

Todd Weiler proposes the following substitute bill:

Criminal and Juvenile Justice Recodification

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Karianne Lisonbee

LONG TITLE

General Description:

This bill recodifies and amends provisions related to criminal and juvenile justice.

Highlighted Provisions:

This bill:

- ▶ creates Title 75E, Criminal and Juvenile Justice Administration;
- ▶ creates the Department of Criminal Justice within Title 75E, Criminal and Juvenile Justice Administration;
- ▶ recodifies to Title 75E, Criminal and Juvenile Justice Administration:
 - Title 63M, Chapter 7, Criminal Justice and Substance Abuse;
 - Title 77, Chapter 38, Part 6, Safe at Home Program;
 - Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission;
 - Title 78B, Chapter 22, Part 4a, Office of Indigent Defense Services;
 - Title 78B, Chapter 22, Part 7, Indigent Aggravated Murder Defense Fund;
 - Title 78B, Chapter 22, Part 8, Child Welfare Parental Representation Program;
 - Title 78B, Chapter 22, Part 9, Indigent Appellate Defense Division; and
 - Title 78B, Chapter 22, Part 11, Youth Defense Fund;
- ▶ changes the name of:
 - Title 76, Utah Criminal Code, to Title 76, Criminal Offenses; and
 - Title 77, Utah Code of Criminal Procedure, to Title 77, Criminal Procedure;
- ▶ defines terms;
- ▶ establishes roles and responsibilities of the Department of Criminal Justice and the commissioner of the Department of Criminal Justice;
- ▶ reassigns certain responsibilities of the Commission on Criminal and Juvenile Justice to the Department of Criminal Justice;
- ▶ clarifies roles, responsibilities, and administration of certain entities within the

- 29 Department of Criminal Justice;
- 30 ▶ removes obsolete programs, responsibilities, and reporting requirements of certain entities
31 within the Department of Criminal Justice;
- 32 ▶ revises the names of certain entities within the Department of Criminal Justice;
- 33 ▶ provides that the governor may direct the Department of Criminal Justice to assist with
34 extradition;
- 35 ▶ updates terminology;
- 36 ▶ makes technical and conforming changes; and
- 37 ▶ includes coordination clauses to substantively and technically coordinate changes
38 between this bill and:
- 39 • H.B. 122, Pregnant and Postpartum Inmate Amendments, if both bills pass and
40 become law;
- 41 • H.B. 220, Public Safety Data Amendments, if both bills pass and become law;
- 42 • H.B. 271, Multi-Agency Joint Strike Force Modifications, if both bills pass and
43 become law;
- 44 • H.B. 230, Offender Amendments, if both bills pass and become law;
- 45 • H.B. 114, Adult-oriented Performance and Material Amendments, if both bills pass
46 and become law;
- 47 • S.B. 13, Statutorily Required Reports and Presentations Amendments, if both bills
48 pass and become law;
- 49 • H.B. 34, Victim Rights Amendments, if both bills pass and become law;
- 50 • H.B. 48, Criminal and Juvenile Justice Changes, if both bills pass and become law;
- 51 • H.B. 188, Juvenile Justice Amendments, if both bills pass and become law;
- 52 • H.B. 274, Sentencing Amendments, if both bills pass and become law;
- 53 • H.B. 345, Victim Amendments, if both bills pass and become law;
- 54 • S.B. 233, Judicial Performance Evaluation Amendments, if both bills pass and become
55 law;
- 56 • S.B. 313, Recidivism Amendments, if both bills pass and become law;
- 57 • S.B. 86, Firearm Safe Harbor Amendments, if both bills pass and become law;
- 58 • H.B. 90, Sexual Offenses Amendments, if both bills pass and become law;
- 59 • H.B. 137, Violent Crime Clearance Rate Amendments, if both bills pass and become
60 law;
- 61 • S.B. 145, Lobbying Amendments, if both bills pass and become law;
- 62 • S.B. 67, Law Enforcement Quota Amendments, if both bills pass and become law;

- 63 • H.B. 72, Criminal Use of Cryptocurrency Amendments, if both bills pass and become
64 law;
- 65 • H.B. 338, First Responder Health Amendments, if both bills pass and become law; and
66 • S.B. 35, Amendments to Interdisciplinary Parental Representation Pilot Program.

67 **Money Appropriated in this Bill:**

68 None

69 **Other Special Clauses:**

70 This bill provides a special effective date.

71 This bill provides coordination clauses.

72 **Utah Code Sections Affected:**

73 AMENDS:

74 **10-3-716 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 354

75 **13-53-111 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 51

76 **17-72-101 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025,
77 First Special Session, Chapter 13

78 **17-72-402 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025,
79 First Special Session, Chapter 13

80 **17-72-408 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025,
81 First Special Session, Chapter 13

82 **17E-2-101 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025,
83 First Special Session, Chapter 14

84 **17E-2-201 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025,
85 First Special Session, Chapter 14

86 **20A-2-204 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 381,
87 448

88 **26A-1-114 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
89 Session, Chapter 11

90 **26B-1-202 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 426

91 **26B-5-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
92 Session, Chapter 16

93 **26B-5-306 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 184 and
94 renumbered and amended by Laws of Utah 2023, Chapter 308

95 **26B-5-380 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2023,
96 Chapter 308

97 **26B-5-801 (Effective 07/01/26) (Repealed 01/01/33)**, as last amended by Laws of Utah
98 2025, First Special Session, Chapter 9
99 **32B-4-201 (Effective 07/01/26)**, as enacted by Laws of Utah 2010, Chapter 276
100 **32B-4-301 (Effective 07/01/26)**, as enacted by Laws of Utah 2010, Chapter 276
101 **36-29-111 (Effective 07/01/26) (Repealed 07/01/29)**, as last amended by Laws of Utah
102 2025, Chapters 208, 252
103 **41-1a-1101 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 220
104 **41-6a-511 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 252,
105 267
106 **49-11-406 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 425
107 **49-12-203 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 64
108 **49-13-203 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 64
109 **49-22-205 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 64
110 **51-9-412 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 230
111 **53-1-106 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 506
112 **53-6-107 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 163
113 **53-6-213 (Effective 07/01/26)**, as last amended by Laws of Utah 2011, Chapter 131
114 **53-10-118 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 267
115 **53-10-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
116 Session, Chapter 9
117 **53-10-803 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 173
118 **53-11-124 (Effective 07/01/26)**, as enacted by Laws of Utah 1998, Chapter 257
119 **53-21-104.3 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 345
120 **53-25-103 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 173,
121 208
122 **53-25-202 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 173
123 **53-25-301 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2024,
124 Chapter 111
125 **53-25-401 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2024,
126 Chapter 111
127 **53-25-501 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 173,
128 208
129 **53-25-502 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 252
130 **53-29-302 (Effective 07/01/26) (Partially Repealed 01/01/30)**, as enacted by Laws of

131 Utah 2025, Chapter 291
132 **53E-3-516 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 343
133 **53E-3-518 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapters 21, 24
134 **53F-2-410 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 301
135 **53G-6-806 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 21
136 **53G-8-702 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 21
137 **58-11a-503 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 491
138 **58-37-2 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 396
139 **58-47b-503 (Effective 07/01/26) (Repealed 07/01/34)**, as last amended by Laws of Utah
140 2025, Chapter 236
141 **59-2-407 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
142 Session, Chapter 17
143 **59-5-104 (Effective 07/01/26)**, as last amended by Laws of Utah 2004, Chapter 244
144 **59-5-204 (Effective 07/01/26)**, as last amended by Laws of Utah 2008, Chapter 382
145 **61-2c-501.5 (Effective 07/01/26)**, as last amended by Laws of Utah 2011, Chapter 289
146 **61-2f-502 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2010,
147 Chapter 379
148 **63A-17-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 151
149 **63G-2-305 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
150 Session, Chapter 17
151 **63I-1-263 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 391,
152 512
153 **63I-1-275 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Third Special Session,
154 Chapter 5
155 **63I-1-278 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 26
156 **63I-2-253 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
157 Session, Chapter 9
158 **63J-1-602.1 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
159 Session, Chapter 9
160 **63J-1-602.2 (Effective 07/01/26) (Partially Repealed 07/01/29)**, as last amended by Laws
161 of Utah 2025, First Special Session, Chapter 17
162 **63O-2-301 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2024,
163 Chapter 425
164 **64-13-6 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special

165 Session, Chapter 9
166 **64-13-14.5 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 214
167 **64-13-14.7 (Effective 07/01/26)**, as last amended by Laws of Utah 2022, Chapter 115
168 **64-13-23 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 86
169 **64-13-25 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 16
170 **64-13-45 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapters 245, 341
171 **64-13e-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
172 Session, Chapter 9
173 **64-13e-103.1 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 243
174 **64-13e-104 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 467
175 **64-14-203 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 214
176 **64-14-204 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025,
177 Chapter 214
178 **64-14-302 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025,
179 Chapter 214
180 **67-4a-801 (Effective 07/01/26)**, as last amended by Laws of Utah 2022, Chapter 451
181 **67-4a-803 (Effective 07/01/26)**, as enacted by Laws of Utah 2017, Chapter 371
182 **67-22-2 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 232
183 **67-28-101 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 510
184 **67-28-102 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 510
185 **75-2-803 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 310
186 **76-1-101.6 (Effective 07/01/26)**, as enacted by Laws of Utah 2022, Chapter 181
187 **76-3-202 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 214
188 **76-5-102.1 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 471
189 **76-5-207 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 471
190 **76-8-419 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 96
191 **76-13-211 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025,
192 Chapter 173
193 **77-2-5 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 187
194 **77-2a-2 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 214, 431
195 **77-2a-3 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 214
196 **77-7-8.5 (Effective 07/01/26)**, as enacted by Laws of Utah 2014, Chapter 106
197 **77-7-17.5 (Effective 07/01/26)**, as enacted by Laws of Utah 2019, Chapter 462
198 **77-11b-101 (Effective 07/01/26)**, as enacted by Laws of Utah 2023, Chapter 448

199 **77-11b-105 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2023,
200 Chapter 448
201 **77-11b-401 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 34 and
202 renumbered and amended by Laws of Utah 2023, Chapter 448
203 **77-11b-402 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2023,
204 Chapter 448
205 **77-11b-403 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2023,
206 Chapter 448
207 **77-11b-404 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2023,
208 Chapter 448
209 **77-17-6 (Effective 07/01/26)**, as enacted by Laws of Utah 1980, Chapter 15
210 **77-18-105 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
211 Session, Chapter 17
212 **77-18-108 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 214
213 **77-20-103 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 243
214 **77-20-403 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2021,
215 Second Special Session, Chapter 4
216 **77-22-2.5 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 173
217 **77-27-1 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapters 21, 260
218 **77-27-2 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 184
219 **77-27-5 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 476, 526
220 **77-27-5.4 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 145
221 **77-27-10 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 214, 299
222 **77-27-11 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 214
223 **77-27-32 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 208
224 **77-37-3 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
225 Session, Chapter 11
226 **77-37-4 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 156
227 **77-38-3 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 173, 174
228 and 214
229 **77-38-11 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 160
230 **77-38-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 184
231 **77-38-303 (Effective 07/01/26)**, as last amended by Laws of Utah 2013, Chapter 278
232 **77-38-403 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 142

233 **77-38-405 (Effective 07/01/26)**, as enacted by Laws of Utah 2019, Chapter 361
234 **77-38-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 394
235 **77-38-503 (Effective 07/01/26)**, as enacted by Laws of Utah 2020, Chapter 112
236 **77-38b-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 426
237 **77-38b-202 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 526
238 **77-38b-205 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 330
239 **77-38b-304 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
240 Session, Chapter 17
241 **77-40a-101 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 173,
242 239
243 **77-40a-403 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 173,
244 208 and 291
245 **78A-2-109.5 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 252
246 **78A-6-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2022, Chapter 335
247 **78A-10a-304 (Effective 07/01/26)**, as enacted by Laws of Utah 2023, Chapter 250
248 **78A-10a-404 (Effective 07/01/26)**, as enacted by Laws of Utah 2023, Chapter 250 and
249 last amended by Coordination Clause, Laws of Utah 2023, Chapter 250
250 **78A-10a-504 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 158
251 **78A-12-201 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 57
252 **78A-12-202 (Effective 07/01/26)**, as last amended by Laws of Utah 2010, Chapter 286
253 **78B-3-1003 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 75
254 **78B-6-2105 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 173
255 **78B-8-201 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 211
256 **78B-9-109 (Effective 07/01/26)**, as last amended by Laws of Utah 2022, Chapter 295
257 **78B-9-402 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 153
258 **78B-9-405 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 36
259 **78B-22-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
260 Session, Chapter 17
261 **78B-22-203 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 193
262 **78B-22-301 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapters 371,
263 392
264 **80-2-503 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 139
265 **80-5-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 88
266 **80-5-201 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 291

267 **80-5-205 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2021,
268 Chapter 261
269 **80-5-304 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 256
270 **80-6-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapters 240, 301
271 **80-6-104 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 173, 208
272 **80-6-204 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 436
273 **80-6-304 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 173, 324
274 **80-6-307 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 208
275 **80-6-607 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 208
276 **80-6-804 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 173, 208
277 **80-6-907 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2021,
278 Chapter 261
279 **81-13-205 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025,
280 Chapter 426

281 ENACTS:

282 **75E-1-101 (Effective 07/01/26)**, Utah Code Annotated 1953
283 **75E-2-101 (Effective 07/01/26)**, Utah Code Annotated 1953
284 **75E-2-102 (Effective 07/01/26)**, Utah Code Annotated 1953
285 **75E-2-103 (Effective 07/01/26)**, Utah Code Annotated 1953
286 **75E-2-201 (Effective 07/01/26)**, Utah Code Annotated 1953
287 **75E-2-202 (Effective 07/01/26)**, Utah Code Annotated 1953
288 **75E-2-301 (Effective 07/01/26)**, Utah Code Annotated 1953
289 **75E-3-201 (Effective 07/01/26)**, Utah Code Annotated 1953
290 **75E-4-201 (Effective 07/01/26)**, Utah Code Annotated 1953
291 **75E-5-102 (Effective 07/01/26)**, Utah Code Annotated 1953
292 **75E-5-201 (Effective 07/01/26)**, Utah Code Annotated 1953
293 **75E-5-203 (Effective 07/01/26)**, Utah Code Annotated 1953
294 **75E-5-301 (Effective 07/01/26)**, Utah Code Annotated 1953
295 **75E-6-201 (Effective 07/01/26)**, Utah Code Annotated 1953
296 **75E-7-201 (Effective 07/01/26)**, Utah Code Annotated 1953
297 **75E-8-201 (Effective 07/01/26)**, Utah Code Annotated 1953
298 **75E-9-101 (Effective 07/01/26)**, Utah Code Annotated 1953
299 **75E-9-201 (Effective 07/01/26)**, Utah Code Annotated 1953
300 **75E-10-101 (Effective 07/01/26)**, Utah Code Annotated 1953

301 **75E-10-201 (Effective 07/01/26)**, Utah Code Annotated 1953

302 **75E-10-301 (Effective 07/01/26)**, Utah Code Annotated 1953

303 **75E-10-401 (Effective 07/01/26)**, Utah Code Annotated 1953

304 **75E-11-201 (Effective 07/01/26)**, Utah Code Annotated 1953

305 **75E-11-301 (Effective 07/01/26)**, Utah Code Annotated 1953

306 **77-30-2.5 (Effective 07/01/26)**, Utah Code Annotated 1953

307 RENUMBERS AND AMENDS:

308 **75E-2-203 (Effective 07/01/26)**, (Renumbered from 63M-7-102, as last amended by
309 Laws of Utah 2024, Chapter 208)

310 **75E-2-204 (Effective 07/01/26)**, (Renumbered from 63M-7-205, as renumbered and
311 amended by Laws of Utah 2008, Chapter 382)

312 **75E-2-205 (Effective 07/01/26)**, (Renumbered from 63M-7-216, as last amended by
313 Laws of Utah 2025, Chapter 252)

314 **75E-2-206 (Effective 07/01/26)**, (Renumbered from 63M-7-216.1, as enacted by
315 Laws of Utah 2025, Chapter 252)

316 **75E-2-207 (Effective 07/01/26)**, (Renumbered from 63M-7-208, as last amended by
317 Laws of Utah 2024, Chapter 240)

318 **75E-2-208 (Effective 07/01/26)**, (Renumbered from 63M-7-220, as last amended by
319 Laws of Utah 2025, Chapter 208)

320 **75E-2-209 (Effective 07/01/26)**, (Renumbered from 78A-10a-201, as enacted by
321 Laws of Utah 2023, Chapter 250)

322 **75E-2-210 (Effective 07/01/26)**, (Renumbered from 63A-16-1002, as last amended
323 by Laws of Utah 2025, First Special Session, Chapter 17)

324 **75E-2-211 (Effective 07/01/26)**, (Renumbered from 63M-7-528, as enacted by Laws
325 of Utah 2024, Chapter 401)

326 **75E-2-302 (Effective 07/01/26)**, (Renumbered from 63M-7-214, as last amended by
327 Laws of Utah 2024, Chapter 108)

328 **75E-2-303 (Effective 07/01/26)**, (Renumbered from 63M-7-218, as last amended by
329 Laws of Utah 2025, Chapter 252)

330 **75E-2-304 (Effective 07/01/26)**, (Renumbered from 63M-7-215, as last amended by
331 Laws of Utah 2021, Second Special Session, Chapter 4)

332 **75E-2-305 (Effective 07/01/26)**, (Renumbered from 63M-7-219, as last amended by
333 Laws of Utah 2025, Chapter 211)

334 **75E-2-306 (Effective 07/01/26)**, (Renumbered from 63A-16-1003, as enacted by

335 Laws of Utah 2024, Chapter 108)
336 **75E-3-101 (Effective 07/01/26)**, (Renumbered from 63M-7-101.5, as last amended
337 by Laws of Utah 2025, Chapter 360)
338 **75E-3-102 (Effective 07/01/26)**, (Renumbered from 63M-7-201, as renumbered and
339 amended by Laws of Utah 2008, Chapter 382)
340 **75E-3-103 (Effective 07/01/26)**, (Renumbered from 63M-7-202, as last amended by
341 Laws of Utah 2024, Chapters 208, 245)
342 **75E-3-104 (Effective 07/01/26)**, (Renumbered from 63M-7-203, as last amended by
343 Laws of Utah 2020, Chapter 352)
344 **75E-3-105 (Effective 07/01/26)**, (Renumbered from 63M-7-206, as renumbered and
345 amended by Laws of Utah 2008, Chapter 382)
346 **75E-3-106 (Effective 07/01/26)**, (Renumbered from 63M-7-207, as last amended by
347 Laws of Utah 2014, Chapter 387)
348 **75E-3-202 (Effective 07/01/26)**, (Renumbered from 63M-7-204, as last amended by
349 Laws of Utah 2025, Chapters 51, 135, 252, 494, and 510)
350 **75E-4-101 (Effective 07/01/26)**, (Renumbered from 63M-7-401.1, as enacted by
351 Laws of Utah 2024, Chapter 208)
352 **75E-4-102 (Effective 07/01/26)**, (Renumbered from 63M-7-401.2, as last amended
353 by Laws of Utah 2021, Chapter 173)
354 **75E-4-103 (Effective 07/01/26)**, (Renumbered from 63M-7-402, as last amended by
355 Laws of Utah 2024, Chapter 208)
356 **75E-4-104 (Effective 07/01/26)**, (Renumbered from 63M-7-402.5, as enacted by
357 Laws of Utah 2024, Chapter 208)
358 **75E-4-202 (Effective 07/01/26)**, (Renumbered from 63M-7-404.1, as enacted by
359 Laws of Utah 2024, Chapter 208)
360 **75E-4-203 (Effective 07/01/26)**, (Renumbered from 63M-7-404.3, as last amended
361 by Laws of Utah 2025, Chapter 214)
362 **75E-4-204 (Effective 07/01/26)**, (Renumbered from 63M-7-404.5, as enacted by
363 Laws of Utah 2024, Chapter 208)
364 **75E-4-205 (Effective 07/01/26)**, (Renumbered from 63M-7-405, as last amended by
365 Laws of Utah 2024, Chapter 208)
366 **75E-4-206 (Effective 07/01/26)**, (Renumbered from 63M-7-406, as last amended by
367 Laws of Utah 2024, Chapter 208)
368 **75E-5-101 (Effective 07/01/26)**, (Renumbered from 63M-7-502, as last amended by

369 Laws of Utah 2025, First Special Session, Chapter 9)
370 **75E-5-103 (Effective 07/01/26)**, (Renumbered from 63M-7-507, as last amended by
371 Laws of Utah 2024, Chapter 506)
372 **75E-5-202 (Effective 07/01/26)**, (Renumbered from 63M-7-506, as last amended by
373 Laws of Utah 2025, First Special Session, Chapter 11)
374 **75E-5-204 (Effective 07/01/26)**, (Renumbered from 63M-7-508, as last amended by
375 Laws of Utah 2024, Chapter 506)
376 **75E-5-205 (Effective 07/01/26)**, (Renumbered from 63M-7-527, as enacted by Laws
377 of Utah 2024, Chapter 135)
378 **75E-5-206 (Effective 07/01/26)**, (Renumbered from 63M-7-515, as last amended by
379 Laws of Utah 2020, Chapter 149)
380 **75E-5-302 (Effective 07/01/26)**, (Renumbered from 63M-7-526, as enacted by Laws
381 of Utah 2020, Chapter 230)
382 **75E-5-303 (Effective 07/01/26)**, (Renumbered from 63M-7-525, as last amended by
383 Laws of Utah 2024, Chapter 506)
384 **75E-5-304 (Effective 07/01/26)**, (Renumbered from 63M-7-503, as last amended by
385 Laws of Utah 2024, Chapter 330)
386 **75E-5-305 (Effective 07/01/26)**, (Renumbered from 63M-7-509, as last amended by
387 Laws of Utah 2025, First Special Session, Chapter 11)
388 **75E-5-306 (Effective 07/01/26)**, (Renumbered from 63M-7-510, as last amended by
389 Laws of Utah 2020, Chapter 149)
390 **75E-5-307 (Effective 07/01/26)**, (Renumbered from 63M-7-517, as last amended by
391 Laws of Utah 2025, First Special Session, Chapter 11)
392 **75E-5-308 (Effective 07/01/26)**, (Renumbered from 63M-7-529, as last amended by
393 Laws of Utah 2025, First Special Session, Chapter 11)
394 **75E-5-309 (Effective 07/01/26)**, (Renumbered from 63M-7-511, as last amended by
395 Laws of Utah 2024, Chapter 506)
396 **75E-5-310 (Effective 07/01/26)**, (Renumbered from 63M-7-514, as last amended by
397 Laws of Utah 2020, Chapter 149)
398 **75E-5-311 (Effective 07/01/26)**, (Renumbered from 63M-7-519, as last amended by
399 Laws of Utah 2024, Chapter 506)
400 **75E-5-312 (Effective 07/01/26)**, (Renumbered from 63M-7-521, as last amended by
401 Laws of Utah 2020, Chapter 149)
402 **75E-5-313 (Effective 07/01/26)**, (Renumbered from 63M-7-521.5, as last amended

403 by Laws of Utah 2024, Chapter 506)
404 **75E-5-314 (Effective 07/01/26)**, (Renumbered from 63M-7-524, as last amended by
405 Laws of Utah 2020, Chapter 149)
406 **75E-6-101 (Effective 07/01/26)**, (Renumbered from 63M-7-901, as enacted by Laws
407 of Utah 2023, Chapter 150)
408 **75E-6-102 (Effective 07/01/26) (Repealed 07/01/29)**, (Renumbered from
409 63M-7-902, as last amended by Laws of Utah 2024, Chapter 506)
410 **75E-6-103 (Effective 07/01/26)**, (Renumbered from 63M-7-903, as enacted by Laws
411 of Utah 2023, Chapter 150)
412 **75E-6-202 (Effective 07/01/26)**, (Renumbered from 63M-7-904, as last amended by
413 Laws of Utah 2025, Chapter 271)
414 **75E-6-301 (Effective 07/01/26)**, (Renumbered from 63M-7-1001, as enacted by
415 Laws of Utah 2024, Chapter 160)
416 **75E-6-302 (Effective 07/01/26)**, (Renumbered from 63M-7-1002, as last amended
417 by Laws of Utah 2025, Chapter 214)
418 **75E-6-303 (Effective 07/01/26)**, (Renumbered from 63M-7-1003, as enacted by
419 Laws of Utah 2024, Chapter 160)
420 **75E-7-101 (Effective 07/01/26) (Repealed 07/01/27)**, (Renumbered from
421 63M-7-701, as enacted by Laws of Utah 2022, Chapter 145)
422 **75E-7-102 (Effective 07/01/26) (Repealed 07/01/27)**, (Renumbered from
423 63M-7-702, as last amended by Laws of Utah 2024, Chapter 240)
424 **75E-7-202 (Effective 07/01/26) (Repealed 07/01/27)**, (Renumbered from
425 63M-7-703, as enacted by Laws of Utah 2022, Chapter 145)
426 **75E-8-101 (Effective 07/01/26)**, (Renumbered from 63M-7-1101, as enacted by
427 Laws of Utah 2025, Chapter 360)
428 **75E-8-102 (Effective 07/01/26)**, (Renumbered from 63M-7-1102, as enacted by
429 Laws of Utah 2025, Chapter 360)
430 **75E-8-202 (Effective 07/01/26)**, (Renumbered from 63M-7-1103, as enacted by
431 Laws of Utah 2025, Chapter 360)
432 **75E-8-203 (Effective 07/01/26)**, (Renumbered from 63M-7-1104, as enacted by
433 Laws of Utah 2025, Chapter 360)
434 **75E-8-204 (Effective 07/01/26)**, (Renumbered from 63M-7-1105, as enacted by
435 Laws of Utah 2025, Chapter 360)
436 **75E-8-205 (Effective 07/01/26)**, (Renumbered from 63M-7-1106, as enacted by

437 Laws of Utah 2025, Chapter 360)
438 **75E-9-102 (Effective 07/01/26)**, (Renumbered from 78B-22-401, as last amended by
439 Laws of Utah 2020, Chapters 371, 392 and 395)
440 **75E-9-103 (Effective 07/01/26)**, (Renumbered from 78B-22-402, as last amended by
441 Laws of Utah 2024, Chapter 529)
442 **75E-9-104 (Effective 07/01/26)**, (Renumbered from 78B-22-404, as last amended by
443 Laws of Utah 2025, Chapter 324)
444 **75E-9-105 (Effective 07/01/26)**, (Renumbered from 78B-22-407, as renumbered and
445 amended by Laws of Utah 2019, Chapter 326)
446 **75E-9-202 (Effective 07/01/26)**, (Renumbered from 78B-22-405, as last amended by
447 Laws of Utah 2020, Chapter 392)
448 **75E-9-203 (Effective 07/01/26)**, (Renumbered from 78B-22-406, as last amended by
449 Laws of Utah 2025, Chapter 217)
450 **75E-10-102 (Effective 07/01/26)**, (Renumbered from 78B-22-451, as last amended by
451 Laws of Utah 2021, Chapter 235)
452 **75E-10-103 (Effective 07/01/26)**, (Renumbered from 78B-22-453, as last amended by
453 Laws of Utah 2021, Chapters 228, 235)
454 **75E-10-202 (Effective 07/01/26)**, (Renumbered from 78B-22-452, as last amended by
455 Laws of Utah 2025, Chapter 217)
456 **75E-10-302 (Effective 07/01/26)**, (Renumbered from 78B-22-455, as last amended by
457 Laws of Utah 2025, First Special Session, Chapter 17)
458 **75E-10-303 (Effective 07/01/26)**, (Renumbered from 78B-22-454, as last amended by
459 Laws of Utah 2022, Chapter 451)
460 **75E-10-402 (Effective 07/01/26)**, (Renumbered from 78B-22-701, as last amended by
461 Laws of Utah 2024, Chapter 193)
462 **75E-10-403 (Effective 07/01/26)**, (Renumbered from 78B-22-701.5, as renumbered
463 and amended by Laws of Utah 2024, Chapter 193)
464 **75E-10-404 (Effective 07/01/26)**, (Renumbered from 78B-22-702, as last amended by
465 Laws of Utah 2024, Chapter 193)
466 **75E-10-405 (Effective 07/01/26)**, (Renumbered from 78B-22-703, as last amended by
467 Laws of Utah 2024, Chapter 193)
468 **75E-10-406 (Effective 07/01/26)**, (Renumbered from 78B-22-704, as last amended by
469 Laws of Utah 2024, Chapter 193)
470 **75E-10-501 (Effective 07/01/26)**, (Renumbered from 78B-22-801, as last amended by

471 Laws of Utah 2021, Chapters 228, 262 and last amended by Coordination Clause, Laws of
472 Utah 2021, Chapter 262)
473 **75E-10-502 (Effective 07/01/26)**, (Renumbered from 78B-22-802, as last amended by
474 Laws of Utah 2021, Chapters 228, 235)
475 **75E-10-503 (Effective 07/01/26)**, (Renumbered from 78B-22-803, as last amended by
476 Laws of Utah 2021, Chapters 228, 262)
477 **75E-10-504 (Effective 07/01/26)**, (Renumbered from 78B-22-804, as last amended by
478 Laws of Utah 2023, Chapter 438)
479 **75E-10-505 (Effective 07/01/26) (Repealed 12/31/26)**, (Renumbered from
480 78B-22-805, as last amended by Laws of Utah 2023, Chapter 438)
481 **75E-10-601 (Effective 07/01/26)**, (Renumbered from 78B-22-901, as last amended by
482 Laws of Utah 2025, Chapter 426)
483 **75E-10-602 (Effective 07/01/26)**, (Renumbered from 78B-22-902, as enacted by
484 Laws of Utah 2020, Chapter 371)
485 **75E-10-603 (Effective 07/01/26)**, (Renumbered from 78B-22-904, as last amended by
486 Laws of Utah 2025, Chapter 217)
487 **75E-10-604 (Effective 07/01/26)**, (Renumbered from 78B-22-903, as last amended by
488 Laws of Utah 2025, Chapter 426)
489 **75E-10-701 (Effective 07/01/26)**, (Renumbered from 78B-22-1101, as enacted by
490 Laws of Utah 2025, Chapter 328)
491 **75E-10-702 (Effective 07/01/26)**, (Renumbered from 78B-22-1102, as enacted by
492 Laws of Utah 2025, Chapter 328)
493 **75E-10-703 (Effective 07/01/26)**, (Renumbered from 78B-22-1103, as enacted by
494 Laws of Utah 2025, Chapter 328)
495 **75E-10-704 (Effective 07/01/26)**, (Renumbered from 78B-22-1104, as enacted by
496 Laws of Utah 2025, Chapter 328)
497 **75E-11-101 (Effective 07/01/26)**, (Renumbered from 77-38-601, as last amended by
498 Laws of Utah 2025, Chapter 173)
499 **75E-11-102 (Effective 07/01/26)**, (Renumbered from 77-38-602, as last amended by
500 Laws of Utah 2023, Chapter 237)
501 **75E-11-202 (Effective 07/01/26)**, (Renumbered from 77-38-620, as last amended by
502 Laws of Utah 2025, Chapter 271)
503 **75E-11-302 (Effective 07/01/26)**, (Renumbered from 77-38-603, as enacted by Laws of
504 Utah 2022, Chapter 215)

505 **75E-11-303 (Effective 07/01/26)**, (Renumbered from 77-38-604, as enacted by Laws of
506 Utah 2022, Chapter 215)

507 **75E-11-304 (Effective 07/01/26)**, (Renumbered from 77-38-605, as last amended by
508 Laws of Utah 2025, Chapter 291)

509 **75E-11-305 (Effective 07/01/26)**, (Renumbered from 77-38-606, as enacted by Laws of
510 Utah 2022, Chapter 215)

511 **75E-11-306 (Effective 07/01/26)**, (Renumbered from 77-38-607, as last amended by
512 Laws of Utah 2023, Chapter 237)

513 **75E-11-307 (Effective 07/01/26)**, (Renumbered from 77-38-608, as last amended by
514 Laws of Utah 2023, Chapter 237)

515 **75E-11-308 (Effective 07/01/26)**, (Renumbered from 77-38-609, as last amended by
516 Laws of Utah 2023, Chapter 237)

517 **75E-11-309 (Effective 07/01/26)**, (Renumbered from 77-38-610, as enacted by Laws of
518 Utah 2022, Chapter 215)

519 **75E-11-310 (Effective 07/01/26)**, (Renumbered from 77-38-611, as last amended by
520 Laws of Utah 2025, Chapter 214)

521 **75E-11-311 (Effective 07/01/26)**, (Renumbered from 77-38-612, as last amended by
522 Laws of Utah 2023, Chapter 237)

523 **75E-11-312 (Effective 07/01/26)**, (Renumbered from 77-38-613, as enacted by Laws of
524 Utah 2022, Chapter 215)

525 **75E-11-313 (Effective 07/01/26)**, (Renumbered from 77-38-614, as enacted by Laws of
526 Utah 2022, Chapter 215)

527 **75E-11-314 (Effective 07/01/26)**, (Renumbered from 77-38-615, as last amended by
528 Laws of Utah 2024, Chapter 366)

529 **75E-11-315 (Effective 07/01/26)**, (Renumbered from 77-38-616, as enacted by Laws of
530 Utah 2022, Chapter 215)

531 **75E-11-316 (Effective 07/01/26)**, (Renumbered from 77-38-617, as enacted by Laws of
532 Utah 2022, Chapter 215)

533 **75E-11-317 (Effective 07/01/26)**, (Renumbered from 77-38-619, as last amended by
534 Laws of Utah 2023, Chapter 237)

535 REPEALS:

536 **63A-16-1001 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 108

537 **63A-16-1004 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 252

538 **63M-7-210 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special

539 Session, Chapter 9

540 **63M-7-501 (Effective 07/01/26)**, as last amended by Laws of Utah 2011, Chapter 131

541 **63M-7-506.5 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 160

542 **63M-7-511.5 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 149

543 **63M-7-512 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 149

544 **63M-7-513 (Effective 07/01/26)**, as last amended by Laws of Utah 2022, Chapter 430

545 **63M-7-516 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 506

546 **63M-7-518 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 149

547 **63M-7-522 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 506

548 **63M-7-523 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 149

549 **63M-7-905 (Effective 07/01/26)**, as enacted by Laws of Utah 2023, Chapter 150

550 **76-1-101 (Effective 07/01/26)**, as enacted by Laws of Utah 1973, Chapter 196

551 **77-1-1 (Effective 07/01/26)**, as enacted by Laws of Utah 1980, Chapter 15

552 **77-38-618 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 237

553 **77-38-621 (Effective 07/01/26)**, as enacted by Laws of Utah 2022, Chapter 215

554 **Utah Code Sections affected by Coordination Clause:**

555 **13-53-111**, as last amended by Laws of Utah 2025, Chapter 51

556 **53-1-106**, as last amended by Laws of Utah 2024, Chapter 506

557 **53-5a-502**, as renumbered and amended by Laws of Utah 2025, Chapter 208, as amended

558 in 2026 S.B. 86

559 **53-5a-602**, as renumbered and amended by Laws of Utah 2025, Chapter 208, as amended

560 in 2026 H.B. 220

561 **53-6-102**, as last amended by Laws of Utah 2010, Chapter 313, as amended in 2026 H.B.

562 72

563 **53-10-910**, as last amended by Laws of Utah 2025, Chapter 271, as amended in 2026

564 H.B. 220

565 **53-21-102**, as last amended by Laws of Utah 2024, Chapter 345, as amended in 2026

566 H.B. 338

567 **53-32-102**, as enacted in 2026 H.B. 72

568 **53H-7-603**, as renumbered and amended by Laws of Utah 2025, First Special Session,

569 Chapter 8, as amended in 2026 H.B. 220

570 **63A-16-1002**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17,

571 as amended in 2026 H.B. 220

572 **63G-2-201**, as last amended by Laws of Utah 2025, Chapters 299, 476, as amended in

573 2026 H.B. 220
574 **63I-1-275**, as enacted by Laws of Utah 2024, Third Special Session, Chapter 5
575 **63I-1-280**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5, as
576 amended in 2026 S.B. 13
577 **63M-7-101.5**, as last amended by Laws of Utah 2025, Chapter 360
578 **63M-7-204**, as last amended by Laws of Utah 2025, Chapters 51, 135, 252, 494, and 510
579 **63M-7-208**, as last amended by Laws of Utah 2024, Chapter 240
580 **63M-7-215.1**, as enacted in H.B. 137
581 **63M-7-216**, as last amended by Laws of Utah 2025, Chapter 252
582 **63M-7-218**, as last amended by Laws of Utah 2025, Chapter 252
583 **63M-7-401.2**, as last amended by Laws of Utah 2021, Chapter 173
584 **63M-7-405**, as last amended by Laws of Utah 2024, Chapter 208
585 **63M-7-509**, as last amended by Laws of Utah 2025, First Special Session, Chapter 11
586 **63M-7-510**, as last amended by Laws of Utah 2020, Chapter 149
587 **63M-7-1001**, as enacted by Laws of Utah 2024, Chapter 160
588 **63M-7-1002**, as last amended by Laws of Utah 2025, Chapter 214
589 **63M-7-1002.5**, as enacted in 2026 H.B. 34
590 **63M-7-1003**, as enacted by Laws of Utah 2024, Chapter 160
591 **63M-7-1106**, as enacted by Laws of Utah 2025, Chapter 360
592 **64-13-45**, as last amended by Laws of Utah 2024, Chapters 245, 341
593 **64-13-47**, as enacted by Laws of Utah 2021, Chapter 44, as amended in 2026 H.B. 220
594 **64-14-203**, as enacted by Laws of Utah 2025, Chapter 214
595 **64-14-302**, as renumbered and amended by Laws of Utah 2025, Chapter 214
596 **67-5-22.7**, as last amended by Laws of Utah 2025, Chapter 173, as amended in 2026
597 H.B. 220
598 **75E-2-201**, as enacted in 2026 S.B. 323
599 **75E-2-202**, as enacted in 2026 S.B. 323
600 **77-7-27**, as enacted by Laws of Utah 2018, Chapter 289, as amended in 2026 S.B. 67
601 **77-27-32**, as last amended by Laws of Utah 2024, Chapter 208
602 **78A-12-201**, as last amended by Laws of Utah 2025, Chapter 57, renumbered to Section
603 78A-12-103 in 2026 S.B. 233
604 **78A-12-202**, as last amended by Laws of Utah 2010, Chapter 286, renumbered to
605 Section 78A-12-104 in 2026 S.B. 233
606 **78B-6-2105**, as last amended by Laws of Utah 2025, Chapter 173

607 **80-5-202**, as last amended by Laws of Utah 2024, Chapter 256, as amended in 2026 H.B.
 608 220

609 **UNCODIFIED MATERIAL**

610

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

612 Section 1. Section **10-3-716** is amended to read:

613 **10-3-716 (Effective 07/01/26). Fines and forfeitures -- Disposition.**

- 614 (1) All fines, penalties, and forfeitures for the violation of any ordinance, when collected,
 615 shall be paid in accordance with Section 51-4-2.
- 616 (2) A violation of this section constitutes a class C misdemeanor.
- 617 (3) The retention or use of any fine, penalty, or forfeiture by any person for personal use or
 618 benefit constitutes a class B misdemeanor, except that if the amount or amounts exceed
 619 \$1,000 the offense is a class A misdemeanor as defined in [~~the Utah Criminal Code~~] Title
 620 76, Criminal Offenses.

621 Section 2. Section **13-53-111** is amended to read:

622 **13-53-111 (Effective 07/01/26). Recidivism reporting requirements.**

- 623 (1) On or before August 31 of each year, a residential vocational or life skills program shall
 624 collect and report data on recidivism of participants to the [~~State Commission on~~
 625 ~~Criminal and Juvenile Justice~~] Department of Criminal Justice.
- 626 (2) The report described in Subsection (1) shall include the metrics and requirements
 627 described in Section [~~63M-7-102~~] 75E-2-203.
- 628 (3) The [~~State Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice
 629 shall include the information provided under this section in the report described in
 630 Subsection [~~63M-7-204(1)(x)~~] 75E-2-202(19).

631 Section 3. Section **17-72-101** is amended to read:

632 **17-72-101 (Effective 07/01/26). Definitions.**

633 As used in this chapter:

- 634 (1) "Commissary account" means an account from which a prisoner may withdraw money,
 635 deposited by the prisoner or another individual, to purchase discretionary items for sale
 636 by a correctional facility.
- 637 (2) "Commissary purchase" means a transaction initiated by a prisoner by which the
 638 prisoner obtains an item or items offered for sale by the correctional facility in exchange
 639 for money withdrawn from the prisoner's commissary account.
- 640 [~~(3) "Commission" means the State Commission on Criminal and Juvenile Justice created~~

- 641 ~~in Section 63M-7-201.]~~
- 642 [(4)] (3) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 643 [(5)] (4) "County inmate" means an inmate who is sentenced to a county jail.
- 644 [(6)] (5) "Cross-sex hormone treatment" means the same as that term is defined in Section
- 645 26B-4-1001.[281-12(6)]
- 646 (6) "Department" means the Department of Criminal Justice created in Section 75E-2-102.
- 647 (7)(a) "In-custody death" means a prisoner death that occurs while the prisoner is in the
- 648 custody of a county jail.
- 649 (b) "In-custody death" includes a prisoner death that occurs while the prisoner is:
- 650 (i) being transported for health care; or
- 651 (ii) receiving health care outside of a county jail.
- 652 (8) "Inmate" means a prisoner who is in the custody of a correctional facility following a
- 653 criminal conviction.
- 654 (9) "Medication assisted treatment plan" means a prescription plan to use prescribed
- 655 medication approved by the federal Food and Drug Administration, such as
- 656 buprenorphine, methadone, or naltrexone to treat substance use withdrawal symptoms or
- 657 an opioid use disorder.
- 658 (10) "Notice" means all papers and orders, except process, required to be served in any
- 659 proceeding before any court, board, commission, or officer, or when required by law to
- 660 be served independently of a court proceeding.
- 661 (11) "Opiate" means the same as that term is defined in Section 58-37-2.
- 662 (12) "Primary sex characteristic surgical procedure" means the same as that term is defined
- 663 in Section 26B-4-1001.
- 664 (13) "Prisoner" means an individual who is:
- 665 (a) in custody of a peace officer in accordance with a lawful arrest; or
- 666 (b) confined in a county jail.
- 667 (14) "Police interlocal entity" means the same as that term is defined in Sections 17-76-201
- 668 and 17-76-301.
- 669 (15) "Police special district" means the same as that term is defined in Section 17-76-201.
- 670 (16) "Probationer" means an individual on probation under the supervision of the county
- 671 sheriff.
- 672 (17) "Process" means all writs, warrants, summonses and orders of the courts of justice or
- 673 judicial officers.
- 674 (18)(a) "Qualifying domestic violence offense" means, except as provided in Subsection

675 (18)(b), the same as that term is defined in Section 77-36-1.1.

676 (b) "Qualifying domestic violence offense" does not include criminal mischief as that
677 term is defined in Section 76-6-106.

678 (19) "State inmate" means an inmate who is sentenced to the Department of Corrections,
679 created in Section 64-13-2, even if the inmate is in the custody of a county jail.

680 (20) "Secondary sex characteristic surgical procedure" means the same as that term is
681 defined in Section 26B-4-1001.

682 (21) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

683 Section 4. Section **17-72-402** is amended to read:

684 **17-72-402 (Effective 07/01/26). Sheriff's classification of jail facilities --**

685 **Maximum operating capacity of jail facilities -- Limitations on contracting -- Transfer or**
686 **release of prisoners -- Limitation -- Records regarding release.**

687 (1)(a) Except as provided in Subsection (5), a county sheriff shall determine:

688 (i) subject to Subsection (1)(b), the classification of each county jail facility or
689 section of a county jail facility under the sheriff's control;

690 (ii) the nature of each program conducted at a county jail facility under the sheriff's
691 control; and

692 (iii) the internal operation of a county jail facility under the sheriff's control.

693 (b) A classification under Subsection (1)(a)(i) of a jail facility may not violate any
694 applicable zoning ordinance or conditional use permit of the county or municipality.

695 (2) Except as provided in Subsection (5), each county sheriff shall:

696 (a) with the approval of the county legislative body, establish a maximum operating
697 capacity for each county jail facility under the sheriff's control, based on facility
698 design and staffing; and

699 (b) upon a county jail facility reaching the county jail facility's maximum operating
700 capacity:

701 (i) transfer prisoners to another appropriate facility:

702 (A) under the sheriff's control; or

703 (B) available to the sheriff by contract;

704 (ii) subject to the requirements of Subsection (4), release prisoners:

705 (A) to a supervised release program, according to release criteria established by
706 the sheriff; or

707 (B) to another alternative incarceration program developed by the sheriff; or

708 (iii) admit prisoners in accordance with law and a uniform admissions policy

- 709 imposed equally upon all entities using the county jail.
- 710 (3)(a) The sheriff shall keep records of the release status and the type of release program
711 or alternative incarceration program for any prisoner released under Subsection
712 (2)(b)(ii).
- 713 (b) The sheriff shall make records described in Subsection (3)(a) available upon request
714 to the Department of Corrections, the judiciary, and the [~~commission~~] department.
- 715 (4) A sheriff may not release an individual due to overcrowding who, based on information
716 that is reasonably available to the sheriff:
- 717 (a) is arrested or convicted of a violent criminal offense as defined in Section
718 76-3-203.10;
- 719 (b) is arrested or convicted of a drug offense that is a felony;
- 720 (c) is arrested or convicted of possession of any composition or mixture, including pills,
721 that contains 100 grams or more of fentanyl or a fentanyl-related substance;
- 722 (d) is arrested or convicted of an offense of driving under the influence or driving with a
723 measurable controlled substance in the body, if the offense results in death or serious
724 bodily injury to an individual;
- 725 (e) has been previously booked into the same jail within the 12-month period
726 immediately before the individual's current incarceration began; or
- 727 (f) has an outstanding warrant for failing to appear in a case:
- 728 (i) involving any charge described in Subsections (4)(a) through (4)(d); or
729 (ii) where the individual classifies as a habitual offender as defined in Section
730 77-18-102.
- 731 (5)(a) This section may not be construed to authorize a sheriff to modify provisions of a
732 contract with the Department of Corrections to house in a county jail a state inmate
733 sentenced to the Department of Corrections.
- 734 (b) A county contracting with another county to house a county inmate due to capacity
735 issues:
- 736 (i) shall contract with a county that:
- 737 (A) has available capacity in the county's county jail; and
738 (B) agrees to contract to house the county inmate;
- 739 (ii) shall, subject to the agreement of the parties to the contract, pay to the county
740 contracting to receive the transferred county inmate a day per capita rate that does
741 not exceed the higher of:
- 742 (A) the current average cost of housing a county inmate in the transferring county

- 743 jail; or
- 744 (B) the daily incarceration rates described in Section 64-13e-103.1; and
- 745 (iii) if the county is a county of the first class, and if the county or a sheriff in the
- 746 county has released a prisoner due to overcrowding during the lookback period
- 747 described in Subsection (5)(c), the county:
- 748 (A) may not enter into a new contract with a federal agency for the purpose of
- 749 housing federal detainees;
- 750 (B) may not house federal detainees in a number that exceeds the number of beds
- 751 that the county has contracted for with a federal agency in the current fiscal
- 752 year; and
- 753 (C) shall publish daily totals on the public data dashboard showing:
- 754 (I) the total number of federal detainees held;
- 755 (II) the total number of beds under contract with a federal agency; and
- 756 (III) the total number of beds that are currently under contract with another
- 757 county for the purpose of housing federal detainees.
- 758 (c) The lookback period described in Subsection (5)(b)(iii) is:
- 759 (i) beginning on September 1, 2025, the period that begins on September 1, 2025, and
- 760 ends on August 31, 2026; and
- 761 (ii) for September 1, 2026, forward, the period that begins on September 1 of the
- 762 previous calendar year and ends on August 31 of the current calendar year.
- 763 (6) Regardless of whether a county jail facility has reached the county jail facility's
- 764 maximum operating capacity under Subsection (2), a sheriff may release an individual
- 765 from a county jail facility in accordance with:
- 766 (a) Section 17-72-804 and Section 77-20-203; or[-]
- 767 (b) Section 77-20-204.
- 768 (7) The sheriff of a county of the first class is encouraged to open and operate all sections
- 769 of a county jail facility within the county that are not being used to full capacity.
- 770 Section 5. Section **17-72-408** is amended to read:
- 771 **17-72-408 (Effective 07/01/26). County jail reporting requirements.**
- 772 (1) Each county jail shall submit a report to the [eommission] department before June 15 of
- 773 each year that includes, for the preceding calendar year:
- 774 (a) the average daily prisoner population each month;
- 775 (b) the number of prisoners in the county jail on the last day of each month who identify
- 776 as each race or ethnicity included in the Standards for Transmitting Race and

- 777 Ethnicity published by the United States Federal Bureau of Investigation;
- 778 (c) the number of prisoners booked into the county jail;
- 779 (d) the number of prisoners held in the county jail each month on behalf of each of the
- 780 following entities:
- 781 (i) the Bureau of Indian Affairs;
- 782 (ii) a state prison;
- 783 (iii) a federal prison;
- 784 (iv) the United States Immigration and Customs Enforcement; and
- 785 (v) any other entity with which a county jail has entered a contract to house inmates
- 786 on the entity's behalf;
- 787 (e) the number of prisoners that are denied pretrial release and held in the custody of the
- 788 county jail while the prisoner awaited final disposition of the prisoner's criminal
- 789 charges;
- 790 (f) for each prisoner booked into the county jail:
- 791 (i) the name of the agency that arrested the prisoner;
- 792 (ii) the date and time the prisoner was booked into and released from the custody of
- 793 the county jail;
- 794 (iii) if the prisoner was released from the custody of the county jail, the reason the
- 795 inmate was released from the custody of the county jail;
- 796 (iv) if the prisoner was released from the custody of the county jail on a financial
- 797 condition, whether the financial condition was set by a county sheriff or a court;
- 798 (v) the number of days the prisoner was held in the custody of the county jail before
- 799 disposition of the prisoner's criminal charges;
- 800 (vi) whether the prisoner was released from the custody of the county jail before final
- 801 disposition of the prisoner's criminal charges; and
- 802 (vii) the prisoner's state identification number;
- 803 (g) the number of in-custody deaths that occurred at the county jail;
- 804 (h) for each in-custody death:
- 805 (i) the deceased's name, gender, race, ethnicity, age, and known or suspected medical
- 806 diagnosis or disability, if any;
- 807 (ii) the date, time, and location of death;
- 808 (iii) the law enforcement agency that detained, arrested, or was in the process of
- 809 arresting the deceased; and
- 810 (iv) a brief description of the circumstances surrounding the death;

- 811 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
812 each of the in-custody deaths described in Subsection (2)(g);
- 813 (j) the county jail's policy for notifying an inmate's next of kin after the prisoner's
814 in-custody death;
- 815 (k) the county jail policies, procedures, and protocols:
- 816 (i) for treatment of a prisoner experiencing withdrawal from alcohol or substance use,
817 including use of opiates;
- 818 (ii) that relate to the county jail's provision, or lack of provision, of medications used
819 to treat, mitigate, or address a prisoner's symptoms of withdrawal, including
820 methadone and all forms of buprenorphine and naltrexone; and
- 821 (iii) that relate to screening, assessment, and treatment of a prisoner for a substance
822 use or mental health disorder, including the policies, procedures, and protocols
823 that implement the requirements described in Section 17-72-501;
- 824 (l)(i) the number of prisoners whose screening described in Section 17-72-501
825 indicated the presence of a substance use disorder; and
- 826 (ii) of the prisoners whose screening indicated the presence of a substance use
827 disorder, the number of prisoners who received medication under a medication
828 assisted treatment plan; and
- 829 (m) any report the county jail provides or is required to provide under federal law or
830 regulation relating to prisoner deaths.
- 831 (2)(a) Subsection (1) does not apply to a county jail if the county jail:
- 832 (i) collects and stores the data described in Subsection (1); and
- 833 (ii) enters into a memorandum of understanding with the ~~[commission]~~ department
834 that allows the ~~[commission]~~ department to access the data described in Subsection
835 (1).
- 836 (b) The memorandum of understanding described in Subsection (2)(a)(ii) shall include a
837 provision to protect any information related to an ongoing investigation and comply
838 with all applicable federal and state laws.
- 839 (c) If the ~~[commission]~~ department accesses data from a county jail in accordance with
840 Subsection (2)(a), the ~~[commission]~~ department may not release a report prepared
841 from that data, unless:
- 842 (i) the ~~[commission]~~ department provides the report for review to:
- 843 (A) the county jail; and
- 844 (B) any arresting agency that is named in the report; and

- 845 (ii)(A) the county jail approves the report for release;
 846 (B) the county jail reviews the report and prepares a response to the report to be
 847 published with the report; or
 848 (C) the county jail fails to provide a response to the report within four weeks after
 849 the day on which the ~~[commission]~~ department provides the report to the county
 850 jail.

- 851 (3) The ~~[commission]~~ department shall:
 852 (a) compile the information from the reports described in Subsection (1);
 853 (b) omit or redact any identifying information of an inmate in the compilation to the
 854 extent omission or redaction is necessary to comply with state and federal law;
 855 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
 856 Committee and the Utah Substance Use and Mental Health Advisory Committee
 857 before November 1 of each year; and
 858 (d) submit the compilation to the protection and advocacy agency designated by the
 859 governor before November 1 of each year.
- 860 (4) The ~~[commission]~~ department may not provide access to or use a county jail's policies,
 861 procedures, or protocols submitted under this section in a manner or for a purpose not
 862 described in this section.
- 863 (5) Upon request, a county jail shall make a report, including only the names and causes of
 864 death of deceased inmates and the facility in which the deceased inmates were being
 865 held in custody, available to the public.

866 Section 6. Section **17E-2-101** is amended to read:

867 **17E-2-101 (Effective 07/01/26). Definitions.**

868 As used in this chapter:

- 869 ~~[(1) "Commission" means the State Commission on Criminal and Juvenile Justice created~~
 870 ~~in Section 63M-7-201.]~~
- 871 ~~[(2)]~~ (1) "Criminal justice agency" means an agency or institution directly involved in the
 872 apprehension, prosecution, or incarceration of a person involved in criminal activity.
- 873 ~~[(3)]~~ (2) "Criminal justice coordinating council" or "council" means a council created by a
 874 county or counties in accordance with Section 17E-2-201.
- 875 ~~[(4)]~~ (3) "Criminal justice system" means the continuum of criminal justice agencies and
 876 post-incarceration services that an individual may encounter as a result of the
 877 individual's criminal activity.
- 878 (4) "Department" means the Department of Criminal Justice created in Section 75E-2-102.

879 (5)(a) "Post-incarceration services" means services that may assist an individual who is
880 leaving incarceration to reintegrate into the community.

881 (b) "Post-incarceration services" includes:

- 882 (i) educational services;
- 883 (ii) housing services;
- 884 (iii) health care services;
- 885 (iv) workforce services; and
- 886 (v) human services programs.

887 Section 7. Section **17E-2-201** is amended to read:

888 **17E-2-201 (Effective 07/01/26). Criminal justice coordinating councils --**

889 **Creation -- Strategic plan -- Reporting requirements.**

890 (1)(a) Beginning January 1, 2023, a county shall:

- 891 (i) create a criminal justice coordinating council; or
- 892 (ii) jointly with another county or counties, create a criminal justice coordinating
893 council.

894 (b) The purpose of a council is to coordinate and improve components of the criminal
895 justice system in the county or counties.

896 (2)(a) A council shall include:

- 897 (i) one county commissioner or county council member;
- 898 (ii) the county sheriff or the sheriff's designee;
- 899 (iii) one chief of police of a municipality within the county or the chief's designee;
- 900 (iv) the county attorney or the attorney's designee;
- 901 (v) one public defender or attorney who provides public defense within the county;
- 902 (vi) one district court judge;
- 903 (vii) one justice court judge;
- 904 (viii) one representative from the Division of Adult Probation and Parole created in
905 Section 64-14-202;
- 906 (ix) one representative from the local mental health authority within the county; and
- 907 (x) one individual who is:
 - 908 (A) a crime victim; or
 - 909 (B) a victim advocate, as defined in Section 77-38-403.

910 (b) A council may include:

- 911 (i) an individual representing:
 - 912 (A) local government;

- 913 (B) human services programs;
- 914 (C) higher education;
- 915 (D) peer support services;
- 916 (E) workforce services;
- 917 (F) local housing services;
- 918 (G) mental health or substance use disorder providers;
- 919 (H) a health care organization within the county;
- 920 (I) a local homeless council;
- 921 (J) family counseling and support groups; or
- 922 (K) organizations that work with families of incarcerated individuals; or
- 923 (ii) an individual with lived experiences in the criminal justice system.
- 924 (3)(a) A member who is an elected county official shall serve as chair of the council.
- 925 (b) The council shall elect the member to serve as chair under Subsection (3)(a).
- 926 (4)(a) A council shall develop and implement a strategic plan for the county's or
- 927 counties' criminal justice system that includes:
- 928 (i) mapping of all systems, resources, assets, and services within the county's or
- 929 counties' criminal justice system;
- 930 (ii) a plan for data sharing across the county's or counties' criminal justice system;
- 931 (iii) recidivism reduction objectives; and
- 932 (iv) community reintegration goals, including identifying strategies for connecting
- 933 county residents who are on probation, parole, or leaving jail or prison, including
- 934 those under the custody of the Division of Juvenile Justice and Youth Services,
- 935 with county-based housing, employment, mental health services, substance use
- 936 treatment, and related resources.
- 937 (b) The [~~commission~~] department may assist a council in the development of a strategic
- 938 plan.
- 939 (5) As part of the council's duties described in Subsection (4)(a)(i), the council shall prepare
- 940 a list of private probation providers for a court to provide to defendants as described in
- 941 Section 77-18-105.
- 942 (6) Before November 30 of each year, a council shall provide a written report to the [
- 943 ~~commission~~] department regarding:
- 944 (a) the implementation of a strategic plan described in Subsection (4); and
- 945 (b) any data on the impact of the council on the criminal justice system in the county or
- 946 counties.

947 Section 8. Section **20A-2-204** is amended to read:

948 **20A-2-204 (Effective 07/01/26). Registering to vote when applying for or**
949 **renewing a driver license or other qualifying form.**

950 (1) As used in this section, "voter registration form" means, when an individual named on a
951 qualifying form, as defined in Section 20A-2-108, answers "yes" to the question
952 described in Subsection 20A-2-108(2)(a)(i), the information on the qualifying form that
953 can be used for voter registration purposes.

954 (2)(a) Except as provided in Subsection (2)(b), a citizen who is qualified to vote may
955 register to vote, and a citizen who is qualified to preregister to vote may preregister to
956 vote, by answering "yes" to the question described in Subsection 20A-2-108(2)(a)(i)
957 and completing the voter registration form.

958 (b) A citizen who is a program participant in the Safe at Home Program created in
959 Section [~~77-38-602~~] 75E-11-102 is not eligible to register to vote as described in
960 Subsection (2)(a), but is eligible to register to vote by any other means described in
961 this part.

962 (3) The Driver License Division shall:

963 (a) assist an individual in completing the voter registration form unless the individual
964 refuses assistance;

965 (b) electronically transmit each address change to the lieutenant governor on or before
966 the first business day that is at least five calendar days after the day on which the
967 division receives the address change; and

968 (c) on or before the first business day that is at least five calendar days after the day on
969 which the division receives a voter registration form, electronically transmit the form
970 to the Office of the Lieutenant Governor, including the following for the individual
971 named on the form:

972 (i) the name, date of birth, driver license or state identification card number, last four
973 digits of the social security number, Utah residential address, place of birth, and
974 signature;

975 (ii) a mailing address, if different from the individual's Utah residential address;

976 (iii) an email address and phone number, if available;

977 (iv) the desired political affiliation, if indicated;

978 (v) an indication of whether the individual requested that the individual's voter
979 registration record be classified as a private record under Subsection
980 20A-2-108(2)(b); and

- 981 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and
982 any verification submitted with the form.
- 983 (4) Upon receipt of an individual's voter registration form from the Driver License Division
984 under Subsection (3), the lieutenant governor shall:
- 985 (a) enter the information into the statewide voter registration database; and
986 (b) if the individual requests on the individual's voter registration form that the
987 individual's voter registration record be classified as a private record or the individual
988 submits a withholding request form described in Subsections 20A-2-104(7) and (8)
989 and any required verification, classify the individual's voter registration record as a
990 private record.
- 991 (5) The county clerk of an individual whose information is entered into the statewide voter
992 registration database under Subsection (4) shall:
- 993 (a) ensure that the individual meets the qualifications to be registered or preregistered to
994 vote; and
995 (b)(i) if the individual meets the qualifications to be registered to vote:
996 (A) ensure that the individual is assigned to the proper voting precinct; and
997 (B) send the individual the notice described in Section 20A-2-304; or
998 (ii) if the individual meets the qualifications to be preregistered to vote, process the
999 form in accordance with the requirements of Section 20A-2-101.1.
- 1000 (6)(a) When the county clerk receives a correctly completed voter registration form
1001 under this section, the clerk shall:
- 1002 (i) comply with the applicable provisions of this Subsection (6); or
1003 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.
- 1004 (b) If the county clerk receives a correctly completed voter registration form under this
1005 section no later than 5 p.m. or, if submitting the form electronically, midnight, 11
1006 calendar days before the date of an election, the county clerk shall:
- 1007 (i) accept the voter registration form; and
1008 (ii) unless the individual is preregistering to vote:
1009 (A) enter the individual's name on the list of registered voters for the voting
1010 precinct in which the individual resides; and
1011 (B) notify the individual that the individual is registered to vote in the upcoming
1012 election; and
1013 (iii) if the individual named in the form is preregistering to vote, comply with Section
1014 20A-2-101.1.

1015 (c) If the county clerk receives a correctly completed voter registration form under this
1016 section after the deadline described in Subsection (6)(b), the county clerk shall,
1017 unless the individual named in the form is preregistering to vote:
1018 (i) accept the application for registration of the individual;
1019 (ii) process the voter registration form; and
1020 (iii) unless the individual is preregistering to vote, and except as provided in
1021 Subsection 20A-2-207(6), inform the individual that the individual will not be
1022 registered to vote in the pending election, unless the individual registers to vote by
1023 provisional ballot during the early voting period, if applicable, or on election day,
1024 in accordance with Section 20A-2-207.

1025 (7)(a) If the county clerk determines that an individual's voter registration form received
1026 from the Driver License Division is incorrect because of an error, because the form is
1027 incomplete, or because the individual does not meet the qualifications to be registered
1028 to vote, the county clerk shall mail notice to the individual stating that the individual
1029 has not been registered or preregistered because of an error, because the registration
1030 form is incomplete, or because the individual does not meet the qualifications to be
1031 registered to vote.

1032 (b) If a county clerk believes, based upon a review of a voter registration form, that an
1033 individual, who knows that the individual is not legally entitled to register or
1034 preregister to vote, may be intentionally seeking to register or preregister to vote, the
1035 county clerk shall refer the form to the county attorney for investigation and possible
1036 prosecution.

1037 Section 9. Section **26A-1-114** is amended to read:

1038 **26A-1-114 (Effective 07/01/26). Powers and duties of departments.**

1039 (1) Subject to Subsections (7), (8), and (10), a local health department may:
1040 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,
1041 department rules, and local health department standards and regulations relating to
1042 public health and sanitation, including the plumbing code administered by the
1043 Division of Professional Licensing under Title 15A, Chapter 1, Part 2, State
1044 Construction Code Administration Act, and under Title 26B, Chapter 7, Part 4,
1045 General Sanitation and Food Safety, in all incorporated and unincorporated areas
1046 served by the local health department;
1047 (b) establish, maintain, and enforce isolation and quarantine, over an individual in
1048 accordance with an order of restriction issued under Title 26B, Chapter 7, Part 3,

- 1049 Treatment, Isolation, and Quarantine Procedures for Communicable Diseases;
- 1050 (c) establish and maintain medical, environmental, occupational, and other laboratory
- 1051 services considered necessary or proper for the protection of the public health;
- 1052 (d) establish and operate reasonable health programs or measures not in conflict with
- 1053 state law which:
- 1054 (i) are necessary or desirable for the promotion or protection of the public health and
- 1055 the control of disease; or
- 1056 (ii) may be necessary to ameliorate the major risk factors associated with the major
- 1057 causes of injury, sickness, death, and disability in the state;
- 1058 (e) close theaters, schools, and other public places and prohibit gatherings of people
- 1059 when necessary to protect the public health;
- 1060 (f) exercise physical control of property to abate nuisances or eliminate sources of filth
- 1061 and infectious and communicable diseases affecting the public health and bill the
- 1062 owner or other person in charge of the premises upon which this nuisance occurs for
- 1063 the cost of abatement;
- 1064 (g) make necessary sanitary and health investigations and inspections on the local health
- 1065 department's own initiative or in cooperation with the Department of Health and
- 1066 Human Services or the Department of Environmental Quality, or both, as to any
- 1067 matters affecting the public health;
- 1068 (h) [~~pursuant to~~] in accordance with county ordinance or interlocal agreement:
- 1069 (i) establish and collect appropriate fees for the performance of services and
- 1070 operation of authorized or required programs and duties;
- 1071 (ii) accept, use, and administer all federal, state, or private donations or grants of
- 1072 funds, property, services, or materials for public health purposes; and
- 1073 (iii) make agreements not in conflict with state law which are conditional to receiving
- 1074 a donation or grant;
- 1075 (i) prepare, publish, and disseminate information necessary to inform and advise the
- 1076 public concerning:
- 1077 (i) the health and wellness of the population, specific hazards, and risk factors that
- 1078 may adversely affect the health and wellness of the population; and
- 1079 (ii) specific activities individuals and institutions can engage in to promote and
- 1080 protect the health and wellness of the population;
- 1081 (j) investigate the causes of morbidity and mortality;
- 1082 (k) issue notices and orders necessary to carry out this part;

- 1083 (l) conduct studies to identify injury problems, establish injury control systems, develop
1084 standards for the correction and prevention of future occurrences, and provide public
1085 information and instruction to special high risk groups;
- 1086 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
1087 within the jurisdiction of the boards;
- 1088 (n) cooperate with the state health department, the Department of Corrections, the
1089 Administrative Office of the Courts, the Division of Juvenile Justice and Youth
1090 Services, and the ~~[Utah]~~Office for Victims of Crime to conduct testing for HIV
1091 infection of alleged sexual offenders, convicted sexual offenders, and any victims of
1092 a sexual offense;
- 1093 (o) investigate suspected bioterrorism and disease ~~[pursuant to]~~ in accordance with
1094 Section 26B-7-321;
- 1095 (p) provide public health assistance in response to a national, state, or local emergency, a
1096 public health emergency as defined in Section 26B-7-301, or a declaration by the [
1097 ~~President]~~ president of the United States or other federal official requesting public
1098 health-related activities; and
- 1099 (q) when conducting routine inspections of businesses regulated by the local health
1100 department, notify the Department of Agriculture and Food of a potential violation of
1101 Title 4, Chapter 41, Hemp and Cannabinoid Act.
- 1102 (2) The local health department shall:
- 1103 (a) establish programs or measures to promote and protect the health and general
1104 wellness of the people within the boundaries of the local health department;
- 1105 (b) investigate infectious and other diseases of public health importance and implement
1106 measures to control the causes of epidemic and communicable diseases and other
1107 conditions significantly affecting the public health which may include involuntary
1108 testing of alleged sexual offenders for the HIV infection ~~[pursuant to]~~ in accordance
1109 with Section 53-10-802 and voluntary testing of victims of sexual offenses for HIV
1110 infection ~~[pursuant to]~~ in accordance with Section 53-10-803;
- 1111 (c) cooperate with the department in matters pertaining to the public health and in the
1112 administration of state health laws;
- 1113 (d) enter into a cooperative agreement with the Department of Environmental Quality as
1114 described in Subsection 19-1-201(1)(c); and
- 1115 (e) investigate a report made in accordance with Section 59-14-811 to determine
1116 whether a product is sold in violation of law.

- 1117 (3) The local health department has the following duties regarding public and private
1118 schools within the local health department's boundaries:
- 1119 (a) enforce all ordinances, standards, and regulations pertaining to the public health of [
1120 persons] individuals attending public and private schools;
- 1121 (b) exclude from school attendance [~~any person, including teachers~~] an individual,
1122 including a teacher, who is suffering from any communicable or infectious disease,
1123 whether acute or chronic, if the [~~person~~] individual is likely to convey the disease to
1124 those in attendance; and
- 1125 (c)(i) make regular inspections of the health-related condition of all school buildings
1126 and premises;
- 1127 (ii) report the inspections on forms furnished by the department to those responsible
1128 for the condition and provide instructions for correction of any conditions that
1129 impair or endanger the health or life of those attending the schools; and
- 1130 (iii) provide a copy of the report to the department at the time the report is made.
- 1131 (4) If those responsible for the health-related condition of the school buildings and premises
1132 do not carry out any instructions for corrections provided in a report described in
1133 Subsection (3)(c), the local health board shall cause the conditions to be corrected at the
1134 expense of the persons responsible.
- 1135 (5) The local health department may exercise incidental authority as necessary to carry out
1136 the provisions and purposes of this part.
- 1137 (6) This part does not authorize a local health department to:
- 1138 (a) require the installation or maintenance of a carbon monoxide detector in a residential
1139 dwelling against anyone other than the occupant of the dwelling; or
- 1140 (b) control the production, processing, distribution, or sale price of local food in
1141 response to a public health emergency.
- 1142 (7)(a) Except as provided in Subsection (7)(c), a local health department may not declare
1143 a public health emergency until the local health department has provided notice of the
1144 proposed action to the chief executive officer of the relevant county no later than 24
1145 hours before the local health department issues the order or declaration.
- 1146 (b) The local health department:
- 1147 (i) shall provide the notice required by Subsection (7)(a) using the best available
1148 method under the circumstances as determined by the local health department;
- 1149 (ii) may provide the notice required by Subsection (7)(a) in electronic format; and
- 1150 (iii) shall provide the notice in written form, if practicable.

- 1151 (c)(i) Notwithstanding Subsection (7)(a), a local health department may declare a
1152 public health emergency without approval of the chief executive officer of the
1153 relevant county if the passage of time necessary to obtain approval of the chief
1154 executive officer of the relevant county as required in Subsection (7)(a) would
1155 substantially increase the likelihood of loss of life due to an imminent threat.
- 1156 (ii) If a local health department declares a public health emergency as described in
1157 Subsection (7)(c)(i), the local health department shall notify the chief executive
1158 officer of the relevant county before declaring a public health emergency.
- 1159 (iii) The chief executive officer of the relevant county may terminate a declaration of
1160 a public health emergency as described in Subsection (7)(c)(i) within 72 hours of
1161 declaration of the public health emergency.
- 1162 (d)(i) The relevant county governing body may at any time terminate a public health
1163 emergency issued by the local health department by majority vote of the county
1164 governing body.
- 1165 (ii) A vote by the relevant county governing body to terminate a public health
1166 emergency as described in Subsection (7)(d)(i) is not subject to veto by the
1167 relevant chief executive officer.
- 1168 (8)(a) Except as provided in Subsection (8)(b), a public health emergency declared by a
1169 local health department expires at the earliest of:
- 1170 (i) the local health department or the chief executive officer of the relevant county
1171 finding that the threat or danger has passed or the public health emergency
1172 reduced to the extent that emergency conditions no longer exist;
- 1173 (ii) 30 days after the date on which the local health department declared the public
1174 health emergency; or
- 1175 (iii) the day on which the public health emergency is terminated by majority vote of
1176 the county governing body.
- 1177 (b)(i) The relevant county legislative body, by majority vote, may extend a public
1178 health emergency for a time period designated by the county legislative body.
- 1179 (ii) If the county legislative body extends a public health emergency as described in
1180 Subsection (8)(b)(i), the public health emergency expires on the date designated
1181 by the county legislative body.
- 1182 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a
1183 local health department expires as described in Subsection (8)(a), the local health
1184 department may not declare a public health emergency for the same illness or

- 1185 occurrence that precipitated the previous public health emergency declaration.
- 1186 (d)(i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(f), if the local
1187 health department finds that exigent circumstances exist, after providing notice to
1188 the county legislative body, the department may declare a new public health
1189 emergency for the same illness or occurrence that precipitated a previous public
1190 health emergency declaration.
- 1191 (ii) A public health emergency declared as described in Subsection (8)(d)(i) expires
1192 in accordance with Subsection (8)(a) or (b).
- 1193 (e) For a public health emergency declared by a local health department under this
1194 chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine
1195 Procedures for Communicable Diseases, the Legislature may terminate by joint
1196 resolution a public health emergency that was declared based on exigent
1197 circumstances or that has been in effect for more than 30 days.
- 1198 (f) If the Legislature or county legislative body terminates a public health emergency
1199 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local
1200 health department may not declare a new public health emergency for the same
1201 illness, occurrence, or exigent circumstances.
- 1202 (9)(a) During a public health emergency declared as described in this title, the
1203 department or a local health department may not issue a public health order or
1204 impose or implement a regulation that substantially burdens an individual's exercise
1205 of religion unless the department or local health department demonstrates that the
1206 application of the burden to the individual:
- 1207 (i) is in furtherance of a compelling government interest; and
1208 (ii) is the least restrictive means of furthering that compelling government interest.
- 1209 (b) Notwithstanding Subsection (9)(a), the department or a local health department shall
1210 allow reasonable accommodations for an individual to perform or participate in a
1211 religious practice or rite.
- 1212 (10) A local health department may not:
- 1213 (a) require a person to obtain an inspection, license, or permit from the local health
1214 department to engage in a practice described in Subsection 58-11a-304(5);
1215 (b) prevent or limit a person's ability to engage in a practice described in Subsection
1216 58-11a-304(5) by:
- 1217 (i) requiring the person to engage in the practice at a specific location or at a
1218 particular type of facility or location; or

- 1219 (ii) enforcing a regulation applicable to a facility or location where the person
1220 chooses to engage in the practice; or
- 1221 (c) issue an order of constraint under any circumstance.
- 1222 Section 10. Section **26B-1-202** is amended to read:
- 1223 **26B-1-202 (Effective 07/01/26). Department authority and duties.**
- 1224 (1) As used in this section, "public funds" means the same as that term is defined in Section
1225 26B-5-101.
- 1226 (2) The department may, subject to applicable restrictions in state law and in addition to all
1227 other authority and responsibility granted to the department by law:
- 1228 (a) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
1229 Rulemaking Act, and not inconsistent with law, as the department may consider
1230 necessary or desirable for providing health and social services to the people of this
1231 state;
- 1232 (b) establish and manage client trust accounts in the department's institutions and
1233 community programs, at the request of the client or the client's legal guardian or
1234 representative, or in accordance with federal law;
- 1235 (c) purchase, as authorized or required by law, services that the department is
1236 responsible to provide for legally eligible persons;
- 1237 (d) conduct adjudicative proceedings for clients and providers in accordance with the
1238 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- 1239 (e) establish eligibility standards for the department's programs, not inconsistent with
1240 state or federal law or regulations;
- 1241 (f) take necessary steps, including legal action, to recover money or the monetary value
1242 of services provided to a recipient who was not eligible;
- 1243 (g) set and collect fees for the department's services;
- 1244 (h) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or
1245 limited by law;
- 1246 (i) acquire, manage, and dispose of any real or personal property needed or owned by
1247 the department, not inconsistent with state law;
- 1248 (j) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the
1249 proceeds thereof, may be credited to the program designated by the donor, and may
1250 be used for the purposes requested by the donor, as long as the request conforms to
1251 state and federal policy; all donated funds shall be considered private, nonlapsing
1252 funds and may be invested under guidelines established by the state treasurer;

- 1253 (k) accept and employ volunteer labor or services; the department is authorized to
1254 reimburse volunteers for necessary expenses, when the department considers that
1255 reimbursement to be appropriate;
- 1256 (l) carry out the responsibility assigned in the workforce services plan by the State
1257 Workforce Development Board;
- 1258 (m) carry out the responsibility assigned by Section 26B-1-430 with respect to
1259 coordination of services for students with a disability;
- 1260 (n) provide training and educational opportunities for the department's staff;
- 1261 (o) collect child support payments and any other money due to the department;
- 1262 (p) apply the provisions of Title 81, Chapter 6, Child Support, and Title 81, Chapter 7,
1263 Payment and Enforcement of Spousal and Child Support, to parents whose child lives
1264 out of the home in a department licensed or certified setting;
- 1265 (q) establish policy and procedures, within appropriations authorized by the Legislature,
1266 in cases where the Division of Child and Family Services or the Division of Juvenile
1267 Justice and Youth Services is given custody of a minor by the juvenile court under
1268 Title 80, Utah Juvenile Code, or the department is ordered to prepare an attainment
1269 plan for a minor found not competent to proceed under Section 80-6-403, including:
- 1270 (i) designation of interagency teams for each juvenile court district in the state;
1271 (ii) delineation of assessment criteria and procedures;
1272 (iii) minimum requirements, and timeframes, for the development and
1273 implementation of a collaborative service plan for each minor placed in
1274 department custody; and
1275 (iv) provisions for submittal of the plan and periodic progress reports to the court;
- 1276 (r) carry out the responsibilities assigned to the department by statute;
- 1277 (s) as further provided in Subsection (3), examine and audit the expenditures of any
1278 public funds provided to a local health department, a local substance abuse authority,
1279 a local mental health authority, a local area agency on aging, and any person, agency,
1280 or organization that contracts with or receives funds from those authorities or
1281 agencies;
- 1282 (t) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and
1283 persons to provide intercountry adoption services;
- 1284 (u) within legislative appropriations, promote and develop a system of care and
1285 stabilization services:
- 1286 (i) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

- 1287 (ii) that encompasses the department, department contractors, and the divisions,
1288 offices, or institutions within the department, to:
- 1289 (A) navigate services, funding resources, and relationships to the benefit of the
1290 children and families whom the department serves;
- 1291 (B) centralize department operations, including procurement and contracting;
- 1292 (C) develop policies that govern business operations and that facilitate a system of
1293 care approach to service delivery;
- 1294 (D) allocate resources that may be used for the children and families served by the
1295 department or the divisions, offices, or institutions within the department,
1296 subject to the restrictions in Section 63J-1-206;
- 1297 (E) create performance-based measures for the provision of services; and
- 1298 (F) centralize other business operations, including data matching and sharing
1299 among the department's divisions, offices, and institutions;
- 1300 (v) ensure that any training or certification required of a public official or public
1301 employee, as those terms are defined in Section 63G-22-102, complies with Title
1302 63G, Chapter 22, State Training and Certification Requirements, if the training or
1303 certification is required:
- 1304 (i) under this title;
- 1305 (ii) by the department; or
- 1306 (iii) by an agency or division within the department;
- 1307 (w) enter into cooperative agreements with the Department of Environmental Quality to
1308 delineate specific responsibilities to assure that assessment and management of risk
1309 to human health from the environment are properly administered;
- 1310 (x) consult with the Department of Environmental Quality and enter into cooperative
1311 agreements, as needed, to ensure efficient use of resources and effective response to
1312 potential health and safety threats from the environment, and to prevent gaps in
1313 protection from potential risks from the environment to specific individuals or
1314 population groups;
- 1315 (y) to the extent authorized under state law or required by federal law, promote and
1316 protect the health and wellness of the people within the state;
- 1317 (z) establish, maintain, and enforce rules authorized under state law or required by
1318 federal law to promote and protect the public health or to prevent disease and illness;
- 1319 (aa) investigate the causes of epidemic, infectious, communicable, and other diseases
1320 affecting the public health;

- 1321 (bb) provide for the detection and reporting of communicable, infectious, acute, chronic,
1322 or any other disease or health hazard which the department considers to be
1323 dangerous, important, or likely to affect the public health;
- 1324 (cc) collect and report information on causes of injury, sickness, death, and disability
1325 and the risk factors that contribute to the causes of injury, sickness, death, and
1326 disability within the state;
- 1327 (dd) collect, prepare, publish, and disseminate information to inform the public
1328 concerning the health and wellness of the population, specific hazards, and risks that
1329 may affect the health and wellness of the population and specific activities which
1330 may promote and protect the health and wellness of the population;
- 1331 (ee) abate nuisances when necessary to eliminate sources of filth and infectious and
1332 communicable diseases affecting the public health;
- 1333 (ff) make necessary sanitary and health investigations and inspections in cooperation
1334 with local health departments as to any matters affecting the public health;
- 1335 (gg) establish laboratory services necessary to support public health programs and
1336 medical services in the state;
- 1337 (hh) establish and enforce standards for laboratory services which are provided by any
1338 laboratory in the state when the purpose of the services is to protect the public health;
- 1339 (ii) cooperate with the Labor Commission to conduct studies of occupational health
1340 hazards and occupational diseases arising in and out of employment in industry, and
1341 make recommendations for elimination or reduction of the hazards;
- 1342 (jj) cooperate with the local health departments, the Department of Corrections, the
1343 Administrative Office of the Courts, the Division of Juvenile Justice and Youth
1344 Services, and the ~~[Utah]~~Office for Victims of Crime to conduct testing for HIV
1345 infection of alleged sexual offenders, convicted sexual offenders, and any victims of
1346 a sexual offense;
- 1347 (kk) investigate the causes of maternal and infant mortality;
- 1348 (ll) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians
1349 and drivers of motor vehicles killed in highway accidents be examined for the
1350 presence and concentration of alcohol, and provide the ~~[Commissioner of Public
1351 Safety]~~ commissioner of public safety with monthly statistics reflecting the results of
1352 these examinations, with necessary safeguards so that information derived from the
1353 examinations is not used for a purpose other than the compilation of these statistics;
- 1354 (mm) establish a uniform public health program throughout the state which includes

- 1355 continuous service, employment of qualified employees, and a basic program of
1356 disease control, vital and health statistics, sanitation, public health nursing, and other
1357 preventive health programs necessary or desirable for the protection of public health;
- 1358 (nn) conduct health planning for the state;
- 1359 (oo) monitor the costs of health care in the state and foster price competition in the
1360 health care delivery system;
- 1361 (pp) establish methods or measures for health care providers, public health entities, and
1362 health care insurers to coordinate among themselves to verify the identity of the
1363 individuals the providers serve;
- 1364 (qq) designate Alzheimer's disease and related dementia as a public health issue and,
1365 within budgetary limitations, implement a state plan for Alzheimer's disease and
1366 related dementia by incorporating the plan into the department's strategic planning
1367 and budgetary process;
- 1368 (rr) coordinate with other state agencies and other organizations to implement the state
1369 plan for Alzheimer's disease and related dementia;
- 1370 (ss) ensure that any training or certification required of a public official or public
1371 employee, as those terms are defined in Section 63G-22-102, complies with Title
1372 63G, Chapter 22, State Training and Certification Requirements, if the training or
1373 certification is required by the agency or under this [~~Title 26B, Utah Health and~~
1374 ~~Human Services Code;~~] title;
- 1375 (tt) oversee public education vision screening as described in Section 53G-9-404;
- 1376 (uu) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue
1377 Alert; and
- 1378 (vv) as allowed by state and federal law, share data with the Office of Families that is
1379 relevant to the duties described in Subsection 26B-1-243(4), which may include, to
1380 the extent available:
- 1381 (i) demographic data concerning family structures in the state; and
1382 (ii) data regarding the family structure associated with:
- 1383 (A) suicide, depression, or anxiety; and
1384 (B) various health outcomes.
- 1385 (3)(a) Under Subsection (2)(s), those local departments, local authorities, area agencies,
1386 and any person or entity that contracts with or receives funds from those departments,
1387 authorities, or area agencies, shall provide the department with any information the
1388 department considers necessary.

- 1389 (b) The department is further authorized to issue directives resulting from any
 1390 examination or audit to a local department, local authority, an area agency, and
 1391 persons or entities that contract with or receive funds from those departments,
 1392 authorities, or agencies with regard to any public funds.
- 1393 (c) If the department determines that it is necessary to withhold funds from a local health
 1394 department, local mental health authority, or local substance abuse authority based on
 1395 failure to comply with state or federal law, policy, or contract provisions, the
 1396 department may take steps necessary to ensure continuity of services.

1397 Section 11. Section **26B-5-102** is amended to read:

1398 **26B-5-102 (Effective 07/01/26). Division of Integrated Healthcare -- Office of**
 1399 **Substance Use and Mental Health -- Creation -- Responsibilities.**

- 1400 (1)(a) The Division of Integrated Healthcare shall exercise responsibility over the
 1401 policymaking functions, regulatory and enforcement powers, rights, duties, and
 1402 responsibilities outlined in state law that were previously vested in the Division of
 1403 Substance Abuse and Mental Health within the department, under the administration
 1404 and general supervision of the executive director.
- 1405 (b) The division is the substance abuse authority and the mental health authority for this
 1406 state.
- 1407 (c) There is created the Office of Substance Use and Mental Health within the division.
- 1408 (d) The office shall exercise the responsibilities, powers, rights, duties, and
 1409 responsibilities assigned to the office by the executive director.
- 1410 (2) The division shall:
- 1411 (a) educate the general public regarding the nature and consequences of substance use by
 1412 promoting school and community-based prevention programs;
- 1413 (b) render support and assistance to public schools through approved school-based
 1414 substance abuse education programs aimed at prevention of substance use;
- 1415 (c) promote or establish programs for the prevention of substance use within the
 1416 community setting through community-based prevention programs;
- 1417 (d) cooperate with and assist treatment centers, recovery residences, and other
 1418 organizations that provide services to individuals recovering from a substance use
 1419 disorder, by identifying and disseminating information about effective practices and
 1420 programs;
- 1421 (e) promote integrated programs that address an individual's substance use, mental
 1422 health, and physical health;

- 1423 (f) establish and promote an evidence-based continuum of screening, assessment,
1424 prevention, treatment, and recovery support services in the community for
1425 individuals with a substance use disorder or mental illness;
- 1426 (g) evaluate the effectiveness of programs described in this Subsection (2);
- 1427 (h) consider the impact of the programs described in this Subsection (2) on:
- 1428 (i) emergency department utilization;
- 1429 (ii) jail and prison populations;
- 1430 (iii) the homeless population; and
- 1431 (iv) the child welfare system;
- 1432 (i) promote or establish programs for education and certification of instructors to educate
1433 individuals convicted of driving under the influence of alcohol or drugs or driving
1434 with any measurable controlled substance in the body;
- 1435 (j) collect and disseminate information pertaining to mental health;
- 1436 (k) provide direction over the state hospital including approval of the state hospital's
1437 budget, administrative policy, and coordination of services with local service plans;
- 1438 (l) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1439 Rulemaking Act, to educate families concerning mental illness and promote family
1440 involvement, when appropriate, and with patient consent, in the treatment program of
1441 a family member;
- 1442 (m) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1443 Rulemaking Act, to direct that an individual receiving services through a local mental
1444 health authority or the Utah State Hospital be informed about and, if desired by the
1445 individual, provided assistance in the completion of a declaration for mental health
1446 treatment in accordance with Section 26B-5-313;
- 1447 (n) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1448 Rulemaking Act, that:
- 1449 (i) certify an adult as a case manager, qualified to provide case management services
1450 within the state;
- 1451 (ii) establish training and certification requirements;
- 1452 (iii) specify the types of services each certificate holder is qualified to provide;
- 1453 (iv) specify the type of supervision under which a certificate holder is required to
1454 operate; and
- 1455 (v) specify continuing education and other requirements for maintaining or renewing
1456 certification;

- 1457 (o) consult and coordinate with local substance abuse authorities and local mental health
1458 authorities regarding programs and services;
- 1459 (p) provide consultation and other assistance to public and private agencies and groups
1460 working on substance use and mental health issues;
- 1461 (q) promote and establish cooperative relationships with courts, hospitals, clinics,
1462 medical and social agencies, public health authorities, law enforcement agencies,
1463 education and research organizations, and other related groups;
- 1464 (r) promote or conduct research on substance use and mental health issues, and submit to
1465 the governor and the Legislature recommendations for changes in policy and
1466 legislation;
- 1467 (s) receive, distribute, and provide direction over public funds for substance use and
1468 mental health services;
- 1469 (t) monitor and evaluate programs provided by local substance abuse authorities and
1470 local mental health authorities;
- 1471 (u) examine expenditures of local, state, and federal funds;
- 1472 (v) monitor the expenditure of public funds by:
- 1473 (i) local substance abuse authorities;
- 1474 (ii) local mental health authorities; and
- 1475 (iii) in counties where they exist, a private contract provider that has an annual or
1476 otherwise ongoing contract to provide comprehensive substance abuse or mental
1477 health programs or services for the local substance abuse authority or local mental
1478 health authority;
- 1479 (w) contract with local substance abuse authorities and local mental health authorities to
1480 provide a comprehensive continuum of services that include community-based
1481 services for individuals involved in the criminal justice system, in accordance with
1482 division policy, contract provisions, and the local plan;
- 1483 (x) contract with private and public entities for special statewide or nonclinical services,
1484 or services for individuals involved in the criminal justice system, according to
1485 division rules;
- 1486 (y) review and approve each local substance abuse authority's plan and each local mental
1487 health authority's plan in order to ensure:
- 1488 (i) a statewide comprehensive continuum of substance use services;
- 1489 (ii) a statewide comprehensive continuum of mental health services;
- 1490 (iii) services result in improved overall health and functioning;

- 1491 (iv) a statewide comprehensive continuum of community-based services designed to
1492 reduce criminal risk factors for individuals who are determined to have substance
1493 use or mental illness conditions or both, and who are involved in the criminal
1494 justice system;
- 1495 (v) compliance, where appropriate, with the certification requirements in Subsection
1496 (2)(gg); and
- 1497 (vi) appropriate expenditure of public funds;
- 1498 (z) review and make recommendations regarding each local substance abuse authority's
1499 contract with the local substance abuse authority's provider of substance use
1500 programs and services and each local mental health authority's contract with the local
1501 mental health authority's provider of mental health programs and services to ensure
1502 compliance with state and federal law and policy;
- 1503 (aa) monitor and ensure compliance with division rules and contract requirements;
- 1504 (bb) withhold funds from local substance abuse authorities, local mental health
1505 authorities, and public and private providers for contract noncompliance, failure to
1506 comply with division directives regarding the use of public funds, or for misuse of
1507 public funds or money;
- 1508 (cc) ensure that the requirements of this part are met and applied uniformly by local
1509 substance abuse authorities and local mental health authorities across the state;
- 1510 (dd) require each local substance abuse authority and each local mental health authority,
1511 in accordance with Sections 17-77-201 and 17-77-301, to submit a plan to the
1512 division on or before May 15 of each year;
- 1513 (ee) conduct an annual program audit and review of each local substance abuse authority
1514 and each local substance abuse authority's contract provider, and each local mental
1515 health authority and each local mental health authority's contract provider, including:
- 1516 (i) a review and determination regarding whether:
- 1517 (A) public funds allocated to the local substance abuse authority or the local
1518 mental health authorities are consistent with services rendered by the authority
1519 or the authority's contract provider, and with outcomes reported by the
1520 authority's contract provider; and
- 1521 (B) each local substance abuse authority and each local mental health authority is
1522 exercising sufficient oversight and control over public funds allocated for
1523 substance use disorder and mental health programs and services; and
- 1524 (ii) items determined by the division to be necessary and appropriate;

- 1525 (ff) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4, Alcoholic
1526 Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;
- 1527 (gg) train and certify an adult as a peer support specialist, qualified to provide peer
1528 supports services to an individual with:
- 1529 (i) a substance use disorder;
- 1530 (ii) a mental health disorder;
- 1531 (iii) a substance use disorder and a mental health disorder;
- 1532 (iv) certify a person to carry out, as needed, the division's duty to train and certify an
1533 adult as a peer support specialist;
- 1534 (v) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1535 Rulemaking Act, that:
- 1536 (A) establish training and certification requirements for a peer support specialist;
- 1537 (B) specify the types of services a peer support specialist is qualified to provide;
- 1538 (C) specify the type of supervision under which a peer support specialist is
1539 required to operate; and
- 1540 (D) specify continuing education and other requirements for maintaining or
1541 renewing certification as a peer support specialist; and
- 1542 (vi) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1543 Rulemaking Act, that:
- 1544 (A) establish the requirements for a person to be certified to carry out, as needed,
1545 the division's duty to train and certify an adult as a peer support specialist; and
- 1546 (B) specify how the division shall provide oversight of a person certified to train
1547 and certify a peer support specialist;
- 1548 (hh) collaborate with the [~~State Commission on Criminal and Juvenile Justice~~]
1549 Department of Criminal Justice to analyze and provide recommendations to the
1550 Legislature regarding:
- 1551 (i) pretrial services and the resources needed to reduce recidivism;
- 1552 (ii) county jail and county behavioral health early-assessment resources needed for an
1553 individual convicted of a class A or class B misdemeanor; and
- 1554 (iii) the replacement of federal dollars associated with drug interdiction law
1555 enforcement task forces that are reduced;
- 1556 (ii) establish performance goals and outcome measurements for a mental health or
1557 substance use treatment program that is licensed under Chapter 2, Part 1, Human
1558 Services Programs and Facilities, and contracts with the department, including goals

- 1559 and measurements related to employment and reducing recidivism of individuals
1560 receiving mental health or substance use treatment who are involved with the
1561 criminal justice system;
- 1562 (jj) collaborate with the Administrative Office of the Courts, the Department of
1563 Corrections, the Department of Workforce Services, and the Board of Pardons and
1564 Parole to collect data on recidivism in accordance with the metrics and requirements
1565 described in Section [~~63M-7-102~~] 75E-2-203;
- 1566 (kk) at the division's discretion, use the data described in Subsection (2)(jj) to make
1567 decisions regarding the use of funds allocated to the division to provide treatment;
- 1568 (ll) publish the following on the division's website:
- 1569 (i) the performance goals and outcome measurements described in Subsection (2)(ii);
1570 and
- 1571 (ii) a description of the services provided and the contact information for the mental
1572 health and substance use treatment programs described in Subsection (2)(ii) and
1573 residential vocational or life skills programs, as defined in Section 13-53-102;
- 1574 (mm) consult and coordinate with the Division of Child and Family Services to develop
1575 and manage the operation of a program designed to reduce substance use during
1576 pregnancy and by parents of a newborn child that includes:
- 1577 (i) providing education and resources to health care providers and individuals in the
1578 state regarding prevention of substance use during pregnancy;
- 1579 (ii) providing training to health care providers in the state regarding screening of a
1580 pregnant woman or pregnant minor to identify a substance use disorder; and
- 1581 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn
1582 child in need of substance use treatment services to a facility that has the capacity
1583 to provide the treatment services; and
- 1584 (nn) create training and educational materials regarding recognizing a drug overdose.
- 1585 (3) In addition to the responsibilities described in Subsection (2), the division shall, within
1586 funds appropriated by the Legislature for this purpose, implement and manage the
1587 operation of a firearm safety and suicide prevention program, in consultation with the
1588 Bureau of Criminal Identification created in Section 53-10-201, including:
- 1589 (a) coordinating with local mental health and substance abuse authorities, a nonprofit
1590 behavioral health advocacy group, and a representative from a Utah-based nonprofit
1591 organization with expertise in the field of firearm use and safety that represents
1592 firearm owners, to:

- 1593 (i) produce and periodically review and update a firearm safety brochure and other
1594 educational materials with information about the safe handling and use of firearms
1595 that includes:
- 1596 (A) information on safe handling, storage, and use of firearms in a home
1597 environment;
 - 1598 (B) information about at-risk individuals and individuals who are legally
1599 prohibited from possessing firearms;
 - 1600 (C) information about suicide prevention awareness; and
 - 1601 (D) information about the availability of firearm safety packets;
- 1602 (ii) procure cable-style gun locks for distribution under this section;
- 1603 (iii) produce a firearm safety packet that includes the firearm safety brochure and the
1604 cable-style gun lock described in this Subsection (3); and
- 1605 (iv) create a suicide prevention education course that:
- 1606 (A) provides information for distribution regarding firearm safety education;
 - 1607 (B) incorporates current information on how to recognize suicidal behaviors and
1608 identify individuals who may be suicidal; and
 - 1609 (C) provides information regarding crisis intervention resources;
- 1610 (b) distributing, free of charge, the firearm safety packet to the following persons, who
1611 shall make the firearm safety packet available free of charge:
- 1612 (i) health care providers, including emergency rooms;
 - 1613 (ii) mobile crisis outreach teams;
 - 1614 (iii) mental health practitioners;
 - 1615 (iv) other public health suicide prevention organizations;
 - 1616 (v) entities that teach firearm safety courses;
 - 1617 (vi) school districts for use in the seminar, described in Section 53G-9-703, for
1618 parents of students in the school district; and
 - 1619 (vii) firearm dealers to be distributed in accordance with Section 53-5a-602;
- 1620 (c) creating and administering a rebate program that includes a rebate that offers
1621 between \$10 and \$200 off the purchase price of a firearm safe from a participating
1622 firearms dealer or a person engaged in the business of selling firearm safes in Utah,
1623 by a Utah resident; and
- 1624 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1625 making rules that establish procedures for:
- 1626 (i) producing and distributing the suicide prevention education course and the firearm

- 1627 safety brochures and packets;
- 1628 (ii) procuring the cable-style gun locks for distribution; and
- 1629 (iii) administering the rebate program.
- 1630 (4)(a) The division may refuse to contract with and may pursue legal remedies against
- 1631 any local substance abuse authority or local mental health authority that fails, or has
- 1632 failed, to expend public funds in accordance with state law, division policy, contract
- 1633 provisions, or directives issued in accordance with state law.
- 1634 (b) The division may withhold funds from a local substance abuse authority or local
- 1635 mental health authority if the authority's contract provider of substance use or mental
- 1636 health programs or services fails to comply with state and federal law or policy.
- 1637 (5)(a) Before reissuing or renewing a contract with any local substance abuse authority
- 1638 or local mental health authority, the division shall review and determine whether the
- 1639 local substance abuse authority or local mental health authority is complying with the
- 1640 oversight and management responsibilities described in Sections 17-77-201,
- 1641 17-77-203, 17-77-303, and 17-77-307.
- 1642 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and
- 1643 liability described in Section 17-77-303 and to the responsibility and liability
- 1644 described in Section 17-77-203.
- 1645 (6) In carrying out the division's duties and responsibilities, the division may not duplicate
- 1646 treatment or educational facilities that exist in other divisions or departments of the state,
- 1647 but shall work in conjunction with those divisions and departments in rendering the
- 1648 treatment or educational services that those divisions and departments are competent and
- 1649 able to provide.
- 1650 (7) The division may accept in the name of and on behalf of the state donations, gifts,
- 1651 devises, or bequests of real or personal property or services to be used as specified by
- 1652 the donor.
- 1653 (8) The division shall annually review with each local substance abuse authority and each
- 1654 local mental health authority the authority's statutory and contract responsibilities
- 1655 regarding:
- 1656 (a) use of public funds;
- 1657 (b) oversight of public funds; and
- 1658 (c) governance of substance use disorder and mental health programs and services.
- 1659 (9) The Legislature may refuse to appropriate funds to the division upon the division's
- 1660 failure to comply with the provisions of this part.

1661 (10) If a local substance abuse authority contacts the division under Section 17-77-201 for
 1662 assistance in providing treatment services to a pregnant woman or pregnant minor, the
 1663 division shall:

- 1664 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
 1665 capacity to provide the treatment services; or
- 1666 (b) otherwise ensure that treatment services are made available to the pregnant woman
 1667 or pregnant minor.

1668 (11) The division shall employ a school-based mental health specialist to be housed at the
 1669 State Board of Education who shall work with the State Board of Education to:

- 1670 (a) provide coordination between a local education agency and local mental health
 1671 authority;
- 1672 (b) recommend evidence-based and evidence informed mental health screenings and
 1673 intervention assessments for a local education agency; and
- 1674 (c) coordinate with the local community, including local departments of health, to
 1675 enhance and expand mental health related resources for a local education agency.

1676 Section 12. Section **26B-5-306** is amended to read:

1677 **26B-5-306 (Effective 07/01/26). Objectives of state hospital and other facilities --**
 1678 **Individuals who may be admitted to state hospital.**

- 1679 (1) The objectives of the state hospital and other mental health facilities shall be to[-] :
 1680 (a) care for all [~~persons~~] individuals within this state who are subject to the provisions of
 1681 this chapter; and[~~-to~~]
 1682 (b) furnish [~~them~~] those individuals with the proper attendance, medical treatment,
 1683 seclusion, rest, restraint, amusement, occupation, and support that is conducive to [~~their~~]
 1684 the individuals' physical and mental well-being.
- 1685 (2) Only the following [~~persons~~] individuals may be admitted to the state hospital:
 1686 (a) [~~persons~~] individuals 18 years old and older who meet the criteria necessary for
 1687 commitment under this part and who have severe mental disorders for whom no
 1688 appropriate, less restrictive treatment alternative is available;
 1689 (b) [~~persons~~] individuals under 18 years old who meet the criteria necessary for
 1690 commitment under [~~Part 4, Commitment of Persons under Age 18~~] Part 4,
 1691 Commitment of Persons Under Age 18, and for whom no less restrictive alternative
 1692 is available;
 1693 (c) [~~persons~~] individuals adjudicated and found to be guilty with a mental condition
 1694 under Title 77, Chapter 16a, Commitment and Treatment of Individuals with a

- 1695 Mental Condition;
- 1696 (d) ~~[persons]~~ individuals adjudicated and found to be not guilty by reason of insanity
- 1697 who are under a subsequent commitment order because they have a mental illness
- 1698 and are a danger to themselves or others, under Section 77-16a-302;
- 1699 (e) ~~[persons]~~ individuals found incompetent to proceed under Section 77-15-6;
- 1700 (f) ~~[persons]~~ individuals who require an examination under ~~[Title 77, Utah Code of~~
- 1701 ~~Criminal Procedure]~~ Title 77, Criminal Procedure; and
- 1702 (g) ~~[persons]~~ individuals in the custody of the Department of Corrections, admitted in
- 1703 accordance with Section 26B-5-372, giving priority to those ~~[persons]~~ individuals
- 1704 with severe mental disorders.
- 1705 Section 13. Section **26B-5-380** is amended to read:
- 1706 **26B-5-380 (Effective 07/01/26). Mental illness and intellectual disability**
- 1707 **examinations -- Responsibilities of the department.**
- 1708 (1) In accomplishing the department's duties to conduct a competency evaluation under [~~Title 77, Utah Code of Criminal Procedure]~~ Title 77, Chapter 15, Defendant's
- 1709 Competency to Proceed, and a juvenile competency evaluation under Section 80-6-402,
- 1710 the department shall proceed as outlined in this section and within appropriations
- 1711 authorized by the Legislature.
- 1712
- 1713 (2) When the department is ordered by a court to conduct a competency evaluation, the
- 1714 department shall designate a forensic evaluator, selected under Subsection (4), to
- 1715 evaluate the defendant in the defendant's current custody or status.
- 1716 (3) When the department is ordered by the juvenile court to conduct a juvenile competency
- 1717 evaluation under Section 80-6-402, the department shall:
- 1718 (a) designate an examiner selected ~~[pursuant to]~~ in accordance with Subsection (4) to
- 1719 evaluate the minor; and
- 1720 (b) upon a finding of good cause and order of the court, designate a second examiner to
- 1721 evaluate the minor.
- 1722 (4)(a) The department shall establish criteria, in consultation with the ~~[Commission on~~
- 1723 ~~Criminal and Juvenile Justice]~~ Department of Criminal Justice, and shall contract with
- 1724 persons to conduct competency evaluations and juvenile competency evaluations
- 1725 under Subsections (2) and (3)(b).[-]
- 1726 (b) In making ~~[this]~~ the selection described in Subsection (4)(a), the department shall
- 1727 follow the provisions of Title 63G, Chapter 6a, Utah Procurement Code.
- 1728 (5)(a) Nothing in this section prohibits the department, at the request of defense counsel

1729 or a prosecuting attorney in a criminal proceeding under [~~Title 77, Utah Code of~~
 1730 ~~Criminal Procedure~~] Title 77, Criminal Procedure, and for good cause shown, from
 1731 proposing a person who has not been previously selected under Subsection (4) to
 1732 contract with the department to conduct the evaluation.[-]

1733 (b) In selecting that person, the criteria of the department established under Subsection
 1734 (4) and the provisions of Title 63G, Chapter 6a, Utah Procurement Code, shall be met.
 1735 Section 14. Section **26B-5-801** is amended to read:

1736 **26B-5-801 (Effective 07/01/26) (Repealed 01/01/33). Definitions -- Creation of**
 1737 **committee -- Membership -- Terms.**

1738 (1)(a) As used in this part, "committee" means the Utah Substance Use and Mental
 1739 Health Advisory Committee created in this section.

1740 (b) There is created within the department the Utah Substance Use and Mental Health
 1741 Advisory Committee, which serves under the direction of the Utah Behavioral Health
 1742 Commission created in Section 26B-5-702.

1743 (2) The committee shall be comprised of the following voting members:

- 1744 (a) the attorney general or the attorney general's designee;
- 1745 (b) one elected county official appointed by the Utah Association of Counties;
- 1746 (c) the commissioner of public safety or the commissioner's designee;
- 1747 (d) the director of the Division of Integrated Healthcare or the director's designee;
- 1748 (e) the state superintendent of public instruction or the superintendent's designee;
- 1749 (f) the executive director of the Department of Health and Human Services or the
 1750 executive director's designee;
- 1751 (g) the [~~executive director~~] commissioner of the [~~State Commission on Criminal and~~
 1752 ~~Juvenile Justice~~] Department of Criminal Justice or the [~~executive director's~~]
 1753 commissioner's designee;
- 1754 (h) the executive director of the Department of Corrections or the executive director's
 1755 designee;
- 1756 (i) the director of the Division of Juvenile Justice and Youth Services or the director's
 1757 designee;
- 1758 (j) the director of the Division of Child and Family Services or the director's designee;
- 1759 (k) the chair of the Board of Pardons and Parole or the chair's designee;
- 1760 (l) the director of the Office of Multicultural Affairs or the director's designee;
- 1761 (m) the director of the Division of Indian Affairs or the director's designee;
- 1762 (n) the state court administrator or the state court administrator's designee;

- 1763 (o) one district court judge who presides over a drug court and who is appointed by the
1764 chief justice of the Utah Supreme Court;
- 1765 (p) one district court judge who presides over a mental health court and who is
1766 appointed by the chief justice of the Utah Supreme Court;
- 1767 (q) one juvenile court judge who presides over a drug court and who is appointed by the
1768 chief justice of the Utah Supreme Court;
- 1769 (r) one prosecutor appointed by the Statewide Association of Prosecutors;
- 1770 (s) the chair or co-chair of each subcommittee established by the committee;
- 1771 (t) the chair or co-chair of the Statewide Suicide Prevention Committee created under
1772 Subsection 26B-5-611(3);
- 1773 (u) one representative appointed by the Utah League of Cities and Towns to serve a
1774 four-year term;
- 1775 (v) the chair of the [~~Utah~~]Victim Services Commission or the chair's designee;
- 1776 (w) the superintendent of the Utah State Hospital or the superintendent's designee;
- 1777 (x) the following members appointed by the governor to serve four-year terms:
- 1778 (i) one resident of the state who has been personally affected by a substance use or
1779 mental health disorder; and
- 1780 (ii) one citizen representative; and
- 1781 (y) in addition to the voting members described in Subsections (2)(a) through (x), the
1782 following voting members appointed by a majority of the members described in
1783 Subsections (2)(a) through (x) to serve four-year terms:
- 1784 (i) one resident of the state who represents a statewide advocacy organization for
1785 recovery from substance use disorders;
- 1786 (ii) one resident of the state who represents a statewide advocacy organization for
1787 recovery from mental illness;
- 1788 (iii) one resident of the state who represents a statewide advocacy organization for
1789 protection of rights of individuals with a disability;
- 1790 (iv) one resident of the state who represents prevention professionals;
- 1791 (v) one resident of the state who represents treatment professionals;
- 1792 (vi) one resident of the state who represents the physical health care field;
- 1793 (vii) one resident of the state who is a criminal defense attorney;
- 1794 (viii) one resident of the state who is a military servicemember or military veteran
1795 under Section 53H-11-202;
- 1796 (ix) one resident of the state who represents local law enforcement agencies;

1797 (x) one representative of private service providers that serve youth with substance use
1798 disorders or mental health disorders; and

1799 (xi) one resident of the state who is certified by the Division of Integrated Healthcare
1800 as a peer support specialist as described in Subsection 26B-5-102(2)(gg).

1801 (3) An individual other than an individual described in Subsection (2) may not be appointed
1802 as a voting member of the committee.

1803 Section 15. Section **32B-4-201** is amended to read:

1804 **32B-4-201 (Effective 07/01/26). Applicability of criminal procedure statutes and**
1805 **rules.**

1806 Except as otherwise provided in this title, the procedure in a criminal case arising under
1807 this title is governed by [~~Title 77, Utah Code of Criminal Procedure~~] Title 77, Criminal
1808 Procedure, and any other rules adopted by the Utah Supreme Court.

1809 Section 16. Section **32B-4-301** is amended to read:

1810 **32B-4-301 (Effective 07/01/26). Applicability of Title 76, Criminal Offenses.**

1811 Except as otherwise provided, Title 76, Chapter 1, General Provisions, Chapter 2,
1812 Principles of Criminal Responsibility, Chapter 3, Punishments, and Chapter 4, Inchoate
1813 Offenses, apply to the prosecution of a criminal offense defined in this chapter or expressly
1814 identified as a criminal offense in this title.

1815 Section 17. Section **36-29-111** is amended to read:

1816 **36-29-111 (Effective 07/01/26) (Repealed 07/01/29). Public Safety Data**
1817 **Management Task Force.**

1818 (1) As used in this section:

1819 (a) "Cohabitant abuse protective order" means an order issued with or without notice to
1820 the respondent in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse
1821 Protective Orders.

1822 (b) "Lethality assessment" means an evidence-based assessment that is intended to
1823 identify a victim of domestic violence who is at a high risk of being killed by the
1824 perpetrator.

1825 (c) "Task force" means the Public Safety Data Management Task Force created in this
1826 section.

1827 (d) "Victim" means an individual who is a victim of domestic violence, as defined in
1828 Section 77-36-1.

1829 (2) There is created the Public Safety Data Management Task Force consisting of the
1830 following members:

- 1831 (a) three members of the Senate appointed by the president of the Senate, no more than
 1832 two of whom may be from the same political party;
- 1833 (b) three members of the House of Representatives appointed by the speaker of the
 1834 House of Representatives, no more than two of whom may be from the same political
 1835 party; and
- 1836 (c) representatives from the following organizations as requested by the [executive
 1837 director] commissioner of the [~~State Commission on Criminal and Juvenile Justice~~]
 1838 Department of Criminal Justice:
- 1839 (i) the [~~State Commission on Criminal and Juvenile Justice~~] Department of Criminal
 1840 Justice;
- 1841 (ii) the Judicial Council;
- 1842 (iii) the Statewide Association of Prosecutors;
- 1843 (iv) the Department of Corrections;
- 1844 (v) the Department of Public Safety;
- 1845 (vi) the Utah Association of Counties;
- 1846 (vii) the Utah Chiefs of Police Association;
- 1847 (viii) the Utah Sheriffs Association;
- 1848 (ix) the Board of Pardons and Parole;
- 1849 (x) the Department of Health and Human Services; and
- 1850 (xi) any other organizations or groups as recommended by the [executive director]
 1851 commissioner of the [~~Commission on Criminal and Juvenile Justice~~] Department
 1852 of Criminal Justice.
- 1853 (3)(a) The president of the Senate shall designate a member of the Senate appointed
 1854 under Subsection (2)(a) as a cochair of the task force.
- 1855 (b) The speaker of the House of Representatives shall designate a member of the House
 1856 of Representatives appointed under Subsection (2)(b) as a cochair of the task force.
- 1857 (4)(a) A majority of the members of the task force present at a meeting constitutes a
 1858 quorum.
- 1859 (b) The action of a majority of a quorum constitutes an action of the task force.
- 1860 (5)(a) Salaries and expenses of the members of the task force who are legislators shall be
 1861 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter
 1862 3, Legislator Compensation.
- 1863 (b) A member of the task force who is not a legislator:
- 1864 (i) may not receive compensation for the member's work associated with the task

- 1865 force; and
- 1866 (ii) may receive per diem and reimbursement for travel expenses incurred as a
- 1867 member of the task force at the rates established by the Division of Finance under
- 1868 Sections 63A-3-106 and 63A-3-107.
- 1869 (6) The [~~State Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice
- 1870 shall provide staff support to the task force.
- 1871 (7) The task force shall review the state's current criminal justice data collection
- 1872 requirements and make recommendations regarding:
- 1873 (a) possible ways to connect the various records systems used throughout the state so
- 1874 that data can be shared between criminal justice agencies and with policymakers;
- 1875 (b) ways to automate the collection, storage, and dissemination of the data;
- 1876 (c) standardizing the format of data collection and retention;
- 1877 (d) the collection of domestic violence data in the state; and
- 1878 (e) the collection of data not already required related to criminal justice.
- 1879 (8) On or before November 30 of each year, the task force shall provide a report to the Law
- 1880 Enforcement and Criminal Justice Interim Committee and the Legislative Management
- 1881 Committee that includes:
- 1882 (a) recommendations in accordance with Subsection [~~(7)(a)~~] (7);
- 1883 (b) information on:
- 1884 (i) lethality assessments conducted in the state, including:
- 1885 (A) the type of lethality assessments used by law enforcement agencies and other
- 1886 organizations that provide domestic violence services; and
- 1887 (B) training and protocols implemented by law enforcement agencies and the
- 1888 organizations described in Subsection (8)(b)(i)(A) regarding the use of lethality
- 1889 assessments;
- 1890 (ii) the data collection efforts implemented by law enforcement agencies and the
- 1891 organizations described in Subsection (8)(b)(i)(A);
- 1892 (iii) the number of cohabitant abuse protective orders that, in the immediately
- 1893 preceding calendar year, were:
- 1894 (A) issued;
- 1895 (B) amended or dismissed before the date of expiration; or
- 1896 (C) dismissed under Section 78B-7-605; and
- 1897 (iv) the prevalence of domestic violence in the state and the prevalence of the
- 1898 following in domestic violence cases:

- 1899 (A) stalking;
- 1900 (B) strangulation;
- 1901 (C) violence in the presence of a child; and
- 1902 (D) threats of suicide or homicide;
- 1903 (c) a review of and feedback on:
- 1904 (i) lethality assessment training and protocols implemented by law enforcement
- 1905 agencies and the organizations described in Subsection (8)(b)(i)(A); and
- 1906 (ii) the collection of domestic violence data in the state, including:
- 1907 (A) the coordination between state, local, and not-for-profit agencies to collect
- 1908 data from lethality assessments and on the prevalence of domestic violence,
- 1909 including the number of voluntary commitments of firearms under Section
- 1910 53-5a-502;
- 1911 (B) efforts to standardize the format for collecting domestic violence and lethality
- 1912 assessment data from state, local, and not-for-profit agencies within federal
- 1913 confidentiality requirements; and
- 1914 (C) the need for any additional data collection requirements or efforts; and
- 1915 (d) any proposed legislation.

1916 Section 18. Section **41-1a-1101** is amended to read:

1917 **41-1a-1101 (Effective 07/01/26). Seizure -- Circumstances where permitted --**

1918 **Impound lot standards.**

1919 (1) As used in this section:

- 1920 (a)(i) "Criminal offense" means a class B misdemeanor offense, a class A
- 1921 misdemeanor offense, or a felony offense.
- 1922 (ii) "Criminal offense" includes:
- 1923 (A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony
- 1924 offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2,
- 1925 Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or [~~Title 76,~~
- 1926 ~~Utah Criminal Code~~] Title 76, Criminal Offenses; and
- 1927 (B) a local ordinance that is a class B misdemeanor and is substantially similar to
- 1928 an offense listed in Subsection (1)(a)(ii)(A).
- 1929 (b) "Operator" means the same as that term is defined in Section 41-6a-102.
- 1930 (c) "Road rage event" means the commission of a criminal offense:
- 1931 (i) by an operator of a vehicle;
- 1932 (ii) in response to an incident that occurs or escalates upon a roadway; and

- 1933 (iii) with the intent to endanger or intimidate an individual in another vehicle.
- 1934 (d) "Roadway" means:
- 1935 (i) a highway; or
- 1936 (ii) a private road or driveway as defined in Section 41-6a-102.
- 1937 (2) The division or any peace officer, without a warrant, may seize and take possession of
- 1938 any vehicle, vessel, or outboard motor:
- 1939 (a) that the division or the peace officer has probable cause to believe has been stolen;
- 1940 (b) on which any identification number has been defaced, altered, or obliterated;
- 1941 (c) that has been abandoned in accordance with Section 41-6a-1408;
- 1942 (d) for which the applicant has written a check for registration or title fees that has not
- 1943 been honored by the applicant's bank and that is not paid within 30 days;
- 1944 (e) that is placed on the water with improper registration;
- 1945 (f) that is being operated on a highway:
- 1946 (i) with registration that has been expired for more than three months;
- 1947 (ii) having never been properly registered by the current owner; or
- 1948 (iii) with registration that is suspended or revoked;
- 1949 (g)(i) that the division or the peace officer has probable cause to believe has been
- 1950 involved in an accident described in Section 41-6a-401, 41-6a-401.3, or
- 1951 41-6a-401.5; and
- 1952 (ii) whose operator did not remain at the scene of the accident until the operator
- 1953 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7; or
- 1954 (h) if the division or peace officer has probable cause to believe that the operator:
- 1955 (i) failed to properly display the license plate on a motorcycle as described in Section
- 1956 41-1a-404.1; or
- 1957 (ii) [-]used the motorcycle:
- 1958 (A) to perform a wheelie in violation of Section 41-6a-606.1; or
- 1959 (B) to engage in lane splitting in violation of Section 41-6a-704.1.
- 1960 (3)(a) The division or a peace officer shall seize and take possession of a vehicle,
- 1961 without a warrant, when:
- 1962 (i) the division or the peace officer has probable cause to believe that an operator of
- 1963 the vehicle engaged in a road rage event; and
- 1964 (ii) the operator of the vehicle has been arrested in conjunction with the road rage
- 1965 event.
- 1966 (b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a)

- 1967 to the registered owner of the vehicle if the registered owner is not the individual
1968 subject to arrest under Subsection (3)(a) and is immediately available, at the location
1969 of the arrest, to take possession of the vehicle.
- 1970 (4)(a) Subject to the restriction in Subsection (4)(b), the division or any peace officer,
1971 without a warrant:
- 1972 (i) shall seize and take possession of any vehicle that is being operated on a highway
1973 without owner's or operator's security in effect for the vehicle as required under
1974 Section 41-12a-301 and the vehicle was involved in an accident; or
- 1975 (ii) may seize and take possession of any vehicle that is being operated on a highway
1976 without owner's or operator's security in effect for the vehicle as required under
1977 Section 41-12a-301 after the division or any peace officer makes a reasonable
1978 determination whether the vehicle would:
- 1979 (A) present a public safety concern to the operator or any of the occupants in the
1980 vehicle; or
- 1981 (B) prevent the division or the peace officer from addressing other public safety
1982 considerations.
- 1983 (b) The division or any peace officer may not seize and take possession of a vehicle
1984 under Subsection (4)(a):
- 1985 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's
1986 security as defined in Section 41-12a-303.2 in the vehicle unless the division or
1987 peace officer verifies that owner's or operator's security is not in effect for the
1988 vehicle through the Uninsured Motorist Identification Database created in
1989 accordance with Section 41-12a-803; or
- 1990 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security
1991 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist
1992 Identification Database created in accordance with Section 41-12a-803 indicates
1993 that the owner's or operator's security is not in effect for the vehicle, unless the
1994 division or a peace officer makes a reasonable attempt to independently verify that
1995 owner's or operator's security is not in effect for the vehicle.
- 1996 (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to
1997 transport and store the vessel.
- 1998 (6) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor
1999 under this section shall comply with the provisions of Section 41-6a-1406.
- 2000 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

- 2001 the commission shall make rules setting standards for public garages, impound lots,
2002 and impound yards that may be used by peace officers and the division.
- 2003 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of
2004 public garages, impound lots, or impound yards per geographical area.
- 2005 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard
2006 unless the crusher, dismantler, or salvage dealer meets all of the requirements for a
2007 state impound yard set forth in this section and rules made in accordance with
2008 Subsection (7)(a).
- 2009 (d)(i) Rules made by the commission shall include a requirement that a state impound
2010 yard have opaque fencing on any side of the state impound yard that has frontage
2011 with a highway.
- 2012 (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link
2013 fencing.
- 2014 (8)(a) Except as provided under Subsection (8)(b), a person may not operate or allow to
2015 be operated a vehicle stored in a public garage, impound lot, or impound yard
2016 regulated under this part without prior written permission of the owner of the vehicle.
- 2017 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking
2018 space to another within the facility and that is necessary for the normal management
2019 of the facility is not prohibited under Subsection (8)(a).
- 2020 (9) A person who violates the provisions of Subsection (8) is guilty of a class C
2021 misdemeanor.
- 2022 (10) The division or the peace officer who seizes a vehicle shall record the mileage shown
2023 on the vehicle's odometer at the time of seizure, if:
- 2024 (a) the vehicle is equipped with an odometer; and
2025 (b) the odometer reading is accessible to the division or the peace officer.
- 2026 Section 19. Section **41-6a-511** is amended to read:
- 2027 **41-6a-511 (Effective 07/01/26). Courts to collect and maintain data.**
- 2028 (1) The state courts shall collect and maintain data necessary to allow sentencing and
2029 enhancement decisions to be made in accordance with this part.
- 2030 (2)(a) Each justice court shall transmit dispositions electronically to the Department of
2031 Public Safety in accordance with the requirement for recertification established by
2032 the Judicial Council.
- 2033 (b) Immediately upon filling the requirements under Subsection (2)(a), a justice court
2034 shall collect and report the same DUI related data elements collected and maintained

- 2035 by the state courts under Subsection (1).
- 2036 (3) The department shall maintain an electronic data base for DUI related records and data
2037 including the data elements received or collected from the courts under this section.
- 2038 (4)(a) The [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal
2039 Justice shall prepare an annual report of DUI related data including the following:
- 2040 (i) the data collected by the courts under Subsections (1) and (2);
- 2041 (ii) the DUI crash and arrest data collected from law enforcement agencies under
2042 Section 53-10-118 by the Department of Public Safety's Criminal Investigations
2043 and Technical Services Division; and
- 2044 (iii) any measures for which data are available to evaluate the profile and impacts of
2045 DUI recidivism and to evaluate the DUI related processes of:
- 2046 (A) law enforcement;
- 2047 (B) adjudication;
- 2048 (C) sanctions;
- 2049 (D) driver license control; and
- 2050 (E) alcohol education, assessment, and treatment.
- 2051 (b) The report shall be provided in writing to the Judiciary Interim Committee and the
2052 Transportation Interim [~~Committees~~] Committee no later than the last day of October
2053 following the end of the fiscal year for which the report is prepared.

