

1 STATE COMMISSION ON CRIMINAL AND JUVENILE

2 JUSTICE AMENDMENTS

3 2024 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Michael K. McKell

6 House Sponsor: Karianne Lisonbee

7

8 LONG TITLE

9 General Description:

10 This bill amends provisions regarding the State Commission on Criminal and Juvenile
11 Justice, including the establishment of the Sentencing Commission.

12 Highlighted Provisions:

13 This bill:

- 14 ▶ repeals provisions in the Utah Code establishing the Sentencing Commission;
- 15 ▶ requires the State Commission on Criminal and Juvenile Justice to assume the

16 Sentencing Commission's responsibilities to:

- 17 • develop sentencing and supervision length guidelines;
- 18 • develop juvenile disposition guidelines; and
- 19 • create and maintain a master offense list and a collateral consequences guide;

20 ▶ requires the Legislature to approve the sentencing and supervision length guidelines
21 and the juvenile disposition guidelines developed by the State Commission on

22 Criminal and Juvenile Justice; and

- 23 ▶ makes technical and conforming changes.

24 Money Appropriated in this Bill:

25 None

26 Other Special Clauses:

27 None



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **36-29-108**, as last amended by Laws of Utah 2023, Chapter 112
- 31 **63M-7-102**, as enacted by Laws of Utah 2023, Chapter 177
- 32 **63M-7-202**, as last amended by Laws of Utah 2023, Chapter 150
- 33 **63M-7-204**, as last amended by Laws of Utah 2023, Chapters 158, 330, 382, and 500
- 34 **64-13-6**, as last amended by Laws of Utah 2023, Chapter 177
- 35 **64-13-14.5**, as last amended by Laws of Utah 2015, Chapter 412
- 36 **64-13-21**, as last amended by Laws of Utah 2022, Chapter 187
- 37 **64-13g-102**, as last amended by Laws of Utah 2023, Chapter 177
- 38 **76-3-202**, as last amended by Laws of Utah 2022, Chapter 181
- 39 **76-5-102.1**, as last amended by Laws of Utah 2023, Chapters 111, 415
- 40 **76-5-207**, as last amended by Laws of Utah 2023, Chapter 415
- 41 **77-2a-2**, as last amended by Laws of Utah 2020, Chapter 281
- 42 **77-18-105**, as last amended by Laws of Utah 2023, Chapters 111, 257
- 43 **77-18-108**, as last amended by Laws of Utah 2023, Chapter 113
- 44 **77-27-5**, as last amended by Laws of Utah 2023, Chapters 151, 173
- 45 **77-27-10**, as last amended by Laws of Utah 2022, Chapter 430
- 46 **77-27-11**, as last amended by Laws of Utah 2022, Chapter 115
- 47 **77-27-32**, as enacted by Laws of Utah 2023, Chapter 151
- 48 **80-6-307**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 49 **80-6-607**, as renumbered and amended by Laws of Utah 2021, Chapter 261

50 ENACTS:

- 51 **63M-7-101.5**, Utah Code Annotated 1953
- 52 **63M-7-220**, Utah Code Annotated 1953

53 RENUMBERS AND AMENDS:

- 54 **63M-7-221**, (Renumbered from 63M-7-405, as last amended by Laws of Utah 2022,
55 Chapter 274)

56 REPEALS:

- 57 **63M-7-401**, as last amended by Laws of Utah 2021, Chapter 173
- 58 **63M-7-402**, as last amended by Laws of Utah 2020, Chapter 154

59 **63M-7-403**, as renumbered and amended by Laws of Utah 2008, Chapter 382
 60 **63M-7-404**, as last amended by Laws of Utah 2023, Chapter 111
 61 **63M-7-406**, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

64 Section 1. Section **36-29-108** is amended to read:

65 **36-29-108. Criminal Code Evaluation Task Force.**

66 (1) As used in this section, "task force" means the Criminal Code Evaluation Task
 67 Force created in this section.

68 (2) There is created the Criminal Code Evaluation Task Force consisting of the
 69 following ~~[15]~~ 14 members:

70 (a) three members of the Senate appointed by the president of the Senate, no more than
 71 two of whom may be from the same political party;

72 (b) three members of the House of Representatives appointed by the speaker of the
 73 House of Representatives, no more than two of whom may be from the same political party;

74 (c) the executive director of the State Commission on Criminal and Juvenile Justice or
 75 the executive director's designee;

76 ~~[(d) the director of the Utah Sentencing Commission or the director's designee;]~~

77 ~~[(e)]~~ (d) one member appointed by the presiding officer of the Utah Judicial Council;

78 ~~[(f)]~~ (e) one member of the Utah Prosecution Council appointed by the chair of the
 79 Utah Prosecution Council;

80 ~~[(g)]~~ (f) the executive director of the Department of Corrections or the executive
 81 director's designee;

82 ~~[(h)]~~ (g) the commissioner of the Department of Public Safety or the commissioner's
 83 designee;

84 ~~[(i)]~~ (h) the director of the Utah Office for Victims of Crime or the director's designee;

85 ~~[(j)]~~ (i) an individual who represents an association of criminal defense attorneys,
 86 appointed by the president of the Senate; and

87 ~~[(k)]~~ (j) an individual who represents an association of victim advocates, appointed by
 88 the speaker of the House of Representatives.

89 (3) (a) The president of the Senate shall designate a member of the Senate appointed

90 under Subsection (2)(a) as a cochair of the task force.

91 (b) The speaker of the House of Representatives shall designate a member of the House
92 of Representatives appointed under Subsection (2)(b) as a cochair of the task force.

93 (4) (a) A majority of the members of the task force constitutes a quorum.

94 (b) The action of a majority of a quorum constitutes an action of the task force.

95 (5) (a) Salaries and expenses of the members of the task force who are legislators shall
96 be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,
97 Legislator Compensation.

98 (b) A member of the task force who is not a legislator:

99 (i) may not receive compensation for the member's work associated with the task force;
100 and

101 (ii) may receive per diem and reimbursement for travel expenses incurred as a member
102 of the task force at the rates established by the Division of Finance under Sections 63A-3-106
103 and 63A-3-107.

104 (6) The Office of Legislative Research and General Counsel shall provide staff support
105 to the task force.

106 (7) The task force shall review the state's criminal code and related statutes and make
107 recommendations regarding:

108 (a) the proper classification of crimes by degrees of felony and misdemeanor;

109 (b) standardizing the format of criminal statutes; and

110 (c) other modifications related to the criminal code and related statutes.

111 (8) On or before November 30 of each year that the task force is in effect, the task
112 force shall provide a report, including any proposed legislation, to:

113 (a) the Law Enforcement and Criminal Justice Interim Committee; and

114 (b) the Legislative Management Committee.

115 (9) The task force is repealed July 1, 2028.

116 Section 2. Section 63M-7-101.5 is enacted to read:

117 **63M-7-101.5. Definitions.**

118 As used in this chapter:

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

121 (2) "Desistance" means an individual's abstinence from further criminal activity after a
122 previous criminal conviction.

123 (3) "Intervention" means a program, sanction, supervision, or event that may impact
124 recidivism.

125 (4) "Recidivism" means a return to criminal activity after a previous criminal
126 conviction.

127 (5) "Recidivism standard metric" means the number of individuals who are returned to
128 prison for a new conviction within the three years after the day on which the individuals were
129 released from prison.

130 (6) "Sentencing and supervision length guidelines" means the guidelines established in
131 Subsection [63M-7-220\(1\)](#).

132 (7) "Juvenile disposition guidelines" means the guidelines established in Subsection
133 [63M-7-220\(3\)](#).

134 Section 3. Section **63M-7-102** is amended to read:

135 **63M-7-102. Recidivism metrics -- Reporting.**

136 [~~(1) For purposes of this chapter:~~]

137 [~~(a) "Commission" means the State Commission on Criminal and Juvenile Justice~~
138 ~~created in Section [63M-7-201](#).~~]

139 [~~(b) "Desistance" means an individual's abstinence from further criminal activity after a~~
140 ~~previous criminal conviction.~~]

141 [~~(c) "Intervention" means a program, sanction, supervision, or event that may impact~~
142 ~~recidivism.~~]

143 [~~(d) "Recidivism" means a return to criminal activity after a previous criminal~~
144 ~~conviction.~~]

145 [~~(e) "Recidivism standard metric" means the number of individuals who are returned to~~
146 ~~prison for a new conviction within the three years after the day on which the individuals were~~
147 ~~released from prison.~~]

148 [(2)] (1) (a) The commission, the Department of Corrections, and the Board of Pardons
149 and Parole, when reporting data on statewide recidivism, shall include data reflecting the
150 recidivism standard metric.

151 (b) (i) On or before August 1, 2024, the commission shall reevaluate the recidivism

152 standard metric to determine whether new data streams allow for a broader definition, which
153 may include criminal convictions that do not include prison time.

154 (ii) On or before November 1, 2024, the commission shall report to the Law
155 Enforcement and Criminal Justice Interim Committee:

- 156 (A) the result of the reevaluation described in Subsection [~~(2)(b)(i)~~] (1)(b)(i); and
- 157 (B) other recommendations regarding standardized recidivism metrics.

158 [~~(3)~~] (2) A report on statewide criminal recidivism may also include other information
159 reflecting available recidivism, intervention, or desistance data.

160 [~~(4)~~] (3) A criminal justice institution, agency, or entity required to report adult
161 recidivism data to the commission:

162 (a) shall include:

163 (i) a clear description of the eligible individuals, including:

- 164 (A) the criminal population being evaluated for recidivism; and
- 165 (B) the interventions that are being evaluated;

166 (ii) a clear description of the beginning and end of the evaluation period; and

167 (iii) a clear description of the events that are considered as a recidivism-triggering
168 event; and

169 (b) may include supplementary data including:

170 (i) the length of time that elapsed before a recidivism-triggering event described in
171 Subsection [~~(4)(a)(iii)~~] (3)(a)(iii) occurred;

172 (ii) the severity of a recidivism-triggering event described in Subsection [~~(4)(a)(iii)~~]
173 (3)(a)(iii);

174 (iii) measures of personal well-being, education, employment, housing, health, family
175 or social support, civic or community engagement, or legal involvement; or

176 (iv) other desistance metrics that may capture an individual's behavior following the
177 individual's release from an intervention.

178 [~~(5)~~] (4) Unless otherwise specified in statute:

179 (a) the evaluation period described in Subsection [~~(4)(a)(ii)~~] (3)(a)(ii) is three years;
180 and

181 (b) a recidivism-triggering event under Subsection [~~(4)(a)(iii)~~] (3)(a)(iii) shall include:

182 (i) an arrest;

- 183 (ii) an admission to prison;
 184 (iii) a criminal charge; or
 185 (iv) a criminal conviction.

