(i) or (ii), unless:

1185 (i) the program meets the standards established under Subsection (3)(b)(i);

1186 (ii) the department determines that the Legislature has appropriated sufficient funds to:

1187 (A) pay the county that provides the treatment program at the rate described in  
1188 Subsection (3)(a)(i) or (ii); and

1189 (B) pay each county that does not provide a treatment program an amount per state  
1190 inmate that is not less than the amount per state inmate received for the preceding fiscal year by  
1191 a county that did not provide a treatment program; and

1192 (iii) the department determines that the treatment program is needed by the department  
1193 at the location where the treatment program will be provided.

1194 (4) Compensation to a county for state inmates incarcerated under this section shall be  
1195 made by the department.

1196 (5) Counties that contract with the department under Subsection (1) shall, on or before  
1197 June 30 of each year, submit a report to the department that includes:

1198 (a) the number of state inmates the county housed under this section; and

1199 (b) the total number of state inmate days of incarceration that were provided by the  
1200 county.

1201 (6) Except as provided under Subsection (7), the department may not enter into a  
1202 contract described under Subsection (1), unless:

1203 (a) beginning July 1, 2023, the county jail within the county is in compliance with the

1204 reporting requirements described in Subsection 17-22-32(2); and

1205 (b) the Legislature has previously passed a joint resolution that includes the following  
1206 information regarding the proposed contract:

1207 [~~(a)~~] (i) the approximate number of beds to be contracted;

1208 [~~(b)~~] (ii) the daily rate at which the county is paid to house a state inmate;

1209 [~~(c)~~] (iii) the approximate amount of the county's long-term debt; and

1210 [~~(d)~~] (iv) the repayment time of the debt for the facility where the inmates are to be  
1211 housed.

1212 (7) The department may enter into a contract with a county government to house  
1213 inmates without complying with the approval process described in Subsection (6) only if the  
1214 county facility was under construction, or already in existence, on March 16, 2001.

1215 (8) Any resolution passed by the Legislature under Subsection (6) does not bind or  
1216 obligate the Legislature or the department regarding the proposed contract.

1217 Section 15. Section **78A-5-201** is amended to read:

1218 **78A-5-201. Creation and expansion of existing drug court programs -- Definition**  
1219 **of drug court program -- Criteria for participation in drug court programs -- Reporting**  
1220 **requirements.**

1221 (1) There may be created a drug court program in any judicial district that  
1222 demonstrates:

1223 (a) the need for a drug court program; and

1224 (b) the existence of a collaborative strategy between the court, prosecutors, defense  
1225 counsel, corrections, and substance abuse treatment services to reduce substance abuse by  
1226 offenders.

1227 (2) The collaborative strategy in each drug court program shall:

1228 (a) include monitoring and evaluation components to measure program effectiveness;

1229 and

1230 (b) be submitted to, for the purpose of coordinating the disbursement of funding, the:

1231 (i) executive director of the Department of Human Services;

1232 (ii) executive director of the Department of Corrections; and

1233 (iii) state court administrator.

1234 (3) (a) Funds disbursed to a drug court program shall be allocated as follows:



- 1235 (i) 87% to the Department of Human Services for testing, treatment, and case  
1236 management; and
- 1237 (ii) 13% to the Administrative Office of the Courts for increased judicial and court  
1238 support costs.
- 1239 (b) This provision does not apply to federal block grant funds.
- 1240 (4) A drug court program shall include continuous judicial supervision using a  
1241 cooperative approach with prosecutors, defense counsel, corrections, substance abuse treatment  
1242 services, juvenile court probation, and the Division of Child and Family Services as appropriate  
1243 to promote public safety, protect participants' due process rights, and integrate substance abuse  
1244 treatment with justice system case processing.
- 1245 (5) Screening criteria for participation in a drug court program shall include:
- 1246 (a) a plea to, conviction of, or adjudication for a nonviolent drug offense or  
1247 drug-related offense;
- 1248 (b) an agreement to frequent alcohol and other drug testing;
- 1249 (c) participation in one or more substance abuse treatment programs; and
- 1250 (d) an agreement to submit to sanctions for noncompliance with drug court program  
1251 requirements.
- 1252 (6) (a) The Judicial Council shall develop rules prescribing eligibility requirements for  
1253 participation in adult criminal drug courts.
- 1254 (b) Acceptance of an offender into a drug court shall be based on a risk and needs  
1255 assessment, without regard to the nature of the offense.
- 1256 (c) A plea to, conviction of, or adjudication for a felony offense is not required for  
1257 participation in a drug court program.
- 1258 **Section 16. Repealer.**
- 1259 This bill repeals:
- 1260 Section **62A-15-103.5, Provider certification.**
- 1261 **Section 17. Appropriation.**
- 1262 The following sums of money are appropriated for the fiscal year beginning July 1,  
1263 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
1264 fiscal year 2023.
- 1265 Subsection 17(a). Operating and Capital Budgets.

1266 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the  
1267 Legislature appropriates the following sums of money from the funds or accounts indicated for  
1268 the use and support of the government of the state of Utah.

1269 ITEM 1

1270 To Department of Health and Human Services -- Integrated Health Care Services  
1271 From General Fund Restricted -- Behavioral Health  
1272 Crisis Response Account \$1,000,000

1273 Schedule of Programs:  
1274 Non-Medicaid Behavioral Health  
1275 Treatment and Crisis Response \$1,000,000

1276 The Legislature intends that the appropriations under this item be used to build and  
1277 operate one or more behavioral health receiving centers in a rural area of the state.

1278 Subsection 17(b). **Restricted Fund and Account Transfers.**

1279 The Legislature authorizes the State Division of Finance to transfer the following  
1280 amounts between the following funds or accounts as indicated. Expenditures and outlays from  
1281 the funds to which the money is transferred must be authorized by an appropriation.

1282 ITEM 2

1283 To General Fund Restricted -- Behavioral Health Crisis Response Account  
1284 From General Fund \$1,000,000  
1285 Schedule of Programs:

1286 General Fund Restricted -- Behavioral  
1287 Health Crisis Response Account \$1,000,000

1288 Section 18. **Coordinating S.B. 179 with H.B. 324 -- Superseding and substantive**  
1289 **amendments.**

1290 If this S.B. 179 and H.B. 324, Criminal Justice Coordinating Councils, both pass and  
1291 become law, it is the intent of the Legislature that Sections [17-55-101](#) and [17-55-201](#) in this  
1292 S.B. 179 supersede Sections [17-55-101](#) and [17-55-102](#) in H.B. 324 and that the Office of  
1293 Legislative Research and General Counsel, in preparing the Utah Code database for  
1294 publication, not enact Sections [17-55-101](#) and [17-55-102](#) in H.B. 324.