2054 Section 20. Section **49-11-406** is amended to read:

2055 **49-11-406 (Effective 07/01/26). Governor's appointed executives and senior staff**
2056 **-- Appointed legislative employees -- Transfer of value of accrued defined benefit --**
2057 **Procedures.**

- 2058 (1) As used in this section:
- 2059 (a) "Defined benefit balance" means the total amount of the contributions made on
2060 behalf of a member to a defined benefit system plus refund interest.
- 2061 (b) "Senior staff" means an at-will employee who reports directly to an elected official,
2062 executive director, or director and includes a deputy director and other similar, at-will
2063 employee positions designated by the governor, the speaker of the House of
2064 Representatives, or the president of the Senate and filed with the Division of Human
2065 Resource Management and the Utah State Retirement Office.
- 2066 (2) In accordance with this section and subject to requirements under federal law and rules
2067 made by the board, a member who has service credit from a system may elect to be
2068 exempt from coverage under a defined benefit system and to have the member's defined

- 2069 benefit balance transferred from the defined benefit system or plan to a defined
 2070 contribution plan in the member's own name if the member is:
- 2071 (a) the state auditor;
 - 2072 (b) the state treasurer;
 - 2073 (c) an appointed executive under Subsection 67-22-2(1)(a);
 - 2074 (d) an employee in the Governor's Office;
 - 2075 (e) senior staff in the Governor's Office of Planning and Budget;
 - 2076 (f) senior staff in the Governor's Office of Economic Opportunity;
 - 2077 (g) senior staff in the [~~State Commission on Criminal and Juvenile Justice~~] Department
 2078 of Criminal Justice;
 - 2079 (h) senior staff in the Public Lands Policy Coordinating Office, created in Section
 2080 63L-11-201;
 - 2081 (i) a legislative employee appointed under Subsection 36-12-7(3); or
 - 2082 (j) a legislative employee appointed by the speaker of the House of Representatives, the
 2083 House of Representatives minority leader, the president of the Senate, or the Senate
 2084 minority leader.
- 2085 (3) An election made under Subsection (2):
- 2086 (a) is final, and no right exists to make any further election;
 - 2087 (b) is considered a request to be exempt from coverage under a defined benefits system;
 - 2088 and
 - 2089 (c) shall be made on forms provided by the office.
- 2090 (4) The board shall [~~adopt~~] make rules to implement and administer this section.
- 2091 Section 21. Section **49-12-203** is amended to read:
- 2092 **49-12-203 (Effective 07/01/26). Exclusions from membership in system.**
- 2093 (1) The following employees are not eligible for service credit in this system:
 - 2094 (a) subject to the requirements of Subsection (2), an employee whose employment status
 2095 is temporary in nature due to the nature or the type of work to be performed;
 - 2096 (b) except as provided under Subsection (3)(a), an employee of an institution of higher
 2097 education who participates in a retirement system with a public or private retirement
 2098 system, organization, or company designated by the Utah Board of Higher Education,
 2099 or the technical college board of trustees for an employee of each technical college,
 2100 during any period in which required contributions based on compensation have been
 2101 paid on behalf of the employee by the employer;
 - 2102 (c) an employee serving as an exchange employee from outside the state for an employer

- 2103 who has not elected to make all of the employer's exchange employees eligible for
2104 service credit in this system;
- 2105 (d) an executive department head of the state, a member of the State Tax Commission,
2106 the Public Service Commission, and a member of a full-time or part-time board or
2107 commission who files a formal request for exemption;
- 2108 (e) an employee of the Department of Workforce Services who is covered under another
2109 retirement system allowed under Title 35A, Chapter 4, Employment Security Act;
- 2110 (f) an employee who is employed on or after July 1, 2009, with an employer that has
2111 elected, [~~prior to~~] before July 1, 2009, to be excluded from participation in this system
2112 under Subsection 49-12-202(2)(c);
- 2113 (g) an employee who is employed on or after July 1, 2014, with an employer that has
2114 elected, [~~prior to~~] before July 1, 2014, to be excluded from participation in this system
2115 under Subsection 49-12-202(2)(d);
- 2116 (h) an employee who is employed with a withdrawing entity that has elected under
2117 Section 49-11-623, [~~prior to~~] before January 1, 2017, to exclude:
- 2118 (i) new employees from participation in this system under Subsection 49-11-623(3)(a);
2119 or
- 2120 (ii) all employees from participation in this system under Subsection 49-11-623(3)(b);
- 2121 (i) an employee described in Subsection (1)(i)(i) or (ii) who is employed with a
2122 withdrawing entity that has elected under Section 49-11-624, before January 1, 2018,
2123 to exclude:
- 2124 (i) new employees from participation in this system under Subsection 49-11-624(3)(a);
2125 or
- 2126 (ii) all employees from participation in this system under Subsection 49-11-624(3)(b);
- 2127 (j) an employee who is employed with a withdrawing entity that has elected under
2128 Section 49-11-625, before July 1, 2022, to exclude all employees from participation
2129 in this system; or
- 2130 (k) an employee who is employed with a withdrawing entity that elects under Section
2131 49-11-626 to exclude:
- 2132 (i) new employees from participation in this system under Subsection 49-11-626(3)(a);
2133 or
- 2134 (ii) all employees from participation in this system under Subsection 49-11-626(3)(b).
- 2135 (2) If an employee whose status is temporary in nature due to the nature of type of work to
2136 be performed:

- 2137 (a) is employed for a term that exceeds six months and the employee otherwise qualifies
2138 for service credit in this system, the participating employer shall report and certify to
2139 the office that the employee is a regular full-time employee effective the beginning of
2140 the seventh month of employment; or
- 2141 (b) was previously terminated [~~prior to~~] before being eligible for service credit in this
2142 system and is reemployed within three months of termination by the same
2143 participating employer, the participating employer shall report and certify that the
2144 member is a regular full-time employee when the total of the periods of employment
2145 equals six months and the employee otherwise qualifies for service credits in this
2146 system.
- 2147 (3)(a) Upon cessation of the participating employer contributions, an employee under
2148 Subsection (1)(b) is eligible for service credit in this system.
- 2149 (b) Notwithstanding the provisions of Subsection (1)(f), any eligibility for service credit
2150 earned by an employee under this chapter before July 1, 2009, is not affected under
2151 Subsection (1)(f).
- 2152 (c) Notwithstanding the provisions of Subsection (1)(g), any eligibility for service credit
2153 earned by an employee under this chapter before July 1, 2014, is not affected under
2154 Subsection (1)(g).
- 2155 (4) Upon filing a written request for exemption with the office, the following employees
2156 shall be exempt from coverage under this system:
- 2157 (a) a full-time student or the spouse of a full-time student and individuals employed in a
2158 trainee relationship;
- 2159 (b) an elected official;
- 2160 (c) an executive department head of the state, a member of the State Tax Commission, a
2161 member of the Public Service Commission, and a member of a full-time or part-time
2162 board or commission;
- 2163 (d) an employee of the Governor's Office of Planning and Budget;
- 2164 (e) an employee of the Governor's Office of Economic Opportunity;
- 2165 (f) an employee of the [~~Commission on Criminal and Juvenile Justice~~] Department of
2166 Criminal Justice;
- 2167 (g) an employee of the Governor's Office;
- 2168 (h) an employee of the Public Lands Policy Coordinating Office, created in Section
2169 63L-11-201;
- 2170 (i) an employee of the [~~State Auditor's Office~~] Office of the State Auditor;

- 2171 (j) an employee of the [~~State Treasurer's Office~~] Office of the State Treasurer;
- 2172 (k) any other member who is permitted to make an election under Section 49-11-406;
- 2173 (l) a person appointed as a city manager or chief city administrator or another person
- 2174 employed by a municipality, county, or other political subdivision, who is an at-will
- 2175 employee;
- 2176 (m) an employee of an interlocal cooperative agency created under Title 11, Chapter 13,
- 2177 Interlocal Cooperation Act, who is engaged in a specialized trade customarily
- 2178 provided through membership in a labor organization that provides retirement
- 2179 benefits to the organization's members;
- 2180 (n) an employee serving as an exchange employee from outside the state for an
- 2181 employer who has elected to make all of the employer's exchange employees eligible
- 2182 for service credit in this system; and
- 2183 (o) the adjutant general of the Utah National Guard appointed under Section 39A-1-201
- 2184 and each individual listed in Subsection 39A-1-203(1).
- 2185 (5)(a) Each participating employer shall prepare and maintain a list designating those
- 2186 positions eligible for exemption under Subsection (4).
- 2187 (b) An employee may not be exempted unless the employee is employed in an exempted
- 2188 position designated by the participating employer.
- 2189 (6)(a) In accordance with this section, Section 49-13-203, and Section 49-22-205, a
- 2190 municipality, county, or political subdivision may not exempt a total of more than 50
- 2191 positions or a number equal to 10% of the eligible employees of the municipality,
- 2192 county, or political subdivision, whichever is less.
- 2193 (b) A municipality, county, or political subdivision may exempt at least one regular
- 2194 full-time employee.
- 2195 (7) Each participating employer shall:
- 2196 (a) maintain a list of employee exemptions; and
- 2197 (b) update the employee exemptions in the event of any change.
- 2198 (8) The office may make rules to implement this section.
- 2199 (9) An employee's exclusion, exemption, participation, or election described in this section:
- 2200 (a) shall be made in accordance with this section; and
- 2201 (b) is subject to requirements under federal law and rules made by the board.
- 2202 Section 22. Section **49-13-203** is amended to read:
- 2203 **49-13-203 (Effective 07/01/26). Exclusions from membership in system.**
- 2204 (1) The following employees are not eligible for service credit in this system:

- 2205 (a) subject to the requirements of Subsection (2), an employee whose employment status
 2206 is temporary in nature due to the nature or the type of work to be performed;
- 2207 (b) except as provided under Subsection (3)(a), an employee of an institution of higher
 2208 education who participates in a retirement system with a public or private retirement
 2209 system, organization, or company designated by the Utah Board of Higher Education,
 2210 or the technical college board of trustees for an employee of each technical college,
 2211 during any period in which required contributions based on compensation have been
 2212 paid on behalf of the employee by the employer;
- 2213 (c) an employee serving as an exchange employee from outside the state for an employer
 2214 who has not elected to make all of the employer's exchange employees eligible for
 2215 service credit in this system;
- 2216 (d) an executive department head of the state or a legislative director, senior executive
 2217 employed by the governor's office, a member of the State Tax Commission, a
 2218 member of the Public Service Commission, and a member of a full-time or part-time
 2219 board or commission who files a formal request for exemption;
- 2220 (e) an employee of the Department of Workforce Services who is covered under another
 2221 retirement system allowed under Title 35A, Chapter 4, Employment Security Act;
- 2222 (f) an employee who is employed with an employer that has elected to be excluded from
 2223 participation in this system under Subsection 49-13-202(5), effective on or after the
 2224 date of the employer's election under Subsection 49-13-202(5);
- 2225 (g) an employee who is employed with a withdrawing entity that has elected under
 2226 Section 49-11-623, [~~prior to~~ before January 1, 2017, to exclude:
- 2227 (i) new employees from participation in this system under Subsection 49-11-623(3)(a);
 2228 or
- 2229 (ii) all employees from participation in this system under Subsection 49-11-623(3)(b);
- 2230 (h) an employee described in Subsection (1)(h)(i) or (ii) who is employed with a
 2231 withdrawing entity that has elected under Section 49-11-624, before January 1, 2018,
 2232 to exclude:
- 2233 (i) new employees from participation in this system under Subsection 49-11-624(3)(a);
 2234 or
- 2235 (ii) all employees from participation in this system under Subsection 49-11-624(3)(b);
- 2236 (i) an employee who is employed with a withdrawing entity that has elected under
 2237 Section 49-11-625, before July 1, 2022, to exclude all employees from participation
 2238 in this system; or

- 2239 (j) an employee who is employed with a withdrawing entity that elects under Section
 2240 49-11-626 to exclude:
- 2241 (i) new employees from participation in this system under Subsection 49-11-626(3)(a);
 2242 or
 2243 (ii) all employees from participation in this system under Subsection 49-11-626(3)(b).
- 2244 (2) If an employee whose status is temporary in nature due to the nature of type of work to
 2245 be performed:
- 2246 (a) is employed for a term that exceeds six months and the employee otherwise qualifies
 2247 for service credit in this system, the participating employer shall report and certify to
 2248 the office that the employee is a regular full-time employee effective the beginning of
 2249 the seventh month of employment; or
- 2250 (b) was previously terminated [~~prior to~~] before being eligible for service credit in this
 2251 system and is reemployed within three months of termination by the same
 2252 participating employer, the participating employer shall report and certify that the
 2253 member is a regular full-time employee when the total of the periods of employment
 2254 equals six months and the employee otherwise qualifies for service credits in this
 2255 system.
- 2256 (3)(a) Upon cessation of the participating employer contributions, an employee under
 2257 Subsection (1)(b) is eligible for service credit in this system.
- 2258 (b) Notwithstanding the provisions of Subsection (1)(f), any eligibility for service credit
 2259 earned by an employee under this chapter before the date of the election under
 2260 Subsection 49-13-202(5) is not affected under Subsection (1)(f).
- 2261 (4) Upon filing a written request for exemption with the office, the following employees
 2262 shall be exempt from coverage under this system:
- 2263 (a) a full-time student or the spouse of a full-time student and individuals employed in a
 2264 trainee relationship;
- 2265 (b) an elected official;
- 2266 (c) an executive department head of the state, a member of the State Tax Commission, a
 2267 member of the Public Service Commission, and a member of a full-time or part-time
 2268 board or commission;
- 2269 (d) an employee of the Governor's Office of Planning and Budget;
- 2270 (e) an employee of the Governor's Office of Economic Opportunity;
- 2271 (f) an employee of the [~~Commission on Criminal and Juvenile Justice~~] Department of
 2272 Criminal Justice;

- 2273 (g) an employee of the Governor's Office;
- 2274 (h) an employee of the [~~State Auditor's Office~~] Office of the State Auditor;
- 2275 (i) an employee of the [~~State Treasurer's Office~~] Office of the State Treasurer;
- 2276 (j) any other member who is permitted to make an election under Section 49-11-406;
- 2277 (k) a person appointed as a city manager or chief city administrator or another person
- 2278 employed by a municipality, county, or other political subdivision, who is an at-will
- 2279 employee;
- 2280 (l) an employee of an interlocal cooperative agency created under Title 11, Chapter 13,
- 2281 Interlocal Cooperation Act, who is engaged in a specialized trade customarily
- 2282 provided through membership in a labor organization that provides retirement
- 2283 benefits to [~~its~~] the labor organization's members;
- 2284 (m) an employee serving as an exchange employee from outside the state for an
- 2285 employer who has elected to make all of the employer's exchange employees eligible
- 2286 for service credit in this system; and
- 2287 (n) the adjutant general of the Utah National Guard appointed under Section 39A-1-201
- 2288 and each individual listed in Subsection 39A-1-203(1).
- 2289 (5)(a) Each participating employer shall prepare and maintain a list designating those
- 2290 positions eligible for exemption under Subsection (4).
- 2291 (b) An employee may not be exempted unless the employee is employed in a position
- 2292 designated by the participating employer.
- 2293 (6)(a) In accordance with this section, Section 49-12-203, and Section 49-22-205, a
- 2294 municipality, county, or political subdivision may not exempt a total of more than 50
- 2295 positions or a number equal to 10% of the eligible employees of the municipality,
- 2296 county, or political subdivision, whichever is less.
- 2297 (b) A municipality, county, or political subdivision may exempt at least one regular
- 2298 full-time employee.
- 2299 (7) Each participating employer shall:
- 2300 (a) maintain a list of employee exemptions; and
- 2301 (b) update the employee exemptions in the event of any change.
- 2302 (8) The office may make rules to implement this section.
- 2303 (9) An employee's exclusion, exemption, participation, or election described in this section:
- 2304 (a) shall be made in accordance with this section; and
- 2305 (b) is subject to requirements under federal law and rules made by the board.
- 2306 Section 23. Section **49-22-205** is amended to read:

2307 **49-22-205 (Effective 07/01/26). Exemptions from participation in system.**

- 2308 (1) Upon filing a written request for exemption with the office, the following employees are
 2309 exempt from participation in the system as provided in this section:
- 2310 (a) an executive department head of the state;
 - 2311 (b) a member of the State Tax Commission;
 - 2312 (c) a member of the Public Service Commission;
 - 2313 (d) a member of a full-time or part-time board or commission;
 - 2314 (e) an employee of the Governor's Office of Planning and Budget;
 - 2315 (f) an employee of the Governor's Office of Economic Opportunity;
 - 2316 (g) an employee of the [~~Commission on Criminal and Juvenile Justice~~] Department of
 2317 Criminal Justice;
 - 2318 (h) an employee of the Governor's Office;
 - 2319 (i) an employee of the [~~State Auditor's Office~~] Office of the State Auditor;
 - 2320 (j) an employee of the [~~State Treasurer's Office~~] Office of the State Treasurer;
 - 2321 (k) any other member who is permitted to make an election under Section 49-11-406;
 - 2322 (l) [~~a person~~] an individual appointed as a city manager or appointed as a city
 2323 administrator or another at-will employee of a municipality, county, or other political
 2324 subdivision;
 - 2325 (m) an employee of an interlocal cooperative agency created under Title 11, Chapter 13,
 2326 Interlocal Cooperation Act, who is engaged in a specialized trade customarily
 2327 provided through membership in a labor organization that provides retirement
 2328 benefits to [~~its~~] the labor organization's members;
 - 2329 (n) an employee serving as an exchange employee from outside the state for an
 2330 employer who has elected to make all of the employer's exchange employees eligible
 2331 for service credit in this system; and
 - 2332 (o) the adjutant general of the Utah National Guard appointed under Section 39A-1-201
 2333 and each individual listed in Subsection 39A-1-203(1).
- 2334 (2)(a) A participating employer shall prepare and maintain a list designating those
 2335 positions eligible for exemption under Subsection (1).
- 2336 (b) An employee may not be exempted unless the employee is employed in a position
 2337 designated by the participating employer under Subsection (1).
- 2338 (3)(a) In accordance with this section, Section 49-12-203, and Section 49-13-203, a
 2339 municipality, county, or political subdivision may not exempt a total of more than 50
 2340 positions or a number equal to 10% of the eligible employees of the municipality,

- 2341 county, or political subdivision, whichever is less.
- 2342 (b) A municipality, county, or political subdivision may exempt at least one regular
2343 full-time employee.
- 2344 (4) Each participating employer shall:
- 2345 (a) maintain a list of employee exemptions; and
- 2346 (b) update an employee exemption in the event of any change.
- 2347 (5) Beginning on the effective date of the exemption for an employee who elects to be
2348 exempt in accordance with Subsection (1):
- 2349 (a) for a member of the Tier II defined contribution plan:
- 2350 (i) the participating employer shall contribute the nonelective contribution and the
2351 amortization rate described in Section 49-22-401, except that the nonelective
2352 contribution is exempt from the vesting requirements of Subsection
2353 49-22-401(3)(a);
- 2354 (ii) the member may make voluntary deferrals as provided in Section 49-22-401; and
- 2355 (iii) the member is not eligible for additional service credit in the plan for the period
2356 of exempt employment; and
- 2357 (b) for a member of the Tier II hybrid retirement system:
- 2358 (i) the participating employer shall contribute the nonelective contribution and the
2359 amortization rate described in Section 49-22-401, except that the contribution is
2360 exempt from the vesting requirements of Subsection 49-22-401(3)(a);
- 2361 (ii) the member may make voluntary deferrals as provided in Section 49-22-401; and
- 2362 (iii) the member is not eligible for additional service credit in the system for the
2363 period of exempt employment.
- 2364 (6) If an employee who is a member of the Tier II hybrid retirement system subsequently
2365 revokes the election of exemption made under Subsection (1), the provisions described
2366 in Subsection (5)(b) shall no longer be applicable and the coverage for the employee
2367 shall be effective prospectively as provided in Part 3, Tier II Hybrid Retirement System.
- 2368 (7)(a) All employer contributions made on behalf of an employee shall be invested in
2369 accordance with Subsection 49-22-303(3)(a) or 49-22-401(4)(a) until the one-year
2370 election period under Subsection 49-22-201(2)(c) is expired if the employee:
- 2371 (i) elects to be exempt in accordance with Subsection (1); and
- 2372 (ii) continues employment with the participating employer through the one-year
2373 election period under Subsection 49-22-201(2)(c).
- 2374 (b) An employee is entitled to receive a distribution of the employer contributions made

- 2375 on behalf of the employee and all associated investment gains and losses if the
 2376 employee:
- 2377 (i) elects to be exempt in accordance with Subsection (1); and
 2378 (ii) terminates employment [~~prior to~~] before the one-year election period under
 2379 Subsection 49-22-201(2)(c).
- 2380 (8)(a) The office shall make rules to implement this section.
- 2381 (b) The rules made under this Subsection (8) shall include provisions to allow the
 2382 exemption provided under Subsection (1) to apply to all contributions made
 2383 beginning on or after July 1, 2011, on behalf of an exempted employee who began
 2384 the employment before May 8, 2012.
- 2385 (9) An employee's exemption, participation, or election described in this section:
- 2386 (a) shall be made in accordance with this section; and
 2387 (b) is subject to requirements under federal law and rules made by the board.
- 2388 Section 24. Section **51-9-412** is amended to read:
- 2389 **51-9-412 (Effective 07/01/26). Halfway house funding -- Uses.**
- 2390 (1) As used in this section:
- 2391 [(a) "Commission" means the Commission on Criminal and Juvenile Justice created in
 2392 Section 63M-7-201.]
- 2393 (a) "Department" means the Department of Criminal Justice created in Section
 2394 75E-2-102.
- 2395 (b) "Halfway house" means a facility that houses parolees upon release from prison or
 2396 houses probationers who have violated the terms of their probation.
- 2397 (c) "Law enforcement agency" means a local law enforcement agency.
- 2398 (d) "Parole violator center" means a facility that houses parolees who have violated the
 2399 conditions of their parole agreement.
- 2400 (2) The [~~commission~~] department shall allocate funds appropriated by the Legislature to
 2401 local law enforcement agencies on a pro-rata basis determined by:
- 2402 (a) the average daily number of occupied beds in a halfway house in each agency's
 2403 jurisdiction for increased enforcement in areas with halfway houses;
- 2404 (b) the average daily number of occupied beds in a parole violator center in each
 2405 agency's jurisdiction; or
- 2406 (c) both Subsections (2)(a) and (b).
- 2407 (3) A law enforcement agency may use funds received under this section only for the
 2408 purposes stated in this section.

- 2409 (4)(a) For each fiscal year, any law enforcement agency that receives funds from the [
 2410 ~~commission~~] department under this section shall prepare, and file with the [
 2411 ~~commission~~] department and the state auditor, a report in a form specified by the [
 2412 ~~commission~~] department.[-]
- 2413 (b) The report described in Subsection (4)(a) shall include the following:
- 2414 [(a)] (i) the agency's name;
- 2415 [(b)] (ii) the amount received;
- 2416 [(c)] (iii) how the funds were used, including the impact on crime reduction efforts in
 2417 areas with halfway houses or parole violator centers, or both; and
- 2418 [(d)] (iv) a statement signed by both the agency's or political subdivision's executive
 2419 officer or designee and by the agency's legal counsel that all funds were used for
 2420 law enforcement operations related to reducing criminal activity in areas with
 2421 halfway houses or parole violator centers, or both.

2422 Section 25. Section **53-1-106** is amended to read:

2423 **53-1-106 (Effective 07/01/26). Department duties -- Powers.**

- 2424 (1) In addition to the responsibilities contained in this title, the department shall:
- 2425 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic Code,
 2426 including:
- 2427 (i) setting performance standards for towing companies to be used by the department,
 2428 as required by Section 41-6a-1406; and
- 2429 (ii) advising the Department of Transportation regarding the safe design and
 2430 operation of school buses, as required by Section 41-6a-1304;
- 2431 (b) make rules to establish and clarify standards pertaining to the curriculum and
 2432 teaching methods of a motor vehicle accident prevention course under Section
 2433 31A-19a-211;
- 2434 (c) aid in enforcement efforts to combat drug trafficking;
- 2435 (d) meet with the Division of Technology Services to formulate contracts, establish
 2436 priorities, and develop funding mechanisms for dispatch and telecommunications
 2437 operations;
- 2438 (e) provide assistance to the [~~Commission on Criminal and Juvenile Justice~~] Department
 2439 of Criminal Justice and the [~~Utah~~]Office for Victims of Crime in conducting
 2440 research or monitoring victims' programs, as required by [~~Section 63M-7-507~~]
 2441 Subsection 75E-5-203(2);
- 2442 (f) develop sexual assault exam protocol standards in conjunction with the Utah Hospital

- 2443 Association;
- 2444 (g) engage in emergency planning activities, including preparation of policy and
2445 procedure and rulemaking necessary for implementation of the federal Emergency
2446 Planning and Community Right to Know Act of 1986, as required by Section
2447 53-2a-702;
- 2448 (h) implement the provisions of Section 53-2a-402, the Emergency Management
2449 Assistance Compact;
- 2450 (i) ensure that any training or certification required of a public official or public
2451 employee, as those terms are defined in Section 63G-22-102, complies with Title
2452 63G, Chapter 22, State Training and Certification Requirements, if the training or
2453 certification is required:
- 2454 (i) under this title;
- 2455 (ii) by the department; or
- 2456 (iii) by an agency or division within the department;
- 2457 (j) employ a law enforcement officer as a public safety liaison to be housed at the State
2458 Board of Education who shall work with the State Board of Education to:
- 2459 (i) support training with relevant state agencies for school resource officers as
2460 described in Section 53G-8-702;
- 2461 (ii) coordinate the creation of model policies and memorandums of understanding for
2462 a local education agency and a local law enforcement agency; and
- 2463 (iii) ensure cooperation between relevant state agencies, a local education agency,
2464 and a local law enforcement agency to foster compliance with disciplinary related
2465 statutory provisions, including Sections 53E-3-516 and 53G-8-211;
- 2466 (k) provide for the security and protection of public officials, public officials' staff, and
2467 the capitol hill complex in accordance with the provisions of this part;
- 2468 (l) fulfill the duties described in Sections 77-36-2.1 and 78B-7-120 related to lethality
2469 assessments; and
- 2470 (m) fulfill the duties described in Section 63L-13-201 related to restricted foreign
2471 entities.
- 2472 (2)(a) The department shall establish a schedule of fees as required or allowed in this
2473 title for services provided by the department.
- 2474 (b) All fees not established in statute shall be established in accordance with Section
2475 63J-1-504.
- 2476 (3) The department may establish or contract for the establishment of an [Organ

2477 ~~Procurement Donor Registry]~~ organ procurement donor registry in accordance with
2478 Section 26B-8-319.

2479 Section 26. Section **53-6-107** is amended to read:

2480 **53-6-107 (Effective 07/01/26). General duties of council.**

2481 (1) The council shall:

2482 (a) advise the director regarding:

2483 (i) the approval, certification, or revocation of certification of any certified academy
2484 established in the state;

2485 (ii) minimum courses of study, attendance requirements, and the equipment and
2486 facilities to be required at a certified academy;

2487 (iii) minimum qualifications for instructors at a certified academy;

2488 (iv) the minimum basic training requirements that peace officers shall complete
2489 before receiving certification;

2490 (v) the minimum basic training requirements that dispatchers shall complete before
2491 receiving certification; and

2492 (vi) categories or classifications of advanced in-service training programs and
2493 minimum courses of study and attendance requirements for the categories or
2494 classifications;

2495 (b) recommend that studies, surveys, or reports, or all of them be made by the director
2496 concerning the implementation of the objectives and purposes of this chapter;

2497 (c) make recommendations and reports to the commissioner and governor from time to
2498 time;

2499 (d) choose from the sanctions to be imposed against certified peace officers [~~as provided~~
2500 ~~in~~] in accordance with Section 53-6-211, and dispatchers [~~as provided in~~] in
2501 accordance with Section 53-6-309;

2502 (e) establish and annually review:

2503 (i) minimum use of force standards for all peace officers in the state;

2504 (ii) minimum standards for officer intervention and the reporting of police
2505 misconduct based on Section 53-6-210.5; and

2506 (iii) the best practices for investigating sexual assaults;

2507 (f) in consultation with the [~~Utah~~]Victim Services Commission's subcommittee on rape
2508 and sexual assault created in Subsection [~~63M-7-903(5)(b)~~] 75E-6-103(5)(b), create

2509 and, if necessary, annually update a model sexual assault investigation policy based

2510 on the best practices established in Subsection (1)(e)(iii) that can be adopted and used

2511 by a law enforcement agency; and

2512 (g) perform other acts as necessary to carry out the duties of the council in this chapter.

2513 (2) The council may approve special function officers for membership in the [~~Public Safety~~

2514 Retirement System] public safety retirement system in accordance with Sections

2515 49-14-201 and 49-15-201.

2516 Section 27. Section **53-6-213** is amended to read:

2517 **53-6-213 (Effective 07/01/26). Appropriations from compensation fund.**

2518 (1) The Legislature shall appropriate from the [~~fund~~] Crime Victim Compensation Fund

2519 established in [~~Title 63M, Chapter 7, Part 5, Utah Office for Victims of Crime~~] Section

2520 75E-5-302, to the division, funds for training of law enforcement officers in the state.

2521 (2) The department shall make an annual report to the Legislature, which includes the

2522 amount received during the previous fiscal year.

2523 Section 28. Section **53-10-118** is amended to read:

2524 **53-10-118 (Effective 07/01/26). Collection of driving under the influence crash**

2525 **and arrest data.**

2526 (1)(a) The division shall collect from every law enforcement agency the following data

2527 concerning a crash that appears to be connected with a driving under the influence

2528 offense:

2529 (i) whether the impaired driver was injured or killed;

2530 (ii) whether any other individual was injured or killed;

2531 (iii) whether there was damage to real or personal property;

2532 (iv) the following results or findings regarding the impaired driver's impairment:

2533 (A) blood, breath, or urine alcohol concentration readings; and

2534 (B) blood, urine, chemical, or similar tests detecting alcohol or other drugs in an

2535 individual; and

2536 (v) if applicable, the name of the establishment that provided the alcohol to the

2537 impaired driver.

2538 (b) The division shall collect from every law enforcement agency the following data for

2539 every arrest made for a suspected driving under the influence offense, including those

2540 that are unrelated to a crash described in Subsection (1)(a):

2541 (i) the data described in Subsections (1)(a)(iv) and (v); and

2542 (ii) if there were any injuries, deaths, or property damage based on the driving under

2543 the influence incident, a description of the injuries, deaths, or damages.

2544 (c) In accordance with Section 53-25-104, a law enforcement agency shall provide the

2545 information described in Subsections (1)(a) and (b) in the form and manner requested
2546 by the division.

2547 (2) The division shall provide the information collected under Subsection (1) to the [
2548 ~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice for use in
2549 the annual report described in Section 41-6a-511.

2550 Section 29. Section **53-10-302** is amended to read:

2551 **53-10-302 (Effective 07/01/26). Bureau duties.**

2552 The bureau shall:

2553 (1) provide assistance and investigative resources to divisions within the Department of
2554 Public Safety;

2555 (2) upon request, provide assistance and specialized law enforcement services to local law
2556 enforcement agencies;

2557 (3) conduct financial investigations regarding suspicious cash transactions, fraud, and
2558 money laundering;

2559 (4) investigate criminal activity of organized crime networks, gangs, extremist groups, and
2560 others promoting violence;

2561 (5) investigate criminal activity of terrorist groups;

2562 (6) enforce [~~the Utah Criminal Code~~] Title 76, Criminal Offenses;

2563 (7) cooperate and exchange information with other state agencies and with other law
2564 enforcement agencies of government, both within and outside of this state, through a
2565 statewide information and intelligence center to obtain information that may achieve
2566 more effective results in the prevention, detection, and control of crime and
2567 apprehension of criminals, including systems described in Section 53E-3-518, Section
2568 53H-4-210, and Subsection 63H-7a-103(14);

2569 (8) create and maintain a statewide criminal intelligence system;

2570 (9) provide specialized case support and investigate illegal drug production, cultivation, and
2571 sales;

2572 (10) investigate, follow-up, and assist in highway drug interdiction cases;

2573 (11) make rules to implement this chapter;

2574 (12) perform the functions specified in Part 2, Bureau of Criminal Identification;

2575 (13) provide a state cybercrime unit to investigate computer and network intrusion matters
2576 involving state-owned computer equipment and computer networks as reported under
2577 Section 76-6-705;

2578 (14) investigate violations of Section 76-6-703 and other computer related crimes,

- 2579 including:
- 2580 (a) computer network intrusions;
- 2581 (b) denial of services attacks;
- 2582 (c) computer related theft or fraud;
- 2583 (d) intellectual property violations; and
- 2584 (e) electronic threats;
- 2585 (15) upon request, investigate the following offenses when alleged to have been committed
- 2586 by an individual who is currently or has been previously elected, appointed, or employed
- 2587 by a governmental entity:
- 2588 (a) criminal offenses; and
- 2589 (b) matters of public corruption; and
- 2590 (16)(a) not be prohibited from investigating crimes not specifically referred to in this
- 2591 section; and
- 2592 (b) other agencies are not prohibited from investigating crimes referred to in this section.

2593 Section 30. Section **53-10-803** is amended to read:

2594 **53-10-803 (Effective 07/01/26). Voluntary testing -- Victim to request -- Costs**
 2595 **paid by Office for Victims of Crime.**

- 2596 (1) A victim or minor victim of a sexual offense may request a test for the HIV infection.
- 2597 (2)(a) The local health department shall obtain the blood specimen from the victim and
- 2598 forward the specimen to the Department of Health and Human Services.
- 2599 (b) The Department of Health and Human Services shall analyze the specimen of the
- 2600 victim.
- 2601 (3)(a) The testing shall consist of a base-line test of the victim at the time immediately or
- 2602 as soon as possible after the alleged occurrence of the sexual offense.[-]
- 2603 (b) If the base-line test result is not positive, follow-up testing shall occur at three
- 2604 months and six months after the alleged occurrence of the sexual offense.
- 2605 (4) The Crime Victim [~~Reparations~~] Compensation Fund shall pay for the costs of the victim
- 2606 testing if the victim provides a substantiated claim of the sexual offense, does not test
- 2607 HIV positive at the base-line testing phase, and complies with eligibility criteria
- 2608 established by the [~~Utah~~]Office for Victims of Crime.

2609 Section 31. Section **53-11-124** is amended to read:

2610 **53-11-124 (Effective 07/01/26). Penalties.**

2611 Any violation of this chapter is a class A misdemeanor, unless the circumstances of the

2612 violation amount to an offense subject to a greater criminal penalty under [~~Title 76, Utah~~]

~~Criminal Code~~] Title 76, Criminal Offenses.

Section 32. Section **53-21-104.3** is amended to read:

53-21-104.3 (Effective 07/01/26). Education -- Complaints -- Investigations.

- (1) On or before September 1, 2024, the department shall inform all first responder agencies in the state of the requirements described in Section 53-21-102.
- (2) In addition to the notification required under Subsection (1), the department shall, on the department's website, provide information describing:
- (a) an individual's eligibility for mental health resources under Section 53-21-102;
 - (b) the statutory definition for mental health resources provided in Section 53-21-101;
 - (c) the designated mental health resources liaison for each first responder agency as described in Subsection 53-21-102(3)(b); and
 - (d) how to appeal a denial of mental health resources to the department.
- (3)(a) The department shall investigate a denial of mental health resources that is received under Subsection (2)(d) to determine whether the denial was in violation of this chapter.
- (b) If, after an investigation, the department determines that a first responder agency improperly denied mental health resources in violation of this chapter, the department shall notify the first responder agency and provide 60 days for the first responder agency to correct the improper denial.
- (c) The department shall determine whether a first responder agency has cured the violation within the time described in Subsection (3)(b) and, if the first responder agency has not, the department shall send a letter within a reasonable time identifying the first responder agency and the relevant details of the department's investigation to:
- (i) the commissioner;
 - (ii) the chairs of the Law Enforcement and Criminal Justice Interim Committee; and
 - (iii) the executive director of the [~~State~~]Commission on Criminal and Juvenile Justice, who shall refer the matter for investigation under [~~Section 63M-7-204~~] Subsection 75E-3-202(1)(i) and may recommend that the Department of Criminal Justice restrict state grant money under Section [~~63M-7-218~~] 75E-2-303.

Section 33. Section **53-25-103** is amended to read:

53-25-103 (Effective 07/01/26). Airport dangerous weapon possession reporting requirements.

- (1) As used in this section, [~~"commission"~~] "department" means the [~~State Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice created in Section [

2647 ~~63M-7-201~~ 75E-2-102.

2648 (2) Beginning on January 1, 2026, a law enforcement agency having law enforcement
2649 jurisdiction over an airport shall annually, on or before April 30, submit a report to the [
2650 ~~commission~~] department detailing:

2651 (a) for an offense described in Subsection 76-11-218(2)(a):

2652 (i) the number of issued written warnings;

2653 (ii) the number of issued citations;

2654 (iii) the number of referrals to a detective; and

2655 (iv) the number of referrals to a prosecutor; and

2656 (b) for an offense described in Subsection 76-11-218(2)(b):

2657 (i) the number of issued written warnings; and

2658 (ii) if applicable, the number of issued citations, including the number of individuals
2659 who have received more than one citation for the offense.

2660 (3) The [~~commission~~] department shall:

2661 (a) develop a standardized format for reporting the data described in Subsection (2);

2662 (b) compile the data submitted under Subsection (2); and

2663 (c) annually on or before August 1, publish a report of the data described in Subsection
2664 (2) on the [~~commission's~~] department's website.

2665 Section 34. Section **53-25-202** is amended to read:

2666 **53-25-202 (Effective 07/01/26). Sexual assault offense reporting requirements for**
2667 **law enforcement agencies.**

2668 (1) As used in this section:

2669 [~~(a) "Commission" means the State Commission on Criminal and Juvenile Justice~~
2670 ~~created in Section 63M-7-201.~~]

2671 (a) "Department" means the Department of Criminal Justice created in Section
2672 75E-2-102.

2673 (b) "Sexual assault offense" means:

2674 (i) rape, as described in Section 76-5-402;

2675 (ii) rape of a child, as described in Section 76-5-402.1;

2676 (iii) object rape, as described in Section 76-5-402.2;

2677 (iv) object rape of a child, as described in Section 76-5-402.3;

2678 (v) forcible sodomy, as described in Section 76-5-403;

2679 (vi) sodomy on a child, as described in Section 76-5-403.1;

2680 (vii) forcible sexual abuse, as described in Section 76-5-404;

- 2681 (viii) sexual abuse of a child, as described in Section 76-5-404.1;
- 2682 (ix) aggravated sexual abuse of a child, as described in Section 76-5-404.3;
- 2683 (x) aggravated sexual assault, as described in Section 76-5-405; or
- 2684 (xi) sexual battery, as described in Section 76-5-418.
- 2685 (2)(a) Beginning January 1, 2025, a law enforcement agency shall:
- 2686 (i) annually, on or before April 30, submit a report to the [~~e~~ommission] department for
- 2687 the previous calendar year containing the number of each type of sexual assault
- 2688 offense that:
- 2689 (A) was reported to the law enforcement agency;
- 2690 (B) was investigated by a detective; and
- 2691 (C) was referred to a prosecutor for prosecution; and
- 2692 (ii) submit a report to the [~~e~~ommission] department on whether the law enforcement
- 2693 agency has created and publicly posted on the law enforcement agency's website:
- 2694 (A) the policy described in Subsection [~~53-24-101(1)(a)~~] 53-25-201(1); and
- 2695 (B) the guide described in Subsection [~~53-24-101(2)(a)~~] 53-25-201(2).
- 2696 (b) A law enforcement agency shall:
- 2697 (i) compile the report described in Subsection (2)(a)(i) for each calendar year in the
- 2698 standardized format developed by the [~~e~~ommission] department under Subsection
- 2699 (3); and
- 2700 (ii) publicly post the information reported in Subsection (2)(a)(i) on the law
- 2701 enforcement agency's website.
- 2702 (3) The [~~e~~ommission] department shall:
- 2703 (a) develop a standardized format for reporting the data described in Subsection (2);
- 2704 (b) compile the data submitted under Subsection (2); and
- 2705 (c) annually on or before August 1, publish a report of the data described in Subsection
- 2706 (2) on the [~~e~~ommission's] department's website.
- 2707 Section 35. Section **53-25-301** is amended to read:
- 2708 **53-25-301 (Effective 07/01/26). Reporting requirements for reverse-location**
- 2709 **warrants.**
- 2710 (1) As used in this section:
- 2711 (a) "Anonymized" means the same as that term is defined in Section 77-23f-101.
- 2712 [~~(b) "Commission" means the State Commission on Criminal and Juvenile Justice~~
- 2713 ~~created in Section 63M-7-201.]~~
- 2714 (b) "Department" means the Department of Criminal Justice created in Section

- 2715 75E-2-102.
- 2716 (c) "Electronic device" means the same as that term is defined in Section 77-23f-101.
- 2717 (d) "Law enforcement agency" means the same as that term is defined in Section
- 2718 77-23c-101.2.
- 2719 (e) "Reverse-location information" means the same as that term is defined in Section
- 2720 77-23f-101.
- 2721 (f) "Reverse-location warrant" means a warrant seeking reverse-location information
- 2722 under Section 77-23f-102, 77-23f-103, or 77-23f-104.
- 2723 (2)(a) Beginning January 1, 2024, a law enforcement agency shall annually on or before
- 2724 April 30 submit a report to the [~~commission~~] department with the following data for
- 2725 the previous calendar year:
- 2726 (i) the number of reverse-location warrants requested by the law enforcement agency
- 2727 under Section 77-23f-102, 77-23f-103, or 77-23f-104;
- 2728 (ii) the number of reverse-location warrants that a court or magistrate granted after a
- 2729 request described in Subsection (2)(a)(i);
- 2730 (iii) the number of investigations that used information obtained under a
- 2731 reverse-location warrant to investigate a crime that was not the subject of the
- 2732 reverse-location warrant;
- 2733 (iv) the number of times reverse-location information was obtained under an
- 2734 exception listed in Section 77-23f-106;
- 2735 (v) the warrant identification number for each warrant described under Subsection
- 2736 (2)(a)(ii) or (iii); and
- 2737 (vi) the number of electronic devices for which anonymized electronic device data
- 2738 was obtained under each reverse-location warrant described under Subsection
- 2739 (2)(a)(ii).
- 2740 (b) A law enforcement agency shall compile the report described in Subsection (2)(a) for
- 2741 each year in the standardized format developed by the [~~commission~~] department
- 2742 under Subsection (4).
- 2743 (3) If a reverse-location warrant is requested by a multijurisdictional team of law
- 2744 enforcement officers, the reporting requirement in this section is the responsibility of the
- 2745 commanding agency or governing authority of the multijurisdictional team.
- 2746 (4) The [~~commission~~] department shall:
- 2747 (a) develop a standardized format for reporting the data described in Subsection (2);
- 2748 (b) compile the data submitted under Subsection (2); and

2749 (c) annually on or before August 1, publish on the [~~commission's~~] department's website a
2750 report of the data described in Subsection (2).

2751 Section 36. Section **53-25-401** is amended to read:

2752 **53-25-401 (Effective 07/01/26). Law enforcement reporting requirements for**
2753 **genetic genealogy database utilizations.**

2754 (1) As used in this section:

2755 [~~(a) "Commission" means the State Commission on Criminal and Juvenile Justice~~
2756 ~~created in Section 63M-7-201.]~~

2757 (a) "Department" means the Department of Criminal Justice created in Section
2758 75E-2-102.

2759 (b) "Genetic genealogy database utilization" means the same as that term is defined in
2760 Section 53-10-403.7.

2761 (c) "Law enforcement agency" means the same as that term is defined in Section
2762 53-1-102.

2763 (d) "Qualifying case" means the same as that term is defined in Section 53-10-403.7.

2764 (2)(a) Beginning on January 1, 2024, a law enforcement agency shall annually on or
2765 before April 30 submit a report to the [~~commission~~] department with the following
2766 data for the previous calendar year:

2767 (i) the number of genetic genealogy database utilizations requested by the law
2768 enforcement agency under Section 53-10-403.7; and

2769 (ii) for each utilization described in Subsection (2)(a)(i):

2770 (A) if applicable, the type of qualifying case;

2771 (B) for a criminal investigation, the alleged offense;

2772 (C) whether the case was a cold case, as that term is defined in Section 53-10-115,
2773 at the time of the request for the utilization; and

2774 (D) whether the results of the utilization revealed the identity of the owner of the
2775 DNA specimen.

2776 (b) A law enforcement agency shall compile the report described in Subsection (2)(a) for
2777 each year in the standardized format developed by the [~~commission~~] department
2778 under Subsection (4).

2779 (3) If a genetic genealogy database utilization is requested by a multijurisdictional team of
2780 law enforcement officers, the reporting requirement in this section is the responsibility
2781 of the commanding agency or governing authority of the multijurisdictional team.

2782 (4) The [~~commission~~] department shall:

- 2783 (a) develop a standardized format for reporting the data described in Subsection (2);
 2784 (b) compile the data submitted under Subsection (2), including the number of genetic
 2785 genealogy database utilizations requested by each reporting law enforcement agency;
 2786 and
 2787 (c) annually on or before August 1, publish a report of the data described in Subsection
 2788 (2) on the [~~commission's~~] department's website.

2789 Section 37. Section **53-25-501** is amended to read:

2790 **53-25-501 (Effective 07/01/26). Reporting requirements for seized firearms.**

2791 (1) As used in this section:

2792 [~~(a) "Commission" means the State Commission on Criminal and Juvenile Justice~~
 2793 ~~created in Section 63M-7-201.]~~

2794 (a) "Department" means the Department of Criminal Justice created in Section
 2795 75E-2-102.

2796 (b) "Firearm" means the same as that term is defined in Section 76-11-101.

2797 (c) "Restricted person" means a Category I or Category II restricted person under
 2798 Section 76-11-302 or 76-11-303.

2799 (2) Beginning on July 1, 2026, a law enforcement agency, not including the Department of
 2800 Corrections, shall annually on or before April 30 report to the [~~commission~~] department
 2801 the following data for the previous calendar year:

2802 (a) the number of firearms the law enforcement agency lawfully seized from restricted
 2803 persons;

2804 (b) the types of firearms the law enforcement agency lawfully seized from restricted
 2805 persons;

2806 (c) information on where the restricted persons obtained the firearms seized by the law
 2807 enforcement agency if the information is known or discoverable by the law
 2808 enforcement agency; and

2809 (d) the reasons under Section 76-11-302 or 76-11-303 that made the individuals who had
 2810 weapons seized restricted persons.

2811 Section 38. Section **53-25-502** is amended to read:

2812 **53-25-502 (Effective 07/01/26). Law enforcement agency reporting requirements**
 2813 **for certain firearm data.**

2814 (1) As used in this section:

2815 (a) "Antique firearm" means the same as that term is defined in Section 76-11-101.

2816 [(b) "Commission" means the State Commission on Criminal and Juvenile Justice

- 2817 created in Section ~~63M-7-201.~~]
- 2818 (b) "Department" means the Department of Criminal Justice created in Section
- 2819 75E-2-102.
- 2820 (c) "Firearm" means the same as that term is defined in Section 76-11-101.
- 2821 (d)(i) "Untraceable firearm" means a firearm:
- 2822 (A) that was manufactured, assembled, or otherwise created in a manner such that
- 2823 a serial number or other legally required identifying number or marking is not
- 2824 affixed to the firearm;
- 2825 (B) that is made of plastic, fiberglass, or another material that would not be
- 2826 detectable by a detection device commonly used at an airport or other public
- 2827 building for security screening; or
- 2828 (C) on which the identifying serial number or other legally required identifying
- 2829 number or marking has been removed or altered such that the firearm's
- 2830 provenance cannot be traced.
- 2831 (ii) "Untraceable firearm" does not include an antique firearm.
- 2832 (2)(a) Beginning on July 1, 2027, a law enforcement agency shall collect and annually,
- 2833 on or before April 30, report to the [~~commission~~] department the following data for
- 2834 the previous calendar year:
- 2835 (i) the number of criminal offenses reported to, or investigated by, the law
- 2836 enforcement agency in which the law enforcement agency determined that a lost,
- 2837 stolen, or untraceable firearm was used in the commission of the criminal offense,
- 2838 categorized by the type of offense; and
- 2839 (ii) the number of firearms, separated by each category described in Subsections
- 2840 (2)(a)(ii)(A) through (E), in the custody of the law enforcement agency that were:
- 2841 (A) returned to the property owner;
- 2842 (B) destroyed;
- 2843 (C) retained in evidence or other storage;
- 2844 (D) transferred to another governmental entity; or
- 2845 (E) submitted to a non-governmental entity for sale or disposal under Section
- 2846 77-11a-403.
- 2847 (b) A law enforcement agency shall compile the data described in Subsection (2)(a) for
- 2848 each calendar year in the standardized format developed by the [~~commission~~]
- 2849 department under Subsection (3).
- 2850 (c) The reporting requirements under Subsection (2)(a)(i) do not apply to a criminal

2851 offense or investigation for an offense under Title 23A, Wildlife Resources Act, that
2852 involves a firearm.

2853 (3) The [~~commission~~] department shall:

2854 (a) develop a standardized format for reporting the data described in Subsection (2);

2855 (b) compile the data submitted under Subsection (2); and

2856 (c) annually on or before August 1, publish a report of the data described in Subsection
2857 (2) on the [~~commission's~~] department's website.

2858 (4) This section does not apply to:

2859 (a) the Department of Corrections; or

2860 (b) a law enforcement agency created under Section 41-3-104.

2861 Section 39. Section **53-29-302** is amended to read:

2862 **53-29-302 (Effective 07/01/26) (Partially Repealed 01/01/30). Law enforcement**
2863 **and agency responsibilities related to the registry.**

2864 (1) As used in this section:

2865 (a) "Dynamic factors" means an individual's individual characteristics, issues, resources,
2866 or circumstances that:

2867 (i) can change or be influenced; and

2868 (ii) affect the risk of:

2869 (A) recidivism; or

2870 (B) violating conditions of probation or parole.

2871 (b) "Multi-domain assessment" means an evaluation process or tool that reports in
2872 quantitative and qualitative terms an offender's condition, stability, needs, resources,
2873 dynamic factors, and static factors that affect the offender's transition into the
2874 community and compliance with conditions of probation or parole.

2875 (c) "Static factors" means an individual's individual characteristics, issues, resources, or
2876 circumstances that:

2877 (i) are unlikely to be changeable or influenced; and

2878 (ii) affect the risk of:

2879 (A) recidivism; or

2880 (B) violating conditions of probation or parole.

2881 (2) A law enforcement agency shall, in the manner prescribed by the department, inform
2882 the department of:

2883 (a) the receipt of a report or complaint of a registrable offense, within three business
2884 days after the day on which the law enforcement agency received the report or

- 2885 complaint; and
- 2886 (b) the arrest of an individual suspected of a registrable offense, within five business
2887 days after the day on which the law enforcement agency arrested the individual.
- 2888 (3) The Department of Corrections shall:
- 2889 (a) register an offender in the custody of the Department of Corrections with the
2890 department upon:
- 2891 (i) placement on probation;
- 2892 (ii) commitment to a secure correctional facility operated by or under contract with
2893 the Department of Corrections;
- 2894 (iii) release from confinement to parole status, termination or expiration of sentence,
2895 or escape;
- 2896 (iv) entrance to and release from any community-based residential program operated
2897 by or under contract with the Department of Corrections; or
- 2898 (v) termination of probation or parole; and
- 2899 (b)(i) for an offender convicted after May 7, 2025, of an offense committed in this
2900 state that requires the individual to register as a sex offender, conduct, if available,
2901 multi-domain assessments that are validated for the population and offense type of
2902 the offender to inform the treatment and supervision needs of the offender; and
- 2903 (ii) 30 days after the day on which a calendar quarterly period ends, submit the
2904 results of any risk assessments completed under Subsection (3)(b)(i) during the
2905 preceding quarter to the [~~State Commission on Criminal and Juvenile Justice~~]
2906 Department of Criminal Justice.
- 2907 (4) The sheriff of the county in which an offender is confined shall register an offender with
2908 the department, as required under this chapter, if the offender is not in the custody of the
2909 Department of Corrections and is confined in a correctional facility not operated by or
2910 under contract with the Department of Corrections upon:
- 2911 (a) commitment to the correctional facility; and
- 2912 (b) release from confinement.
- 2913 (5)(a) Except as provided in Subsection [~~(4)(b)~~] (5)(b), if an offender is sent on an
2914 assignment outside a secure facility, including being assigned for firefighting or
2915 disaster control, the official who has physical custody of the offender shall, within a
2916 reasonable time after the day of the offender's removal from the secure facility, notify
2917 the local law enforcement agencies where the offender is assigned.
- 2918 (b) Subsection [~~(4)(a)~~] (5)(a) does not apply to an offender temporarily released from a

2919 secure facility setting who is under the supervision of a correctional facility official.

2920 (6) The division shall register an offender in the custody of the division with the
2921 department, as required under this chapter, before the offender's release from custody of
2922 the division.

2923 (7) A state mental hospital shall register an offender committed to the state mental hospital
2924 with the department, as required under this chapter, upon the offender's admission and
2925 upon the offender's discharge.

2926 (8)(a) A municipal or county law enforcement agency shall register an offender who
2927 resides within the agency's jurisdiction and is not under the supervision of the
2928 Division of Adult Probation and Parole within the Department of Corrections.

2929 (b) A municipal or county law enforcement agency may conduct offender registration
2930 under this chapter, if the agency ensures that the agency's staff responsible for
2931 registration:

2932 (i) have received initial training by the department and have been certified by the
2933 department as qualified and authorized to conduct registrations and enter offender
2934 registration information into the registry database; and

2935 (ii) annually certifies with the department.

2936 (9) An agency in the state that registers with the department an offender on probation, an
2937 offender who has been released from confinement to parole status or termination, or an
2938 offender whose sentence has expired, shall inform the offender of the duty to comply
2939 with the continuing registration requirements of this chapter during the period of
2940 registration required in Section 53-29-203, including:

2941 (a) notification to the state agencies in the states where the registrant presently resides
2942 and plans to reside when moving across state lines;

2943 (b) verification of address at least every 60 days [~~pursuant to~~] in accordance with a parole
2944 agreement for lifetime parolees; and

2945 (c) notification to the out-of-state agency where the offender is living, regardless of
2946 whether the offender is a resident of that state.

2947 Section 40. Section **53E-3-516** is amended to read:

2948 **53E-3-516 (Effective 07/01/26). School disciplinary and law enforcement action**
2949 **report -- Rulemaking authority.**

2950 (1) As used in this section:

2951 (a) "Dangerous weapon" means a firearm or an object that in the manner of the object's
2952 use or intended use is capable of causing death or serious bodily injury to an

- 2953 individual.
- 2954 (b)(i) "Law enforcement action" means a significant law enforcement interaction with
2955 a minor.
- 2956 (ii) "Law enforcement action" includes the following actions against a minor:
- 2957 (A) a search and seizure;
- 2958 (B) an arrest;
- 2959 (C) the issuance of a citation;
- 2960 (D) the filing of a delinquency petition, indictment, or criminal information;
- 2961 (E) a referral to the juvenile court; or
- 2962 (F) use of force by a law enforcement officer.
- 2963 (c) "Law enforcement agency" means the same as that term is defined in Section
2964 77-7a-103.
- 2965 (d) "Law enforcement officer" means the same as that term is defined in Section
2966 53-13-103.
- 2967 (e) "Minor" means the same as that term is defined in Section 80-1-102.
- 2968 (f)(i) "School disciplinary action" means an action by a public school to formally
2969 discipline a student of that public school.
- 2970 (ii) "School disciplinary action" includes a suspension or an expulsion.
- 2971 (g) "School is in session" means the hours of a day during which a public school
2972 conducts instruction for which student attendance is counted toward calculating
2973 average daily membership.
- 2974 (h)(i) "School-sponsored activity" means an activity, fundraising event, club, camp,
2975 clinic, or other event or activity that is authorized by a specific public school,
2976 according to LEA governing board policy, and satisfies at least one of the
2977 following conditions:
- 2978 (A) the activity is managed or supervised by a school district, public school, or
2979 public school employee;
- 2980 (B) the activity uses the school district or public school facilities, equipment, or
2981 other school resources; or
- 2982 (C) the activity is supported or subsidized, more than inconsequentially, by public
2983 funds, including the public school's activity funds or Minimum School
2984 Program dollars.
- 2985 (ii) "School-sponsored activity" includes preparation for and involvement in a public
2986 performance, contest, athletic competition, demonstration, display, or club activity.

- 2987 (i) "[]School resource officer" means the same as that term is defined in Section
2988 53G-8-701.
- 2989 (2) The state board shall develop an annual report regarding the following incidents that
2990 occur on school grounds while school is in session or during a school-sponsored activity:
2991 (a) school disciplinary actions;
2992 (b) minors found in possession of a dangerous weapon; and
2993 (c) law enforcement actions.
- 2994 (3) ~~[Pursuant to]~~ In accordance with state and federal law, law enforcement agencies shall
2995 collaborate with the state board and LEAs to provide and validate data and information
2996 necessary to complete the report described in Subsection (2), as requested by an LEA or
2997 the state board.
- 2998 (4) The report described in Subsection (2) shall include the following information listed
2999 separately for each school in an LEA:
3000 (a) the number of law enforcement actions, including the following information for each
3001 incident:
3002 (i) the reason for the law enforcement action; and
3003 (ii) the type of law enforcement action used;
3004 (b) the number of school disciplinary actions, including the following information for
3005 each incident:
3006 (i) the reason for the school disciplinary action;
3007 (ii) the type of school disciplinary action;
3008 (iii) the number of suspensions imposed;
3009 (iv) the average length of suspensions;
3010 (v) the number of days of instruction lost due to suspensions; and
3011 (vi) the number of expulsions;
3012 (c) the number of school resource officers employed;
3013 (d) if applicable, the demographics of an individual student who is subject to, as the
3014 following are defined in Section 53G-9-601, student bullying, hazing, cyber-bullying,
3015 or retaliation; and
3016 (e) the number of minors found in possession of a dangerous weapon on school grounds
3017 while school is in session or during a school-sponsored activity.
- 3018 (5) The report described in Subsection (2) shall include the following information, in
3019 aggregate, for each element described in Subsections (4)(a) and (b):
3020 (a) age;

- 3021 (b) grade level;
- 3022 (c) race;
- 3023 (d) sex;
- 3024 (e) disability status; and
- 3025 (f) youth in care designation.
- 3026 (6) Information included in the annual report described in Subsection (2) shall comply with:
- 3027 (a) Chapter 9, Part 2, Student Privacy;
- 3028 ~~[(a)]~~ (b) Chapter 9, Part 3, Student Data Protection; and
- 3029 ~~[(b) Chapter 9, Part 2, Student Privacy; and]~~
- 3030 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.
- 3031 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3032 state board shall make rules to compile the report described in Subsection (2).
- 3033 (8)(a) The state board shall provide the report described in Subsection (2):
- 3034 (i) in accordance with Section 53E-1-203 for incidents that occurred during the
- 3035 previous school year; and
- 3036 (ii) to the ~~[State Commission on Criminal and Juvenile Justice]~~ Department of
- 3037 Criminal Justice before January 15 of each year for incidents that occurred during
- 3038 the previous school year.
- 3039 (b) After submitting the report in accordance with this section, the state board shall
- 3040 supplement the report to the ~~[State Commission on Criminal and Juvenile Justice]~~
- 3041 Department of Criminal Justice with updated data and information within 30 days
- 3042 after the day on which the state board receives the updated data and information.
- 3043 Section 41. Section **53E-3-518** is amended to read:
- 3044 **53E-3-518 (Effective 07/01/26). Utah school information management system --**
- 3045 **Local education agency requirements.**
- 3046 (1) As used in this section:
- 3047 (a) "LEA data system" or "LEA's data system" means a data system that:
- 3048 (i) is developed, selected, or relied upon by an LEA; and
- 3049 (ii) the LEA uses to collect data or submit data to the state board related to:
- 3050 (A) student information;
- 3051 (B) educator information;
- 3052 (C) financial information; or
- 3053 (D) other information requested by the state board.
- 3054 (b) "LEA financial information system" or "LEA's financial information system" means

- 3055 an LEA data system used for financial information.
- 3056 (c) "Parent" means the same as that term is defined in Section 53G-6-201.
- 3057 (d) "Utah school information management system" or "information management
3058 system" means the state board's data collection and reporting system described in this
3059 section.
- 3060 (e) "User" means an individual who has authorized access to the information
3061 management system.
- 3062 (2) On or before July 1, 2024, the state board shall have in place an information
3063 management system that meets the requirements described in this section.
- 3064 (3) The state board shall ensure that the information management system:
- 3065 (a) interfaces with:
- 3066 (i) an LEA's data systems that meet the requirements described in Subsection (7);
3067 (ii) where appropriate, the systems described in Subsections 53-10-302(7) and (8);
3068 and
- 3069 (iii) the public safety portal described in Section [~~63A-16-1002~~] 75E-2-210;~~[-and]~~
- 3070 (b) serves as the mechanism for the state board to collect and report on all data that
3071 LEAs submit to the state board related to:
- 3072 (i) student information;
3073 (ii) educator information;
3074 (iii) financial information; and
3075 (iv) other information requested by the state board;
- 3076 (c) includes a web-based user interface through which a user may:
- 3077 (i) enter data;
3078 (ii) view data; and
3079 (iii) generate customizable reports;
- 3080 (d) includes a data warehouse and other hardware or software necessary to store or
3081 process data submitted by an LEA;
- 3082 (e) provides for data privacy, including by complying with Chapter 9, Student Privacy
3083 and Data Protection;
- 3084 (f) restricts user access based on each user's role; and
3085 (g) meets requirements related to a student achievement backpack described in Section
3086 53E-3-511.
- 3087 (4) On or before January 31, 2026, the state board shall:
- 3088 (a) ensure the information management system described in this section allows for the

- 3089 transfer of a student's transcript, current IEP, or Section 504 accommodation plan,
3090 including the tracking of necessary accommodations and services between:
- 3091 (i) different LEA student information systems; and
 - 3092 (ii) an authorized online course provider and a primary LEA; and
- 3093 (b) ensure the transfer capability described in Subsection (4)(a) is available for the same
3094 use within the operating system the state board uses for the Statewide Online
3095 Education Program described in Title 53F, Chapter 4, Part 5, Statewide Online
3096 Education Program.
- 3097 (5) The state board shall establish the restrictions on user access described in Subsection
3098 (3)(f).
- 3099 (6)(a) The state board shall make rules that establish the required capabilities for an LEA
3100 financial information system.
- 3101 (b) In establishing the required capabilities for an LEA financial information system, the
3102 state board shall consider metrics and capabilities requested by the state treasurer or
3103 state auditor.
- 3104 (7)(a) On or before July 1, 2024, an LEA shall ensure that:
- 3105 (i) all of the LEA's data systems:
 - 3106 (A) meet the data standards established by the state board in accordance with
 - 3107 Section 53E-3-501;
 - 3108 (B) are fully compatible with the state board's information management system;
 - 3109 and
 - 3110 (C) meet specification standards determined by the state board; and
 - 3111 (ii) the LEA's financial information system meets the requirements described in
3112 Subsection (6).
- 3113 (b) An LEA shall ensure that an LEA data system purchased or developed on or after
3114 May 14, 2019, will be compatible with the information management system when the
3115 information management system is fully operational.
- 3116 (8)(a) Subject to appropriations and Subsection (8)(b), the state board may use an
3117 appropriation under this section to help an LEA meet the requirements in the rules
3118 described in Subsection (6) by:
- 3119 (i) providing to the LEA funding for implementation and sustainment of the LEA
3120 financial information system, either through:
 - 3121 (A) awarding a grant to the LEA; or
 - 3122 (B) providing a reimbursement to the LEA; or

- 3123 (ii) in accordance with Title 63G, Chapter 6a, Utah Procurement Code, procuring a
3124 financial information system on behalf of an LEA for the LEA to use as the LEA's
3125 financial information system.
- 3126 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3127 state board shall make rules describing:
- 3128 (i) how an LEA may apply to the state board for the assistance described in
3129 Subsection (8)(a); and
- 3130 (ii) criteria for the state board to provide the assistance to an LEA.
- 3131 (9)(a) Beginning July 1, 2024, the state board may take action against an LEA that is out
3132 of compliance with a requirement described in Subsection (7) until the LEA complies
3133 with the requirement.
- 3134 (b) An action described in Subsection (9)(a) may include the state board withholding
3135 funds from the LEA.
- 3136 (10)(a) For purposes of this Subsection (10), "education record" means the same as that
3137 term is defined in 20 U.S.C. Sec. 1232g.
- 3138 (b) The state board shall, by rule made in accordance with Title 63G, Chapter 3, Utah
3139 Administrative Rulemaking Act, establish a procedure under which:
- 3140 (i) a parent may submit information as part of the education records for the parent's
3141 student;
- 3142 (ii) the information submitted by the parent is maintained as part of the education
3143 records for the parent's student;
- 3144 (iii) information submitted by the parent and maintained as part of the education
3145 records for the parent's student may be removed at the request of the parent; and
- 3146 (iv) a parent has access only to the education records of the parent's student in
3147 accordance with Subsection (10)(d).
- 3148 (c) The rules made under this Subsection (10) shall allow a parent to submit or remove
3149 information submitted by the parent under this Subsection (10) at least annually,
3150 including at the time of:
- 3151 (i) registering a student in a school; or
- 3152 (ii) changing the school in which a student attends.
- 3153 (d) Subject to the federal Family Education Rights and Privacy Act, 20 U.S.C. Sec.
3154 1232g, and related regulations, the state board shall provide a parent access to an
3155 education record concerning the parent's student.
- 3156 (e) The state board shall create in the information management system a record tracking

3157 interoperability of education records described in this Subsection (10) when a student
3158 is transitioning between schools or between LEAs.

3159 Section 42. Section **53F-2-410** is amended to read:

3160 **53F-2-410 (Effective 07/01/26). Juvenile gang and other violent crime prevention**
3161 **and intervention program -- Funding.**

3162 (1) As used in this section:

3163 (a) "State agency" means a department, division, office, entity, agency, or other unit of
3164 the state.

3165 (b) "State agency" includes the [~~State Commission on Criminal and Juvenile Justice~~]
3166 Department of Criminal Justice, the Administrative Office of the Courts, the
3167 Department of Corrections, and the Division of Juvenile Justice Services.

3168 (2) Subject to appropriations by the Legislature, the state board shall:

3169 (a) create a juvenile gang and other violent crime prevention and intervention program
3170 that is designed to help students at risk for violent criminal involvement stay in
3171 school; and

3172 (b) distribute money under the program to school districts and charter schools through
3173 the distribution formula described in Subsection (3).

3174 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3175 state board shall coordinate with state agencies to make rules that:

3176 (a) establish a formula to allocate program funding to schools in select school districts
3177 and charter schools that:

3178 (i) uses the data reported to the state board, the [~~State Commission on Criminal and~~
3179 ~~Juvenile Justice~~] Department of Criminal Justice, the Administrative Office of the
3180 Courts, the Department of Corrections, and the Division of Juvenile Justice
3181 Services;

3182 (ii) prioritizes the schools in school districts and charter schools based on the
3183 prevalence of crimes committed by minors within the boundaries of each
3184 municipality where a school is located; and

3185 (iii) prioritizes school districts and charter schools that demonstrate collaborative
3186 efforts with local law enforcement agencies and community prevention[-] ;

3187 (b) annually adjust the distribution of program funding using the data reported to the
3188 state board under Section 80-6-104; and

3189 (c) establish baseline performance standards that school districts or charter schools are
3190 required to meet in order to receive funding under the program.

- 3191 (4)(a) A school district or a charter school seeking program funding shall submit a
 3192 proposal to the state board that:
- 3193 (i) describes how the school district or charter school intends to use the funds; and
 - 3194 (ii) provides data related to the prevalence of crimes committed by minors within the
 3195 school district as described in Subsection (3)(a)(ii).
- 3196 (b) The state board shall allocate funding on a per student basis to prioritized school
 3197 districts and charter schools that submit a successful proposal under Subsection (4)(a).
- 3198 (5) The state board may not distribute funds to a school district or a charter school that fails
 3199 to meet performance standards described in Subsection (3)(c).
- 3200 (6) A school district or a charter school that is awarded funds under this section shall
 3201 submit a report to the state board that includes details on:
- 3202 (a) how the school district or the charter school used the funds; and
 - 3203 (b) the school district's, or the charter school's, compliance with the performance
 3204 standards described in Subsection (3)(c).
- 3205 Section 43. Section **53G-6-806** is amended to read:
- 3206 **53G-6-806 (Effective 07/01/26). Parent portal.**
- 3207 (1) As used in this section:
- 3208 (a) "Parent portal" means the posting the state board is required to provide under this
 3209 section.
 - 3210 (b) "School" means a public elementary or secondary school, including a charter school.
- 3211 (2)(a) The state board shall post information that allows a parent of a student enrolled in
 3212 a school to:
- 3213 (i) access an LEA's policies required by Sections 53G-9-203 and 53G-9-605;
 - 3214 (ii) be informed of resources and steps to follow when a student has been the subject,
 3215 perpetrator, or bystander of bullying, cyber-bullying, hazing, retaliation, or
 3216 abusive conduct such as:
 - 3217 (A) resources for the student, including short-term mental health services;
 - 3218 (B) options for the student to make changes to the student's educational
 3219 environment;
 - 3220 (C) options for alternative school enrollment;
 - 3221 (D) options for differentiated start or stop times;
 - 3222 (E) options for differentiated exit and entrance locations; and
 - 3223 (F) the designated employee for an LEA who addresses incidents of bullying,
 3224 cyber-bullying, hazing, retaliation, and abusive conduct;

- 3225 (iii) be informed of the steps and resources for filing a grievance with a school or
 3226 LEA regarding bullying, cyber-bullying, hazing, or retaliation;
- 3227 (iv) be informed of the steps and resources for seeking accommodations under the
 3228 Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12101 et seq.;
- 3229 (v) be informed of the steps and resources for seeking accommodations under state or
 3230 federal law regarding religious accommodations;
- 3231 (vi) be informed of the steps and resources for filing a grievance for an alleged
 3232 violation of state or federal law, including:
- 3233 (A) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d-2000d-4;
 3234 (B) Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1688;
 3235 (C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794; and
 3236 (D) Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sec.
 3237 12131-12165;
- 3238 (vii) receive information about constitutional rights and freedoms afforded to families
 3239 in public education;
- 3240 (viii) be informed of how to access an internal audit hotline if established by the state
 3241 board; and
- 3242 (ix) be informed of services for military families.
- 3243 (b) In addition to the information required under Subsection (2)(a), the state board:
- 3244 (i) shall include in the parent portal:
- 3245 (A) the comparison tool created under Section 53G-6-805;
 3246 (B) school level safety data, including data points described in Section 53E-3-516;
 3247 and
 3248 (C) a link to the public safety portal described in Section [~~63A-16-1002~~] 75E-2-210;
 3249 and
- 3250 (ii) may include in the parent portal other information that the state board determines
 3251 is helpful to parents.
- 3252 (3)(a) The state board shall post the parent portal at a location that is easily located by a
 3253 parent.
- 3254 (b) The state board shall update the parent portal at least annually.
- 3255 (c) In accordance with state and federal law, the state board may collaborate with a
 3256 third-party to provide safety data visualization in comparison to other states' data.
- 3257 (4) An LEA shall annually notify each of the following of how to access the parent portal:
 3258 (a) a parent of a student; and

3259 (b) a teacher, principal, or other professional staff within the LEA.

3260 Section 44. Section **53G-8-702** is amended to read:

3261 **53G-8-702 (Effective 07/01/26). School administrator and school resource officer**
3262 **training -- Curriculum.**

3263 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3264 state security chief appointed under Section 53-22-102 in consultation with the state
3265 board, shall make rules that prepare and make available an annual program for school
3266 principals, school personnel, school safety personnel described in Section 53G-8-701.5,
3267 and school resource officers to attend.

3268 (2) To create the curriculum and materials for the training program described in Subsection
3269 (1), the state security chief, in consultation with the School Safety Center, shall:

3270 (a) work in conjunction with the [~~State Commission on Criminal and Juvenile Justice~~]
3271 Department of Criminal Justice created in Section [~~63M-7-201~~] 75E-2-102;

3272 (b) solicit input from local school boards, charter school governing boards, and the Utah
3273 Schools for the Deaf and the Blind;

3274 (c) consult with a nationally recognized organization that provides resources and
3275 training for school resource officers;

3276 (d) solicit input from local law enforcement and other interested community
3277 stakeholders; and

3278 (e) consider the current United States Department of Education recommendations on
3279 school discipline and the role of a school resource officer.

3280 (3) The training program described in Subsection (1) shall be for a minimum time
3281 established by the state security chief in accordance with Subsection (1) and may
3282 include training on the following:

3283 (a) childhood and adolescent development;

3284 (b) responding age-appropriately to students;

3285 (c) working with disabled students;

3286 (d) techniques to de-escalate and resolve conflict;

3287 (e) cultural awareness;

3288 (f) restorative justice practices;

3289 (g) identifying a student exposed to violence or trauma and referring the student to
3290 appropriate resources;

3291 (h) student privacy rights;

3292 (i) negative consequences associated with youth involvement in the juvenile and

- 3293 criminal justice systems;
- 3294 (j) strategies to reduce juvenile justice involvement;
- 3295 (k) roles of and distinctions between a school resource officer and other school staff who
- 3296 help keep a school secure;
- 3297 (l) the standard response protocol and drills described in Section 53G-8-803;
- 3298 (m) an overview of the agreement described in Section 53G-8-703;
- 3299 (n) developing and supporting successful relationships with students; and
- 3300 (o) legal parameters of searching and questioning students on school property.
- 3301 (4) The School Safety Center shall work together with the Department of Public Safety, the [
3302 ~~State Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice, and
3303 state and local law enforcement to establish policies, procedures, and training
3304 requirements for school resource officers.

3305 Section 45. Section **58-11a-503** is amended to read:

3306 **58-11a-503 (Effective 07/01/26). Penalties.**

- 3307 (1) Unless Subsection (2) applies, an individual who commits an act of unlawful conduct
3308 under Section 58-11a-502 or who fails to comply with a citation issued under this
3309 section after the citation is final is guilty of a class A misdemeanor.
- 3310 (2) Sexual conduct that violates Section 58-11a-502 and [~~Title 76, Utah Criminal Code~~]
3311 Title 76, Criminal Offenses, shall be subject to the applicable penalties in [~~Title 76, Utah~~
3312 ~~Criminal Code~~] Title 76, Criminal Offenses.
- 3313 (3) Grounds for immediate suspension of an individual's license or permit by the division
3314 include the issuance of a citation for violation of Subsection 58-11a-502(1), (3), (4), (5),
3315 or (6).
- 3316 (4) If upon inspection or investigation, the division concludes that an individual has
3317 violated the provisions of Subsection 58-11a-502(1), (3), (4), (5), or (6), or a rule or
3318 order issued with respect to Subsection 58-11a-502(1), (3), (4), (5), or (6), and that
3319 disciplinary action is appropriate, the director or the director's designee from within the
3320 division shall promptly issue a citation to the individual according to this chapter and
3321 any pertinent rules, attempt to negotiate a stipulated settlement, or notify the individual
3322 to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4,
3323 Administrative Procedures Act.
- 3324 (5) An individual that is in violation of Subsection 58-11a-502(1), (3), (4), (5), or (6), as
3325 evidenced by an uncontested citation, a stipulated settlement, or finding of violation in
3326 an adjudicative proceeding, may be assessed a fine in accordance with this Subsection

- 3327 (5) and may, in addition to or in lieu of a fine, be ordered to cease and desist from
3328 violating Subsection 58-11a-502(1), (3), (4), (5), or (6).
- 3329 (6) Except for a cease and desist order, the licensure sanctions described in Section
3330 58-11a-401 may not be assessed through a citation.
- 3331 (7)(a) Each citation shall be in writing and describe with particularity the nature of the
3332 violation, including a reference to the provision of the chapter, rule, or order alleged
3333 to have been violated.
- 3334 (b) The citation shall clearly state that the recipient [~~must~~] shall notify the division in
3335 writing within 20 calendar days of service of the citation if the recipient wishes to
3336 contest the citation at a hearing conducted under Title 63G, Chapter 4,
3337 Administrative Procedures Act.
- 3338 (c) The citation shall clearly explain the consequences of failure to timely contest the
3339 citation or to make payment of a fine assessed by the citation within the time
3340 specified in the citation.
- 3341 (d) Each citation issued under this section, or a copy of each citation, may be served
3342 upon an individual upon whom a summons may be served in accordance with the
3343 Utah Rules of Civil Procedure and may be made personally or upon the individual's
3344 agent by a division investigator or by an individual specially designated by the
3345 director or by mail.
- 3346 (e)(i) If within 20 calendar days from the service of a citation, the individual to which
3347 the citation was issued fails to request a hearing to contest the citation, the citation
3348 becomes the final order of the division and is not subject to further agency review.
- 3349 (ii) The period to contest a citation may be extended by the division for cause.
- 3350 (f) The division may refuse to issue or renew, suspend, revoke, or place on probation the
3351 license or permit of an individual that fails to comply with a citation after the citation
3352 becomes final.
- 3353 (g) The failure of an applicant for licensure to comply with a citation after the citation
3354 becomes final is a ground for denial of license.
- 3355 (h) The director or the director's designee from within the division may not issue a
3356 citation under this section more than one year after the date on which the violation
3357 that is the subject of the citation is reported to the division.
- 3358 (i) The director or the director's designee shall assess fines as follows:
3359 (i) for a first offense under Subsection (4), a fine of up to \$1,000;
3360 (ii) for a second offense under Subsection (4), a fine of up to \$2,000; and

- 3361 (iii) for any subsequent offense under Subsection (4), a fine of up to \$2,000 for each
3362 day of continued offense.
- 3363 (j) For purposes of issuing a final order under this section and assessing a fine under
3364 Subsection (7)(i), an offense constitutes a second or subsequent offense if:
- 3365 (i) the division previously issued a final order determining that an individual
3366 committed a first or second offense in violation of Subsection 58-11a-502(1), (3),
3367 (4), (5), or (6); or
- 3368 (ii)(A) the division initiated an action for a first or second offense;
3369 (B) no final order has been issued by the division in the action initiated under
3370 Subsection (7)(j)(ii)(A);
- 3371 (C) the division determines during an investigation that occurred after the
3372 initiation of the action under Subsection (7)(j)(ii)(A) that the individual
3373 committed a second or subsequent violation of Subsection 58-11a-502(1), (3),
3374 (4), (5), or (6); and
- 3375 (D) after determining that the individual committed a second or subsequent
3376 offense under Subsection (7)(j)(ii)(C), the division issues a final order on the
3377 action initiated under Subsection (7)(j)(ii)(A).
- 3378 (k) In issuing a final order for a second or subsequent offense under Subsection (7)(j),
3379 the division shall comply with the requirements of this section.
- 3380 (8)(a) A penalty imposed by the director under Subsection (7)(i) shall be deposited into
3381 the Cosmetology and Associated Professions Education and Enforcement Fund.
- 3382 (b) The director may collect an unpaid penalty by:
- 3383 (i) referring the matter to a collection agency; or
- 3384 (ii) bringing an action in the district court of the county in which the individual
3385 against whom the penalty is imposed resides or in the county where the office of
3386 the director is located.
- 3387 (c) A county attorney or the attorney general of the state shall provide legal assistance
3388 and advice to the director in an action to collect a penalty.
- 3389 (d) A court shall award reasonable attorney fees and costs to the prevailing party in an
3390 action brought by the division to collect a penalty.
- 3391 Section 46. Section **58-37-2** is amended to read:
- 3392 **58-37-2 (Effective 07/01/26). Definitions.**
- 3393 (1) As used in this chapter:
- 3394 (a) "Administer" means the direct application of a controlled substance, whether by

- 3395 injection, inhalation, ingestion, or any other means, to the body of a patient or
3396 research subject by:
- 3397 (i) a practitioner or, in the practitioner's presence, by the practitioner's authorized
3398 agent; or
- 3399 (ii) the patient or research subject at the direction and in the presence of the
3400 practitioner.
- 3401 (b) "Agent" means an authorized person who acts on behalf of or at the direction of a
3402 manufacturer, distributor, or practitioner but does not include a motor carrier, public
3403 warehouseman, or employee of any of them.
- 3404 (c) "Consumption" means ingesting or having any measurable amount of a controlled
3405 substance in a person's body, but this Subsection (1)(c) does not include the
3406 metabolite of a controlled substance.
- 3407 (d) "Continuing criminal enterprise" means any individual, sole proprietorship,
3408 partnership, corporation, business trust, association, or other legal entity, and any
3409 union or groups of individuals associated in fact although not a legal entity, and
3410 includes illicit as well as licit entities created or maintained for the purpose of
3411 engaging in conduct which constitutes the commission of episodes of activity made
3412 unlawful by this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b,
3413 Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance
3414 Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, which episodes are not
3415 isolated, but have the same or similar purposes, results, participants, victims, methods
3416 of commission, or otherwise are interrelated by distinguishing characteristics. Taken
3417 together, the episodes shall demonstrate continuing unlawful conduct and be related
3418 either to each other or to the enterprise.
- 3419 (e) "Control" means to add, remove, or change the placement of a drug, substance, or
3420 immediate precursor under Section 58-37-3.
- 3421 (f)(i) "Controlled substance" means a drug or substance:
- 3422 (A) included in Schedules I, II, III, IV, or V of Section 58-37-4;
- 3423 (B) included in Schedules I, II, III, IV, or V of the federal Controlled Substances
3424 Act, Title II, P.L. 91-513;
- 3425 (C) that is a controlled substance analog; or
- 3426 (D) listed in Section 58-37-4.2.
- 3427 (ii) "Controlled substance" does not include:
- 3428 (A) distilled spirits, wine, or malt beverages, as those terms are defined in Title

- 3429 32B, Alcoholic Beverage Control Act;
- 3430 (B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,
- 3431 or prevention of disease in human or other animals, which contains ephedrine,
- 3432 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is
- 3433 lawfully purchased, sold, transferred, or furnished as an over-the-counter
- 3434 medication without prescription; or
- 3435 (C) dietary supplements, vitamins, minerals, herbs, or other similar substances
- 3436 including concentrates or extracts, which:
- 3437 (I) are not otherwise regulated by law; and
- 3438 (II) may contain naturally occurring amounts of chemical or substances listed
- 3439 in this chapter, or in rules [~~adopted pursuant to~~] made in accordance with
- 3440 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3441 (g)(i) "Controlled substance analog" means:

- 3442 (A) a substance the chemical structure of which is substantially similar to the
- 3443 chemical structure of a controlled substance listed in Schedules I and II of
- 3444 Section 58-37-4, a substance listed in Section 58-37-4.2, or in Schedules I and
- 3445 II of the federal Controlled Substances Act, Title II, P.L. 91-513;
- 3446 (B) a substance that has a stimulant, depressant, or hallucinogenic effect on the
- 3447 central nervous system substantially similar to the stimulant, depressant, or
- 3448 hallucinogenic effect on the central nervous system of controlled substances
- 3449 listed in Schedules I and II of Section 58-37-4, substances listed in Section
- 3450 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled
- 3451 Substances Act, Title II, P.L. 91-513; or
- 3452 (C) [~~A~~] a substance that, with respect to a particular individual, is represented or
- 3453 intended to have a stimulant, depressant, or hallucinogenic effect on the central
- 3454 nervous system substantially similar to the stimulant, depressant, or
- 3455 hallucinogenic effect on the central nervous system of controlled substances
- 3456 listed in Schedules I and II of Section 58-37-4, substances listed in Section
- 3457 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled
- 3458 Substances Act, Title II, P.L. 91-513.

3459 (ii) "Controlled substance analog" does not include:

- 3460 (A) a controlled substance currently scheduled in Schedules I through V of
- 3461 Section 58-37-4;
- 3462 (B) a substance for which there is an approved new drug application;

- 3463 (C) a substance with respect to which an exemption is in effect for investigational
 3464 use by a particular person under Section 505 of the Food, Drug, and Cosmetic
 3465 Act, 21 U.S.C. Sec. 355, to the extent the conduct with respect to the substance
 3466 is permitted by the exemption;
- 3467 (D) any substance to the extent not intended for human consumption before an
 3468 exemption takes effect with respect to the substance;
- 3469 (E) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,
 3470 or prevention of disease in man or other animals, which contains ephedrine,
 3471 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is
 3472 lawfully purchased, sold, transferred, or furnished as an over-the-counter
 3473 medication without prescription; or
- 3474 (F) dietary supplements, vitamins, minerals, herbs, or other similar substances
 3475 including concentrates or extracts, which are not otherwise regulated by law,
 3476 which may contain naturally occurring amounts of chemical or substances
 3477 listed in this chapter, or in rules [~~adopted pursuant to~~] made in accordance with
 3478 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 3479 (h)(i) "Conviction" means a determination of guilt by verdict, whether jury or bench,
 3480 or plea, whether guilty or no contest, for any offense proscribed by:
- 3481 (A) this chapter;
- 3482 (B) Chapter 37a, Utah Drug Paraphernalia Act;
- 3483 (C) Chapter 37b, Imitation Controlled Substances Act;
- 3484 (D) Chapter 37c, Utah Controlled Substance Precursor Act; or
- 3485 (E) Chapter 37d, Clandestine Drug Lab Act; or
- 3486 (ii) for any offense under the laws of the United States and any other state which, if
 3487 committed in this state, would be an offense under:
- 3488 (A) this chapter;
- 3489 (B) Chapter 37a, Utah Drug Paraphernalia Act;
- 3490 (C) Chapter 37b, Imitation Controlled Substances Act;
- 3491 (D) Chapter 37c, Utah Controlled Substance Precursor Act; or
- 3492 (E) Chapter 37d, Clandestine Drug Lab Act.
- 3493 (i) "Counterfeit substance" means:
- 3494 (i) any controlled substance or container or labeling of any controlled substance that:
- 3495 (A) without authorization bears the trademark, trade name, or other identifying
 3496 mark, imprint, number, device, or any likeness of them, of a manufacturer,

- 3497 distributor, or dispenser other than the person or persons who in fact
3498 manufactured, distributed, or dispensed the substance which falsely purports to
3499 be a controlled substance distributed by any other manufacturer, distributor, or
3500 dispenser; and
- 3501 (B) a reasonable person would believe to be a controlled substance distributed by
3502 an authorized manufacturer, distributor, or dispenser based on the appearance
3503 of the substance as described under Subsection (1)(i)(i)(A) or the appearance of
3504 the container of that controlled substance; or
- 3505 (ii) any substance other than under Subsection (1)(i)(i) that:
- 3506 (A) is falsely represented to be any legally or illegally manufactured controlled
3507 substance; and
- 3508 (B) a reasonable person would believe to be a legal or illegal controlled substance.
- 3509 (j) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a
3510 controlled substance or a listed chemical, [~~whether or not~~] regardless of whether an
3511 agency relationship exists.
- 3512 (k) "Department" means the Department of Commerce.
- 3513 (l) "Depressant or stimulant substance" means:
- 3514 (i) a drug which contains any quantity of barbituric acid or any of the salts of
3515 barbituric acid;
- 3516 (ii) a drug which contains any quantity of:
- 3517 (A) amphetamine or any of its optical isomers;
- 3518 (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or
- 3519 (C) any substance which the [~~Secretary~~] secretary of Health and Human Services
3520 or the [~~Attorney General~~] attorney general of the United States after
3521 investigation has found and by regulation designated habit-forming because of [
3522 ~~its~~] the substance's stimulant effect on the central nervous system;
- 3523 (iii) lysergic acid diethylamide; or
- 3524 (iv) any drug which contains any quantity of a substance which the [~~Secretary~~]
3525 secretary of Health and Human Services or the [~~Attorney General~~] attorney general
3526 of the United States after investigation has found to have, and by regulation
3527 designated as having, a potential for abuse because of [~~its~~] the substance's
3528 depressant or stimulant effect on the central nervous system or [~~its~~] the substance's
3529 hallucinogenic effect.
- 3530 (m) "Dispense" means the delivery of a controlled substance by a pharmacist to an

- 3531 ultimate user [~~pursuant to~~] in accordance with the lawful order or prescription of a
3532 practitioner, and includes distributing to, leaving with, giving away, or disposing of
3533 that substance as well as the packaging, labeling, or compounding necessary to
3534 prepare the substance for delivery.
- 3535 (n) "Dispenser" means a pharmacist who dispenses a controlled substance.
- 3536 (o) "Distribute" means to deliver other than by administering or dispensing a controlled
3537 substance or a listed chemical.
- 3538 (p) "Distributor" means a person who distributes controlled substances.
- 3539 (q) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 3540 (r)(i) "Drug" means:
- 3541 (A) a substance recognized in the official United States Pharmacopoeia, Official
3542 Homeopathic Pharmacopoeia of the United States, or Official National
3543 Formulary, or any supplement to any of them, intended for use in the
3544 diagnosis, cure, mitigation, treatment, or prevention of disease in humans or
3545 animals;
- 3546 (B) a substance that is required by any applicable federal or state law or rule to be
3547 dispensed by prescription only or is restricted to administration by practitioners
3548 only;
- 3549 (C) a substance other than food intended to affect the structure or any function of
3550 the body of humans or other animals; and
- 3551 (D) substances intended for use as a component of any substance specified in
3552 Subsections (1)(r)(i)(A), (B), and (C).
- 3553 (ii) "Drug" does not include dietary supplements.
- 3554 (iii) "Drug" includes a food intended for human consumption that intentionally
3555 contains a vaccine or vaccine material as provided in Section 4-5-107.
- 3556 (s) "Drug dependent person" means any individual who unlawfully and habitually uses
3557 any controlled substance to endanger the public morals, health, safety, or welfare, or
3558 who is so dependent upon the use of controlled substances as to have lost the power
3559 of self-control with reference to the individual's dependency.
- 3560 (t)(i) "Food" means:
- 3561 (A) any nutrient or substance of plant, mineral, or animal origin other than a drug
3562 as specified in this chapter, and normally ingested by human beings; and
- 3563 (B) foods for special dietary uses as exist by reason of a physical, physiological,
3564 pathological, or other condition including the conditions of disease,

3565 convalescence, pregnancy, lactation, allergy, hypersensitivity to food,
3566 underweight, and overweight; uses for supplying a particular dietary need
3567 which exist by reason of age including the ages of infancy and childbirth, and
3568 also uses for supplementing and for fortifying the ordinary or unusual diet with
3569 any vitamin, mineral, or other dietary property for use of a food.

3570 (ii) Any particular use of a food is a special dietary use regardless of the nutritional
3571 purposes.

3572 (u) "Immediate precursor" means a substance which the [~~Attorney General~~] attorney
3573 general of the United States has found to be, and by regulation designated as being,
3574 the principal compound used or produced primarily for use in the manufacture of a
3575 controlled substance, or which is an immediate chemical intermediary used or likely
3576 to be used in the manufacture of a controlled substance, the control of which is
3577 necessary to prevent, curtail, or limit the manufacture of the controlled substance.

3578 (v) "Indian" means a member of an Indian tribe.

3579 (w) "Indian religion" means a religion:

3580 (i) the origin and interpretation of which is from within a traditional Indian culture or
3581 community; and

3582 (ii) that is practiced by Indians.

3583 (x) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or
3584 community of Indians, including any Alaska Native village, which is legally
3585 recognized as eligible for and is consistent with the special programs, services, and
3586 entitlements provided by the United States to Indians because of their status as
3587 Indians.

3588 (y) "Manufacture" means the production, preparation, propagation, compounding, or
3589 processing of a controlled substance, either directly or indirectly by extraction from
3590 substances of natural origin, or independently by means of chemical synthesis or by a
3591 combination of extraction and chemical synthesis.

3592 (z) "Manufacturer" includes any person who packages, repackages, or labels any
3593 container of any controlled substance, except pharmacists who dispense or compound
3594 prescription orders for delivery to the ultimate consumer.

3595 (aa)(i) "Marijuana" means all species of the genus *cannabis* and all parts of the genus,
3596 whether growing or not, including:

3597 (A) seeds;

3598 (B) resin extracted from any part of the plant, including the resin extracted from

- 3599 the mature stalks;
- 3600 (C) every compound, manufacture, salt, derivative, mixture, or preparation of the
- 3601 plant, seeds, or resin;
- 3602 (D) any synthetic equivalents of the substances contained in the plant cannabis
- 3603 sativa or any other species of the genus cannabis which are chemically
- 3604 indistinguishable and pharmacologically active; and
- 3605 (E) any component part or cannabinoid extracted or isolated from the plant,
- 3606 including extracted or isolated tetrahydrocannabinols.
- 3607 (ii) "Marijuana" does not include:
- 3608 (A) the mature stalks of the plant;
- 3609 (B) fiber produced from the stalks;
- 3610 (C) oil or cake made from the seeds of the plant;
- 3611 (D) except as provided in Subsection (1)(aa)(i), any other compound,
- 3612 manufacture, salt, derivative, mixture, or preparation of the mature stalks,
- 3613 fiber, oil or cake;
- 3614 (E) the sterilized seed of the plant which is incapable of germination;
- 3615 (F) any compound, mixture, or preparation approved by the federal Food and
- 3616 Drug Administration under the federal Food, Drug, and Cosmetic Act, 21
- 3617 U.S.C. Sec. 301 et seq. that is not listed in a schedule of controlled substances
- 3618 in Section 58-37-4 or in the federal Controlled Substances Act, Title II, P.L.
- 3619 91-513; or
- 3620 (G) transportable industrial hemp concentrate as that term is defined in Section
- 3621 4-41-102.
- 3622 (bb) "Money" means officially issued coin and currency of the United States or any
- 3623 foreign country.
- 3624 (cc) "Narcotic drug" means any of the following, whether produced directly or indirectly
- 3625 by extraction from substances of vegetable origin, or independently by means of
- 3626 chemical synthesis, or by a combination of extraction and chemical synthesis:
- 3627 (i) opium, coca leaves, and opiates;
- 3628 (ii) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves,
- 3629 or opiates;
- 3630 (iii) opium poppy and poppy straw; or
- 3631 (iv) a substance, and any compound, manufacture, salt, derivative, or preparation of
- 3632 the substance, which is chemically identical with any of the substances referred to

3633 in Subsection (1)(cc)(i), (ii), or (iii), except narcotic drug does not include
3634 decocainized coca leaves or extracts of coca leaves which do not contain cocaine
3635 or ecgonine.

3636 (dd) "Negotiable instrument" means documents, containing an unconditional promise to
3637 pay a sum of money, which are legally transferable to another party by endorsement
3638 or delivery.

3639 (ee) "Opiate" means any drug or other substance having an addiction-forming or
3640 addiction-sustaining liability similar to morphine or being capable of conversion into
3641 a drug having addiction-forming or addiction-sustaining liability.

3642 (ff) "Opium poppy" means the plant of the species *papaver somniferum* L., except the
3643 seeds of the plant.

3644 (gg) "Person" means any corporation, association, partnership, trust, other institution or
3645 entity or one or more individuals.

3646 (hh) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

3647 (ii) "Possession" or "use" means the joint or individual ownership, control, occupancy,
3648 holding, retaining, belonging, maintaining, or the application, inhalation, swallowing,
3649 injection, or consumption, as distinguished from distribution, of controlled
3650 substances and includes individual, joint, or group possession or use of controlled
3651 substances. For a person to be a possessor or user of a controlled substance, it is not
3652 required that the person be shown to have individually possessed, used, or controlled
3653 the substance, but it is sufficient if it is shown that the person jointly participated with
3654 one or more persons in the use, possession, or control of any substances with
3655 knowledge that the activity was occurring, or the controlled substance is found in a
3656 place or under circumstances indicating that the person had the ability and the intent
3657 to exercise dominion and control over the controlled substance.

3658 (jj) "Practitioner" means a physician, dentist, naturopathic physician, veterinarian,
3659 pharmacist, scientific investigator, pharmacy, hospital, or other person licensed,
3660 registered, or otherwise permitted to distribute, dispense, conduct research with
3661 respect to, administer, or use in teaching or chemical analysis a controlled substance
3662 in the course of professional practice or research in this state.

3663 (kk) "Prescribe" means to issue a prescription:

3664 (i) orally or in writing; or

3665 (ii) by telephone, facsimile transmission, computer, or other electronic means of
3666 communication as defined by division rule.

- 3667 (ll) "Prescription" means an order issued:
 3668 (i) by a licensed practitioner, in the course of that practitioner's professional practice
 3669 or by collaborative pharmacy practice agreement; and
 3670 (ii) for a controlled substance or other prescription drug or device for use by a patient
 3671 or an animal.
- 3672 (mm) "Production" means the manufacture, planting, cultivation, growing, or harvesting
 3673 of a controlled substance.
- 3674 (nn) "Securities" means any stocks, bonds, notes, or other evidences of debt or of
 3675 property.
- 3676 (oo) "State" means the state of Utah.
- 3677 (pp) "Ultimate user" means any person who lawfully possesses a controlled substance
 3678 for the person's own use, for the use of a member of the person's household, or for
 3679 administration to an animal owned by the person or a member of the person's
 3680 household.
- 3681 (2) If a term used in this chapter is not defined, the definition and terms of [~~Title 76, Utah~~
 3682 ~~Criminal Code~~] Title 76, Criminal Offenses, shall apply.
- 3683 Section 47. Section **58-47b-503** is amended to read:
 3684 **58-47b-503 (Effective 07/01/26) (Repealed 07/01/34). Penalties -- Individuals.**
- 3685 (1) Except as provided in Subsection (2), an individual who commits an act of unlawful
 3686 conduct under Section 58-47b-501 is guilty of a class A misdemeanor.
- 3687 (2) Sexual conduct that violates Section 58-47b-501 and [~~Title 76, Utah Criminal Code~~]
 3688 Title 76, Criminal Offenses, shall be subject to the applicable penalties in [~~Title 76, Utah~~
 3689 ~~Criminal Code~~] Title 76, Criminal Offenses.
- 3690 (3) For acts of unprofessional conduct or unlawful conduct by an individual, the division
 3691 may:
 3692 (a) assess an administrative fine in accordance with Subsection 58-1-502(1); and
 3693 (b) take any appropriate administrative action, which may include sending letters of
 3694 concern to the municipality and the police department for the municipality in which
 3695 the individual violates this chapter.
- 3696 (4) The division shall deposit an administrative fine imposed in accordance with this
 3697 section into the Commerce Service Account.
- 3698 (5) If an individual has been convicted of violating Section 58-47b-501, before an
 3699 administrative finding of a violation of the same section, the individual may not be
 3700 assessed an administrative fine under this chapter for the same incident for which the

- 3701 conviction was obtained.
- 3702 (6)(a) If, upon an inspection described in Section 58-47b-601 or an investigation under
3703 this section, the division concludes that an individual has violated the provisions of
3704 Chapter 1, Division of Professional Licensing Act, Section 58-47b-501 or 58-47b-502,
3705 or any rule or order issued with respect to these provisions, and that disciplinary
3706 action is appropriate, the director or the director's designee from within the division
3707 shall:
- 3708 (i) notify the individual to appear before an adjudicative proceeding conducted under
3709 Title 63G, Chapter 4, Administrative Procedures Act;
 - 3710 (ii) attempt to negotiate a stipulated settlement; or
 - 3711 (iii) promptly issue a citation to the individual according to this chapter and any
3712 pertinent rules.
- 3713 (b) The division shall suspend, revoke, place on probation, or refuse to issue or renew
3714 the license of a licensed individual that fails to comply with the citation after the
3715 citation becomes final.
- 3716 (c) Failure of an individual to comply with a citation after the citation becomes final is a
3717 ground for denial of license or renewal.
- 3718 (d) The division may not issue a citation under this section after one year from the date
3719 on which the violation that is the subject of the citation is reported to the division.
- 3720 (e)(i) In addition to or in lieu of an administrative fine authorized in Subsection (3),
3721 the division may assess a penalty to any person that is in violation of the
3722 provisions of Chapter 1, Division of Professional Licensing Act, Section
3723 58-47b-501 or 58-47b-502, or any rule or order issued with respect to these
3724 provisions, as evidenced by an uncontested citation, a stipulated settlement, or a
3725 finding of violation in an adjudicative proceeding.
- 3726 (ii) The penalty may be in an amount that is the greater of up to \$10,000 per single
3727 violation or up to \$2,000 per day of an ongoing violation in accordance with a
3728 penalty schedule established by rule.
 - 3729 (iii) The division shall deposit a penalty imposed in accordance with this section into
3730 the Commerce Service Account.
 - 3731 (iv) The director may collect a penalty that is not paid by:
 - 3732 (A) referring the matter to a collection agency; or
 - 3733 (B) bringing an action in the district court of the county where the individual
3734 against whom the penalty is imposed resides or in the county where the office

3735 of the director is located.

3736 (v) The division may consult with the county attorney or the attorney general of the
3737 state for legal assistance and advice in an action to collect a penalty.

3738 (vi) A court shall award reasonable attorney fees and costs to the prevailing party in
3739 an action brought by the division to collect a penalty.

3740 (vii) In addition to or in lieu of a penalty, the division may order the individual to
3741 cease and desist from violating the provisions of Chapter 1, Division of
3742 Professional Licensing Act, Section 58-47b-501 or 58-47b-502, or any rule or
3743 order issued with respect to these provisions.

3744 (7)(a) A citation under Subsection (6) shall:

3745 (i) be in writing and describe with particularity the nature of the violation, including
3746 a reference to the provision of the chapter, rule, or order alleged to have been
3747 violated;

3748 (ii) state that the individual to whom the division issues the citation shall notify the
3749 division in writing within 20 calendar days of service of the citation to contest the
3750 citation at a hearing conducted under Title 63G, Chapter 4, Administrative
3751 Procedures Act; and

3752 (iii) explain the consequences of failure to timely contest the citation or to make
3753 payment of any penalties assessed by the citation within the time specified in the
3754 citation.

3755 (b) The division may serve a citation issued under this section, or a copy of each
3756 citation, upon any individual upon which a summons may be served:

3757 (i) in accordance with the Utah Rules of Civil Procedure;

3758 (ii) personally or upon the individual's agent by a division investigator or by any
3759 person specially designated by the director; or

3760 (iii) by mail.

3761 (c) If, within 20 calendar days after the day of service of a citation, the individual to
3762 whom the division issues the citation fails to request a hearing to contest the citation,
3763 the citation becomes the final order of the division and is not subject to further
3764 agency review.

3765 (d) The division may extend the period to contest the citation for cause.

3766 (8)(a) The division may suspend the license of a licensed individual without notice if:

3767 (i) there is a pattern of credible facts that the individual is attempting to operate a
3768 prostitution enterprise; or

3769 (ii) the individual is engaged in any form of human trafficking whether there is a
3770 violation of any other specific law, rule, or code.

3771 (b) If the division suspends the license of a licensed individual without notice, the
3772 division shall hold a hearing within 15 days.

3773 Section 48. Section **59-2-407** is amended to read:

3774 **59-2-407 (Effective 07/01/26). Administration of uniform fees.**

3775 (1)(a) Except as provided in Subsection 59-2-405(4) or 59-2-405.3(4), the uniform fee
3776 authorized in Sections 59-2-405, 59-2-405.3, and 72-10-110.5 shall be assessed at the
3777 same time and in the same manner as ad valorem personal property taxes under
3778 Chapter 2, Part 13, Collection of Taxes, except that in listing personal property
3779 subject to the uniform fee with real property as permitted by Section 59-2-1302, the
3780 assessor or, if this duty has been reassigned in an ordinance under Section 17-74-102,
3781 the treasurer shall list only the amount of the uniform fee due, and not the taxable
3782 value of the property subject to the uniform fee.

3783 (b) Except as provided in Subsections 59-2-405.1(4), 59-2-405.2(5), and 59-2-405.3(4),
3784 the uniform fee imposed by Section 59-2-405.1, 59-2-405.2, or 59-2-405.3 shall be
3785 assessed at the time of:

3786 (i) registration as defined in Section 41-1a-102; and

3787 (ii) renewal of registration.

3788 (2) The remedies for nonpayment of the uniform fees authorized by Sections 59-2-405,
3789 59-2-405.1, 59-2-405.2, 59-2-405.3, and 72-10-110.5 shall be the same as those
3790 provided in Chapter 2, Part 13, Collection of Taxes, for nonpayment of ad valorem
3791 personal property taxes.

3792 (3) Any disclosure of information to a county for purposes of distributing a uniform fee
3793 under this part is not subject to [~~Title 77, Chapter 38, Part 6, Safe at Home Program~~]
3794 Title 75E, Chapter 11, Safe at Home Program.

3795 Section 49. Section **59-5-104** is amended to read:

3796 **59-5-104 (Effective 07/01/26). Statements filed -- Contents -- Falsification as**
3797 **perjury.**

3798 (1)(a) Every producer engaged in the production of oil or gas from any well or wells in
3799 the state shall file with the commission, on or before June 1 of each year, on forms
3800 furnished by the commission, a statement containing the information required by
3801 Subsection (1)(b) relating to the oil or gas:

3802 (i) produced; and

- 3803 (ii)(A) saved;
- 3804 (B) sold; or
- 3805 (C) transported from the field where the oil or gas was produced during the
- 3806 preceding calendar year.
- 3807 (b) The statement required in Subsection (1)(a) shall include:
- 3808 (i) the name, description, and location of:
- 3809 (A) every well or wells; and
- 3810 (B) every field in which the well or wells are located;
- 3811 (ii) the number of barrels of oil, the cubic feet of gas, and quantity of other
- 3812 hydrocarbon substances produced, including the percentage of production from
- 3813 lands held in trust by the United States for any federally recognized Indian tribe or [
- 3814 its-] tribe members;
- 3815 (iii) the value of the oil or gas; and
- 3816 (iv) any other reasonable and necessary information required by the commission.
- 3817 (2) The statements or reports required to be filed with the commission shall be signed and
- 3818 sworn to by the producer or a designee.
- 3819 (3) Any willful false swearing as to the purported material facts set out in this report
- 3820 constitutes the crime of perjury and shall be punished as such under [~~Title 76, Utah~~
- 3821 ~~Criminal Code~~] Title 76, Criminal Offenses.
- 3822 Section 50. Section **59-5-204** is amended to read:
- 3823 **59-5-204 (Effective 07/01/26). Statements filed -- Contents -- Verification --**
- 3824 **Falsification as perjury.**
- 3825 (1) Every person engaged in the business of mining or extracting metalliferous minerals
- 3826 shall make and file with the commission, on or before June 1 of each year on forms
- 3827 furnished by the commission, a statement containing:
- 3828 (a) the name, description, and location of the mine owned and operated by the person
- 3829 during the preceding calendar year;
- 3830 (b) the number of tons of mineral mined during the preceding calendar year and the
- 3831 disposition of the mineral;
- 3832 (c) the total amount received during the preceding calendar year from the sale of
- 3833 minerals; and
- 3834 (d) such other reasonable and necessary information as the commission may require for
- 3835 the proper enforcement of this chapter as specified in a rule [~~adopted~~] made under
- 3836 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

- 3837 (2)(a) The owner of the mine shall be responsible for the statement or report required by
 3838 this section, but the principal lessee, contractor, or operator may, with the consent of
 3839 the commission, report and pay the tax as agent for the owner.[–]
 3840 (b) The owner shall be entitled to deduct and remit to the commission any tax
 3841 chargeable upon the operations conducted by the lessees or other parties.
- 3842 (3)(a) The statements or reports required to be filed with the commission shall be signed
 3843 and sworn to by the person required to file the statements or reports, by a partner if a
 3844 partnership, or by the president, secretary, or managing officer, if a corporation.[–]
 3845 (b) Any willful false swearing as to the purported material facts set out in this report
 3846 constitutes the crime of perjury and shall be punished as such under [~~Title 76, Utah~~
 3847 ~~Criminal Code~~] Title 76, Criminal Offenses.
- 3848 Section 51. Section **61-2c-501.5** is amended to read:
 3849 **61-2c-501.5 (Effective 07/01/26). Definitions.**
 3850 As used in this part:
- 3851 (1) "Civil judgment" means a judgment in a civil action that:
 3852 (a) is awarded in an action brought against a person licensed under this chapter on the
 3853 basis of fraud, misrepresentation, or deceit in a residential mortgage loan transaction;
 3854 and
 3855 (b) awards actual damages.
- 3856 (2) "Criminal restitution judgment" means a judgment that, in accordance with [~~the Utah~~
 3857 ~~Code of Criminal Procedure~~] Title 77, Criminal Procedure, orders criminal restitution to
 3858 a person and against a person licensed under this chapter for a criminal offense
 3859 involving fraud, misrepresentation, or deceit in a residential mortgage loan transaction.
- 3860 (3) "Final judgment" means one of the following judgments upon termination of the
 3861 proceedings related to the judgment, including appeals:
 3862 (a) a civil judgment; or
 3863 (b) a criminal restitution judgment.
- 3864 (4) "Fund" means the Residential Mortgage Loan Education, Research, and Recovery Fund
 3865 created in Section 61-2c-501.
- 3866 Section 52. Section **61-2f-502** is amended to read:
 3867 **61-2f-502 (Effective 07/01/26). Definitions.**
 3868 For purposes of this part:
- 3869 (1) "Civil judgment" means a judgment in a civil action that:
 3870 (a) is awarded in an action brought against a real estate licensee on the basis of fraud,

- 3871 misrepresentation, or deceit in a real estate transaction; and
- 3872 (b) awards actual damages.
- 3873 (2) "Criminal restitution judgment" means a judgment that, in accordance with [~~the Utah~~
- 3874 ~~Code of Criminal Procedure~~] Title 77, Criminal Procedure, orders criminal restitution to
- 3875 a person and against a real estate licensee for a criminal offense involving fraud,
- 3876 misrepresentation, or deceit in a real estate transaction.
- 3877 (3) "Final judgment" means one of the following judgments upon termination of the
- 3878 proceedings related to the judgment, including appeals:
- 3879 (a) a civil judgment; or
- 3880 (b) a criminal restitution judgment.
- 3881 (4) "Fund" means the Real Estate Education, Research, and Recovery Fund created in
- 3882 Section 61-2f-503.
- 3883 Section 53. Section **63A-17-502** is amended to read:
- 3884 **63A-17-502 (Effective 07/01/26). Overtime policies for state employees.**
- 3885 (1) As used in this section:
- 3886 (a) "Accrued overtime hours" means:
- 3887 (i) for a nonexempt employee, overtime hours earned during a fiscal year that, at the
- 3888 end of the fiscal year, have not been paid and have not been taken as time off by
- 3889 the nonexempt state employee who accrued [~~them~~] the hours; and
- 3890 (ii) for an exempt employee, overtime hours earned during an overtime year.
- 3891 (b) "Appointed official" means:
- 3892 (i) each department executive director and deputy director, each division director, and
- 3893 each member of a board or commission; and
- 3894 (ii) any other person employed by a department who is appointed by, or whose
- 3895 appointment is required by law to be approved by, the governor and who:
- 3896 (A) is paid a salary by the state; and
- 3897 (B) who exercises managerial, policy-making, or advisory responsibility.
- 3898 (c) "Department" means, except as otherwise provided in this section, the Department of
- 3899 Government Operations, the Department of Corrections, the Department of Financial
- 3900 Institutions, the Department of Alcoholic Beverage Services, the Insurance
- 3901 Department, the Public Service Commission, the Labor Commission, the Department
- 3902 of Agriculture and Food, the Department of Health and Human Services, the
- 3903 Department of Natural Resources, the Department of Transportation, the Department
- 3904 of Commerce, the Department of Workforce Services, the State Tax Commission, the

3905 Department of Cultural and Community Engagement, [~~the Department of Health,~~
3906 the National Guard, the Department of Environmental Quality, the Department of
3907 Public Safety, the [~~Commission on Criminal and Juvenile Justice~~] Department of
3908 Criminal Justice, all merit employees except attorneys in the Office of the Attorney
3909 General, merit employees in the Office of the State Treasurer, merit employees in the
3910 Office of the State Auditor, Department of Veterans and Military Affairs, and the
3911 Board of Pardons and Parole.

3912 (d) "Elected official" means any person who is an employee of the state because the
3913 person was elected by the registered voters of Utah to a position in state government.

3914 (e) "Exempt employee" means a state employee who is exempt as defined by the FLSA.

3915 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

3916 (g) "FLSA agreement" means the agreement authorized by the FLSA by which a
3917 nonexempt employee elects the form of compensation the nonexempt employee will
3918 receive for overtime.

3919 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by the
3920 division applying FLSA requirements.

3921 (i) "Overtime" means actual time worked in excess of an employee's defined work
3922 period.

3923 (j) "Overtime year" means the year determined by a department under Subsection (5)(b)
3924 at the end of which an exempt employee's accrued overtime lapses.

3925 (k) "State employee" means every person employed by a department who is not:

3926 (i) an appointed official;

3927 (ii) an elected official; or

3928 (iii) a member of a board or commission who is paid only for per diem or travel
3929 expenses.

3930 (l) "Uniform annual date" means the date when an exempt employee's accrued overtime
3931 lapses.

3932 (m) "Work period" means:

3933 (i) for a nonexempt employee, except a nonexempt law enforcement or hospital
3934 employee, a consecutive seven day, 24 hour work period of 40 hours;

3935 (ii) for an exempt employee, a 14 day, 80 hour payroll cycle;

3936 (iii) for a nonexempt hospital employee, the period the division establishes by rule
3937 according to the requirements of the FLSA; or

3938 (iv) for a nonexempt law enforcement employee as defined in the FLSA:

- 3939 (A) who is employed by the Department of Natural Resources, the period the
3940 division establishes by rule according to the requirements of the FLSA; or
3941 (B) who is employed by a department other than the Department of Natural
3942 Resources, the period the division establishes by rule in accordance with
3943 Subsection (2).
- 3944 (2) Except for the Department of Natural Resources, the division shall require each
3945 department employing a nonexempt law enforcement employee to designate one of the
3946 following work periods applicable to that employee:
3947 (a) 80 hours in a 14 consecutive day payroll cycle; or
3948 (b) 160 hours in a 28 consecutive day payroll cycle.
- 3949 (3) Each department shall compensate each state employee who works overtime by
3950 complying with the requirements of this section.
- 3951 (4)(a) Each department shall negotiate and obtain a signed FLSA agreement from each
3952 nonexempt employee.
3953 (b) In the FLSA agreement, the nonexempt employee shall elect either to be
3954 compensated for overtime by:
3955 (i) taking time off work at the rate of one and one-half hour off for each overtime
3956 hour worked; or
3957 (ii) being paid for the overtime worked at the rate of one and one-half times the
3958 employee's regular hourly wage.
- 3959 (c) A nonexempt employee who elects to take time off under this Subsection (4) shall be
3960 paid for any overtime worked in excess of the cap established by the division.
- 3961 (d) Before working any overtime, a nonexempt employee shall obtain authorization to
3962 work overtime from the employee's immediate supervisor.
- 3963 (e) Each department shall:
3964 (i) for an employee who elects to be compensated with time off for overtime, allow
3965 overtime earned during a fiscal year to be accumulated; and
3966 (ii) for an employee who elects to be paid for overtime worked, pay them for
3967 overtime worked in the paycheck for the pay period in which the employee
3968 worked the overtime.
- 3969 (f) If a department pays a nonexempt employee for overtime, that department shall
3970 charge that payment to that department's budget.
- 3971 (g) At the end of each fiscal year, the Division of Finance shall total all the accrued
3972 overtime hours for nonexempt employees and charge that total against the

- 3973 appropriate fund or subfund.
- 3974 (5)(a)(i) Except as provided in Subsection (5)(a)(ii), each department shall
3975 compensate each exempt employee who works overtime by granting the employee
3976 time off at the rate of one hour off for each hour of overtime worked.
- 3977 (ii) The director of the division may grant limited exceptions to the compensation
3978 requirement described in Subsection (5)(a)(i), where work circumstances dictate,
3979 by authorizing a department to pay an exempt employee for overtime worked at
3980 the employee's regular hourly wage if that department has funds available.
- 3981 (b)(i) Each department shall:
- 3982 (A) establish in [its] the department's written human resource policies a uniform
3983 annual date for each division that is at the end of any pay period; and
3984 (B) communicate the uniform annual date to [its] the department's employees.
- 3985 (ii) If any department fails to establish a uniform annual date as required by this
3986 Subsection (5), the director of the division, in conjunction with the director of the
3987 Division of Finance, shall establish the date for that department.
- 3988 (c) The overtime authorized for an exempt employee under this Subsection (5) is not an
3989 entitlement, a benefit, or a vested right.
- 3990 (d) At the end of the overtime year, upon transfer to another department at any time, and
3991 upon termination, retirement, or other situations where the employee will not return
3992 to work before the end of the overtime year:
- 3993 (i) any of an exempt employee's overtime that is more than the maximum established
3994 by division rule lapses; and
3995 (ii) unless authorized by the director of the division under Subsection (5)(a)(ii), a
3996 department may not compensate the exempt employee for that lapsed overtime by
3997 paying the employee for the overtime or by granting the employee time off for the
3998 lapsed overtime.
- 3999 (e) Before working any overtime, each exempt employee shall obtain authorization to
4000 work overtime from the exempt employee's immediate supervisor.
- 4001 (f) If a department pays an exempt employee for overtime under authorization from the
4002 director of the division, that department shall charge that payment to that
4003 department's budget in the pay period earned.
- 4004 (6) The division shall:
- 4005 (a) ensure that the provisions of the FLSA and this section are implemented throughout
4006 state government;

- 4007 (b) determine, for each state employee, whether the employee is exempt, nonexempt,
4008 law enforcement, or has some other status under the FLSA;
- 4009 (c) in coordination with modifications to the systems operated by the Division of
4010 Finance, make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
4011 Rulemaking Act:
- 4012 (i) establishing procedures for recording overtime worked that comply with FLSA
4013 requirements;
- 4014 (ii) establishing requirements governing overtime worked while traveling and
4015 procedures for recording that overtime that comply with FLSA requirements;
- 4016 (iii) establishing requirements governing overtime worked if the employee is "on
4017 call" and procedures for recording that overtime that comply with FLSA
4018 requirements;
- 4019 (iv) establishing requirements governing overtime worked while an employee is
4020 being trained and procedures for recording that overtime that comply with FLSA
4021 requirements;
- 4022 (v) subject to the FLSA and Subsection (2), establishing the maximum number of
4023 hours that a nonexempt employee may accrue before a department is required to
4024 pay the employee for the overtime worked;
- 4025 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an
4026 exempt employee that do not lapse; and
- 4027 (vii) establishing procedures for adjudicating appeals of an FLSA determination
4028 made by the division as required by this section;
- 4029 (d) monitor departments for compliance with the FLSA; and
- 4030 (e) recommend to the Legislature and the governor any statutory changes necessary
4031 because of federal government action.
- 4032 (7)(a) In coordination with the procedures for recording overtime worked established in
4033 rule by the division, the Division of Finance shall modify its payroll and human
4034 resource systems to accommodate those procedures.
- 4035 (b) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,
4036 Administrative Procedures Act, Section 63A-17-602, and Section 67-19a-301, an
4037 employee who is aggrieved by the FLSA designation made by the division as
4038 required by this section may appeal that determination to the director of the division
4039 by following the procedures and requirements established in division rule.
- 4040 (c) Upon receipt of an appeal under this section, the director shall notify the executive

4041 director of the employee's department that the appeal has been filed.

