

HB0061S02 compared with HB0061

~~{deleted text}~~ shows text that was in HB0061 but was deleted in HB0061S02.

inserted text shows text that was not in HB0061 but was inserted into HB0061S02.

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Representative Ryan D. Wilcox proposes the following substitute bill:

SCHOOL SAFETY REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: _____

LONG TITLE

~~{Committee Note:~~

~~_____ The Law Enforcement and Criminal Justice Interim Committee recommended this bill.~~

~~_____ Legislative Vote: 12 voting for 0 voting against _____ 5 absent~~

~~{General Description:~~

This bill ~~{creates the School Security Act and a task force to address}~~ addresses school safety and security issues.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a state security chief position within the Department of Public Safety;
- ▶ requires each county sheriff to identify an individual within the sheriff's office to coordinate between the county sheriff's office, the state security chief, and certain

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police chiefs within the county;

- ▶ creates the School Security Task Force;
- ▶ requires the task force to develop the qualifications, duties, and scope of authority of the state security chief;
- ▶ requires ~~{that all}~~ the State Board of Education (board) to provide a report on certain law enforcement and disciplinary actions on school grounds to the State Commission on Criminal and Juvenile Justice (commission);
- ▶ requires the board to issue a request for proposals for firearm detection software and allows an LEA to enter into a contract to use the software;
- ▶ provides for the board to administer a grant program for certain school safety and security services and materials;
- ▶ requires every public primary and secondary ~~{schools have a}~~ school to conduct a threat assessment;
- ▶ modifies certain contracts concerning school resource ~~{officer}~~ officers, including the handling of certain student offenses;
- ▶ creates requirements for policies concerning school resource officers;
- ▶ adds components to the board's model critical response training program;
- ▶ amends requirements for and renames the criminal justice database;
- ▶ modifies the duties of the commission in regards to juvenile justice;
- ▶ enacts data collection and reporting requirements for the commission and the Administrative Office of the Courts in regards to offenses committed, or allegedly committed, by minors; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

~~{None}~~ This bill appropriates in fiscal year 2024:

- ▶ to State Board of Education - Contracted Initiatives and Grants, as a one-time appropriation:
 - from the Income Tax Fund, One-time, \$25,000,000.

Other Special Clauses:

None

Utah Code Sections Affected:

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AMENDS:

- 53E-3-516, as last amended by Laws of Utah 2022, Chapter 399
53G-8-701, as last amended by Laws of Utah 2019, Chapter 293
53G-8-702, as last amended by Laws of Utah 2021, Chapter 279
53G-8-703, as last amended by Laws of Utah 2019, Chapter 293
53G-8-802, as last amended by Laws of Utah 2022, Chapter 399
63A-16-1001, as enacted by Laws of Utah 2022, Chapter 390
63A-16-1002, as enacted by Laws of Utah 2022, Chapter 390 and last amended by
Coordination Clause, Laws of Utah 2022, Chapter 390
63I-2-253, as last amended by Laws of Utah 2022, Chapters 208, 229, 274, 354, 370,
and 409
63M-7-208, as last amended by Laws of Utah 2021, Chapter 262
63M-7-218, as enacted by Laws of Utah 2022, Chapter 390 and last amended by
Coordination Clause, Laws of Utah 2022, Chapter 390

ENACTS:

- 53-22-101, Utah Code Annotated 1953
53-22-102, Utah Code Annotated 1953
53-22-103, Utah Code Annotated 1953
53-22-104, Utah Code Annotated 1953
53F-4-208, Utah Code Annotated 1953
53F-5-220, Utah Code Annotated 1953
53G-8-701.5, Utah Code Annotated 1953
53G-8-703.2, Utah Code Annotated 1953
80-6-104, Utah Code Annotated 1953

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

Section 1. Section **53-22-101** is enacted to read:

CHAPTER 22. SCHOOL SECURITY ACT

53-22-101. School Security Act -- Definitions.

As used in this chapter:

(1) "Public school" means the same as that term is defined in Section 53G-9-205.1.

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(2) "School resource officer" or "SRO" means a law enforcement officer hired by a public school in accordance with Section 53G-8-703.

(3) "State security chief" means an individual appointed by the commissioner under Section 53-22-102.

Section 2. Section **53-22-102** is enacted to read:

53-22-102. State security chief -- Creation -- Appointment.

(1) There is created within the department a state security chief.

(2) The state security chief:

(a) is appointed by the commissioner with the approval of the governor;

(b) is subject to the supervision and control of the commissioner;

(c) may be removed at the will of the commissioner;

(d) shall be qualified by experience and education to:

(i) enforce the laws of this state relating to school safety;

(ii) perform duties prescribed by the commissioner; and

(iii) enforce rules made under this chapter.

(3) The duties and responsibilities of the state security chief shall be determined by the Commissioner of Public Safety in conjunction with the School Security Task Force created in Section 53-22-104.

