

LAW ENFORCEMENT DATA AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: _____

LONG TITLE

General Description:

This bill concerns law enforcement data collection including measuring and reporting recidivism.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends certain recidivism reporting requirements;
- ▶ establishes certain recidivism reporting standards;
- ▶ requires a criminal information to include certain data when reasonably available;

and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-53-111, as enacted by Laws of Utah 2022, Chapter 187

62A-15-103, as last amended by Laws of Utah 2022, Chapters 187, 255 and 415

64-13-1, as last amended by Laws of Utah 2021, Chapters 85, 246 and 260



28 **64-13-6**, as last amended by Laws of Utah 2022, Chapter 187

29 **77-2-2.2**, as renumbered and amended by Laws of Utah 2021, Chapter 260

30 ENACTS:

31 **63M-7-102**, Utah Code Annotated 1953

32 REPEALS:

33 **63M-7-101**, as enacted by Laws of Utah 2008, Chapter 382



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

36 Section 1. Section **13-53-111** is amended to read:

37 **13-53-111. Recidivism reporting requirements.**

38 (1) ~~[A]~~ On or before August 31 of each year, a residential, vocational and life skills
39 program shall collect and report data on recidivism of participants~~[, including data on:]~~ to the
40 State Commission on Criminal and Juvenile Justice.

41 (2) The report described in Subsection (1) shall include the metrics and requirements
42 described in Section **63M-7-102**.

43 (3) The State Commission on Criminal and Juvenile Justice shall include the
44 information provided under this section in the report described in Subsection **63M-7-204(1)(x)**.

45 ~~[(a) participants who participate in the residential, vocational and life skills program~~
46 ~~while under the supervision of a criminal court or the Board of Pardons and Parole and are~~
47 ~~convicted of another offense while participating in the program or within two years after the~~
48 ~~day on which the program ends; and]~~

49 ~~[(b) the type of services provided to, and employment of, the participants described in~~
50 ~~Subsection (1)(a).]~~

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

54 Section 2. Section **62A-15-103** is amended to read:

55 **62A-15-103. Division -- Creation -- Responsibilities.**

56 (1) (a) The division shall exercise responsibility over the policymaking functions,
57 regulatory and enforcement powers, rights, duties, and responsibilities outlined in state law that
58 were previously vested in the Division of Substance Abuse and Mental Health within the

59 department, under the administration and general supervision of the executive director.

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

62 (2) The division shall:

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

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

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

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

72 (v) promote integrated programs that address an individual's substance abuse, mental
73 health, and physical health;

74 (vi) establish and promote an evidence-based continuum of screening, assessment,
75 prevention, treatment, and recovery support services in the community for individuals with a
76 substance use disorder or mental illness;

77 (vii) evaluate the effectiveness of programs described in this Subsection (2);

78 (viii) consider the impact of the programs described in this Subsection (2) on:

79 (A) emergency department utilization;

80 (B) jail and prison populations;

81 (C) the homeless population; and

82 (D) the child welfare system; and

83 (ix) promote or establish programs for education and certification of instructors to
84 educate individuals convicted of driving under the influence of alcohol or drugs or driving with
85 any measurable controlled substance in the body;

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

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

89 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

90 Rulemaking Act, to educate families concerning mental illness and promote family
91 involvement, when appropriate, and with patient consent, in the treatment program of a family
92 member; and

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

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

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

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

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

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

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

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

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

114 (A) local substance abuse authorities;

115 (B) local mental health authorities; and

116 (C) in counties where they exist, a private contract provider that has an annual or
117 otherwise ongoing contract to provide comprehensive substance abuse or mental health
118 programs or services for the local substance abuse authority or local mental health authority;

119 (ix) contract with local substance abuse authorities and local mental health authorities
120 to provide a comprehensive continuum of services that include community-based services for

121 individuals involved in the criminal justice system, in accordance with division policy, contract
122 provisions, and the local plan;

123 (x) contract with private and public entities for special statewide or nonclinical
124 services, or services for individuals involved in the criminal justice system, according to
125 division rules;

126 (xi) review and approve each local substance abuse authority's plan and each local
127 mental health authority's plan in order to ensure:

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

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

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

131 (D) a statewide comprehensive continuum of community-based services designed to
132 reduce criminal risk factors for individuals who are determined to have substance abuse or
133 mental illness conditions or both, and who are involved in the criminal justice system;

134 (E) compliance, where appropriate, with the certification requirements in Subsection
135 (2)(j); and

136 (F) appropriate expenditure of public funds;