4042 (d) If the employee is aggrieved by the decision of the director, the employee shall
4043 appeal that determination to the United States Department of Labor, Wage and Hour
4044 Division, according to the procedures and requirements of federal law.

4045 Section 54. Section **63G-2-305** is amended to read:

4046 **63G-2-305 (Effective 07/01/26). Protected records.**

4047 The following records are protected if properly classified by a governmental entity:

- 4048 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has
4049 provided the governmental entity with the information specified in Section 63G-2-309;
- 4050 (2) commercial information or nonindividual financial information obtained from a person
4051 if:
- 4052 (a) disclosure of the information could reasonably be expected to result in unfair
4053 competitive injury to the person submitting the information or would impair the
4054 ability of the governmental entity to obtain necessary information in the future;
- 4055 (b) the person submitting the information has a greater interest in prohibiting access than
4056 the public in obtaining access; and
- 4057 (c) the person submitting the information has provided the governmental entity with the
4058 information specified in Section 63G-2-309;
- 4059 (3) commercial or financial information acquired or prepared by a governmental entity to
4060 the extent that disclosure would lead to financial speculations in currencies, securities, or
4061 commodities that will interfere with a planned transaction by the governmental entity or
4062 cause substantial financial injury to the governmental entity or state economy;
- 4063 (4) records, the disclosure of which could cause commercial injury to, or confer a
4064 competitive advantage upon a potential or actual competitor of, a commercial project
4065 entity as defined in Subsection 11-13-103(4);
- 4066 (5) test questions and answers to be used in future license, certification, registration,
4067 employment, or academic examinations;
- 4068 (6) records, the disclosure of which would impair governmental procurement proceedings
4069 or give an unfair advantage to any person proposing to enter into a contract or agreement
4070 with a governmental entity, except, subject to Subsections (1) and (2), that this
4071 Subsection (6) does not restrict the right of a person to have access to, after the contract
4072 or grant has been awarded and signed by all parties:
- 4073 (a) a bid, proposal, application, or other information submitted to or by a governmental
4074 entity in response to:

- 4075 (i) an invitation for bids;
- 4076 (ii) a request for proposals;
- 4077 (iii) a request for quotes;
- 4078 (iv) a grant; or
- 4079 (v) other similar document; or
- 4080 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 4081 (7) information submitted to or by a governmental entity in response to a request for
- 4082 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not
- 4083 restrict the right of a person to have access to the information, after:
- 4084 (a) a contract directly relating to the subject of the request for information has been
- 4085 awarded and signed by all parties; or
- 4086 (b)(i) a final determination is made not to enter into a contract that relates to the
- 4087 subject of the request for information; and
- 4088 (ii) at least two years have passed after the day on which the request for information
- 4089 is issued;
- 4090 (8) records that would identify real property or the appraisal or estimated value of real or
- 4091 personal property, including intellectual property, under consideration for public
- 4092 acquisition before any rights to the property are acquired unless:
- 4093 (a) public interest in obtaining access to the information is greater than or equal to the
- 4094 governmental entity's need to acquire the property on the best terms possible;
- 4095 (b) the information has already been disclosed to persons not employed by or under a
- 4096 duty of confidentiality to the entity;
- 4097 (c) in the case of records that would identify property, potential sellers of the described
- 4098 property have already learned of the governmental entity's plans to acquire the
- 4099 property;
- 4100 (d) in the case of records that would identify the appraisal or estimated value of
- 4101 property, the potential sellers have already learned of the governmental entity's
- 4102 estimated value of the property; or
- 4103 (e) the property under consideration for public acquisition is a single family residence
- 4104 and the governmental entity seeking to acquire the property has initiated negotiations
- 4105 to acquire the property as required under Section 78B-6-505;
- 4106 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated
- 4107 transaction of real or personal property including intellectual property, which, if
- 4108 disclosed [~~prior to~~] before completion of the transaction, would reveal the appraisal or

- 4109 estimated value of the subject property, unless:
- 4110 (a) the public interest in access is greater than or equal to the interests in restricting
- 4111 access, including the governmental entity's interest in maximizing the financial
- 4112 benefit of the transaction; or
- 4113 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
- 4114 the value of the subject property have already been disclosed to persons not
- 4115 employed by or under a duty of confidentiality to the entity;
- 4116 (10) records created or maintained for civil, criminal, or administrative enforcement
- 4117 purposes or audit purposes, or for discipline, licensing, certification, or registration
- 4118 purposes, if release of the records:
- 4119 (a) reasonably could be expected to interfere with investigations undertaken for
- 4120 enforcement, discipline, licensing, certification, or registration purposes;
- 4121 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
- 4122 proceedings;
- 4123 (c) would create a danger of depriving a person of a right to a fair trial or impartial
- 4124 hearing;
- 4125 (d) reasonably could be expected to disclose the identity of a source who is not generally
- 4126 known outside of government and, in the case of a record compiled in the course of
- 4127 an investigation, disclose information furnished by a source not generally known
- 4128 outside of government if disclosure would compromise the source; or
- 4129 (e) reasonably could be expected to disclose investigative or audit techniques,
- 4130 procedures, policies, or orders not generally known outside of government if
- 4131 disclosure would interfere with enforcement or audit efforts;
- 4132 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 4133 (12) records the disclosure of which would jeopardize the security of governmental
- 4134 property, governmental programs, or governmental recordkeeping systems from
- 4135 damage, theft, or other appropriation or use contrary to law or public policy;
- 4136 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
- 4137 facility, or records relating to incarceration, treatment, probation, or parole, that would
- 4138 interfere with the control and supervision of an offender's incarceration, treatment,
- 4139 probation, or parole;
- 4140 (14) records that, if disclosed, would reveal recommendations made to the Board of
- 4141 Pardons and Parole by an employee of or contractor for the Department of Corrections,
- 4142 the Board of Pardons and Parole, or the Department of Health and Human Services that

- 4143 are based on the employee's or contractor's supervision, diagnosis, or treatment of any
4144 person within the board's jurisdiction;
- 4145 (15) records and audit workpapers that identify audit, collection, and operational procedures
4146 and methods used by the State Tax Commission, if disclosure would interfere with
4147 audits or collections;
- 4148 (16) records of a governmental audit agency relating to an ongoing or planned audit until
4149 the final audit is released;
- 4150 (17) records that are subject to the attorney client privilege;
- 4151 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
4152 employee, or agent of a governmental entity for, or in anticipation of, litigation or a
4153 judicial, quasi-judicial, or administrative proceeding;
- 4154 (19)(a)(i) personal files of a state legislator, including personal correspondence to or
4155 from a member of the Legislature; and
- 4156 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
4157 legislative action or policy may not be classified as protected under this section;
4158 and
- 4159 (b)(i) an internal communication that is part of the deliberative process in connection
4160 with the preparation of legislation between:
- 4161 (A) members of a legislative body;
4162 (B) a member of a legislative body and a member of the legislative body's staff; or
4163 (C) members of a legislative body's staff; and
- 4164 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
4165 legislative action or policy may not be classified as protected under this section;
- 4166 (20)(a) records in the custody or control of the Office of Legislative Research and
4167 General Counsel, that, if disclosed, would reveal a particular legislator's
4168 contemplated legislation or contemplated course of action before the legislator has
4169 elected to support the legislation or course of action, or made the legislation or course
4170 of action public; and
- 4171 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
4172 Office of Legislative Research and General Counsel is a public document unless a
4173 legislator asks that the records requesting the legislation be maintained as protected
4174 records until such time as the legislator elects to make the legislation or course of
4175 action public;
- 4176 (21) a research request from a legislator to a legislative staff member and research findings

- 4177 prepared in response to the request;
- 4178 (22) drafts, unless otherwise classified as public;
- 4179 (23) records concerning a governmental entity's strategy about:
- 4180 (a) collective bargaining; or
- 4181 (b) imminent or pending litigation;
- 4182 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
- 4183 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
- 4184 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 4185 (25) records, other than personnel evaluations, that contain a personal recommendation
- 4186 concerning an individual if disclosure would constitute a clearly unwarranted invasion
- 4187 of personal privacy, or disclosure is not in the public interest;
- 4188 (26) records that reveal the location of historic, prehistoric, paleontological, or biological
- 4189 resources that if known would jeopardize the security of those resources or of valuable
- 4190 historic, scientific, educational, or cultural information;
- 4191 (27) records of independent state agencies if the disclosure of the records would conflict
- 4192 with the fiduciary obligations of the agency;
- 4193 (28) records of an institution of higher education defined in Section 53H-1-101 regarding
- 4194 tenure evaluations, appointments, applications for admissions, retention decisions, and
- 4195 promotions, which could be properly discussed in a meeting closed in accordance with
- 4196 Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final
- 4197 decisions about tenure, appointments, retention, promotions, or those students admitted,
- 4198 may not be classified as protected under this section;
- 4199 (29) records of the governor's office, including budget recommendations, legislative
- 4200 proposals, and policy statements, that if disclosed would reveal the governor's
- 4201 contemplated policies or contemplated courses of action before the governor has
- 4202 implemented or rejected those policies or courses of action or made them public;
- 4203 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
- 4204 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
- 4205 recommendations in these areas;
- 4206 (31) records provided by the United States or by a government entity outside the state that
- 4207 are given to the governmental entity with a requirement that they be managed as
- 4208 protected records if the providing entity certifies that the record would not be subject to
- 4209 public disclosure if retained by it;
- 4210 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a

- 4211 public body except as provided in Section 52-4-206;
- 4212 (33) records that would reveal the contents of settlement negotiations but not including final
4213 settlements or empirical data to the extent that they are not otherwise exempt from
4214 disclosure;
- 4215 (34) memoranda prepared by staff and used in the decision-making process by an
4216 administrative law judge, a member of the Board of Pardons and Parole, or a member of
4217 any other body charged by law with performing a quasi-judicial function;
- 4218 (35) records that would reveal negotiations regarding assistance or incentives offered by or
4219 requested from a governmental entity for the purpose of encouraging a person to expand
4220 or locate a business in Utah, but only if disclosure would result in actual economic harm
4221 to the person or place the governmental entity at a competitive disadvantage, but this
4222 section may not be used to restrict access to a record evidencing a final contract;
- 4223 (36) materials to which access must be limited for purposes of securing or maintaining the
4224 governmental entity's proprietary protection of intellectual property rights including
4225 patents, copyrights, and trade secrets;
- 4226 (37) the name of a donor or a prospective donor to a governmental entity, including an
4227 institution of higher education defined in Section 53H-1-101, and other information
4228 concerning the donation that could reasonably be expected to reveal the identity of the
4229 donor, provided that:
- 4230 (a) the donor requests anonymity in writing;
- 4231 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
4232 classified protected by the governmental entity under this Subsection (37); and
- 4233 (c) except for an institution of higher education defined in Section 53H-1-101, the
4234 governmental unit to which the donation is made is primarily engaged in educational,
4235 charitable, or artistic endeavors, and has no regulatory or legislative authority over
4236 the donor, a member of the donor's immediate family, or any entity owned or
4237 controlled by the donor or the donor's immediate family;
- 4238 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 4239 (39) a notification of workers' compensation insurance coverage described in Section
4240 34A-2-205;
- 4241 (40) subject to Subsections (40)(g) and (h), the following records of an institution of higher
4242 education defined in Section 53H-1-101, which have been developed, discovered,
4243 disclosed to, or received by or on behalf of faculty, staff, employees, or students of the
4244 institution:

- 4245 (a) unpublished lecture notes;
- 4246 (b) unpublished notes, data, and information:
- 4247 (i) relating to research; and
- 4248 (ii) of:
- 4249 (A) the institution of higher education defined in Section 53H-1-101; or
- 4250 (B) a sponsor of sponsored research;
- 4251 (c) unpublished manuscripts;
- 4252 (d) creative works in process;
- 4253 (e) scholarly correspondence; ~~and~~
- 4254 (f) confidential information contained in research proposals;
- 4255 (g) this Subsection (40) may not be construed to prohibit disclosure of public
- 4256 information required ~~pursuant to~~ in accordance with Subsection 53H-14-202(2)(a)
- 4257 or (b); and
- 4258 (h) this Subsection (40) may not be construed to affect the ownership of a record;
- 4259 (41)(a) records in the custody or control of the Office of the Legislative Auditor General
- 4260 that would reveal the name of a particular legislator who requests a legislative audit [
- 4261 ~~prior to~~] before the date that audit is completed and made public; and
- 4262 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
- 4263 Office of the Legislative Auditor General is a public document unless the legislator
- 4264 asks that the records in the custody or control of the Office of the Legislative Auditor
- 4265 General that would reveal the name of a particular legislator who requests a
- 4266 legislative audit be maintained as protected records until the audit is completed and
- 4267 made public;
- 4268 (42) records that provide detail as to the location of an explosive, including a map or other
- 4269 document that indicates the location of:
- 4270 (a) a production facility; or
- 4271 (b) a magazine;
- 4272 (43) information contained in the statewide database of the Division of Aging and Adult
- 4273 Services created by Section 26B-6-210;
- 4274 (44) information contained in the Licensing Information System described in Title 80,
- 4275 Chapter 2, Child Welfare Services;
- 4276 (45) information regarding National Guard operations or activities in support of the
- 4277 National Guard's federal mission;
- 4278 (46) records provided by any pawn or secondhand business to a law enforcement agency or

- 4279 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand
4280 Merchandise, and Catalytic Converter Transaction Information Act;
- 4281 (47) information regarding food security, risk, and vulnerability assessments performed by
4282 the Department of Agriculture and Food;
- 4283 (48) except to the extent that the record is exempt from this chapter [~~pursuant to~~] in
4284 accordance with Section 63G-2-106, records related to an emergency plan or program, a
4285 copy of which is provided to or prepared or maintained by the Division of Emergency
4286 Management, and the disclosure of which would jeopardize:
- 4287 (a) the safety of the general public; or
4288 (b) the security of:
- 4289 (i) governmental property;
4290 (ii) governmental programs; or
4291 (iii) the property of a private person who provides the Division of Emergency
4292 Management information;
- 4293 (49) records of the Department of Agriculture and Food that provides for the identification,
4294 tracing, or control of livestock diseases, including any program established under Title
4295 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
4296 of Animal Disease;
- 4297 (50) as provided in Section 26B-2-709:
- 4298 (a) information or records held by the Department of Health and Human Services related
4299 to a complaint regarding a provider, program, or facility which the department is
4300 unable to substantiate; and
4301 (b) information or records related to a complaint received by the Department of Health
4302 and Human Services from an anonymous complainant regarding a provider, program,
4303 or facility;
- 4304 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided
4305 under Section 41-1a-116, an individual's home address, home telephone number, or
4306 personal mobile phone number, if:
- 4307 (a) the individual is required to provide the information in order to comply with a law,
4308 ordinance, rule, or order of a government entity; and
4309 (b) the subject of the record has a reasonable expectation that this information will be
4310 kept confidential due to:
- 4311 (i) the nature of the law, ordinance, rule, or order; and
4312 (ii) the individual complying with the law, ordinance, rule, or order;

- 4313 (52) the portion of the following documents that contains a candidate's residential or
 4314 mailing address, if the candidate provides to the filing officer another address or phone
 4315 number where the candidate may be contacted:
- 4316 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
 4317 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,
 4318 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- 4319 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 4320 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 4321 (53) the name, home address, work addresses, and telephone numbers of an individual that
 4322 is engaged in, or that provides goods or services for, medical or scientific research that is:
- 4323 (a) conducted within the state system of higher education, as described in Section
 4324 53H-1-102; and
- 4325 (b) conducted using animals;
- 4326 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
 4327 Evaluation Commission concerning an individual commissioner's vote, in relation to
 4328 whether a judge meets or exceeds minimum performance standards under Subsection
 4329 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 4330 (55) information collected and a report prepared by the Judicial Performance Evaluation
 4331 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,
 4332 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes
 4333 public, the information or report;
- 4334 (56) records provided or received by the Public Lands Policy Coordinating Office in
 4335 furtherance of any contract or other agreement made in accordance with Section
 4336 63L-11-202;
- 4337 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 4338 (58) in accordance with Section 73-10-33:
- 4339 (a) a management plan for a water conveyance facility in the possession of the Division
 4340 of Water Resources or the Board of Water Resources; or
- 4341 (b) an outline of an emergency response plan in possession of the state or a county or
 4342 municipality;
- 4343 (59) the following records in the custody or control of the Office of Inspector General of
 4344 Medicaid Services, created in Section 63A-13-201:
- 4345 (a) records that would disclose information relating to allegations of personal
 4346 misconduct, gross mismanagement, or illegal activity of a person if the information

- 4347 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
4348 Services through other documents or evidence, and the records relating to the
4349 allegation are not relied upon by the Office of Inspector General of Medicaid
4350 Services in preparing a final investigation report or final audit report;
- 4351 (b) records and audit workpapers to the extent they would disclose the identity of a
4352 person who, during the course of an investigation or audit, communicated the
4353 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
4354 violation of a law, rule, or regulation adopted under the laws of this state, a political
4355 subdivision of the state, or any recognized entity of the United States, if the
4356 information was disclosed on the condition that the identity of the person be
4357 protected;
- 4358 (c) before the time that an investigation or audit is completed and the final investigation
4359 or final audit report is released, records or drafts circulated to a person who is not an
4360 employee or head of a governmental entity for the person's response or information;
- 4361 (d) records that would disclose an outline or part of any investigation, audit survey plan,
4362 or audit program; or
- 4363 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
4364 investigation or audit;
- 4365 (60) records that reveal methods used by the Office of Inspector General of Medicaid
4366 Services, the fraud unit, or the Department of Health and Human Services, to discover
4367 Medicaid fraud, waste, or abuse;
- 4368 (61) information provided to the Department of Health and Human Services or the Division
4369 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
4370 58-68-304(3) and (4);
- 4371 (62) a record described in Section 63G-12-210;
- 4372 (63) captured plate data that is obtained through an automatic license plate reader system
4373 used by a governmental entity as authorized in Section 41-6a-2003;
- 4374 (64) an audio or video recording created by a body-worn camera, as that term is defined in
4375 Section 77-7a-103, that records sound or images inside a hospital or health care facility
4376 as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider,
4377 as that term is defined in Section 78B-3-403, or inside a human [service] services
4378 program as that term is defined in Section 26B-2-101, except for recordings that:
- 4379 (a) depict the commission of an alleged crime;
- 4380 (b) record any encounter between a law enforcement officer and a person that results in

- 4381 death or bodily injury, or includes an instance when an officer fires a weapon;
- 4382 (c) record any encounter that is the subject of a complaint or a legal proceeding against a
- 4383 law enforcement officer or law enforcement agency;
- 4384 (d) contain an [~~officer-involved~~] officer-involved critical incident as defined in
- 4385 Subsection 76-2-408(1)(f); or
- 4386 (e) have been requested for reclassification as a public record by a subject or authorized
- 4387 agent of a subject featured in the recording;
- 4388 (65) a record pertaining to the search process for a president of an institution of higher
- 4389 education described in Section 53H-3-302;
- 4390 (66) an audio recording that is:
- 4391 (a) produced by an audio recording device that is used in conjunction with a device or
- 4392 piece of equipment designed or intended for resuscitating an individual or for treating
- 4393 an individual with a life-threatening condition;
- 4394 (b) produced during an emergency event when an individual employed to provide law
- 4395 enforcement, fire protection, paramedic, emergency medical, or other first responder
- 4396 service:
- 4397 (i) is responding to an individual needing resuscitation or with a life-threatening
- 4398 condition; and
- 4399 (ii) uses a device or piece of equipment designed or intended for resuscitating an
- 4400 individual or for treating an individual with a life-threatening condition; and
- 4401 (c) intended and used for purposes of training emergency responders how to improve
- 4402 their response to an emergency situation;
- 4403 (67) records submitted by or prepared in relation to an applicant seeking a recommendation
- 4404 by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the
- 4405 Legislative Audit Subcommittee, established under Section 36-12-8, for an employment
- 4406 position with the Legislature;
- 4407 (68) work papers as defined in Section 31A-2-204;
- 4408 (69) a record made available to Adult Protective Services or a law enforcement agency
- 4409 under Section 61-1-206;
- 4410 (70) a record submitted to the Insurance Department in accordance with Section
- 4411 31A-37-201;
- 4412 (71) a record described in Section 31A-37-503;
- 4413 (72) any record created by the Division of Professional Licensing as a result of Subsection
- 4414 58-37f-304(5) or 58-37f-702(2)(a)(ii);

- 4415 (73) a record described in Section 72-16-306 that relates to the reporting of an injury
4416 involving an amusement ride;
- 4417 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a
4418 political petition, or on a request to withdraw a signature from a political petition,
4419 including a petition or request described in the following titles:
- 4420 (a) Title 10, Utah Municipal Code;
- 4421 (b) Title 17, Counties;
- 4422 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 4423 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 4424 (e) Title 20A, Election Code;
- 4425 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a
4426 voter registration record;
- 4427 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature
4428 described in Subsection (74) or (75), in the custody of the lieutenant governor or a local
4429 political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 4430 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5,
4431 Victims Guidelines for Prosecutors Act;
- 4432 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 4433 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is
4434 prohibited under Section 63G-26-103;
- 4435 (80) an image taken of an individual during the process of booking the individual into jail,
4436 unless:
- 4437 (a) the individual is convicted of a criminal offense based upon the conduct for which
4438 the individual was incarcerated at the time the image was taken;
- 4439 (b) a law enforcement agency releases or disseminates the image:
- 4440 (i) after determining that the individual is a fugitive or an imminent threat to an
4441 individual or to public safety and releasing or disseminating the image will assist
4442 in apprehending the individual or reducing or eliminating the threat; or
- 4443 (ii) to a potential witness or other individual with direct knowledge of events relevant
4444 to a criminal investigation or criminal proceeding for the purpose of identifying or
4445 locating an individual in connection with the criminal investigation or criminal
4446 proceeding;
- 4447 (c) a judge orders the release or dissemination of the image based on a finding that the
4448 release or dissemination is in furtherance of a legitimate law enforcement interest; or

- 4449 (d) the image is displayed to a person who is permitted to view the image under Section
4450 17-72-802;
- 4451 (81) a record:
- 4452 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 4453 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
4454 representative from another state or the federal government as provided in Section
4455 63M-14-205; and
- 4456 (c) the disclosure of which would:
- 4457 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
4458 Colorado River system;
- 4459 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
4460 negotiate the best terms and conditions regarding the use of water in the Colorado
4461 River system; or
- 4462 (iii) give an advantage to another state or to the federal government in negotiations
4463 regarding the use of water in the Colorado River system;
- 4464 (82) any part of an application described in Section 63N-16-201 that the Governor's Office
4465 of Economic Opportunity determines is nonpublic, confidential information that if
4466 disclosed would result in actual economic harm to the applicant, but this Subsection (82)
4467 may not be used to restrict access to a record evidencing a final contract or approval
4468 decision;
- 4469 (83) the following records of a drinking water or wastewater facility:
- 4470 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
4471 and
- 4472 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
4473 drinking water or wastewater facility uses to secure, or prohibit access to, the records
4474 described in Subsection (83)(a);
- 4475 (84) a statement that an employee of a governmental entity provides to the governmental
4476 entity as part of the governmental entity's personnel or administrative investigation into
4477 potential misconduct involving the employee if the governmental entity:
- 4478 (a) requires the statement under threat of employment disciplinary action, including
4479 possible termination of employment, for the employee's refusal to provide the
4480 statement; and
- 4481 (b) provides the employee assurance that the statement cannot be used against the
4482 employee in any criminal proceeding;

- 4483 (85) any part of an application for a Utah Fits All Scholarship account described in Section
4484 53F-6-402 or other information identifying a scholarship student as defined in Section
4485 53F-6-401;
- 4486 (86) a record:
- 4487 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 4488 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
4489 person concerning the claim, including a representative from another state or the
4490 federal government; and
- 4491 (c) the disclosure of which would:
- 4492 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
4493 Great Salt Lake;
- 4494 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
4495 and conditions regarding the use of water in the Great Salt Lake; or
- 4496 (iii) give an advantage to another person including another state or to the federal
4497 government in negotiations regarding the use of water in the Great Salt Lake;
- 4498 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is
4499 reclassified as public as described in Subsection [~~13-2-11(4)~~] 13-2-11(3);
- 4500 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 4501 (a) concerning a claim to the use of waters;
- 4502 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
4503 representative from another state, a tribe, the federal government, or other
4504 government entity as provided in Title 73, Chapter 10g, Part 7, Utah Water Agent;
4505 and
- 4506 (c) the disclosure of which would:
- 4507 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 4508 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions
4509 regarding the use of water; or
- 4510 (iii) give an advantage to another state, a tribe, the federal government, or other
4511 government entity in negotiations regarding the use of water; and
- 4512 (89) a record created or maintained for an investigation of the Prosecutor Conduct
4513 Commission, created in Section [~~63M-7-1102~~] 75E-8-102, that contains any personal
4514 identifying information of a prosecuting attorney, including:
- 4515 (a) a complaint, or a document that is submitted or created for a complaint, received by
4516 the Prosecutor Conduct Commission; or

- 4517 (b) a finding by the Prosecutor Conduct Commission.
- 4518 Section 55. Section **63I-1-263** is amended to read:
- 4519 **63I-1-263 (Effective 07/01/26). Repeal dates: Titles 63A to 63O.**
- 4520 (1) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1,
4521 2028.
- 4522 (2) Title 63C, Chapter 18, Behavioral Health Crisis Response Committee, is repealed
4523 December 31, 2026.
- 4524 (3) Title 63C, Chapter 25, State Finance Review Commission, is repealed July 1, 2027.
- 4525 (4) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 4526 (5) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 4527 (6) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is repealed July
4528 1, 2028.
- 4529 (7) Section 63G-6a-805, Purchase from community rehabilitation programs, is repealed
4530 July 1, 2026.
- 4531 (8) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2028.
- 4532 (9) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2029.
- 4533 (10) Subsection 63J-1-602.2(16), related to the Communication Habits to reduce
4534 Adolescent Threats (CHAT) Pilot Program, is repealed July 1, 2029.
- 4535 (11) Subsection 63J-1-602.2(26), regarding the Utah Seismic Safety Commission, is
4536 repealed January 1, 2025.
- 4537 (12) Section 63L-11-204, Canyon resource management plan, is repealed July 1, 2027.
- 4538 (13) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is
4539 repealed July 1, 2027.
- 4540 [~~(14) Title 63M, Chapter 7, Part 7, Domestic Violence Offender Treatment Board, is~~
4541 ~~repealed July 1, 2027.~~]
- 4542 [~~(15) Section 63M-7-902, Creation -- Membership -- Terms -- Vacancies -- Expenses, is~~
4543 ~~repealed July 1, 2029.~~]
- 4544 [(14)] (14) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- 4545 [(17)] (15) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 4546 [(18)] (16) Subsection 63N-2-511(1)(b), regarding the Board of Tourism Development, is
4547 repealed July 1, 2030.
- 4548 [(19)] (17) Section 63N-2-512, Hotel Impact Mitigation Fund, is repealed July 1, 2028.
- 4549 [(20)] (18) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
4550 repealed July 1, 2027.

- 4551 ~~[(21)]~~ (19) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is
 4552 repealed July 1, 2028.
- 4553 ~~[(22)]~~ (20) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed
 4554 July 1, 2028.
- 4555 ~~[(23)]~~ (21) Section 63N-4-804, Rural Opportunity Advisory Committee, is repealed July 1,
 4556 2027.
- 4557 ~~[(24)]~~ (22) Subsection 63N-4-805(5)(b), regarding the Rural Employment Expansion
 4558 Program, is repealed July 1, 2028.
- 4559 ~~[(25)]~~ (23) Subsection 63N-7-101(1), regarding the Board of Tourism Development, is
 4560 repealed July 1, 2030.
- 4561 ~~[(26)]~~ (24) Subsection 63N-7-102(3)(c), regarding a requirement for the Utah Office of
 4562 Tourism to receive approval from the Board of Tourism Development, is repealed July
 4563 1, 2030.
- 4564 ~~[(27)]~~ (25) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed July 1,
 4565 2030.

4566 *The following section is affected by a coordination clause at the end of this bill.*

4567 Section 56. Section **63I-1-275** is amended to read:

4568 **63I-1-275 (Effective 07/01/26). Repeal dates: Titles 75 through 75E.**

4569 [Reserved.]

- 4570 (1) Title 75E, Chapter 7, Domestic Violence Offender Treatment Board, is repealed July 1,
 4571 2027.
- 4572 (2) Section 75E-6-102, Creation -- Membership -- Terms -- Vacancies -- Expenses, is
 4573 repealed July 1, 2029.
- 4574 (3) Section 75E-10-505, Interdisciplinary Parental Representation Pilot Program, is
 4575 repealed December 31, 2026.

4576 Section 57. Section **63I-1-278** is amended to read:

4577 **63I-1-278 (Effective 07/01/26). Repeal dates: Title 78A and Title 78B.**

- 4578 (1) Subsection 78A-7-106(7), regarding the transfer of a criminal action involving a
 4579 domestic violence offense from the justice court to the district court, is repealed July 1,
 4580 2029.
- 4581 (2) Section 78B-3-421, Arbitration agreements, is repealed July 1, 2029.
- 4582 (3) Section 78B-4-518, Limitation on liability of employer for an employee convicted of an
 4583 offense, is repealed July 1, 2029.
- 4584 (4) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,

- 4585 2026.
- 4586 [~~(5) Section 78B-22-805, Interdisciplinary Parental Representation Pilot Program, is~~
4587 ~~repealed December 31, 2026.~~]
- 4588 Section 58. Section **63I-2-253** is amended to read:
- 4589 **63I-2-253 (Effective 07/01/26). Repeal dates: Titles 53 through 53G.**
- 4590 (1) Title 53, Chapter 2c, COVID-19 Health and Economic Response Act, is repealed July 1,
4591 2026.
- 4592 (2) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem --
4593 Report -- Expiration, is repealed December 31, 2025.
- 4594 (3) Section 53-22-104.2, The School Security Task Force -- Education Advisory Board, is
4595 repealed December 31, 2025.
- 4596 (4) Section 53-25-103, Airport dangerous weapon possession reporting requirements, is
4597 repealed December 31, 2031.
- 4598 (5) Subsection 53-25-602(4)(b), regarding the rights of a peace officer placed onto a
4599 prosecution agency's Brady identification system before May 7, 2025, is repealed
4600 December 1, 2025.
- 4601 (6) Subsection [~~53-29-302(2)(b)(ii)~~] 53-29-302(3)(b)(ii), regarding the requirement for the
4602 Department of Corrections to submit the results of risk assessments for sex offenders to
4603 the [~~State Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice,
4604 is repealed January 1, 2030.
- 4605 (7) Subsection 53E-3-501(7)(e)(ii), regarding a report on the packet method, is repealed
4606 July 1, 2028.
- 4607 (8) Subsection 53F-2-504(6), regarding a report on the Salary Supplement for Highly
4608 Needed Educators, is repealed July 1, 2026.
- 4609 (9) Section 53F-5-221, Management of energy and water use pilot program, is repealed July
4610 1, 2028.
- 4611 (10) Section 53F-5-222, Mentoring and Supporting Teacher Excellence and Refinement
4612 Pilot Program, is repealed July 1, 2028.
- 4613 (11) Section 53F-5-223, Stipends for Future Educators Grant Program, is repealed July 1,
4614 2028.
- 4615 (12) Subsection 53G-11-502(1), regarding implementation of the educator evaluation
4616 process, is repealed July 1, 2029.
- 4617 (13) Section 53G-11-506, Establishment of educator evaluation program -- Joint
4618 committee, is repealed July 1, 2029.

4619 (14) Section 53G-11-507, Components of educator evaluation program, is repealed July 1,
4620 2029.

4621 (15) Section 53G-11-508, Summative evaluation timelines -- Review of summative
4622 evaluations, is repealed July 1, 2029.

4623 (16) Section 53G-11-509, Mentor for provisional educator, is repealed July 1, 2029.

4624 (17) Section 53G-11-510, State board to describe a framework for the evaluation of
4625 educators, is repealed July 1, 2029.

4626 (18) Section 53G-11-511, Rulemaking for privacy protection, is repealed July 1, 2029.

4627 (19) Subsection 53G-11-520(1), regarding optional alternative educator evaluation
4628 processes, is repealed July 1, 2029.

4629 (20) Subsection 53G-11-520(2), regarding an exception from educator evaluation process
4630 requirements, is repealed July 1, 2029.

4631 Section 59. Section **63J-1-602.1** is amended to read:

4632 **63J-1-602.1 (Effective 07/01/26). List of nonlapsing appropriations from**
4633 **accounts and funds.**

4634 Appropriations made from the following accounts or funds are nonlapsing:

4635 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.

4636 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as
4637 provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.

4638 (3) Funds collected for directing and administering the C-PACE district created in Section
4639 11-42a-106.

4640 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.

4641 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.

4642 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section
4643 19-2a-106.

4644 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
4645 Section 19-5-126.

4646 (8) State funds for matching federal funds in the Children's Health Insurance Program as
4647 provided in Section 26B-3-906.

4648 (9) Funds collected from the program fund for local health department expenses incurred in
4649 responding to a local health emergency under Section 26B-7-111.

4650 (10) The Technology Development Restricted Account created in Section 31A-3-104.

4651 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.

4652 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the

- 4653 extent that Section 31A-3-304 makes the money received under that section free revenue.
- 4654 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- 4655 (14) The Health Insurance Actuarial Review Restricted Account created in Section
- 4656 31A-30-115.
- 4657 (15) The State Mandated Insurer Payments Restricted Account created in Section
- 4658 31A-30-118.
- 4659 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 4660 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
- 4661 Account created in Section 32B-2-306.
- 4662 (18) The School Readiness Restricted Account created in Section 35A-15-203.
- 4663 (19) Money received by the Utah State Office of Rehabilitation for the sale of certain
- 4664 products or services, as provided in Section 35A-13-202.
- 4665 (20) The Property Loss Related to Homelessness Compensation Enterprise Fund created in
- 4666 Section 35A-16-212.
- 4667 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section
- 4668 35A-16-402.
- 4669 (22) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 4670 (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 4671 (24) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.
- 4672 (25) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the
- 4673 Motor Vehicle Division.
- 4674 (26) The License Plate Restricted Account created by Section 41-1a-122.
- 4675 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
- 4676 created by Section 41-3-110 to the State Tax Commission.
- 4677 (28) The State Disaster Recovery Restricted Account to the Division of Emergency
- 4678 Management, as provided in Section 53-2a-603.
- 4679 (29) The Disaster Response, Recovery, and Mitigation Restricted Account created in
- 4680 Section 53-2a-1302.
- 4681 (30) The Emergency Medical Services Critical Needs Account created in Section 53-2d-110.
- 4682 (31) The Department of Public Safety Restricted Account to the Department of Public
- 4683 Safety, as provided in Section 53-3-106.
- 4684 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- 4685 (33) The DNA Specimen Restricted Account created in Section 53-10-407.
- 4686 (34) The Technical Colleges Capital Projects Fund created in Section 53H-9-605.

- 4687 (35) The Higher Education Capital Projects Fund created in Section 53H-9-502.
- 4688 (36) A certain portion of money collected for administrative costs under the School
4689 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 4690 (37) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject
4691 to Subsection 54-5-1.5(4)(d).
- 4692 (38) Funds collected from a surcharge fee to provide certain licensees with access to an
4693 electronic reference library, as provided in Section 58-3a-105.
- 4694 (39) Certain fines collected by the Division of Professional Licensing for violation of
4695 unlawful or unprofessional conduct that are used for education and enforcement
4696 purposes, as provided in Section 58-17b-505.
- 4697 (40) Funds collected from a surcharge fee to provide certain licensees with access to an
4698 electronic reference library, as provided in Section 58-22-104.
- 4699 (41) Funds collected from a surcharge fee to provide certain licensees with access to an
4700 electronic reference library, as provided in Section 58-55-106.
- 4701 (42) Funds collected from a surcharge fee to provide certain licensees with access to an
4702 electronic reference library, as provided in Section 58-56-3.5.
- 4703 (43) Certain fines collected by the Division of Professional Licensing for use in education
4704 and enforcement of the Security Personnel Licensing Act, as provided in Section
4705 58-63-103.
- 4706 (44) The Relative Value Study Restricted Account created in Section 59-9-105.
- 4707 (45) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 4708 (46) Funds paid to the Division of Real Estate for the cost of a criminal background check
4709 for a mortgage loan license, as provided in Section 61-2c-202.
- 4710 (47) Funds paid to the Division of Real Estate for the cost of a criminal background check
4711 for principal broker, associate broker, and sales agent licenses, as provided in Section
4712 61-2f-204.
- 4713 (48) Certain funds donated to the Department of Health and Human Services, as provided
4714 in Section 26B-1-202.
- 4715 (49) Certain funds donated to the Division of Child and Family Services, as provided in
4716 Section 80-2-404.
- 4717 (50) Funds collected by the Office of Administrative Rules for publishing, as provided in
4718 Section 63G-3-402.
- 4719 (51) The Immigration Act Restricted Account created in Section 63G-12-103.
- 4720 (52) Money received by the military installation development authority, as provided in

- 4721 Section 63H-1-504.
- 4722 (53) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.
- 4723 (54) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.
- 4724 (55) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
- 4725 (56) The Motion Picture Incentive Account created in Section 63N-8-103.
- 4726 (57) Funds collected by the housing of state probationary inmates or state parole inmates, as
- 4727 provided in Subsection 64-13e-104(2).
- 4728 (58) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and
- 4729 State Lands, as provided in Section 65A-8-103.
- 4730 (59) The following funds or accounts created in Section 72-2-124:
- 4731 (a) Transportation Investment Fund of 2005;
- 4732 (b) Transit Transportation Investment Fund;
- 4733 (c) Cottonwood Canyons Transportation Investment Fund;
- 4734 (d) Active Transportation Investment Fund; and
- 4735 (e) Commuter Rail Subaccount.
- 4736 (60) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.
- 4737 (61) Certain funds received by the Office of the State Engineer for well drilling fines or
- 4738 bonds, as provided in Section 73-3-25.
- 4739 (62) The Water Resources Conservation and Development Fund, as provided in Section
- 4740 73-23-2.
- 4741 (63) Funds collected for indigent defense as provided in Title 75E, Chapter 9, Indigent
- 4742 Defense Commission.
- 4743 ~~[(63)]~~ (64) Award money under the State Asset Forfeiture Grant Program, as provided under
- 4744 Section 77-11b-403.
- 4745 ~~[(64)]~~ (65) Funds donated or paid to a juvenile court by private sources, as provided in
- 4746 Subsection 78A-6-203(1)(c).
- 4747 ~~[(65)]~~ (66) Fees for certificate of admission created under Section 78A-9-102.
- 4748 ~~[(66)]~~ (67) Funds collected for adoption document access as provided in Sections 81-13-103,
- 4749 81-13-504, and 81-13-505.
- 4750 ~~[(67) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,~~
- 4751 Utah Indigent Defense Commission.]
- 4752 (68) The Utah Geological Survey Restricted Account created in Section 79-3-403.
- 4753 (69) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park,
- 4754 and Green River State Park, as provided under Section 79-4-403.

- 4755 (70) Certain funds received by the Division of State Parks from the sale or disposal of
 4756 buffalo, as provided under Section 79-4-1001.
- 4757 Section 60. Section **63J-1-602.2** is amended to read:
- 4758 **63J-1-602.2 (Effective 07/01/26) (Partially Repealed 07/01/29). List of nonlapsing**
 4759 **appropriations to programs.**
- 4760 Appropriations made to the following programs are nonlapsing:
- 4761 (1) The Legislature and the Legislature's committees.
- 4762 (2) The State Board of Education, including all appropriations to agencies, line items, and
 4763 programs under the jurisdiction of the State Board of Education, in accordance with
 4764 Section 53F-9-103.
- 4765 (3) The Rangeland Improvement Act created in Section 4-20-101.
- 4766 (4) The Percent-for-Art Program created in Section 9-6-404.
- 4767 (5) The LeRay McAllister Working Farm and Ranch Fund Program created in Title 4,
 4768 Chapter 46, Part 3, LeRay McAllister Working Farm and Ranch Fund.
- 4769 (6) The Utah Lake Authority created in Section 11-65-201.
- 4770 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under
 4771 Subsection 17-66-303(2)(d)(ii).
- 4772 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 4773 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection
 4774 26B-3-108(7).
- 4775 (10) The primary care grant program created in Section 26B-4-310.
- 4776 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 4777 (12) The Utah Health Care Workforce Financial Assistance Program created in Section
 4778 26B-4-702.
- 4779 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 4780 (14) The Utah Medical Education Council for the:
- 4781 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;
 4782 (b) provision of medical residency grants described in Section 26B-4-711; and
 4783 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.
- 4784 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.
- 4785 (16) The Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program
 4786 created in Section 26B-7-122.
- 4787 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with
 4788 Subsection 32B-2-301(8)(a) or (b).

- 4789 (18) The General Assistance program administered by the Department of Workforce
4790 Services, as provided in Section 35A-3-401.
- 4791 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 4792 (20) The Search and Rescue Financial Assistance Program, as provided in Section
4793 53-2a-1102.
- 4794 (21) The Emergency Medical Services Grant Program, as provided in Section 53-2d-207.
- 4795 (22) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 4796 (23) The Utah Board of Higher Education for teacher preparation programs, as provided in
4797 Section 53H-5-402.
- 4798 (24) Innovation grants under Section 53G-10-608, except as provided in Subsection
4799 53G-10-608(3).
- 4800 (25) The Division of Fleet Operations for the purpose of upgrading underground storage
4801 tanks under Section 63A-9-401.
- 4802 (26) The Division of Technology Services for technology innovation as provided under
4803 Section 63A-16-903.
- 4804 (27) The State Capitol Preservation Board created by Section 63O-2-201.
- 4805 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 4806 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado
4807 River Authority of Utah Act.
- 4808 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as
4809 provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 4810 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion
4811 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion
4812 Program.
- 4813 (32) County correctional facility contracting program for state inmates as described in
4814 Section 64-13e-103.
- 4815 (33) County correctional facility reimbursement program for state probationary inmates and
4816 state parole inmates as described in Section 64-13e-104.
- 4817 (34) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 4818 (35) The Division of Human Resource Management user training program, as provided in
4819 Section 63A-17-106.
- 4820 (36) A public safety answering point's emergency telecommunications service fund, as
4821 provided in Section 69-2-301.
- 4822 (37) The Traffic Noise Abatement Program created in Section 72-6-112.

- 4823 (38) The money appropriated from the Navajo Water Rights Negotiation Account to the
 4824 Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
 4825 settlement of federal reserved water right claims.
- 4826 (39) Indigent defense as provided in Title 75E, Chapter 9, Indigent Defense Commission.
 4827 [~~(39)~~] (40) The Judicial Council for compensation for special prosecutors, as provided in
 4828 Section 77-10a-19.
- 4829 [~~(40)~~] (41) A state rehabilitative employment program, as provided in Section 78A-6-210.
 4830 [~~(41)~~] (42) The Utah Geological Survey, as provided in Section 79-3-401.
- 4831 [~~(42)~~] (43) The Bonneville Shoreline Trail Program created under Section 79-5-503.
 4832 [~~(43)~~] (44) Adoption document access as provided in Sections 81-13-103, 81-13-504, and
 4833 81-13-505.
- 4834 [~~(44)~~ Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense
 4835 Commission.]
- 4836 (45) The program established by the Division of Facilities Construction and Management
 4837 under Section 63A-5b-703 under which state agencies receive an appropriation and pay
 4838 lease payments for the use and occupancy of buildings owned by the Division of
 4839 Facilities Construction and Management.
- 4840 (46) The State Tax Commission for reimbursing counties for deferrals in accordance with
 4841 Section 59-2-1802.5.
- 4842 (47) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.
 4843 Section 61. Section **63O-2-301** is amended to read:
 4844 **63O-2-301 (Effective 07/01/26). Board powers -- Subcommittees.**
- 4845 (1) The board shall:
- 4846 (a) except as otherwise provided in Chapter 1, Control and Maintenance of Capitol Hill,
 4847 exercise complete jurisdiction and stewardship over capitol hill facilities, capitol hill
 4848 grounds, and the capitol hill complex;
- 4849 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities, capitol
 4850 hill grounds, and their contents;
- 4851 (c) before October 1 of each year, review and approve the executive director's annual
 4852 budget request for submittal to the governor and Legislature;
- 4853 (d) on or before October 1 of each year, prepare and submit a recommended budget
 4854 request for the upcoming fiscal year for the capitol hill complex to:
- 4855 (i) the governor, through the Governor's Office of Planning and Budget; and
 4856 (ii) the Legislature's appropriations subcommittee responsible for capitol hill

- 4857 facilities, through the Office of the Legislative Fiscal Analyst;
- 4858 (e) review and approve the executive director's:
- 4859 (i) annual work plan;
- 4860 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
- 4861 capitol hill grounds; and
- 4862 (iii) furnishings plan for placement and care of objects under the care of the board;
- 4863 (f) approve all changes to the buildings and their grounds, including:
- 4864 (i) restoration, remodeling, and rehabilitation projects;
- 4865 (ii) usual maintenance program; and
- 4866 (iii) any transfers or loans of objects under the board's care;
- 4867 (g) define and identify all significant aspects of capitol hill, after consultation with the:
- 4868 (i) Division of Facilities Construction and Management;
- 4869 (ii) State Library Division;
- 4870 (iii) Division of Archives and Records Service;
- 4871 (iv) Utah Historical Society;
- 4872 (v) Office of Museum Services; and
- 4873 (vi) Arts Council;
- 4874 (h) inventory, define, and identify all significant contents of the buildings and all
- 4875 state-owned items of historical significance that were at one time in the buildings,
- 4876 after consultation with the:
- 4877 (i) Division of Facilities Construction and Management;
- 4878 (ii) State Library Division;
- 4879 (iii) Division of Archives and Records Service;
- 4880 (iv) Utah Historical Society;
- 4881 (v) Office of Museum Services; and
- 4882 (vi) Arts Council;
- 4883 (i) maintain archives relating to the construction and development of the buildings, the
- 4884 contents of the buildings and the grounds, including plans, specifications,
- 4885 photographs, purchase orders, and other related documents, the original copies of
- 4886 which shall be maintained by the Division of Archives and Records Service;
- 4887 (j) comply with federal and state laws related to program and facility accessibility; and
- 4888 (k) establish procedures for receiving, hearing, and deciding complaints or other issues
- 4889 raised about capitol hill and the use of capitol hill.
- 4890 (2)(a) The board shall make rules to govern, administer, and regulate capitol hill, in

- 4891 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 4892 (b) A violation of a rule relating to the use of capitol hill [~~adopted~~] made by the board
4893 under the authority of this Subsection (2) is an infraction.
- 4894 (c) If an act violating a rule under Subsection (2)(b) also amounts to an offense subject
4895 to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title
4896 41, Motor Vehicles, [~~Title 76, Utah Criminal Code~~] Title 76, Criminal Offenses, or
4897 other provision of state law, Subsection [~~(3)(b)~~] (2)(b) does not prohibit prosecution
4898 and sentencing for the more serious offense.
- 4899 (d) In addition to any punishment allowed under Subsections (2)(b) and (c), a person
4900 who violates a rule [~~adopted~~] made by the board under the authority of this
4901 Subsection (2) is subject to a civil penalty not to exceed \$2,500 for each violation,
4902 plus the amount of any actual damages, expenses, and costs related to the violation of
4903 the rule that are incurred by the state.
- 4904 (e) The board may take any other legal action allowed by law.
- 4905 (f) The board may not apply this section or rules [~~adopted~~] made under the authority of
4906 this section in a manner that violates a person's rights under the Utah Constitution or
4907 the First Amendment to the United States Constitution, including the right of persons
4908 to peaceably assemble.
- 4909 (g) The board shall send proposed rules under this section to the legislative general
4910 counsel and the governor's general counsel for review and comment before the board [
4911 ~~adopts~~] makes the rules.
- 4912 (3) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah Procurement
4913 Code, but shall [~~adopt~~] make procurement rules substantially similar to the requirements
4914 of that chapter.
- 4915 (4) The board shall name:
4916 (a) the House Building the "Rebecca D. Lockhart House Building"; and
4917 (b) committee room 210 in the Senate Building the "Allyson W. Gamble Committee
4918 Room."
- 4919 (5)(a) The board may:
4920 (i) establish subcommittees made up of board members and members of the public to
4921 assist and support the executive director in accomplishing the executive director's
4922 duties;
4923 (ii) establish fees for the use of capitol hill facilities and grounds;
4924 (iii) assign and allocate specific duties and responsibilities to any other state agency,

- 4925 if the other agency agrees to perform the duty or accept the responsibility;
- 4926 (iv) contract with another state agency to provide services;
- 4927 (v) delegate by specific motion of the board any authority granted to the board under
- 4928 this section to the executive director;
- 4929 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public
- 4930 property contiguous to East Capitol Boulevard and capitol hill;
- 4931 (vii) provide wireless [~~Internet~~] internet service to the public without a fee in any
- 4932 capitol hill facility; and
- 4933 (viii) when necessary, consult with the:
- 4934 (A) Division of Facilities Construction and Management;
- 4935 (B) State Library Division;
- 4936 (C) Division of Archives and Records Service;
- 4937 (D) Utah Historical Society;
- 4938 (E) Office of Museum Services; and
- 4939 (F) Arts Council.
- 4940 (b) The board's provision of wireless [~~Internet~~] internet service under Subsection
- 4941 (5)(a)(vii) shall be discontinued in the legislative area if the president of the Senate
- 4942 and the speaker of the House of Representatives each submit a signed letter to the
- 4943 board indicating that the service is disruptive to the legislative process and is to be
- 4944 discontinued.
- 4945 (c) If a budget subcommittee is established by the board, the following shall serve as ex
- 4946 officio, nonvoting members of the budget subcommittee:
- 4947 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the
- 4948 Office of the Legislative Fiscal Analyst; and
- 4949 (ii) the executive director of the Governor's Office of Planning and Budget, or the
- 4950 executive director's designee, who shall be from the Governor's Office of Planning
- 4951 and Budget.
- 4952 (d) If a preservation and maintenance subcommittee is established by the board, the
- 4953 board may, by majority vote, appoint one or each of the following to serve on the
- 4954 subcommittee as voting members of the subcommittee:
- 4955 (i) an architect, who shall be selected from a list of three architects submitted by the
- 4956 American Institute of Architects; or
- 4957 (ii) an engineer, who shall be selected from a list of three engineers submitted by the
- 4958 American Civil Engineers Council.

4959 (e) If the board establishes any subcommittees, the board may, by majority vote, appoint
 4960 up to two people who are not members of the board to serve, at the will of the board,
 4961 as nonvoting members of a subcommittee.

4962 (f) Members of each subcommittee shall, at the first meeting of each calendar year,
 4963 select one individual to act as chair of the subcommittee for a one-year term.

4964 (6)(a) The board, and the employees of the board, may not move the office of the
 4965 governor, lieutenant governor, president of the Senate, speaker of the House of
 4966 Representatives, or a member of the Legislature from the State Capitol unless the
 4967 removal is approved by:

- 4968 (i) the governor, in the case of the governor's office;
- 4969 (ii) the lieutenant governor, in the case of the lieutenant governor's office;
- 4970 (iii) the president of the Senate, in the case of the president's office or the office of a
 4971 member of the Senate; or
- 4972 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
 4973 the office of a member of the House.

4974 (b) The board and the employees of the board have no control over the furniture,
 4975 furnishings, and decorative objects in the offices of the governor, lieutenant
 4976 governor, or the members of the Legislature except as necessary to inventory or
 4977 conserve items of historical significance owned by the state.

4978 (c) The board and the employees of the board have no control over records and
 4979 documents produced by or in the custody of a state agency, official, or employee
 4980 having an office in a building on capitol hill.

4981 (d) Except for items identified by the board as having historical significance, and except
 4982 as provided in Subsection (6)(b), the board and the employees of the board have no
 4983 control over moveable furnishings and equipment in the custody of a state agency,
 4984 official, or employee having an office in a building on capitol hill.

4985 Section 62. Section **64-13-6** is amended to read:

4986 **64-13-6 (Effective 07/01/26). Department duties.**

4987 (1) The department shall:

4988 (a) protect the public through institutional care and confinement, and supervision in the
 4989 community of offenders where appropriate;

4990 (b) implement court-ordered punishment of offenders;

4991 (c) provide evidence-based and evidence-informed program opportunities for offenders
 4992 designed to reduce offenders' criminogenic and recidivism risks, including

- 4993 behavioral, cognitive, educational, and career-readiness program opportunities;
- 4994 (d) ensure that offender participation in all program opportunities described in
- 4995 Subsection (1)(c) is voluntary;
- 4996 (e) where appropriate, utilize offender volunteers as mentors in the program
- 4997 opportunities described in Subsection (1)(c);
- 4998 (f) provide treatment for sex offenders who are found to be treatable based upon criteria
- 4999 developed by the department;
- 5000 (g) provide the results of ongoing clinical assessment of sex offenders and objective
- 5001 diagnostic testing to sentencing and release authorities;
- 5002 (h) manage programs that take into account the needs and interests of victims, where
- 5003 reasonable;
- 5004 (i) through the Division of Adult Probation and Parole created in Section 64-14-202,
- 5005 supervise probationers and parolees as directed by statute and implemented by the
- 5006 courts and the Board of Pardons and Parole;
- 5007 (j) subject to Subsection (2), investigate criminal conduct involving offenders
- 5008 incarcerated in a state correctional facility;
- 5009 (k) cooperate and exchange information with other state, local, and federal law
- 5010 enforcement agencies to achieve greater success in prevention and detection of crime
- 5011 and apprehension of criminals;
- 5012 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
- 5013 Offender Supervision;
- 5014 (m) establish a case action plan based on appropriate validated risk, needs, and
- 5015 responsivity assessments for each offender as follows:
- 5016 (i)(A) if an offender is to be supervised in the community, the department shall
- 5017 establish a case action plan for the offender no later than 60 days after the day
- 5018 on which the department's community supervision of the offender begins; and
- 5019 (B) if the offender is committed to the custody of the department, the department
- 5020 shall establish a case action plan for the offender no later than 90 days after the
- 5021 day on which the offender is committed to the custody of the department;
- 5022 (ii) each case action plan shall:
- 5023 (A) integrate an individualized, evidence-based, and evidence-informed treatment
- 5024 and program plan with clearly defined completion requirements; and
- 5025 (B) require that a case manager will:
- 5026 (I) ensure that an assessment of the education level, occupational interests, and

- 5027 aptitudes of the inmate has been completed;
- 5028 (II) refer the inmate to a higher education student advisor at an institution
5029 offering programs consistent with the inmate's interests and aptitudes for
5030 advisement on educational preferences and plans;
- 5031 (III) incorporate the inmate's interests, aptitudes, and student advisement into
5032 an education plan consistent with the guidance provided by the Higher
5033 Education and Corrections Council created in Section 53H-1-604; and
- 5034 (IV) refer the inmate to the student advisor at the institution called for in the
5035 case action plan for guidance and assistance with the education process;
- 5036 (iii) the department shall share each newly established case action plan with the
5037 sentencing and release authority within 30 days after the day on which the case
5038 action plan is established; and
- 5039 (iv) the department shall share any changes to a case action plan, including any
5040 change in an offender's risk assessment, with the sentencing and release authority
5041 within 30 days after the day of the change;
- 5042 (n) ensure that an inmate has reasonable access to legal research;
- 5043 (o) ensure that any training or certification required of a public official or public
5044 employee, as those terms are defined in Section 63G-22-102, complies with Title
5045 63G, Chapter 22, State Training and Certification Requirements, if the training or
5046 certification is required:
- 5047 (i) under this title;
- 5048 (ii) by the department; or
- 5049 (iii) by an agency or division within the department;
- 5050 (p) when reporting on statewide recidivism, include the metrics and requirements
5051 described in Section [~~63M-7-102~~] 75E-2-203;
- 5052 (q) create a reentry division that focuses on the successful reentry of inmates into the
5053 community, which shall include:
- 5054 (i) screening and assessments for an inmate's risks and needs;
- 5055 (ii) individualized plans and case management;
- 5056 (iii) quality treatment, education, and job preparation;
- 5057 (iv) community partnerships; and
- 5058 (v) comprehensive release planning before the inmate's release, including:
- 5059 (A) coordination with support services; and
- 5060 (B) coordination with one or more family members or friends, if the inmate has

- 5061 given permission to contact specific individuals for this purpose;
- 5062 (r) coordinate with the Board of Pardons and Parole regarding inmate records that are
- 5063 necessary for the Board of Pardons and Parole to make necessary determinations
- 5064 regarding an inmate; and
- 5065 (s) ensure that inmate records regarding discipline, programs, and other relevant metrics
- 5066 are:
- 5067 (i) complete and updated in a timely manner; and
- 5068 (ii) when applicable, shared with the Board of Pardons and Parole in a timely manner.
- 5069 (2) In accordance with department policy, the department may conduct criminal
- 5070 investigations regarding an allegation that:
- 5071 (a) an offender has committed a criminal offense; or
- 5072 (b) an employee of the department has committed a criminal offense.
- 5073 (3)(a) The executive director of the department, or the executive director's designee if
- 5074 the designee possesses expertise in correctional programming, shall consult at least
- 5075 annually with cognitive and career-readiness staff experts from the Utah system of
- 5076 higher education and the State Board of Education to review the department's
- 5077 evidence-based and evidence-informed treatment and program opportunities.
- 5078 (b) Beginning in the 2022 interim, the department shall provide an annual report to the
- 5079 Law Enforcement and Criminal Justice Interim Committee regarding:
- 5080 (i) the department's implementation of and offender participation in evidence-based
- 5081 and evidence-informed treatment and program opportunities designed to reduce
- 5082 the criminogenic and recidivism risks of offenders over time; and
- 5083 (ii) the progress of the department's implementation of the inmate program
- 5084 requirements described in Section 64-13-50.
- 5085 (4)(a) As used in this Subsection (4):
- 5086 (i) "Accounts receivable" means any amount owed by an offender arising from a
- 5087 criminal judgment that has not been paid.
- 5088 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,
- 5089 surcharges, costs, interest, penalties, restitution to victims, third-party claims,
- 5090 claims, reimbursement of a reward, and damages that an offender is ordered to
- 5091 pay.
- 5092 (b) The department shall collect and disburse, with any interest and any other costs
- 5093 assessed under Section 64-14-204, an accounts receivable for an offender during:
- 5094 (i) the parole period and any extension of that period in accordance with Subsection

- 5095 (4)(c); and
- 5096 (ii) the probation period for which the court orders supervised probation and any
- 5097 extension of that period by the department in accordance with Subsection
- 5098 77-18-105(7).
- 5099 (c)(i) If an offender has an unpaid balance of the offender's accounts receivable at the
- 5100 time that the offender's sentence expires or terminates, the department shall be
- 5101 referred to the sentencing court for the sentencing court to enter a civil judgment
- 5102 of restitution and a civil accounts receivable as described in Section 77-18-114.
- 5103 (ii) If the board makes an order for restitution within 60 days from the day on which
- 5104 the offender's sentence expires or terminates, the board shall refer the order for
- 5105 restitution to the sentencing court to be entered as a civil judgment of restitution as
- 5106 described in Section 77-18-114.
- 5107 (d) This Subsection (4) only applies to offenders sentenced before July 1, 2021.
- 5108 (5)(a) The department may procure or adopt technology services to facilitate the
- 5109 coordination of services and enhance accountability with agencies, local partners, and
- 5110 community-based organizations that are involved with assisting individuals on
- 5111 probation or parole.
- 5112 (b) If possible, the technology services described in Subsection (5)(a) shall:
- 5113 (i) maintain a single, secure client record with a unique identifier to ensure seamless
- 5114 coordination and reduce duplication of services;
- 5115 (ii) notify authorized users of incoming service requests or referrals;
- 5116 (iii) provide secure access to information necessary to understanding and addressing
- 5117 the needs of an individual, including the individual's service and care history;
- 5118 (iv) allow authorized users to exchange information with referring or collaborating
- 5119 organizations through a secure and live chat feature; and
- 5120 (v) send and track individual referrals, store referral outcomes, and document
- 5121 services provided.

5122 Section 63. Section **64-13-14.5** is amended to read:

5123 **64-13-14.5 (Effective 07/01/26). Limits of confinement place -- Release status --**

5124 **Work release.**

- 5125 (1) The department may extend the limits of the place of confinement of an inmate when, as
- 5126 established by department policies and procedures, there is cause to believe the inmate
- 5127 will honor the trust, by authorizing the inmate under prescribed conditions:
- 5128 (a) to leave temporarily for purposes specified by department policies and procedures to

- 5129 visit specifically designated places for a period not to exceed 30 days;
- 5130 (b) to participate in a voluntary training program in the community while housed at a
- 5131 correctional facility or to work at paid employment;
- 5132 (c) to be housed in a nonsecure community correctional center operated by the
- 5133 department; or
- 5134 (d) to be housed in any other facility under contract with the department.
- 5135 (2)(a) The department shall establish rules governing offenders on release status.
- 5136 (b) A copy of the rules established under Subsection (2)(a) shall be furnished to the
- 5137 offender and to any employer or other person participating in the offender's release
- 5138 program.
- 5139 (c) Any employer or other participating person shall agree in writing to abide by the
- 5140 rules established under Subsection (2)(a) and to notify the department of the
- 5141 offender's discharge or other release from a release program activity, or of any
- 5142 violation of the rules governing release status.
- 5143 (3) The willful failure of an inmate to remain within the extended limits of his confinement
- 5144 or to return within the time prescribed to an institution or facility designated by the
- 5145 department is an escape from custody.
- 5146 (4) If an offender is arrested for the commission of a crime, the arresting authority shall
- 5147 immediately notify the department of the arrest.
- 5148 (5) The department may impose appropriate sanctions [~~pursuant to~~] in accordance with
- 5149 Section 64-14-204 upon offenders who violate the adult sentencing and supervision
- 5150 length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101, including prosecution
- 5151 for escape under Section 76-8-309 or 76-8-309.3 and for absconding from supervision.
- 5152 (6) An inmate who is housed at a nonsecure correctional facility and on work release may
- 5153 not be required to work for less than the current federally established minimum wage, or
- 5154 under substandard working conditions.

5155 Section 64. Section **64-13-14.7** is amended to read:

5156 **64-13-14.7 (Effective 07/01/26). Victim notification of offender's release.**

- 5157 (1) As used in this section:
- 5158 (a) "Offender" means [~~a person~~] an individual who committed an act of criminally
- 5159 injurious conduct against the victim and has been sentenced to incarceration in the
- 5160 custody of the department.
- 5161 (b)(i) "Victim" means [~~a person~~] an individual against whom an offender committed
- 5162 criminally injurious conduct as defined in Section [~~63M-7-502~~] 75E-5-101, and

5163 who is entitled to notice of hearings regarding the offender's parole under Section
5164 77-27-9.5.[-]

5165 (ii) "Victim" includes the legal guardian of a victim, or the representative of the
5166 family of a victim who is deceased.

5167 (2)(a)(i) Upon submitting a signed written request of notification to the Department
5168 of Corrections, a victim shall be notified of an offender's release under [~~Sections-~~
5169 Section 64-13-14.5 and [~~64-13-14.7~~] this section, or any other release to or from a
5170 half-way house, to a program outside of the prison such as a rehabilitation
5171 program, state hospital, community center other than a release on parole,
5172 commutation, or termination for which notice is provided under Sections 77-27-9.5
5173 and 77-27-9.7, transfer of the offender to an out-of-state facility, an offender's
5174 escape, or an offender's termination from probation or parole.

5175 (ii) The request shall include a current mailing address and may include current
5176 telephone numbers if the victim chooses.

5177 (iii) The notice for an offender's termination from probation or parole shall notify the
5178 victim that the victim may petition the court for the appropriate continuous
5179 protective order under Subsection 78B-7-804(5) or 78B-7-805(5).

5180 (b)(i) Subject to Subsection (2)(b)(ii), the department shall advise the victim of an
5181 offender's release or escape under Subsection (2)(a), in writing.

5182 (ii) If written notice is not feasible because the release is immediate or the offender
5183 escapes, the department shall make a reasonable attempt to notify the victim by
5184 telephone if the victim has provided a telephone number under Subsection (2)(a)
5185 and shall follow up with a written notice.

5186 (3)(a) Notice of victim rights under this section shall be provided to the victim in the
5187 notice of hearings regarding parole under Section 77-27-9.5.

5188 (b) The department shall coordinate with the Board of Pardons and Parole to ensure the
5189 notice is implemented.

5190 (4) A victim's request for notification under this section and any notification to a victim
5191 under this section is private information that the department may not release:

5192 (a) to the offender under any circumstances; or

5193 (b) to any other party without the written consent of the victim.

5194 (5) The department may make rules as necessary to implement this section.

5195 (6) The department or [~~its~~] the department's employees acting within the scope of their
5196 employment are not civilly or criminally liable for failure to provide notice or improper

5197 notice under this section unless the failure or impropriety is willful or grossly negligent.

5198 Section 65. Section **64-13-23** is amended to read:

5199 **64-13-23 (Effective 07/01/26). Offender's income, debt, and finances --**

5200 **Department responsibilities concerning offender debt and financial information.**

5201 (1) The department may require each offender, while in the custody of the department or
5202 while on probation or parole, to place funds received or earned by the offender from any
5203 source into:

5204 (a) an account administered by the department; or

5205 (b) a joint account with the department at a federally insured financial institution.

5206 (2) The department may require each offender to maintain a minimum balance in an
5207 account under Subsection (1) for the particular offender's use upon:

5208 (a) discharge from the custody of the department; or

5209 (b) completion of parole or probation.

5210 (3) If the funds are placed in a joint account at a federally insured financial institution:

5211 (a) any interest accrues to the benefit of the offender account; and

5212 (b) the department may require that the signatures of both the offender and a
5213 departmental representative be submitted to the financial institution to withdraw
5214 funds from the account.

5215 (4) If the funds are placed in an account administered by the department, the department
5216 may by rule designate:

5217 (a) a certain portion of the offender's funds as interest-bearing savings; and

5218 (b) a portion of the offender's funds as noninterest-bearing to be used for day-to-day
5219 expenses.

5220 (5)(a) The department may withhold part of the offender's funds in an account under
5221 Subsection (1) for expenses of:

5222 (i) supervision or treatment;

5223 (ii) restitution, [~~reparation~~] victim compensation, fines, alimony, support payments, or
5224 similar court-ordered payments;

5225 (iii) obtaining the offender's DNA specimen, if the offender is required under Section
5226 53-10-404 to provide a specimen;

5227 (iv) department-ordered repayment of a fine that is incurred under Section 64-13-33;
5228 and

5229 (v) other debt to the state.

5230 (b) The department shall provide or make available an account statement at least every

- 5231 two weeks to each inmate who has an account under Subsection (1) that contains:
- 5232 (i) a list of the inmate's known existing debts, including debts related to the inmate's
- 5233 restitution, court costs, fines, tax obligations, alimony, child support, other
- 5234 court-ordered payments, and similar debts;
- 5235 (ii) information regarding incentives for paying certain debts while incarcerated; and
- 5236 (iii) information on how the inmate can access information concerning:
- 5237 (A) the debts listed in Subsection (5)(b)(i); and
- 5238 (B) educational resources on financial literacy and money management.
- 5239 (c) The department may provide an account statement to a former inmate through the
- 5240 former inmate's parole officer through the Division of Adult Probation and Parole
- 5241 upon request.
- 5242 (6)(a) An offender may not be granted free process in civil actions, including petitions
- 5243 for a writ of habeas corpus, if, at any time from the date the cause of action arose
- 5244 through the date the cause of action remains pending, there are any funds in an
- 5245 account under Subsection (1) that have not been withheld or are not subject to
- 5246 withholding under Subsection (4) or (5).
- 5247 (b) The amount assessed for the filing fee, service of process and other fees and costs
- 5248 shall not exceed the total amount of funds the offender has in excess of the indigence
- 5249 threshold established by the department but not less than \$25 including the
- 5250 withholdings under Subsection (4) or (5) during the identified period of time.
- 5251 (c) The amounts assessed shall not exceed the regular fees and costs provided by law.
- 5252 (7) The department may disclose information on offender accounts to the Office of
- 5253 Recovery Services and other appropriate state agencies.
- 5254 (8) The department shall publish a notice on the department's website, and any website used
- 5255 by an individual depositing funds into an offender's account, that the individual may
- 5256 request from the department a copy of a statement of the offender's financial account in
- 5257 accordance with Title 63G, Chapter 2, Government Records Access and Management
- 5258 Act.
- 5259 (9)(a)(i) Beginning on January 1, 2027, within 15 days after an inmate has been
- 5260 incarcerated in a state prison for 90 consecutive days, the department shall notify
- 5261 the Office of State Debt Collection, the State Tax Commission, and the Office of
- 5262 Recovery Services about the inmate's incarceration, including:
- 5263 (A) the relevant dates of the inmate's incarceration and identifying information
- 5264 concerning the inmate's identity; and

5265 (B) whether the inmate's incarceration is based on criminal non-payment of a child
5266 support order or an offense against the child or custodial parent.

5267 (ii) Beginning on January 1, 2027, within 15 days after the day on which an inmate is
5268 released from incarceration, the department shall notify the entities listed in
5269 Subsection (9)(a)(i) of the inmate's release date.

5270 (b) The requirement described in Subsection (9)(a)(i) does not apply if a court, county
5271 jail, or other entity previously has notified the agencies listed in Subsection (9)(a)(i)
5272 about the inmate's incarceration.

5273 (10)(a) The department shall, on a periodic basis, offer educational resources to one or
5274 more individuals designated by an inmate concerning financial incentives for
5275 repaying certain debts during an inmate's incarceration.

5276 (b) The department may, if the department has received an inmate's consent, provide one
5277 or more individuals designated by an inmate with information concerning the
5278 inmate's current financial account balance and existing known debts, in addition to
5279 the information provided under Subsection (10)(a).

5280 Section 66. Section **64-13-25** is amended to read:

5281 **64-13-25 (Effective 07/01/26). Standards for programs -- Audits.**

5282 (1)(a) To promote accountability and to ensure safe and professional operation of
5283 correctional programs, the department shall establish minimum standards for the
5284 organization and operation of the department's programs, including collaborating
5285 with the Department of Health and Human Services to establish minimum standards
5286 for programs providing assistance for individuals involved in the criminal justice
5287 system.

5288 (b)(i) The department shall [~~promulgate~~] establish the standards according to state
5289 rulemaking provisions.

5290 (ii) Those standards that apply to offenders are exempt from the provisions of Title
5291 63G, Chapter 3, Utah Administrative Rulemaking Act.

5292 (iii) Offenders are not a class of persons under Title 63G, Chapter 3, Utah
5293 Administrative Rulemaking Act.

5294 (c) The standards shall provide for inquiring into and processing offender complaints.

5295 (d)(i) The department shall establish minimum standards and qualifications for
5296 treatment programs provided in county jails to which persons committed to the
5297 state prison are placed by jail contract under Section 64-13e-103.

5298 (ii) In establishing the standards and qualifications for the treatment programs, the

- 5299 department shall:
- 5300 (A) consult and collaborate with the county sheriffs and the Office of Substance
- 5301 Use and Mental Health; and
- 5302 (B) include programs demonstrated by recognized scientific research to reduce
- 5303 recidivism by addressing an offender's criminal risk factors as determined by a
- 5304 risk and needs assessment.
- 5305 (iii) All jails contracting to house offenders committed to the state prison shall meet
- 5306 the minimum standards for treatment programs as established under this
- 5307 Subsection (1)(d).
- 5308 (e)(i) The department shall establish minimum standards for sex offense treatment,
- 5309 which shall include the requirements under Subsection 64-13-7.5(3) regarding
- 5310 licensure and competency.
- 5311 (ii) The standards shall require the use of evidence-based practices to address
- 5312 criminal risk factors as determined by validated assessments.
- 5313 (iii) The department shall collaborate with the Office of Substance Use and Mental
- 5314 Health to develop and effectively distribute the standards to jails and to mental
- 5315 health professionals who desire to provide mental health treatment for sex
- 5316 offenders.
- 5317 (iv) The department shall establish the standards by administrative rule in accordance
- 5318 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 5319 (2)(a) The department shall establish a certification process for public and private
- 5320 providers of treatment for sex offenders on probation or parole that requires the
- 5321 providers' sex offense treatment practices meet the standards and practices
- 5322 established under Subsection (1)(e)(i) with the goal of reducing sex offender
- 5323 recidivism.
- 5324 (b) The department shall collaborate with the Office of Substance Use and Mental
- 5325 Health to develop, coordinate, and implement the certification process.
- 5326 (c) The department shall base the certification process on the standards under Subsection
- 5327 (1)(e)(i) and require renewal of certification every two years.
- 5328 (d) All public and private providers of sex offense treatment, including those providing
- 5329 treatment to offenders housed in county jails by contract under Section 64-13e-103,
- 5330 shall comply with the standards in order to begin receiving or continue receiving
- 5331 payment from the department to provide sex offense treatment.
- 5332 (e) The department shall establish the certification program by administrative rule in

5333 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5334 (3) The department:

- 5335 (a) shall establish performance goals and outcome measurements for all programs that
5336 are subject to the minimum standards established under this section and collect data
5337 to analyze and evaluate whether the goals and measurements are attained;
- 5338 (b) shall collaborate with the Office of Substance Use and Mental Health to develop and
5339 coordinate the performance goals and outcome measurements, including recidivism
5340 rates and treatment success and failure rates;
- 5341 (c) may use the data collected under Subsection (3)(b) to make decisions on the use of
5342 funds to provide treatment for which standards are established under this section;
- 5343 (d) shall collaborate with the Office of Substance Use and Mental Health to track a
5344 subgroup of participants to determine if there is a net positive result from the use of
5345 treatment as an alternative to incarceration;
- 5346 (e) shall collaborate with the Office of Substance Use and Mental Health to evaluate the
5347 costs, including any additional costs, and the resources needed to attain the
5348 performance goals established for the use of treatment as an alternative to
5349 incarceration; and
- 5350 (f) shall annually provide data collected under this Subsection (3) to the [~~State~~
5351 ~~Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice on or
5352 before August 31.

5353 (4) The [~~State Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice
5354 shall compile a written report of the findings based on the data collected under
5355 Subsection (3) and provide the report to the legislative Judiciary Interim Committee, the
5356 Health and Human Services Interim Committee, the Law Enforcement and Criminal
5357 Justice Interim Committee, and the related appropriations subcommittees.

5358 Section 67. Section **64-13-45** is amended to read:

5359 **64-13-45 (Effective 07/01/26). Department reporting requirements.**

5360 (1) As used in this section:

- 5361 (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.
- 5362 (b)(i) "In-custody death" means an inmate death that occurs while the inmate is in the
5363 custody of the department.
- 5364 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:
- 5365 (A) being transported for medical care; or
- 5366 (B) receiving medical care outside of a correctional facility, other than a county

- 5367 jail.
- 5368 (c) "Inmate" means an individual who is processed or booked into custody or housed in
5369 the department or a correctional facility other than a county jail.
- 5370 (d) "Opiate" means the same as that term is defined in Section 58-37-2.
- 5371 (e) "Transgender inmate" means the same as that term is defined in Section 64-13-7.
- 5372 (2) The department shall submit a report to the [~~Commission on Criminal and Juvenile~~
5373 Justice] Department of Criminal Justice created in Section [~~63M-7-201~~] 75E-2-102 before
5374 June 15 of each year that includes:
- 5375 (a) the number of in-custody deaths that occurred during the preceding calendar year,
5376 including:
- 5377 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors
5378 of each of the in-custody deaths described in Subsection (2)(a); and
- 5379 (ii) the department's policy for notifying an inmate's next of kin after the inmate's
5380 in-custody death;
- 5381 (b) the department policies, procedures, and protocols:
- 5382 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
5383 including use of opiates;
- 5384 (ii) that relate to the department's provision, or lack of provision, of medications used
5385 to treat, mitigate, or address an inmate's symptoms of withdrawal, including
5386 methadone and all forms of buprenorphine and naltrexone; and
- 5387 (iii) that relate to screening, assessment, and treatment of an inmate for a substance
5388 use disorder or mental health disorder;
- 5389 (c) the number of inmates who gave birth and were restrained in accordance with
5390 Section 64-13-46, including:
- 5391 (i) the types of restraints used; and
- 5392 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the
5393 inmate, medical or corrections staff, or the public;
- 5394 (d) the number of transgender inmates that are assigned to a living area with inmates
5395 whose biological sex at birth do not correspond with the transgender inmate's
5396 biological sex at birth in accordance with Section 64-13-7, including:
- 5397 (i) the results of the individualized security analysis conducted for each transgender
5398 inmate in accordance with Subsection 64-13-7(5)(a); and
- 5399 (ii) a detailed explanation regarding how the security conditions described in
5400 Subsection 64-13-7(5)(b) are met for each transgender inmate;

- 5401 (e) the number of transgender inmates that were:
- 5402 (i) assigned to a living area with inmates whose biological sex at birth do not
- 5403 correspond with the transgender inmate's biological sex at birth; and
- 5404 (ii) removed and assigned to a living area with inmates whose biological sex at birth
- 5405 corresponds with the transgender inmate's biological sex at birth in accordance
- 5406 with Subsection 64-13-7(6); and
- 5407 (f) any report the department provides or is required to provide under federal law or
- 5408 regulation relating to inmate deaths.
- 5409 (3) The ~~[Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice
- 5410 shall:
- 5411 (a) compile the information from the reports described in Subsection (2);
- 5412 (b) omit or redact any identifying information of an inmate in the compilation to the
- 5413 extent omission or redaction is necessary to comply with state and federal law[-]; and
- 5414 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
- 5415 Committee and the Utah Substance Use and Mental Health Advisory Committee
- 5416 before November 1 of each year.
- 5417 (4) The ~~[Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice may
- 5418 not provide access to or use the department's policies, procedures, or protocols submitted
- 5419 under this section in a manner or for a purpose not described in this section.
- 5420 Section 68. Section **64-13e-102** is amended to read:
- 5421 **64-13e-102 (Effective 07/01/26). Definitions.**
- 5422 As used in this chapter:
- 5423 (1) "Alternative treatment program" means:
- 5424 (a) an evidence-based cognitive behavioral therapy program; or
- 5425 (b) a certificate-based program provided by:
- 5426 (i) an institution of higher education described in Subsection 53H-1-102(1)(b); or
- 5427 (ii) a degree-granting institution acting in the degree-granting institution's technical
- 5428 education role described in Section 53H-3-608.
- 5429 (2) "Average state daily incarceration cost" means the average cost incurred by the
- 5430 department per bed day over the previous three fiscal years, that reflects the following
- 5431 expenses incurred by the department for housing an inmate:
- 5432 (a) executive overhead;
- 5433 (b) administrative overhead;
- 5434 (c) transportation overhead;

- 5435 (d) division overhead; and
- 5436 (e) motor pool expenses.
- 5437 (3) "Board" means the Board of Pardons and Parole.
- 5438 [~~(4) "Commission" means the State Commission on Criminal and Juvenile Justice, created~~
- 5439 ~~in Section 63M-7-201.~~]
- 5440 [~~(5)~~ (4)(a) "Condition of probation day" means a day spent by a state probationary
- 5441 inmate in a county correctional facility as a condition of probation.
- 5442 (b) "Condition of probation day" includes a day spent by a state probationary inmate in a
- 5443 county correctional facility:
- 5444 (i) after the date of sentencing;
- 5445 (ii) before the date of sentencing, if a court orders that the state probationary inmate
- 5446 shall receive credit for time served in a county correctional facility before the date
- 5447 of sentencing;
- 5448 (iii) as a condition of an original order of probation; and
- 5449 (iv) as a condition of a new order of probation after a prior revocation of probation.
- 5450 (c) "Condition of probation day" does not include a day spent by a state probationary
- 5451 inmate in a county correctional facility:
- 5452 (i) as a probation sanction day;
- 5453 (ii) after the state probationary inmate has spent 365 consecutive days in a county
- 5454 correctional facility for a single order of probation;
- 5455 (iii) as a condition of a plea in abeyance agreement if a conviction has not been
- 5456 entered;
- 5457 (iv) on a hold instituted by the federal Immigration and Customs Enforcement
- 5458 Agency of the United States Department of Homeland Security; or
- 5459 (v) after the termination of probation if the state probationary inmate is:
- 5460 (A) sentenced to prison; or
- 5461 (B) eligible for release.
- 5462 [~~(6)~~ (5) "Department" means the Department of Corrections, created in Section 64-13-2.
- 5463 [~~(7)~~ (6) "Division" means the Division of Finance, created in Section 63A-3-101.
- 5464 [~~(8)~~ (7)(a) "Eligible bed day" means a day spent by a state probationary inmate or a state
- 5465 parole inmate in a county correctional facility that is eligible for reimbursement
- 5466 under Section 64-13e-104.
- 5467 (b) "Eligible bed day" includes:
- 5468 (i) a condition of probation day;

- 5469 (ii) a parole hold day;
- 5470 (iii) a parole sanction day; and
- 5471 (iv) a probation sanction day.
- 5472 [(9)] (8)(a) "Parole hold day" means a day spent in a county correctional facility by a
 5473 state parole inmate under Subsection [~~64-13-29(3)~~] 64-14-205(3) based on a
 5474 suspected violation of the state parole inmate's terms of parole.
- 5475 (b) "Parole hold day" does not include a day spent in a county correctional facility by a
 5476 state parole inmate:
- 5477 (i) after the state parole inmate has spent 72 hours, excluding weekends and holidays,
 5478 for a single suspected violation of the state parole inmate's terms of parole; or
- 5479 (ii) as a parole sanction day.
- 5480 [(10)] (9)(a) "Parole sanction day" means a day spent in a county correctional facility by
 5481 a state parole inmate as a sanction under Subsection [~~64-13-6(2)~~] 64-14-204(2)(b) for
 5482 a violation of the state parole inmate's terms of parole.
- 5483 (b) "Parole sanction day" includes not more than three consecutive days and not more
 5484 than a total of six days within a period of 30 days for each sanction.
- 5485 (c) "Parole sanction day" does not include a parole hold day.
- 5486 [(11)] (10)(a) "Probation sanction day" means a day spent in a county correctional
 5487 facility by a state probationary inmate as a sanction under Subsection [~~64-13-6(2)~~]
 5488 64-14-204(2)(b) based on a violation of the state probationary inmate's terms of
 5489 probation.
- 5490 (b) "Probation sanction day" includes not more than three consecutive days and not more
 5491 than a total of six days within a period of 30 days for each sanction.
- 5492 (c) "Probation sanction day" does not include:
- 5493 (i) a condition of probation day; or
- 5494 (ii) a day spent in a county correctional facility by a state probationary inmate under
 5495 Subsection 64-14-205(3) based on a suspected violation of the state probationary
 5496 inmate's terms of probation.
- 5497 [(12)] (11) "Rate surplus" means the dollar amount by which the average state daily
 5498 incarceration cost for a given year exceeds 105% of the prior year's state daily
 5499 incarceration rate.
- 5500 [(13)] (12) "State daily incarceration rate" means the daily per bed dollar basis upon which
 5501 the department will calculate payments to other parties for housing state inmates and
 5502 state probationary inmates.

5503 ~~[(14)]~~ (13) "State inmate" means an individual, other than a state probationary inmate or
 5504 state parole inmate, who is committed to the custody of the department.

5505 ~~[(15)]~~ (14) "State parole inmate" means an individual who is:

5506 (a) on parole, as defined in Section 77-27-1; and

5507 (b) housed in a county correctional facility for a reason related to the individual's parole.

5508 ~~[(16)]~~ (15) "State probationary inmate" means a felony probationer sentenced to time in a
 5509 county correctional facility under Subsection 77-18-105(6).

5510 ~~[(17)]~~ (16) "Treatment program" means:

5511 (a) an alcohol treatment program;

5512 (b) a substance abuse treatment program;

5513 (c) a sex offender treatment program; or

5514 (d) an alternative treatment program.

5515 Section 69. Section **64-13e-103.1** is amended to read:

5516 **64-13e-103.1 (Effective 07/01/26). Calculating the average state daily**

5517 **incarceration cost and the state incarceration rate.**

5518 (1) Before September 15 of each year, the department shall:

5519 (a) calculate the average state daily incarceration cost;~~[-and:]~~

5520 ~~[(i)]~~ (b)(i) if the average state daily incarceration cost calculated in Subsection (1)(a)
 5521 equals more than 105% of the previous year's state daily incarceration rate:

5522 (A) set the state daily incarceration rate at 105% of the prior year's state daily
 5523 incarceration rate; and

5524 (B) record that year's rate surplus; or

5525 (ii) if the average state daily incarceration cost calculated in Subsection (1)(a) is less
 5526 than 105% of the previous year's state daily incarceration rate:

5527 (A) set the state daily incarceration rate at the state daily incarceration cost; or

5528 (B) if in any one or more of the prior three years there existed a rate surplus, and
 5529 that rate surplus has not been used to augment the state daily incarceration cost
 5530 in another year, add the rate surplus or surpluses to the state daily incarceration
 5531 cost and set the state daily incarceration rate to that combined amount, up to
 5532 105% of the previous year's state daily incarceration rate; and

5533 ~~[(b)]~~ (c) inform each county and the ~~[eommission]~~ Department of Criminal Justice of the
 5534 state daily incarceration rate.

5535 (2) Except as provided in Subsections (3) and (4), the state daily incarceration rate may not
 5536 be less than the rate presented to the Executive Appropriations Committee of the

- 5537 Legislature for purposes of setting the appropriation for the department's budget.
- 5538 (3) Notwithstanding any other provision in this section, in a fiscal year where General Fund
5539 revenue growth is not sufficient to fund the state daily incarceration rate presented to the
5540 Executive Appropriations Committee, the state daily incarceration rate shall be reset by
5541 the Executive Appropriations Committee in an appropriations act.
- 5542 (4) For the fiscal year beginning July 1, 2025, only, the state daily incarceration rate is
5543 \$120.75.

5544 Section 70. Section **64-13e-104** is amended to read:

5545 **64-13e-104 (Effective 07/01/26). County correctional facility reimbursement**
5546 **program for state probationary inmates and state parole inmates -- Payments.**

- 5547 (1) A county may receive reimbursement from the state for the county's eligible bed days as
5548 described in this section.
- 5549 (2) Within funds appropriated by the Legislature for the purpose described in Subsection (1),
5550 the division shall:
- 5551 (a) pay a county for the county's eligible bed days at a rate of 50% of the state daily
5552 incarceration rate; and
- 5553 (b) administer the payments under this section.
- 5554 (3) Funds appropriated by the Legislature under Subsection (2):
- 5555 (a) are nonlapsing;
- 5556 (b) may only be used for the purposes described in Subsection (2)[-]; and
- 5557 (c) may not be used for:
- 5558 (i) the costs of administering the payment described in this section; or
- 5559 (ii) payment of county correctional facility contract costs for state inmates under
5560 Section 64-13e-103.
- 5561 (4) The costs described in Subsection (3)(c)(i) shall be funded by legislative appropriation.
- 5562 (5) The [~~commission~~] Department of Criminal Justice may [~~adopt~~] make, according to Title
5563 63G, Chapter 3, Utah Administrative Rulemaking Act, rules to administer this section,
5564 including establishing requirements and procedures for collecting data from counties for
5565 the purpose of completing the calculations described in this section.
- 5566 (6) Each county that receives the payment described in Subsection (2) shall submit a report
5567 to the [~~commission~~] Department of Criminal Justice in accordance with the requirements
5568 established by the [~~commission~~] Department of Criminal Justice ~~hat~~ → [~~Services~~] ← ~~hat~~ .
- 5569 (7)(a) On or before September 30 of each year, the [~~commission~~] Department of
5570 Criminal Justice shall:

- 5571 (i) compile the information from the reports described in Subsection (6) that relate to
 5572 the preceding state fiscal year and provide a copy of the compilation to each
 5573 county that submitted a report; and
- 5574 (ii) calculate:
- 5575 (A) the eligible bed days for each county; and
- 5576 (B) the amount owed to each county based on the county's eligible bed days in
 5577 accordance with Subsection (2).
- 5578 (b) On or before October 15 of each year, the [~~commission~~] Department of Criminal
 5579 Justice shall inform the division and each county of the exact amount of the payment
 5580 described in this section that shall be made to each county.
- 5581 (8)(a) On or before December 15 of each year, the division shall distribute the payment
 5582 described in Subsection (7)(b) in a single payment to each county.
- 5583 (b) Funds from the Jail Reimbursement Reserve Program may be used only once
 5584 existing annual appropriated funds for the fiscal year have been exhausted.
- 5585 Section 71. Section **64-14-203** is amended to read:
- 5586 **64-14-203 (Effective 07/01/26). Duties of division.**
- 5587 (1) The division shall:
- 5588 (a) assist the department in fulfilling the department's duty to supervise, as described in
 5589 Subsection 64-13-6(1)(i), probationers and parolees as directed by statute and
 5590 implemented by the courts and the Board of Pardons and Parole;
- 5591 (b) comply with the requirements described in this part;
- 5592 (c) supply the information described in Section 53-10-209 that is required to be
 5593 submitted to the Criminal Investigations and Technical Services Division created in
 5594 Subsection [~~53-10-103(2)~~] 53-10-103(1);
- 5595 (d) comply with the use of funds requirement for outpatient treatment services for those
 5596 convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, as
 5597 described in Subsection 59-27-105(4)(c);
- 5598 (e) monitor the status of an offender with a mental condition who has been placed on
 5599 parole as described in Subsection 77-16a-205(4);
- 5600 (f) comply with the requirements described in Title 77, Chapter 18, The Judgment;
- 5601 (g) in accordance with the adult sentencing and supervision length guidelines described
 5602 in Section [~~63M-7-404.3~~] 75E-4-203, notify the Board of Pardons and Parole of
 5603 parole violations;
- 5604 (h) for an individual who is on probation for a domestic violence offense that the

5605 division is supervising, report to the court and notify the victim of the domestic
 5606 violence offense if the individual fails to comply with any condition imposed by the
 5607 court or commits a violation of a sentencing protective order as required by
 5608 Subsection 77-36-5.1(4);

5609 (i) comply with the notice requirement to a prosecuting agency described in Subsection
 5610 77-38-3(6) if the division is the moving party on a motion for modification of any
 5611 determination made at any of the criminal justice hearings provided in Subsections
 5612 77-38-2(5)(a) through (g);

5613 (j) collect restitution information in preparing a presentence investigation report as
 5614 described in Section 77-38b-203;

5615 (k) for an individual under supervision by the division who violates a sentencing
 5616 protective order issued under Title 78B, Chapter 7, Part 8, Criminal Protective
 5617 Orders, report the violation to the court and notify the victim protected by the order
 5618 of the violation as required by Section 78B-7-807; and

5619 (l) comply with any other requirement established by applicable statute or regulation or
 5620 a directive from the executive director.

5621 (2) The division may, in the course of supervising individuals on probation and parole:

5622 (a) respond to an individual's violation of one or more terms of the probation or parole in
 5623 accordance with the graduated and evidence-based processes established by the adult
 5624 sentencing and supervision length guidelines, as defined in Section [~~63M-7-401.1~~]
 5625 75E-4-101; and

5626 (b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction
 5627 for an individual's violation of the terms of probation or parole a period of
 5628 incarceration of not more than three consecutive days and not more than a total of six
 5629 days within a period of 30 days.

5630 Section 72. Section ~~64-14-204~~ is amended to read:

5631 **64-14-204 (Effective 07/01/26). Supervision of sentenced offenders placed in**
 5632 **community -- Rulemaking -- POST certified parole or probation officers and peace**
 5633 **officers -- Duties -- Supervision fee -- Coordination with local mental health authority.**

5634 (1)(a) The division, except as otherwise provided by law, shall supervise a sentenced
 5635 offender placed in the community if the offender:

5636 (i)(A) is placed on probation by a court;

5637 (B) is released on parole by the Board of Pardons and Parole; or

5638 (C) is accepted for supervision under the terms of the Interstate Compact for the

5639 Supervision of Parolees and Probationers; and

- 5640 (ii) has been convicted of:
- 5641 (A) a felony;
- 5642 (B) a class A misdemeanor when an element of the offense is the use or attempted
- 5643 use of physical force against an individual or property; or
- 5644 (C) notwithstanding Subsection (1)(a)(ii)(B), a class A misdemeanor if the
- 5645 division is ordered by a court to supervise the offender under Section 77-18-105.
- 5646 (b) If a sentenced offender participates in substance use treatment or a residential
- 5647 vocational or life skills program, as defined in Section 13-53-102, while under
- 5648 supervision on probation or parole, the division shall monitor the offender's
- 5649 compliance with and completion of the treatment or program.
- 5650 (c) The department shall establish standards for:
- 5651 (i) the supervision of offenders in accordance with the adult sentencing and
- 5652 supervision length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101,
- 5653 giving priority, based on available resources, to felony offenders and offenders
- 5654 sentenced under Subsection 58-37-8 (2)(b)(ii); and
- 5655 (ii) the monitoring described in Subsection (1)(b).
- 5656 (2) The division shall apply the graduated and evidence-based responses established in the
- 5657 adult sentencing and supervision length guidelines, as defined in Section [~~63M-7-401.1~~]
- 5658 75E-4-101, to facilitate a prompt and appropriate response to an individual's violation of
- 5659 the terms of probation or parole, including:
- 5660 (a) sanctions to be used in response to a violation of the terms of probation or parole; and
- 5661 (b) requesting approval from the court or Board of Pardons and Parole to impose a
- 5662 sanction for an individual's violation of the terms of probation or parole, for a period
- 5663 of incarceration of not more than three consecutive days and not more than a total of
- 5664 six days within a period of 30 days.
- 5665 (3) The division shall implement a program of graduated incentives as established in the
- 5666 adult sentencing and supervision length guidelines, as defined in Section [~~63M-7-401.1~~]
- 5667 75E-4-101 to facilitate the department's prompt and appropriate response to an
- 5668 offender's:
- 5669 (a) compliance with the terms of probation or parole; or
- 5670 (b) positive conduct that exceeds those terms.
- 5671 (4)(a) The department shall, in collaboration with the [~~State Commission on Criminal~~
- 5672 ~~and Juvenile Justice~~] Department of Criminal Justice and the Division of Substance

- 5673 Use and Mental Health, create standards and procedures for the collection of
5674 information, including cost savings related to recidivism reduction and the reduction
5675 in the number of inmates, related to the use of the graduated and evidence-based
5676 responses and graduated incentives, and offenders' outcomes.
- 5677 (b) The collected information shall be provided to the [~~State Commission on Criminal~~
5678 ~~and Juvenile Justice~~] Department of Criminal Justice not less frequently than annually
5679 on or before August 31.
- 5680 (5) Employees of the division who are POST certified as law enforcement officers or
5681 correctional officers and who are designated as parole and probation officers by the
5682 executive director have the following duties:
- 5683 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance
5684 with the conditions of the parole or probation agreement;
- 5685 (b) investigating or apprehending any offender who has escaped from the custody of the
5686 department or absconded from supervision by the division;
- 5687 (c) supervising any offender during transportation; or
- 5688 (d) collecting DNA specimens when the specimens are required under Section 53-10-404.
- 5689 (6)(a)(i) A monthly supervision fee of \$30 shall be collected from each offender on
5690 probation or parole.
- 5691 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the
5692 division upon a showing by the offender that imposition would create a substantial
5693 hardship or if the offender owes restitution to a victim.
- 5694 (b)(i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
5695 Administrative Rulemaking Act, specifying the criteria for suspension or waiver
5696 of the supervision fee and the circumstances under which an offender may request
5697 a hearing.
- 5698 (ii) In determining whether the imposition of the supervision fee would constitute a
5699 substantial hardship, the division shall consider the financial resources of the
5700 offender and the burden that the fee would impose, with regard to the offender's
5701 other obligations.
- 5702 (c) The division shall deposit money received from the monthly supervision fee
5703 established in this Subsection (6) into the General Fund as a parole and probation
5704 dedicated credit to be used to cover costs incurred in the collection of the fee and in
5705 the development of offender supervision programs.
- 5706 (7)(a) For offenders placed on probation under Section 77-18-105 or parole under

5707 Subsection 76-3-202(2)(a) on or after October 1, 2015, but before January 1, 2019,
5708 the division shall establish a program allowing an offender to earn a reduction credit
5709 of 30 days from the offender's period of probation or parole for each month the
5710 offender complies with the terms of the offender's probation or parole agreement,
5711 including the case action plan.

5712 (b)(i) For offenders placed on probation under Section 77-18-105 or parole under
5713 Section 76-3-202 on or after July 1, 2026, the division shall establish a program,
5714 consistent with the adult sentencing and supervision length guidelines, as defined
5715 in Section [~~63M-7-401.1~~] 75E-4-101, to provide incentives for an offender that
5716 maintains eligible employment, as defined in Section [~~64-13g-101~~] 64-14-301.

5717 (ii) The program under Subsection (7)(b)(i) may include a credit towards the
5718 reduction of the length of supervision for an offender at a rate of up to 30 days for
5719 each month that the offender maintains eligible employment, as defined in Section [
5720 ~~64-13g-101~~] 64-14-301.

5721 (iii) A court, or the Board of Pardons and Parole, is not required to grant a request for
5722 termination of supervision under the program described in this Subsection (7)(b) if
5723 the court, or the Board of Pardons and Parole, finds that:

5724 (A) the offender presents a substantial risk to public safety;

5725 (B) termination would prevent the offender from completing risk reduction
5726 programming or treatment; or

5727 (C) the eligibility criteria for termination of supervision, as established in the adult
5728 sentencing and supervision length guidelines, as defined in Section [
5729 ~~63M-7-401.1~~] 75E-4-101, have not been met.

5730 (iv) This Subsection (7)(b) does not prohibit the division, or another supervision
5731 services provider, from requesting termination of supervision based on the
5732 eligibility criteria in the adult sentencing and supervision length guidelines, as
5733 defined in Section [~~63M-7-401.1~~] 75E-4-101.

5734 (c) The division shall:

5735 (i) maintain a record of credits earned by an offender under this Subsection (7); and

5736 (ii) request from the court or the Board of Pardons and Parole the termination of
5737 probation or parole not fewer than 30 days [~~prior to~~] before the termination date
5738 that reflects the credits earned under this Subsection (7).

5739 (d) This Subsection (7) does not prohibit the division from requesting a termination date
5740 earlier than the termination date established by earned credits under Subsection (7)(c).

- 5741 (e) The court or the Board of Pardons and Parole shall terminate an offender's probation
5742 or parole upon completion of the period of probation or parole accrued by time
5743 served and credits earned under this Subsection (7) unless the court or the Board of
5744 Pardons and Parole finds that termination would interrupt the completion of a
5745 necessary treatment program, in which case the termination of probation or parole
5746 shall occur when the treatment program is completed.
- 5747 (f) The department shall report annually to the [~~State Commission on Criminal and~~
5748 ~~Juvenile Justice~~] Department of Criminal Justice on or before August 31:
- 5749 (i) the number of offenders who have earned probation or parole credits under this
5750 Subsection (7) in one or more months of the preceding fiscal year and the
5751 percentage of the offenders on probation or parole during that time that this
5752 number represents;
- 5753 (ii) the average number of credits earned by those offenders who earned credits;
- 5754 (iii) the number of offenders who earned credits by county of residence while on
5755 probation or parole;
- 5756 (iv) the cost savings associated with sentencing reform programs and practices; and
5757 (v) a description of how the savings will be invested in treatment and
5758 early-intervention programs and practices at the county and state levels.
- 5759 (8)(a) The department shall coordinate with a local mental health authority to complete
5760 the requirements of this Subsection (8) for an offender who:
- 5761 (i) is a habitual offender as that term is defined in Section 77-18-102;
- 5762 (ii) has a mental illness as that term is defined in Section 26B-5-301; and
- 5763 (iii) based on a risk and needs assessment:
- 5764 (A) is at a high risk of reoffending; and
- 5765 (B) has risk factors that may be addressed by available community-based services.
- 5766 (b) For an offender described in Subsection (8)(a), at any time clinically appropriate or
5767 at least three months before termination of an offender's parole or expiration of an
5768 offender's sentence, the department shall coordinate with the Department of Health
5769 and Human Services and the relevant local mental health authority to provide
5770 applicable clinical assessments and transitional treatment planning and services for
5771 the offender so that the offender may receive appropriate treatment and support
5772 services after the termination of parole or expiration of sentence.
- 5773 (c) The local mental health authority may determine whether the offender:
- 5774 (i) meets the criteria for civil commitment;

- 5775 (ii) meets the criteria for assisted outpatient treatment; or
5776 (iii) would benefit from assignment to an assertive community treatment team or
5777 available community-based services.
- 5778 (d) Based on the local mental health authority's determination under Subsection (8)(c),
5779 the local mental health authority shall, as appropriate:
- 5780 (i) initiate an involuntary commitment court proceeding;
5781 (ii) file a written application for assisted outpatient treatment; or
5782 (iii) seek to have the offender assigned to an assertive community treatment team or
5783 available community-based services.
- 5784 (e) On or before November 1, 2025, the department shall provide a report to the Law
5785 Enforcement and Criminal Justice Interim Committee regarding any proposed
5786 changes to the requirements in this Subsection (8), including whether the
5787 requirements of this Subsection (8) should also apply to any other category of
5788 offenders.

5789 Section 73. Section **64-14-302** is amended to read:

5790 **64-14-302 (Effective 07/01/26). Adult Probation and Parole Employment**

5791 **Incentive Program.**

- 5792 (1) There is created the Adult Probation and Parole Employment Incentive Program.
- 5793 (2) The department and the office shall implement the program in accordance with the
5794 requirements of this chapter.
- 5795 (3) Beginning July 2026, and each July after 2026, the department shall calculate and report
5796 to the office, for the preceding fiscal year, for each region and statewide:
- 5797 (a) the parole employment rate and the average length of employment of individuals on
5798 parole;
- 5799 (b) the probation employment rate and average length of employment of individuals on
5800 felony probation;
- 5801 (c) the recidivism percentage, using applicable recidivism metrics described in
5802 Subsections [~~63M-7-102(1) and (3)~~] 75E-2-203(1) and (3);
- 5803 (d) the number and percentage of individuals who successfully complete parole or
5804 felony probation;
- 5805 (e) if the recidivism percentage described in Subsection (3)(c) represents a decrease in
5806 the recidivism percentage when compared to the fiscal year immediately preceding
5807 the fiscal year to which the recidivism percentage described in Subsection (3)(c)
5808 relates, the estimated costs of incarceration savings to the state, based on the marginal

- 5809 cost of incarceration;
- 5810 (f) the number of individuals who successfully complete parole and, during the entire six
5811 months before the day on which the individuals' parole ends, held eligible
5812 employment; and
- 5813 (g) the number of individuals who successfully complete felony probation and, during
5814 the entire six months before the day on which the individuals' parole ended, held
5815 eligible employment.
- 5816 (4) In addition to the information described in Subsection (3), the department shall report,
5817 for each region, the number and types of parole or probation programs that were created,
5818 replaced, or discontinued during the preceding fiscal year.
- 5819 (5) After receiving the information described in Subsections (3) and (4), the office, in
5820 consultation with the department, shall, for each region:
- 5821 (a) add the region's baseline parole employment rate and the region's baseline probation
5822 employment rate;
- 5823 (b) add the region's parole employment rate and the region's probation employment rate;
- 5824 (c) subtract the sum described in Subsection (5)(a) from the sum described in Subsection
5825 (5)(b); and
- 5826 (d)(i) if the rate difference described in Subsection (5)(c) is zero or less than zero,
5827 assign an employment incentive payment of zero to the region; or
- 5828 (ii) except as provided in Subsection (7), if the rate difference described in
5829 Subsection (5)(c) is greater than zero, assign an employment incentive payment to
5830 the region by:
- 5831 (A) multiplying the rate difference by the average daily population for that region;
5832 and
- 5833 (B) multiplying the product of the calculation described in Subsection (5)(d)(ii)(A)
5834 by \$2,500.
- 5835 (6) In addition to the employment incentive payment described in Subsection (5), after
5836 receiving the information described in Subsections (3) and (4), the office, in consultation
5837 with the department, shall, for each region, multiply the sum of the numbers described in
5838 Subsections (3)(f) and (g) for the region by \$2,500 to determine the end-of-supervision
5839 employment incentive payment for the region.
- 5840 (7) The employment incentive payment, or end-of-supervision employment supervision
5841 payment, for a region is zero if the recidivism percentage for the region, described in
5842 Subsection (3)(c), represents an increase in the recidivism percentage when compared to

5843 the fiscal year immediately preceding the fiscal year to which the recidivism percentage
5844 for the region, described in Subsection (3)(c), relates.

5845 (8) Upon determining an employment incentive payment for a region in accordance with
5846 Subsections (5)(d)(ii), (6), and (7), the office shall authorize distribution, from the
5847 restricted account, of the incentive payment as follows:

5848 (a) 15% of the payment may be used by the department for expenses related to
5849 administering the program; and

5850 (b) 85% of the payment shall be used by the region to improve and expand supervision
5851 and rehabilitative services to individuals on parole or adult probation, including by:

5852 (i) implementing and expanding evidence-based practices for risk and needs
5853 assessments for individuals;

5854 (ii) implementing and expanding intermediate sanctions, including mandatory
5855 community service, home detention, day reporting, restorative justice programs,
5856 and furlough programs;

5857 (iii) expanding the availability of evidence-based practices for rehabilitation
5858 programs, including drug and alcohol treatment, mental health treatment, anger
5859 management, cognitive behavior programs, and job training and other
5860 employment services;

5861 (iv) hiring additional officers, contractors, or other personnel to implement
5862 evidence-based practices for rehabilitative and vocational programing;

5863 (v) purchasing and adopting new technologies or equipment that are relevant to, and
5864 enhance, supervision, rehabilitation, or vocational training; or

5865 (vi) evaluating the effectiveness of rehabilitation and supervision programs and
5866 ensuring program fidelity.

5867 (9)(a) The report described in Subsections (3) and (4) is a public record.

5868 (b) The department shall maintain a complete and accurate accounting of the payment
5869 and use of funds under this section.

5870 (c) If the money in the restricted account is insufficient to make the full employment
5871 incentive payments or the full end-of-supervision employment incentive payments,
5872 the office shall authorize the payments on a prorated basis.

5873 Section 74. Section **67-4a-801** is amended to read:

5874 **67-4a-801 (Effective 07/01/26). Unclaimed Property Fund -- Deposit of funds by**
5875 **administrator.**

5876 (1)(a) There is created a custodial fund entitled the "Unclaimed Property Fund."

5877 (b) Except as otherwise provided in this section, the administrator shall deposit all funds
 5878 received under this chapter, including proceeds from the sale of property under Part
 5879 7, Sale of Property by Administrator, in the fund.

5880 (c) The fund shall earn interest.

5881 (2) The administrator shall:

5882 (a) pay any legitimate claims or deductions authorized by this chapter from the fund;

5883 (b) before the end of the fiscal year, estimate the amount of money from the fund that
 5884 will ultimately be needed to be paid to claimants; and

5885 (c) at the end of the fiscal year, transfer any amount in excess of that amount to the
 5886 Uniform School Fund, except that unclaimed restitution for crime victims shall be
 5887 transferred to the Crime Victim [Reparations] Compensation Fund.

5888 (3) Before making any transfer to the Uniform School Fund, the administrator may deduct
 5889 from the fund:

5890 (a) amounts appropriated by the Legislature for administration of this chapter;

5891 (b) any costs incurred in connection with the sale of abandoned property;

5892 (c) costs of mailing and publication in connection with any abandoned property;

5893 (d) reasonable service charges; and

5894 (e) costs incurred in examining records of holders of property and in collecting the
 5895 property from those holders.

5896 Section 75. Section **67-4a-803** is amended to read:

5897 **67-4a-803 (Effective 07/01/26). Expenses and service charges of administrator.**

5898 Before making a deposit of funds received under this chapter to the Uniform School
 5899 Fund or the Crime Victim [Reparations] Compensation Fund, the administrator may deduct:

5900 (1) expenses of disposition of property delivered to the administrator under this chapter;

5901 (2) costs of mailing and publication in connection with property delivered to the
 5902 administrator under this chapter;

5903 (3) reasonable service charges; and

5904 (4) expenses incurred in examining records of or collecting property from a putative holder
 5905 or holder.

5906 Section 76. Section **67-22-2** is amended to read:

5907 **67-22-2 (Effective 07/01/26). Compensation -- Other state officers.**

5908 (1) As used in this section:

5909 (a) "Appointed executive" means the:

5910 (i) commissioner of the Department of Agriculture and Food;

- 5911 (ii) commissioner of the Insurance Department;
- 5912 (iii) commissioner of the Labor Commission;
- 5913 (iv) director, Department of Alcoholic Beverage Services;
- 5914 (v) commissioner of the Department of Financial Institutions;
- 5915 (vi) executive director, Department of Commerce;
- 5916 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 5917 (viii) adjutant general;
- 5918 (ix) executive director, Department of Cultural and Community Engagement;
- 5919 (x) executive director, Department of Corrections;
- 5920 (xi) commissioner, Department of Public Safety;
- 5921 (xii) executive director, Department of Natural Resources;
- 5922 (xiii) executive director, Governor's Office of Planning and Budget;
- 5923 (xiv) executive director, Department of Government Operations;
- 5924 (xv) executive director, Department of Environmental Quality;
- 5925 (xvi) executive director, Governor's Office of Economic Opportunity;
- 5926 (xvii) executive director, Department of Workforce Services;
- 5927 (xviii) executive director, Department of Health and Human Services, Nonphysician;
- 5928 (xix) executive director, Department of Transportation;
- 5929 (xx) executive director, Department of Veterans and Military Affairs;
- 5930 (xxi) advisor, Public Lands Policy Coordinating Office, created in Section
- 5931 63L-11-201;
- 5932 (xxii) Great Salt Lake commissioner, appointed under Section 73-32-201; and
- 5933 (xxiii) Utah water agent, appointed under Section 73-10g-702.
- 5934 (b) "Board or commission executive" means:
- 5935 (i) members, Board of Pardons and Parole;
- 5936 (ii) chair, State Tax Commission;
- 5937 (iii) commissioners, State Tax Commission;
- 5938 (iv) executive director, State Tax Commission;
- 5939 (v) chair, Public Service Commission; and
- 5940 (vi) commissioners, Public Service Commission.
- 5941 (c) "Deputy" means the person who acts as the appointed executive's second in
- 5942 command as determined by the Division of Human Resource Management.
- 5943 (2)(a) The director of the Division of Human Resource Management shall:
- 5944 (i) before October 31 of each year, recommend to the governor a compensation plan

- 5945 for the appointed executives and the board or commission executives; and
5946 (ii) base those recommendations on market salary studies conducted by the Division
5947 of Human Resource Management.
- 5948 (b)(i) The Division of Human Resource Management shall determine the salary range
5949 for the appointed executives by:
- 5950 (A) identifying the salary range assigned to the appointed executive's deputy;
5951 (B) designating the lowest minimum salary from those deputies' salary ranges as
5952 the minimum salary for the appointed executives' salary range; and
5953 (C) designating 105% of the highest maximum salary range from those deputies'
5954 salary ranges as the maximum salary for the appointed executives' salary range.
- 5955 (ii) If the deputy is a medical doctor, the Division of Human Resource Management
5956 may not consider that deputy's salary range in designating the salary range for
5957 appointed executives.
- 5958 (c)(i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
5959 board or commission executives, the Division of Human Resource Management
5960 shall set the maximum salary in the salary range for each of those positions at
5961 90% of the salary for district judges as established in the annual appropriation act
5962 under Section 67-8-2.
- 5963 (ii) In establishing the salary ranges for an individual described in Subsection
5964 (1)(b)(ii), (1)(b)(iii), or (1)(b)(iv), the Division of Human Resource Management
5965 shall set the maximum salary in the salary range for each of those positions at
5966 100% of the salary for district judges as established in the annual appropriation act
5967 under Section 67-8-2.
- 5968 (3)(a)(i) Except as provided in Subsection (3)(a)(ii) or Subsection (3)(d), the
5969 governor shall establish a specific salary for each appointed executive within the
5970 range established under Subsection (2)(b).
- 5971 (ii) If the executive director of the Department of Health and Human Services is a
5972 physician, the governor shall establish a salary within the highest physician salary
5973 range established by the Division of Human Resource Management.
- 5974 (iii) The governor may provide salary increases for appointed executives within the
5975 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).
- 5976 (b) The governor shall apply the same overtime regulations applicable to other FLSA
5977 exempt positions.
- 5978 (c) The governor may develop standards and criteria for reviewing the appointed

- 5979 executives.
- 5980 (d) If under Section 73-10g-702 the governor appoints an individual who is serving in an
5981 appointed executive branch position to be the Utah water agent, the governor shall
5982 adjust the salary of the Utah water agent to account for salary received for the
5983 appointed executive branch position.
- 5984 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that are not
5985 provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
5986 Salary Act, shall be established [~~as provided in~~] in accordance with Section 63A-17-301.
- 5987 (5)(a) The Legislature fixes benefits for the appointed executives and the board or
5988 commission executives as follows:
- 5989 (i) the option of participating in a state retirement system established by Title 49,
5990 Utah State Retirement and Insurance Benefit Act, or in a deferred compensation
5991 plan administered by the State Retirement Office in accordance with the Internal
5992 Revenue Code and [~~its~~] the Internal Revenue Code's accompanying rules and
5993 regulations;
- 5994 (ii) health insurance;
- 5995 (iii) dental insurance;
- 5996 (iv) basic life insurance;
- 5997 (v) unemployment compensation;
- 5998 (vi) workers' compensation;
- 5999 (vii) required employer contribution to Social Security;
- 6000 (viii) long-term disability income insurance;
- 6001 (ix) the same additional state-paid life insurance available to other noncareer service
6002 employees;
- 6003 (x) the same severance pay available to other noncareer service employees;
- 6004 (xi) the same leave, holidays, and allowances granted to Schedule B state employees
6005 as follows:
- 6006 (A) sick leave;
- 6007 (B) converted sick leave if accrued [~~prior to~~] before January 1, 2014;
- 6008 (C) educational allowances;
- 6009 (D) holidays; and
- 6010 (E) annual leave except that annual leave shall be accrued at the maximum rate
6011 provided to Schedule B state employees;
- 6012 (xii) the option to convert accumulated sick leave to cash or insurance benefits as

6013 provided by law or rule upon resignation or retirement according to the same
 6014 criteria and procedures applied to Schedule B state employees;
 6015 (xiii) the option to purchase additional life insurance at group insurance rates
 6016 according to the same criteria and procedures applied to Schedule B state
 6017 employees; and
 6018 (xiv) professional memberships if being a member of the professional organization is
 6019 a requirement of the position.

6020 (b) Each department shall pay the cost of additional state-paid life insurance for [its] the
 6021 department's executive director from [its] the department's existing budget.

6022 (6) The Legislature fixes the following additional benefits:

6023 (a) for the executive director of the Department of Transportation a vehicle for official
 6024 and personal use;

6025 (b) for the executive director of the Department of Natural Resources a vehicle for
 6026 commute and official use;

6027 (c) for the commissioner of Public Safety:

6028 (i) an accidental death insurance policy if POST certified; and

6029 (ii) a public safety vehicle for official and personal use;

6030 (d) for the executive director of the Department of Corrections:

6031 (i) an accidental death insurance policy if POST certified; and

6032 (ii) a public safety vehicle for official and personal use;

6033 (e) for the adjutant general a vehicle for official and personal use;

6034 (f) for each member of the Board of Pardons and Parole a vehicle for commute and
 6035 official use; and

6036 (g) for the executive director of the Department of Veterans and Military Affairs a
 6037 vehicle for commute and official use.

6038 Section 77. Section **67-28-101** is amended to read:

6039 **67-28-101 (Effective 07/01/26). Definitions.**

6040 As used in this chapter:

6041 [~~(1) "Commission" means the State Commission on Criminal and Juvenile Justice created~~
 6042 ~~in Section 63M-7-201.~~]

6043 [~~(2)~~ (1) "Criminal offense" means an act or omission that may result in a felony,
 6044 misdemeanor, or infraction.

6045 (2) "Department" means the Department of Criminal Justice created in Section 75E-2-102.

6046 (3)(a) "State agency" means a department, division, board, council, committee,

6047 institution, office, bureau, or other similar administrative unit of the executive branch
6048 of state government.

6049 (b) "State agency" does not include the attorney general.

6050 Section 78. Section **67-28-102** is amended to read:

6051 **67-28-102 (Effective 07/01/26). State agency review and recommendation**
6052 **regarding criminal offenses.**

6053 (1) Except as provided in Subsection (4), on or before July 1, 2026, and on or before July 1
6054 every three years after 2026, every state agency shall complete a review of the criminal
6055 offenses contained in the statutes:

6056 (a) for which the state agency is responsible to prosecute or refer for prosecution; or

6057 (b) contained in the state agency's designated area of code.

6058 (2)(a) A state agency review required under this section shall require the state agency to
6059 evaluate each criminal offense described in Subsection (1) and recommend whether
6060 the criminal offense:

6061 (i) would benefit from legislative amendment, clarification, or repeal; and

6062 (ii) should have the penalty level increased, reduced, or remain the same.

6063 (b) The review under Subsection (2)(a) shall include the state agency's specific
6064 recommendations and reasoning for any recommended statutory changes.

6065 (c) Each state agency shall submit the results of the review required under this section to
6066 the [~~commission~~] department:

6067 (i) within 30 days after the day on which the review is completed; and

6068 (ii) in the standardized format developed by the [~~commission~~] department under
6069 Subsection (3).

6070 (3) The [~~commission~~] department shall:

6071 (a) develop a standardized format for reporting the information described in Subsection
6072 (2);

6073 (b) compile the information that was submitted under Subsection (2); and

6074 (c) annually, on or before October 1, submit a report to the Law Enforcement and
6075 Criminal Justice Interim Committee that contains:

6076 (i) the compiled information received for the current year, if any; and

6077 (ii) the names of any agencies that failed to submit a review that was required under
6078 this section.

6079 (4) This section does not apply to the Division of Professional Licensing with regard to
6080 offenses in Title 58, Chapters 37 through 37e.

6081 Section 79. Section **75-2-803** is amended to read:

6082 **75-2-803 (Effective 07/01/26). Definitions -- Effect of homicide on intestate**
6083 **succession, wills, trusts, joint assets, life insurance, and beneficiary designations --**
6084 **Petition -- Forfeiture -- Revocation.**

6085 (1) As used in this section:

6086 (a) "Conviction" means the same as that term is defined in Section 77-38b-102.

