

Representative Melissa G. Ballard proposes the following substitute bill:

INMATE EDUCATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill enacts provisions relating to postsecondary education for inmates enrolled in institutions of higher education.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ directs the Higher Education and Corrections Council to facilitate postsecondary education for inmates housed in county jails;
- ▶ directs the Utah Board of Higher Education to assign student success advisors to correctional facilities;
- ▶ removes a provision requiring an inmate to pay 50% of tuition at the time of enrollment;
- ▶ requires an institution of higher education to consider an inmate a state resident for tuition purposes;
- ▶ requires the Department of Corrections to:
 - publish a notice informing an individual depositing money into an inmate's account that a process exists for the individual to review the inmate's financial records;



- 26 • provide certain assistance to an inmate participating in postsecondary certificate
- 27 or degree program; and
- 28 • provide a tablet to each inmate that is eligible to receive a tablet under
- 29 established security policies;
- 30 ▶ includes reporting requirements; and
- 31 ▶ makes technical changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **53B-1-402**, as last amended by Laws of Utah 2022, Chapters 166, 177
- 39 **53B-8-102**, as last amended by Laws of Utah 2020, Chapter 37
- 40 **53B-35-101**, as enacted by Laws of Utah 2022, Chapter 147
- 41 **53B-35-202**, as enacted by Laws of Utah 2022, Chapter 147
- 42 **64-13-6**, as last amended by Laws of Utah 2022, Chapter 187
- 43 **64-13-23**, as last amended by Laws of Utah 2021, Chapter 260
- 44 **64-13-30.5**, as enacted by Laws of Utah 2009, Chapter 258
- 45 **64-13-48**, as enacted by Laws of Utah 2022, Chapter 144

46 ENACTS:

- 47 **53B-35-301**, Utah Code Annotated 1953



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

50 Section 1. Section **53B-1-402** is amended to read:

51 **53B-1-402. Establishment of board -- Powers, duties, and authority -- Reports.**

- 52 (1) There is established a State Board of Regents, which:
 - 53 (a) beginning July 1, 2020, is renamed the Utah Board of Higher Education;
 - 54 (b) is the governing board for the institutions of higher education;
 - 55 (c) controls, manages, and supervises the Utah system of higher education; and
 - 56 (d) is a body politic and corporate with perpetual succession and with all rights,

- 57 immunities, and franchises necessary to function as a body politic and corporate.
- 58 (2) The board shall:
- 59 (a) establish and promote a state-level vision and goals for higher education that
- 60 emphasize system priorities, including:
- 61 (i) quality;
- 62 (ii) affordability;
- 63 (iii) access and equity;
- 64 (iv) completion;
- 65 (v) workforce alignment and preparation for high-quality jobs; and
- 66 (vi) economic growth;
- 67 (b) establish policies and practices that advance the vision and goals;
- 68 (c) establish metrics to demonstrate and monitor:
- 69 (i) performance related to the goals; and
- 70 (ii) performance on measures of operational efficiency;
- 71 (d) collect and analyze data including economic data, demographic data, and data
- 72 related to the metrics;
- 73 (e) coordinate data collection across institutions;
- 74 (f) establish, approve, and oversee each institution's mission and role in accordance
- 75 with Section [53B-16-101](#);
- 76 (g) assess an institution's performance in accomplishing the institution's mission and
- 77 role;
- 78 (h) participate in the establishment and review of programs of instruction in accordance
- 79 with Section [53B-16-102](#);
- 80 (i) perform duties related to an institution of higher education president, including:
- 81 (i) appointing an institution of higher education president in accordance with Section
- 82 [53B-2-102](#);
- 83 (ii) providing support and guidance to an institution of higher education president;
- 84 (iii) evaluating an institution of higher education president based on institution
- 85 performance and progress toward systemwide priorities; and
- 86 (iv) setting the compensation for an institution of higher education president;
- 87 (j) create and implement a strategic finance plan for higher education, including by:

