

LAW ENFORCEMENT DATA AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Jacob L. Anderegg

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

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

64-13g-102, as enacted by Laws of Utah 2022, Chapter 393

30 77-2-2.2, as renumbered and amended by Laws of Utah 2021, Chapter 260

31 ENACTS:

32 63M-7-102, Utah Code Annotated 1953

33 REPEALS:

34 63M-7-101, as enacted by Laws of Utah 2008, Chapter 382



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

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

38 **13-53-111. Recidivism reporting requirements.**

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

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

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

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

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

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

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

56 **62A-15-103. Division -- Creation -- Responsibilities.**

57 (1) (a) The division shall exercise responsibility over the policymaking functions,

58 regulatory and enforcement powers, rights, duties, and responsibilities outlined in state law that
59 were previously vested in the Division of Substance Abuse and Mental Health within the
60 department, under the administration and general supervision of the executive director.

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

63 (2) The division shall:

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

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

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

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

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

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

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

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

80 (A) emergency department utilization;

81 (B) jail and prison populations;

82 (C) the homeless population; and

83 (D) the child welfare system; and

84 (ix) promote or establish programs for education and certification of instructors to

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

86 any measurable controlled substance in the body;

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

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

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

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

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

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

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

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

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

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

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

- 114 (viii) monitor the expenditure of public funds by:
- 115 (A) local substance abuse authorities;
- 116 (B) local mental health authorities; and
- 117 (C) in counties where they exist, a private contract provider that has an annual or
- 118 otherwise ongoing contract to provide comprehensive substance abuse or mental health
- 119 programs or services for the local substance abuse authority or local mental health authority;
- 120 (ix) contract with local substance abuse authorities and local mental health authorities
- 121 to provide a comprehensive continuum of services that include community-based services for
- 122 individuals involved in the criminal justice system, in accordance with division policy, contract
- 123 provisions, and the local plan;
- 124 (x) contract with private and public entities for special statewide or nonclinical
- 125 services, or services for individuals involved in the criminal justice system, according to
- 126 division rules;
- 127 (xi) review and approve each local substance abuse authority's plan and each local
- 128 mental health authority's plan in order to ensure:
- 129 (A) a statewide comprehensive continuum of substance abuse services;
- 130 (B) a statewide comprehensive continuum of mental health services;
- 131 (C) services result in improved overall health and functioning;
- 132 (D) a statewide comprehensive continuum of community-based services designed to
- 133 reduce criminal risk factors for individuals who are determined to have substance abuse or
- 134 mental illness conditions or both, and who are involved in the criminal justice system;
- 135 (E) compliance, where appropriate, with the certification requirements in Subsection
- 136 (2)(j); and
- 137 (F) appropriate expenditure of public funds;
- 138 (xii) review and make recommendations regarding each local substance abuse
- 139 authority's contract with the local substance abuse authority's provider of substance abuse
- 140 programs and services and each local mental health authority's contract with the local mental
- 141 health authority's provider of mental health programs and services to ensure compliance with

142 state and federal law and policy;

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

144 and

145 (xiv) withhold funds from local substance abuse authorities, local mental health

146 authorities, and public and private providers for contract noncompliance, failure to comply

147 with division directives regarding the use of public funds, or for misuse of public funds or

148 money;

149 (d) ensure that the requirements of this part are met and applied uniformly by local

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

151 (e) require each local substance abuse authority and each local mental health authority,

152 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a plan to

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

154 (f) conduct an annual program audit and review of each local substance abuse authority

155 and each local substance abuse authority's contract provider, and each local mental health

156 authority and each local mental health authority's contract provider, including:

157 (i) a review and determination regarding whether:

158 (A) public funds allocated to the local substance abuse authority or the local mental

159 health authorities are consistent with services rendered by the authority or the authority's

160 contract provider, and with outcomes reported by the authority's contract provider; and

161 (B) each local substance abuse authority and each local mental health authority is

162 exercising sufficient oversight and control over public funds allocated for substance use

163 disorder and mental health programs and services; and

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

165 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,

166 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

167 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer

168 supports services to an individual with:

169 (A) a substance use disorder;