Section 3. Section **53-22-103** is enacted to read:

53-22-103. County sheriff responsibilities -- Coordination.

Each county sheriff shall identify an individual within the sheriff's office to coordinate security responsibilities ~~with~~ between the state security chief, the county sheriff's office, and the corresponding police chiefs whose jurisdiction includes a public school within the county.

Section 4. Section **53-22-104** is enacted to read:

53-22-104. School Security Task Force -- Membership -- Duties -- Per diem --

Report -- Expiration.

(1) There is created a School Security Task Force composed of the following ~~15~~ 17 members:

(a) the House chair of the Law Enforcement and Criminal Justice Interim Committee, who shall serve as chair;

(b) the House chair of the Criminal Code Evaluation Task Force;

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(c) a member of the Senate, appointed by the president of the Senate;

(d) ~~{a member}~~ the state superintendent of the State Board of Education ~~{security team}~~ or the state superintendent's designee;

(e) the school safety specialist to the State Board of Education;

(f) the public safety liaison described in Section 53-1-106;

(g) the commissioner of the Department of Public Safety or the commissioner's designee;

(h) the director of the Utah Division of Juvenile Justice Youth Services or the director's designee;

~~(h)}~~ (i) a member of the Utah School Superintendents Association, selected by the president of the association;

~~{~~ (i) a member of the Chiefs of Police Association selected by the president of the association;

~~}~~ (j) two members of the ~~{Sheriffs}~~ Chiefs of Police Association, one from a ~~{county}~~ city of the first ~~{,}~~ or second ~~{, or third}~~ class and one from a ~~{county}~~ city of the third, fourth, fifth, or sixth class, selected by the president of the association;

(k) two members of the Sheriffs Association, one from a county of the first, second, or third class and one from a county of the fourth, fifth, or sixth class, selected by the president of the association;

~~{k}~~ (l) a representative from the Utah Association of Public Charter Schools selected by the president of the association;

~~{l}~~ (m) a representative from a school district, selected by the chair;

~~{m}~~ (n) ~~{a representative from a private school recommended by the commissioner of the Department of Public Safety; and~~

~~—~~ (n) an expert in school security, selected by the chair; and

(o) a member of a local law enforcement agency recommended by the commissioner of the Department of Public Safety.

(2) The task force shall:

(a) determine the specific qualifications, duties, and responsibilities of the state security chief created in Section 53-22-102;

(b) create statewide standardized training requirements and hiring policies for school

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resource officers;

(c) review and revise, if necessary, the model critical incident response training program developed under Section 53G-8-802;

(d) develop training standards for active ~~shooter~~ threats and emergency response in schools;

(e) recommend standards for the use of school security specialists;

(~~f~~) recommend safety and security protocols for the design, construction, and reconstruction of new and existing schools;

(~~f~~) develop legislation to accomplish Subsections (a) through (e) for introduction in the 2024 General Session; and

(~~g~~) prepare a report and present any legislation developed to the Law Enforcement and Criminal Justice Interim Committee by November 30, 2023.

(3) (a) A majority of the members of the task force constitutes a quorum.

(b) The action of a majority of a quorum constitutes an action of the task force.

(4) The Office of Legislative Research and General Counsel shall provide staff for the task force.

(5) (a) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with:

(i) Section 36-2-2;

(ii) Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses; and

(iii) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(b) A member of the task force who is not a legislator may not receive compensation for the member's work associated with the task force but may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under:

(i) Sections 63A-3-106 and 63A-3-107; and

(ii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

(6) This task force expires December 31, 2023.

Section 5. Section 53E-3-516 is amended to read:

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53E-3-516. School disciplinary and law enforcement action report -- Rulemaking authority.

(1) As used in this section:

(a) "Disciplinary action" means an action by a public school meant to formally discipline a student of that public school that includes a suspension or expulsion.

(b) "Law enforcement agency" means the same as that term is defined in Section 77-7a-103.

(c) "Minor" means the same as that term is defined in Section 53G-6-201.

(d) "Other law enforcement activity" means a significant law enforcement interaction with a minor that does not result in an arrest, including:

(i) a search and seizure by an SRO;

(ii) issuance of a criminal citation;

(iii) issuance of a ticket or summons;

(iv) filing a delinquency petition; or

(v) referral to a probation officer.

(e) "School is in session" means the hours of a day during which a public school conducts instruction for which student attendance is counted toward calculating average daily membership.

(f) (i) "School-sponsored activity" means an activity, fundraising event, club, camp, clinic, or other event or activity that is authorized by a specific public school, according to LEA governing board policy, and satisfies at least one of the following conditions:

(A) the activity is managed or supervised by a school district, public school, or public school employee;

(B) the activity uses the school district or public school facilities, equipment, or other school resources; or

(C) the activity is supported or subsidized, more than inconsequentially, by public funds, including the public school's activity funds or Minimum School Program dollars.

