

Ryan D. Wilcox proposes the following substitute bill:

**Criminal and Juvenile Justice Recodification**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: Karianne Lisonbee

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**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 Services 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 Services and the commissioner of the Department of Criminal Justice Services;
- ▶ reassigns certain responsibilities of the Commission on Criminal and Juvenile Justice to the Department of Criminal Justice Services;
- ▶ clarifies roles, responsibilities, and administration of certain entities within the

- 29 Department of Criminal Justice Services;
- 30 ▶ removes obsolete programs, responsibilities, and reporting requirements of certain entities  
31 within the Department of Criminal Justice Services;
- 32 ▶ revises the names of certain entities within the Department of Criminal Justice Services;
- 33 ▶ provides that the governor may direct the Department of Criminal Justice Services to  
34 assist with 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 Services.
- 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 Services shall include the information provided under this section in the report described  
 630 in 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 Services created in Section
- 647 75E-2-102.
- 648 (7)(a) "In-custody death" means a prisoner death that occurs while the prisoner is in the
- 649 custody of a county jail.
- 650 (b) "In-custody death" includes a prisoner death that occurs while the prisoner is:
- 651 (i) being transported for health care; or
- 652 (ii) receiving health care outside of a county jail.
- 653 (8) "Inmate" means a prisoner who is in the custody of a correctional facility following a
- 654 criminal conviction.
- 655 (9) "Medication assisted treatment plan" means a prescription plan to use prescribed
- 656 medication approved by the federal Food and Drug Administration, such as
- 657 buprenorphine, methadone, or naltrexone to treat substance use withdrawal symptoms or
- 658 an opioid use disorder.
- 659 (10) "Notice" means all papers and orders, except process, required to be served in any
- 660 proceeding before any court, board, commission, or officer, or when required by law to
- 661 be served independently of a court proceeding.
- 662 (11) "Opiate" means the same as that term is defined in Section 58-37-2.
- 663 (12) "Primary sex characteristic surgical procedure" means the same as that term is defined
- 664 in Section 26B-4-1001.
- 665 (13) "Prisoner" means an individual who is:
- 666 (a) in custody of a peace officer in accordance with a lawful arrest; or
- 667 (b) confined in a county jail.
- 668 (14) "Police interlocal entity" means the same as that term is defined in Sections 17-76-201
- 669 and 17-76-301.
- 670 (15) "Police special district" means the same as that term is defined in Section 17-76-201.
- 671 (16) "Probationer" means an individual on probation under the supervision of the county
- 672 sheriff.
- 673 (17) "Process" means all writs, warrants, summonses and orders of the courts of justice or
- 674 judicial officers.

675 (18)(a) "Qualifying domestic violence offense" means, except as provided in Subsection  
 676 (18)(b), the same as that term is defined in Section 77-36-1.1.

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

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

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

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

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

685 **17-72-402 (Effective 07/01/26). Sheriff's classification of jail facilities --**

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

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

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

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

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

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

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

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

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

702 (i) transfer prisoners to another appropriate facility:

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

704 (B) available to the sheriff by contract;

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

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

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

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

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

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

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

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

852 (3) The [eommission] department shall:

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

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

868 **17E-2-101 (Effective 07/01/26). Definitions.**

869 As used in this chapter:

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

879 (4) "Department" means the Department of Criminal Justice Services created in Section  
 880 75E-2-102.

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

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

884 (i) educational services;

885 (ii) housing services;

886 (iii) health care services;

887 (iv) workforce services; and

888 (v) human services programs.

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

890 **17E-2-201 (Effective 07/01/26). Criminal justice coordinating councils --**

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

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

893 (i) create a criminal justice coordinating council; or

894 (ii) jointly with another county or counties, create a criminal justice coordinating  
 895 council.

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

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

899 (i) one county commissioner or county council member;

900 (ii) the county sheriff or the sheriff's designee;

901 (iii) one chief of police of a municipality within the county or the chief's designee;

902 (iv) the county attorney or the attorney's designee;

903 (v) one public defender or attorney who provides public defense within the county;

904 (vi) one district court judge;

905 (vii) one justice court judge;

906 (viii) one representative from the Division of Adult Probation and Parole created in  
 907 Section 64-14-202;

908 (ix) one representative from the local mental health authority within the county; and

909 (x) one individual who is:

910 (A) a crime victim; or

911 (B) a victim advocate, as defined in Section 77-38-403.

912 (b) A council may include:

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

947 (b) any data on the impact of the council on the criminal justice system in the county or  
948 counties.

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

950 **20A-2-204 (Effective 07/01/26). Registering to vote when applying for or**  
951 **renewing a driver license or other qualifying form.**

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

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

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

964 (3) The Driver License Division shall:

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

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

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

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

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

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

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

980 (v) an indication of whether the individual requested that the individual's voter

- 981 registration record be classified as a private record under Subsection  
982 20A-2-108(2)(b); and
- 983 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and  
984 any verification submitted with the form.
- 985 (4) Upon receipt of an individual's voter registration form from the Driver License Division  
986 under Subsection (3), the lieutenant governor shall:
- 987 (a) enter the information into the statewide voter registration database; and  
988 (b) if the individual requests on the individual's voter registration form that the  
989 individual's voter registration record be classified as a private record or the individual  
990 submits a withholding request form described in Subsections 20A-2-104(7) and (8)  
991 and any required verification, classify the individual's voter registration record as a  
992 private record.
- 993 (5) The county clerk of an individual whose information is entered into the statewide voter  
994 registration database under Subsection (4) shall:
- 995 (a) ensure that the individual meets the qualifications to be registered or preregistered to  
996 vote; and
- 997 (b)(i) if the individual meets the qualifications to be registered to vote:  
998 (A) ensure that the individual is assigned to the proper voting precinct; and  
999 (B) send the individual the notice described in Section 20A-2-304; or
- 1000 (ii) if the individual meets the qualifications to be preregistered to vote, process the  
1001 form in accordance with the requirements of Section 20A-2-101.1.
- 1002 (6)(a) When the county clerk receives a correctly completed voter registration form  
1003 under this section, the clerk shall:
- 1004 (i) comply with the applicable provisions of this Subsection (6); or  
1005 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.
- 1006 (b) If the county clerk receives a correctly completed voter registration form under this  
1007 section no later than 5 p.m. or, if submitting the form electronically, midnight, 11  
1008 calendar days before the date of an election, the county clerk shall:
- 1009 (i) accept the voter registration form; and  
1010 (ii) unless the individual is preregistering to vote:  
1011 (A) enter the individual's name on the list of registered voters for the voting  
1012 precinct in which the individual resides; and  
1013 (B) notify the individual that the individual is registered to vote in the upcoming  
1014 election; and

1015 (iii) if the individual named in the form is preregistering to vote, comply with Section  
1016 20A-2-101.1.

1017 (c) If the county clerk receives a correctly completed voter registration form under this  
1018 section after the deadline described in Subsection (6)(b), the county clerk shall,  
1019 unless the individual named in the form is preregistering to vote:

1020 (i) accept the application for registration of the individual;

1021 (ii) process the voter registration form; and

1022 (iii) unless the individual is preregistering to vote, and except as provided in  
1023 Subsection 20A-2-207(6), inform the individual that the individual will not be  
1024 registered to vote in the pending election, unless the individual registers to vote by  
1025 provisional ballot during the early voting period, if applicable, or on election day,  
1026 in accordance with Section 20A-2-207.

1027 (7)(a) If the county clerk determines that an individual's voter registration form received  
1028 from the Driver License Division is incorrect because of an error, because the form is  
1029 incomplete, or because the individual does not meet the qualifications to be registered  
1030 to vote, the county clerk shall mail notice to the individual stating that the individual  
1031 has not been registered or preregistered because of an error, because the registration  
1032 form is incomplete, or because the individual does not meet the qualifications to be  
1033 registered to vote.

1034 (b) If a county clerk believes, based upon a review of a voter registration form, that an  
1035 individual, who knows that the individual is not legally entitled to register or  
1036 preregister to vote, may be intentionally seeking to register or preregister to vote, the  
1037 county clerk shall refer the form to the county attorney for investigation and possible  
1038 prosecution.

1039 Section 9. Section **26A-1-114** is amended to read:

1040 **26A-1-114 (Effective 07/01/26). Powers and duties of departments.**

1041 (1) Subject to Subsections (7), (8), and (10), a local health department may:

1042 (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances,  
1043 department rules, and local health department standards and regulations relating to  
1044 public health and sanitation, including the plumbing code administered by the  
1045 Division of Professional Licensing under Title 15A, Chapter 1, Part 2, State  
1046 Construction Code Administration Act, and under Title 26B, Chapter 7, Part 4,  
1047 General Sanitation and Food Safety, in all incorporated and unincorporated areas  
1048 served by the local health department;

- 1049 (b) establish, maintain, and enforce isolation and quarantine, over an individual in  
1050 accordance with an order of restriction issued under Title 26B, Chapter 7, Part 3,  
1051 Treatment, Isolation, and Quarantine Procedures for Communicable Diseases;
- 1052 (c) establish and maintain medical, environmental, occupational, and other laboratory  
1053 services considered necessary or proper for the protection of the public health;
- 1054 (d) establish and operate reasonable health programs or measures not in conflict with  
1055 state law which:
- 1056 (i) are necessary or desirable for the promotion or protection of the public health and  
1057 the control of disease; or
- 1058 (ii) may be necessary to ameliorate the major risk factors associated with the major  
1059 causes of injury, sickness, death, and disability in the state;
- 1060 (e) close theaters, schools, and other public places and prohibit gatherings of people  
1061 when necessary to protect the public health;
- 1062 (f) exercise physical control of property to abate nuisances or eliminate sources of filth  
1063 and infectious and communicable diseases affecting the public health and bill the  
1064 owner or other person in charge of the premises upon which this nuisance occurs for  
1065 the cost of abatement;
- 1066 (g) make necessary sanitary and health investigations and inspections on the local health  
1067 department's own initiative or in cooperation with the Department of Health and  
1068 Human Services or the Department of Environmental Quality, or both, as to any  
1069 matters affecting the public health;
- 1070 (h) [~~pursuant to~~] in accordance with county ordinance or interlocal agreement:
- 1071 (i) establish and collect appropriate fees for the performance of services and  
1072 operation of authorized or required programs and duties;
- 1073 (ii) accept, use, and administer all federal, state, or private donations or grants of  
1074 funds, property, services, or materials for public health purposes; and
- 1075 (iii) make agreements not in conflict with state law which are conditional to receiving  
1076 a donation or grant;
- 1077 (i) prepare, publish, and disseminate information necessary to inform and advise the  
1078 public concerning:
- 1079 (i) the health and wellness of the population, specific hazards, and risk factors that  
1080 may adversely affect the health and wellness of the population; and
- 1081 (ii) specific activities individuals and institutions can engage in to promote and  
1082 protect the health and wellness of the population;

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

- 1117 (e) investigate a report made in accordance with Section 59-14-811 to determine  
1118 whether a product is sold in violation of law.
- 1119 (3) The local health department has the following duties regarding public and private  
1120 schools within the local health department's boundaries:
- 1121 (a) enforce all ordinances, standards, and regulations pertaining to the public health of [  
1122 ~~persons~~] individuals attending public and private schools;
- 1123 (b) exclude from school attendance [~~any person, including teachers~~] an individual,  
1124 including a teacher, who is suffering from any communicable or infectious disease,  
1125 whether acute or chronic, if the [~~person~~] individual is likely to convey the disease to  
1126 those in attendance; and
- 1127 (c)(i) make regular inspections of the health-related condition of all school buildings  
1128 and premises;
- 1129 (ii) report the inspections on forms furnished by the department to those responsible  
1130 for the condition and provide instructions for correction of any conditions that  
1131 impair or endanger the health or life of those attending the schools; and
- 1132 (iii) provide a copy of the report to the department at the time the report is made.
- 1133 (4) If those responsible for the health-related condition of the school buildings and premises  
1134 do not carry out any instructions for corrections provided in a report described in  
1135 Subsection (3)(c), the local health board shall cause the conditions to be corrected at the  
1136 expense of the persons responsible.
- 1137 (5) The local health department may exercise incidental authority as necessary to carry out  
1138 the provisions and purposes of this part.
- 1139 (6) This part does not authorize a local health department to:
- 1140 (a) require the installation or maintenance of a carbon monoxide detector in a residential  
1141 dwelling against anyone other than the occupant of the dwelling; or
- 1142 (b) control the production, processing, distribution, or sale price of local food in  
1143 response to a public health emergency.
- 1144 (7)(a) Except as provided in Subsection (7)(c), a local health department may not declare  
1145 a public health emergency until the local health department has provided notice of the  
1146 proposed action to the chief executive officer of the relevant county no later than 24  
1147 hours before the local health department issues the order or declaration.
- 1148 (b) The local health department:
- 1149 (i) shall provide the notice required by Subsection (7)(a) using the best available  
1150 method under the circumstances as determined by the local health department;

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

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

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

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

- 1287 stabilization services:
- 1288 (i) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
- 1289 (ii) that encompasses the department, department contractors, and the divisions,
- 1290 offices, or institutions within the department, to:
- 1291 (A) navigate services, funding resources, and relationships to the benefit of the
- 1292 children and families whom the department serves;
- 1293 (B) centralize department operations, including procurement and contracting;
- 1294 (C) develop policies that govern business operations and that facilitate a system of
- 1295 care approach to service delivery;
- 1296 (D) allocate resources that may be used for the children and families served by the
- 1297 department or the divisions, offices, or institutions within the department,
- 1298 subject to the restrictions in Section 63J-1-206;
- 1299 (E) create performance-based measures for the provision of services; and
- 1300 (F) centralize other business operations, including data matching and sharing
- 1301 among the department's divisions, offices, and institutions;
- 1302 (v) ensure that any training or certification required of a public official or public
- 1303 employee, as those terms are defined in Section 63G-22-102, complies with Title
- 1304 63G, Chapter 22, State Training and Certification Requirements, if the training or
- 1305 certification is required:
- 1306 (i) under this title;
- 1307 (ii) by the department; or
- 1308 (iii) by an agency or division within the department;
- 1309 (w) enter into cooperative agreements with the Department of Environmental Quality to
- 1310 delineate specific responsibilities to assure that assessment and management of risk
- 1311 to human health from the environment are properly administered;
- 1312 (x) consult with the Department of Environmental Quality and enter into cooperative
- 1313 agreements, as needed, to ensure efficient use of resources and effective response to
- 1314 potential health and safety threats from the environment, and to prevent gaps in
- 1315 protection from potential risks from the environment to specific individuals or
- 1316 population groups;
- 1317 (y) to the extent authorized under state law or required by federal law, promote and
- 1318 protect the health and wellness of the people within the state;
- 1319 (z) establish, maintain, and enforce rules authorized under state law or required by
- 1320 federal law to promote and protect the public health or to prevent disease and illness;