186 Section 4. Section **63M-7-202** is amended to read:

187 **63M-7-202. Composition -- Appointments -- Ex officio members -- Terms --**
 188 **United States Attorney as nonvoting member.**

189 (1) The State Commission on Criminal and Juvenile Justice is composed of ~~[26]~~ eleven
 190 voting members as follows:

191 (a) the chief justice of the ~~[supreme court, as the presiding officer of the judicial~~
 192 ~~council;]~~ Supreme Court, or a judge or the state court administrator designated by the chief
 193 justice;

194 ~~[(b) the state court administrator or the state court administrator's designee;]~~

195 ~~[(c)]~~ (b) the executive director of the Department of Corrections or the executive
 196 director's designee;

197 ~~[(d) the executive director of the Department of Health and Human Services or the~~
 198 ~~executive director's designee;]~~

199 ~~[(e)]~~ (c) the commissioner of the Department of Public Safety or the commissioner's
 200 designee;

201 ~~[(f) the attorney general or an attorney designated by the attorney general;]~~

202 ~~[(g)]~~ (d) the president of the chiefs of police association or a chief of police designated
 203 by the association's president;

204 ~~[(h)]~~ (e) the president of the sheriffs' association or a sheriff designated by the
 205 association's president;

206 ~~[(i)]~~ (f) the chair of the Board of Pardons and Parole or a member of the Board of
 207 Pardons and Parole designated by the chair;

208 ~~[(j) the chair of the Utah Sentencing Commission or a member of the Utah Sentencing~~
 209 ~~Commission designated by the chair;]~~

210 ~~[(k) the chair of the Utah Substance Use and Mental Health Advisory Council or a~~
 211 ~~member of the Utah Substance Use and Mental Health Advisory Council designated by the~~
 212 ~~chair;]~~

213 ~~[(l)]~~ (g) the chair of the Utah Board of Juvenile Justice or a member of the Utah Board

214 of Juvenile Justice designated by the chair;

215 ~~[(m)]~~ (h) the chair of the Utah Victim Services Commission or a member of the Utah
216 Victim Services Commission designated by the chair;

217 ~~[(n) the chair of the Utah Council on Victims of Crime or a member of the Utah
218 Council on Victims of Crime designated by the chair;]~~

219 ~~[(o) the executive director of the Salt Lake Legal Defender Association or an attorney
220 designated by the executive director;]~~

221 ~~[(p)]~~ (i) the chair of the Utah Indigent Defense Commission or a member of the
222 Indigent Defense Commission designated by the chair;

223 (j) a criminal defense attorney appointed by the governor to serve a four-year term; and

224 ~~[(q) the Salt Lake County District Attorney or an attorney designated by the district
225 attorney; and]~~

226 ~~[(r)]~~ (k) ~~[the following members designated to serve four-year terms:]~~

227 ~~[(i) a juvenile court judge, appointed by the chief justice, as presiding officer of the
228 Judicial Council;]~~

229 ~~[(ii) a representative of the [statewide association of public attorneys] Statewide
230 Association of Prosecutors and Public Attorneys of Utah designated by the association's
231 officers[;] to serve a four-year term.~~

232 ~~[(iii) one member of the House of Representatives who is appointed by the speaker of
233 the House of Representatives; and]~~

234 ~~[(iv) one member of the Senate who is appointed by the president of the Senate.]~~

235 ~~[(2) The governor shall appoint the remaining five members to four-year staggered
236 terms as follows:]~~

237 ~~[(a) one criminal defense attorney appointed from a list of three nominees submitted by
238 the Utah State Bar Association;]~~

239 ~~[(b) one attorney who primarily represents juveniles in delinquency matters appointed
240 from a list of three nominees submitted by the Utah Bar Association;]~~

241 ~~[(c) one representative of public education;]~~

242 ~~[(d) one citizen representative; and]~~

243 ~~[(e) a representative from a local faith who has experience with the criminal justice
244 system.]~~

245 ~~[(3)]~~ (2) In addition to the members designated under ~~[Subsections (1) and (2)]~~
246 Subsection (1), the United States Attorney for the ~~[district]~~ District of Utah or an attorney
247 designated by the United States Attorney may serve as a nonvoting member.

248 ~~[(4) In appointing the members under Subsection (2), the governor shall take into~~
249 ~~account the geographical makeup of the commission.]~~

250 Section 5. Section **63M-7-204** is amended to read:

251 **63M-7-204. Duties of commission.**

252 (1) The State Commission on Criminal and Juvenile Justice administration shall:

253 (a) promote the commission's purposes as enumerated in Section **63M-7-201**;

254 (b) promote the communication and coordination of all criminal and juvenile justice
255 agencies;

256 (c) study, evaluate, and report on the status of crime in the state and on the
257 effectiveness of criminal justice policies, procedures, and programs that are directed toward the
258 reduction of crime in the state;

259 (d) study, evaluate, and report on programs initiated by state and local agencies to
260 address reducing recidivism, including changes in penalties and sentencing guidelines intended
261 to reduce recidivism, costs savings associated with the reduction in the number of inmates, and
262 evaluation of expenses and resources needed to meet goals regarding the use of treatment as an
263 alternative to incarceration, as resources allow;

264 (e) study, evaluate, and report on policies, procedures, and programs of other
265 jurisdictions which have effectively reduced crime;

266 (f) identify and promote the implementation of specific policies and programs the
267 commission determines will significantly reduce crime in Utah;

268 (g) provide analysis and recommendations on all criminal and juvenile justice
269 legislation, state budget, and facility requests, including program and fiscal impact on all
270 components of the criminal and juvenile justice system;

271 (h) provide analysis, accountability, recommendations, and supervision for state and
272 federal criminal justice grant money;

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

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

278 (k) provide a comprehensive criminal justice plan annually;

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

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

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

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

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

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

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

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

299 (p) request, receive, and evaluate data and recommendations collected and reported by
300 agencies and contractors related to policies recommended by the commission regarding
301 recidivism reduction, including the data described in Section [13-53-111](#) and Subsection
302 [26B-5-102\(2\)\(l\)](#);

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

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

307 reforms;

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

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

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

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

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

319 (i) ensuring oversight and accountability;

320 (ii) supporting local corrections systems;

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

322 (iv) strengthening probation and parole supervision;

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

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

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

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

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

334 (i) Section 53-23-101;

335 (ii) Section 53-24-102; and

336 (iii) Section 53-26-101;

337 (aa) develop sentencing and supervision length guidelines and juvenile disposition

338 guidelines as described in Section 63M-7-220; and

339 (bb) create and maintain a master offense list and a collateral consequences guide as
340 described in Section 63M-7-221.

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

345 Section 6. Section 63M-7-220 is enacted to read:

346 **63M-7-220. Sentencing and supervision length guidelines and recommendations.**

347 (1) The commission shall establish and maintain sentencing and supervision length
348 guidelines regarding:

349 (a) the sentencing and release of juvenile and adult offenders in order to:

350 (i) respond to public comment;

351 (ii) relate sentencing practices and correctional resources;

352 (iii) increase equity in criminal sentencing;

353 (iv) better define responsibility in criminal sentencing; and

354 (v) enhance the discretion of sentencing judges while preserving the role of the Board
355 of Pardons and Parole and the Youth Parole Authority;

356 (b) the length of supervision of adult offenders on probation or parole in order to:

357 (i) increase equity in criminal supervision lengths;

358 (ii) respond to public comment;

359 (iii) relate the length of supervision to an offender's progress;

360 (iv) take into account an offender's risk of offending again;

361 (v) relate the length of supervision to the amount of time an offender has remained
362 under supervision in the community; and

363 (vi) enhance the discretion of the sentencing judges while preserving the role of the
364 Board of Pardons and Parole; and

365 (c) appropriate, evidence-based probation and parole supervision policies and services
366 that assist offenders in successfully completing supervision and reduce incarceration rates from
367 community supervision programs while ensuring public safety, including:

368 (i) treatment and intervention completion determinations based on individualized case

369 action plans;
370 (ii) measured and consistent processes for addressing violations of conditions of
371 supervision;
372 (iii) processes that include using positive reinforcement to recognize an offender's
373 progress in supervision;
374 (iv) engaging with social services agencies and other stakeholders who provide
375 services that meet offender needs; and
376 (v) identifying community violations that may not warrant revocation of probation or
377 parole.

378 (2) The sentencing and supervision length guidelines shall include:
379 (a) guidelines for periods of incarceration for offenders who are on probation and:
380 (i) who have violated one or more conditions of probation; and
381 (ii) whose probation has been revoked by the court;
382 (b) guidelines for periods of incarceration for offenders who are on parole and:
383 (i) who have violated a condition of parole; and
384 (ii) whose parole has been revoked by the Board of Pardons and Parole;
385 (c) recommendations that when a court or the Board of Pardons and Parole interact
386 with an offender described in Subsection (2)(a) or (2)(b) the court or Board of Pardons and
387 Parole consider:
388 (i) the seriousness of any violation of the condition of probation or parole;
389 (ii) the offender's conduct while on probation or parole; and
390 (iii) the offender's criminal history;
391 (d) guidelines with a sentencing matrix containing proportionate escalating sanctions
392 based on the amount of a victim's loss for the following financial and property offenses for
393 which a pecuniary loss to a victim may exceed \$50,000:
394 (i) securities fraud, Sections [61-1-1](#) and [61-1-21](#);
395 (ii) sale by an unlicensed broker-dealer, agent, investment adviser, or investment
396 adviser representative, Sections [61-1-3](#) and [61-1-21](#);
397 (iii) offer or sale of unregistered security, Sections [61-1-7](#) and [61-1-21](#);
398 (iv) abuse or exploitation of a vulnerable adult under Title 76, Chapter 5, Part 1,
399 Assault and Related Offenses;

- 400 (v) arson, Section 76-6-102;
401 (vi) burglary, Section 76-6-202;
402 (vii) theft under Title 76, Chapter 6, Part 4, Theft;
403 (viii) forgery, Section 76-6-501;
404 (ix) unlawful dealing of property by a fiduciary, Section 76-6-513;
405 (x) insurance fraud, Section 76-6-521;
406 (xi) computer crimes, Section 76-6-703;
407 (xii) mortgage fraud, Section 76-6-1203;
408 (xiii) pattern of unlawful activity, Sections 76-10-1603 and 76-10-1603.5;
409 (xiv) communications fraud, Section 76-10-1801;
410 (xv) money laundering, Section 76-10-1904; and
411 (xvi) other offenses in the discretion of the commission;
412 (e) graduated and evidence-based processes to facilitate the prompt and effective
413 response to an offender's progress in or violation of the terms of probation or parole by the
414 Department of Corrections, or another supervision services provider, to reduce recidivism and
415 incarceration, including:
416 (i) responses to be used when an offender violates a condition of probation or parole;
417 (ii) responses to recognize positive behavior and progress related to an offender's case
418 action plan;
419 (iii) when a violation of a condition of probation or parole should be reported to the
420 court or the Board of Pardons and Parole; and
421 (iv) a range of sanctions that may not exceed a period of incarceration of more than:
422 (A) three consecutive days; and
423 (B) a total of five days in a period of 30 days; and
424 (f) graduated incentives to facilitate a prompt and effective response by the Department
425 of Corrections to an offender's:
426 (i) compliance with the terms of probation or parole; and
427 (ii) positive conduct that exceeds those terms.
428 (3) The commission shall establish and maintain juvenile disposition guidelines
429 regarding:
430 (a) how to appropriately respond to negative and positive behavior of juveniles who

431 are:

432 (i) nonjudicially adjusted;

433 (ii) placed on diversion;

434 (iii) placed on probation;

435 (iv) placed on community supervision;

436 (v) placed in an out-of-home placement; or

437 (vi) placed in a secure care facility;

438 (b) other sanctions and incentives including:

439 (i) recommended responses that are swift and certain;

440 (ii) a continuum of community-based options for juveniles living at home;

441 (iii) recommended responses that target the juvenile's criminogenic risk and needs; and

442 (iv) recommended incentives for compliance, including earned discharge credits; and

443 (c) recommendations that when a court interacts with a juvenile described in

444 Subsection (3)(a) the court consider:

445 (i) the seriousness of the negative and positive behavior of the juvenile;

446 (ii) the juvenile's conduct post-adjudication; and

447 (iii) the delinquency history of the juvenile.

448 (4) The sentencing and supervision length guidelines and the juvenile disposition

449 guidelines shall include the appropriate sanctions for an offender who commits sexual

450 exploitation of a minor as described in Section 76-5b-201 and aggravated sexual exploitation

451 of a minor as described in Section 76-5b-201.1, including the application of aggravating and

452 mitigating factors specific to the offense.

453 (5) The commission shall modify:

454 (a) the sentencing and supervision length guidelines and recommendations for adult

455 offenders to reduce recidivism for the purposes of protecting the public and ensuring efficient

456 use of state funds; and

457 (b) the criminal history score in the sentencing and supervision length guidelines and

458 recommendations for adult offenders to reduce recidivism, which shall include factors in an

459 offender's criminal history that are relevant to the accurate determination of an individual's risk

460 of offending again.