- 88 (i) establishing comprehensive budget and finance priorities for academic education
- 89 and technical education;
- 90 (ii) allocating statewide resources to institutions;
- 91 (iii) setting tuition for each institution;
- 92 (iv) administering state financial aid programs;
- 93 (v) administering performance funding in accordance with Chapter 7, Part 7,
- 94 Performance Funding; and
- 95 (vi) developing a strategic capital facility plan and prioritization process in accordance
- 96 with Chapter 22, Part 2, Capital Developments, and Sections [53B-2a-117](#) and [53B-2a-118](#);
- 97 (k) create a seamless articulated education system for Utah students that responds to
- 98 changing demographics and workforce, including by:
- 99 (i) providing for statewide prior learning assessment, in accordance with Section
- 100 [53B-16-110](#);
- 101 (ii) establishing and maintaining clear pathways for articulation and transfer, in
- 102 accordance with Section [53B-16-105](#);
- 103 (iii) establishing degree program requirement guidelines, including credit hour limits;
- 104 (iv) aligning general education requirements across degree-granting institutions;
- 105 (v) coordinating and incentivizing collaboration and partnerships between institutions
- 106 in delivering programs;
- 107 (vi) coordinating distance delivery of programs; and
- 108 (vii) coordinating work-based learning;
- 109 (l) coordinate with the public education system:
- 110 (i) regarding public education programs that provide postsecondary credit or
- 111 certificates; and
- 112 (ii) to ensure that an institution of higher education providing technical education
- 113 serves secondary students in the public education system;
- 114 (m) delegate to an institution board of trustees certain duties related to institution
- 115 governance including:
- 116 (i) guidance and support for the institution president;
- 117 (ii) effective administration;
- 118 (iii) the institution's responsibility for contributing to progress toward achieving

- 119 systemwide goals; and
- 120 (iv) other responsibilities determined by the board;
- 121 (n) delegate to an institution of higher education president management of the
- 122 institution of higher education;
- 123 (o) consult with an institution of higher education board of trustees or institution of
- 124 higher education president before acting on matters pertaining to the institution of higher
- 125 education;
- 126 (p) maximize efficiency throughout the Utah system of higher education by identifying
- 127 and establishing shared administrative services;
- 128 (q) develop strategies for providing higher education, including career and technical
- 129 education, in rural areas;
- 130 (r) manage and facilitate a process for initiating, prioritizing, and implementing
- 131 education reform initiatives; ~~and~~
- 132 (s) provide ongoing quality review of institutions; and
- 133 (t) coordinate with the Department of Corrections to establish educational programs for
- 134 inmates as described in Section 64-13-6.
- 135 (3) The board shall submit an annual report of the board's activities and performance
- 136 against the board's goals and metrics to:
- 137 (a) the Education Interim Committee;
- 138 (b) the Higher Education Appropriations Subcommittee;
- 139 (c) the governor; and
- 140 (d) each institution of higher education.
- 141 (4) The board shall prepare and submit an annual report detailing the board's progress
- 142 and recommendations on workforce related issues, including career and technical education, to
- 143 the governor and to the ~~Legislature's~~ Education Interim Committee by October 31 of each
- 144 year, including information detailing:
- 145 (a) how the career and technical education needs of secondary students are being met
- 146 by institutions of higher education;
- 147 (b) how the emphasis on high demand, high wage, and high skill jobs in business and
- 148 industry is being provided;
- 149 (c) performance outcomes, including:

- 150 (i) entered employment;
- 151 (ii) job retention; and
- 152 (iii) earnings;
- 153 (d) an analysis of workforce needs and efforts to meet workforce needs; and
- 154 (e) student tuition and fees.
- 155 (5) The board may modify the name of an institution of higher education to reflect the
- 156 role and general course of study of the institution.
- 157 (6) The board may not take action relating to merging a technical college with another
- 158 institution of higher education without legislative approval.
- 159 (7) This section does not affect the power and authority vested in the State Board of
- 160 Education to apply for, accept, and manage federal appropriations for the establishment and
- 161 maintenance of career and technical education.
- 162 (8) The board shall ensure that any training or certification that an employee of the
- 163 higher education system is required to complete under this title or by board rule complies with
- 164 Title 63G, Chapter 22, State Training and Certification Requirements.
- 165 (9) The board shall adopt a policy requiring institutions to provide at least three work
- 166 days of paid bereavement leave for an employee:
- 167 (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth;
- 168 or
- 169 (b) following the end of another individual's pregnancy by way of a miscarriage or
- 170 stillbirth, if:
- 171 (i) the employee is the individual's spouse or partner;
- 172 (ii) (A) the employee is the individual's former spouse or partner; and
- 173 (B) the employee would have been a biological parent of a child born as a result of the
- 174 pregnancy;
- 175 (iii) the employee provides documentation to show that the individual intended for the
- 176 employee to be an adoptive parent, as that term is defined in Section [78B-6-103](#), of a child born
- 177 as a result of the pregnancy; or
- 178 (iv) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part
- 179 8, Gestational Agreement, the employee would have been a parent of a child born as a result of
- 180 the pregnancy.