- 1321 (aa) investigate the causes of epidemic, infectious, communicable, and other diseases  
1322 affecting the public health;
- 1323 (bb) provide for the detection and reporting of communicable, infectious, acute, chronic,  
1324 or any other disease or health hazard which the department considers to be  
1325 dangerous, important, or likely to affect the public health;
- 1326 (cc) collect and report information on causes of injury, sickness, death, and disability  
1327 and the risk factors that contribute to the causes of injury, sickness, death, and  
1328 disability within the state;
- 1329 (dd) collect, prepare, publish, and disseminate information to inform the public  
1330 concerning the health and wellness of the population, specific hazards, and risks that  
1331 may affect the health and wellness of the population and specific activities which  
1332 may promote and protect the health and wellness of the population;
- 1333 (ee) abate nuisances when necessary to eliminate sources of filth and infectious and  
1334 communicable diseases affecting the public health;
- 1335 (ff) make necessary sanitary and health investigations and inspections in cooperation  
1336 with local health departments as to any matters affecting the public health;
- 1337 (gg) establish laboratory services necessary to support public health programs and  
1338 medical services in the state;
- 1339 (hh) establish and enforce standards for laboratory services which are provided by any  
1340 laboratory in the state when the purpose of the services is to protect the public health;
- 1341 (ii) cooperate with the Labor Commission to conduct studies of occupational health  
1342 hazards and occupational diseases arising in and out of employment in industry, and  
1343 make recommendations for elimination or reduction of the hazards;
- 1344 (jj) cooperate with the local health departments, the Department of Corrections, the  
1345 Administrative Office of the Courts, the Division of Juvenile Justice and Youth  
1346 Services, and the ~~[Utah]~~Office for Victims of Crime to conduct testing for HIV  
1347 infection of alleged sexual offenders, convicted sexual offenders, and any victims of  
1348 a sexual offense;
- 1349 (kk) investigate the causes of maternal and infant mortality;
- 1350 (ll) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians  
1351 and drivers of motor vehicles killed in highway accidents be examined for the  
1352 presence and concentration of alcohol, and provide the ~~[Commissioner of Public  
1353 Safety]~~ commissioner of public safety with monthly statistics reflecting the results of  
1354 these examinations, with necessary safeguards so that information derived from the

- 1355 examinations is not used for a purpose other than the compilation of these statistics;
- 1356 (mm) establish a uniform public health program throughout the state which includes
- 1357 continuous service, employment of qualified employees, and a basic program of
- 1358 disease control, vital and health statistics, sanitation, public health nursing, and other
- 1359 preventive health programs necessary or desirable for the protection of public health;
- 1360 (nn) conduct health planning for the state;
- 1361 (oo) monitor the costs of health care in the state and foster price competition in the
- 1362 health care delivery system;
- 1363 (pp) establish methods or measures for health care providers, public health entities, and
- 1364 health care insurers to coordinate among themselves to verify the identity of the
- 1365 individuals the providers serve;
- 1366 (qq) designate Alzheimer's disease and related dementia as a public health issue and,
- 1367 within budgetary limitations, implement a state plan for Alzheimer's disease and
- 1368 related dementia by incorporating the plan into the department's strategic planning
- 1369 and budgetary process;
- 1370 (rr) coordinate with other state agencies and other organizations to implement the state
- 1371 plan for Alzheimer's disease and related dementia;
- 1372 (ss) ensure that any training or certification required of a public official or public
- 1373 employee, as those terms are defined in Section 63G-22-102, complies with Title
- 1374 63G, Chapter 22, State Training and Certification Requirements, if the training or
- 1375 certification is required by the agency or under this [~~Title 26B, Utah Health and~~
- 1376 ~~Human Services Code;~~] title;
- 1377 (tt) oversee public education vision screening as described in Section 53G-9-404;
- 1378 (uu) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue
- 1379 Alert; and
- 1380 (vv) as allowed by state and federal law, share data with the Office of Families that is
- 1381 relevant to the duties described in Subsection 26B-1-243(4), which may include, to
- 1382 the extent available:
- 1383 (i) demographic data concerning family structures in the state; and
- 1384 (ii) data regarding the family structure associated with:
- 1385 (A) suicide, depression, or anxiety; and
- 1386 (B) various health outcomes.
- 1387 (3)(a) Under Subsection (2)(s), those local departments, local authorities, area agencies,
- 1388 and any person or entity that contracts with or receives funds from those departments,

1389 authorities, or area agencies, shall provide the department with any information the  
1390 department considers necessary.

1391 (b) The department is further authorized to issue directives resulting from any  
1392 examination or audit to a local department, local authority, an area agency, and  
1393 persons or entities that contract with or receive funds from those departments,  
1394 authorities, or agencies with regard to any public funds.

1395 (c) If the department determines that it is necessary to withhold funds from a local health  
1396 department, local mental health authority, or local substance abuse authority based on  
1397 failure to comply with state or federal law, policy, or contract provisions, the  
1398 department may take steps necessary to ensure continuity of services.

1399 Section 11. Section **26B-5-102** is amended to read:

1400 **26B-5-102 (Effective 07/01/26). Division of Integrated Healthcare -- Office of**  
1401 **Substance Use and Mental Health -- Creation -- Responsibilities.**

1402 (1)(a) The Division of Integrated Healthcare shall exercise responsibility over the  
1403 policymaking functions, regulatory and enforcement powers, rights, duties, and  
1404 responsibilities outlined in state law that were previously vested in the Division of  
1405 Substance Abuse and Mental Health within the department, under the administration  
1406 and general supervision of the executive director.

1407 (b) The division is the substance abuse authority and the mental health authority for this  
1408 state.

1409 (c) There is created the Office of Substance Use and Mental Health within the division.

1410 (d) The office shall exercise the responsibilities, powers, rights, duties, and  
1411 responsibilities assigned to the office by the executive director.

1412 (2) The division shall:

1413 (a) educate the general public regarding the nature and consequences of substance use by  
1414 promoting school and community-based prevention programs;

1415 (b) render support and assistance to public schools through approved school-based  
1416 substance abuse education programs aimed at prevention of substance use;

1417 (c) promote or establish programs for the prevention of substance use within the  
1418 community setting through community-based prevention programs;

1419 (d) cooperate with and assist treatment centers, recovery residences, and other  
1420 organizations that provide services to individuals recovering from a substance use  
1421 disorder, by identifying and disseminating information about effective practices and  
1422 programs;

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

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

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

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

- 1559 substance use treatment program that is licensed under Chapter 2, Part 1, Human  
1560 Services Programs and Facilities, and contracts with the department, including goals  
1561 and measurements related to employment and reducing recidivism of individuals  
1562 receiving mental health or substance use treatment who are involved with the  
1563 criminal justice system;
- 1564 (jj) collaborate with the Administrative Office of the Courts, the Department of  
1565 Corrections, the Department of Workforce Services, and the Board of Pardons and  
1566 Parole to collect data on recidivism in accordance with the metrics and requirements  
1567 described in Section [63M-7-102] 75E-2-203;
- 1568 (kk) at the division's discretion, use the data described in Subsection (2)(jj) to make  
1569 decisions regarding the use of funds allocated to the division to provide treatment;
- 1570 (ll) publish the following on the division's website:
- 1571 (i) the performance goals and outcome measurements described in Subsection (2)(ii);  
1572 and
- 1573 (ii) a description of the services provided and the contact information for the mental  
1574 health and substance use treatment programs described in Subsection (2)(ii) and  
1575 residential vocational or life skills programs, as defined in Section 13-53-102;
- 1576 (mm) consult and coordinate with the Division of Child and Family Services to develop  
1577 and manage the operation of a program designed to reduce substance use during  
1578 pregnancy and by parents of a newborn child that includes:
- 1579 (i) providing education and resources to health care providers and individuals in the  
1580 state regarding prevention of substance use during pregnancy;
- 1581 (ii) providing training to health care providers in the state regarding screening of a  
1582 pregnant woman or pregnant minor to identify a substance use disorder; and
- 1583 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn  
1584 child in need of substance use treatment services to a facility that has the capacity  
1585 to provide the treatment services; and
- 1586 (nn) create training and educational materials regarding recognizing a drug overdose.
- 1587 (3) In addition to the responsibilities described in Subsection (2), the division shall, within  
1588 funds appropriated by the Legislature for this purpose, implement and manage the  
1589 operation of a firearm safety and suicide prevention program, in consultation with the  
1590 Bureau of Criminal Identification created in Section 53-10-201, including:
- 1591 (a) coordinating with local mental health and substance abuse authorities, a nonprofit  
1592 behavioral health advocacy group, and a representative from a Utah-based nonprofit

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

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

- 1661 (9) The Legislature may refuse to appropriate funds to the division upon the division's  
 1662 failure to comply with the provisions of this part.
- 1663 (10) If a local substance abuse authority contacts the division under Section 17-77-201 for  
 1664 assistance in providing treatment services to a pregnant woman or pregnant minor, the  
 1665 division shall:
- 1666 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the  
 1667 capacity to provide the treatment services; or
- 1668 (b) otherwise ensure that treatment services are made available to the pregnant woman  
 1669 or pregnant minor.
- 1670 (11) The division shall employ a school-based mental health specialist to be housed at the  
 1671 State Board of Education who shall work with the State Board of Education to:
- 1672 (a) provide coordination between a local education agency and local mental health  
 1673 authority;
- 1674 (b) recommend evidence-based and evidence informed mental health screenings and  
 1675 intervention assessments for a local education agency; and
- 1676 (c) coordinate with the local community, including local departments of health, to  
 1677 enhance and expand mental health related resources for a local education agency.
- 1678 Section 12. Section **26B-5-306** is amended to read:
- 1679 **26B-5-306 (Effective 07/01/26). Objectives of state hospital and other facilities --**  
 1680 **Individuals who may be admitted to state hospital.**
- 1681 (1) The objectives of the state hospital and other mental health facilities shall be to[-] :
- 1682 (a) care for all [~~persons~~] individuals within this state who are subject to the provisions of  
 1683 this chapter; and[~~-to-~~]
- 1684 (b) furnish [~~them~~] those individuals with the proper attendance, medical treatment,  
 1685 seclusion, rest, restraint, amusement, occupation, and support that is conducive to [  
 1686 ~~their~~] the individuals' physical and mental well-being.
- 1687 (2) Only the following [~~persons~~] individuals may be admitted to the state hospital:
- 1688 (a) [~~persons~~] individuals 18 years old and older who meet the criteria necessary for  
 1689 commitment under this part and who have severe mental disorders for whom no  
 1690 appropriate, less restrictive treatment alternative is available;
- 1691 (b) [~~persons~~] individuals under 18 years old who meet the criteria necessary for  
 1692 commitment under [~~Part 4, Commitment of Persons under Age 18~~] Part 4,  
 1693 Commitment of Persons Under Age 18, and for whom no less restrictive alternative  
 1694 is available;

- 1695 (c) ~~[persons]~~ individuals adjudicated and found to be guilty with a mental condition  
 1696 under Title 77, Chapter 16a, Commitment and Treatment of Individuals with a  
 1697 Mental Condition;
- 1698 (d) ~~[persons]~~ individuals adjudicated and found to be not guilty by reason of insanity  
 1699 who are under a subsequent commitment order because they have a mental illness  
 1700 and are a danger to themselves or others, under Section 77-16a-302;
- 1701 (e) ~~[persons]~~ individuals found incompetent to proceed under Section 77-15-6;
- 1702 (f) ~~[persons]~~ individuals who require an examination under ~~[Title 77, Utah Code of~~  
 1703 ~~Criminal Procedure]~~ Title 77, Criminal Procedure; and
- 1704 (g) ~~[persons]~~ individuals in the custody of the Department of Corrections, admitted in  
 1705 accordance with Section 26B-5-372, giving priority to those ~~[persons]~~ individuals  
 1706 with severe mental disorders.

1707 Section 13. Section **26B-5-380** is amended to read:

1708 **26B-5-380 (Effective 07/01/26). Mental illness and intellectual disability**  
 1709 **examinations -- Responsibilities of the department.**

- 1710 (1) In accomplishing the department's duties to conduct a competency evaluation under [  
 1711 ~~Title 77, Utah Code of Criminal Procedure]~~ Title 77, Chapter 15, Defendant's  
 1712 Competency to Proceed, and a juvenile competency evaluation under Section 80-6-402,  
 1713 the department shall proceed as outlined in this section and within appropriations  
 1714 authorized by the Legislature.
- 1715 (2) When the department is ordered by a court to conduct a competency evaluation, the  
 1716 department shall designate a forensic evaluator, selected under Subsection (4), to  
 1717 evaluate the defendant in the defendant's current custody or status.
- 1718 (3) When the department is ordered by the juvenile court to conduct a juvenile competency  
 1719 evaluation under Section 80-6-402, the department shall:
- 1720 (a) designate an examiner selected ~~[pursuant to]~~ in accordance with Subsection (4) to  
 1721 evaluate the minor; and
- 1722 (b) upon a finding of good cause and order of the court, designate a second examiner to  
 1723 evaluate the minor.
- 1724 (4)(a) The department shall establish criteria, in consultation with the ~~[Commission on~~  
 1725 ~~Criminal and Juvenile Justice]~~ Department of Criminal Justice Services, and shall  
 1726 contract with persons to conduct competency evaluations and juvenile competency  
 1727 evaluations under Subsections (2) and (3)(b).[-]
- 1728 (b) In making ~~[this]~~ the selection described in Subsection (4)(a), the department shall

1729 follow the provisions of Title 63G, Chapter 6a, Utah Procurement Code.