461 (6) (a) On or before October 31 of each year, the commission shall submit the

462 sentencing and supervision length guidelines and juvenile disposition guidelines created in
463 accordance with this section to the Law Enforcement and Criminal Justice Interim Committee
464 and the Judiciary Interim Committee for review, including any legislative recommendations.

465 (b) Beginning January 1, 2025, the Legislature shall annually authorize, by passing a
466 concurrent resolution, the sentencing and supervision length guidelines and the juvenile
467 disposition guidelines submitted in accordance with Subsection (6)(a).

468 (c) The existing sentencing and supervision length guidelines and juvenile disposition
469 guidelines that were approved in accordance with Subsection (6)(b) shall remain in effect until
470 the day on which the Legislature reauthorizes the sentencing and supervision length guidelines
471 and juvenile disposition guidelines as described in Subsection (6)(b).

472 (7) The commission may employ professional assistance and other staff members that
473 the commission considers necessary to comply with this section.

474 Section 7. Section **63M-7-221**, which is renumbered from Section 63M-7-405 is
475 renumbered and amended to read:

476 ~~[63M-7-405].~~ **63M-7-221. Master offense list -- Collateral consequences**
477 **guide.**

478 ~~[(1) (a) A member who is not a legislator may not receive compensation or benefits for~~
479 ~~the member's service, but may receive per diem and travel expenses as allowed in:]~~

480 ~~[(i) Section [63A-3-106](#);~~

481 ~~[(ii) Section [63A-3-107](#), and]~~

482 ~~[(iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and~~
483 ~~[63A-3-107](#).]~~

484 ~~[(b) Compensation and expenses of a member who is a legislator are governed by~~
485 ~~Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.]~~

486 (1) As used in this section:

487 (a) "Adjudication" means the same as that term is defined in Section [80-1-102](#).

488 (b) "Civil disability" means a legal right or privilege that is revoked as a result of the
489 individual's conviction or adjudication.

490 (c) "Collateral consequence" means:

491 (i) a discretionary disqualification; or

492 (ii) a mandatory sanction.

- 493 (d) "Conviction" means the same as that term is defined in Section [77-38b-102](#).
- 494 (e) "Disadvantage" means a legal or regulatory restriction that:
- 495 (i) is imposed on an individual as a result of the individual's conviction or adjudication;
- 496 and
- 497 (ii) is not a civil disability or a legal penalty.
- 498 (f) "Discretionary disqualification" means a penalty, a civil disability, or a disadvantage
- 499 that a court in a civil proceeding, or a federal, state, or local government agency or official,
- 500 may impose on an individual as a result of the individual's adjudication or conviction for an
- 501 offense regardless of whether the penalty, the civil disability, or the disadvantage is specifically
- 502 designated as a penalty, a civil disability, or a disadvantage.
- 503 (g) "Mandatory sanction" means a penalty, a civil disability, or a disadvantage that:
- 504 (i) is imposed on an individual as a result of the individual's adjudication or conviction
- 505 for an offense regardless of whether the penalty, the civil disability, or the disadvantage is
- 506 specifically designated as a penalty, a civil disability, or a disadvantage; and
- 507 (ii) is not included in the judgment for the adjudication or conviction.
- 508 (h) "Master offense list" means a document that contains all offenses that exist in
- 509 statute and each offense's associated penalty.
- 510 (i) "Offense" means a felony, a misdemeanor, an infraction, or an adjudication under
- 511 the laws of this state, another state, or the United States.
- 512 (j) "Penalty" means an administrative, civil, or criminal sanction imposed to punish the
- 513 individual for the individual's conviction or adjudication.
- 514 ~~[(2)(a) The commission shall submit to the Legislature, the courts, and the governor at~~
- 515 ~~least 60 days before the annual general session of the Legislature the commission's reports and~~
- 516 ~~recommendations for sentencing guidelines and supervision length guidelines and~~
- 517 ~~amendments.]~~
- 518 ~~[(b) The commission shall use existing data and resources from state criminal justice~~
- 519 ~~agencies.]~~
- 520 ~~[(c) The commission may employ professional assistance and other staff members as it~~
- 521 ~~considers necessary or desirable.]~~
- 522 ~~[(3) The commission shall assist and respond to questions from all three branches of~~
- 523 ~~government, but is part of the Commission on Criminal and Juvenile Justice for coordination~~

524 ~~on criminal and juvenile justice issues, budget, and administrative support.]~~

525 ~~[(4)] (2) [(a) As used in this Subsection (4), "master offense list" means a document~~
526 ~~that contains all offenses that exist in statute and each offense's associated penalty.]~~

527 ~~[(b)] (a) [No later than May 1, 2017, the] The commission shall create a master offense~~
528 ~~list.~~

529 ~~[(c)] (b) [No later than June 30 of each calendar] On or before June 30 of each year, the~~
530 ~~commission shall:~~

531 ~~(i) after the last day of the general legislative session, update the master offense list;~~

532 ~~and~~

533 ~~(ii) present the updated master offense list to the Law Enforcement and Criminal~~
534 ~~Justice Interim Committee.~~

535 ~~[(5) As used in Subsection (6):]~~

536 ~~[(a) "Adjudication" means an adjudication, as that term is defined in Section [80-1-102](#),~~
537 ~~of an offense under Section [80-6-701](#).]~~

538 ~~[(b) "Civil disability" means a legal right or privilege that is revoked as a result of the~~
539 ~~individual's conviction or adjudication.]~~

540 ~~[(c) "Collateral consequence" means:]~~

541 ~~[(i) a discretionary disqualification; or]~~

542 ~~[(ii) a mandatory sanction.]~~

543 ~~[(d) "Conviction" means the same as that term is defined in Section [77-38b-102](#).]~~

544 ~~[(e) "Disadvantage" means any legal or regulatory restriction that:]~~

545 ~~[(i) is imposed on an individual as a result of the individual's conviction or~~
546 ~~adjudication; and]~~

547 ~~[(ii) is not a civil disability or a legal penalty.]~~

548 ~~[(f) "Discretionary disqualification" means a penalty, a civil disability, or a~~
549 ~~disadvantage that a court in a civil proceeding, or a federal, state, or local government agency~~
550 ~~or official, may impose on an individual as a result of the individual's adjudication or~~
551 ~~conviction for an offense regardless of whether the penalty, the civil disability, or the~~
552 ~~disadvantage is specifically designated as a penalty, a civil disability, or a disadvantage.]~~

553 ~~[(g) "Mandatory sanction" means a penalty, a civil disability, or a disadvantage that:]~~

554 ~~[(i) is imposed on an individual as a result of the individual's adjudication or~~

555 conviction for an offense regardless of whether the penalty, the civil disability, or the
 556 disadvantage is specifically designated as a penalty, a civil disability, or a disadvantage; and]
 557 [~~(ii) is not included in the judgment for the adjudication or conviction.~~]
 558 [~~(h) "Offense" means a felony, a misdemeanor, an infraction, or an adjudication under~~
 559 ~~the laws of this state, another state, or the United States.~~]
 560 [~~(i) "Penalty" means an administrative, civil, or criminal sanction imposed to punish~~
 561 ~~the individual for the individual's conviction or adjudication.~~]
 562 [(6)] (3) (a) The commission shall:
 563 (i) identify any provision of state law, including the Utah Constitution, and any
 564 administrative rule that imposes a collateral consequence;
 565 (ii) prepare and compile a guide that contains all the provisions identified in
 566 Subsection [~~(6)(a)(i) on or before October 1, 2022~~] (3)(a)(i); and
 567 (iii) update the guide described in Subsection [~~(6)(a)(ii)~~] (3)(a)(ii) annually.
 568 (b) The commission shall state in the guide described in Subsection [~~(6)(a)~~] (3)(a) that:
 569 (i) the guide has not been enacted into law;
 570 (ii) the guide does not have the force of law;
 571 (iii) the guide is for informational purposes only;
 572 (iv) an error or omission in the guide, or in any reference in the guide:
 573 (A) has no effect on a plea, an adjudication, a conviction, a sentence, or a disposition;
 574 and
 575 (B) does not prevent a collateral consequence from being imposed;
 576 (v) any laws or regulations for a county, a municipality, another state, or the United
 577 States, imposing a collateral consequence are not included in the guide; and
 578 (vi) the guide does not include any provision of state law or any administrative rule
 579 imposing a collateral consequence that is enacted on or after March 31 of each year.
 580 (c) The commission shall:
 581 (i) place the statements described in Subsection [~~(6)(b)~~] (3)(b) in a prominent place at
 582 the beginning of the guide; and
 583 (ii) make the guide available to the public on the commission's website.
 584 (d) The commission shall:
 585 (i) present the updated guide described in Subsection [~~(6)(a)(iii)~~] (3)(a)(iii) annually to

586 the Law Enforcement and Criminal Justice Interim Committee; and

587 (ii) identify and recommend legislation on collateral consequences to the Law
588 Enforcement and Criminal Justice Interim Committee.

589 (4) The commission may employ professional assistance and other staff members that
590 the commission considers necessary to comply with this section.

591 Section 8. Section **64-13-6** is amended to read:

592 **64-13-6. Department duties.**

593 (1) The department shall:

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

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

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

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

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

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

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

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

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

612 (j) subject to Subsection (2), investigate criminal conduct involving offenders
613 incarcerated in a state correctional facility;

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

617 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
618 Offender Supervision;

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

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

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

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

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

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

635 (n) ensure that any training or certification required of a public official or public
636 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
637 22, State Training and Certification Requirements, if the training or certification is required:

638 (i) under this title;

639 (ii) by the department; or

640 (iii) by an agency or division within the department; and

641 (o) when reporting on statewide recidivism, include the metrics and requirements
642 described in Section [63M-7-102](#).

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

644 (a) respond in accordance with the graduated and evidence-based processes established
645 [~~by the Utah Sentencing Commission under Subsection [63M-7-404\(6\)](#)]~~ in the sentencing and
646 supervision length guidelines as defined in Section [63M-7-101.5](#), to an individual's violation of
647 one or more terms of the probation or parole; and

648 (b) upon approval by the court or the Board of Pardons and Parole, impose as a
649 sanction for an individual's violation of the terms of probation or parole a period of
650 incarceration of not more than three consecutive days and not more than a total of five days
651 within a period of 30 days.

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

- 654 (i) criminal conduct of departmental employees;
- 655 (ii) felony crimes resulting in serious bodily injury;
- 656 (iii) death of [~~any person~~] an individual; or
- 657 (iv) aggravated kidnaping.

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

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

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

665 (4) Upon request, the department shall provide copies of investigative reports of
666 criminal conduct to the sheriff or other appropriate law enforcement [~~agencies~~] agency.

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

672 (b) [~~Beginning in the 2022 interim, the~~] The department shall provide an annual report
673 to the Law Enforcement and Criminal Justice Interim Committee regarding the department's
674 implementation of and offender participation in evidence-based and evidence-informed
675 treatment and program opportunities designed to reduce the criminogenic and recidivism risks
676 of offenders over time.

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

678 (i) "Accounts receivable" means any amount owed by an offender arising from a

679 criminal judgment that has not been paid.

680 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,
681 surcharges, costs, interest, penalties, restitution to victims, third-party claims, claims,
682 reimbursement of a reward, and damages that an offender is ordered to pay.

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

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

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

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

693 (ii) If the board makes an order for restitution within 60 days from the day on which
694 the offender's sentence expires or terminates, the board shall refer the order for restitution to
695 the sentencing court to be entered as a civil judgment of restitution as described in Section
696 77-18-114.

697 (d) This Subsection (6) only applies to offenders sentenced before July 1, 2021.
698 Section 9. Section 64-13-14.5 is amended to read:

699 **64-13-14.5. Limits of confinement place -- Release status -- Work release.**

700 (1) The department may extend the limits of the place of confinement of an inmate
701 when, as established by department policies and procedures, there is cause to believe the
702 inmate will honor the trust, by authorizing the inmate under prescribed conditions:

703 (a) to leave temporarily for purposes specified by department policies and procedures
704 to visit specifically designated places for a period not to exceed 30 days;

705 (b) to participate in a voluntary training program in the community while housed at a
706 correctional facility or to work at paid employment;

707 (c) to be housed in a nonsecure community correctional center operated by the
708 department; or

709 (d) to be housed in any other facility under contract with the department.