181 Section 2. Section **53B-8-102** is amended to read:

182 **53B-8-102. Definitions -- Resident student status -- Exceptions.**

183 (1) As used in this section:

184 (a) "Eligible person" means an individual who is entitled to post-secondary educational
185 benefits under Title 38 U.S.C., Veterans' Benefits.

186 (b) "Immediate family member" means an individual's spouse or dependent child.

187 (c) "Inmate" means the same as that term is defined in Section 64-13-1.

188 [~~(c)~~] (d) "Military servicemember" means an individual who:

189 (i) is serving on active duty in the United States Armed Forces within the state of Utah;

190 (ii) is a member of a reserve component of the United States Armed Forces assigned in
191 Utah;

192 (iii) is a member of the Utah National Guard; or

193 (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned
194 outside of Utah pursuant to federal permanent change of station orders.

195 [~~(d)~~] (e) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.

196 [~~(e)~~] (f) "Parent" means a student's biological or adoptive parent.

197 (2) The meaning of "resident student" is determined by reference to the general law on
198 the subject of domicile, except as provided in this section.

199 (3) (a) Institutions within the state system of higher education may grant resident
200 student status to any student who has come to Utah and established residency for the purpose of
201 attending an institution of higher education, and who, prior to registration as a resident student:

202 (i) has maintained continuous Utah residency status for one full year;

203 (ii) has signed a written declaration that the student has relinquished residency in any
204 other state; and

205 (iii) has submitted objective evidence that the student has taken overt steps to establish
206 permanent residency in Utah and that the student does not maintain a residence elsewhere.

207 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:

208 (i) a Utah high school transcript issued in the past year confirming attendance at a Utah
209 high school in the past 12 months;

210 (ii) a Utah voter registration dated a reasonable period prior to application;

211 (iii) a Utah driver license or identification card with an original date of issue or a

212 renewal date several months prior to application;

213 (iv) a Utah vehicle registration dated a reasonable period prior to application;

214 (v) evidence of employment in Utah for a reasonable period prior to application;

215 (vi) proof of payment of Utah resident income taxes for the previous year;

216 (vii) a rental agreement showing the student's name and Utah address for at least 12
217 months prior to application; and

218 (viii) utility bills showing the student's name and Utah address for at least 12 months
219 prior to application.

220 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
221 resident of Utah is not eligible to apply for resident student status.

222 (4) Except as provided in Subsection (8), an institution within the state system of
223 higher education may establish stricter criteria for determining resident student status.

224 (5) If an institution does not have a minimum credit-hour requirement, that institution
225 shall honor the decision of another institution within the state system of higher education to
226 grant a student resident student status, unless:

227 (a) the student obtained resident student status under false pretenses; or

228 (b) the facts existing at the time of the granting of resident student status have changed.

229 (6) Within the limits established in [~~Title 53B, Chapter 8, Tuition Waiver and~~
230 ~~Scholarships~~] Chapter 8, Tuition Waiver and Scholarships, each institution within the state
231 system of higher education may, regardless of its policy on obtaining resident student status,
232 waive nonresident tuition either in whole or in part, but not other fees.

233 (7) In addition to the waivers of nonresident tuition under Subsection (6), each
234 institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to
235 the maximum number allowed by the appropriate athletic conference as recommended by the
236 president of each institution.

237 (8) Notwithstanding Subsection (3), an institution within the state system of higher
238 education shall grant resident student status for tuition purposes to:

239 (a) a military servicemember, if the military servicemember provides:

240 (i) the military servicemember's current United States military identification card; and

241 (ii) (A) a statement from the military servicemember's current commander, or

242 equivalent, stating that the military servicemember is assigned in Utah; or

243 (B) evidence that the military servicemember is domiciled in Utah, as described in
244 Subsection (9)(a);

245 (b) a military servicemember's immediate family member, if the military
246 servicemember's immediate family member provides:

247 (i) (A) the military servicemember's current United States military identification card;
248 or

249 (B) the immediate family member's current United States military identification card;
250 and

251 (ii) (A) a statement from the military servicemember's current commander, or
252 equivalent, stating that the military servicemember is assigned in Utah; or

253 (B) evidence that the military servicemember is domiciled in Utah, as described in
254 Subsection (9)(a);

255 (c) a military veteran, regardless of whether the military veteran served in Utah, if the
256 military veteran provides:

257 (i) evidence of an honorable or general discharge;

258 (ii) a signed written declaration that the military veteran has relinquished residency in
259 any other state and does not maintain a residence elsewhere;

260 (iii) objective evidence that the military veteran has demonstrated an intent to establish
261 residency in Utah, which may include any one of the following:

262 (A) a Utah voter registration card;

263 (B) a Utah driver license or identification card;

264 (C) a Utah vehicle registration;

265 (D) evidence of employment in Utah;

266 (E) a rental agreement showing the military veteran's name and Utah address; or

267 (F) utility bills showing the military veteran's name and Utah address;

268 (d) a military veteran's immediate family member, regardless of whether the military
269 veteran served in Utah, if the military veteran's immediate family member provides:

270 (i) evidence of the military veteran's honorable or general discharge;

271 (ii) a signed written declaration that the military veteran's immediate family member
272 has relinquished residency in any other state and does not maintain a residence elsewhere; and

273 (iii) objective evidence that the military veteran's immediate family member has

274 demonstrated an intent to establish residency in Utah, which may include any one of the items
275 described in Subsection (8)(c)(iii); [~~or~~]

276 (e) an eligible person who provides:

277 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;

278 (ii) a signed written declaration that the eligible person will use the G.I. Bill benefits;

279 and

280 (iii) objective evidence that the eligible person has demonstrated an intent to establish
281 residency in Utah, which may include [~~any~~] one of the items described in Subsection

282 (8)(c)(iii)[~~]; or~~

283 (f) an inmate during:

284 (i) the time the inmate is enrolled in the course; and

285 (ii) for one year after the day on which the inmate is released from a correctional
286 facility as defined in Section [64-13-1](#).

287 (9) (a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:

288 (i) a current Utah voter registration card;

289 (ii) a valid Utah driver license or identification card;

290 (iii) a current Utah vehicle registration;

291 (iv) a copy of a Utah income tax return, in the military servicemember's or military
292 servicemember's spouse's name, filed as a resident in accordance with Section [59-10-502](#); or

293 (v) proof that the military servicemember or military servicemember's spouse owns a
294 home in Utah, including a property tax notice for property owned in Utah.

295 (b) Aliens who are present in the United States on visitor, student, or other visas which
296 authorize only temporary presence in this country, do not have the capacity to intend to reside
297 in Utah for an indefinite period and therefore are classified as nonresidents.

298 (c) Aliens who have been granted immigrant or permanent resident status in the United
299 States are classified for purposes of resident student status according to the same criteria
300 applicable to citizens.

301 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose
302 reservation or trust lands lie partly or wholly within Utah or whose border is at any point
303 contiguous with the border of Utah, and any American Indian who is a member of a federally
304 recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled

305 to resident student status.

306 (11) A Job Corps student is entitled to resident student status if the student:

307 (a) is admitted as a full-time, part-time, or summer school student in a program of
308 study leading to a degree or certificate; and

309 (b) submits verification that the student is a current Job Corps student.

310 (12) A person is entitled to resident student status and may immediately apply for
311 resident student status if the person:

312 (a) marries a Utah resident eligible to be a resident student under this section; and

313 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as
314 provided in Subsection (3).

315 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one
316 parent who has been domiciled in Utah for at least 12 months prior to the student's application
317 is entitled to resident student status.

318 (14) (a) A person who has established domicile in Utah for full-time permanent
319 employment may rebut the presumption of a nonresident classification by providing substantial
320 evidence that the reason for the individual's move to Utah was, in good faith, based on an
321 employer requested transfer to Utah, recruitment by a Utah employer, or a comparable
322 work-related move for full-time permanent employment in Utah.

323 (b) All relevant evidence concerning the motivation for the move shall be considered,
324 including:

325 (i) the person's employment and educational history;

326 (ii) the dates when Utah employment was first considered, offered, and accepted;

327 (iii) when the person moved to Utah;

328 (iv) the dates when the person applied for admission, was admitted, and was enrolled
329 as a postsecondary student;

330 (v) whether the person applied for admission to an institution of higher education
331 sooner than four months from the date of moving to Utah;

332 (vi) evidence that the person is an independent person who is:

333 (A) at least 24 years [~~of age~~] old; or

334 (B) not claimed as a dependent on someone else's tax returns; and

335 (vii) any other factors related to abandonment of a former domicile and establishment

336 of a new domicile in Utah for purposes other than to attend an institution of higher education.