1730 (5)(a) Nothing in this section prohibits the department, at the request of defense counsel  
 1731 or a prosecuting attorney in a criminal proceeding under [~~Title 77, Utah Code of~~  
 1732 ~~Criminal Procedure~~] Title 77, Criminal Procedure, and for good cause shown, from  
 1733 proposing a person who has not been previously selected under Subsection (4) to  
 1734 contract with the department to conduct the evaluation.[-]

1735 (b) In selecting that person, the criteria of the department established under Subsection  
 1736 (4) and the provisions of Title 63G, Chapter 6a, Utah Procurement Code, shall be met.  
 1737 Section 14. Section **26B-5-801** is amended to read:

1738 **26B-5-801 (Effective 07/01/26) (Repealed 01/01/33). Definitions -- Creation of**  
 1739 **committee -- Membership -- Terms.**

1740 (1)(a) As used in this part, "committee" means the Utah Substance Use and Mental  
 1741 Health Advisory Committee created in this section.

1742 (b) There is created within the department the Utah Substance Use and Mental Health  
 1743 Advisory Committee, which serves under the direction of the Utah Behavioral Health  
 1744 Commission created in Section 26B-5-702.

1745 (2) The committee shall be comprised of the following voting members:

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

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

- 1797 under Section 53H-11-202;
- 1798 (ix) one resident of the state who represents local law enforcement agencies;
- 1799 (x) one representative of private service providers that serve youth with substance use
- 1800 disorders or mental health disorders; and
- 1801 (xi) one resident of the state who is certified by the Division of Integrated Healthcare
- 1802 as a peer support specialist as described in Subsection 26B-5-102(2)(gg).
- 1803 (3) An individual other than an individual described in Subsection (2) may not be appointed
- 1804 as a voting member of the committee.

1805 Section 15. Section **32B-4-201** is amended to read:

1806 **32B-4-201 (Effective 07/01/26). Applicability of criminal procedure statutes and**

1807 **rules.**

1808 Except as otherwise provided in this title, the procedure in a criminal case arising under

1809 this title is governed by [~~Title 77, Utah Code of Criminal Procedure~~] Title 77, Criminal

1810 Procedure, and any other rules adopted by the Utah Supreme Court.

1811 Section 16. Section **32B-4-301** is amended to read:

1812 **32B-4-301 (Effective 07/01/26). Applicability of Title 76, Criminal Offenses.**

1813 Except as otherwise provided, Title 76, Chapter 1, General Provisions, Chapter 2,

1814 Principles of Criminal Responsibility, Chapter 3, Punishments, and Chapter 4, Inchoate

1815 Offenses, apply to the prosecution of a criminal offense defined in this chapter or expressly

1816 identified as a criminal offense in this title.

1817 Section 17. Section **36-29-111** is amended to read:

1818 **36-29-111 (Effective 07/01/26) (Repealed 07/01/29). Public Safety Data**

1819 **Management Task Force.**

1820 (1) As used in this section:

- 1821 (a) "Cohabitant abuse protective order" means an order issued with or without notice to
- 1822 the respondent in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse
- 1823 Protective Orders.
- 1824 (b) "Lethality assessment" means an evidence-based assessment that is intended to
- 1825 identify a victim of domestic violence who is at a high risk of being killed by the
- 1826 perpetrator.
- 1827 (c) "Task force" means the Public Safety Data Management Task Force created in this
- 1828 section.
- 1829 (d) "Victim" means an individual who is a victim of domestic violence, as defined in
- 1830 Section 77-36-1.

- 1831 (2) There is created the Public Safety Data Management Task Force consisting of the  
1832 following members:
- 1833 (a) three members of the Senate appointed by the president of the Senate, no more than  
1834 two of whom may be from the same political party;
- 1835 (b) three members of the House of Representatives appointed by the speaker of the  
1836 House of Representatives, no more than two of whom may be from the same political  
1837 party; and
- 1838 (c) representatives from the following organizations as requested by the [executive  
1839 director] commissioner of the [~~State Commission on Criminal and Juvenile Justice~~]  
1840 Department of Criminal Justice Services:
- 1841 (i) the [~~State Commission on Criminal and Juvenile Justice~~] Department of Criminal  
1842 Justice Services;
- 1843 (ii) the Judicial Council;
- 1844 (iii) the Statewide Association of Prosecutors;
- 1845 (iv) the Department of Corrections;
- 1846 (v) the Department of Public Safety;
- 1847 (vi) the Utah Association of Counties;
- 1848 (vii) the Utah Chiefs of Police Association;
- 1849 (viii) the Utah Sheriffs Association;
- 1850 (ix) the Board of Pardons and Parole;
- 1851 (x) the Department of Health and Human Services; and
- 1852 (xi) any other organizations or groups as recommended by the [executive director]  
1853 commissioner of the [~~Commission on Criminal and Juvenile Justice~~] Department  
1854 of Criminal Justice Services.
- 1855 (3)(a) The president of the Senate shall designate a member of the Senate appointed  
1856 under Subsection (2)(a) as a cochair of the task force.
- 1857 (b) The speaker of the House of Representatives shall designate a member of the House  
1858 of Representatives appointed under Subsection (2)(b) as a cochair of the task force.
- 1859 (4)(a) A majority of the members of the task force present at a meeting constitutes a  
1860 quorum.
- 1861 (b) The action of a majority of a quorum constitutes an action of the task force.
- 1862 (5)(a) Salaries and expenses of the members of the task force who are legislators shall be  
1863 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter  
1864 3, Legislator Compensation.

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

- 1899 (iv) the prevalence of domestic violence in the state and the prevalence of the  
 1900 following in domestic violence cases:  
 1901 (A) stalking;  
 1902 (B) strangulation;  
 1903 (C) violence in the presence of a child; and  
 1904 (D) threats of suicide or homicide;
- 1905 (c) a review of and feedback on:  
 1906 (i) lethality assessment training and protocols implemented by law enforcement  
 1907 agencies and the organizations described in Subsection (8)(b)(i)(A); and  
 1908 (ii) the collection of domestic violence data in the state, including:  
 1909 (A) the coordination between state, local, and not-for-profit agencies to collect  
 1910 data from lethality assessments and on the prevalence of domestic violence,  
 1911 including the number of voluntary commitments of firearms under Section  
 1912 53-5a-502;  
 1913 (B) efforts to standardize the format for collecting domestic violence and lethality  
 1914 assessment data from state, local, and not-for-profit agencies within federal  
 1915 confidentiality requirements; and  
 1916 (C) the need for any additional data collection requirements or efforts; and  
 1917 (d) any proposed legislation.

1918 Section 18. Section **41-1a-1101** is amended to read:

1919 **41-1a-1101 (Effective 07/01/26). Seizure -- Circumstances where permitted --**

1920 **Impound lot standards.**

1921 (1) As used in this section:

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

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

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

- 2001 under this section shall comply with the provisions of Section 41-6a-1406.
- 2002 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2003 the commission shall make rules setting standards for public garages, impound lots,  
2004 and impound yards that may be used by peace officers and the division.
- 2005 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of  
2006 public garages, impound lots, or impound yards per geographical area.
- 2007 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard  
2008 unless the crusher, dismantler, or salvage dealer meets all of the requirements for a  
2009 state impound yard set forth in this section and rules made in accordance with  
2010 Subsection (7)(a).
- 2011 (d)(i) Rules made by the commission shall include a requirement that a state impound  
2012 yard have opaque fencing on any side of the state impound yard that has frontage  
2013 with a highway.
- 2014 (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link  
2015 fencing.
- 2016 (8)(a) Except as provided under Subsection (8)(b), a person may not operate or allow to  
2017 be operated a vehicle stored in a public garage, impound lot, or impound yard  
2018 regulated under this part without prior written permission of the owner of the vehicle.
- 2019 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking  
2020 space to another within the facility and that is necessary for the normal management  
2021 of the facility is not prohibited under Subsection (8)(a).
- 2022 (9) A person who violates the provisions of Subsection (8) is guilty of a class C  
2023 misdemeanor.
- 2024 (10) The division or the peace officer who seizes a vehicle shall record the mileage shown  
2025 on the vehicle's odometer at the time of seizure, if:
- 2026 (a) the vehicle is equipped with an odometer; and  
2027 (b) the odometer reading is accessible to the division or the peace officer.
- 2028 Section 19. Section **41-6a-511** is amended to read:
- 2029 **41-6a-511 (Effective 07/01/26). Courts to collect and maintain data.**
- 2030 (1) The state courts shall collect and maintain data necessary to allow sentencing and  
2031 enhancement decisions to be made in accordance with this part.
- 2032 (2)(a) Each justice court shall transmit dispositions electronically to the Department of  
2033 Public Safety in accordance with the requirement for recertification established by  
2034 the Judicial Council.

2035 (b) Immediately upon filling the requirements under Subsection (2)(a), a justice court  
 2036 shall collect and report the same DUI related data elements collected and maintained  
 2037 by the state courts under Subsection (1).

2038 (3) The department shall maintain an electronic data base for DUI related records and data  
 2039 including the data elements received or collected from the courts under this section.

2040 (4)(a) The [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal  
 2041 Justice Services shall prepare an annual report of DUI related data including the  
 2042 following:

- 2043 (i) the data collected by the courts under Subsections (1) and (2);
- 2044 (ii) the DUI crash and arrest data collected from law enforcement agencies under  
 2045 Section 53-10-118 by the Department of Public Safety's Criminal Investigations  
 2046 and Technical Services Division; and
- 2047 (iii) any measures for which data are available to evaluate the profile and impacts of  
 2048 DUI recidivism and to evaluate the DUI related processes of:
  - 2049 (A) law enforcement;
  - 2050 (B) adjudication;
  - 2051 (C) sanctions;
  - 2052 (D) driver license control; and
  - 2053 (E) alcohol education, assessment, and treatment.

2054 (b) The report shall be provided in writing to the Judiciary Interim Committee and the  
 2055 Transportation Interim [~~Committees~~] Committee no later than the last day of October  
 2056 following the end of the fiscal year for which the report is prepared.

2057 Section 20. Section ~~49-11-406~~ is amended to read:

2058 **49-11-406 (Effective 07/01/26). Governor's appointed executives and senior staff**  
 2059 **-- Appointed legislative employees -- Transfer of value of accrued defined benefit --**  
 2060 **Procedures.**

2061 (1) As used in this section:

- 2062 (a) "Defined benefit balance" means the total amount of the contributions made on  
 2063 behalf of a member to a defined benefit system plus refund interest.
- 2064 (b) "Senior staff" means an at-will employee who reports directly to an elected official,  
 2065 executive director, or director and includes a deputy director and other similar, at-will  
 2066 employee positions designated by the governor, the speaker of the House of  
 2067 Representatives, or the president of the Senate and filed with the Division of Human  
 2068 Resource Management and the Utah State Retirement Office.

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

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

- 2137 (ii) all employees from participation in this system under Subsection 49-11-626(3)(b).  
2138 (2) If an employee whose status is temporary in nature due to the nature of type of work to  
2139 be performed:
- 2140 (a) is employed for a term that exceeds six months and the employee otherwise qualifies  
2141 for service credit in this system, the participating employer shall report and certify to  
2142 the office that the employee is a regular full-time employee effective the beginning of  
2143 the seventh month of employment; or
- 2144 (b) was previously terminated [~~prior to~~] before being eligible for service credit in this  
2145 system and is reemployed within three months of termination by the same  
2146 participating employer, the participating employer shall report and certify that the  
2147 member is a regular full-time employee when the total of the periods of employment  
2148 equals six months and the employee otherwise qualifies for service credits in this  
2149 system.
- 2150 (3)(a) Upon cessation of the participating employer contributions, an employee under  
2151 Subsection (1)(b) is eligible for service credit in this system.
- 2152 (b) Notwithstanding the provisions of Subsection (1)(f), any eligibility for service credit  
2153 earned by an employee under this chapter before July 1, 2009, is not affected under  
2154 Subsection (1)(f).
- 2155 (c) Notwithstanding the provisions of Subsection (1)(g), any eligibility for service credit  
2156 earned by an employee under this chapter before July 1, 2014, is not affected under  
2157 Subsection (1)(g).
- 2158 (4) Upon filing a written request for exemption with the office, the following employees  
2159 shall be exempt from coverage under this system:
- 2160 (a) a full-time student or the spouse of a full-time student and individuals employed in a  
2161 trainee relationship;
- 2162 (b) an elected official;
- 2163 (c) an executive department head of the state, a member of the State Tax Commission, a  
2164 member of the Public Service Commission, and a member of a full-time or part-time  
2165 board or commission;
- 2166 (d) an employee of the Governor's Office of Planning and Budget;
- 2167 (e) an employee of the Governor's Office of Economic Opportunity;
- 2168 (f) an employee of the [~~Commission on Criminal and Juvenile Justice~~] Department of  
2169 Criminal Justice Services;
- 2170 (g) an employee of the Governor's Office;

- 2171 (h) an employee of the Public Lands Policy Coordinating Office, created in Section  
2172 63L-11-201;
- 2173 (i) an employee of the ~~[State Auditor's Office]~~ Office of the State Auditor;
- 2174 (j) an employee of the ~~[State Treasurer's Office]~~ Office of the State Treasurer;
- 2175 (k) any other member who is permitted to make an election under Section 49-11-406;
- 2176 (l) a person appointed as a city manager or chief city administrator or another person  
2177 employed by a municipality, county, or other political subdivision, who is an at-will  
2178 employee;
- 2179 (m) an employee of an interlocal cooperative agency created under Title 11, Chapter 13,  
2180 Interlocal Cooperation Act, who is engaged in a specialized trade customarily  
2181 provided through membership in a labor organization that provides retirement  
2182 benefits to the organization's members;
- 2183 (n) an employee serving as an exchange employee from outside the state for an  
2184 employer who has elected to make all of the employer's exchange employees eligible  
2185 for service credit in this system; and
- 2186 (o) the adjutant general of the Utah National Guard appointed under Section 39A-1-201  
2187 and each individual listed in Subsection 39A-1-203(1).
- 2188 (5)(a) Each participating employer shall prepare and maintain a list designating those  
2189 positions eligible for exemption under Subsection (4).
- 2190 (b) An employee may not be exempted unless the employee is employed in an exempted  
2191 position designated by the participating employer.
- 2192 (6)(a) In accordance with this section, Section 49-13-203, and Section 49-22-205, a  
2193 municipality, county, or political subdivision may not exempt a total of more than 50  
2194 positions or a number equal to 10% of the eligible employees of the municipality,  
2195 county, or political subdivision, whichever is less.
- 2196 (b) A municipality, county, or political subdivision may exempt at least one regular  
2197 full-time employee.
- 2198 (7) Each participating employer shall:
- 2199 (a) maintain a list of employee exemptions; and
- 2200 (b) update the employee exemptions in the event of any change.
- 2201 (8) The office may make rules to implement this section.
- 2202 (9) An employee's exclusion, exemption, participation, or election described in this section:
- 2203 (a) shall be made in accordance with this section; and
- 2204 (b) is subject to requirements under federal law and rules made by the board.