710 (2) (a) The department shall establish rules governing offenders on release status.

711 (b) A copy of the rules established under Subsection (2)(a) shall be furnished to the
712 offender and to any employer or other person participating in the offender's release program.

713 (c) Any employer or other participating person shall agree in writing to abide by the
714 rules established under Subsection (2)(a) and to notify the department of the offender's
715 discharge or other release from a release program activity, or of any violation of the rules
716 governing release status.

717 (3) The willful failure of an inmate to remain within the extended limits of his
718 confinement or to return within the time prescribed to an institution or facility designated by
719 the department is an escape from custody.

720 (4) If an offender is arrested for the commission of a crime, the arresting authority shall
721 immediately notify the department of the arrest.

722 (5) The department may impose appropriate sanctions pursuant to Section [64-13-21](#)
723 upon offenders who violate [~~guidelines established by the Utah Sentencing Commission~~] the
724 sentencing and supervision length guidelines as defined in Section [63M-7-101.5](#), including
725 prosecution for escape under Section [76-8-309](#) and for unauthorized absence.

726 (6) An inmate who is housed at a nonsecure correctional facility and on work release
727 may not be required to work for less than the current federally established minimum wage, or
728 under substandard working conditions.

729 Section 10. Section [64-13-21](#) is amended to read:

730 **[64-13-21. Supervision of sentenced offenders placed in community -- Rulemaking](#)**
731 **[-- POST certified parole or probation officers and peace officers -- Duties -- Supervision](#)**
732 **[fee.](#)**

733 (1) (a) The department, except as otherwise provided by law, shall supervise sentenced
734 offenders placed in the community on probation by the courts, on parole by the Board of
735 Pardons and Parole, or upon acceptance for supervision under the terms of the Interstate
736 Compact for the Supervision of Parolees and Probationers.

737 (b) If a sentenced offender participates in substance use treatment or a residential,
738 vocational and life skills program, as defined in Section [13-53-102](#), while under supervision on
739 probation or parole, the department shall monitor the offender's compliance with and
740 completion of the treatment or program.

- 741 (c) The department shall establish standards for:
- 742 (i) the supervision of offenders in accordance with [~~sentencing guidelines and~~
743 ~~supervision length guidelines, including the graduated and evidence-based responses,~~
744 ~~established by the Utah Sentencing Commission~~] the sentencing and supervision length
745 guidelines as defined in Section 63M-7-101.5, giving priority, based on available resources, to
746 felony offenders and offenders sentenced under Subsection 58-37-8 (2)(b)(ii); and
- 747 (ii) the monitoring described in Subsection (1)(b).
- 748 (2) The department shall apply the graduated and evidence-based responses established
749 [~~by the Utah Sentencing Commission~~] in the sentencing and supervision length guidelines as
750 defined in Section 63M-7-101.5 to facilitate a prompt and appropriate response to an
751 individual's violation of the terms of probation or parole, including:
- 752 (a) sanctions to be used in response to a violation of the terms of probation or parole;
753 and
- 754 (b) requesting approval from the court or Board of Pardons and Parole to impose a
755 sanction for an individual's violation of the terms of probation or parole, for a period of
756 incarceration of not more than three consecutive days and not more than a total of five days
757 within a period of 30 days.
- 758 (3) The department shall implement a program of graduated incentives as established
759 [~~by the Utah Sentencing Commission~~] in the sentencing and supervision length guidelines as
760 defined in Section 63M-7-101.5 to facilitate the department's prompt and appropriate response
761 to an offender's:
- 762 (a) compliance with the terms of probation or parole; or
763 (b) positive conduct that exceeds those terms.
- 764 (4) (a) The department shall, in collaboration with the State Commission on Criminal
765 and Juvenile Justice and the Division of Substance Abuse and Mental Health, create standards
766 and procedures for the collection of information, including cost savings related to recidivism
767 reduction and the reduction in the number of inmates, related to the use of the graduated and
768 evidence-based responses and graduated incentives, and offenders' outcomes.
- 769 (b) The collected information shall be provided to the State Commission on Criminal
770 and Juvenile Justice not less frequently than annually on or before August 31.
- 771 (5) Employees of the department who are POST certified as law enforcement officers

772 or correctional officers and who are designated as parole and probation officers by the
773 executive director have the following duties:

774 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance
775 with the conditions of the parole or probation agreement;

776 (b) investigating or apprehending any offender who has escaped from the custody of
777 the department or absconded from supervision;

778 (c) supervising any offender during transportation; or

779 (d) collecting DNA specimens when the specimens are required under Section

780 [53-10-404](#).

781 (6) (a) (i) A monthly supervision fee of \$30 shall be collected from each offender on
782 probation or parole.

783 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the
784 department upon a showing by the offender that imposition would create a substantial hardship
785 or if the offender owes restitution to a victim.

786 (b) (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
787 Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the
788 supervision fee and the circumstances under which an offender may request a hearing.

789 (ii) In determining whether the imposition of the supervision fee would constitute a
790 substantial hardship, the department shall consider the financial resources of the offender and
791 the burden that the fee would impose, with regard to the offender's other obligations.

792 (7) (a) For offenders placed on probation under Section [77-18-105](#) or parole under
793 Subsection [76-3-202\(2\)\(a\)](#) on or after October 1, 2015, but before January 1, 2019, the
794 department shall establish a program allowing an offender to earn credits for the offender's
795 compliance with the terms of the offender's probation or parole, which shall be applied to
796 reducing the period of probation or parole as provided in this Subsection (7).

797 (b) The program shall provide that an offender earns a reduction credit of 30 days from
798 the offender's period of probation or parole for each month the offender completes without any
799 violation of the terms of the offender's probation or parole agreement, including the case action
800 plan.

801 (c) The department shall maintain a record of credits earned by an offender under this
802 Subsection (7) and shall request from the court or the Board of Pardons and Parole the

803 termination of probation or parole not fewer than 30 days prior to the termination date that
804 reflects the credits earned under this Subsection (7).

805 (d) This Subsection (7) does not prohibit the department from requesting a termination
806 date earlier than the termination date established by earned credits under Subsection (7)(c).

807 (e) The court or the Board of Pardons and Parole shall terminate an offender's
808 probation or parole upon completion of the period of probation or parole accrued by time
809 served and credits earned under this Subsection (7) unless the court or the Board of Pardons
810 and Parole finds that termination would interrupt the completion of a necessary treatment
811 program, in which case the termination of probation or parole shall occur when the treatment
812 program is completed.

813 (f) The department shall report annually to the State Commission on Criminal and
814 Juvenile Justice on or before August 31:

815 (i) the number of offenders who have earned probation or parole credits under this
816 Subsection (7) in one or more months of the preceding fiscal year and the percentage of the
817 offenders on probation or parole during that time that this number represents;

818 (ii) the average number of credits earned by those offenders who earned credits;

819 (iii) the number of offenders who earned credits by county of residence while on
820 probation or parole;

821 (iv) the cost savings associated with sentencing reform programs and practices; and

822 (v) a description of how the savings will be invested in treatment and

823 early-intervention programs and practices at the county and state levels.

824 Section 11. Section **64-13g-102** is amended to read:

825 **64-13g-102. Adult Probation and Parole Employment Incentive Program.**

826 (1) There is created the Adult Probation and Parole Employment Incentive Program.

827 (2) The department and the office shall implement the program in accordance with the
828 requirements of this chapter.

829 (3) Beginning July 2026, and each July after 2026, the department shall calculate and
830 report to the office, for the preceding fiscal year, for each region and statewide:

831 (a) the parole employment rate and the average length of employment of individuals on
832 parole;

833 (b) the probation employment rate and average length of employment of individuals on

834 felony probation;

835 (c) the recidivism percentage, using applicable recidivism metrics described in

836 Subsections [~~63M-7-102(2) and (4)~~] 63M-7-102(1) and (3);

837 (d) the number and percentage of individuals who successfully complete parole or

838 felony probation;

839 (e) if the recidivism percentage described in Subsection (3)(c) represents a decrease in

840 the recidivism percentage when compared to the fiscal year immediately preceding the fiscal

841 year to which the recidivism percentage described in Subsection (3)(c) relates, the estimated

842 costs of incarceration savings to the state, based on the marginal cost of incarceration;

843 (f) the number of individuals who successfully complete parole and, during the entire

844 six months before the day on which the individuals' parole ends, held eligible employment; and

845 (g) the number of individuals who successfully complete felony probation and, during

846 the entire six months before the day on which the individuals' parole ended, held eligible

847 employment.

848 (4) In addition to the information described in Subsection (3), the department shall

849 report, for each region, the number and types of parole or probation programs that were

850 created, replaced, or discontinued during the preceding fiscal year.

851 (5) After receiving the information described in Subsections (3) and (4), the office, in

852 consultation with the department, shall, for each region:

853 (a) add the region's baseline parole employment rate and the region's baseline probation

854 employment rate;

855 (b) add the region's parole employment rate and the region's probation employment

856 rate;

857 (c) subtract the sum described in Subsection (5)(a) from the sum described in

858 Subsection (5)(b); and

859 (d) (i) if the rate difference described in Subsection (5)(c) is zero or less than zero,

860 assign an employment incentive payment of zero to the region; or

861 (ii) except as provided in Subsection (7), if the rate difference described in Subsection

862 (5)(c) is greater than zero, assign an employment incentive payment to the region by:

863 (A) multiplying the rate difference by the average daily population for that region; and

864 (B) multiplying the product of the calculation described in Subsection (5)(d)(ii)(A) by

865 \$2,500.

866 (6) In addition to the employment incentive payment described in Subsection (5), after
867 receiving the information described in Subsections (3) and (4), the office, in consultation with
868 the department, shall, for each region, multiply the sum of the numbers described in
869 Subsections (3)(f) and (g) for the region by \$2,500 to determine the end-of-supervision
870 employment incentive payment for the region.

871 (7) The employment incentive payment, or end-of-supervision employment supervision
872 payment, for a region is zero if the recidivism percentage for the region, described in
873 Subsection (3)(c), represents an increase in the recidivism percentage when compared to the
874 fiscal year immediately preceding the fiscal year to which the recidivism percentage for the
875 region, described in Subsection (3)(c), relates.

876 (8) Upon determining an employment incentive payment for a region in accordance
877 with Subsections (5)(d)(ii), (6), and (7), the office shall authorize distribution, from the
878 restricted account, of the incentive payment as follows:

879 (a) 15% of the payment may be used by the department for expenses related to
880 administering the program; and

881 (b) 85% of the payment shall be used by the region to improve and expand supervision
882 and rehabilitative services to individuals on parole or adult probation, including by:

883 (i) implementing and expanding evidence-based practices for risk and needs
884 assessments for individuals;

885 (ii) implementing and expanding intermediate sanctions, including mandatory
886 community service, home detention, day reporting, restorative justice programs, and furlough
887 programs;

888 (iii) expanding the availability of evidence-based practices for rehabilitation programs,
889 including drug and alcohol treatment, mental health treatment, anger management, cognitive
890 behavior programs, and job training and other employment services;

891 (iv) hiring additional officers, contractors, or other personnel to implement
892 evidence-based practices for rehabilitative and vocational programing;

893 (v) purchasing and adopting new technologies or equipment that are relevant to, and
894 enhance, supervision, rehabilitation, or vocational training; or

895 (vi) evaluating the effectiveness of rehabilitation and supervision programs and

896 ensuring program fidelity.

897 (9) (a) The report described in Subsections (3) and (4) is a public record.

898 (b) The department shall maintain a complete and accurate accounting of the payment
899 and use of funds under this section.

900 (c) If the money in the restricted account is insufficient to make the full employment
901 incentive payments or the full end-of-supervision employment incentive payments, the office
902 shall authorize the payments on a prorated basis.