6087 (b) "Decedent" means a deceased individual.

6088 (c) "Disposition or appointment of property" includes a transfer of an item of property or
6089 any other benefit to a beneficiary designated in a governing instrument.

6090 (d)(i) Except as provided in Subsection (1)(d)(ii), "disqualifying homicide" means
6091 any felony homicide offense described in Title 76, Chapter 5, Offenses Against
6092 the Individual, for which the elements are established by a preponderance of the
6093 evidence and by applying the same principles of culpability and defenses
6094 described in [~~Title 76, Utah Criminal Code~~] Title 76, Criminal Offenses.

6095 (ii) "Disqualifying homicide" does not include an offense for:

6096 (A) automobile homicide, as described in Section 76-5-207; and

6097 (B) automobile homicide involving using a handheld wireless communication
6098 device while driving, as described in Section 76-5-207.5.

6099 (e) "Governing instrument" means a governing instrument executed by the decedent.

6100 (f) "Killer" means an individual who commits a disqualifying homicide.

6101 (g) "Revocable" means a disposition, appointment, provision, or nomination under
6102 which the decedent, at the time of or immediately before death, was alone
6103 empowered, by law or under the governing instrument, to cancel the designation in
6104 favor of the killer regardless of whether at the time or immediately before death:

6105 (i) the decedent was empowered to designate the decedent in place of the decedent's
6106 killer; or

6107 (ii) the decedent had the capacity to exercise the power.

6108 (2)(a) An individual who commits a disqualifying homicide of the decedent forfeits all
6109 benefits under this chapter with respect to the decedent's estate, including an intestate
6110 share, an elective share, an omitted spouse's or child's share, a homestead allowance,
6111 exempt property, and a family allowance.

6112 (b) If the decedent died intestate, the decedent's intestate estate passes as if the killer
6113 disclaimed the killer's intestate share.

6114 (3) The killing of the decedent by means of a disqualifying homicide:

- 6115 (a) revokes any revocable:
- 6116 (i) disposition or appointment of property made by the decedent to the killer in a
- 6117 governing instrument;
- 6118 (ii) provision in a governing instrument conferring a general or nongeneral power of
- 6119 appointment on the killer; and
- 6120 (iii) nomination of the killer in a governing instrument, nominating or appointing the
- 6121 killer to serve in any fiduciary or representative capacity, including a personal
- 6122 representative, executor, trustee, or agent; and
- 6123 (b) severs the interests of the decedent and killer in property held by them at the time of
- 6124 the killing as joint tenants with the right of survivorship, transforming the interests of
- 6125 the decedent and killer into tenancies in common.
- 6126 (4) A severance under Subsection (3)(b) does not affect any third-party interest in property
- 6127 acquired for value and in good faith reliance on an apparent title by survivorship in the
- 6128 killer unless a writing declaring the severance has been noted, registered, filed, or
- 6129 recorded in records appropriate to the kind and location of the property which are relied
- 6130 upon, in the ordinary course of transactions involving such property, as evidence of
- 6131 ownership.
- 6132 (5) Provisions of a governing instrument are given effect as if the killer disclaimed all
- 6133 provisions revoked by this section or, in the case of a revoked nomination in a fiduciary
- 6134 or representative capacity, as if the killer predeceased the decedent.
- 6135 (6) A wrongful acquisition of property or interest by one who kills another under
- 6136 circumstances not covered by this section shall be treated in accordance with the
- 6137 principle that a killer cannot profit from the killer's wrong.
- 6138 (7)(a) An interested person may petition the court to determine whether an individual
- 6139 has committed a disqualifying homicide of the decedent.
- 6140 (b) An individual has committed a disqualifying homicide of the decedent for purposes
- 6141 of this section if:
- 6142 (i) unless the court finds that disinheritance would create a manifest injustice, the
- 6143 court finds that, by a preponderance of the evidence, the individual has committed
- 6144 a disqualifying homicide of the decedent; or
- 6145 (ii) the court finds that a judgment of conviction has been entered against the
- 6146 individual for a disqualifying homicide of the decedent and all direct appeals for
- 6147 the judgment have been exhausted.
- 6148 (8)(a) Before a court determines whether an individual committed a disqualifying

- 6149 homicide of the decedent under Subsection (7), the decedent's estate may petition the
6150 court to:
- 6151 (i) enter a temporary restraining order, an injunction, or a temporary restraining order
6152 and an injunction, to preserve the property or assets of the killer or the killer's
6153 estate;
 - 6154 (ii) require the execution of a trustee's bond under Section 75B-2-702 for the killer's
6155 estate;
 - 6156 (iii) establish a constructive trust on any property or assets of the killer or the killer's
6157 estate that is effective from the time the killer's act caused the death of the
6158 decedent; or
 - 6159 (iv) take any other action necessary to preserve the property or assets of the killer or
6160 the killer's estate:
 - 6161 (A) until a court makes a determination under Subsection (7); or
 - 6162 (B) for the payment of all damages and judgments for conduct resulting in the
6163 disqualifying homicide of the decedent.
- 6164 (b) Upon a petition for a temporary restraining order or an injunction under Subsection
6165 (8)(a)(i), a court may enter a temporary restraining order against an owner's property
6166 in accordance with Rule 65A of the Utah Rules of Civil Procedure, without notice or
6167 opportunity of a hearing, if the court determines that:
- 6168 (i) there is a substantial likelihood that the property is, or will be, necessary to satisfy
6169 a judgment or damages owed by the killer for conduct resulting in the
6170 disqualifying homicide of the decedent; and
 - 6171 (ii) notice of the hearing would likely result in the property being:
 - 6172 (A) sold, distributed, destroyed, or removed; and
 - 6173 (B) unavailable to satisfy a judgment or damages owed by the killer for conduct
6174 resulting in the disqualifying homicide of the decedent.
- 6175 (9)(a)(i) A payor or other third party is not liable for having made a payment or
6176 transferred an item of property or any other benefit to a beneficiary designated in a
6177 governing instrument affected by a disqualifying homicide, or for having taken
6178 any other action in good faith reliance on the validity of the governing instrument,
6179 upon request and satisfactory proof of the decedent's death, before the payor or
6180 other third party received written notice of a claimed forfeiture or revocation
6181 under this section.
- 6182 (ii) A payor or other third party is liable for a payment made or other action taken

6183 after the payor or other third party received written notice of a claimed forfeiture
6184 or revocation under this section.

- 6185 (b)(i) Written notice of a claimed forfeiture or revocation under Subsection (9)(a)
6186 shall be mailed to the payor's or other third party's main office or home by
6187 registered or certified mail, return receipt requested, or served upon the payor or
6188 other third party in the same manner as a summons in a civil action.
- 6189 (ii) Upon receipt of written notice of a claimed forfeiture or revocation under this
6190 section, a payor or other third party may pay any amount owed or transfer or
6191 deposit any item of property held by the payor or third party to or with:
6192 (A) the court having jurisdiction of the probate proceedings relating to the
6193 decedent's estate; or
6194 (B) if no proceedings have been commenced, the court having jurisdiction of
6195 probate proceedings relating to the decedent's estates located in the county of
6196 the decedent's residence.
- 6197 (iii) The court shall hold the funds or item of property and, upon the court's
6198 determination under this section, shall order disbursement in accordance with the
6199 determination.
- 6200 (iv) Payments, transfers, or deposits made to or with the court discharge the payor or
6201 other third party from all claims for the value of amounts paid to or items of
6202 property transferred to or deposited with the court.

6203 (10)(a) A person who purchases property for value and without notice, or who receives a
6204 payment or other item of property in partial or full satisfaction of a legally
6205 enforceable obligation, is:

- 6206 (i) not obligated under this section to return the payment, item of property, or benefit;
6207 and
6208 (ii) not liable under this section for the amount of the payment or the value of the
6209 item of property or benefit.

6210 (b) Notwithstanding Subsection (10)(a), a person who, not for value, receives a payment,
6211 item of property, or any other benefit to which the person is not entitled under this
6212 section is:

- 6213 (i) obligated to return the payment, item of property, or benefit to the person who is
6214 entitled to the payment, property, or benefit under this section; and
6215 (ii) personally liable for the amount of the payment or the value of the item of
6216 property or benefit to the person who is entitled to the payment, property, or

6217 benefit under this section.

6218 (c) If this section or any part of this section is preempted by federal law with respect to a
6219 payment, an item of property, or any other benefit covered by this section, a person
6220 who, not for value, receives the payment, item of property, or any other benefit to
6221 which the person is not entitled under this section is:

6222 (i) obligated to return the payment, item of property, or benefit to the person who
6223 would have been entitled to the payment, property, or benefit if this section or part
6224 were not preempted; and

6225 (ii) personally liable for the amount of the payment or the value of the item of
6226 property or benefit, to the person who would have been entitled to the payment,
6227 property, or benefit if this section or part were not preempted.

6228 Section 80. Section **75E-1-101** is enacted to read:

6229 **TITLE 75E. Criminal and Juvenile Justice Administration**

6230 **CHAPTER 1. General Provisions**

6231 **Part 1. General Provisions**

6232 **75E-1-101 (Effective 07/01/26). Definitions for title.**

6233 As used in this title:

6234 (1) "Commissioner" means the commissioner of criminal justice appointed under Section
6235 75E-2-103.

6236 (2) "Department" means the Department of Criminal Justice created in Section 75E-2-102.

6237 Section 81. Section **75E-2-101** is enacted to read:

6238 **CHAPTER 2. Department of Criminal Justice**

6239 **Part 1. General Provisions**

6240 **75E-2-101 (Effective 07/01/26). Definitions for chapter.**

6241 As used in this chapter:

6242 (1) "Criminal justice agency" means an agency or institution directly involved in the
6243 apprehension, prosecution, and incarceration of an individual involved in criminal
6244 activity, including law enforcement, a correctional facility, a jail, a court, probation, or
6245 parole.

6246 (2) "Public safety portal" means the data portal created in Section 75E-2-210.

6247 Section 82. Section **75E-2-102** is enacted to read:

6248 **75E-2-102 (Effective 07/01/26). Creation of department.**

6249 (1) There is created within state government the Department of Criminal Justice.

6250 (2) The department has all of the policymaking functions, regulatory and enforcement
 6251 powers, rights, duties, and responsibilities described in this title.

6252 Section 83. Section **75E-2-103** is enacted to read:

6253 **75E-2-103 (Effective 07/01/26). Commissioner of Criminal Justice --**

6254 **Appointment -- Qualifications -- Salary -- Responsibility -- Powers and duties.**

6255 (1) The chief executive officer of the department is the commissioner of criminal justice.

6256 (2)(a) The commissioner is appointed by the governor with the advice and consent of the
 6257 Senate.

6258 (b) The commissioner serves at the pleasure of the governor.

6259 (3) The commissioner shall:

6260 (a) be an individual of recognized executive and administrative capacity;

6261 (b) be selected solely with regard to qualifications and fitness to discharge the duties of
 6262 the commissioner's office; and

6263 (c) maintain the highest standards of integrity and character.

6264 (4) The commissioner shall devote full time to the duties of the office.

6265 (5) The governor shall establish the commissioner's salary within the salary range fixed by
 6266 the Legislature in Title 67, Chapter 22, State Officer Compensation.

6267 (6) In addition to the responsibilities described in this title, the commissioner shall:

6268 (a) administer and enforce this title;

6269 (b) appoint deputies, clerical workers, and other employees as required to properly
 6270 discharge the duties of the department;

6271 (c) act as the governor's advisor on national, state, regional, metropolitan, and local
 6272 government planning as it relates to criminal justice; and

6273 (d) make rules to carry out the department's duties and functions.

6274 Section 84. Section **75E-2-201** is enacted to read:

6275 **Part 2. Department Responsibilities**

6276 **75E-2-201 (Effective 07/01/26). Definitions for part.**

6277 As used in this part:

6278 (1) "Commission" means the Commission on Criminal and Juvenile Justice created in
 6279 Section 75E-3-102.

6280 (2) "Desistance" means an individual's abstinence from further criminal activity after a
 6281 previous criminal conviction.

6282 (3) "Intervention" means a program, sanction, supervision, or event that may impact
 6283 recidivism.

- 6284 (4) "Recidivism" means a return to criminal activity after a previous criminal conviction.
6285 (5) "Recidivism standard metric" means the number of individuals who are returned to
6286 prison for a new conviction within three years after the day on which the individuals
6287 were released from prison.

6288 Section 85. Section **75E-2-202** is enacted to read:

6289 **75E-2-202 (Effective 07/01/26). Department responsibilities.**

6290 The department shall:

- 6291 (1) promote the communication and coordination of all criminal and juvenile justice
6292 agencies;
6293 (2) study, evaluate, and report on:
6294 (a) the status of crime in the state;
6295 (b) the effectiveness of criminal justice policies, procedures, and programs that are
6296 directed toward the reduction of crime in the state;
6297 (c) programs initiated by state and local agencies to address reducing recidivism,
6298 including:
6299 (i) changes in penalties and sentencing guidelines intended to reduce recidivism;
6300 (ii) cost savings associated with the reduction in the number of inmates; and
6301 (iii) evaluation of expenses and resources needed to meet goals regarding the use of
6302 treatment as an alternative to incarceration, as resources allow; and
6303 (d) policies, procedures, and programs of other jurisdictions that have effectively
6304 reduced crime;
6305 (3) identify and promote the implementation of specific policies and programs the
6306 department determines will significantly reduce crime in the state;
6307 (4) provide analysis, accountability, and supervision for state and federal criminal justice
6308 grant money;
6309 (5) make recommendations to the commission regarding state and federal criminal justice
6310 grant money;
6311 (6) provide public information on the criminal and juvenile justice system and give
6312 technical assistance to agencies or local units of government on methods to promote
6313 public awareness;
6314 (7) promote research and program evaluation as an integral part of the criminal and juvenile
6315 justice system;
6316 (8) annually provide the commission with a comprehensive criminal justice plan for review;
6317 (9) review and make recommendations to the commission on agency forecasts regarding

- 6318 future demands on the criminal and juvenile justice system, including specific
6319 projections for secure bed space;
- 6320 (10) promote the development of criminal and juvenile justice information systems that are
6321 consistent with common standards for data storage and are capable of appropriately
6322 sharing information with other criminal justice information systems by:
- 6323 (a) developing and maintaining common data standards for use by all state criminal
6324 justice agencies;
- 6325 (b) annually performing audits of criminal history record information maintained by
6326 state criminal justice agencies to assess accuracy, completeness, and adherence to
6327 standards;
- 6328 (c) defining and developing state and local programs and projects associated with the
6329 improvement of information management for law enforcement and the administration
6330 of justice; and
- 6331 (d) establishing general policies concerning criminal and juvenile justice information
6332 systems and making rules as necessary to carry out the duties under Subsection (8)
6333 and this Subsection (10);
- 6334 (11) allocate and administer grants:
- 6335 (a) for approved education programs to help prevent the sexual exploitation of children;
6336 (b) for law enforcement operations and programs related to reducing illegal drug activity
6337 and related criminal activity; and
- 6338 (c) for pilot qualifying education programs;
- 6339 (12) request, receive, and evaluate:
- 6340 (a) data and recommendations collected and reported by:
- 6341 (i) agencies and contractors related to policies recommended by the commission
6342 regarding recidivism reduction, including the data described in Section 13-53-111
6343 and Subsection 26B-5-102(2)(jj); and
- 6344 (ii) state agencies under Section 67-28-102; and
- 6345 (b) the aggregate data collected from prosecutorial agencies and the Administrative
6346 Office of the Courts, in accordance with Sections 75E-2-205, 75E-2-206, and
6347 78A-2-109.5;
- 6348 (13) establish and administer a performance incentive grant program that allocates funds
6349 appropriated by the Legislature to programs and practices implemented by counties that
6350 reduce recidivism and reduce the number of offenders per capita who are incarcerated;
- 6351 (14) oversee or designate an entity to oversee the implementation of juvenile justice

- 6352 reforms;
- 6353 (15) make rules and administer the juvenile holding room standards and juvenile jail
- 6354 standards to align with the Juvenile Justice and Delinquency Prevention Act
- 6355 requirements in accordance with 42 U.S.C. Sec. 5633;
- 6356 (16) provide staff to the Victim Services Commission and to any subcommittee of the
- 6357 Victim Services Commission;
- 6358 (17) contract with a third party to assist the Victim Services Commission with reviewing
- 6359 and providing recommendations on:
- 6360 (a) the best practices and policies for crime victim services;
- 6361 (b) the structure and membership of the commission;
- 6362 (c) the purpose and duties of the commission, including any overlapping duties that the
- 6363 commission has with another state office, board, or commission;
- 6364 (d) the funding for crime victim services in this state, including the need for funding, the
- 6365 management of state funds for crime victim services, and the implementation of
- 6366 accountability and performance measures; and
- 6367 (e) any other issue related to the duties of the commission with which the third party
- 6368 may provide assistance;
- 6369 (18) report annually to the Law Enforcement and Criminal Justice Interim Committee on
- 6370 the progress made on each of the following goals of the Justice Reinvestment Initiative:
- 6371 (a) ensuring oversight and accountability;
- 6372 (b) supporting local corrections systems;
- 6373 (c) improving and expanding reentry and treatment services; and
- 6374 (d) strengthening probation and parole supervision;
- 6375 (19) compile a report of findings based on the data and recommendations provided under
- 6376 Section 13-53-111 that separates the data provided under Section 13-53-111 by each
- 6377 residential vocational or life skills program;
- 6378 (20) publish the report described in Subsection (19) on the department's website and
- 6379 annually provide the report to the Judiciary Interim Committee, the Health and Human
- 6380 Services Interim Committee, the Law Enforcement and Criminal Justice Interim
- 6381 Committee, and the related appropriations subcommittees;
- 6382 (21) publish on the department's website:
- 6383 (a) the reports on genetic genealogy database utilization described in Section 53-25-401;
- 6384 and
- 6385 (b) the data and reports described in Subsection 75E-2-210(5); and

6386 (22) assist the governor with responsibilities related to extradition as directed by the
 6387 governor under Section 77-30-2.5.

6388 Section 86. Section **75E-2-203**, which is renumbered from Section 63M-7-102 is renumbered
 6389 and amended to read:

6390 **[63M-7-102] 75E-2-203 (Effective 07/01/26). Recidivism metrics -- Reporting.**

6391 (1)[(a)] The [eommission] department, the Department of Corrections, and the Board of
 6392 Pardons and Parole, when reporting data on statewide recidivism, shall include data
 6393 reflecting the recidivism standard metric.

6394 [~~(b)(i) On or before August 1, 2024, the commission shall reevaluate the recidivism~~
 6395 ~~standard metric to determine whether new data streams allow for a broader~~
 6396 ~~definition, which may include criminal convictions that do not include prison time.]~~

6397 [(ii) On or before November 1, 2024, the commission shall report to the Law
 6398 Enforcement and Criminal Justice Interim Committee:]

6399 [(A) the result of the reevaluation described in Subsection (1)(b)(i); and]

6400 [(B) other recommendations regarding standardized recidivism metrics.]

6401 (2) A report on statewide criminal recidivism may also include other information reflecting
 6402 available recidivism, intervention, or desistance data.

6403 (3) A criminal justice institution, agency, or entity required to report adult recidivism data
 6404 to the [eommission] department:

6405 (a) shall include:

6406 (i) a clear description of the eligible individuals, including:

6407 (A) the criminal population being evaluated for recidivism; and

6408 (B) the interventions that are being evaluated;

6409 (ii) a clear description of the beginning and end of the evaluation period; and

6410 (iii) a clear description of the events that are considered as a recidivism-triggering
 6411 event; and

6412 (b) may include supplementary data including:

6413 (i) the length of time that elapsed before a recidivism-triggering event described in
 6414 Subsection (3)(a)(iii) occurred;

6415 (ii) the severity of a recidivism-triggering event described in Subsection (3)(a)(iii);

6416 (iii) measures of personal well-being, education, employment, housing, health, family
 6417 or social support, civic or community engagement, or legal involvement; or

6418 (iv) other desistance metrics that may capture an individual's behavior following the
 6419 individual's release from an intervention.

6420 (4) Unless otherwise specified in statute:

6421 (a) the evaluation period described in Subsection (3)(a)(ii) is three years; and

6422 (b) a recidivism-triggering event under Subsection (3)(a)(iii) shall include:

6423 (i) an arrest;

6424 (ii) an admission to prison;

6425 (iii) a criminal charge; or

6426 (iv) a criminal conviction.

6427 Section 87. Section **75E-2-204**, which is renumbered from Section 63M-7-205 is renumbered
6428 and amended to read:

6429 **[63M-7-205] 75E-2-204 (Effective 07/01/26). Annual report by the department.**

6430 (1) The [~~commission~~] department shall annually prepare and publish a report directed to the
6431 governor, the Legislature, the commission, and the Judicial Council.

6432 (2) The report shall describe how[-] :

6433 (a) the commission fulfilled [its] the commission's statutory purposes and duties during
6434 the year[-] ; and

6435 (b) the department fulfilled the department's statutory purposes and duties during the
6436 year.

6437 Section 88. Section **75E-2-205**, which is renumbered from Section 63M-7-216 is renumbered
6438 and amended to read:

6439 **[63M-7-216] 75E-2-205 (Effective 07/01/26). Prosecutorial data collection --**

6440 **Policy transparency.**

6441 (1) As used in this section:

6442 [(a) "Commission" means the Commission on Criminal and Juvenile Justice created in
6443 Section 63M-7-201.]

6444 [(b)] (a)(i) "Criminal case" means a case [~~where~~] in which an offender is charged with
6445 an offense [~~for which~~] that requires a mandatory court appearance [~~is required~~]
6446 under the Uniform Bail Schedule.

6447 (ii) "Criminal case" does not mean a case for criminal non-support under Section
6448 76-7-201 or any proceeding involving collection or payment of child support,
6449 medical support, or child care expenses by or on behalf of the Office of Recovery
6450 Services under Section 26B-9-108 or 76-7-202.

6451 [(e)] (b) "Offense tracking number" means a distinct number applied to each criminal
6452 offense by the Bureau of Criminal Identification.

6453 [(d)] (c) "Pre-filing diversion" means an agreement between a [~~prosecutor~~] prosecuting

6454 attorney and an individual prior to being charged with a crime, before an information
 6455 or indictment is filed, in which the individual is diverted from the traditional criminal
 6456 justice system into a program of supervision and supportive services in the
 6457 community.

6458 ~~[(e)]~~ (d) "Post-filing diversion" is as described in Section 77-2-5.

6459 ~~[(f)]~~ (e) "Prosecutorial agency" means[-] :

6460 (i) the Office of the Attorney General~~[-and-]~~ ; or

6461 (ii) ~~[any]~~ a city, county, or district attorney acting as a public ~~[prosecutor]~~ prosecuting
 6462 attorney.

6463 ~~[(g)]~~ (f) "Publish" means to make aggregated data available to the general public.

6464 (2) ~~[Beginning July 1, 2021, all]~~ Each prosecutorial ~~[agencies]~~ agency within the state shall
 6465 submit to the department the following data with regards to each criminal case referred
 6466 to ~~[it]~~ the prosecutorial agency from a law enforcement agency~~[-to the commission for~~
 6467 ~~compilation and analysis]~~:

6468 (a) the defendant's:

6469 (i) full name;

6470 (ii) offense tracking number;

6471 (iii) date of birth; and

6472 (iv) zip code;

6473 (b) referring agency;

6474 (c) whether the prosecutorial agency filed charges, declined charges, initiated a
 6475 pre-filing diversion, or asked the referring agency for additional information;

6476 (d) if charges were filed, the case number and the court in which the charges were filed;

6477 (e) all charges brought against the defendant;

6478 (f) if applicable, all enhancements to the charges against the defendant;

6479 (g) whether bail was requested and, if so, the requested amount;

6480 (h) the date of initial discovery disclosure;

6481 (i) whether post-filing diversion was offered and, if so, whether ~~[it]~~ post-filing diversion
 6482 was entered;

6483 (j) if post-filing diversion or other plea agreement was accepted, the date entered by the
 6484 court; and

6485 (k) the date of conviction, acquittal, plea agreement, dismissal, or other disposition of
 6486 the case.

6487 (3)(a) ~~[The]~~ A prosecutorial agency shall submit the information required by Subsection

6488 (2), including information that was missing or incomplete at the time of an earlier
 6489 submission but is presently available,~~[shall be submitted]~~ within 90 days of the last
 6490 day of March, June, September, and December of each year for the previous 90-day
 6491 period in the form and manner selected by the ~~[commission]~~ department.

6492 (b) If the last day of the month is a Saturday, Sunday, or state holiday, the information
 6493 shall be submitted on the next working day.

6494 (4) The prosecutorial agency shall maintain a record of all information collected and
 6495 transmitted to the ~~[commission]~~ department for 10 years.

6496 (5)(a) The ~~[commission]~~ department shall include in the plan required by Subsection [
 6497 ~~63M-7-204(1)(k)~~] 75E-2-202(8) an analysis of the data received, comparing and
 6498 contrasting the practices and trends among and between prosecutorial agencies in the
 6499 state.~~[-]~~

6500 (b) The Law Enforcement and Criminal Justice Interim Committee may request an
 6501 in-depth analysis of the data received annually.~~[-]~~

6502 (c) ~~[Any]~~ A request described in Subsection (5)(b) shall be in writing and specify which
 6503 data points the report shall focus on.

6504 (6) The ~~[commission]~~ department may provide assistance to prosecutorial agencies in
 6505 setting up a method of collecting and reporting data required by this section.

6506 (7)(a) ~~[Beginning January 1, 2021, all prosecutorial agencies shall publish specific office
 6507 policies. If the agency does not maintain a policy on a topic in this subsection, the
 6508 agency shall affirmatively disclose that fact. Policies shall be published online on the
 6509 following topics:]~~ Each prosecutorial agency shall publish online specific office
 6510 policies on the following topics:

6511 ~~[(a)]~~ (i) screening and filing criminal charges;

6512 ~~[(b)]~~ (ii) plea bargains;

6513 ~~[(c)]~~ (iii) sentencing recommendations;

6514 ~~[(d)]~~ (iv) discovery practices;

6515 ~~[(e)]~~ (v) prosecution of juveniles, including whether to prosecute a juvenile as an
 6516 adult;

6517 ~~[(f)]~~ (vi) collection of fines and fees;

6518 ~~[(g)]~~ (vii) criminal and civil asset forfeiture practices;

6519 ~~[(h)]~~ (viii) services available to victims of crime, both internal to the prosecutorial
 6520 office and by referral to outside agencies;

6521 ~~[(i)]~~ (ix) diversion programs; and

6522 [(j)] (x) restorative justice programs.

6523 (b) A prosecutorial agency shall affirmatively disclose if the agency does not maintain a
6524 policy on a topic described in Subsection (7)(a).

6525 Section 89. Section **75E-2-206**, which is renumbered from Section 63M-7-216.1 is renumbered
6526 and amended to read:

6527 **[~~63M-7-216.1~~ 75E-2-206 (Effective 07/01/26). Prosecutorial data collection**
6528 **regarding certain prosecutions, dismissals, and declinations to prosecute.**

6529 (1) [~~Beginning January 1, 2026, all~~] Each prosecutorial [~~agencies~~] agency within the state
6530 shall collect and submit the following data to the [~~commission~~] department:

6531 (a) the number of prosecutions during the previous calendar year in which charges were
6532 brought against an individual based on the individual's false accusation that a felony
6533 or misdemeanor had occurred;

6534 (b) the disposition of each prosecution described in Subsection (1)(a); and

6535 (c) the number of cases during the previous calendar year for which an alleged violation
6536 of any felony or misdemeanor was dismissed or declined:

6537 (i) based on evidence that no crime was committed or attempted;

6538 (ii) based on insufficient evidence to establish a likelihood of success at trial; or

6539 (iii) because the victim was unable to participate.

6540 (2) The information required by Subsection (1) shall be submitted to the [~~commission~~]
6541 department in the form and manner selected by the [~~commission~~] department.

6542 Section 90. Section **75E-2-207**, which is renumbered from Section 63M-7-208 is renumbered
6543 and amended to read:

6544 **[~~63M-7-208~~ 75E-2-207 (Effective 07/01/26). Juvenile justice oversight --**
6545 **Delegation -- Effective dates.**

6546 (1) The [~~State Commission on Criminal and Juvenile Justice~~] department shall:

6547 (a) support implementation and expansion of evidence-based juvenile justice programs
6548 and practices, including assistance regarding implementation fidelity, quality
6549 assurance, and ongoing evaluation;

6550 (b) examine and make recommendations on the use of third-party entities or an
6551 intermediary organization to assist with implementation and to support the
6552 performance-based contracting system authorized in Subsection (1)(m);

6553 (c) oversee the development of performance measures to track juvenile justice reforms,
6554 and ensure early and ongoing stakeholder engagement in identifying the relevant
6555 performance measures;

- 6556 (d) evaluate currently collected data elements throughout the juvenile justice system and
6557 contract reporting requirements to streamline reporting, reduce redundancies,
6558 eliminate inefficiencies, and ensure a focus on recidivism reduction;
- 6559 (e) review averted costs from reductions in out-of-home placements for juvenile justice
6560 youth placed with the Division of Juvenile Justice and Youth Services and the
6561 Division of Child and Family Services, and make recommendations to prioritize the
6562 reinvestment and realignment of resources into community-based programs for youth
6563 living at home, including the following:
- 6564 (i) statewide expansion of:
- 6565 (A) juvenile receiving centers, as defined in Section 80-1-102;
6566 (B) mobile crisis outreach teams, as defined in Section 26B-5-101;
6567 (C) youth courts; and
6568 (D) victim-offender mediation;
- 6569 (ii) statewide implementation of nonresidential diagnostic assessment;
- 6570 (iii) statewide availability of evidence-based programs and practices including
6571 cognitive behavioral and family therapy programs for minors assessed by a
6572 validated risk and needs assessment as moderate or high risk;
- 6573 (iv) implementation and infrastructure to support the sustainability and fidelity of
6574 evidence-based juvenile justice programs, including resources for staffing,
6575 transportation, and flexible funds; and
- 6576 (v) early intervention programs such as family strengthening programs, family
6577 wraparound services, and proven truancy interventions;
- 6578 (f) assist the Administrative Office of the Courts in the development of a statewide
6579 sliding scale for the assessment of fines, fees, and restitution, based on the ability of
6580 the minor's family to pay;
- 6581 (g) analyze the alignment of resources and the roles and responsibilities of agencies,
6582 such as the operation of early intervention services, receiving centers, and diversion,
6583 and make recommendations to reallocate functions as appropriate, in accordance with
6584 Section 80-5-401;
- 6585 (h) comply with the data collection and reporting requirements under Section 80-6-104;
- 6586 (i) develop a reasonable timeline within which all programming delivered to minors in
6587 the juvenile justice system must be evidence-based or consist of practices that are
6588 rated as effective for reducing recidivism by a standardized program evaluation tool;
- 6589 (j) provide guidelines to be considered by the Administrative Office of the Courts and

- 6590 the Division of Juvenile Justice and Youth Services in developing tools considered
6591 by the Administrative Office of the Courts and the Division of Juvenile Justice and
6592 Youth Services in developing or selecting tools to be used for the evaluation of
6593 juvenile justice programs;
- 6594 (k) develop a timeline to support improvements to juvenile justice programs to achieve
6595 reductions in recidivism and review reports from relevant state agencies on progress
6596 toward reaching that timeline;
- 6597 (l) subject to Subsection (2), assist in the development of training for juvenile justice
6598 stakeholders, including educators, law enforcement officers, probation staff, judges,
6599 Division of Juvenile Justice and Youth Services staff, Division of Child and Family
6600 Services staff, and program providers;
- 6601 (m) subject to Subsection (3), assist in the development of a performance-based
6602 contracting system, which shall be developed by the Administrative Office of the
6603 Courts and the Division of Juvenile Justice and Youth Services for contracted
6604 services in the community and contracted out-of-home placement providers;
- 6605 (n) assist in the development of a validated detention risk assessment tool that is
6606 developed or adopted and validated by the Administrative Office of the Courts and
6607 the Division of Juvenile Justice and Youth Services [~~as provided in~~] in accordance
6608 with Section 80-5-203; and
- 6609 (o) annually issue and make public a report to the governor, president of the Senate,
6610 speaker of the House of Representatives, and chief justice of the Utah Supreme Court
6611 on the progress of the reforms and any additional areas in need of review.
- 6612 (2) Training described in Subsection (1)(l) should include instruction on evidence-based
6613 programs and principles of juvenile justice, such as risk, needs, responsivity, and
6614 fidelity, and shall be supplemented by the following topics:
- 6615 (a) adolescent development;
- 6616 (b) identifying and using local behavioral health resources;
- 6617 (c) cross-cultural awareness;
- 6618 (d) graduated responses;
- 6619 (e) Utah juvenile justice system data and outcomes; and
- 6620 (f) gangs.
- 6621 (3) The system described in Subsection (1)(m) shall provide incentives for:
- 6622 (a) the use of evidence-based juvenile justice programs and practices rated as effective
6623 by the tools selected in accordance with Subsection (1)(j);

- 6624 (b) the use of three-month timelines for program completion; and
 6625 (c) evidence-based programs and practices for minors living at home in rural areas.
 6626 (4) The ~~[State Commission on Criminal and Juvenile Justice]~~ department may delegate the
 6627 duties imposed under this section to a subcommittee or board established by the ~~[State~~
 6628 ~~Commission on Criminal and Juvenile Justice]~~ commission in accordance with
 6629 Subsection ~~[63M-7-204(2)]~~ 75E-3-202(2).

6630 Section 91. Section **75E-2-208**, which is renumbered from Section 63M-7-220 is renumbered
 6631 and amended to read:

6632 **[63M-7-220] 75E-2-208 (Effective 07/01/26). Domestic violence data collection.**

6633 (1) As used in this section:

- 6634 [(a) "Commission" means the ~~State Commission on Criminal and Juvenile Justice~~
 6635 ~~created in Section 63M-7-201.~~
 6636 [(b)] (a) "Cohabitant abuse protective order" means an order issued with or without
 6637 notice to the respondent in accordance with Title 78B, Chapter 7, Part 6, Cohabitant
 6638 Abuse Protective Orders.
 6639 [(e)] (b) "Lethality assessment" means an evidence-based assessment that is intended to
 6640 identify a victim of domestic violence who is at a high risk of being killed by the
 6641 perpetrator.
 6642 [(d)] (c) "Victim" means the same as that term is defined in Section 77-36-1.

6643 (2) ~~[Beginning July 1, 2025, each]~~ Each law enforcement agency and other organizations
 6644 that provide domestic violence services within the state shall submit the following data
 6645 to the ~~[commission]~~ department for compilation and analysis in collaboration with the
 6646 data collected by the Department of Public Safety in accordance with Section 77-36-2.1
 6647 and the Administrative Office of the Courts:

- 6648 (a) lethality assessments conducted in the state, including:
 6649 (i) the type of lethality assessments used by law enforcement agencies and other
 6650 organizations that provide domestic violence services; and
 6651 (ii) training and protocols implemented by law enforcement agencies and the
 6652 organizations described in Subsection (2)(a)(i) regarding the use of lethality
 6653 assessments;
 6654 (b) the data collection efforts implemented by law enforcement agencies and the
 6655 organizations described in Subsection (2)(a)(i);
 6656 (c) the number of cohabitant abuse protective orders that, in the immediately preceding
 6657 calendar year, were:

- 6658 (i) issued;
- 6659 (ii) amended or dismissed before the date of expiration; and
- 6660 (iii) dismissed under Section 78B-7-605; and
- 6661 (d) the prevalence of domestic violence in the state and the prevalence of the following
- 6662 in domestic violence cases:
- 6663 (i) stalking;
- 6664 (ii) strangulation;
- 6665 (iii) violence in the presence of children; and
- 6666 (iv) threats of suicide or homicide.
- 6667 (3) The [~~commission~~] department, in collaboration with the commission, domestic violence
- 6668 organizations, and other related stakeholders, shall conduct a review of and provide
- 6669 feedback on:
- 6670 (a) lethality assessment training and protocols implemented by law enforcement
- 6671 agencies and the organizations described in Subsection (2)(a)(i); and
- 6672 (b) the collection of domestic violence data in the state, including:
- 6673 (i) coordination between state, local, and not-for-profit agencies to collect data from
- 6674 lethality assessments and on the prevalence of domestic violence, including the
- 6675 number of voluntary commitments of firearms under Section 53-5a-502;
- 6676 (ii) efforts to standardize the format for collecting domestic violence and lethality
- 6677 assessment data from state, local, and not-for-profit agencies subject to federal
- 6678 confidentiality requirements; and
- 6679 (iii) the need for any additional data collection requirements or efforts.
- 6680 (4) On or before November 30 of each year, the [~~commission~~] department shall provide a
- 6681 written report to the Law Enforcement and Criminal Justice Interim Committee
- 6682 describing:
- 6683 (a) the information gathered under Subsections (2) and (3); or
- 6684 (b) the progress and assessment of available data under Subsections (2) and (3).

6685 Section 92. Section **75E-2-209**, which is renumbered from Section 78A-10a-201 is renumbered

6686 and amended to read:

6687 **[78A-10a-201] 75E-2-209 (Effective 07/01/26). Judicial selection -- Rulemaking.**

6688 The [~~State Commission on Criminal and Juvenile Justice~~] department shall:

- 6689 (1) enact rules establishing procedures for the meetings of a [~~commission~~] judicial
- 6690 nominating commission created under Section 78A-10a-302, 78A-10a-402, or
- 6691 78A-10a-502 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

- 6692 Act; and
- 6693 (2) ensure that the rules described in Subsection (1):
- 6694 (a) comply with the requirements of [~~this chapter~~] Title 78A, Chapter 10a, Judicial
- 6695 Selection;
- 6696 (b) include standards that:
- 6697 (i) maintain the confidentiality of applications for a judicial vacancy and related
- 6698 documents;
- 6699 (ii) address destroying the records of the names of applicants, applications, and
- 6700 related documents upon the completion of the judicial nomination process; and
- 6701 (iii) govern a [~~commissioner's~~] judicial nominating commission member's
- 6702 disqualification and inability to serve;
- 6703 (c) allow for public comment concerning the judicial nomination process, qualifications
- 6704 for judicial office, and individual applicants;
- 6705 (d) include evaluation criteria for the selection of judicial nominees; and
- 6706 (e) address procedures for:
- 6707 (i) taking summary minutes at a judicial nominating commission meeting;
- 6708 (ii) simultaneously forwarding the names of nominees to the governor, the president
- 6709 of the Senate, and the Office of Legislative Research and General Counsel as
- 6710 described in Subsection 78A-10a-203(5); and
- 6711 (iii) requiring the Administrative Office of the Courts to immediately inform the
- 6712 governor when a judge is removed, resigns, or retires.

6713 Section 93. Section **75E-2-210**, which is renumbered from Section 63A-16-1002 is renumbered

6714 and amended to read:

6715 **[~~63A-16-1002~~] 75E-2-210 (Effective 07/01/26). Public safety portal -- Software**

6716 **service required to be compatible with public safety portal.**

6717 (1) As used in this section, "division" means the Division of Technology Services created in

6718 Section 63A-16-103.

6719 [(1)] (2) The [~~commission~~] department shall oversee the creation and management of a

6720 public safety portal for information and data required to be reported to the [~~commission~~]

6721 department and accessible to all criminal justice agencies in the state.

6722 [(2)] (3) The division shall assist with the development and management of the public safety

6723 portal.

6724 [(3)] (4) The division, in collaboration with the [~~commission~~] department, shall create:

6725 (a) master standards and formats for information submitted to the public safety portal;

- 6726 (b) a gateway, bridge, website, or other method for reporting entities to provide the
6727 information;
- 6728 (c) a master data management index or system to assist in the retrieval of information
6729 from the public safety portal;
- 6730 (d) a protocol for accessing information in the public safety portal that complies with
6731 state privacy regulations; and
- 6732 (e) a protocol for real-time audit capability of all data accessed from the public safety
6733 portal by participating data source, data use entities, and regulators.
- 6734 ~~[(4)]~~ (5) The public safety portal shall be the repository for ~~the statutorily required data~~
6735 ~~described in~~:
- 6736 (a) recidivism data described in Section 13-53-111 ~~[, Recidivism reporting requirements];~~
- 6737 (b) county jail data described in Section 17-72-408 ~~[, County jail reporting requirements];~~
- 6738 (c) criminal justice coordinating council data described in Section 17E-2-201 ~~[, Criminal~~
6739 ~~Justice Coordinating Councils reporting];~~
- 6740 (d) data from the Alcohol Abuse Tracking Committee as described in Section 26B-1-427
6741 ~~[, Alcohol Abuse Tracking Committee];~~
- 6742 (e) DUI related data described in Section 41-6a-511 ~~[, Courts to collect and maintain data];~~
- 6743 (f) driving under the influence crash and arrest data, as described in Section 53-10-118 ~~[,~~
6744 ~~Regarding driving under the influence data];~~
- 6745 ~~[(g) Section 53-25-301, Reporting requirements for reverse-location warrants];~~
- 6746 ~~[(h)]~~ (g) sexual assault offense data described in Section 53-25-202 ~~[, Sexual assault~~
6747 ~~offense reporting requirements for law enforcement agencies];~~
- 6748 ~~[(i) Section 53E-3-516, School disciplinary and law enforcement action report];~~
- 6749 (h) reverse-location warrant data described in Section 53-25-301;
- 6750 ~~[(j)]~~ (i) seized firearm data described in Section 53-25-501 ~~[, Reporting requirements for~~
6751 ~~seized firearms];~~
- 6752 ~~[(k)]~~ (j) firearm data described in Section 53-25-502 ~~[, Law enforcement agency reporting~~
6753 ~~requirements for certain firearm data];~~
- 6754 ~~[(l) Section 63M-7-214, Law enforcement agency grant reporting];~~
- 6755 ~~[(m) Section 63M-7-216, Prosecutorial data collection];~~
- 6756 ~~[(n) Section 63M-7-216.1, Prosecutorial data collection regarding certain prosecutions,~~
6757 ~~dismissals, and declinations to prosecute];~~
- 6758 ~~[(o) Section 63M-7-220, Domestic violence data collection];~~
- 6759 ~~[(p) Section 64-14-204, Supervision of sentenced offenders placed in community];~~

- 6760 (k) the school disciplinary and law enforcement action report described in Section
 6761 53E-3-516;
- 6762 ~~[(q)]~~ (l) data described in Section 64-13-25, [Standards for programs] relating to
 6763 programs developed by the Department of Corrections;
- 6764 ~~[(r)]~~ (m) inmate data described in Section 64-13-45[, Department reporting requirements];
 6765 ~~[(s)]~~ (n) the county reports described in Section 64-13e-104[, County correctional facility
 6766 reimbursement program for state probationary inmates and state parole inmates];
- 6767 (o) sentenced offender data described in Section 64-14-204;
- 6768 (p) prosecutorial agency data for each criminal case as described in Section 75E-2-205;
- 6769 (q) prosecutorial agency data for the previous calendar year as described in Section
 6770 75E-2-206;
- 6771 (r) domestic violence data described in Section 75E-2-208;
- 6772 (s) law enforcement agency grant reports described in Section 75E-2-302;
- 6773 (t) tactical group data described in Section 77-7-8.5[, Use of tactical groups];
- 6774 (u) forfeiture data described in Section 77-11b-404[, Forfeiture reporting requirements];
- 6775 (v) release data described in Section 77-20-103[, Release data requirements];
- 6776 (w) court order data described in Section 77-22-2.5[, Court orders for criminal
 6777 investigations];
- 6778 (x) court data described in Section 78A-2-109.5[, Court data collection on criminal cases];
- 6779 (y) data on offenses committed by minors submitted under Section 80-6-104[, Data
 6780 collection on offenses committed by minors]; and
- 6781 (z) any other statutes that require the collection of specific data and the reporting of that
 6782 data to the [eommission] department.
- 6783 ~~[(5) Before October 1, 2025, the commission shall report all data collected to the Law~~
 6784 ~~Enforcement and Criminal Justice Interim Committee.]~~
- 6785 (6) The ~~[eommission]~~ department may:
- 6786 (a) enter into contracts with private or governmental entities to assist entities in
 6787 complying with the data reporting requirements of Subsection ~~[(4)]~~ (5); and
- 6788 (b) make, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 6789 Act, rules to administer this section, including establishing requirements and
 6790 procedures for collecting the data described in Subsection ~~[(4)]~~ (5).
- 6791 (7) A vendor that operates a software service described in Subsection (8) shall:
- 6792 (a) establish an automated connection to the department's public safety portal; and
- 6793 (b) ensure that the connection described in Subsection (7)(a) is operational within one

6794 year of the criminal justice agency's system that uses the software service becoming
6795 active.

6796 (8) A software service is subject to Subsection (7) if the software service:

6797 (a) is for use by a criminal justice agency within the state's criminal justice system; and

6798 (b) collects and stores data required by statute to be reported to the department.

6799 Section 94. Section **75E-2-211**, which is renumbered from Section 63M-7-528 is renumbered
6800 and amended to read:

6801 **[63M-7-528] 75E-2-211 (Effective 07/01/26). Rape crisis and services center**
6802 **standards, eligibility, and monitoring -- Administrative rulemaking authority.**

6803 (1) With regard to eligibility for a grant, other funds, or services provided under [~~this part~~]
6804 Chapter 5, Office for Victims of Crime, for a rape crisis and services center, the [~~com~~mission]
6805 department, in consultation with the [~~office~~] Office for Victims of Crime,
6806 shall create rules to:

6807 (a) create standards of care for a rape crisis and services center to provide safe, effective,
6808 and appropriate services for a victim of sexual assault:

6809 (i) that are based on best practices; and

6810 (ii) with input from the [~~Utah~~]Victim Services Commission's subcommittee on rape
6811 and sexual assault established under Subsection [~~63M-7-903(5)(b)~~]

6812 75E-6-103(5)(b);

6813 (b) create and enforce eligibility standards for a rape crisis and services center that:

6814 (i) incorporate the standards of care described in Subsection (1)(a); and

6815 (ii) may be used to determine whether a rape crisis and services center is eligible for
6816 a grant, other funds, or services under [~~this part~~] Chapter 5, Office for Victims of
6817 Crime; and

6818 (c) create standards and procedures for the [~~com~~mission] department to monitor and
6819 audit a rape crisis and services center for compliance with the eligibility standards
6820 described in Subsection (1)(b).

6821 (2) Rules made by the [~~com~~mission] department under this section shall be made in
6822 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

6823 (3) The state auditor shall audit the [~~com~~mission's] department's compliance with the [~~com~~mission's]
6824 department's monitoring and auditing requirements described in
6825 Subsection (1)(c) and the provision of grant funds under this section.

6826 Section 95. Section **75E-2-301** is enacted to read:

6827 **Part 3. Grants and Funds**

6828 **75E-2-301 (Effective 07/01/26). Definitions for part.**

6829 Reserved.

6830 Section 96. Section **75E-2-302**, which is renumbered from Section 63M-7-214 is renumbered
6831 and amended to read:

6832 **[63M-7-214] 75E-2-302 (Effective 07/01/26). Law enforcement agency grants.**

6833 [(1) ~~As used in this section:~~]

6834 [(a) ~~"Commission" means the Commission on Criminal and Juvenile Justice created in~~
6835 ~~Section 63M-7-201.]~~

6836 [(b) ~~"Law enforcement agency" means a state or local law enforcement agency.]~~

6837 [(c) ~~"Other appropriate agency" means a state or local government agency, or a~~
6838 ~~nonprofit organization, that works to prevent illegal drug activity and enforce laws~~
6839 ~~regarding illegal drug activity and related criminal activity by:~~]

6840 [(i) ~~programs, including education, prevention, treatment, and research programs; and]~~

6841 [(ii) ~~enforcement of laws regarding illegal drugs.]~~

6842 (1) As used in this section, "agency" means:

6843 (a) a state or local law enforcement agency; or

6844 (b) a state or local government agency, or a nonprofit organization, that works to prevent
6845 illegal drug activity and enforce laws regarding illegal drug activity and related
6846 criminal activity through:

6847 (i) programs, including education, prevention, treatment, and research programs; and

6848 (ii) enforcement of laws regarding illegal drugs.

6849 (2) The ~~[commission]~~ department shall implement law enforcement operations and
6850 programs related to reducing illegal drug activity as ~~[listed]~~ described in Subsection (3).

6851 (3)(a) The first priority of the ~~[commission]~~ department is to annually allocate not more
6852 than \$2,500,000, depending upon funding available from other sources, to directly
6853 fund the operational costs of ~~[state and local law enforcement]~~ agencies' drug or
6854 crime task forces, including multijurisdictional task forces.

6855 (b) The second priority of the ~~[commission]~~ department is to allocate grants for specified [
6856 ~~law enforcement]~~ agency functions and other agency functions as the ~~[commission]~~
6857 department finds appropriate to more effectively reduce illegal drug activity and
6858 related criminal activity, including providing education, prevention, treatment, and
6859 research programs.

6860 (4)(a) In allocating grants and determining the amount of the grants to carry out the
6861 purposes of Subsection (3), the ~~[commission]~~ department shall consider:

- 6862 (i) the demonstrated ability of the agency to appropriately use the grant to implement
 6863 the proposed functions and how this function or task force will add to the [~~law~~
 6864 ~~enforcement~~]agency's [~~current~~]efforts to reduce illegal drug activity and related
 6865 criminal activity; and
- 6866 (ii) the agency's cooperation with other [~~state and local~~]agencies and task forces.
- 6867 (b) [~~Agencies qualify~~] An agency qualifies for a grant only if [~~they demonstrate~~] the
 6868 agency demonstrates compliance with all reporting and policy requirements
 6869 applicable under this [~~section and under Title 63M, Chapter 7, Criminal Justice and~~
 6870 ~~Substance Abuse, in order to qualify as a potential grant recipient~~] title.
- 6871 (5) [~~Recipient agencies~~] A recipient agency may only use grant money after approval or
 6872 appropriation by the agency's governing body, and a determination that the grant money
 6873 is nonlapsing.
- 6874 (6) A recipient[~~law enforcement~~] agency may use funds granted under this section only for
 6875 the purposes stated by the [~~commission~~] department in the grant.
- 6876 (7)(a) For each fiscal year, [~~any law enforcement~~] an agency that receives a grant from
 6877 the [~~commission~~] department under this section shall prepare and file with the [
 6878 ~~commission~~] department and the state auditor a report in a form specified by the [
 6879 ~~commission~~] department.
- 6880 (b) The report described in Subsection (7)(a) shall include the following regarding each
 6881 grant:
- 6882 (i) the agency's name;
- 6883 (ii) the amount of the grant;
- 6884 (iii) the date of the grant;
- 6885 (iv) how the grant has been used; and
- 6886 (v) a statement signed by both the agency's or political subdivision's executive officer
 6887 or designee and by the agency's legal counsel, that all grant funds were used for
 6888 law enforcement operations and programs[-] :
- 6889 (A) approved by the [~~commission~~] department; and[-]
- 6890 (B) that relate to reducing illegal drug activity and related criminal activity, as
 6891 specified in the grant.

6892 Section 97. Section **75E-2-303**, which is renumbered from Section 63M-7-218 is renumbered
 6893 and amended to read:

6894 **[~~63M-7-218~~] 75E-2-303 (Effective 07/01/26). State grant requirements.**

- 6895 (1) Except as provided in Subsection (2), the [~~commission~~] department may not award a

6896 grant of state funds to an entity subject to, and not in compliance with, the reporting
6897 requirements described in [-]Subsection [~~63A-16-1002(4)~~] 75E-2-210(5).

6898 (2)(a) The [~~commission~~] department may award a grant to an entity under Section [
6899 ~~63A-16-1003~~] 75E-2-306 even if the entity is not in compliance with the reporting
6900 requirements described in Subsection [~~63A-16-1002(4)~~] 75E-2-210(5).

6901 (b) Subsection (1) does not apply to the law enforcement reporting requirements for
6902 certain firearm data described in Section 53-25-502.

6903 (3) [~~Beginning July 1, 2025, the commission~~] The department may not award [~~any~~] a grant
6904 of state funds to an entity subject to the requirements [~~under~~] described in Sections
6905 53-21-102 and 53-21-104.3, if the [~~commission~~] department has determined[~~under~~
6906 Subsection 63M-7-204(1)(aa)] , after receiving a recommendation described in
6907 Subsection 75E-3-202(1)(i)(ii) from the Commission on Criminal and Juvenile Justice,
6908 that the entity is [~~currently~~]not eligible to receive state grant funds under this section.

6909 Section 98. Section **75E-2-304**, which is renumbered from Section 63M-7-215 is renumbered
6910 and amended to read:

6911 **[~~63M-7-215~~] 75E-2-304 (Effective 07/01/26). Pretrial Release Programs Special**
6912 **Revenue Fund -- Funding -- Uses.**

6913 (1) As used in this section[;] , "fund" means the Pretrial Release Programs Special Revenue
6914 Fund created in this section.

6915 [(a) "~~Commission~~" means the ~~Commission on Criminal and Juvenile Justice~~ created in
6916 ~~Section 63M-7-201.~~]

6917 [(b) "~~Fund~~" means the ~~Pretrial Release Programs Special Revenue Fund~~ created in this
6918 ~~section.~~]

6919 (2) There is created an expendable special revenue fund known as the "Pretrial Release
6920 Programs Special Revenue Fund."

6921 (3) The Division of Finance shall administer the fund in accordance with this section.

6922 (4) The fund shall consist of:

6923 (a) money collected and remitted to the fund under Section 77-20-403;

6924 (b) appropriations from the Legislature;

6925 (c) interest earned on money in the fund; and

6926 (d) contributions from other public or private sources.

6927 (5) The [~~commission~~] department shall award grants from the fund to county agencies and
6928 other agencies the [~~commission~~] department determines appropriate to assist counties
6929 with establishing and expanding pretrial services programs that serve the purpose of:

- 6930 (a) assisting a court in making an informed decision regarding an individual's pretrial
6931 release; and
- 6932 (b) providing supervision of an individual released from law enforcement custody on
6933 conditions pending a final determination of a criminal charge filed against the
6934 individual.
- 6935 (6) The [eommission] department may retain up to 3% of the money deposited into the fund
6936 to pay for administrative costs incurred by the [eommission] department, including salary
6937 and benefits, equipment, supplies, or travel costs that are directly related to the
6938 administration of this section.
- 6939 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [
6940 eommission] department shall establish a grant application and review process for the
6941 expenditure of money from the fund.
- 6942 (8) The grant application and review process shall describe:
- 6943 (a) the requirements to complete the grant application;
- 6944 (b) requirements for receiving funding;
- 6945 (c) criteria for the approval of a grant application; and
- 6946 (d) support offered by the [eommission] department to complete a grant application.
- 6947 (9) Upon receipt of a grant application, the [eommission] department shall:
- 6948 (a) review the grant application for completeness;
- 6949 (b) make a determination regarding the grant application;
- 6950 (c) inform the grant applicant of the [eommission's] department's determination regarding
6951 the grant application; and
- 6952 (d) if approved, award grants from the fund to the grant applicant.
- 6953 (10) Before November 30 of each year, the [eommission] department shall provide an
6954 electronic report to the Law Enforcement and Criminal Justice Interim Committee
6955 regarding the status of the fund and expenditures made from the fund.

6956 Section 99. Section **75E-2-305**, which is renumbered from Section 63M-7-219 is renumbered
6957 and amended to read:

6958 **[63M-7-219] 75E-2-305 (Effective 07/01/26). Victim Services Restricted Account**
6959 **-- Funding -- Uses.**

- 6960 (1) There is created in the General Fund a restricted account known as the "Victim Services
6961 Restricted Account."
- 6962 (2) The Victim Services Restricted Account is funded by:
- 6963 (a) money appropriated to the account by the Legislature;

- 6964 (b) money deposited from a judgment in favor of the state [~~pursuant to~~] in accordance
 6965 with the requirements of Section 78B-8-201;
- 6966 (c) gifts, donations, or grants from private entities or individuals; and
- 6967 (d) interest earned on money in the account.

6968 (3) Subject to appropriation, the Legislature shall use the funds in the Victim Services
 6969 Restricted Account to fund services for victims, including using funds for:

- 6970 (a) services provided by Children's Justice Centers;
- 6971 (b) services for sexual assault and domestic violence victims;
- 6972 (c) services recommended by the [~~Utah~~]Victim Services Commission under Section [
 6973 ~~63M-7-804~~] 75E-6-202; or
- 6974 (d) any administrative costs associated with implementing victim services.

6975 Section 100. Section **75E-2-306**, which is renumbered from Section 63A-16-1003 is renumbered
 6976 and amended to read:

6977 **[~~63A-16-1003~~] 75E-2-306 (Effective 07/01/26). Public safety portal grant**
 6978 **program.**

6979 (1) As used in this section:

- 6980 (a) "Grant" means a grant awarded under this section.
- 6981 (b) "Program" means the public safety portal grant program created in Subsection (2)(a).

6982 [~~(1)~~] (2)(a) There is created within the [~~commission~~] department the public safety portal
 6983 grant program.

6984 (b) The purpose of the program is to award grants to assist entities in complying with the
 6985 data reporting requirements described in Subsection [~~63A-16-1002(4)~~] 75E-2-210(5).

6986 (c) The program is funded with existing appropriations previously designated for the
 6987 purpose of facilitating data collection and any ongoing appropriations made by the
 6988 Legislature for the program.

6989 [~~(2)~~] (3) An entity that submits a proposal for a grant to the [~~commission~~] department shall
 6990 include details in the proposal regarding:

- 6991 (a) how the entity plans to use the grant to fulfill the purpose described in Subsection [
 6992 ~~(1)(b)~~] (2)(b);
- 6993 (b) any plan to use funding sources in addition to the grant for proposal;
- 6994 (c) any existing or planned partnerships with another individual or entity to implement
 6995 the proposal; and
- 6996 (d) other information the [~~commission~~] department determines is necessary to evaluate
 6997 the proposal.

6998 [(3)] (4) When evaluating a proposal for a grant, the [eommission] department shall consider:

6999 (a) the likelihood that the proposal will accomplish the purpose described in Subsection [

7000 ~~(1)(b)~~ (2)(b);

7001 (b) the cost of the proposal; and

7002 (c) the viability and sustainability of the proposal.

7003 [(4)] (5) Subject to Subsection [(2)] (3), the [eommission] department may make rules, in

7004 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to

7005 establish:

7006 (a) eligibility criteria for a grant;

7007 (b) the form and process for submitting a proposal to the [eommission] department for a

7008 grant;

7009 (c) the method and formula for determining a grant amount; and

7010 (d) reporting requirements for a grant recipient.

7011 Section 101. Section **75E-3-101**, which is renumbered from Section 63M-7-101.5 is renumbered

7012 and amended to read:

7013 **CHAPTER 3. Commission on Criminal and Juvenile Justice**

7014 **Part 1. General Provisions**

7015 **[~~63M-7-101.5~~ 75E-3-101 (Effective 07/01/26). Definitions for chapter.**

7016 As used in this chapter:

7017 (1) "Commission" means~~[-, except as provided in Sections 63M-7-901 and 63M-7-1101,]~~

7018 the [State-]Commission on Criminal and Juvenile Justice created in Section [~~63M-7-201~~]

7019 75E-3-102.

7020 (2)(a) "Rape crisis and services center" means a nonprofit entity that assists victims of

7021 sexual assault and victims' families by offering sexual assault crisis intervention and

7022 counseling through a sexual assault counselor.

7023 (b) "Rape crisis and services center" does not include a qualified institutional victim

7024 services provider as defined in Section 53H-14-401.

7025 (3)(a) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part

7026 4, Sexual Offenses.

7027 (b) "Sexual assault" does not include criminal conduct described in:

7028 (i) Section 76-5-417, Enticing a minor;

7029 (ii) Section 76-5-418, Sexual battery;

7030 (iii) Section 76-5-419, Lewdness; or

7031 (iv) Section 76-5-420, Lewdness involving a child.

7032 (4) "Sexual assault counselor" means an individual who:

7033 (a) is employed by or volunteers at a rape crisis and services center;

7034 (b) has a minimum of 40 hours of training in counseling and assisting victims of sexual
7035 assault; and

7036 (c) is under the supervision of the director of a rape crisis and services center or the
7037 director's designee.

7038 [~~(2) "Desistance" means an individual's abstinence from further criminal activity after a~~
7039 ~~previous criminal conviction.]~~

7040 [~~(3) "Intervention" means a program, sanction, supervision, or event that may impact~~
7041 ~~recidivism.]~~

7042 [~~(4) "Recidivism" means a return to criminal activity after a previous criminal conviction.]~~

7043 [~~(5) "Recidivism standard metric" means the number of individuals who are returned to~~
7044 ~~prison for a new conviction within the three years after the day on which the individuals~~
7045 ~~were released from prison.]~~

7046 Section 102. Section **75E-3-102**, which is renumbered from Section 63M-7-201 is renumbered
7047 and amended to read:

7048 **[~~63M-7-201~~] 75E-3-102 (Effective 07/01/26). Creation -- Purpose.**

7049 (1) The [~~State~~]Commission on Criminal and Juvenile Justice is created within the [
7050 ~~governor's office~~] department.

7051 (2) The commission's purpose is to:

7052 (a) promote broad philosophical agreement concerning the objectives of the criminal and
7053 juvenile justice system in Utah;

7054 (b) provide a mechanism for coordinating the functions of the various branches and
7055 levels of government concerned with criminal and juvenile justice to achieve those
7056 objectives;

7057 (c) coordinate statewide efforts to reduce crime and victimization in Utah; and

7058 (d) accomplish the duties [~~enumerated~~] described in Section [~~63M-7-204~~] 75E-3-202.

7059 Section 103. Section **75E-3-103**, which is renumbered from Section 63M-7-202 is renumbered
7060 and amended to read:

7061 **[~~63M-7-202~~] 75E-3-103 (Effective 07/01/26). Composition -- Appointments -- Ex**
7062 **officio members -- Terms.**

7063 (1) The [~~State Commission on Criminal and Juvenile Justice~~] commission is composed of
7064 17 voting members as follows:

- 7065 (a) the state court administrator or the state court administrator's designee;
- 7066 (b) the executive director of the Department of Corrections or the executive director's
7067 designee;
- 7068 (c) the executive director of the Department of Health and Human Services or the
7069 executive director's designee;
- 7070 (d) the commissioner of the Department of Public Safety or the commissioner's designee;
- 7071 (e) the attorney general or an attorney designated by the attorney general;
- 7072 (f) the president of the chiefs of police association or a chief of police designated by the
7073 association's president;
- 7074 (g) the president of the sheriffs' association or a sheriff designated by the association's
7075 president;
- 7076 (h) the chair of the Board of Pardons and Parole or a member of the Board of Pardons
7077 and Parole designated by the chair;
- 7078 (i) the chair of the [~~Utah Sentencing Commission~~] sentencing commission or a member
7079 of the [~~Utah Sentencing Commission~~] sentencing commission designated by the chair;
- 7080 (j) the chair of the Juvenile Justice Oversight Committee or a member of the Juvenile
7081 Justice Oversight Committee designated by the chair;
- 7082 (k) the chair of the [~~Utah~~]Victim Services Commission or a member of the [~~Utah~~]
7083 Victim Services Commission designated by the chair;
- 7084 (l) an indigent defense attorney, appointed by the [~~Utah~~]Indigent Defense Commission;
- 7085 (m) a criminal [~~prosecutor~~] prosecuting attorney, appointed by the Statewide Association
7086 of [~~Public Attorneys and Prosecutors~~] Prosecutors and Public Attorneys;
- 7087 (n) a criminal defense attorney, appointed by the Utah Association of Criminal Defense
7088 Lawyers;
- 7089 (o) the executive director of the commission;
- 7090 (p) an education professional, appointed by the State Board of Education; and
- 7091 (q) the director of the Division of Juvenile Justice and Youth Services or the director's
7092 designee.
- 7093 (2) In addition to the members designated in Subsection (1), the following may serve as [
7094 ~~non-voting~~] nonvoting members:
- 7095 (a) a district court judge appointed by the Judicial Council; and
- 7096 (b) a juvenile court judge appointed by the Judicial Council.
- 7097 (3) In appointing the members under Subsections (1) and (2), the appointing authority shall
7098 take into account the geographical makeup of the commission.

7099 Section 104. Section **75E-3-104**, which is renumbered from Section 63M-7-203 is renumbered
7100 and amended to read:

7101 **[63M-7-203] 75E-3-104 (Effective 07/01/26). Executive director -- Qualifications**
7102 **-- Compensation -- Appointment -- Functions.**

7103 (1) The ~~[governor]~~ commissioner, with the advice and consent of the Senate, shall appoint [a
7104 person] an individual experienced in the field of criminal justice and in administration as
7105 the executive director of the ~~[Commission on Criminal and Juvenile Justice]~~ commission.[-]

7106 (2) The ~~[governor]~~ commissioner shall establish the executive director's salary within the
7107 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

7108 ~~[(2)(a) The executive director, under the direction of the commission, shall administer~~
7109 ~~the duties of the commission and act as the governor's advisor on national, state,~~
7110 ~~regional, metropolitan, and local government planning as it relates to criminal justice.]~~

7111 (3)(a) The executive director shall:

7112 (i) administer the duties of the commission;

7113 (ii) communicate on behalf of the commission to policymakers and the public;

7114 (iii) represent the department on the commission; and

7115 (iv) represent the department on other boards and commissions in accordance with
7116 Sections 75E-4-102 and 75E-6-102 or as assigned by the commissioner.

7117 (b) This chapter does not derogate the planning authority conferred on state, regional,
7118 metropolitan, and local governments by existing law.

7119 Section 105. Section **75E-3-105**, which is renumbered from Section 63M-7-206 is renumbered
7120 and amended to read:

7121 **[63M-7-206] 75E-3-105 (Effective 07/01/26). Election of chair -- Meetings.**

7122 (1) The membership of the ~~[Commission on Criminal and Juvenile Justice]~~ commission,
7123 by simple majority vote of ~~[those]~~ commission members in attendance, shall annually
7124 elect ~~[one of their number]~~ a commission member to serve as chair.[-]

7125 (2) The chair is responsible for the call and conduct of meetings.[-]

7126 (3) ~~[Meetings shall be called and held]~~ The chair shall call and hold meetings at least
7127 bimonthly.[-]

7128 (4) One of the bimonthly meetings shall be held while the Legislature is convened in ~~[its]~~
7129 the Legislature's annual general session.[-]

7130 (5) Additional meetings may be called upon request by a majority of the commission's
7131 members.

7132 Section 106. Section **75E-3-106**, which is renumbered from Section 63M-7-207 is renumbered

7133 and amended to read:

7134 **[63M-7-207] 75E-3-106 (Effective 07/01/26). Members serve without pay --**
 7135 **Reimbursement for expenses.**

7136 (1) A member who is not a legislator may not receive compensation or benefits for the
 7137 member's service, but may receive per diem and travel expenses as allowed in:

7138 (a) Section 63A-3-106;

7139 (b) Section 63A-3-107; and

7140 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
 7141 63A-3-107.

7142 (2) Compensation and expenses of a member who is a legislator are governed by Section
 7143 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

7144 Section 107. Section **75E-3-201** is enacted to read:

7145 **Part 2. Commission Responsibilities**

7146 **75E-3-201 (Effective 07/01/26). Definitions for part.**

7147 Reserved.

7148 Section 108. Section **75E-3-202**, which is renumbered from Section 63M-7-204 is renumbered
 7149 and amended to read:

7150 **[63M-7-204] 75E-3-202 (Effective 07/01/26). Duties of commission.**

7151 (1) The commission shall:

7152 (a) promote the commission's purposes as [enumerated] described in Section [63M-7-204]
 7153 75E-3-102;

7154 (b) promote the communication and coordination of all criminal and juvenile justice
 7155 agencies;

7156 ~~[(e) study, evaluate, and report on the status of crime in the state and on the effectiveness~~
 7157 ~~of criminal justice policies, procedures, and programs that are directed toward the~~
 7158 ~~reduction of crime in the state;]~~

7159 ~~[(d) study, evaluate, and report on programs initiated by state and local agencies to~~
 7160 ~~address reducing recidivism, including changes in penalties and sentencing~~
 7161 ~~guidelines intended to reduce recidivism, costs savings associated with the reduction~~
 7162 ~~in the number of inmates, and evaluation of expenses and resources needed to meet~~
 7163 ~~goals regarding the use of treatment as an alternative to incarceration, as resources~~
 7164 ~~allow;]~~

7165 ~~[(e) study, evaluate, and report on policies, procedures, and programs of other~~
 7166 ~~jurisdictions which have effectively reduced crime;]~~

7167 ~~[(f)]~~ (c) identify and promote the implementation of specific policies and programs the
7168 commission determines will significantly reduce crime and improve public safety in
7169 Utah;

7170 ~~[(g)]~~ (d) with the assistance of data and reports provided by the department, including
7171 any annual criminal justice reports, provide analysis and recommendations on all
7172 criminal and juvenile justice legislation, ~~[-state budget, and facility requests,]~~
7173 including program and fiscal impact on all components of the criminal and juvenile
7174 justice system;

7175 ~~[(h)]~~ ~~provide analysis, accountability, recommendations, and supervision for state and~~
7176 ~~federal criminal justice grant money;]~~

7177 ~~[(i)]~~ ~~provide public information on the criminal and juvenile justice system and give~~
7178 ~~technical assistance to agencies or local units of government on methods to promote~~
7179 ~~public awareness;]~~

7180 ~~[(j)]~~ (e) promote research and program evaluation as an integral part of the criminal and
7181 juvenile justice system;

7182 ~~[(k)]~~ ~~provide a comprehensive criminal justice plan annually;]~~

7183 ~~[(l)]~~ (f) review agency forecasts regarding future demands on the criminal and juvenile
7184 justice systems, including specific projections for secure bed space;

7185 ~~[(m)]~~ ~~promote the development of criminal and juvenile justice information systems that~~
7186 ~~are consistent with common standards for data storage and are capable of~~
7187 ~~appropriately sharing information with other criminal justice information systems by:]~~

7188 ~~[(i)]~~ ~~developing and maintaining common data standards for use by all state criminal~~
7189 ~~justice agencies;]~~

7190 ~~[(ii)]~~ ~~annually performing audits of criminal history record information maintained by~~
7191 ~~state criminal justice agencies to assess their accuracy, completeness, and~~
7192 ~~adherence to standards;]~~

7193 ~~[(iii)]~~ ~~defining and developing state and local programs and projects associated with~~
7194 ~~the improvement of information management for law enforcement and the~~
7195 ~~administration of justice; and]~~

7196 ~~[(iv)]~~ ~~establishing general policies concerning criminal and juvenile justice~~
7197 ~~information systems and making rules as necessary to carry out the duties under~~
7198 ~~Subsection (1)(k) and this Subsection (1)(m);]~~

7199 ~~[(n)]~~ ~~allocate and administer grants, from money made available, for approved education~~
7200 ~~programs to help prevent the sexual exploitation of children;]~~

- 7201 ~~[(o) allocate and administer grants for law enforcement operations and programs related~~
7202 ~~to reducing illegal drug activity and related criminal activity;]~~
- 7203 ~~[(p) request, receive, and evaluate data and recommendations collected and reported by:]~~
7204 ~~[(i) agencies and contractors related to policies recommended by the commission~~
7205 ~~regarding recidivism reduction, including the data described in Section 13-53-111~~
7206 ~~and Subsection 26B-5-102(2)(jj); and]~~
- 7207 ~~[(ii) state agencies under Section 67-28-102;]~~
- 7208 ~~[(q) establish and administer a performance incentive grant program that allocates funds~~
7209 ~~appropriated by the Legislature to programs and practices implemented by counties~~
7210 ~~that reduce recidivism and reduce the number of offenders per capita who are~~
7211 ~~incarcerated;]~~
- 7212 ~~[(r) oversee or designate an entity to oversee the implementation of juvenile justice~~
7213 ~~reforms;]~~
- 7214 ~~[(s) make rules and administer the juvenile holding room standards and juvenile jail~~
7215 ~~standards to align with the Juvenile Justice and Delinquency Prevention Act~~
7216 ~~requirements pursuant to 42 U.S.C. Sec. 5633;]~~
- 7217 ~~[(t) allocate and administer grants, from money made available, for pilot qualifying~~
7218 ~~education programs;]~~
- 7219 ~~[(u) request, receive, and evaluate the aggregate data collected from prosecutorial~~
7220 ~~agencies and the Administrative Office of the Courts, in accordance with Sections~~
7221 ~~63M-7-216, 63M-7-216.1, and 78A-2-109.5;]~~
- 7222 ~~[(v) report annually to the Law Enforcement and Criminal Justice Interim Committee on~~
7223 ~~the progress made on each of the following goals of the Justice Reinvestment~~
7224 ~~Initiative:]~~
7225 ~~[(i) ensuring oversight and accountability;]~~
7226 ~~[(ii) supporting local corrections systems;]~~
7227 ~~[(iii) improving and expanding reentry and treatment services; and]~~
7228 ~~[(iv) strengthening probation and parole supervision;]~~
- 7229 ~~[(w) compile a report of findings based on the data and recommendations provided~~
7230 ~~under Section 13-53-111 that separates the data provided under Section 13-53-111 by~~
7231 ~~each residential vocational or life skills program;]~~
- 7232 ~~[(x) publish the report described in Subsection (1)(w) on the commission's website and~~
7233 ~~annually provide the report to the Judiciary Interim Committee, the Health and~~
7234 ~~Human Services Interim Committee, the Law Enforcement and Criminal Justice~~

- 7235 Interim Committee, and the related appropriations subcommittees;]
- 7236 [~~(y) receive, compile, and publish on the commission's website the data provided under:~~]
- 7237 [~~(i) Section 53-25-202;~~]
- 7238 [~~(ii) Section 53-25-301; and~~]
- 7239 [~~(iii) Section 53-25-401;~~]
- 7240 (g) make recommendations regarding state and federal criminal justice grant funding
- 7241 administered by the department;
- 7242 [~~(z)~~] (h) review, research, advise, and make recommendations to the three branches of
- 7243 government regarding evidence-based sex offense management policies and
- 7244 practices, including supervision standards, treatment standards, and the sex offender
- 7245 registry;
- 7246 [~~(aa)~~] (i)(i) receive and evaluate a referral from the Department of Public Safety
- 7247 received under Section 53-21-104.3 involving a denial of mental health resources
- 7248 by a first responder agency to an eligible individual[- including, if appropriate in
- 7249 the commission's discretion;] ; and
- 7250 (ii) after evaluating a referral described in Subsection (1)(i)(i), determine whether to
- 7251 recommend that the department deny the [relevant entity] first responder agency
- 7252 subject to the referral from receiving any grant of state funds under Section [
- 7253 63M-7-218] 75E-2-303 for a specified period of time; and
- 7254 [~~(bb)~~] (j) accept public comment.
- 7255 (2)(a) The commission may designate an entity to perform the duties described in this [
- 7256 ~~part] chapter.~~
- 7257 (b) If the commission designates an entity under Subsection (2)(a), the commission shall
- 7258 ensure that the membership of the designated entity includes representation from
- 7259 relevant stakeholder groups from the parts of the justice system implicated in the
- 7260 policy area.
- 7261 (3) In fulfilling the commission's duties under Subsection (1), the commission may seek
- 7262 input and request assistance from groups with knowledge and expertise in criminal
- 7263 justice, including other boards and commissions affiliated or housed within the [
- 7264 ~~commission] department.~~

7265 Section 109. Section **75E-4-101**, which is renumbered from Section 63M-7-401.1 is renumbered

7266 and amended to read:

7267 **CHAPTER 4. Sentencing Commission**

7268

Part 1. General Provisions

7269 **[63M-7-401.1] 75E-4-101 (Effective 07/01/26). Definitions for chapter.**

7270 As used in this [part] chapter:

7271 (1) "Adjudication" means an adjudication, as that term is defined in Section 80-1-102, of an
7272 offense under Section 80-6-701.

7273 (2) "Adult sentencing and supervision length guidelines" means the guidelines established
7274 in Section [63M-7-404.3] 75E-4-203.

7275 (3) "Civil disability" means a legal right or privilege that is revoked as a result of the
7276 individual's conviction or adjudication.

7277 (4) "Collateral consequence" means:

7278 (a) a discretionary disqualification; or

7279 (b) a mandatory sanction.

7280 (5) "Commission" means the Commission on Criminal and Juvenile Justice created in
7281 Section 75E-3-102.

7282 [~~5~~] (6) "Conviction" means the same as that term is defined in Section 77-38b-102.

7283 [~~6~~] (7) "Disadvantage" means any legal or regulatory restriction that:

7284 (a) is imposed on an individual as a result of the individual's conviction or adjudication;
7285 and

7286 (b) is not a civil disability or a legal penalty.

7287 [~~7~~] (8) "Discretionary disqualification" means a penalty, a civil disability, or a
7288 disadvantage that a court in a civil proceeding, or a federal, state, or local government
7289 agency or official, may impose on an individual as a result of the individual's
7290 adjudication or conviction for an offense regardless of whether the penalty, the civil
7291 disability, or the disadvantage is specifically designated as a penalty, a civil disability, or
7292 a disadvantage.

7293 [~~8~~] (9) "Juvenile" means a minor as that term is defined in Section 80-1-102.

7294 [~~9~~] (10) "Juvenile disposition guidelines" means the guidelines established in Section [
7295 63M-7-404.5] 75E-4-204.

7296 [~~10~~] (11) "Mandatory sanction" means a penalty, a civil disability, or a disadvantage that:

7297 (a) is imposed on an individual as a result of the individual's adjudication or conviction
7298 for an offense regardless of whether the penalty, the civil disability, or the
7299 disadvantage is specifically designated as a penalty, a civil disability, or a
7300 disadvantage; and

- 7301 (b) is not included in the judgment for the adjudication or conviction.
- 7302 [~~(11) "Master offense list" means a document that contains all offenses that exist in statute~~
- 7303 ~~and each offense's associated penalty.~~]
- 7304 (12) "Offense" means a felony, a misdemeanor, an infraction, or an adjudication under the
- 7305 laws of this state, another state, or the United States.
- 7306 (13) "Penalty" means an administrative, civil, or criminal sanction imposed to punish the
- 7307 individual for the individual's conviction or adjudication.
- 7308 (14) "Sentencing commission" means the sentencing commission created in Section [
- 7309 ~~63M-7-401.2] 75E-4-102.~~
- 7310 Section 110. Section **75E-4-102**, which is renumbered from Section 63M-7-401.2 is renumbered
- 7311 and amended to read:
- 7312 **[~~63M-7-401.2] 75E-4-102 (Effective 07/01/26). Creation -- Members --~~**
- 7313 **Appointment -- Qualifications.**
- 7314 (1) There is created the sentencing commission[~~, within the commission, that is composed~~
- 7315 ~~of 15 voting members.~~] within the department.
- 7316 (2) The sentencing commission shall:
- 7317 (a) develop [~~by laws] bylaws and rules in compliance with Title 63G, Chapter 3, Utah~~
- 7318 Administrative Rulemaking Act; and
- 7319 (b) elect the sentencing commission's officers.
- 7320 (3)(a) The sentencing commission is composed of 15 voting members.
- 7321 (b) The sentencing commission's members shall be:
- 7322 [~~(a)] (i) the executive director of the Department of Corrections or the executive~~
- 7323 director's designee;
- 7324 [~~(b)] (ii) the director of the [-]Division of Juvenile Justice and Youth Services or the~~
- 7325 director's designee;
- 7326 [~~(c)] (iii) the executive director of the commission or the executive director's designee;~~
- 7327 [~~(d)] (iv) the chair of the Board of Pardons and Parole or the chair's designee;~~
- 7328 [~~(e)] (v) the state court administrator or the state court administrator's designee;~~
- 7329 [~~(f)] (vi) a criminal defense attorney, appointed by the Utah Association of Criminal~~
- 7330 Defense Lawyers;
- 7331 [~~(g)] (vii) an indigent defense attorney, appointed by the Indigent Defense~~
- 7332 Commission;
- 7333 [~~(h)] (viii) the attorney general or the attorney general's designee;~~
- 7334 [~~(i)] (ix) a criminal [~~prosecutor] prosecuting attorney, appointed by the Statewide~~~~

7335 Association of [~~Public Attorneys and Prosecutors~~] Prosecutors and Public
 7336 Attorneys;
 7337 [(j)] (x) a representative of the Utah [~~Sheriffs~~] Sheriffs Association appointed by the
 7338 governor;
 7339 [(k)] (xi) a licensed professional, appointed by the governor, who assists in the
 7340 rehabilitation of individuals convicted of an offense;
 7341 [(l)] (xii) the chair of the [~~Utah~~]Victim Services Commission or a member of the [
 7342 ~~Utah~~]Victim Services Commission designated by the chair;
 7343 [(m)] (xiii) the chair of the Juvenile Justice Oversight Committee or a member of the
 7344 Juvenile Justice Oversight Committee designated by the chair;
 7345 [(n)] (xiv) a juvenile prosecuting attorney, appointed by the Statewide Association of [
 7346 ~~Public Attorneys and Prosecutors~~] Prosecutors and Public Attorneys; and
 7347 [(o)] (xv) a juvenile defense attorney, appointed by the Utah Association of Criminal
 7348 Defense Lawyers.

7349 (4) In addition to the members described in Subsection (3), the following may serve as [
 7350 ~~non-voting~~] nonvoting members:
 7351 (a) a district court judge appointed by the Judicial Council; and
 7352 (b) a juvenile court judge appointed by the Judicial Council.
 7353 (5) The executive director of the commission shall hire a director of the sentencing
 7354 commission to administer and manage the sentencing commission.

7355 Section 111. Section **75E-4-103**, which is renumbered from Section 63M-7-402 is renumbered
 7356 and amended to read:

7357 **~~63M-7-402~~ 75E-4-103 (Effective 07/01/26). Terms of members --**
 7358 **Reappointment -- Vacancy.**

7359 (1)(a) Except as required by Subsection (1)(b), [-]the appointing authority shall appoint
 7360 each new member or reappointed member to a four-year term as the terms of
 7361 members of the sentencing commission expire.
 7362 (b) The appointing authority shall, at the time of appointment or reappointment, adjust
 7363 the length of terms to ensure that the terms of members of the sentencing commission
 7364 are staggered so that approximately half of the sentencing commission is appointed
 7365 every two years.
 7366 (2) If a member of the sentencing commission no longer holds a qualifying position,
 7367 resigns, or is unable to serve, the appointing authority shall fill the vacancy.
 7368 (3) When a vacancy occurs in the membership for any reason, the replacement shall be

7369 appointed for the unexpired term.

7370 Section 112. Section **75E-4-104**, which is renumbered from Section 63M-7-402.5 is renumbered
7371 and amended to read:

7372 **[63M-7-402.5] 75E-4-104 (Effective 07/01/26). Compensation of members.**

7373 (1) A member of the sentencing commission who is not a legislator may not receive
7374 compensation or benefits for the member's service, but may receive per diem and travel
7375 expenses as allowed in:

7376 (a) Section 63A-3-106;

7377 (b) Section 63A-3-107; and

7378 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
7379 63A-3-107.

7380 (2) Compensation and expenses of a member of the sentencing commission who is a
7381 legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5,
7382 Legislative Compensation and Expenses.

7383 Section 113. Section **75E-4-201** is enacted to read:

7384 **Part 2. Sentencing Commission Responsibilities**

7385 **75E-4-201 (Effective 07/01/26). Definitions for part.**

7386 Reserved.

7387 Section 114. Section **75E-4-202**, which is renumbered from Section 63M-7-404.1 is renumbered
7388 and amended to read:

7389 **[63M-7-404.1] 75E-4-202 (Effective 07/01/26). Duties of the sentencing**
7390 **commission.**

7391 (1) The sentencing commission shall establish and maintain:

7392 (a) the adult sentencing and supervision length guidelines described in Section [
7393 63M-7-404.3] 75E-4-203;

7394 (b) the juvenile disposition guidelines described in Section [~~63M-7-404.5~~] 75E-4-204;

7395 (c) [~~a master offense list~~] an annual offense report described in Section [~~63M-7-405~~]
7396 75E-4-205; and

7397 (d) a collateral consequences guide described in Section [~~63M-7-405~~] 75E-4-205.

7398 (2) The sentencing commission may make recommendations to the Legislature, the
7399 governor, and the Judicial Council regarding:

7400 (a) the adult sentencing and supervision length guidelines described in Section [
7401 63M-7-404.3] 75E-4-203;

7402 (b) the juvenile disposition guidelines described in Section [~~63M-7-404.5~~] 75E-4-204;

- 7403 (c) [~~a master offense list~~] an annual offense report described in Section [~~63M-7-405~~]
 7404 75E-4-205; and
- 7405 (d) a collateral consequences guide described in Section [~~63M-7-405~~] 75E-4-205.
- 7406 (3) The sentencing commission shall use existing data and resources from state criminal
 7407 justice agencies in carrying out the duties of the sentencing commission.
- 7408 (4) The sentencing commission shall:
- 7409 (a) provide training and recommendations regarding the adult sentencing and
 7410 supervision length guidelines, the juvenile disposition guidelines, and other
 7411 documents maintained by the sentencing commission to the three branches of
 7412 government, in coordination with the commission; and
- 7413 (b) assist and respond to questions from all three branches of government.
- 7414 (5)(a) The sentencing commission may provide analysis and recommendations to the
 7415 commission regarding proposed legislation or other policy changes that may impact
 7416 sentencing, release, or supervision of individuals convicted of crimes.
- 7417 (b) The sentencing commission may not take public positions on proposed legislation or
 7418 other proposed policy changes by the Legislature.
- 7419 (6) The sentencing commission may employ professional assistance and other staff
 7420 members that the sentencing commission considers necessary to comply with this [~~part~~]
 7421 chapter.
- 7422 (7) The sentencing commission shall coordinate with the [~~commission~~] department on
 7423 criminal and juvenile justice issues, budget, and administrative support.

7424 Section 115. Section **75E-4-203**, which is renumbered from Section 63M-7-404.3 is renumbered
 7425 and amended to read:

7426 **[~~63M-7-404.3~~] 75E-4-203 (Effective 07/01/26). Adult sentencing and supervision**
 7427 **length guidelines.**

7428 [(+)] The sentencing commission shall establish and maintain adult sentencing and
 7429 supervision length guidelines regarding:

7430 [(a)] (1) the sentencing and release of offenders in order to:

7431 [(+)] (a) accept public comment;

7432 [(ii)] (b) relate sentencing practices and correctional resources;

7433 [(iii)] (c) increase [~~equity~~] consistency in sentencing;

7434 [(iv)] (d) better define responsibility in sentencing; and

7435 [(v)] (e) enhance the discretion of the sentencing court while preserving the role of the
 7436 Board of Pardons and Parole;

- 7437 [(b)] (2) the length of supervision of offenders on probation or parole in order to:
- 7438 [(i)] (a) accept public comment;
- 7439 [(ii)] (b) increase [equity] consistency in criminal supervision lengths;
- 7440 [(iii)] (c) relate the length of supervision to an offender's progress;
- 7441 [(iv)] (d) take into account an offender's risk of offending again;
- 7442 [(v)] (e) relate the length of supervision to the amount of time an offender has remained
- 7443 under supervision in the community; and
- 7444 [(vi)] (f) enhance the discretion of the sentencing court while preserving the role of the
- 7445 Board of Pardons and Parole; and
- 7446 [(e)] (3) appropriate, evidence-based probation and parole supervision policies and services
- 7447 that assist offenders in successfully completing supervision and reduce incarceration
- 7448 rates from community supervision programs while ensuring public safety, including:
- 7449 [(i)] (a) treatment and intervention completion determinations based on individualized
- 7450 case action plans;
- 7451 [(ii)] (b) measured and consistent processes for addressing violations of conditions of
- 7452 supervision;
- 7453 [(iii)] (c) processes that include using positive reinforcement to recognize an offender's
- 7454 progress in supervision;
- 7455 [(iv)] (d) engaging with social services agencies and other stakeholders who provide
- 7456 services that meet the needs of an offender; and
- 7457 [(v)] (e) identifying community violations that may not warrant revocation of probation
- 7458 or parole.
- 7459 [(2)(a) ~~Before July 1, 2024, the sentencing commission shall revise and review the adult~~
- 7460 ~~sentencing and supervision length guidelines to reflect appropriate penalties for the~~
- 7461 ~~following offenses:]~~
- 7462 [(i) ~~an interlock restricted driver operating a vehicle without an ignition interlock~~
- 7463 ~~system, Section 41-6a-518.2;]~~
- 7464 [(ii) ~~negligently operating a vehicle resulting in injury, Section 76-5-102.1; and]~~
- 7465 [(iii) ~~negligently operating a vehicle resulting in death, Section 76-5-207.]~~
- 7466 [(b) ~~The guidelines under Subsection (2)(a) shall consider the following:]~~
- 7467 [(i) ~~the current sentencing requirements for driving under the influence of alcohol,~~
- 7468 ~~drugs, or a combination of both as identified in Section 41-6a-505 when injury or~~
- 7469 ~~death do not result;]~~
- 7470 [(ii) ~~the degree of injury and the number of victims suffering injury or death as a~~

7471 result of the offense;]

7472 [(iii) the offender's number of previous convictions for driving under the influence
7473 related offenses as defined in Subsection 41-6a-501(2)(a); and]

7474 [(iv) whether the offense amounts to extreme DUI, as that term is defined in Section
7475 41-6a-501.]

7476 [(3) ~~On or before October 31, 2024, the sentencing commission shall review and revise the
7477 supervision tools in the adult sentencing and supervision length guidelines to:~~]

7478 [(a) ~~recommend appropriate sanctions for an individual who violates probation or parole
7479 by:~~]

7480 [(i) ~~committing a felony offense, a misdemeanor offense described in Title 76,~~

7481 ~~Chapter 5, Offenses Against the Individual, or a misdemeanor offense for driving
7482 under the influence described in Section 41-6a-502;~~]

7483 [(ii) ~~possessing a dangerous weapon; or]~~

7484 [(iii) ~~willfully refusing to participate in treatment ordered by the court or the Board of
7485 Pardons and Parole; and]~~

7486 [(b) ~~recommend appropriate incentives for an individual on probation or parole that:~~]

7487 [(i) ~~completes all conditions of probation or parole; or]~~

7488 [(ii) ~~maintains eligible employment as defined in Section 64-14-301.~~]

7489 [(4) ~~The sentencing commission shall establish guidelines in the adult sentencing and
7490 supervision length guidelines that recommend an enhanced sentence that a court or the
7491 Board of Pardons and Parole should consider when determining the period in which a
7492 habitual offender, as defined in Section 77-18-102, will be incarcerated.~~]

7493 [(5) ~~The sentencing commission shall modify:~~]

7494 [(a) ~~the adult sentencing and supervision length guidelines to reduce recidivism for the
7495 purposes of protecting the public and ensuring efficient use of state funds; and]~~

7496 [(b) ~~the criminal history score in the adult sentencing and supervision length guidelines
7497 to reduce recidivism, including factors in an offender's criminal history that are
7498 relevant to the accurate determination of an individual's risk of offending again.~~]

7499 Section 116. Section **75E-4-204**, which is renumbered from Section 63M-7-404.5 is renumbered
7500 and amended to read:

7501 **[63M-7-404.5] 75E-4-204 (Effective 07/01/26). Juvenile disposition guidelines.**

7502 (1) The sentencing commission shall establish and maintain juvenile disposition guidelines
7503 that:

7504 (a) respond to public comment;

- 7505 (b) relate dispositional practices and rehabilitative resources;
- 7506 (c) increase [equity] consistency in disposition orders;
- 7507 (d) better define responsibility for disposition orders; and
- 7508 (e) enhance the discretion of the juvenile court while preserving the role of the Youth
- 7509 Parole Authority.
- 7510 (2) The juvenile disposition guidelines shall address how to appropriately respond to
- 7511 negative and positive behavior of juveniles who are:
- 7512 (a) nonjudicially adjusted;
- 7513 (b) placed on diversion;
- 7514 (c) placed on probation;
- 7515 (d) placed on community supervision;
- 7516 (e) placed in an out-of-home placement; or
- 7517 (f) placed in a secure care facility.
- 7518 (3) The juvenile disposition guidelines shall include:
- 7519 (a) other sanctions and incentives including:
- 7520 (i) recommended responses that are swift and certain;
- 7521 (ii) a continuum of community-based options for juveniles living at home;
- 7522 (iii) recommended responses that target the juvenile's criminogenic risk and needs;
- 7523 and
- 7524 (iv) recommended incentives for compliance, including earned discharge credits; and
- 7525 (b) a recommendation that, when a juvenile court interacts with a juvenile described in
- 7526 Subsection (2), the juvenile court shall consider:
- 7527 (i) the seriousness of the negative and positive behavior of the juvenile;
- 7528 (ii) the juvenile's conduct postadjudication; and
- 7529 (iii) the juvenile's delinquency history[; ~~and~~].
- 7530 [~~(e) appropriate sanctions for a juvenile who commits sexual exploitation of a minor as~~
- 7531 ~~described in Section 76-5b-201, or aggravated sexual exploitation of a minor as~~
- 7532 ~~described in Section 76-5b-201.1, including the application of aggravating and~~
- 7533 ~~mitigating factors specific to the offense.]~~

7534 Section 117. Section **75E-4-205**, which is renumbered from Section 63M-7-405 is renumbered

7535 and amended to read:

7536 **[~~63M-7-405~~] 75E-4-205 (Effective 07/01/26). Annual offense report -- Collateral**

7537 **consequences guide.**

- 7538 (1)(a) The sentencing commission shall annually create [~~a master offense list.~~] an offense

- 7539 report listing and briefly summarizing every criminal offense that was created,
 7540 expanded, enhanced, reduced, or eliminated during the previous legislative session.
- 7541 (b) On or before June 30 of each year, the sentencing commission shall:
- 7542 (i) after the last day of the general legislative session, update the [~~master offense list~~]
 7543 report described in Subsection (1)(a); and
- 7544 (ii) present the [~~updated master offense list~~] report described in Subsection (1)(a) to
 7545 the Law Enforcement and Criminal Justice Interim Committee.
- 7546 (2)(a) The sentencing commission shall:
- 7547 (i) identify any provision of state law, including the Utah Constitution, and any
 7548 administrative rule that imposes a collateral consequence;
- 7549 (ii) prepare and compile a guide that contains all the provisions identified in
 7550 Subsection (2)(a)(i); and
- 7551 (iii) update the guide described in Subsection (2)(a)(ii) annually.
- 7552 (b) The sentencing commission shall state in the guide described in Subsection (2)(a)
 7553 that:
- 7554 (i) the guide has not been enacted into law;
- 7555 (ii) the guide does not have the force of law;
- 7556 (iii) the guide is for informational purposes only;
- 7557 (iv) an error or omission in the guide, or in any reference in the guide:
- 7558 (A) has no effect on a plea, an adjudication, a conviction, a sentence, or a
 7559 disposition; and
- 7560 (B) does not prevent a collateral consequence from being imposed;
- 7561 (v) any laws or regulations for a county, a municipality, another state, or the United
 7562 States[;] imposing a collateral consequence are not included in the guide; and
- 7563 (vi) the guide does not include any provision of state law or any administrative rule
 7564 imposing a collateral consequence that is enacted on or after March 31 of each
 7565 year.
- 7566 (c) The sentencing commission shall:
- 7567 (i) place the statements described in Subsection (2)(b) in a prominent place at the
 7568 beginning of the guide;[~~and~~]
- 7569 (ii) periodically update the guide; and
- 7570 [~~(ii)~~] (iii) make the guide available to the public on the sentencing commission's
 7571 website.
- 7572 [~~(d) The sentencing commission shall:~~]

- 7606 77-38-403.
- 7607 (3) "Bodily injury" means physical pain, illness, or any impairment of physical condition.
- 7608 (4) "Claimant" means any of the following claiming [~~reparations~~] compensation under this [
- 7609 ~~part~~] chapter:
- 7610 (a) a victim;
- 7611 (b) a dependent of a deceased victim; or
- 7612 (c) an individual or representative who files a [~~reparations~~] compensation claim on behalf
- 7613 of a victim.
- 7614 (5) "Child" means an unemancipated individual who is under 18 years old.
- 7615 (6) "Collateral source" means any source of benefits or advantages for economic loss
- 7616 otherwise reparable under this [~~part~~] chapter that the claimant has received, or that is
- 7617 readily available to the claimant from:
- 7618 (a) the offender;
- 7619 (b) the insurance of the offender or the victim;
- 7620 (c) the United States government or any [~~of its~~] agencies of the United States government,
- 7621 a state or any of [~~its~~] the state's political subdivisions, or an instrumentality of two or
- 7622 more states, except in the case on nonobligatory state-funded programs;
- 7623 (d) social security, Medicare, and Medicaid;
- 7624 (e) state-required temporary nonoccupational income replacement insurance or disability
- 7625 income insurance;
- 7626 (f) workers' compensation;
- 7627 (g) wage continuation programs of any employer;
- 7628 (h) proceeds of a contract of insurance payable to the claimant for the loss the claimant
- 7629 sustained because of the criminally injurious conduct;
- 7630 (i) a contract providing prepaid hospital and other health care services or benefits for
- 7631 disability; or
- 7632 (j) veteran's benefits, including veteran's hospitalization benefits.
- 7633 (7) "Compensation award" means money or other benefits provided to a claimant or to
- 7634 another on behalf of a claimant after a compensation claim is approved by the office.
- 7635 (8) "Compensation claim" means a claimant's request or application made to the office for a
- 7636 compensation award.
- 7637 (9)(a) "Compensation specialist" means an individual employed by the office to
- 7638 investigate a claimant's request for compensation and award compensation under this
- 7639 chapter.

- 7640 (b) "Compensation specialist" includes the director when the director is acting as a
7641 compensation specialist.
- 7642 [~~7~~] (10)(a) "Confidential record" means a record in the custody of the office that relates
7643 to a claimant's eligibility for a [~~reparations~~] compensation award.
- 7644 (b) "Confidential record" includes:
- 7645 (i) a [~~reparations~~] compensation claim;
- 7646 (ii) any correspondence regarding:
- 7647 (A) the approval or denial of a [~~reparations~~] compensation claim; or
- 7648 (B) the payment of a [~~reparations~~] compensation award;
- 7649 (iii) a document submitted to the office in support of a [~~reparations~~] compensation
7650 award;
- 7651 (iv) a medical or mental health treatment plan; [~~and~~] or
- 7652 (v) an investigative report provided to the office by a law enforcement agency.
- 7653 [~~8~~] (11) "Criminal justice system victim advocate" means the same as that term is defined
7654 in Section 77-38-403.
- 7655 [~~9~~] (12)(a) "Criminally injurious conduct" other than acts of war declared or not
7656 declared means conduct that:
- 7657 (i) is or would be subject to prosecution in this state under Section 76-1-201;
- 7658 (ii) occurs or is attempted;
- 7659 (iii) causes, or poses a substantial threat of causing, bodily injury or death;
- 7660 (iv) is punishable by fine, imprisonment, or death if the individual engaging in the
7661 conduct possessed the capacity to commit the conduct; and
- 7662 (v) does not arise out of the ownership, maintenance, or use of a motor vehicle,
7663 aircraft, or water craft, unless the conduct is:
- 7664 (A) intended to cause bodily injury or death;
- 7665 (B) punishable under Title 76, Chapter 5, Offenses Against the Individual; or
- 7666 (C) chargeable as an offense for driving under the influence of alcohol or drugs.
- 7667 (b) "Criminally injurious conduct" includes a felony violation of Section 76-7-101 and
7668 other conduct leading to the psychological injury of an individual resulting from
7669 living in a setting that involves a bigamous relationship.
- 7670 [~~10~~] (13)(a) "Dependent" means a natural person to whom the victim is wholly or
7671 partially legally responsible for care or support.
- 7672 (b) "Dependent" includes a child of the victim born after the victim's death.
- 7673 [~~11~~] (14) "Dependent's economic loss" means loss after the victim's death of contributions

- 7674 of things of economic value to the victim's dependent, not including services the
 7675 dependent would have received from the victim if the victim had not suffered the fatal
 7676 injury, less expenses of the dependent avoided by reason of the victim's death.
- 7677 [(12)] (15) "Dependent's replacement services loss" means loss reasonably and necessarily
 7678 incurred by the dependent after the victim's death in obtaining services in lieu of those
 7679 the decedent would have performed for the victim's benefit if the victim had not suffered
 7680 the fatal injury, less expenses of the dependent avoided by reason of the victim's death
 7681 and not subtracted in calculating the dependent's economic loss.
- 7682 [(13)] (16) "Director" means the director of the office.
- 7683 [(14)] (17) "Disposition" means the sentencing or determination of penalty or punishment to
 7684 be imposed upon an individual:
- 7685 (a) convicted of a crime;
 7686 (b) found delinquent; or
 7687 (c) against whom a finding of sufficient facts for conviction or finding of delinquency is
 7688 made.
- 7689 [(15)] (18)(a) "Economic loss" means economic detriment consisting only of allowable
 7690 expense, work loss, replacement services loss, and if injury causes death, dependent's
 7691 economic loss and dependent's replacement service loss.
- 7692 (b) "Economic loss" includes economic detriment even if caused by pain and suffering
 7693 or physical impairment.
- 7694 (c) "Economic loss" does not include noneconomic detriment.
- 7695 [(16)] (19) "Elderly victim" means an individual who is[-] :
- 7696 (a) 60 years old or older; and[-who is-]
 7697 (b) a victim.
- 7698 [(17)] (20) "Fraudulent claim" means a filed [~~reparations~~] compensation based on material
 7699 misrepresentation of fact and intended to deceive the [~~reparations~~] compensation staff for
 7700 the purpose of obtaining [~~reparation~~] compensation funds for which the claimant is not
 7701 eligible.
- 7702 [(18)] (21) "Fund" means the Crime Victim [~~Reparations~~] Compensation Fund created in
 7703 Section [~~63M-7-526~~] 75E-5-302.
- 7704 [(19)] (22)(a) "Interpersonal violence" means an act involving violence, physical harm,
 7705 or a threat of violence or physical harm, that is committed by an individual who is or
 7706 has been in a domestic, dating, sexual, or intimate relationship with the victim.
- 7707 (b) "Interpersonal violence" includes any attempt, conspiracy, or solicitation of an act

7708 described in Subsection [(19)(a)] (22)(a).

7709 [(20)] (23) "Law enforcement agency" means a public or private agency having general
7710 police power and charged with making arrests in connection with enforcement of the
7711 criminal statutes and ordinances of this state or any political subdivision of this state.

7712 [(21)] (24) "Law enforcement officer" means the same as that term is defined in Section
7713 53-13-103.

7714 [(22)] (25)(a) "Medical examination" means a physical examination necessary to
7715 document criminally injurious conduct.

7716 (b) "Medical examination" does not include mental health evaluations for the
7717 prosecution and investigation of a crime.

7718 [(23)] (26) "Mental health counseling" means outpatient and inpatient counseling[
7719 necessitated] that:

7720 (a) is necessary as a result of criminally injurious conduct[-] ; and
7721 (b) is subject to rules made by the office in accordance with Title 63G, Chapter 3, Utah
7722 Administrative Rulemaking Act.

7723 [(24)] (27) "Misconduct" means conduct by the victim that was attributable to the injury or
7724 death of the victim as provided by rules made by the office in accordance with Title
7725 63G, Chapter 3, Utah Administrative Rulemaking Act.

7726 [(25)] (28) "Noneconomic detriment" means pain, suffering, inconvenience, physical
7727 impairment, and other nonpecuniary damage, except as provided in this [part] chapter.

7728 [(26)] (29) "Nongovernment organization victim advocate" means the same as that term is
7729 defined in Section 77-38-403.

7730 [(27)] (30) "Nonpublic restitution record" means a restitution record that contains a
7731 claimant's medical or mental health information.

7732 [(28)] (31) "Pecuniary loss" does not include loss attributable to pain and suffering except as
7733 otherwise provided in this [part] chapter.

7734 [(29)] (32) "Offender" means an individual who has violated [~~Title 76, Utah Criminal Code~~]
7735 Title 76, Criminal Offenses, through criminally injurious conduct regardless of whether
7736 the individual is arrested, prosecuted, or convicted.

7737 [(30)] (33) "Offense" means a violation of [~~Title 76, Utah Criminal Code~~] Title 76, Criminal
7738 Offenses.

7739 [(31)] (34) "Office" [~~means the director, the reparations and assistance officers, and any~~
7740 ~~other staff employed for the purpose of carrying out the provisions of this part~~] means the
7741 Office for Victims of Crime created in Section 75E-5-102.

- 7742 [(32)] (35) "Perpetrator" means the individual who actually participated in the criminally
7743 injurious conduct.
- 7744 [(33)] (36) "Public restitution record" means a restitution record that does not contain a
7745 claimant's medical or mental health information.
- 7746 [(34)(a) "~~Rape crisis and services center~~" means a nonprofit entity that assists victims of
7747 sexual assault and victims' families by offering sexual assault crisis intervention and
7748 counseling through a sexual assault counselor.]
- 7749 [(b) "~~Rape crisis and services center~~" does not include a qualified institutional victim
7750 services provider as defined in Section 53H-14-401.]
- 7751 [(35) "~~Reparations award~~" means money or other benefits provided to a claimant or to
7752 another on behalf of a claimant after the day on which a reparations claim is approved
7753 by the office.]
- 7754 [(36) "~~Reparations claim~~" means a claimant's request or application made to the office for a
7755 reparations award.]
- 7756 [(37)(a) "~~Reparations officer~~" means an individual employed by the office to investigate
7757 a claimant's request for reparations and award reparations under this part.]
- 7758 [(b) "~~Reparations officer~~" includes the director when the director is acting as a
7759 reparations officer.]
- 7760 [(38)] (37) "Replacement service loss" means expenses reasonably and necessarily incurred
7761 in obtaining ordinary and necessary services in lieu of those the injured individual would
7762 have performed, not for income but the benefit of the injured individual or the injured
7763 individual's dependents if the injured individual had not been injured.
- 7764 [(39)] (38)(a) "Representative" means the victim, immediate family member, legal
7765 guardian, attorney, conservator, executor, or an heir of an individual.
- 7766 (b) "Representative" does not include a service provider or collateral source.
- 7767 [(40)] (39) "Restitution" means the same as that term is defined in Section 77-38b-102.
- 7768 [(41)] (40)(a) "Restitution record" means a record documenting payments made to, or on
7769 behalf of, a claimant by the office that the office relies on to support a restitution
7770 request made in accordance with Section 77-38b-205.
- 7771 (b) "Restitution record" includes:
- 7772 (i) a notice of restitution;
- 7773 (ii) an itemized list of payments;
- 7774 (iii) an invoice, receipt, or bill submitted to the office for reimbursement; and
- 7775 (iv) any documentation that the office relies on to establish a nexus between an

7776 offender's criminally injurious conduct and a ~~[reparations]~~ compensation award
7777 made by the office.

7778 ~~[(42)]~~ (41) "Secondary victim" means an individual who is traumatically affected by the
7779 criminally injurious conduct subject to rules made by the office in accordance with Title
7780 63G, Chapter 3, Utah Administrative Rulemaking Act.

7781 ~~[(43)]~~ (42) "Service provider" means an individual or agency who provides a service to a
7782 claimant for a monetary fee, except attorneys as provided in Section ~~[63M-7-524]~~
7783 75E-5-314.

7784 ~~[(44)]~~ (43) "Serious bodily injury" means the same as that term is defined in Section
7785 76-1-101.5.

7786 ~~[(45)(a)]~~ "Sexual assault" means any criminal conduct described in Title 76, Chapter 5,
7787 Part 4, Sexual Offenses.]

7788 ~~[(b)]~~ "Sexual assault" does not include criminal conduct described in:

7789 (i) ~~Section 76-5-417, enticing a minor;~~

7790 (ii) ~~Section 76-5-418, sexual battery;~~

7791 (iii) ~~Section 76-5-419, lewdness; or~~

7792 (iv) ~~Section 76-5-420, lewdness involving a child.]~~

7793 ~~[(46)]~~ "Sexual assault counselor" means an individual who:

7794 (a) ~~is employed by or volunteers at a rape crisis and services center;~~

7795 (b) ~~has a minimum of 40 hours of training in counseling and assisting victims of sexual~~
7796 ~~assault; and]~~

7797 (c) ~~is under the supervision of the director of a rape crisis and services center or the~~
7798 ~~director's designee.]~~

7799 (44) "Sexual assault" means the same as that term is defined in Section 75E-3-101.

7800 ~~[(47)]~~ (45) "Strangulation" means any act involving the use of unlawful force or violence
7801 that:

7802 (a) impedes breathing or the circulation of blood; and

7803 (b) is likely to produce a loss of consciousness by:

7804 (i) applying pressure to the neck or throat of an individual; or

7805 (ii) obstructing the nose, mouth, or airway of an individual.

7806 ~~[(48)]~~ (46) "Substantial bodily injury" means the same as that term is defined in Section
7807 76-1-101.5.

7808 ~~[(49)]~~ (47)(a) "Victim" means an individual who suffers bodily or psychological injury or
7809 death as a direct result of:

- 7810 (i) criminally injurious conduct; or
 7811 (ii) the production of [~~pornography~~] child sexual abuse material in violation of
 7812 Section 76-5b-201 or 76-5b-201.1 if the individual is a minor.
- 7813 (b) "Victim" does not include an individual who participated in or observed the judicial
 7814 proceedings against an offender unless otherwise provided by statute or rule made in
 7815 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

7816 ~~[(50)]~~ (48) "Work loss" means loss of income from work the injured victim would have
 7817 performed if the injured victim had not been injured and expenses reasonably incurred
 7818 by the injured victim in obtaining services in lieu of those the injured victim would have
 7819 performed for income, reduced by any income from substitute work the injured victim
 7820 was capable of performing but unreasonably failed to undertake.

7821 Section 120. Section **75E-5-102** is enacted to read:

7822 **75E-5-102 (Effective 07/01/26). Office for Victims of Crime -- Purpose.**

- 7823 (1) There is created the Office for Victims of Crime within the department.
 7824 (2) The purpose of the office is to assist victims of criminally injurious conduct who may
 7825 be eligible for assistance from the fund.

7826 Section 121. Section **75E-5-103**, which is renumbered from Section 63M-7-507 is renumbered
 7827 and amended to read:

7828 **[63M-7-507] 75E-5-103 (Effective 07/01/26). Appointment of director.**

- 7829 (1) The [~~executive director of the Commission on Criminal and Juvenile Justice~~]
 7830 commissioner shall appoint a director to carry out the provisions of this [~~part~~] chapter.
- 7831 (2) The director shall:
- 7832 (a) be an experienced administrator with a background in at least one of the following
 7833 fields:
 7834 (i) social work;
 7835 (ii) psychology;
 7836 (iii) criminal justice;
 7837 (iv) law; or
 7838 (v) another field related to the fields described in Subsections (2)(a)(i) through (iv);
 7839 (b) demonstrate an understanding of the needs of crime victims and of services to
 7840 victims; and
 7841 (c) devote the director's time and capacity to the director's duties.

7842 ~~[(3) In addition to the requirements under Subsection (2), the director shall:]~~

- 7843 ~~[(a) hire staff, including reparations and assistance officers, as necessary;]~~

- 7878 compensation, defining [of] terms not specifically stated in this [part] chapter, and
- 7879 establishing [of] rules governing attorney fees;
- 7880 (c) prescribe forms for applications for [~~reparations~~] compensation;
- 7881 (d) render an annual report to the governor and the Legislature regarding the staff's
- 7882 activities;
- 7883 (e) formulate standards for the uniform application of Section [~~63M-7-509~~] 75E-5-305,
- 7884 taking into consideration the rates and amounts of [~~reparation~~] compensation payable
- 7885 for injuries and death under other laws of this state and the United States;
- 7886 (f) allocate money available in the fund to victims of criminally injurious conduct for [
- 7887 ~~reparations~~] compensation claims;
- 7888 (g) allocate money available to other victim services as provided by administrative rule
- 7889 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 7890 once a sufficient reserve has been established for [~~reparation~~] compensation claims; [
- 7891 ~~and~~]
- 7892 (h) as authorized by the [~~Commission on Criminal and Juvenile Justice~~] department,
- 7893 allocate and disburse funds made available to the office by the United States, the
- 7894 state, foundations, corporations, or other entities or individuals to subgrantees from
- 7895 private, non-profit, and governmental entities operating qualified statewide assistance
- 7896 programs[-] ; and
- 7897 (i) provide educational materials to a law enforcement agency to assist the law
- 7898 enforcement agency with informing a victim of a sexual assault of the victim's right
- 7899 to request testing of the victim and of the offender alleged to have committed the
- 7900 sexual assault as described in Section 53-10-802.
- 7901 (2) All rules, or other statements of policy, along with application forms specified by the
- 7902 office, are binding upon the director, the [~~reparations officers~~] compensation specialists,
- 7903 assistance [~~officers~~] specialists, and other staff.
- 7904 Section 124. Section **75E-5-203** is enacted to read:
- 7905 **75E-5-203 (Effective 07/01/26). Director duties and powers.**
- 7906 (1) The director shall:
- 7907 (a) hire staff, including compensation and assistance specialists, as necessary;
- 7908 (b) act when necessary as a compensation specialist in deciding an initial compensation
- 7909 claim;
- 7910 (c) possess the same investigation and decision-making authority as the compensation
- 7911 specialists;

- 7912 (d) hear appeals from the decisions of the compensation specialists, unless the director
 7913 acted as a compensation specialist on the initial compensation claim;
 7914 (e) serve as the public relations representative of the office;
 7915 (f) provide for payment of all administrative salaries, fees, and expenses incurred by the
 7916 staff of the office, to be paid out of appropriations from the fund;
 7917 (g) cooperate with the state treasurer and the state Division of Finance in causing the
 7918 funds in the fund to be invested and the fund's investments sold or exchanged and the
 7919 proceeds and income collected;
 7920 (h) apply for, receive, allocate, disburse, and account for, subject to approval and in
 7921 conformance with policies adopted by the office, all grant funds made available by
 7922 the United States, the state, foundations, corporations, and other businesses, agencies,
 7923 or individuals;
 7924 (i) obtain and utilize the services of other governmental agencies upon request; and
 7925 (j) act in any other capacity or perform any other acts necessary for the office to
 7926 successfully fulfill the office's statutory duties and objectives.

- 7927 (2) The director may request assistance from the department, the Commission on Criminal
 7928 and Juvenile Justice, the Department of Public Safety, and other state agencies in
 7929 conducting research or monitoring victims' programs.

7930 Section 125. Section **75E-5-204**, which is renumbered from Section 63M-7-508 is renumbered
 7931 and amended to read:

7932 **[63M-7-508] 75E-5-204 (Effective 07/01/26). Staff duties.**

7933 [~~The reparations officers shall in addition to any assignments made by the director~~] In
 7934 addition to any assignments made by the director, a compensation specialist shall:

- 7935 (1) hear and determine all matters relating to a [reparations] compensation claim and
 7936 reinvestigate or reopen a [reparations] compensation claim without regard to statutes of
 7937 limitation or periods of prescription;
 7938 (2) obtain from prosecuting attorneys, law enforcement officers, and other criminal justice
 7939 agencies, investigations and data to enable the [reparations officer] compensation
 7940 specialist to determine whether and to what extent a claimant qualifies for [reparations]
 7941 compensation;
 7942 (3) as determined necessary by the [reparations officers] compensation specialist, hold
 7943 hearings, administer oaths or affirmations, examine any individual under oath or
 7944 affirmation, issue subpoenas requiring the attendance and giving of testimony of
 7945 witnesses, require the production of any books, papers, documents, or other evidence

- 7946 which may contribute to the [~~reparations officer's~~] compensation specialist's ability to
 7947 determine particular [~~reparation~~] compensation awards;
- 7948 (4) determine who is a victim or dependent;
- 7949 (5) award [~~reparations~~] compensation or other benefits determined to be due under this [~~part~~]
 7950 chapter and the rules of the office made in accordance with Title 63G, Chapter 3, Utah
 7951 Administrative Rulemaking Act;
- 7952 (6) take notice of judicially recognized facts and general, technical, and scientific facts
 7953 within the [~~reparations officers'~~] compensation specialist's specialized knowledge;
- 7954 (7) advise and assist in developing policies recognizing the rights, needs, and interests of
 7955 crime victims;
- 7956 (8) render periodic reports as requested by the Commission on Criminal and Juvenile
 7957 Justice concerning:
- 7958 (a) the [~~reparations officers'~~] compensation specialist's activities; and
- 7959 (b) the manner in which the rights, needs, and interests of crime victims are being
 7960 addressed by the state's criminal justice system;
- 7961 (9) establish priorities for assisting elderly victims of crime or those victims facing
 7962 extraordinary hardships;
- 7963 (10) cooperate with the [~~State-~~]Commission on Criminal and Juvenile Justice to develop
 7964 information regarding crime victims' problems and programs; and
- 7965 (11) assist the director in publicizing the provisions of the office, including the procedures
 7966 for obtaining [~~reparation~~] compensation, and in encouraging law enforcement agencies,
 7967 health providers, and other related officials to take reasonable care to ensure that victims
 7968 are informed about the provisions of this [~~part~~] chapter and the procedure for applying
 7969 for [~~reparation~~] compensation.

7970 Section 126. Section **75E-5-205**, which is renumbered from Section 63M-7-527 is renumbered
 7971 and amended to read:

7972 **[~~63M-7-527~~] 75E-5-205 (Effective 07/01/26). Records -- Requirements for release.**

- 7973 (1) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
 7974 Act, a confidential record, a public restitution record, and a nonpublic restitution record
 7975 may only be disclosed as provided in this section.
- 7976 (2) A confidential record may be provided to:
- 7977 (a) the claimant who is the subject of the record if the record requested does not contain
 7978 mental health treatment information; or
- 7979 (b) the person who submitted the record to the office.

- 7980 (3) A confidential record may be used in:
- 7981 (a) a criminal investigation or prosecution when the office suspects that a [reparations]
- 7982 compensation claim may be fraudulent; or
- 7983 (b) a subrogation action brought by the office in accordance with Section [63M-7-519]
- 7984 75E-5-311.
- 7985 (4)(a) The office may disclose a public restitution record for the purpose of carrying out
- 7986 this [part] chapter.
- 7987 (b) The office shall disclose a public restitution record to the Board of Pardons and
- 7988 Parole for a restitution matter.
- 7989 (5)(a) If the office requests restitution in a criminal case and the offender requests a
- 7990 restitution hearing, the office shall provide a nonpublic restitution record to the court,
- 7991 the prosecuting attorney, and counsel for the offender.
- 7992 (b) A person may not:
- 7993 (i) disseminate a nonpublic restitution record obtained under this Subsection (5); or
- 7994 (ii) share a nonpublic restitution record with the offender unless the office and
- 7995 claimant agree, in writing, to the disclosure.
- 7996 (6) Before the office may disclose a restitution record under Subsection (4) or (5), the office
- 7997 shall redact:
- 7998 (a) the name, not including the initials, of a minor or an individual who has been the
- 7999 victim of a sexual assault;
- 8000 (b) the contact information of a claimant or a witness, including a physical address,
- 8001 phone number, or email address;
- 8002 (c) a claimant's date of birth and social security number; and
- 8003 (d) any information that would jeopardize the health or safety of a claimant.
- 8004 Section 127. Section **75E-5-206**, which is renumbered from Section 63M-7-515 is renumbered
- 8005 and amended to read:
- 8006 **[63M-7-515] 75E-5-206 (Effective 07/01/26). Rulemaking -- Exemption from**
- 8007 **Administrative Procedures Act.**
- 8008 (1) [~~Rules for procedures for contested determinations by a reparations officer shall be~~
- 8009 ~~adopted.] The office shall make, in accordance with Title 63G, Chapter 3, Utah~~
- 8010 Administrative Rulemaking Act, rules for procedures for contested determinations by a
- 8011 compensation specialist.
- 8012 (2) The office is exempt from Title 63G, Chapter 4, Administrative Procedures Act.
- 8013 Section 128. Section **75E-5-301** is enacted to read:

8014

Part 3. Victim Compensation

8015

75E-5-301 (Effective 07/01/26). Definitions for part.

8016

Reserved.

8017

Section 129. Section **75E-5-302**, which is renumbered from Section 63M-7-526 is renumbered and amended to read:

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8019

[63M-7-526] 75E-5-302 (Effective 07/01/26). Crime Victim Compensation Fund.

