FIRST RESPONDER MENTAL HEALTH SERVICES AMENDMENTS

2024 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Don L. Ipson

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LONG TITLE

4 General Description:

5 This bill concerns mental health services for first responders.

6 Highlighted Provisions:

- 7 This bill:
 - creates and modifies definitions;
- 9 requires the Department of Public Safety (department) to take certain actions regarding
- 10 critical incident stress management services for employees or volunteers of a first responder
- agency, including providing an annual training for volunteers;
- broadens the scope of individuals who are considered to be eligible for certain mental
- 13 health resources;
- 14 clarifies that certain individuals remain eligible for mental health resources despite
- subsequent employment as a non-first responder;
 - requires first responder agencies to:
 - provide certain information concerning mental health resources to employed first
- 18 responders; and
- designate a mental health resources liaison and inform the department of the identity
- 20 of the liaison;
- 21 allows the department to:
- assist a first responder agency in drafting a grant application seeking mental health
- 23 resources; and
- provide certain mental health resources to certain first responder agencies;
- requires the department to:
- inform first responder agencies of certain mental health resources information;
- post on the department's website certain information concerning mental health

- 28 resources for first responders; 29 • receive complaints and investigate a denial of mental health resources to an 30 individual by a first responder agency; and 31 • report an uncured denial of mental health resources to an eligible 32 individual to specified individuals; 33 requires the State Commission on Criminal and Juvenile Justice (commission) to receive 34 and evaluate a referral from the department involving a denial of mental health resources to an 35 eligible individual; 36 allows the commission to, in the commission's discretion, refuse to award a grant of state 37 funds to an entity for a specified period of time due to the entity's improper denial of mental 38 health resources to an eligible individual; and 39 makes technical and conforming changes. 40 Money Appropriated in this Bill: 41 None 42 **Other Special Clauses:** 43 This bill provides a special effective date. 44 **Utah Code Sections Affected:** 45 **AMENDS:** 46 53-2d-206, as last amended by Laws of Utah 2023, Chapters 19, 327 and renumbered 47 and amended by Laws of Utah 2023, Chapter 310 and last amended by Coordination Clause,
- 48 Laws of Utah 2023, Chapters 307, 327
- 49 **53-21-101**, as last amended by Laws of Utah 2023, Chapters 16, 19, 310, and 328
- 50 **53-21-102**, as last amended by Laws of Utah 2023, Chapter 19
- 51 **53-21-103**, as last amended by Laws of Utah 2023, Chapter 19
- **63M-7-204**, as last amended by Laws of Utah 2023, Chapters 158, 330, 382, and 500
- **63M-7-218**, as last amended by Laws of Utah 2023, Chapters 158, 161 and 382
- 54 ENACTS:

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- 55 **53-21-104.1**, Utah Code Annotated 1953
- 56 **53-21-104.3**, Utah Code Annotated 1953
- 58 Be it enacted by the Legislature of the state of Utah:
- Section 1. Section **53-2d-206** is amended to read:
- 53-2d-206 . Personnel critical incident stress management program.
- 61 (1) The bureau shall [develop and implement] facilitate a statewide program to provide

62	support and counseling for personnel who have been exposed to one or more stressful	
63	incidents in the course of providing emergency services.	
64	(2) [This] The critical incident stress management program shall include:	
65	(a) ongoing training for agencies providing emergency services and counseling program	1
66	volunteers;	
67	(b) critical incident stress debriefing for personnel at no cost to the emergency provider	,
68	and	
69	(c) advising the department on training requirements for licensure as a behavioral	
70	emergency services technician.	
71	(3) (a) The department shall annually provide informational resources to first responder	
72	agencies about the critical incident stress management program in a format that will	
73	ensure that the first responder agency receives the information.	
74	(b) The informational resources described in Subsection (3)(a) shall include educational	Ī
75	resources about the critical incident stress management program directed to:	
76	(i) the first responder agency administration; and	
77	(ii) the employees or volunteers of the first responder agency.	
78	[(3)] (4) (a) The department shall receive, process, and reimburse reasonable actual	
79	expenses, including mileage, incurred by a volunteer during the course of [the] \underline{a}	
80	volunteer's provision of critical incident stress management services under this	
81	section.	
82	(b) The department shall, on the department's website, provide information concerning:	
83	(i) the expenses that are eligible for reimbursement for a critical incident stress	
84	management program volunteer under Subsection (4)(a); and	
85	(ii) instructions on how a critical incident stress management volunteer may submit	<u>a</u>
86	request for reimbursement under Subsection (4)(a).	
87	(5) (a) The department shall, in collaboration with current critical incident stress	
88	management program volunteers, organize and provide an annual training for critical	
89	incident stress management program volunteers.	
90	(b) For the training described in Subsection (5)(a), the department shall:	
91	(i) pay for or reimburse reasonable actual expenses for a critical incident stress	
92	management program volunteer who attends the training;	
93	(ii) collaborate with existing critical incident stress management program volunteer	<u>S</u>
94	to determine a location for the training; and	
95	(iii) provide information on the department's website about the training.	