2205 Section 22. Section **49-13-203** is amended to read:

2206 **49-13-203 (Effective 07/01/26). Exclusions from membership in system.**

2207 (1) The following employees are not eligible for service credit in this system:

2208 (a) subject to the requirements of Subsection (2), an employee whose employment status  
2209 is temporary in nature due to the nature or the type of work to be performed;

2210 (b) except as provided under Subsection (3)(a), an employee of an institution of higher  
2211 education who participates in a retirement system with a public or private retirement  
2212 system, organization, or company designated by the Utah Board of Higher Education,  
2213 or the technical college board of trustees for an employee of each technical college,  
2214 during any period in which required contributions based on compensation have been  
2215 paid on behalf of the employee by the employer;

2216 (c) an employee serving as an exchange employee from outside the state for an employer  
2217 who has not elected to make all of the employer's exchange employees eligible for  
2218 service credit in this system;

2219 (d) an executive department head of the state or a legislative director, senior executive  
2220 employed by the governor's office, a member of the State Tax Commission, a  
2221 member of the Public Service Commission, and a member of a full-time or part-time  
2222 board or commission who files a formal request for exemption;

2223 (e) an employee of the Department of Workforce Services who is covered under another  
2224 retirement system allowed under Title 35A, Chapter 4, Employment Security Act;

2225 (f) an employee who is employed with an employer that has elected to be excluded from  
2226 participation in this system under Subsection 49-13-202(5), effective on or after the  
2227 date of the employer's election under Subsection 49-13-202(5);

2228 (g) an employee who is employed with a withdrawing entity that has elected under  
2229 Section 49-11-623, [~~prior to~~] before January 1, 2017, to exclude:

2230 (i) new employees from participation in this system under Subsection 49-11-623(3)(a);

2231 or

2232 (ii) all employees from participation in this system under Subsection 49-11-623(3)(b);

2233 (h) an employee described in Subsection (1)(h)(i) or (ii) who is employed with a  
2234 withdrawing entity that has elected under Section 49-11-624, before January 1, 2018,  
2235 to exclude:

2236 (i) new employees from participation in this system under Subsection 49-11-624(3)(a);

2237 or

2238 (ii) all employees from participation in this system under Subsection 49-11-624(3)(b);

- 2239 (i) an employee who is employed with a withdrawing entity that has elected under  
2240 Section 49-11-625, before July 1, 2022, to exclude all employees from participation  
2241 in this system; or
- 2242 (j) an employee who is employed with a withdrawing entity that elects under Section  
2243 49-11-626 to exclude:
- 2244 (i) new employees from participation in this system under Subsection 49-11-626(3)(a);  
2245 or
- 2246 (ii) all employees from participation in this system under Subsection 49-11-626(3)(b).
- 2247 (2) If an employee whose status is temporary in nature due to the nature of type of work to  
2248 be performed:
- 2249 (a) is employed for a term that exceeds six months and the employee otherwise qualifies  
2250 for service credit in this system, the participating employer shall report and certify to  
2251 the office that the employee is a regular full-time employee effective the beginning of  
2252 the seventh month of employment; or
- 2253 (b) was previously terminated [~~prior to~~] before being eligible for service credit in this  
2254 system and is reemployed within three months of termination by the same  
2255 participating employer, the participating employer shall report and certify that the  
2256 member is a regular full-time employee when the total of the periods of employment  
2257 equals six months and the employee otherwise qualifies for service credits in this  
2258 system.
- 2259 (3)(a) Upon cessation of the participating employer contributions, an employee under  
2260 Subsection (1)(b) is eligible for service credit in this system.
- 2261 (b) Notwithstanding the provisions of Subsection (1)(f), any eligibility for service credit  
2262 earned by an employee under this chapter before the date of the election under  
2263 Subsection 49-13-202(5) is not affected under Subsection (1)(f).
- 2264 (4) Upon filing a written request for exemption with the office, the following employees  
2265 shall be exempt from coverage under this system:
- 2266 (a) a full-time student or the spouse of a full-time student and individuals employed in a  
2267 trainee relationship;
- 2268 (b) an elected official;
- 2269 (c) an executive department head of the state, a member of the State Tax Commission, a  
2270 member of the Public Service Commission, and a member of a full-time or part-time  
2271 board or commission;
- 2272 (d) an employee of the Governor's Office of Planning and Budget;

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

- 2307 (a) shall be made in accordance with this section; and
- 2308 (b) is subject to requirements under federal law and rules made by the board.
- 2309 Section 23. Section **49-22-205** is amended to read:
- 2310 **49-22-205 (Effective 07/01/26). Exemptions from participation in system.**
- 2311 (1) Upon filing a written request for exemption with the office, the following employees are
- 2312 exempt from participation in the system as provided in this section:
- 2313 (a) an executive department head of the state;
- 2314 (b) a member of the State Tax Commission;
- 2315 (c) a member of the Public Service Commission;
- 2316 (d) a member of a full-time or part-time board or commission;
- 2317 (e) an employee of the Governor's Office of Planning and Budget;
- 2318 (f) an employee of the Governor's Office of Economic Opportunity;
- 2319 (g) an employee of the [~~Commission on Criminal and Juvenile Justice~~] Department of
- 2320 Criminal Justice Services;
- 2321 (h) an employee of the Governor's Office;
- 2322 (i) an employee of the [~~State Auditor's Office~~] Office of the State Auditor;
- 2323 (j) an employee of the [~~State Treasurer's Office~~] Office of the State Treasurer;
- 2324 (k) any other member who is permitted to make an election under Section 49-11-406;
- 2325 (l) [~~a person~~] an individual appointed as a city manager or appointed as a city
- 2326 administrator or another at-will employee of a municipality, county, or other political
- 2327 subdivision;
- 2328 (m) an employee of an interlocal cooperative agency created under Title 11, Chapter 13,
- 2329 Interlocal Cooperation Act, who is engaged in a specialized trade customarily
- 2330 provided through membership in a labor organization that provides retirement
- 2331 benefits to [~~its~~] the labor organization's members;
- 2332 (n) an employee serving as an exchange employee from outside the state for an
- 2333 employer who has elected to make all of the employer's exchange employees eligible
- 2334 for service credit in this system; and
- 2335 (o) the adjutant general of the Utah National Guard appointed under Section 39A-1-201
- 2336 and each individual listed in Subsection 39A-1-203(1).
- 2337 (2)(a) A participating employer shall prepare and maintain a list designating those
- 2338 positions eligible for exemption under Subsection (1).
- 2339 (b) An employee may not be exempted unless the employee is employed in a position
- 2340 designated by the participating employer under Subsection (1).

- 2341 (3)(a) In accordance with this section, Section 49-12-203, and Section 49-13-203, a  
2342 municipality, county, or political subdivision may not exempt a total of more than 50  
2343 positions or a number equal to 10% of the eligible employees of the municipality,  
2344 county, or political subdivision, whichever is less.
- 2345 (b) A municipality, county, or political subdivision may exempt at least one regular  
2346 full-time employee.
- 2347 (4) Each participating employer shall:
- 2348 (a) maintain a list of employee exemptions; and  
2349 (b) update an employee exemption in the event of any change.
- 2350 (5) Beginning on the effective date of the exemption for an employee who elects to be  
2351 exempt in accordance with Subsection (1):
- 2352 (a) for a member of the Tier II defined contribution plan:
- 2353 (i) the participating employer shall contribute the nonelective contribution and the  
2354 amortization rate described in Section 49-22-401, except that the nonelective  
2355 contribution is exempt from the vesting requirements of Subsection  
2356 49-22-401(3)(a);
- 2357 (ii) the member may make voluntary deferrals as provided in Section 49-22-401; and  
2358 (iii) the member is not eligible for additional service credit in the plan for the period  
2359 of exempt employment; and
- 2360 (b) for a member of the Tier II hybrid retirement system:
- 2361 (i) the participating employer shall contribute the nonelective contribution and the  
2362 amortization rate described in Section 49-22-401, except that the contribution is  
2363 exempt from the vesting requirements of Subsection 49-22-401(3)(a);
- 2364 (ii) the member may make voluntary deferrals as provided in Section 49-22-401; and  
2365 (iii) the member is not eligible for additional service credit in the system for the  
2366 period of exempt employment.
- 2367 (6) If an employee who is a member of the Tier II hybrid retirement system subsequently  
2368 revokes the election of exemption made under Subsection (1), the provisions described  
2369 in Subsection (5)(b) shall no longer be applicable and the coverage for the employee  
2370 shall be effective prospectively as provided in Part 3, Tier II Hybrid Retirement System.
- 2371 (7)(a) All employer contributions made on behalf of an employee shall be invested in  
2372 accordance with Subsection 49-22-303(3)(a) or 49-22-401(4)(a) until the one-year  
2373 election period under Subsection 49-22-201(2)(c) is expired if the employee:
- 2374 (i) elects to be exempt in accordance with Subsection (1); and

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

- 2409 (c) both Subsections (2)(a) and (b).
- 2410 (3) A law enforcement agency may use funds received under this section only for the
- 2411 purposes stated in this section.
- 2412 (4)(a) For each fiscal year, any law enforcement agency that receives funds from the [~~commission~~]
- 2413 department under this section shall prepare, and file with the [~~commission~~]
- 2414 department and the state auditor, a report in a form specified by the [~~commission~~]
- 2415 department.[-]
- 2416 (b) The report described in Subsection (4)(a) shall include the following:
- 2417 [(a)] (i) the agency's name;
- 2418 [(b)] (ii) the amount received;
- 2419 [(c)] (iii) how the funds were used, including the impact on crime reduction efforts in
- 2420 areas with halfway houses or parole violator centers, or both; and
- 2421 [(d)] (iv) a statement signed by both the agency's or political subdivision's executive
- 2422 officer or designee and by the agency's legal counsel that all funds were used for
- 2423 law enforcement operations related to reducing criminal activity in areas with
- 2424 halfway houses or parole violator centers, or both.

2425 Section 25. Section **53-1-106** is amended to read:

2426 **53-1-106 (Effective 07/01/26). Department duties -- Powers.**

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

- 2443 conducting research or monitoring victims' programs, as required by [Section  
2444 63M-7-507] Subsection 75E-5-203(2);
- 2445 (f) develop sexual assault exam protocol standards in conjunction with the Utah Hospital  
2446 Association;
- 2447 (g) engage in emergency planning activities, including preparation of policy and  
2448 procedure and rulemaking necessary for implementation of the federal Emergency  
2449 Planning and Community Right to Know Act of 1986, as required by Section  
2450 53-2a-702;
- 2451 (h) implement the provisions of Section 53-2a-402, the Emergency Management  
2452 Assistance Compact;
- 2453 (i) ensure that any training or certification required of a public official or public  
2454 employee, as those terms are defined in Section 63G-22-102, complies with Title  
2455 63G, Chapter 22, State Training and Certification Requirements, if the training or  
2456 certification is required:
- 2457 (i) under this title;
- 2458 (ii) by the department; or
- 2459 (iii) by an agency or division within the department;
- 2460 (j) employ a law enforcement officer as a public safety liaison to be housed at the State  
2461 Board of Education who shall work with the State Board of Education to:
- 2462 (i) support training with relevant state agencies for school resource officers as  
2463 described in Section 53G-8-702;
- 2464 (ii) coordinate the creation of model policies and memorandums of understanding for  
2465 a local education agency and a local law enforcement agency; and
- 2466 (iii) ensure cooperation between relevant state agencies, a local education agency,  
2467 and a local law enforcement agency to foster compliance with disciplinary related  
2468 statutory provisions, including Sections 53E-3-516 and 53G-8-211;
- 2469 (k) provide for the security and protection of public officials, public officials' staff, and  
2470 the capitol hill complex in accordance with the provisions of this part;
- 2471 (l) fulfill the duties described in Sections 77-36-2.1 and 78B-7-120 related to lethality  
2472 assessments; and
- 2473 (m) fulfill the duties described in Section 63L-13-201 related to restricted foreign  
2474 entities.
- 2475 (2)(a) The department shall establish a schedule of fees as required or allowed in this  
2476 title for services provided by the department.

- 2477 (b) All fees not established in statute shall be established in accordance with Section  
2478 63J-1-504.
- 2479 (3) The department may establish or contract for the establishment of an [~~Organ~~  
2480 ~~Procurement Donor Registry~~] organ procurement donor registry in accordance with  
2481 Section 26B-8-319.
- 2482 Section 26. Section **53-6-107** is amended to read:  
2483 **53-6-107 (Effective 07/01/26). General duties of council.**
- 2484 (1) The council shall:
- 2485 (a) advise the director regarding:
- 2486 (i) the approval, certification, or revocation of certification of any certified academy  
2487 established in the state;
- 2488 (ii) minimum courses of study, attendance requirements, and the equipment and  
2489 facilities to be required at a certified academy;
- 2490 (iii) minimum qualifications for instructors at a certified academy;
- 2491 (iv) the minimum basic training requirements that peace officers shall complete  
2492 before receiving certification;
- 2493 (v) the minimum basic training requirements that dispatchers shall complete before  
2494 receiving certification; and
- 2495 (vi) categories or classifications of advanced in-service training programs and  
2496 minimum courses of study and attendance requirements for the categories or  
2497 classifications;
- 2498 (b) recommend that studies, surveys, or reports, or all of them be made by the director  
2499 concerning the implementation of the objectives and purposes of this chapter;
- 2500 (c) make recommendations and reports to the commissioner and governor from time to  
2501 time;
- 2502 (d) choose from the sanctions to be imposed against certified peace officers [~~as provided~~  
2503 ~~in~~] in accordance with Section 53-6-211, and dispatchers [~~as provided in~~] in  
2504 accordance with Section 53-6-309;
- 2505 (e) establish and annually review:
- 2506 (i) minimum use of force standards for all peace officers in the state;
- 2507 (ii) minimum standards for officer intervention and the reporting of police  
2508 misconduct based on Section 53-6-210.5; and
- 2509 (iii) the best practices for investigating sexual assaults;
- 2510 (f) in consultation with the [~~Utah~~]Victim Services Commission's subcommittee on rape

2511 and sexual assault created in Subsection [~~63M-7-903(5)(b)~~] 75E-6-103(5)(b), create  
 2512 and, if necessary, annually update a model sexual assault investigation policy based  
 2513 on the best practices established in Subsection (1)(e)(iii) that can be adopted and used  
 2514 by a law enforcement agency; and

2515 (g) perform other acts as necessary to carry out the duties of the council in this chapter.