903 Section 12. Section **76-3-202** is amended to read:

904 **76-3-202. Paroled individuals -- Termination or discharge from sentence -- Time**
905 **served on parole -- Discretion of Board of Pardons and Parole.**

906 (1) [Every] As described in Subsection 77-27-5(7), every individual committed to the
907 state prison to serve an indeterminate term and, after December 31, 2018, released on parole
908 shall complete a term of parole that extends through the expiration of the individual's
909 maximum sentence unless the parole is earlier terminated by the Board of Pardons and Parole
910 in accordance with the [~~supervision length guidelines established by the Utah Sentencing~~
911 ~~Commission under Section 63M-7-404, as described in Subsection 77-27-5(7),~~] sentencing and
912 supervision length guidelines as defined in Section 63M-7-101.5 to the extent the guidelines
913 are consistent with the requirements of the law.

914 (2) (a) Except as provided in Subsection (2)(b), [every] an individual committed to the
915 state prison to serve an indeterminate term and released on parole on or after October 1, 2015,
916 but before January 1, 2019, shall, upon completion of three years on parole outside of
917 confinement and without violation, be terminated from the individual's sentence unless the
918 parole is earlier terminated by the Board of Pardons and Parole or is terminated pursuant to
919 Section 64-13-21.

920 (b) [Every] An individual committed to the state prison to serve an indeterminate term
921 and later released on parole on or after July 1, 2008, but before January 1, 2019, and who was
922 convicted of [~~any~~] a felony offense under Chapter 5, Offenses Against the Individual, or [~~any~~]
923 an attempt, conspiracy, or solicitation to commit [~~any of these felony offenses~~] the offense,
924 shall complete a term of parole that extends through the expiration of the individual's
925 maximum sentence, unless the parole is earlier terminated by the Board of Pardons and Parole.

926 (3) [Every] An individual convicted of a second degree felony for violating Section

927 76-5-404, forcible sexual abuse; Section 76-5-404.1, sexual abuse of a child; or Section
928 76-5-404.3, aggravated sexual abuse of a child; or attempting, conspiring, or soliciting the
929 commission of a violation of any of those sections, and who is paroled before July 1, 2008,
930 shall, upon completion of 10 years parole outside of confinement and without violation, be
931 terminated from the sentence unless the individual is earlier terminated by the Board of
932 Pardons and Parole.

933 (4) An individual who violates the terms of parole, while serving parole, for any
934 offense under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and
935 Parole be recommitted to prison to serve the portion of the balance of the term as determined
936 by the Board of Pardons and Parole, but not to exceed the maximum term.

937 (5) An individual paroled following a former parole revocation may not be discharged
938 from the individual's sentence until:

939 (a) the individual has served the applicable period of parole under this section outside
940 of confinement;

941 (b) the individual's maximum sentence has expired; or

942 (c) the Board of Pardons and Parole orders the individual to be discharged from the
943 sentence.

944 (6) (a) All time served on parole, outside of confinement and without violation,
945 constitutes service toward the total sentence.

946 (b) Any time an individual spends outside of confinement after commission of a parole
947 violation does not constitute service toward the total sentence unless the individual is
948 exonerated at a parole revocation hearing.

949 (c) (i) Any time an individual spends in confinement awaiting a hearing before the
950 Board of Pardons and Parole or a decision by the board concerning revocation of parole
951 constitutes service toward the total sentence.

952 (ii) In the case of exoneration by the board, the time spent is included in computing the
953 total parole term.

954 (7) When a parolee causes the parolee's absence from the state without authority from
955 the Board of Pardons and Parole or avoids or evades parole supervision, the period of absence,
956 avoidance, or evasion tolls the parole period.

957 (8) (a) While on parole, time spent in confinement outside the state may not be credited

958 toward the service of any Utah sentence.

959 (b) Time in confinement outside the state or in the custody of any tribal authority or the
960 United States government for a conviction obtained in another jurisdiction tolls the expiration
961 of the Utah sentence.

962 (9) This section does not preclude the Board of Pardons and Parole from paroling or
963 discharging an inmate at any time within the discretion of the Board of Pardons and Parole
964 unless otherwise specifically provided by law.

965 (10) A parolee sentenced to lifetime parole may petition the Board of Pardons and
966 Parole for termination of lifetime parole.

967 Section 13. Section **76-5-102.1** is amended to read:

968 **76-5-102.1. Negligently operating a vehicle resulting in injury.**

969 (1) (a) As used in this section:

970 (i) "Controlled substance" means the same as that term is defined in Section [58-37-2](#).

971 (ii) "Drug" means the same as that term is defined in Section [76-5-207](#).

972 (iii) "Negligent" or "negligence" means the same as that term is defined in Section
973 [76-5-207](#).

974 (iv) "Vehicle" means the same as that term is defined in Section [41-6a-501](#).

975 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

976 (2) An actor commits negligently operating a vehicle resulting in injury if the actor:

977 (a) (i) operates a vehicle in a negligent manner causing bodily injury to another; and

978 (ii) (A) has sufficient alcohol in the actor's body such that a subsequent chemical test
979 shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the
980 time of the test;

981 (B) is under the influence of alcohol, a drug, or the combined influence of alcohol and
982 a drug to a degree that renders the actor incapable of safely operating a vehicle; or

983 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time of
984 operation; or

985 (b) (i) operates a vehicle in a criminally negligent manner causing bodily injury to
986 another; and

987 (ii) has in the actor's body any measurable amount of a controlled substance.

988 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:

989 (a) (i) a class A misdemeanor; or

990 (ii) a third degree felony if the bodily injury is serious bodily injury; and

991 (b) a separate offense for each victim suffering bodily injury as a result of the actor's

992 violation of this section, regardless of whether the injuries arise from the same episode of

993 driving.

994 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under

995 Subsection (2)(b) if:

996 (a) the controlled substance was obtained under a valid prescription or order, directly

997 from a practitioner while acting in the course of the practitioner's professional practice, or as

998 otherwise authorized by Title 58, Occupations and Professions;

999 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or

1000 (c) the actor possessed, in the actor's body, a controlled substance listed in Section

1001 [58-37-4.2](#) if:

1002 (i) the actor is the subject of medical research conducted by a holder of a valid license

1003 to possess controlled substances under Section [58-37-6](#); and

1004 (ii) the substance was administered to the actor by the medical researcher.

1005 (5) (a) A judge imposing a sentence under this section may consider:

1006 (i) the sentencing [~~guidelines developed in accordance with Section [63M-7-404](#)~~] and

1007 supervision length guidelines as defined in Section [63M-7-101.5](#);

1008 (ii) the defendant's history;

1009 (iii) the facts of the case;

1010 (iv) aggravating and mitigating factors; or

1011 (v) any other relevant fact.

1012 (b) The judge may not impose a lesser sentence than would be required for a conviction

1013 based on the defendant's history under Section [41-6a-505](#).

1014 (c) The standards for chemical breath analysis under Section [41-6a-515](#) and the

1015 provisions for the admissibility of chemical test results under Section [41-6a-516](#) apply to

1016 determination and proof of blood alcohol content under this section.

1017 (d) A calculation of blood or breath alcohol concentration under this section shall be

1018 made in accordance with Subsection [41-6a-502\(3\)](#).

1019 (e) Except as provided in Subsection (4), the fact that an actor charged with violating

1020 this section is or has been legally entitled to use alcohol or a drug is not a defense.

1021 (f) Evidence of ~~[a defendant's]~~ an actor's blood or breath alcohol content or drug
1022 content is admissible except if prohibited by the Utah Rules of Evidence, the United States
1023 Constitution, or the Utah Constitution.

1024 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
1025 described in this section may not be held in abeyance.

1026 Section 14. Section 76-5-207 is amended to read:

1027 **76-5-207. Negligently operating a vehicle resulting in death -- Penalties --**

1028 **Evidence.**

1029 (1) (a) As used in this section:

1030 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.

1031 (ii) "Criminally negligent" means the same as that term is described in Subsection

1032 76-2-103(4).

1033 (iii) "Drug" means:

1034 (A) a controlled substance;

1035 (B) a drug as defined in Section 58-37-2; or

1036 (C) a substance that, when knowingly, intentionally, or recklessly taken into the human
1037 body, can impair the ability of an individual to safely operate a vehicle.

1038 (iv) "Negligent" ~~[or "negligence"]~~ means simple negligence, the failure to exercise that
1039 degree of care that reasonable and prudent persons exercise under like or similar circumstances.

1040 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.

1041 (b) Terms defined in Section 76-1-101.5 apply to this section.

1042 (2) An actor commits negligently operating a vehicle resulting in death if the actor:

1043 (a) (i) operates a vehicle in a negligent or criminally negligent manner causing the

1044 death of another individual;

1045 (ii) (A) has sufficient alcohol in the actor's body such that a subsequent chemical test
1046 shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the
1047 time of the test;

1048 (B) is under the influence of alcohol, any drug, or the combined influence of alcohol
1049 and any drug to a degree that renders the actor incapable of safely operating a vehicle; or

1050 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time of

1051 operation; or

1052 (b) (i) operates a vehicle in a criminally negligent manner causing death to another; and

1053 (ii) has in the actor's body any measurable amount of a controlled substance.

1054 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty

1055 of:

1056 (a) a second degree felony; and

1057 (b) a separate offense for each victim suffering death as a result of the actor's violation
1058 of this section, regardless of whether the deaths arise from the same episode of driving.

1059 (4) An actor is not guilty of a violation of negligently operating a vehicle resulting in
1060 death under Subsection (2)(b) if:

1061 (a) the controlled substance was obtained under a valid prescription or order, directly
1062 from a practitioner while acting in the course of the practitioner's professional practice, or as
1063 otherwise authorized by Title 58, Occupations and Professions;

1064 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or

1065 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
1066 [58-37-4.2](#) if:

1067 (i) the actor is the subject of medical research conducted by a holder of a valid license
1068 to possess controlled substances under Section [58-37-6](#); and

1069 (ii) the substance was administered to the actor by the medical researcher.

1070 (5) (a) A judge imposing a sentence under this section may consider:

1071 (i) the sentencing [~~guidelines developed in accordance with Section [63M-7-404](#)~~] and
1072 supervision length guidelines as defined in Section [63M-7-101.5](#);

1073 (ii) the defendant's history;

1074 (iii) the facts of the case;

1075 (iv) aggravating and mitigating factors; or

1076 (v) any other relevant fact.

1077 (b) The judge may not impose a lesser sentence than would be required for a conviction
1078 based on the defendant's history under Section [41-6a-505](#).

1079 (c) The standards for chemical breath analysis as provided by Section [41-6a-515](#) and
1080 the provisions for the admissibility of chemical test results as provided by Section [41-6a-516](#)
1081 apply to determination and proof of blood alcohol content under this section.

1082 (d) A calculation of blood or breath alcohol concentration under this section shall be
1083 made in accordance with Subsection 41-6a-502(3).

1084 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
1085 this section is or has been legally entitled to use alcohol or a drug is not a defense.

1086 (f) Evidence of a [~~defendant's~~] an actor's blood or breath alcohol content or drug
1087 content is admissible except when prohibited by the Utah Rules of Evidence, the United States
1088 Constitution, or the Utah Constitution.

1089 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
1090 described in this section may not be held in abeyance.

1091 Section 15. Section 77-2a-2 is amended to read:

1092 **77-2a-2. Plea in abeyance agreement -- Negotiation -- Contents -- Terms of**
1093 **agreement -- Waiver of time for sentencing.**

1094 (1) At any time after acceptance of a plea of guilty or no contest but before entry of
1095 judgment of conviction and imposition of sentence, the court may, upon motion of both the
1096 prosecuting attorney and the defendant, hold the plea in abeyance and not enter judgment of
1097 conviction against the defendant nor impose sentence upon the defendant within the time
1098 periods contained in Rule 22(a), Utah Rules of Criminal Procedure.