96	Section 2. Section 53-21-101 is amended to read:
97	53-21-101 . Definitions.
98	As used in this chapter:
99	(1) "Crime scene investigator technician" means an individual employed by a law
100	enforcement agency to collect and analyze evidence from crime scenes and
101	crime-related incidents.
102	[(2) "Department" means the Department of Public Safety.]
103	(2) "Designated mental health resources liaison" means a non-leadership human resources
104	or other administrative employee designated by a first responder agency who receives
105	and processes a request for mental health resources on behalf of the first responder
106	agency under this chapter.
107	(3) "First responder" means:
108	(a) a law enforcement officer, as defined in Section 53-13-103;
109	(b) an emergency medical technician, as defined in Section 53-2e-101;
110	(c) an advanced emergency medical technician, as defined in Section 53-2e-101;
111	(d) a paramedic, as defined in Section 53-2e-101;
112	(e) a firefighter, as defined in Section 34A-3-113;
113	(f) a dispatcher, as defined in Section 53-6-102;
114	(g) a correctional officer, as defined in Section 53-13-104;
115	(h) a special function officer, as defined in Section 53-13-105, employed by a local
116	sheriff;
117	(i) a search and rescue worker under the supervision of a local sheriff;
118	(j) a forensic interviewer or victim advocate employed by a children's justice center
119	established in accordance with Section 67-5b-102;
120	(k) a credentialed criminal justice system victim advocate as defined in Section
121	77-38-403 who responds to incidents with a law enforcement officer;
122	(l) a crime scene investigator technician;
123	(m) a wildland firefighter[-];[-or]
124	(n) an investigator or prosecutor of cases involving sexual crimes against children[-] ; or
125	(o) a civilian employee of a first responder agency who has been authorized to view or
126	otherwise access information concerning crimes, accidents, or other traumatic events
127	(4) "First responder agency" means:
128	(a) a special district, municipality, interlocal entity, or other political subdivision that
129	employs a first responder to provide fire protection, paramedic, law enforcement, or

130	emergency services[-]; or
131	(b) a certified private law enforcement agency as defined in Section 53-19-102.
132	(5) (a) "Mental health resources" means:
133	[(a)] (i) an assessment to determine appropriate mental health treatment that is
134	performed by a mental health therapist;
135	[(b)] (ii) outpatient mental health treatment provided by a mental health therapist; or
136	[(e)] (iii) peer support services provided by a peer support specialist who is qualified
137	to provide peer support services under Subsection 26B-5-102(2)(h).
138	(b) "Mental health resources" includes, at a minimum, the following services:
139	(i) regular periodic screenings for all employees within the first responder agency;
140	(ii) assessments and availability to mental health services for personnel directly
141	involved in a critical incident within 48 hours of the incident; and
142	(iii) regular and continuing access to the mental health program for:
143	(A) spouses and children of first responders;
144	(B) first responders who have retired or separated from the agency; and
145	(C) spouses of first responders who have retired or separated from the agency.
146	(6) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
147	(7) "Plan" means a plan to implement or expand a program that provides mental health
148	resources to first responders for which the division awards a grant under this chapter.
149	(8) "Retired" means the status of an individual who has become eligible, applies for, and
150	may receive an allowance under Title 49, Utah State Retirement and Insurance Benefit
151	Act.
152	(9) "Separated" means the status of an individual who has separated from employment as a
153	first responder from a first responder agency as a result of a critical incident involving
154	the first responder.
155	(10) "Small first responder agency" means a first responder agency that:
156	(a) has 10 or fewer employees;
157	(b) is primarily staffed by volunteers; or
158	(c) is located in:
159	(i) a county of the third, fourth, fifth, or sixth class;
160	(ii) a city of the third, fourth, fifth, or sixth class; or
161	(iii) a town.
162	Section 3. Section 53-21-102 is amended to read:
163	53-21-102. Mental health services Requirement to provide Eligibility

