

**CRIMINAL DATA AND INFORMATION AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melissa G. Ballard**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses the collection of data and information in the criminal justice system.

**Highlighted Provisions:**

This bill:

▶ amends recidivism reporting requirements for residential, vocational, and life skills programs;

▶ defines terms related to recidivism;

▶ addresses recidivism data requirements for criminal justice agencies;

▶ requires a prosecuting attorney to include certain information with an information;

and

▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**13-53-111**, as enacted by Laws of Utah 2022, Chapter 187

**62A-15-103**, as last amended by Laws of Utah 2022, Chapters 187, 255 and 415

**64-13-1**, as last amended by Laws of Utah 2021, Chapters 85, 246 and 260



28 [64-13-6](#), as last amended by Laws of Utah 2022, Chapter 187

29 [77-2-2.2](#), as renumbered and amended by Laws of Utah 2021, Chapter 260

30 ENACTS:

31 [63M-7-102](#), Utah Code Annotated 1953



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

34 Section 1. Section **13-53-111** is amended to read:

35 **13-53-111. Recidivism reporting requirements.**

36 ~~[(1)]~~ A residential, vocational and life skills program shall:

37 (1) collect data on recidivism of participants~~[- including data on:]; and~~

38 (2) on or before August 31 of each year, report the data collected under Subsection (1)

39 to the State Commission on Criminal and Juvenile Justice in accordance with Section

40 [63M-7-102](#).

41 ~~[(a) participants who participate in the residential, vocational and life skills program~~  
42 ~~while under the supervision of a criminal court or the Board of Pardons and Parole and are~~  
43 ~~convicted of another offense while participating in the program or within two years after the~~  
44 ~~day on which the program ends; and]~~

45 ~~[(b) the type of services provided to, and employment of, the participants described in~~  
46 ~~Subsection (1)(a).]~~

47 ~~[(2) A residential, vocational and life skills program shall annually, on or before~~  
48 ~~August 31, provide the data described in Subsection (1) to the State Commission on Criminal~~  
49 ~~and Juvenile Justice, to be included in the report described in Subsection [63M-7-204](#)(1)(x).]~~

50 Section 2. Section **62A-15-103** is amended to read:

51 **62A-15-103. Division -- Creation -- Responsibilities.**

52 (1) (a) The division shall exercise responsibility over the policymaking functions,  
53 regulatory and enforcement powers, rights, duties, and responsibilities outlined in state law that  
54 were previously vested in the Division of Substance Abuse and Mental Health within the  
55 department, under the administration and general supervision of the executive director.

56 (b) The division is the substance abuse authority and the mental health authority for  
57 this state.

58 (2) The division shall:

59 (a) (i) educate the general public regarding the nature and consequences of substance  
60 abuse by promoting school and community-based prevention programs;

61 (ii) render support and assistance to public schools through approved school-based  
62 substance abuse education programs aimed at prevention of substance abuse;

63 (iii) promote or establish programs for the prevention of substance abuse within the  
64 community setting through community-based prevention programs;

65 (iv) cooperate with and assist treatment centers, recovery residences, and other  
66 organizations that provide services to individuals recovering from a substance abuse disorder,  
67 by identifying and disseminating information about effective practices and programs;

68 (v) promote integrated programs that address an individual's substance abuse, mental  
69 health, and physical health;

70 (vi) establish and promote an evidence-based continuum of screening, assessment,  
71 prevention, treatment, and recovery support services in the community for individuals with a  
72 substance use disorder or mental illness;

73 (vii) evaluate the effectiveness of programs described in this Subsection (2);

74 (viii) consider the impact of the programs described in this Subsection (2) on:

75 (A) emergency department utilization;

76 (B) jail and prison populations;

77 (C) the homeless population; and

78 (D) the child welfare system; and

79 (ix) promote or establish programs for education and certification of instructors to  
80 educate individuals convicted of driving under the influence of alcohol or drugs or driving with  
81 any measurable controlled substance in the body;

82 (b) (i) collect and disseminate information pertaining to mental health;

83 (ii) provide direction over the state hospital including approval of the state hospital's  
84 budget, administrative policy, and coordination of services with local service plans;

85 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
86 Rulemaking Act, to educate families concerning mental illness and promote family  
87 involvement, when appropriate, and with patient consent, in the treatment program of a family  
88 member; and