(ii) "School-sponsored activity" includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.

(g) "Student resource officer" or "SRO" means the same as that term is defined in Section 53G-8-701.

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(2) Beginning on July 1, 2023, the state board shall develop an annual report regarding the following incidents that occur on school grounds while school is in session or during a school-sponsored activity:

- (a) arrests of a minor;
- (b) other law enforcement activities; and
- (c) disciplinary actions.

(3) Pursuant to state and federal law, law enforcement agencies shall collaborate with the state board and LEAs to provide and validate data and information necessary to complete the report described in Subsection (2), as requested by an LEA or the state board.

(4) The report described in Subsection (2) shall include the following information listed separately for each LEA:

(a) the number of arrests of a minor, including the reason why the minor was arrested;

(b) the number of other law enforcement activities, including the following information for each incident:

- (i) the reason for the other law enforcement activity; and
- (ii) the type of other law enforcement activity used;
- (c) the number of disciplinary actions imposed, including:
 - (i) the reason for the disciplinary action; and
 - (ii) the type of disciplinary action;
- (d) the number of SROs employed; and ~~{ }~~

(e) if applicable, the demographics of an individual who is subject to, as the following are defined in Section 53G-9-601, bullying, hazing, cyber-bullying, or retaliation.

(5) The report described in Subsection (2) shall include the following information, in aggregate, for each element described in Subsections (4)(a) through (c):

- (a) age;
- (b) grade level;
- (c) race;
- (d) sex; and
- (e) disability status.

(6) Information included in the annual report described in Subsection (2) shall comply with:

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- (a) Chapter 9, Part 3, Student Data Protection;
- (b) Chapter 9, Part 2, Student Privacy; and
- (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to compile the report described in Subsection (2).

(8) The state board shall provide the report described in Subsection (2):

(a) in accordance with Section 53E-1-203 for incidents that occurred during the previous school year

~~Section 5}[-]; and~~

(b) to the State Commission on Criminal and Juvenile Justice before July 1 of each year for incidents that occurred during the previous school year.

Section 6. Section 53F-4-208 is enacted to read:

53F-4-208. State board procurement for school security software.

(1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall issue a request for proposals, on or before June 15, 2023, and enter a contract with a private vendor for firearm detection software to detect and alert district personnel and first responders about the presence of visible, unholstered firearms on school property.

(2) The contract described in Subsection (1) shall require the firearm detection software to be:

(a) developed in the United States without the use of any third-party or open-source data;

(b) protected by an awarded patent that includes a training database populated with frames of actual videos of firearms taken in relevant environments across diverse industries;

(c) designated as qualified anti-terrorism technology under the federal SAFETY Act, 6 U.S.C. Sec. 441 et seq.;

(d) designed to integrate with existing security camera infrastructure at school districts;

(e) managed directly by the contracted vendor through a constantly monitored operations center that is staffed by highly trained analysts in order to rapidly communicate possible threats to end users; and

(f) successfully deployed in other states, school districts, and commercial users.

(3) An LEA may enter into the contract described in Subsection (1) for firearm

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detection software at the LEA's schools.

Section 7. Section 53F-5-220 is enacted to read:

53F-5-220. School Safety and Support Grant Program -- Rulemaking.

(1) The state board may award a grant to an LEA in response to an LEA request for proposal to provide a school with:

(a) school resource officer services;

(b) school safety specialists and school safety specialist training;

(c) safety and security training by law enforcement agencies for school employees;

(d) first-aid kits for classrooms; or

(e) bleeding control kits.

(2) An LEA may not apply for a grant under this section to fund services already in place, but an LEA may submit a request for proposal to fund an expansion of existing services.

(3) The state board shall prioritize grant funding for LEAs with low student counts that have designated a school safety specialist in each school.

(4) The state board may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer this section.

Section 8. Section 53G-8-701 is amended to read:

53G-8-701. Definitions.

As used in this part:

(1) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.

(2) "Public school" means the same as that term is defined in Section 53G-9-205.1.

~~(2)~~ (3) "School resource officer" or "SRO" means a law enforcement officer, as defined in Section 53-13-103, who contracts with or whose law enforcement agency contracts with an LEA to provide law enforcement services for the LEA.

(4) "School safety specialist" means a school employee who is responsible for supporting school safety initiatives including the threat assessment described in Subsection 53G-8-802(2)(g)(i).

Section ~~6~~9. Section 53G-8-701.5 is enacted to read:

53G-8-701.5. ~~School resource officers -- Required in all~~ **Threat assessment and school safety specialist.**

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Every public primary and secondary schools.

~~Each public secondary school shall have at least one school resource officer.~~

~~Section 7}school:~~

(1) shall conduct a threat assessment as described in Subsection 53G-8-802(2)(g)(i);

and

(2) may designate a school safety specialist.