- 170 (B) a mental health disorder; or
- 171 (C) a substance use disorder and a mental health disorder;
- 172 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
- 173 adult as a peer support specialist;
- 174 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 175 Rulemaking Act, that:
- 176 (A) establish training and certification requirements for a peer support specialist;
- 177 (B) specify the types of services a peer support specialist is qualified to provide;
- 178 (C) specify the type of supervision under which a peer support specialist is required to
- 179 operate; and
- 180 (D) specify continuing education and other requirements for maintaining or renewing
- 181 certification as a peer support specialist; and
- 182 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 183 Rulemaking Act, that:
- 184 (A) establish the requirements for a person to be certified to carry out, as needed, the
- 185 division's duty to train and certify an adult as a peer support specialist; and
- 186 (B) specify how the division shall provide oversight of a person certified to train and
- 187 certify a peer support specialist;
- 188 (i) collaborate with the State Commission on Criminal and Juvenile Justice to analyze
- 189 and provide recommendations to the Legislature regarding:
- 190 (i) pretrial services and the resources needed to reduce recidivism;
- 191 (ii) county jail and county behavioral health early-assessment resources needed for an
- 192 individual convicted of a class A or class B misdemeanor; and
- 193 (iii) the replacement of federal dollars associated with drug interdiction law
- 194 enforcement task forces that are reduced;
- 195 (j) establish performance goals and outcome measurements for a mental health or
- 196 substance use treatment program that is licensed under Chapter 2, Licensure of Programs and
- 197 Facilities, and contracts with the department, including goals and measurements related to

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

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

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

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

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

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

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

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

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

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

225 (n) annually, on or before August 31, submit the data collected under Subsection (2)(l)

226 and any recommendations to improve the data collection to the State Commission on Criminal
227 and Juvenile Justice to be included in the report described in Subsection 63M-7-204(1)(x);

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

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

230 and

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

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

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

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

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

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

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

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

254 includes:

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

256 (B) information about at-risk individuals and individuals who are legally prohibited

257 from possessing firearms;

258 (C) information about suicide prevention awareness; and

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

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

261 (iii) produce a firearm safety packet that includes the firearm safety brochure and the

262 cable-style gun lock described in this Subsection (3); and

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

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

265 (B) incorporates current information on how to recognize suicidal behaviors and

266 identify individuals who may be suicidal; and

267 (C) provides information regarding crisis intervention resources;

268 (b) distributing, free of charge, the firearm safety packet to the following persons, who

269 shall make the firearm safety packet available free of charge:

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

271 (ii) mobile crisis outreach teams;

272 (iii) mental health practitioners;

273 (iv) other public health suicide prevention organizations;

274 (v) entities that teach firearm safety courses;

275 (vi) school districts for use in the seminar, described in Section [53G-9-702](#), for parents

276 of students in the school district; and

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

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

279 between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms

280 dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident;

281 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

282 making rules that establish procedures for:

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

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

286 (iii) administering the rebate program; and

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

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

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

297 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority
298 or local mental health authority, the division shall review and determine whether the local
299 substance abuse authority or local mental health authority is complying with the oversight and
300 management responsibilities described in Sections [17-43-201](#), [17-43-203](#), [17-43-303](#), and
301 [17-43-309](#).

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

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

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

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

- 316 (a) use of public funds;
- 317 (b) oversight of public funds; and
- 318 (c) governance of substance use disorder and mental health programs and services.

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

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

- 324 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
325 capacity to provide the treatment services; or
- 326 (b) otherwise ensure that treatment services are made available to the pregnant woman
327 or pregnant minor.

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

- 330 (a) provide coordination between a local education agency and local mental health
331 authority;
- 332 (b) recommend evidence-based and evidence informed mental health screenings and
333 intervention assessments for a local education agency; and
- 334 (c) coordinate with the local community, including local departments of health, to
335 enhance and expand mental health related resources for a local education agency.

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

337 **63M-7-102. Recidivism metrics -- Reporting.**

338 (1) For purposes of this chapter:

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

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

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

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

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

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

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

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

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

359 (B) other recommendations regarding standardized recidivism metrics.

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

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

364 (a) shall include:

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

- 366 (A) the criminal population being evaluated for recidivism; and
- 367 (B) the interventions that are being evaluated;
- 368 (ii) a clear description of the beginning and end of the evaluation period; and
- 369 (iii) a clear description of the events that are considered as a recidivism-triggering
- 370 event; and
- 371 (b) may include supplementary data including:
- 372 (i) the length of time that elapsed before a recidivism-triggering event described in
- 373 Subsection (4)(a)(iii) occurred;
- 374 (ii) the severity of a recidivism-triggering event described in Subsection (4)(a)(iii);
- 375 (iii) measures of personal well-being, education, employment, housing, health, family
- 376 or social support, civic or community engagement, or legal involvement; or
- 377 (iv) other desistance metrics that may capture an individual's behavior following the
- 378 individual's release from an intervention.
- 379 (5) Unless otherwise specified in statute:
- 380 (a) the evaluation period described in Subsection (4)(a)(ii) is three years; and
- 381 (b) a recidivism-triggering event under Subsection (4)(a)(iii) shall include:
- 382 (i) an arrest;
- 383 (ii) an admission to prison;
- 384 (iii) a criminal charge; or
- 385 (iv) a criminal conviction.

