

## HB0378S01 compared with HB0378

~~deleted text~~ shows text that was in HB0378 but was deleted in HB0378S01.

inserted text shows text that was not in HB0378 but was inserted into HB0378S01.

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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: \_\_\_\_\_

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#### 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;

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- ▶ 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;
- ▶ allows the department to ~~{ }~~:
  - assist a first responder ~~{entity}~~agency in drafting a grant application seeking mental health resources; and
  - provide certain mental health resources to certain first responder agencies;
- ▶ requires the department to:
  - ~~{annually}~~ inform first responder agencies of certain mental health resources information;
  - post on the department's website certain information concerning mental health resources for first responders;
  - receive complaints and investigate a denial of mental health resources to an individual by a first responder agency; and
  - report an uncured denial of denial of mental health resources to an eligible individual to specified individuals;
- ▶ requires the State Commission on Criminal and Juvenile Justice (commission) to receive and ~~{investigate}~~ evaluate a referral from the department involving a denial of mental health resources to an eligible individual;
- ▶ allows the commission to, in the commission's discretion, refuse to award a grant of state funds to an entity for a specified period of time due to the entity's improper denial of mental health resources to an eligible individual; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

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### Utah Code Sections Affected:

#### AMENDS:

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

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

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

**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

#### ENACTS:

**53-21-104.1**, Utah Code Annotated 1953

**53-21-104.3, Utah Code Annotated 1953**

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

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

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

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

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

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

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

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

(3) (a) The department shall annually provide informational resources to first responder agencies about the critical incident stress management program in a format that will ensure that

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the first responder agency receives the information.

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

(i) the first responder agency administration; and

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

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

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

(i) the expenses that are eligible for reimbursement for a critical incident stress management program volunteer under Subsection (4)(a); and

(ii) instructions on how a critical incident stress management volunteer may submit a request for reimbursement under Subsection (4)(a).

(5) (a) The department shall, in collaboration with current critical incident stress management program volunteers, organize and provide an annual training for critical incident stress management program volunteers.

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

(i) pay for or reimburse reasonable actual expenses for a critical incident stress management program volunteer who attends the training;

(ii) collaborate with existing critical incident stress management program volunteers to determine a location for the training; and

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

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

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

As used in this chapter:

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

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

(2) "Designated mental health resources liaison" means a non-leadership human resources or other administrative employee designated by a first responder agency who receives

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and processes a request for mental health resources on behalf of the first responder agency under this chapter.

(3) "First responder" means:

- (a) a law enforcement officer, as defined in Section 53-13-103;
- (b) an emergency medical technician, as defined in Section 53-2e-101;
- (c) an advanced emergency medical technician, as defined in Section 53-2e-101;
- (d) a paramedic, as defined in Section 53-2e-101;
- (e) a firefighter, as defined in Section 34A-3-113;
- (f) a dispatcher, as defined in Section 53-6-102;
- (g) a correctional officer, as defined in Section 53-13-104;
- (h) a special function officer, as defined in Section 53-13-105, employed by a local

sheriff;

- (i) a search and rescue worker under the supervision of a local sheriff;
- (j) a forensic interviewer or victim advocate employed by a children's justice center

established in accordance with Section 67-5b-102;

(k) a credentialed criminal justice system victim advocate as defined in Section 77-38-403 who responds to incidents with a law enforcement officer;

- (l) a crime scene investigator technician;
- (m) a wildland firefighter; [~~or~~]
- (n) an investigator or prosecutor of cases involving sexual crimes against children[~~;~~]; or
- (o) a civilian employee of a first responder agency who has been authorized to view or

otherwise access information concerning crimes, accidents, or other traumatic events.

(4) "First responder agency" means:

(a) a special district, municipality, interlocal entity, or other political subdivision that employs a first responder to provide fire protection, paramedic, law enforcement, or emergency services; or

(b) a certified private law enforcement agency as defined in Section 53-19-102.

(5) (a) "Mental health resources" means:

~~(a)~~ (i) an assessment to determine appropriate mental health treatment that is performed by a mental health therapist;

~~(b)~~ (ii) outpatient mental health treatment provided by a mental health therapist; or

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~~(e)~~ (iii) peer support services provided by a peer support specialist who is qualified to provide peer support services under Subsection 26B-5-102(2)(h).