Section 10. Section **53G-8-702** is amended to read:

53G-8-702. School resource officer training -- Curriculum.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that prepare and make available a training program for school principals, school personnel, and school resource officers to attend.

(2) To create the curriculum and materials for the training program described in Subsection (1), the state board shall:

(a) work in conjunction with the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201;

(b) solicit input from local school boards, charter school governing boards, and the Utah Schools for the Deaf and the Blind;

(c) consult with a nationally recognized organization that provides resources and training for school resource officers;

~~(d)~~ (d) solicit input from local law enforcement and other interested community stakeholders; and

~~(e)~~ (e) consider the current United States Department of Education recommendations on school discipline and the role of a school resource officer.

(3) The training program described in Subsection (1) may include training on the following:

- (a) childhood and adolescent development;
- (b) responding age-appropriately to students;
- (c) working with disabled students;
- (d) techniques to de-escalate and resolve conflict;
- (e) cultural awareness;
- (f) restorative justice practices;

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(g) identifying a student exposed to violence or trauma and referring the student to appropriate resources;

(h) student privacy rights;

(i) negative consequences associated with youth involvement in the juvenile and criminal justice systems;

(j) strategies to reduce juvenile justice involvement;

(k) roles of and distinctions between a school resource officer and other school staff who help keep a school secure;

(l) developing and supporting successful relationships with students; and

(m) legal parameters of searching and questioning students on school property.

(4) The state board shall work together with the Department of Public Safety, the State Commission on Criminal and Juvenile Justice, and state and local law enforcement to establish policies, ~~and~~ procedures, ~~that govern~~ and training requirements for school resource officers.

Section ~~{8}~~11. Section **53G-8-703** is amended to read:

53G-8-703. Contracts between an LEA and law enforcement for school resource officer services -- Requirements.

(1) An LEA ~~{}~~ may ~~{}~~ shall contract with a local law enforcement agency ~~[or an individual]~~ to provide school resource officer services at the LEA ~~[if the LEA governing board reviews and approves the contract]~~.

~~{~~ ~~—~~ ~~(2) The LEA governing board and the local law enforcement agency shall develop a mutually agreed upon contract for an SRO.~~

~~{~~ ~~{}~~ ~~(2)~~ ~~{}~~ ~~(3)~~ ~~[If an LEA contracts]~~ An LEA contract with a law enforcement agency ~~[or an individual]~~ to provide SRO services at the LEA ~~[, the LEA governing board]~~ shall require in the contract:

(a) an acknowledgment by the law enforcement agency ~~[or the individual]~~ that an SRO hired under the contract shall:

(i) provide for and maintain a safe, healthy, and productive learning environment in a school;

(ii) act as a positive role model to students;

(iii) work to create a cooperative, proactive, and problem-solving partnership between law enforcement and the LEA;

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(iv) emphasize the use of restorative approaches to address negative behavior; and
(v) at the request of the LEA, teach a vocational law enforcement class;
(b) a description of the shared understanding of the LEA and the law enforcement agency ~~[or individual]~~ regarding the roles and responsibilities of law enforcement and the LEA to:

- (i) maintain safe schools;
- (ii) improve school climate; and
- (iii) support educational opportunities for students;
- (c) a designation of student offenses that, in accordance with Section 53G-8-211, the

SRO:

(i) may refer to the juvenile court;

(ii) [the SRO] shall confer with the LEA to resolve~~[, including {} an offense {} offenses] that~~; and

~~[(i) {} is {} are] a minor violation of the law; and~~

~~[(ii) would not violate the law if the {} offense was {} offenses were] committed by an adult;~~

~~[(d) (iii) [a designation of student offenses that are administrative issues that an SRO] shall refer to a school administrator for resolution [in accordance with Section 53G-8-211] {} as an administrative issue with the understanding that the SRO will be informed of the outcome of the administrative issue;~~

~~[(e) (d) a detailed description of the rights of a student under state and federal law with regard to:~~

- (i) searches;
- (ii) questioning;
- (iii) arrests; and

~~[(iii) (iv) information privacy;~~

~~[(f) (e) a detailed description of:~~

(i) job assignment and duties~~[;], including:~~

(A) the {LEA} school to which the SRO will be assigned~~{ to}~~;

(B) the hours the SRO is expected to be present at the {LEA} school;

(C) the point of contact at the {LEA} school;

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(D) specific responsibilities for providing and receiving information; and

(E) types of records to be kept, and by whom;

(ii) training requirements; and

(iii) other expectations of the SRO and school administration in relation to law enforcement at the LEA;

~~[(g)]~~ (f) that an SRO who is hired under the contract and the principal at the school where an SRO will be working, or the principal's designee, will jointly complete the SRO training described in Section 53G-8-702; ~~[and]~~

~~[(h) if the contract is between an LEA and a law enforcement agency, that:]~~

~~[(f)]~~ ~~(f)(g)~~ that both parties agree to jointly discuss SRO applicants; and

~~[(ii)]~~ ~~(f)(h)~~ that the law enforcement agency will, at least annually, seek out and accept feedback from an LEA about an SRO's performance.