89 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

90 Rulemaking Act, to direct that an individual receiving services through a local mental health  
91 authority or the Utah State Hospital be informed about and, if desired by the individual,  
92 provided assistance in the completion of a declaration for mental health treatment in  
93 accordance with Section [62A-15-1002](#);

94 (c) (i) consult and coordinate with local substance abuse authorities and local mental  
95 health authorities regarding programs and services;

96 (ii) provide consultation and other assistance to public and private agencies and groups  
97 working on substance abuse and mental health issues;

98 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,  
99 medical and social agencies, public health authorities, law enforcement agencies, education and  
100 research organizations, and other related groups;

101 (iv) promote or conduct research on substance abuse and mental health issues, and  
102 submit to the governor and the Legislature recommendations for changes in policy and  
103 legislation;

104 (v) receive, distribute, and provide direction over public funds for substance abuse and  
105 mental health services;

106 (vi) monitor and evaluate programs provided by local substance abuse authorities and  
107 local mental health authorities;

108 (vii) examine expenditures of local, state, and federal funds;

109 (viii) monitor the expenditure of public funds by:

110 (A) local substance abuse authorities;

111 (B) local mental health authorities; and

112 (C) in counties where they exist, a private contract provider that has an annual or  
113 otherwise ongoing contract to provide comprehensive substance abuse or mental health  
114 programs or services for the local substance abuse authority or local mental health authority;

115 (ix) contract with local substance abuse authorities and local mental health authorities  
116 to provide a comprehensive continuum of services that include community-based services for  
117 individuals involved in the criminal justice system, in accordance with division policy, contract  
118 provisions, and the local plan;

119 (x) contract with private and public entities for special statewide or nonclinical  
120 services, or services for individuals involved in the criminal justice system, according to

121 division rules;

122 (xi) review and approve each local substance abuse authority's plan and each local  
123 mental health authority's plan in order to ensure:

124 (A) a statewide comprehensive continuum of substance abuse services;

125 (B) a statewide comprehensive continuum of mental health services;

126 (C) services result in improved overall health and functioning;

127 (D) a statewide comprehensive continuum of community-based services designed to  
128 reduce criminal risk factors for individuals who are determined to have substance abuse or  
129 mental illness conditions or both, and who are involved in the criminal justice system;

130 (E) compliance, where appropriate, with the certification requirements in Subsection  
131 [~~(2)(j)~~] (2)(h); and

132 (F) appropriate expenditure of public funds;

133 (xii) review and make recommendations regarding each local substance abuse  
134 authority's contract with the local substance abuse authority's provider of substance abuse  
135 programs and services and each local mental health authority's contract with the local mental  
136 health authority's provider of mental health programs and services to ensure compliance with  
137 state and federal law and policy;

138 (xiii) monitor and ensure compliance with division rules and contract requirements;  
139 and

140 (xiv) withhold funds from local substance abuse authorities, local mental health  
141 authorities, and public and private providers for contract noncompliance, failure to comply  
142 with division directives regarding the use of public funds, or for misuse of public funds or  
143 money;

144 (d) ensure that the requirements of this part are met and applied uniformly by local  
145 substance abuse authorities and local mental health authorities across the state;

146 (e) require each local substance abuse authority and each local mental health authority,  
147 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a plan to  
148 the division on or before May 15 of each year;

149 (f) conduct an annual program audit and review of each local substance abuse authority  
150 and each local substance abuse authority's contract provider, and each local mental health  
151 authority and each local mental health authority's contract provider, including:

- 152 (i) a review and determination regarding whether:
- 153 (A) public funds allocated to the local substance abuse authority or the local mental
- 154 health authorities are consistent with services rendered by the authority or the authority's
- 155 contract provider, and with outcomes reported by the authority's contract provider; and
- 156 (B) each local substance abuse authority and each local mental health authority is
- 157 exercising sufficient oversight and control over public funds allocated for substance use
- 158 disorder and mental health programs and services; and
- 159 (ii) items determined by the division to be necessary and appropriate;
- 160 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
- 161 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;
- 162 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer
- 163 supports services to an individual with:
- 164 (A) a substance use disorder;
- 165 (B) a mental health disorder; or
- 166 (C) a substance use disorder and a mental health disorder;
- 167 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
- 168 adult as a peer support specialist;
- 169 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 170 Rulemaking Act, that:
- 171 (A) establish training and certification requirements for a peer support specialist;
- 172 (B) specify the types of services a peer support specialist is qualified to provide;
- 173 (C) specify the type of supervision under which a peer support specialist is required to
- 174 operate; and
- 175 (D) specify continuing education and other requirements for maintaining or renewing
- 176 certification as a peer support specialist; and
- 177 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 178 Rulemaking Act, that:
- 179 (A) establish the requirements for a person to be certified to carry out, as needed, the
- 180 division's duty to train and certify an adult as a peer support specialist; and
- 181 (B) specify how the division shall provide oversight of a person certified to train and
- 182 certify a peer support specialist;