137 (xii) review and make recommendations regarding each local substance abuse
138 authority's contract with the local substance abuse authority's provider of substance abuse
139 programs and services and each local mental health authority's contract with the local mental
140 health authority's provider of mental health programs and services to ensure compliance with
141 state and federal law and policy;

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

143 and

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

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

150 (e) require each local substance abuse authority and each local mental health authority,
151 in accordance with Subsections [17-43-201\(5\)\(b\)](#) and [17-43-301\(6\)\(a\)\(ii\)](#), to submit a plan to

152 the division on or before May 15 of each year;

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

156 (i) a review and determination regarding whether:

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

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

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

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

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

168 (A) a substance use disorder;

169 (B) a mental health disorder; or

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

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

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

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

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

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

179 (D) specify continuing education and other requirements for maintaining or renewing
180 certification as a peer support specialist; and

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

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

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

187 (i) collaborate with the State Commission on Criminal and Juvenile Justice to analyze
188 and provide recommendations to the Legislature regarding:

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

190 (ii) county jail and county behavioral health early-assessment resources needed for an
191 individual convicted of a class A or class B misdemeanor; and

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

194 (j) establish performance goals and outcome measurements for a mental health or
195 substance use treatment program that is licensed under Chapter 2, Licensure of Programs and
196 Facilities, and contracts with the department, including goals and measurements related to
197 employment and reducing recidivism of individuals receiving mental health or substance use
198 treatment who are involved with the criminal justice system;

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

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

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

207 (l) collaborate with the Administrative Office of the Courts, the Department of
208 Corrections, the Department of Workforce Services, and the Board of Pardons and Parole to
209 collect data on recidivism~~[, including data on:]~~ in accordance with the metrics and
210 requirements described in Section 63M-7-102;

211 ~~[(i) individuals who participate in a mental health or substance use treatment program~~
212 ~~while incarcerated and are convicted of another offense within two years after release from~~
213 ~~incarceration;]~~

214 ~~[(ii) individuals who are ordered by a criminal court or the Board of Pardons and~~
215 ~~Parole to participate in a mental health or substance use treatment program and are convicted of~~
216 ~~another offense while participating in the treatment program or within two years after the day~~
217 ~~on which the treatment program ends;]~~

218 ~~[(iii) the type of treatment provided to, and employment of, the individuals described in~~
219 ~~Subsections (2)(l)(i) and (ii); and]~~

220 ~~[(iv) cost savings associated with recidivism reduction and the reduction in the number~~
221 ~~of inmates in the state;]~~

222 (m) at the division's discretion, use the data described in Subsection (2)(l) to make
223 decisions regarding the use of funds allocated to the division to provide treatment;

224 (n) annually, on or before August 31, submit the data collected under Subsection (2)(l)
225 and any recommendations to improve the data collection to the State Commission on Criminal
226 and Juvenile Justice to be included in the report described in Subsection 63M-7-204(1)(x);

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

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

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

233 (p) consult and coordinate with the Division of Child and Family Services to develop
234 and manage the operation of a program designed to reduce substance abuse during pregnancy
235 and by parents of a newborn child that includes:

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

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

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

243 (3) In addition to the responsibilities described in Subsection (2), the division shall,
244 within funds appropriated by the Legislature for this purpose, implement and manage the

245 operation of a firearm safety and suicide prevention program, in consultation with the Bureau
246 of Criminal Identification created in Section 53-10-201, including:

247 (a) coordinating with local mental health and substance abuse authorities, a nonprofit
248 behavioral health advocacy group, and a representative from a Utah-based nonprofit
249 organization with expertise in the field of firearm use and safety that represents firearm owners,
250 to:

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

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

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

257 (C) information about suicide prevention awareness; and

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

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

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

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

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

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

266 (C) provides information regarding crisis intervention resources;

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

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

270 (ii) mobile crisis outreach teams;

271 (iii) mental health practitioners;

272 (iv) other public health suicide prevention organizations;

273 (v) entities that teach firearm safety courses;

274 (vi) school districts for use in the seminar, described in Section 53G-9-702, for parents
275 of students in the school district; and

276 (vii) firearm dealers to be distributed in accordance with Section [76-10-526](#);
277 (c) creating and administering a rebate program that includes a rebate that offers
278 between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms
279 dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident;

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

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

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

285 (iii) administering the rebate program; and

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

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

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

296 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority
297 or local mental health authority, the division shall review and determine whether the local
298 substance abuse authority or local mental health authority is complying with the oversight and
299 management responsibilities described in Sections [17-43-201](#), [17-43-203](#), [17-43-303](#), and
300 [17-43-309](#).