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

387 **64-13-1. Definitions.**

388 As used in this chapter:

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

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

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

397 (b) clearly defined completion requirements.

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

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

403 (a) by the department; or

404 (b) under a contract with the department.

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

406 (a) affect the individual's risk of engaging in criminal behavior; and

407 (b) are diminished when addressed by effective treatment, supervision, and other
408 support resources, resulting in a reduced risk of criminal behavior.

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

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

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

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

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

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

422 Corrections.

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

424 (a) committed to the custody of the department; and

425 (b) housed at a correctional facility or at a county jail at the request of the department.

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

429 (a) committed to the custody of the department;

430 (b) on probation; or

431 (c) on parole.

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

434 [~~(14)~~] (15) "Restitution" means the same as that term is defined in Section [77-38b-102](#).

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

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

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

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

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

445 **64-13-6. Department duties.**

446 (1) The department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

477 (B) if the offender is committed to the custody of the department, the department shall

478 establish a case action plan for the offender no later than 90 days after the day on which the
479 offender is committed to the custody of the department;

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

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

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

488 (n) ensure that any training or certification required of a public official or public
489 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
490 22, State Training and Certification Requirements, if the training or certification is required:

491 (i) under this title;

492 (ii) by the department; or

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

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

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

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

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

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

- 506 (i) criminal conduct of departmental employees;
- 507 (ii) felony crimes resulting in serious bodily injury;
- 508 (iii) death of any person; or
- 509 (iv) aggravated kidnaping.
- 510 (b) Before investigating any occurrence specified in Subsection (3)(a), the department
- 511 shall:
- 512 (i) notify the sheriff or other appropriate law enforcement agency promptly after
- 513 ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a) has
- 514 occurred; and
- 515 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to
- 516 conduct an investigation involving an occurrence specified in Subsection (3)(a).
- 517 (4) Upon request, the department shall provide copies of investigative reports of
- 518 criminal conduct to the sheriff or other appropriate law enforcement agencies.
- 519 (5) (a) The executive director of the department, or the executive director's designee if
- 520 the designee possesses expertise in correctional programming, shall consult at least annually
- 521 with cognitive and career-readiness staff experts from the Utah system of higher education and
- 522 the State Board of Education to review the department's evidence-based and evidence-informed
- 523 treatment and program opportunities.
- 524 (b) Beginning in the 2022 interim, the department shall provide an annual report to the
- 525 Law Enforcement and Criminal Justice Interim Committee regarding the department's
- 526 implementation of and offender participation in evidence-based and evidence-informed
- 527 treatment and program opportunities designed to reduce the criminogenic and recidivism risks
- 528 of offenders over time.
- 529 (6) (a) As used in this Subsection (6):
- 530 (i) "Accounts receivable" means any amount owed by an offender arising from a
- 531 criminal judgment that has not been paid.
- 532 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,
- 533 surcharges, costs, interest, penalties, restitution to victims, third-party claims, claims,

534 reimbursement of a reward, and damages that an offender is ordered to pay.

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

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

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

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

545 (ii) If the board makes an order for restitution within 60 days from the day on which
546 the offender's sentence expires or terminates, the board shall refer the order for restitution to
547 the sentencing court to be entered as a civil judgment of restitution as described in Section
548 77-18-114.

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

550 Section 6. Section 64-13g-102 is amended to read:

551 **64-13g-102. Adult Probation and Parole Employment Incentive Program.**

552 (1) There is created the Adult Probation and Parole Employment Incentive Program.

553 (2) The department and the office shall implement the program in accordance with the
554 requirements of this chapter.