1099 (2) A defendant shall be represented by counsel during negotiations for a plea in
1100 abeyance and at the time of acknowledgment and affirmation of any plea in abeyance
1101 agreement unless the defendant knowingly and intelligently waives the defendant's right to
1102 counsel.

1103 (3) A defendant has the right to be represented by counsel at any court hearing relating
1104 to a plea in abeyance agreement.

1105 (4) (a) [~~Any~~] A plea in abeyance agreement entered into between the prosecution and
1106 [~~the~~] a defendant and approved by the court shall include a full, detailed recitation of the
1107 requirements and conditions agreed to by the defendant and the reason for requesting the court
1108 to hold the plea in abeyance.

1109 (b) If the plea is to a felony or any combination of misdemeanors and felonies, the
1110 agreement shall be in writing and shall, before acceptance by the court, be executed by the
1111 prosecuting attorney, the defendant, and the defendant's counsel in the presence of the court.

1112 (5) (a) Except as provided in Subsection (5)(b), a plea may not be held in abeyance for

1113 a period longer than 18 months if the plea is to any class of misdemeanor or longer than three
 1114 years if the plea is to any degree of felony or to any combination of misdemeanors and felonies.

1115 (b) (i) For a plea in abeyance agreement that Adult Probation and Parole supervises, the
 1116 plea may not be held in abeyance for a period longer than the initial term of probation required
 1117 under the [~~supervision length guidelines described in Section 63M-7-404~~] sentencing and
 1118 supervision length guidelines as defined in Section 63M-7-101.5, if the initial term of
 1119 probation is shorter than the period required under Subsection (5)(a).

1120 (ii) Subsection (5)(b)(i) does not:

1121 (A) apply to a plea that is held in abeyance in a drug court created under Title 78A,
 1122 Chapter 5, Part 2, Drug Court, or a problem solving court approved by the Judicial Council; or

1123 (B) prohibit court supervision of a plea in abeyance agreement after the day on which
 1124 the Adult Probation and Parole supervision described in Subsection (5)(b)(i) ends and before
 1125 the day on which the plea in abeyance agreement ends.

1126 (6) Notwithstanding Subsection (5), a plea may be held in abeyance for up to two years
 1127 if the plea is to any class of misdemeanor and the plea in abeyance agreement includes a
 1128 condition that the defendant participate in a problem solving court approved by the Judicial
 1129 Council.

1130 (7) A plea in abeyance agreement may not be approved unless the defendant, before the
 1131 court, and any written agreement, knowingly and intelligently waives time for sentencing as
 1132 designated in Rule 22(a), Utah Rules of Criminal Procedure.

1133 Section 16. Section **77-18-105** is amended to read:

1134 **77-18-105. Pleas held in abeyance -- Suspension of a sentence -- Probation --**
 1135 **Supervision -- Terms and conditions of probation -- Time periods for probation -- Bench**
 1136 **supervision for payments on criminal accounts receivable.**

1137 (1) If a defendant enters a plea of guilty or no contest in conjunction with a plea in
 1138 abeyance agreement, the court may hold the plea in abeyance:

1139 (a) in accordance with Chapter 2a, Pleas in Abeyance; and

1140 (b) under the terms of the plea in abeyance agreement.

1141 (2) If a defendant is convicted, the court:

1142 (a) shall impose a sentence in accordance with Section [76-3-201](#); and

1143 (b) subject to Subsection (5), may suspend the execution of the sentence and place the

1144 defendant:

1145 (i) on probation under the supervision of the department;

1146 (ii) on probation under the supervision of an agency of a local government or a private
1147 organization; or

1148 (iii) on court probation under the jurisdiction of the sentencing court.

1149 (3) (a) The legal custody of all probationers under the supervision of the department is
1150 with the department.

1151 (b) The legal custody of all probationers under the jurisdiction of the sentencing court
1152 is vested as ordered by the court.

1153 (c) The court has continuing jurisdiction over all probationers.

1154 (4) (a) Court probation may include an administrative level of services, including
1155 notification to the sentencing court of scheduled periodic reviews of the probationer's
1156 compliance with conditions.

1157 (b) Supervised probation services provided by the department, an agency of a local
1158 government, or a private organization shall specifically address the defendant's risk of
1159 reoffending as identified by a screening or an assessment.

1160 (c) If a court orders supervised probation and determines that a public probation
1161 provider is unavailable or inappropriate to supervise the defendant, the court shall make
1162 available to the defendant the list of private probation providers prepared by a criminal justice
1163 coordinating council under Section [17-55-201](#).

1164 (5) (a) Before ordering supervised probation, the court shall consider the supervision
1165 costs to the defendant for each entity that can supervise the defendant.

1166 (b) (i) A court may order an agency of a local government to supervise the probation
1167 for an individual convicted of any crime if:

1168 (A) the agency has the capacity to supervise the individual; and

1169 (B) the individual's supervision needs will be met by the agency.

1170 (ii) A court may only order:

1171 (A) the department to supervise the probation for an individual convicted of a class A
1172 misdemeanor or any felony; or

1173 (B) a private organization to supervise the probation for an individual convicted of a
1174 class A, B, or C misdemeanor or an infraction.

1175 (c) A court may not order a specific private organization to supervise an individual
1176 unless there is only one private organization that can provide the specific supervision services
1177 required to meet the individual's supervision needs.

1178 (6) (a) If a defendant is placed on probation, the court may order the defendant as a
1179 condition of the defendant's probation:

1180 (i) to provide for the support of persons for whose support the defendant is legally
1181 liable;

1182 (ii) to participate in available treatment programs, including any treatment program in
1183 which the defendant is currently participating if the program is acceptable to the court;

1184 (iii) be voluntarily admitted to the custody of the Division of Substance Abuse and
1185 Mental Health for treatment at the Utah State Hospital in accordance with Section 77-18-106;

1186 (iv) if the defendant is on probation for a felony offense, to serve a period of time as an
1187 initial condition of probation that does not exceed one year in a county jail designated by the
1188 department, after considering any recommendation by the court as to which jail the court finds
1189 most appropriate;

1190 (v) to serve a term of home confinement in accordance with Section 77-18-107;

1191 (vi) to participate in compensatory service programs, including the compensatory
1192 service program described in Section 76-3-410;

1193 (vii) to pay for the costs of investigation, probation, or treatment services;

1194 (viii) to pay restitution to a victim with interest in accordance with Chapter 38b, Crime
1195 Victims Restitution Act; or

1196 (ix) to comply with other terms and conditions the court considers appropriate to
1197 ensure public safety or increase a defendant's likelihood of success on probation.

1198 (b) (i) Notwithstanding Subsection (6)(a)(iv), the court may modify the probation of a
1199 defendant to include a period of time that is served in a county jail immediately before the
1200 termination of probation as long as that period of time does not exceed one year.

1201 (ii) If a defendant is ordered to serve time in a county jail as a sanction for a probation
1202 violation, the one-year limitation described in Subsection (6)(a)(iv) or (6)(b)(i) does not apply
1203 to the period of time that the court orders the defendant to serve in a county jail under this
1204 Subsection (6)(b)(ii).

1205 (7) (a) Except as provided in Subsection (7)(b), probation of an individual placed on

1206 probation after December 31, 2018:

1207 (i) may not exceed the individual's maximum sentence;

1208 (ii) shall be for a period of time that is in accordance with the [~~supervision length~~

1209 ~~guidelines established by the Utah Sentencing Commission under Section 63M-7-404]~~

1210 sentencing and supervision length guidelines as defined in Section 63M-7-101.5, to the extent

1211 the guidelines are consistent with the requirements of the law; and

1212 (iii) shall be terminated in accordance with the [~~supervision length guidelines~~

1213 ~~established by the Utah Sentencing Commission under Section 63M-7-404]~~ sentencing and

1214 supervision length guidelines as defined in Section 63M-7-101.5, to the extent the guidelines

1215 are consistent with the requirements of the law.

1216 (b) Probation of an individual placed on probation after December 31, 2018, whose
1217 maximum sentence is one year or less, may not exceed 36 months.

1218 (c) Probation of an individual placed on probation on or after October 1, 2015, but
1219 before January 1, 2019, may be terminated at any time at the discretion of the court or upon
1220 completion without violation of 36 months probation in felony or class A misdemeanor cases,
1221 12 months in cases of class B or C misdemeanors or infractions, or as allowed in accordance
1222 with Section 64-13-21 regarding earned credits.

1223 (d) This Subsection (7) does not apply to the probation of an individual convicted of an
1224 offense for criminal nonsupport under Section 76-7-201.

1225 (8) (a) Notwithstanding Subsection (7), if there is an unpaid balance of the criminal
1226 accounts receivable for the defendant upon termination of the probation period for the
1227 defendant under Subsection (7), the court may require the defendant to continue to make
1228 payments towards the criminal accounts receivable in accordance with the payment schedule
1229 established by the court under Section 77-32b-103.

1230 (b) A court may not require the defendant to make payments as described in Subsection
1231 (8)(a) beyond the expiration of the defendant's sentence.

1232 (c) If the court requires a defendant to continue to pay in accordance with the payment
1233 schedule for the criminal accounts receivable under this Subsection (8) and the defendant
1234 defaults on the criminal accounts receivable, the court shall proceed with an order for a civil
1235 judgment of restitution and a civil accounts receivable for the defendant as described in Section
1236 77-18-114.

1237 (d) (i) Upon a motion from the prosecuting attorney, the victim, or upon the court's
1238 own motion, the court may require a defendant to show cause as to why the defendant's failure
1239 to pay in accordance with the payment schedule should not be treated as contempt of court.

1240 (ii) A court may hold a defendant in contempt for failure to make payments for a
1241 criminal accounts receivable in accordance with Title 78B, Chapter 6, Part 3, Contempt.

1242 (e) This Subsection (8) does not apply to the probation of an individual convicted of an
1243 offense for criminal nonsupport under Section 76-7-201.

1244 (9) When making [any] a decision regarding probation, the court shall consider
1245 information provided by the Department of Corrections regarding a defendant's individual case
1246 action plan, including any progress the defendant has made in satisfying the case action plan's
1247 completion requirements.

1248 Section 17. Section 77-18-108 is amended to read:

1249 **77-18-108. Termination, revocation, modification, or extension of probation --**
1250 **Violation of probation -- Hearing on violation.**

1251 (1) (a) The department shall send a written notice to the court:

1252 (i) when the department is recommending termination of supervision for a defendant;

1253 or

1254 (ii) before a defendant's supervision will be terminated by law.

1255 (b) The written notice under this Subsection (1) shall include:

1256 (i) a probation progress report; and

1257 (ii) if the department is responsible for the collection of the defendant's criminal
1258 accounts receivable, a summary of the criminal accounts receivable, including the amount of
1259 restitution ordered and the amount of restitution that has been paid.

1260 (c) (i) Upon receipt of the written notice under Subsection (1)(a), the court shall:

1261 (A) file the written notice on the docket; and

1262 (B) provide notice to all parties in the criminal case.

1263 (ii) A party shall have a reasonable opportunity to respond to the written notice under
1264 Subsection (1)(a).

1265 (d) If a defendant's probation is being terminated, and the defendant's criminal accounts
1266 receivable has an unpaid balance or there is any outstanding debt with the department, the
1267 department shall send a written notice to the Office of State Debt Collection with a summary of

1268 the defendant's criminal accounts receivable, including the amount of restitution ordered and
1269 the amount of restitution that has been paid.

1270 (2) (a) The court may modify the defendant's probation in accordance with the
1271 [~~supervision length guidelines and the graduated and evidence-based responses and graduated~~
1272 ~~incentives developed by the Utah Sentencing Commission under Section [63M-7-404](#)]~~
1273 sentencing and supervision length guidelines as defined in Section [63M-7-101.5](#).