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

304 (6) In carrying out the division's duties and responsibilities, the division may not
305 duplicate treatment or educational facilities that exist in other divisions or departments of the
306 state, but shall work in conjunction with those divisions and departments in rendering the

307 treatment or educational services that those divisions and departments are competent and able
308 to provide.

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

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

315 (a) use of public funds;

316 (b) oversight of public funds; and

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

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

320 (10) If a local substance abuse authority contacts the division under Subsection
321 [17-43-201](#)(10) for assistance in providing treatment services to a pregnant woman or pregnant
322 minor, the division shall:

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

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

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

329 (a) provide coordination between a local education agency and local mental health
330 authority;

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

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

335 Section 3. Section **63M-7-102** is enacted to read:

336 **63M-7-102. Recidivism metrics -- Reporting.**

337 (1) For purposes of this chapter:

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

340 (b) "Desistance" means an individual's abstinence from further criminal activity after a
341 previous criminal conviction.

342 (c) "Intervention" means a program, sanction, supervision, or event that may impact
343 recidivism.

344 (d) "Recidivism" means a return to criminal activity after a previous criminal
345 conviction.

346 (e) "Recidivism standard metric" means the number of individuals who are returned to
347 prison for a new conviction within the three years after the day on which the individuals were
348 released from prison.

349 (2) (a) The commission, the Department of Corrections, and the Board of Pardons and
350 Parole, when reporting data on statewide recidivism, shall include data reflecting the
351 recidivism standard metric.

352 (b) (i) On or before August 1, 2024, the commission shall reevaluate the recidivism
353 standard metric to determine whether new data streams allow for a broader definition, which
354 may include criminal convictions that do not include prison time.

355 (ii) On or before November 1, 2024, the commission shall report to the Law
356 Enforcement and Criminal Justice Interim Committee:

357 (A) the result of the reevaluation described in Subsection (2)(b)(i); and

358 (B) other recommendations regarding standardized recidivism metrics.

359 (3) A report on statewide criminal recidivism may also include other information
360 reflecting available recidivism, intervention, or desistance data.

361 (4) A criminal justice institution, agency, or entity required to report adult recidivism
362 data to the commission:

363 (a) shall include:

364 (i) a clear description of the eligible individuals, including:

365 (A) the criminal population being evaluated for recidivism; and

366 (B) the interventions that are being evaluated;

367 (ii) a clear description of the beginning and end of the evaluation period; and

368 (iii) a clear description of the events that are considered as a recidivism-triggering

369 event; and

370 (b) may include supplementary data including:

371 (i) the length of time that elapsed before a recidivism-triggering event described in
 372 Subsection (4)(a)(iii) occurred;

373 (ii) the severity of a recidivism-triggering event described in Subsection (4)(a)(iii);

374 (iii) measures of personal well-being, education, employment, housing, health, family
 375 or social support, civic or community engagement, or legal involvement; or

376 (iv) other desistance metrics that may capture an individual's behavior following the
 377 individual's release from an intervention.

378 (5) Unless otherwise specified in statute:

379 (a) the evaluation period described in Subsection (4)(a)(ii) is three years; and

380 (b) a recidivism-triggering event under Subsection (4)(a)(iii) shall include:

381 (i) an arrest;

382 (ii) an admission to prison;

383 (iii) a criminal charge; ~~and~~ or ~~or~~

384 (iv) a criminal conviction.

385 Section 4. Section **64-13-1** is amended to read:

386 **64-13-1. Definitions.**

387 As used in this chapter:

388 (1) "Behavioral health transition facility" means a nonsecure correctional facility
 389 operated by the department for the purpose of providing a therapeutic environment for
 390 offenders receiving mental health services.

391 (2) "Case action plan" means a document developed by the Department of Corrections
 392 that identifies:

393 (a) the program priorities for the treatment of the offender, including the criminal risk
 394 factors as determined by risk, needs, and responsivity assessments conducted by the
 395 department; and

396 (b) clearly defined completion requirements.

397 (3) "Community correctional center" means a nonsecure correctional facility operated
 398 by the department, but does not include a behavioral health transition facility for the purposes
 399 of Section [64-13f-103](#).

400 (4) "Correctional facility" means any facility operated to house offenders in a secure or
401 nonsecure setting:

- 402 (a) by the department; or
- 403 (b) under a contract with the department.

404 (5) "Criminal risk factors" means an individual's characteristics and behaviors that:

- 405 (a) affect the individual's risk of engaging in criminal behavior; and
- 406 (b) are diminished when addressed by effective treatment, supervision, and other
407 support resources, resulting in a reduced risk of criminal behavior.

408 (6) "Department" means the Department of Corrections.