164	Confidentiality Requests Reporting noncompliance Designation.
165	(1) Every first responder agency within the state shall provide or make available mental
166	health resources to:
167	(a) all first responders;
168	(b) the spouse and children of first responders;
169	(c) surviving spouses of first responders whose death is classified as a line-of-duty death
170	under Title 49, Utah State Retirement and Insurance Benefit Act;
171	(d) retired or separated first responders for at least three years from the date that the
172	retired or separated first responder requests mental health resources, regardless of any
173	subsequent employment as a non-first responder; and
174	(e) spouses of retired or separated first responders for [a] at least three years from the
175	date that the spouse of the retired or separated first responder requests mental health
176	resources, regardless of any subsequent employment as a non-first responder.
177	(2) All access by first responders and their families to mental health resources shall be kept
178	confidential.
179	(3) A first responder agency shall:
180	(a) annually provide information to all employed first responders regarding:
181	(i) the availability of mental health resources under this section, including:
182	(A) for individuals in addition to the first responders as described in Subsection (1)
183	<u>and</u>
184	(B) subsequent to a separation or retirement;
185	(ii) how to access the mental health resources under this section; and
186	(iii) directions on how to appeal a denial of mental health resources under this section
187	to the department, as provided under Section 53-21-104.3; and
188	(b) (i) assign a designated mental health resources liaison;
189	(ii) inform the department of the identity of the designated mental health resources
190	liaison; and
191	(iii) update the department as to the identity of the designated mental health resources
192	liaison when a new individual is assigned.
193	Section 4. Section 53-21-103 is amended to read:
194	53-21-103. Grants to first responder agencies Rulemaking.
195	(1) The department may award grants to first responder agencies to provide mental health
196	resources in response to a:
197	(a) request for proposal;

198		(b) request for qualifications; or
199		(c) program description that meets the criteria in Subsection (2).
200	(2)	The request for proposal, request for qualifications, or program description received by
201		the department shall require mental health providers contracted or employed by the first
202		responder agency to have training and experience in working with first responders and
203		provide[, at a minimum, the following services:] mental health resources.
204		[(a) regular periodic screenings for all employees within the first responder agency;]
205		[(b) assessments and availability to mental health services for personnel directly
206		involved in a critical incident within 12 hours of the incident; and]
207		[(e) regular and continuing access to the mental health program for:]
208		[(i) spouses and children of first responders;]
209		[(ii) first responders who have retired or separated from the agency; and]
210		[(iii) spouses of first responders who have retired or separated from the agency.]
211	(3)	An application from a first responder agency for a grant under this chapter shall provide
212		the following details:
213		(a) a proposed plan to provide mental health resources to first responders in the first
214		responder agency;
215		(b) the number of first responders to be served by the proposed plan;
216		(c) how the proposed plan will ensure timely and effective provision of mental health
217		resources to first responders in the first responder agency;
218		(d) the cost of the proposed plan; and
219		(e) the sustainability of the proposed plan.
220	(4)	In evaluating a project proposal for a grant under this section, the department shall
221		consider:
222		(a) the extent to which the first responders that will be served by the proposed plan are
223		likely to benefit from the proposed plan;
224		(b) the cost of the proposed plan; and
225		(c) the viability of the proposed plan.
226	(5)	A first responder agency may not apply for a grant to fund a program already in place.
227		However, a request for proposal to fund an expansion of an already existing program
228		shall, in addition to the requirements of Subsection (4), provide:
229		(a) the scope and cost of the agency's current program;
230		(b) the number of additional first responders the expansion will serve; and
231		(c) whether the expansion will provide [services under Subsection (2)] mental health

232	resources that the current program does not provide.
233	(6) The department shall prioritize grant funding for [:] small first responder agencies, and
234	may also take into account whether the small first responder agency is or will participate
235	in the department-provided services described in Section 53-21-104.1.
236	[(a) counties of the 3rd, 4th, 5th, and 6th class;]
237	[(b) eities of the 3rd, 4th, and 5th elass; and]
238	[(e) towns.]
239	(7) The department may adopt rules in accordance with Title 63G, Chapter 3, Utah
240	Administrative Rulemaking Act, to administer this chapter.
241	(8) The department shall:
242	(a) notify entities that may be eligible for a grant under this section about the grant
243	program; and
244	(b) on or before October 1, [2023] 2024, and October 1, 2025, provide a report to the
245	Law Enforcement and Criminal Justice Interim Committee that describes:
246	(i) the number of entities that have been notified by the department about the grant
247	program under this section; and
248	(ii) the number of grant applications that the department has received.
249	(9) The department may assist a first responder agency in drafting a grant application under
250	this section.
251	(10) The department may use up to 25% of the remaining grant funds under this section to
252	provide the mental health resources described in Section 53-21-104.1.
253	Section 5. Section 53-21-104.1 is enacted to read:
254	53-21-104.1 . Department may provide certain mental health resources
255	Requirements.
256	(1) (a) In accordance with Subsection (4), the department may, at the department's
257	discretion, provide certain mental health resources to a small first responder agency.
258	(b) The mental health resources described in Subsection (1)(a) may include an
259	assessment and availability to mental health services for personnel directly involved
260	in a critical incident within 48 hours of the incident.
261	(2) The department may use a contracted provider to provide the services described in
262	Subsection (1).
263	(3) If a small first responder agency elects to receive mental health services as provided
264	under this section, the small first responder agency shall designate a representative of the
265	small first responder agency who is responsible for providing a timely notification to the

