

Representative Ryan D. Wilcox proposes the following substitute bill:

FIRST RESPONDER MENTAL HEALTH SERVICES

AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill concerns mental health services for first responders.

Highlighted Provisions:

This bill:

- ▶ creates and modifies definitions;
- ▶ requires the Department of Public Safety (department) to take certain actions regarding 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 health resources;
- ▶ 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 responders; and
 - designate a mental health resources liaison and inform the department of the identity of the liaison;



- 26 ▶ allows the department to:
 - 27 • assist a first responder agency in drafting a grant application seeking mental
 - 28 health resources; and
 - 29 • provide certain mental health resources to certain first responder agencies;
- 30 ▶ requires the department to:
 - 31 • inform first responder agencies of certain mental health resources information;
 - 32 • post on the department's website certain information concerning mental health
 - 33 resources for first responders;
 - 34 • receive complaints and investigate a denial of mental health resources to an
 - 35 individual by a first responder agency; and
 - 36 • report an uncured denial of denial of mental health resources to an eligible
 - 37 individual to specified individuals;
- 38 ▶ requires the State Commission on Criminal and Juvenile Justice (commission) to
- 39 receive and evaluate a referral from the department involving a denial of mental
- 40 health resources to an eligible individual;
- 41 ▶ allows the commission to, in the commission's discretion, refuse to award a grant of
- 42 state funds to an entity for a specified period of time due to the entity's improper
- 43 denial of mental health resources to an eligible individual; and
- 44 ▶ makes technical and conforming changes.

45 **Money Appropriated in this Bill:**

46 None

47 **Other Special Clauses:**

48 This bill provides a special effective date.

49 **Utah Code Sections Affected:**

50 AMENDS:

51 **53-2d-206 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 19,
52 327 and renumbered and amended by Laws of Utah 2023, Chapter 310 and last
53 amended by Coordination Clause, Laws of Utah 2023, Chapters 307, 327

54 **53-21-101 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 16,
55 19, 310, and 328

56 **53-21-102**, as last amended by Laws of Utah 2023, Chapter 19

57 [53-21-103](#), as last amended by Laws of Utah 2023, Chapter 19
 58 [63M-7-204](#), as last amended by Laws of Utah 2023, Chapters 158, 330, 382, and 500
 59 [63M-7-218](#), as last amended by Laws of Utah 2023, Chapters 158, 161 and 382

60 ENACTS:

61 [53-21-104.1](#), Utah Code Annotated 1953
 62 [53-21-104.3](#), Utah Code Annotated 1953

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

65 Section 1. Section **53-2d-206 (Effective 07/01/24)** is amended to read:

66 **53-2d-206 (Effective 07/01/24). Personnel critical incident stress management**
 67 **program.**

68 (1) The bureau shall ~~[develop and implement]~~ facilitate a statewide program to provide
 69 support and counseling for personnel who have been exposed to one or more stressful incidents
 70 in the course of providing emergency services.

71 (2) ~~[This]~~ The critical incident stress management program shall include:

72 (a) ongoing training for agencies providing emergency services and counseling
 73 program volunteers;

74 (b) critical incident stress debriefing for personnel at no cost to the emergency
 75 provider; and

76 (c) advising the department on training requirements for licensure as a behavioral
 77 emergency services technician.

78 (3) (a) The department shall annually provide informational resources to first responder
 79 agencies about the critical incident stress management program in a format that will ensure that
 80 the first responder agency receives the information.

81 (b) The informational resources described in Subsection (3)(a) shall include
 82 educational resources about the critical incident stress management program directed to:

83 (i) the first responder agency administration; and

84 (ii) the employees or volunteers of the first responder agency.

85 ~~[(3)]~~ (4) (a) The department shall receive, process, and reimburse reasonable actual
 86 expenses, including mileage, incurred by a volunteer during the course of [the] a volunteer's
 87 provision of critical incident stress management services under this section.

88 (b) The department shall, on the department's website, provide information concerning:

89 (i) the expenses that are eligible for reimbursement for a critical incident stress

90 management program volunteer under Subsection (4)(a); and

91 (ii) instructions on how a critical incident stress management volunteer may submit a

92 request for reimbursement under Subsection (4)(a).