337 (15) (a) A person who is in residence in Utah to participate in a United States Olympic
338 athlete training program, at a facility in Utah, approved by the governing body for the athlete's
339 Olympic sport, shall be entitled to resident status for tuition purposes.

340 (b) Upon the termination of the athlete's participation in the training program, the
341 athlete shall be subject to the same residency standards applicable to other persons under this
342 section.

343 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
344 counts for Utah residency for tuition purposes upon termination of the athlete's participation in
345 a Utah Olympic athlete training program.

346 (16) (a) A person who has established domicile in Utah for reasons related to divorce,
347 the death of a spouse, or long-term health care responsibilities for an immediate family
348 member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a
349 nonresident classification by providing substantial evidence that the reason for the individual's
350 move to Utah was, in good faith, based on the long-term health care responsibilities.

351 (b) All relevant evidence concerning the motivation for the move shall be considered,
352 including:

353 (i) the person's employment and educational history;

354 (ii) the dates when the long-term health care responsibilities in Utah were first
355 considered, offered, and accepted;

356 (iii) when the person moved to Utah;

357 (iv) the dates when the person applied for admission, was admitted, and was enrolled
358 as a postsecondary student;

359 (v) whether the person applied for admission to an institution of higher education
360 sooner than four months from the date of moving to Utah;

361 (vi) evidence that the person is an independent person who is:

362 (A) at least 24 years [~~of age~~] old; or

363 (B) not claimed as a dependent on someone else's tax returns; and

364 (vii) any other factors related to abandonment of a former domicile and establishment
365 of a new domicile in Utah for purposes other than to attend an institution of higher education.

366 (17) The board, after consultation with the institutions, shall make rules not

367 inconsistent with this section:

- 368 (a) concerning the definition of resident and nonresident students;
- 369 (b) establishing procedures for classifying and reclassifying students;
- 370 (c) establishing criteria for determining and judging claims of residency or domicile;
- 371 (d) establishing appeals procedures; and
- 372 (e) other matters related to this section.

373 (18) A student shall be exempt from paying the nonresident portion of total tuition if
374 the student:

- 375 (a) is a foreign national legally admitted to the United States;
- 376 (b) attended high school in this state for three or more years; and
- 377 (c) graduated from a high school in this state or received the equivalent of a high
378 school diploma in this state.

379 Section 3. Section **53B-35-101** is amended to read:

380 **53B-35-101. Definitions.**

381 As used in this chapter[~~,"council"~~]:

382 (1) "Correctional facility" means the same as that term is defined in Section 64-13-1.

383 (2) "Council" means the Higher Education and Corrections Council created in Section
384 53B-35-201.

385 (3) "Department" means the Department of Corrections created in Section 64-13-2.

386 (4) "Inmate" means the same as that term is defined in Section 64-13-1.

387 (5) "Institution of higher education" means an institution described in Section
388 53B-1-102.

389 Section 4. Section **53B-35-202** is amended to read:

390 **53B-35-202. Council duties -- Reporting.**

391 (1) The council shall:

392 (a) coordinate, facilitate, and support the delivery of higher education in the state's
393 correctional facilities, including the county jails under contract with the Department of
394 Corrections to house inmates, to prepare incarcerated individuals for integration and productive
395 employment upon release;

396 (b) explore and provide recommendations to the board and the [Utah] Department of
397 Corrections for the efficient and effective delivery of higher education programs to incarcerated

398 individuals, including:

399 (i) evidence-based practices and technologies;

400 (ii) methods of maximizing and facilitating incarcerated individuals' access to
401 educational programs;

402 (iii) methods of supporting and facilitating timely completion of courses, certificates,
403 and degrees;

404 (iv) methods of emphasizing educational programs that:

405 (A) align with current and future workforce demands of the state;

406 (B) lead to occupations that are accessible to released incarcerated individuals;

407 (C) provide sustainable wages following release; and

408 (D) maximize accessibility and timely completion during incarceration;

409 (v) use of cross-institutional application of coursework toward certificates and degrees;

410 (vi) use of coursework that encourages personal and civic development; and

411 (vii) methods of leveraging innovative course delivery, including technology resources;

412 (c) explore methods and make recommendations for the collection and analysis of
413 critical data regarding:

414 (i) enrollment and completion of postsecondary education courses, certificate
415 programs, credentials, and degree programs;

416 (ii) federal and state student aid awarded to incarcerated individuals;

417 (iii) costs of postsecondary education in prison, including any recommendations for
418 continued improvement; and

419 (iv) outcomes of formerly incarcerated individuals who participated in postsecondary
420 programming during incarceration if the individual is under the supervision of the Department
421 of Corrections, including recidivism, employment, and post-release postsecondary education
422 engagement; and

423 (d) recommend requests for legislative appropriations to the board to support the
424 purposes and objectives of the council.

