

Senator Derrin R. Owens 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;
- ▶ 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; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53B-1-402**, as last amended by Laws of Utah 2022, Chapters 166, 177

31 **53B-8-102**, as last amended by Laws of Utah 2020, Chapter 37

32 **53B-35-202**, as enacted by Laws of Utah 2022, Chapter 147

33 **64-13-6**, as last amended by Laws of Utah 2022, Chapter 187

34 **64-13-23**, as last amended by Laws of Utah 2021, Chapter 260

35 **64-13-30.5**, as enacted by Laws of Utah 2009, Chapter 258

36 **64-13-48**, as enacted by Laws of Utah 2022, Chapter 144



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

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

40 **53B-1-402. Establishment of board -- Powers, duties, and authority -- Reports.**

41 (1) There is established a State Board of Regents, which:

42 (a) beginning July 1, 2020, is renamed the Utah Board of Higher Education;

43 (b) is the governing board for the institutions of higher education;

44 (c) controls, manages, and supervises the Utah system of higher education; and

45 (d) is a body politic and corporate with perpetual succession and with all rights,

46 immunities, and franchises necessary to function as a body politic and corporate.

47 (2) The board shall:

48 (a) establish and promote a state-level vision and goals for higher education that

49 emphasize system priorities, including:

50 (i) quality;

51 (ii) affordability;

52 (iii) access and equity;

53 (iv) completion;

54 (v) workforce alignment and preparation for high-quality jobs; and

55 (vi) economic growth;

56 (b) establish policies and practices that advance the vision and goals;

- 57 (c) establish metrics to demonstrate and monitor:
- 58 (i) performance related to the goals; and
- 59 (ii) performance on measures of operational efficiency;
- 60 (d) collect and analyze data including economic data, demographic data, and data
- 61 related to the metrics;
- 62 (e) coordinate data collection across institutions;
- 63 (f) establish, approve, and oversee each institution's mission and role in accordance
- 64 with Section [53B-16-101](#);
- 65 (g) assess an institution's performance in accomplishing the institution's mission and
- 66 role;
- 67 (h) participate in the establishment and review of programs of instruction in accordance
- 68 with Section [53B-16-102](#);
- 69 (i) perform duties related to an institution of higher education president, including:
- 70 (i) appointing an institution of higher education president in accordance with Section
- 71 [53B-2-102](#);
- 72 (ii) providing support and guidance to an institution of higher education president;
- 73 (iii) evaluating an institution of higher education president based on institution
- 74 performance and progress toward systemwide priorities; and
- 75 (iv) setting the compensation for an institution of higher education president;
- 76 (j) create and implement a strategic finance plan for higher education, including by:
- 77 (i) establishing comprehensive budget and finance priorities for academic education
- 78 and technical education;
- 79 (ii) allocating statewide resources to institutions;
- 80 (iii) setting tuition for each institution;
- 81 (iv) administering state financial aid programs;
- 82 (v) administering performance funding in accordance with Chapter 7, Part 7,
- 83 Performance Funding; and
- 84 (vi) developing a strategic capital facility plan and prioritization process in accordance
- 85 with Chapter 22, Part 2, Capital Developments, and Sections [53B-2a-117](#) and [53B-2a-118](#);
- 86 (k) create a seamless articulated education system for Utah students that responds to
- 87 changing demographics and workforce, including by:

- 88 (i) providing for statewide prior learning assessment, in accordance with Section
- 89 53B-16-110;
- 90 (ii) establishing and maintaining clear pathways for articulation and transfer, in
- 91 accordance with Section 53B-16-105;
- 92 (iii) establishing degree program requirement guidelines, including credit hour limits;
- 93 (iv) aligning general education requirements across degree-granting institutions;
- 94 (v) coordinating and incentivizing collaboration and partnerships between institutions
- 95 in delivering programs;
- 96 (vi) coordinating distance delivery of programs; and
- 97 (vii) coordinating work-based learning;
- 98 (l) coordinate with the public education system:
- 99 (i) regarding public education programs that provide postsecondary credit or
- 100 certificates; and
- 101 (ii) to ensure that an institution of higher education providing technical education
- 102 serves secondary students in the public education system;
- 103 (m) delegate to an institution board of trustees certain duties related to institution
- 104 governance including:
- 105 (i) guidance and support for the institution president;
- 106 (ii) effective administration;
- 107 (iii) the institution's responsibility for contributing to progress toward achieving
- 108 systemwide goals; and
- 109 (iv) other responsibilities determined by the board;
- 110 (n) delegate to an institution of higher education president management of the
- 111 institution of higher education;
- 112 (o) consult with an institution of higher education board of trustees or institution of
- 113 higher education president before acting on matters pertaining to the institution of higher
- 114 education;
- 115 (p) maximize efficiency throughout the Utah system of higher education by identifying
- 116 and establishing shared administrative services;
- 117 (q) develop strategies for providing higher education, including career and technical
- 118 education, in rural areas;