8020

(1)(a) There is created an expendable special revenue fund known as the "Crime Victim [Reparations] Compensation Fund" to be administered and distributed as provided in this section by the office in cooperation with the Division of Finance.

8021

8022

8023

(b) The fund shall consist of:

8024

(i) appropriations by the Legislature; and

8025

(ii) funds collected under Subsections (2) and (3).

8026

(c) Money deposited in this fund is for victim [~~reparations~~] compensation, other victim services, and, as appropriated, for administrative costs of the office.

8027

8028

(2)(a) A percentage of the income earned by inmates working for correctional industries in a federally certified [~~private sector/prison industries~~] private sector prison industries enhancement program shall be deposited in the fund.

8029

8030

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(b) The percentage of income deducted from inmate pay under Subsection (2)(a) shall be determined by the executive director of the Department of Corrections in accordance with the requirements of the [~~private sector/prison industries~~] private sector prison industries enhancement program.

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(3)(a) Judges are encouraged to, and may in their discretion, impose additional [~~reparations~~] compensation to be paid into the fund by convicted criminals.

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8037

(b) The additional discretionary [~~reparations~~] compensation may not exceed the statutory maximum fine permitted by [~~Title 76, Utah Criminal Code~~] Title 76, Criminal Offenses, for that offense.

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Section 130. Section **75E-5-303**, which is renumbered from Section 63M-7-525 is renumbered and amended to read:

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8042

[63M-7-525] 75E-5-303 (Effective 07/01/26). Compensation award -- No right of action.

8043

8044

~~[(1)(a) The purpose of the office is to assist victims of criminally injurious conduct who may be eligible for assistance from the fund.]~~

8045

8046

~~[(b) Reparation to a victim under this part is limited to the money available in the fund.]~~

8047

~~[(2)(a) The assistance program described in Subsection (1) is not an entitlement~~

- 8048 program.]
- 8049 [(b) A reparations award may be limited or denied as determined appropriate by the
- 8050 office.]
- 8051 (1) Compensation to a victim under this chapter is:
- 8052 (a) limited to the money available in the fund; and
- 8053 (b) not an entitlement program.
- 8054 [(e)] (2) Failure to grant a [reparations] compensation award does not create a [cause] right of
- 8055 action against the office, the state, or any of [its] the state's subdivisions[and there] .
- 8056 (3) There is no right to judicial review over the decision of whether[or not] to grant a [
- 8057 reparations] compensation award.
- 8058 [(3) A cause of action based on a failure to give or receive the notice required by this part
- 8059 does not accrue to any person against the state, any of its agencies or local subdivisions,
- 8060 any of their law enforcement officers or other agents or employees, or any health care or
- 8061 medical provider or its agents or employees nor does it affect or alter any requirement
- 8062 for filing or payment of a reparations claim.]
- 8063 (4) Failure to give or receive the notice required by this chapter does not:
- 8064 (a) create a cause of action against:
- 8065 (i) the state;
- 8066 (ii) a state agency or local subdivision;
- 8067 (iii) a law enforcement officer, agent, or employee of the state or local subdivision;
- 8068 (iv) a health care or medical provider; or
- 8069 (v) an agent or employee of a health care or medical provider; or
- 8070 (b) affect or alter a requirement for filing or paying a compensation claim.

8071 Section 131. Section **75E-5-304**, which is renumbered from Section 63M-7-503 is renumbered

8072 and amended to read:

8073 **[63M-7-503] 75E-5-304 (Effective 07/01/26). Compensation not to supplant**

8074 **restitution -- Assignment of claim for restitution judgment to Compensation Office.**

- 8075 (1)(a) A [reparations] compensation award may not supplant an order for restitution
- 8076 under Title 77, Chapter 38b, Crime Victims Restitution Act, or under any other
- 8077 provision of law.
- 8078 (b) An order for restitution may not be considered readily available as a collateral source
- 8079 for a compensation award granted under this chapter.
- 8080 (c) Receipt of a compensation award under this chapter is considered an assignment of
- 8081 the victim's rights to restitution from the offender.

- 8082 (2) The court may not reduce an order for restitution based on a [reparations] compensation
8083 award.
- 8084 (3)(a)(i) If a victim receives a [reparations] compensation award and the office is
8085 assigned the victim's claim for restitution, or a portion of the victim's claim for
8086 restitution, under Section [63M-7-519] 75E-5-311, the office may file with the
8087 sentencing court a notice of restitution listing the amounts or estimated future
8088 amounts of payments made or anticipated to be made to or on behalf of the victim.
- 8089 (ii) The office may provide a notice of restitution to the victim or victim's
8090 representative before or at sentencing.
- 8091 (iii) The office's failure to provide notice under Subsection (3)(a)(i) or (ii) does not
8092 invalidate the imposition of the judgment or an order for restitution if the
8093 defendant is given the opportunity to object and be heard as provided in this [part]
8094 chapter.
- 8095 (b)(i) Any objection by the defendant to the imposition or amount of restitution under
8096 Subsection (3)(a)(i) shall be:
- 8097 (A) made at the time of sentencing; or
8098 (B) made in writing within 20 days after the day on which the defendant receives
8099 the notice described in Subsection (3)(a) and filed with the court and a copy
8100 mailed to the office.
- 8101 (ii) Upon an objection, the court shall allow the defendant a hearing on the issue.
- 8102 (iii) After a hearing under Subsection (3)(b)(ii), the court shall:
- 8103 (A) enter an order for restitution in accordance with Section 77-38b-205; and
8104 (B) identify the office as an assignee for the order for restitution.
- 8105 (iv) Subject to the right of the defendant to object, the amount of restitution sought by
8106 the office may be updated and the office identified as an assignee of an order for
8107 restitution in accordance with the time periods established under Section
8108 77-38b-205.
- 8109 (4) If no objection is made or filed by the defendant under Subsection (3), the court shall
8110 upon conviction and sentencing:
- 8111 (a) enter an order for restitution in accordance with Section 77-38b-205; and
8112 (b) identify the office as an assignee for the order for restitution.
- 8113 (5)(a) If the notice of restitution is filed after sentencing but during the term of probation
8114 or parole, the court shall:
- 8115 (i) modify any order for restitution to include expenses paid by the office on behalf of

8116 the victim in accordance with Section 77-38b-205; and
8117 (ii) identify the office as an assignee of the order for restitution.

8118 (b) If an order for restitution has not been entered, the court shall:

8119 (i) enter an order for restitution in accordance with Section 77-38b-205; and

8120 (ii) identify the office as an assignee of the order for restitution.

8121 Section 132. Section **75E-5-305**, which is renumbered from Section 63M-7-509 is renumbered
8122 and amended to read:

8123 **[63M-7-509] 75E-5-305 (Effective 07/01/26). Grounds for eligibility.**

8124 (1) A victim is eligible for a [reparations] compensation award under this [part] chapter if:

8125 (a) the claimant is:

8126 (i) a victim of criminally injurious conduct;

8127 (ii) a dependent of a deceased victim of criminally injurious conduct; or

8128 (iii) a representative acting on behalf of one of the above;

8129 (b)(i) the criminally injurious conduct occurred in Utah; or

8130 (ii) the victim is a Utah resident who suffers injury or death as a result of criminally
8131 injurious conduct inflicted in a state, territory, or country that does not provide a
8132 crime victims' compensation program;

8133 (c) the application is made in writing in a form that conforms substantially to that
8134 prescribed by the office;

8135 (d) the criminally injurious conduct is reported to a law enforcement officer, in the law
8136 enforcement officer's capacity as a law enforcement officer, or another federal or
8137 state investigative agency;

8138 (e) the claimant or victim cooperates with the appropriate law enforcement agencies and
8139 prosecuting attorneys in efforts to apprehend or convict the perpetrator of the alleged
8140 offense; and

8141 (f) the criminally injurious conduct occurred after December 31, 1986.

8142 (2) A [reparations] compensation award may be made to a victim regardless of whether any
8143 individual is arrested, prosecuted, or convicted of the criminally injurious conduct
8144 giving rise to a [reparations] compensation claim.

8145 (3)(a) Notwithstanding the requirements of Subsections (1)(d) and (e), a victim of sexual
8146 assault is not required to report the sexual assault to a law enforcement officer or
8147 another federal or state investigative agency or cooperate with the appropriate law
8148 enforcement agencies and prosecuting attorneys to be eligible for a [reparations]
8149 compensation award under this section if:

- 8150 (i) the victim seeks assistance from an advocacy services provider, a criminal justice[-]
 8151 system victim advocate, or a nongovernment organization victim advocate; and
 8152 (ii) the advocacy services provider, the criminal justice system victim advocate, or
 8153 the nongovernment organization victim advocate completes a questionnaire,
 8154 provided by the office, regarding the sexual assault.
- 8155 (b) Notwithstanding the requirement of Subsection (1)(e), a victim who has suffered
 8156 strangulation in the course of interpersonal violence is not required to cooperate with
 8157 the appropriate law enforcement agencies and prosecuting attorneys to be eligible for
 8158 a [reparations] compensation award under this section if the victim:
- 8159 (i) reports the strangulation to a law enforcement officer or another federal or state
 8160 investigative agency after the strangulation occurs; or
 8161 (ii) seeks medical care for the strangulation immediately after the strangulation
 8162 occurs.

8163 Section 133. Section **75E-5-306**, which is renumbered from Section 63M-7-510 is renumbered
 8164 and amended to read:

8165 **[63M-7-510] 75E-5-306 (Effective 07/01/26). Ineligible individuals -- Fraudulent**
 8166 **compensation claims -- Penalties.**

- 8167 (1) The following individuals are not eligible to receive a [reparations] compensation award:
- 8168 (a) an individual who does not meet all of the provisions set forth in Section [63M-7-509]
 8169 75E-5-305;
- 8170 (b) the offender;
- 8171 (c) an accomplice of the offender;
- 8172 (d) an individual whose receipt of a [reparations] compensation award would unjustly
 8173 benefit the offender, accomplice, or another individual reasonably suspected of
 8174 participating in the offense;
- 8175 (e) the victim of a motor vehicle injury who was the owner or operator of the motor
 8176 vehicle and was not at the time of the injury in compliance with the state motor
 8177 vehicle insurance laws;
- 8178 (f) a convicted offender serving a sentence of imprisonment in any prison or jail or
 8179 residing in any other correctional facility;
- 8180 (g) an individual who is on probation or parole if the circumstances surrounding the
 8181 offense of which the individual is a victim is a violation of the individual's probation
 8182 or parole;
- 8183 (h) an individual whose injuries are the result of criminally injurious conduct that

8184 occurred in a prison, jail, or another correctional facility while the individual was
8185 incarcerated; and

8186 (i) an individual who:

8187 (i) submits a fraudulent claim; or

8188 (ii) misrepresents a material fact in requesting a [reparations] compensation award.

8189 (2)(a) An individual may not knowingly:

8190 (i) submit a fraudulent claim; or

8191 (ii) misrepresent a material fact in requesting a [reparations] compensation award.

8192 (b) A violation of Subsection (2)(a) is:

8193 (i) a class B misdemeanor if:

8194 (A) the individual who violates Subsection (2)(a) does not receive a [reparations]
8195 compensation award; or

8196 (B) the value of the [reparations] compensation award received is less than \$500;

8197 (ii) a class A misdemeanor if the value of the [reparations] compensation award
8198 received is or exceeds \$500 but is less than \$1,500;

8199 (iii) a third degree felony if the value of the [reparations] compensation award
8200 received is or exceeds \$1,500 but is less than \$5,000; and

8201 (iv) a second degree felony if the value of the [reparations] compensation award
8202 received is or exceeds \$5,000.

8203 (3) The [state-]attorney general may prosecute violations under this section or may make
8204 arrangements with county or city attorneys for the prosecution of violations under this
8205 section when the attorney general cannot conveniently prosecute.

8206 (4)(a) A claimant who is not eligible to receive a [reparations] compensation award under
8207 Subsection (1) but receives a [reparations] compensation award shall reimburse the
8208 fund for the amount of the [reparations] compensation award.

8209 (b) The office may bring a civil action against a victim who does not reimburse the fund
8210 for the amount of the [reparations] compensation award in accordance with
8211 Subsection (4)(a).

8212 Section 134. Section **75E-5-307**, which is renumbered from Section 63M-7-517 is renumbered
8213 and amended to read:

8214 **[63M-7-517] 75E-5-307 (Effective 07/01/26). Compensation award process --**
8215 **Additional testing -- Failure to comply --Waiver of privilege.**

8216 (1)(a) If the mental, physical, or emotional condition of a victim is material to a [
8217 reparations] compensation claim, the [reparations officer] compensation specialist,

8218 director, or the assistant director [~~reparations~~] compensation program manager who
 8219 hears the [~~reparations~~] compensation claim or the appeal may order the claimant to
 8220 submit to a mental or physical examination by a physician or psychologist and may
 8221 recommend to the court to order an autopsy of a deceased victim.

8222 [(2)] (b) The court may order an additional examination for good cause shown and shall
 8223 provide notice to the individual to be examined and the individual's representative.

8224 [(3)] (c) All reports from additional examinations shall set out findings, including results
 8225 of all tests made, diagnoses, prognoses, other conclusions, and reports of earlier
 8226 examinations of the same conditions.

8227 [(4)] (d) A copy of the report shall be made available to the victim or the representative
 8228 of the victim unless dissemination of that copy is prohibited by law.

8229 (2) If an individual refuses to comply with an order under this chapter or asserts a privilege,
 8230 except privileges arising from the attorney-client relationship, to withhold or suppress
 8231 evidence relevant to a compensation claim, the director or compensation specialist may
 8232 make any appropriate determination, including denial of the compensation claim.

8233 (3)(a) A victim who is a claimant waives any privilege as to communications or records
 8234 relevant to an issue of the physical, mental, or emotional conditions of the victim
 8235 except for the attorney-client privilege.

8236 (b) The waiver described in Subsection (3)(a) applies only to compensation specialists,
 8237 the director, the assistant director compensation program manager, and legal counsel.

8238 (c) A claimant may be required to supply any additional medical or psychological
 8239 reports available relating to the injury or death for which compensation is claimed.

8240 (d) The compensation specialist hearing a compensation claim or an appeal from a
 8241 compensation claim shall make available to the claimant a copy of the report.

8242 (e) If the victim is deceased, the director or the director's appointee, on request, shall
 8243 furnish the claimant a copy of the report unless dissemination of that copy is
 8244 prohibited by law.

8245 Section 135. Section **75E-5-308**, which is renumbered from Section 63M-7-529 is renumbered
 8246 and amended to read:

8247 **[63M-7-529] 75E-5-308 (Effective 07/01/26). Determination of eligibility for**
 8248 **victim compensation -- Law enforcement agency to provide investigative reports --**
 8249 **Restrictions on usage -- Criminal penalty.**

8250 (1)(a) Notwithstanding Section 63G-2-206, and subject to Subsection (1)(c), a law
 8251 enforcement agency shall provide a copy of an investigative report that describes the

- 8252 facts and circumstances of a criminal episode within 10 business days of the date the
8253 law enforcement agency receives a request for that information from the office.
- 8254 (b) Before releasing an investigative report, the law enforcement agency may redact the
8255 following information:
- 8256 (i) the name of:
- 8257 (A) an undercover officer; or
8258 (B) a confidential informant; and
- 8259 (ii) any information that would:
- 8260 (A) jeopardize the investigation; or
8261 (B) disclose law enforcement techniques not generally known to the public.
- 8262 (c) If a criminal episode remains under investigation when the office requests an
8263 investigative report and the law enforcement agency determines that release of an
8264 investigative report at that time would jeopardize the investigation, a law
8265 enforcement agency may provide a detailed description of the following information,
8266 instead of providing an investigative report, within 10 business days of the date the
8267 law enforcement agency received the original request from the office:
- 8268 (i) the law enforcement agency's case number;
8269 (ii) the location where the criminal episode occurred;
8270 (iii) the criminal conduct under investigation;
8271 (iv) a summary of the criminal episode;
8272 (v) verification that the claimant is a victim of the criminal conduct;
8273 (vi) any information regarding whether the claimant's conduct may have contributed
8274 to the criminal conduct; and
8275 (vii) whether the claimant was and continues to be cooperative with law enforcement.
- 8276 (d) An investigative report provided under Subsection (1)(a), or information provided
8277 under Subsection (1)(c), shall contain sufficient information for the office to
8278 determine whether a claimant is eligible for a [~~reparations~~] compensation award under
8279 Sections [~~63M-7-509~~] 75E-5-305 and [~~63M-7-510~~] 75E-5-306.
- 8280 (e) If an investigative report or information provided to the office by a law enforcement
8281 agency is not sufficient for the office to determine whether a claimant is eligible for a [~~reparations~~]
8282 compensation award, the office may contact the law enforcement agency
8283 for additional information.
- 8284 (f)(i) A law enforcement agency may give written notice that a request may take up
8285 to an additional 10 business days to process if exigent circumstances exist, which

- 8286 include:
- 8287 (A) a circumstance ~~[where]~~ in which another agency is using relevant documents;
- 8288 (B) a circumstance in which the request requires review of a voluminous amount
- 8289 of documents;
- 8290 (C) a circumstance in which the request requires legal review;
- 8291 (D) a circumstance in which the request requires extensive redaction;
- 8292 (E) a circumstance in which the law enforcement agency is currently processing
- 8293 multiple requests; or
- 8294 (F) any other exigent [circumstances] circumstance.
- 8295 (ii) Notice of an extended response time shall include the type of exigent
- 8296 circumstances involved and the new due date for the response.
- 8297 (2)(a) An investigative report provided under this section may only be used for the
- 8298 purpose of carrying out the provisions of this ~~[part]~~ chapter.
- 8299 (b) An investigative report received under this section:
- 8300 (i) may only be viewed by the office and legal counsel for the office; and
- 8301 (ii) may not be further disclosed or disseminated for any reason.
- 8302 (3) The office shall dispose of or retain an investigative report received under this section in
- 8303 a secure manner.
- 8304 (4) An investigative report provided to the office under this section is not subject to the
- 8305 provisions of Title 63G, Chapter 2, Government Records Access and Management Act.
- 8306 (5) A public employee or other person who knowingly or intentionally uses or distributes
- 8307 an investigative report, or information received from an investigative report, in violation
- 8308 of the requirements of Subsection (2) is guilty of a class B misdemeanor.

8309 Section 136. Section **75E-5-309**, which is renumbered from Section 63M-7-511 is renumbered

8310 and amended to read:

8311 **[63M-7-511] 75E-5-309 (Effective 07/01/26). When a compensation award may**

8312 **be granted -- Limitations.**

8313 ~~[A reparations award under this part may be made if:]~~

8314 (1) The office may grant a compensation award if:

8315 ~~[(1)]~~ (a) ~~the [reparations officer] compensation specialist~~ finds the [reparations]

8316 compensation claim satisfies the requirements for the [reparations] compensation

8317 award under the provisions of this [part] chapter and the rules of the office;

8318 ~~[(2)]~~ (b) money is available in the fund;

8319 ~~[(3)]~~ (c) the individual for whom the ~~[reparations] compensation~~ award is to be paid is

8320 otherwise eligible under this ~~[part]~~ chapter; and

8321 ~~[(4)]~~ (d) the ~~[reparations]~~ compensation claim is for an allowable expense incurred by the

8322 victim, as follows:

8323 ~~[(a)]~~ (i) reasonable and necessary charges incurred for products, services, and

8324 accommodations;

8325 ~~[(b)]~~ (ii) inpatient and outpatient medical treatment and physical therapy, subject to

8326 rules made by the office in accordance with Title 63G, Chapter 3, Utah

8327 Administrative Rulemaking Act;

8328 ~~[(e)]~~ (iii) mental health counseling that:

8329 ~~[(+)]~~ (A) is set forth in a mental health treatment plan that is approved before any

8330 payment is made by a ~~[reparations officer]~~ compensation specialist; and

8331 ~~[(+)]~~ (B) qualifies within any further rules made by the office in accordance with

8332 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

8333 ~~[(d)]~~ (iv) actual loss of past earnings and anticipated loss of future earnings because of

8334 a death or disability resulting from the personal injury at a rate not to exceed

8335 66-2/3% of the individual's weekly gross salary or wages or the maximum amount

8336 allowed under the state workers' compensation statute;

8337 ~~[(e)]~~ (v) care of minor children enabling a victim or spouse of a victim, but not both,

8338 to continue gainful employment at a rate per child per week as determined under

8339 rules established by the office in accordance with Title 63G, Chapter 3, Utah

8340 Administrative Rulemaking Act;

8341 ~~[(f)]~~ (vi) funeral and burial expenses for death caused by the criminally injurious

8342 conduct, subject to rules made by the office in accordance with Title 63G, Chapter

8343 3, Utah Administrative Rulemaking Act;

8344 ~~[(g)]~~ (vii) loss of support to a dependent not otherwise compensated for a pecuniary

8345 loss for personal injury, for as long as the dependence would have existed had the

8346 victim survived, at a rate not to exceed 66-2/3% of the individual's weekly salary

8347 or wages or the maximum amount allowed under the state workers' compensation

8348 statute, whichever is less;

8349 ~~[(h)]~~ (viii) personal property necessary and essential to the health or safety of the

8350 victim as defined by rules made by the office in accordance with Title 63G,

8351 Chapter 3, Utah Administrative Rulemaking Act;

8352 ~~[(+)]~~ (ix) medical examinations, subject to rules made by the office in accordance with

8353 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which may allow for

8354 exemptions from [~~Sections 63M-7-509, 63M-7-512, and 63M-7-513~~] Section
8355 75E-5-305 and Subsections (2), 75E-5-304(1)(b), 75E-5-304(1)(c), 75E-5-311(4),
8356 75E-5-311(6), 75E-5-311(7), and 75E-5-311(8); and

8357 [(j)] (x) for a victim of sexual assault who becomes pregnant from the sexual assault,
8358 health care:

8359 [(i)] (A) for the victim during the duration of the victim's pregnancy if the health
8360 care is related to or resulting from the sexual assault or the pregnancy; and

8361 [(ii)] (B) for the victim and the victim's child for one year after the day on which
8362 the victim's child is born.

8363 (2)(a) The office may reduce or deny a compensation award otherwise payable to a
8364 claimant if:

8365 (i) the economic loss upon which the claim is based has been or could be recouped
8366 from other persons, including collateral sources;

8367 (ii) the compensation specialist considers the compensation claim unreasonable
8368 because of the misconduct of the claimant; or

8369 (iii) the victim did not use a facility or health care provider that would be covered by
8370 a collateral source.

8371 (b) When two or more dependents are entitled to a compensation award as a result of a
8372 victim's death, the compensation specialist shall apportion the compensation award
8373 among the dependents.

8374 (3)(a) If a compensation specialist determines that a claimant will suffer financial
8375 hardship unless an emergency compensation award is made, and a final
8376 compensation award appears likely, the office may pay an amount to the claimant, to
8377 be deducted from the final compensation award or repaid by and recoverable from
8378 the claimant to the extent that the payment exceeds the final compensation award.

8379 (b) The office may limit emergency compensation awards under Subsection (3)(a) to any
8380 amount the office considers necessary.

8381 (4)(a) Except as provided in Subsection (4)(b), a compensation award may not exceed
8382 \$25,000 including any compensation award for a secondary victim.

8383 (b) A compensation award for medical expenses resulting from serious bodily injury or
8384 substantial bodily injury may not exceed \$50,000.

8385 (5) Unless otherwise requested by the claimant, the office shall pay a compensation award
8386 for the victim before a compensation award for a secondary victim.

8387 (6) The compensation specialist shall determine the priority of payment among multiple

8388 secondary victims on a single compensation claim.

8389 Section 137. Section **75E-5-310**, which is renumbered from Section 63M-7-514 is renumbered
8390 and amended to read:

8391 **[63M-7-514] 75E-5-310 (Effective 07/01/26). Notification of claimant --**

8392 **Suspension of proceedings.**

8393 (1)(a) The office shall immediately notify the claimant in writing of a [reparations]
8394 compensation award and shall forward to the Division of Finance a certified copy of
8395 the [reparations] compensation award and a warrant request for the amount of the [
8396 reparations] compensation award.

8397 (b) The Division of Finance shall pay the claimant the amount submitted to the division,
8398 out of the fund.

8399 (c) If money in the fund is temporarily depleted, the office shall place claimants
8400 approved to receive a [reparations] compensation award on a waiting list and provide
8401 the [reparations] compensation awards as funds are available in the order in which the [
8402 reparations] compensation awards are approved.

8403 (2) The ~~[reparations officer]~~ compensation specialist may suspend the proceedings pending
8404 disposition of a criminal prosecution that is commenced or is imminent.

8405 Section 138. Section **75E-5-311**, which is renumbered from Section 63M-7-519 is renumbered
8406 and amended to read:

8407 **[63M-7-519] 75E-5-311 (Effective 07/01/26). Acceptance of a compensation**

8408 **award -- Assignment of recovery -- Reimbursement.**

8409 (1)(a) By accepting a [reparations] compensation award, [the] a victim:

8410 (i) automatically assigns to the office any claim the victim may have relating to
8411 criminally injurious conduct in the [reparations] compensation claim; and

8412 (ii) is required to reimburse the office if the victim recovers any money relating to the
8413 criminally injurious conduct.

8414 (b) The office's right of assignment and reimbursement under Subsection (1)(a) is
8415 limited to the lesser of:

8416 (i) the amount paid by the office; or

8417 (ii) the amount recovered by the victim from the third party.

8418 (c) The office may be reimbursed under Subsection (1)(a) regardless of whether the
8419 office exercises the office's right of assignment under Subsection (1)(a).

8420 (2) The ~~[executive director of the Commission on Criminal and Juvenile Justice]~~

8421 commissioner, with the concurrence of the director, may reduce the office's right of

- 8422 reimbursement if the [~~executive director~~] commissioner determines that:
- 8423 (a) the reduction will benefit the fund; or
- 8424 (b) the victim has ongoing expenses related to the offense upon which the [~~reparations~~]
- 8425 compensation claim is based and the benefit to the victim of reducing the office's
- 8426 right of reimbursement exceeds the benefit to the office of receiving full
- 8427 reimbursement.
- 8428 (3) The office reserves the right to make a claim for reimbursement on behalf of the victim[
- 8429 ~~and the victim may not impair the office's claim or the office's right of reimbursement~~].
- 8430 (4) The victim may not discharge a claim against an individual or entity without the office's
- 8431 written permission.
- 8432 (5) The victim may not impair the office's:
- 8433 (a) claim; or
- 8434 (b) right of reimbursement.
- 8435 (6) The victim shall fully cooperate with the office in pursuing the office's right of
- 8436 reimbursement, including providing the office with any evidence in the victim's
- 8437 possession.
- 8438 (7) The office's right of reimbursement applies regardless of whether the victim is fully
- 8439 compensated for the victim's losses.
- 8440 (8) Notwithstanding Subsection 75E-5-309(2)(a)(i), a victim of a sexual offense who
- 8441 requests testing of the victim's self may be reimbursed for the costs of the HIV test only
- 8442 as provided in Subsection 53-10-803(4).
- 8443 Section 139. Section **75E-5-312**, which is renumbered from Section 63M-7-521 is renumbered
- 8444 and amended to read:
- 8445 **[~~63M-7-521~~] 75E-5-312 (Effective 07/01/26). Payment of a compensation award**
- 8446 **-- Claims against the award -- Review.**
- 8447 (1)(a) Except as provided in Subsection (1)(b), a [~~reparations officer~~] compensation
- 8448 specialist may provide for the payment of a [~~reparations~~] compensation award in a
- 8449 lump sum or in installments.
- 8450 (b)(i) The [~~reparations officer~~] compensation specialist shall pay the part of a [
- 8451 ~~reparations~~] compensation award equal to the amount of economic loss accrued to
- 8452 the date of the [~~reparations~~] compensation award in a lump sum.
- 8453 (ii) A [~~reparations officer~~] compensation specialist may not pay allowable expense
- 8454 that would accrue after an initial [~~reparations~~] compensation award is made in a
- 8455 lump sum.

- 8456 (iii) Except as provided in Subsection (2), a [~~reparations officer~~] compensation
8457 specialist shall award the part of a [~~reparations~~] compensation award that may not
8458 be paid in a lump sum under this Subsection (1)(b) in installments.
- 8459 (2) At the request of the claimant, the [~~reparations officer~~] compensation specialist may
8460 convert future economic loss installment payments, other than allowable expense, to a
8461 lump sum payment, discounted to present value, but only upon a finding by the [
8462 ~~reparations officer~~] compensation specialist that the [~~reparations~~] compensation award in
8463 a lump sum will promote the interests of the claimant.
- 8464 (3)(a) A [~~reparations~~] compensation award for future economic loss payable in
8465 installments may be made only for a period for which the [~~reparations officer~~]
8466 compensation specialist can reasonably determine future economic loss.
- 8467 (b) The [~~reparations officer~~] compensation specialist may reconsider and modify a [
8468 ~~reparations~~] compensation award for future economic loss payable in installments,
8469 upon the [~~reparations officer's~~] compensation specialist's finding that a material and
8470 substantial change of circumstances has occurred.
- 8471 (4) A [~~reparations~~] compensation award is not subject to execution, attachment, or
8472 garnishment, except that a [~~reparations~~] compensation award for allowable expense is not
8473 exempt from a claim of a creditor to the extent that the creditor provided products,
8474 services, or accommodations, the costs of which are included in the [~~reparations~~]
8475 compensation award.
- 8476 (5) An assignment or agreement to assign a [~~reparations~~] compensation award for loss
8477 accruing in the future is unenforceable, except:
- 8478 (a) an assignment of a [~~reparations~~] compensation award of [~~reparations~~] compensation
8479 for work loss to secure payment of alimony, maintenance, or child support;
- 8480 (b) an assignment of a [~~reparations~~] compensation award for allowable expense to the
8481 extent that the benefits are for the cost of products, services, or accommodations
8482 necessitated by the injury or death on which the [~~reparations~~] compensation claim is
8483 based and are provided or to be provided by the assignee; or
- 8484 (c) an assignment to repay a loan obtained to pay for the obligations or expenses
8485 described in Subsection (5)(a) or (b).
- 8486 (6)(a) A compensation specialist shall review at least annually every compensation
8487 award being paid in installments.
- 8488 (b) An order on review of a compensation award does not require refund of amounts
8489 previously paid unless the compensation award was obtained by fraud or a material

8490 mistake of fact.

8491 Section 140. Section **75E-5-313**, which is renumbered from Section 63M-7-521.5 is renumbered
8492 and amended to read:

8493 **[63M-7-521.5] 75E-5-313 (Effective 07/01/26). Payments to medical service**
8494 **providers.**

8495 (1)(a) Except as provided in Subsection (2), a medical service provider who accepts
8496 payment from the office[-] :

8497 (i) shall agree to accept payments as payment in full on behalf of the victim or
8498 claimant; and[-]

8499 (ii) may not attempt to collect further payment from the victim or the claimant for
8500 services for which the office has made payment.

8501 (b) [~~In the event~~] If the office is unable to make full payment in accordance with the
8502 office's rules, the medical service provider may collect from the victim or claimant,
8503 but not more than the amount the provider would have received from the office.

8504 (2)(a) When a medical service provider receives notice that a [~~reparations~~] compensation
8505 claim has been filed, the medical service provider may not, before the office
8506 determines whether to issue a [~~reparations~~] compensation award, engage in debt
8507 collection for the claim, including:

8508 (i) repeatedly calling or writing to a victim and threatening to refer unpaid health care
8509 costs to a debt collection agency, attorney, or other person for collection; or

8510 (ii) filing for or pursuing a legal remedy for payment of unpaid health care costs.

8511 (b) The statute of limitations for collecting a debt is tolled during the time in which a
8512 request for a [~~reparations~~] compensation award is being reviewed by the office.

8513 (3) The office may:

8514 (a) use the fee schedule utilized by the Utah Public Employees Health Plan or any other
8515 fee schedule adopted by the office; and

8516 (b) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
8517 Rulemaking Act, necessary to implement the fee schedule adopted in accordance
8518 with this section.

8519 Section 141. Section **75E-5-314**, which is renumbered from Section 63M-7-524 is renumbered
8520 and amended to read:

8521 **[63M-7-524] 75E-5-314 (Effective 07/01/26). Attorney fees.**

8522 (1) The claims procedures shall be sufficiently simple that the assistance of an attorney is
8523 unnecessary, and no attorney fees may be paid for the assistance of an attorney or any

8524 other representative in filing the [reparations] compensation claim or providing
8525 information to the [reparations officer] compensation specialist.

8526 (2) Attorney fees may be granted in the following circumstances and shall be paid out of
8527 the [reparations] compensation award not to exceed 15% of the amount of the [
8528 reparations] compensation award:

8529 (a) when a [reparations] compensation award is denied and, after a hearing, the decision
8530 to deny is overturned; or

8531 (b) when minor dependents of a deceased victim require assistance in establishing a trust
8532 or determining a guardian.

8533 (3)(a) An attorney or any other person providing assistance in a [reparations]
8534 compensation claim, who contracts for or receives sums not allowed under this [part]
8535 chapter, is guilty of a class B misdemeanor.

8536 (b) This Subsection (3) does not apply to attorneys who assist the victim in filing a civil
8537 action against the perpetrator.

8538 Section 142. Section **75E-6-101**, which is renumbered from Section 63M-7-901 is renumbered
8539 and amended to read:

8540 **CHAPTER 6. Victim Services Commission**

8541 **Part 1. General Provisions**

8542 **[63M-7-901] 75E-6-101 (Effective 07/01/26). Definitions for chapter.**

8543 As used in this [part] chapter:

8544 (1) "Commission" means the [~~Utah~~]Victim Services Commission.

8545 (2) "Criminal justice system victim advocate" means the same as that term is defined in
8546 Section 77-38-403.

8547 (3) "Member" means a member of the [~~Utah~~]Victim Services Commission.

8548 (4) "State domestic violence coalition" means the same as that term is defined in 45 C.F.R.
8549 Sec. 1370.2.

8550 (5) "State sexual assault coalition" means the same as that term is defined in 34 U.S.C. Sec.
8551 12291.

8552 (6) "Tribal coalition" means the same as that term is defined in 34 U.S.C. Sec. 12291.

8553 (7) "Victim Services Restricted Account" means the account created in Section [~~63M-7-219~~]
8554 75E-2-305.

8555 Section 143. Section **75E-6-102**, which is renumbered from Section 63M-7-902 is renumbered
8556 and amended to read:

8557 **[63M-7-902] 75E-6-102 (Effective 07/01/26) (Repealed 07/01/29). Creation --**
 8558 **Membership -- Terms -- Vacancies -- Expenses.**

- 8559 (1) There is created the [~~Utah~~]Victim Services Commission within the [~~State Commission~~
 8560 ~~on Criminal and Juvenile Justice~~] department.
- 8561 (2) The commission is composed of the following members:
- 8562 (a) the executive director of the [~~State~~]Commission on Criminal and Juvenile Justice or
 8563 the executive director's designee;
- 8564 (b) the director of the [~~Utah~~]Office for Victims of Crime or the director's designee;
- 8565 (c) the executive director of the Department of Corrections or the executive director's
 8566 designee;
- 8567 (d) the director of the Division of Multicultural Affairs or the director's designee;
- 8568 (e) the executive director of the state sexual assault coalition for this state or the
 8569 executive director's designee;
- 8570 (f) the executive director of the state domestic violence coalition for this state or the
 8571 executive director's designee;
- 8572 (g) the executive director of the tribal coalition for this state or the executive director's
 8573 designee;
- 8574 (h) the director of the Children's Justice Center Program in the Office of the Attorney
 8575 General or the director's designee;
- 8576 (i) the attorney general or the attorney general's designee;
- 8577 (j) the commissioner of the Department of Public Safety or the commissioner's designee;
- 8578 (k) a criminal justice system [~~based~~] victim advocate, appointed by the governor with the
 8579 advice and consent of the Senate;
- 8580 (l) a prosecuting attorney, appointed by the governor with the advice and consent of the
 8581 Senate;
- 8582 (m) a criminal defense attorney, appointed by the governor with the advice and consent
 8583 of the Senate;
- 8584 (n) a law enforcement representative from the Utah Sheriffs Association or Utah Chiefs
 8585 of Police Association, appointed by the governor with the advice and consent of the
 8586 Senate; and
- 8587 (o) an individual who is a current representative from the House of Representatives or
 8588 senator from the Senate, appointed jointly by the speaker of the House of
 8589 Representatives and president of the Senate.
- 8590 (3)(a) A member appointed under Subsections (2)(k) through (o) shall serve a four-year

- 8591 term.
- 8592 (b) A member appointed to serve a four-year term is eligible for reappointment.
- 8593 (c) The governor's reappointment of a member under Subsections (2)(k) through (n)
- 8594 shall be made with the advice and consent of the Senate.
- 8595 (4) When a vacancy occurs in the membership of the commission for any reason, the
- 8596 applicable appointing authority shall, in accordance with any procedure described in [
- 8597 ~~Subsection~~] Subsections (2)(a) through (o), appoint a replacement for the unexpired term.
- 8598 (5) Except as otherwise provided in Subsection (6), a member may not receive
- 8599 compensation for the member's service but may receive per diem and reimbursement for
- 8600 travel expenses incurred as a member at the rates established by:
- 8601 (a) Section 63A-3-106;
- 8602 (b) Section 63A-3-107; and
- 8603 (c) rules made by the Division of Finance [~~according to~~] in accordance with Sections
- 8604 63A-3-106 and 63A-3-107.
- 8605 (6) A member may not receive per diem or reimbursement for travel expenses under
- 8606 Subsection (5) if the member is being paid by a governmental entity while performing
- 8607 the member's service on the commission.
- 8608 Section 144. Section **75E-6-103**, which is renumbered from Section 63M-7-903 is renumbered
- 8609 and amended to read:
- 8610 **[~~63M-7-903~~] 75E-6-103 (Effective 07/01/26). Chair and vice chair -- Procedure --**
- 8611 **Subcommittees.**
- 8612 (1)(a) Except as provided in Subsection (1)(b), the governor shall appoint, with the
- 8613 advice and consent of the Senate, a chair from among the membership of the
- 8614 commission.
- 8615 (b) A member who is a legislator may not be appointed as the chair of the commission.
- 8616 (c) The chair of the commission shall serve a two-year term.
- 8617 (2)(a) The members of the commission shall elect a vice chair from among the
- 8618 membership of the commission.
- 8619 (b) The vice chair of the commission shall serve a two-year term.
- 8620 (c) A member who is a legislator may not be elected as the vice chair of the commission.
- 8621 (3)(a) A majority of the members of the commission constitutes a quorum.
- 8622 (b) The action of a majority of a quorum constitutes the action of the commission.
- 8623 (4) The commission shall meet quarterly or more frequently as determined necessary by the
- 8624 chair.

- 8625 (5) The commission shall establish:
- 8626 (a) a subcommittee focused on domestic violence that is co-chaired by:
- 8627 (i) the executive director of the state domestic violence coalition for this state or the
- 8628 executive director's designee; and
- 8629 (ii) the executive director of the tribal coalition for this state or the executive
- 8630 director's designee;
- 8631 (b) a subcommittee focused on rape and sexual assault that is co-chaired by:
- 8632 (i) the executive director of the state sexual assault coalition for this state or the
- 8633 executive director's designee; and
- 8634 (ii) the executive director of the tribal coalition for this state or the executive
- 8635 director's designee;
- 8636 (c) a subcommittee focused on child abuse that is chaired by the chair of the Children's
- 8637 Justice Center Standing Committee or the chair's designee;
- 8638 (d) a subcommittee focused on multicultural communities with distinct victimization
- 8639 issues that is chaired by the director of Division of Multicultural Affairs or the
- 8640 director's designee; and
- 8641 (e) any other subcommittee as needed to assist the commission in accomplishing the
- 8642 duties of the commission, including an executive subcommittee.
- 8643 (6) Except as otherwise provided in Subsection (5), the commission may:
- 8644 (a) appoint to a subcommittee any member of the commission or any other individual
- 8645 with subject-matter expertise that is relevant to a subcommittee's focus and purpose;
- 8646 (b) appoint the chair of any subcommittee; and
- 8647 (c) establish the focus and purpose of a subcommittee.

8648 Section 145. Section **75E-6-201** is enacted to read:

8649 **Part 2. Commission Responsibilities**

8650 **75E-6-201 (Effective 07/01/26). Definitions for part.**

8651 Reserved.

8652 Section 146. Section **75E-6-202**, which is renumbered from Section 63M-7-904 is renumbered

8653 and amended to read:

8654 **[63M-7-904] 75E-6-202 (Effective 07/01/26). Duties of the commission -- Report.**

- 8655 (1) The commission shall:
- 8656 (a) advocate for the adoption, repeal, or modification of laws or proposed legislation in
- 8657 the interest of victims of crime;
- 8658 (b) make recommendations to the Legislature, the governor, and the Judicial Council on

- 8659 the following:
- 8660 (i) enforcing existing rights of victims of crime;
- 8661 (ii) enhancing rights of victims of crime;
- 8662 (iii) the role of victims of crime in the criminal justice system;
- 8663 (iv) victim restitution;
- 8664 (v) educating and training criminal justice professionals on the rights of victims of
- 8665 crime; and
- 8666 (vi) enhancing services to victims of [~~crimes~~] crime; and
- 8667 (c) provide training on the rights of victims of crime.
- 8668 (2) The commission shall, in partnership with state agencies and organizations, including
- 8669 the Children's Justice Center Program, the [~~Utah~~]Office for Victims of Crime, and the
- 8670 Division of Child and Family Services:
- 8671 (a) review and assess the duties and practices of the [~~State~~]Commission on Criminal and
- 8672 Juvenile Justice regarding services and criminal justice policies pertaining to victims;
- 8673 (b) encourage and facilitate the development and coordination of trauma-informed
- 8674 services for crime victims throughout the state;
- 8675 (c) encourage and foster public and private partnerships for the purpose of:
- 8676 (i) assessing needs for crime victim services throughout the state;
- 8677 (ii) developing crime victim services and resources throughout the state; and
- 8678 (iii) coordinating crime victim services and resources throughout the state;
- 8679 (d) generate unity for ongoing efforts to reduce and eliminate the impact of crime on
- 8680 victims through a comprehensive and evidence-based prevention, treatment, and
- 8681 justice strategy;
- 8682 (e) recommend and support the creation, dissemination, and implementation of statewide
- 8683 policies and plans to address crimes, including domestic violence, sexual violence,
- 8684 child abuse, and driving under the influence of drugs and alcohol;
- 8685 (f) collect information on statewide funding for crime victim services and prevention
- 8686 efforts, including the sources, disbursement, and outcomes of statewide funding for
- 8687 crime victim services and prevention efforts;
- 8688 (g) consider recommendations from any subcommittee of the commission; and
- 8689 (h) make recommendations regarding:
- 8690 (i) the duties and practices of the [~~State Commission on Criminal and Juvenile Justice~~]
- 8691 department to ensure that:
- 8692 (A) crime victims are a vital part of the criminal justice system of the state;

- 8693 (B) all crime victims and witnesses are treated with dignity, respect, courtesy, and
 8694 sensitivity; and
 8695 (C) the rights of crime victims and witnesses are honored and protected by law in
 8696 a manner no less vigorous than protections afforded to criminal defendants; and
 8697 (ii) statewide funding for crime victim services and prevention efforts.

8698 (3) The commission may:

- 8699 (a) subject to court rules and the governor's approval, advocate in an appellate court on
 8700 behalf of a victim of crime;
 8701 (b) recommend to the Legislature the services to be funded by the Victim Services
 8702 Restricted Account;
 8703 (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
 8704 Rulemaking Act, regarding the process by which a victim, or a representative of a
 8705 victim, may submit a complaint alleging a violation of the victim's rights; and
 8706 (d) review any action taken by a victim rights committee created in accordance with
 8707 Section ~~[63M-7-1002]~~ 75E-6-302.

8708 (4) The commission shall report the commission's recommendations annually to the
 8709 department, the ~~[State-]~~Commission on Criminal and Juvenile Justice, the governor, the
 8710 Judicial Council, the Criminal Justice Appropriations Subcommittee, the Health and
 8711 Human Services Interim Committee, the Judiciary Interim Committee, and the Law
 8712 Enforcement and Criminal Justice Interim Committee.

8713 (5) When taking an action or making a recommendation, the commission shall respect that
 8714 a state agency is bound to follow state law and may have duties or responsibilities
 8715 imposed by state law.

8716 Section 147. Section **75E-6-301**, which is renumbered from Section 63M-7-1001 is renumbered
 8717 and amended to read:

8718 **Part 3. Victim Rights Committees**

8719 **~~[63M-7-1001]~~ 75E-6-301 (Effective 07/01/26). Definitions for part.**

8720 As used in this part:

8721 (1) "Committee" means a victim rights committee established in each judicial district as
 8722 described in Section ~~[63M-7-1002]~~ 75E-6-302.

8723 ~~[(2) "Victim Services Commission" means the Utah Victim Services Commission
 8724 established in Section 63M-7-902.]~~

8725 ~~[(3)]~~ (2)(a) "Criminal justice agency" means an agency that is directly involved in the
 8726 apprehension, prosecution, incarceration, or supervision of an individual involved in

8727 criminal conduct.

8728 (b) "Criminal justice agency" includes:

8729 (i) a law enforcement agency as defined in Section ~~[63M-7-502]~~ 75E-5-101;

8730 (ii) a prosecuting agency;

8731 (iii) the Department of Corrections created in Section 64-13-2; or

8732 (iv) the Board of Pardons and Parole created in Section 77-27-2.

8733 ~~[(4)]~~ (3) "Member" means an individual appointed to a committee.

8734 ~~[(5)]~~ (4) "Representative of a victim" means the same as that term is defined in Section
8735 77-38-2.

8736 ~~[(6)]~~ (5)(a) "Victim" means an individual against whom criminal conduct has allegedly
8737 been committed.

8738 (b) "Victim" does not include an individual who is an accomplice or codefendant to
8739 criminal conduct.

8740 ~~[(7)]~~ (6) "Victim advocate" means the same as that term is defined in Section ~~[77-37-403]~~
8741 77-38-403.

8742 ~~[(8)]~~ (7) "Victim's rights" means the rights afforded to a victim under Title 77, Chapter 37,
8743 Victims' Rights, Title 77, Chapter 38, Crime Victims, and Utah Constitution, Article I,
8744 Section 28.

8745 Section 148. Section **75E-6-302**, which is renumbered from Section 63M-7-1002 is renumbered
8746 and amended to read:

8747 **~~[63M-7-1002]~~ 75E-6-302 (Effective 07/01/26). Victim rights committee for each**
8748 **judicial district -- Members -- Terms.**

8749 (1) There is created a victim rights committee in each judicial district of this state.

8750 (2) The ~~[Victim Services Commission]~~ commission shall appoint a chair to serve on each
8751 committee.

8752 (3) The chair shall appoint, with the ~~[Victim Services Commission's]~~ commission's consent,
8753 the following individuals to serve on each committee:

8754 (a) a county or district attorney within the judicial district, or the county or district
8755 attorney's designee;

8756 (b) a municipal attorney within the judicial district, or the municipal attorney's designee;

8757 (c) a sheriff within the judicial district, or the sheriff's designee;

8758 (d) a chief of police within the judicial district, or the chief of police's designee;

8759 (e) a representative of the Division of Adult Probation and Parole created in Section
8760 64-14-202;

- 8761 (f) a victim advocate; and
 8762 (g) any other representative as appropriate.
- 8763 (4) A member is:
 8764 (a) appointed to serve a four-year term; and
 8765 (b) eligible for reappointment.
- 8766 (5) When a vacancy occurs in the membership of a committee for any reason, the
 8767 replacement shall be appointed for the remainder of the unexpired term.
- 8768 (6) A member may not receive compensation or benefits for the member's service, but a
 8769 member may receive per diem and travel expenses in accordance with:
 8770 (a) Section 63A-3-106;
 8771 (b) Section 63A-3-107; and
 8772 (c) rules made by the Division of Finance [~~pursuant to~~] in accordance with Sections
 8773 63A-3-106 and 63A-3-107.
- 8774 Section 149. Section **75E-6-303**, which is renumbered from Section 63M-7-1003 is renumbered
 8775 and amended to read:
- 8776 **[63M-7-1003] 75E-6-303 (Effective 07/01/26). Complaint of violation of victim**
 8777 **rights -- Criminal justice agency policy about complaints.**
- 8778 (1)(a) When a committee receives a complaint, the committee shall review the complaint
 8779 to determine whether the complaint alleges a violation of a victim's rights.
- 8780 (b) If a complaint alleges a violation of a victim's rights in another judicial district, the
 8781 committee shall forward the complaint to the judicial district where the violation
 8782 allegedly occurred.
- 8783 (2)(a) If the committee receives a complaint that does not allege a violation of a victim's
 8784 rights, the committee shall send a letter to the victim, or the representative of a victim:
 8785 (i) explaining that the committee may only address a violation of the victim's rights;
 8786 and
 8787 (ii) describing any other resources that may be available to the victim or the
 8788 representative of the victim.
- 8789 (b) The committee shall send the letter described in Subsection (2)(a) within 30 days
 8790 after the day on which the committee receives the complaint.
- 8791 (3) If the complaint does allege a violation of a victim's rights, the committee shall forward
 8792 a copy of the complaint to the person that is the subject of the complaint.
- 8793 (4) The committee shall schedule a meeting for the committee to review the complaint as
 8794 soon as practicable.

- 8795 (5) If a criminal justice agency investigates a complaint regarding a violation of a victim's
 8796 rights and the committee receives a complaint about the same violation, the criminal
 8797 justice agency shall provide the criminal justice agency's investigative findings related to
 8798 the complaint to the committee.
- 8799 (6) After reviewing the complaint and any findings submitted by a criminal justice agency
 8800 under Subsection (5), the committee may:
- 8801 (a) inform the person of a victim's rights and the obligations required by law;
 8802 (b) refer the victim, or the representative of a victim, to other resources in the
 8803 community; or
 8804 (c) inform the victim, or the representative of a victim, of the victim's rights and
 8805 remedies described in Title 77, Chapter 37, Victims' Rights, Title 77, Chapter 38,
 8806 Crime Victims, and Utah Constitution, Article I, Section 28.
- 8807 (7) Within 30 days after the day on which the committee meeting is held, the chair of the
 8808 committee shall send a letter to the victim, or the representative of a victim, describing
 8809 any action taken by the committee.
- 8810 (8) A criminal justice agency shall establish a policy for addressing a complaint alleging a
 8811 violation of a victim's rights.

8812 Section 150. Section **75E-7-101**, which is renumbered from Section 63M-7-701 is renumbered
 8813 and amended to read:

8814 **CHAPTER 7. Domestic Violence Offender Treatment Board**

8815 **Part 1. General Provisions**

8816 **[63M-7-701] 75E-7-101 (Effective 07/01/26) (Repealed 07/01/27). Definitions for**
 8817 **chapter.**

8818 As used in this [part] chapter:

- 8819 (1) "Board" means the Domestic Violence Offender Treatment Board created in Section [
 8820 ~~63M-7-702~~] 75E-7-102.
- 8821 (2) "Commission" means the [State-]Commission on Criminal and Juvenile Justice created
 8822 in Section [~~63M-7-201~~] 75E-3-102.

8823 Section 151. Section **75E-7-102**, which is renumbered from Section 63M-7-702 is renumbered
 8824 and amended to read:

8825 **[63M-7-702] 75E-7-102 (Effective 07/01/26) (Repealed 07/01/27). Domestic**
 8826 **Violence Offender Treatment Board -- Creation -- Membership -- Quorum -- Per diem --**
 8827 **Staff support -- Meetings.**

- 8828 (1) There is created within the [~~commission~~] department the Domestic Violence Offender
8829 Treatment Board consisting of the following members:
- 8830 (a) the executive director of the Department of Corrections, or the executive director's
8831 designee;
- 8832 (b) the executive director of the Department of Health and Human Services, or the
8833 executive director's designee;
- 8834 (c) one individual who represents a state program that focuses on prevention of injury
8835 and domestic violence appointed by the executive director of the Department of
8836 Health and Human Services;
- 8837 (d) the commissioner of public safety for the Department of Public Safety, or the
8838 commissioner's designee;
- 8839 (e) the chair of the [~~Utah~~]Victim Services Commission or the chair's designee;
- 8840 (f) the director of the [~~Utah~~]Office for Victims of Crime, or the director's designee;
- 8841 (g) the chair of the Board of Pardons and Parole, or the chair's designee;
- 8842 (h) the director of the Division of Juvenile Justice and Youth Services, or the director's
8843 designee;
- 8844 (i) one individual who represents the Administrative Office of the Courts appointed by
8845 the state court administrator; and
- 8846 (j) ten individuals appointed by the executive director of the commission, including:
- 8847 (i) the following four individuals licensed under Title 58, Chapter 60, Mental Health
8848 Professional Practice Act:
- 8849 (A) a clinical social worker;
- 8850 (B) a marriage and family therapist;
- 8851 (C) a professional counselor; and
- 8852 (D) a psychologist;
- 8853 (ii) one individual who represents an association of criminal defense attorneys;
- 8854 (iii) one criminal defense attorney who primarily represents indigent criminal
8855 defendants;
- 8856 (iv) one individual who represents an association of prosecuting attorneys;
- 8857 (v) one individual who represents law enforcement;
- 8858 (vi) one individual who represents an association of criminal justice victim
8859 advocates; and
- 8860 (vii) one individual who represents a nonprofit organization that provides domestic
8861 violence victim advocate services.

- 8862 (2)(a) A member may not serve on the board for more than eight consecutive years.
- 8863 (b) If a vacancy occurs in the membership of the board appointed under Subsection (1),
- 8864 the member shall be replaced in the same manner in which the original appointment
- 8865 was made.
- 8866 (c) A member of the board serves until the member's successor is appointed.
- 8867 (3) The members of the board shall vote on a chair and co-chair of the board to serve for
- 8868 two years.
- 8869 (4)(a) A majority of the board members constitutes a quorum.
- 8870 (b) The action of a majority of a quorum constitutes an action of the board.
- 8871 (5) A board member may not receive compensation or benefits for the member's service on
- 8872 the board, but may receive per diem and reimbursement for travel expenses incurred as a
- 8873 board member at the rates established by the Division of Finance under:
- 8874 (a) Sections 63A-3-106 and 63A-3-107; and
- 8875 (b) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 8876 (6) The commission shall provide staff support to the board.
- 8877 (7) The board shall meet at least quarterly on a date the board sets.

8878 Section 152. Section **75E-7-201** is enacted to read:

8879 **Part 2. Board Responsibilities**

8880 **75E-7-201 (Effective 07/01/26). Definitions for part.**

8881 Reserved.

8882 Section 153. Section **75E-7-202**, which is renumbered from Section 63M-7-703 is renumbered

8883 and amended to read:

8884 **[~~63M-7-703~~] 75E-7-202 (Effective 07/01/26) (Repealed 07/01/27). Board duties.**

- 8885 (1) The board shall advise and make recommendations to other councils, boards, and
- 8886 offices within the [~~commission~~] department that address domestic violence.
- 8887 (2) As part of the board's duties under Subsection (1), the board shall:
- 8888 (a) research standardized procedures and methods for intimate partner and domestic
- 8889 violence offender evaluation, intervention, treatment, and monitoring that prioritize
- 8890 physical and psychological safety of the victim;
- 8891 (b) identify and establish best practice standards for intimate partner and domestic
- 8892 violence evaluation, intervention, treatment, and monitoring that:
- 8893 (i) are applicable to the state's needs;
- 8894 (ii) are based on scientific research to address an individual's intimate partner and
- 8895 domestic violence risk factors; and

- 8896 (iii) incorporate evidence-based trauma informed care to enhance the quality and
 8897 continuity of intervention and treatment;
- 8898 (c) disseminate the best practice standards described in Subsection (2)(b) to the entities
 8899 described in Subsection (1) to be used in the evaluation, intervention, treatment, and
 8900 monitoring of intimate partner and domestic violence offenders; and
- 8901 (d) establish a training and certification program for public and private providers of
 8902 intervention and treatment for intimate partner and domestic violence offenders that
 8903 requires the public and private providers to:
- 8904 (i) comply with the best practice standards described in Subsection (2)(b) to obtain
 8905 and maintain certification; and
- 8906 (ii) participate in annual education or training to maintain certification.
- 8907 (3) The board shall:
- 8908 (a) monitor the public and private providers who participate in the training and
 8909 certification program described in Subsection (2)(d) to ensure compliance with the
 8910 best practice standards and annual education or training described in Subsection (2)(d);
 8911 and
- 8912 (b) annually provide a list of the public and private providers who participated in the
 8913 training and certification program described in Subsection (2)(d) and are in
 8914 compliance with the requirements described in Subsection (2)(d) to the
 8915 Administrative Office of the Courts as a resource for judges and commissioners in
 8916 domestic violence cases.

8917 Section 154. Section **75E-8-101**, which is renumbered from Section 63M-7-1101 is renumbered
 8918 and amended to read:

8919 **CHAPTER 8. Prosecutor Conduct Commission**

8920 **Part 1. General Provisions**

8921 **~~[63M-7-1101]~~ 75E-8-101 (Effective 07/01/26). Definitions for chapter.**

8922 As used in this ~~[part]~~ chapter:

- 8923 (1) "Commission" means the Prosecutor Conduct Commission created in Section [
 8924 ~~63M-7-1102]~~ 75E-8-102.
- 8925 (2) "Complaint" means:
- 8926 (a) a written complaint regarding professional misconduct by a prosecuting attorney; or
- 8927 (b) an allegation based on reliable information received in any form, from any source,
 8928 that alleges, or from which a reasonable inference can be drawn that a prosecuting

- 8929 attorney has committed professional misconduct.
- 8930 (3) "Employer" means:
- 8931 (a) except as provided in Subsection (3)(b), the attorney general, a district attorney, a
- 8932 county attorney, or a municipal attorney who employs the prosecuting attorney; or
- 8933 (b) the chief executive officer of the political subdivision that employs the prosecuting
- 8934 attorney if the prosecuting attorney is a district or county attorney or a municipal
- 8935 attorney.
- 8936 (4) "Investigation" means an inquiry into a complaint.
- 8937 (5) "Knowingly" means taking an action, or failing to take an action, with the knowledge
- 8938 that the natural or probable consequences are unambiguously prohibited by a legal
- 8939 obligation or professional standard.
- 8940 (6) "Legal obligation" means an obligation imposed by the Utah Constitution, the
- 8941 Constitution of the United States, a statute, a rule of procedure or evidence, or a local
- 8942 rule.
- 8943 (7) "Professional misconduct" means conduct committed in the course of a prosecution of a
- 8944 felony offense, a class A misdemeanor offense, or a class B misdemeanor offense that:
- 8945 (a) purposefully, knowingly, or recklessly violated a clear and unambiguous legal
- 8946 obligation or professional standard for a prosecuting attorney; and
- 8947 (b) impacted, or reasonably could have impacted, the substantive or procedural due
- 8948 process rights of an individual.
- 8949 (8) "Professional standard" means a standard of conduct imposed by the Utah Rules of
- 8950 Professional Conduct.
- 8951 (9) "Prosecuting attorney" means an attorney who brings a criminal prosecution or
- 8952 delinquency proceeding on behalf of this state or a county or municipality of this state.
- 8953 (10) "Purposefully" means taking an action, or failing to take an action, in order to obtain a
- 8954 result that is unambiguously prohibited by a legal obligation or professional standard.
- 8955 (11) "Recklessly" means the conduct is a gross deviation from the standard of conduct for
- 8956 an objectively reasonable prosecuting attorney:
- 8957 (a) after considering the nature and the circumstances of a prosecuting attorney's
- 8958 conduct; and
- 8959 (b) by taking into account whether the prosecuting attorney knew, or should have known:
- 8960 (i) based on the prosecuting attorney's experience, of the legal obligation or
- 8961 professional standard; and
- 8962 (ii) the prosecuting attorney's conduct was substantially likely to violate a legal

8963 obligation or professional standard.

8964 Section 155. Section **75E-8-102**, which is renumbered from Section 63M-7-1102 is renumbered
8965 and amended to read:

8966 **[~~63M-7-1102~~] 75E-8-102 (Effective 07/01/26). Prosecutor Conduct Commission**
8967 **-- Members -- Terms -- Compensation -- Staff.**

8968 (1) There is created the Prosecutor Conduct Commission within the [~~State Commission on~~
8969 ~~Criminal and Juvenile Justice~~] department.

8970 (2) The commission is composed of six members as follows:

8971 (a) [~~an assistant attorney general who prosecutes criminal offenses full-time, appointed~~
8972 ~~by the attorney general with the advice and consent of the Senate;~~] an attorney
8973 appointed by the attorney general, with the advice and consent of the Senate, who has
8974 experience prosecuting criminal offenses;

8975 (b) [~~a county or district attorney, or an assistant county or district attorney, who~~
8976 ~~prosecutes criminal offenses full-time, appointed by the Statewide Association of~~
8977 ~~Prosecutors and Public Attorneys with the advice and consent of the Senate;~~] an
8978 attorney appointed by the Statewide Association of Prosecutors and Public Attorneys,
8979 with the advice and consent of the Senate, who has experience prosecuting criminal
8980 offenses;

8981 (c) [~~a municipal attorney, or an assistant municipal attorney, who prosecutes criminal~~
8982 ~~offenses full-time, appointed by the Statewide Association of Prosecutors and Public~~
8983 ~~Attorneys with the advice and consent of the Senate;~~] an attorney appointed by the
8984 Statewide Association of Prosecutors and Public Attorneys, with the advice and
8985 consent of the Senate, who has experience prosecuting misdemeanor criminal
8986 offenses;

8987 (d) a retired attorney whose primary caseload as an attorney was criminal defense,
8988 appointed by the [~~executive director of the Commission on Criminal and Juvenile~~
8989 ~~Justice~~] commissioner with the advice and consent of the Senate; and

8990 (e) two retired district or appellate court judges, appointed by the governor with the
8991 advice and consent of the Senate.

8992 (3)(a) Except as provided in Subsection (4), a member appointed under Subsection (2)
8993 shall serve a four-year term.

8994 (b) A member may serve no more than eight years.

8995 (4) At the time of appointment, the terms of commission members shall be staggered so that
8996 approximately half of commission members' terms expire every two years.

- 8997 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
8998 appointed for the unexpired term by the same appointing authority that appointed the
8999 member creating the vacancy.
- 9000 (6)(a) Three members of the commission constitutes a quorum.
9001 (b) If a quorum is present, the action of a majority of the quorum constitutes the action
9002 of the commission.
- 9003 (7)(a) The commission shall annually elect [~~annually~~] a chair from the commission's
9004 membership to serve a two-year term.
9005 (b) A commission member may not serve as chair of the commission for more than three
9006 consecutive terms.
- 9007 (8) The commission shall establish guidelines and procedures for the disqualification of
9008 any member from consideration of any matter.
- 9009 (9)(a) A member may not receive compensation or benefits for the member's service, but
9010 may receive per diem and travel expenses in accordance with:
9011 (i) Section 63A-3-106;
9012 (ii) Section 63A-3-107; and
9013 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106
9014 and 63A-3-107.
9015 (b) A member may not receive per diem or reimbursement for travel expenses under
9016 Subsection (9)(a) if the member is being paid by a governmental entity while
9017 performing the member's service on the commission.
- 9018 (10)(a) The executive director of the [~~State~~] Commission on Criminal and Juvenile
9019 Justice shall hire a director to administer and manage the work of the commission.
9020 (b) With approval by the executive director of the [~~State~~] Commission on Criminal and
9021 Juvenile Justice, the director may hire staff to assist the director and commission with
9022 the work of the commission.
- 9023 (11) The commission and the director of the commission shall coordinate with the [~~State~~
9024 ~~Commission on Criminal and Juvenile Justice~~] department on budget and administrative
9025 support issues for the commission.

9026 Section 156. Section **75E-8-201** is enacted to read:

9027 **Part 2. Commission Responsibilities**

9028 **75E-8-201 (Effective 07/01/26). Definitions for part.**

9029 Reserved.

9030 Section 157. Section **75E-8-202**, which is renumbered from Section 63M-7-1103 is renumbered

9031 and amended to read:

9032 **[63M-7-1103] 75E-8-202 (Effective 07/01/26). Functions and duties of the**
 9033 **commission.**

9034 (1) The commission may:

9035 (a) request that members of the public report instances of professional misconduct by a
 9036 prosecuting attorney to the commission;

9037 (b) receive, initiate, investigate, or hear complaints as described in Section [63M-7-1104]
 9038 75E-8-203;

9039 (c) report professional misconduct as described in Section [63M-7-1105] 75E-8-204; and

9040 (d) gather and publish data on claims of professional misconduct by prosecuting
 9041 attorneys in this state.

9042 (2) To enforce the provisions of this [part] chapter, the commission may:

9043 (a) administer an oath or affirmation;

9044 (b) issue a subpoena, in accordance with the Utah Rules of Civil Procedure, that requires:

9045 (i) the attendance and testimony of a witness; or

9046 (ii) the production of evidence relevant to the investigation; and

9047 (c) take evidence.

9048 (3) A court shall enforce a subpoena issued by the commission, unless the testimony or
 9049 evidence sought is privileged or protected information under a law of this state.

9050 (4) The commission shall pay any witness fee, travel expense, mileage, or any other fee
 9051 required by the service statutes of the state where the witness or evidence is located.

9052 Section 158. Section **75E-8-203**, which is renumbered from Section 63M-7-1104 is renumbered
 9053 and amended to read:

9054 **[63M-7-1104] 75E-8-203 (Effective 07/01/26). Complaint and investigation**
 9055 **process.**

9056 (1)(a) A prosecuting attorney shall report:

9057 (i) any alleged professional misconduct by another prosecuting attorney to that
 9058 prosecuting attorney's employer; and

9059 (ii) any statement by a judge or magistrate alleging that another prosecuting attorney
 9060 has committed professional misconduct to that prosecuting attorney's employer.

9061 (b) An employer of a prosecuting attorney shall:

9062 (i) investigate any alleged professional misconduct by a prosecuting attorney; and

9063 (ii) submit a complaint regarding the professional misconduct to the commission if
 9064 the employer determines that the allegation is substantiated.

- 9065 (2) An individual may submit a complaint to the commission alleging that a prosecuting
9066 attorney has committed professional misconduct.
- 9067 (3) On a motion by a member of the commission, the commission may initiate an
9068 investigation of alleged professional misconduct by a prosecuting attorney if the
9069 commission determines that a complaint, if substantiated, would lead to a finding of
9070 professional misconduct by the prosecuting attorney.
- 9071 (4)(a) The commission may dismiss a complaint at any time if the commission
9072 determines that the complaint lacks merit.
- 9073 (b) If a complaint submitted by an individual is dismissed, the commission shall notify
9074 the individual who submitted the complaint.
- 9075 (5) The commission may investigate a complaint even if the prosecuting attorney has
9076 retired or resigned.
- 9077 (6) If the commission moves to initiate an investigation of alleged professional misconduct
9078 by a prosecuting attorney, the commission shall:
- 9079 (a) notify the prosecuting attorney and the prosecuting attorney's employer of the
9080 investigation; and
- 9081 (b) provide the prosecuting attorney with all information necessary to prepare an
9082 adequate response or defense, including the identity of the complainant.
- 9083 (7) If the committee dismisses an investigation after notifying the prosecuting attorney as
9084 described in Subsection (4), the commission shall notify the prosecuting attorney of the
9085 dismissal.
- 9086 (8) A prospective employer may inquire of the commission as to whether there is a pending
9087 investigation against a prosecuting attorney.
- 9088 (9)(a) In the course of an investigation, the commission may request that the prosecuting
9089 attorney testify before the commission.
- 9090 (b) The prosecuting attorney's counsel may be present during the prosecuting attorney's
9091 testimony.
- 9092 (c) The prosecuting attorney may present evidence and material relevant to the
9093 complaint.
- 9094 (10) A governmental entity may provide the commission with a record as described in
9095 Section 63G-2-206.
- 9096 (11)(a) A prosecuting agency, and an employee of a prosecuting agency, shall:
- 9097 (i) cooperate with the commission in an investigation of a prosecuting attorney; and
9098 (ii) respond truthfully to questions posed during the course of an investigation unless:

- 9099 (A) the information is privileged or protected by statute or court rule; or
 9100 (B) the employee asserts the employee's constitutional right to remain silent.
- 9101 (b) A prosecuting agency may subject an employee to discipline, including termination,
 9102 if the employee refuses to cooperate with an investigation by the commission.
- 9103 (c) The dismissal or demotion of a career service employee under Subsection (11)(b) is
 9104 subject to the requirements of Section 63A-17-306.

9105 Section 159. Section **75E-8-204**, which is renumbered from Section 63M-7-1105 is renumbered
 9106 and amended to read:

9107 **[63M-7-1105] 75E-8-204 (Effective 07/01/26). Finding of professional misconduct**
 9108 **-- Reporting of finding.**

- 9109 (1)(a) Upon an investigation under Section [63M-7-1104] 75E-8-203, the commission
 9110 may make a finding, by a preponderance of the evidence, that a prosecuting attorney
 9111 committed professional misconduct.
- 9112 (b) In determining whether a prosecuting attorney committed professional misconduct
 9113 under Subsection (1)(a), the commission may consider an affirmative action of the
 9114 prosecuting attorney or an action that the prosecuting attorney failed to take.
- 9115 (2) If the commission finds that a prosecuting attorney committed professional misconduct:
 9116 (a) the commission shall notify:
 9117 (i) the prosecuting attorney's employer of the commission's finding;
 9118 (ii) the appropriate law enforcement agency of the commission's finding if the
 9119 professional misconduct is likely a criminal offense; and
 9120 (iii) the Office of Professional Conduct of the commission's finding if the
 9121 professional misconduct is likely a violation of the Utah Rules of Professional
 9122 Conduct; and
- 9123 (b) the commission may disclose a summary of the commission's investigation and
 9124 finding.
- 9125 (3) Any documents disclosed under Subsection (2) shall maintain the same classification
 9126 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 9127 (4) The commission may not disclose information or evidence under Subsection (2) that is:
 9128 (a) protected from disclosure by court order or a legal privilege; or
 9129 (b) given after having been issued a warning based on *Garrity v. New Jersey*, 385 U.S.
 9130 493 (1967).
- 9131 (5) A finding by the commission that a prosecuting attorney committed professional
 9132 misconduct may only be made public if:

- 9133 (a) a governmental entity with a record of the finding is required to make the record
 9134 public under Title 63G, Chapter 2, Government Records Access and Management
 9135 Act;
- 9136 (b) the Office of Professional Conduct discloses the commission's finding to the public
 9137 due to a disciplinary action against the prosecuting attorney as a result of the
 9138 commission's finding; or
- 9139 (c) a prosecuting agency brings a criminal prosecution against the prosecuting attorney
 9140 as a result of the commission's finding.
- 9141 (6) The commission may not discipline or sanction a prosecuting attorney for any
 9142 professional misconduct.

9143 Section 160. Section **75E-8-205**, which is renumbered from Section 63M-7-1106 is renumbered
 9144 and amended to read:

9145 **[63M-7-1106] 75E-8-205 (Effective 07/01/26). Annual reporting requirement to**
 9146 **Legislature.**

- 9147 (1) Before November 1 of each year, the commission shall report to the Commission on
 9148 Criminal and Juvenile Justice, the Law Enforcement and Criminal Justice Interim
 9149 Committee, and the Judiciary Interim Committee on:
- 9150 (a) the number of complaints received;
- 9151 (b) the general nature of the complaints;
- 9152 (c) the number of complaints dismissed without an investigation;
- 9153 (d) the number of complaints investigated;
- 9154 (e) the general findings and outcomes of investigations; and
- 9155 (f) the name of any prosecuting agency that refused, without reasonable cause, to
 9156 cooperate in an investigation by the commission.
- 9157 (2) The commission may not include any personal identifying information regarding a
 9158 prosecuting attorney in a report described in Subsection (1).

9159 Section 161. Section **75E-9-101** is enacted to read:

9160 **CHAPTER 9. Indigent Defense Commission**

9161 **Part 1. General Provisions**

9162 **75E-9-101 (Effective 07/01/26). Definitions for chapter.**

9163 As used in this chapter:

- 9164 (1) "Account" means the Indigent Defense Resources Restricted Account created in Section
 9165 75E-9-202.

- 9166 (2) "Child welfare case" means a proceeding under Title 80, Chapter 3, Abuse, Neglect, and
 9167 Dependency Proceedings, or Title 80, Chapter 4, Termination and Restoration of
 9168 Parental Rights.
- 9169 (3) "Commission" means the Indigent Defense Commission created in Section 75E-9-102.
- 9170 (4) "Eligible county" means:
- 9171 (a) a county of the fourth, fifth, or sixth class, as described in Section 17-60-104; or
 9172 (b) a county of the third class, as described in Section 17-60-104, if the county of the
 9173 third class has no municipality with a population of 100,000 or more.
- 9174 (5) "Indigent defense resources" means the same as that term is defined in Section
 9175 78B-22-102.
- 9176 (6) "Indigent defense service provider" means the same as that term is defined in Section
 9177 78B-22-102.
- 9178 (7) "Indigent defense services" means the same as that term is defined in Section
 9179 78B-22-102.
- 9180 (8) "Indigent defense system" means the same as that term is defined in Section 78B-22-102.
- 9181 (9) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 9182 (10) "Minor" means the same as that term is defined in Section 78B-22-102.
- 9183 (11) "Office" means the Office of Indigent Defense Services created in Section 75E-10-102.

9184 Section 162. Section **75E-9-102**, which is renumbered from Section 78B-22-401 is renumbered
 9185 and amended to read:

9186 **[78B-22-401] 75E-9-102 (Effective 07/01/26). Indigent Defense Commission --**
 9187 **Creation -- Purpose.**

- 9188 (1) There is created the [~~Utah~~]Indigent Defense Commission within the [~~State Commission~~
 9189 ~~on Criminal and Juvenile Justice~~] department.
- 9190 (2) The purpose of the commission is to assist:
- 9191 (a) the state in meeting the state's obligations for the provision of indigent defense
 9192 services, consistent with the United States Constitution, the Utah Constitution, and
 9193 the Utah Code; and
- 9194 (b) the [~~Office of Indigent Defense Services, created in Section 78B-22-451,~~] office with
 9195 carrying out the statutory duties assigned to the commission and the [~~Office of~~
 9196 ~~Indigent Defense Services~~] office.

9197 Section 163. Section **75E-9-103**, which is renumbered from Section 78B-22-402 is renumbered
 9198 and amended to read:

9199 **[78B-22-402] 75E-9-103 (Effective 07/01/26). Commission members -- Member**

9200 **qualifications -- Terms -- Vacancy.**

- 9201 (1)(a) The commission is composed of 15 members.
- 9202 (b) The governor, with the advice and consent of the Senate, and in accordance with
- 9203 Title 63G, Chapter 24, Part 2, Vacancies, shall appoint the following 11 members:
- 9204 (i) two practicing criminal defense attorneys [-]recommended by the Utah
- 9205 Association of Criminal Defense Lawyers;
- 9206 (ii) one attorney practicing in juvenile delinquency defense recommended by the
- 9207 Utah Association of Criminal Defense Lawyers;
- 9208 (iii) one attorney who represents parents in child welfare cases, recommended by an
- 9209 entity funded under the Child Welfare Parental Representation Program created in
- 9210 Section [~~78B-22-802~~] 75E-10-502;
- 9211 (iv) one attorney representing minority interests recommended by the Utah Minority
- 9212 Bar Association;
- 9213 (v) one member recommended by the Utah Association of Counties from a county of
- 9214 the first or second class;
- 9215 (vi) one member recommended by the Utah Association of Counties from a county of
- 9216 the third through sixth class;
- 9217 (vii) a director of a county public defender organization recommended by the Utah
- 9218 Association of Criminal Defense Lawyers;
- 9219 (viii) two members recommended by the Utah League of Cities and Towns from [its]
- 9220 the membership of the Utah League of Cities and Towns; and
- 9221 (ix) one retired judge recommended by the Judicial Council.
- 9222 (c) The speaker of the House of Representatives and the president of the Senate shall
- 9223 appoint two members of the Utah Legislature, one from the House of Representatives
- 9224 and one from the Senate.
- 9225 (d) The Judicial Council shall appoint a member from the Administrative Office of the
- 9226 Courts.
- 9227 (e) The [~~executive director of the State Commission on Criminal and Juvenile Justice or~~
- 9228 ~~the executive director's~~] commissioner or the commissioner's designee is a member of
- 9229 the commission.
- 9230 (2) A member appointed by the governor shall serve a four-year term, except as provided in
- 9231 Subsection (3).
- 9232 (3) The governor shall stagger the initial terms of appointees so that approximately half of
- 9233 the members appointed by the governor are appointed every two years.

- 9234 (4) A member appointed to the commission shall[-] :
- 9235 (a) have significant experience in[-] :
- 9236 (i) indigent criminal defense[-] ;
- 9237 (ii) representing parents in child welfare cases[-] ; or
- 9238 (iii) [~~in~~]juvenile defense in delinquency [-]proceedings; or
- 9239 (b) have otherwise demonstrated a strong commitment to providing effective
- 9240 representation in indigent defense services.
- 9241 (5) An individual who is currently employed solely as a criminal prosecuting attorney may
- 9242 not serve as a member of the commission[-].
- 9243 (6) A commission member shall hold office until the member's successor is appointed.
- 9244 (7) The commission may remove a member for incompetence, dereliction of duty,
- 9245 malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.
- 9246 (8) If a vacancy occurs in the membership for any reason, a replacement shall be appointed
- 9247 for the remaining unexpired term in the same manner, and in accordance with the same
- 9248 procedure, as the original appointment.
- 9249 (9)(a) The commission shall elect annually a chair from the commission's membership to
- 9250 serve a one-year term.
- 9251 (b) A commission member may not serve as chair of the commission for more than three
- 9252 consecutive terms.
- 9253 (10) A member may not receive compensation or benefits for the member's service, but
- 9254 may receive per diem and travel expenses in accordance with:
- 9255 (a) Section 63A-3-106;
- 9256 (b) Section 63A-3-107; and
- 9257 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
- 9258 63A-3-107.
- 9259 (11)(a) A majority of the members of the commission constitutes a quorum.
- 9260 (b) If a quorum is present, the action of a majority of the voting members present
- 9261 constitutes the action of the commission.
- 9262 (c) A member shall comply with the conflict of interest provisions described in Title
- 9263 63G, Chapter 24, Part 3, Conflicts of Interest.
- 9264 Section 164. Section **75E-9-104**, which is renumbered from Section 78B-22-404 is renumbered
- 9265 and amended to read:
- 9266 **~~[78B-22-404]~~ 75E-9-104 (Effective 07/01/26). Powers and duties of the**
- 9267 **commission.**

- 9268 (1) The commission shall:
- 9269 (a) adopt core principles for an indigent defense system to ensure the effective
- 9270 representation of indigent individuals consistent with the requirements of the United
- 9271 States Constitution, the Utah Constitution, and the Utah Code, which principles at a
- 9272 minimum shall address the following:
- 9273 (i) an indigent defense system shall ensure that in providing indigent defense services:
- 9274 (A) an indigent individual receives conflict-free indigent defense services; and
- 9275 (B) there is a separate contract for each type of indigent defense service; and
- 9276 (ii) an indigent defense system shall ensure an indigent defense service provider has:
- 9277 (A) the ability to exercise independent judgment without fear of retaliation and is
- 9278 free to represent an indigent individual based on the indigent defense service
- 9279 provider's own independent judgment;
- 9280 (B) adequate access to indigent defense resources;
- 9281 (C) the ability to provide representation to accused individuals in criminal cases at
- 9282 the critical stages of proceedings, and at all stages to indigent individuals in
- 9283 juvenile delinquency and child welfare proceedings;
- 9284 (D) a workload that allows for sufficient time to meet with clients, investigate
- 9285 cases, file appropriate documents with the courts, and otherwise provide
- 9286 effective assistance of counsel to each client;
- 9287 (E) adequate compensation without financial disincentives;
- 9288 (F) appropriate experience or training in the area for which the indigent defense
- 9289 service provider is representing indigent individuals;
- 9290 (G) compensation for legal training and education in the areas of the law relevant
- 9291 to the types of cases for which the indigent defense service provider is
- 9292 representing indigent individuals; and
- 9293 (H) the ability to meet the obligations of the Utah Rules of Professional Conduct,
- 9294 including expectations on client communications and managing conflicts of
- 9295 interest;
- 9296 (b) encourage and aid indigent defense systems in the state in the regionalization of
- 9297 indigent defense services to provide for effective and efficient representation to the
- 9298 indigent individuals;
- 9299 (c) emphasize the importance of ensuring constitutionally effective indigent defense
- 9300 services;
- 9301 (d) encourage members of the judiciary to provide input regarding the delivery of

- 9302 indigent defense services;
- 9303 (e) oversee individuals and entities involved in providing indigent defense services;
- 9304 (f) manage county participation in the Indigent Aggravated Murder Defense Fund
- 9305 created in Section ~~[78B-22-701]~~ 75E-10-402; and
- 9306 (g) develop and oversee the provision of resources for minors to access legal advice
- 9307 when considering a nonjudicial adjustment.

9308 (2) The commission may:

- 9309 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 9310 Rulemaking Act, to carry out the commission's duties under this ~~[part]~~ chapter;
- 9311 (b) assign duties related to indigent defense services to the office to assist the
- 9312 commission with the commission's statutory duties;
- 9313 (c) request supplemental appropriations from the Legislature to address a deficit in the
- 9314 Indigent Inmate Fund created in Section ~~[78B-22-455]~~ 75E-10-302; and
- 9315 (d) request supplemental appropriations from the Legislature to address a deficit in the
- 9316 Child Welfare Parental Representation Fund created in Section ~~[78B-22-804]~~
- 9317 75E-10-504.

9318 Section 165. Section **75E-9-105**, which is renumbered from Section 78B-22-407 is renumbered

9319 and amended to read:

9320 ~~[78B-22-407]~~ **75E-9-105 (Effective 07/01/26). Cooperation and participation with**

9321 **the commission.**

9322 Indigent defense systems and indigent defense service providers shall cooperate and

9323 participate with the commission in the collection of data, investigation, audit, and review of

9324 indigent defense services.

9325 Section 166. Section **75E-9-201** is enacted to read:

9326 **Part 2. Accounts and Grants**

9327 **75E-9-201 (Effective 07/01/26). Definitions for part.**

9328 Reserved.

9329 Section 167. Section **75E-9-202**, which is renumbered from Section 78B-22-405 is renumbered

9330 and amended to read:

9331 ~~[78B-22-405]~~ **75E-9-202 (Effective 07/01/26). Indigent Defense Resources**

9332 **Restricted Account -- Administration.**

- 9333 (1)(a) There is created within the General Fund a restricted account known as the
- 9334 "Indigent Defense Resources Restricted Account."
- 9335 (b) Appropriations from the account are nonlapsing.

- 9336 (2) The account consists of:
- 9337 (a) money appropriated by the Legislature based upon recommendations from the
- 9338 commission consistent with principles of shared state and local funding;
- 9339 (b) any other money received by the commission from any source to carry out the
- 9340 purposes of this ~~[part]~~ chapter; and
- 9341 (c) any interest and earnings from the investment of account money.
- 9342 (3) The commission shall administer the account and, subject to appropriation, disburse
- 9343 money from the account for the following purposes:
- 9344 (a) to establish and maintain a statewide indigent defense data collection system;
- 9345 (b) to establish and administer a grant program to provide grants of state money and
- 9346 other money to indigent defense systems as ~~[set forth]~~ described in Section [
- 9347 ~~78B-22-406]~~ 75E-9-203;
- 9348 (c) to provide training and continuing legal education for indigent defense service
- 9349 providers; and
- 9350 (d) for administrative costs.

9351 Section 168. Section **75E-9-203**, which is renumbered from Section 78B-22-406 is renumbered

9352 and amended to read:

9353 **~~[78B-22-406]~~ 75E-9-203 (Effective 07/01/26). Indigent defense services grant**

9354 **program.**

- 9355 (1) The commission may award grants:
- 9356 (a) to supplement local spending by an indigent defense system for indigent defense
- 9357 services; and
- 9358 (b) for contracts to provide indigent defense services for appeals from juvenile court
- 9359 proceedings in an eligible county.
- 9360 (2) The commission may use grant money:
- 9361 (a) to assist an indigent defense system to provide indigent defense services that meet
- 9362 the commission's core principles for the effective representation of indigent
- 9363 individuals;
- 9364 (b) to establish and maintain local indigent defense data collection systems;
- 9365 (c) to provide indigent defense services in addition to indigent defense services that are
- 9366 currently being provided by an indigent defense system;
- 9367 (d) to provide training and continuing legal education for indigent defense service
- 9368 providers;
- 9369 (e) to assist indigent defense systems with appeals from juvenile court proceedings;

- 9370 (f) to pay for indigent defense resources and costs and expenses for parental
 9371 representation attorneys as described in Subsection [~~78B-22-804(2)~~] 75E-10-504(2);
 9372 and
- 9373 (g) to reimburse an indigent defense system for the cost of providing indigent defense
 9374 services in an action initiated by a private party under Title 80, Chapter 4,
 9375 Termination and Restoration of Parental Rights, if the indigent defense system has
 9376 complied with the commission's policies and procedures for reimbursement.
- 9377 (3) To receive a grant from the commission, an indigent defense system shall demonstrate
 9378 to the commission's satisfaction that:
- 9379 (a) the indigent defense system has incurred or reasonably anticipates incurring expenses
 9380 for indigent defense services that are in addition to the indigent defense system's
 9381 average annual spending on indigent defense services in the three fiscal years
 9382 immediately [~~preceding~~] before the grant application; and
- 9383 (b)(i) a grant from the commission is necessary for the indigent defense system to
 9384 meet the commission's core principles for the effective representation of indigent
 9385 individuals; or
- 9386 (ii) the indigent defense system shall use the grant in an innovative manner that meets
 9387 the commission's core principles for the effective representation of indigent
 9388 individuals.
- 9389 (4) The commission may revoke a grant if an indigent defense system fails to meet
 9390 requirements of the grant or any of the commission's core principles for the effective
 9391 representation of indigent individuals.

9392 Section 169. Section **75E-10-101** is enacted to read:

9393 **CHAPTER 10. Office of Indigent Defense Services**

9394 **Part 1. General Provisions**

9395 **75E-10-101 (Effective 07/01/26). Definitions for chapter.**

9396 As used in this chapter:

- 9397 (1) "Child welfare case" means the same as that term is defined in Section 75E-9-101.
- 9398 (2) "Commission" means the Indigent Defense Commission created in Section 75E-9-102.
- 9399 (3) "Eligible county" means the same as that term is defined in Section 75E-9-101.
- 9400 (4) "Executive director" means the executive director of the office appointed under Section
 9401 75E-10-103.
- 9402 (5) "Indigent defense resources" means the same as that term is defined in Section

9403 78B-22-102.

9404 (6) "Indigent defense service provider" means the same as that term is defined in Section
 9405 78B-22-102.

9406 (7) "Indigent defense services" means the same as that term is defined in Section
 9407 78B-22-102.

9408 (8) "Indigent defense system" means the same as that term is defined in Section 78B-22-102.

9409 (9) "Indigent individual" means the same as that term is defined in Section 78B-22-102.

9410 (10) "Minor" means the same as that term is defined in Section 78B-22-102.

9411 (11) "Office" means the Office of Indigent Defense Services created in Section 75E-10-102.

9412 Section 170. Section **75E-10-102**, which is renumbered from Section 78B-22-451 is renumbered
 9413 and amended to read:

9414 **[78B-22-451] 75E-10-102 (Effective 07/01/26). Office of Indigent Defense**
 9415 **Services -- Creation.**

9416 There is created under the commission the Office of Indigent Defense Services.

9417 Section 171. Section **75E-10-103**, which is renumbered from Section 78B-22-453 is renumbered
 9418 and amended to read:

9419 **[78B-22-453] 75E-10-103 (Effective 07/01/26). Executive director --**
 9420 **Qualifications -- Staff.**

9421 (1) The commission:

- 9422 (a) shall appoint the executive director, by a majority vote of the commission, to carry
 9423 out the duties of the office described in Section [78B-22-452] 75E-10-202; and
 9424 (b) may remove the executive director by majority vote of the commission.

9425 (2) The executive director shall be [-]an active member of the Utah State Bar [-]with an
 9426 appropriate background and experience to serve as the full-time executive director.

9427 (3) The executive director shall hire staff as necessary to carry out the duties of the office as
 9428 described in Section [78B-22-452] 75E-10-202, including:

- 9429 (a) one individual who is an active member of the Utah State Bar to serve as a full-time
 9430 assistant director; and
 9431 (b) one individual with data collection and analysis skills.

9432 (4) When appointing the executive director of the office under Subsection (1), the
 9433 commission shall give preference to an individual with experience in adult criminal
 9434 defense, representing parents in child welfare cases, or in juvenile delinquency defense.

9435 (5) When hiring the assistant director, the executive director shall give preference to an
 9436 individual with experience in adult criminal defense, representing parents in child

9437 welfare cases, or in juvenile delinquency defense.

9438 Section 172. Section **75E-10-201** is enacted to read:

9439 **Part 2. Office Responsibilities**

9440 **75E-10-201 (Effective 07/01/26). Definitions for part.**

9441 Reserved.

9442 Section 173. Section **75E-10-202**, which is renumbered from Section 78B-22-452 is renumbered
9443 and amended to read:

9444 **~~[78B-22-452]~~ 75E-10-202 (Effective 07/01/26). Duties of the office.**

9445 (1) The office shall:

- 9446 (a) establish an annual budget for the office for the Indigent Defense Resources
9447 Restricted Account created in Section ~~[78B-22-405]~~ 75E-9-202;
- 9448 (b) assist the commission in performing the commission's statutory duties described in [
9449 ~~this chapter~~] Chapter 9, Indigent Defense Commission;
- 9450 (c) identify and collect data that is necessary for the commission to:
- 9451 (i) aid, oversee, and review compliance by indigent defense systems with the
9452 commission's core principles for the effective representation of indigent
9453 individuals; and
- 9454 (ii) provide reports regarding the operation of the commission and the provision of
9455 indigent defense services by indigent defense systems in the state;
- 9456 (d) assist indigent defense systems by reviewing contracts and other agreements, to
9457 ensure compliance with the commission's core principles for effective representation
9458 of indigent individuals;
- 9459 (e) establish procedures for the receipt and acceptance of complaints regarding the
9460 provision of indigent defense services in the state;
- 9461 (f) establish procedures to award grants to indigent defense systems under Section [
9462 ~~78B-22-406]~~ 75E-9-203 that are consistent with the commission's core principles;
- 9463 (g) create and enter into contracts consistent with Section ~~[78B-22-454]~~ 75E-10-303 to
9464 provide indigent defense services for an indigent defense inmate who:
- 9465 (i) is incarcerated in a state prison located in an eligible county;
- 9466 (ii) is charged with having committed a crime within that state prison; and
- 9467 (iii) has been appointed counsel in accordance with Section 78B-22-203;
- 9468 (h) assist the commission in developing and reviewing advisory caseload guidelines and
9469 procedures;
- 9470 (i) investigate, audit, and review the provision of indigent defense services to ensure

- 9471 compliance with the commission's core principles for the effective representation of
 9472 indigent individuals;
- 9473 (j) administer the Child Welfare Parental Representation Program in accordance with [
 9474 ~~Part 8, Child Welfare Parental Representation Program~~] Part 5, Child Welfare
 9475 Parental Representation Program;
- 9476 (k) administer the Indigent Aggravated Murder Defense Fund in accordance with [~~Part~~
 9477 ~~7, Indigent Aggravated Murder Defense Fund~~] Part 4, Indigent Aggravated Murder
 9478 Defense Fund;
- 9479 (l) assign an indigent defense service provider to represent an individual prosecuted for
 9480 aggravated murder in accordance with [~~Part 7, Indigent Aggravated Murder Defense~~
 9481 ~~Fund~~] Part 4, Indigent Aggravated Murder Defense Fund;
- 9482 (m) provide access for a minor to receive legal advice, at no cost, in connection with
 9483 considering a nonjudicial adjustment;
- 9484 (n) annually report to the governor, Legislature, Judiciary Interim Committee, and
 9485 Judicial Council, regarding:
- 9486 (i) the operations of the commission;
- 9487 (ii) the operations of the indigent defense systems in the state; and
- 9488 (iii) compliance with the commission's core principles by indigent defense systems
 9489 receiving grants from the commission;
- 9490 (o) submit recommendations to the commission for improving indigent defense services
 9491 in the state;
- 9492 (p) publish an annual report on the commission's website; and
- 9493 (q) perform all other duties assigned by the commission related to indigent defense
 9494 services.
- 9495 (2) The office may:
- 9496 (a) enter into contracts and accept, allocate, and administer funds and grants from any
 9497 public or private person to accomplish the duties of the office; and
- 9498 (b) employ or contract with an attorney to provide counsel, at no cost, to any minor
 9499 considering a nonjudicial adjustment.
- 9500 (3) Any contract entered into under this [~~part~~] chapter shall require that indigent defense
 9501 services are provided in a manner consistent with the commission's core principles
 9502 implemented under Section [~~78B-22-404~~] 75E-9-104.
- 9503 Section 174. Section **75E-10-301** is enacted to read:
- 9504 **Part 3. Indigent Inmate Fund**

9505 **75E-10-301 (Effective 07/01/26). Definitions for part.**

9506 As used in this part, "fund" means the Indigent Inmate Fund created in Section
 9507 75E-10-302.

9508 Section 175. Section **75E-10-302**, which is renumbered from Section 78B-22-455 is renumbered
 9509 and amended to read:

9510 **[78B-22-455] 75E-10-302 (Effective 07/01/26). Indigent Inmate Fund.**

9511 (1) There is created a custodial fund known as the "Indigent Inmate Fund" to be disbursed
 9512 by the office in accordance with contracts entered into under Subsection [

9513 ~~78B-22-452(1)(g)]~~ 75E-10-202(1)(g).

9514 (2) Money deposited into this fund shall only be used:

9515 (a) to pay indigent defense services for an indigent inmate who:

9516 (i) is incarcerated in a state prison located in a county of the third, fourth, fifth, or
 9517 sixth class as classified under Section 17-60-104;

9518 (ii) is charged with having committed a crime within that state prison; and

9519 (iii) has been appointed counsel in accordance with Section 78B-22-203; and

9520 (b) to cover costs of administering the Indigent Inmate Fund.

9521 (3) The fund consists of:

9522 (a) proceeds received from counties that impose the additional tax levy by ordinance
 9523 under Subsection ~~[78B-22-454(4)]~~ 75E-10-303(4), which shall be the total county
 9524 obligation for payment of costs listed in Subsection (2) for defense services for
 9525 indigent inmates;

9526 (b) appropriations made to the fund by the Legislature; and

9527 (c) interest and earnings from the investment of fund money.

9528 (4) Fund money shall be invested by the state treasurer with the earnings and interest
 9529 accruing to the fund.

9530 (5)(a) In any calendar year in which the fund has insufficient funding, or is projected to
 9531 have insufficient funding, the commission shall request a supplemental appropriation
 9532 from the Legislature in the following general session to provide sufficient funding.

9533 (b) The state shall pay any or all of the reasonable and necessary money to provide
 9534 sufficient funding into the ~~[Indigent Inmate Fund]~~ fund.

9535 (6) The fund is capped at \$1,000,000.

9536 (7) The office shall notify the contributing counties when the fund approaches \$1,000,000
 9537 and provide each county with the amount of the balance in the fund.

9538 (8) Upon notification by the office that the fund is near the limit imposed in Subsection (6),

9539 the counties may contribute enough money to enable the fund to reach \$1,000,000 and
 9540 discontinue contributions until notified by the office that the balance has fallen below
 9541 \$1,000,000, at which time counties that meet the requirements of Section [~~78B-22-454~~]
 9542 75E-10-303 shall resume contributions.

9543 Section 176. Section **75E-10-303**, which is renumbered from Section 78B-22-454 is renumbered
 9544 and amended to read:

9545 ~~[78B-22-454]~~ **75E-10-303 (Effective 07/01/26). Funding for indigent defense**
 9546 **services.**

- 9547 (1) The office shall pay for indigent defense services for indigent inmates from the [
 9548 ~~Indigent Inmate Fund created in Section 78B-22-455~~] fund.
- 9549 (2) A contract under this [~~part~~] chapter shall ensure that indigent defense services are
 9550 provided in a manner consistent with the core principles described in Section [
 9551 ~~78B-22-404~~] 75E-9-104.
- 9552 (3) The county attorney or district attorney of a county of the third, fourth, fifth, or sixth
 9553 class shall function as the prosecuting entity.
- 9554 (4)(a) A county of the third, fourth, fifth, or sixth class where a state prison is located
 9555 may impose an additional property tax levy by ordinance at .0001 per dollar of
 9556 taxable value in the county.
- 9557 (b) If the county governing body imposes the additional property tax levy by ordinance,
 9558 the revenue shall be deposited into the [~~Indigent Inmate Fund~~] fund as provided in
 9559 Section [~~78B-22-455~~] 75E-10-302 to fund the purposes of this [~~part~~] chapter.
- 9560 (c) Upon notification that the fund has reached the amount specified in Subsection [
 9561 ~~78B-22-455(6)~~] 75E-10-302(6), a county shall deposit revenue derived from the
 9562 property tax levy after the county receives the notice into a county account used
 9563 exclusively to provide indigent defense services.
- 9564 (d) A county that chooses not to impose the additional levy by ordinance may not
 9565 receive any benefit from the [~~Indigent Inmate Fund~~] fund.

9566 Section 177. Section **75E-10-401** is enacted to read:

9567 **Part 4. Indigent Aggravated Murder Defense Fund**

9568 **75E-10-401 (Effective 07/01/26). Definitions for part.**

9569 As used in this part:

- 9570 (1) "Fund" means the Indigent Aggravated Murder Defense Fund created in Section
 9571 75E-10-402.
- 9572 (2) "Participating county" means a county that complies with this part for participation in

9573 the fund.

9574 Section 178. Section **75E-10-402**, which is renumbered from Section 78B-22-701 is renumbered
9575 and amended to read:

9576 **[78B-22-701] 75E-10-402 (Effective 07/01/26). Establishment of Indigent**
9577 **Aggravated Murder Defense Fund -- Use of fund -- Compensation for indigent legal**
9578 **defense from fund.**

9579 [~~(1)~~] As used in this part, "fund" means the Indigent Aggravated Murder Defense Fund.]

9580 [~~(2)~~] (1)(a) There is established a custodial fund known as the "Indigent Aggravated
9581 Murder Defense Fund."

9582 (b) The office shall disburse money from the fund at the direction of the commission and
9583 subject to this [~~chapter~~] part.

9584 [~~(3)~~] (2) The fund consists of:

9585 (a) money received from participating counties as [~~provided~~] described in Sections [
9586 ~~78B-22-702] 75E-10-404 and [~~78B-22-703] 75E-10-405;~~~~

9587 (b) appropriations made to the fund by the Legislature as [~~provided~~] described in Section [
9588 ~~78B-22-703] 75E-10-405; and~~

9589 (c) interest and earnings from the investment of fund money.

9590 [~~(4)~~] (3) The state treasurer shall invest fund money with the earnings and interest accruing
9591 to the fund.

9592 [~~(5)~~] (4) The fund shall be used to fulfill the constitutional and statutory mandates for the
9593 provision of constitutionally effective defense for indigent individuals prosecuted for the
9594 violation of state laws in cases involving aggravated murder.

9595 [~~(6)~~] (5) Money allocated to or deposited into the fund is used only:

9596 (a) to pay an indigent defense service provider appointed to represent an individual
9597 prosecuted for aggravated murder;

9598 (b) for defense resources necessary to effectively represent the individual; and

9599 (c) for costs associated with the management of the fund and defense service providers.

9600 Section 179. Section **75E-10-403**, which is renumbered from Section 78B-22-701.5 is
renumbered

9601 and amended to read:

9602 **[78B-22-701.5] 75E-10-403 (Effective 07/01/26). Administration of Indigent**
9603 **Aggravated Murder Defense Fund.**

9604 (1) The commission shall establish rules and procedures for[-] :

9605 (a) the application by a county for disbursements[-] ; and[-]

- 9606 (b) the screening and approval of the applications for the money from the fund.
- 9607 (2) The office shall:
- 9608 (a) receive, screen, and approve[.] or disapprove the application of a county for
- 9609 disbursements from the fund;
- 9610 (b) calculate the amount of the annual contribution to be made to the fund by each
- 9611 participating county;
- 9612 (c) prescribe forms for the application for money from the fund;
- 9613 (d) oversee and approve the disbursement of money from the fund as described in
- 9614 Section [~~78B-22-701~~] 75E-10-402; and
- 9615 (e) negotiate, enter into, and administer contracts with legal counsel, qualified under and
- 9616 meeting the standards consistent with this chapter, to provide indigent defense
- 9617 services to an indigent individual prosecuted in a participating county for an offense
- 9618 involving aggravated murder.

9619 Section 180. Section **75E-10-404**, which is renumbered from Section 78B-22-702 is renumbered

9620 and amended to read:

9621 **[~~78B-22-702~~] 75E-10-404 (Effective 07/01/26). County participation.**

- 9622 (1)(a) A county may participate in the fund subject to the provisions of this [~~chapter~~] part.
- 9623 (b) A county that does not participate in the fund, or is not current in the county's
- 9624 assessments for the fund, is ineligible to receive money from the fund.
- 9625 (c) The commission may revoke a county's participation in the fund if the county fails to
- 9626 pay the county's assessments when due.
- 9627 (2) To participate in the fund, the legislative body of a county shall:
- 9628 (a) adopt a resolution approving participation in the fund and committing that county to
- 9629 fulfill the assessment requirements [~~as set forth~~] described in Subsection (3) and
- 9630 Section [~~78B-22-703~~] 75E-10-405; and
- 9631 (b) submit a certified copy of that resolution together with an application to the
- 9632 commission.
- 9633 (3) [~~By~~] On or before January 15 of each year, a participating county shall contribute to the
- 9634 fund an amount computed in accordance with Section [~~78B-22-703~~] 75E-10-405.
- 9635 (4) A participating county may withdraw from participation in the fund upon:
- 9636 (a) adoption by the county's legislative body of a resolution to withdraw; and
- 9637 (b) notice to the commission [~~by~~] on or before January 1 of the year before withdrawal.
- 9638 (5) A county withdrawing from participation in the fund, or whose participation in the fund
- 9639 has been revoked for failure to pay the county's assessments when due, shall forfeit the

9640 right to:

9641 (a) any previously paid assessment;

9642 (b) relief from the county's obligation to pay the county's assessment during the period
9643 of the county's participation in the fund; and

9644 (c) any benefit from the fund, including reimbursement of costs that accrued after the
9645 last day of the period for which the county has paid the county's assessment.

9646 Section 181. Section **75E-10-405**, which is renumbered from Section 78B-22-703 is renumbered
9647 and amended to read:

9648 **[78B-22-703] 75E-10-405 (Effective 07/01/26). County and state obligations.**

9649 ~~[(1)(a) Except as provided in Subsection (1)(b), a participating county shall pay into the~~
9650 ~~fund annually an amount calculated by multiplying the average of the percent of the~~
9651 ~~county's population to the total population of all participating counties and of the~~
9652 ~~percent of the county's taxable value of the locally and centrally assessed property~~
9653 ~~located within that county to the total taxable value of the locally and centrally~~
9654 ~~assessed property to all participating counties by the total fund assessment for that~~
9655 ~~year to be paid by all participating counties as is determined by the commission to be~~
9656 ~~sufficient such that it is unlikely that a deficit will occur in the fund in any calendar~~
9657 ~~year.]~~

9658 (1)(a) Except as provided in Subsection (1)(b), a participating county shall annually pay
9659 into the fund an amount which the commission determines is sufficient to make a
9660 deficit in any calendar year unlikely, equal to the total fund assessment for that year,
9661 multiplied by the average of:

9662 (i) the percent of the participating county's population to the total population of all
9663 participating counties; and

9664 (ii) the percent of the participating county's taxable value of the locally and centrally
9665 assessed property located within that county to the total taxable value of the
9666 locally and centrally assessed property of all participating counties.

9667 (b) The fund minimum is equal to or greater than 50 cents per ~~[person]~~ individual of all
9668 counties participating.

9669 (c) The amount paid by a participating county under this Subsection (1) is the total
9670 county obligation for payment of costs in accordance with Section ~~[78B-22-701]~~
9671 75E-10-402.

9672 (2)(a) A county that elects to initiate participation in the fund, or reestablish participation
9673 in the fund after participation was terminated, is required to make an equity payment

- 9674 in addition to the assessment required by Subsection (1).
- 9675 (b) The equity payment is determined by the commission and represent what the
9676 county's equity in the fund would be if the county had made assessments into the
9677 fund for each of the previous two years.
- 9678 (3) If the fund balance after contribution by the state and participating counties is
9679 insufficient to replenish the fund annually to at least \$250,000, the commission by a
9680 majority vote may terminate the fund.
- 9681 (4) If the fund is terminated, the remaining money shall continue to be administered and
9682 disbursed in accordance with the provision of this chapter until exhausted, at which time
9683 the fund shall cease to exist.
- 9684 (5)(a) If the fund runs a deficit during any calendar year, the state is responsible for the
9685 deficit.
- 9686 (b) In the calendar year following a deficit year, the commission shall increase the
9687 assessment required by Subsection (1) by an amount at least equal to the deficit of the
9688 previous year, which combined amount becomes the base assessment until another
9689 deficit year occurs.
- 9690 (6) In a calendar year in which the fund runs a deficit, or is projected to run a deficit, the
9691 commission shall request a supplemental appropriation to pay for the deficit from the
9692 Legislature in the following general session.
- 9693 (7) The state shall pay any or all of the reasonable and necessary money for the deficit into
9694 the fund.

9695 Section 182. Section **75E-10-406**, which is renumbered from Section 78B-22-704 is renumbered
9696 and amended to read:

9697 **[78B-22-704] 75E-10-406 (Effective 07/01/26). Application and qualification for**
9698 **fund money.**

- 9699 (1) A participating county may apply to the office for benefits from the fund if that county
9700 has incurred, or reasonably anticipates incurring, expenses for indigent defense services
9701 provided to an indigent individual for an offense involving aggravated murder.
- 9702 (2) An application may not be made nor benefits provided from the fund for a case filed
9703 before September 1, 1998.
- 9704 (3) If the application of a participating county is approved by the office, the office shall
9705 negotiate, enter into, and administer a contract for the cost of indigent defense services
9706 with an attorney or entity appointed to represent the indigent individual.
- 9707 (4) A nonparticipating county is responsible for paying for indigent defense services in the

9708 nonparticipating county and is not eligible for any legislative relief.

9709 Section 183. Section **75E-10-501**, which is renumbered from Section 78B-22-801 is renumbered
9710 and amended to read:

9711 **Part 5. Child Welfare Parental Representation Program**

9712 **[78B-22-801] 75E-10-501 (Effective 07/01/26). Definitions for part.**

9713 As used in this part:

9714 (1) "Contracted parental representation attorney" means an attorney who represents an
9715 indigent individual who is a parent in a child welfare case under a contract with the
9716 office or a contributing county.

9717 (2) "Contributing county" means a county that complies with this part for participation in
9718 the fund[~~described in Section 78B-22-804~~].

9719 (3) "Fund" means the Child Welfare Parental Representation Fund created in Section [
9720 ~~78B-22-804~~] 75E-10-504.

9721 (4) "Program" means the Child Welfare Parental Representation Program created in Section [
9722 ~~78B-22-802~~] 75E-10-502.

9723 Section 184. Section **75E-10-502**, which is renumbered from Section 78B-22-802 is renumbered
9724 and amended to read:

9725 **[78B-22-802] 75E-10-502 (Effective 07/01/26). Child Welfare Parental**
9726 **Representation Program -- Creation -- Duties -- Annual report -- Budget.**

9727 (1) There is created within the office the Child Welfare Parental Representation Program.

9728 (2)(a) The office shall:

9729 (i) administer and enforce the program in accordance with this part;

9730 (ii) manage the operation and budget of the program;

9731 (iii) develop and provide educational and training programs for contracted parental
9732 representation attorneys; and

9733 (iv) provide information and advice to assist a contracted parental representation
9734 attorney to comply with the attorney's professional, contractual, and ethical duties.

9735 (b) In administering the program, the office shall contract with:

9736 (i) a person who is qualified to perform the program duties under this section; and

9737 (ii) an attorney, as an independent contractor, in accordance with Section [
9738 ~~78B-22-803~~] 75E-10-503.

9739 (3)(a) The executive director shall prepare a budget of:

9740 (i) the administrative expenses for the program; and

9741 (ii) the amount estimated to fund needed contracts and other costs.

9742 (b) On or before October 1 of each year, the executive director shall report to the
 9743 governor and the Child Welfare Legislative Oversight Panel regarding the preceding
 9744 fiscal year on the operations, activities, and goals of the program.

9745 Section 185. Section **75E-10-503**, which is renumbered from Section 78B-22-803 is renumbered
 9746 and amended to read:

9747 **[78B-22-803] 75E-10-503 (Effective 07/01/26). Child welfare parental defense**
 9748 **contracts.**

9749 (1)(a) The office may enter into a contract with an attorney to provide indigent defense
 9750 services for a parent who is the subject of a petition alleging abuse, neglect, or
 9751 dependency, and requires indigent defense services under Section 80-3-104.

9752 (b) The office shall make payment for the representation, costs, and expenses of a
 9753 contracted parental representation attorney from the fund in accordance with Section [
 9754 ~~78B-22-804~~] 75E-10-504.

9755 (2)(a) Except as provided in Subsection (2)(b), a contracted parental representation
 9756 attorney shall:

- 9757 (i) complete a basic training course provided by the office;
- 9758 (ii) provide parental representation services consistent with the commission's core
 9759 principles described in Section [~~78B-22-404~~] 75E-9-104;
- 9760 (iii) have experience in child welfare cases; and
- 9761 (iv) participate each calendar year in continuing legal education courses providing no
 9762 fewer than eight hours of instruction in child welfare law.

9763 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 9764 commission may, by rule, exempt from the requirements of Subsection (2)(a) an
 9765 attorney who has equivalent training or adequate experience.

9766 Section 186. Section **75E-10-504**, which is renumbered from Section 78B-22-804 is renumbered
 9767 and amended to read:

9768 **[78B-22-804] 75E-10-504 (Effective 07/01/26). Child Welfare Parental**
 9769 **Representation Fund -- Contracts for coverage by the fund.**

9770 (1) There is created an expendable special revenue fund known as the "Child Welfare
 9771 Parental Representation Fund."

9772 (2) Subject to availability, the office may make distributions from the fund for the
 9773 following purposes:

- 9774 (a) to pay for indigent defense resources for contracted parental representation attorneys;
- 9775 (b) for administrative costs of the program; and

- 9776 (c) for reasonable expenses directly related to the functioning of the program, including
9777 training and travel expenses.
- 9778 (3) The fund consists of:
- 9779 (a) federal funds received by the state as partial reimbursement for amounts expended by
9780 the [~~Utah Indigent Defense Commission~~] commission to pay for parental
9781 representation;
- 9782 (b) appropriations made to the fund by the Legislature;
- 9783 (c) interest and earnings from the investment of fund money;
- 9784 (d) proceeds deposited by contributing counties under this section; and
- 9785 (e) private contributions to the fund.
- 9786 (4) The state treasurer shall invest the money in the fund by following the procedures and
9787 requirements of Title 51, Chapter 7, State Money Management Act.
- 9788 (5)(a) If the office anticipates a deficit in the fund during a fiscal year:
- 9789 (i) the commission may request an appropriation from the Legislature; and
- 9790 (ii) the Legislature may fund the anticipated deficit through appropriation.
- 9791 (b) If the anticipated deficit is not funded by the Legislature under Subsection (5)(a), the
9792 office may request an interim assessment from contributing counties as described in
9793 Subsection (6) to fund the anticipated deficit.
- 9794 (6)(a) A county legislative body and the office may annually enter into a contract for the
9795 office to provide indigent defense services for a parent in a child welfare case in the
9796 county out of the fund.
- 9797 (b) A contract described in Subsection (6)(a) shall:
- 9798 (i) require the contributing county described in Subsection (6)(a) to pay into the fund
9799 an amount defined by a formula established by the commission; and
- 9800 (ii) provide for revocation of the contract for the contributing county's failure to pay
9801 the assessment described in Subsection (5) on the due date established by the
9802 commission.
- 9803 (7) After the first year of operation of the fund, a contributing county that enters into a
9804 contract under Subsection (6) to initiate or reestablish participation in the fund is
9805 required to make an equity payment in the amount determined by the commission, in
9806 addition to the assessment described in Subsection (5).
- 9807 (8) A contributing county that withdraws from participation in the fund, or whose
9808 participation in the fund is revoked as described in Subsection (6) for failure to pay the
9809 contributing county's assessment when due, shall forfeit any right to any previously paid

9810 assessment by the contributing county or coverage from the fund.

9811 Section 187. Section **75E-10-505**, which is renumbered from Section 78B-22-805 is renumbered
9812 and amended to read:

9813 **[78B-22-805] 75E-10-505 (Effective 07/01/26) (Repealed 12/31/26).**

9814 **Interdisciplinary Parental Representation Pilot Program.**

9815 (1) As used in this section:

9816 (a) "Parental representation liaison" means an individual who has a bachelor's or
9817 graduate degree in social work, sociology, psychology, human services, or a closely
9818 related field.

9819 (b) "Program" means the Interdisciplinary Parental Representation Pilot Program created
9820 in this section.

9821 (2)(a) There is created within the commission the Interdisciplinary Parental
9822 Representation Pilot Program.

9823 (b) The purpose of the program is to enhance the legal representation of a parent in a
9824 child welfare case by including a parental representation liaison as a member of the
9825 parent's interdisciplinary legal team.

9826 (3)(a) A county may submit a proposal to the commission for a grant to develop a
9827 parental representation liaison position to provide services to parents involved in a
9828 child welfare case in the county.

9829 (b) A proposal described in Subsection (3)(a) shall include details regarding:

9830 (i) how the county plans to use the grant award to fulfill the purpose described in
9831 Subsection (2);

9832 (ii) any plan to use funding sources in addition to a grant awarded under this section
9833 for the proposal; and

9834 (iii) other information the commission determines necessary to evaluate the proposal
9835 for a grant award under this section.

9836 (c) In evaluating a proposal for a grant award under this section, the commission shall
9837 consider:

9838 (i) the extent to which the proposal will fulfill the purpose described in Subsection (2);

9839 (ii) the cost of the proposal;

9840 (iii) the extent to which other funding sources identified in the proposal are likely to
9841 benefit the proposal;

9842 (iv) the sustainability of the proposal;

9843 (v) the need for parental representation liaison engagement in child welfare cases in

9844 the county that submitted the proposal; and
 9845 (vi) whether the proposal will support improvements in indigent defense services in
 9846 accordance with the commission core principles described in Section [~~78B-22-404~~]
 9847 75E-9-104.

9848 (4) Before October 1, 2023, the commission shall provide a written report to the Health and
 9849 Human Services Interim Committee regarding the program that includes information on:

- 9850 (a) the number of grants awarded under the program; and
 9851 (b) whether the program had any impact on child welfare case outcomes.

9852 Section 188. Section **75E-10-601**, which is renumbered from Section 78B-22-901 is renumbered
 9853 and amended to read:

9854 **Part 6. Indigent Appellate Defense Division**

9855 **[~~78B-22-901~~] 75E-10-601 (Effective 07/01/26). Definitions for part.**

9856 As used in this part:

9857 (1)(a) "Appellate defense services" means the representation of an indigent individual:

- 9858 (i) described in Subsection 78B-22-201(1)(d) or who is party to an appeal under
 9859 Section 77-18a-1;
 9860 (ii) in an action or on appeal for postconviction relief under [~~Chapter 9,~~
 9861 ~~Postconviction Remedies Act~~] Title 78B, Chapter 9, Postconviction Remedies Act;
 9862 or
 9863 (iii) in an appeal of right from an action for the termination or restoration of parental
 9864 rights under Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings,
 9865 Title 80, Chapter 4, Termination and Restoration of Parental Rights, or Title 81,
 9866 Chapter 13, Adoption.

9867 (b) "Appellate defense services" does not include the representation of an indigent
 9868 individual:

- 9869 (i) facing an appeal in a case where the indigent individual was prosecuted for
 9870 aggravated murder; or
 9871 (ii) in an action or appeal for postconviction relief under [~~Chapter 9, Postconviction~~
 9872 ~~Remedies Act~~] Title 78B, Chapter 9, Postconviction Remedies Act, if the indigent
 9873 individual has been sentenced to death.

9874 (2) "Division" means the Indigent Appellate Defense Division created in Section [
 9875 ~~78B-22-902~~] 75E-10-602.

9876 Section 189. Section **75E-10-602**, which is renumbered from Section 78B-22-902 is renumbered
 9877 and amended to read:

9878 **[78B-22-902] 75E-10-602 (Effective 07/01/26). Indigent Appellate Defense**
 9879 **Division.**

9880 There is created the Indigent Appellate Defense Division within the [~~Office of Indigent~~
 -9881 ~~Defense Services~~] office.

9882 Section 190. Section **75E-10-603**, which is renumbered from Section 78B-22-904 is renumbered
 9883 and amended to read:

9884 **[78B-22-904] 75E-10-603 (Effective 07/01/26). Chief appellate officer --**
 9885 **Qualifications -- Staff -- Duties.**

9886 (1)(a) After consulting with the commission, the executive director shall appoint a chief
 9887 appellate officer.

9888 (b) When appointing the chief appellate officer, the executive director shall give
 9889 preference to an individual with experience in adult criminal appellate defense
 9890 representation.

9891 (2) The chief appellate officer shall be an active member of the Utah State Bar with an
 9892 appropriate background and experience to serve as the chief appellate officer.

9893 (3) The chief appellate officer shall carry out the duties of the division described in Section [
 9894 ~~78B-22-903] 75E-10-604.~~

9895 (4) The chief appellate officer shall:

9896 (a) provide appellate defense services in an eligible county;

9897 (b) hire staff as necessary to carry out the duties of the division described in Section [
 9898 ~~78B-22-903] 75E-10-604; and~~

9899 (c) perform all other duties that are necessary for the division to carry out the division's
 9900 statutory duties.

9901 (5) The chief appellate officer may provide appellate defense services in an action or an
 9902 appeal for postconviction relief under [~~Chapter 9, Postconviction Remedies Act] Title~~
 9903 ~~78B, Chapter 9, Postconviction Remedies Act~~, if the court appoints the division to
 9904 represent the indigent individual.

9905 Section 191. Section **75E-10-604**, which is renumbered from Section 78B-22-903 is renumbered
 9906 and amended to read:

9907 **[78B-22-903] 75E-10-604 (Effective 07/01/26). Powers and duties of the division.**

9908 (1) The division shall:

9909 (a) provide appellate defense services:

9910 (i) for an appeal under Section 77-18a-1, in eligible counties;

9911 (ii) for an action or an appeal for postconviction relief under [~~Chapter 9,~~

- 9912 ~~Postconviction Remedies Act]~~ Title 78B, Chapter 9, Postconviction Remedies Act,
 9913 if the court appoints the division to represent the indigent individual; and
 9914 (iii) for an appeal of right from an action for the termination or restoration of parental
 9915 rights under Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings,
 9916 Title 80, Chapter 4, Termination and Restoration of Parental Rights, or Title 81,
 9917 Chapter 13, Adoption; and
 9918 (b) provide appellate defense services in accordance with the core principles adopted by
 9919 the commission under Section ~~[78B-22-404]~~ 75E-9-104 and any other state and
 9920 federal standards for appellate defense services.
 9921 (2) Upon consultation with the executive director and the commission, the division shall:
 9922 (a) adopt a budget for the division;
 9923 (b) adopt and publish on the commission's website:
 9924 (i) appellate performance standards;
 9925 (ii) case weighting standards; and
 9926 (iii) any other relevant measures or information to assist with appellate defense
 9927 services; and
 9928 (c) if requested by the commission, provide a report to the commission on:
 9929 (i) the provision of appellate defense services by the division;
 9930 (ii) the caseloads of appellate attorneys; and
 9931 (iii) any other information relevant to appellate defense services in the state.
 9932 (3) If the division provides appellate defense services to an indigent individual in an
 9933 indigent defense system, the division shall provide notice to the district court and the
 9934 indigent defense system that the division intends to be appointed as counsel for the
 9935 indigent individual.
 9936 (4) The office shall assist with providing training and continual legal education on appellate
 9937 defense to indigent defense service providers in eligible counties.