93 (5) (a) The department shall, in collaboration with current critical incident stress

94 management program volunteers, organize and provide an annual training for critical incident

95 stress management program volunteers.

96 (b) For the training described in Subsection (5)(a), the department shall:

97 (i) pay for or reimburse reasonable actual expenses for a critical incident stress

98 management program volunteer who attends the training;

99 (ii) collaborate with existing critical incident stress management program volunteers to

100 determine a location for the training; and

101 (iii) provide information on the department's website about the training.

102 Section 2. Section **53-21-101 (Effective 07/01/24)** is amended to read:

103 **53-21-101 (Effective 07/01/24). Definitions.**

104 As used in this chapter:

105 (1) "Crime scene investigator technician" means an individual employed by a law
106 enforcement agency to collect and analyze evidence from crime scenes and crime-related
107 incidents.

108 [~~(2) "Department" means the Department of Public Safety.~~]

109 (2) "Designated mental health resources liaison" means a non-leadership human
110 resources or other administrative employee designated by a first responder agency who receives
111 and processes a request for mental health resources on behalf of the first responder agency
112 under this chapter.

113 (3) "First responder" means:

114 (a) a law enforcement officer, as defined in Section [53-13-103](#);

115 (b) an emergency medical technician, as defined in Section [53-2e-101](#);

116 (c) an advanced emergency medical technician, as defined in Section [53-2e-101](#);

117 (d) a paramedic, as defined in Section [53-2e-101](#);

118 (e) a firefighter, as defined in Section [34A-3-113](#);

- 119 (f) a dispatcher, as defined in Section 53-6-102;
- 120 (g) a correctional officer, as defined in Section 53-13-104;
- 121 (h) a special function officer, as defined in Section 53-13-105, employed by a local
122 sheriff;
- 123 (i) a search and rescue worker under the supervision of a local sheriff;
- 124 (j) a forensic interviewer or victim advocate employed by a children's justice center
125 established in accordance with Section 67-5b-102;
- 126 (k) a credentialed criminal justice system victim advocate as defined in Section
127 77-38-403 who responds to incidents with a law enforcement officer;
- 128 (l) a crime scene investigator technician;
- 129 (m) a wildland firefighter; ~~[or]~~
- 130 (n) an investigator or prosecutor of cases involving sexual crimes against children[-]; or
- 131 (o) a civilian employee of a first responder agency who has been authorized to view or
132 otherwise access information concerning crimes, accidents, or other traumatic events.
- 133 (4) "First responder agency" means:
- 134 (a) a special district, municipality, interlocal entity, or other political subdivision that
135 employs a first responder to provide fire protection, paramedic, law enforcement, or emergency
136 services; or
- 137 (b) a certified private law enforcement agency as defined in Section 53-19-102.
- 138 (5) (a) "Mental health resources" means:
- 139 ~~[(a)]~~ (i) an assessment to determine appropriate mental health treatment that is
140 performed by a mental health therapist;
- 141 ~~[(b)]~~ (ii) outpatient mental health treatment provided by a mental health therapist; or
- 142 ~~[(c)]~~ (iii) peer support services provided by a peer support specialist who is qualified to
143 provide peer support services under Subsection 26B-5-102(2)(h).
- 144 (b) "Mental health resources" includes, at a minimum, the following services:
- 145 (i) regular periodic screenings for all employees within the first responder agency;
- 146 (ii) assessments and availability to mental health services for personnel directly
147 involved in a critical incident within 48 hours of the incident; and
- 148 (iii) regular and continuing access to the mental health program for:
- 149 (A) spouses and children of first responders;