1274 (b) The court may not:

1275 (i) extend the length of a defendant's probation, except upon:

1276 (A) waiver of a hearing by the defendant; or

1277 (B) a hearing and a finding by the court that the defendant has violated the terms of
1278 probation;

1279 (ii) revoke a defendant's probation, except upon a hearing and a finding by the court
1280 that the terms of probation have been violated; or

1281 (iii) terminate a defendant's probation before expiration of the probation period until
1282 the court:

1283 (A) reviews the docket to determine whether the defendant owes a balance on the
1284 defendant's criminal accounts receivable; and

1285 (B) enters a finding of whether the defendant owes restitution under Section
1286 [77-38b-205](#).

1287 (c) The court may find under Subsection (2)(b)(iii)(B) that the defendant does not owe
1288 restitution if no request for restitution has been filed with the court.

1289 (3) (a) Upon the filing of an affidavit, or an unsworn written declaration executed in
1290 substantial compliance with Title 78B, Chapter 18a, Uniform Unsworn Declarations Act,
1291 alleging with particularity facts asserted to constitute violation of the terms of a defendant's
1292 probation, the court shall determine if the affidavit or unsworn written declaration establishes
1293 probable cause to believe that revocation, modification, or extension of the defendant's
1294 probation is justified.

1295 (b) (i) If the court determines there is probable cause, the court shall order that the
1296 defendant be served with:

1297 (A) a warrant for the defendant's arrest or a copy of the affidavit or unsworn written
1298 declaration; and

1299 (B) an order to show cause as to why the defendant's probation should not be revoked,
1300 modified, or extended.

1301 (ii) The order under Subsection (3)(b)(i)(B) shall:

1302 (A) be served upon the defendant at least five days before the day on which the hearing
1303 is held;

1304 (B) specify the time and place of the hearing; and

1305 (C) inform the defendant of the right to be represented by counsel at the hearing, the
1306 right to have counsel appointed if the defendant is indigent, and the right to present evidence at
1307 the hearing.

1308 (iii) The defendant shall show good cause for a continuance of the hearing.

1309 (c) At the hearing, the defendant shall admit or deny the allegations of the affidavit or
1310 unsworn written declaration.

1311 (d) (i) If the defendant denies the allegations of the affidavit or unsworn written
1312 declaration, the prosecuting attorney shall present evidence on the allegations.

1313 (ii) If the affidavit, or unsworn written declaration, alleges that a defendant is
1314 delinquent, or in default, on a criminal accounts receivable, the prosecuting attorney shall
1315 present evidence to establish, by a preponderance of the evidence, that the defendant:

1316 (A) was aware of the defendant's obligation to pay the balance of the criminal accounts
1317 receivable;

1318 (B) failed to pay on the balance of the criminal accounts receivable as ordered by the
1319 court; and

1320 (C) had the ability to make a payment on the balance of the criminal accounts
1321 receivable if the defendant opposes an order to show cause, in writing, and presents evidence
1322 that the defendant was unable to make a payment on the balance of the criminal accounts
1323 receivable.

1324 (e) The persons who have given adverse information on which the allegations are
1325 based shall be presented as witnesses subject to questioning by the defendant, unless the court
1326 for good cause otherwise orders.

1327 (f) At the hearing, the defendant may:

1328 (i) call witnesses;

1329 (ii) appear and speak in the defendant's own behalf; and

1330 (iii) present evidence.

1331 (g) (i) After the hearing, the court shall make findings of fact.

1332 (ii) Upon a finding that the defendant violated the terms of the defendant's probation,
1333 the court may order the defendant's probation terminated, revoked, modified, continued, or
1334 reinstated for all or a portion of the original term of probation.

1335 (4) (a) (i) Except as provided in Subsection 77-18-105(7), the court may not require a
1336 defendant to remain on probation for a period of time that exceeds the length of the defendant's
1337 maximum sentence.

1338 (ii) Except as provided in Subsection 77-18-105(7), if a defendant's probation is
1339 revoked and later reinstated, the total time of all periods of probation that the defendant serves,
1340 in relation to the same sentence, may not exceed the defendant's maximum sentence.

1341 (b) If the court orders a sanction for a defendant who violated terms of probation, the
1342 court may:

1343 (i) order a period of incarceration that is consistent with the ~~[guidelines established by~~
1344 ~~the Utah Sentencing Commission in accordance with Subsection 63M-7-404(4)]~~ sentencing
1345 and supervision length guidelines as defined in Section 63M-7-101.5;

1346 (ii) order a period of incarceration that deviates from the guidelines with an
1347 explanation for the deviation on the record;

1348 (iii) order treatment services that are immediately available in the community for a
1349 defendant that needs substance abuse or mental health treatment, as determined by a screening
1350 and assessment;

1351 (iv) execute the sentence previously imposed; or

1352 (v) order any other appropriate sanction.

1353 (c) If the defendant had, before the imposition of a term of incarceration or the
1354 execution of the previously imposed sentence under this section, served time in jail as a term of
1355 probation or due to a violation of probation, the time that the defendant served in jail
1356 constitutes service of time toward the sentence previously imposed.

1357 (5) (a) Any time served by a defendant:

1358 (i) outside of confinement after having been charged with a probation violation, and
1359 before a hearing to revoke probation, does not constitute service of time toward the total
1360 probation term, unless the defendant is exonerated at a hearing to revoke the defendant's

1361 probation;

1362 (ii) in confinement awaiting a hearing or a decision concerning revocation of the
1363 defendant's probation does not constitute service of time toward the total probation term, unless
1364 the defendant is exonerated at the hearing to revoke probation; or

1365 (iii) in confinement awaiting a hearing or a decision concerning revocation of the
1366 defendant's probation constitutes service of time toward a term of incarceration imposed as a
1367 result of the revocation of probation or a graduated and evidence-based response imposed
1368 under the ~~[guidelines established by the Utah Sentencing Commission in accordance with~~
1369 ~~Section 63M-7-404]~~ sentencing and supervision length guidelines as defined in Section
1370 63M-7-101.5.

1371 (b) The running of the probation period is tolled upon:

1372 (i) the filing of a report with the court alleging a violation of the terms of the
1373 defendant's probation; or

1374 (ii) the issuance of an order or a warrant under Subsection (3).

1375 Section 18. Section **77-27-5** is amended to read:

1376 **77-27-5. Board of Pardons and Parole authority.**

1377 (1) (a) Subject to this chapter and other laws of the state, and except for a conviction
1378 for treason or impeachment, the board shall determine by majority decision when and under
1379 what conditions an offender's conviction may be pardoned or commuted.

1380 (b) The Board of Pardons and Parole shall determine by majority decision when and
1381 under what conditions an offender committed to serve a sentence at a penal or correctional
1382 facility, which is under the jurisdiction of the department, may:

1383 (i) be released upon parole;

1384 (ii) have a fine or forfeiture remitted;

1385 (iii) have the offender's criminal accounts receivable remitted in accordance with
1386 Section 77-32b-105 or 77-32b-106;

1387 (iv) have the offender's payment schedule modified in accordance with Section
1388 77-32b-103; or

1389 (v) have the offender's sentence terminated.

1390 (c) The board shall prioritize public safety when making a determination under
1391 Subsection (1)(a) or (1)(b).

- 1392 (d) (i) The board may sit together or in panels to conduct hearings.
- 1393 (ii) The chair shall appoint members to the panels in any combination and in
1394 accordance with rules made in accordance with Title 63G, Chapter 3, Utah Administrative
1395 Rulemaking Act, by the board.
- 1396 (iii) The chair may participate on any panel and when doing so is chair of the panel.
- 1397 (iv) The chair of the board may designate the chair for any other panel.
- 1398 (e) (i) Except after a hearing before the board, or the board's appointed examiner, in an
1399 open session, the board may not:
- 1400 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts
1401 receivable;
- 1402 (B) release the offender on parole; or
- 1403 (C) commute, pardon, or terminate an offender's sentence.
- 1404 (ii) An action taken under this Subsection (1) other than by a majority of the board
1405 shall be affirmed by a majority of the board.
- 1406 (f) A commutation or pardon may be granted only after a full hearing before the board.
- 1407 (2) (a) In the case of any hearings, timely prior notice of the time and location of the
1408 hearing shall be given to the offender.
- 1409 (b) The county or district attorney's office responsible for prosecution of the case, the
1410 sentencing court, and law enforcement officials responsible for the defendant's arrest and
1411 conviction shall be notified of any board hearings through the board's website.
- 1412 (c) Whenever possible, the victim or the victim's representative, if designated, shall be
1413 notified of original hearings and any hearing after that if notification is requested and current
1414 contact information has been provided to the board.
- 1415 (d) (i) Notice to the victim or the victim's representative shall include information
1416 provided in Section [77-27-9.5](#), and any related rules made by the board under that section.
- 1417 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are
1418 reasonable for the lay person to understand.
- 1419 (3) (a) A decision by the board is final and not subject for judicial review if the
1420 decision is regarding:
- 1421 (i) a pardon, parole, commutation, or termination of an offender's sentence;
- 1422 (ii) the modification of an offender's payment schedule for restitution; or

1423 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.

1424 (b) Deliberative processes are not public and the board is exempt from Title 52,
1425 Chapter 4, Open and Public Meetings Act, when the board is engaged in the board's
1426 deliberative process.

1427 (c) Pursuant to Subsection 63G-2-103(25)(b)(xi), records of the deliberative process
1428 are exempt from Title 63G, Chapter 2, Government Records Access and Management Act.

1429 (d) Unless it will interfere with a constitutional right, deliberative processes are not
1430 subject to disclosure, including discovery.

1431 (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.

1432 (4) (a) This chapter may not be construed as a denial of or limitation of the governor's
1433 power to grant respite or reprieves in all cases of convictions for offenses against the state,
1434 except treason or conviction on impeachment.

1435 (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the
1436 next session of the Board of Pardons and Parole.

1437 (c) At the next session of the board, the board:

1438 (i) shall continue or terminate the respite or reprieve; or

1439 (ii) may commute the punishment or pardon the offense as provided.

1440 (d) In the case of conviction for treason, the governor may suspend execution of the
1441 sentence until the case is reported to the Legislature at the Legislature's next session.

1442 (e) The Legislature shall pardon or commute the sentence or direct the sentence's
1443 execution.

1444 (5) (a) In determining when, where, and under what conditions an offender serving a
1445 sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the offender's
1446 criminal accounts receivable remitted, or have the offender's sentence commuted or terminated,
1447 the board shall:

1448 (i) consider whether the offender has made restitution ordered by the court under
1449 Section 77-38b-205, or is prepared to pay restitution as a condition of any parole, pardon,
1450 remission of a criminal accounts receivable or a fine or forfeiture, or a commutation or
1451 termination of the offender's sentence;

1452 (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for
1453 making determinations under this Subsection (5);

1454 (iii) consider information provided by the Department of Corrections regarding an
1455 offender's individual case action plan; and

1456 (iv) review an offender's status within 60 days after the day on which the board
1457 receives notice from the Department of Corrections that the offender has completed all of the
1458 offender's case action plan components that relate to activities that can be accomplished while
1459 the offender is imprisoned.

1460 (b) The board shall determine whether to remit an offender's criminal accounts
1461 receivable under this Subsection (5) in accordance with Section [77-32b-105](#) or [77-32b-106](#).

1462 (6) In determining whether parole may be terminated, the board shall consider:

1463 (a) the offense committed by the parolee; and

1464 (b) the parole period under Section [76-3-202](#), and in accordance with Section
1465 [77-27-13](#).

1466 (7) For an offender placed on parole after December 31, 2018, the board shall
1467 terminate parole in accordance with the ~~[supervision length guidelines established by the Utah~~
1468 ~~Sentencing Commission under Section [63M-7-404](#)]~~ sentencing and supervision length
1469 guidelines as defined in Section [63M-7-101.5](#), to the extent the guidelines are consistent with
1470 the requirements of the law.