- 119 (r) manage and facilitate a process for initiating, prioritizing, and implementing
120 education reform initiatives; ~~and~~
- 121 (s) provide ongoing quality review of institutions; and
122 (t) coordinate with the Department of Corrections to establish educational programs for
123 inmates as described in Section 64-13-6.
- 124 (3) The board shall submit an annual report of the board's activities and performance
125 against the board's goals and metrics to:
- 126 (a) the Education Interim Committee;
127 (b) the Higher Education Appropriations Subcommittee;
128 (c) the governor; and
129 (d) each institution of higher education.
- 130 (4) The board shall prepare and submit an annual report detailing the board's progress
131 and recommendations on workforce related issues, including career and technical education, to
132 the governor and to the ~~Legislature's~~ Education Interim Committee by October 31 of each
133 year, including information detailing:
- 134 (a) how the career and technical education needs of secondary students are being met
135 by institutions of higher education;
136 (b) how the emphasis on high demand, high wage, and high skill jobs in business and
137 industry is being provided;
138 (c) performance outcomes, including:
139 (i) entered employment;
140 (ii) job retention; and
141 (iii) earnings;
142 (d) an analysis of workforce needs and efforts to meet workforce needs; and
143 (e) student tuition and fees.
- 144 (5) The board may modify the name of an institution of higher education to reflect the
145 role and general course of study of the institution.
- 146 (6) The board may not take action relating to merging a technical college with another
147 institution of higher education without legislative approval.
- 148 (7) This section does not affect the power and authority vested in the State Board of
149 Education to apply for, accept, and manage federal appropriations for the establishment and

150 maintenance of career and technical education.

151 (8) The board shall ensure that any training or certification that an employee of the
152 higher education system is required to complete under this title or by board rule complies with
153 Title 63G, Chapter 22, State Training and Certification Requirements.

154 (9) The board shall adopt a policy requiring institutions to provide at least three work
155 days of paid bereavement leave for an employee:

156 (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth;
157 or

158 (b) following the end of another individual's pregnancy by way of a miscarriage or
159 stillbirth, if:

160 (i) the employee is the individual's spouse or partner;

161 (ii) (A) the employee is the individual's former spouse or partner; and

162 (B) the employee would have been a biological parent of a child born as a result of the
163 pregnancy;

164 (iii) the employee provides documentation to show that the individual intended for the
165 employee to be an adoptive parent, as that term is defined in Section 78B-6-103, of a child born
166 as a result of the pregnancy; or

167 (iv) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part
168 8, Gestational Agreement, the employee would have been a parent of a child born as a result of
169 the pregnancy.

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

171 **53B-8-102. Definitions -- Resident student status -- Exceptions.**

172 (1) As used in this section:

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

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

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

177 [~~e~~] (d) "Military servicemember" means an individual who:

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

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

- 181 (iii) is a member of the Utah National Guard; or
- 182 (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned
183 outside of Utah pursuant to federal permanent change of station orders.
- 184 ~~[(d)]~~ (e) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.
- 185 ~~[(e)]~~ (f) "Parent" means a student's biological or adoptive parent.
- 186 (2) The meaning of "resident student" is determined by reference to the general law on
187 the subject of domicile, except as provided in this section.
- 188 (3) (a) Institutions within the state system of higher education may grant resident
189 student status to any student who has come to Utah and established residency for the purpose of
190 attending an institution of higher education, and who, prior to registration as a resident student:
- 191 (i) has maintained continuous Utah residency status for one full year;
- 192 (ii) has signed a written declaration that the student has relinquished residency in any
193 other state; and
- 194 (iii) has submitted objective evidence that the student has taken overt steps to establish
195 permanent residency in Utah and that the student does not maintain a residence elsewhere.
- 196 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 197 (i) a Utah high school transcript issued in the past year confirming attendance at a Utah
198 high school in the past 12 months;
- 199 (ii) a Utah voter registration dated a reasonable period prior to application;
- 200 (iii) a Utah driver license or identification card with an original date of issue or a
201 renewal date several months prior to application;
- 202 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 203 (v) evidence of employment in Utah for a reasonable period prior to application;
- 204 (vi) proof of payment of Utah resident income taxes for the previous year;
- 205 (vii) a rental agreement showing the student's name and Utah address for at least 12
206 months prior to application; and
- 207 (viii) utility bills showing the student's name and Utah address for at least 12 months
208 prior to application.
- 209 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
210 resident of Utah is not eligible to apply for resident student status.
- 211 (4) Except as provided in Subsection (8), an institution within the state system of