9938 Section 192. Section **75E-10-701**, which is renumbered from Section 78B-22-1101 is
 renumbered

9939 and amended to read:

9940 **Part 7. Youth Defense Fund**

9941 **~~[78B-22-1101]~~ 75E-10-701 (Effective 07/01/26). Definitions for part.**

9942 As used in this part:

- 9943 (1) "Fund" means the Youth Defense Fund created in Section ~~[78B-22-1102]~~ 75E-10-702.
 9944 (2) "Participating county" means a county that complies with this part for participation in

9945 the fund.

9946 Section 193. Section **75E-10-702**, which is renumbered from Section 78B-22-1102 is renumbered

9947 and amended to read:

9948 **[78B-22-1102] 75E-10-702 (Effective 07/01/26). Establishment of Youth Defense**
 9949 **Fund -- Use of fund -- Compensation from fund.**

9950 (1) There is established a custodial fund known as the Youth Defense Fund.

9951 (2) The fund consists of:

9952 (a) money received from participating counties as described in Section [78B-22-1104]
 9953 75E-10-704;

9954 (b) appropriations made to the fund by the Legislature as described in Subsection [
 9955 78B-22-1104(8)] 75E-10-704(8); and

9956 (c) interest and earnings from the investment of fund money.

9957 (3) The state treasurer shall invest fund money with the earnings and interest accruing to the
 9958 fund.

9959 (4) The fund shall be used to fulfill the constitutional and statutory mandates for the
 9960 provision of constitutionally effective defense for juveniles referred to the juvenile court.

9961 (5) Money allocated to or deposited into the fund is used only:

9962 (a) to pay an indigent defense service provider appointed to represent a minor referred to
 9963 the juvenile court;

9964 (b) for defense resources necessary to effectively represent the minor; and

9965 (c) for costs associated with the management of the fund and indigent defense service
 9966 providers.

9967 Section 194. Section **75E-10-703**, which is renumbered from Section 78B-22-1103 is renumbered

9968 and amended to read:

9969 **[78B-22-1103] 75E-10-703 (Effective 07/01/26). Administration of Youth Defense**
 9970 **Fund.**

9971 (1) The commission shall establish rules and procedures for the application by a county for
 9972 participation in the fund.

9973 (2) The office shall:

9974 (a) receive, screen, and approve or disapprove the application of a county seeking to
 9975 participate in the fund;

9976 (b) calculate the amount of the annual contribution to be made to the fund by each

- 9977 participating county;
- 9978 (c) oversee and approve disbursement of money from the fund; and
- 9979 (d) negotiate, enter into, and administer a contract with an attorney or entity to provide
- 9980 indigent defense services to a minor referred to the juvenile court in a participating
- 9981 county if the attorney or entity:
- 9982 (i) is qualified to provide indigent defense services under this chapter; and
- 9983 (ii) meets the standards consistent for providing indigent defense services under this
- 9984 chapter.

9985 Section 195. Section **75E-10-704**, which is renumbered from Section 78B-22-1104 is
renumbered

9986 and amended to read:

9987 **[78B-22-1104] 75E-10-704 (Effective 07/01/26). County participation in the**

9988 **Youth Defense Fund.**

- 9989 (1) A county may participate in the fund in accordance with the provisions of this section.
- 9990 (2) A county that does not participate in the fund, or is not current in the county's
- 9991 assessments for the fund, is ineligible to receive indigent defense services provided for
- 9992 by the fund.
- 9993 (3) The commission may revoke a county's participation in the fund if the county fails to
- 9994 pay the county's assessments when the assessments are due.
- 9995 (4) To participate in the fund, the legislative body of a county shall:
- 9996 (a) adopt a resolution that approves participation in the fund and commits the county to
- 9997 fulfilling the assessment requirements; and
- 9998 (b) submit a certified copy of that resolution together with an application to the
- 9999 commission.
- 10000 (5) On or before January 15 of each year, a participating county shall contribute to the fund
- 10001 an amount determined by the office.
- 10002 (6) A participating county may withdraw from participation in the fund upon:
- 10003 (a) adoption by the county's legislative body of a resolution to withdraw; and
- 10004 (b) notice to the commission on or before January 1 of the year in which the county
- 10005 intends to withdraw.
- 10006 (7) A county withdrawing from participation in the fund, or whose participation in the fund
- 10007 has been revoked for failure to pay the county's assessments when the assessments are
- 10008 due, shall forfeit the right to:
- 10009 (a) any previously paid assessment;

10010 (b) relief from the county's obligation to pay the county's assessment during the period
10011 of the county's participation in the fund; and

10012 (c) any benefit from the fund, including reimbursement of costs that accrued after the
10013 last day of the period for which the county has paid the county's assessment.

10014 (8)(a) If the fund runs a deficit during a calendar year, the state is responsible for the
10015 deficit.

10016 (b) In the calendar year following a deficit year, the office shall increase the amount of
10017 the annual assessment that is required for participation in the fund by an amount at
10018 least equal to the deficit of the previous calendar year.

10019 (c) In a calendar year in which the fund runs a deficit, or is projected to run a deficit, the
10020 office shall request a supplemental appropriation to pay for the deficit from the
10021 Legislature in the following general session.

10022 (d) The state shall pay any or all of the reasonable and necessary money for the deficit
10023 into the fund.

10024 Section 196. Section **75E-11-101**, which is renumbered from Section 77-38-601 is renumbered
10025 and amended to read:

10026 **CHAPTER 11. Safe at Home Program**

10027 **Part 1. General Provisions**

10028 **[77-38-601] 75E-11-101 (Effective 07/01/26). Definitions for chapter.**

10029 As used in this ~~[part]~~ chapter:

10030 (1) "Abuse" means~~[-any of the following]~~:

10031 (a) "abuse" as that term is defined in Section 76-5-111 or 80-1-102; or

10032 (b) ~~["child abuse" as that term is defined]~~ child abuse, as described in Section 76-5-109.

10033 (2) "Actual address" means the residential street address of the program participant that is
10034 stated in a program participant's application for enrollment or on a notice of a change of
10035 address under Section ~~[77-38-610]~~ 75E-11-309.

10036 (3) "Assailant" means an individual who commits or threatens to commit abuse, human
10037 trafficking, domestic violence, stalking, or a sexual offense against an applicant for the
10038 program or a minor or incapacitated individual residing with an applicant for the
10039 program.

10040 (4) "Assigned address" means an address designated by the ~~[commission]~~ department and
10041 assigned to a program participant.

10042 (5) "Authorization card" means a card issued by the ~~[commission]~~ department that identifies

10043 a program participant as enrolled in the program with the program participant's assigned
10044 address and the date on which the program participant will no longer be enrolled in the
10045 program.

10046 [~~(6)~~] "~~Commission~~" means the ~~State Commission on Criminal and Juvenile Justice~~ created
10047 in ~~Section 63M-7-201~~.]

10048 [~~(7)~~] ~~(6)~~ "Domestic violence" means the same as that term is defined in Section 77-36-1.

10049 [~~(8)~~] ~~(7)~~ "Human trafficking" means a human trafficking offense under Section 76-5-308.

10050 [~~(9)~~] ~~(8)~~ "Incapacitated individual" means an individual who is incapacitated, as defined in
10051 Section 75-1-201.

10052 [~~(10)~~] ~~(9)~~(a) "Mail" means first class letters or flats delivered by the United States Postal
10053 Service, including priority, express, and certified mail.

10054 (b) "Mail" does not include a package, parcel, periodical, or catalogue, unless the
10055 package, parcel, periodical, or catalogue is clearly identifiable as:

10056 (i) being sent by a federal, state, or local agency or another government entity; or

10057 (ii) a pharmaceutical or medical item.

10058 [~~(11)~~] ~~(10)~~ "Minor" means an individual who is younger than 18 years old.

10059 [~~(12)~~] ~~(11)~~ "Notification form" means a form issued by the [~~commission~~] department that a
10060 program participant may send to a person demonstrating that the program participant is
10061 enrolled in the program.

10062 [~~(13)~~] ~~(12)~~ "Program" means the Safe at Home Program created in Section [~~77-38-602~~]
10063 75E-11-102.

10064 [~~(14)~~] ~~(13)~~ "Program assistant" means an individual designated by the [~~commission~~]
10065 department under Section [~~77-38-604~~] 75E-11-303 to assist an applicant or program
10066 participant.

10067 [~~(15)~~] ~~(14)~~ "Program participant" means an individual who is enrolled under Section [~~77-38-606~~]
10068 75E-11-305 by the [~~commission~~] department to participate in the program.

10069 [~~(16)~~] ~~(15)~~ "Record" means the same as that term is defined in Section 63G-2-103.

10070 [~~(17)~~] ~~(16)~~(a) "Sexual offense" means:

10071 (i) a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses; or

10072 (ii) a sexual exploitation offense under Title 76, Chapter 5b, Part 2, Sexual
10073 Exploitation.

10074 (b) "Sexual offense" does not include an offense under:

10075 (i) Section 76-5-417, enticing a minor;

10076 (ii) Section 76-5-418, sexual battery;

- 10077 (iii) Section 76-5-419, lewdness;
- 10078 (iv) Section 76-5-420, lewdness involving a child; or
- 10079 (v) Section 76-5b-206, failure to report child sexual abuse material by a computer
- 10080 technician.

10081 ~~[(18)]~~ (17) "Stalking" means the same as that term is defined in Section 76-5-106.5.

10082 ~~[(19)]~~ (18) "State or local government entity" means a county, municipality, higher

10083 education institution, special district, special service district, or any other political

10084 subdivision of the state or an administrative subunit of the executive, legislative, or

10085 judicial branch of this state, including:

- 10086 (a) a law enforcement entity or any other investigative entity, agency, department,
- 10087 division, bureau, board, or commission; or
- 10088 (b) an individual acting or purporting to act for or on behalf of a state or local entity,
- 10089 including an elected or appointed public official.

10090 ~~[(20)]~~ (19) "Victim" means a victim of abuse, domestic violence, human trafficking,

10091 stalking, or sexual assault.

10092 Section 197. Section **75E-11-102**, which is renumbered from Section 77-38-602 is renumbered

10093 and amended to read:

10094 ~~[77-38-602]~~ **75E-11-102 (Effective 07/01/26). Creation -- Department**

10095 **responsibilities -- Rulemaking -- Retention and destruction of records.**

- 10096 (1) There is created the Safe at Home Program within the ~~[commission]~~ department.
- 10097 (2) Under the program, the ~~[commission]~~ department shall:
- 10098 (a) designate, train, and manage program assistants;
- 10099 (b) develop, distribute, and process application forms and related materials for the
- 10100 program;
- 10101 (c) designate an assigned address for a program participant to be used by the program
- 10102 participant and a state or local government entity; and
- 10103 (d) receive mail sent to a program participant's assigned address, forward the mail to the
- 10104 program participant's actual address at the ~~[commission's]~~ department's expense, and
- 10105 track and maintain records for all mail received.
- 10106 (3) The department shall establish policies and procedures regarding the maintenance and
- 10107 destruction of applications, records, and other documents received or generated under
- 10108 this chapter.
- 10109 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 10110 department may make rules to:

- 10111 (a) establish a process to expedite requests from law enforcement officers and agencies
 10112 in accordance with Section 75E-11-312;
 10113 (b) establish procedures for an appeal process regarding cancellation of enrollment under
 10114 Section 75E-11-316; and
 10115 (c) establish the procedures for the retention and destruction of records and other
 10116 documents in accordance with Subsection (3).

10117 Section 198. Section **75E-11-201** is enacted to read:

10118 **Part 2. Program Funding**

10119 **75E-11-201 (Effective 07/01/26). Definitions for part.**

10120 As used in this part, "account" means the Safe at Home Program Restricted Account
 10121 created in Section 75E-11-202.

10122 Section 199. Section **75E-11-202**, which is renumbered from Section 77-38-620 is renumbered
 10123 and amended to read:

10124 **[77-38-620] 75E-11-202 (Effective 07/01/26). Safe at Home Program Restricted**
 10125 **Account -- Report.**

- 10126 (1) There is created a restricted account in the General Fund known as the "Safe at Home
 10127 Program Restricted Account."
 10128 (2) The account shall be funded by:
 10129 (a) private contributions;
 10130 (b) gifts, donations, or grants from public or private entities; and
 10131 (c) interest and earnings on account money.
 10132 (3) Upon appropriation by the Legislature, the [~~commission~~] department may expend funds
 10133 from the account to:
 10134 (a) designate, train, and manage program assistants;
 10135 (b) develop, distribute, and process application forms and related materials for the
 10136 program;
 10137 (c) assist applicants and program participants in enrolling in the program; or
 10138 (d) ensure program participants receive mail forwarded from the program to the program
 10139 participant's actual address.
 10140 (4) No later than December 31 of each year, the [~~commission~~] department shall provide to
 10141 the Criminal Justice Appropriations Subcommittee a written report of the program's
 10142 activities, including:
 10143 (a) the contributions received under Subsection (2);
 10144 (b) an accounting of the money expended or committed to be expended by the [

10145 ~~commission]~~ department under Subsection (3); and

10146 (c) the balance of the account.

10147 Section 200. Section **75E-11-301** is enacted to read:

10148 **Part 3. Program Administration**

10149 **75E-11-301 (Effective 07/01/26). Definitions for part.**

10150 Reserved.

10151 Section 201. Section **75E-11-302**, which is renumbered from Section 77-38-603 is renumbered
10152 and amended to read:

10153 **[77-38-603] 75E-11-302 (Effective 07/01/26). Eligibility.**

10154 (1) An applicant is eligible to participate in the program if the applicant attests that the
10155 applicant:

10156 (a) is a resident of this state;

10157 (b)(i) is a victim;

10158 (ii) is a parent or a guardian of an individual who:

10159 (A) is a victim; and

10160 (B) resides at the same address as the parent or guardian;

10161 (iii) resides at the same address where a victim resides; or

10162 (iv) fears for the applicant's physical safety, or for the physical safety of a minor or
10163 incapacitated individual residing at the same address as the applicant, from a
10164 threat of abuse, domestic violence, human trafficking, stalking, or sexual assault;

10165 (c)(i) resided at a residential address that was known by an assailant and relocated
10166 within the past 90 days to a different residential address that is not known by the
10167 assailant;

10168 (ii) resides at a residential address known by the assailant and intends to relocate
10169 within 90 days to a different residential address in the state that is not known by
10170 the assailant; or

10171 (iii) resides at a residential address that is not known by the assailant;

10172 (d) will not disclose the different residential address to the assailant; and

10173 (e) will benefit from participation in the program.

10174 (2) An applicant may participate in the program regardless of whether:

10175 (a) a criminal charge is filed against an assailant;

10176 (b) the applicant has a restraining order or injunction against an assailant; or

10177 (c) the applicant reported an act or threat by an assailant to a law enforcement agency or
10178 officer.

- 10179 (3) An applicant may participate in the program only upon the recommendation of a
 10180 program assistant.
- 10181 (4) To participate in the program:
- 10182 (a) an applicant shall sign, date, and verify the information on an application; and
- 10183 (b) the [~~commission~~] department shall verify the applicant's current residential address as
 10184 provided on the application.
- 10185 (5) A parent or guardian may act on behalf of a minor or an incapacitated individual in
 10186 determining whether the minor or the incapacitated individual is eligible for the program.

10187 Section 202. Section **75E-11-303**, which is renumbered from Section 77-38-604 is renumbered
 10188 and amended to read:

10189 **[~~77-38-604~~] 75E-11-303 (Effective 07/01/26). Designation of program assistants.**

- 10190 (1) The [~~commission~~] department may designate as a program assistant, an individual that:
- 10191 (a)(i) is an employee of the commission or a state or local government entity; or
- 10192 (ii) is a volunteer for an organization that provides counseling, assistance, or support
 10193 services at no charge to victims; and
- 10194 (b)(i) provides counseling, referrals, or other services to victims; and
- 10195 (ii) completes any training or registration process required by the [~~commission~~]
 10196 department.
- 10197 (2) A program assistant shall:
- 10198 (a) assist an applicant in preparing an application for the program; and
- 10199 (b) sign, date, and verify an application for the program.
- 10200 (3) A signature of a program assistant is a recommendation by the program assistant that
 10201 the applicant is eligible to participate in the program under Section [~~77-38-603~~]
 10202 75E-11-302.

10203 Section 203. Section **75E-11-304**, which is renumbered from Section 77-38-605 is renumbered
 10204 and amended to read:

10205 **[~~77-38-605~~] 75E-11-304 (Effective 07/01/26). Administration -- Application.**

- 10206 (1) The [~~commission~~] department shall provide an application form to an applicant who
 10207 seeks to participate in the program under this part.
- 10208 (2) The [~~commission~~] department may not charge an applicant or program participant for an
 10209 application or participation fee to apply for, or participate in, the program.
- 10210 (3) The application shall include:
- 10211 (a) the applicant's name;
- 10212 (b) a mailing address, a phone number, and an email address where the applicant may be

- 10213 contacted by the [~~commission~~] department;
- 10214 (c) an indication regarding whether the assailant is employed by a state or local
10215 government entity, and if applicable, the name of the state or local government entity;
- 10216 (d) a statement that the applicant understands and consents to:
- 10217 (i) remain enrolled in the program for four years, unless the applicant's participation
10218 in the program is cancelled under Section [~~77-38-617~~] 75E-11-316;
- 10219 (ii) while the applicant is enrolled in the program, notify the [~~commission~~] department
10220 when the applicant changes the applicant's actual address or legal name;
- 10221 (iii) develop a safety plan with a program assistant;
- 10222 (iv) authorize the [~~commission~~] department to notify a state or local government
10223 entity that the applicant is a program participant;
- 10224 (v) submit written notice to the [~~commission~~] department if the applicant chooses to
10225 cancel the applicant's participation in the program;
- 10226 (vi) register to vote in person at the office of the clerk in the county where the
10227 applicant's actual address is located; and
- 10228 (vii) certify that the [~~commission~~] department is the applicant's designated agent for
10229 service of process for personal service;
- 10230 (e) evidence that the applicant, or a minor or an incapacitated individual residing with
10231 the applicant, is a victim, including:
- 10232 (i) a law enforcement, court, or other state, local, or federal government agency
10233 record; or
- 10234 (ii) a document from:
- 10235 (A) a domestic violence program, facility, or shelter;
- 10236 (B) a sexual assault program; or
- 10237 (C) a religious, medical, or other professional from whom the applicant, or the
10238 minor or the incapacitated individual residing with the applicant, sought
10239 assistance in dealing with alleged abuse, domestic violence, stalking, or a
10240 sexual offense;
- 10241 (f) a statement from the applicant that a disclosure of the applicant's actual address
10242 would endanger the applicant, or a minor or an incapacitated individual residing with
10243 the applicant;
- 10244 (g) a statement by the applicant that the applicant:
- 10245 (i) resides at a residential address that is not known by the assailant;
- 10246 (ii) has relocated to a different residential address in the past 90 days that is not

- 10247 known by the assailant; or
- 10248 (iii) will relocate to a different residential address in the state within 90 days that is
- 10249 not known by the assailant;
- 10250 (h) the actual address that:
- 10251 (i) the applicant requests that the [~~commission~~] department not disclose; and
- 10252 (ii) is at risk of discovery by the assailant or potential assailant;
- 10253 (i) a statement by the applicant disclosing:
- 10254 (i) the existence of a court order or action involving the applicant, or a minor or an
- 10255 incapacitated individual residing with the applicant, related to a divorce
- 10256 proceeding, a child support order or judgment, or the allocation of custody or
- 10257 parent-time; and
- 10258 (ii) the court that issued the order or has jurisdiction over the action;
- 10259 (j) the name of any other individual who resides with the applicant who needs to be a
- 10260 program participant to ensure the safety of the applicant, or a minor or an
- 10261 incapacitated individual residing with the applicant;
- 10262 (k) a statement by the applicant that:
- 10263 (i) the applicant, or a minor or an incapacitated individual residing at the same
- 10264 address as the applicant, will benefit from participation in the program;
- 10265 (ii) if the applicant intends to vote, the applicant will register to vote at the office of
- 10266 the clerk in the county in which the applicant actually resides; and
- 10267 (iii) the applicant does not have a current obligation to register as a sex offender,
- 10268 kidnap offender, or child abuse offender under Title 53, Chapter 29, Sex, Kidnap,
- 10269 and Child Abuse Offender Registry;
- 10270 (l) a statement by the applicant, under penalty of perjury, that the information contained
- 10271 in the application is true;
- 10272 (m) a statement that:
- 10273 (i) if the applicant intends to use the assigned address for any correspondence with
- 10274 the State Tax Commission, the applicant must provide the State Tax Commission
- 10275 with the applicant's social security number, federal employee identification
- 10276 number, and any other identification number related to a tax, fee, charge, or
- 10277 license administered by the State Tax Commission; and
- 10278 (ii) if the applicant intends to use the assigned address for correspondence to a state
- 10279 or local government entity for the purpose of titling or registering a motor vehicle
- 10280 or a watercraft that is owned or leased by the applicant, the applicant shall provide

- 10281 to the state or local government entity for each motor vehicle or watercraft:
- 10282 (A) the motor vehicle or hull identification number;
- 10283 (B) the license plate or registration number for the motor vehicle or the watercraft;
- 10284 and
- 10285 (C) the physical address where each motor vehicle or watercraft is stored; and
- 10286 (n) a statement that any assistance or counseling provided by a program assistant as part
- 10287 of the program does not constitute legal advice or legal services to the applicant.

10288 Section 204. Section **75E-11-305**, which is renumbered from Section 77-38-606 is renumbered

10289 and amended to read:

10290 **[77-38-606] 75E-11-305 (Effective 07/01/26). Enrollment of a program**

10291 **participant.**

- 10292 (1)(a) Within five business days after the day on which the [commission] department
- 10293 grants enrollment to a program participant, the [commission] department shall issue
- 10294 the program participant:
- 10295 (i) an assigned address;
- 10296 (ii) an authorization card; and
- 10297 (iii) a notification form.
- 10298 (b) An authorization card is valid while the program participant is enrolled in the
- 10299 program.
- 10300 (2) A program participant is enrolled in the program for four years beginning on the day on
- 10301 which the enrollment is granted, unless the enrollment is withdrawn, or is cancelled
- 10302 under Section [77-38-617] 75E-11-316, before the end of the four-year period.
- 10303 (3) A program participant may withdraw from the program by filing a request for
- 10304 withdrawal with the [commission] department that is acknowledged before a notary
- 10305 public.
- 10306 (4)(a) A program participant may renew enrollment by filing a renewal application with
- 10307 the [commission] department at least 30 days before the day on which enrollment in
- 10308 the program will expire.
- 10309 (b) The applicant shall date, sign, and verify the renewal application.
- 10310 (c) The renewal application shall contain:
- 10311 (i) all statements or information required by Subsection [77-38-605(3)] 75E-11-304(3)
- 10312 that have changed from the original application or a prior renewal application;
- 10313 (ii) a statement by the applicant that the applicant, or a minor or an incapacitated
- 10314 individual residing at the same address as the applicant, will continue to benefit

10315 from participation in the program; and
 10316 (iii) a statement by the applicant, under penalty of perjury, that the information
 10317 contained in the renewal application is true.

10318 Section 205. Section **75E-11-306**, which is renumbered from Section 77-38-607 is renumbered
 10319 and amended to read:

10320 **~~[77-38-607]~~ 75E-11-306 (Effective 07/01/26). Use of assigned address -- Release**
 10321 **of information.**

- 10322 (1) The [~~commission~~] department shall forward all mail that the office receives at the
 10323 assigned address for a program participant to the program participant's actual address.
 10324 (2) The [~~commission~~] department shall provide, at the request of a program participant or a
 10325 state or local government entity, confirmation of an individual's status as a program
 10326 participant.
 10327 (3) Except as provided in Sections [~~77-38-611~~] 75E-11-310, [~~77-38-612~~] 75E-11-311, and [
 10328 ~~77-38-613~~] 75E-11-312, the [~~commission~~] department may not disclose a program
 10329 participant's actual address to any person.

10330 Section 206. Section **75E-11-307**, which is renumbered from Section 77-38-608 is renumbered
 10331 and amended to read:

10332 **~~[77-38-608]~~ 75E-11-307 (Effective 07/01/26). Use of assigned address --**
 10333 **Confidentiality.**

- 10334 (1) A program participant may use the assigned address provided to the program participant
 10335 to receive mail as provided in Subsection [~~77-38-602(2)~~] 75E-11-102(2).
 10336 (2)(a) A state or local government entity may not refuse to use a program participant's
 10337 assigned address for any official business, unless:
 10338 (i) the state or local government entity is statutorily required to use the program
 10339 participant's actual address; or
 10340 (ii) the state or local government entity is permitted or required to use the program
 10341 participant's actual address under this [~~part~~] chapter.
 10342 (b) A state or local government entity may confirm an individual's status as a program
 10343 participant with the [~~commission~~] department.
 10344 (3) A state or local government entity, after receiving a copy of the notification form from a
 10345 program participant or a notification of the program participant's enrollment from the [
 10346 ~~commission~~] department, may not:
 10347 (a) except as provided in Subsection (2)(a), refuse to use the assigned address for the
 10348 program participant, or a minor or an incapacitated individual residing with the

- 10349 program participant;
- 10350 (b) except as provided in Subsection (4), require a program participant to disclose the
- 10351 program participant's actual address; or
- 10352 (c) except as provided in Section [~~77-38-611~~] 75E-11-310, intentionally disclose to
- 10353 another person or state or local government entity the program participant's actual
- 10354 address.
- 10355 (4) Notwithstanding Subsections (2) and (3), a county clerk may require a program
- 10356 participant to disclose the program participant's actual address:
- 10357 (a) for voter registration; and
- 10358 (b) to enroll a program participant in a program designed to protect the confidentiality of
- 10359 a voter's address.
- 10360 (5) If a program participant is enrolled in a program designed to protect the confidentiality
- 10361 of a voter's address, a county clerk:
- 10362 (a) shall classify the program participant's actual address as concealed; and
- 10363 (b) may not disclose the program participant's actual address.

10364 Section 207. Section **75E-11-308**, which is renumbered from Section 77-38-609 is renumbered

10365 and amended to read:

10366 **~~[77-38-609]~~ 75E-11-308 (Effective 07/01/26). Disclosure of actual address**

10367 **prohibited.**

- 10368 (1)(a) The [~~commission~~] department may not disclose a program participant's actual
- 10369 address, unless:
- 10370 (i) required by a court order; or
- 10371 (ii) the [~~commission~~] department grants a request from a state or local government
- 10372 entity under Section [~~77-38-612~~] 75E-11-311.
- 10373 (b) The [~~commission~~] department shall provide a program participant immediate
- 10374 notification of a disclosure of the program participant's actual address if the
- 10375 disclosure is made under Subsection (1)(a)(i) or (ii).
- 10376 (2) If, at the time of application, an applicant, or a parent or guardian of an applicant, is
- 10377 subject to a court order relating to a divorce proceeding, a child support order or
- 10378 judgment, or an allocation of custody or parent-time, the [~~commission~~] department shall
- 10379 provide notice of whether the applicant is enrolled under the program and the assigned
- 10380 address of the applicant to the court that issued the order or has jurisdiction over the
- 10381 action.
- 10382 (3) A person may not knowingly or intentionally obtain a program participant's actual

10383 address from the [~~commission~~] department or any state or local government entity if the
10384 person is not authorized to obtain the program participant's actual address.

- 10385 (4) Unless the disclosure is permitted under this [~~part~~] chapter or is otherwise permitted by
10386 law, an employee of the [~~commission~~] department or a state or local government entity
10387 may not knowingly or intentionally disclose a program participant's actual address if:
10388 (a) the employee obtains a program participant's actual address during the course of the
10389 employee's official duties; and
10390 (b) at the time of disclosure, the employee has specific knowledge that the address is the
10391 actual address of the program participant.
- 10392 (5) A person who intentionally or knowingly obtains or discloses information in violation
10393 of this [~~part~~] chapter is guilty of a class B misdemeanor.

10394 Section 208. Section **75E-11-309**, which is renumbered from Section 77-38-610 is renumbered
10395 and amended to read:

10396 **~~[77-38-610]~~ 75E-11-309 (Effective 07/01/26). Change of name, address, or**
10397 **telephone number.**

- 10398 (1) A program participant shall notify the [~~commission~~] department no later than 30 days
10399 after the day on which the program participant obtains a legal name change, by
10400 providing the [~~commission~~] department with a certified copy of a judgment or order
10401 establishing the name change, or any other documentation that is sufficient evidence of
10402 the name change.
- 10403 (2) A program participant shall notify the [~~commission~~] department no later than 10
10404 business days after the day on which the program participant's actual address or
10405 telephone number changes from the actual address or telephone number listed for the
10406 program participant.
- 10407 (3) If a program participant remains enrolled in the program after a change of address, the
10408 program participant may not change the program participant's assigned address with the
10409 Driver License Division created under Section 53-3-103.

10410 Section 209. Section **75E-11-310**, which is renumbered from Section 77-38-611 is renumbered
10411 and amended to read:

10412 **~~[77-38-611]~~ 75E-11-310 (Effective 07/01/26). Address use by state or local**
10413 **government entities.**

- 10414 (1) Except as otherwise provided in Subsection (7), a program participant is responsible for
10415 requesting that a state or local government entity use the program participant's assigned
10416 address as the program participant's residential address.

- 10417 (2) Except as otherwise provided in this ~~[part]~~ chapter, if a program participant submits a
10418 valid authorization card, or a notification form, to a state or local government entity, the
10419 state or local government entity shall accept the assigned address listed on the
10420 authorization card or notification form as the program participant's address to be used as
10421 the program participant's residential address when creating a record.
- 10422 (3) The program participant's assigned address shall be listed as the last known address if
10423 any last known address requirement is needed by the state or local government entity.
- 10424 (4) The state or local government entity may photocopy a program participant's
10425 authorization card for a record for the state or local government entity, but the state or
10426 local government entity shall immediately return the authorization card to the program
10427 participant.
- 10428 (5)(a) An election official, as defined in Section 20A-1-102, shall:
- 10429 (i) use a program participant's actual address for precinct designation and all official
10430 election-related purposes;
- 10431 (ii) classify the program participant's actual address as concealed; and
- 10432 (iii) keep the program participant's actual address confidential from the public.
- 10433 (b) A program participant may not use the program participant's assigned address for
10434 voter registration.
- 10435 (c) An election official shall use the assigned address for all correspondence and mail for
10436 the program participant placed in the United States mail.
- 10437 (d) A state or local government entity's access to a program participant's voter
10438 registration is subject to the request for disclosure process under Section ~~[77-38-612]~~
10439 75E-11-311.
- 10440 (e) This Subsection (5) applies only to a program participant who submits a valid
10441 authorization card or a notification form when registering to vote.
- 10442 (6)(a) A state or local government entity may not use a program participant's assigned
10443 address for the purposes of listing~~[;]~~ or appraising a property, or assessing property
10444 taxes.
- 10445 (b) Except as provided by Subsection (6)(c), all property assessments and tax notices,
10446 property tax collection notices, and all property related correspondence placed in the
10447 United States mail for the program participant shall be addressed to the assigned
10448 address.
- 10449 (c) The State Tax Commission shall use the actual address of a program participant,
10450 unless the ~~[commission]~~ department provides the following information to the State

- 10451 Tax Commission:
- 10452 (i) the full name of the program participant; and
- 10453 (ii) the program participant's social security number, federal employee identification
- 10454 number, and any other identification number related to a tax, fee, charge, or
- 10455 license administered by the State Tax Commission.
- 10456 (7)(a) A state or local government entity may not use a program participant's assigned
- 10457 address for purposes of assessing any taxes or fees on a motor vehicle or a watercraft
- 10458 for titling or registering a motor vehicle or a watercraft.
- 10459 (b) Except as provided by Subsection (7)(c), all motor vehicle and watercraft
- 10460 assessments and tax notices, title registration notices, and all related correspondence
- 10461 placed in the United States mail for the program participant is required to be
- 10462 addressed to the assigned address.
- 10463 (c) The Motor Vehicle Division shall use the actual address of a program participant,
- 10464 unless the ~~[commission]~~ department provides the following information to the Motor
- 10465 Vehicle Division:
- 10466 (i) the full name of the program participant;
- 10467 (ii) the assigned address of the program participant;
- 10468 (iii) the motor vehicle or hull identification number for each motor vehicle or
- 10469 watercraft that is owned or leased by the program participant;
- 10470 (iv) the license plate or registration number for each motor vehicle or watercraft that
- 10471 is owned or leased by the program participant; and
- 10472 (v) the physical address ~~[where]~~ of each motor vehicle or watercraft that is owned or
- 10473 leased by the program participant.
- 10474 (d) Notwithstanding any other provision of this ~~[part]~~ chapter, the Motor Vehicle
- 10475 Division may disclose to another state or local government entity all information that
- 10476 is necessary for the state or local government entity to distribute any taxes or fees
- 10477 collected for titling or registering a motor vehicle or a watercraft.
- 10478 (e) Notwithstanding Section 41-1a-116 or any other provision of this part, the Motor
- 10479 Vehicle Division may not disclose the actual address of a program participant~~[~~
- 10480 ~~described in Subsection 77-38-605(3)(m)(ii)]~~ to:
- 10481 (i) the Utah Criminal Justice Information System; or
- 10482 (ii) the title, lien, and registration system that is provided to the Motor Vehicle
- 10483 Division by a third party contractor and is accessed in accordance with Subsection
- 10484 41-1a-116(4).

- 10485 (8)(a) The Division of Adult Probation and Parole created in Section 64-14-202, or any
10486 other entity responsible for supervising a program participant who is on probation or
10487 parole as a result of a criminal conviction or an adjudication, may not use the
10488 program participant's assigned address if the program participant's actual address is
10489 necessary for supervising the program participant.
- 10490 (b) All written communication delivered through the United States mail to the program
10491 participant by the Department of Corrections, or the other entity described in
10492 Subsection (8)(a), shall be addressed to the program participant's assigned address.
- 10493 (9) If a program participant is required by law to swear or affirm to the program
10494 participant's address, the program participant may use the program participant's assigned
10495 address.
- 10496 (10)(a) A school district shall:
- 10497 (i) accept the assigned address as the address of record; and
10498 (ii) verify student enrollment eligibility with the [~~commission~~] department.
- 10499 (b) The [~~commission~~] department shall help facilitate the transfer of student records as
10500 needed.
- 10501 (11)(a) Notwithstanding Title 63G, Chapter 2, Government Records Access and
10502 Management Act, a record containing a program participant's address is confidential
10503 and, regardless of the record's classification under Title 63G, Chapter 2, Part 3,
10504 Classification, may not be disclosed by a state or local government entity, unless
10505 otherwise provided under this [~~part~~] chapter.
- 10506 (b) A program participant's actual address may not be disclosed to a third party by a state
10507 or local government entity, except:
- 10508 (i) in a record created more than 90 days before the date on which the program
10509 participant applied for enrollment in the program; or
10510 (ii) if a program participant voluntarily requests, in writing, that the program
10511 participant's actual address be disclosed to the third party.
- 10512 (c) For a record created within 90 days before the date that a program participant applied
10513 for enrollment in the program, a state or local government entity shall redact the
10514 actual address from the record or change the actual address to the assigned address in
10515 the public record if the program participant presents a valid authorization card or a
10516 notification form and requests that the state or local government entity use the
10517 assigned address instead of the actual address on the record.

10518 Section 210. Section **75E-11-311**, which is renumbered from Section 77-38-612 is renumbered

10519 and amended to read:

10520 **[77-38-612] 75E-11-311 (Effective 07/01/26). Request for disclosure.**

- 10521 (1) A state or local government entity requesting disclosure of a program participant's
10522 actual address in accordance with this section shall make the request:
- 10523 (a) in writing;
 - 10524 (b) on the state or local government entity's letterhead; and
 - 10525 (c) with the signature of the head or an executive-level official of the state or local
10526 government entity.
- 10527 (2) In accordance with Subsection (1), a state or local government entity requesting
10528 disclosure of a program participant's actual address shall provide the [~~commission~~]
10529 department with the name of the program participant and a statement:
- 10530 (a) explaining why the state or local government entity is requesting the program
10531 participant's actual address;
 - 10532 (b) explaining why the state or local government entity cannot meet the state or local
10533 government entity's statutory or administrative obligations without the disclosure of
10534 the program participant's actual address;
 - 10535 (c) of facts showing that:
 - 10536 (i) other methods to locate the program participant's actual address have failed;
 - 10537 (ii) other methods will be unlikely to succeed; or
 - 10538 (iii) other means of contacting the program participant have failed or are unavailable;
 - 10539 and
 - 10540 (d) that the state or local government entity has adopted a procedure to protect the
10541 confidentiality of the program participant's actual address.
- 10542 (3) In response to a request for disclosure under Subsection (2), the [~~commission~~]
10543 department may request additional information from the state or local government entity
10544 to help identify the program participant in the records of the office or to assess whether
10545 disclosure to the state or local government entity is permitted under this part.
- 10546 (4)(a) Except as provided in Subsection (4)(b), after receiving a request for disclosure
10547 from a state or local government entity under Subsection (1), the [~~commission~~]
10548 department shall provide a program participant with written notification:
- 10549 (i) informing the participant of the request, and to the extent possible, of an
10550 opportunity to be heard regarding the request; and
 - 10551 (ii) after a decision is made by the [~~commission~~] department, whether the request has
10552 been granted or denied.

- 10553 (b) The [~~commission~~] department is not required to provide notice of a request for
10554 disclosure to a program participant under Subsection (4)(a) when:
- 10555 (i) the request is made by a state or local law enforcement agency conducting a
10556 criminal investigation involving alleged criminal conduct by the program
10557 participant; or
- 10558 (ii) providing notice to the program participant would jeopardize an ongoing criminal
10559 investigation or the safety of law enforcement personnel.
- 10560 (5) The [~~commission~~] department shall grant a state or local government entity's request for
10561 disclosure and disclose the program participant's actual address if:
- 10562 (a) the state or local government entity has demonstrated a good faith statutory or
10563 administrative need for the actual address;
- 10564 (b) the actual address will be used only for the purpose stated in the request;
- 10565 (c) other methods to locate the program participant or the program participant's actual
10566 address have failed or are unlikely to succeed;
- 10567 (d) other means of contacting the program participant have failed or are unavailable; and
- 10568 (e) the state or local government entity has adopted a procedure to protect the
10569 confidentiality of the program participant's actual address.
- 10570 (6) If the [~~commission~~] department grants a request for disclosure under this section, the [
10571 ~~commission~~] department shall provide the state or local government entity with a
10572 disclosure that contains:
- 10573 (a) the program participant's actual address;
- 10574 (b) a statement of the permitted use of the program participant's actual address;
- 10575 (c) the names or classes of persons permitted to have access to or use of the program
10576 participant's actual address;
- 10577 (d) a statement that the state or local government entity is required to limit access to and
10578 use of the program participant's actual address to the permitted use and to the listed
10579 persons or classes of persons; and
- 10580 (e) if expiration of the disclosure is appropriate, the date on which the permitted use of
10581 the program participant's actual address expires.
- 10582 (7) If a request for disclosure is granted by the [~~commission~~] department, a state or local
10583 government entity shall:
- 10584 (a) limit use of the program participant's actual address to the purpose stated in the
10585 disclosure;
- 10586 (b) limit access to the program participant's actual address to the persons or classes of

- 10587 persons stated in the disclosure;
- 10588 (c) cease use of the program participant's actual address upon the expiration of the
- 10589 permitted use;
- 10590 (d) dispose of the program participant's actual address upon the expiration of the
- 10591 permitted use; and
- 10592 (e) except as permitted in the request for disclosure, maintain the confidentiality of the
- 10593 program participant's actual address.
- 10594 (8) Upon denial of a state or local government entity's request for disclosure, the [~~commission~~]
- 10595 department shall promptly provide a written notification to the state or local
- 10596 government entity explaining the specific reasons for denying the request for disclosure.
- 10597 (9)(a) A state or local government entity may file a written appeal with the [~~commission~~]
- 10598 department no later than 15 days after the day on which the state or local government
- 10599 entity receives the written notification under Subsection (8).
- 10600 (b) A state or local government entity filing a written appeal under Subsection (9)(a)
- 10601 shall:
- 10602 (i) restate the information contained in the request for disclosure; and
- 10603 (ii) respond to the [~~commission's~~] department's reason for denying the request for
- 10604 disclosure.
- 10605 (c) The [~~commission~~] department shall make a final determination on the appeal within
- 10606 30 days after the day on which the appeal is received by the [~~commission~~] department,
- 10607 unless the state or local government entity and the [~~commission~~] department agree to
- 10608 a different deadline.
- 10609 (d) Before the [~~commission~~] department makes a final determination, the [~~commission~~]
- 10610 department may conduct a hearing or request additional information from the state or
- 10611 local government entity or the program participant.

10612 Section 211. Section **75E-11-312**, which is renumbered from Section 77-38-613 is renumbered

10613 and amended to read:

10614 **[~~77-38-613~~] 75E-11-312 (Effective 07/01/26). Request for disclosure by law**

10615 **enforcement.**

- 10616 (1) The [~~commission~~] department shall establish a process to expedite a request submitted
- 10617 by a law enforcement officer or agency for the disclosure of information regarding a
- 10618 program participant who is involved in a criminal proceeding or investigation within 24
- 10619 hours of the law enforcement officer or agency submitting the request.
- 10620 (2) If a law enforcement officer or agency seeks the disclosure of a program participant's

10621 actual address from the [~~commission~~] department under Subsection (1), the law
 10622 enforcement officer or agency shall certify to the commission, or the commission's
 10623 designee, that the official or agency has a system in place to protect the program
 10624 participant's actual address from disclosure to:

- 10625 (a) the public; and
- 10626 (b) law enforcement personnel who are not involved in the criminal proceeding or
 10627 investigation for which the disclosure is requested.

10628 (3) Upon expiration of the use for the program participant's actual address in a criminal
 10629 proceeding or investigation, a law enforcement officer or agency shall remove the
 10630 program participant's actual address from any record system maintained by the law
 10631 enforcement officer or agency.

10632 Section 212. Section **75E-11-313**, which is renumbered from Section 77-38-614 is renumbered
 10633 and amended to read:

10634 ~~[77-38-614]~~ **75E-11-313** (Effective 07/01/26). **Service of process at the assigned**
 10635 **address.**

- 10636 (1) In accordance with the Utah Rules of Civil Procedure, Rule 4, the [~~commission~~]
 10637 department is the agent authorized to receive process for a program participant.
- 10638 (2) In accordance with the Utah Rules of Civil Procedure, Rule 5, the last known address
 10639 for a program participant is the program participant's assigned address, not the program
 10640 participant's actual address.

10641 Section 213. Section **75E-11-314**, which is renumbered from Section 77-38-615 is renumbered
 10642 and amended to read:

10643 ~~[77-38-615]~~ **75E-11-314** (Effective 07/01/26). **Participation in the program --**
 10644 **Orders in relation to allocation of custody or parent-time.**

- 10645 (1) A court may not consider a parent's participation in the program for the purpose of
 10646 making an order allocating custody or parent-time under Title 81, Chapter 9, Custody,
 10647 Parent-time, and Visitation.
- 10648 (2) A court shall take practical measures to keep a program participant's actual address
 10649 confidential when making an order allocating custody or parent-time.
- 10650 (3) Nothing in this part affects an order relating to the allocation of custody or parent-time
 10651 in effect [~~prior to~~] before or during a program participant's participation in the program.

10652 Section 214. Section **75E-11-315**, which is renumbered from Section 77-38-616 is renumbered
 10653 and amended to read:

10654 ~~[77-38-616]~~ **75E-11-315** (Effective 07/01/26). **Disclosure of address or identifiable**

10655 **information in a judicial or administrative proceeding.**

- 10656 (1) A program participant may submit the program participant's actual address to the court
 10657 as a safeguarded record in accordance with the Utah Code of Judicial Administration,
 10658 Rule 4-202.02.
- 10659 (2) A person may not compel disclosure of a program participant's actual address or
 10660 identifying information related to the program participant's residence during a
 10661 proceeding in a court or administrative proceeding, unless:
- 10662 (a) the court orders the disclosure of the program participant's address; or
 10663 (b) an administrative tribunal finds, based on a preponderance of the evidence, that:
- 10664 (i) the disclosure is required in the interest of justice;
 10665 (ii) public interest in the disclosure substantially outweighs the potential harm to the
 10666 program participant; or
 10667 (iii) no other alternative would satisfy the necessity of the disclosure.
- 10668 (3) If disclosure of a program participant's actual address is required in a proceeding before
 10669 a court or administrative tribunal, the court or administrative tribunal may safeguard the
 10670 portion of a record that contains the program participant's actual address.
- 10671 (4) Nothing in this section prevents a state or local government entity from using a program
 10672 participant's actual address in filing a document or record with a court or administrative
 10673 tribunal if, at the time of the filing, the document or record is filed under safeguard or
 10674 not a public record.

10675 Section 215. Section **75E-11-316**, which is renumbered from Section 77-38-617 is renumbered
 10676 and amended to read:

10677 ~~[77-38-617]~~ **75E-11-316 (Effective 07/01/26). Cancellation of enrollment --**

10678 **Records.**

- 10679 (1) The ~~[commission]~~ department shall cancel a program participant's enrollment in the
 10680 program if:
- 10681 (a) the program participant submits to the ~~[commission]~~ department a written request to
 10682 withdraw from enrollment in accordance with Section ~~[77-38-606]~~ 75E-11-305;
- 10683 (b) the program participant fails to notify the ~~[commission]~~ department of a change in the
 10684 program participant's name, actual address, or telephone number that is listed on the
 10685 application;
- 10686 (c) the program participant, or a parent or guardian of the program participant,
 10687 knowingly submits false information in the program application; or
 10688 (d) mail forwarded to the program participant by the ~~[commission]~~ department is

10689 returned as undeliverable.

10690 (2)(a) If the [~~commission~~] department determines that there are grounds for cancelling a
 10691 program participant's enrollment in accordance with Subsection (1), the commission
 10692 shall send notice of the cancellation with the reason for cancellation to the program
 10693 participant at the program participant's actual address and email address.

10694 (b) A program participant has 30 days to appeal the cancellation decision in accordance
 10695 with procedures developed by the [~~commission~~] department.

10696 (3) A program participant who receives a notice of cancellation is responsible for notifying
 10697 a person who uses the program participant's assigned address to communicate with the
 10698 program participant that the assigned address is no longer valid.

10699 (4) If the [~~commission~~] department cancels a program participant's enrollment in the
 10700 program, the program participant is not eligible to participate in the program for six
 10701 months after the day on which the [~~commission~~] department cancels the program
 10702 participant's enrollment in the program.

10703 Section 216. Section **75E-11-317**, which is renumbered from Section 77-38-619 is renumbered
 10704 and amended to read:

10705 ~~[77-38-619]~~ **75E-11-317 (Effective 07/01/26). Immunity from suit.**

10706 (1) A program assistant, or a program assistant's employer, is immune from liability in a
 10707 civil action or proceeding involving the performance or nonperformance of a duty under
 10708 this [~~part~~] chapter, unless:

10709 (a) the performance or nonperformance of a program assistant was manifestly outside
 10710 the scope of the program assistant's duties in the program; or

10711 (b) the program assistant acted with malicious purpose, bad faith, or in a wanton or
 10712 reckless manner.

10713 (2) In addition to the governmental immunity granted in Title 63G, Chapter 7,
 10714 Governmental Immunity Act of Utah, or any other governmental immunity provided by
 10715 law, the [~~commission~~] department, the state, and the political subdivisions of the state are
 10716 immune from liability in a civil action or proceeding involving the performance or
 10717 nonperformance of a duty under the program.

10718 Section 217. Section **76-1-101.6** is amended to read:

10719 **TITLE 76. Criminal Offenses**

10720 **76-1-101.6 (Effective 07/01/26). Application of definitions to title.**

10721 (1) For formatting purposes, sections in this title that contain a criminal offense include an
 10722 express provision that states that the title definitions in Section 76-1-101.5 apply to that

10723 section.

10724 (2) Although a provision described in Subsection (1) is not included in non-offense sections
 10725 in [~~Title 76, Utah Criminal Code~~] this title, or in other titles, title definitions apply to all
 10726 statutes within a title unless otherwise expressly provided.

10727 Section 218. Section **76-3-202** is amended to read:

10728 **76-3-202 (Effective 07/01/26). Paroled individuals -- Termination or discharge**
 10729 **from sentence -- Time served on parole -- Discretion of Board of Pardons and Parole.**

10730 (1) As described in Subsection 77-27-5(7), every individual committed to the state prison to
 10731 serve an indeterminate term and, after December 31, 2018, released on parole shall
 10732 complete a term of parole that extends through the expiration of the individual's
 10733 maximum sentence unless the parole is earlier terminated by the Board of Pardons and
 10734 Parole in accordance with the adult sentencing and supervision length guidelines, as
 10735 defined in Section [~~63M-7-401.1~~] 75E-4-101, to the extent the guidelines are consistent
 10736 with the requirements of the law.

10737 (2)(a) Except as provided in Subsection (2)(b), an individual committed to the state
 10738 prison to serve an indeterminate term and released on parole on or after October 1,
 10739 2015, but before January 1, 2019, shall, upon completion of three years on parole
 10740 outside of confinement and without violation, be terminated from the individual's
 10741 sentence unless the parole is earlier terminated by the Board of Pardons and Parole or
 10742 is terminated [~~pursuant to~~] in accordance with Section 64-14-204.

10743 (b) An individual committed to the state prison to serve an indeterminate term and later
 10744 released on parole on or after July 1, 2008, but before January 1, 2019, and who was
 10745 convicted of a felony offense under Chapter 5, Offenses Against the Individual, or an
 10746 attempt, conspiracy, or solicitation to commit the offense, shall complete a term of
 10747 parole that extends through the expiration of the individual's maximum sentence,
 10748 unless the parole is earlier terminated by the Board of Pardons and Parole.

10749 (3) An individual convicted of a second degree felony for violating Section 76-5-404,
 10750 forcible sexual abuse; Section 76-5-404.1, sexual abuse of a child; or Section 76-5-404.3,
 10751 aggravated sexual abuse of a child; or attempting, conspiring, or soliciting the
 10752 commission of a violation of any of those sections, and who is paroled before July 1,
 10753 2008, shall, upon completion of 10 years parole outside of confinement and without
 10754 violation, be terminated from the sentence unless the individual is earlier terminated by
 10755 the Board of Pardons and Parole.

10756 (4) An individual who violates the terms of parole, while serving parole, for any offense

10757 under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and
10758 Parole be recommitted to prison to serve the portion of the balance of the term as
10759 determined by the Board of Pardons and Parole, but not to exceed the maximum term.

10760 (5) An individual paroled following a former parole revocation may not be discharged from
10761 the individual's sentence until:

10762 (a) the individual has served the applicable period of parole under this section outside of
10763 confinement;

10764 (b) the individual's maximum sentence has expired; or

10765 (c) the Board of Pardons and Parole orders the individual to be discharged from the
10766 sentence.

10767 (6)(a) All time served on parole, outside of confinement and without violation,
10768 constitutes service toward the total sentence.

10769 (b) Any time an individual spends outside of confinement after commission of a parole
10770 violation does not constitute service toward the total sentence unless the individual is
10771 exonerated at a parole revocation hearing.

10772 (c)(i) Any time an individual spends in confinement awaiting a hearing before the
10773 Board of Pardons and Parole or a decision by the board concerning revocation of
10774 parole constitutes service toward the total sentence.

10775 (ii) In the case of exoneration by the board, the time spent is included in computing
10776 the total parole term.

10777 (7) When a parolee causes the parolee's absence from the state without authority from the
10778 Board of Pardons and Parole or avoids or evades parole supervision, the period of
10779 absence, avoidance, or evasion tolls the parole period.

10780 (8)(a) While on parole, time spent in confinement outside the state may not be credited
10781 toward the service of any Utah sentence.

10782 (b) Time in confinement outside the state or in the custody of any tribal authority or the
10783 United States government for a conviction obtained in another jurisdiction tolls the
10784 expiration of the Utah sentence.

10785 (9) This section does not preclude the Board of Pardons and Parole from paroling or
10786 discharging an inmate at any time within the discretion of the Board of Pardons and
10787 Parole unless otherwise specifically provided by law.

10788 (10) A parolee sentenced to lifetime parole may petition the Board of Pardons and Parole
10789 for termination of lifetime parole.

10790 Section 219. Section **76-5-102.1** is amended to read:

10791 **76-5-102.1 (Effective 07/01/26). Negligently operating a vehicle resulting in**
10792 **injury.**

10793 (1)(a) As used in this section:

10794 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.

10795 (ii) "Drug" means the same as that term is defined in Section 76-5-207.

10796 (iii) "Negligent" or "negligence" means the same as that term is defined in Section
10797 76-5-207.

10798 (iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.

10799 (b) Terms defined in Section 76-1-101.5 apply to this section.

10800 (2) An actor commits negligently operating a vehicle resulting in injury if the actor:

10801 (a)(i) operates a vehicle in a negligent manner causing bodily injury to another; and

10802 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
10803 test shows that the actor has a blood or breath alcohol concentration of .05
10804 grams or greater at the time of the test;

10805 (B) is under the influence of alcohol, a drug, or the combined influence of alcohol
10806 and a drug to a degree that renders the actor incapable of safely operating a
10807 vehicle; or

10808 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
10809 of operation; or

10810 (b)(i) operates a vehicle in a criminally negligent manner causing bodily injury to
10811 another; and

10812 (ii) has in the actor's body any measurable amount of a controlled substance.

10813 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:

10814 (a)(i) a class A misdemeanor; or

10815 (ii) a third degree felony if the actor has two or more driving under the influence
10816 related convictions under Subsection 41-6a-501(2)(a), each of which is within 10
10817 years of:

10818 (A) the current conviction; or

10819 (B) the commission of the offense upon which the current conviction is based;

10820 (iii) a third degree felony, if the current conviction is at any time after the conviction
10821 of:

10822 (A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2),
10823 that is a felony; or

10824 (B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of

- 10825 conviction is reduced under Section 76-3-402; or
- 10826 (iv) a third degree felony if the bodily injury is serious bodily injury; and
- 10827 (b) a separate offense for each victim suffering bodily injury as a result of the actor's
- 10828 violation of this section, regardless of whether the injuries arise from the same
- 10829 episode of driving.
- 10830 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under
- 10831 Subsection (2)(b) if:
- 10832 (a) the controlled substance was obtained under a valid prescription or order, directly
- 10833 from a practitioner while acting in the course of the practitioner's professional
- 10834 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 10835 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 10836 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
- 10837 58-37-4.2 if:
- 10838 (i) the actor is the subject of medical research conducted by a holder of a valid license
- 10839 to possess controlled substances under Section 58-37-6; and
- 10840 (ii) the substance was administered to the actor by the medical researcher.
- 10841 (5)(a) A judge imposing a sentence under this section may consider:
- 10842 (i) the adult sentencing and supervision length guidelines, as defined in Section [
- 10843 ~~63M-7-401.1~~] 75E-4-101;
- 10844 (ii) the defendant's history;
- 10845 (iii) the facts of the case;
- 10846 (iv) aggravating and mitigating factors; or
- 10847 (v) any other relevant fact.
- 10848 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 10849 based on the defendant's history under Section 41-6a-505.
- 10850 (c) The standards for chemical breath analysis under Section 41-6a-515 and the
- 10851 provisions for the admissibility of chemical test results under Section 41-6a-516
- 10852 apply to determination and proof of blood alcohol content under this section.
- 10853 (d) A calculation of blood or breath alcohol concentration under this section shall be
- 10854 made in accordance with Subsection 41-6a-502(3).
- 10855 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
- 10856 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 10857 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
- 10858 admissible except if prohibited by the Utah Rules of Evidence, the United States

10859 Constitution, or the Utah Constitution.

10860 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
10861 described in this section may not be held in abeyance.

10862 (6)(a) A judge imposing a sentence under this section shall designate the defendant as an
10863 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
10864 not to exceed the probationary period, unless the court finds good cause to order a
10865 shorter or longer time.

10866 (b) If a court designates a person as an interdicted person as [~~provided~~] described in
10867 Subsection (6)(a), the court shall:

10868 (i) require the person to surrender the person's identification card or driver license;

10869 (ii) notify the Driver License Division that the person is an interdicted person; and

10870 (iii) provide the person's identification card or driver license to the Driver License
10871 Division.

10872 Section 220. Section **76-5-207** is amended to read:

10873 **76-5-207 (Effective 07/01/26). Automobile homicide -- Penalties -- Evidence.**

10874 (1)(a) As used in this section:

10875 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.

10876 (ii) "Criminally negligent" means the same as that term is described in Subsection
10877 76-2-103(4).

10878 (iii) "Drug" means:

10879 (A) a controlled substance;

10880 (B) a drug as defined in Section 58-37-2; or

10881 (C) a substance that, when knowingly, intentionally, or recklessly taken into the
10882 human body, can impair the ability of an individual to safely operate a vehicle.

10883 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that
10884 degree of care that reasonable and prudent persons exercise under like or similar
10885 circumstances.

10886 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.

10887 (b) Terms defined in Section 76-1-101.5 apply to this section.

10888 (2) An actor commits automobile homicide if the actor:

10889 (a)(i) operates a vehicle in a negligent or criminally negligent manner causing the
10890 death of another individual; and

10891 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
10892 test shows that the actor has a blood or breath alcohol concentration of .05

- 10893 grams or greater at the time of the test;
- 10894 (B) is under the influence of alcohol, any drug, or the combined influence of
- 10895 alcohol and any drug to a degree that renders the actor incapable of safely
- 10896 operating a vehicle; or
- 10897 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
- 10898 of operation; or
- 10899 (b)(i) operates a vehicle in a criminally negligent manner causing death to another;
- 10900 and
- 10901 (ii) has in the actor's body any measurable amount of a controlled substance.
- 10902 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
- 10903 (a) a second degree felony, punishable by a term of imprisonment of not less than five
- 10904 years nor more than 15 years; and
- 10905 (b) a separate offense for each victim suffering death as a result of the actor's violation
- 10906 of this section, regardless of whether the deaths arise from the same episode of
- 10907 driving.
- 10908 (4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:
- 10909 (a) the controlled substance was obtained under a valid prescription or order, directly
- 10910 from a practitioner while acting in the course of the practitioner's professional
- 10911 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 10912 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 10913 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
- 10914 58-37-4.2 if:
- 10915 (i) the actor is the subject of medical research conducted by a holder of a valid license
- 10916 to possess controlled substances under Section 58-37-6; and
- 10917 (ii) the substance was administered to the actor by the medical researcher.
- 10918 (5)(a) A judge imposing a sentence under this section may consider:
- 10919 (i) the adult sentencing and supervision length guidelines, as defined in Section [
- 10920 63M-7-401.1] 75E-4-101;
- 10921 (ii) the defendant's history;
- 10922 (iii) the facts of the case;
- 10923 (iv) aggravating and mitigating factors; or
- 10924 (v) any other relevant fact.
- 10925 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 10926 based on the defendant's history under Section 41-6a-505.

- 10927 (c) The standards for chemical breath analysis [~~as provided by~~] under Section 41-6a-515
 10928 and the provisions for the admissibility of chemical test results [~~as provided by~~] under
 10929 Section 41-6a-516 apply to determination and proof of blood alcohol content under
 10930 this section.
- 10931 (d) A calculation of blood or breath alcohol concentration under this section shall be
 10932 made in accordance with Subsection 41-6a-502(3).
- 10933 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
 10934 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 10935 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
 10936 admissible except when prohibited by the Utah Rules of Evidence, the United States
 10937 Constitution, or the Utah Constitution.
- 10938 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
 10939 described in this section may not be held in abeyance.
- 10940 (6) If, when imposing a sentence under this section, the court finds that it is in the interest
 10941 of justice to suspend the imposition of prison, the court shall detail the finding on the
 10942 record, including why a suspended prison sentence is in the interest of justice.
- 10943 (7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than
 10944 three years nor more than 15 years if the court details on the record why it is in the
 10945 interest of justice.
- 10946 (8)(a) A judge imposing a sentence under this section shall designate the defendant as an
 10947 interdicted person, as that term is defined in Section 32B-1-102, for a period of time
 10948 not to exceed the probationary period, unless the court finds good cause to order a
 10949 shorter or longer time.
- 10950 (b) If a court designates a person as an interdicted person as [~~provided~~] described in
 10951 Subsection (8)(a), the court shall:
- 10952 (i) require the person to surrender the person's identification card or driver license;
 10953 (ii) notify the Driver License Division that the person is an interdicted person; and
 10954 (iii) provide the person's identification card or driver license to the Driver License
 10955 Division.
- 10956 Section 221. Section **76-8-419** is amended to read:
- 10957 **76-8-419 (Effective 07/01/26). Damaging a highway or bridge.**
- 10958 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 10959 (2) An actor commits damaging a highway or bridge if the actor intentionally, knowingly,
 10960 or recklessly digs up, removes, displaces, breaks, or otherwise damages or destroys a

10961 public highway or private way laid out by authority of law, or a bridge upon the
10962 highway or private way.

10963 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a third degree
10964 felony.

10965 (4) If the violation of this section constitutes an offense subject to a greater penalty under
10966 another provision of [~~Title 76, Utah Criminal Code~~] this title, than is provided under this
10967 section, this section does not prohibit the prosecution and sentencing for the offense
10968 subject to a greater penalty.

10969 Section 222. Section **76-13-211** is amended to read:

10970 **76-13-211 (Effective 07/01/26). Injuring, harassing, or endangering a service**
10971 **animal.**

10972 (1)(a) As used in this section:

10973 (i) "Disability" means the same as that term is defined in Section 26B-6-801.

10974 (ii) "Search and rescue dog" means a dog:

10975 (A) with documented training to locate individuals who are:

10976 (I) lost, missing, or injured; or

10977 (II) trapped under debris as the result of a natural or man-made event; and

10978 (B) affiliated with an established search and rescue dog organization.

10979 (iii) "Service animal" means:

10980 (A) a service animal as that term is defined in Section 26B-6-801; or

10981 (B) a search and rescue dog.

10982 (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this
10983 section.

10984 (2) An actor commits injuring, harassing, or endangering a service animal if the actor:

10985 (a) knowingly, intentionally, or recklessly causes substantial bodily injury or death to a
10986 service animal;

10987 (b) owns, keeps, harbors, or exercises control over an animal and knowingly,
10988 intentionally, or recklessly fails to exercise sufficient control over the animal to
10989 prevent the animal from:

10990 (i) causing substantial bodily injury to or the death of a service animal;

10991 (ii) causing a service animal's subsequent inability to function as a service animal as a
10992 result of the animal's attacking, chasing, or harassing the service animal; or

10993 (iii) chasing or harassing a service animal while the service animal is carrying out the
10994 service animal's functions as a service animal, to the extent that the animal

10995 temporarily interferes with the service animal's ability to carry out the service
10996 animal's functions; or

10997 (c) chases or harasses a service animal.

10998 (3)(a) A violation of Subsection (2)(a), (2)(b)(i), or (2)(b)(ii) is a class A misdemeanor.

10999 (b) A violation of Subsection (2)(b)(iii) or (2)(c) is a class B misdemeanor.

11000 (4)(a) A service animal is exempt from quarantine or other animal control ordinances if
11001 the service animal bites an individual while the service animal is subject to an offense
11002 under Subsection (2).

11003 (b) The owner of the service animal or the individual with a disability whom the service
11004 animal serves shall make the service animal available for examination at a reasonable
11005 time and shall notify the local health officer if the service animal exhibits any
11006 abnormal behavior.

11007 (5) In addition to any other penalty, an actor convicted of a violation of this section is liable
11008 for restitution to the owner of the service animal or the individual with a disability
11009 whom the service animal serves for the replacement, training, and veterinary costs
11010 incurred as a result of the violation of this section.

11011 (6) If the act committed under this section amounts to an offense subject to a greater
11012 penalty under another provision of [~~Title 76, Utah Criminal Code~~] this title, than is
11013 provided under this section, this section does not prohibit prosecution and sentencing for
11014 the more serious offense.

11015 Section 223. Section **77-2-5** is amended to read:

11016 **TITLE 77. Criminal Procedure**

11017 **77-2-5 (Effective 07/01/26). Diversion agreement -- Negotiation -- Contents.**

11018 (1) At any time after the commencement of prosecution and before conviction, the
11019 prosecuting attorney may, by written agreement with the defendant, filed with the court,
11020 and upon approval of the court, divert a defendant to a non-criminal diversion program.

11021 (2) A defendant shall be represented by counsel during negotiations for diversion and at the
11022 time of execution of any diversion agreement unless the defendant has knowingly and
11023 intelligently waived the defendant's right to counsel.

11024 (3) The defendant has the right to be represented by counsel at any court hearing relating to
11025 a diversion program.

11026 (4)(a) A diversion agreement, entered into between the prosecuting attorney and the
11027 defendant and approved by a court, shall contain a full, detailed statement of the
11028 requirements agreed to by the defendant and the reasons for diversion.

- 11029 (b) The diversion agreement described in Subsection (4)(a) shall include an agreement,
11030 by the parties, for a specific amount of restitution that the defendant will pay, unless
11031 the prosecuting attorney certifies that:
- 11032 (i) the prosecuting attorney has consulted with all victims, including the [~~Utah~~]
11033 Office for Victims of Crime; and
- 11034 (ii) the defendant does not owe any restitution.
- 11035 (5)(a) If the court approves a diversion agreement that includes an agreement by the
11036 parties for the amount of restitution that the defendant will pay, the court shall order
11037 the defendant to pay restitution in accordance with the terms of the diversion
11038 agreement.
- 11039 (b) The court shall collect, receive, process, and distribute payments for restitution to the
11040 victim, unless otherwise provided by law or by the diversion agreement.
- 11041 (6) A decision by a prosecuting attorney not to divert a defendant is not subject to judicial
11042 review.
- 11043 (7) A diversion agreement entered into between the prosecution and the defense and
11044 approved by a magistrate may contain an order that the defendant pay a nonrefundable
11045 diversion fee that:
- 11046 (a) shall be allocated in the same manner as if paid as a fine for a criminal conviction
11047 under Section 78A-5-110 or Section 78A-7-120; and
- 11048 (b) may not exceed the suggested fine listed in the Uniform Fine Schedule adopted by
11049 the Judicial Council.
- 11050 (8) A diversion agreement may not be approved unless the defendant knowingly and
11051 intelligently waives the defendant's constitutional right to a speedy trial before a
11052 magistrate and in the diversion agreement.
- 11053 (9)(a) The court shall, on the defendant's request, consider the defendant's ability to pay
11054 a diversion fee before ordering the defendant to pay a diversion fee.
- 11055 (b) The court may:
- 11056 (i) consider any relevant evidence in determining the defendant's ability to pay a
11057 diversion fee; and
- 11058 (ii) lower or waive the diversion fee based on that evidence.
- 11059 (10) A diversion program longer than two years is not permitted.
- 11060 (11) The court may not rely solely on an algorithm or a risk assessment tool score in
11061 determining whether the court should approve the defendant's diversion to a
11062 non-criminal diversion program.

11063 Section 224. Section **77-2a-2** is amended to read:

11064 **77-2a-2 (Effective 07/01/26). Plea in abeyance agreement -- Negotiation --**

11065 **Contents -- Terms of agreement -- Waiver of time for sentencing.**

- 11066 (1) At any time after acceptance of a plea of guilty or no contest but before entry of
11067 judgment of conviction and imposition of sentence, the court may, upon motion of both
11068 the prosecuting attorney and the defendant, hold the plea in abeyance and not enter
11069 judgment of conviction against the defendant nor impose sentence upon the defendant
11070 within the time periods contained in Rule 22(a), Utah Rules of Criminal Procedure.
- 11071 (2) A defendant shall be represented by counsel during negotiations for a plea in abeyance
11072 and at the time of acknowledgment and affirmation of any plea in abeyance agreement
11073 unless the defendant knowingly and intelligently waives the defendant's right to counsel.
- 11074 (3) A defendant has the right to be represented by counsel at any court hearing relating to a
11075 plea in abeyance agreement.
- 11076 (4)(a) Any plea in abeyance agreement entered into between the prosecution and the
11077 defendant and approved by the court shall, subject to Subsection (7), include a full,
11078 detailed recitation of the requirements and conditions agreed to by the defendant and
11079 the reason for requesting the court to hold the plea in abeyance.
- 11080 (b) If the plea is to a felony or any combination of misdemeanors and felonies, the
11081 agreement shall be in writing and shall, before acceptance by the court, be executed
11082 by the prosecuting attorney, the defendant, and the defendant's counsel in the
11083 presence of the court.
- 11084 (5)(a) Except as provided in Subsection (5)(b), a plea may not be held in abeyance for a
11085 period longer than 18 months if the plea is to any class of misdemeanor or longer
11086 than three years if the plea is to any degree of felony or to any combination of
11087 misdemeanors and felonies.
- 11088 (b)(i) For a plea in abeyance agreement that the Division of Adult Probation and
11089 Parole created in Section 64-14-202 supervises, the plea may not be held in
11090 abeyance for a period longer than the initial term of probation required under the
11091 adult sentencing and supervision length guidelines, as defined in Section [
11092 ~~63M-7-401.1~~] 75E-4-101, if the initial term of probation is shorter than the period
11093 required under Subsection (5)(a).
- 11094 (ii) Subsection (5)(b)(i) does not:
- 11095 (A) apply to a plea that is held in abeyance in a drug court created under Title
11096 78A, Chapter 5, Part 2, Drug Court, or a problem solving court approved by

- 11097 the Judicial Council; or
- 11098 (B) prohibit court supervision of a plea in abeyance agreement after the day on
- 11099 which the Division of Adult Probation and Parole supervision described in
- 11100 Subsection (5)(b)(i) ends and before the day on which the plea in abeyance
- 11101 agreement ends.
- 11102 (6) Notwithstanding Subsection (5), a plea may be held in abeyance for up to two years if
- 11103 the plea is to any class of misdemeanor and the plea in abeyance agreement includes a
- 11104 condition that the defendant participate in a problem solving court approved by the
- 11105 Judicial Council.
- 11106 (7) A plea in abeyance agreement may not:
- 11107 (a) be approved unless the defendant, before the court, and any written agreement,
- 11108 knowingly and intelligently waives time for sentencing as designated in Rule 22(a),
- 11109 Utah Rules of Criminal Procedure; or
- 11110 (b) notwithstanding any other provision of law, include as part of the requirements and
- 11111 conditions agreed to by the defendant that the defendant will forfeit a firearm owned
- 11112 by the defendant if the offense the defendant will plea to is not an offense that would
- 11113 make the defendant a restricted person under Section 76-11-302[~~or~~] , Section
- 11114 76-11-303, or federal law.
- 11115 Section 225. Section **77-2a-3** is amended to read:
- 11116 **77-2a-3 (Effective 07/01/26). Manner of entry of plea -- Powers of court --**
- 11117 **Expungement.**
- 11118 (1)(a) Acceptance of any plea in anticipation of a plea in abeyance agreement shall be
- 11119 done in full compliance with the Utah Rules of Criminal Procedure, Rule 11.
- 11120 (b) In cases charging offenses for which bail may be forfeited, a plea in abeyance
- 11121 agreement may be entered into without a personal appearance before a magistrate.
- 11122 (2) A plea in abeyance agreement may provide that the court may, upon finding that the
- 11123 defendant has successfully completed the terms of the agreement:
- 11124 (a) reduce the degree of the offense, enter a judgment of conviction for the lower degree
- 11125 of the offense, and impose a sentence for the lower degree of the offense;
- 11126 (b) allow withdrawal of the defendant's plea and order the dismissal of the case; or
- 11127 (c) issue an order of expungement for all records of the offense if:
- 11128 (i) the defendant successfully completes a problem solving court program that is
- 11129 certified by the Judicial Council; and
- 11130 (ii) the court allows the withdrawal of the defendant's plea and orders the dismissal of

- 11131 the case.
- 11132 (3)(a) Upon finding that a defendant has successfully completed the terms of a plea in
11133 abeyance agreement and only as provided in the plea in abeyance agreement or as
11134 agreed to by all parties, the court may[-]:
- 11135 (i) reduce the degree of the offense, enter a judgment of conviction for the lower
11136 degree of the offense, and impose a sentence for the lower degree of the offense;
 - 11137 (ii) allow withdrawal of the defendant's plea and order the dismissal of the case; or
 - 11138 (iii) issue an order of expungement for all records of the offense if:
 - 11139 (A) the defendant successfully completes a problem solving court program that is
11140 certified by the Judicial Council; and
 - 11141 (B) the court allows the withdrawal of the defendant's plea and orders the
11142 dismissal of the case.
 - 11143 (b) Upon sentencing a defendant for any lesser offense in accordance with a plea in
11144 abeyance agreement, the court may not invoke Section 76-3-402 to further reduce the
11145 degree of the offense.
- 11146 (4) The court may require the Division of Adult Probation and Parole created in Section
11147 64-14-202 to assist in the administration of the plea in abeyance agreement as if the
11148 defendant were placed on probation under Section 77-18-105.
- 11149 (5) The terms of a plea in abeyance agreement may include:
- 11150 (a) an order that the defendant pay a nonrefundable plea in abeyance fee, with a
11151 surcharge based on the amount of the plea in abeyance fee, both of which shall be
11152 allocated in the same manner as if paid as a fine for a criminal conviction under
11153 Section 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal
11154 Conviction Surcharge Allocation, and which may not exceed in amount the
11155 maximum fine and surcharge which could have been imposed upon conviction and
11156 sentencing for the same offense;
 - 11157 (b) an order that the defendant pay the costs of any remedial or rehabilitative program
11158 required by the terms of the agreement; and
 - 11159 (c) an order that the defendant comply with any other conditions that could have been
11160 imposed as conditions of probation upon conviction and sentencing for the same
11161 offense.
- 11162 (6)(a) The terms of a plea in abeyance shall include:
- 11163 (i) a specific amount of restitution that the defendant will pay, as agreed to by the
11164 defendant and the prosecuting attorney;

- 11165 (ii) a certification from the prosecuting attorney that:
- 11166 (A) the prosecuting attorney has consulted with all victims, including the [~~Utah~~]
- 11167 Office for Victims of Crime; and
- 11168 (B) all victims, including the [~~Utah~~]Office for Victims of Crime, are not seeking
- 11169 restitution; or
- 11170 (iii) an agreement between the parties that restitution will be determined by the court
- 11171 at a subsequent hearing in accordance with Section 77-38b-205.
- 11172 (b) At a subsequent hearing described in Subsection (6)(a)(iii), the court shall order the
- 11173 defendant, as a modified term of the plea in abeyance, to pay restitution to all victims
- 11174 for the entire amount of pecuniary damages that are proximately caused by the
- 11175 criminal conduct of the defendant.
- 11176 (c) The court shall collect, receive, process, and distribute payments for restitution to the
- 11177 victim, unless otherwise provided by law or by the plea in abeyance agreement.
- 11178 (d) If the defendant does not successfully complete the terms of the plea in abeyance, the
- 11179 court shall enter an order for restitution, in accordance with Chapter 38b, Crime
- 11180 Victims Restitution Act, upon entering a sentence for the defendant.
- 11181 (7)(a) A court may not hold a plea in abeyance without the consent of both the
- 11182 prosecuting attorney and the defendant.
- 11183 (b) A decision by a prosecuting attorney not to agree to a plea in abeyance is final.
- 11184 (8) No plea may be held in abeyance in any case involving:
- 11185 (a) a sexual offense against an individual who is under 14 years old; or
- 11186 (b) a driving under the influence violation under Section 41-6a-502, 41-6a-502.5,
- 11187 41-6a-517, 41-6a-520, 41-6a-520.1, 41-6a-521.1, 76-5-102.1, or 76-5-207.
- 11188 (9)(a) If the terms of a plea in abeyance agreement allow a court to issue an order of
- 11189 expungement as described in Subsection (2)(c), the prosecuting attorney shall make a
- 11190 reasonable effort to provide notice to any victim of the offense of the terms of the
- 11191 plea in abeyance agreement.
- 11192 (b) The notice under Subsection (9)(a) shall:
- 11193 (i) state that the victim has a right to object to the expungement; and
- 11194 (ii) provide instructions for registering an objection with the court.
- 11195 (c) If there is a victim of the offense, the victim may file an objection with the court
- 11196 before the court makes a finding as to whether the defendant successfully completed
- 11197 the terms of the plea in abeyance agreement as described in Subsection (3).
- 11198 (d) The defendant may respond, in writing, to any objection filed by the victim within 14

11199 days after the day on which the objection is received by the court.

11200 (10) If the court issues an order of expungement under Subsection (3)(a)(iii), the court shall:

11201 (a) expunge all records of the case as described in Section 77-40a-401; and

11202 (b) notify the Bureau of Criminal Identification of the order of expungement.

11203 (11)(a) Upon receiving notice from the court of an expungement order as described in

11204 Subsection (10), the Bureau of Criminal Identification shall notify any agency, as

11205 defined in Section 77-40a-101, affected by the expungement order.

11206 (b) For purposes of Subsection (11)(a), the Bureau of Criminal Identification may not

11207 notify the Board of Pardons and Parole of an expungement order if the individual has

11208 never been:

11209 (i) sentenced to prison in this state; or

11210 (ii) under the jurisdiction of the Board of Pardons and Parole.

11211 (c) The Bureau of Criminal Identification shall forward a copy of the expungement order

11212 to the Federal Bureau of Investigation.

11213 (12) The defendant may deliver copies of the expungement to any agency, as defined in

11214 Section 77-40a-101, affected by the order of expungement.

11215 (13) If an agency receives an expungement order under this part, the agency shall expunge

11216 all records for the case in accordance with Section 77-40a-401.

11217 Section 226. Section **77-7-8.5** is amended to read:

11218 **77-7-8.5 (Effective 07/01/26). Use of tactical groups -- Reporting requirements.**

11219 (1) As used in this section:

11220 (a)(i) "Reportable incident" means:

11221 (A) the deployment of a tactical group; or

11222 (B) law enforcement officers who serve a search warrant after using forcible entry.

11223 (ii) "Reportable incident" does not mean a forced cell entry at a corrections facility.

11224 (b) "Tactical group" means a special unit, within a law enforcement agency, specifically

11225 trained and equipped to respond to critical, high-risk situations.

11226 (2) On and after January 1, 2015, every state, county, municipal, or other law enforcement

11227 agency shall annually on or before April 30 report to the [~~Commission on Criminal and~~

11228 ~~Juvenile Justice~~] Department of Criminal Justice the following information for the

11229 previous calendar year:

11230 (a) whether the law enforcement agency conducted one or more reportable incidents;

11231 (b) the following information regarding each reportable incident:

11232 (i) the organizational title of the agency, task force, or tactical group deployed;

- 11233 (ii) the city, county, and zip code of the location where the reportable incident
11234 occurred;
- 11235 (iii) the reason for the deployment;
- 11236 (iv) the type of warrant obtained, if any;
- 11237 (v) if a threat assessment was completed;
- 11238 (vi) if a warrant was obtained, the name of the judge or magistrate who authorized
11239 the warrant;
- 11240 (vii) the number of arrests made, if any;
- 11241 (viii) if any evidence was seized;
- 11242 (ix) if any property was seized, other than property that was seized as evidence;
- 11243 (x) if a forcible entry was made;
- 11244 (xi) if a firearm was discharged by a law enforcement officer, and, if so,
11245 approximately how many shots were fired by each officer;
- 11246 (xii) if a weapon was brandished by a person other than the law enforcement officers;
- 11247 (xiii) if a weapon was used by a person against the law enforcement officers and, if a
11248 firearm was used, the number or approximate number of shots fired by the person;
- 11249 (xiv) the identity of any law enforcement agencies that participated or provided
11250 resources for the deployment;
- 11251 (xv) if a person or domestic animal was injured or killed by a law enforcement
11252 officer; and
- 11253 (xvi) if a law enforcement officer was injured or killed; and
- 11254 (c) the number of arrest warrants served that required a forced entry as provided by
11255 Section 77-7-8 and were not served in conjunction with a search warrant that resulted
11256 in a reportable incident.
- 11257 (3) If a warrant is served by a multijurisdictional team of law enforcement officers, the
11258 reporting requirement in this section shall be the responsibility of the commanding
11259 agency or governing authority of the multijurisdictional team.
- 11260 (4) The [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice
11261 shall develop a standardized format that each law enforcement agency shall use in
11262 reporting the data required in Subsection (2).
- 11263 (5) A law enforcement agency shall:
- 11264 (a) compile the data described in Subsection (2) for each year as a report in the format
11265 required under Subsection (4); and
- 11266 (b) submit the report to:

- 11267 (i) the [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice;
 11268 and
 11269 (ii) the local governing body of the jurisdiction served by the law enforcement
 11270 agency.

11271 (6)(a) The [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal
 11272 Justice shall summarize the yearly reports of law enforcement agencies submitted
 11273 under Subsection (2).

11274 (b) Before August 1 of each year, the [~~Commission on Criminal and Juvenile Justice~~]
 11275 Department of Criminal Justice shall submit a report of the summaries described in
 11276 Subsection (6)(a) to:

- 11277 (i) the attorney general;
 11278 (ii) the speaker of the House of Representatives, for referral to any house standing or
 11279 interim committees with oversight of law enforcement and criminal justice;
 11280 (iii) the president of the Senate, for referral to any senate standing or interim
 11281 committees with oversight of law enforcement and criminal justice; and
 11282 (iv) each law enforcement agency.

11283 (c) The report described in Subsection (6)(b) shall be published on the Utah Open
 11284 Government website, open.utah.gov, before August 15 of each year.

11285 (7)(a) If a law enforcement agency fails to comply with the reporting requirements listed
 11286 in Subsection (2), the [~~Commission on Criminal and Juvenile Justice~~] Department of
 11287 Criminal Justice shall contact the law enforcement agency and request that the
 11288 agency comply with the required reporting provisions.

11289 (b) If a law enforcement agency fails to comply with the reporting requirements listed in
 11290 Subsection (2) within 30 days after being contacted by the [~~Commission on Criminal~~
 11291 ~~and Juvenile Justice~~] Department of Criminal Justice with a request to comply, the [
 11292 ~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice ~~shall~~ ~~report~~ ~~the~~ ~~non~~
 11293 ~~compliance~~ ~~to~~ ~~the~~ ~~attorney~~ ~~general~~, the speaker
 11293a of the
 11294 House of Representatives, and the president of the Senate.

11295 Section 227. Section **77-7-17.5** is amended to read:

11296 **77-7-17.5 (Effective 07/01/26). Physical body cavity search policy --**

11297 **Requirements.**

11298 (1) As used in this section:

- 11299 (a) "Arrestee" means an individual who is in the custody of law enforcement for an

- 11300 offense for which the individual has not been convicted.
- 11301 (b)(i) "Body cavity" includes the anus, rectum, vagina, esophagus, or stomach.
- 11302 (ii) "Body cavity" does not include the mouth, ear canal, or nasal passages.
- 11303 (c)(i) "Physical body cavity search" means a search of a body cavity of an individual
- 11304 that involves touching the individual with:
- 11305 (A) any part of another individual's body; or
- 11306 (B) an instrument or other item.
- 11307 (ii) "Physical body cavity search" does not include a clothed, pat down search.
- 11308 (2) Each county jail shall adopt and implement a policy that meets the minimum standards
- 11309 contained in a model policy established by the [~~Commission on Criminal and Juvenile~~
- 11310 ~~Justice~~] Department of Criminal Justice.
- 11311 (3) The model policy shall specify the minimum standards and procedures to be followed
- 11312 by the county jail when a body cavity search is performed on an arrestee within the
- 11313 county jail's jurisdiction, including:
- 11314 (a) stating with specificity the circumstances under which a body cavity search may be
- 11315 performed on an arrestee;
- 11316 (b) designating who may authorize the performance of a body cavity search;
- 11317 (c) designating specific jail staff or medical personnel who may perform a body cavity
- 11318 search;
- 11319 (d) requiring any nonmedically trained jail staff who may perform a body cavity search
- 11320 to be trained on safe practices for conducting a body cavity search;
- 11321 (e) requiring documentation of each body cavity search performed at the correctional
- 11322 facility, including:
- 11323 (i) the identity of the arrestee searched;
- 11324 (ii) the date, time, and location of the search;
- 11325 (iii) the identity of the individual performing the search;
- 11326 (iv) the identity of the individual authorizing the search;
- 11327 (v) a description of the body areas searched and the procedures followed in
- 11328 performing the search; and
- 11329 (vi) the circumstances necessitating the body cavity search; and
- 11330 (f) designating rules and procedures to be followed, by authorized staff, when
- 11331 performing a body cavity search that account for the health and privacy interests of
- 11332 the arrestee, including:
- 11333 (i) the location where a body cavity search must be performed;

- 11334 (ii) the gender requirements of the individuals who perform or observe the search in
 11335 relation to the gender of the arrestee being searched; and
 11336 (iii) methods to ensure the body cavity search is conducted with the minimal amount
 11337 of touching necessary to effectuate the purposes of the search.

11338 (4) A county jail's body cavity search policy is a public record.

11339 Section 228. Section **77-11b-101** is amended to read:

11340 **77-11b-101 (Effective 07/01/26). Definitions.**

11341 As used in this chapter:

11342 (1)(a) "Acquitted" means a finding by a jury or a judge at trial that a claimant is not
 11343 guilty.

11344 (b) "Acquitted" does not include:

11345 (i) a verdict of guilty on a lesser or reduced charge;

11346 (ii) a plea of guilty to a lesser or reduced charge; or

11347 (iii) dismissal of a charge as a result of a negotiated plea agreement.

11348 (2) "Agency" means the same as that term is defined in Section 77-11a-101.

11349 (3) "Claimant" means the same as that term is defined in Section 77-11a-101.

11350 [~~(4) "Commission" means the State Commission on Criminal and Juvenile Justice created
 11351 in Section 63M-7-201.~~]

11352 [~~(5)~~] (4) "Complaint" means a civil or criminal complaint seeking the forfeiture of any
 11353 property under this chapter.

11354 (5) "Department" means the Department of Criminal Justice created in Section 75E-2-102.

11355 (6) "Forfeit" means to divest a claimant of an ownership interest in property seized under
 11356 Section 77-11a-201.

11357 (7) "Innocent owner" means the same as that term is defined in Section 77-11a-101.

11358 (8) "Interest holder" means the same as that term is defined in Section 77-11a-101.

11359 (9) "Known address" means:

11360 (a) any address provided by a claimant to the peace officer or agency at the time the
 11361 property is seized; or

11362 (b) the claimant's most recent address on record with a governmental entity if no address
 11363 was provided at the time of the seizure.

11364 (10) "Legal costs" means the costs and expenses incurred by a party in a forfeiture action.

11365 (11) "Legislative body" means the same as that term is defined in Section 77-11a-101.

11366 (12) "Peace officer" means the same as that term is defined in Section 77-11a-101.

11367 (13) "Proceeds" means the same as that term is defined in Section 77-11a-101.

- 11368 (14) "Program" means the State Asset Forfeiture Grant Program created in Section
 11369 77-11b-403.
- 11370 (15) "Property" means the same as that term is defined in Section 77-11a-101.
- 11371 (16) "Prosecuting attorney" means the same as that term is defined in Section 77-11a-101.
- 11372 (17) "Seized property" means the same as that term is defined in Section 77-11a-101.
- 11373 Section 229. Section **77-11b-105** is amended to read:
- 11374 **77-11b-105 (Effective 07/01/26). Training requirements.**
- 11375 (1) As used in this section:
- 11376 (a) "Council" means the Utah Prosecution Council created in Section 67-5a-1.
- 11377 (b) "Division" means the Peace [~~Officers~~] Officer Standards and Training Division
 11378 created in Section 53-6-103.
- 11379 (2) To participate in the program, an agency shall have at least one employee who is
 11380 certified by the division as an asset forfeiture specialist through the completion of an
 11381 online asset forfeiture course by the division.
- 11382 (3) The division shall:
- 11383 (a) develop an online asset forfeiture specialist course that is available to an agency for
 11384 certification purposes;
- 11385 (b) certify an employee of an agency who meets the course requirements to be an asset
 11386 forfeiture specialist;
- 11387 (c) recertify, every 36 months, an employee who is designated as an asset forfeiture
 11388 specialist by an agency;
- 11389 (d) submit annually a report to the [~~commission~~] department no later than April 30 that
 11390 contains a list of the names of the employees and agencies participating in the
 11391 certification courses;
- 11392 (e) review and update the asset forfeiture specialist course each year to comply with
 11393 state and federal law; and
- 11394 (f) provide asset forfeiture training to all peace officers in basic training programs.
- 11395 (4) To be reimbursed for costs under Subsection 77-11b-401(3)(b), a prosecuting agency
 11396 shall have at least one employee who is certified by the council as an asset forfeiture
 11397 specialist through the completion of an online asset forfeiture course.
- 11398 (5) The council shall:
- 11399 (a) develop an online asset forfeiture specialist course that is available to a prosecuting
 11400 agency for certification purposes;
- 11401 (b) certify an employee of a prosecuting agency who meets the course requirements to

11402 be an asset forfeiture specialist;

11403 (c) submit annually a report to the [~~commission~~] department no later than April 30 that
11404 contains a list of the names of the employees and prosecuting agencies participating
11405 in certification courses by the council; and

11406 (d) review and update the asset forfeiture specialist course each year to comply with
11407 state and federal law.

11408 Section 230. Section **77-11b-401** is amended to read:

11409 **77-11b-401 (Effective 07/01/26). Disposition and allocation of forfeited property.**

11410 (1) If a court finds that property is forfeited under this chapter, the court shall order the
11411 property forfeited to the state.

11412 (2)(a) If the property is not currency, the agency shall authorize a public or otherwise
11413 commercially reasonable sale of that property if the property is not required by law to
11414 be destroyed and is not harmful to the public.

11415 (b) If the property forfeited is an alcoholic product as defined in Section 32B-1-102, the
11416 property shall be disposed of as follows:

11417 (i) an alcoholic product shall be sold if the alcoholic product is:

11418 (A) unadulterated, pure, and free from any crude, unrectified, or impure form of
11419 ethylic alcohol, or any other deleterious substance or liquid; and

11420 (B) otherwise in saleable condition; or

11421 (ii) an alcoholic product and the alcoholic product's package shall be destroyed if the
11422 alcoholic product is impure, adulterated, or otherwise unfit for sale.

11423 (c) If the property forfeited is a cigarette or other tobacco product as defined in Section
11424 59-14-102, the property shall be destroyed, except that the lawful holder of the
11425 trademark rights in the cigarette or tobacco product brand is permitted to inspect the
11426 cigarette before the destruction of the cigarette or tobacco product.

11427 (d) The proceeds of the sale of forfeited property shall remain segregated from other
11428 property, equipment, or assets of the agency until transferred in accordance with this
11429 chapter.

11430 (3) Before transferring currency and the proceeds or revenue from the sale of the property
11431 in accordance with this chapter, the agency shall:

11432 (a) deduct the agency's direct costs, expense of reporting under Section 77-11b-404, and
11433 expense of obtaining and maintaining the property pending a forfeiture proceeding;
11434 and

11435 (b) if the prosecuting agency that employed the prosecuting attorney has met the

11436 requirements of Subsection 77-11b-105(3), pay the prosecuting attorney the legal
 11437 costs associated with the litigation of the forfeiture proceeding, and up to 20% of the
 11438 value of the forfeited property in attorney fees.

11439 (4) If the forfeiture arises from a violation relating to wildlife resources, the agency shall
 11440 deposit any remaining currency and the proceeds or revenue from the sale of the
 11441 property into the Wildlife Resources Account created in Section 23A-3-201.

11442 (5) The agency shall transfer any remaining currency, the proceeds, or revenue from the
 11443 sale of the property to the [~~commission~~] department and deposited into the Criminal
 11444 Forfeiture Restricted Account created in Section 77-11b-402.

11445 Section 231. Section **77-11b-402** is amended to read:

11446 **77-11b-402 (Effective 07/01/26). Criminal Forfeiture Restricted Account.**

11447 (1) There is created within the General Fund a restricted account known as the "Criminal
 11448 Forfeiture Restricted Account."

11449 (2) Except as provided in Section 77-11b-401, the [~~commission~~] department shall deposit
 11450 any proceeds from property forfeited through a forfeiture proceeding under this chapter
 11451 into the Criminal Forfeiture Restricted Account.

11452 (3) The Legislature shall appropriate money in the Criminal Forfeiture Restricted Account
 11453 to the [~~commission~~] department for the purpose of implementing the State Asset
 11454 Forfeiture Grant Program described in Section 77-11b-403.

11455 Section 232. Section **77-11b-403** is amended to read:

11456 **77-11b-403 (Effective 07/01/26). State Asset Forfeiture Grant Program.**

11457 (1) There is created the State Asset Forfeiture Grant Program.

11458 (2) The program shall fund crime prevention, crime victim [~~reparations~~] compensation, and
 11459 law enforcement activities that have the purpose of:

11460 (a) deterring crime by depriving criminals of the profits and proceeds of [~~their~~] illegal
 11461 activities;

11462 (b) weakening criminal enterprises by removing the instrumentalities of crime;

11463 (c) reducing crimes involving substance abuse by supporting the creation,
 11464 administration, or operation of drug court programs throughout the state;

11465 (d) encouraging cooperation between agencies;

11466 (e) allowing the costs and expenses of law enforcement to be defrayed by the forfeited
 11467 proceeds of crime;

11468 (f) increasing the equitability and accountability of the use of forfeited property used to
 11469 assist agencies in reducing and preventing crime; and

11470 (g) providing aid to victims of criminally injurious conduct, as defined in Section [
11471 ~~63M-7-502~~] 75E-5-101, who may be eligible for assistance under [~~Title 63M, Chapter~~
11472 ~~7, Part 5, Utah Office for Victims of Crime~~] Title 75E, Chapter 5, Office for Victims
11473 of Crime.

11474 (3)(a) Upon appropriation of funds from the Criminal Forfeiture Restricted Account, the [
11475 ~~commission~~] department shall allocate and administer grants to an agency or political
11476 subdivision of the state in compliance with this section and Subsection 77-11b-105(2)
11477 and to further the program purposes under Subsection (2).

11478 (b) The [~~commission~~] department may retain up to 3% of the annual appropriation from
11479 the Criminal Forfeiture Restricted Account to pay for administrative costs incurred
11480 by the [~~commission~~] department, including salary and benefits, equipment, supplies,
11481 or travel costs that are directly related to the administration of the program.

11482 (4) An agency or political subdivision shall apply for an award from the program by
11483 completing and submitting forms specified by the [~~commission~~] department.

11484 (5) In granting the awards, the [~~commission~~] department shall ensure that the amount of
11485 each award takes into consideration the:

11486 (a) demonstrated needs of the agency or political subdivision;

11487 (b) demonstrated ability of the agency or political subdivision to appropriately use the
11488 award;

11489 (c) degree to which the agency's or political subdivision's need is offset through the
11490 agency's or political subdivision's participation in federal equitable sharing or through
11491 other federal and state grant programs; and

11492 (d) agency's or political subdivision's cooperation with other state and local agencies and
11493 task forces.

11494 (6) The [~~commission~~] department may award a grant to any agency or political subdivision
11495 engaged in activities associated with Subsection (2) even if the agency has not
11496 contributed to the fund.

11497 (7) An applying agency or political subdivision shall demonstrate compliance with all
11498 reporting and policy requirements applicable under this chapter and under [~~Title 63M,~~
11499 ~~Chapter 7, Criminal Justice and Substance Abuse~~] Title 75E, Criminal and Juvenile
11500 Justice Administration, in order to qualify as a potential award recipient.

11501 (8)(a) A recipient agency may only use award money after approval by the agency's
11502 legislative body.

11503 (b) The award money is nonlapsing.

- 11504 (9) A recipient agency or political subdivision shall use an award:
- 11505 (a) only for law enforcement purposes described in this section, or for victim [reparations]
- 11506 compensation as described in Subsection (2)(g); and
- 11507 (b) for the purposes specified by the agency or political subdivision in the agency's or
- 11508 political subdivision's application for the award.
- 11509 (10) A permissible law enforcement purpose for which award money may be used includes:
- 11510 (a) controlled substance interdiction and enforcement activities;
- 11511 (b) drug court programs;
- 11512 (c) activities calculated to enhance future law enforcement investigations;
- 11513 (d) law enforcement training that includes:
- 11514 (i) implementation of the Fourth Amendment to the United States Constitution and
- 11515 Utah Constitution, Article I, Section 7, and that addresses the protection of the
- 11516 individual's right of due process;
- 11517 (ii) protection of the rights of innocent property holders; and
- 11518 (iii) the Tenth Amendment to the United States Constitution regarding states'
- 11519 sovereignty and the states' reserved rights;
- 11520 (e) law enforcement or detention facilities;
- 11521 (f) law enforcement operations or equipment that are not routine costs or operational
- 11522 expenses;
- 11523 (g) drug, gang, or crime prevention education programs that are sponsored in whole or in
- 11524 part by the law enforcement agency or its legislative body;
- 11525 (h) matching funds for other state or federal law enforcement grants; and
- 11526 (i) the payment of legal costs, attorney fees, and postjudgment interest in forfeiture
- 11527 actions.
- 11528 (11) A law enforcement purpose for which award money may not be granted or used
- 11529 includes:
- 11530 (a) payment of salaries, retirement benefits, or bonuses to any individual;
- 11531 (b) payment of expenses not related to law enforcement;
- 11532 (c) uses not specified in the agency's award application;
- 11533 (d) uses not approved by the agency's legislative body;
- 11534 (e) payments, transfers, or pass-through funding to an entity other than an agency; or
- 11535 (f) uses, payments, or expenses that are not within the scope of the agency's functions.
- 11536 Section 233. Section **77-11b-404** is amended to read:
- 11537 **77-11b-404 (Effective 07/01/26). Forfeiture reporting requirements.**

- 11538 (1) An agency shall provide all reasonably available data described in Subsection (5):
- 11539 (a) if transferring the forfeited property resulting from the final disposition of any civil
- 11540 or criminal forfeiture matter to the [~~commission~~] department as required under
- 11541 Subsection 77-11b-401(5); or
- 11542 (b) if the agency has been awarded an equitable share of property forfeited by the federal
- 11543 government.
- 11544 (2) The [~~commission~~] department shall develop a standardized report format that each
- 11545 agency shall use in reporting the data required under this section.
- 11546 (3) The [~~commission~~] department shall annually, on or before April 30, prepare a summary
- 11547 report of the case data submitted by each agency under Subsection (1) during the prior
- 11548 calendar year.
- 11549 (4)(a) If an agency does not comply with the reporting requirements under this section,
- 11550 the [~~commission~~] department shall contact the agency and request that the agency
- 11551 comply with the required reporting provisions.
- 11552 (b) If an agency fails to comply with the reporting requirements under this section within
- 11553 30 days after receiving the request to comply, the [~~commission~~] department shall
- 11554 report the noncompliance to the attorney general, the speaker of the House of
- 11555 Representatives, and the president of the Senate.
- 11556 (5) The data for any civil or criminal forfeiture matter for which final disposition has been
- 11557 made under Subsection (1) shall include:
- 11558 (a) the agency that conducted the seizure;
- 11559 (b) the case number or other identification;
- 11560 (c) the date or dates on which the seizure was conducted;
- 11561 (d) the number of individuals having a known property interest in each seizure of
- 11562 property;
- 11563 (e) the type of property seized;
- 11564 (f) the alleged offense that was the cause for seizure of the property;
- 11565 (g) whether any criminal charges were filed regarding the alleged offense, and if so, the
- 11566 final disposition of each charge, including the conviction, acquittal, or dismissal, or
- 11567 whether action on a charge is pending;
- 11568 (h) the type of enforcement action that resulted in the seizure, including an enforcement
- 11569 stop, a search warrant, or an arrest warrant;
- 11570 (i) whether the forfeiture procedure was civil or criminal;
- 11571 (j) the value of the property seized, including currency and the estimated market value of

- 11572 any tangible property;
- 11573 (k) the final disposition of the matter, including whether final disposition was entered by
11574 stipulation of the parties, including the amount of property returned to any claimant,
11575 by default, by summary judgment, by jury award, or by guilty plea or verdict in a
11576 criminal forfeiture;
- 11577 (l) if the property was forfeited by the federal government, the amount of forfeited
11578 money awarded to the agency;
- 11579 (m) the agency's direct costs, expense of reporting under this section, and expenses for
11580 obtaining and maintaining the seized property, as described in Subsection
11581 77-11b-401(3)(a);
- 11582 (n) the legal costs and attorney fees paid to the prosecuting attorney, as described in
11583 Subsection 77-11b-401(3)(b); and
- 11584 (o) if the property was transferred to a federal agency or any governmental entity not
11585 created under and subject to state law:
- 11586 (i) the date of the transfer;
- 11587 (ii) the name of the federal agency or entity to which the property was transferred;
- 11588 (iii) a reference to which reason under Subsection 77-11a-205(3) justified the transfer;
- 11589 (iv) the court or agency where the forfeiture case was heard;
- 11590 (v) the date of the order of transfer of the property; and
- 11591 (vi) the value of the property transferred to the federal agency, including currency
11592 and the estimated market value of any tangible property.
- 11593 (6) An agency shall annually on or before April 30 submit a report for the prior calendar
11594 year to the ~~[commission]~~ department that states:
- 11595 (a) whether the agency received an award from the State Asset Forfeiture Grant Program
11596 under Section 77-11b-403 and, if so, the following information for each award:
- 11597 (i) the amount of the award;
- 11598 (ii) the date of the award;
- 11599 (iii) how the award was used or is planned to be used; and
- 11600 (iv) a statement signed by both the agency's executive officer or designee and by the
11601 agency's legal counsel, that:
- 11602 (A) the agency has complied with all inventory, policy, and reporting
11603 requirements under Section 77-11b-403;~~[-and]~~
- 11604 (B) all awards were used for crime reduction or law enforcement purposes as
11605 specified in the application; and~~[-that]~~

- 11606 (C) the awards were used only upon approval by the agency's legislative body; and
- 11607 (b) whether the agency received any property, money, or other things of value in
- 11608 accordance with federal law as described in Subsection 77-11a-205(7) and, if so, the
- 11609 following information for each piece of property, money, or other thing of value:
- 11610 (i) the case number or other case identification;
- 11611 (ii) the value of the award and the property, money, or other things of value received
- 11612 by the agency;
- 11613 (iii) the date of the award;
- 11614 (iv) the identity of any federal agency involved in the forfeiture;
- 11615 (v) how the awarded property has been used or is planned to be used; and
- 11616 (vi) a statement signed by both the agency's executive officer or designee and by the
- 11617 agency's legal counsel, that the agency has only used the award for crime
- 11618 reduction or law enforcement purposes authorized under Section 77-11b-403, and
- 11619 that the award was used only upon approval by the agency's legislative body.
- 11620 (7)(a) On or before July 1 of each year, the [~~commission~~] department shall submit notice
- 11621 of the annual reports in Subsection (3) and Subsection (6), in electronic format, to:
- 11622 (i) the attorney general;
- 11623 (ii) the speaker of the House of Representatives, for referral to any House standing or
- 11624 interim committees with oversight over law enforcement and criminal justice;
- 11625 (iii) the president of the Senate, for referral to any Senate standing or interim
- 11626 committees with oversight over law enforcement and criminal justice; and
- 11627 (iv) each law enforcement agency.
- 11628 (b) The reports described in Subsection (3) and Subsection (6), as well as the individual
- 11629 case data described in Subsection (1) for the previous calendar year, shall be
- 11630 published on the Utah Open Government website at open.utah.gov on or before July
- 11631 15 of each year.
- 11632 Section 234. Section **77-17-6** is amended to read:
- 11633 **77-17-6 (Effective 07/01/26). Lottery tickets -- Evidence.**
- 11634 (1) On a trial for violation of any of the lottery provisions of [~~the Utah Criminal Code~~] Title
- 11635 76, Criminal Offenses, it is not necessary to prove:
- 11636 (a) [~~The~~] the existence of any lottery in which any lottery tickets shall purport to have
- 11637 been issued;
- 11638 (b) [~~The~~] the actual signing of any ticket or share, or pretended share of any pretended
- 11639 lottery; or

11640 (c) [~~That~~] that any lottery ticket, share, or interest was signed or issued by the authority
 11641 of any manager, or of any person assuming to have authority as manager.

11642 (2) In all cases, proof of the sale, furnishing, bartering, or procuring of any lottery ticket,
 11643 share, or interest therein, or of any instrument purporting to be a ticket, or part or share
 11644 of any ticket shall be evidence that the share or interest was signed and issued according
 11645 to its purport.

11646 Section 235. Section **77-18-105** is amended to read:

11647 **77-18-105 (Effective 07/01/26). Pleas held in abeyance -- Suspension of a**
 11648 **sentence -- Probation -- Supervision -- Terms and conditions of probation -- Time periods**
 11649 **for probation -- Bench supervision for payments on criminal accounts receivable.**

11650 (1) If a defendant enters a plea of guilty or no contest in conjunction with a plea in
 11651 abeyance agreement, the court may hold the plea in abeyance:

11652 (a) in accordance with Chapter 2a, Pleas in Abeyance; and

11653 (b) under the terms of the plea in abeyance agreement.

11654 (2) If a defendant is convicted, the court:

11655 (a) shall impose a sentence in accordance with Section 76-3-201; and

11656 (b) subject to Subsection (5), may suspend the execution of the sentence and place the
 11657 defendant:

11658 (i) on probation under the supervision of the division;

11659 (ii) on probation under the supervision of an agency of a local government or a
 11660 private organization; or

11661 (iii) on court probation under the jurisdiction of the sentencing court.

11662 (3)(a) The legal custody of all probationers under the supervision of the division is with
 11663 the department.

11664 (b) The legal custody of all probationers under the jurisdiction of the sentencing court is
 11665 vested as ordered by the court.

11666 (c) The court has continuing jurisdiction over all probationers.

11667 (4)(a) Court probation may include an administrative level of services, including
 11668 notification to the sentencing court of scheduled periodic reviews of the probationer's
 11669 compliance with conditions.

11670 (b) Supervised probation services provided by the division, an agency of a local
 11671 government, or a private organization shall specifically address the defendant's risk
 11672 of reoffending as identified by a screening or an assessment.

11673 (c) If a court orders supervised probation and determines that a public probation

11674 provider is unavailable or inappropriate to supervise the defendant, the court shall
11675 make available to the defendant the list of private probation providers prepared by a
11676 criminal justice coordinating council under Section 17E-2-201.

11677 (5)(a) Before ordering supervised probation, the court shall consider the supervision
11678 costs to the defendant for each entity that can supervise the defendant.

11679 (b)(i) A court may order an agency of a local government to supervise the probation
11680 for an individual convicted of any crime if:

11681 (A) the agency has the capacity to supervise the individual; and

11682 (B) the individual's supervision needs will be met by the agency.

11683 (ii) A court may only order:

11684 (A) the division to supervise the probation for an individual convicted of a class A
11685 misdemeanor or any felony; or

11686 (B) a private organization to supervise the probation for an individual convicted of
11687 a class A, B, or C misdemeanor or an infraction.

11688 (c) A court may not order a specific private organization to supervise an individual
11689 unless there is only one private organization that can provide the specific supervision
11690 services required to meet the individual's supervision needs.

11691 (6)(a) If a defendant is placed on probation, the court may order the defendant as a
11692 condition of the defendant's probation:

11693 (i) to provide for the support of persons for whose support the defendant is legally
11694 liable;

11695 (ii) to participate in available treatment programs, including any treatment program in
11696 which the defendant is currently participating if the program is acceptable to the
11697 court;

11698 (iii) be voluntarily admitted to the custody of the Division of Substance Use and
11699 Mental Health for treatment at the Utah State Hospital in accordance with Section
11700 77-18-106;

11701 (iv) if the defendant is on probation for a felony offense, to serve a period of time as
11702 an initial condition of probation that does not exceed one year in a county jail
11703 designated by the department, after considering any recommendation by the court
11704 as to which jail the court finds most appropriate;

11705 (v) to serve a term of home confinement in accordance with Section 77-18-107;

11706 (vi) to participate in compensatory service programs, including the compensatory
11707 service program described in Section 76-3-410;

- 11708 (vii) to pay for the costs of investigation, probation, or treatment services;
- 11709 (viii) to pay restitution to a victim with interest in accordance with Chapter 38b,
- 11710 Crime Victims Restitution Act; or
- 11711 (ix) to comply with other terms and conditions the court considers appropriate to
- 11712 ensure public safety or increase a defendant's likelihood of success on probation.
- 11713 (b) If a defendant is placed on probation and a condition of the defendant's probation is
- 11714 routine or random drug testing, the defendant shall sign a waiver consistent with the
- 11715 Health Insurance Portability and Accountability Act, 42 U.S.C. Sec. 1320d et seq.,
- 11716 allowing the treatment provider conducting the drug testing to notify the defendant's
- 11717 supervising probation officer regarding the results of the defendant's drug testing.
- 11718 (c)(i) Notwithstanding Subsection (6)(a)(iv), the court may modify the probation of a
- 11719 defendant to include a period of time that is served in a county jail immediately
- 11720 before the termination of probation as long as that period of time does not exceed
- 11721 one year.
- 11722 (ii) If a defendant is ordered to serve time in a county jail as a sanction for a
- 11723 probation violation, the one-year limitation described in Subsection (6)(a)(iv) or
- 11724 (6)(c)(i) does not apply to the period of time that the court orders the defendant to
- 11725 serve in a county jail under this Subsection (6)(c)(ii).
- 11726 (7)(a) Except as provided in Subsection (7)(b), probation of an individual placed on
- 11727 probation after December 31, 2018:
- 11728 (i) may not exceed the individual's maximum sentence;
- 11729 (ii) shall be for a period of time that is in accordance with the adult sentencing and
- 11730 supervision length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101, to
- 11731 the extent the guidelines are consistent with the requirements of the law; and
- 11732 (iii) shall be terminated in accordance with the adult sentencing and supervision
- 11733 length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101, to the extent
- 11734 the guidelines are consistent with the requirements of the law.
- 11735 (b) Probation of an individual placed on probation after December 31, 2018, whose
- 11736 maximum sentence is one year or less, may not exceed 36 months.
- 11737 (c) Probation of an individual placed on probation on or after October 1, 2015, but
- 11738 before January 1, 2019, may be terminated at any time at the discretion of the court
- 11739 or upon completion without violation of 36 months probation in felony or class A
- 11740 misdemeanor cases, 12 months in cases of class B or C misdemeanors or infractions,
- 11741 or as allowed in accordance with Section [~~64-13-21~~] 64-14-204 regarding earned

- 11742 credits.
- 11743 (d) This Subsection (7) does not apply to the probation of an individual convicted of an
11744 offense for criminal nonsupport under Section 76-7-201.
- 11745 (8)(a) Notwithstanding Subsection (7), if there is an unpaid balance of the criminal
11746 accounts receivable for the defendant upon termination of the probation period for
11747 the defendant under Subsection (7), the court may require the defendant to continue
11748 to make payments towards the criminal accounts receivable in accordance with the
11749 payment schedule established by the court under Section 77-32b-103.
- 11750 (b) A court may not require the defendant to make payments as described in Subsection
11751 (8)(a) beyond the expiration of the defendant's sentence.
- 11752 (c) If the court requires a defendant to continue to pay in accordance with the payment
11753 schedule for the criminal accounts receivable under this Subsection (8) and the
11754 defendant defaults on the criminal accounts receivable, the court shall proceed with
11755 an order for a civil judgment of restitution and a civil accounts receivable for the
11756 defendant as described in Section 77-18-114.
- 11757 (d)(i) Upon a motion from the prosecuting attorney, the victim, or upon the court's
11758 own motion, the court may require a defendant to show cause as to why the
11759 defendant's failure to pay in accordance with the payment schedule should not be
11760 treated as contempt of court.
- 11761 (ii) A court may hold a defendant in contempt for failure to make payments for a
11762 criminal accounts receivable in accordance with Title 78B, Chapter 6, Part 3,
11763 Contempt.
- 11764 (e) This Subsection (8) does not apply to the probation of an individual convicted of an
11765 offense for criminal nonsupport under Section 76-7-201.
- 11766 (9) When making any decision regarding probation:
- 11767 (a) the court shall consider information provided by the Department of Corrections
11768 regarding a defendant's individual case action plan, including any progress the
11769 defendant has made in satisfying the case action plan's completion requirements; and
- 11770 (b) the court may not rely solely on an algorithm or a risk assessment tool score.
- 11771 Section 236. Section **77-18-108** is amended to read:
- 11772 **77-18-108 (Effective 07/01/26). Termination, revocation, modification, or**
11773 **extension of probation -- Violation of probation -- Hearing on violation.**
- 11774 (1)(a) The division shall send a written notice to the court:
- 11775 (i) when the division is recommending termination of supervision for a defendant; or

- 11776 (ii) before a defendant's supervision will be terminated by law.
- 11777 (b) The written notice under this Subsection (1) shall include:
- 11778 (i) a probation progress report; and
- 11779 (ii) if the department is responsible for the collection of the defendant's criminal
- 11780 accounts receivable, a summary of the criminal accounts receivable, including the
- 11781 amount of restitution ordered and the amount of restitution that has been paid.
- 11782 (c)(i) Upon receipt of the written notice under Subsection (1)(a), the court shall:
- 11783 (A) file the written notice on the docket; and
- 11784 (B) provide notice to all parties in the criminal case.
- 11785 (ii) A party shall have a reasonable opportunity to respond to the written notice under
- 11786 Subsection (1)(a).
- 11787 (d) If a defendant's probation is being terminated, and the defendant's criminal accounts
- 11788 receivable has an unpaid balance or there is any outstanding debt with the
- 11789 department, the department shall send a written notice to the Office of State Debt
- 11790 Collection with a summary of the defendant's criminal accounts receivable, including
- 11791 the amount of restitution ordered and the amount of restitution that has been paid.
- 11792 (2)(a) The court may modify the defendant's probation in accordance with the adult
- 11793 sentencing and supervision length guidelines, as defined in Section [~~63M-7-401.1~~]
- 11794 75E-4-101.
- 11795 (b) The court may not:
- 11796 (i) extend the length of a defendant's probation, except upon:
- 11797 (A) waiver of a hearing by the defendant; or
- 11798 (B) a hearing and a finding by the court that the defendant has violated the terms
- 11799 of probation;
- 11800 (ii) revoke a defendant's probation, except upon a hearing and a finding by the court
- 11801 that the terms of probation have been violated; or
- 11802 (iii) terminate a defendant's probation before expiration of the probation period until
- 11803 the court:
- 11804 (A) reviews the docket to determine whether the defendant owes a balance on the
- 11805 defendant's criminal accounts receivable; and
- 11806 (B) enters a finding of whether the defendant owes restitution under Section
- 11807 77-38b-205.
- 11808 (c) The court may find under Subsection (2)(b)(iii)(B) that the defendant does not owe
- 11809 restitution if no request for restitution has been filed with the court.

- 11810 (3)(a) Upon the filing of an affidavit, or an unsworn written declaration executed in
11811 substantial compliance with Title 78B, Chapter 18a, Uniform Unsworn Declarations
11812 Act, alleging with particularity facts asserted to constitute violation of the terms of a
11813 defendant's probation, the court shall determine if the affidavit or unsworn written
11814 declaration establishes probable cause to believe that revocation, modification, or
11815 extension of the defendant's probation is justified.
- 11816 (b)(i) If the court determines there is probable cause, the court shall order that the
11817 defendant be served with:
- 11818 (A) a warrant for the defendant's arrest or a copy of the affidavit or unsworn
11819 written declaration; and
 - 11820 (B) an order to show cause as to why the defendant's probation should not be
11821 revoked, modified, or extended.
- 11822 (ii) The order under Subsection (3)(b)(i)(B) shall:
- 11823 (A) be served upon the defendant at least five days before the day on which the
11824 hearing is held;
 - 11825 (B) specify the time and place of the hearing; and
 - 11826 (C) inform the defendant of the right to be represented by counsel at the hearing,
11827 the right to have counsel appointed if the defendant is indigent, and the right to
11828 present evidence at the hearing.
- 11829 (iii) The defendant shall show good cause for a continuance of the hearing.
- 11830 (c) At the hearing, the defendant shall admit or deny the allegations of the affidavit or
11831 unsworn written declaration.
- 11832 (d)(i) If the defendant denies the allegations of the affidavit or unsworn written
11833 declaration, the prosecuting attorney shall present evidence on the allegations.
- 11834 (ii) If the affidavit, or unsworn written declaration, alleges that a defendant is
11835 delinquent, or in default, on a criminal accounts receivable, the prosecuting
11836 attorney shall present evidence to establish, by a preponderance of the evidence,
11837 that the defendant:
- 11838 (A) was aware of the defendant's obligation to pay the balance of the criminal
11839 accounts receivable;
 - 11840 (B) failed to pay on the balance of the criminal accounts receivable as ordered by
11841 the court; and
 - 11842 (C) had the ability to make a payment on the balance of the criminal accounts
11843 receivable if the defendant opposes an order to show cause, in writing, and

- 11844 presents evidence that the defendant was unable to make a payment on the
11845 balance of the criminal accounts receivable.
- 11846 (e) The [~~persons~~] individuals who have given adverse information on which the
11847 allegations are based shall be presented as witnesses subject to questioning by the
11848 defendant, unless the court for good cause otherwise orders.
- 11849 (f) At the hearing, the defendant may:
- 11850 (i) call witnesses;
- 11851 (ii) appear and speak [~~in~~] on the defendant's own behalf; and
- 11852 (iii) present evidence.
- 11853 (g)(i) After the hearing, the court shall make findings of fact.
- 11854 (ii) Upon a finding that the defendant violated the terms of the defendant's probation,
11855 the court may order the defendant's probation terminated, revoked, modified,
11856 continued, or reinstated for all or a portion of the original term of probation.
- 11857 (4)(a)(i) Except as provided in Subsection 77-18-105(7), the court may not require a
11858 defendant to remain on probation for a period of time that exceeds the length of
11859 the defendant's maximum sentence.
- 11860 (ii) Except as provided in Subsection 77-18-105(7), if a defendant's probation is
11861 revoked and later reinstated, the total time of all periods of probation that the
11862 defendant serves, in relation to the same sentence, may not exceed the defendant's
11863 maximum sentence.
- 11864 (b) If the court orders a sanction for a defendant who violated terms of probation, the
11865 court may:
- 11866 (i) order a period of incarceration that is consistent with the adult sentencing and
11867 supervision length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101;
- 11868 (ii) order a period of incarceration that deviates from the guidelines with an
11869 explanation for the deviation on the record;
- 11870 (iii) order treatment services that are immediately available in the community for a
11871 defendant that needs substance abuse or mental health treatment, as determined by
11872 a screening and assessment;
- 11873 (iv) execute the sentence previously imposed; or
- 11874 (v) order any other appropriate sanction.
- 11875 (c) If the defendant had, before the imposition of a term of incarceration or the execution
11876 of the previously imposed sentence under this section, served time in jail as a term of
11877 probation or due to a violation of probation, the time that the defendant served in jail

11878 constitutes service of time toward the sentence previously imposed.

11879 (5)(a) Any time served by a defendant:

11880 (i) outside of confinement after having been charged with a probation violation, and
11881 before a hearing to revoke probation, does not constitute service of time toward
11882 the total probation term, unless the defendant is exonerated at a hearing to revoke
11883 the defendant's probation;

11884 (ii) in confinement awaiting a hearing or a decision concerning revocation of the
11885 defendant's probation does not constitute service of time toward the total
11886 probation term, unless the defendant is exonerated at the hearing to revoke
11887 probation; or

11888 (iii) in confinement awaiting a hearing or a decision concerning revocation of the
11889 defendant's probation constitutes service of time toward a term of incarceration
11890 imposed as a result of the revocation of probation or a graduated and
11891 evidence-based response imposed under the adult sentencing and supervision
11892 length guidelines, as defined in Section ~~[63M-7-401.1]~~ 75E-4-101.

11893 (b) The running of the probation period is tolled upon:

11894 (i) the filing of a report with the court alleging a violation of the terms of the
11895 defendant's probation; or

11896 (ii) the issuance of an order or a warrant under Subsection (3).

