

Senator Todd D. Weiler proposes the following substitute bill:

SUICIDE PREVENTION IN CORRECTIONAL FACILITIES

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol S. Moss

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill addresses suicide prevention in county jails.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires each county jail in the state to submit a report to the State Commission on

Criminal and Juvenile Justice regarding:

- the county jail's plan to reduce inmate suicides; and
 - the costs of installing suicide barriers at the county jail; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-22-32, as last amended by Laws of Utah 2022, Chapter 187



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

27 Section 1. Section 17-22-32 is amended to read:

28 **17-22-32. County jail reporting requirements.**

29 (1) As used in this section:

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

32 (b) (i) "In-custody death" means an inmate death that occurs while the inmate is in the
33 custody of a county jail.

34 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:

35 (A) being transported for medical care; or

36 (B) receiving medical care outside of a county jail.

37 (c) "Inmate" means an individual who is processed or booked into custody or housed in
38 a county jail in the state.

39 (d) "Opiate" means the same as that term is defined in Section 58-37-2.

40 (e) "Suicide barrier" means a barrier installed on an upper level of a building to prevent
41 an individual from falling.

42 (2) Each county jail shall submit a report to the commission before June 15 of each
43 year that includes, for the preceding calendar year:

44 (a) the average daily inmate population each month;

45 (b) the number of inmates in the county jail on the last day of each month who identify
46 as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity
47 published by the [~~United~~] United States Federal Bureau of Investigation;

48 (c) the number of inmates booked into the county jail;

49 (d) the number of inmates held in the county jail each month on behalf of each of the
50 following entities:

51 (i) the Bureau of Indian Affairs;

52 (ii) a state prison;

53 (iii) a federal prison;

54 (iv) the United States Immigration and Customs Enforcement;

55 (v) any other entity with which a county jail has entered a contract to house inmates on
56 the entity's behalf;

- 57 (e) the number of inmates that are denied pretrial release and held in the custody of the
- 58 county jail while the inmate awaited final disposition of the inmate's criminal charges;
- 59 (f) for each inmate booked into the county jail:
- 60 (i) the name of the agency that arrested the inmate;
- 61 (ii) the date and time the inmate was booked into and released from the custody of the
- 62 county jail;
- 63 (iii) if the inmate was released from the custody of the county jail, the reason the
- 64 inmate was released from the custody of the county jail;
- 65 (iv) if the inmate was released from the custody of the county jail on a financial
- 66 condition, whether the financial condition was set by a bail commissioner or a court;
- 67 (v) the number of days the inmate was held in the custody of the county jail before
- 68 disposition of the inmate's criminal charges;
- 69 (vi) whether the inmate was released from the custody of the county jail before final
- 70 disposition of the inmate's criminal charges; and
- 71 (vii) the state identification number of the inmate;
- 72 (g) the number of in-custody deaths that occurred at the county jail;
- 73 (h) for each in-custody death[†]:
- 74 (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or
- 75 disability, if any, of the deceased;
- 76 (ii) the date, time, and location of death;
- 77 (iii) the law enforcement agency that detained, arrested, or was in the process of
- 78 arresting the deceased; and
- 79 (iv) a brief description of the circumstances surrounding the death;
- 80 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
- 81 each of the in-custody deaths described in Subsection (2)(g);
- 82 (j) the county jail's policy for notifying an inmate's next of kin after the inmate's
- 83 in-custody death;
- 84 (k) the county jail policies, procedures, and protocols:
- 85 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
- 86 including use of opiates;
- 87 (ii) that relate to the county jail's provision, or lack of provision, of medications used to

88 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all
89 forms of buprenorphine and naltrexone; and

90 (iii) that relate to screening, assessment, and treatment of an inmate for a substance use
91 or mental health disorder; and

92 (1) any report the county jail provides or is required to provide under federal law or
93 regulation relating to inmate deaths.

94 (3) (a) Subsection (2) does not apply to a county jail if the county jail:

95 (i) collects and stores the data described in Subsection (2); and

96 (ii) enters into a memorandum of understanding with the commission that allows the
97 commission to access the data described in Subsection (2).

98 (b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include
99 a provision to protect any information related to an ongoing investigation and comply with all
100 applicable federal and state laws.

101 (c) If the commission accesses data from a county jail in accordance with Subsection
102 (3)(a), the commission may not release a report prepared from that data, unless:

103 (i) the commission provides the report for review to:

104 (A) the county jail; and

105 (B) any arresting agency that is named in the report; and

106 (ii) (A) the county jail approves the report for release;

107 (B) the county jail reviews the report and prepares a response to the report to be
108 published with the report; or

109 (C) the county jail fails to provide a response to the report within four weeks after the
110 day on which the commission provides the report to the county jail.

111 (4) The commission shall:

112 (a) compile the information from the reports described in Subsection (2);

113 (b) omit or redact any identifying information of an inmate in the compilation to the
114 extent omission or redaction is necessary to comply with state and federal law;

115 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
116 Committee and the Utah Substance Use and Mental Health Advisory Council before November
117 1 of each year; and

118 (d) submit the compilation to the protection and advocacy agency designated by the

119 governor before November 1 of each year.

120 (5) The commission may not provide access to or use a county jail's policies,
121 procedures, or protocols submitted under this section in a manner or for a purpose not
122 described in this section.

123 (6) A report including only the names and causes of death of deceased inmates and the
124 facility in which they were being held in custody shall be made available to the public.

125 (7) On or before October 1, 2023, each county jail shall submit a report to the
126 commission regarding:

127 (a) the county jail's plan to reduce inmate suicides, including the associated costs to
128 implement the plan; and

129 (b) the projected costs, based on a reasonable and reliable inquiry, to install suicide
130 barriers at the county jail on any upper level accessible by an inmate.