409 (7) "Direct supervision" means a housing and supervision system that is designed to
410 meet the goals described in Subsection 64-13-14(5) and has the elements described in
411 Subsection 64-13-14(6).

412 (8) "Emergency" means any riot, disturbance, homicide, inmate violence occurring in
413 any correctional facility, or any situation that presents immediate danger to the safety, security,
414 and control of the department.

415 (9) "Evidence-based" means a program or practice that has had multiple randomized
416 control studies or a meta-analysis demonstrating that the program or practice is effective for a
417 specific population or has been rated as effective by a standardized program evaluation tool.

418 (10) "Evidence-informed" means a program or practice that is based on research and
419 the experience and expertise of the department.

420 (11) "Executive director" means the executive director of the Department of
421 Corrections.

422 (12) "Inmate" means an individual who is:

- 423 (a) committed to the custody of the department; and
- 424 (b) housed at a correctional facility or at a county jail at the request of the department.

425 (13) "Offender" means an individual who has been convicted of a crime for which the
426 individual may be committed to the custody of the department and is at least one of the
427 following:

- 428 (a) committed to the custody of the department;
- 429 (b) on probation; or
- 430 (c) on parole.

431 (14) "Recidivism" means a return to criminal activity after a previous criminal
432 conviction.

433 ~~[(14)]~~ (15) "Restitution" means the same as that term is defined in Section 77-38b-102.

434 ~~[(15)]~~ (16) "Risk and needs assessment" means an actuarial tool validated on criminal
435 offenders that determines:

436 (a) an individual's risk of reoffending; and

437 (b) the criminal risk factors that, when addressed, reduce the individual's risk of
438 reoffending.

439 ~~[(16)]~~ (17) "Secure correctional facility" means any prison, penitentiary, or other
440 institution operated by the department or under contract for the confinement of offenders,
441 where force may be used to restrain an offender if the offender attempts to leave the institution
442 without authorization.

443 Section 5. Section **64-13-6** is amended to read:

444 **64-13-6. Department duties.**

445 (1) The department shall:

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

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

449 (c) provide evidence-based and evidence-informed program opportunities for offenders
450 designed to reduce offenders' criminogenic and recidivism risks, including behavioral,

451 cognitive, educational, and career-readiness program opportunities;

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

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

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

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

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

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

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

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

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

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

473 (i) (A) if an offender is to be supervised in the community, the department shall
474 establish a case action plan for the offender no later than 60 days after the day on which the
475 department's community supervision of the offender begins; and

476 (B) if the offender is committed to the custody of the department, the department shall
477 establish a case action plan for the offender no later than 90 days after the day on which the
478 offender is committed to the custody of the department;

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

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

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

487 (n) ensure that any training or certification required of a public official or public
488 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
489 22, State Training and Certification Requirements, if the training or certification is required:

490 (i) under this title;

491 (ii) by the department; or

492 (iii) by an agency or division within the department~~[-];~~ and

493 (o) when reporting on statewide recidivism, include the metrics and requirements
494 described in Section 63M-7-102.

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

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

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

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

- 505 (i) criminal conduct of departmental employees;
- 506 (ii) felony crimes resulting in serious bodily injury;
- 507 (iii) death of any person; or
- 508 (iv) aggravated kidnaping.

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

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

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

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

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

523 (b) Beginning in the 2022 interim, the department shall provide an annual report to the

524 Law Enforcement and Criminal Justice Interim Committee regarding the department's
525 implementation of and offender participation in evidence-based and evidence-informed
526 treatment and program opportunities designed to reduce the criminogenic and recidivism risks
527 of offenders over time.

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

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

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

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

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

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

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

544 (ii) If the board makes an order for restitution within 60 days from the day on which
545 the offender's sentence expires or terminates, the board shall refer the order for restitution to
546 the sentencing court to be entered as a civil judgment of restitution as described in Section
547 77-18-114.

548 (d) This Subsection (6) only applies to offenders sentenced before July 1, 2021.
549 Section 6. Section 77-2-2.2 is amended to read:

550 **77-2-2.2. Signing and filing of information.**

551 (1) The prosecuting attorney shall sign all informations.

552 (2) The prosecuting attorney may:

553 (a) sign the information in the presence of a magistrate; or

554 (b) present and file the information in the office of the clerk where the prosecution is

555 commenced upon the signature of the prosecuting attorney.

556 (3) When reasonably available, the prosecuting attorney shall ensure that the
557 information includes:

558 (a) the defendant's state identification number issued by the Bureau of Criminal
559 Identification;

560 (b) the citation number associated with the case; and

561 (c) the offense tracking number associated with the case.

562 Section 7. **Repealer.**

563 This bill repeals:

564 Section **63M-7-101**, Title.