- 150 (B) first responders who have retired or separated from the agency; and
- 151 (C) spouses of first responders who have retired or separated from the agency.
- 152 (6) "Mental health therapist" means the same as that term is defined in Section
- 153 [58-60-102](#).
- 154 (7) "Plan" means a plan to implement or expand a program that provides mental health
- 155 resources to first responders for which the division awards a grant under this chapter.
- 156 (8) "Retired" means the status of an individual who has become eligible, applies for,
- 157 and may receive an allowance under Title 49, Utah State Retirement and Insurance Benefit Act.
- 158 (9) "Separated" means the status of an individual who has separated from employment
- 159 as a first responder from a first responder agency as a result of a critical incident involving the
- 160 first responder.
- 161 (10) "Small first responder agency" means a first responder agency that:
- 162 (a) has 10 or fewer employees;
- 163 (b) is primarily staffed by volunteers; or
- 164 (c) is located in:
- 165 (i) a county of the third, fourth, fifth, or sixth class;
- 166 (ii) a city of the third, fourth, fifth, or sixth class; or
- 167 (iii) a town.
- 168 Section 3. Section **53-21-102** is amended to read:
- 169 **53-21-102. Mental health services -- Requirement to provide -- Eligibility --**
- 170 **Confidentiality -- Requests -- Reporting noncompliance -- Designation.**
- 171 (1) Every first responder agency within the state shall provide or make available mental
- 172 health resources to:
- 173 (a) all first responders;
- 174 (b) the spouse and children of first responders;
- 175 (c) surviving spouses of first responders whose death is classified as a line-of-duty
- 176 death under Title 49, Utah State Retirement and Insurance Benefit Act;
- 177 (d) retired or separated first responders for at least three years from the date that the
- 178 retired or separated first responder requests mental health resources, regardless of any
- 179 subsequent employment as a non-first responder; and
- 180 (e) spouses of retired or separated first responders for a least three years from the date

181 that the spouse of the retired or separated first responder requests mental health resources,
182 regardless of any subsequent employment as a non-first responder.

183 (2) All access by first responders and their families to mental health resources shall be
184 kept confidential.

185 (3) A first responder agency shall:

186 (a) annually provide information to all employed first responders regarding:

187 (i) the availability of mental health resources under this section, including:

188 (A) for individuals in addition to the first responders as described in Subsection (1);

189 and

190 (B) subsequent to a separation or retirement;

191 (ii) how to access the mental health resources under this section; and

192 (iii) directions on how to appeal a denial of mental health resources under this section

193 to the department, as provided under Section 53-21-104.3; and

194 (b) (i) assign a designated mental health resources liaison;

195 (ii) inform the department of the identity of the designated mental health resources

196 liaison; and

197 (iii) update the department as to the identity of the designated mental health resources

198 liaison when a new individual is assigned.

199 Section 4. Section **53-21-103** is amended to read:

200 **53-21-103. Grants to first responder agencies -- Rulemaking.**

201 (1) The department may award grants to first responder agencies to provide mental
202 health resources in response to a:

203 (a) request for proposal;

204 (b) request for qualifications; or

205 (c) program description that meets the criteria in Subsection (2).

206 (2) The request for proposal, request for qualifications, or program description received

207 by the department shall require mental health providers contracted or employed by the first

208 responder agency to have training and experience in working with first responders and

209 provide[~~at a minimum, the following services:~~] mental health resources.

210 [~~(a) regular periodic screenings for all employees within the first responder agency;~~]

211 [~~(b) assessments and availability to mental health services for personnel directly~~]

212 ~~involved in a critical incident within 12 hours of the incident; and]~~

213 ~~[(c) regular and continuing access to the mental health program for:]~~

214 ~~[(i) spouses and children of first responders;]~~

215 ~~[(ii) first responders who have retired or separated from the agency; and]~~

216 ~~[(iii) spouses of first responders who have retired or separated from the agency.]~~

217 (3) An application from a first responder agency for a grant under this chapter shall
218 provide the following details:

219 (a) a proposed plan to provide mental health resources to first responders in the first
220 responder agency;

221 (b) the number of first responders to be served by the proposed plan;

222 (c) how the proposed plan will ensure timely and effective provision of mental health
223 resources to first responders in the first responder agency;

224 (d) the cost of the proposed plan; and

225 (e) the sustainability of the proposed plan.

226 (4) In evaluating a project proposal for a grant under this section, the department shall
227 consider:

228 (a) the extent to which the first responders that will be served by the proposed plan are
229 likely to benefit from the proposed plan;

230 (b) the cost of the proposed plan; and

231 (c) the viability of the proposed plan.