(b) "Mental health resources" includes, at a minimum, the following services:

(i) regular periodic screenings for all employees within the first responder agency;

(ii) assessments and availability to mental health services for personnel directly

involved in a critical incident within 48 hours of the incident; and

(iii) regular and continuing access to the mental health program for:

(A) spouses and children of first responders;

(B) first responders who have retired or separated from the agency; and

(C) spouses of first responders who have retired or separated from the agency.

(6) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

(7) "Plan" means a plan to implement or expand a program that provides mental health resources to first responders for which the division awards a grant under this chapter.

(8) "Retired" means the status of an individual who has become eligible, applies for, and may receive an allowance under Title 49, Utah State Retirement and Insurance Benefit Act.

(9) "Separated" means the status of an individual who has separated from employment as a first responder from a first responder agency as a result of a critical incident involving the first responder.

(10) "Small first responder agency" means a first responder agency that:

(a) has 10 or fewer employees;

(b) is primarily staffed by volunteers; or

(c) is located in:

(i) a county of the third, fourth, fifth, or sixth class;

(ii) a city of the third, fourth, fifth, or sixth class; or

(iii) a town.

Section 3. Section **53-21-102** is amended to read:

**53-21-102. Mental health services -- Requirement to provide -- Eligibility -- Confidentiality -- Requests -- Reporting noncompliance -- Designation.**

(1) Every first responder agency within the state shall provide or make available mental health resources to:

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- (a) all first responders;
- (b) the spouse and children of first responders;
- (c) surviving spouses of first responders whose death is classified as a line-of-duty death under Title 49, Utah State Retirement and Insurance Benefit Act;
- (d) retired or separated first responders for at least three years from the date that the retired or separated first responder requests mental health resources, regardless of any subsequent employment as a non-first responder; and
- (e) spouses of retired or separated first responders for a least three years from the date that the spouse of the retired or separated first responder requests mental health resources, regardless of any subsequent employment as a non-first responder.

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

(3) A first responder agency shall:

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

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

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

and

(B) subsequent to a separation or retirement;

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

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

to the department, as provided under Section 53-21-104. ~~413~~; and

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

(ii) inform the department of the identity of the designated mental health resources liaison; and

(iii) update the department as to the identity of the designated mental health resources liaison when a new individual is assigned. ~~4~~

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

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

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

(a) request for proposal;

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- (b) request for qualifications; or
- (c) program description that meets the criteria in Subsection (2).

(2) The request for proposal, request for qualifications, or program description received by the department shall require mental health providers contracted or employed by the first responder agency to have training and experience in working with first responders and provide ~~], at a minimum, the following services:~~ ], mental health resources.

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

~~[(b) assessments and availability to mental health services for personnel directly involved in a critical incident within 12 hours of the incident; and]~~

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

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

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

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

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

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

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

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

(d) the cost of the proposed plan; and

(e) the sustainability of the proposed plan.

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

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

(b) the cost of the proposed plan; and

(c) the viability of the proposed plan.

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



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(a) the scope and cost of the agency's current program;  
(b) the number of additional first responders the expansion will serve; and  
(c) whether the expansion will provide ~~[services under Subsection (2)]~~ mental health resources that the current program does not provide.

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

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

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

~~[(c) towns.]~~

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

(8) The department shall:

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

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

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

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

(9) The department may assist a first responder ~~{entity}~~ agency in drafting a grant application under this section.

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

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

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

### **Requirements.**

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

(b) The mental health resources described in Subsection (1)(a) may include an

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assessment and availability to mental health services for personnel directly involved in a critical incident within 48 hours of the incident.

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

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

(4) As provided in Subsection 53-21-103(10), the department may use up to 25% of the remaining grant funds for the mental health resources described in this section, and may discontinue the mental health resources once the available grant funding is depleted.

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

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

(1) ~~The~~ On or before September 1, 2024, the department shall ~~annually~~ inform all first responder ~~entities~~ agencies in the state of the requirements described in Section 53-21-102.