266		department or the department's designee if a critical incident occurs as described in
267		Subsection (1)(b).
268	<u>(4)</u>	As provided in Subsection 53-21-103(10), the department may use up to 25% of the
269		remaining grant funds for the mental health resources described in this section, and may
270		discontinue the mental health resources once the available grant funding is depleted.
271		Section 6. Section 53-21-104.3 is enacted to read:
272		53-21-104.3 . Education Complaints Investigations.
273	<u>(1)</u>	On or before September 1, 2024, the department shall inform all first responder
274		agencies in the state of the requirements described in Section 53-21-102.
275	<u>(2)</u>	In addition to the notification required under Subsection (1), the department shall, on
276		the department's website, provide information describing:
277		(a) an individual's eligibility for mental health resources under Section 53-21-102;
278		(b) the statutory definition for mental health resources provided in Section 53-21-101;
279		(c) the designated mental health resources liaison for each first responder agency as
280		described in Subsection 53-21-102(3)(b); and
281		(d) how to appeal a denial of mental health resources to the department.
282	<u>(3)</u>	(a) The department shall investigate a denial of mental health resources that is
283		received under Subsection (2)(d) to determine whether the denial was in violation of
284		this chapter.
285		(b) If, after an investigation, the department determines that a first responder agency
286		improperly denied mental health resources in violation of this chapter, the department
287		shall notify the first responder agency and provide 60 days for the first responder
288		agency to correct the improper denial.
289		(c) The department shall determine whether a first responder agency has cured the
290		violation within the time described in Subsection (3)(b) and, if the first responder
291		agency has not, the department shall send a letter within a reasonable time identifying
292		the first responder agency and the relevant details of the department's investigation to
293		(i) the commissioner;
294		(ii) the chairs of the Law Enforcement and Criminal Justice Interim Committee; and
295		(iii) the director of the State Commission on Criminal and Juvenile Justice, who shall
296		refer the matter for investigation under Section 63M-7-204 and may restrict state
297		grant money under Section 63M-7-218.
298		Section 7. Section 63M-7-204 is amended to read:
299		63M-7-204. Duties of commission.

300	(1) Th	e State Commission on Criminal and Juvenile Justice administration shall:
301	(a)	promote the commission's purposes as enumerated in Section 63M-7-201;
302	(b)	promote the communication and coordination of all criminal and juvenile justice
303		agencies;
304	(c)	study, evaluate, and report on the status of crime in the state and on the effectiveness
305		of criminal justice policies, procedures, and programs that are directed toward the
306		reduction of crime in the state;
307	(d)	study, evaluate, and report on programs initiated by state and local agencies to
308		address reducing recidivism, including changes in penalties and sentencing
309		guidelines intended to reduce recidivism, costs savings associated with the reduction
310		in the number of inmates, and evaluation of expenses and resources needed to meet
311		goals regarding the use of treatment as an alternative to incarceration, as resources
312		allow;
313	(e)	study, evaluate, and report on policies, procedures, and programs of other
314		jurisdictions which have effectively reduced crime;
315	(f)	identify and promote the implementation of specific policies and programs the
316		commission determines will significantly reduce crime in Utah;
317	(g)	provide analysis and recommendations on all criminal and juvenile justice
318		legislation, state budget, and facility requests, including program and fiscal impact on
319		all components of the criminal and juvenile justice system;
320	(h)	provide analysis, accountability, recommendations, and supervision for state and
321		federal criminal justice grant money;
322	(i)	provide public information on the criminal and juvenile justice system and give
323		technical assistance to agencies or local units of government on methods to promote
324		public awareness;
325	(j)	promote research and program evaluation as an integral part of the criminal and
326		juvenile justice system;
327	(k)	provide a comprehensive criminal justice plan annually;
328	(1)	review agency forecasts regarding future demands on the criminal and juvenile
329		justice systems, including specific projections for secure bed space;
330	(m) promote the development of criminal and juvenile justice information systems that
331		are consistent with common standards for data storage and are capable of
332		appropriately sharing information with other criminal justice information systems by:
333		(i) developing and maintaining common data standards for use by all state criminal