Section ~~(9)~~ 12. Section ~~(53G-8-802)~~ 53G-8-703.2 is ~~(amended)~~ enacted to read:

53G-8-703.2. LEA establishment of SRO policy -- Public comment.

(1) An LEA shall establish an SRO policy.

(2) The SRO policy described in Subsection (1) shall include:

(a) the contract described in Section 53G-8-703; and

(b) all other procedures and requirements governing the relationship between the LEA and an SRO.

(3) Before implementing the SRO policy described in Subsection (1), the LEA shall present the SRO policy at a public meeting and receive public comment on the SRO policy.

Section 13. Section 53G-8-802 is amended to read:

53G-8-802. State Safety and Support Program -- State board duties -- LEA duties.

(1) There is created the State Safety and Support Program.

(2) The state board shall:

(a) develop in conjunction with the Division of Substance Abuse and Mental Health model student safety and support policies for an LEA, including:

(i) evidence-based procedures for the assessment of and intervention with an individual whose behavior poses a threat to school safety;

(ii) procedures for referrals to law enforcement; and

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- (iii) procedures for referrals to a community services entity, a family support organization, or a health care provider for evaluation or treatment;
- (b) provide training:
 - (i) in school safety;
 - (ii) in evidence-based approaches to improve school climate and address and correct bullying behavior;
 - (iii) in evidence-based approaches in identifying an individual who may pose a threat to the school community;
 - (iv) in evidence-based approaches in identifying an individual who may be showing signs or symptoms of mental illness;
 - (v) on permitted disclosures of student data to law enforcement and other support services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g;
 - (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections 53E-9-203 and 53E-9-305; and
 - (vii) for administrators on rights and prohibited acts under:
 - (A) Chapter 9, Part 6, Bullying and Hazing;
 - (B) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.;
 - (C) Title IX of Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;
 - (D) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.; and
 - (E) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.;
 - (c) conduct and disseminate evidence-based research on school safety concerns;
 - (d) disseminate information on effective school safety initiatives;
 - (e) encourage partnerships between public and private sectors to promote school safety;
 - (f) provide technical assistance to an LEA in the development and implementation of school safety initiatives;
 - (g) in conjunction with the Department of Public Safety, develop and make available to an LEA a model critical incident response training program that includes:
 - (i) protocols for conducting a threat assessment, and ensuring building security during an incident, as required in Section 53G-8-701.5; ~~and~~
 - (ii) standardized response protocol terminology for use throughout the state;
 - (iii) protocols for planning and safety drills; and

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(iv) recommendations for safety equipment for schools including amounts and types of first aid supplies:

(h) provide space for the public safety liaison described in Section 53-1-106 and the school-based mental health specialist described in Section 62A-15-103;

(i) create a model school climate survey that may be used by an LEA to assess stakeholder perception of a school environment and, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules:

(i) requiring an LEA to:

(A) create or adopt and disseminate a school climate survey; and

(B) disseminate the school climate survey;

(ii) recommending the distribution method, survey frequency, and sample size of the survey; and

(iii) specifying the areas of content for the school climate survey; and

(j) collect aggregate data and school climate survey results from each LEA.

(3) Nothing in this section requires an individual to respond to a school climate survey.

(4) The state board shall require an LEA to:

(a) (i) review data from the state board-facilitated surveys containing school climate data for each school within the LEA; and

(ii) based on the review described in Subsection (4)(a)(i):

(A) revise practices, policies, and training to eliminate harassment and discrimination in each school within the LEA;

(B) adopt a plan for harassment- and discrimination-free learning; and

(C) host outreach events or assemblies to inform students and parents of the plan adopted under Subsection (4)(a)(ii)(B);

(b) no later than September 1 of each school year, send a notice to each student, parent, and LEA staff member stating the LEA's commitment to maintaining a school climate that is free of harassment and discrimination; and

(c) report to the state board:

(i) no later than August 1, 2023, on the LEA's plan adopted under Subsection (4)(a)(ii)(B); and

(ii) after August 1, 2023, annually on the LEA's implementation of the plan and

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progress.

Section 14. Section 63A-16-1001 is amended to read:

63A-16-1001. Definitions.

As used in this part:

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

(2) "Criminal justice agency" means an agency or institution directly involved in the apprehension, prosecution, and incarceration of an individual involved in criminal activity, including law enforcement, correctional facilities, jails, courts, probation, and parole.

(3) "Database" means the ~~[Criminal Justice Database]~~ criminal and juvenile justice database created in this part.

(4) "Division" means the Division of Technology Services created in Section 63A-16-103.

Section 15. Section 63A-16-1002 is amended to read:

63A-16-1002. Criminal ~~{Justice Database}~~ and juvenile justice database.