183 (i) collaborate with the State Commission on Criminal and Juvenile Justice to analyze  
184 and provide recommendations to the Legislature regarding:

185 (i) pretrial services and the resources needed to reduce recidivism;

186 (ii) county jail and county behavioral health early-assessment resources needed for an  
187 individual convicted of a class A or class B misdemeanor; and

188 (iii) the replacement of federal dollars associated with drug interdiction law  
189 enforcement task forces that are reduced;

190 (j) establish performance goals and outcome measurements for a mental health or  
191 substance use treatment program that is licensed under Chapter 2, Licensure of Programs and  
192 Facilities, and contracts with the department, including goals and measurements related to  
193 employment and reducing recidivism of individuals receiving mental health or substance use  
194 treatment who are involved with the criminal justice system;

195 (k) annually, on or before November 30, submit a written report to the Judiciary  
196 Interim Committee, the Health and Human Services Interim Committee, and the Law  
197 Enforcement and Criminal Justice Interim Committee, that includes:

198 (i) a description of the performance goals and outcome measurements described in  
199 Subsection (2)(j); and

200 (ii) information on the effectiveness of the goals and measurements in ensuring  
201 appropriate and adequate mental health or substance use treatment is provided in a treatment  
202 program described in Subsection (2)(j);

203 (l) collaborate with the Administrative Office of the Courts, the Department of  
204 Corrections, the Department of Workforce Services, and the Board of Pardons and Parole to  
205 collect data on recidivism~~[, including data on:]~~ in accordance with Section 63M-7-102;

206 ~~[(i) individuals who participate in a mental health or substance use treatment program  
207 while incarcerated and are convicted of another offense within two years after release from  
208 incarceration;]~~

209 ~~[(ii) individuals who are ordered by a criminal court or the Board of Pardons and  
210 Parole to participate in a mental health or substance use treatment program and are convicted of  
211 another offense while participating in the treatment program or within two years after the day  
212 on which the treatment program ends;]~~

213 ~~[(iii) the type of treatment provided to, and employment of, the individuals described in~~

214 Subsections ~~(2)(i)(i) and (ii); and]~~

215 [~~(iv) cost savings associated with recidivism reduction and the reduction in the number~~  
216 ~~of inmates in the state;]~~

217 (m) at the division's discretion, use the data described in Subsection (2)(l) to make  
218 decisions regarding the use of funds allocated to the division to provide treatment;

219 (n) annually, on or before August 31, submit the data collected under Subsection (2)(l)  
220 and any recommendations to improve the data collection to the State Commission on Criminal  
221 and Juvenile Justice to be included in the report described in Subsection [63M-7-204\(1\)\(x\)](#);

222 (o) publish the following on the division's website:

223 (i) the performance goals and outcome measurements described in Subsection (2)(j);

224 and

225 (ii) a description of the services provided and the contact information for the mental  
226 health and substance use treatment programs described in Subsection (2)(j) and residential,  
227 vocational and life skills programs, as defined in Section [13-53-102](#); and

228 (p) consult and coordinate with the Division of Child and Family Services to develop  
229 and manage the operation of a program designed to reduce substance abuse during pregnancy  
230 and by parents of a newborn child that includes:

231 (i) providing education and resources to health care providers and individuals in the  
232 state regarding prevention of substance abuse during pregnancy;

233 (ii) providing training to health care providers in the state regarding screening of a  
234 pregnant woman or pregnant minor to identify a substance abuse disorder; and

235 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn  
236 child in need of substance abuse treatment services to a facility that has the capacity to provide  
237 the treatment services.