334		justice agencies;
335		(ii) annually performing audits of criminal history record information maintained by
336		state criminal justice agencies to assess their accuracy, completeness, and
337		adherence to standards;
338		(iii) defining and developing state and local programs and projects associated with
339		the improvement of information management for law enforcement and the
340		administration of justice; and
341		(iv) establishing general policies concerning criminal and juvenile justice information
342		systems and making rules as necessary to carry out the duties under Subsection
343		(1)(k) and this Subsection (1)(m);
344	(n)	allocate and administer grants, from money made available, for approved education
345		programs to help prevent the sexual exploitation of children;
346	(o)	allocate and administer grants for law enforcement operations and programs related
347		to reducing illegal drug activity and related criminal activity;
348	(p)	request, receive, and evaluate data and recommendations collected and reported by
349		agencies and contractors related to policies recommended by the commission
350		regarding recidivism reduction, including the data described in Section 13-53-111
351		and Subsection 26B-5-102(2)(1);
352	(q)	establish and administer a performance incentive grant program that allocates funds
353		appropriated by the Legislature to programs and practices implemented by counties
354		that reduce recidivism and reduce the number of offenders per capita who are
355		incarcerated;
356	(r)	oversee or designate an entity to oversee the implementation of juvenile justice
357		reforms;
358	(s)	make rules and administer the juvenile holding room standards and juvenile jail
359		standards to align with the Juvenile Justice and Delinquency Prevention Act
360		requirements pursuant to 42 U.S.C. Sec. 5633;
361	(t)	allocate and administer grants, from money made available, for pilot qualifying
362		education programs;
363	(u)	oversee the trauma-informed justice program described in Section 63M-7-209;
364	(v)	request, receive, and evaluate the aggregate data collected from prosecutorial
365		agencies and the Administrative Office of the Courts, in accordance with Sections
366		63M-7-216 and 78A-2-109.5;
367	(w)	report annually to the Law Enforcement and Criminal Justice Interim Committee on

368	the progress made on each of the following goals of the Justice Reinvestment
369	Initiative:
370	(i) ensuring oversight and accountability;
371	(ii) supporting local corrections systems;
372	(iii) improving and expanding reentry and treatment services; and
373	(iv) strengthening probation and parole supervision;
374	(x) compile a report of findings based on the data and recommendations provided under
375	Section 13-53-111 and Subsection 26B-5-102(2)(n) that:
376	(i) separates the data provided under Section 13-53-111 by each residential,
377	vocational and life skills program; and
378	(ii) separates the data provided under Subsection 26B-5-102(2)(n) by each mental
379	health or substance use treatment program;
380	(y) publish the report described in Subsection (1)(x) on the commission's website and
381	annually provide the report to the Judiciary Interim Committee, the Health and
382	Human Services Interim Committee, the Law Enforcement and Criminal Justice
383	Interim Committee, and the related appropriations subcommittees[-]; [and]
384	(z) receive, compile, and publish on the commission's website the data provided under:
385	(i) Section 53-23-101;
386	(ii) Section 53-24-102; and
387	(iii) Section 53-26-101; and
388	(aa) receive and evaluate a referral from the Department of Public Safety received under
389	Section 53-21-104.3 involving a denial of mental health resources to an eligible
390	individual, including, if appropriate in the commission's discretion, deny the relevant
391	entity from receiving any grant of state funds under Section 63M-7-218 for a
392	specified period of time.
393	(2) If the commission designates an entity under Subsection (1)(r), the commission shall
394	ensure that the membership of the entity includes representation from the three branches
395	of government and, as determined by the commission, representation from relevant
396	stakeholder groups across all parts of the juvenile justice system, including county
397	representation.
398	Section 8. Section 63M-7-218 is amended to read:
399	63M-7-218 . State grant requirements.
400	(1) Beginning July 1, 2023, the commission may not award any grant of state funds to any
401	entity subject to, and not in compliance with, the reporting requirements in Subsections

402	63A-16-1002(5)(a) through (r).
403	(2) Beginning July 1, 2025, the commission may not award any grant of state funds to an
404	entity subject to the requirements under Sections 53-21-102 and 53-21-104.3, if the
405	commission has determined under Subsection 63M-7-204(1)(aa) that the entity is
406	currently not eligible to receive state grant funds under this section.
407	Section 9. Effective date.
408	This bill takes effect on July 1, 2024.