2516 (2) The council may approve special function officers for membership in the [~~Public Safety~~  
 2517 ~~Retirement System~~] public safety retirement system in accordance with Sections  
 2518 49-14-201 and 49-15-201.

2519 Section 27. Section **53-6-213** is amended to read:

2520 **53-6-213 (Effective 07/01/26). Appropriations from compensation fund.**

2521 (1) The Legislature shall appropriate from the [~~fund~~] Crime Victim Compensation Fund  
 2522 established in [~~Title 63M, Chapter 7, Part 5, Utah Office for Victims of Crime~~] Section  
 2523 75E-5-302, to the division, funds for training of law enforcement officers in the state.

2524 (2) The department shall make an annual report to the Legislature, which includes the  
 2525 amount received during the previous fiscal year.

2526 Section 28. Section **53-10-118** is amended to read:

2527 **53-10-118 (Effective 07/01/26). Collection of driving under the influence crash**  
 2528 **and arrest data.**

2529 (1)(a) The division shall collect from every law enforcement agency the following data  
 2530 concerning a crash that appears to be connected with a driving under the influence  
 2531 offense:

2532 (i) whether the impaired driver was injured or killed;

2533 (ii) whether any other individual was injured or killed;

2534 (iii) whether there was damage to real or personal property;

2535 (iv) the following results or findings regarding the impaired driver's impairment:

2536 (A) blood, breath, or urine alcohol concentration readings; and

2537 (B) blood, urine, chemical, or similar tests detecting alcohol or other drugs in an  
 2538 individual; and

2539 (v) if applicable, the name of the establishment that provided the alcohol to the  
 2540 impaired driver.

2541 (b) The division shall collect from every law enforcement agency the following data for  
 2542 every arrest made for a suspected driving under the influence offense, including those  
 2543 that are unrelated to a crash described in Subsection (1)(a):

2544 (i) the data described in Subsections (1)(a)(iv) and (v); and

- 2545 (ii) if there were any injuries, deaths, or property damage based on the driving under  
2546 the influence incident, a description of the injuries, deaths, or damages.
- 2547 (c) In accordance with Section 53-25-104, a law enforcement agency shall provide the  
2548 information described in Subsections (1)(a) and (b) in the form and manner requested  
2549 by the division.
- 2550 (2) The division shall provide the information collected under Subsection (1) to the [  
2551 ~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice Services  
2552 for use in the annual report described in Section 41-6a-511.
- 2553 Section 29. Section **53-10-302** is amended to read:  
2554 **53-10-302 (Effective 07/01/26). Bureau duties.**
- 2555 The bureau shall:
- 2556 (1) provide assistance and investigative resources to divisions within the Department of  
2557 Public Safety;
- 2558 (2) upon request, provide assistance and specialized law enforcement services to local law  
2559 enforcement agencies;
- 2560 (3) conduct financial investigations regarding suspicious cash transactions, fraud, and  
2561 money laundering;
- 2562 (4) investigate criminal activity of organized crime networks, gangs, extremist groups, and  
2563 others promoting violence;
- 2564 (5) investigate criminal activity of terrorist groups;
- 2565 (6) enforce [~~the Utah Criminal Code~~] Title 76, Criminal Offenses;
- 2566 (7) cooperate and exchange information with other state agencies and with other law  
2567 enforcement agencies of government, both within and outside of this state, through a  
2568 statewide information and intelligence center to obtain information that may achieve  
2569 more effective results in the prevention, detection, and control of crime and  
2570 apprehension of criminals, including systems described in Section 53E-3-518, Section  
2571 53H-4-210, and Subsection 63H-7a-103(14);
- 2572 (8) create and maintain a statewide criminal intelligence system;
- 2573 (9) provide specialized case support and investigate illegal drug production, cultivation, and  
2574 sales;
- 2575 (10) investigate, follow-up, and assist in highway drug interdiction cases;
- 2576 (11) make rules to implement this chapter;
- 2577 (12) perform the functions specified in Part 2, Bureau of Criminal Identification;
- 2578 (13) provide a state cybercrime unit to investigate computer and network intrusion matters

- 2579 involving state-owned computer equipment and computer networks as reported under  
 2580 Section 76-6-705;
- 2581 (14) investigate violations of Section 76-6-703 and other computer related crimes,  
 2582 including:
- 2583 (a) computer network intrusions;  
 2584 (b) denial of services attacks;  
 2585 (c) computer related theft or fraud;  
 2586 (d) intellectual property violations; and  
 2587 (e) electronic threats;
- 2588 (15) upon request, investigate the following offenses when alleged to have been committed  
 2589 by an individual who is currently or has been previously elected, appointed, or employed  
 2590 by a governmental entity:
- 2591 (a) criminal offenses; and  
 2592 (b) matters of public corruption; and
- 2593 (16)(a) not be prohibited from investigating crimes not specifically referred to in this  
 2594 section; and  
 2595 (b) other agencies are not prohibited from investigating crimes referred to in this section.  
 2596 Section 30. Section **53-10-803** is amended to read:
- 2597 **53-10-803 (Effective 07/01/26). Voluntary testing -- Victim to request -- Costs**  
 2598 **paid by Office for Victims of Crime.**
- 2599 (1) A victim or minor victim of a sexual offense may request a test for the HIV infection.
- 2600 (2)(a) The local health department shall obtain the blood specimen from the victim and  
 2601 forward the specimen to the Department of Health and Human Services.
- 2602 (b) The Department of Health and Human Services shall analyze the specimen of the  
 2603 victim.
- 2604 (3)(a) The testing shall consist of a base-line test of the victim at the time immediately or  
 2605 as soon as possible after the alleged occurrence of the sexual offense.[-]
- 2606 (b) If the base-line test result is not positive, follow-up testing shall occur at three  
 2607 months and six months after the alleged occurrence of the sexual offense.
- 2608 (4) The Crime Victim [~~Reparations~~] Compensation Fund shall pay for the costs of the victim  
 2609 testing if the victim provides a substantiated claim of the sexual offense, does not test  
 2610 HIV positive at the base-line testing phase, and complies with eligibility criteria  
 2611 established by the [~~Utah~~]Office for Victims of Crime.
- 2612 Section 31. Section **53-11-124** is amended to read:

2613 **53-11-124 (Effective 07/01/26). Penalties.**

2614 Any violation of this chapter is a class A misdemeanor, unless the circumstances of the  
 2615 violation amount to an offense subject to a greater criminal penalty under [~~Title 76, Utah~~  
 -2616 ~~Criminal Code~~] Title 76, Criminal Offenses.

2617 Section 32. Section **53-21-104.3** is amended to read:

2618 **53-21-104.3 (Effective 07/01/26). Education -- Complaints -- Investigations.**

- 2619 (1) On or before September 1, 2024, the department shall inform all first responder  
 2620 agencies in the state of the requirements described in Section 53-21-102.
- 2621 (2) In addition to the notification required under Subsection (1), the department shall, on  
 2622 the department's website, provide information describing:
- 2623 (a) an individual's eligibility for mental health resources under Section 53-21-102;  
 2624 (b) the statutory definition for mental health resources provided in Section 53-21-101;  
 2625 (c) the designated mental health resources liaison for each first responder agency as  
 2626 described in Subsection 53-21-102(3)(b); and  
 2627 (d) how to appeal a denial of mental health resources to the department.
- 2628 (3)(a) The department shall investigate a denial of mental health resources that is  
 2629 received under Subsection (2)(d) to determine whether the denial was in violation of  
 2630 this chapter.
- 2631 (b) If, after an investigation, the department determines that a first responder agency  
 2632 improperly denied mental health resources in violation of this chapter, the department  
 2633 shall notify the first responder agency and provide 60 days for the first responder  
 2634 agency to correct the improper denial.
- 2635 (c) The department shall determine whether a first responder agency has cured the  
 2636 violation within the time described in Subsection (3)(b) and, if the first responder  
 2637 agency has not, the department shall send a letter within a reasonable time identifying  
 2638 the first responder agency and the relevant details of the department's investigation to:
- 2639 (i) the commissioner;  
 2640 (ii) the chairs of the Law Enforcement and Criminal Justice Interim Committee; and  
 2641 (iii) the executive director of the [~~State-~~]Commission on Criminal and Juvenile  
 2642 Justice, who shall refer the matter for investigation under [~~Section 63M-7-204~~]  
 2643 Subsection 75E-3-202(1)(i) and may recommend that the Department of Criminal  
 2644 Justice Services restrict state grant money under Section [~~63M-7-218~~] 75E-2-303.

2645 Section 33. Section **53-25-103** is amended to read:

2646 **53-25-103 (Effective 07/01/26). Airport dangerous weapon possession reporting**

2647 **requirements.**

- 2648 (1) As used in this section, [~~"commission"~~] "department" means the [~~State Commission on~~  
 2649 ~~Criminal and Juvenile Justice~~] Department of Criminal Justice Services created in  
 2650 Section [~~63M-7-201~~] 75E-2-102.
- 2651 (2) Beginning on January 1, 2026, a law enforcement agency having law enforcement  
 2652 jurisdiction over an airport shall annually, on or before April 30, submit a report to the [~~com~~  
 2653 ~~mission~~] department detailing:
- 2654 (a) for an offense described in Subsection 76-11-218(2)(a):
- 2655 (i) the number of issued written warnings;
- 2656 (ii) the number of issued citations;
- 2657 (iii) the number of referrals to a detective; and
- 2658 (iv) the number of referrals to a prosecutor; and
- 2659 (b) for an offense described in Subsection 76-11-218(2)(b):
- 2660 (i) the number of issued written warnings; and
- 2661 (ii) if applicable, the number of issued citations, including the number of individuals  
 2662 who have received more than one citation for the offense.
- 2663 (3) The [~~commission~~] department shall:
- 2664 (a) develop a standardized format for reporting the data described in Subsection (2);
- 2665 (b) compile the data submitted under Subsection (2); and
- 2666 (c) annually on or before August 1, publish a report of the data described in Subsection  
 2667 (2) on the [~~commission's~~] department's website.

2668 Section 34. Section **53-25-202** is amended to read:

2669 **53-25-202 (Effective 07/01/26). Sexual assault offense reporting requirements for**  
 2670 **law enforcement agencies.**

- 2671 (1) As used in this section:
- 2672 [~~(a) "Commission" means the State Commission on Criminal and Juvenile Justice~~  
 2673 ~~created in Section 63M-7-201.~~]
- 2674 (a) "Department" means the Department of Criminal Justice Services created in Section  
 2675 75E-2-102.
- 2676 (b) "Sexual assault offense" means:
- 2677 (i) rape, as described in Section 76-5-402;
- 2678 (ii) rape of a child, as described in Section 76-5-402.1;
- 2679 (iii) object rape, as described in Section 76-5-402.2;
- 2680 (iv) object rape of a child, as described in Section 76-5-402.3;

- 2681 (v) forcible sodomy, as described in Section 76-5-403;
- 2682 (vi) sodomy on a child, as described in Section 76-5-403.1;
- 2683 (vii) forcible sexual abuse, as described in Section 76-5-404;
- 2684 (viii) sexual abuse of a child, as described in Section 76-5-404.1;
- 2685 (ix) aggravated sexual abuse of a child, as described in Section 76-5-404.3;
- 2686 (x) aggravated sexual assault, as described in Section 76-5-405; or
- 2687 (xi) sexual battery, as described in Section 76-5-418.
- 2688 (2)(a) Beginning January 1, 2025, a law enforcement agency shall:
- 2689 (i) annually, on or before April 30, submit a report to the [~~e~~ommission] department for
- 2690 the previous calendar year containing the number of each type of sexual assault
- 2691 offense that:
- 2692 (A) was reported to the law enforcement agency;
- 2693 (B) was investigated by a detective; and
- 2694 (C) was referred to a prosecutor for prosecution; and
- 2695 (ii) submit a report to the [~~e~~ommission] department on whether the law enforcement
- 2696 agency has created and publicly posted on the law enforcement agency's website:
- 2697 (A) the policy described in Subsection [~~53-24-101(1)(a)~~] 53-25-201(1); and
- 2698 (B) the guide described in Subsection [~~53-24-101(2)(a)~~] 53-25-201(2).
- 2699 (b) A law enforcement agency shall:
- 2700 (i) compile the report described in Subsection (2)(a)(i) for each calendar year in the
- 2701 standardized format developed by the [~~e~~ommission] department under Subsection
- 2702 (3); and
- 2703 (ii) publicly post the information reported in Subsection (2)(a)(i) on the law
- 2704 enforcement agency's website.
- 2705 (3) The [~~e~~ommission] department shall:
- 2706 (a) develop a standardized format for reporting the data described in Subsection (2);
- 2707 (b) compile the data submitted under Subsection (2); and
- 2708 (c) annually on or before August 1, publish a report of the data described in Subsection
- 2709 (2) on the [~~e~~ommission's] department's website.
- 2710 Section 35. Section **53-25-301** is amended to read:
- 2711 **53-25-301 (Effective 07/01/26). Reporting requirements for reverse-location**
- 2712 **warrants.**
- 2713 (1) As used in this section:
- 2714 (a) "Anonymized" means the same as that term is defined in Section 77-23f-101.