425 (2) The council shall annually report regarding the council's plans and programs, the
426 number of enrollees served, and the number of enrollees receiving degrees and certificates to:

427 (a) the board;

428 (b) before the committee's November interim committee meeting, the Education

429 Interim Committee; and

430 (c) at least 30 days before the beginning of the annual legislative session, the Higher
431 Education Appropriations Subcommittee.

432 Section 5. Section **53B-35-301** is enacted to read:

433 **Part 3. Student Support**

434 **53B-35-301. Higher education student advisors.**

435 (1) The board shall:

436 (a) direct institutions of higher education capable of providing educational
437 opportunities to incarcerated individuals to employ student success advisors; and

438 (b) assign:

439 (i) at least two student success advisors to each correctional facility operated by the
440 department;

441 (ii) at least two student success advisors to assist inmates housed in county jails under
442 contract with the department; and

443 (iii) a staff member to coordinate higher education in correctional facilities and support
444 the council.

445 (2) A student success advisor assigned to a correctional facility or county jail shall
446 provide academic guidance and support to inmates qualified to participate in an accredited
447 postsecondary education program including:

448 (a) meeting with each inmate to establish an individualized education plan for the
449 inmate; and

450 (b) assisting each inmate enrolled in a postsecondary education program with applying
451 for financial aid.

452 (3) The commissioner, after consultation with institutions directed to employ a student
453 success advisor under Subsection (1)(a) shall report annually to the council regarding the
454 guidance and support provided under Subsection (2).

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

456 **64-13-6. Department duties.**

457 (1) The department shall:

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

- 460 (b) implement court-ordered punishment of offenders;
- 461 (c) provide evidence-based and evidence-informed program opportunities for offenders
462 designed to reduce offenders' criminogenic and recidivism risks, including behavioral,
463 cognitive, educational, and career-readiness program opportunities;
- 464 (d) ensure that offender participation in all program opportunities described in
465 Subsection (1)(c) is voluntary;
- 466 (e) where appropriate, utilize offender volunteers as mentors in the program
467 opportunities described in Subsection (1)(c);
- 468 (f) provide treatment for sex offenders who are found to be treatable based upon
469 criteria developed by the department;
- 470 (g) provide the results of ongoing clinical assessment of sex offenders and objective
471 diagnostic testing to sentencing and release authorities;
- 472 (h) manage programs that take into account the needs and interests of victims, where
473 reasonable;
- 474 (i) supervise probationers and parolees as directed by statute and implemented by the
475 courts and the Board of Pardons and Parole;
- 476 (j) subject to Subsection (2), investigate criminal conduct involving offenders
477 incarcerated in a state correctional facility;
- 478 (k) cooperate and exchange information with other state, local, and federal law
479 enforcement agencies to achieve greater success in prevention and detection of crime and
480 apprehension of criminals;
- 481 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
482 Offender Supervision;
- 483 (m) establish a case action plan based on appropriate validated risk, needs, and
484 responsivity assessments for each offender as follows:
 - 485 (i) (A) if an offender is to be supervised in the community, the department shall
486 establish a case action plan for the offender no later than 60 days after the day on which the
487 department's community supervision of the offender begins; and
 - 488 (B) if the offender is committed to the custody of the department, the department shall
489 establish a case action plan for the offender no later than 90 days after the day on which the
490 offender is committed to the custody of the department;

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

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

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

499 (n) ensure that an inmate has reasonable access to legal research; and

500 ~~[(n)]~~ (o) ensure that any training or certification required of a public official or public
501 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
502 22, State Training and Certification Requirements, if the training or certification is required:

503 (i) under this title;

504 (ii) by the department; or

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

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

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

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

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

516 (i) criminal conduct of departmental employees;

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

518 (iii) death of any person; or

519 (iv) aggravated kidnaping.

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

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

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

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

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

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

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

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

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

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

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

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

551 (c) (i) If an offender has an unpaid balance of the offender's accounts receivable at the
552 time that the offender's sentence expires or terminates, the department shall be referred to the

553 sentencing court for the sentencing court to enter a civil judgment of restitution and a civil
554 accounts receivable as described in Section 77-18-114.