(1) The commission shall oversee the creation and management of a ~~[Criminal Justice Database]~~ criminal and juvenile justice database for information and data required to be reported to the commission, organized by county, and accessible to all criminal justice agencies in the state.

(2) The division shall assist with the development and management of the database.

(3) The division, in collaboration with the commission, shall create:

(a) master standards and formats for information submitted to the database;

(b) a portal, bridge, website, or other method for reporting entities to provide the information;

(c) a master data management index or system to assist in the retrieval of information in the database;

(d) a protocol for accessing information in the database that complies with state privacy regulations; and

(e) a protocol for real-time audit capability of all data accessed through the portal by participating data source, data use entities, and regulators.

(4) Each criminal justice agency charged with reporting information to the commission

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shall provide the data or information to the database in a form prescribed by the commission.

(5) The database shall be the repository for the statutorily required data described in:

- (a) Section 13-53-111, recidivism reporting requirements;
- (b) Section 17-22-32, county jail reporting requirements;
- (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;
- (d) Section 24-4-118, forfeiture reporting requirements;
- (e) Section 41-6a-511, courts to collect and maintain data;
- (f) Section 63M-7-214, law enforcement agency grant reporting;
- (g) Section 63M-7-216, prosecutorial data collection;
- (h) Section 64-13-21, supervision of sentenced offenders placed in community;
- (i) Section 64-13-25, standards for programs;
- (j) Section 64-13-45, department reporting requirements;
- (k) Section 64-13e-104, housing of state probationary inmates or state parole inmates;
- (l) Section 77-7-8.5, use of tactical groups;
- (m) Section 77-20-103, release data requirements;
- (n) Section 77-22-2.5, court orders for criminal investigations;
- (o) Section 78A-2-109.5, court demographics reporting;

(p) Section 80-6-104, data collection on offenses committed by minors; and

~~(p)~~ (q) any other statutes which require the collection of specific data and the reporting of that data to the commission.

(6) The commission shall report:

(a) progress on the database, including creation, configuration, and data entered, to the Law Enforcement and Criminal Justice Interim Committee not later than November 2022; and

(b) all data collected as of December 31, 2022, to the Law Enforcement and Criminal Justice Interim Committee, the House Law Enforcement and Criminal Justice Standing Committee, and the Senate Judiciary, Law Enforcement and Criminal Justice Standing Committee not later than January 16, 2023.

Section ~~(H)~~ 16. Section **63I-2-253** is amended to read:

63I-2-253. Repeal dates: Titles 53 through 53G.

(1) Section 53-22-104 is repealed December 31, 2023.

(2) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a

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technical college board of trustees, is repealed July 1, 2022.

(b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

~~[(2)]~~ (3) Section 53B-6-105.7 is repealed July 1, 2024.

~~[(3)]~~ (4) Section 53B-7-707 regarding performance metrics for technical colleges is repealed July 1, 2023.

~~[(4)]~~ (5) Section 53B-8-114 is repealed July 1, 2024.

~~[(5)]~~ (6) The following provisions, regarding the Regents' scholarship program, are repealed on July 1, 2023:

(a) in Subsection 53B-8-105(12), the language that states, "or any scholarship established under Sections 53B-8-202 through 53B-8-205";

(b) Section 53B-8-202;

(c) Section 53B-8-203;

(d) Section 53B-8-204; and

(e) Section 53B-8-205.

~~[(6)]~~ (7) Section 53B-10-101 is repealed on July 1, 2027.

~~[(7)]~~ (8) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is repealed July 1, 2023.

~~[(8)]~~ (9) Subsection 53E-1-201(1)(s) regarding the report by the Educational Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.

~~[(9)]~~ (10) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee evaluation and recommendations, is repealed January 1, 2024.

~~[(10)]~~ (11) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed July 1, 2024.

~~[(11)]~~ (12) In Subsections 53F-2-205(4) and (5), regarding the State Board of Education's duties if contributions from the minimum basic tax rate are overestimated or underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(12)]~~ (13) Section 53F-2-209, regarding local education agency budgetary flexibility, is repealed July 1, 2024.

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~~[(13)]~~ (14) Subsection 53F-2-301(1), relating to the years the section is not in effect, is repealed July 1, 2023.

~~[(14)]~~ (15) Section 53F-2-302.1, regarding the Enrollment Growth Contingency Program, is repealed July 1, 2023.

~~[(15)]~~ (16) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

~~[(16)]~~ (17) Section 53F-2-524, regarding teacher bonuses for extra work assignments, is repealed July 1, 2024.

~~[(17)]~~ (18) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(18)]~~ (19) Subsection 53F-4-401(3)(b), regarding a child enrolled or eligible for enrollment in kindergarten, is repealed July 1, 2022.

~~[(19)]~~ (20) In Subsection 53F-4-404(4)(c), the language that states "Except as provided in Subsection (4)(d)" is repealed July 1, 2022.