- 2715 [(b) "Commission" means the State Commission on Criminal and Juvenile Justice  
2716 created in Section 63M-7-201.]
- 2717 (b) "Department" means the Department of Criminal Justice Services created in Section  
2718 75E-2-102.
- 2719 (c) "Electronic device" means the same as that term is defined in Section 77-23f-101.
- 2720 (d) "Law enforcement agency" means the same as that term is defined in Section  
2721 77-23c-101.2.
- 2722 (e) "Reverse-location information" means the same as that term is defined in Section  
2723 77-23f-101.
- 2724 (f) "Reverse-location warrant" means a warrant seeking reverse-location information  
2725 under Section 77-23f-102, 77-23f-103, or 77-23f-104.
- 2726 (2)(a) Beginning January 1, 2024, a law enforcement agency shall annually on or before  
2727 April 30 submit a report to the [~~commission~~] department with the following data for  
2728 the previous calendar year:
- 2729 (i) the number of reverse-location warrants requested by the law enforcement agency  
2730 under Section 77-23f-102, 77-23f-103, or 77-23f-104;
- 2731 (ii) the number of reverse-location warrants that a court or magistrate granted after a  
2732 request described in Subsection (2)(a)(i);
- 2733 (iii) the number of investigations that used information obtained under a  
2734 reverse-location warrant to investigate a crime that was not the subject of the  
2735 reverse-location warrant;
- 2736 (iv) the number of times reverse-location information was obtained under an  
2737 exception listed in Section 77-23f-106;
- 2738 (v) the warrant identification number for each warrant described under Subsection  
2739 (2)(a)(ii) or (iii); and
- 2740 (vi) the number of electronic devices for which anonymized electronic device data  
2741 was obtained under each reverse-location warrant described under Subsection  
2742 (2)(a)(ii).
- 2743 (b) A law enforcement agency shall compile the report described in Subsection (2)(a) for  
2744 each year in the standardized format developed by the [~~commission~~] department  
2745 under Subsection (4).
- 2746 (3) If a reverse-location warrant is requested by a multijurisdictional team of law  
2747 enforcement officers, the reporting requirement in this section is the responsibility of the  
2748 commanding agency or governing authority of the multijurisdictional team.

- 2749 (4) The [~~commission~~] department shall:
- 2750 (a) develop a standardized format for reporting the data described in Subsection (2);
- 2751 (b) compile the data submitted under Subsection (2); and
- 2752 (c) annually on or before August 1, publish on the [~~commission's~~] department's website a
- 2753 report of the data described in Subsection (2).

2754 Section 36. Section **53-25-401** is amended to read:

2755 **53-25-401 (Effective 07/01/26). Law enforcement reporting requirements for**

2756 **genetic genealogy database utilizations.**

- 2757 (1) As used in this section:

2758 [~~(a) "Commission" means the State Commission on Criminal and Juvenile Justice~~

2759 ~~created in Section 63M-7-201.]~~

2760 (a) "Department" means the Department of Criminal Justice Services created in Section

2761 75E-2-102.

2762 (b) "Genetic genealogy database utilization" means the same as that term is defined in

2763 Section 53-10-403.7.

2764 (c) "Law enforcement agency" means the same as that term is defined in Section

2765 53-1-102.

2766 (d) "Qualifying case" means the same as that term is defined in Section 53-10-403.7.

- 2767 (2)(a) Beginning on January 1, 2024, a law enforcement agency shall annually on or
- 2768 before April 30 submit a report to the [~~commission~~] department with the following
- 2769 data for the previous calendar year:

2770 (i) the number of genetic genealogy database utilizations requested by the law

2771 enforcement agency under Section 53-10-403.7; and

2772 (ii) for each utilization described in Subsection (2)(a)(i):

2773 (A) if applicable, the type of qualifying case;

2774 (B) for a criminal investigation, the alleged offense;

2775 (C) whether the case was a cold case, as that term is defined in Section 53-10-115,

2776 at the time of the request for the utilization; and

2777 (D) whether the results of the utilization revealed the identity of the owner of the

2778 DNA specimen.

2779 (b) A law enforcement agency shall compile the report described in Subsection (2)(a) for

2780 each year in the standardized format developed by the [~~commission~~] department

2781 under Subsection (4).

- 2782 (3) If a genetic genealogy database utilization is requested by a multijurisdictional team of

2783 law enforcement officers, the reporting requirement in this section is the responsibility  
 2784 of the commanding agency or governing authority of the multijurisdictional team.

2785 (4) The ~~[commission]~~ department shall:

- 2786 (a) develop a standardized format for reporting the data described in Subsection (2);  
 2787 (b) compile the data submitted under Subsection (2), including the number of genetic  
 2788 genealogy database utilizations requested by each reporting law enforcement agency;  
 2789 and  
 2790 (c) annually on or before August 1, publish a report of the data described in Subsection  
 2791 (2) on the ~~[commission's]~~ department's website.

2792 Section 37. Section **53-25-501** is amended to read:

2793 **53-25-501 (Effective 07/01/26). Reporting requirements for seized firearms.**

2794 (1) As used in this section:

- 2795 ~~[(a) "Commission" means the State Commission on Criminal and Juvenile Justice  
 2796 created in Section 63M-7-201.]~~  
 2797 (a) "Department" means the Department of Criminal Justice Services created in Section  
 2798 75E-2-102.  
 2799 (b) "Firearm" means the same as that term is defined in Section 76-11-101.  
 2800 (c) "Restricted person" means a Category I or Category II restricted person under  
 2801 Section 76-11-302 or 76-11-303.

2802 (2) Beginning on July 1, 2026, a law enforcement agency, not including the Department of  
 2803 Corrections, shall annually on or before April 30 report to the ~~[commission]~~ department  
 2804 the following data for the previous calendar year:

- 2805 (a) the number of firearms the law enforcement agency lawfully seized from restricted  
 2806 persons;  
 2807 (b) the types of firearms the law enforcement agency lawfully seized from restricted  
 2808 persons;  
 2809 (c) information on where the restricted persons obtained the firearms seized by the law  
 2810 enforcement agency if the information is known or discoverable by the law  
 2811 enforcement agency; and  
 2812 (d) the reasons under Section 76-11-302 or 76-11-303 that made the individuals who had  
 2813 weapons seized restricted persons.

2814 Section 38. Section **53-25-502** is amended to read:

2815 **53-25-502 (Effective 07/01/26). Law enforcement agency reporting requirements  
 2816 for certain firearm data.**

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

- 2851 each calendar year in the standardized format developed by the [eommission]  
 2852 department under Subsection (3).
- 2853 (c) The reporting requirements under Subsection (2)(a)(i) do not apply to a criminal  
 2854 offense or investigation for an offense under Title 23A, Wildlife Resources Act, that  
 2855 involves a firearm.
- 2856 (3) The [eommission] department shall:
- 2857 (a) develop a standardized format for reporting the data described in Subsection (2);  
 2858 (b) compile the data submitted under Subsection (2); and  
 2859 (c) annually on or before August 1, publish a report of the data described in Subsection  
 2860 (2) on the [eommission's] department's website.
- 2861 (4) This section does not apply to:
- 2862 (a) the Department of Corrections; or  
 2863 (b) a law enforcement agency created under Section 41-3-104.
- 2864 Section 39. Section **53-29-302** is amended to read:
- 2865 **53-29-302 (Effective 07/01/26) (Partially Repealed 01/01/30). Law enforcement**  
 2866 **and agency responsibilities related to the registry.**
- 2867 (1) As used in this section:
- 2868 (a) "Dynamic factors" means an individual's individual characteristics, issues, resources,  
 2869 or circumstances that:
- 2870 (i) can change or be influenced; and  
 2871 (ii) affect the risk of:
- 2872 (A) recidivism; or  
 2873 (B) violating conditions of probation or parole.
- 2874 (b) "Multi-domain assessment" means an evaluation process or tool that reports in  
 2875 quantitative and qualitative terms an offender's condition, stability, needs, resources,  
 2876 dynamic factors, and static factors that affect the offender's transition into the  
 2877 community and compliance with conditions of probation or parole.
- 2878 (c) "Static factors" means an individual's individual characteristics, issues, resources, or  
 2879 circumstances that:
- 2880 (i) are unlikely to be changeable or influenced; and  
 2881 (ii) affect the risk of:
- 2882 (A) recidivism; or  
 2883 (B) violating conditions of probation or parole.
- 2884 (2) A law enforcement agency shall, in the manner prescribed by the department, inform

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

- 2919 reasonable time after the day of the offender's removal from the secure facility, notify  
 2920 the local law enforcement agencies where the offender is assigned.
- 2921 (b) Subsection [~~(4)(a)~~] (5)(a) does not apply to an offender temporarily released from a  
 2922 secure facility setting who is under the supervision of a correctional facility official.
- 2923 (6) The division shall register an offender in the custody of the division with the  
 2924 department, as required under this chapter, before the offender's release from custody of  
 2925 the division.
- 2926 (7) A state mental hospital shall register an offender committed to the state mental hospital  
 2927 with the department, as required under this chapter, upon the offender's admission and  
 2928 upon the offender's discharge.
- 2929 (8)(a) A municipal or county law enforcement agency shall register an offender who  
 2930 resides within the agency's jurisdiction and is not under the supervision of the  
 2931 Division of Adult Probation and Parole within the Department of Corrections.
- 2932 (b) A municipal or county law enforcement agency may conduct offender registration  
 2933 under this chapter, if the agency ensures that the agency's staff responsible for  
 2934 registration:
- 2935 (i) have received initial training by the department and have been certified by the  
 2936 department as qualified and authorized to conduct registrations and enter offender  
 2937 registration information into the registry database; and
- 2938 (ii) annually certifies with the department.
- 2939 (9) An agency in the state that registers with the department an offender on probation, an  
 2940 offender who has been released from confinement to parole status or termination, or an  
 2941 offender whose sentence has expired, shall inform the offender of the duty to comply  
 2942 with the continuing registration requirements of this chapter during the period of  
 2943 registration required in Section 53-29-203, including:
- 2944 (a) notification to the state agencies in the states where the registrant presently resides  
 2945 and plans to reside when moving across state lines;
- 2946 (b) verification of address at least every 60 days [~~pursuant to~~] in accordance with a parole  
 2947 agreement for lifetime parolees; and
- 2948 (c) notification to the out-of-state agency where the offender is living, regardless of  
 2949 whether the offender is a resident of that state.

2950 Section 40. Section **53E-3-516** is amended to read:

2951 **53E-3-516 (Effective 07/01/26). School disciplinary and law enforcement action**  
 2952 **report -- Rulemaking authority.**

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

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

- 3021 (5) The report described in Subsection (2) shall include the following information, in  
 3022 aggregate, for each element described in Subsections (4)(a) and (b):  
 3023 (a) age;  
 3024 (b) grade level;  
 3025 (c) race;  
 3026 (d) sex;  
 3027 (e) disability status; and  
 3028 (f) youth in care designation.
- 3029 (6) Information included in the annual report described in Subsection (2) shall comply with:  
 3030 (a) Chapter 9, Part 2, Student Privacy;  
 3031 ~~[(a)] (b) Chapter 9, Part 3, Student Data Protection; and~~  
 3032 ~~[(b) Chapter 9, Part 2, Student Privacy; and]~~  
 3033 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.
- 3034 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 3035 state board shall make rules to compile the report described in Subsection (2).
- 3036 (8)(a) The state board shall provide the report described in Subsection (2):  
 3037 (i) in accordance with Section 53E-1-203 for incidents that occurred during the  
 3038 previous school year; and  
 3039 (ii) to the ~~[State Commission on Criminal and Juvenile Justice]~~ Department of  
 3040 Criminal Justice Services before January 15 of each year for incidents that  
 3041 occurred during the previous school year.
- 3042 (b) After submitting the report in accordance with this section, the state board shall  
 3043 supplement the report to the ~~[State Commission on Criminal and Juvenile Justice]~~  
 3044 Department of Criminal Justice Services with updated data and information within 30  
 3045 days after the day on which the state board receives the updated data and information.
- 3046 Section 41. Section **53E-3-518** is amended to read:  
 3047 **53E-3-518 (Effective 07/01/26). Utah school information management system --**  
 3048 **Local education agency requirements.**
- 3049 (1) As used in this section:  
 3050 (a) "LEA data system" or "LEA's data system" means a data system that:  
 3051 (i) is developed, selected, or relied upon by an LEA; and  
 3052 (ii) the LEA uses to collect data or submit data to the state board related to:  
 3053 (A) student information;  
 3054 (B) educator information;

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

- 3089 53E-3-511.
- 3090 (4) On or before January 31, 2026, the state board shall:
- 3091 (a) ensure the information management system described in this section allows for the
- 3092 transfer of a student's transcript, current IEP, or Section 504 accommodation plan,
- 3093 including the tracking of necessary accommodations and services between:
- 3094 (i) different LEA student information systems; and
- 3095 (ii) an authorized online course provider and a primary LEA; and
- 3096 (b) ensure the transfer capability described in Subsection (4)(a) is available for the same
- 3097 use within the operating system the state board uses for the Statewide Online
- 3098 Education Program described in Title 53F, Chapter 4, Part 5, Statewide Online
- 3099 Education Program.
- 3100 (5) The state board shall establish the restrictions on user access described in Subsection
- 3101 (3)(f).
- 3102 (6)(a) The state board shall make rules that establish the required capabilities for an LEA
- 3103 financial information system.
- 3104 (b) In establishing the required capabilities for an LEA financial information system, the
- 3105 state board shall consider metrics and capabilities requested by the state treasurer or
- 3106 state auditor.
- 3107 (7)(a) On or before July 1, 2024, an LEA shall ensure that:
- 3108 (i) all of the LEA's data systems:
- 3109 (A) meet the data standards established by the state board in accordance with
- 3110 Section 53E-3-501;
- 3111 (B) are fully compatible with the state board's information management system;
- 3112 and
- 3113 (C) meet specification standards determined by the state board; and
- 3114 (ii) the LEA's financial information system meets the requirements described in
- 3115 Subsection (6).
- 3116 (b) An LEA shall ensure that an LEA data system purchased or developed on or after
- 3117 May 14, 2019, will be compatible with the information management system when the
- 3118 information management system is fully operational.
- 3119 (8)(a) Subject to appropriations and Subsection (8)(b), the state board may use an
- 3120 appropriation under this section to help an LEA meet the requirements in the rules
- 3121 described in Subsection (6) by:
- 3122 (i) providing to the LEA funding for implementation and sustainment of the LEA

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

3157 1232g, and related regulations, the state board shall provide a parent access to an  
 3158 education record concerning the parent's student.