212 higher education may establish stricter criteria for determining resident student status.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

242 (B) evidence that the military servicemember is domiciled in Utah, as described in

243 Subsection (9)(a);

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

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

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

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

251 (A) a Utah voter registration card;

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

253 (C) a Utah vehicle registration;

254 (D) evidence of employment in Utah;

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

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

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

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

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

262 (iii) objective evidence that the military veteran's immediate family member has
263 demonstrated an intent to establish residency in Utah, which may include any one of the items
264 described in Subsection (8)(c)(iii); ~~or~~

265 (e) an eligible person who provides:

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

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

268 and

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

271 (8)(c)(iii)~~[-]; or~~

272 (f) an inmate during:

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

274 (ii) for one year after the day on which the inmate is released from a correctional
275 facility as defined in Section 64-13-1.

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

277 (i) a current Utah voter registration card;

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

279 (iii) a current Utah vehicle registration;

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

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

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

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

290 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose
291 reservation or trust lands lie partly or wholly within Utah or whose border is at any point
292 contiguous with the border of Utah, and any American Indian who is a member of a federally
293 recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled
294 to resident student status.

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

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

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

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

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

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

304 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one

305 parent who has been domiciled in Utah for at least 12 months prior to the student's application
306 is entitled to resident student status.

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

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

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

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

316 (iii) when the person moved to Utah;

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

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

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

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

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

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

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

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

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

335 (16) (a) A person who has established domicile in Utah for reasons related to divorce,

336 the death of a spouse, or long-term health care responsibilities for an immediate family
337 member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a
338 nonresident classification by providing substantial evidence that the reason for the individual's
339 move to Utah was, in good faith, based on the long-term health care responsibilities.

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

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

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

345 (iii) when the person moved to Utah;

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

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

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

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

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

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

355 (17) The board, after consultation with the institutions, shall make rules not
356 inconsistent with this section:

357 (a) concerning the definition of resident and nonresident students;

358 (b) establishing procedures for classifying and reclassifying students;

359 (c) establishing criteria for determining and judging claims of residency or domicile;

360 (d) establishing appeals procedures; and

361 (e) other matters related to this section.

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

364 (a) is a foreign national legally admitted to the United States;

365 (b) attended high school in this state for three or more years; and

366 (c) graduated from a high school in this state or received the equivalent of a high

367 school diploma in this state.

368 Section 3. Section **53B-35-202** is amended to read:

369 **53B-35-202. Council duties -- Reporting.**

370 (1) The council shall:

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

375 (b) explore and provide recommendations to the board and the [~~Utah~~] Department of
376 Corrections for the efficient and effective delivery of higher education programs to incarcerated
377 individuals, including:

378 (i) evidence-based practices and technologies;

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

381 (iii) methods of supporting and facilitating timely completion of courses, certificates,
382 and degrees;

383 (iv) methods of emphasizing educational programs that:

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

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

386 (C) provide sustainable wages following release; and

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

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

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

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

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

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

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

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

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

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

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

406 (a) the board;

407 (b) before the committee's November interim committee meeting, the Education
408 Interim Committee; and

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

411 Section 4. Section **64-13-6** is amended to read:

412 **64-13-6. Department duties.**

413 (1) The department shall:

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

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

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

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

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

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

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

428 (h) manage programs that take into account the needs and interests of victims, where

429 reasonable;

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

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

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

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

439 (m) establish a case action plan based on appropriate validated risk, needs, and
440 responsibility assessments for each offender as follows:

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

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

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

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

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

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

456 [~~(n)~~] (o) ensure that any training or certification required of a public official or public
457 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
458 22, State Training and Certification Requirements, if the training or certification is required:

459 (i) under this title;

460 (ii) by the department; or

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

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

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

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

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

472 (i) criminal conduct of departmental employees;

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

474 (iii) death of any person; or

475 (iv) aggravated kidnaping.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

511 (ii) If the board makes an order for restitution within 60 days from the day on which
512 the offender's sentence expires or terminates, the board shall refer the order for restitution to
513 the sentencing court to be entered as a civil judgment of restitution as described in Section
514 77-18-114.