555 (3) Beginning July 2026, and each July after 2026, the department shall calculate and
556 report to the office, for the preceding fiscal year, for each region and statewide:

557 (a) the parole employment rate and the average length of employment of individuals on
558 parole;

559 (b) the probation employment rate and average length of employment of individuals on
560 felony probation;

561 (c) ~~[the percentage of individuals on parole or felony probation who are convicted of a~~

562 ~~crime committed on or after the day on which the individuals began parole or felony probation]~~
563 the recidivism percentage, using applicable recidivism metrics described in Subsections
564 63M-7-102(2) and (4);

565 (d) the number and percentage of individuals who successfully complete parole or
566 felony probation;

567 (e) if the recidivism percentage described in Subsection (3)(c) represents a decrease in
568 the recidivism percentage when compared to the fiscal year immediately preceding the fiscal
569 year to which the recidivism percentage described in Subsection (3)(c) relates, the estimated
570 costs of incarceration savings to the state, based on the marginal cost of incarceration;

571 (f) the number of individuals who successfully complete parole and, during the entire
572 six months before the day on which the individuals' parole ends, held eligible employment; and

573 (g) the number of individuals who successfully complete felony probation and, during
574 the entire six months before the day on which the individuals' parole ended, held eligible
575 employment.

576 (4) In addition to the information described in Subsection (3), the department shall
577 report, for each region, the number and types of parole or probation programs that were
578 created, replaced, or discontinued during the preceding fiscal year.

579 (5) After receiving the information described in Subsections (3) and (4), the office, in
580 consultation with the department, shall, for each region:

581 (a) add the region's baseline parole employment rate and the region's baseline probation
582 employment rate;

583 (b) add the region's parole employment rate and the region's probation employment
584 rate;

585 (c) subtract the sum described in Subsection (5)(a) from the sum described in
586 Subsection (5)(b); and

587 (d) (i) if the rate difference described in Subsection (5)(c) is zero or less than zero,
588 assign an employment incentive payment of zero to the region; or

589 (ii) except as provided in Subsection (7), if the rate difference described in Subsection

590 (5)(c) is greater than zero, assign an employment incentive payment to the region by:

591 (A) multiplying the rate difference by the average daily population for that region; and

592 (B) multiplying the product of the calculation described in Subsection (5)(d)(ii)(A) by

593 \$2,500.

594 (6) In addition to the employment incentive payment described in Subsection (5), after

595 receiving the information described in Subsections (3) and (4), the office, in consultation with

596 the department, shall, for each region, multiply the sum of the numbers described in

597 Subsections (3)(f) and (g) for the region by \$2,500 to determine the end-of-supervision

598 employment incentive payment for the region.

599 (7) The employment incentive payment, or end-of-supervision employment supervision

600 payment, for a region is zero if the recidivism percentage for the region, described in

601 Subsection (3)(c), represents an increase in the recidivism percentage when compared to the

602 fiscal year immediately preceding the fiscal year to which the recidivism percentage for the

603 region, described in Subsection (3)(c), relates.

604 (8) Upon determining an employment incentive payment for a region in accordance

605 with Subsections (5)(d)(ii), (6), and (7), the office shall authorize distribution, from the

606 restricted account, of the incentive payment as follows:

607 (a) 15% of the payment may be used by the department for expenses related to

608 administering the program; and

609 (b) 85% of the payment shall be used by the region to improve and expand supervision

610 and rehabilitative services to individuals on parole or adult probation, including by:

611 (i) implementing and expanding evidence-based practices for risk and needs

612 assessments for individuals;

613 (ii) implementing and expanding intermediate sanctions, including mandatory

614 community service, home detention, day reporting, restorative justice programs, and furlough

615 programs;

616 (iii) expanding the availability of evidence-based practices for rehabilitation programs,

617 including drug and alcohol treatment, mental health treatment, anger management, cognitive

618 behavior programs, and job training and other employment services;

619 (iv) hiring additional officers, contractors, or other personnel to implement
620 evidence-based practices for rehabilitative and vocational programing;

621 (v) purchasing and adopting new technologies or equipment that are relevant to, and
622 enhance, supervision, rehabilitation, or vocational training; or

623 (vi) evaluating the effectiveness of rehabilitation and supervision programs and
624 ensuring program fidelity.

625 (9) (a) The report described in Subsections (3) and (4) is a public record.

626 (b) The department shall maintain a complete and accurate accounting of the payment
627 and use of funds under this section.

628 (c) If the money in the restricted account is insufficient to make the full employment
629 incentive payments or the full end-of-supervision employment incentive payments, the office
630 shall authorize the payments on a prorated basis.

631 Section 7. Section **77-2-2.2** is amended to read:

632 **77-2-2.2. Signing and filing of information.**

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

634 (2) The prosecuting attorney may:

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

636 (b) present and file the information in the office of the clerk where the prosecution is
637 commenced upon the signature of the prosecuting attorney.

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

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

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

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

644 Section 8. **Repealer.**

645 This bill repeals:

646

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