238 (3) In addition to the responsibilities described in Subsection (2), the division shall,  
239 within funds appropriated by the Legislature for this purpose, implement and manage the  
240 operation of a firearm safety and suicide prevention program, in consultation with the Bureau  
241 of Criminal Identification created in Section [53-10-201](#), including:

242 (a) coordinating with local mental health and substance abuse authorities, a nonprofit  
243 behavioral health advocacy group, and a representative from a Utah-based nonprofit  
244 organization with expertise in the field of firearm use and safety that represents firearm owners,



245 to:

246 (i) produce and periodically review and update a firearm safety brochure and other  
247 educational materials with information about the safe handling and use of firearms that  
248 includes:

249 (A) information on safe handling, storage, and use of firearms in a home environment;

250 (B) information about at-risk individuals and individuals who are legally prohibited  
251 from possessing firearms;

252 (C) information about suicide prevention awareness; and

253 (D) information about the availability of firearm safety packets;

254 (ii) procure cable-style gun locks for distribution under this section;

255 (iii) produce a firearm safety packet that includes the firearm safety brochure and the  
256 cable-style gun lock described in this Subsection (3); and

257 (iv) create a suicide prevention education course that:

258 (A) provides information for distribution regarding firearm safety education;

259 (B) incorporates current information on how to recognize suicidal behaviors and  
260 identify individuals who may be suicidal; and

261 (C) provides information regarding crisis intervention resources;

262 (b) distributing, free of charge, the firearm safety packet to the following persons, who  
263 shall make the firearm safety packet available free of charge:

264 (i) health care providers, including emergency rooms;

265 (ii) mobile crisis outreach teams;

266 (iii) mental health practitioners;

267 (iv) other public health suicide prevention organizations;

268 (v) entities that teach firearm safety courses;

269 (vi) school districts for use in the seminar, described in Section [53G-9-702](#), for parents  
270 of students in the school district; and

271 (vii) firearm dealers to be distributed in accordance with Section [76-10-526](#);

272 (c) creating and administering a rebate program that includes a rebate that offers  
273 between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms  
274 dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident;

275 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

276 making rules that establish procedures for:

277 (i) producing and distributing the suicide prevention education course and the firearm  
278 safety brochures and packets;

279 (ii) procuring the cable-style gun locks for distribution; and

280 (iii) administering the rebate program; and

281 (e) reporting to the Health and Human Services Interim Committee regarding  
282 implementation and success of the firearm safety program and suicide prevention education  
283 course at or before the November meeting each year.

284 (4) (a) The division may refuse to contract with and may pursue legal remedies against  
285 any local substance abuse authority or local mental health authority that fails, or has failed, to  
286 expend public funds in accordance with state law, division policy, contract provisions, or  
287 directives issued in accordance with state law.

288 (b) The division may withhold funds from a local substance abuse authority or local  
289 mental health authority if the authority's contract provider of substance abuse or mental health  
290 programs or services fails to comply with state and federal law or policy.

291 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority  
292 or local mental health authority, the division shall review and determine whether the local  
293 substance abuse authority or local mental health authority is complying with the oversight and  
294 management responsibilities described in Sections [17-43-201](#), [17-43-203](#), [17-43-303](#), and  
295 [17-43-309](#).

296 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and  
297 liability described in Section [17-43-303](#) and to the responsibility and liability described in  
298 Section [17-43-203](#).

299 (6) In carrying out the division's duties and responsibilities, the division may not  
300 duplicate treatment or educational facilities that exist in other divisions or departments of the  
301 state, but shall work in conjunction with those divisions and departments in rendering the  
302 treatment or educational services that those divisions and departments are competent and able  
303 to provide.

304 (7) The division may accept in the name of and on behalf of the state donations, gifts,  
305 devises, or bequests of real or personal property or services to be used as specified by the  
306 donor.

307 (8) The division shall annually review with each local substance abuse authority and  
308 each local mental health authority the authority's statutory and contract responsibilities  
309 regarding:

- 310 (a) use of public funds;
- 311 (b) oversight of public funds; and
- 312 (c) governance of substance use disorder and mental health programs and services.

313 (9) The Legislature may refuse to appropriate funds to the division upon the division's  
314 failure to comply with the provisions of this part.

315 (10) If a local substance abuse authority contacts the division under Subsection  
316 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant  
317 minor, the division shall:

- 318 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the  
319 capacity to provide the treatment services; or
- 320 (b) otherwise ensure that treatment services are made available to the pregnant woman  
321 or pregnant minor.

