

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 the Department of Public Safety to administer the Suicide Deterrence Grant Program to provide suicide barriers in county jails;
- ▶ 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
- ▶ 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 ENACTS:

27 [17-22-34](#), Utah Code Annotated 1953

28

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

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

31 **17-22-32. County jail reporting requirements.**

32 (1) As used in this section:

33 (a) "Commission" means the State Commission on Criminal and Juvenile Justice

34 created in Section [63M-7-201](#).

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

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

38 (A) being transported for medical care; or

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

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

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

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

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

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

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

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

52 (i) the Bureau of Indian Affairs;

53 (ii) a state prison;

54 (iii) a federal prison;

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

56 (v) any other entity with which a county jail has entered a contract to house inmates on

57 the entity's behalf;

58 (e) the number of inmates that are denied pretrial release and held in the custody of the

59 county jail while the inmate awaited final disposition of the inmate's criminal charges;

60 (f) for each inmate booked into the county jail:

61 (i) the name of the agency that arrested the inmate;

62 (ii) the date and time the inmate was booked into and released from the custody of the

63 county jail;

64 (iii) if the inmate was released from the custody of the county jail, the reason the

65 inmate was released from the custody of the county jail;

66 (iv) if the inmate was released from the custody of the county jail on a financial

67 condition, whether the financial condition was set by a bail commissioner or a court;

68 (v) the number of days the inmate was held in the custody of the county jail before

69 disposition of the inmate's criminal charges;

70 (vi) whether the inmate was released from the custody of the county jail before final

71 disposition of the inmate's criminal charges; and

72 (vii) the state identification number of the inmate;

73 (g) the number of in-custody deaths that occurred at the county jail;

74 (h) for each in-custody death;

75 (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or

76 disability, if any, of the deceased;

77 (ii) the date, time, and location of death;

78 (iii) the law enforcement agency that detained, arrested, or was in the process of

79 arresting the deceased; and

80 (iv) a brief description of the circumstances surrounding the death;

81 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of

82 each of the in-custody deaths described in Subsection (2)(g);

83 (j) the county jail's policy for notifying an inmate's next of kin after the inmate's

84 in-custody death;

85 (k) the county jail policies, procedures, and protocols:

86 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,

87 including use of opiates;

88 (ii) that relate to the county jail's provision, or lack of provision, of medications used to
89 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all
90 forms of buprenorphine and naltrexone; and

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

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

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

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

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

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

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

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

105 (A) the county jail; and

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

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

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

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

112 (4) The commission shall:

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

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

116 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
117 Committee and the Utah Substance Use and Mental Health Advisory Council before November
118 1 of each year; and

119 (d) submit the compilation to the protection and advocacy agency designated by the
120 governor before November 1 of each year.

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

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

126 (7) On or before October 1, 2023, each county jail shall submit a report to the
127 commission regarding the county jail's plan to reduce inmate suicides, including the associated
128 costs to implement the plan.

129 Section 2. Section 17-22-34 is enacted to read:

130 **17-22-34. Suicide Deterrence Grant Program -- Rulemaking.**

131 (1) As used in this section:

132 (a) "Department" means the Department of Public Safety.

133 (b) "Grant" means a grant awarded under this section.

134 (c) "Program" means the Suicide Deterrence Grant Program created in this section.

135 (d) "Suicide barrier" means a barrier installed on an upper level of a building to prevent
136 an individual from falling.

137 (2) (a) There is created within the department the Suicide Deterrence Grant Program.

138 (b) The purpose of the program is to award grants to county jails for materials to
139 construct and install suicide barriers.

140 (3) (a) A county jail that submits a proposal for a grant to the department shall include
141 in the proposal:

142 (i) a statement describing the need for suicide barriers in the county jail;

143 (ii) the amount and type of material to be used in constructing the suicide barriers;

144 (iii) a plan for installation of the suicide barriers;

145 (iv) any funding sources in addition to the grant for the proposal;

146 (v) any existing or planned partnerships between the county jail and another entity to
147 implement the proposal; and

148 (vi) other information the department determines necessary to evaluate the proposal.

149 (b) When evaluating a proposal for a grant, the department shall consider:

- 150 (i) the likelihood the proposal will accomplish the purpose described in Subsection (2);
151 (ii) the cost of the proposal;
152 (iii) the extent to which additional funding sources or existing or planned partnerships
153 may benefit the proposal; and
154 (iv) the viability and sustainability of the proposal.
155 (4) Subject to Subsection (3), the department may, in accordance with Title 63G,
156 Chapter 3, Utah Administrative Rulemaking Act, make rules to establish:
157 (a) eligibility criteria for a grant;
158 (b) the form and process for submitting a proposal to the department for a grant;
159 (c) the method and formula for determining a grant amount; and
160 (d) reporting requirements for a grant recipient.