555 (ii) If the board makes an order for restitution within 60 days from the day on which
556 the offender's sentence expires or terminates, the board shall refer the order for restitution to
557 the sentencing court to be entered as a civil judgment of restitution as described in Section
558 77-18-114.

559 (d) This Subsection (6) only applies to offenders sentenced before July 1, 2021.
560 Section 7. Section 64-13-23 is amended to read:

561 **64-13-23. Offender's income and finances.**

562 (1) The department may require each offender, while in the custody of the department
563 or while on probation or parole, to place funds received or earned by the offender from any
564 source into:

- 565 (a) an account administered by the department; or
- 566 (b) a joint account with the department at a federally insured financial institution.

567 (2) The department may require each offender to maintain a minimum balance in an
568 account under Subsection (1) for the particular offender's use upon:

- 569 (a) discharge from the custody of the department; or
- 570 (b) completion of parole or probation.

571 (3) If the funds are placed in a joint account at a federally insured financial institution:

- 572 (a) any interest accrues to the benefit of the offender account; and
- 573 (b) the department may require that the signatures of both the offender and a
574 departmental representative be submitted to the financial institution to withdraw funds from the
575 account.

576 (4) If the funds are placed in an account administered by the department, the
577 department may by rule designate:

- 578 (a) a certain portion of the offender's funds as interest-bearing savings; and
- 579 (b) a portion of the offender's funds as noninterest-bearing to be used for day-to-day
580 expenses.

581 (5) The department may withhold part of the offender's funds in an account under
582 Subsection (1) for expenses of:

- 583 (a) supervision or treatment;

584 (b) restitution, reparation, fines, alimony, support payments, or similar court-ordered
585 payments;

586 (c) obtaining the offender's DNA specimen, if the offender is required under Section
587 [53-10-404](#) to provide a specimen;

588 (d) department-ordered repayment of a fine that is incurred under Section [64-13-33](#);
589 and

590 (e) ~~any~~ other debt to the state.

591 (6) (a) An offender may not be granted free process in civil actions, including petitions
592 for a writ of habeas corpus, if, at any time from the date the cause of action arose through the
593 date the cause of action remains pending, there are any funds in an account under Subsection
594 (1) that have not been withheld or are not subject to withholding under Subsection (4) or (5).

595 (b) The amount assessed for the filing fee, service of process and other fees and costs
596 shall not exceed the total amount of funds the offender has in excess of the indigence threshold
597 established by the department but not less than \$25 including the withholdings under
598 Subsection (4) or (5) during the identified period of time.

599 (c) The amounts assessed shall not exceed the regular fees and costs provided by law.

600 (7) The department may disclose information on offender accounts to the Office of
601 Recovery Services and other appropriate state agencies.

602 (8) The department shall publish a notice on the department's website, and any website
603 used by an individual depositing funds into an offender's account, that the individual may
604 request from the department a copy of a statement of the offender's financial account in
605 accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

606 Section 8. Section **64-13-30.5** is amended to read:

607 **64-13-30.5. Payment by inmate for postsecondary educational tuition.**

608 ~~[(1)(a) An inmate participating in a postsecondary education program through the~~
609 ~~department shall pay to the department at the time of enrollment 50% of the costs of the~~
610 ~~postsecondary education tuition.]~~

611 (1) [(b)] (a) If an inmate desires to participate in [the] a postsecondary education
612 program but is unable to pay the costs of the education because of inadequate financial
613 resources, the inmate may participate in a deferred tuition payment program under this section.

614 ~~[(c)] (b)~~ The department and the Office of State Debt Collection shall coordinate a

615 deferred postsecondary education tuition repayment program to provide inmates a reasonable
616 payment schedule and payment amount to allow for deferred payment of the postsecondary
617 educational tuition obligation the inmate incurred while under supervision of the department,
618 which shall:

619 (i) account for all postsecondary education tuition costs incurred by the inmate while
620 under the supervision of the department;

621 (ii) establish an appropriate time for the inmate to begin payment of postsecondary
622 education tuition costs, which shall require that payments start no later than two years after
623 termination of parole; and

624 (iii) establish a payment schedule and payment amounts, including prevailing interest
625 rates, commensurate with student loans currently being offered by local financial institutions.

626 ~~[(c)]~~ (c) Neither the department nor the Office of State Debt Collection may relieve an
627 offender of the postsecondary tuition repayment responsibility.