3159 (e) The state board shall create in the information management system a record tracking  
 3160 interoperability of education records described in this Subsection (10) when a student  
 3161 is transitioning between schools or between LEAs.

3162 Section 42. Section **53F-2-410** is amended to read:

3163 **53F-2-410 (Effective 07/01/26). Juvenile gang and other violent crime prevention**  
 3164 **and intervention program -- Funding.**

3165 (1) As used in this section:

3166 (a) "State agency" means a department, division, office, entity, agency, or other unit of  
 3167 the state.

3168 (b) "State agency" includes the [~~State Commission on Criminal and Juvenile Justice~~]  
 3169 Department of Criminal Justice Services, the Administrative Office of the Courts, the  
 3170 Department of Corrections, and the Division of Juvenile Justice Services.

3171 (2) Subject to appropriations by the Legislature, the state board shall:

3172 (a) create a juvenile gang and other violent crime prevention and intervention program  
 3173 that is designed to help students at risk for violent criminal involvement stay in  
 3174 school; and

3175 (b) distribute money under the program to school districts and charter schools through  
 3176 the distribution formula described in Subsection (3).

3177 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 3178 state board shall coordinate with state agencies to make rules that:

3179 (a) establish a formula to allocate program funding to schools in select school districts  
 3180 and charter schools that:

3181 (i) uses the data reported to the state board, the [~~State Commission on Criminal and~~  
 3182 ~~Juvenile Justice~~] Department of Criminal Justice Services, the Administrative  
 3183 Office of the Courts, the Department of Corrections, and the Division of Juvenile  
 3184 Justice Services;

3185 (ii) prioritizes the schools in school districts and charter schools based on the  
 3186 prevalence of crimes committed by minors within the boundaries of each  
 3187 municipality where a school is located; and

3188 (iii) prioritizes school districts and charter schools that demonstrate collaborative  
 3189 efforts with local law enforcement agencies and community prevention[-] ;

3190 (b) annually adjust the distribution of program funding using the data reported to the

- 3191 state board under Section 80-6-104; and
- 3192 (c) establish baseline performance standards that school districts or charter schools are  
3193 required to meet in order to receive funding under the program.
- 3194 (4)(a) A school district or a charter school seeking program funding shall submit a  
3195 proposal to the state board that:
- 3196 (i) describes how the school district or charter school intends to use the funds; and  
3197 (ii) provides data related to the prevalence of crimes committed by minors within the  
3198 school district as described in Subsection (3)(a)(ii).
- 3199 (b) The state board shall allocate funding on a per student basis to prioritized school  
3200 districts and charter schools that submit a successful proposal under Subsection (4)(a).
- 3201 (5) The state board may not distribute funds to a school district or a charter school that fails  
3202 to meet performance standards described in Subsection (3)(c).
- 3203 (6) A school district or a charter school that is awarded funds under this section shall  
3204 submit a report to the state board that includes details on:
- 3205 (a) how the school district or the charter school used the funds; and  
3206 (b) the school district's, or the charter school's, compliance with the performance  
3207 standards described in Subsection (3)(c).
- 3208 Section 43. Section **53G-6-806** is amended to read:
- 3209 **53G-6-806 (Effective 07/01/26). Parent portal.**
- 3210 (1) As used in this section:
- 3211 (a) "Parent portal" means the posting the state board is required to provide under this  
3212 section.
- 3213 (b) "School" means a public elementary or secondary school, including a charter school.
- 3214 (2)(a) The state board shall post information that allows a parent of a student enrolled in  
3215 a school to:
- 3216 (i) access an LEA's policies required by Sections 53G-9-203 and 53G-9-605;  
3217 (ii) be informed of resources and steps to follow when a student has been the subject,  
3218 perpetrator, or bystander of bullying, cyber-bullying, hazing, retaliation, or  
3219 abusive conduct such as:
- 3220 (A) resources for the student, including short-term mental health services;  
3221 (B) options for the student to make changes to the student's educational  
3222 environment;  
3223 (C) options for alternative school enrollment;  
3224 (D) options for differentiated start or stop times;

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

- 3259 third-party to provide safety data visualization in comparison to other states' data.
- 3260 (4) An LEA shall annually notify each of the following of how to access the parent portal:
- 3261 (a) a parent of a student; and
- 3262 (b) a teacher, principal, or other professional staff within the LEA.

3263 Section 44. Section **53G-8-702** is amended to read:

3264 **53G-8-702 (Effective 07/01/26). School administrator and school resource officer**

3265 **training -- Curriculum.**

- 3266 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3267 state security chief appointed under Section 53-22-102 in consultation with the state
- 3268 board, shall make rules that prepare and make available an annual program for school
- 3269 principals, school personnel, school safety personnel described in Section 53G-8-701.5,
- 3270 and school resource officers to attend.
- 3271 (2) To create the curriculum and materials for the training program described in Subsection
- 3272 (1), the state security chief, in consultation with the School Safety Center, shall:
- 3273 (a) work in conjunction with the [~~State Commission on Criminal and Juvenile Justice~~]
- 3274 Department of Criminal Justice Services created in Section [~~63M-7-201~~] 75E-2-102;
- 3275 (b) solicit input from local school boards, charter school governing boards, and the Utah
- 3276 Schools for the Deaf and the Blind;
- 3277 (c) consult with a nationally recognized organization that provides resources and
- 3278 training for school resource officers;
- 3279 (d) solicit input from local law enforcement and other interested community
- 3280 stakeholders; and
- 3281 (e) consider the current United States Department of Education recommendations on
- 3282 school discipline and the role of a school resource officer.
- 3283 (3) The training program described in Subsection (1) shall be for a minimum time
- 3284 established by the state security chief in accordance with Subsection (1) and may
- 3285 include training on the following:
- 3286 (a) childhood and adolescent development;
- 3287 (b) responding age-appropriately to students;
- 3288 (c) working with disabled students;
- 3289 (d) techniques to de-escalate and resolve conflict;
- 3290 (e) cultural awareness;
- 3291 (f) restorative justice practices;
- 3292 (g) identifying a student exposed to violence or trauma and referring the student to

- 3293 appropriate resources;
- 3294 (h) student privacy rights;
- 3295 (i) negative consequences associated with youth involvement in the juvenile and
- 3296 criminal justice systems;
- 3297 (j) strategies to reduce juvenile justice involvement;
- 3298 (k) roles of and distinctions between a school resource officer and other school staff who
- 3299 help keep a school secure;
- 3300 (l) the standard response protocol and drills described in Section 53G-8-803;
- 3301 (m) an overview of the agreement described in Section 53G-8-703;
- 3302 (n) developing and supporting successful relationships with students; and
- 3303 (o) legal parameters of searching and questioning students on school property.
- 3304 (4) The School Safety Center shall work together with the Department of Public Safety, the [  
3305 ~~State Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice  
3306 Services, and state and local law enforcement to establish policies, procedures, and  
3307 training requirements for school resource officers.

3308 Section 45. Section **58-11a-503** is amended to read:

3309 **58-11a-503 (Effective 07/01/26). Penalties.**

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

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

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

3395 **58-37-2 (Effective 07/01/26). Definitions.**

3396 (1) As used in this chapter:

3397 (a) "Administer" means the direct application of a controlled substance, whether by  
3398 injection, inhalation, ingestion, or any other means, to the body of a patient or  
3399 research subject by:3400 (i) a practitioner or, in the practitioner's presence, by the practitioner's authorized  
3401 agent; or3402 (ii) the patient or research subject at the direction and in the presence of the  
3403 practitioner.3404 (b) "Agent" means an authorized person who acts on behalf of or at the direction of a  
3405 manufacturer, distributor, or practitioner but does not include a motor carrier, public  
3406 warehouseman, or employee of any of them.3407 (c) "Consumption" means ingesting or having any measurable amount of a controlled  
3408 substance in a person's body, but this Subsection (1)(c) does not include the  
3409 metabolite of a controlled substance.3410 (d) "Continuing criminal enterprise" means any individual, sole proprietorship,  
3411 partnership, corporation, business trust, association, or other legal entity, and any  
3412 union or groups of individuals associated in fact although not a legal entity, and  
3413 includes illicit as well as licit entities created or maintained for the purpose of  
3414 engaging in conduct which constitutes the commission of episodes of activity made  
3415 unlawful by this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b,  
3416 Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance  
3417 Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, which episodes are not  
3418 isolated, but have the same or similar purposes, results, participants, victims, methods  
3419 of commission, or otherwise are interrelated by distinguishing characteristics. Taken  
3420 together, the episodes shall demonstrate continuing unlawful conduct and be related  
3421 either to each other or to the enterprise.3422 (e) "Control" means to add, remove, or change the placement of a drug, substance, or  
3423 immediate precursor under Section 58-37-3.

3424 (f)(i) "Controlled substance" means a drug or substance:

3425 (A) included in Schedules I, II, III, IV, or V of Section 58-37-4;

3426 (B) included in Schedules I, II, III, IV, or V of the federal Controlled Substances  
3427 Act, Title II, P.L. 91-513;

3428 (C) that is a controlled substance analog; or

- 3429 (D) listed in Section 58-37-4.2.
- 3430 (ii) "Controlled substance" does not include:
- 3431 (A) distilled spirits, wine, or malt beverages, as those terms are defined in Title
- 3432 32B, Alcoholic Beverage Control Act;
- 3433 (B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,
- 3434 or prevention of disease in human or other animals, which contains ephedrine,
- 3435 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is
- 3436 lawfully purchased, sold, transferred, or furnished as an over-the-counter
- 3437 medication without prescription; or
- 3438 (C) dietary supplements, vitamins, minerals, herbs, or other similar substances
- 3439 including concentrates or extracts, which:
- 3440 (I) are not otherwise regulated by law; and
- 3441 (II) may contain naturally occurring amounts of chemical or substances listed
- 3442 in this chapter, or in rules [~~adopted pursuant to~~] made in accordance with
- 3443 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 3444 (g)(i) "Controlled substance analog" means:
- 3445 (A) a substance the chemical structure of which is substantially similar to the
- 3446 chemical structure of a controlled substance listed in Schedules I and II of
- 3447 Section 58-37-4, a substance listed in Section 58-37-4.2, or in Schedules I and
- 3448 II of the federal Controlled Substances Act, Title II, P.L. 91-513;
- 3449 (B) a substance that has a stimulant, depressant, or hallucinogenic effect on the
- 3450 central nervous system substantially similar to the stimulant, depressant, or
- 3451 hallucinogenic effect on the central nervous system of controlled substances
- 3452 listed in Schedules I and II of Section 58-37-4, substances listed in Section
- 3453 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled
- 3454 Substances Act, Title II, P.L. 91-513; or
- 3455 (C) [~~A~~] a substance that, with respect to a particular individual, is represented or
- 3456 intended to have a stimulant, depressant, or hallucinogenic effect on the central
- 3457 nervous system substantially similar to the stimulant, depressant, or
- 3458 hallucinogenic effect on the central nervous system of controlled substances
- 3459 listed in Schedules I and II of Section 58-37-4, substances listed in Section
- 3460 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled
- 3461 Substances Act, Title II, P.L. 91-513.
- 3462 (ii) "Controlled substance analog" does not include:

- 3463 (A) a controlled substance currently scheduled in Schedules I through V of  
 3464 Section 58-37-4;
- 3465 (B) a substance for which there is an approved new drug application;
- 3466 (C) a substance with respect to which an exemption is in effect for investigational  
 3467 use by a particular person under Section 505 of the Food, Drug, and Cosmetic  
 3468 Act, 21 U.S.C. Sec. 355, to the extent the conduct with respect to the substance  
 3469 is permitted by the exemption;
- 3470 (D) any substance to the extent not intended for human consumption before an  
 3471 exemption takes effect with respect to the substance;
- 3472 (E) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,  
 3473 or prevention of disease in man or other animals, which contains ephedrine,  
 3474 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is  
 3475 lawfully purchased, sold, transferred, or furnished as an over-the-counter  
 3476 medication without prescription; or
- 3477 (F) dietary supplements, vitamins, minerals, herbs, or other similar substances  
 3478 including concentrates or extracts, which are not otherwise regulated by law,  
 3479 which may contain naturally occurring amounts of chemical or substances  
 3480 listed in this chapter, or in rules [~~adopted pursuant to~~] made in accordance with  
 3481 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3482 (h)(i) "Conviction" means a determination of guilt by verdict, whether jury or bench,  
 3483 or plea, whether guilty or no contest, for any offense proscribed by:

- 3484 (A) this chapter;
- 3485 (B) Chapter 37a, Utah Drug Paraphernalia Act;
- 3486 (C) Chapter 37b, Imitation Controlled Substances Act;
- 3487 (D) Chapter 37c, Utah Controlled Substance Precursor Act; or
- 3488 (E) Chapter 37d, Clandestine Drug Lab Act; or

3489 (ii) for any offense under the laws of the United States and any other state which, if  
 3490 committed in this state, would be an offense under:

- 3491 (A) this chapter;
- 3492 (B) Chapter 37a, Utah Drug Paraphernalia Act;
- 3493 (C) Chapter 37b, Imitation Controlled Substances Act;
- 3494 (D) Chapter 37c, Utah Controlled Substance Precursor Act; or
- 3495 (E) Chapter 37d, Clandestine Drug Lab Act.