322 (11) The division shall employ a school-based mental health specialist to be housed at  
323 the State Board of Education who shall work with the State Board of Education to:

- 324 (a) provide coordination between a local education agency and local mental health  
325 authority;
- 326 (b) recommend evidence-based and evidence informed mental health screenings and  
327 intervention assessments for a local education agency; and
- 328 (c) coordinate with the local community, including local departments of health, to  
329 enhance and expand mental health related resources for a local education agency.

330 Section 3. Section **63M-7-102** is enacted to read:

331 **63M-7-102. Collection of recidivism data -- Metrics.**

332 As used in this section:

333 (1) "Criminal justice agency" means an agency or institution involved in the  
334 apprehension, prosecution, treatment, or incarceration of individuals involved in criminal  
335 activity.

336 (2) "Desistance" means an individual's abstinence from further criminal activity after  
337 the conviction of a crime.

338           (3) "Intervention" means a program, sanction, supervision, or other event that is  
339 evaluated to determine its impact on recidivism.

340           (4) "Recidivism" means an individual's return to criminal activity after the conviction  
341 or adjudication of a crime.

342           (5) "Triggering event" means the event signaling an individual's return to criminal  
343 activity, including:

344           (a) an individual's arrest;

345           (b) an individual's admission to prison;

346           (c) charges filed against the individual; or

347           (d) an individual's conviction.

348           (6) (a) If a criminal justice agency is required to report data on recidivism of adult  
349 offenders to the commission, the report shall include the following metrics:

350           (i) a description of the group of individuals being evaluated for recidivism;

351           (ii) a description of the triggering events that are being counted as recidivism;

352           (iii) a description of the intervention being evaluated; and

353           (iv) the beginning and ending dates of the evaluation period for recidivism.

354           (b) Except as otherwise provided by law, the length of an evaluation period for a report  
355 under Subsection (6)(a)(iv) shall be three years from the day on which the adult offender is  
356 convicted of the crime.

357           (7) If a criminal justice agency is required to report data on recidivism of adult  
358 offenders to the commission, the report may include data on:

359           (a) the length of time until a triggering event occurred;

360           (b) the seriousness of the triggering event;

361           (c) measures of personal well-being, education, employment, housing, family and  
362 social support systems, legal involvement, and health, civic, and community engagement;

363           (d) other measures of desistance used to evaluate an adult offender's behavior  
364 following release from an intervention; or

365           (e) any other data collected by the criminal justice agency in regard to recidivism,  
366 intervention, and desistance.

367           (8) When reporting data on statewide recidivism, the commission, the Department of  
368 Corrections, and the Board of Pardons and Parole shall include in the report the number of

369 adult offenders released from prison who return to prison for a subsequent conviction within  
370 three years after the day on which the adult offender was released from prison.

371 (9) On or before January 1, 2025, the commission shall:

372 (a) reevaluate whether a broader metric should be used to measure recidivism under  
373 Subsection (8), including a metric that would include criminal convictions that do not result in  
374 a prison sentence; and

375 (b) report the findings of the reevaluation under Subsection (9)(a) and any  
376 recommendations regarding uniform metrics of recidivism to the Law Enforcement and  
377 Criminal Justice Interim Committee.

378 Section 4. Section **64-13-1** is amended to read:

379 **64-13-1. Definitions.**

380 As used in this chapter:

381 (1) "Behavioral health transition facility" means a nonsecure correctional facility  
382 operated by the department for the purpose of providing a therapeutic environment for  
383 offenders receiving mental health services.

384 (2) "Case action plan" means a document developed by the Department of Corrections  
385 that identifies:

386 (a) the program priorities for the treatment of the offender, including the criminal risk  
387 factors as determined by risk, needs, and responsivity assessments conducted by the  
388 department; and

389 (b) clearly defined completion requirements.

390 (3) "Community correctional center" means a nonsecure correctional facility operated  
391 by the department, but does not include a behavioral health transition facility for the purposes  
392 of Section [64-13f-103](#).

393 (4) "Correctional facility" means any facility operated to house offenders in a secure or  
394 nonsecure setting:

395 (a) by the department; or

396 (b) under a contract with the department.

397 (5) "Criminal risk factors" means an individual's characteristics and behaviors that:

398 (a) affect the individual's risk of engaging in criminal behavior; and

399 (b) are diminished when addressed by effective treatment, supervision, and other

400 support resources, resulting in a reduced risk of criminal behavior.

401 (6) "Department" means the Department of Corrections.

402 (7) "Direct supervision" means a housing and supervision system that is designed to  
403 meet the goals described in Subsection [64-13-14\(5\)](#) and has the elements described in  
404 Subsection [64-13-14\(6\)](#).