628 ~~[(d)]~~ (d) The department shall pay costs of postsecondary education not paid by the
629 offender at the time of participation in the program from the Prison Telephone Surcharge
630 Account.

631 (2) (a) Of those tuition funds collected by the Office of State Debt Collection under
632 this section, 10% may be used by the Office of State Debt Collection for operation of the
633 deferred payment program.

634 (b) All other funds collected as repayment for postsecondary tuition costs shall be
635 deposited in the Prison Telephone Surcharge Account.

636 (3) Only ~~[inmates]~~ an inmate lawfully present in the United States may participate in
637 the postsecondary educational program offered through the department.

638 Section 9. Section **64-13-48** is amended to read:

639 **64-13-48. Educational and career-readiness programs.**

640 (1) The department shall, in accordance with Subsection **64-13-6(1)(c)**, ensure that
641 appropriate evidence-based and evidence-informed educational or career-readiness programs
642 are made available to an inmate as soon as practicable after the creation of the inmate's case
643 action plan.

644 (2) The department shall provide incarcerated women with substantially equivalent
645 educational and career-readiness opportunities as incarcerated men.

646 (3) Before an inmate begins an educational or career-readiness program, the
647 department shall provide reasonable access to resources necessary for an inmate to apply for
648 grants or other available financial aid that may be available to pay for the inmate's program.

649 (4) (a) The department shall consider an inmate's current participation in an
650 educational or career-readiness program when the department makes a decision with regard to
651 an inmate's:

652 (i) transfer to another area or facility; or

653 (ii) appropriate disciplinary sanction.

654 (b) When possible, the department shall use best efforts to allow an inmate to continue
655 the inmate's participation in an educational or career-readiness program while the facility is
656 under lockdown, quarantine, or a similar status.

657 (5) (a) The department shall maintain records on an inmate's educational progress,
658 including completed life skills, certifications, and credit- and non-credit-bearing courses, made
659 while the inmate is incarcerated.

660 (b) The department shall facilitate the transfer of information related to the inmate's
661 educational process upon the inmate's release, including the inmate's post-release contact
662 information and the records described in Subsection (5)(a), to:

663 (i) the inmate; or

664 (ii) an entity that the inmate has authorized to receive the inmate's records or
665 post-release contact information, including an institution:

666 (A) from which the inmate received educational instruction while the inmate was
667 incarcerated; or

668 (B) at which the inmate plans to continue the inmate's post-incarceration education.

669 (6) Beginning May 1, 2023, the department shall provide an annual report to the
670 Higher Education Appropriations Subcommittee regarding educational and career-readiness
671 programs for inmates, which shall include:

672 (a) the number of inmates who are participating in an educational or career-readiness
673 program, including an accredited postsecondary education program;

674 (b) the percentage of inmates who are participating in an educational or
675 career-readiness program as compared to the total inmate population;

676 (c) inmate program completion and graduation data, including the number of

677 completions and graduations in each educational or career-readiness program;

678 (d) the potential effect of educational or career-readiness programs on recidivism, as
679 determined by a comparison of:

680 (i) the total number of inmates who return to incarceration after a previous
681 incarceration; and

682 (ii) the number of inmates who return to incarceration after a previous incarceration
683 who participated in or completed an educational or career-readiness program;

684 (e) the number of inmates who were transferred to a different facility while currently
685 participating in an educational or career-readiness program, including the number of inmates
686 who were unable to continue a program after a transfer to a different facility; and

687 (f) the department's:

688 (i) recommendation for resources that may increase inmates' access to and participation
689 in an educational or career-readiness program; and

690 (ii) estimate of how many additional inmates would participate in an educational or
691 career-readiness program if the resources were provided.

692 (7) The department shall:

693 (a) ensure that an inmate enrolled in an educational or career-readiness program has
694 access to modern technology determined by the provider of the program as necessary for an
695 inmate to participate in the program;

696 (b) provide a tablet to each inmate incarcerated at a correctional facility managed by
697 the department that is eligible to receive a tablet under established security policies that:

698 (i) the inmate may use in the inmate's cell or common area; and

699 (ii) is capable of:

700 (A) communicating with individuals outside the correctional facility through voice and
701 text message;

702 (B) assisting the inmate in the inmate's education; and

703 (C) providing a digital literacy education; and

704 (c) assist an inmate in applying for jobs within 30 days before the day on which the
705 inmate is released from the department's custody.

706 ~~[(7)]~~ (8) The department may make rules in accordance with Section 64-13-10 and
707 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this

708 section.