~~[(20)]~~ (21) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.

~~[(21)]~~ (22) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(22)]~~ (23) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(23)]~~ (24) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(24)]~~ (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(25)]~~ (26) On July 1, 2023, when making changes in this section, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent.

Section 17. Section 63M-7-208 is amended to read:

63M-7-208. Juvenile justice oversight -- Delegation -- Effective dates.

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

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(a) support implementation and expansion of evidence-based juvenile justice programs and practices, including assistance regarding implementation fidelity, quality assurance, and ongoing evaluation;

(b) examine and make recommendations on the use of third-party entities or an intermediary organization to assist with implementation and to support the performance-based contracting system authorized in Subsection (1)(m);

(c) oversee the development of performance measures to track juvenile justice reforms, and ensure early and ongoing stakeholder engagement in identifying the relevant performance measures;

(d) evaluate currently collected data elements throughout the juvenile justice system and contract reporting requirements to streamline reporting, reduce redundancies, eliminate inefficiencies, and ensure a focus on recidivism reduction;

(e) review averted costs from reductions in out-of-home placements for juvenile justice youth placed with the Division of Juvenile Justice Services and the Division of Child and Family Services, and make recommendations to prioritize the reinvestment and realignment of resources into community-based programs for youth living at home, including the following:

(i) statewide expansion of:

(A) juvenile receiving centers, as defined in Section 80-1-102;

(B) mobile crisis outreach teams, as defined in Section 62A-15-102;

(C) youth courts; and

(D) victim-offender mediation;

(ii) statewide implementation of nonresidential diagnostic assessment;

(iii) statewide availability of evidence-based programs and practices including cognitive behavioral and family therapy programs for minors assessed by a validated risk and needs assessment as moderate or high risk;

(iv) implementation and infrastructure to support the sustainability and fidelity of evidence-based juvenile justice programs, including resources for staffing, transportation, and flexible funds; and

(v) early intervention programs such as family strengthening programs, family wraparound services, and proven truancy interventions;

(f) assist the Administrative Office of the Courts in the development of a statewide

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sliding scale for the assessment of fines, fees, and restitution, based on the ability of the minor's family to pay;

(g) analyze the alignment of resources and the roles and responsibilities of agencies, such as the operation of early intervention services, receiving centers, and diversion, and make recommendations to reallocate functions as appropriate, in accordance with Section 80-5-401;

(h) comply with the data collection and reporting requirements under Section 80-6-104;

[(h) ensure that data reporting is expanded and routinely review data in additional areas, including:]

[(i) referral and disposition data by judicial district;]

[(ii) data on the length of time minors spend in the juvenile justice system, including the total time spent under court jurisdiction, on community supervision, and in each out-of-home placement;]

[(iii) recidivism data for minors who are diverted to a nonjudicial adjustment under Section 80-6-304 and minors for whom dispositions are ordered under Section 80-6-701, including tracking minors into the adult corrections system;]

[(iv) change in aggregate risk levels from the time minors receive services, are under supervision, and are in out-of-home placement; and]

[(v) dosage of programming;]

(i) develop a reasonable timeline within which all programming delivered to minors in the juvenile justice system must be evidence-based or consist of practices that are rated as effective for reducing recidivism by a standardized program evaluation tool;

(j) provide guidelines to be considered by the Administrative Office of the Courts and the Division of Juvenile Justice Services in developing tools considered by the Administrative Office of the Courts and the Division of Juvenile Justice Services in developing or selecting tools to be used for the evaluation of juvenile justice programs;

(k) develop a timeline to support improvements to juvenile justice programs to achieve reductions in recidivism and review reports from relevant state agencies on progress toward reaching that timeline;

(l) subject to Subsection (2), assist in the development of training for juvenile justice stakeholders, including educators, law enforcement officers, probation staff, judges, Division

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of Juvenile Justice Services staff, Division of Child and Family Services staff, and program providers;

(m) subject to Subsection (3), assist in the development of a performance-based contracting system, which shall be developed by the Administrative Office of the Courts and the Division of Juvenile Justice Services for contracted services in the community and contracted out-of-home placement providers;

(n) assist in the development of a validated detention risk assessment tool that [~~shall be~~] is developed or adopted and validated by the Administrative Office of the Courts and the Division of Juvenile Justice Services as provided in Section 80-5-203 [~~on and after July 1, 2018~~]; and

(o) annually issue and make public a report to the governor, president of the Senate, speaker of the House of Representatives, and chief justice of the Utah Supreme Court on the progress of the reforms and any additional areas in need of review.

(2) Training described in Subsection (1)(l) should include instruction on evidence-based programs and principles of juvenile justice, such as risk, needs, responsibility, and fidelity, and shall be supplemented by the following topics:

(a) adolescent development;

(b) identifying and using local behavioral health resources;

(c) implicit bias;

(d) cultural competency;

(e) graduated responses;

(f) Utah juvenile justice system data and outcomes; and

(g) gangs.