405 (8) "Emergency" means any riot, disturbance, homicide, inmate violence occurring in  
406 any correctional facility, or any situation that presents immediate danger to the safety, security,  
407 and control of the department.

408 (9) "Evidence-based" means a program or practice that has had multiple randomized  
409 control studies or a meta-analysis demonstrating that the program or practice is effective for a  
410 specific population or has been rated as effective by a standardized program evaluation tool.

411 (10) "Evidence-informed" means a program or practice that is based on research and  
412 the experience and expertise of the department.

413 (11) "Executive director" means the executive director of the Department of  
414 Corrections.

415 (12) "Inmate" means an individual who is:

416 (a) committed to the custody of the department; and

417 (b) housed at a correctional facility or at a county jail at the request of the department.

418 (13) "Offender" means an individual who has been convicted of a crime for which the  
419 individual may be committed to the custody of the department and is at least one of the  
420 following:

421 (a) committed to the custody of the department;

422 (b) on probation; or

423 (c) on parole.

424 (14) "Recidivism" means the same as that term is defined in Section [63M-7-102](#).

425 ~~[(14)]~~ (15) "Restitution" means the same as that term is defined in Section [77-38b-102](#).

426 ~~[(15)]~~ (16) "Risk and needs assessment" means an actuarial tool validated on criminal  
427 offenders that determines:

428 (a) an individual's risk of reoffending; and

429 (b) the criminal risk factors that, when addressed, reduce the individual's risk of  
430 reoffending.

431            [~~(16)~~] (17) "Secure correctional facility" means any prison, penitentiary, or other  
432 institution operated by the department or under contract for the confinement of offenders,  
433 where force may be used to restrain an offender if the offender attempts to leave the institution  
434 without authorization.

435            Section 5. Section **64-13-6** is amended to read:

436            **64-13-6. Department duties.**

437            (1) The department shall:

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

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

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

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

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

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

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

452            (h) manage programs that take into account the needs and interests of victims, where  
453 reasonable;

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

456            (j) subject to Subsection [~~(2)~~] (3), investigate criminal conduct involving offenders  
457 incarcerated in a state correctional facility;

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

461            (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult

462 Offender Supervision;

463 (m) establish a case action plan based on appropriate validated risk, needs, and  
464 responsivity assessments for each offender as follows:

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

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

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

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

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

479 (n) ensure that any training or certification required of a public official or public  
480 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter  
481 22, State Training and Certification Requirements, if the training or certification is required:

482 (i) under this title;

483 (ii) by the department; or

484 (iii) by an agency or division within the department~~[-]; and~~

485 (o) collect and report data on recidivism in accordance with Section [63M-7-102](#).

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

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

490 (b) upon approval by the court or the Board of Pardons and Parole, impose as a  
491 sanction for an individual's violation of the terms of probation or parole a period of  
492 incarceration of not more than three consecutive days and not more than a total of five days



493 within a period of 30 days.

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

- 496 (i) criminal conduct of departmental employees;
- 497 (ii) felony crimes resulting in serious bodily injury;
- 498 (iii) death of any person; or
- 499 (iv) aggravated kidnaping.

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

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

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

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

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

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

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

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

522 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,  
523 surcharges, costs, interest, penalties, restitution to victims, third-party claims, claims,

524 reimbursement of a reward, and damages that an offender is ordered to pay.

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

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

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

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

535 (ii) If the board makes an order for restitution within 60 days from the day on which  
536 the offender's sentence expires or terminates, the board shall refer the order for restitution to  
537 the sentencing court to be entered as a civil judgment of restitution as described in Section  
538 77-18-114.

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

540 Section 6. Section 77-2-2.2 is amended to read:

541 **77-2-2.2. Signing and filing of information.**

542 (1) The prosecuting attorney shall sign all informations.

543 (2) The prosecuting attorney may:

544 (a) sign the information in the presence of a magistrate; or

545 (b) present and file the information in the office of the clerk where the prosecution is  
546 commenced upon the signature of the prosecuting attorney.

547 (3) The prosecuting attorney shall ensure that the following information is included on  
548 the information if reasonably available:

549 (a) the defendant's state identification number issued upon booking by the Bureau of  
550 Criminal Identification;

551 (b) any citation number associated with the case; and

552 (c) the offense tracking number associated with the case.