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

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

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

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

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

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

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

(c) The department shall determine whether a first responder agency has cured the

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violation within the time described in Subsection (3)(b) and, if the first responder agency has not, the department shall send a letter within a reasonable time identifying the first responder agency and the relevant details of the department's investigation to:

- (i) the commissioner;
- (ii) the chairs of the Law Enforcement and Criminal Justice Interim Committee; and
- (iii) the director of the State Commission on Criminal and Juvenile Justice, who shall refer the matter for investigation under Section 63M-7-204 and may restrict state grant money under Section 63M-7-21.

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

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

- (1) The State Commission on Criminal and Juvenile Justice administration shall:
  - (a) promote the commission's purposes as enumerated in Section 63M-7-201;
  - (b) promote the communication and coordination of all criminal and juvenile justice agencies;
  - (c) study, evaluate, and report on the status of crime in the state and on the effectiveness of criminal justice policies, procedures, and programs that are directed toward the reduction of crime in the state;
  - (d) study, evaluate, and report on programs initiated by state and local agencies to address reducing recidivism, including changes in penalties and sentencing guidelines intended to reduce recidivism, costs savings associated with the reduction in the number of inmates, and evaluation of expenses and resources needed to meet goals regarding the use of treatment as an alternative to incarceration, as resources allow;
  - (e) study, evaluate, and report on policies, procedures, and programs of other jurisdictions which have effectively reduced crime;
  - (f) identify and promote the implementation of specific policies and programs the commission determines will significantly reduce crime in Utah;
  - (g) provide analysis and recommendations on all criminal and juvenile justice legislation, state budget, and facility requests, including program and fiscal impact on all components of the criminal and juvenile justice system;
  - (h) provide analysis, accountability, recommendations, and supervision for state and federal criminal justice grant money;

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(i) provide public information on the criminal and juvenile justice system and give technical assistance to agencies or local units of government on methods to promote public awareness;

(j) promote research and program evaluation as an integral part of the criminal and juvenile justice system;

(k) provide a comprehensive criminal justice plan annually;

(l) review agency forecasts regarding future demands on the criminal and juvenile justice systems, including specific projections for secure bed space;

(m) promote the development of criminal and juvenile justice information systems that are consistent with common standards for data storage and are capable of appropriately sharing information with other criminal justice information systems by:

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

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

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

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

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

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

(p) request, receive, and evaluate data and recommendations collected and reported by agencies and contractors related to policies recommended by the commission regarding recidivism reduction, including the data described in Section 13-53-111 and Subsection 26B-5-102(2)(1);

(q) establish and administer a performance incentive grant program that allocates funds

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appropriated by the Legislature to programs and practices implemented by counties that reduce recidivism and reduce the number of offenders per capita who are incarcerated;

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

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

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

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

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

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

(i) ensuring oversight and accountability;

(ii) supporting local corrections systems;

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

(iv) strengthening probation and parole supervision;

(x) compile a report of findings based on the data and recommendations provided under Section 13-53-111 and Subsection 26B-5-102(2)(n) that:

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

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

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

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

(i) Section 53-23-101;

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(ii) Section 53-24-102; and

(iii) Section 53-26-101; and

(aa) receive and ~~investigate~~ evaluate a referral from the Department of Public Safety received under Section 53-21-104. ~~††~~3 involving a denial of mental health resources to an eligible individual, including, if appropriate in the commission's discretion, deny the relevant entity from receiving any grant of state funds under Section 63M-7-218 for a specified period of time.

(2) If the commission designates an entity under Subsection (1)(r), the commission shall ensure that the membership of the entity includes representation from the three branches of government and, as determined by the commission, representation from relevant stakeholder groups across all parts of the juvenile justice system, including county representation.

Section ~~7~~8. Section **63M-7-218** is amended to read:

### **63M-7-218. State grant requirements.**

(1) Beginning July 1, 2023, the commission may not award any grant of state funds to any entity subject to, and not in compliance with, the reporting requirements in Subsections 63A-16-1002(5)(a) through (r).

(2) Beginning July 1, 2025, the commission may not award any grant of state funds to an entity subject to the requirements under Sections 53-21-102 and 53-21-104. ~~††~~3, if the commission has determined under Subsection 63M-7-204(1)(aa) that the entity is currently not eligible to receive state grant funds under this section.

Section ~~8~~9. **Effective date.**

This bill takes effect on July 1, 2024.