(3) The system described in Subsection (1)(m) shall provide incentives for:

(a) the use of evidence-based juvenile justice programs and practices rated as effective by the tools selected in accordance with Subsection (1)(j);

(b) the use of three-month timelines for program completion; and

(c) evidence-based programs and practices for minors living at home in rural areas.

(4) The State Commission on Criminal and Juvenile Justice may delegate the duties imposed under this section to a subcommittee or board established by the Commission on Criminal and Juvenile Justice in accordance with Subsection 63M-7-204(2).

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[(5) Subsections (1)(a) through (c) take effect August 1, 2017. The remainder of this section takes effect July 1, 2018.]

Section 18. Section 63M-7-218 is amended to read:

63M-7-218. State grant requirements.

Beginning July 1, 2023, the commission may not award any grant of state funds to any entity subject to, and not in compliance with, the reporting requirements in Subsections 63A-16-1002(5)(a) through [(t)] (p).

Section 19. Section 80-6-104 is enacted to read:

80-6-104. Data collection on offenses committed by minors -- Reporting requirement.

(1) As used in this section:

(a) "Firearm" means the same as that term is defined in Section 76-10-501.

(b) "Firearm-related offense" means a criminal offense involving a firearm.

(c) "School is in session" means the same as that term is defined in Section 53E-3-516.

(d) "School-sponsored activity" means the same as that term is defined in Section 53E-3-516.

(2) Before July 1 of each year, the Administrative Office of the Courts shall submit the following data to the State Commission on Criminal and Juvenile Justice, broken down by judicial district, for the preceding calendar year:

(a) the number of referrals to the juvenile court;

(b) the number of minors diverted to a nonjudicial adjustment;

(c) the number of minors that satisfy the conditions of a nonjudicial adjustment;

(d) the number of minors for whom a petition is filed in the juvenile court;

(e) the number of minors for whom an information is filed in the juvenile court;

(f) the number of minors bound over to the district court by the juvenile court;

(g) the number of petitions for offenses committed by minors that were dismissed by the juvenile court;

(h) the number of adjudications in the juvenile court for offenses committed by minors;

(i) the number of guilty pleas entered into by minors in the juvenile court;

(j) the number of dispositions resulting in secure care, community-based placement, formal probation, and intake probation;

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(k) for each minor charged in the juvenile court with a firearm-related offense:

(i) the minor's age at the time the offense was committed or allegedly committed;

(ii) the minor's zip code at the time that the offense was referred to the juvenile court;

(iii) whether the minor is a restricted person under Subsection 76-10-503(1)(a)(iv) or

(1)(b)(ii);

(iv) the type of offense for which the minor is charged;

(v) the outcome of the minor's case in juvenile court, including whether the minor was bound over to the district court or adjudicated by the juvenile court; and

(vi) if a disposition was entered by the juvenile court, whether the disposition resulted in secure care, community-based placement, formal probation, or intake probation.

(3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a case resulting from a firearm-related offense committed, or allegedly committed, by a minor when the minor is found in possession of a firearm while school is in session or during a school-sponsored activity.

(4) In collaboration with the Administrative Office of the Courts, the division, and other agencies, the State Commission on Criminal and Juvenile Justice shall collect data for the preceding calendar year on:

(a) the length of time that minors spend in the juvenile justice system, including the total amount of time minors spend under juvenile court jurisdiction, on community supervision, and in each out-of-home placement;

(b) recidivism of minors who are diverted to a nonjudicial adjustment and minors for whom dispositions are ordered by the juvenile court, including tracking minors into the adult corrections system;

(c) changes in aggregate risk levels from the time minors receive services, are under supervision, and are in out-of-home placement; and

(d) dosages of programming.

(5) On and before October 1 of each year, the State Commission on Criminal and Juvenile Justice shall prepare and submit a written report to the Judiciary Interim Committee and the Law Enforcement and Criminal Justice Interim Committee that includes:

(a) data collected by the State Commission on Criminal and Juvenile Justice under this section;

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(b) data collected by the State Board of Education under Section 53E-3-516; and

(c) recommendations for legislative action with respect to the data described in this

Subsection (5).

Section 20. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To State Board of Education - Contracted Initiatives and Grants

From Income Tax Fund, One-time 25,000,000

Schedule of Programs:

Contracts and Grants 25,000,000

The Legislature intends that:

(1) \$22,000,000 of the appropriation under this item be used for the grant program described in Section 53F-5-220 of this bill;

(2) \$3,000,000 of the appropriation under this item be used for the procurement described in Section 53G-8-803 of this bill; and

(3) under Section 63J-1-603, the one-time appropriation provided under this item not lapse at the close of fiscal year 2024 and the use of any nonlapsing funds is limited to the purposes described in Subsections (1) and (2) of this item.