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

516 Section 5. Section 64-13-23 is amended to read:

517 **64-13-23. Offender's income and finances.**

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

521 (a) an account administered by the department; or

- 522 (b) a joint account with the department at a federally insured financial institution.
- 523 (2) The department may require each offender to maintain a minimum balance in an
- 524 account under Subsection (1) for the particular offender's use upon:
- 525 (a) discharge from the custody of the department; or
- 526 (b) completion of parole or probation.
- 527 (3) If the funds are placed in a joint account at a federally insured financial institution:
- 528 (a) any interest accrues to the benefit of the offender account; and
- 529 (b) the department may require that the signatures of both the offender and a
- 530 departmental representative be submitted to the financial institution to withdraw funds from the
- 531 account.
- 532 (4) If the funds are placed in an account administered by the department, the
- 533 department may by rule designate:
- 534 (a) a certain portion of the offender's funds as interest-bearing savings; and
- 535 (b) a portion of the offender's funds as noninterest-bearing to be used for day-to-day
- 536 expenses.
- 537 (5) The department may withhold part of the offender's funds in an account under
- 538 Subsection (1) for expenses of:
- 539 (a) supervision or treatment;
- 540 (b) restitution, reparation, fines, alimony, support payments, or similar court-ordered
- 541 payments;
- 542 (c) obtaining the offender's DNA specimen, if the offender is required under Section
- 543 [53-10-404](#) to provide a specimen;
- 544 (d) department-ordered repayment of a fine that is incurred under Section [64-13-33](#);
- 545 and
- 546 (e) ~~any~~ other debt to the state.
- 547 (6) (a) An offender may not be granted free process in civil actions, including petitions
- 548 for a writ of habeas corpus, if, at any time from the date the cause of action arose through the
- 549 date the cause of action remains pending, there are any funds in an account under Subsection
- 550 (1) that have not been withheld or are not subject to withholding under Subsection (4) or (5).
- 551 (b) The amount assessed for the filing fee, service of process and other fees and costs
- 552 shall not exceed the total amount of funds the offender has in excess of the indigence threshold

553 established by the department but not less than \$25 including the withholdings under
554 Subsection (4) or (5) during the identified period of time.

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

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

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

562 Section 6. Section **64-13-30.5** is amended to read:

563 **64-13-30.5. Payment by inmate for postsecondary educational tuition.**

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

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

570 ~~[(c)]~~ (b) The department and the Office of State Debt Collection shall coordinate a
571 deferred postsecondary education tuition repayment program to provide inmates a reasonable
572 payment schedule and payment amount to allow for deferred payment of the postsecondary
573 educational tuition obligation the inmate incurred while under supervision of the department,
574 which shall:

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

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

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

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

584 [(e)] (d) The department shall pay costs of postsecondary education not paid by the
585 offender at the time of participation in the program from the Prison Telephone Surcharge
586 Account.

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

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

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

594 Section 7. Section **64-13-48** is amended to read:

595 **64-13-48. Educational and career-readiness programs.**

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

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

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

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

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

609 (ii) appropriate disciplinary sanction.

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

613 (5) (a) The department shall maintain records on an inmate's educational progress,
614 including completed life skills, certifications, and credit- and non-credit-bearing courses, made

615 while the inmate is incarcerated.

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

619 (i) the inmate; or

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

622 (A) from which the inmate received educational instruction while the inmate was
623 incarcerated; or

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

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

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

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

632 (c) inmate program completion and graduation data, including the number of
633 completions and graduations in each educational or career-readiness program;

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

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

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

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

643 (f) the department's:

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

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

648 (7) The department shall assist an inmate in applying for jobs within 30 days before the
649 day on which the inmate is released from the department's custody.

650 [~~7~~] (8) The department may make rules in accordance with Section 64-13-10 and
651 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this
652 section.