1471 Section 19. Section [77-27-10](#) is amended to read:

1472 **[77-27-10. Conditions of parole -- Inmate agreement to warrant -- Rulemaking --](#)**
1473 **[Intensive early release parole program.](#)**

1474 (1) (a) When the Board of Pardons and Parole releases an offender on parole, it shall,
1475 in accordance with Section [64-13-21](#), issue to the parolee a certificate setting forth the
1476 conditions of parole, including the graduated and evidence-based responses to a violation of a
1477 condition of parole established ~~[by the Sentencing Commission in accordance with Section~~
1478 ~~[64-13-21](#)]~~ in the sentencing and supervision length guidelines as defined in Section
1479 [63M-7-101.5](#), which the offender shall accept and agree to as evidenced by the offender's
1480 signature affixed to the agreement.

1481 (b) The parole agreement shall require that the inmate agree in writing that the board
1482 may issue a warrant and conduct a parole revocation hearing if:

1483 (i) the board determines after the grant of parole that the inmate willfully provided to
1484 the board false or inaccurate information that the board finds was significant in the board's

1485 determination to grant parole; or

1486 (ii) (A) the inmate has engaged in criminal conduct prior to the granting of parole; and

1487 (B) the board did not have information regarding the conduct at the time parole was
1488 granted.

1489 (c) (i) A copy of the agreement shall be delivered to the Department of Corrections and
1490 a copy shall be given to the parolee.

1491 (ii) The original agreement shall remain with the board's file.

1492 (2) (a) If an offender convicted of violating or attempting to violate Section
1493 76-5-301.1, 76-5-302, 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1,
1494 76-5-404, 76-5-404.1, 76-5-404.3, or 76-5-405, is released on parole, the board shall order
1495 outpatient mental health counseling and treatment as a condition of parole.

1496 (b) The board shall develop standards and conditions of parole under this Subsection
1497 (2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1498 (c) This Subsection (2) does not apply to intensive early release parole.

1499 (3) (a) (i) In addition to the conditions set out in Subsection (1), the board may place
1500 offenders in an intensive early release parole program.

1501 (ii) The board shall determine the conditions of parole which are reasonably necessary
1502 to protect the community as well as to protect the interests of the offender and to assist the
1503 offender to lead a law-abiding life.

1504 (b) The offender is eligible for this program only if the offender:

1505 (i) has not been convicted of a sexual offense; or

1506 (ii) has not been sentenced pursuant to Section 76-3-406.

1507 (c) The department shall:

1508 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1509 Rulemaking Act, for operation of the program;

1510 (ii) adopt and implement internal management policies for operation of the program;

1511 (iii) determine whether or not to refer an offender into this program within 120 days
1512 from the date the offender is committed to prison by the sentencing court; and

1513 (iv) make the final recommendation to the board regarding the placement of an
1514 offender into the program.

1515 (d) The department may not consider credit for time served in a county jail awaiting

1516 trial or sentencing when calculating the 120-day period.

1517 (e) The prosecuting attorney or sentencing court may refer an offender for
1518 consideration by the department for participation in the program.

1519 (f) The board shall determine whether or not to place an offender into this program
1520 within 30 days of receiving the department's recommendation.

1521 (4) This program shall be implemented by the department within the existing budget.

1522 (5) During the time the offender is on parole, the department shall collect from the
1523 offender the monthly supervision fee authorized by Section 64-13-21.

1524 (6) When a parolee commits a violation of the parole agreement, the department may:

1525 (a) respond in accordance with the graduated and evidence-based responses established
1526 in accordance with Section 64-13-21; or

1527 (b) when the graduated and evidence-based responses established in accordance with
1528 Section 64-13-21 indicate, refer the parolee to the Board of Pardons and Parole for revocation
1529 of parole.

1530 Section 20. Section 77-27-11 is amended to read:

1531 **77-27-11. Revocation of parole.**

1532 (1) The board may revoke the parole of any individual who is found to have violated
1533 any condition of the individual's parole.

1534 (2) (a) If a parolee is confined by the department or any law enforcement official for a
1535 suspected violation of parole, the department:

1536 (i) shall immediately report the alleged violation to the board, by means of an incident
1537 report; and

1538 (ii) make any recommendation regarding the incident.

1539 (b) A parolee may not be held for a period longer than 72 hours, excluding weekends
1540 and holidays, without first obtaining a warrant.

1541 (3) Any member of the board may:

1542 (a) issue a warrant based upon a certified warrant request to a peace officer or other
1543 persons authorized to arrest, detain, and return to actual custody a parolee; and

1544 (b) upon arrest of the parolee, determine, or direct the department to determine, if there
1545 is probable cause to believe that the parolee has violated the conditions of the parolee's parole.

1546 (4) Upon a finding of probable cause, a parolee may be further detained or imprisoned

1547 again pending a hearing by the board or the board's appointed examiner.

1548 (5) (a) The board or the board's appointed examiner shall conduct a hearing on the
1549 alleged violation, and the parolee shall have written notice of the time and location of the
1550 hearing, the alleged violation of parole, and a statement of the evidence against the parolee.

1551 (b) The board or the board's appointed examiner shall provide the parolee the
1552 opportunity:

1553 (i) to be present;

1554 (ii) to be heard;

1555 (iii) to present witnesses and documentary evidence;

1556 (iv) to confront and cross-examine adverse witnesses, absent a showing of good cause
1557 for not allowing the confrontation; and

1558 (v) to be represented by counsel when the parolee is mentally incompetent or pleading
1559 not guilty.

1560 (c) (i) If heard by an appointed examiner, the examiner shall make a written decision
1561 which shall include a statement of the facts relied upon by the examiner in determining the
1562 guilt or innocence of the parolee on the alleged violation and a conclusion as to whether the
1563 alleged violation occurred.

1564 (ii) The appointed examiner shall then refer the case to the board for disposition.

1565 (d) (i) A final decision shall be reached by a majority vote of the sitting members of the
1566 board.

1567 (ii) A parolee shall be promptly notified in writing of the board's findings and decision.

1568 (6) (a) If a parolee is found to have violated the terms of parole, the board, at the
1569 board's discretion, may:

1570 (i) return the parolee to parole;

1571 (ii) modify the payment schedule for the parolee's criminal accounts receivable in
1572 accordance with Section [77-32b-105](#);

1573 (iii) order the parolee to pay pecuniary damages that are proximately caused by a
1574 defendant's violation of the terms of the defendant's parole;

1575 (iv) order the parolee to be imprisoned, but not to exceed the maximum term of
1576 imprisonment for the parolee's sentence; or

1577 (v) order any other conditions for the parolee.

1578 (b) If the board returns the parolee to parole, the length of parole may not be for a
1579 period of time that exceeds the length of the parolee's maximum sentence.

1580 (c) If the board revokes parole for a violation and orders incarceration, the board may
1581 impose a period of incarceration:

1582 (i) consistent with the [~~guidelines under Subsection 63M-7-404(5)~~] sentencing and
1583 supervision length guidelines as defined in Section 63M-7-101.5; or

1584 (ii) subject to Subsection (6)(a)(iv), impose a period of incarceration that differs from
1585 the guidelines.

1586 (d) The following periods of time constitute service of time toward the period of
1587 incarceration imposed under Subsection (6)(c):

1588 (i) time served in jail by a parolee awaiting a hearing or decision concerning revocation
1589 of parole; and

1590 (ii) time served in jail by a parolee due to a violation of parole under Subsection
1591 64-13-6(2).

1592 Section 21. Section ~~77-27-32~~ is amended to read:

1593 **77-27-32. Reporting requirements.**

1594 (1) The board shall publicly display metrics on the board's website, including:

1595 (a) a measure of recidivism;

1596 (b) a measure of time under board jurisdiction;

1597 (c) a measure of prison releases by category;

1598 (d) a measure of parole revocations;

1599 (e) a measure of alignment of board decisions with the [~~guidelines established by the~~
1600 ~~Sentencing Commission under Section 63M-7-404~~] sentencing and supervision length
1601 guidelines as defined in Section 63M-7-101.5; and

1602 (f) a measure of the aggregate reasons for departing from the guidelines described in
1603 Subsection (1)(e).

1604 (2) On or before September 30 of each year, the board shall submit to the commission
1605 and the Law Enforcement and Criminal Justice Interim Committee a report for the previous
1606 fiscal year that summarizes the metrics in Subsection (1).

1607 Section 22. Section ~~80-6-307~~ is amended to read:

1608 **80-6-307. Dispositional report required in minors' cases -- Exceptions.**

1609 (1) A juvenile probation officer, or other agency designated by the juvenile court,
1610 shall make a dispositional report in writing in all minors' cases in which a petition has been
1611 filed, except in cases involving violations of traffic laws or ordinances, violations of wildlife
1612 laws and boating laws, and other minor cases.

1613 (2) When preparing a dispositional report and recommendation in a minor's case, the
1614 juvenile probation officer, or other agency designated by the juvenile court, shall consider the
1615 juvenile disposition guidelines [~~developed in accordance with Section 63M-7-404~~] as defined
1616 in Section 63M-7-101.5 and any other factors relevant to the disposition designated in the
1617 juvenile disposition guidelines .

1618 (3) Where the allegations of a petition filed under Section 80-6-305 are denied, the
1619 investigation may not be made until the juvenile court has made an adjudication.

1620 Section 23. Section 80-6-607 is amended to read:

1621 **80-6-607. Case planning and appropriate responses.**

1622 (1) For a minor adjudicated and placed on probation under Section 80-6-702 or
1623 committed to the division under Section 80-6-703, a case plan shall be created and:

- 1624 (a) developed in collaboration with the minor and the minor's family;
1625 (b) individualized to the minor;
1626 (c) informed by the results of a validated risk and needs assessment under Section
1627 80-6-606; and
1628 (d) tailored to the minor's offense and history.

1629 (2) (a) The Administrative Office of the Courts and the division shall develop a
1630 statewide system of appropriate responses to guide responses to the behaviors of minors:

- 1631 (i) undergoing nonjudicial adjustments;
1632 (ii) whose case is under the jurisdiction of the juvenile court; and
1633 (iii) in the custody of the division.
1634 (b) The system of responses shall include both sanctions and incentives that:
1635 (i) are swift and certain;
1636 (ii) include a continuum of community based responses for minors living at home;
1637 (iii) target a minor's criminogenic risks and needs, as determined by the results of a
1638 validated risk and needs assessment under Section 80-6-606, and the severity of the violation;
1639 and

- 1640 (iv) authorize earned discharge credits as one incentive for compliance.
- 1641 (c) After considering the juvenile disposition guidelines [~~established by the Sentencing~~
- 1642 ~~Commission, in accordance with Section 63M-7-404~~] as defined in Section 63M-7-101.5, the
- 1643 system of appropriate responses under Subsections (2)(a) and (b) shall be developed.
- 1644 (3) (a) A response to compliant or noncompliant behavior under Subsection (2) shall be
- 1645 documented in the minor's case plan.
- 1646 (b) Documentation under Subsection (3)(a) shall include:
- 1647 (i) positive behaviors and incentives offered;
- 1648 (ii) violations and corresponding sanctions; and
- 1649 (iii) whether the minor has a subsequent violation after a sanction.
- 1650 (4) Before referring a minor to a juvenile court for judicial review, or to the authority if
- 1651 the minor is under the jurisdiction of the authority, in response to a contempt filing under
- 1652 Section 78A-6-353 or an order to show cause, a pattern of appropriate responses shall be
- 1653 documented in the minor's case plan in accordance with Subsections (3)(a) and (b) .
- 1654 (5) Notwithstanding Subsection (4), if a minor violates a protective order or an ex parte
- 1655 protective order listed in Section 78B-7-803, the violation may be filed directly with the
- 1656 juvenile court.

1657 Section 24. **Repealer.**

1658 This bill repeals:

1659 Section 63M-7-401, **Creation -- Members -- Appointment -- Qualifications.**

1660 Section 63M-7-402, **Terms of members -- Vacancies -- Reappointment.**

1661 Section 63M-7-403, **Vacancies.**

1662 Section 63M-7-404, **Purpose -- Duties.**

1663 Section 63M-7-406, **Publication of reports.**

1664 Section 25. **Effective date.**

1665 This bill takes effect on May 1, 2024.