11897 Section 237. Section **77-20-103** is amended to read:

11898 **77-20-103 (Effective 07/01/26). Release data requirements.**

11899 (1) The Administrative Office of the Courts shall submit the following data on cases
11900 involving individuals for whom the Administrative Office of the Courts has a state
11901 identification number broken down by judicial district to the ~~[Commission on Criminal
11902 and Juvenile Justice]~~ Department of Criminal Justice before July 1 of each year:

11903 (a) for the preceding calendar year:

11904 (i) the number of individuals charged with a criminal offense who failed to appear at
11905 a required court proceeding while on pretrial release under each of the following
11906 categories of release, separated by each type of release:

11907 (A) the individual's own recognizance;

11908 (B) a financial condition; and

11909 (C) a release condition other than a financial condition;

11910 (ii) the number of offenses that carry a potential penalty of incarceration an
11911 individual committed while on pretrial release under each of the following

- 11912 categories of release, separated by each type of release:
- 11913 (A) the individual's own recognizance;
- 11914 (B) a financial condition; and
- 11915 (C) a release condition other than a financial condition; and
- 11916 (iii) the total amount of fees and fines, including bond forfeiture, collected by the
- 11917 court from an individual for the individual's failure to comply with a condition of
- 11918 release under each of the following categories of release, separated by each type
- 11919 of release:
- 11920 (A) an individual's own recognizance;
- 11921 (B) a financial condition; and
- 11922 (C) a release condition other than a financial condition; and
- 11923 (b) at the end of the preceding calendar year:
- 11924 (i) the total number of outstanding warrants of arrest for individuals who were
- 11925 released from law enforcement custody on pretrial release under each of the
- 11926 following categories of release, separated by each type of release:
- 11927 (A) the individual's own recognizance;
- 11928 (B) a financial condition; and
- 11929 (C) a release condition other than a financial condition;
- 11930 (ii) for each of the categories described in Subsection (1)(b)(i), the average length of
- 11931 time that the outstanding warrants had been outstanding; and
- 11932 (iii) for each of the categories described in Subsection (1)(b)(i), the number of
- 11933 outstanding warrants for arrest for crimes of each of the following categories:
- 11934 (A) a first degree felony;
- 11935 (B) a second degree felony;
- 11936 (C) a third degree felony;
- 11937 (D) a class A misdemeanor;
- 11938 (E) a class B misdemeanor; and
- 11939 (F) a class C misdemeanor.
- 11940 (2) The data described in Subsection (1) shall include cases involving pretrial release by a
- 11941 temporary pretrial status order and a pretrial release order.
- 11942 (3) Each county jail shall submit the following data, based on the preceding calendar year,
- 11943 to the [~~Commission of Criminal and Juvenile Justice~~] Department of Criminal Justice
- 11944 before July 1 of each year:
- 11945 (a) the number of individuals released upon payment of monetary bail before appearing

- 11946 before a court;
- 11947 (b) the number of individuals released on the individual's own recognizance before
- 11948 appearing before a court;
- 11949 (c) the amount of monetary bail, any fees, and any other money paid by or on behalf of
- 11950 individuals collected by the county jail;
- 11951 (d) the number of individuals released as a result of overcrowding; and
- 11952 (e) the number of individuals released on pretrial release.
- 11953 (4) The [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice
- 11954 shall compile the data collected under this section and shall submit the compiled data in
- 11955 an electronic report to the Law Enforcement and Criminal Justice Interim Committee
- 11956 before November 1 of each year.

11957 Section 238. Section **77-20-403** is amended to read:

11958 **77-20-403 (Effective 07/01/26). Disposition of forfeited monetary bail.**

11959 If money deposited as a financial condition or money paid by a surety on a bail bond is

11960 forfeited and the forfeiture is not discharged or remitted, the clerk with whom the money is

11961 deposited or paid shall, immediately after final adjournment of the court, pay over the money

11962 forfeited as follows:

- 11963 (1) the forfeited amount in cases in precinct justice courts or in municipal justice courts
- 11964 shall be distributed as provided in Sections 78A-7-120 and 78A-7-121; and
- 11965 (2) in all other cases:
- 11966 (a) where the financial condition was paid by a surety:
- 11967 (i) 60% of the forfeited amount shall be paid to the Pretrial Release Programs Special
- 11968 Revenue Fund established in Section [~~63M-7-215~~] 75E-2-304;
- 11969 (ii) 20% of the forfeited amount shall be paid to the General Fund; and
- 11970 (iii) 20% of the forfeited amount shall be paid to the prosecuting agency that brings
- 11971 an action to collect under Section 77-20-505; and
- 11972 (b) where the financial condition was paid without the assistance of a surety:
- 11973 (i) 75% of the forfeited amount shall be paid to the Pretrial Release Programs Special
- 11974 Revenue Fund established in Section [~~63M-7-215~~] 75E-2-304; and
- 11975 (ii) 25% of the forfeited amount shall be paid to the General Fund.

11976 Section 239. Section **77-22-2.5** is amended to read:

11977 **77-22-2.5 (Effective 07/01/26). Court orders for criminal investigations for**

11978 **records concerning an electronic communications system or service or remote computing**

11979 **service -- Content -- Fee for providing information.**

- 11980 (1) As used in this section:
- 11981 (a)(i) "Electronic communication" means any transfer of signs, signals, writing,
- 11982 images, sounds, data, or intelligence of any nature transmitted in whole or in part
- 11983 by a wire, radio, electromagnetic, photoelectronic, or photooptical system.
- 11984 (ii) "Electronic communication" does not include:
- 11985 (A) a wire or oral communication;
- 11986 (B) a communication made through a tone-only paging device;
- 11987 (C) a communication from a tracking device; or
- 11988 (D) electronic funds transfer information stored by a financial institution in a
- 11989 communications system used for the electronic storage and transfer of funds.
- 11990 (b) "Electronic communications service" means a service which provides for users the
- 11991 ability to send or receive wire or electronic communications.
- 11992 (c) "Electronic communications system" means a wire, radio, electromagnetic,
- 11993 photooptical, or photoelectronic facilities for the transmission of wire or electronic
- 11994 communications, and a computer facilities or related electronic equipment for the
- 11995 electronic storage of the communication.
- 11996 (d) "Internet service provider" means the same as that term is defined in Section
- 11997 76-5c-401.
- 11998 (e) "Prosecutor" means the same as that term is defined in Section 77-22-4.5.
- 11999 (f) "Remote computing service" means the provision to the public of computer storage
- 12000 or processing services by means of an electronic communications system.
- 12001 (g)(i) "Sexual offense against a minor" means:
- 12002 (A) sexual exploitation of a minor or attempted sexual exploitation of a minor in
- 12003 violation of Section 76-5b-201;
- 12004 (B) aggravated sexual exploitation of a minor or attempted aggravated sexual
- 12005 exploitation of a minor in violation of Section 76-5b-201.1;
- 12006 (C) a sexual offense or attempted sexual offense committed against a minor in
- 12007 violation of Title 76, Chapter 5, Part 4, Sexual Offenses;
- 12008 (D) dealing in or attempting to deal in material harmful to a minor in violation of
- 12009 Section 76-5c-205 or 76-5c-206;
- 12010 (E) human trafficking of a child in violation of Section 76-5-308.5; or
- 12011 (F) aggravated sexual extortion of a child in violation of Section 76-5b-204.
- 12012 (ii) "Sexual offense against a minor" does not include an offense described in Section
- 12013 76-5-418, 76-5-419, or 76-5-420.

- 12014 (2) When a law enforcement agency is investigating a sexual offense against a minor, an
12015 offense of stalking under Section 76-5-106.5, or an offense of child kidnapping under
12016 Section 76-5-301.1, and has reasonable suspicion that an electronic communications
12017 system or service or remote computing service has been used in the commission of a
12018 criminal offense, a law enforcement agent shall:
- 12019 (a) articulate specific facts showing reasonable grounds to believe that the records or
12020 other information sought, as designated in Subsections (2)(c)(i) through (v), are
12021 relevant and material to an ongoing investigation;
- 12022 (b) present the request to a prosecutor for review and authorization to proceed; and
- 12023 (c) submit the request to a magistrate for a court order, [~~eonsistent~~] in accordance with 18
12024 U.S.C. Sec. 2703 and 18 U.S.C. Sec. 2702, to the electronic communications system
12025 or service or remote computing service provider that owns or controls the [~~Internet~~]
12026 internet protocol address, websites, email address, or service to a specific telephone
12027 number, requiring the production of the following information, if available, upon
12028 providing in the court order the [~~Internet~~] internet protocol address, email address,
12029 telephone number, or other identifier, and the dates and times the address, telephone
12030 number, or other identifier is suspected of being used in the commission of the
12031 offense:
- 12032 (i) names of subscribers, service customers, and users;
- 12033 (ii) addresses of subscribers, service customers, and users;
- 12034 (iii) records of session times and durations;
- 12035 (iv) length of service, including the start date and types of service utilized; and
- 12036 (v) telephone or other instrument subscriber numbers or other subscriber identifiers,
12037 including a temporarily assigned network address.
- 12038 (3) A court order issued under this section shall state that the electronic communications
12039 system or service or remote computing service provider shall produce a record under
12040 Subsections (2)(c)(i) through (v) that is reasonably relevant to the investigation of the
12041 suspected criminal activity or offense as described in the court order.
- 12042 (4)(a) An electronic communications system or service or remote computing service
12043 provider that provides information in response to a court order issued under this
12044 section may charge a fee, not to exceed the actual cost, for providing the information.
- 12045 (b) The law enforcement agency conducting the investigation shall pay the fee.
- 12046 (5) The electronic communications system or service or remote computing service provider
12047 served with or responding to the court order may not disclose the court order to the

12048 account holder identified [~~pursuant to~~] in accordance with the court order for a period of
12049 90 days.

12050 (6) If the electronic communications system or service or remote computing service
12051 provider served with the court order does not own or control the [~~Internet~~] internet
12052 protocol address, websites, or email address, or provide service for the telephone
12053 number that is the subject of the court order, the provider shall notify the investigating
12054 law enforcement agency that the provider does not have the information.

12055 (7) There is no cause of action against a provider or wire or electronic communication
12056 service, or the provider or service's officers, employees, agents, or other specified
12057 persons, for providing information, facilities, or assistance in accordance with the terms
12058 of the court order issued under this section or statutory authorization.

12059 (8)(a) A court order issued under this section is subject to the provisions of Title 77,
12060 Chapter 23b, Access to Electronic Communications.

12061 (b) Rights and remedies for providers and subscribers under Title 77, Chapter 23b,
12062 Access to Electronic Communications, apply to providers and subscribers subject to a
12063 court order issued under this section.

12064 (9) A prosecutorial agency shall annually on or before February 15 report to the [
12065 ~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice:

12066 (a) the number of requests for court orders authorized by the prosecutorial agency;

12067 (b) the number of orders issued by the court and the criminal offense, [~~pursuant to~~]
12068 described in Subsection (2), each order was used to investigate; and

12069 (c) if the court order led to criminal charges being filed, the type and number of offenses
12070 charged.

12071 Section 240. Section **77-27-1** is amended to read:

12072 **77-27-1 (Effective 07/01/26). Definitions.**

12073 As used in this chapter:

12074 (1) "Appearance" means any opportunity to address the board, a board member, a panel, or
12075 hearing officer, including an interview.

12076 (2) "Board" means the Board of Pardons and Parole.

12077 (3)(a) "Case action plan" means a document developed by the Department of
12078 Corrections that identifies the program priorities for the treatment of the offender.

12079 (b) "Case action plan" includes the criminal risk factors as determined by a risk and
12080 needs assessment conducted by the department.

12081 [~~(4) "Commission" means the State Commission on Criminal and Juvenile Justice created~~

12082 ~~in Section 63M-7-201.]~~

12083 [(5)] (4) "Commutation" is the change from a greater to a lesser punishment after conviction.

12084 [(6)] (5) "Criminal accounts receivable" means the same as that term is defined in Section
12085 77-32b-102.

12086 [(7)] (6) "Criminal risk factors" means ~~[a person's]~~ an individual's characteristics and
12087 behaviors that:

12088 (a) affect that ~~[person's]~~ individual's risk of engaging in criminal behavior; and

12089 (b) are diminished when addressed by effective treatment, supervision, and other support
12090 resources resulting in reduced risk of criminal behavior.

12091 [(8)] (7)(a) "Deliberative process" means the board or any number of the board's
12092 individual members together engaging in discussions, whether written or verbal,
12093 regarding a parole, a pardon, a commutation, termination of sentence, or fines, fees,
12094 or restitution in an individual case.

12095 (b) "Deliberative process" includes the votes, mental processes, written notes, and
12096 recommendations of individual board members and staff.

12097 (c) "Deliberative process" does not include:

12098 (i) a hearing where the offender is present;

12099 (ii) any factual record the board is considering, including records of the offender's
12100 criminal convictions, records regarding the offender's current or previous
12101 incarceration and supervision, and records regarding the offender's physical or
12102 mental health;

12103 (iii) recommendations regarding the offender's incarceration or supervision from any
12104 other individual, governmental entity, or agency;

12105 (iv) testimony received by the board regarding the offender, whether written or
12106 verbal; or

12107 (v) the board's decision or rationale for the decision.

12108 [(9)] (8) "Department" means the Department of Corrections.

12109 [(10)] (9) "Expiration" means when the maximum sentence has run.

12110 [(11)] (10) "Family" means any individual related to the victim as a spouse, child, sibling,
12111 parent, or grandparent, or the victim's legal guardian.

12112 [(12)] (11) "Hearing" or "full hearing" means an appearance before the board, a panel, a
12113 board member, or a hearing examiner, at which an offender or inmate is afforded an
12114 opportunity to be present and address the board.

12115 [(13)] (12) "Location," in reference to a hearing, means the physical location at which the

- 12116 board, a panel, a board member, or a hearing examiner is conducting the hearing,
12117 regardless of the location of any ~~[person]~~ individual participating by electronic means.
- 12118 ~~[(14)]~~ (13) "Open session" means any hearing, before the board, a panel, a board member, or
12119 a hearing examiner, that is open to the public, regardless of the location of any ~~[person]~~
12120 individual participating by electronic means.
- 12121 ~~[(15)]~~ (14) "Panel" means members of the board assigned by the chairperson to a particular
12122 case.
- 12123 ~~[(16)]~~ (15) "Pardon" means:
- 12124 (a) an act of grace that forgives a criminal conviction and restores the rights and
12125 privileges forfeited by or because of the criminal conviction;
- 12126 (b) the release of an offender from the entire punishment prescribed for a criminal
12127 offense and from disabilities that are a consequence of the criminal conviction; and
- 12128 (c) the reinstatement of any civil rights lost as a consequence of conviction or
12129 punishment for a criminal offense.
- 12130 ~~[(17)]~~ (16) "Parole" means a release from imprisonment on prescribed conditions which, if
12131 satisfactorily performed by the parolee, enables the parolee to obtain a termination of the
12132 parolee's sentence.
- 12133 ~~[(18)]~~ (17) "Payment schedule" means the same as that term is defined in Section
12134 77-32b-102.
- 12135 ~~[(19)]~~ (18) "Pecuniary damages" means the same as that term is defined in Section
12136 77-38b-102.
- 12137 ~~[(20)]~~ (19) "Probation" means an act of grace by the court suspending the imposition or
12138 execution of a convicted offender's sentence upon prescribed conditions.
- 12139 ~~[(21)]~~ (20) "Remit" or "remission" means the same as ~~[that term is]~~ those terms defined
12140 in Section 77-32b-102.
- 12141 ~~[(22)]~~ (21) "Reprieve" or "respite" means the temporary suspension of the execution of the
12142 sentence.
- 12143 ~~[(23)]~~ (22) "Restitution" means the same as that term is defined in Section 77-38b-102.
- 12144 ~~[(24)]~~ (23) "Termination" means the act of discharging from parole or concluding the
12145 sentence of imprisonment before the expiration of the sentence.
- 12146 ~~[(25)]~~ (24) "Victim" means:
- 12147 (a) ~~[a person]~~ an individual against whom the defendant committed a felony or class A
12148 misdemeanor offense for which a hearing is held under this chapter; or
- 12149 (b) the victim's family if the victim is deceased as a result of the offense for which a

12150 hearing is held under this chapter.

12151 Section 241. Section **77-27-2** is amended to read:

12152 **77-27-2 (Effective 07/01/26). Board of Pardons and Parole -- Creation --**
 12153 **Compensation -- Functions.**

12154 (1)(a) There is created the Board of Pardons and Parole.

12155 (b) The board shall consist of five full-time members and not more than five pro
 12156 tempore members to be appointed by the governor with the advice and consent of the
 12157 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, and as provided
 12158 in this section.

12159 (c) The members of the board shall be resident citizens of the state.

12160 (d) The governor shall establish salaries for the members of the board within the salary
 12161 range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

12162 (2)(a)(i)(A) The full-time board members shall serve terms of five years.

12163 (B) The terms of the full-time members shall be staggered so one board member is
 12164 appointed for a term of five years on March 1 of each year.

12165 (ii)(A) The pro tempore members shall serve terms of five years, beginning on
 12166 March 1 of the year of appointment, with no more than one pro tempore
 12167 member term beginning or expiring in the same calendar year.

12168 (B) If a pro tempore member vacancy occurs, the board may submit the names of
 12169 not fewer than three or more than five [~~persons~~] individuals to the governor for
 12170 appointment to fill the vacancy.

12171 (b) All vacancies occurring on the board for any cause shall be filled by the governor
 12172 with the advice and consent of the Senate in accordance with this section for the
 12173 unexpired term of the vacating member.

12174 (c) The governor may at any time remove any member of the board for inefficiency,
 12175 neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

12176 (d)(i) A member of the board may not hold any other office in the government of the
 12177 United States, this state or any other state, or of any county government or
 12178 municipal corporation within a state.

12179 (ii) A member may not engage in any occupation or business inconsistent with the
 12180 member's duties.

12181 (e)(i) A majority of the board constitutes a quorum for the transaction of business,
 12182 including the holding of hearings at any time or any location within or without the
 12183 state, or for the purpose of exercising any duty or authority of the board.

- 12184 (ii) An action is deemed the action of the board if the action is taken by a majority of
12185 the board regarding whether:
- 12186 (A) parole, pardon, commutation, or termination of a sentence is granted in an
12187 offender's case;
- 12188 (B) remission of a criminal accounts receivable, or a fines or forfeiture, is granted
12189 in an offender's case; or
- 12190 (C) an offender's payment schedule for a criminal accounts receivable is modified.
- 12191 (iii) A majority vote of the five full-time members of the board is required for
12192 adoption of rules or policies of general applicability as provided by statute.
- 12193 (iv) Notwithstanding Subsection (2)(e)(iii), a vacancy on the board does not impair
12194 the right of the remaining board members to exercise any duty or authority of the
12195 board as long as a majority of the board remains.
- 12196 (v) A board member shall comply with the conflict of interest provisions described in
12197 Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 12198 (f)(i) Any investigation, inquiry, or hearing that the board has authority to undertake
12199 or hold may be conducted by any board member or an examiner appointed by the
12200 board.
- 12201 (ii) When an action under Subsection (2)(f)(i) is approved and confirmed by the
12202 board and filed in the board's office, the action is considered to be the action of the
12203 board and has the same effect as if originally made by the board.
- 12204 (g)(i) When a full-time board member is absent or in other extraordinary
12205 circumstances, the chair may, as dictated by public interest and efficient
12206 administration of the board, assign a pro tempore member to act in the place of a
12207 full-time member.
- 12208 (ii) Pro tempore members shall receive a per diem rate of compensation as
12209 established by the Division of Finance and all actual and necessary expenses
12210 incurred in attending to official business.
- 12211 (h) The chair may request staff and administrative support as necessary from the
12212 department.
- 12213 (3)(a) Except as provided in Subsection (3)(b), the [~~commission~~] Department of Criminal
12214 Justice shall:
- 12215 (i) recommend five applicants to the governor for a full-time member appointment to
12216 the board; and
- 12217 (ii) consider applicants' knowledge of the criminal justice system, state and federal

- 12218 criminal law, judicial procedure, corrections policies and procedures, and
 12219 behavioral sciences.
- 12220 (b) The procedures and requirements of Subsection (3)(a) do not apply if the governor
 12221 appoints a sitting board member to a new term of office.
- 12222 (4)(a)(i) The board shall appoint an individual to serve as the board's mental health
 12223 adviser and may appoint other staff necessary to aid the board in fulfilling the
 12224 board's responsibilities under Title 77, Chapter 16a, Commitment and Treatment
 12225 of Individuals with a Mental Condition.
- 12226 (ii) The adviser shall prepare reports and recommendations to the board on all [
 12227 ~~persons~~] individuals adjudicated as guilty with a mental condition, in accordance
 12228 with Title 77, Chapter 16a, Commitment and Treatment of Individuals with a
 12229 Mental Condition.
- 12230 (b) The mental health adviser shall possess the qualifications necessary to carry out the
 12231 duties imposed by the board and may not be employed by the department or the Utah
 12232 State Hospital.
- 12233 (i) The board may review outside employment by the mental health advisor.
 12234 (ii) The board shall develop rules governing employment with entities other than the
 12235 board by the mental health advisor for the purpose of prohibiting a conflict of
 12236 interest.
- 12237 (c) The mental health adviser shall:
- 12238 (i) act as liaison for the board with the Department of Health and Human Services
 12239 and local mental health authorities;
- 12240 (ii) educate the members of the board regarding the needs and special circumstances
 12241 of [~~persons~~] individuals with a mental condition in the criminal justice system;
- 12242 (iii) in cooperation with the department, monitor the status of [~~persons~~] individuals in
 12243 the prison who have been found guilty with a mental condition;
- 12244 (iv) monitor the progress of other [~~persons~~] individuals under the board's jurisdiction
 12245 who have a mental condition;
- 12246 (v) conduct hearings as necessary in the preparation of reports and recommendations;
 12247 and
- 12248 (vi) perform other duties as assigned by the board.
- 12249 Section 242. Section **77-27-5** is amended to read:
- 12250 **77-27-5 (Effective 07/01/26). Board of Pardons and Parole authority.**
- 12251 (1)(a) Subject to this chapter and other laws of the state, and except for a conviction for

12252 treason or impeachment, the board shall determine by majority decision when and
12253 under what conditions an offender's conviction may be pardoned or commuted.

12254 (b) The board shall determine by majority decision when and under what conditions an
12255 offender committed to serve a sentence at a penal or correctional facility, which is
12256 under the jurisdiction of the department, may:

12257 (i) be released upon parole;

12258 (ii) have a fine or forfeiture remitted;

12259 (iii) have the offender's criminal accounts receivable remitted in accordance with
12260 Section 77-32b-105 or 77-32b-106;

12261 (iv) have the offender's payment schedule modified in accordance with Section
12262 77-32b-103; or

12263 (v) have the offender's sentence terminated.

12264 (c) The board shall prioritize public safety when making a determination under
12265 Subsection (1)(a) or (1)(b).

12266 (d)(i) The board may sit together or in panels to conduct hearings.

12267 (ii) The chair shall appoint members to the panels in any combination and in
12268 accordance with rules made by the board in accordance with Title 63G, Chapter 3,
12269 Utah Administrative Rulemaking Act.

12270 (iii) The chair may participate on any panel and when doing so is chair of the panel.

12271 (iv) The chair of the board may designate the chair for any other panel.

12272 (e)(i) Except after a hearing before the board, or the board's appointed examiner, in
12273 an open session, the board may not:

12274 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts
12275 receivable;

12276 (B) release the offender on parole; or

12277 (C) commute, pardon, or terminate an offender's sentence.

12278 (ii) An action taken under this Subsection (1) other than by a majority of the board
12279 shall be affirmed by a majority of the board.

12280 (f) A commutation or pardon may be granted only after a full hearing before the board.

12281 (2)(a) In the case of a hearing, timely prior notice of the time and location of the hearing
12282 shall be given to the offender.

12283 (b) The county or district attorney's office responsible for prosecution of the case, the
12284 sentencing court, and law enforcement officials responsible for the defendant's arrest
12285 and conviction shall be notified of any board hearings through the board's website.

- 12286 (c) Whenever possible, the victim or the victim's representative, if designated, shall be
12287 notified of original hearings and any hearing after that if notification is requested and
12288 current contact information has been provided to the board.
- 12289 (d)(i) Notice to the victim or the victim's representative shall include information
12290 provided in Section 77-27-9.5, and any related rules made by the board under that
12291 section.
- 12292 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are
12293 reasonable for the lay person to understand.
- 12294 (3)(a) A decision by the board is final and not subject for judicial review if the decision
12295 is regarding:
- 12296 (i) a pardon, parole, commutation, or termination of an offender's sentence;
12297 (ii) restitution, the modification of an offender's payment schedule for restitution, or
12298 an order for costs; or
12299 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
- 12300 (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter
12301 4, Open and Public Meetings Act, when the board is engaged in the board's
12302 deliberative process.
- 12303 (c) ~~[Pursuant to]~~ In accordance with Subsection 63G-2-103(25)(b)(xii), records of the
12304 deliberative process are exempt from Title 63G, Chapter 2, Government Records
12305 Access and Management Act.
- 12306 (d) Unless it will interfere with a constitutional right, deliberative processes are not
12307 subject to disclosure, including discovery.
- 12308 (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
- 12309 (4)(a) This chapter may not be construed as a denial of or limitation of the governor's
12310 power to grant respite or reprieves in all cases of convictions for offenses against the
12311 state, except treason or conviction on impeachment.
- 12312 (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the
12313 next session of the board.
- 12314 (c) At the next session of the board, the board:
12315 (i) shall continue or terminate the respite or reprieve; or
12316 (ii) may commute the punishment or pardon the offense as provided.
- 12317 (d) In the case of conviction for treason, the governor may suspend execution of the
12318 sentence until the case is reported to the Legislature at the Legislature's next session.
- 12319 (e) The Legislature shall pardon or commute the sentence or direct the sentence's

12320 execution.

12321 (5)(a) In determining when, where, and under what conditions an offender serving a
12322 sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the
12323 offender's criminal accounts receivable remitted, or have the offender's sentence
12324 commuted or terminated, the board shall:

12325 (i) consider whether the offender has made restitution ordered by the court under
12326 Section 77-38b-205, or is prepared to pay restitution as a condition of any parole,
12327 pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a
12328 commutation or termination of the offender's sentence;

12329 (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for
12330 making determinations under this Subsection (5);

12331 (iii) consider information provided by the department regarding an offender's
12332 individual case action plan; and

12333 (iv) review an offender's status within 60 days after the day on which the board
12334 receives notice from the department that the offender has completed all of the
12335 offender's case action plan components that relate to activities that can be
12336 accomplished while the offender is imprisoned.

12337 (b) The board shall determine whether to remit an offender's criminal accounts
12338 receivable under this Subsection (5) in accordance with Section 77-32b-105 or
12339 77-32b-106.

12340 (6) In determining whether parole may be terminated, the board shall consider:

12341 (a) the offense committed by the parolee; and

12342 (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.

12343 (7) For an offender placed on parole after December 31, 2018, the board shall terminate
12344 parole in accordance with the adult sentencing and supervision length guidelines, as
12345 defined in Section [~~63M-7-401.1~~] 75E-4-101, to the extent the guidelines are consistent
12346 with the requirements of the law.

12347 (8) The board may not rely solely on an algorithm or a risk assessment tool score in
12348 determining whether parole should be granted or terminated for an offender.

12349 (9) The board may intervene as a limited-purpose party in a judicial or administrative
12350 proceeding, including a criminal action, to seek:

12351 (a) correction of an order that has or will impact the board's jurisdiction; or

12352 (b) clarification regarding an order that may impact the board's jurisdiction.

12353 (10) A motion to intervene brought under Subsection (9)(a) shall be raised within 60 days

12354 after the day on which a court enters the order that impacts the board's jurisdiction.

12355 Section 243. Section **77-27-5.4** is amended to read:

12356 **77-27-5.4 (Effective 07/01/26). Earned time program.**

- 12357 (1) The board shall establish an earned time program that reduces the period of
12358 incarceration for offenders who successfully complete specified programs, the purpose
12359 of which is to reduce the risk of recidivism.
- 12360 (2) The earned time program shall:
- 12361 (a) provide not less than four months of earned time credit each for the completion of up
12362 to two programs that:
- 12363 (i) are approved by the board in collaboration with the department; and
12364 (ii) are recommended programs that are part of the offender's case action plan; and
- 12365 (b) allow the board to grant in the board's discretion earned time credit in addition to the
12366 earned time credit provided under Subsection (2)(a).
- 12367 (3) The earned time program may not provide earned time credit for an offender:
- 12368 (a) whose previously ordered release date does not provide enough time, including time
12369 for transition services, for the board to grant the earned time credit;
- 12370 (b) who has been sentenced by the court to a term of life without the possibility of parole;
- 12371 (c) who has been ordered by the board to serve until the expiration of the offender's
12372 sentence, including a life sentence;
- 12373 (d) who does not have a current release date;
- 12374 (e) who has not met a contingency requirement for release that has been ordered by the
12375 board; or
- 12376 (f) who has been given a termination date by the board.
- 12377 (4) The board may order the forfeiture of earned time credits under this section if the board
12378 determines a rescission hearing is necessary.
- 12379 (5) The department shall notify the board not more than 30 days after an offender completes
12380 a program as defined in Subsection (2)(a).
- 12381 (6) The board shall collect data for the fiscal year regarding the operation of the earned time
12382 credit program, including:
- 12383 (a) the number of offenders who have earned time credit under this section in the prior
12384 year;
- 12385 (b) the amount of time credit earned in the prior year;
- 12386 (c) the number of offenders who forfeited earned time credit; and
12387 (d) additional related information as requested by the [~~Commission on Criminal and~~

Juvenile Justice] Department of Criminal Justice.

(7) The board shall collaborate with the department in the establishment of the earned time credit program.

(8) To the extent possible, programming and hearings shall be provided early enough in an offender's incarceration to allow the offender to earn time credit.

Section 244. Section **77-27-10** is amended to read:

77-27-10 (Effective 07/01/26). Conditions of parole -- Inmate agreement to warrant -- Rulemaking -- Intensive early release parole program.

(1)(a) When the Board of Pardons and Parole releases an offender on parole, it shall, in accordance with Section 64-14-204, issue to the parolee a certificate setting forth the conditions of parole, including the graduated and evidence-based responses to a violation of a condition of parole established in the adult sentencing and supervision length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101, which the offender shall accept and agree to as evidenced by the offender's signature affixed to the agreement.

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

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

(ii)(A) the inmate has engaged in criminal conduct [~~prior to~~] before the granting of parole; and

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

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

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

(2)(a) If an offender convicted of violating or attempting to violate Section 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, 76-5-404, 76-5-404.1, 76-5-404.3, or 76-5-405, is released on parole, the board shall order outpatient mental health counseling and treatment as a condition of parole.

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

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

- 12422 (3)(a)(i) In addition to the conditions set out in Subsection (1), the board may place
12423 offenders in an intensive early release parole program.
- 12424 (ii) The board shall determine the conditions of parole which are reasonably
12425 necessary to protect the community as well as to protect the interests of the
12426 offender and to assist the offender to lead a law-abiding life.
- 12427 (b) The offender is eligible for this program only if the offender:
12428 (i) has not been convicted of a sexual offense; or
12429 (ii) has not been sentenced [~~pursuant to~~] in accordance with Section 76-3-406.
- 12430 (c) The department shall:
12431 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
12432 Rulemaking Act, for operation of the program;
12433 (ii) adopt and implement internal management policies for operation of the program;
12434 (iii) determine whether[~~or not~~] to refer an offender into this program within 120 days
12435 from the date the offender is committed to prison by the sentencing court; and
12436 (iv) make the final recommendation to the board regarding the placement of an
12437 offender into the program.
- 12438 (d) The department may not consider credit for time served in a county jail awaiting trial
12439 or sentencing when calculating the 120-day period.
- 12440 (e) The prosecuting attorney or sentencing court may refer an offender for consideration
12441 by the department for participation in the program.
- 12442 (f) The board shall determine whether[~~or not~~] to place an offender into this program
12443 within 30 days of receiving the department's recommendation.
- 12444 (4) This program shall be implemented by the department within the existing budget.
- 12445 (5) In addition to the conditions of parole described in this section, and if a condition of the
12446 offender's parole is routine or random drug testing, the board shall order the offender to
12447 sign a waiver consistent with the Health Insurance Portability and Accountability Act,
12448 42 U.S.C. Sec. 1320d et seq., allowing the treatment provider conducting the drug
12449 testing to notify the offender's supervising parole officer regarding the results of the
12450 offender's drug testing.
- 12451 (6) During the time the offender is on parole, the department shall collect from the offender
12452 the monthly supervision fee authorized by Section 64-14-204.
- 12453 (7) When a parolee commits a violation of the parole agreement, the department may:
12454 (a) respond in accordance with the graduated and evidence-based responses established
12455 in accordance with Section 64-14-204; or

12456 (b) when the graduated and evidence-based responses established in accordance with
12457 Section 64-14-204 indicate, refer the parolee to the Board of Pardons and Parole for
12458 revocation of parole.

12459 Section 245. Section **77-27-11** is amended to read:

12460 **77-27-11 (Effective 07/01/26). Revocation of parole.**

12461 (1) The board may revoke the parole of any individual who is found to have violated any
12462 condition of the individual's parole.

12463 (2)(a) If a parolee is confined by the department or any law enforcement official for a
12464 suspected violation of parole, the department shall:

12465 (i) [~~shall~~] immediately report the alleged violation to the board, by means of an
12466 incident report; and

12467 (ii) make any recommendation regarding the incident.

12468 (b) A parolee may not be held for a period longer than 72 hours, excluding weekends
12469 and holidays, without first obtaining a warrant.

12470 (c) The board shall expeditiously consider warrant requests from the department under
12471 Section 64-14-205.

12472 (3) Any member of the board may:

12473 (a) issue a warrant based upon a certified warrant request to a peace officer or other
12474 persons authorized to arrest, detain, and return to actual custody a parolee; and

12475 (b) upon arrest of the parolee, determine, or direct the department to determine, if there
12476 is probable cause to believe that the parolee has violated the conditions of the
12477 parolee's parole.

12478 (4) Upon a finding of probable cause, a parolee may be further detained or imprisoned
12479 again pending a hearing by the board or the board's appointed examiner.

12480 (5)(a) The board or the board's appointed examiner shall conduct a hearing on the
12481 alleged violation, and the parolee shall have written notice of the time and location of
12482 the hearing, the alleged violation of parole, and a statement of the evidence against
12483 the parolee.

12484 (b) The board or the board's appointed examiner shall provide the parolee the
12485 opportunity:

12486 (i) to be present;

12487 (ii) to be heard;

12488 (iii) to present witnesses and documentary evidence;

12489 (iv) to confront and cross-examine adverse witnesses, absent a showing of good

- 12490 cause for not allowing the confrontation; and
- 12491 (v) to be represented by counsel when the parolee is mentally incompetent or
- 12492 pleading not guilty.
- 12493 (c)(i) If heard by an appointed examiner, the examiner shall make a written decision
- 12494 which shall include a statement of the facts relied upon by the examiner in
- 12495 determining the guilt or innocence of the parolee on the alleged violation and a
- 12496 conclusion as to whether the alleged violation occurred.
- 12497 (ii) The appointed examiner shall then refer the case to the board for disposition.
- 12498 (d)(i) A final decision shall be reached by a majority vote of the sitting members of
- 12499 the board.
- 12500 (ii) A parolee shall be promptly notified in writing of the board's findings and
- 12501 decision.
- 12502 (6)(a) If a parolee is found to have violated the terms of parole, the board, at the board's
- 12503 discretion, may:
- 12504 (i) return the parolee to parole;
- 12505 (ii) modify the payment schedule for the parolee's criminal accounts receivable in
- 12506 accordance with Section 77-32b-105;
- 12507 (iii) order the parolee to pay pecuniary damages that are proximately caused by a
- 12508 defendant's violation of the terms of the defendant's parole;
- 12509 (iv) order the parolee to be imprisoned, but not to exceed the maximum term of
- 12510 imprisonment for the parolee's sentence; or
- 12511 (v) order any other conditions for the parolee.
- 12512 (b) If the board returns the parolee to parole, the length of parole may not be for a period
- 12513 of time that exceeds the length of the parolee's maximum sentence.
- 12514 (c) If the board revokes parole for a violation and orders incarceration, the board may
- 12515 impose a period of incarceration:
- 12516 (i) consistent with the adult sentencing and supervision length guidelines, as defined
- 12517 in Section [~~63M-7-401.1~~] 75E-4-101; or
- 12518 (ii) subject to Subsection (6)(a)(iv), impose a period of incarceration that differs from
- 12519 the guidelines.
- 12520 (d) The following periods of time constitute service of time toward the period of
- 12521 incarceration imposed under Subsection (6)(c):
- 12522 (i) time served in jail by a parolee awaiting a hearing or decision concerning
- 12523 revocation of parole; and

12524 (ii) time served in jail by a parolee due to a violation of parole under Subsection [
12525 ~~64-13-6(2)~~] ~~64-14-204(2)(b)~~.

12526 Section 246. Section **77-27-32** is amended to read:

12527 **77-27-32 (Effective 07/01/26). Reporting requirements.**

12528 (1) The board shall publicly display metrics on the board's website, including:

12529 (a) a measure of recidivism;

12530 (b) a measure of time under board jurisdiction;

12531 (c) a measure of prison releases by category;

12532 (d) a measure of parole revocations;

12533 (e) a measure of alignment of board decisions with the adult sentencing and supervision
12534 length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101; and

12535 (f) a measure of the aggregate reasons for departing from the guidelines described in
12536 Subsection (1)(e).

12537 (2) On or before September 30 of each year, the board shall submit to the [~~commission~~]

12538 Department of Criminal Justice and the Law Enforcement and Criminal Justice Interim

12539 Committee a report for the previous fiscal year that summarizes the metrics in

12540 Subsection (1).

12541 Section 247. Section **77-30-2.5** is enacted to read:

12542 **77-30-2.5 (Effective 07/01/26). Assistance from Department of Criminal Justice.**

12543 The governor may direct the Department of Criminal Justice created in Section

12544 75E-2-102 to assist with the governor's responsibilities described in this chapter.

12545 Section 248. Section **77-37-3** is amended to read:

12546 **77-37-3 (Effective 07/01/26). Bill of rights.**

12547 (1) The bill of rights for victims and witnesses is:

12548 (a)(i) Victims and witnesses have a right to be informed as to the level of protection
12549 from intimidation and harm available to them, and from what sources, as they
12550 participate in criminal justice proceedings [~~as designated by~~] described in Section
12551 76-8-508, regarding tampering with a witness, and Section 76-8-509, regarding
12552 extortion or bribery to dismiss a criminal proceeding.[-]

12553 (ii) Law enforcement, prosecution, and corrections personnel have the duty to timely
12554 provide [~~this~~] the information described in Subsection (1)(a)(i) in a form which is
12555 useful to the victim.

12556 (b)(i) Victims and witnesses, including children and [~~their guardians~~] the children's
12557 guardians, have a right to be informed and assisted as to their role in the criminal

12558 justice process.

12559 (ii) All criminal justice agencies have the duty to provide [~~this~~] the information
12560 described in Subsection (1)(b)(i) and assistance.

12561 (c)(i) Victims and witnesses have a right to clear explanations regarding relevant
12562 legal proceedings[~~; these~~] .

12563 (ii) The explanations described in Subsection (1)(c)(i) shall be appropriate to the age
12564 of child victims and witnesses.[-]

12565 (iii) All criminal justice agencies have the duty to provide [~~these~~] the explanations
12566 described in Subsection (1)(c)(i).

12567 (d)(i) Victims and witnesses should have a secure waiting area that does not require
12568 them to be in close proximity to defendants or the family and friends of
12569 defendants.[-]

12570 (ii) Agencies controlling facilities shall, whenever possible, provide [~~this~~] the area
12571 described in Subsection (1)(d)(i).

12572 (e)(i) Victims may seek restitution or [~~reparations~~] compensation, including medical
12573 costs, as provided in [~~Title 63M, Chapter 7, Criminal Justice and Substance Abuse]~~
12574 Title 75E, Chapter 5, Part 3, Victim Compensation, Title 77, Chapter 38b, Crime
12575 Victims Restitution Act, and Section 80-6-710.[-]

12576 (ii) State and local government agencies that serve victims have the duty to have a
12577 functional knowledge of the procedures established by the [~~Utah~~]Office for
12578 Victims of Crime and to inform victims of these procedures.

12579 (f)(i) Victims and witnesses have a right to have any personal property returned as
12580 provided in Chapter 11a, Seizure of Property and Contraband, and Chapter 11d,
12581 Lost or Mislaid Property.[-]

12582 (ii) Criminal justice agencies shall expeditiously return the property described in
12583 Subsection (1)(f)(i) when it is no longer needed for court law enforcement or
12584 prosecution purposes.

12585 (g)(i) Victims and witnesses have the right to reasonable employer intercession
12586 services, including pursuing employer cooperation in minimizing employees' loss
12587 of pay and other benefits resulting from their participation in the criminal justice
12588 process.

12589 (ii) Officers of the court shall provide [~~these~~] the services described in Subsection
12590 (1)(g)(i) and shall consider victims' and witnesses' schedules so that activities
12591 which conflict can be avoided.

- 12592 (iii) Where conflicts cannot be avoided, the victim may request that the responsible
12593 agency intercede with employers or other parties.
- 12594 (h)(i) Victims and witnesses, particularly children, should have a speedy disposition
12595 of the entire criminal justice process.
- 12596 (ii) All involved public agencies shall establish policies and procedures to encourage
12597 speedy disposition of criminal cases.
- 12598 (i)(i) Victims and witnesses have the right to timely notice of judicial proceedings
12599 they are to attend and timely notice of cancellation of any proceedings.
- 12600 (ii) Criminal justice agencies have the duty to provide [~~these~~] the notifications
12601 described in Subsection (1)(i)(i).
- 12602 (iii) Defense counsel and others have the duty to provide timely notice to prosecution
12603 of any continuances or other changes that may be required.
- 12604 (2) In addition to the rights of a victim described in Subsection (1), a victim of a sexual
12605 offense has the right to:
- 12606 (a) request voluntary testing for themselves for HIV infection as described in Section
12607 53-10-803;
- 12608 (b) request mandatory testing of the alleged sexual offender for HIV infection as
12609 described in Section 53-10-802;
- 12610 (c) not to be prevented from, or charged for, a medical forensic examination;
- 12611 (d) have the evidence from a sexual assault kit, or the contents of the sexual assault kit,
12612 preserved for the time periods described in Chapter 11c, Retention of Evidence,
12613 without any charge to the victim;
- 12614 (e) be informed whether a DNA profile was obtained from the testing of the evidence in
12615 a sexual assault kit or from other crime scene evidence;
- 12616 (f) be informed whether a DNA profile developed from the evidence in a sexual assault
12617 kit, or from other crime scene evidence, has been entered into the Utah Combined
12618 DNA Index System;
- 12619 (g) be informed of any result from a sexual assault kit or from other crime scene
12620 evidence if that disclosure would not impede or compromise an ongoing
12621 investigation, including:
- 12622 (i) whether there is a match between a DNA profile developed from the evidence in a
12623 sexual assault kit, or from other crime scene evidence, and a DNA profile
12624 contained in the Utah Combined DNA Index System; and
- 12625 (ii) a toxicology result or other information that is collected from a sexual assault kit

- 12626 as part of a medical forensic examination of the victim;
- 12627 (h) be informed in writing of policies governing the collection and preservation of a
12628 sexual assault kit;
- 12629 (i) be informed of the status and location of a sexual assault kit;
- 12630 (j) upon written request by the victim, receive a notice of intent from an agency, as
12631 defined in Section 53-10-905, if the agency intends to destroy or dispose of evidence
12632 from a sexual assault kit;
- 12633 (k) be granted further preservation of the sexual assault kit if the agency, as defined in
12634 Section 53-10-905, intends to destroy or dispose of evidence from a sexual assault kit
12635 and the victim submits a written request as described in Section 53-10-905;
- 12636 (l) designate a person of the victim's choosing to act as a recipient of the information
12637 provided under this Subsection (2) or Subsections (3) and (4); and
- 12638 (m) be informed of all the enumerated rights in this Subsection (2).
- 12639 (3) Subsections (2)(e) through (g) do not require that the law enforcement agency
12640 communicate with the victim or the victim's designee regarding the status of DNA
12641 testing, absent a specific request received from the victim or the victim's designee.
- 12642 (4) A law enforcement agency investigating a sexual offense may:
- 12643 (a) release the information indicated in Subsections (2)(e) through (g) upon the request
12644 of the victim of the sexual offense, or the victim's designee and is the designated
12645 agency to provide that information to the victim or the victim's designee;
- 12646 (b) require that the victim's request be in writing; and
- 12647 (c) respond to the victim's request with verbal communication, written communication,
12648 or by email if an email address is available.
- 12649 (5) A law enforcement agency investigating a sexual offense shall:
- 12650 (a) notify the victim of the sexual offense, or the victim's designee, if the law
12651 enforcement agency determines that DNA evidence will not be analyzed in a case
12652 where the identity of the perpetrator has not be confirmed;
- 12653 (b) provide the information described in this section in a timely manner; and
- 12654 (c) upon request of the victim or the victim's designee, advise the victim or the victim's
12655 designee of any significant changes in the information of which the law enforcement
12656 agency is aware.
- 12657 (6) The law enforcement agency investigating the sexual offense is responsible for
12658 informing the victim of the sexual offense, or the victim's designee, of the rights
12659 established under this section.

12660 (7) Informational rights of the victim under this chapter are based upon the victim
12661 providing the current name, address, telephone number, and email address, if an email
12662 address is available, of the person to whom the information should be provided to the
12663 criminal justice agencies involved in the case.

12664 Section 249. Section **77-37-4** is amended to read:

12665 **77-37-4 (Effective 07/01/26). Additional rights -- Children.**

12666 In addition to all rights afforded to victims and witnesses under this chapter, child
12667 victims and witnesses shall be afforded these rights:

12668 (1) Children have the right to protection from physical and emotional abuse during their
12669 involvement with the criminal justice process.

12670 (2)(a) Children are not responsible for inappropriate behavior adults commit against
12671 them and have the right not to be questioned, in any manner, nor to have allegations
12672 made, implying this responsibility.[-]

12673 (b) Those who interview children have the responsibility to consider the interests of the
12674 child [~~in this regard~~] described in Subsection (2)(a).

12675 (3)(a) Child victims and witnesses have the right to have interviews relating to a
12676 criminal prosecution kept to a minimum.[-]

12677 (b) All agencies shall coordinate interviews and ensure that they are conducted by [
12678 ~~persons~~] individuals sensitive to the needs of children.

12679 (4)(a) Child victims have the right to be informed of available community resources that
12680 might assist them and how to gain access to those resources.[-]

12681 (b) Law enforcement and prosecutors have the duty to ensure that child victims are
12682 informed of community resources, including counseling [~~prior to~~] before the court
12683 proceeding, and have those services available throughout the criminal justice process.

12684 (5)(a) Child victims have the right, once an investigation has been initiated by law
12685 enforcement or the Division of Child and Family Services, to keep confidential their
12686 interviews that are conducted at a Children's Justice Center, including video and
12687 audio recordings, and transcripts of those recordings.

12688 (b) Except as provided in Subsection (6), recordings and transcripts of interviews may
12689 not be distributed, released, or displayed to anyone without a court order.

12690 [~~(b)~~] (c) A court order described in Subsection [(5)(a)] (5)(b):

12691 (i) shall describe with particularity to whom the recording or transcript of the
12692 interview may be released and prohibit further distribution or viewing by anyone
12693 not named in the order; and

- 12694 (ii) may impose restrictions on access to the materials considered reasonable to
 12695 protect the privacy of the child victim.
- 12696 ~~[(e)]~~ (d)(i) A parent or guardian of the child victim may petition a juvenile or district
 12697 court for an order allowing the parent or guardian to view a recording or transcript
 12698 upon a finding of good cause.~~[-]~~
- 12699 (ii) The order described in Subsection (5)(d)(i) shall designate the agency that is
 12700 required to display the recording or transcript to the parent or guardian and shall
 12701 prohibit viewing by anyone not named in the order.
- 12702 ~~[(d)]~~ (e) Following the conclusion of any legal proceedings in which the recordings or
 12703 transcripts are used, the court shall order the recordings and transcripts in the court's
 12704 file sealed and preserved.
- 12705 (6)(a) The following offices and ~~[their]~~ the offices' designated employees may distribute
 12706 and receive a recording or transcript to and from one another without a court order:
- 12707 (i) the Division of Child and Family Services;
- 12708 (ii) administrative law judges employed by the Department of Health and Human
 12709 Services;
- 12710 (iii) Department of Health and Human Services investigators investigating the
 12711 Division of Child and Family Services or investigators authorized to investigate
 12712 under Section 80-2-703;
- 12713 (iv) an office of the city attorney, county attorney, district attorney, or attorney
 12714 general;
- 12715 (v) a law enforcement agency;
- 12716 (vi) a Children's Justice Center established under Section 67-5b-102; or
- 12717 (vii) the attorney for the child who is the subject of the interview.
- 12718 (b) In a criminal case or in a juvenile court in which the state is a party:
- 12719 (i) the parties may display and enter into evidence a recording or transcript in the
 12720 course of a prosecution;
- 12721 (ii) the state's attorney may distribute a recording or transcript to the attorney for the
 12722 defendant, pro se defendant, respondent, or pro se respondent ~~[pursuant to]~~ in
 12723 accordance with a valid request for discovery;
- 12724 (iii) the attorney for the defendant or respondent may do one or both of the following:
- 12725 (A) release the recording or transcript to an expert retained by the attorney for the
 12726 defendant or respondent if the expert agrees in writing that the expert will not
 12727 distribute, release, or display the recording or transcript to anyone without prior

- 12728 authorization from the court; or
- 12729 (B) permit the defendant or respondent to view the recording or transcript, but
- 12730 may not distribute or release the recording or transcript to the defendant or
- 12731 respondent; and
- 12732 (iv) the court shall advise a pro se defendant or respondent that a recording or
- 12733 transcript received as part of discovery is confidential and may not be distributed,
- 12734 released, or displayed without prior authorization from the court.
- 12735 (c) A court's failure to advise a pro se defendant or respondent that a recording or
- 12736 transcript received as part of discovery is confidential and may not be used as a
- 12737 defense to prosecution for a violation of the disclosure rule.
- 12738 (d) In an administrative case, [~~pursuant to~~] in accordance with a written request, the
- 12739 Division of Child and Family Services may display, but may not distribute or release,
- 12740 a recording or transcript to the respondent or to the respondent's designated
- 12741 representative.
- 12742 (e)(i) Within two business days of a request from a parent or guardian of a child
- 12743 victim, an investigative agency shall allow the parent or guardian to view a
- 12744 recording after the conclusion of an interview, unless:
- 12745 (A) the suspect is a parent or guardian of the child victim;
- 12746 (B) the suspect resides in the home with the child victim; or
- 12747 (C) the investigative agency determines that allowing the parent or guardian to
- 12748 view the recording would likely compromise or impede the investigation.
- 12749 (ii) If the investigative agency determines that allowing the parent or guardian to
- 12750 view the recording would likely compromise or impede the investigation, the
- 12751 parent or guardian may petition a juvenile or district court for an expedited
- 12752 hearing on whether there is good cause for the court to enter an order allowing the
- 12753 parent or guardian to view the recording in accordance with Subsection [~~(5)(e)~~]
- 12754 (5)(d).
- 12755 (iii) A Children's Justice Center shall coordinate the viewing of the recording
- 12756 described in this Subsection (6)(e).
- 12757 (f) A multidisciplinary team assembled by a Children's Justice Center or an
- 12758 interdisciplinary team assembled by the Division of Child and Family Services may
- 12759 view a recording or transcript, but may not receive a recording or transcript.
- 12760 (g) A Children's Justice Center:
- 12761 (i) may distribute or display a recording or transcript to an authorized trainer or

- 12762 evaluator for purposes of training or evaluation; and
- 12763 (ii) may display, but may not distribute, a recording or transcript to an authorized
- 12764 trainee.
- 12765 (h) An authorized trainer or instructor may display a recording or transcript according to
- 12766 the terms of the authorized trainer's or instructor's contract with the Children's Justice
- 12767 Center or according to the authorized trainer's or instructor's scope of employment.
- 12768 (i)(i) In an investigation under Section 53E-6-506, in which a child victim who is the
- 12769 subject of the recording or transcript has alleged criminal conduct against an
- 12770 educator, a law enforcement agency may distribute or release the recording or
- 12771 transcript to an investigator operating under State Board of Education
- 12772 authorization, upon the investigator's written request.
- 12773 (ii) If the respondent in a case investigated under Section 53E-6-506 requests a
- 12774 hearing authorized under that section, the investigator operating under State Board
- 12775 of Education authorization may display, release, or distribute the recording or
- 12776 transcript to the prosecutor operating under State Board of Education
- 12777 authorization or to an expert retained by an investigator.
- 12778 (iii) Upon request for a hearing under Section 53E-6-506, a prosecutor operating
- 12779 under State Board of Education authorization may display the recording or
- 12780 transcript to a pro se respondent, to an attorney retained by the respondent, or to
- 12781 an expert retained by the respondent.
- 12782 (iv) The parties to a hearing authorized under Section 53E-6-506 may display and
- 12783 enter into evidence a recording or transcript in the course of a prosecution.
- 12784 (j) Notwithstanding any other provision in this section, a law enforcement agency shall
- 12785 provide an investigative report to the [~~Utah~~]Office for Victims of Crime as provided
- 12786 under Section [~~63M-7-529~~] 75E-5-308.
- 12787 (7) Except as otherwise provided in this section, it is a class B misdemeanor for any
- 12788 individual to distribute, release, or display any recording or transcript of an interview of
- 12789 a child victim conducted at a Children's Justice Center.
- 12790 Section 250. Section **77-38-3** is amended to read:
- 12791 **77-38-3 (Effective 07/01/26). Notification to victims -- Initial notice, election to**
- 12792 **receive subsequent notices -- Form of notice -- Protected victim information -- Pretrial**
- 12793 **criminal no contact order.**
- 12794 (1) Within seven days after the day on which felony criminal charges are filed against a
- 12795 defendant, the prosecuting agency shall provide an initial notice to reasonably

- 12796 identifiable and locatable victims of the crime contained in the charges, except as
12797 otherwise provided in this chapter.
- 12798 (2) The initial notice to the victim of a crime shall provide information about electing to
12799 receive notice of subsequent important criminal justice hearings [~~listed~~] described in
12800 Subsections 77-38-2(5)(a) through (g) and rights under this chapter.
- 12801 (3) The prosecuting agency shall provide notice to a victim of a crime:
12802 (a) for the important criminal justice hearings [~~provided~~] described in Subsections
12803 77-38-2(5)(a) through (g), which the victim has requested; and
12804 (b) for a restitution request to be submitted in accordance with Section 77-38b-202.
- 12805 (4)(a) The responsible prosecuting agency may provide initial and subsequent notices in
12806 any reasonable manner, including telephonically, electronically, orally, or by means
12807 of a letter or form prepared for this purpose.
12808 (b) In the event of an unforeseen important criminal justice hearing, described in
12809 Subsections 77-38-2(5)(a) through (g) for which a victim has requested notice, a
12810 good faith attempt to contact the victim by telephone shall be considered sufficient
12811 notice [~~provided that~~] if the prosecuting agency subsequently notifies the victim of
12812 the result of the proceeding.
- 12813 (5)(a) The court shall take reasonable measures to ensure that [~~its~~] the court's scheduling
12814 practices for the proceedings [~~provided~~] described in Subsections 77-38-2(5)(a)
12815 through (g) permit an opportunity for victims of [~~crimes~~] crime to be notified.
12816 (b) The court shall consider whether any notification system that the court might use to
12817 provide notice of judicial proceedings to defendants could be used to provide notice
12818 of judicial proceedings to victims of [~~crimes~~] crime.
- 12819 (6) A defendant or, if it is the moving party, the Division of Adult Probation and Parole
12820 created in Section 64-14-202, shall give notice to the responsible prosecuting agency of
12821 any motion for modification of any determination made at any of the important criminal
12822 justice hearings [~~provided~~] described in Subsections 77-38-2(5)(a) through (g) in
12823 advance of any requested court hearing or action so that the prosecuting agency may
12824 comply with the prosecuting agency's notification obligation.
- 12825 (7)(a) Notice to a victim of a crime shall be provided by the Board of Pardons and
12826 Parole for the important criminal justice hearing under Subsection 77-38-2(5)(h).
12827 (b) The board may provide notice in any reasonable manner, including telephonically,
12828 electronically, orally, or by means of a letter or form prepared for this purpose.
- 12829 (8) Prosecuting agencies and the Board of Pardons and Parole are required to give notice to

12830 a victim of a crime for the proceedings provided in Subsections 77-38-2(5)(a) through (g)
 12831 only where the victim has responded to the initial notice, requested notice of subsequent
 12832 proceedings, and provided a current address and telephone number if applicable.

12833 (9) To facilitate the payment of restitution and the notice of hearings regarding restitution, a
 12834 victim who seeks restitution and notice of restitution hearings shall provide the court
 12835 with the victim's current address and telephone number.

12836 (10)(a) Law enforcement and criminal justice agencies shall refer any requests for notice
 12837 or information about crime victim rights from victims to the responsible prosecuting
 12838 agency.

12839 (b) In a case in which the Board of Pardons and Parole is involved, the responsible
 12840 prosecuting agency shall forward any request for notice the prosecuting agency has
 12841 received from a victim to the Board of Pardons and Parole.

12842 (11) In all cases where the number of victims exceeds 10, the responsible prosecuting
 12843 agency may send any notices required under this chapter in the prosecuting agency's
 12844 discretion to a representative sample of the victims.

12845 (12)(a) A victim's address, telephone number, and victim impact statement maintained
 12846 by a peace officer, prosecuting agency, Youth Parole Authority, Division of Juvenile
 12847 Justice and Youth Services, Department of Corrections, Utah State Courts, and Board
 12848 of Pardons and Parole, for purposes of providing notice under this section, are
 12849 classified as protected under Subsection 63G-2-305(10).

12850 (b) The victim's address, telephone number, and victim impact statement is available
 12851 only to the following persons or entities in the performance of their duties:

12852 (i) a law enforcement agency, including the prosecuting agency;

12853 [~~(ii)~~] a victims' right committee as provided in Section 77-37-5;

12854 [~~(iii)~~] (ii) a governmentally sponsored victim or witness program;

12855 [~~(iv)~~] (iii) the Department of Corrections;

12856 [~~(v)~~] (iv) the [Utah] Office for Victims of Crime;

12857 [~~(vi)~~] (v) the [Commission on Criminal and Juvenile Justice] Department of Criminal
 12858 Justice;

12859 [~~(vii)~~] (vi) the Utah State Courts; and

12860 [~~(viii)~~] (vii) the Board of Pardons and Parole.

12861 (13) The notice provisions [~~as provided~~] described in this section do not apply to
 12862 misdemeanors [~~as provided~~] described in Section 77-38-5 [~~and~~] or to important juvenile
 12863 justice hearings [~~as provided~~] described in Section 77-38-2.

12864 (14)(a) ~~[When]~~ The court may, during any court hearing in which the defendant is
 12865 present, issue a pretrial criminal no contact order when a defendant is charged with a
 12866 felony crime under[-] :

12867 (i) Sections 76-5-301 through 76-5-310.1 regarding kidnapping, human trafficking,
 12868 and human smuggling;

12869 (ii) Sections 76-5-401 through 76-5-413.2 regarding sexual offenses; or

12870 (iii) Section 76-5d-208 regarding aggravated exploitation of prostitution~~[-, the court~~
 12871 ~~may, during any court hearing where the defendant is present, issue a pretrial~~
 12872 ~~criminal no contact order:] .~~

12873 (b) The pretrial criminal no contact order described in Subsection (14)(a) may:

12874 (i) ~~[prohibiting]~~ prohibit the defendant from harassing, telephoning, contacting, or
 12875 otherwise communicating with the victim directly or through a third party;

12876 (ii) ~~[ordering]~~ order the defendant to stay away from the residence, school, place of
 12877 employment of the victim, and the premises of any of these, or any specified place
 12878 frequented by the victim or any designated family member of the victim directly
 12879 or through a third party; and

12880 (iii) ~~[ordering]~~ order any other relief that the court considers necessary to protect and
 12881 provide for the safety of the victim and any designated family or household
 12882 member of the victim.

12883 ~~[(b)]~~ (c) Violation of a pretrial criminal no contact order issued ~~[pursuant to]~~ in
 12884 accordance with this section is a third degree felony.

12885 ~~[(e)]~~ (d)(i) The court shall provide to the victim a certified copy of any pretrial
 12886 criminal no contact order that has been issued if the victim can be located with
 12887 reasonable effort.

12888 (ii) The court shall also transmit the pretrial criminal no contact order to the statewide
 12889 domestic violence network in accordance with Section 78B-7-113.

12890 (15)(a) When a case involving a victim may resolve before trial with a plea deal, the
 12891 prosecutor shall notify the victim of that possibility as soon as practicable.

12892 (b) Upon the request of a victim described in Subsection (15)(a), the prosecutor shall
 12893 explain the available details of an anticipated plea deal.

12894 Section 251. Section **77-38-11** is amended to read:

12895 **77-38-11 (Effective 07/01/26). Enforcement -- Appellate review -- No right to**
 12896 **money damages.**

12897 (1) If a person acting under color of state law allegedly violates the rights of a victim

12898 described in this chapter, Chapter 37, Victims' Rights, or Utah Constitution, Article I,
12899 Section 28, the victim, or a representative of a victim, may file a complaint with a victim
12900 rights committee as described in Section [63M-7-1003] 75E-6-303.

12901 (2) If ~~[a person]~~ an individual acting under color of state law willfully or wantonly fails to
12902 perform duties so that the rights in this chapter are not provided, an action for injunctive
12903 relief, including prospective injunctive relief, may be brought against the individual and
12904 the governmental entity that employs the individual.

12905 (3)(a) The victim of a crime or representative of a victim of a crime may:

12906 (i) bring an action for declaratory relief or for a writ of mandamus defining or
12907 enforcing the rights of victims and the obligations of government entities under
12908 this chapter;

12909 (ii) petition to file an amicus brief in any court in any case affecting crime victims;
12910 and

12911 (iii) after giving notice to the prosecution and the defense, seek an appropriate
12912 remedy for a violation of a victim's right from the court assigned to the case
12913 involving the issue.

12914 (b) Adverse rulings on these actions or on a motion or request brought by a victim of a
12915 crime or a representative of a victim of a crime may be appealed under the rules
12916 governing appellate actions, provided that an appeal may not constitute grounds for
12917 delaying any criminal or juvenile proceeding.

12918 (c) An appellate court shall review all properly presented issues, including issues that are
12919 capable of repetition but would otherwise evade review.

12920 (4)(a) Upon a showing that the victim has not unduly delayed in seeking to protect the
12921 victim's right, and after hearing from the prosecution and the defense, the court shall
12922 determine whether a right of the victim has been violated.

12923 (b) If the court determines that a victim's right has been violated, the court shall:

12924 (i) determine the appropriate remedy for the violation of the victim's right by hearing
12925 from the victim and the parties and considering all factors relevant to the issue; and

12926 (ii) award an appropriate remedy to the victim.

12927 (5)(a) The court shall:

12928 (i) reconsider any judicial decision or judgment affected by a violation of the victim's
12929 right; and

12930 (ii) upon affording the victim the right and further hearing from the prosecution and
12931 the defense, determine whether the decision or judgment would have been

- 12932 different.
- 12933 (b) If the court's decision or judgment would have been different, the court shall enter
12934 the new different decision or judgment as the appropriate remedy.
- 12935 (c) If necessary to protect the victim's right, the court shall enter the new decision or
12936 judgment nunc pro tunc to the time the first decision or judgment was reached.
- 12937 (d) In no event shall the appropriate remedy be a new trial, damages, attorney fees, or
12938 costs.
- 12939 (6)(a) The appropriate remedy under Subsection (4) or (5) shall include only actions
12940 necessary to provide the victim the right to which the victim was entitled.
- 12941 (b) The appropriate remedy under Subsection (4) or (5) may include reopening
12942 previously held proceedings.
- 12943 (7)(a) Subject to Subsection (7)(c), the court may reopen a sentence or a previously
12944 entered guilty or no contest plea only if reopening the sentence or plea:
12945 (i) would not preclude continued prosecution or sentencing the defendant; and
12946 (ii) would not otherwise permit the defendant to escape justice.
- 12947 (b) The court shall tailor a remedy to provide the victim with an appropriate remedy
12948 without violating any constitutional right of the defendant.
- 12949 (c) If the court sets aside a previously entered plea of guilty or no contest, and the
12950 continued prosecution of the charge is held to be prevented by the defendant's having
12951 been previously put in jeopardy, the order setting aside the plea is void and the plea is
12952 reinstated as of the date of the plea's original entry.
- 12953 (d) The court may not award as a remedy the dismissal of any criminal charge.
- 12954 (e) The court may not award any remedy if the proceeding that the victim is challenging
12955 occurred more than 90 days before the day on which the victim filed an action
12956 alleging the violation of the right.
- 12957 (8) The failure to provide the rights in this chapter or Chapter 37, Victims' Rights, shall not
12958 constitute cause for a judgment against the state or any government entity, or any
12959 individual employed by the state or any government entity, for monetary damages,
12960 attorney fees, or the costs of exercising any rights under this chapter.
- 12961 (9) A defendant convicted of an offense may not bring an action or complaint concerning a
12962 violation of this chapter or Chapter 37, Victims' Rights.
- 12963 Section 252. Section **77-38-302** is amended to read:
12964 **77-38-302 (Effective 07/01/26). Definitions.**
12965 As used in this part:

- 12966 (1) "Convicted person" means ~~[a person]~~ an individual who has been convicted of a crime.
- 12967 (2) "Conviction" means an adjudication by a federal or state court resulting from a trial or
- 12968 plea, including a plea of no contest, nolo contendere, a finding of not guilty due to
- 12969 insanity, or not guilty but having a mental condition regardless of whether the sentence
- 12970 was imposed or suspended.
- 12971 (3) "Fund" means the Crime Victim ~~[Reparations]~~ Compensation Fund created in Section [
- 12972 ~~63M-7-526]~~ 75E-5-302.
- 12973 (4) "Memorabilia" means any tangible property of a convicted person or a representative or
- 12974 assignee of a convicted person, the value of which is enhanced by the notoriety gained
- 12975 from the criminal activity for which the person was convicted.
- 12976 (5) "Notoriety of crimes contract" means a contract or other agreement with a convicted
- 12977 person, or a representative or assignee of a convicted person, with respect to:
- 12978 (a) the reenactment of a crime in any manner including a movie, book, magazine article, [
- 12979 ~~Internet]~~ internet website, recording, phonograph record, radio or television
- 12980 presentation, or live entertainment of any kind;
- 12981 (b) the expression of the convicted person's thoughts, feelings, opinions, or emotions
- 12982 regarding a crime involving or causing personal injury, death, or property loss as a
- 12983 direct result of the crime; or
- 12984 (c) the payment or exchange of any money or other consideration or the proceeds or
- 12985 profits that directly or indirectly result from the notoriety of the crime.
- 12986 (6) "Office" means the ~~[Utah]~~ Office for Victims of Crime.
- 12987 (7) "Profit" means any income or benefit:
- 12988 (a) over and above the fair market value of tangible property that is received upon the
- 12989 sale or transfer of memorabilia; or
- 12990 (b) any money, negotiable instruments, securities, or other consideration received or
- 12991 contracted for gain which is traceable to a notoriety of crimes contract.
- 12992 Section 253. Section **77-38-303** is amended to read:
- 12993 **77-38-303 (Effective 07/01/26). Profit from sale of memorabilia or notoriety of**
- 12994 **crimes contract -- Deposit into Crime Victim Compensation Fund -- Penalty.**
- 12995 (1) Any convicted person or a representative or assignee of a convicted person who receives
- 12996 a profit from the sale or transfer of memorabilia shall remit to the fund:
- 12997 (a) a complete, itemized accounting of the transaction, including:
- 12998 (i) a description of each item sold;
- 12999 (ii) the amount received for each item;

- 13000 (iii) the estimated fair market value of each item; and
- 13001 (iv) the name and address of the purchaser of each item; and
- 13002 (b) a check or money order for the amount of the profit, which shall be the difference
- 13003 between the amount received for the item and the estimated fair market value of the
- 13004 item.
- 13005 (2) Any person who willfully violates Subsection (1) may be assessed a civil penalty of up
- 13006 to \$1,000 per item sold or transferred or three times the amount of the unremitted profit,
- 13007 whichever is greater.
- 13008 (3)(a) Any person or entity who enters into a notoriety of crime contract with a
- 13009 convicted person or with a representative or assignee of a convicted person shall pay
- 13010 to the fund any profit which by the terms of the contract would otherwise be owing to
- 13011 the convicted person or representative or assignee of the convicted person.
- 13012 (b) A convicted person or a representative or assignee of a convicted person who has
- 13013 received any profit from a notoriety of crime contract shall remit the profit to the
- 13014 fund.[-]
- 13015 (c) Any future profit which, by the terms of the contract, would otherwise be owing to
- 13016 the convicted person or a representative or assignee of a convicted person shall be
- 13017 paid to the fund as required under Subsection (3)(a).
- 13018 (4)(a) Upon receipt of money under Subsection (3), the office shall distribute the
- 13019 amounts to the victim of the crime from which the profits are derived if any
- 13020 restitution remains outstanding.[-]
- 13021 (b) If no restitution is outstanding, the money shall be deposited into the fund.
- 13022 (5)(a) Any person or entity who willfully violates Subsection (3) may be assessed a civil
- 13023 penalty of up to \$1,000,000.00, or up to three times the total value of the original
- 13024 notoriety of crime contract, whichever is greater.
- 13025 (b) Any civil penalty ordered under this Subsection shall be paid to the fund.
- 13026 (6) The prosecuting agency or the attorney general may bring an action to enforce the
- 13027 provisions of this chapter in the court of conviction.
- 13028 (7) A court shall enter an order to remit funds as provided in this chapter if [it] the court
- 13029 finds by a preponderance of the evidence any violation of Subsection (1) or (3).
- 13030 Section 254. Section **77-38-403** is amended to read:
- 13031 **77-38-403 (Effective 07/01/26). Definitions.**
- 13032 As used in this part:
- 13033 (1) "Advocacy services" means assistance provided that supports, supplements, intervenes,

13034 or links a victim or a victim's family with appropriate resources and services to address
13035 the wide range of potential impacts of being victimized.

13036 (2) "Advocacy services provider" means an entity that has the primary focus of providing
13037 advocacy services in general or with specialization to a specific crime type or specific
13038 type of victimization.

13039 (3) "Confidential communication" means a communication that is intended to be
13040 confidential between a victim and a victim advocate for the purpose of obtaining
13041 advocacy services.

13042 (4) "Criminal justice system victim advocate" means an individual who:

13043 (a) is employed or authorized to volunteer by a government agency that possesses a role
13044 or responsibility within the criminal justice system;

13045 (b) has as a primary responsibility addressing the mental, physical, or emotional
13046 recovery of victims;

13047 (c) completes a minimum 40 hours of trauma-informed training:

13048 (i) in crisis response, the effects of crime and trauma on victims, victim advocacy
13049 services and ethics, informed consent, and this part regarding privileged
13050 confidential communication; and

13051 (ii) that have been approved or provided by the [~~Utah~~]Office for Victims of Crime;
13052 and

13053 (d) is under the supervision of the director or director's designee of the government
13054 agency.

13055 (5) "Health care provider" means the same as that term is defined in Section 78B-3-403.

13056 (6) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

13057 (7) "Nongovernment organization victim advocate" means an individual who:

13058 (a) is employed or authorized to volunteer by a nongovernment organization advocacy
13059 services provider;

13060 (b) has as a primary responsibility addressing the mental, physical, or emotional
13061 recovery of victims;

13062 (c) has a minimum 40 hours of trauma-informed training:

13063 (i) in assisting victims specific to the specialization or focus of the nongovernment
13064 organization advocacy services provider and includes this part regarding
13065 privileged confidential communication; and

13066 (ii)(A) that have been approved or provided by the [~~Utah~~]Office for Victims of
13067 Crime; or

- 13068 (B) that meets other minimally equivalent standards set forth by the
 13069 nongovernment organization advocacy services provider; and
 13070 (d) is under the supervision of the director or the director's designee of the
 13071 nongovernment organization advocacy services provider.
- 13072 (8) "Record" means a book, letter, document, paper, map, plan, photograph, file, card, tape,
 13073 recording, electronic data, or other documentary material regardless of physical form or
 13074 characteristics.
- 13075 (9) "Victim" means:
 13076 (a) a victim of a crime as defined in Section 77-38-2;
 13077 (b) an individual who is a victim of domestic violence as defined in Section 77-36-1; or
 13078 (c) an individual who is a victim of dating violence as defined in Section 78B-7-102.
- 13079 (10)(a) "Victim advocate" means:
 13080 (i) a criminal justice system victim advocate;
 13081 (ii) a nongovernment organization victim advocate; or
 13082 (iii) an individual who is employed or authorized to volunteer by a public or private
 13083 entity and is designated by the [~~Utah~~]Office for Victims of Crime as having the
 13084 specific purpose of providing advocacy services to or for the clients of the public
 13085 or private entity.
- 13086 (b) "Victim advocate" does not include an employee of the [~~Utah~~]Office for Victims of
 13087 Crime.

13088 Section 255. Section **77-38-405** is amended to read:

13089 **77-38-405 (Effective 07/01/26). Disclosure of a communication given to a victim**
 13090 **advocate.**

- 13091 (1)(a) A victim advocate may not disclose a confidential communication with a victim,
 13092 including a confidential communication in a group therapy session, except:
 13093 (i) that a criminal justice system victim advocate shall provide the confidential
 13094 communication to a prosecutor who is responsible for determining whether the
 13095 confidential communication is exculpatory or goes to the credibility of a witness;
 13096 (ii) that a criminal justice system victim advocate may provide the confidential
 13097 communication to a parent or guardian of a victim if the victim is a minor and the
 13098 parent or guardian is not the accused, or a law enforcement officer, health care
 13099 provider, mental health therapist, domestic violence shelter employee, an
 13100 employee of the [~~Utah~~]Office for Victims of Crime, or member of a
 13101 multidisciplinary team assembled by a Children's Justice Center or a law

- 13102 enforcement agency for the purpose of providing advocacy services; or
 13103 (iii) to the extent allowed by the Utah Rules of Evidence.
- 13104 (b) If a prosecutor determines that the confidential communication is exculpatory or
 13105 goes to the credibility of a witness, after the court notifies the victim and the defense
 13106 attorney of the opportunity to be heard at an in camera review, the prosecutor will
 13107 present the confidential communication to the victim, defense attorney, and the court
 13108 for in camera review in accordance with the Utah Rules of Evidence.
- 13109 (2) A record that contains information from a confidential communication between a victim
 13110 advocate and a victim may not be disclosed under Title 63G, Chapter 2, Government
 13111 Records Access and Management Act, to the extent that it includes the information
 13112 about the confidential communication.
- 13113 (3) A criminal justice system victim advocate, as soon as reasonably possible, shall notify a
 13114 victim, or a parent or guardian of the victim if the victim is a minor and the parent or
 13115 guardian is not the accused:
- 13116 (a) whether a confidential communication with the criminal justice system victim
 13117 advocate will be disclosed to a prosecutor and whether a statement relating to the
 13118 incident that forms the basis for criminal charges or goes to the credibility of a
 13119 witness will also be disclosed to the defense attorney; and
- 13120 (b) of the name, location, and contact information of one or more nongovernment
 13121 organization advocacy services providers specializing in the victim's service needs,
 13122 when a nongovernment organization advocacy services provider exists and is known
 13123 to the criminal justice system victim advocate.

13124 Section 256. Section **77-38-502** is amended to read:

13125 **77-38-502 (Effective 07/01/26). Definitions.**

13126 As used in this part:

- 13127 (1) "Certifying entity" means any of the following:
- 13128 (a) a law enforcement agency, as defined in Section 77-7a-103;
- 13129 (b) a prosecutor, as defined in Section 77-22-4.5;
- 13130 (c) a court described in Section 78A-1-101;
- 13131 (d) any other authority that has responsibility for the detection, investigation, or
 13132 prosecution of a qualifying crime or criminal activity; and
- 13133 (e) an agency that has criminal detection or investigative jurisdiction in the agency's
 13134 respective areas of expertise, including:
- 13135 (i) the Division of Child and Family Services; and

13136 (ii) the Labor Commission.

13137 (2) "Certifying official" means:

13138 (a) the head of the certifying entity;

13139 (b) a person in a supervisory role who has been specifically designated by the head of
13140 the certifying entity to issue Form I-918 Supplement B certifications on behalf of that
13141 agency;

13142 (c) a judge; or

13143 (d) any other certifying official defined under 8 C.F.R. Sec. 214.14.

13144 [~~(3) "Commission" means the State Commission on Criminal and Juvenile Justice created
13145 in Section 63M-7-201.~~]

13146 (3) "Department" means the Department of Criminal Justice created in Section 75E-2-102.

13147 (4)(a) "Qualifying criminal activity" means the same as that term is defined in 8 C.F.R.
13148 Sec. 214.14.

13149 (b) "Qualifying criminal activity" includes criminal offenses for which the nature and
13150 elements of the offenses are substantially similar to the criminal activity described in
13151 Subsection (4)(a), and the attempt, conspiracy, or solicitation to commit any of those
13152 offenses.

13153 Section 257. Section **77-38-503** is amended to read:

13154 **77-38-503 (Effective 07/01/26). Guidelines for prosecutors.**

13155 (1) Upon the request of the victim or victim's family member, a certifying official from a
13156 certifying entity shall certify victim helpfulness on the Form I-918 Supplement B
13157 certification, if the certifying entity determines the victim was a victim of a qualifying
13158 criminal activity and has been helpful, is being helpful, or is likely to be helpful to the
13159 detection, investigation, or prosecution of that qualifying criminal activity.

13160 (2) A certifying entity shall determine helpfulness as described in Subsection (1) in a
13161 manner consistent with federal guidelines.

13162 (3) A certifying entity shall process a Form I-918 Supplement B certification within 90
13163 days of request, unless the noncitizen is in removal proceedings, in which case the
13164 certification shall be processed within 14 days of request.

13165 (4) A current investigation, the filing of charges, a prosecution, or a conviction are not
13166 required for the victim to request the Form I-918 Supplement B certification from a
13167 certifying official.

13168 (5) A certifying official may withdraw a Form I-918 Supplement B certification if:

13169 (a) the victim refuses to provide information and assistance when reasonably requested;

- 13170 or
- 13171 (b) the certifying entity determines that the individual is not a victim of a qualifying
- 13172 criminal activity.
- 13173 (6) A certifying entity is prohibited from disclosing the immigration status of a victim or
- 13174 person requesting the Form I-918 Supplement B certification, except to comply with
- 13175 federal law, or if authorized by the victim or person requesting the Form I-918
- 13176 Supplement B certification.
- 13177 (7)(a) Each certifying entity shall maintain records of the following information related
- 13178 to each request for a Form I-918 Supplement B certification:
- 13179 (i) the number of victims that requested Form I-918 Supplement B certifications from
- 13180 the entity;
- 13181 (ii) the number of those Form I-918 Supplement B certifications that were signed; and
- 13182 (iii) the number of Form I-918 Supplement B certifications that were denied.
- 13183 (b) Each certifying entity shall report the information described in Subsection (7)(a) to
- 13184 the ~~[commission]~~ department before June 30, 2021, and each year thereafter.
- 13185 (c) The ~~[commission]~~ department shall report the information received ~~[pursuant to]~~ in
- 13186 accordance with Subsection (7)(b) to the Judiciary Interim Committee of the
- 13187 Legislature on or before November 30 of each year.
- 13188 (8)(a) A certifying entity may not disclose personal identifying information, or
- 13189 information regarding the citizenship or immigration status of any victim of criminal
- 13190 activity or trafficking who is requesting a certification unless:
- 13191 (i) required to do so by applicable state or federal law or court order; or
- 13192 (ii) the certifying agency has written authorization from:
- 13193 (A) the victim; or
- 13194 (B) if the victim is a minor or is otherwise not legally competent, from the victim's
- 13195 parent or guardian.
- 13196 (b) Subsection (8)(a) does not modify legal obligations of a prosecutor or law
- 13197 enforcement to disclose information and evidence to a defendant.
- 13198 Section 258. Section **77-38b-102** is amended to read:
- 13199 **77-38b-102 (Effective 07/01/26). Definitions.**
- 13200 As used in this chapter:
- 13201 (1) "Civil accounts receivable" means the same as that term is defined in Section
- 13202 77-32b-102.
- 13203 (2) "Civil judgment of restitution" means the same as that term is defined in Section

- 13204 77-32b-102.
- 13205 (3)(a) "Conviction" means:
- 13206 (i) a plea of:
- 13207 (A) guilty;
- 13208 (B) guilty with a mental condition; or
- 13209 (C) no contest; or
- 13210 (ii) a judgment of:
- 13211 (A) guilty; or
- 13212 (B) guilty with a mental condition.
- 13213 (b) "Conviction" does not include:
- 13214 (i) a plea in abeyance until a conviction is entered for the plea in abeyance;
- 13215 (ii) a diversion agreement; or
- 13216 (iii) an adjudication of a minor for an offense under Section 80-6-701.
- 13217 (4) "Criminal accounts receivable" means the same as that term is defined in Section
- 13218 77-32b-102.
- 13219 (5) "Criminal conduct" means:
- 13220 (a) any misdemeanor or felony offense of which the defendant is convicted; or
- 13221 (b) any other criminal behavior for which the defendant admits responsibility to the
- 13222 court with or without an admission of committing the criminal behavior.
- 13223 (6) "Deceased victim" means an individual whose death is proximately caused by the
- 13224 criminal conduct of the defendant.
- 13225 (7)(a) "Defendant" means an individual who has been convicted of, or entered into a
- 13226 plea disposition for, criminal conduct.
- 13227 (b) "Defendant" does not include a minor, as defined in Section 80-1-102, who is
- 13228 adjudicated, or enters into a nonjudicial adjustment, for any offense under Title 80,
- 13229 Chapter 6, Juvenile Justice.
- 13230 (8) "Department" means the Department of Corrections.
- 13231 (9)(a) "Dependent" means an individual for whom a deceased victim, or a permanently
- 13232 impaired victim, had a legal obligation to provide dependent support at the time of
- 13233 the criminal conduct by the defendant.
- 13234 (b) "Dependent" includes:
- 13235 (i) a child:
- 13236 (A) who is younger than 18 years old; and
- 13237 (B) for whom a deceased victim, or a permanently impaired victim, is the parent

- 13238 or legal guardian;
- 13239 (ii) an unborn child who has a parent-child relationship with a deceased victim, or a
- 13240 permanently impaired victim, in accordance with Title 81, Chapter 5, Uniform
- 13241 Parentage Act; or
- 13242 (iii) an incapacitated individual for whom a deceased victim, or a permanently
- 13243 impaired victim, is the parent or legal guardian.
- 13244 (10) "Dependent support" means the financial obligation of an individual to provide for the
- 13245 routine needs of a dependent, including food, clothing, health care, safety, or shelter.
- 13246 (11) "Diversion agreement" means an agreement entered into by the prosecuting attorney
- 13247 and the defendant that suspends criminal proceedings before conviction on the condition
- 13248 that a defendant agree to participate in a rehabilitation program, pay restitution to the
- 13249 victim, or fulfill some other condition.
- 13250 (12) "Division" means the Division of Adult Probation and Parole created in Section
- 13251 64-14-202.
- 13252 (13) "Incapacitated" or "incapacitation" means the individual is:
- 13253 (a) mentally or physically impaired to the extent that the individual is permanently
- 13254 unable to gain employment and provide basic necessities, including food, clothing,
- 13255 health care, safety, or shelter; and
- 13256 (b) reliant on a parent, legal guardian, or other relative or person to provide basic
- 13257 necessities for the individual.
- 13258 (14) "Incapacitated individual" means an individual who is incapacitated.
- 13259 (15) "Legal guardian" means an individual appointed by a court to make decisions
- 13260 regarding a child or an incapacitated individual.
- 13261 (16) "Life expectancy" means the number of months an individual is or was expected to
- 13262 live considering medical records and experiential data for the individual.
- 13263 (17) "Office" means the Office of State Debt Collection created in Section 63A-3-502.
- 13264 (18) "Payment schedule" means the same as that term is defined in Section 77-32b-102.
- 13265 (19)(a) "Pecuniary damages" means all demonstrable economic injury, losses, and
- 13266 expenses regardless of whether the economic injury, losses, and expenses have yet
- 13267 been incurred.
- 13268 (b) "Pecuniary damages" does not include punitive damages or pain and suffering
- 13269 damages.
- 13270 (20) "Permanently impaired victim" means an incapacitated individual whose
- 13271 incapacitation is proximately caused by the criminal conduct of the defendant.

- 13272 (21) "Plea agreement" means an agreement entered between the prosecuting attorney and
13273 the defendant setting forth the special terms and conditions and criminal charges upon
13274 which the defendant will enter a plea of guilty or no contest.
- 13275 (22) "Plea disposition" means an agreement entered into between the prosecuting attorney
13276 and the defendant including a diversion agreement, a plea agreement, a plea in abeyance
13277 agreement, or any agreement by which the defendant may enter a plea in any other
13278 jurisdiction or where charges are dismissed without a plea.
- 13279 (23) "Plea in abeyance" means an order by a court, upon motion of the prosecuting attorney
13280 and the defendant, accepting a plea of guilty or of no contest from the defendant but not,
13281 at that time, entering judgment of conviction against the defendant nor imposing
13282 sentence upon the defendant on condition that the defendant comply with specific
13283 conditions as set forth in a plea in abeyance agreement.
- 13284 (24) "Plea in abeyance agreement" means an agreement entered into between the
13285 prosecuting attorney and the defendant setting forth the specific terms and conditions
13286 upon which, following acceptance of the agreement by the court, a plea may be held in
13287 abeyance.
- 13288 (25) "Restitution" means the payment of pecuniary damages to a victim.
- 13289 (26) "Unborn child" means a human fetus or embryo in any stage of gestation from
13290 fertilization until birth.
- 13291 (27)(a) "Victim" means any person who has suffered pecuniary damages that are
13292 proximately caused by the criminal conduct of the defendant.
- 13293 (b) "Victim" includes:
- 13294 (i) the [~~Utah~~]Office for Victims of Crime if the [~~Utah~~]Office for Victims of Crime
13295 makes a payment to, or on behalf of, a victim under Section [~~63M-7-519~~]
13296 75E-5-311;
- 13297 (ii) the estate of a deceased victim;
- 13298 (iii) a dependent; or
- 13299 (iv) a parent, spouse, intimate partner as defined in 18 U.S.C. Sec. 921, child, or
13300 sibling of a victim.
- 13301 (c) "Victim" does not include a codefendant or accomplice.
- 13302 Section 259. Section **77-38b-202** is amended to read:
- 13303 **77-38b-202 (Effective 07/01/26). Prosecuting attorney responsibility for**
13304 **collecting restitution information -- Depositing restitution on behalf of victim.**
- 13305 (1) If a prosecuting attorney files a criminal charge against a defendant, the prosecuting

- 13306 attorney shall:
- 13307 (a) contact any known victim of the offense for which the criminal charge is filed, or
- 13308 person asserting a claim for restitution on behalf of the victim; and
- 13309 (b) gather the following information from the victim or person:
- 13310 (i) the name of the victim or person; and
- 13311 (ii) the actual or estimated amount of restitution.
- 13312 (2)(a) When a conviction, a diversion agreement, or a plea in abeyance is entered by the
- 13313 court, the prosecuting attorney shall provide the court with the information gathered
- 13314 by the prosecuting attorney under Subsection (1)(b).
- 13315 (b) If, at the time of the plea disposition or conviction, the prosecuting attorney does not
- 13316 have all the information under Subsection (1)(b), the prosecuting attorney shall
- 13317 provide the defendant with:
- 13318 (i) at the time of plea disposition or conviction, all information under Subsection
- 13319 (1)(b) that is reasonably available to the prosecuting attorney; and
- 13320 (ii) any information under Subsection (1)(b) as the information becomes available to
- 13321 the prosecuting attorney.
- 13322 (c) Nothing in this section shall be construed to prevent a prosecuting attorney, a victim,
- 13323 or a person asserting a claim for restitution on behalf of a victim from:
- 13324 (i) submitting information on, or a request for, restitution to the court within the time
- 13325 periods described in Section 77-38b-205; or
- 13326 (ii) submitting information on, or a request for, restitution for additional or
- 13327 substituted victims within the time periods described in Section 77-38b-205.
- 13328 (3)(a) The prosecuting attorney may be authorized by the sentencing court or appropriate
- 13329 public treasurer to deposit restitution collected on behalf of a victim into an
- 13330 interest-bearing account in accordance with Title 51, Chapter 7, State Money
- 13331 Management Act, pending the distribution of the funds to the victim.
- 13332 (b) If restitution is deposited into an interest-bearing account under Subsection (3)(a),
- 13333 the prosecuting attorney shall:
- 13334 (i) distribute any interest that accrues in the account to each victim on a pro rata
- 13335 basis; and
- 13336 (ii) if all victims have been made whole and funds remain in the account, distribute
- 13337 any remaining funds to the Division of Finance, created in Section 63A-3-101, to
- 13338 deposit to the [~~Utah~~]Office for Victims of Crime.
- 13339 (c) Nothing in this section prevents an independent judicial authority from collecting,

13340 holding, and distributing restitution.

13341 Section 260. Section **77-38b-205** is amended to read:

13342 **77-38b-205 (Effective 07/01/26). Order for restitution.**

13343 (1)(a) If a defendant is convicted, as defined in Section 76-3-201, the court shall order a
13344 defendant, as part of the sentence imposed under Section 76-3-201, to pay restitution
13345 to all victims:

13346 (i) in accordance with the terms of any plea agreement in the case; or

13347 (ii) for the entire amount of pecuniary damages that are proximately caused to each
13348 victim by the criminal conduct of the defendant.

13349 (b) If a court enters a plea in abeyance or a diversion agreement for a defendant that
13350 includes an agreement to pay restitution, the court shall order the defendant to pay
13351 restitution to all victims:

13352 (i) in accordance with the terms of the plea in abeyance or the diversion agreement; or

13353 (ii) if the terms of the plea in abeyance include an agreement between the parties that
13354 restitution will be determined by the court as described in Section 77-2a-3, for the
13355 entire amount of pecuniary damages that are proximately caused to each victim by
13356 the criminal conduct of the defendant.

13357 (2)(a) Except as provided in Subsection (2)(b), in determining the amount of pecuniary
13358 damages under Subsection (1)(a)(ii) or (b)(ii), the court shall consider all relevant
13359 facts to establish an amount that fully compensates a victim for all pecuniary
13360 damages proximately caused by the criminal conduct of the defendant.

13361 (b) If the court determines that the defendant owes pecuniary damages to a dependent
13362 for dependent support, the court shall establish the amount of dependent support
13363 owed to the dependent as described in Section 77-38b-206.

13364 (c) Subsection (2)(b) does not prohibit the court from also ordering restitution for a
13365 victim under Subsection (2)(a) that is not dependent support.

13366 (3) The court shall enter the determination of the amount of restitution under Subsection
13367 (1)(a)(ii) or (b)(ii) as a finding on the record.

13368 (4) Upon an order for a defendant to pay restitution under Subsection (1), the court shall:

13369 (a) enter an order to establish a criminal accounts receivable as described in Section
13370 77-32b-103; and

13371 (b) establish a payment schedule for the criminal accounts receivable as described in
13372 Section 77-32b-103.

13373 (5) If the defendant objects to a request for restitution, the court shall allow the defendant to

- 13374 have a hearing on the issue, unless the issue is addressed at the sentencing hearing for
13375 the defendant.
- 13376 (6) If a court does not enter an order for restitution at sentencing, the court shall schedule a
13377 hearing to enter an order for restitution, unless:
- 13378 (a) the court finds as a matter of law that there is no victim in the case; or
13379 (b) the prosecuting attorney certifies to the court, on the record, that:
- 13380 (i) the prosecuting attorney has consulted with all victims, including the [~~Utah~~]
13381 Office for Victims of Crime; and
13382 (ii) all victims, including the [~~Utah~~]Office for Victims of Crime, are not seeking
13383 restitution.
- 13384 (7)(a) A court shall enter an order for restitution in a defendant's case no later than the
13385 earlier of:
- 13386 (i) the termination of the defendant's sentence, including early termination of the
13387 defendant's sentence; or
13388 (ii)(A) if the defendant is convicted and imprisoned for a first degree felony,
13389 within seven years after the day on which the court sentences the defendant for
13390 the first degree felony conviction; or
13391 (B) except as provided in Subsection (7)(a)(ii)(A), and if the defendant is
13392 convicted of a felony, within three years after the day on which the court
13393 sentences the defendant for the felony conviction.
- 13394 (b) A request for restitution that is made within the time period described in Subsection
13395 (7)(a) tolls the time for which the court [~~must~~] shall enter an order for restitution
13396 under Subsection (7)(a) but does not extend the term of the defendant's probation or
13397 period of incarceration.
- 13398 (8)(a) If a court does not order restitution at sentencing or at a hearing described in
13399 Subsection (6), the prosecuting attorney or the victim may file a motion for
13400 restitution within the time periods described in Subsection (7).
- 13401 (b) If the defendant receives notice and does not object to a motion for restitution, the
13402 court may order restitution without a hearing.
- 13403 (c) If the defendant receives notice and objects to a motion for restitution, the court may
13404 schedule a hearing to determine whether restitution should be ordered if the
13405 prosecuting attorney or victim shows good cause.
- 13406 (9) Upon a motion from the prosecuting attorney or the victim within the time periods
13407 described in Subsection (7), the court may modify an existing order of restitution,

13408 including the amount of pecuniary damages owed by the defendant in the order for
13409 restitution, if the prosecuting attorney or the victim shows good cause for modifying the
13410 order.

13411 Section 261. Section **77-38b-304** is amended to read:

13412 **77-38b-304 (Effective 07/01/26). Priority of payment disbursement.**

- 13413 (1) The court, or the office, shall disburse a payment for restitution within 60 days after the
13414 day on which the payment is received from the defendant if:
- 13415 (a) the victim has complied with Subsection 77-38b-203(2);
 - 13416 (b) if the defendant has tendered a negotiable instrument, funds from the financial
13417 institution are actually received;
 - 13418 (c) the payment to the victim is at least \$25, unless the payment is the final payment; and
 - 13419 (d) there is no pending legal issue that would affect an order for restitution or the
13420 distribution of restitution.
- 13421 (2) The court shall disburse money collected from a defendant for a criminal accounts
13422 receivable in the following order of priority:
- 13423 (a) first, and except as provided in Subsection (4)(b), to restitution owed by the
13424 defendant in accordance with Subsection (4);
 - 13425 (b) second, to the cost of obtaining a DNA specimen from the defendant as described in
13426 Subsection (4)(b);
 - 13427 (c) third, to any criminal fine or surcharge owed by the defendant;
 - 13428 (d) fourth, to the cost owed by the defendant for a reward described in Section
13429 77-32b-104;
 - 13430 (e) fifth, to the cost owed by the defendant for medical care, treatment, hospitalization,
13431 and related transportation paid by a county correctional facility under Section
13432 17-63-706; and
 - 13433 (f) sixth, to any other amount owed by the defendant.
- 13434 (3) When the office collects money from a defendant for a criminal accounts receivable, a
13435 civil accounts receivable, or a civil judgment of restitution, the office shall disburse the
13436 money in the following order of priority:
- 13437 (a) first, to any past due amount owed to the department for the monthly supervision fee
13438 under Subsection 64-14-204(6);
 - 13439 (b) second, and except as provided in Subsection (4)(b), to restitution owed by the
13440 defendant in accordance with Subsection (4);
 - 13441 (c) third, to the cost of obtaining a DNA specimen from the defendant in accordance

- 13442 with Subsection (4)(b);
- 13443 (d) fourth, to any criminal fine or surcharge owed by the defendant;
- 13444 (e) fifth, to the cost owed by the defendant for a reward described in Section 77-32b-104;
- 13445 (f) sixth, to the cost owed by the defendant for medical care, treatment, hospitalization
- 13446 and related transportation paid by a county correctional facility under Section
- 13447 17-63-706; and
- 13448 (g) seventh, to any other amount owed by the defendant.
- 13449 (4)(a) If a defendant owes restitution to more than one person or government agency at
- 13450 the same time, the court, or the office, shall disburse a payment for restitution in the
- 13451 following order of priority:
- 13452 (i) first, to the victim of the offense;
- 13453 (ii) second, to the [~~Utah~~]Office for Victims of Crime;
- 13454 (iii) third, any other government agency that has provided reimbursement to the
- 13455 victim as a result of the defendant's criminal conduct; and
- 13456 (iv) fourth, any insurance company that has provided reimbursement to the victim as
- 13457 a result of the defendant's criminal conduct.
- 13458 (b) If a defendant is required under Section 53-10-404 to reimburse the department for
- 13459 the cost of obtaining the defendant's DNA specimen, the reimbursement for the cost
- 13460 of obtaining the defendant's DNA specimen is the next priority after restitution to the
- 13461 victim of the offense under Subsection (4)(a)(i).
- 13462 (c) If a defendant is required to pay restitution to more than one victim, the court or the
- 13463 office shall disburse a payment for restitution proportionally to each victim.
- 13464 (5) Notwithstanding the requirements for the disbursement of a payment under Subsection
- 13465 (3) or (4), the office shall disburse money collected from a defendant to a debt that is a
- 13466 part of a civil accounts receivable or civil judgment of restitution if:
- 13467 (a) a defendant has provided a written request to the office to apply the payment to the
- 13468 debt; and
- 13469 (b)(i) the payment will eliminate the entire balance of the debt, including any interest;
- 13470 or
- 13471 (ii) after reaching a settlement, the payment amount will eliminate the entire agreed
- 13472 upon balance of the debt, including any interest.
- 13473 (6) For a criminal accounts receivable, the department shall collect the current and past due
- 13474 amount owed by a defendant for the monthly supervision fee under Subsection
- 13475 64-14-204(6)(a) until the court enters a civil accounts receivable on the civil judgment

13476 docket under Section 77-18-114.

13477 (7) Notwithstanding any other provision of this section:

- 13478 (a) the office may collect a fee, as described in Subsection 63A-3-502(4), from each
13479 payment for a criminal accounts receivable, a civil accounts receivable, or a civil
13480 judgment of restitution before disbursing the payment as described in this section; and
13481 (b) the office shall apply any payment collected through garnishment to the case for
13482 which the garnishment was issued.

13483 Section 262. Section **77-40a-101** is amended to read:

13484 **77-40a-101 (Effective 07/01/26). Definitions.**

13485 As used in this chapter:

- 13486 (1) "Agency" means a state, county, or local government entity that generates or maintains
13487 records relating to an investigation, arrest, detention, or conviction for an offense for
13488 which expungement may be ordered.
- 13489 (2) "Automatic expungement" means the expungement of records of an investigation,
13490 arrest, detention, or conviction of an offense without the filing of a petition.
- 13491 (3) "Bureau" means the Bureau of Criminal Identification of the Department of Public
13492 Safety established in Section 53-10-201.
- 13493 (4) "Certificate of eligibility" means a document issued by the bureau stating that the
13494 criminal record and all records of arrest, investigation, and detention associated with a
13495 case that is the subject of a petition for expungement is eligible for expungement.
- 13496 (5) "Civil accounts receivable" means the same as that term is defined in Section
13497 77-32b-102.
- 13498 (6) "Civil judgment of restitution" means the same as that term is defined in Section
13499 77-32b-102.
- 13500 (7) "Civil protective order" means the same as that term is defined in Section 78B-7-102.
- 13501 (8) "Clean slate eligible case" means a case that is eligible for automatic expungement
13502 under Section 77-40a-205.
- 13503 (9) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after
13504 trial, a plea of guilty, or a plea of nolo contendere.
- 13505 (10) "Court" means a district court or a justice court.
- 13506 (11) "Criminal accounts receivable" means the same as that term is defined in Section
13507 77-32b-102.
- 13508 (12) "Criminal protective order" means the same as that term is defined in Section
13509 78B-7-102.

- 13510 (13) "Criminal stalking injunction" means the same as that term is defined in Section
13511 78B-7-102.
- 13512 (14) "Department" means the Department of Public Safety established in Section 53-1-103.
- 13513 (15) "Drug possession offense" means:
- 13514 (a) an offense described in Subsection 58-37-8(2), except for:
- 13515 (i) an offense under Subsection 58-37-8(2)(b)(i), possession of 100 pounds or more
13516 of marijuana;
- 13517 (ii) an offense enhanced under Subsection 58-37-8(2)(e), violation in a correctional
13518 facility; or
- 13519 (iii) an offense for driving with a controlled substance illegally in the [person's]
13520 individual's body and negligently causing serious bodily injury or death of
13521 another, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section
13522 1, Subsection 58-37-8(2)(g);
- 13523 (b) an offense described in Subsection 58-37a-5(1), use or possession of drug
13524 paraphernalia;
- 13525 (c) an offense described in Section 58-37b-6, possession or use of an imitation
13526 controlled substance; or
- 13527 (d) any local ordinance which is substantially similar to any of the offenses described in
13528 this Subsection (15).
- 13529 (16)(a) "Expunge" means to remove a record from public inspection by:
- 13530 (i) sealing the record; or
13531 (ii) restricting or denying access to the record.
- 13532 (b) "Expunge" does not include the destruction of a record.
- 13533 (17) "Indigent" means a financial status that results from a court finding that a petitioner is
13534 financially unable to pay the fee to file a petition for expungement under Section
13535 78A-2-302.
- 13536 (18) "Jurisdiction" means a state, district, province, political subdivision, territory, or
13537 possession of the United States or any foreign country.
- 13538 (19)(a) "Minor regulatory offense" means a class B or C misdemeanor offense or a local
13539 ordinance.
- 13540 (b) "Minor regulatory offense" includes an offense under Section 76-9-110 or 76-9-1106.
- 13541 (c) "Minor regulatory offense" does not include:
- 13542 (i) any drug possession offense;
13543 (ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and

- 13544 Reckless Driving;
- 13545 (iii) an offense under Sections 73-18-13 through 73-18-13.6;
- 13546 (iv) except as provided in Subsection (19)(b), an offense under [~~Title 76, Utah~~
- 13547 ~~Criminal Code~~] Title 76, Criminal Offenses; or
- 13548 (v) any local ordinance that is substantially similar to an offense listed in Subsections
- 13549 (19)(c)(i) through (iv).
- 13550 (20) "Petitioner" means an individual applying for expungement under this chapter.
- 13551 (21) "Plea in abeyance" means the same as that term is defined in Section 77-2a-1.
- 13552 (22) "Record" means a book, letter, document, paper, map, plan, photograph, film, card,
- 13553 tape, recording, electronic data, or other documentary material, regardless of physical
- 13554 form or characteristics, that:
- 13555 (a) is contained in the agency's file regarding the arrest, detention, investigation,
- 13556 conviction, sentence, incarceration, probation, or parole of an individual; and
- 13557 (b) is prepared, owned, received, or retained by an agency, including a court.
- 13558 (23) "Special certificate" means a document issued as described in Subsection
- 13559 77-40a-304(1)(c) by the bureau stating that the criminal record and all records of arrest,
- 13560 investigation, and detention associated with the case do not clearly demonstrate whether
- 13561 the case is eligible for expungement.
- 13562 (24)(a) "Traffic offense" means:
- 13563 (i) an infraction or a class C misdemeanor offense under Title 41, Chapter 1a, Motor
- 13564 Vehicle Act;
- 13565 (ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense
- 13566 under Title 41, Chapter 6a, Traffic Code;
- 13567 (iii) an infraction or a class C misdemeanor offense under Title 41, Chapter 12a,
- 13568 Financial Responsibility of Motor Vehicle Owners and Operators Act;
- 13569 (iv) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense
- 13570 under Title 53, Chapter 3, Part 2, Driver Licensing Act;
- 13571 (v) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense
- 13572 under Title 73, Chapter 18, State Boating Act; and
- 13573 (vi) all local ordinances that are substantially similar to an offense listed in
- 13574 Subsections (24)(a)(i) through (iii).
- 13575 (b) "Traffic offense" does not include:
- 13576 (i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and
- 13577 Reckless Driving;

- 13578 (ii) an offense under Section 41-12a-302 for operating a motor vehicle without
 13579 owner's or operator's security;
- 13580 (iii) an offense under Section 41-12a-303.3 for providing false evidence of owner's or
 13581 operator's security;
- 13582 (iv) an offense under Sections 73-18-13 through 73-18-13.6; or
- 13583 (v) any local ordinance that is substantially similar to an offense listed in Subsection
 13584 (24)(b)(i) or (ii).
- 13585 (25) "Traffic offense case" means that each offense in the case is a traffic offense.
 13586 Section 263. Section **77-40a-403** is amended to read:
 13587 **77-40a-403 (Effective 07/01/26). Release and use of expunged records -- Agencies.**
- 13588 (1)(a) An agency with an expunged record, or any employee of an agency with an
 13589 expunged record, may not knowingly or intentionally divulge any information
 13590 contained in the expunged record to any person, or another agency, without a court
 13591 order unless:
- 13592 (i) specifically authorized by Subsection (4) or Section 77-40a-404; or
- 13593 (ii) subject to Subsection (1)(b), the information in an expunged record is being
 13594 shared with another agency through a records management system that both
 13595 agencies use for the purpose of record management.
- 13596 (b) An agency with a records management system may not disclose any information in
 13597 an expunged record to another agency or person, or allow another agency or person
 13598 access to an expunged record, if that agency or person does not use the records
 13599 management system for the purpose of record management.
- 13600 (2) The following entities or agencies may receive information contained in expunged
 13601 records upon specific request:
- 13602 (a) the Board of Pardons and Parole;
- 13603 (b) Peace Officer Standards and Training;
- 13604 (c) federal authorities if required by federal law;
- 13605 (d) the State Board of Education;
- 13606 (e) the [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice,
 13607 for purposes of investigating applicants for judicial office; and
- 13608 (f) a research institution or an agency engaged in research regarding the criminal justice
 13609 system if:
- 13610 (i) the research institution or agency provides a legitimate research purpose for
 13611 gathering information from the expunged records;

- 13612 (ii) the research institution or agency enters into a data sharing agreement with the
13613 court or agency with custody of the expunged records that protects the
13614 confidentiality of any identifying information in the expunged records;
- 13615 (iii) any research using expunged records does not include any individual's name or
13616 identifying information in any product of that research; and
- 13617 (iv) any product resulting from research using expunged records includes a disclosure
13618 that expunged records were used for research purposes.
- 13619 (3) Except as otherwise provided by this section or by court order, a person, an agency, or
13620 an entity authorized by this section to view expunged records may not reveal or release
13621 any information obtained from the expunged records to anyone outside the specific
13622 request, including distribution on a public website.
- 13623 (4) A prosecuting attorney may communicate with another prosecuting attorney, or another
13624 prosecutorial agency, regarding information in an expunged record that includes a
13625 conviction, or a charge dismissed as a result of a successful completion of a plea in
13626 abeyance agreement, for:
- 13627 (a) stalking as described in Section 76-5-106.5;
- 13628 (b) a domestic violence offense as defined in Section 77-36-1;
- 13629 (c) an offense that would result in the individual being a child abuse offender, a sex
13630 offender, or a kidnap offender under Section 53-29-202; or
- 13631 (d) a weapons offense under Title 76, Chapter 11, Weapons.
- 13632 (5) Except as provided in Subsection (7), a prosecuting attorney may not use an expunged
13633 record for the purpose of a sentencing enhancement or as a basis for charging an
13634 individual with an offense that requires a prior conviction.
- 13635 (6) The bureau may also use the information in the bureau's index as ~~provided~~ described in
13636 Section 53-5a-303.
- 13637 (7) If an individual is charged with a felony, or an offense eligible for enhancement based
13638 on a prior conviction, after obtaining an order of expungement, the prosecuting attorney
13639 may petition the court in which the individual is charged to open the expunged records
13640 upon a showing of good cause.
- 13641 (8)(a) For judicial sentencing, a court may order any records expunged under this
13642 chapter or Section 77-27-5.1 to be opened and admitted into evidence.
- 13643 (b) The records are confidential and are available for inspection only by the court,
13644 parties, counsel for the parties, and any other person who is authorized by the court to
13645 inspect ~~them~~ the records.

- 13646 (c) At the end of the action or proceeding, the court shall order the records expunged
13647 again.
- 13648 (d) Any person authorized by this Subsection (8) to view expunged records may not
13649 reveal or release any information obtained from the expunged records to anyone
13650 outside the court.
- 13651 (9) Records released under this chapter are classified as protected under Section 63G-2-305
13652 and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to
13653 Records, and Subsection 53-10-108(2)(k) for records held by the bureau.
- 13654 Section 264. Section **78A-2-109.5** is amended to read:
- 13655 **78A-2-109.5 (Effective 07/01/26). Court data collection and reporting.**
- 13656 (1) As used in this section, [~~commission~~] "department" means the [~~Commission on~~
13657 ~~Criminal and Juvenile Justice~~] Department of Criminal Justice created in Section [~~63M-7-201~~]
13658 75E-2-102.
- 13659 (2) The Administrative Office of the Courts shall submit the following information to the [~~commission~~]
13660 department for each criminal case filed with the court:
- 13661 (a) case number;
- 13662 (b) the defendant's:
- 13663 (i) full name;
- 13664 (ii) offense tracking number; and
- 13665 (iii) date of birth;
- 13666 (c) charges filed;
- 13667 (d) if applicable, all enhancements to the charges against the defendant;
- 13668 (e) initial appearance date;
- 13669 (f) bail amount set by the court, if any;
- 13670 (g) whether the defendant was represented by a public defender, private counsel, or pro
13671 se;
- 13672 (h) whether the defendant has previously been convicted of an offense;
- 13673 (i) final disposition of the charges; and
- 13674 (j) if the defendant is convicted, the defendant's total score for any pretrial risk
13675 assessment used by a magistrate or judge in making a determination about pretrial
13676 release as described in Section 77-20-205.
- 13677 (3)(a) The Administrative Office of the Courts shall submit the information described in
13678 Subsection (2) to the [~~commission~~] department on the 15th day of July and January of
13679 each year for the previous six-month period ending the last day of June and

- 13680 December of each year in the form and manner selected by the [commission]
13681 department.
- 13682 (b) If the last day of the month is a Saturday, Sunday, or state holiday, the
13683 Administrative Office of the Courts shall submit the information described in
13684 Subsection (2) to the [commission] department on the next working day.
- 13685 (4) Before July 1 of each year, the Administrative Office of the Courts shall submit the
13686 following data on cases involving individuals charged with class A misdemeanors and
13687 felonies, broken down by judicial district, to the [commission] department for each
13688 preceding calendar year:
- 13689 (a) the number of cases in which a preliminary hearing is set and placed on the court
13690 calendar;
- 13691 (b) the median and range of the number of times that a preliminary hearing is continued
13692 in cases in which a preliminary hearing is set and placed on the court calendar;
- 13693 (c) the number of cases, and the average time to disposition for those cases, in which
13694 only written statements from witnesses are submitted as probable cause at the
13695 preliminary hearing;
- 13696 (d) the number of cases, and the average time to disposition for those cases, in which
13697 written statements and witness testimony are submitted as probable cause at the
13698 preliminary hearing;
- 13699 (e) the number of cases, and the average time to disposition for those cases, in which
13700 only witness testimony is submitted as probable cause at the preliminary hearing; and
- 13701 (f) the number of cases in which a preliminary hearing is held and the defendant is
13702 bound over for trial.
- 13703 (5) The [commission] department shall include the data collected under Subsection (4) in
13704 the [commission's] department's annual report described in Section [63M-7-205]
13705 75E-2-204.
- 13706 (6) No later than November 1, 2027, the Administrative Office of the Courts shall provide
13707 the Law Enforcement and Criminal Justice Interim Committee with a written report on,
13708 for each fiscal year that begins on and after July 1, 2024:
- 13709 (a) the total number of offenses, including the level of each offense, for which an
13710 enhancement was sought under Section 76-3-203.17;
- 13711 (b) the total number of offenses, including the level of each offense, that were enhanced
13712 under Section 76-3-203.17; and
- 13713 (c) the total amount of fines that were imposed under Section 76-3-203.17.

13714 Section 265. Section **78A-6-102** is amended to read:

13715 **78A-6-102 (Effective 07/01/26). Establishment of juvenile court -- Organization**
13716 **and status of court -- Purpose.**

13717 (1) There is established a juvenile court for the state.

13718 (2)(a) The juvenile court is a court of record.

13719 (b) The juvenile court shall have a seal.

13720 (c) The juvenile court's judges, clerks, and referees have the power to administer oaths
13721 and affirmations.

13722 (d) The juvenile court has the authority to issue search warrants, subpoenas, or
13723 investigative subpoenas under Section 80-2a-202, Part 4a, Adult Criminal
13724 Proceedings, Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, Title
13725 80, Chapter 4, Termination and Restoration of Parental Rights, and Title 80, Chapter
13726 6, Juvenile Justice, for the same purposes and in the same manner as described in [
13727 ~~Title 77, Utah Code of Criminal Procedure~~] Title 77, Criminal Procedure, and the
13728 Utah Rules of Criminal Procedure, for the issuance of search warrants, subpoenas, or
13729 investigative subpoenas in other trial courts in the state.

13730 (3) The juvenile court is of equal status with the district courts of the state.

13731 (4) The juvenile court is established as a forum for the resolution of all matters properly
13732 brought before the juvenile court, consistent with applicable constitutional and statutory
13733 requirements of due process.

13734 (5) The purpose of the court under this chapter is to:

13735 (a) promote public safety and individual accountability by the imposition of appropriate
13736 sanctions on [~~persons~~] individuals who have committed acts in violation of law;

13737 (b) order appropriate measures to promote guidance and control, preferably in the
13738 minor's own home, as an aid in the prevention of future unlawful conduct and the
13739 development of responsible citizenship;

13740 (c) where appropriate, order rehabilitation, reeducation, and treatment for [~~persons~~]
13741 individuals who have committed acts bringing them within the court's jurisdiction;

13742 (d) adjudicate matters that relate to minors who are beyond parental or adult control and
13743 to establish appropriate authority over these minors by means of placement and
13744 control orders;

13745 (e) adjudicate matters that relate to abused, neglected, and dependent children and to
13746 provide care and protection for minors by placement, protection, and custody orders;

13747 (f) remove a minor from parental custody only where the minor's safety or welfare, or

13748 the public safety, may not otherwise be adequately safeguarded; and
 13749 (g) consistent with the ends of justice, act in the best interests of the minor in all cases
 13750 and preserve and strengthen family ties.

13751 Section 266. Section **78A-10a-304** is amended to read:

78A-10a-304 (Effective 07/01/26). Procedure -- Staff.

- 13753 (1) Four commissioners are a quorum.
- 13754 (2) The [~~governor shall appoint a member of the governor's staff to serve as staff to]~~
 13755 Department of Criminal Justice created in Section 75E-2-102 shall administer and staff
 13756 the commission.
- 13757 (3) The [~~governor~~] commissioner of the Department of Criminal Justice shall:
 13758 (a) ensure that the commission follows the rules [~~promulgated~~] made by the [~~State~~
 13759 ~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice under
 13760 Section [~~78A-10a-201~~] 75E-2-209; and
 13761 (b) resolve any questions regarding the rules described in Subsection (3)(a).
- 13762 (4) A commissioner who is a licensed attorney may recuse oneself if there is a conflict of
 13763 interest that makes the commissioner unable to serve.

13764 Section 267. Section **78A-10a-404** is amended to read:

78A-10a-404 (Effective 07/01/26). Procedure -- Staff.

- 13766 (1) Four commissioners are a quorum.
- 13767 (2) The [~~governor shall appoint a member of the governor's staff to serve as staff for each]~~
 13768 Department of Criminal Justice created in Section 75E-2-102 shall administer and staff
 13769 each commission.
- 13770 (3) The [~~governor~~] commissioner of the Department of Criminal Justice shall:
 13771 (a) ensure that each commission follows the rules [~~promulgated~~] made by the [~~State~~
 13772 ~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice under
 13773 Section [~~78A-10a-201~~] 75E-2-209; and
 13774 (b) resolve any questions regarding the rules.
- 13775 (4) A commissioner who is a licensed attorney may recuse oneself if there is a conflict of
 13776 interest that makes the commissioner unable to serve.

13777 Section 268. Section **78A-10a-504** is amended to read:

78A-10a-504 (Effective 07/01/26). Procedure -- Staff -- Rules -- Recusal.

- 13779 (1) Four commissioners are a quorum.
- 13780 (2) The [~~governor shall appoint a member of the governor's staff to serve as staff to]~~
 13781 Department of Criminal Justice created in Section 75E-2-102 shall administer and staff

13782 the commission.

13783 (3) The ~~[governor]~~ commissioner of the Department of Criminal Justice shall:

13784 (a) ensure that the commission follows the rules ~~[promulgated]~~ made by the ~~[State~~
13785 ~~Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice under
13786 Section ~~[78A-10a-201]~~ 75E-2-209; and

13787 (b) resolve any questions regarding the rules described in Subsection (3)(a).

13788 (4) A commissioner who is a licensed attorney may recuse oneself if there is a conflict of
13789 interest that makes the commissioner unable to serve.

13790 Section 269. Section **78A-12-201** is amended to read:

13791 **78A-12-201 (Effective 07/01/26). Judicial Performance Evaluation Commission**
13792 **-- Creation -- Membership.**

13793 (1) There is created an independent commission called the Judicial Performance Evaluation
13794 Commission consisting of 13 members, as follows:

13795 (a) two members appointed by the president of the Senate, only one of whom may be a
13796 member of the Utah State Bar;

13797 (b) two members appointed by the speaker of the House of Representatives, only one of
13798 whom may be a member of the Utah State Bar;

13799 (c) four members appointed by the members of the Supreme Court, at least one of
13800 whom, but not more than two of whom, may be a member of the Utah State Bar;

13801 (d) four members appointed by the governor, at least one of whom, but not more than
13802 two of whom, may be a member of the Utah State Bar; and

13803 (e) the ~~[executive director of the Commission on Criminal and Juvenile Justice]~~
13804 commissioner of the Department of Criminal Justice.

13805 (2)(a) The president of the Senate and the speaker of the House of Representatives shall
13806 confer when appointing members under Subsections (1)(a) and (b) to ensure that
13807 there is at least one member from among their four appointees who is a member of
13808 the Utah State Bar.

13809 (b) A sitting legislator or a sitting judge may not serve as a commission member.

13810 (3)(a) A member appointed under Subsection (1) shall be appointed for a four-year term.

13811 (b) A member may serve no more than three consecutive terms.

13812 (4) At the time of appointment, the terms of commission members shall be staggered so that
13813 approximately half of commission members' terms expire every two years.

13814 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
13815 appointed for the unexpired term by the same appointing authority that appointed the

13816 member creating the vacancy.

13817 (6)(a) Eight members of the commission constitute a quorum.

13818 (b) The action of a majority of the quorum constitutes the action of the commission,
13819 except that the commission may not make a determination that a judge meets or
13820 exceeds minimum performance standards, or that a judge does not meet or exceed
13821 minimum performance standards, by a vote of less than six members.

13822 (c) If, because of absences, the commission is unable to make a determination described
13823 in Subsection (6)(b) by at least six votes, the commission may meet a second time to
13824 make a determination.

13825 (d) If a vote on the question of whether a judge meets or exceeds minimum performance
13826 standards or does not meet or exceed minimum performance standards ends in a tie
13827 or does not pass by at least six votes, the record shall reflect that the commission
13828 made no determination in relation to that judge.

13829 Section 270. Section **78A-12-202** is amended to read:

13830 **78A-12-202 (Effective 07/01/26). Salary and expenses -- Staff.**

13831 (1) A member may not receive compensation or benefits for the member's service, but may
13832 receive per diem and travel expenses in accordance with:

13833 (a) Section 63A-3-106;

13834 (b) Section 63A-3-107; and

13835 (c) rules made by the Division of Finance [~~pursuant to~~] in accordance with Sections
13836 63A-3-106 and 63A-3-107.