232 (5) A first responder agency may not apply for a grant to fund a program already in
233 place. However, a request for proposal to fund an expansion of an already existing program
234 shall, in addition to the requirements of Subsection (4), provide:

235 (a) the scope and cost of the agency's current program;

236 (b) the number of additional first responders the expansion will serve; and

237 (c) whether the expansion will provide ~~[services under Subsection (2)]~~ mental health
238 resources that the current program does not provide.

239 (6) The department shall prioritize grant funding for~~[-]~~ small first responder agencies,
240 and may also take into account whether the small first responder agency is or will participate in
241 the department-provided services described in Section [53-21-104.1](#).

242 ~~[(a) counties of the 3rd, 4th, 5th, and 6th class;]~~

243 ~~[(b) cities of the 3rd, 4th, and 5th class; and]~~

244 ~~[(c) towns.]~~

245 (7) The department may adopt rules in accordance with Title 63G, Chapter 3, Utah
246 Administrative Rulemaking Act, to administer this chapter.

247 (8) The department shall:

248 (a) notify entities that may be eligible for a grant under this section about the grant
249 program; and

250 (b) on or before October 1, ~~[2023]~~ 2024, and October 1, 2025, provide a report to the
251 Law Enforcement and Criminal Justice Interim Committee that describes:

252 (i) the number of entities that have been notified by the department about the grant
253 program under this section; and

254 (ii) the number of grant applications that the department has received.

255 (9) The department may assist a first responder agency in drafting a grant application
256 under this section.

257 (10) The department may use up to 25% of the remaining grant funds under this
258 section to provide the mental health resources described in Section [53-21-104.1](#).

259 Section 5. Section **53-21-104.1** is enacted to read:

260 **53-21-104.1. Department may provide certain mental health resources --**

261 **Requirements.**

262 (1) (a) In accordance with Subsection (4), the department may, at the department's
263 discretion, provide certain mental health resources to a small first responder agency.

264 (b) The mental health resources described in Subsection (1)(a) may include an
265 assessment and availability to mental health services for personnel directly involved in a
266 critical incident within 48 hours of the incident.

267 (2) The department may use a contracted provider to provide the services described in
268 Subsection (1).

269 (3) If a small first responder agency elects to receive mental health services as provided
270 under this section, the small first responder agency shall designate a representative of the small
271 first responder agency who is responsible for providing a timely notification to the department
272 or the department's designee if a critical incident occurs as described in Subsection (1)(b).

273 (4) As provided in Subsection [53-21-103](#)(10), the department may use up to 25% of the

274 remaining grant funds for the mental health resources described in this section, and may
275 discontinue the mental health resources once the available grant funding is depleted.

276 Section 6. Section **53-21-104.3** is enacted to read:

277 **53-21-104.3. Education -- Complaints -- Investigations.**

278 (1) On or before September 1, 2024, the department shall inform all first responder
279 agencies in the state of the requirements described in Section [53-21-102](#).

280 (2) In addition to the notification required under Subsection (1), the department shall,
281 on the department's website, provide information describing:

282 (a) an individual's eligibility for mental health resources under Section [53-21-102](#);

283 (b) the statutory definition for mental health resources provided in Section [53-21-101](#);

284 (c) the designated mental health resources liaison for each first responder agency as
285 described in Subsection [53-21-102](#)(3)(b); and

286 (d) how to appeal a denial of mental health resources to the department.

287 (3) (a) The department shall investigate a denial of mental health resources that is
288 received under Subsection (2)(d) to determine whether the denial was in violation of this
289 chapter.

290 (b) If, after an investigation, the department determines that a first responder agency
291 improperly denied mental health resources in violation of this chapter, the department shall
292 notify the first responder agency and provide 60 days for the first responder agency to correct
293 the improper denial.

294 (c) The department shall determine whether a first responder agency has cured the
295 violation within the time described in Subsection (3)(b) and, if the first responder agency has
296 not, the department shall send a letter within a reasonable time identifying the first responder
297 agency and the relevant details of the department's investigation to:

298 (i) the commissioner;

299 (ii) the chairs of the Law Enforcement and Criminal Justice Interim Committee; and

300 (iii) the director of the State Commission on Criminal and Juvenile Justice, who shall
301 refer the matter for investigation under Section [63M-7-204](#) and may restrict state grant money
302 under Section [63M-7-21](#).

