

## HB0259S03 compared with HB0259S02

~~text~~ shows text that was in HB0259S02 but was deleted in HB0259S03.

text shows text that was not in HB0259S02 but was inserted into HB0259S03.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

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#### 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~~

~~the costs of installing suicide barriers at the county jail; and~~

- ▶ makes technical changes.

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### 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

#### ENACTS:

**17-22-34, Utah Code Annotated 1953**

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

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

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

(1) As used in this section:

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

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

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

(A) being transported for medical care; or

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

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

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

~~{ (c) "Suicide barrier" means a barrier installed on an upper level of a building to prevent an individual from falling.~~

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

(a) the average daily inmate population each month;

(b) the number of inmates in the county jail on the last day of each month who identify as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity

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published by the ~~{}~~United ~~{}~~United States Federal Bureau of Investigation;

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

(d) the number of inmates held in the county jail each month on behalf of each of the

following entities:

(i) the Bureau of Indian Affairs;

(ii) a state prison;

(iii) a federal prison;

(iv) the United States Immigration and Customs Enforcement;

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

(e) the number of inmates that are denied pretrial release and held in the custody of the county jail while the inmate awaited final disposition of the inmate's criminal charges;

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

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

(ii) the date and time the inmate was booked into and released from the custody of the county jail;

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

(iv) if the inmate was released from the custody of the county jail on a financial condition, whether the financial condition was set by a bail commissioner or a court;

(v) the number of days the inmate was held in the custody of the county jail before disposition of the inmate's criminal charges;

(vi) whether the inmate was released from the custody of the county jail before final disposition of the inmate's criminal charges; and

(vii) the state identification number of the inmate;

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

(h) for each in-custody death ~~{}~~; ~~{}~~

(i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or disability, if any, of the deceased;

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

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

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arresting the deceased; and

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

(i) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(g);

(j) the county jail's policy for notifying an inmate's next of kin after the inmate's in-custody death;

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

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

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

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

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

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

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

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

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

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

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

(A) the county jail; and

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

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

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

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

(4) The commission shall:

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

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

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

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

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

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

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

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

~~— (b) the projected costs, based on a reasonable and reliable inquiry, to;~~

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

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

(1) As used in this section:

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

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

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

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

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

(b) The purpose of the program is to award grants to county jails for materials to

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construct and install suicide barriers ~~at~~.

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

- (i) a statement describing the need for suicide barriers in the county jail;
- (ii) the amount and type of material to be used in constructing the suicide barriers;
- (iii) a plan for installation of the suicide barriers;
- (iv) any funding sources in addition to the grant for the proposal;
- (v) any existing or planned partnerships between the county jail ~~on any upper level~~

accessible by an inmate:

~~and another entity to implement the proposal; and~~

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

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

- (i) the likelihood the proposal will accomplish the purpose described in Subsection (2);
- (ii) the cost of the proposal;
- (iii) the extent to which additional funding sources or existing or planned partnerships

may benefit the proposal; and

(iv) the viability and sustainability of the proposal.

(4) Subject to Subsection (3), the department may, in accordance with Title 63G,

Chapter 3, Utah Administrative Rulemaking Act, make rules to establish:

- (a) eligibility criteria for a grant;
- (b) the form and process for submitting a proposal to the department for a grant;
- (c) the method and formula for determining a grant amount; and
- (d) reporting requirements for a grant recipient.