13837 (2) The commission shall elect a chair from among [~~its~~] the commission's members.

13838 (3) The commission shall employ an executive director and may employ additional staff as
13839 necessary within budgetary constraints.

13840 (4) The commission shall be located in the [~~Commission on Criminal and Juvenile Justice~~]
13841 Department of Criminal Justice.

13842 Section 271. Section **78B-3-1003** is amended to read:

13843 **78B-3-1003 (Effective 07/01/26). Liability of a parent or guardian for repeated**
13844 **offenses by a minor on school grounds.**

13845 (1) Except as provided in Subsection (6), if a person suffers damages from a minor
13846 committing the same offense repeatedly on school grounds for an offense in [~~Title 76,~~
13847 ~~Utah Criminal Code~~] Title 76, Criminal Offenses, or Title 80, Utah Juvenile Code, the
13848 person may bring a cause of action against a parent or guardian with legal custody of the
13849 minor to recover costs and damages caused by the repeated offense.

- 13850 (2) The parent or guardian is not liable for costs or damages under Subsection (1) if the
 13851 parent or guardian made a reasonable effort to supervise and direct the minor.
- 13852 (3) If a parent or guardian is found liable under this section, the court may waive part or all
 13853 of the parent's or guardian's liability for costs or damages if the court finds:
 13854 (a) good cause; or
 13855 (b) that the parent or guardian reported the minor's wrongful conduct to law enforcement
 13856 after the parent or guardian knew of the minor's wrongful conduct.
- 13857 (4) A report is not required under Subsection [~~(3)(b)(ii)~~] (3)(b) from a parent or guardian if
 13858 the minor was arrested or apprehended by law enforcement.
- 13859 (5) An adjudication or a conviction of a minor for a repeated offense under [~~Title 76, Utah~~
 13860 ~~Criminal Code~~] Title 76, Criminal Offenses, or Title 80, Utah Juvenile Code, is not
 13861 required for a civil action to be brought under this section.
- 13862 (6) A person may not bring a cause of action against the state, an agency of the state, or a
 13863 contracted provider of an agency of the state, under this section.

13864 Section 272. Section **78B-6-2105** is amended to read:

13865 **78B-6-2105 (Effective 07/01/26). Civil action for enforcement -- Penalties.**

- 13866 (1) A person who distributes or otherwise provides pornographic material to consumers
 13867 may not distribute any obscene material or performance as defined in Section 76-5c-101
 13868 without first giving a clear and reasonable warning of the harmful impact of exposing
 13869 minors to the material or performance.
- 13870 (2) The warning of the harm shall be prominently displayed in the following form:
 13871 STATE OF UTAH WARNING
 13872 Exposing minors to obscene material may damage or negatively impact minors.
- 13873 (3)(a) For print publications created after May 12, 2020, the warning in Subsection (2)
 13874 shall be placed in clear, readable type on the cover of each publication which
 13875 includes material as defined in Section 76-5c-101.
- 13876 (b) For digital publications:
 13877 (i) the warning in Subsection (2) shall be displayed in searchable text format and for
 13878 at least five seconds [~~prior to~~] before the display of any video or each image which
 13879 includes material as defined in Section 76-5c-101; or
 13880 (ii) if the website complies with Subsection 78B-6-2103(3), it is not required to
 13881 display the warning in Subsection (2) [~~prior to~~] before each video or image
 13882 contained on the website.
- 13883 (4) A person who violates this section shall be liable for a civil penalty not to exceed

- 13884 \$2,500 per violation, plus filing fees and attorney fees, in addition to any other penalty
13885 established by law, and enjoined from further violations.
- 13886 (5) The civil penalty may be assessed and recovered in a civil action brought in any court of
13887 competent jurisdiction.
- 13888 (6) Each of the following violations shall create a separate liability per violation:
- 13889 (a) the sale or display of potentially harmful content without the warning required in
13890 Subsection (2), in accordance with Subsection (3); or
- 13891 (b) the absence of the following searchable text within the website's metadata -
13892 utahobscenitywarning.
- 13893 (7)(a) The determination by a court as to whether a person is distributing material the
13894 state considers to be obscene material or performance as defined in Section [
13895 78B-6-1203] 76-5c-101 shall be proven by clear and convincing evidence.[-]
- 13896 (b) All other elements of proof shall be proven by a preponderance of the evidence.
- 13897 (8) The court, in ordering payment, shall specify each amount for the civil penalty, filing
13898 fees, and attorney fees.
- 13899 (9) In assessing the amount of a civil penalty for a violation of this chapter, the court shall
13900 consider all of the following:
- 13901 (a) the nature and extent of the violation;
- 13902 (b) the number and severity of the violations;
- 13903 (c) the economic effect of the penalty on the violator;
- 13904 (d) whether the violator took good faith measures to comply with this chapter and when
13905 those measures were taken;
- 13906 (e) the willfulness of the violator's misconduct;
- 13907 (f) the deterrent effect that the imposition of the penalty would have on both the violator
13908 and the regulated community as a whole; and
- 13909 (g) any other factor that the court determines justice requires.
- 13910 (10) Actions [~~pursuant to~~] described in this section may be brought by the attorney general's
13911 office in the name of the people of the state or by a private person in accordance with
13912 Subsection (11).
- 13913 (11) A private person may bring an action in the public interest [~~pursuant to~~] in accordance
13914 with this section if:
- 13915 (a) the person has served notice of an alleged violation of Section 78B-6-2103 on the
13916 alleged violator and the attorney general's office;
- 13917 (b) the attorney general's office has not provided a letter to the noticing party within 60

13918 days of receipt of the notice of an alleged violation indicating that:

13919 (i) an action is currently being pursued or will be pursued by the attorney general's
13920 office regarding the violation; or

13921 (ii) the attorney general believes that there is no merit to the action; and

13922 (c) the alleged violator has not responded to the notice of alleged violation or returned
13923 the proof of compliance form provided in Subsection (17).

13924 (12) If a lawsuit is commenced, the plaintiff may include additional violations in the claim
13925 that are discovered through the discovery process.

13926 (13)(a) Notice of the alleged violation shall be executed by the attorney for the noticing
13927 party, or by the noticing party, if the noticing party is not represented by an attorney,
13928 and include a notice of alleged violation.[-]

13929 (b) The notice of alleged violation shall:

13930 [~~(a)~~] (i) state that the person executing the notice believes that there is a violation; and

13931 [~~(b)~~] (ii) provide factual information sufficient to establish the basis for the alleged
13932 violation.

13933 (14)(a) A person who serves a notice of alleged violation [~~identified~~] described in

13934 Subsection (13) shall complete and provide to the alleged violator at the time the
13935 notice of alleged violation is served, a notice of special compliance procedure and
13936 proof of compliance form [~~pursuant to~~] described in Subsection (17).[-]

13937 (b) The person may file an action against the alleged violator, or recover from the
13938 alleged violator if:

13939 [~~(a)~~] (i) the notice of alleged violation alleges that the alleged violator failed to
13940 provide a clear and reasonable warning as required under Subsection (1); and

13941 [~~(b)~~] (ii) within 14 days after receipt of the notice of alleged violation, the alleged
13942 violator has not:

13943 [~~(i)~~] (A) corrected the alleged violation and all similar violations known to the
13944 alleged violator;

13945 [~~(ii)~~] (B) agreed to pay a penalty for the alleged violation in the amount of \$500
13946 per violation; and

13947 [~~(iii)~~] (C) notified, in writing, the noticing party that the violation has been
13948 corrected.

13949 (15)(a) The written notice required in Subsection [~~(14)(b)(iii)~~] (14)(b)(ii)(C) shall be the
13950 notice of special compliance procedure and proof of compliance form specified in
13951 Subsection (17).[-]

13952 (b) The alleged violator shall deliver the civil penalty to the noticing party within 30
13953 days of receipt of the notice of alleged violation.

13954 (16)(a) The attorney general shall review the notice of alleged violation and may confer
13955 with the noticing party.[-]

13956 (b) If the attorney general believes there is no merit to the action, the attorney general
13957 shall, within 45 days of receipt of the notice of alleged violation, provide a letter to
13958 the noticing party and the alleged violator stating that the attorney general believes
13959 there is no merit to the action.

13960 (17) The notice required to be provided to an alleged violator [~~pursuant to~~] in accordance with
13961 Subsection (14) shall be presented as follows:

- 13962 Date:
- 13963 Name of Noticing Party or attorney for Noticing Party:
- 13964 Address:
- 13965 Phone number:

13966 SPECIAL COMPLIANCE PROCEDURE
13967 PROOF OF COMPLIANCE

13968 You are receiving this form because the Noticing Party listed above has alleged that you
13969 are in violation of Utah Code Section 78B-6-2103.

13970 The Noticing Party may bring legal proceedings against you for the alleged violation
13971 checked below if:

- 13972 (1) you have not actually taken the corrective steps that you have certified in this form;
- 13973 (2) the Noticing Party has not received this form at the address shown above, accurately
13974 completed by you, postmarked within 14 days of your receiving this notice; and
- 13975 (3) the Noticing Party does not receive the required \$500 penalty payment for each
13976 violation alleged from you at the address shown above postmarked within 30 days of your
13977 receiving this notice.

13978 PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY FOR
13979 THE NOTICING PARTY

13980 This notice of alleged violation is for failure to warn against an exposure to minors of
13981 materials considered harmful to minors. (provide complete description of violation, including
13982 when and where observed)

- 13983 Date:
- 13984 Name of Noticing Party or attorney for Noticing Party:
- 13985 Address:

13986 Phone number:

13987 PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED
13988 REPRESENTATIVE

13989 Certification of Compliance

13990 Accurate completion of this form will demonstrate that you are now in compliance with
13991 Utah Code Section 78B-6-2103, for the alleged violation listed above. You must complete and
13992 submit the form below to the Noticing Party at the address shown above, postmarked within 14
13993 days of you receiving this notice.

13994 I hereby agree to pay, within 30 days of receipt of this notice, a penalty of \$500 for each
13995 violation alleged to the Noticing Party only and certify that I have complied with by (check
13996 only one of the following):

13997 Posting a warning or warnings, and attaching a copy of that warning and a
13998 photograph accurately showing its placement on the print or digital publication.

13999 Eliminating the alleged exposure, and attaching a statement accurately describing
14000 how the alleged exposure has been eliminated.

14001 CERTIFICATION

14002 My statements on this form, and on any attachments to it, are true, complete, and correct
14003 to the best of my knowledge and belief and are made in good faith. I have carefully read the
14004 instructions to complete this form. I understand that if I make a false statement on this form, I
14005 may be subject to additional penalties under Utah Code Sections 76-5c-205 and 76-5c-206.

14006 Signature of alleged violator or authorized representative:

14007 Date:

14008 Name and title of signatory:

14009 (18) An alleged violator may satisfy the conditions set forth in Subsection (17) only one
14010 time for a specific violation.

14011 (19) Notwithstanding Subsection (17), the attorney general may file an action [~~pursuant to~~
14012 in accordance with Subsection (10) against an alleged violator. In any action, the amount
14013 of any civil penalty for a violation shall be reduced to reflect any payment made by the
14014 alleged violator to a private person in accordance with Subsection (17) for the same
14015 alleged violation.

14016 (20) Payments shall be made in accordance with this section.

14017 (a) A civil penalty ordered by the court shall be paid to the plaintiff as directed by the
14018 court.

14019 (b) A penalty paid in accordance with the special compliance procedure in Subsection

- 14020 (17) shall be made directly to the noticing party.
- 14021 (21)(a) The [Utah]Office for Victims of Crime shall receive 50% of any penalty paid in
14022 accordance with this section.[-]
- 14023 (b) Funds received shall be deposited into the Crime Victim [Reparations] Compensation
14024 Fund created in Section [63M-7-526] 75E-5-302.[-]
- 14025 (c) The penalty amount upon which the 50% is calculated may not include attorney fees
14026 or costs awarded by the court.
- 14027 [~~(a)~~] (d) If the penalty is paid to a noticing party in accordance with Subsection (17), the
14028 noticing party shall remit the required amount along with a copy of the Special
14029 Compliance Procedure document.
- 14030 [~~(b)~~] (e) If a civil penalty is ordered by the court, the plaintiff shall remit the required
14031 amount along with a copy of the court order.
- 14032 (22) The attorney general's office shall provide to the [Utah]Office for Victims of Crime a
14033 copy of all notices of alleged violations to which the attorney general's office did not
14034 respond with a letter of no merit in accordance with Subsection (16).
- 14035 (23) The court shall provide to the [Utah]Office for Victims of Crime a copy of the court's
14036 order for payment.
- 14037 (24) The [Utah]Office for Victims of Crime shall:
- 14038 (a) maintain a record of documents and payments submitted [~~pursuant to~~] in accordance
14039 with Subsections (21), (22), and (23); and
- 14040 (b) create and provide to the Legislature in odd-numbered years beginning November
14041 2021, a report containing the following for the previous two years:
- 14042 (i) the number of notices of alleged violations received from the attorney general's
14043 office;
- 14044 (ii) the number of court orders received; and
- 14045 (iii) the total amount received and deposited into the Crime Victim [Reparations]
14046 Compensation Fund.
- 14047 (25) This section does not apply to:
- 14048 (a) a person portrayed in obscene or pornographic material that is created, duplicated, or
14049 distributed without the person's knowledge or consent; or
- 14050 (b) a person who is coerced or blackmailed into distributing obscene or pornographic
14051 material.
- 14052 (26)(a) Beginning May 1, 2025, and at each five-year interval, the dollar amount of the
14053 civil penalty provided in Subsection (4) shall be adjusted by the Judicial Council

14054 based on the change in the annual Consumer Price Index for the most recent five-year
14055 period ending on December 31 of the previous year, and rounded to the nearest five
14056 dollars.[-]

14057 (b) The attorney general shall publish the dollar amount of the civil penalty together
14058 with the date of the next scheduled adjustment.

14059 Section 273. Section **78B-8-201** is amended to read:

14060 **78B-8-201 (Effective 07/01/26). Basis for punitive damages awards -- Section**
14061 **inapplicable to DUI cases or providing illegal controlled substances -- Division of award**
14062 **with state -- Deposit of state judgment payments.**

14063 (1)(a) Except as otherwise provided by statute, punitive damages may be awarded only
14064 if compensatory or general damages are awarded and it is established by clear and
14065 convincing evidence that the acts or omissions of the tortfeasor are the result of
14066 willful and malicious or intentionally fraudulent conduct, or conduct that manifests a
14067 knowing and reckless indifference toward, and a disregard of, the rights of others.

14068 (b) The limitations, standards of evidence, and standards of conduct of Subsection (1)(a)
14069 do not apply to any claim for punitive damages arising out of the tortfeasor's:

14070 (i) operation of a motor vehicle or motorboat while voluntarily intoxicated or under
14071 the influence of any drug or combination of alcohol and drugs as prohibited by
14072 Section 41-6a-502;

14073 (ii) causing death of another person by providing or administering an illegal
14074 controlled substance to the person under Section 78B-3-801; or

14075 (iii) providing an illegal controlled substance to any person in the chain of transfer
14076 that connects directly to a person who subsequently provided or administered the
14077 substance to a person whose death was caused in whole or in part by the substance.

14078 (c) The award of a penalty under Section 78B-3-108 regarding shoplifting is not subject
14079 to the prior award of compensatory or general damages under Subsection (1)(a)
14080 whether[~~or not~~] restitution has been paid to the merchant [~~prior to~~] before or as a part
14081 of a civil action under Section 78B-3-108.

14082 (2) Evidence of a party's wealth or financial condition shall be admissible only after a
14083 finding of liability for punitive damages has been made.

14084 (a) Discovery concerning a party's wealth or financial condition may only be allowed
14085 after the party seeking punitive damages has established a prima facie case on the
14086 record that an award of punitive damages is reasonably likely against the party about
14087 whom discovery is sought and, if disputed, the court is satisfied that the discovery is

- 14088 not sought for the purpose of harassment.
- 14089 (b) Subsection (2)(a) does not apply to any claim for punitive damages arising out of the
14090 tortfeasor's:
- 14091 (i) operation of a motor vehicle or motorboat while voluntarily intoxicated or under
14092 the influence of any drug or combination of alcohol and drugs as prohibited by
14093 Section 41-6a-502;
- 14094 (ii) causing death of another person or causing a person to be addicted by providing
14095 or administering an illegal controlled substance to the person under Section
14096 78B-3-801; or
- 14097 (iii) providing an illegal controlled substance to any person in the chain of transfer
14098 that connects directly to a person who subsequently provided or administered the
14099 substance to a person whose death was caused in whole or in part by the substance.
- 14100 (3)(a) In any case where punitive damages are awarded, the court shall enter judgment as
14101 follows:
- 14102 (i) for the first \$50,000, judgment shall be in favor of the injured party; and
14103 (ii) any amount in excess of \$50,000 shall be divided equally between the state and
14104 the injured party, and judgment to each entered accordingly.
- 14105 (b)(i) The actual and bona fide attorney fees and costs incurred in obtaining and
14106 collecting the judgment for punitive damages shall be considered to have been
14107 incurred by the state and the injured party in proportion to the judgment entered in
14108 each party's behalf.
- 14109 (A) The state and injured party shall be responsible for each one's proportionate
14110 share only.
- 14111 (B) The state is liable to pay [its] the state's proportionate share only to the extent [
14112 it] the state receives payment toward [its] the state's judgment.
- 14113 (ii)(A) If the court awards attorney fees and costs to the injured party as a direct
14114 result of the punitive damage award, the state shall have a corresponding credit
14115 in a proportionate amount based on the amounts of the party's respective
14116 punitive damage judgments.[-]
- 14117 (B) This credit may be applied as an offset against the amount of attorney fees and
14118 costs charged to the state for obtaining the punitive damage judgment.
- 14119 (c) The state shall have all rights due a judgment creditor to collect the full amounts of
14120 both punitive damage judgments until the judgments are fully satisfied.
- 14121 [(†)] (d) Neither party is required to pursue collection.

- 14122 [(ii)] (e) In pursuing collection, the state may exercise any of [its] the state's collection
 14123 rights under [~~Section 63A-3-301 et seq., Section 63A-3-502 et seq.~~] Title 63A,
 14124 Chapter 3, Part 3, Accounts Receivable Collection, Title 63A, Chapter 3, Part 5,
 14125 Office of State Debt Collection, and any other statutory provisions.[-]
- 14126 (f) Any amounts collected on [~~these~~] the judgments described in Subsection (3)(e) by
 14127 either party shall be held in trust and distributed as set forth in Subsection [~~(3)(e)~~]
 14128 (3)(i).
- 14129 [~~(d)~~] (g) Unless all affected parties, including the state, expressly agree otherwise,
 14130 collection on the punitive damages judgment shall be deferred until all other
 14131 judgments have been fully paid.[-]
- 14132 (h) Any payment by or on behalf of any judgment debtor, whether voluntary, by
 14133 execution, or otherwise, shall be distributed and applied in the following order:
 14134 (i) to the judgment for compensatory damage and any applicable judgment for
 14135 attorney fees and costs;
 14136 (ii) to the initial \$50,000 of the punitive damage judgment;
 14137 (iii) to any judgment for attorney fees and costs awarded as a direct result of the
 14138 punitive damages; and
 14139 (iv) to the remaining judgments for punitive damages.
- 14140 [~~(e)~~] (i) Any partial payments shall be distributed equally between the state and injured
 14141 party.
- 14142 [~~(f)~~] (j) After the payment of attorney fees and costs, all amounts paid on the state's
 14143 judgment shall be remitted:
 14144 (i) for an amount received on or before May 11, 2025, to the state treasurer to be
 14145 deposited into the General Fund; and
 14146 (ii) for an amount received after May 11, 2025, to the state treasurer to be deposited
 14147 into the [~~Victims~~] Victim Services Restricted Fund established in Section [~~63M-7-219~~]
 14148 75E-2-305.

14149 Section 274. Section **78B-9-109** is amended to read:

14150 **78B-9-109 (Effective 07/01/26). Appointment of pro bono counsel or counsel**
 14151 **from Indigent Appellate Defense Division.**

- 14152 (1)(a) If any portion of the petition is not summarily dismissed, the court may, upon the
 14153 request of an indigent petitioner, appoint counsel on a pro bono basis or from the
 14154 Indigent Appellate Defense Division, created in Section [~~78B-22-902~~] 75E-10-602, to
 14155 represent the petitioner in the postconviction court or on postconviction appeal.

14156 (b) Counsel who represented the petitioner at trial or on the direct appeal may not be
14157 appointed to represent the petitioner under this section.

14158 (2) In determining whether to appoint counsel, the court may consider:

14159 (a) whether the petitioner is incarcerated;

14160 (b) the likelihood that an evidentiary hearing will be necessary;

14161 (c) the likelihood that an investigation will be necessary;

14162 (d) the complexity of the factual and legal issues; and

14163 (e) any other factor relevant to the particular case.

14164 (3) An allegation that counsel appointed under this section was ineffective cannot be the
14165 basis for relief in any subsequent postconviction petition.

14166 Section 275. Section **78B-9-402** is amended to read:

14167 **78B-9-402 (Effective 07/01/26). Petition for determination of factual innocence --**
14168 **Sufficient allegations -- Notification of victim -- Payment to surviving spouse.**

14169 (1) [~~A person~~] An individual who has been convicted of a felony offense may petition the
14170 district court in the county in which the [~~person~~] individual was convicted for a hearing
14171 to establish that the [~~person~~] individual is factually innocent of the crime or crimes of
14172 which the [~~person~~] individual was convicted.

14173 (2)(a) The petition shall contain an assertion of factual innocence under oath by the
14174 petitioner and shall aver, with supporting affidavits or other credible documents, that:

14175 (i) newly discovered material evidence exists that, if credible, establishes that the
14176 petitioner is factually innocent;

14177 (ii) the specific evidence identified by the petitioner in the petition establishes
14178 innocence;

14179 (iii) the material evidence is not merely cumulative of evidence that was known;

14180 (iv) the material evidence is not merely impeachment evidence; and

14181 (v) viewed with all the other evidence, the newly discovered evidence demonstrates
14182 that the petitioner is factually innocent.

14183 (b)(i) The court shall review the petition in accordance with the procedures in
14184 Subsection (9)(b), and make a finding that the petition has satisfied the
14185 requirements of Subsection (2)(a).

14186 (ii) If the court finds the petition does not meet all the requirements of Subsection
14187 (2)(a), the court shall dismiss the petition without prejudice and send notice of the
14188 dismissal to the petitioner and the attorney general.

14189 (3)(a) The petition shall also contain an averment that:

- 14190 (i) neither the petitioner nor the petitioner's counsel knew of the evidence at the time
14191 of trial or sentencing or in time to include the evidence in any previously filed
14192 post-trial motion or postconviction motion, and the evidence could not have been
14193 discovered by the petitioner or the petitioner's counsel through the exercise of
14194 reasonable diligence; or
- 14195 (ii) a court has found ineffective assistance of counsel for failing to exercise
14196 reasonable diligence in uncovering the evidence.
- 14197 (b)(i) Upon entry of a finding that the petition is sufficient under Subsection (2)(a),
14198 the court shall then review the petition to determine if Subsection (3)(a) has been
14199 satisfied.
- 14200 (ii) If the court finds that the requirements of Subsection (3)(a) have not been
14201 satisfied, the court may dismiss the petition without prejudice and give notice to
14202 the petitioner and the attorney general of the dismissal, or the court may waive the
14203 requirements of Subsection (3)(a) if the court finds the petition should proceed to
14204 hearing based upon the strength of the petition, and that there is other evidence
14205 that could have been discovered through the exercise of reasonable diligence by
14206 the petitioner or the petitioner's counsel at trial, and the other evidence:
14207 (A) was not discovered by the petitioner or the petitioner's counsel;
14208 (B) is material upon the issue of factual innocence; and
14209 (C) has never been presented to a court.
- 14210 (4)(a) If the conviction for which the petitioner asserts factual innocence was based upon
14211 a plea of guilty, the petition shall contain the specific nature and content of the
14212 evidence that establishes factual innocence.
- 14213 (b) The court shall review the evidence and may dismiss the petition at any time in the
14214 course of the proceedings, if the court finds that the evidence of factual innocence
14215 relies solely upon the recantation of testimony or prior statements made by a witness
14216 against the petitioner, and the recantation appears to the court to be equivocal or self
14217 serving.
- 14218 (5) ~~[A person]~~ An individual who has already obtained postconviction relief that vacated or
14219 reversed the ~~[person's]~~ individual's conviction or sentence may also file a petition under
14220 this part in the same manner and form as described above, if no retrial or appeal
14221 regarding this offense is pending.
- 14222 (6) If some or all of the evidence alleged to be exonerating is biological evidence subject to
14223 DNA testing, the petitioner shall seek DNA testing in accordance with Section

14224 78B-9-301.

14225 (7) Except as provided in Subsection (9), the petition and all subsequent proceedings shall
14226 be in compliance with and governed by Utah Rules of Civil Procedure, Rule 65C and
14227 shall include the underlying criminal case number.

14228 (8) After a petition is filed under this section, prosecutors, law enforcement officers, and
14229 crime laboratory personnel shall cooperate in preserving evidence and in determining
14230 the sufficiency of the chain of custody of the evidence which is the subject of the
14231 petition.

14232 (9)(a) [~~A person~~] An individual who files a petition under this section shall serve notice
14233 of the petition and a copy of the petition upon the office of the [~~prosecutor~~]
14234 prosecuting attorney who obtained the conviction and upon the [~~Utah~~]attorney
14235 general.

14236 (b)(i) The assigned judge shall conduct an initial review of the petition.

14237 (ii) If it is apparent to the court that the petitioner is either merely relitigating facts,
14238 issues, or evidence presented in previous proceedings or presenting issues that
14239 appear frivolous or speculative on their face, the court shall dismiss the petition,
14240 state the basis for the dismissal, and serve notice of dismissal upon the petitioner
14241 and the attorney general.

14242 (iii) If, upon completion of the initial review, the court does not dismiss the petition,
14243 the court shall order the attorney general to file a response to the petition.

14244 (iv) The attorney general shall, within 30 days after the day on which the attorney
14245 general receives the court's order, or within any additional period of time the court
14246 allows, answer or otherwise respond to all proceedings initiated under this part.

14247 (c)(i) After the time for response by the attorney general under Subsection (9)(b) has
14248 passed, the court shall order a hearing if the court finds the petition meets the
14249 requirements of Subsections (2) and (3) and finds there is a bona fide and
14250 compelling issue of factual innocence regarding the charges of which the
14251 petitioner was convicted.

14252 (ii) No bona fide and compelling issue of factual innocence exists if the petitioner is
14253 merely relitigating facts, issues, or evidence presented in a previous proceeding or
14254 if the petitioner is unable to identify with sufficient specificity the nature and
14255 reliability of the newly discovered evidence that establishes the petitioner's factual
14256 innocence.

14257 (d)(i) If the parties stipulate that the evidence establishes that the petitioner is

14258 factually innocent, the court may find the petitioner is factually innocent without
14259 holding a hearing.

14260 (ii) If the state will not stipulate that the evidence establishes that the petitioner is
14261 factually innocent, no determination of factual innocence may be made by the
14262 court without first holding a hearing under this part.

14263 (10) The court may not grant a petition for a hearing under this part during the period in
14264 which criminal proceedings in the matter are pending before any trial or appellate court,
14265 unless stipulated to by the parties.

14266 (11) Any victim of a crime that is the subject of a petition under this part, and who has
14267 elected to receive notice under Section 77-38-3, shall be notified by the state's attorney
14268 of any hearing regarding the petition.

14269 (12)(a) A petition to determine factual innocence under this part, or Part 3,
14270 Postconviction Testing of DNA, shall be filed separately from any petition for
14271 postconviction relief under Part 1, General Provisions.

14272 (b) Separate petitions may be filed simultaneously in the same court.

14273 (13) The procedures governing the filing and adjudication of a petition to determine factual
14274 innocence apply to all petitions currently filed or pending in the district court and any
14275 new petitions filed on or after June 1, 2012.

14276 (14)(a) As used in this Subsection (14) and in Subsection (15):

14277 (i) "Married" means the legal marital relationship established between two
14278 individuals and as recognized by the law; and

14279 (ii) "Spouse" means an individual married to the petitioner at the time the petitioner
14280 was found guilty of the offense regarding which a petition is filed and who has
14281 since then been continuously married to the petitioner until the petitioner's death.

14282 (b) A claim for determination of factual innocence under this part is not extinguished
14283 upon the death of the petitioner.

14284 (c)(i) If any payments are already being made to the petitioner under this part at the
14285 time of the death of the petitioner, or if the finding of factual innocence occurs
14286 after the death of the petitioner, the payments due under Section 78B-9-405 shall
14287 be paid in accordance with Section 78B-9-405 to the petitioner's surviving spouse.

14288 (ii) Payments cease upon the death of the spouse.

14289 (15) The spouse under Subsection (14) forfeits all rights to receive any payment under this
14290 part if the spouse is charged with a homicide established by a preponderance of the
14291 evidence that meets the elements of any felony homicide offense in Title 76, Chapter 5,

14292 Offenses Against the Individual, except automobile homicide under Section 76-5-207,
 14293 applying the same principles of culpability and defenses as in [~~Title 76, Utah Criminal~~
 14294 ~~Code~~] Title 76, Criminal Offenses, including Title 76, Chapter 2, Principles of Criminal
 14295 Responsibility.

14296 Section 276. Section **78B-9-405** is amended to read:

14297 **78B-9-405 (Effective 07/01/26). Judgment and assistance payment.**

14298 (1) As used in this section:

- 14299 (a) "Felony" means a criminal offense classified as a felony under Title 76, Chapter 3,
 14300 Punishments, or conduct that would constitute a felony if committed in Utah.
 14301 (b) "Petitioner" means a United States citizen or an individual who was otherwise
 14302 lawfully present in this country at the time of the incident that gave rise to the
 14303 underlying conviction.

14304 (2)(a) If a court finds a petitioner factually innocent under Part 3, Postconviction Testing
 14305 of DNA, or under this part, and if the petitioner has served a period of incarceration,
 14306 the court shall order that the petitioner receive for each year or portion of a year the
 14307 petitioner was incarcerated, up to a maximum of 15 years, the monetary equivalent of
 14308 the average annual nonagricultural payroll wage in Utah, as determined by the data
 14309 most recently published by the Department of Workforce Services at the time of the
 14310 petitioner's release from prison.

- 14311 (b) The court's determination of the monetary equivalent of the average annual
 14312 nonagricultural payroll wage shall be included in the order declaring that the
 14313 petitioner is factually innocent.

14314 (3) If a court orders that a petitioner is to receive payment under Subsection (2):

- 14315 (a) the [~~Utah~~]Office for Victims of Crime shall pay from the Crime Victim [~~Reparations~~]
 14316 Compensation Fund to the petitioner within 45 days of the court order under
 14317 Subsection (2) an initial sum equal to either 20% of the total financial assistance
 14318 payment as determined under Subsection (2) or an amount equal to two years of
 14319 incarceration, whichever is greater, but not to exceed the total amount owed;
 14320 (b) the Legislature shall appropriate as nonlapsing funds from the General Fund, and no
 14321 later than the next general session following the issuance of the court order under
 14322 Subsection (2):
 14323 (i) to the Crime Victim [~~Reparations~~] Compensation Fund, the amount that was paid
 14324 out of the fund under Subsection (3)(a); and
 14325 (ii) to the [~~State Commission on Criminal and Juvenile Justice~~] Department of

- 14326 Criminal Justice, as a separate line item, the amount ordered by the court for
14327 payments under Subsection (2), minus the amount reimbursed to the Crime Victim [
14328 Reparations] Compensation Fund under Subsection (3)(b)(i); and
- 14329 (c) the [~~State Commission on Criminal and Juvenile Justice~~] Department of Criminal
14330 Justice shall pay the amount ordered by the court under Subsection (2), minus the
14331 amount paid by the [~~Utah~~]Office for Victims of Crime under Subsection (3)(a), to
14332 the petitioner:
- 14333 (i) quarterly on or before the last day of the month next succeeding each calendar
14334 quarterly period; or
- 14335 (ii) in one lump sum payment no later than the next succeeding July 31 after the day
14336 on which the court ordered the payment.
- 14337 (4)(a) For a payment under Subsection (3)(c):
- 14338 (i) the petitioner shall choose, within 90 days after the day on which the payment
14339 under Subsection (3)(a) is made, whether the payment is disbursed under
14340 Subsection (3)(c)(i) or (ii); and
- 14341 (ii) the [~~State Commission on Criminal and Juvenile Justice~~] Department of Criminal
14342 Justice shall disburse the payment in accordance with the petitioner's choice under
14343 Subsection (4)(a)(i).
- 14344 (b) If the petitioner fails to make a choice under Subsection (4)(a)(i) within 90 days after
14345 the day on which the payment under Subsection (3)(a) is made, the [~~State~~
14346 ~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice shall
14347 pay the amount under Subsection (3)(c) in accordance with Subsection (3)(c)(i).
- 14348 (c)(i) If a court ordered a petitioner to receive a payment under this section on or
14349 before May 5, 2021, the petitioner may request that the [~~State Commission on~~
14350 ~~Criminal and Juvenile Justice~~] Department of Criminal Justice disburse the
14351 remaining balance of the payment owed to the petitioner under Subsection (3)(c)
14352 in one lump sum payment.
- 14353 (ii) If a petitioner submits a request under Subsection (4)(c)(i), the [~~State Commission~~
14354 ~~on Criminal and Juvenile Justice~~] Department of Criminal Justice shall disburse
14355 the remaining balance of the payment owed to the petitioner in one lump sum
14356 payment.
- 14357 (5) Payments under Subsection (3)(c)(i) shall:
- 14358 (a) commence no later than one year after the effective date of the appropriation for the
14359 payments;

- 14360 (b) be made to the petitioner for the balance of the amount ordered by the court after the
14361 initial payment under Subsection (3)(a); and
- 14362 (c) be allocated so that the entire amount due to the petitioner under this section has been
14363 paid no later than 10 years after the effective date of the appropriation made under
14364 Subsection (3)(b).
- 14365 (6)(a) Payments under this section shall be reduced to the extent that the period of
14366 incarceration for which the petitioner seeks payment was attributable to a separate
14367 and lawful conviction.
- 14368 (b) Payments under this section shall:
- 14369 (i) be tolled upon the commencement of any period of incarceration due to the
14370 petitioner's subsequent conviction of a felony; and
- 14371 (ii) resume upon the conclusion of that period of incarceration.
- 14372 (c) The reduction of payments under Subsection (6)(a) or the tolling of payments [
14373 ~~pursuant to~~] in accordance with Subsection (6)(b) shall be determined by the same
14374 court that finds a petitioner to be factually innocent under Part 3, Postconviction
14375 Testing of DNA, or this part.
- 14376 (7)(a) An individual is ineligible for any payments under this part if the individual was
14377 already serving a prison sentence in another jurisdiction at the time of the conviction
14378 of the crime for which that individual has been found factually innocent in
14379 accordance with Part 3, Postconviction Testing of DNA, or this part, and that
14380 individual is to be returned to that other jurisdiction upon release for further
14381 incarceration on the prior conviction.
- 14382 (b) Ineligibility for any payments under this Subsection (7) shall be determined by the
14383 same court that finds an individual to be factually innocent under Part 3,
14384 Postconviction Testing of DNA, or this part.
- 14385 (8) Payments under this section:
- 14386 (a) are not subject to any Utah state taxes; and
- 14387 (b) may not be offset by any expenses incurred by the state or any political subdivision
14388 of the state, including expenses incurred to secure the petitioner's custody, or to feed,
14389 clothe, or provide medical services for the petitioner.
- 14390 (9) If a court finds a petitioner to be factually innocent under Part 3, Postconviction Testing
14391 of DNA, or this part, the court shall also:
- 14392 (a) issue an order of expungement of the petitioner's criminal record for all acts in the
14393 charging document upon which the payment under this part is based; and

14394 (b) provide a letter to the petitioner explaining that the petitioner's conviction has been
 14395 vacated on the grounds of factual innocence and indicating that the petitioner did not
 14396 commit the crime or crimes for which the petitioner was convicted and was later
 14397 found to be factually innocent under Part 3, Postconviction Testing of DNA, or this
 14398 part.

14399 (10) A petitioner found to be factually innocent under Part 3, Postconviction Testing of
 14400 DNA, or this part shall have access to the same services and programs available to Utah
 14401 citizens generally as though the conviction for which the petitioner was found to be
 14402 factually innocent had never occurred.

14403 (11)(a) Payments under this part constitute a full and conclusive resolution of the
 14404 petitioner's claims on the specific issue of factual innocence.

14405 (b) Pre-judgment interest may not be awarded in addition to the payments provided
 14406 under this part.

14407 Section 277. Section **78B-22-102** is amended to read:

14408 **78B-22-102 (Effective 07/01/26). Definitions.**

14409 As used in this chapter:

14410 [(1) "Account" means the Indigent Defense Resources Restricted Account created in
 14411 Section 78B-22-405.]

14412 [(2) "Child welfare case" means a proceeding under Title 80, Chapter 3, Abuse, Neglect,
 14413 and Dependency Proceedings, or Title 80, Chapter 4, Termination and Restoration of
 14414 Parental Rights.]

14415 [(3)] (1) "Commission" means the [Utah] Indigent Defense Commission created in Section [
 14416 78B-22-401] 75E-9-102.

14417 [(4) "Eligible county" means:]

14418 [(a) a county of the fourth, fifth, and sixth class, as classified under Section 17-60-104;
 14419 and]

14420 [(b) a county of the third class, as classified under Section 17-60-104, if the county of
 14421 the third class has no municipality with a population of 100,000 or more.]

14422 [(5) "Executive director" means the executive director of the Office of Indigent Defense
 14423 Services, created in Section 78B-22-451, who is appointed in accordance with Section
 14424 78B-22-453.]

14425 [(6)] (2) "Indigent defense resources" means the resources necessary to provide an effective
 14426 defense for an indigent individual.

14427 [(7)] (3) "Indigent defense service provider" means an attorney or entity appointed to

- 14428 represent an indigent individual through:
- 14429 (a) a contract with an indigent defense system to provide indigent defense services;
- 14430 (b) an order issued by the court under Subsection 78B-22-203(2)(a); or
- 14431 (c) direct employment with an indigent defense system.
- 14432 [(8)] (4) "Indigent defense services" means:
- 14433 (a) the representation of an indigent individual by an indigent defense service provider;
- 14434 and
- 14435 (b) the provision of indigent defense resources for an indigent individual.
- 14436 [(9)] (5) "Indigent defense system" means:
- 14437 (a) a city or town that is responsible for providing indigent defense services;
- 14438 (b) a county that is responsible for providing indigent defense services in the district
- 14439 court, juvenile court, and the county's justice courts; or
- 14440 (c) an interlocal entity, created [~~pursuant to~~] in accordance with Title 11, Chapter 13,
- 14441 Interlocal Cooperation Act, that is responsible for providing indigent defense services
- 14442 according to the terms of an agreement between a county, city, or town.
- 14443 [(10)] (6) "Indigent individual" means:
- 14444 (a) a minor who is:
- 14445 (i) arrested and admitted into detention for an offense under Section 78A-6-103;
- 14446 (ii) charged by petition or information in the juvenile or district court; or
- 14447 (iii) described in this Subsection [~~(10)(a)] (6)(a), who is appealing an adjudication or~~
- 14448 other final court action; and
- 14449 (b) an individual listed in Subsection 78B-22-201(1) who is found indigent [~~pursuant to~~]
- 14450 in accordance with Section 78B-22-202.
- 14451 [(11)] (7) "Minor" means the same as that term is defined in Section 80-1-102.
- 14452 [(12)] (8) "Office" means the Office of Indigent Defense Services created in Section [~~78B-22-451]~~ 75E-10-102.
- 14453 [(13)] "~~Participating county~~" means a county that complies with this chapter for participation
- 14454 in the ~~Indigent Aggravated Murder Defense Fund as provided in Sections 78B-22-702~~
- 14455 ~~and 78B-22-703.]~~
- 14456 Section 278. Section **78B-22-203** is amended to read:
- 14457 **78B-22-203 (Effective 07/01/26). Order for indigent defense services.**
- 14458 (1)(a) Except as provided in Subsection (6), a court shall appoint an indigent defense
- 14459 service provider who is employed by an indigent defense system or who has a
- 14460 contract with an indigent defense system to provide indigent defense services for an
- 14461

- 14462 individual over whom the court has jurisdiction if:
- 14463 (i) the individual is an indigent individual; and
- 14464 (ii) the individual does not have private counsel.
- 14465 (b) An indigent defense service provider appointed by the court under Subsection (1)(a)
- 14466 shall provide indigent defense services for the indigent individual in all court
- 14467 proceedings in the matter for which the indigent defense service provider is
- 14468 appointed.
- 14469 (2)(a) Notwithstanding Subsection (1), the court may order that indigent defense
- 14470 services be provided by an indigent defense service provider who does not have a
- 14471 contract with an indigent defense system if the court finds by clear and convincing
- 14472 evidence that:
- 14473 (i) all the contracted indigent defense service providers:
- 14474 (A) have a conflict of interest; or
- 14475 (B) do not have sufficient expertise to provide indigent defense services for the
- 14476 indigent individual; or
- 14477 (ii) the indigent defense system does not have a contract with an indigent defense
- 14478 service provider for indigent defense services.
- 14479 (b) A court may not order indigent defense services under Subsection (2)(a) unless the
- 14480 court conducts a hearing with proper notice to the indigent defense system by sending
- 14481 notice of the hearing to the county clerk or municipal recorder.
- 14482 (3)(a) A court may order reasonable indigent defense resources for an individual who
- 14483 has retained private counsel only if the court finds by clear and convincing evidence
- 14484 that:
- 14485 (i) the individual is an indigent individual;
- 14486 (ii) the individual would be prejudiced by the substitution of a contracted indigent
- 14487 defense service provider and the prejudice cannot be remedied;
- 14488 (iii) at the time that private counsel was retained, the individual:
- 14489 (A) entered into a written contract with private counsel; and
- 14490 (B) had the ability to pay for indigent defense resources, but no longer has the
- 14491 ability to pay for the indigent defense resources in addition to the cost of
- 14492 private counsel;
- 14493 (iv) there has been an unforeseen change in circumstances that requires indigent
- 14494 defense resources beyond the individual's ability to pay; and
- 14495 (v) any representation under this Subsection (3)(a) is made in good faith and is not

- 14496 calculated to allow the individual or retained private counsel to avoid the
14497 requirements of this section.
- 14498 (b) A court may not order indigent defense resources under Subsection (3)(a) until the
14499 court conducts a hearing with proper notice to the indigent defense system by sending
14500 notice of the hearing to the county clerk or municipal recorder.
- 14501 (c) At the hearing, the court shall conduct an in camera review of:
14502 (i) the private counsel contract;
14503 (ii) the costs or anticipated costs of the indigent defense resources; and
14504 (iii) other relevant records.
- 14505 (4) A court may only order the representation of an indigent individual by an indigent
14506 defense service provider in accordance with this section.
- 14507 (5) A court may not order indigent defense resources be provided to an indigent individual,
14508 except as provided in Subsection (3).
- 14509 (6)(a) For an individual prosecuted for aggravated murder and found indigent, a court
14510 from a county participating in the Indigent Aggravated Murder Defense Fund created
14511 in Section [~~78B-22-701~~] 75E-10-402 shall notify the Office of Indigent Defense
14512 Services of the finding of indigency.
- 14513 (b) The office shall assign an indigent defense service provider qualified under Utah
14514 Rules of Criminal Procedure, Rule 8, with whom the office has a preliminary contract
14515 to provide indigent defense services for an assigned rate.
- 14516 Section 279. Section **78B-22-301** is amended to read:
14517 **78B-22-301 (Effective 07/01/26). Standards for indigent defense systems --**
14518 **Written report.**
- 14519 (1) An indigent defense system shall provide indigent defense services for an indigent
14520 individual in accordance with the core principles adopted by the commission under
14521 Section [~~78B-22-404~~] 75E-9-104.
- 14522 (2)(a) On or before March 30 of each year, all indigent defense systems shall submit a
14523 written report to the commission that describes each indigent defense system's
14524 compliance with the commission's core principles.
- 14525 (b) If an indigent defense system fails to submit a timely report under Subsection (2)(a),
14526 the indigent defense system is disqualified from receiving a grant from the
14527 commission for the following calendar year.
- 14528 Section 280. Section **80-2-503** is amended to read:
14529 **80-2-503 (Effective 07/01/26). Division contracts for prevention and treatment of**

14530 **child abuse and neglect -- Requirements -- Public hearing -- Funding provided by**
14531 **contractor.**

14532 (1)(a) The Legislature finds that there is a need to assist private and public agencies in
14533 identifying and establishing community-based education, service, and treatment
14534 programs to prevent the occurrence and recurrence of abuse and neglect.

14535 (b) It is the purpose of this section to provide a means to increase prevention and
14536 treatment programs designed to reduce the occurrence or recurrence of child abuse
14537 and neglect.

14538 (2) The division shall contract with public or private nonprofit organizations, agencies, or
14539 schools, or with qualified individuals to establish voluntary community-based
14540 educational and service programs designed to reduce or prevent the occurrence or
14541 recurrence of abuse and neglect.

14542 (3)(a) A program that the division contracts with under this section shall provide
14543 voluntary primary abuse and neglect prevention, and voluntary or court-ordered
14544 treatment services.

14545 (b) A program described in Subsection (3)(a) includes:

14546 (i) a program related to prenatal care, perinatal bonding, child growth and
14547 development, basic child care, care of children with special needs, and coping
14548 with family stress;

14549 (ii) a program related to crisis care, aid to parents, abuse counseling, support groups
14550 for abusive or potentially abusive parents and abusive parents' children, and early
14551 identification of families where the potential for abuse and neglect exists;

14552 (iii) a program clearly designed to prevent the occurrence or recurrence of abuse,
14553 neglect, sexual abuse, sexual exploitation, or medical or educational neglect;

14554 (iv) a program that the division and council consider potentially effective in reducing
14555 the incidence of family problems leading to abuse or neglect; and

14556 (v) a program designed to establish and assist community resources that prevent
14557 abuse and neglect.

14558 (4) The division shall:

14559 (a) consult with appropriate state agencies, commissions, and boards to help determine
14560 the probable effectiveness, fiscal soundness, and need for proposed education and
14561 service programs for the prevention and treatment of abuse and neglect;

14562 (b) develop policies to determine whether a program will be discontinued or receive
14563 continuous funding;

- 14564 (c) facilitate the exchange of information between and among groups concerned with
 14565 families and children;
- 14566 (d) establish flexible fees and fee schedules based on the recipient's ability to pay for
 14567 part or all of the costs of service received;
- 14568 (e) before awarding a contract for an abuse or neglect prevention or treatment program
 14569 or service:
- 14570 (i) conduct a public hearing to receive public comment on the program or service and
 14571 ensure the council conducted a public hearing on the program or service in
 14572 accordance with Subsection (6);
- 14573 (ii) if the program or service is intended for presentation in public schools, receive
 14574 evidence that the program or service is approved by the local board of education
 14575 of each school district that will be utilizing the program or service, or under the
 14576 direction of the local board of education, the state superintendent; and
- 14577 (iii) consider need, diversity of geographic locations, the program's or services'
 14578 coordination with or enhancement of existing services, and the program's or
 14579 services' extensive use of volunteers;
- 14580 (f) award a contract under this section for services to prevent abuse and neglect on the
 14581 basis of probability of success, based in part on sound research data; and
- 14582 (g) [~~adopt~~] make rules in accordance with Title 63G, Chapter 3, Utah Administrative
 14583 Rulemaking Act, as necessary to carry out the purposes of this section.
- 14584 (5) The division may:
- 14585 (a) require that 25% of the funding for a program contracted for under this section be
 14586 provided by the contractor operating the program; and
- 14587 (b) consider a contribution of materials, supplies, or physical facilities as all or part of
 14588 the funding provided by the contractor under Subsection (5)(a).
- 14589 (6) The council shall conduct a public hearing to receive public comment on the program or
 14590 service before the division may enter into a contract under this section.
- 14591 (7) A contract entered into under this section shall contain a provision for the evaluation of
 14592 services provided under the contract.
- 14593 (8) Contract funds awarded under this section for the treatment of victims of abuse or
 14594 neglect are not a collateral source as defined in Section [~~63M-7-502~~] 75E-5-101.
 14595 Section 281. Section **80-5-102** is amended to read:
 14596 **80-5-102 (Effective 07/01/26). Definitions.**
 14597 As used in this chapter:

- 14598 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in
14599 Section 80-5-302.
- 14600 (2)(a) "Adult" means an individual who is 18 years old or older.
14601 (b) "Adult" does not include a juvenile offender.
- 14602 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
14603 1351.1.
- 14604 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.
- 14605 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender in a
14606 manner consistent with public safety and the well-being of the juvenile offender and
14607 division employees.
- 14608 (6) "Cross-sex hormone treatment" means the same as that term is defined in Section
14609 26B-4-1001.
- 14610 (7) "Director" means the director of the Division of Juvenile Justice and Youth Services.
- 14611 (8) "Discharge" means the same as that term is defined in Section 80-6-102.
- 14612 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section
14613 80-5-103.
- 14614 (10) "Homeless youth" means a child, other than an emancipated minor:
14615 (a) who is a runaway; or
14616 (b) who is:
14617 (i) not accompanied by the child's parent or guardian; and
14618 (ii) without care, as defined in Section 80-5-602.
- 14619 (11) "Housing unit" means an area with secured entrances, minor rooms, and common area
14620 space.
- 14621 (12) "Minor room" means a secured room where an individual sleeps and uses restroom
14622 facilities.
- 14623 (13) "Observation and assessment program" means a nonresidential service program
14624 operated or purchased by the division that is responsible only for diagnostic assessment
14625 of minors, including for substance use disorder, mental health, psychological, and sexual
14626 behavior risk assessments.
- 14627 (14) "Performance based contracting" means a system of contracting with service providers
14628 for the provision of residential or nonresidential services that:
14629 (a) provides incentives for the implementation of evidence-based juvenile justice
14630 programs or programs rated as effective for reducing recidivism by a standardized
14631 tool in accordance with Section [63M-7-208] 75E-2-207; and

- 14632 (b) provides a premium rate allocation for a minor who receives the evidence-based
14633 dosage of treatment and successfully completes the program within three months.
- 14634 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for
14635 effectuating or facilitating an individual's attempted sex change, any of the following
14636 alone or in combination with aromatase inhibitors:
- 14637 (a) gonadotropin-releasing hormone agonists; or
14638 (b) androgen receptor inhibitors.
- 14639 (16) "Primary sex characteristic surgical procedure" means the same as that term is defined
14640 in Section 26B-4-1001.
- 14641 (17) "Rescission" means the same as that term is defined in Section 80-6-102.
- 14642 (18) "Restitution" means the same as that term is defined in Section 80-6-102.
- 14643 (19) "Revocation" means the same as that term is defined in Section 80-6-102.
- 14644 (20) "Secondary sex characteristic surgical procedure" means the same as that term is
14645 defined in Section 26B-4-1001.
- 14646 (21) "Temporary custody" means the same as that term is defined in Section 80-6-102.
- 14647 (22) "Temporary homeless youth shelter" means a facility that:
- 14648 (a) provides temporary shelter to homeless youth; and
14649 (b) is licensed by the Department of Health and Human Services, created in Section
14650 26B-1-201, as a residential support program.
- 14651 (23) "Termination" means the same as that term is defined in Section 80-6-102.
- 14652 (24) "Victim" means the same as that term is defined in Section 80-6-102.
- 14653 (25) "Work program" means a nonresidential public or private service work project
14654 established and administered by the division for juvenile offenders for the purpose of
14655 rehabilitation, education, and restitution to victims.
- 14656 (26)(a) "Youth services" means services provided in an effort to resolve family conflict:
- 14657 (i) for families in crisis when a minor is ungovernable or a runaway; or
14658 (ii) involving a minor and the minor's parent or guardian.
- 14659 (b) "Youth services" include efforts to:
- 14660 (i) resolve family conflict;
14661 (ii) maintain or reunite minors with the minors' families; and
14662 (iii) divert minors from entering or escalating in the juvenile justice system.
- 14663 (c) "Youth services" may provide:
- 14664 (i) crisis intervention;
14665 (ii) short-term shelter;

14666 (iii) time-out placement; and

14667 (iv) family counseling.

14668 (27) "Youth services center" means a center established by, or under contract with, the
14669 division to provide youth services.

14670 Section 282. Section **80-5-201** is amended to read:

14671 **80-5-201 (Effective 07/01/26). Division responsibilities.**

14672 (1) The division is responsible for all minors committed to the division by juvenile courts
14673 under Sections 80-6-703 and 80-6-705.

14674 (2) The division shall:

14675 (a) establish and administer a continuum of community, secure, and nonsecure programs
14676 for all minors committed to the division;

14677 (b) establish and maintain all detention and secure care facilities and set minimum
14678 standards for all detention and secure care facilities;

14679 (c) establish and operate prevention and early intervention youth services programs for
14680 nonadjudicated minors placed with the division;

14681 (d) establish observation and assessment programs necessary to serve minors in a
14682 nonresidential setting under Subsection 80-6-706(1);

14683 (e) place minors committed to the division under Section 80-6-703 in the most
14684 appropriate program for supervision and treatment;

14685 (f) employ staff necessary to:

14686 (i) supervise and control minors committed to the division for secure care or
14687 placement in the community;

14688 (ii) supervise and coordinate treatment of minors committed to the division for
14689 placement in community-based programs; and

14690 (iii) control and supervise adjudicated and nonadjudicated minors placed with the
14691 division for temporary services in juvenile receiving centers, youth services, and
14692 other programs established by the division;

14693 (g) control or detain a minor committed to the division, or in the temporary custody of
14694 the division, in a manner that is consistent with public safety and rules made by the
14695 division;

14696 (h) establish and operate work programs for minors committed to the division by the
14697 juvenile court that:

14698 (i) are not residential;

14699 (ii) provide labor to help in the operation, repair, and maintenance of public facilities,

- 14700 parks, highways, and other programs designated by the division;
- 14701 (iii) provide educational and prevocational programs in cooperation with the State
- 14702 Board of Education for minors placed in the program; and
- 14703 (iv) provide counseling to minors;
- 14704 (i) establish minimum standards for the operation of all private residential and
- 14705 nonresidential rehabilitation facilities that provide services to minors who have
- 14706 committed an offense in this state or in any other state;
- 14707 (j) provide regular training for secure care staff, detention staff, case management staff,
- 14708 and staff of the community-based programs;
- 14709 (k) designate employees to obtain the saliva DNA specimens required under Section
- 14710 53-10-403;
- 14711 (l) ensure that the designated employees receive appropriate training and that the
- 14712 specimens are obtained in accordance with accepted protocol;
- 14713 (m) register an individual with the Department of Public Safety who:
- 14714 (i) is adjudicated for an offense that would result in the individual being a child abuse
- 14715 offender under Subsection 53-29-202(2)(a) or a sex offender under Subsection
- 14716 53-29-202(2)(b);
- 14717 (ii) is committed to the division for secure care; and
- 14718 (iii)(A) if the individual is a youth offender, remains in the division's custody 30
- 14719 days before the individual's 21st birthday; or
- 14720 (B) if the individual is a serious youth offender, remains in the division's custody
- 14721 30 days before the individual's 25th birthday; and
- 14722 (n) ensure that a program delivered to a minor under this section is an evidence-based
- 14723 program in accordance with Section ~~[63M-7-208]~~ 75E-2-207.
- 14724 (3)(a) The division is authorized to employ special function officers, as defined in
- 14725 Section 53-13-105, to:
- 14726 (i) locate and apprehend minors who have absconded from division custody;
- 14727 (ii) transport minors taken into custody in accordance with division policy;
- 14728 (iii) investigate cases; and
- 14729 (iv) carry out other duties as assigned by the division.
- 14730 (b) A special function officer may be:
- 14731 (i) employed through a contract with the Department of Public Safety, or any law
- 14732 enforcement agency certified by the Peace Officer Standards and Training
- 14733 Division; or

14734 (ii) directly hired by the division.

- 14735 (4) In the event of an unauthorized leave from secure care, detention, a community-based
 14736 program, a juvenile receiving center, a home, or any other designated placement of a
 14737 minor, a division employee has the authority and duty to locate and apprehend the
 14738 minor, or to initiate action with a local law enforcement agency for assistance.
- 14739 (5) The division may proceed with an initial medical screening or assessment of a child
 14740 admitted to a detention facility to ensure the safety of the child and others in the
 14741 detention facility if the division makes a good faith effort to obtain consent for the
 14742 screening or assessment from the child's parent or guardian.

14743 Section 283. Section **80-5-205** is amended to read:

14744 **80-5-205 (Effective 07/01/26). Contracts with private providers.**

- 14745 (1) This chapter does not prohibit the division from contracting with private providers or
 14746 other agencies for:
- 14747 (a) the construction, operation, and maintenance of juvenile facilities; or
 14748 (b) the provision of care, treatment, and supervision of minors who have been
 14749 committed to the division.
- 14750 (2) All programs for the care, treatment, and supervision of minors committed to the
 14751 division shall be licensed in compliance with division standards within six months after
 14752 commencing operation.
- 14753 (3) A contract for the care, treatment, and supervision of a minor committed to the division
 14754 shall be executed in accordance with the performance-based contracting system
 14755 developed under Section [~~63M-7-208~~] 75E-2-207.

14756 Section 284. Section **80-5-304** is amended to read:

14757 **80-5-304 (Effective 07/01/26). Income and finances for minors in the custody of**
 14758 **the division.**

- 14759 (1) If a minor is committed to the custody of the division, the division may establish:
- 14760 (a) an account for the minor that is administered by the division; or
 14761 (b) a joint account for the minor and the division at a federally insured financial
 14762 institution.
- 14763 (2) The division may:
- 14764 (a) collect funds earned or received by a minor; and
 14765 (b) place the funds earned or received by the minor into an account described in
 14766 Subsection (1).
- 14767 (3) The division may:

- 14768 (a) only use funds placed in an account described in Subsection (1) for the minor,
 14769 including using the funds to pay restitution, [~~reparations~~] victim compensation, fines,
 14770 alimony, support payments, cost of care, or similar court-ordered payments owed by
 14771 the minor; and
- 14772 (b) provide the minor with any funds remaining in an account described in Subsection (1)
 14773 upon the minor's transition and termination from the custody of the division.
- 14774 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 14775 division shall make rules to establish the administration of accounts and finances for
 14776 minors in the custody of the division.

14777 Section 285. Section **80-6-102** is amended to read:

14778 **80-6-102 (Effective 07/01/26). Definitions.**

14779 As used in this chapter:

- 14780 (1) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
 14781 1351.1.
- 14782 (2) "Authority" means the Youth Parole Authority created in Section 80-5-701.
- 14783 [~~(3) "Commission" means the State Commission on Criminal and Juvenile Justice created~~
 14784 ~~in Section 63M-7-201.]~~
- 14785 [(4)] (3) "Compensatory service" means service or unpaid work performed by a minor in
 14786 lieu of the payment of a fine, fee, or restitution.
- 14787 [(5)] (4) "Control" means the same as that term is defined in Section 80-5-102.
- 14788 (5) "Department" means the Department of Criminal Justice created in Section 75E-2-102.
- 14789 (6) "Detention hearing" means a proceeding under Section 80-6-207 to determine whether a
 14790 minor should remain in detention.
- 14791 (7) "Detention guidelines" means standards, established by the division in accordance with
 14792 Subsection 80-5-202(1)(a), for the admission of a minor to detention.
- 14793 (8) "Discharge" means a written order of the authority that removes a juvenile offender
 14794 from the authority's jurisdiction.
- 14795 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section
 14796 80-5-103.
- 14797 (10) "Family-based setting" means a home that is licensed to allow a minor to reside at the
 14798 home, including a foster home, proctor care, or residential care by a professional parent.
- 14799 (11) "Formal referral" means a written report from a peace officer, or other person,
 14800 informing the juvenile court that:
- 14801 (a) an offense committed by a minor is, or appears to be, within the juvenile court's

- 14802 jurisdiction; and
- 14803 (b) the minor's case must be reviewed by a juvenile probation officer or a prosecuting
14804 attorney.
- 14805 (12) "Habitual truant" means the same as that term is defined in Section 53G-8-211.
- 14806 (13) "Material loss" means an uninsured:
- 14807 (a) property loss;
- 14808 (b) out-of-pocket monetary loss for property that is stolen, damaged, or destroyed;
- 14809 (c) lost wages because of an injury, time spent as a witness, or time spent assisting the
14810 police or prosecution; or
- 14811 (d) medical expense.
- 14812 (14) "Referral" means a formal referral, a referral to the juvenile court under Section
14813 53G-8-211, or a citation issued to a minor for which the juvenile court receives notice
14814 under Section 80-6-302.
- 14815 (15) "Rescission" means a written order of the authority that rescinds a date for parole.
- 14816 (16) "Restitution" means money or services that the juvenile court, or a juvenile probation
14817 officer if the minor agrees to a nonjudicial adjustment, orders a minor to pay or render to
14818 a victim for the minor's wrongful act or conduct.
- 14819 (17) "Revocation" means a written order of the authority that, after a hearing and
14820 determination under Section 80-6-806:
- 14821 (a) terminates supervision of a juvenile offender's parole; and
- 14822 (b) directs a juvenile offender to return to secure care.
- 14823 (18) "Temporary custody" means the control and responsibility of a minor, before an
14824 adjudication under Section 80-6-701, until the minor is released to a parent, guardian,
14825 responsible adult, or to an appropriate agency.
- 14826 (19) "Termination" means a written order of the authority that terminates a juvenile
14827 offender from parole.
- 14828 (20)(a) "Victim" means a person that the juvenile court determines suffered a material
14829 loss as a result of a minor's wrongful act or conduct.
- 14830 (b) "Victim" includes:
- 14831 (i) any person directly harmed by the minor's wrongful act or conduct in the course of
14832 the scheme, conspiracy, or pattern if the minor's wrongful act or conduct is an
14833 offense that involves an element of a scheme, a conspiracy, or a pattern of
14834 criminal activity; and
- 14835 (ii) the [Utah] Office for Victims of Crime.

- 14836 (21) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
- 14837 (22) "Work program" means the same as that term is defined in Section 80-5-102.
- 14838 (23) "Youth services" means the same as that term is defined in Section 80-5-102.
- 14839 Section 286. Section **80-6-104** is amended to read:
- 14840 **80-6-104 (Effective 07/01/26). Data collection on offenses committed by minors --**
- 14841 **Reporting requirement.**
- 14842 (1) As used in this section:
- 14843 (a) "Firearm" means the same as that term is defined in Section 76-11-101.
- 14844 (b) "Firearm-related offense" means a criminal offense involving a firearm.
- 14845 (c) "School is in session" means the same as that term is defined in Section 53E-3-516.
- 14846 (d) "School-sponsored activity" means the same as that term is defined in Section
- 14847 53E-3-516.
- 14848 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
- 14849 following data to the [~~State Commission on Criminal and Juvenile Justice~~] department,
- 14850 broken down by judicial district, for the preceding calendar year:
- 14851 (a) the number of referrals to the juvenile court;
- 14852 (b) the number of minors diverted to a nonjudicial adjustment;
- 14853 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
- 14854 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;
- 14855 (e) the number of minors for whom an information is filed in the juvenile court;
- 14856 (f) the number of minors bound over to the district court by the juvenile court;
- 14857 (g) the number of petitions for offenses committed by minors that were dismissed by the
- 14858 juvenile court;
- 14859 (h) the number of adjudications in the juvenile court for offenses committed by minors;
- 14860 (i) the number of guilty pleas entered into by minors in the juvenile court;
- 14861 (j) the number of dispositions resulting in secure care, community-based placement,
- 14862 formal probation, and intake probation; and
- 14863 (k) for each minor charged in the juvenile court with a firearm-related offense:
- 14864 (i) the minor's age at the time the offense was committed or allegedly committed;
- 14865 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
- 14866 (iii) whether the minor is a restricted person under Subsection 76-11-302(4) or
- 14867 76-11-303(4);
- 14868 (iv) the type of offense for which the minor is charged;
- 14869 (v) the outcome of the minor's case in juvenile court, including whether the minor

- 14870 was bound over to the district court or adjudicated by the juvenile court; and
14871 (vi) if a disposition was entered by the juvenile court, whether the disposition
14872 resulted in secure care, community-based placement, formal probation, or intake
14873 probation.
- 14874 (3) The [~~State Commission on Criminal and Juvenile Justice~~] department shall track the
14875 disposition of a case resulting from a firearm-related offense committed, or allegedly
14876 committed, by a minor when the minor is found in possession of a firearm while school
14877 is in session or during a school-sponsored activity.
- 14878 (4) In collaboration with the Administrative Office of the Courts, the division, and other
14879 agencies, the [~~State Commission on Criminal and Juvenile Justice~~] department shall
14880 collect data for the preceding calendar year on:
- 14881 (a) the length of time that minors spend in the juvenile justice system, including the total
14882 amount of time minors spend under juvenile court jurisdiction, on community
14883 supervision, and in each out-of-home placement;
- 14884 (b) recidivism of minors who are diverted to a nonjudicial adjustment and minors for
14885 whom dispositions are ordered by the juvenile court, including tracking minors into
14886 the adult corrections system;
- 14887 (c) changes in aggregate risk levels from the time minors receive services, are under
14888 supervision, and are in out-of-home placement; and
- 14889 (d) dosages of programming.
- 14890 (5) On and before October 1 of each year, the [~~State Commission on Criminal and Juvenile~~
14891 ~~Justice~~] department shall prepare and submit a written report to the Judiciary Interim
14892 Committee and the Law Enforcement and Criminal Justice Interim Committee that
14893 includes:
- 14894 (a) data collected by the [~~State Commission on Criminal and Juvenile Justice~~] department
14895 under this section;
- 14896 (b) data collected by the State Board of Education under Section 53E-3-516; and
14897 (c) recommendations for legislative action with respect to the data described in this
14898 Subsection (5).
- 14899 (6) After submitting the written report described in Subsection (5), the [~~State Commission~~
14900 ~~on Criminal and Juvenile Justice~~] department may supplement the report at a later time
14901 with updated data and information the State Board of Education collects under Section
14902 53E-3-516.
- 14903 (7) Nothing in this section shall be construed to require the disclosure of information or

14904 data that is classified as controlled, private, or protected under Title 63G, Chapter 2,
14905 Government Records Access and Management Act.

14906 Section 287. Section **80-6-204** is amended to read:

14907 **80-6-204 (Effective 07/01/26). Detention or confinement of a child -- Restrictions.**

14908 (1) Except as provided in Subsection (2) or this chapter, if a child is apprehended by a peace[-]
14909 officer, or brought before a court for examination under state law, the child may not be
14910 confined:

14911 (a) in a jail, lockup, or cell used for an adult who is charged with a crime; or

14912 (b) in secure care[-].

14913 (2)(a) The division shall detain a child in accordance with Sections 80-6-502, 80-6-504,
14914 and 80-6-505 if:

14915 (i) the child is charged with an offense under Section 80-6-502 or 80-6-503;

14916 (ii) the district court has obtained jurisdiction over the offense because the child is
14917 bound over to the district court under Section 80-6-504; and

14918 (iii) the juvenile or district court orders the detention of the child.

14919 (b)(i) If a child is detained before a detention hearing, or a preliminary hearing under
14920 Section 80-6-504 if a criminal information is filed for the child under Section
14921 80-6-503, the child may only be held in certified juvenile detention
14922 accommodations in accordance with rules made by the [eommission] department.

14923 (ii) The [eommission's] department's rules shall include rules for acceptable sight and
14924 sound separation from adult inmates.

14925 (iii) The [eommission] department shall certify that a correctional facility is in
14926 compliance with the [eommission's] department's rules.

14927 (iv) This Subsection (2)(b) does not apply to a child held in a correctional facility in
14928 accordance with Subsection (2)(a).

14929 (3)(a) In an area of low density population, the [eommission] department may, by rule,
14930 approve a juvenile detention accommodation within a correctional facility that has
14931 acceptable sight and sound separation.

14932 (b) An accommodation described in Subsection (3)(a) shall be used only:

14933 (i) for short-term holding of a child who is alleged to have committed an act that
14934 would be a criminal offense if committed by an adult; and

14935 (ii) for a maximum confinement period of six hours.

14936 (c) A child may only be held in an accommodation described in Subsection (3)(a) for:

14937 (i) identification;

- 14938 (ii) notification of a juvenile court official;
- 14939 (iii) processing; and
- 14940 (iv) allowance of adequate time for evaluation of needs and circumstances regarding
- 14941 the release or transfer of the child to a shelter or detention facility.
- 14942 (d) This Subsection (3) does not apply to a child held in a correctional facility in
- 14943 accordance with Subsection (2)(a).
- 14944 (4)(a) If a child is alleged to have committed an act that would be a criminal offense if
- 14945 committed by an adult, a law enforcement officer or agency may detain the child in a
- 14946 holding room in a local law enforcement agency facility for no longer than four hours:
- 14947 (i) for identification or interrogation; or
- 14948 (ii) while awaiting release to a parent or other responsible adult.
- 14949 (b) A holding room described in Subsection (4)(a) shall be certified by the [~~commission~~]
- 14950 department in accordance with the [~~commission's~~] department's rules.
- 14951 (c) The [~~commission's~~] department's rules shall include provisions for constant
- 14952 supervision and for sight and sound separation from adult inmates.
- 14953 (5) Willful failure to comply with this section is a class B misdemeanor.
- 14954 (6)(a) The division is responsible for the custody and detention of:
- 14955 (i) a child who requires detention before trial or examination, or is placed in secure
- 14956 detention after an adjudication under Section 80-6-704; and
- 14957 (ii) a juvenile offender under Subsection 80-6-806(7).
- 14958 (b) Subsection (6)(a) does not apply to a child held in a correctional facility in
- 14959 accordance with Subsection (2)(a).
- 14960 (c)(i) The [~~commission~~] department shall provide standards for custody or detention
- 14961 under Subsections (2)(b), (3), and (4).
- 14962 (ii) The division shall determine and set standards for conditions of care and
- 14963 confinement of children in detention facilities.
- 14964 (d)(i) The division, or a public or private agency willing to undertake temporary
- 14965 custody or detention upon agreed terms in a contract with the division, shall
- 14966 provide all other custody or detention in suitable premises distinct and separate
- 14967 from the general jails, lockups, or cells used in law enforcement and corrections
- 14968 systems.
- 14969 (ii) This Subsection (6)(d) does not apply to a child held in a correctional facility in
- 14970 accordance with Subsection (2)(a).
- 14971 (7) Except as otherwise provided by this chapter, if an individual who is, or appears to be,

14972 under 18 years old is received at a correctional facility, the sheriff, warden, or other
14973 official, in charge of the correctional facility shall:

- 14974 (a) immediately notify the juvenile court of the individual; and
14975 (b) make arrangements for the transfer of the individual to a detention facility, unless
14976 otherwise ordered by the juvenile court.

14977 Section 288. Section **80-6-304** is amended to read:

14978 **80-6-304 (Effective 07/01/26). Nonjudicial adjustments -- Requirement to seek**
14979 **legal counsel before declination.**

14980 (1) For a nonjudicial adjustment, the juvenile probation officer may require a minor to:

- 14981 (a) pay a financial penalty of no more than \$250 to the juvenile court, subject to the
14982 terms established under Subsection (5);
14983 (b) pay restitution to any victim;
14984 (c) complete community or compensatory service;
14985 (d) attend counseling or treatment with an appropriate provider;
14986 (e) attend substance abuse treatment or counseling;
14987 (f) comply with specified restrictions on activities or associations;
14988 (g) attend victim-offender mediation if requested by the victim; and
14989 (h) comply with any other reasonable action that is in the interest of the minor, the
14990 community, or the victim.

14991 (2)(a) Within seven days of receiving a referral that appears to be eligible for a
14992 nonjudicial adjustment in accordance with Section 80-6-303.5, the juvenile probation
14993 officer shall provide an initial notice to reasonably identifiable and locatable victims
14994 of the offense contained in the referral.

14995 (b) The victim shall be responsible to provide to the juvenile probation officer upon
14996 request:

- 14997 (i) invoices, bills, receipts, and any other evidence of injury, loss of earnings, and
14998 out-of-pocket loss;
14999 (ii) documentation and evidence of compensation or reimbursement from an
15000 insurance company or an agency of the state, any other state, or the federal
15001 government received as a direct result of the crime for injury, loss of earnings, or
15002 out-of-pocket loss; and
15003 (iii) proof of identification, including home and work address and telephone numbers.

15004 (c) The inability, failure, or refusal of the victim to provide all or part of the requested
15005 information shall result in the juvenile probation officer determining restitution based

15006 on the best information available.

15007 (3) The juvenile probation officer may not predicate acceptance of an offer of a nonjudicial
15008 adjustment on an admission of guilt.

15009 (4)(a) A minor may not decline to enter into a nonjudicial adjustment without first being
15010 advised of their right to consult with counsel, subject to the requirements of this
15011 section.

15012 (b) If a minor seeks to decline a nonjudicial adjustment, the juvenile probation officer
15013 shall inform the minor of:

15014 (i) the minor's right to consult with counsel; and

15015 (ii) the availability of resources for the minor to receive legal advice provided by the
15016 Office of Indigent Defense Services created in Section [78B-22-451] 75E-10-102.

15017 (c) If a minor seeks to decline a nonjudicial adjustment, and also declines to seek the
15018 advice of counsel after being informed as required under Subsection (4)(b), the
15019 juvenile probation officer shall:

15020 (i) sign an acknowledgment that the juvenile probation officer provided the minor
15021 with the information required by Subsection (4)(b);

15022 (ii) have the minor sign an acknowledgment that the minor received the information
15023 required by Subsection (4)(b) and knowingly and voluntarily declined to seek the
15024 advice of counsel; and

15025 (iii) permit the minor to decline the nonjudicial adjustment.

15026 (d) No provision of this section affects a court's obligation to ensure a minor's right to
15027 counsel [~~in the event~~] if a petition is filed.

15028 (5)(a) The juvenile probation officer may not deny a minor an offer of a nonjudicial
15029 adjustment due to a minor's inability to pay a financial penalty under Subsection (1).

15030 (b) The juvenile probation officer shall base a fee, fine, or the restitution for a
15031 nonjudicial adjustment under Subsection (1) upon the ability of the minor's family to
15032 pay as determined by a statewide sliding scale developed in accordance with Section [
15033 63M-7-208] 75E-2-207.

15034 (6)(a) A nonjudicial adjustment may not extend for more than 90 days, unless a juvenile
15035 court judge extends the nonjudicial adjustment for an additional 90 days.

15036 (b) A juvenile court judge may extend a nonjudicial adjustment beyond the 180 days
15037 permitted under Subsection (6)(a):

15038 (i) for a minor who is:

15039 (A) offered a nonjudicial adjustment for a sexual offense under Title 76, Chapter

15040 5, Part 4, Sexual Offenses, that the minor committed before the minor was 12
 15041 years old, other than an offense under Section 76-5-417, 76-5-418, 76-5-419,
 15042 or 76-5-420; or

15043 (B) referred to a prosecuting attorney for a sexual offense under Title 76, Chapter
 15044 5, Part 4, Sexual Offenses, that the minor committed before the minor was 12
 15045 years old, other than an offense under Section 76-5-417, 76-5-418, 76-5-419,
 15046 or 76-5-420; and

15047 (ii) the judge determines that:

15048 (A) the nonjudicial adjustment requires specific treatment for the sexual offense;

15049 (B) the treatment cannot be completed within 180 days after the day on which the
 15050 minor entered into the nonjudicial adjustment; and

15051 (C) the treatment is necessary based on a clinical assessment that is
 15052 developmentally appropriate for the minor.

15053 (c) If a juvenile court judge extends a minor's nonjudicial adjustment under Subsection
 15054 (6)(b), the judge may extend the nonjudicial adjustment until the minor completes the
 15055 specific treatment, but the judge may only grant each extension for 90 days at a time.

15056 (7) If a minor violates Section 76-9-1106, the minor may be required to pay a fine or
 15057 penalty and participate in a court-approved tobacco education program with a
 15058 participation fee.

15059 Section 289. Section **80-6-307** is amended to read:

15060 **80-6-307 (Effective 07/01/26). Dispositional report required in minors' cases --**

15061 **Exceptions.**

15062 (1) A juvenile probation officer, or other agency designated by the juvenile court, shall
 15063 make a dispositional report in writing in all minors' cases in which a petition has been
 15064 filed, except in cases involving violations of traffic laws or ordinances, violations of
 15065 wildlife laws and boating laws, and other minor cases.

15066 (2) When preparing a dispositional report and recommendation in a minor's case, the
 15067 juvenile probation officer, or other agency designated by the juvenile court, shall
 15068 consider the juvenile disposition guidelines, as defined in Section [~~63M-7-401.1~~]
 15069 75E-4-101, and any other factors relevant to the disposition designated in the juvenile
 15070 disposition guidelines[-].

15071 (3) Where the allegations of a petition filed under Section 80-6-305 [-]are denied, the
 15072 investigation may not be made until the juvenile court has made an adjudication.

15073 Section 290. Section **80-6-607** is amended to read:

80-6-607 (Effective 07/01/26). Case planning and appropriate responses.

- 15074
- 15075 (1) For a minor adjudicated and placed on probation under Section 80-6-702 [-]or
- 15076 committed to the division [-]under Section 80-6-703[-], a case plan shall be created and:
- 15077 (a) developed in collaboration with the minor and the minor's family;
- 15078 (b) individualized to the minor;
- 15079 (c) informed by the results of a validated risk and needs assessment under Section
- 15080 80-6-606; and
- 15081 (d) tailored to the minor's offense and history.
- 15082 (2)(a) The Administrative Office of the Courts and the division shall develop a statewide
- 15083 system of appropriate responses to guide responses to the behaviors of minors:
- 15084 (i) undergoing nonjudicial adjustments;
- 15085 (ii) whose case is under the jurisdiction of the juvenile court; and
- 15086 (iii) in the custody of the division.
- 15087 (b) The system of responses shall include both sanctions and incentives that:
- 15088 (i) are swift and certain;
- 15089 (ii) include a continuum of community based responses for minors living at home;
- 15090 (iii) target a minor's criminogenic risks and needs, as determined by the results of a
- 15091 validated risk and needs assessment under Section 80-6-606, and the severity of
- 15092 the violation; and
- 15093 (iv) authorize earned discharge credits as one incentive for compliance.
- 15094 (c) After considering the juvenile disposition guidelines, as defined in Section [
- 15095 ~~63M-7-401.1~~] 75E-4-101, the system of appropriate responses under Subsections
- 15096 (2)(a) and (b) shall be developed.
- 15097 (3)(a) A response to compliant or noncompliant behavior under Subsection (2) shall be
- 15098 documented in the minor's case plan.
- 15099 (b) Documentation under Subsection (3)(a) [-]shall include:
- 15100 (i) positive behaviors and incentives offered;
- 15101 (ii) violations and corresponding sanctions; and
- 15102 (iii) whether the minor has a subsequent violation after a sanction.
- 15103 (4) Before referring a minor to a juvenile court for judicial review, or to the authority if the
- 15104 minor is under the jurisdiction of the authority, in response to a contempt filing under
- 15105 Section 78A-6-353 or an order to show cause, a pattern of appropriate responses shall be
- 15106 documented in the minor's case plan in accordance with Subsections (3)(a) and (b) .
- 15107 (5) Notwithstanding Subsection (4), if a minor violates a protective order or an ex parte

15108 protective order listed in Section 78B-7-803, the violation may be filed directly with the
15109 juvenile court.

15110 Section 291. Section **80-6-804** is amended to read:

15111 **80-6-804 (Effective 07/01/26). Review and termination of secure care.**

- 15112 (1) If a juvenile offender is ordered to secure care under Section 80-6-705, the juvenile
15113 offender shall appear before the authority within 45 days after the day on which the
15114 juvenile offender is ordered to secure care for review of a treatment plan and to establish
15115 parole release guidelines.
- 15116 (2)(a) Except as provided in Subsections (2)(b) and (2)(h), if a juvenile offender is
15117 ordered to secure care under Section 80-6-705, the authority shall set a presumptive
15118 term of secure care for the juvenile offender from three to six months, but the
15119 presumptive term may not exceed six months.
- 15120 (b) If a juvenile offender is ordered to secure care for a misdemeanor offense, the
15121 authority may immediately release the juvenile offender on parole if there is a
15122 treatment program available for the juvenile offender in a community-based setting.
- 15123 (c) Except as provided in Subsection (2)(h), the authority shall release the juvenile
15124 offender on parole at the end of the presumptive term of secure care unless:
- 15125 (i) termination would interrupt the completion of a treatment program determined to
15126 be necessary by the results of a validated risk and needs assessment under Section
15127 80-6-606; or
- 15128 (ii) the juvenile offender commits a new misdemeanor or felony offense.
- 15129 (d) The authority shall determine whether a juvenile offender has completed a treatment
15130 program under Subsection (2)(c)(i) by considering:
- 15131 (i) the recommendations of the licensed service provider for the treatment program;
15132 (ii) the juvenile offender's record in the treatment program; and
15133 (iii) the juvenile offender's completion of the goals of the treatment program.
- 15134 (e) Except as provided in Subsection (2)(h), the authority may extend the length of
15135 secure care and delay parole release for the time needed to address the specific
15136 circumstance if one of the circumstances under Subsection (2)(c) exists.
- 15137 (f) The authority shall:
- 15138 (i) record the length of the extension and the grounds for the extension; and
15139 (ii) report annually the length and grounds of extension to the ~~commission~~
15140 department.
- 15141 (g) Records under Subsection (2)(f) shall be tracked in the data system used by the

- 15142 juvenile court and the division.
- 15143 (h) If a juvenile offender is ordered to secure care for a misdemeanor offense, the
15144 authority may not:
- 15145 (i) set a juvenile offender's presumptive term of secure care under Subsection (2)(a)
15146 that would result in a term of secure care that exceeds a term of incarceration for
15147 an adult under Section 76-3-204 for the same misdemeanor offense; or
- 15148 (ii) extend the juvenile offender's term of secure care under Subsections (2)(c) and (e)
15149 if the extension would result in a term of secure care that exceeds the term of
15150 incarceration for an adult under Section 76-3-204 for the same misdemeanor
15151 offense.
- 15152 (3)(a) If a juvenile offender is ordered to secure care, the authority shall set a
15153 presumptive term of parole supervision, including aftercare services, from three to
15154 four months, but the presumptive term may not exceed four months.
- 15155 (b) If the authority determines that a juvenile offender is unable to return home
15156 immediately upon release, the juvenile offender may serve the term of parole:
- 15157 (i) in the home of a qualifying relative or guardian;
- 15158 (ii) at an independent living program contracted or operated by the division; or
- 15159 (iii) in a family-based setting with approval by the director or the director's designee
15160 if the minor does not qualify for an independent living program due to age,
15161 disability, or another reason or the minor cannot be placed with a qualifying
15162 relative or guardian.
- 15163 (c) The authority shall release a juvenile offender from parole and terminate the
15164 authority's jurisdiction at the end of the presumptive term of parole, unless:
- 15165 (i) termination would interrupt the completion of a treatment program that is
15166 determined to be necessary by the results of a validated risk and needs assessment
15167 under Section 80-6-606;
- 15168 (ii) the juvenile offender commits a new misdemeanor or felony offense; or
- 15169 (iii) restitution has not been completed.
- 15170 (d) The authority shall determine whether a juvenile offender has completed a treatment
15171 program under Subsection (3)(c)(i) by considering:
- 15172 (i) the recommendations of the licensed service provider;
- 15173 (ii) the juvenile offender's record in the treatment program; and
- 15174 (iii) the juvenile offender's completion of the goals of the treatment program.
- 15175 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay

- 15176 parole release only for the time needed to address the specific circumstance.
- 15177 (f) The authority shall:
- 15178 (i) record the grounds for extension of the presumptive length of parole and the
- 15179 length of the extension; and
- 15180 (ii) report annually the extension and the length of the extension to the [eommission]
- 15181 department.
- 15182 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the
- 15183 juvenile court and the division.
- 15184 (h) If a juvenile offender leaves parole supervision without authorization for more than
- 15185 24 hours, the term of parole shall toll until the juvenile offender returns.
- 15186 (4) Subsections (2) and (3) do not apply to a juvenile offender ordered to secure care for:
- 15187 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 15188 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 15189 (c) Section 76-5-203, murder or attempted murder;
- 15190 (d) Section 76-5-205, manslaughter;
- 15191 (e) Section 76-5-206, negligent homicide;
- 15192 (f) Section 76-5-207, automobile homicide;
- 15193 (g) Section 76-5-207.5, automobile homicide involving using a wireless communication
- 15194 device while operating a motor vehicle;
- 15195 (h) Section 76-5-208, child abuse homicide;
- 15196 (i) Section 76-5-209, homicide by assault;
- 15197 (j) Section 76-5-302, aggravated kidnapping;
- 15198 (k) Section 76-5-405, aggravated sexual assault;
- 15199 (l) a felony violation of Section 76-6-103, aggravated arson;
- 15200 (m) Section 76-6-203, aggravated burglary;
- 15201 (n) Section 76-6-302, aggravated robbery;
- 15202 (o) Section 76-11-210, felony discharge of a firearm;
- 15203 (p)(i) an offense other than an offense listed in Subsections (4)(a) through (o)
- 15204 involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is
- 15205 a felony; and
- 15206 (ii) the juvenile offender has been previously adjudicated or convicted of an offense
- 15207 involving the use of a dangerous weapon, as defined in Section 76-1-101.5; or
- 15208 (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the
- 15209 juvenile offender has been previously ordered to secure care.

15210 Section 292. Section **80-6-907** is amended to read:

15211 **80-6-907 (Effective 07/01/26). Youth Court Board -- Membership --**

15212 **Responsibilities.**

- 15213 (1) The Youth Court Board shall be comprised of the following members:
- 15214 (a) the Utah attorney general or the attorney general's designee;
- 15215 (b) one prosecuting attorney appointed by the Utah Prosecution Council;
- 15216 (c) one criminal defense attorney appointed by the Utah Association of Criminal
15217 Defense Attorneys;
- 15218 (d) one juvenile court judge appointed by the Board of Juvenile Court Judges;
- 15219 (e) the juvenile court administrator or the administrator's designee;
- 15220 (f) the ~~[executive director]~~ commissioner of the ~~[commission]~~ Department of Criminal
15221 Justice or the ~~[executive director's]~~ commissioner's designee;
- 15222 (g) the state superintendent of education or the state superintendent's designee;
- 15223 (h) two representatives, appointed by the Utah Youth Court Association, from youth
15224 courts based primarily in schools;
- 15225 (i) two representatives, appointed by the Utah Youth Court Association, from youth
15226 courts based primarily in communities;
- 15227 (j) one member from the law enforcement community appointed by the Youth Court
15228 Board;
- 15229 (k) one member from the community at large appointed by the Youth Court Board; and
- 15230 (l) the president of the Utah Youth Court Association.
- 15231 (2) The Office of the Attorney General shall provide staff support and assistance to the
15232 Youth Court Board.
- 15233 (3) The members selected to fill the positions in Subsections (1)(a) through (g) shall jointly
15234 select the members to fill the positions in Subsections (1)(h) through (k).
- 15235 (4) Members shall serve two-year staggered terms beginning July 1, 2012, except the initial
15236 terms of the members designated by Subsections (1)(b), (c), (d), (j), and (k) and one of
15237 the members from Subsections (1)(h) and (i) shall serve two-year terms, but may be
15238 reappointed for a full four-year term upon the expiration of the member's initial term.
- 15239 (5) The Youth Court Board shall meet at least quarterly to:
- 15240 (a) set minimum standards for the establishment of a youth court, including an
15241 application process, membership and training requirements, and the qualifications for
15242 the adult coordinator;
- 15243 (b) review certification applications; and

- 15244 (c) provide for a process to recertify each youth court every three years.
- 15245 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
15246 Youth Court Board shall make rules to accomplish the requirements of Subsection (4).
- 15247 (7) The Youth Court Board may deny certification, recertification, or withdraw the
15248 certification of any youth court for failure to comply with program requirements.
- 15249 (8) A member may not receive compensation or benefits for the member's service, but may
15250 receive per diem and travel expenses in accordance with:
- 15251 (a) Section 63A-3-106;
- 15252 (b) Section 63A-3-107; and
- 15253 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
15254 63A-3-107.
- 15255 (9) The Youth Court Board shall provide a list of certified youth courts to the Board of
15256 Juvenile Court Judges, all law enforcement agencies in the state, all school districts, and
15257 the Utah Prosecution Council by October 1 of each year.
- 15258 Section 293. Section **81-13-205** is amended to read:
- 15259 **81-13-205 (Effective 07/01/26). Petition to terminate parental rights of a minor**
15260 **child.**
- 15261 (1) A party may bring a petition seeking to terminate parental rights of a minor child for the
15262 purpose of facilitating the adoption of the minor child in a court with jurisdiction under
15263 Title 78A, Judiciary and Judicial Administration.
- 15264 (2) A petition to terminate parental rights under this section may be:
- 15265 (a) joined with a proceeding on an adoption petition; or
- 15266 (b) filed as a separate proceeding before or after a petition to adopt the minor child is
15267 filed.
- 15268 (3) A court may enter a final order terminating parental rights before a final decree of
15269 adoption is entered.
- 15270 (4)(a) Nothing in this section limits the jurisdiction of a juvenile court relating to
15271 proceedings to terminate parental rights as described in Section 78A-6-103.
- 15272 (b) A court may not terminate parental rights of a minor child if the minor child is under
15273 the jurisdiction of the juvenile court in a pending abuse, neglect, dependency, or
15274 termination of parental rights proceeding.
- 15275 (5) The court may terminate an individual's parental rights of a minor child if:
- 15276 (a) the individual executes a voluntary consent to adoption, or relinquishment for
15277 adoption, of the minor child, in accordance with:

- 15278 (i) the requirements of this chapter; or
- 15279 (ii) the laws of another state or country, if the consent is valid and irrevocable;
- 15280 (b) the individual is an unmarried biological father who is not entitled to consent to
- 15281 adoption, or relinquishment for adoption, under Section 81-13-212 or 81-13-213;
- 15282 (c) the individual:
- 15283 (i) received notice of the adoption proceeding relating to the minor child under
- 15284 Section 81-13-207; and
- 15285 (ii) failed to file a motion for relief, under Subsection 81-13-207(6), within 30 days
- 15286 after the day on which the individual was served with notice of the adoption
- 15287 proceeding;
- 15288 (d) the court finds, under Section 81-5-607, that the individual is not a parent of the
- 15289 minor child; or
- 15290 (e) the individual's parental rights are terminated on grounds described in Title 80,
- 15291 Chapter 4, Termination and Restoration of Parental Rights, and termination is in the
- 15292 best interests of the minor child.
- 15293 (6) The court shall appoint an indigent defense service provider in accordance with Title
- 15294 78B, Chapter 22, Indigent Defense Act, to represent a parent, as defined in Section
- 15295 81-13-211, who faces any action initiated by a private party under Title 80, Chapter 4,
- 15296 Termination and Restoration of Parental Rights, or whose parental rights are subject to
- 15297 termination under this section.
- 15298 (7) If a county incurs expenses in providing indigent defense services to an indigent
- 15299 individual facing any action initiated by a private party under Title 80, Chapter 4,
- 15300 Termination and Restoration of Parental Rights, or termination of parental rights under
- 15301 this section, the county may apply for reimbursement from the [~~Utah~~]Indigent Defense
- 15302 Commission in accordance with Section [~~78B-22-406~~] 75E-9-203.
- 15303 (8) A petition filed under this section is subject to the procedural requirements of this
- 15304 chapter.

15305 Section 294. **Repealer.**

15306 This bill repeals:

15307 Section **63A-16-1001, Definitions.**

15308 Section **63A-16-1004, Software service required to be compatible with public safety**

15309 **portal.**

15310 Section **63M-7-210, Pilot program of competency-based career and technical education**

15311 **grants.**

- 15312 Section **63M-7-501, Title.**
- 15313 Section **63M-7-506.5, Duties of the office.**
- 15314 Section **63M-7-511.5, Limitation of reparations awards.**
- 15315 Section **63M-7-512, Reparations reduction.**
- 15316 Section **63M-7-513, Collateral sources.**
- 15317 Section **63M-7-516, Waiver of privilege.**
- 15318 Section **63M-7-518, Failure to comply.**
- 15319 Section **63M-7-522, Emergency reparations award.**
- 15320 Section **63M-7-523, Review of reparations award decision.**
- 15321 Section **63M-7-905, Staff -- Contract with third party.**
- 15322 Section **76-1-101, Short title.**
- 15323 Section **77-1-1, Short title.**
- 15324 Section **77-38-618, Retention and destruction of records.**
- 15325 Section **77-38-621, Rulemaking.**
- 15326 Section 295. **Effective Date.**
- 15327 This bill takes effect on July 1, 2026.
- 15328 Section 296. **Coordinating S.B. 323 with H.B. 122.**
- 15329 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 122, Pregnant and
- 15330 Postpartum Inmate Amendments, both pass and become law, the Legislature intends that, on
- 15331 July 1, 2026, the amendments to Subsections 64-13-45(3) and (4) in S.B. 323 supersede the
- 15332 amendments to those subsections in H.B. 122.
- 15333 Section 297. **Coordinating S.B. 323 with H.B. 220.**
- 15334 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 220, Public Safety
- 15335 Data Amendments, both pass and become law, the Legislature intends that, on July 1, 2026:
- 15336 (1) Subsection 53-5a-602(8)(d)(iii) in H.B. 220 be amended to read:
- 15337 "(iii) submit the compilation to the [~~Law Enforcement and Criminal Justice Interim~~
- 15338 ~~Committee Law Enforcement and Criminal Interim Committee]~~ Department of Criminal
- 15338a Justice
- 15339 created in Section 75E-2-102 before November 1 of each year.";
- 15340 (2) Section 53-10-910 in H.B. 220 be amended to read:
- 15341 "The Department of Public Safety and the Utah Bureau of Forensic Services shall
- 15342 report by July 31 of each year to the Department of Criminal Justice, the Law Enforcement
- 15343 and Criminal Justice Interim Committee, and the Criminal Justice Appropriations
- 15344 Subcommittee regarding:

15345 (1) the timelines set for testing all sexual assault kits submitted to the Utah Bureau
15346 of Forensic Services as provided in Subsection 53-10-903(2);

15347 (2) the goals established in Section 53-10-909;

15348 (3) the status of meeting those goals;

15349 (4) the number of sexual assault kits that are sent to the Utah Bureau of Forensic
15350 Services for testing;

15351 (5) the number of restricted kits held by law enforcement;

15352 (6) the number of sexual assault kits that are not processed in accordance with the
15353 timelines established in this part; and

15354 (7) future appropriations requests that will ensure that all DNA cases can be
15355 processed according to the timelines established by this part.";

15356 (3) Subsection 53H-7-603(2)(c) enacted in H.B. 220 be amended to read:

15357 "(c) on or before November 1 of each year, provide the crime statistics aggregated by
15358 housing facility as described in Subsection (2)(a) to the Department of Criminal Justice created
15359 in Section 75E-2-102.";

15360 (4) Subsection 63A-16-1002(4) in H.B. 220 be amended to read:

15361 "(4) The public safety portal shall be the repository for[~~the statutorily required data~~
15362 ~~described in~~]:

15363 (a) ~~recidivism data described in Section 13-53-111[~~Recidivism reporting~~~~
15364 ~~requirements]~~;

15365 (b) ~~county jail data described in Section 17-72-408[~~County jail reporting~~~~
15366 ~~requirements]~~;

15367 (c) ~~criminal justice coordinating council data described in Section 17E-2-201[~~;~~~~
15368 ~~Criminal Justice Coordinating Councils reporting]~~;

15369 (d) ~~data from the Alcohol Abuse Tracking Committee as described in Section~~
15370 ~~26B-1-427[~~Alcohol Abuse Tracking Committee]~~];~~

15371 (e) ~~DUI related data described in Section 41-6a-511[~~Courts to collect and~~~~
15372 ~~maintain data]~~;

15373 (f) ~~data of attempted weapons purchases by restricted persons described in Section~~
15374 ~~53-5a-602;~~

15375 [~~(f)~~] (g) ~~driving under the influence crash and arrest data, as described in Section~~
15376 ~~53-10-118[~~Regarding driving under the influence data]~~];~~

15377 (h) ~~sexual assault kits data described in Section 53-10-910;~~

15378 [~~(g)~~ Section 53-25-301, ~~Reporting requirements for reverse-location warrants];~~

15379 ~~[(h)]~~ (i) sexual assault offense data described in Section 53-25-202~~[, Sexual assault~~
 15380 ~~offense reporting requirements for law enforcement agencies];~~
 15381 ~~[(i) Section 53E-3-516, School disciplinary and law enforcement action report;]~~
 15382 (j) reverse-location warrant data described in Section 53-25-301;
 15383 ~~[(j)]~~ (k) seized firearm data described in Section 53-25-501~~[, Reporting~~
 15384 ~~requirements for seized firearms];~~
 15385 ~~[(k)]~~ (l) firearm data described in Section 53-25-502~~[, Law enforcement agency~~
 15386 ~~reporting requirements for certain firearm data];~~
 15387 ~~[(l) Section 63M-7-214, Law enforcement agency grant reporting;]~~
 15388 ~~[(m) Section 63M-7-216, Prosecutorial data collection;]~~
 15389 ~~[(n) Section 63M-7-216.1, Prosecutorial data collection regarding certain~~
 15390 ~~prosecutions, dismissals, and declinations to prosecute;]~~
 15391 ~~[(o) Section 63M-7-220, Domestic violence data collection;]~~
 15392 ~~[(p) Section 64-14-204, Supervision of sentenced offenders placed in community;]~~
 15393 (m) the school disciplinary and law enforcement action report described in Section
 15394 53E-3-516;
 15395 (n) data regarding crime statistics on student housing as described in Section
 15396 53H-7-603;
 15397 ~~[(q)]~~ (o) data described in Section 64-13-25, [Standards for programs] relating to
 15398 programs developed by the Department of Corrections;
 15399 ~~[(r)]~~ (p) inmate data described in Section 64-13-45~~[, Department reporting~~
 15400 ~~requirements];~~
 15401 (q) data regarding sexual assaults in correctional facilities described in Section
 15402 64-13-47;
 15403 ~~[(s)]~~ (r) the county reports described in Section 64-13e-104~~[, County correctional~~
 15404 ~~facility reimbursement program for state probationary inmates and state parole inmates];~~
 15405 (s) sentenced offender data described in Section 64-14-204;
 15406 (t) data from the multi-agency strike force to combat violent and other major
 15407 felony crimes described in Section 67-5-22.7;
 15408 (u) prosecutorial agency data for each criminal case as described in Section
 15409 75E-2-205;
 15410 (v) prosecutorial agency data for the previous calendar year as described in
 15411 Section 75E-2-206;
 15412 (w) domestic violence data described in Section 75E-2-208;

15413 (x) law enforcement agency grant reports described in Section 75E-2-302;
 15414 (y) the Prosecutor Conduct Commission report described in Section 75E-8-205;
 15415 ~~[(t)] (z) tactical group data described in Section 77-7-8.5[; Use of tactical groups];~~
 15416 ~~[(u)] (aa) forfeiture data described in Section 77-11b-404[; Forfeiture reporting~~
 15417 ~~requirements];~~
 15418 ~~[(v)] (bb) release data described in Section 77-20-103[; Release data requirements];~~
 15419 ~~[(w)] (cc) court order data described in Section 77-22-2.5[; Court orders for~~
 15420 ~~criminal investigations];~~
 15421 (dd) metrics from the Board of Pardons and Parole described in Section 77-27-32;
 15422 ~~[(x)] (ee) court data described in Section 78A-2-109.5[; Court data collection on~~
 15423 ~~criminal cases];~~
 15424 (ff) data regarding sexual assaults in secure care and detention facilities described
 15425 in Section 80-5-202;
 15426 ~~[(y)] (gg) data on offenses committed by minors submitted under Section 80-6-104[;~~
 15427 ~~Data collection on offenses committed by minors]; and~~
 15428 ~~[(z)] (hh) any other statutes that require the collection of specific data and the~~
 15429 ~~reporting of that data to the [commission] department.";~~
 15430 (5) Subsection 63G-2-201(15) enacted in H.B. 220 be amended to read:
 15431 "(15) Notwithstanding any other provision of this chapter, the Department of
 15432 Criminal Justice created in Section 75E-2-102:
 15433 (a) is not required to provide a record in response to a record request that requests
 15434 records received by the Department of Criminal Justice under Section 75E-2-210; and
 15435 (b) shall inform the person making a record request for a record described in
 15436 Subsection (15)(a) of the governmental entity from which the Department of Criminal Justice
 15437 received the record.";
 15438 (6) Subsection 64-13-47(4)(b) in H.B. 220 be amended to read:
 15439 "(b) annually report the data described in Subsection (4)(a) to the [Law Enforcement
 15440 and Criminal Justice Interim Committee] Department of Criminal Justice created in Section
 15441 75E-2-102.";
 15442 (7) Subsection 67-5-22.7(6) in H.B. 220 be amended to read:
 15443 "(6) The strike force shall make an annual report on [its] the strike force's activities to
 15444 the governor[-and] , the Department of Criminal Justice, and the [Legislature's-]Law
 15445 Enforcement and Criminal Justice Interim Committee by December 1, together with any
 15446 proposed recommendations for modifications to this section.";

15447 (8) the amendments to Section 75E-8-205 (renumbered from Section 63M-7-1106) in
15448 S.B. 323 supersede the amendments to Section 63M-7-1106 in H.B. 220;

15449 (9) the changes in S.B. 323 to Subsection 77-27-32(2) be deleted;

15450 (10) Subsection 77-27-32(3) enacted in H.B. 220 be amended to read:

15451 "On or before November 1 of each year, the board shall submit the metrics described
15452 in Subsection (1) to the Department of Criminal Justice."; and

15453 (11) Subsection 80-5-202(5) in H.B. 220 be amended to read:

15454 "The division shall annually report the data described in [Section] Subsection (4)(f) to
15455 the [Law Enforcement and Criminal Justice Interim Committee] Department of Criminal Justice.
15456 ".

15457 **Section 298. Coordinating S.B. 323 with H.B. 271.**

15458 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 271, Multi-Agency
15459 Joint Strike Force Modifications, both pass and become law, the Legislature intends that, on
15460 July 1, 2026, Subsection 63A-16-1002(4)(t) enacted in H.B. 271 be amended to read:

15461 "(t) data regarding catalytic converter thefts and arrests described in Section 67-5-37;".

15462 **Section 299. Coordinating S.B. 323 with H.B. 230.**

15463 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 230, Offender
15464 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026, the
15465 reference to the term "State Commission on Criminal and Juvenile Justice" in Subsection
15466 64-14-203(1)(l) enacted in H.B. 230 be changed to "Department of Criminal Justice".

15467 **Section 300. Coordinating S.B. 323 with H.B. 114.**

15468 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 114, Adult-oriented
15469 Performance and Material Amendments, both pass and become law, the Legislature intends
15470 that, on July 1, 2026, the amendments to Subsections 78B-6-2105(10) and (14) in S.B. 323
15471 supersede the amendments to Subsections 78B-6-2105(10) and (14) in H.B. 114.

15472 **Section 301. Coordinating S.B. 323 with S.B. 13.**

15473 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 13, Statutorily
15474 Required Reports and Presentations Amendments, both pass and become law, the Legislature
15475 intends that, on July 1, 2026:

15476 (1) the amendments to Section 13-53-111 in S.B. 323 supersede the amendments to that
15477 section in S.B. 13;

15478 (2) Subsection 63M-7-405(1)(b) in S.B. 13 be amended to read:

15479 "(b) On or before June 30 of each year, the sentencing commission shall:

15480 (i) after the last day of the general legislative session, update the annual offense

15481 report;

15482 (ii) provide the annual offense report to the department; and

15483 (iii) publish the annual offense report on the department's website.";

15484 (3) Subsection 63M-7-405(2)(a)(iii) in S.B. 13 be amended to read:

15485 "(iii) update the guide described in Subsection (2)(a)(ii) annually and publish the
15486 guide on the department's website.";

15487 (4) the amendments to Section 75E-2-303 (renumbered from Section 63M-7-218) in
15488 S.B. 323 supersede the amendments to Section 63M-7-218 in S.B. 13;

15489 (5) Section 63I-1-280 in S.B. 13 be amended to read:

15490 "Subsections 80-6-104(5) and (6), regarding a report from the Department of
15491 Criminal Justice, is repealed January 1, 2029.";

15492 (6) Subsection 75E-2-205(5) (renumbered from Subsection 63M-7-216(5)) in S.B. 323
15493 be amended to read:

15494 "(5) The [commission] department shall include in the plan required by Subsection [
15495 63M-7-204(1)(k)] 75E-2-202(8) an analysis of the data received, comparing and contrasting the
15496 practices and trends among and between prosecutorial agencies in the state.[The Law
15497 Enforcement and Criminal Justice Interim Committee may request an in-depth analysis of the
15498 data received annually. Any request shall be in writing and specify which data points the report
15499 shall focus on.]"; and

15500 (7) Subsection 75E-2-202(18) enacted in S.B. 323 be deleted and the remaining
15501 subsections renumbered accordingly.

15502 **Section 302. Coordinating S.B. 323 with H.B. 34.**

15503 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 34, Victim Rights
15504 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026:

15505 (1) Subsection 63M-7-1001(2) enacted in H.B. 34 be amended to read:

15506 "(2) "Coordinator" means the individual designated by the commissioner as described
15507 in Section 75E-6-303.";

15508 (2) Section 63M-7-1002.5 enacted in H.B. 34 be renumbered to Section 75E-6-303 and
15509 replaced with the following language:

15510 "The commissioner shall designate an individual to:

15511 (1) provide administrative assistance to each committee; and

15512 (2) receive and process complaints as described in Section 75E-6-304.";

15513 (3) Section 75E-6-303 (renumbered from Section 63M-7-1003) in S.B. 323 be
15514 renumbered to Section 75E-6-304; and

15515 (4) the term "Victim Services Commission" in Subsection 63M-7-1003(1)(a) enacted in
15516 H.B. 34 be replaced with the term "commission".

15517 Section 303. **Coordinating S.B. 323 with H.B. 48.**

15518 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 48, Criminal and
15519 Juvenile Justice Changes, both pass and become law, the Legislature intends that, on July 1,
15520 2026:

15521 (1) the changes in H.B. 48 to Section 63M-7-101.5 be deleted;

15522 (2) Section 75E-2-201 enacted in S.B. 323 be amended to read:

15523 **"75E-2-201 (Effective 07/01/26). Definitions for part.**

15524 As used in this part:

15525 (1) "Alternative recidivism metric" includes:

15526 (a) the number of individuals who are incarcerated in a county jail or a state
15527 correctional facility:

15528 (i) within three years after the day on which the individuals are released
15529 from incarceration in a county jail or state correctional facility for a prior conviction; and

15530 (ii) due to:

15531 (A) a subsequent conviction; or

15532 (B) an arrest for:

15533 (I) a felony offense; or

15534 (II) a misdemeanor offense when an element of the misdemeanor
15535 offense is the use or attempted use of physical force against an individual or property; and

15536 (b) a recidivism measurement reported to the commission under Subsection
15537 75E-2-203(3).

15538 (2) "Commission" means the Commission on Criminal and Juvenile Justice
15539 created in Section 75E-3-102.

15540 (3) "Desistance" means an individual's abstinence from further criminal
15541 activity after a previous criminal conviction.

15542 (4) "Intervention" means a program, sanction, supervision, or event that may
15543 impact recidivism.

15544 (5) "Recidivism" means a return to criminal activity after a previous criminal
15545 conviction.

15546 (6) "Recidivism standard metric" means the number of individuals who are
15547 returned to prison for a new conviction within three years after the day on which the
15548 individuals were released from prison.";

15549 (3) the term "commission" in Subsection 63M-7-208(2) in H.B. 48 be replaced with
 15550 "department"; and

15551 (4) the changes to Subsection 75E-2-207(4) (renumbered from Subsection
 15552 63M-7-208(4)) in S.B. 323 supersede the changes to Subsection 63M-7-208(5) in H.B. 48.

15553 Section 304. **Coordinating S.B. 323 with H.B. 188.**

15554 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 188, Juvenile Justice
 15555 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026:

15556 (1) the term "commission" in Subsection 63M-7-208(2) in H.B. 188 be replaced with
 15557 "department"; and

15558 (2) the changes to Subsection 75E-2-207(4) (renumbered from Subsection
 15559 63M-7-208(4)) in S.B. 323 supersede the changes to Subsection 63M-7-208(5) in H.B. 188.

15560 Section 305. **Coordinating S.B. 323 with H.B. 274.**

15561 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 274, Sentencing
 15562 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026, Section
 15563 63M-7-401.2 in H.B. 274 and Section 75E-4-102 (renumbered from Subsection 63M-7-401.2)
 15564 in S.B. 323 be amended to read:

15565 "~~63M-7-401.2~~ **75E-4-102. Creation -- Members -- Appointment -- Qualifications.**

15566 (1) There is created the sentencing commission~~[- within the commission, that is~~
 15567 ~~composed of 15 voting members]~~ within the department.

15568 (2) The sentencing commission shall:

15569 (a) develop ~~[by-laws]~~ bylaws and rules in compliance with Title 63G, Chapter 3,
 15570 Utah Administrative Rulemaking Act; and

15571 (b) elect the sentencing commission's officers.

15572 (3) (a) The sentencing commission is composed of 15 voting members.

15573 (b) The sentencing commission's members ~~[shall be]~~ are:

15574 ~~[(a)]~~ (i) the executive director of the Department of Corrections or the executive
 15575 director's designee;

15576 ~~[(b)]~~ (ii) the director of the Division of Juvenile Justice and Youth Services or the
 15577 director's designee;

15578 ~~[(c)]~~ (iii) the executive director of the commission or the executive director's
 15579 designee;

15580 ~~[(d)]~~ (iv) the chair of the Board of Pardons and Parole or the chair's designee;

15581 ~~[(e)]~~ (v) the state court administrator or the state court administrator's designee;

15582 ~~[(f)]~~ a criminal defense attorney, appointed by the Utah Association of Criminal

15583 Defense Lawyers;]

15584 [~~(g)~~ an indigent defense attorney, appointed by the Indigent Defense Commission;]

15585 (vi) three criminal defense attorneys, appointed by the Utah Association of

15586 Criminal Defense Lawyers, with at least one being a criminal defense attorney in a rural

15587 county;

15588 [~~(h)~~] (vii) the attorney general or the attorney general's designee;

15589 (viii) three criminal prosecuting attorneys, appointed by the Statewide

15590 Association of Public Attorneys and Prosecutors, with at least one being a criminal prosecuting

15591 attorney in a rural county;

15592 [~~(i)~~ a criminal prosecutor, appointed by the Statewide Association of Public

15593 Attorneys and Prosecutors;]

15594 [~~(j)~~ a representative of the Utah Sheriff's Association appointed by the governor;]

15595 (ix) two representatives of the Utah Sheriffs Association, appointed by the Utah

15596 Sheriffs Association, with at least one being a representative of a sheriff from a rural county;

15597 (x) one representative of the Utah Chiefs of Police Association, appointed by the

15598 Utah Chiefs of Police Association;

15599 [~~(k)~~] (xi) [a licensed professional] an individual, appointed by the governor, who

15600 assists in the rehabilitation of individuals convicted of an offense; and

15601 [~~(l)~~] (xii) the chair of the Utah Victim Services Commission or a member of the

15602 Utah Victim Services Commission designated by the chair[;] .

15603 [~~(m)~~ the chair of the Juvenile Justice Oversight Committee or a member of the

15604 Juvenile Justice Oversight Committee designated by the chair;]

15605 [~~(n)~~ a juvenile prosecuting attorney, appointed by the Statewide Association of

15606 Public Attorneys and Prosecutors; and]

15607 [~~(o)~~ a juvenile defense attorney, appointed by the Utah Association of Criminal

15608 Defense Lawyers.]

15609 (4) In addition to the members described in Subsection (3), the following may serve

15610 as [~~non-voting~~] nonvoting members:

15611 (a) a district court judge appointed by the Judicial Council; [~~and~~]

15612 (b) a juvenile district court judge appointed by the Judicial Council[;] ; and

15613 (c) the chair of the Juvenile Justice Oversight Committee or a member of the

15614 Juvenile Justice Oversight Committee designated by the chair.

15615 (5) The executive director of the commission shall hire a director of the sentencing

15616 commission to administer and manage the sentencing commission."

15617 Section 306. **Coordinating S.B. 323 with H.B. 345.**

15618 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 345, Victim

15619 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026:

15620 (1) the term "reparations award" in Subsection 63M-7-509(4) in H.B. 345 be changed to
15621 the term "compensation award"; and

15622 (2) the reference in Subsection 63M-7-510(1)(h) to "Subsection 63M-7-509(4)" enacted
15623 in H.B. 345 be changed to "Subsection 75E-5-305(4)".

15624 Section 307. **Coordinating S.B. 323 with S.B. 233.**

15625 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 233, Judicial

15626 Performance Evaluation Amendments, both pass and become law, the Legislature intends that,
15627 on July 1, 2026:

15628 (1) the changes to Subsection 78A-12-201(1)(e) in S.B. 323 supersede the changes to
15629 Subsection 78A-12-103(1)(e) (renumbered from Subsection 78A-12-201(1)(e)) in S.B. 233;
15630 and

15631 (2) the changes to Subsection 78A-12-202(4) in S.B. 323 supersede the changes to
15632 Subsection 78A-12-104(4) (renumbered from Subsection 78A-12-202(4)) in S.B. 233.

15633 Section 308. **Coordinating S.B. 323 with S.B. 313.**

15634 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 313, Recidivism

15635 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026, the
15636 changes to Subsection 64-14-302(3)(c) in S.B. 313 supersede the changes to Subsection
15637 64-14-302(3)(c) in S.B. 323.

15638 Section 309. **Coordinating S.B. 323 with S.B. 86.**

15639 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 86, Firearm Safe

15640 Harbor Amendments, both pass and become law, the Legislature intends that, on July 1, 2026,
15641 the references to the term "State Commission on Criminal and Juvenile Justice" in Subsection
15642 53-5a-502(7) enacted in S.B. 86 be changed to "Department of Criminal Justice".

15643 Section 310. **Coordinating S.B. 323 with H.B. 90.**

15644 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 90, Sexual Offenses

15645 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026,
15646 Subsection 75E-3-101(3)(b) (renumbered from Section 63M-7-101.5) in S.B. 323 be omitted.

15647 Section 311. **Coordinating S.B. 323 with H.B. 137.**

15648 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 137, Violent Crime

15649 Clearance Rate Amendments, both pass and become law, the Legislature intends that, on July
15650 1, 2026:

15651 (1) all occurrences of the term "commission" in Section 63M-7-215.1 enacted in H.B.
 15652 137 be replaced with "department";

15653 (2) Section 63M-7-215.1 enacted in H.B. 137 be renumbered to Section 75E-2-307; and

15654 (3) the appropriation in Section 3 of H.B. 137 be amended to read:

15655 "Section 3. **FY 2027 Appropriations.**

15656 The following sums of money are appropriated for the fiscal year beginning July 1,
 15657 2026, and ending June 30, 2027. These are additions to amounts previously appropriated for
 15658 fiscal year 2027.

15659 **Subsection 3(a). Operating and Capital Budgets**

15660 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
 15661 Legislature appropriates the following sums of money from the funds or accounts indicated for
 15662 the use and support of the government of the state of Utah.

15663 ITEM 1 To Governor's Office - [~~Commission on Criminal and Juvenile Justice~~]

15664 Department of Criminal Justice

15665 From Violent Crime Clearance Rate Fund 250,000

15666 Schedule of Programs:

15667 [~~CCJ Commission~~] Commissioner's Office 250,000."

15668 Section 312. **Coordinating S.B. 323 with S.B. 145.**

15669 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 145, Lobbying

15670 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026, the

15671 changes to Subsection 53-1-106(1)(e) in S.B. 323 supersede the changes to Subsection

15672 53-1-106(1)(e) in S.B. 145.

15673 Section 313. **Coordinating S.B. 323 with S.B. 67.**

15674 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 67, Law

15675 Enforcement Quota Amendments, both pass and become law, the Legislature intends that, on

15676 July 1, 2026:

15677 (1) the changes in S.B. 67 to Section 63M-7-204 be deleted;

15678 (2) the following language be inserted as Subsection 75E-2-202(19) in S.B. 323 and the
 15679 remaining subsections be renumbered accordingly:

15680 "(19) receive, compile, and annually submit a report to the Law Enforcement and
 15681 Criminal Justice Interim Committee of alleged violations of the impermissible law
 15682 enforcement quota prohibition under Subsection 77-7-27(4);" and

15683 (3) the term "State Commission on Criminal and Juvenile Justice" in Subsection

15684 77-7-27(4) enacted in S.B. 67 be changed to the term "Department of Criminal Justice".

Section 314. **Coordinating S.B. 323 with H.B. 72.**

If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 72, Criminal Use of Cryptocurrency Amendments, both pass and become law, the Legislature intends that, on July 1, 2026:

(1) Section 53-6-102 in H.B. 72 be amended to read:

"53-6-102. Definitions.

As used in this chapter:

(1) "Addiction" means the unlawful or habitual use of alcohol or a controlled substance which endangers public health and safety.

(2) "Certified academy" means a peace officer training institution certified in accordance with the standards developed under Section 53-6-105.

~~[(3) "Council" means the Peace Officer Standards and Training Council created in Section 53-6-106.]~~

~~[(4)] (3) "Conviction" means an adjudication of guilt regarding criminal conduct, including:~~

~~(a) a finding of guilt by a court or a jury;~~

~~(b) a guilty plea;~~

~~(c) a plea of nolo contendere;~~

~~(d) a plea which is held in abeyance pending the successful completion of:~~

~~(i) a probationary period; or~~

~~(ii) a diversion agreement; or~~

~~(e) a conviction which has been expunged or dismissed.~~

(4) "Council" means the Peace Officer Standards and Training Council created in Section 53-6-106.

(5) "Cryptocurrency" means a digital asset that functions as a medium of exchange, a unit of account, or a store of value, and is secured by cryptography.

(6) "Cryptocurrency investigation" means a law enforcement investigation involving the tracing, analysis, or recovery of cryptocurrency or digital assets.

(7) "Department" means the Department of Criminal Justice created in Section 75E-2-102.

(8) "Digital asset" means the same as that term is defined in Section 13-62-101.

~~[(5)] (9) "Director" means the director of the Peace Officer Standards and Training Division appointed under Section 53-6-104.~~

~~[(6)] (10) "Dispatcher" means an employee of a public safety agency of the state or~~

15719 any of its political subdivisions and whose primary duties are to:

15720 (a) (i) receive calls for one or a combination of, emergency police, fire, and
15721 medical services, and to dispatch the appropriate personnel and equipment in response to the
15722 calls; and

15723 (ii) in response to emergency calls, make urgent decisions affecting the life,
15724 health, and welfare of the public and public safety employees; or

15725 (b) supervise dispatchers or direct a dispatch communication center.

15726 [(7)] (11) "Division" means the Peace Officer Standards and Training Division
15727 created in Section 53-6-103.

15728 [(8)] (12) "POST" means the division."; and

15729 (2) all occurrences of the term "commission" in Section 53-32-102 enacted in H.B. 72 be
15730 replaced with "department".

15731 Section 315. **Coordinating S.B. 323 with H.B. 338.**

15732 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 338, First
15733 Responder Health Amendments, both pass and become law, the Legislature intends that, on
15734 July 1, 2026, the reference in Subsection 53-21-102(1) enacted in H.B. 338 to "Section
15735 63A-16-1002" be changed to "Section 75E-2-210".

15736 Section 316. **Coordinating S.B. 323 with S.B. 35.**

15737 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 35, Amendments to
15738 Interdisciplinary Parental Representation Pilot Program, both pass and become law, the
15739 Legislature intends that, on July 1, 2026, Subsection 63I-1-275(3), enacted in S.B. 323, be
15740 amended to read:

15741 "(3) Section 75E-10-505, Interdisciplinary Parental Representation Pilot Program, is
15742 repealed December 31, 2031.".