303 Section 7. Section **63M-7-204** is amended to read:

304 **63M-7-204. Duties of commission.**

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

336 information with other criminal justice information systems by:

337 (i) developing and maintaining common data standards for use by all state criminal
338 justice agencies;

339 (ii) annually performing audits of criminal history record information maintained by
340 state criminal justice agencies to assess their accuracy, completeness, and adherence to
341 standards;

342 (iii) defining and developing state and local programs and projects associated with the
343 improvement of information management for law enforcement and the administration of
344 justice; and

345 (iv) establishing general policies concerning criminal and juvenile justice information
346 systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this
347 Subsection (1)(m);

348 (n) allocate and administer grants, from money made available, for approved education
349 programs to help prevent the sexual exploitation of children;

350 (o) allocate and administer grants for law enforcement operations and programs related
351 to reducing illegal drug activity and related criminal activity;

352 (p) request, receive, and evaluate data and recommendations collected and reported by
353 agencies and contractors related to policies recommended by the commission regarding
354 recidivism reduction, including the data described in Section [13-53-111](#) and Subsection
355 [26B-5-102\(2\)\(l\)](#);

356 (q) establish and administer a performance incentive grant program that allocates funds
357 appropriated by the Legislature to programs and practices implemented by counties that reduce
358 recidivism and reduce the number of offenders per capita who are incarcerated;

359 (r) oversee or designate an entity to oversee the implementation of juvenile justice
360 reforms;

361 (s) make rules and administer the juvenile holding room standards and juvenile jail
362 standards to align with the Juvenile Justice and Delinquency Prevention Act requirements
363 pursuant to 42 U.S.C. Sec. 5633;

364 (t) allocate and administer grants, from money made available, for pilot qualifying
365 education programs;

366 (u) oversee the trauma-informed justice program described in Section [63M-7-209](#);

367 (v) request, receive, and evaluate the aggregate data collected from prosecutorial
 368 agencies and the Administrative Office of the Courts, in accordance with Sections [63M-7-216](#)
 369 and [78A-2-109.5](#);

370 (w) report annually to the Law Enforcement and Criminal Justice Interim Committee
 371 on the progress made on each of the following goals of the Justice Reinvestment Initiative:

372 (i) ensuring oversight and accountability;

373 (ii) supporting local corrections systems;

374 (iii) improving and expanding reentry and treatment services; and

375 (iv) strengthening probation and parole supervision;

376 (x) compile a report of findings based on the data and recommendations provided

377 under Section [13-53-111](#) and Subsection [26B-5-102\(2\)\(n\)](#) that:

378 (i) separates the data provided under Section [13-53-111](#) by each residential, vocational
 379 and life skills program; and

380 (ii) separates the data provided under Subsection [26B-5-102\(2\)\(n\)](#) by each mental
 381 health or substance use treatment program;

382 (y) publish the report described in Subsection (1)(x) on the commission's website and
 383 annually provide the report to the Judiciary Interim Committee, the Health and Human Services
 384 Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the
 385 related appropriations subcommittees; [~~and~~]

386 (z) receive, compile, and publish on the commission's website the data provided under:

387 (i) Section [53-23-101](#);

388 (ii) Section [53-24-102](#); and

389 (iii) Section [53-26-101](#); and

390 (aa) receive and evaluate a referral from the Department of Public Safety received
 391 under Section [53-21-104.3](#) involving a denial of mental health resources to an eligible
 392 individual, including, if appropriate in the commission's discretion, deny the relevant entity
 393 from receiving any grant of state funds under Section [63M-7-218](#) for a specified period of time.

394 (2) If the commission designates an entity under Subsection (1)(r), the commission
 395 shall ensure that the membership of the entity includes representation from the three branches
 396 of government and, as determined by the commission, representation from relevant stakeholder
 397 groups across all parts of the juvenile justice system, including county 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
401 any 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
404 an 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 currently not
406 eligible to receive state grant funds under this section.

407 Section 9. **Effective date.**

408 This bill takes effect on July 1, 2024.