3496 (i) "Counterfeit substance" means:

- 3497 (i) any controlled substance or container or labeling of any controlled substance that:  
3498 (A) without authorization bears the trademark, trade name, or other identifying  
3499 mark, imprint, number, device, or any likeness of them, of a manufacturer,  
3500 distributor, or dispenser other than the person or persons who in fact  
3501 manufactured, distributed, or dispensed the substance which falsely purports to  
3502 be a controlled substance distributed by any other manufacturer, distributor, or  
3503 dispenser; and  
3504 (B) a reasonable person would believe to be a controlled substance distributed by  
3505 an authorized manufacturer, distributor, or dispenser based on the appearance  
3506 of the substance as described under Subsection (1)(i)(i)(A) or the appearance of  
3507 the container of that controlled substance; or  
3508 (ii) any substance other than under Subsection (1)(i)(i) that:  
3509 (A) is falsely represented to be any legally or illegally manufactured controlled  
3510 substance; and  
3511 (B) a reasonable person would believe to be a legal or illegal controlled substance.  
3512 (j) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a  
3513 controlled substance or a listed chemical, [~~whether or not~~] regardless of whether an  
3514 agency relationship exists.  
3515 (k) "Department" means the Department of Commerce.  
3516 (l) "Depressant or stimulant substance" means:  
3517 (i) a drug which contains any quantity of barbituric acid or any of the salts of  
3518 barbituric acid;  
3519 (ii) a drug which contains any quantity of:  
3520 (A) amphetamine or any of its optical isomers;  
3521 (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or  
3522 (C) any substance which the [~~Secretary~~] secretary of Health and Human Services  
3523 or the [~~Attorney General~~] attorney general of the United States after  
3524 investigation has found and by regulation designated habit-forming because of [  
3525 its] the substance's stimulant effect on the central nervous system;  
3526 (iii) lysergic acid diethylamide; or  
3527 (iv) any drug which contains any quantity of a substance which the [~~Secretary~~]  
3528 secretary of Health and Human Services or the [~~Attorney General~~] attorney general  
3529 of the United States after investigation has found to have, and by regulation  
3530 designated as having, a potential for abuse because of [its] the substance's

3531           depressant or stimulant effect on the central nervous system or [its] the substance's  
3532           hallucinogenic effect.

3533       (m) "Dispense" means the delivery of a controlled substance by a pharmacist to an  
3534           ultimate user [~~pursuant to~~] in accordance with the lawful order or prescription of a  
3535           practitioner, and includes distributing to, leaving with, giving away, or disposing of  
3536           that substance as well as the packaging, labeling, or compounding necessary to  
3537           prepare the substance for delivery.

3538       (n) "Dispenser" means a pharmacist who dispenses a controlled substance.

3539       (o) "Distribute" means to deliver other than by administering or dispensing a controlled  
3540           substance or a listed chemical.

3541       (p) "Distributor" means a person who distributes controlled substances.

3542       (q) "Division" means the Division of Professional Licensing created in Section 58-1-103.

3543       (r)(i) "Drug" means:

3544           (A) a substance recognized in the official United States Pharmacopoeia, Official  
3545           Homeopathic Pharmacopoeia of the United States, or Official National  
3546           Formulary, or any supplement to any of them, intended for use in the  
3547           diagnosis, cure, mitigation, treatment, or prevention of disease in humans or  
3548           animals;

3549           (B) a substance that is required by any applicable federal or state law or rule to be  
3550           dispensed by prescription only or is restricted to administration by practitioners  
3551           only;

3552           (C) a substance other than food intended to affect the structure or any function of  
3553           the body of humans or other animals; and

3554           (D) substances intended for use as a component of any substance specified in  
3555           Subsections (1)(r)(i)(A), (B), and (C).

3556       (ii) "Drug" does not include dietary supplements.

3557       (iii) "Drug" includes a food intended for human consumption that intentionally  
3558           contains a vaccine or vaccine material as provided in Section 4-5-107.

3559       (s) "Drug dependent person" means any individual who unlawfully and habitually uses  
3560           any controlled substance to endanger the public morals, health, safety, or welfare, or  
3561           who is so dependent upon the use of controlled substances as to have lost the power  
3562           of self-control with reference to the individual's dependency.

3563       (t)(i) "Food" means:

3564           (A) any nutrient or substance of plant, mineral, or animal origin other than a drug

- 3565 as specified in this chapter, and normally ingested by human beings; and
- 3566 (B) foods for special dietary uses as exist by reason of a physical, physiological,
- 3567 pathological, or other condition including the conditions of disease,
- 3568 convalescence, pregnancy, lactation, allergy, hypersensitivity to food,
- 3569 underweight, and overweight; uses for supplying a particular dietary need
- 3570 which exist by reason of age including the ages of infancy and childbirth, and
- 3571 also uses for supplementing and for fortifying the ordinary or unusual diet with
- 3572 any vitamin, mineral, or other dietary property for use of a food.
- 3573 (ii) Any particular use of a food is a special dietary use regardless of the nutritional
- 3574 purposes.
- 3575 (u) "Immediate precursor" means a substance which the [~~Attorney General~~] attorney
- 3576 general of the United States has found to be, and by regulation designated as being,
- 3577 the principal compound used or produced primarily for use in the manufacture of a
- 3578 controlled substance, or which is an immediate chemical intermediary used or likely
- 3579 to be used in the manufacture of a controlled substance, the control of which is
- 3580 necessary to prevent, curtail, or limit the manufacture of the controlled substance.
- 3581 (v) "Indian" means a member of an Indian tribe.
- 3582 (w) "Indian religion" means a religion:
- 3583 (i) the origin and interpretation of which is from within a traditional Indian culture or
- 3584 community; and
- 3585 (ii) that is practiced by Indians.
- 3586 (x) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or
- 3587 community of Indians, including any Alaska Native village, which is legally
- 3588 recognized as eligible for and is consistent with the special programs, services, and
- 3589 entitlements provided by the United States to Indians because of their status as
- 3590 Indians.
- 3591 (y) "Manufacture" means the production, preparation, propagation, compounding, or
- 3592 processing of a controlled substance, either directly or indirectly by extraction from
- 3593 substances of natural origin, or independently by means of chemical synthesis or by a
- 3594 combination of extraction and chemical synthesis.
- 3595 (z) "Manufacturer" includes any person who packages, repackages, or labels any
- 3596 container of any controlled substance, except pharmacists who dispense or compound
- 3597 prescription orders for delivery to the ultimate consumer.
- 3598 (aa)(i) "Marijuana" means all species of the genus *cannabis* and all parts of the genus,

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

- 3633 (iii) opium poppy and poppy straw; or
- 3634 (iv) a substance, and any compound, manufacture, salt, derivative, or preparation of
- 3635 the substance, which is chemically identical with any of the substances referred to
- 3636 in Subsection (1)(cc)(i), (ii), or (iii), except narcotic drug does not include
- 3637 decocainized coca leaves or extracts of coca leaves which do not contain cocaine
- 3638 or ecgonine.
- 3639 (dd) "Negotiable instrument" means documents, containing an unconditional promise to
- 3640 pay a sum of money, which are legally transferable to another party by endorsement
- 3641 or delivery.
- 3642 (ee) "Opiate" means any drug or other substance having an addiction-forming or
- 3643 addiction-sustaining liability similar to morphine or being capable of conversion into
- 3644 a drug having addiction-forming or addiction-sustaining liability.
- 3645 (ff) "Opium poppy" means the plant of the species *papaver somniferum* L., except the
- 3646 seeds of the plant.
- 3647 (gg) "Person" means any corporation, association, partnership, trust, other institution or
- 3648 entity or one or more individuals.
- 3649 (hh) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- 3650 (ii) "Possession" or "use" means the joint or individual ownership, control, occupancy,
- 3651 holding, retaining, belonging, maintaining, or the application, inhalation, swallowing,
- 3652 injection, or consumption, as distinguished from distribution, of controlled
- 3653 substances and includes individual, joint, or group possession or use of controlled
- 3654 substances. For a person to be a possessor or user of a controlled substance, it is not
- 3655 required that the person be shown to have individually possessed, used, or controlled
- 3656 the substance, but it is sufficient if it is shown that the person jointly participated with
- 3657 one or more persons in the use, possession, or control of any substances with
- 3658 knowledge that the activity was occurring, or the controlled substance is found in a
- 3659 place or under circumstances indicating that the person had the ability and the intent
- 3660 to exercise dominion and control over the controlled substance.
- 3661 (jj) "Practitioner" means a physician, dentist, naturopathic physician, veterinarian,
- 3662 pharmacist, scientific investigator, pharmacy, hospital, or other person licensed,
- 3663 registered, or otherwise permitted to distribute, dispense, conduct research with
- 3664 respect to, administer, or use in teaching or chemical analysis a controlled substance
- 3665 in the course of professional practice or research in this state.
- 3666 (kk) "Prescribe" means to issue a prescription:

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

- 3701 (5) If an individual has been convicted of violating Section 58-47b-501, before an  
3702 administrative finding of a violation of the same section, the individual may not be  
3703 assessed an administrative fine under this chapter for the same incident for which the  
3704 conviction was obtained.
- 3705 (6)(a) If, upon an inspection described in Section 58-47b-601 or an investigation under  
3706 this section, the division concludes that an individual has violated the provisions of  
3707 Chapter 1, Division of Professional Licensing Act, Section 58-47b-501 or 58-47b-502,  
3708 or any rule or order issued with respect to these provisions, and that disciplinary  
3709 action is appropriate, the director or the director's designee from within the division  
3710 shall:
- 3711 (i) notify the individual to appear before an adjudicative proceeding conducted under  
3712 Title 63G, Chapter 4, Administrative Procedures Act;
  - 3713 (ii) attempt to negotiate a stipulated settlement; or
  - 3714 (iii) promptly issue a citation to the individual according to this chapter and any  
3715 pertinent rules.
- 3716 (b) The division shall suspend, revoke, place on probation, or refuse to issue or renew  
3717 the license of a licensed individual that fails to comply with the citation after the  
3718 citation becomes final.
- 3719 (c) Failure of an individual to comply with a citation after the citation becomes final is a  
3720 ground for denial of license or renewal.
- 3721 (d) The division may not issue a citation under this section after one year from the date  
3722 on which the violation that is the subject of the citation is reported to the division.
- 3723 (e)(i) In addition to or in lieu of an administrative fine authorized in Subsection (3),  
3724 the division may assess a penalty to any person that is in violation of the  
3725 provisions of Chapter 1, Division of Professional Licensing Act, Section  
3726 58-47b-501 or 58-47b-502, or any rule or order issued with respect to these  
3727 provisions, as evidenced by an uncontested citation, a stipulated settlement, or a  
3728 finding of violation in an adjudicative proceeding.
- 3729 (ii) The penalty may be in an amount that is the greater of up to \$10,000 per single  
3730 violation or up to \$2,000 per day of an ongoing violation in accordance with a  
3731 penalty schedule established by rule.
  - 3732 (iii) The division shall deposit a penalty imposed in accordance with this section into  
3733 the Commerce Service Account.
  - 3734 (iv) The director may collect a penalty that is not paid by:

- 3735 (A) referring the matter to a collection agency; or  
3736 (B) bringing an action in the district court of the county where the individual  
3737 against whom the penalty is imposed resides or in the county where the office  
3738 of the director is located.
- 3739 (v) The division may consult with the county attorney or the attorney general of the  
3740 state for legal assistance and advice in an action to collect a penalty.
- 3741 (vi) A court shall award reasonable attorney fees and costs to the prevailing party in  
3742 an action brought by the division to collect a penalty.
- 3743 (vii) In addition to or in lieu of a penalty, the division may order the individual to  
3744 cease and desist from violating the provisions of Chapter 1, Division of  
3745 Professional Licensing Act, Section 58-47b-501 or 58-47b-502, or any rule or  
3746 order issued with respect to these provisions.
- 3747 (7)(a) A citation under Subsection (6) shall:
- 3748 (i) be in writing and describe with particularity the nature of the violation, including  
3749 a reference to the provision of the chapter, rule, or order alleged to have been  
3750 violated;
- 3751 (ii) state that the individual to whom the division issues the citation shall notify the  
3752 division in writing within 20 calendar days of service of the citation to contest the  
3753 citation at a hearing conducted under Title 63G, Chapter 4, Administrative  
3754 Procedures Act; and
- 3755 (iii) explain the consequences of failure to timely contest the citation or to make  
3756 payment of any penalties assessed by the citation within the time specified in the  
3757 citation.
- 3758 (b) The division may serve a citation issued under this section, or a copy of each  
3759 citation, upon any individual upon which a summons may be served:
- 3760 (i) in accordance with the Utah Rules of Civil Procedure;
- 3761 (ii) personally or upon the individual's agent by a division investigator or by any  
3762 person specially designated by the director; or
- 3763 (iii) by mail.
- 3764 (c) If, within 20 calendar days after the day of service of a citation, the individual to  
3765 whom the division issues the citation fails to request a hearing to contest the citation,  
3766 the citation becomes the final order of the division and is not subject to further  
3767 agency review.
- 3768 (d) The division may extend the period to contest the citation for cause.

- 3769 (8)(a) The division may suspend the license of a licensed individual without notice if:
- 3770 (i) there is a pattern of credible facts that the individual is attempting to operate a
- 3771 prostitution enterprise; or
- 3772 (ii) the individual is engaged in any form of human trafficking whether there is a
- 3773 violation of any other specific law, rule, or code.

- 3774 (b) If the division suspends the license of a licensed individual without notice, the
- 3775 division shall hold a hearing within 15 days.

3776 Section 48. Section **59-2-407** is amended to read:

3777 **59-2-407 (Effective 07/01/26). Administration of uniform fees.**

- 3778 (1)(a) Except as provided in Subsection 59-2-405(4) or 59-2-405.3(4), the uniform fee
- 3779 authorized in Sections 59-2-405, 59-2-405.3, and 72-10-110.5 shall be assessed at the
- 3780 same time and in the same manner as ad valorem personal property taxes under
- 3781 Chapter 2, Part 13, Collection of Taxes, except that in listing personal property
- 3782 subject to the uniform fee with real property as permitted by Section 59-2-1302, the
- 3783 assessor or, if this duty has been reassigned in an ordinance under Section 17-74-102,
- 3784 the treasurer shall list only the amount of the uniform fee due, and not the taxable
- 3785 value of the property subject to the uniform fee.
- 3786 (b) Except as provided in Subsections 59-2-405.1(4), 59-2-405.2(5), and 59-2-405.3(4),
- 3787 the uniform fee imposed by Section 59-2-405.1, 59-2-405.2, or 59-2-405.3 shall be
- 3788 assessed at the time of:
- 3789 (i) registration as defined in Section 41-1a-102; and
- 3790 (ii) renewal of registration.

- 3791 (2) The remedies for nonpayment of the uniform fees authorized by Sections 59-2-405,
- 3792 59-2-405.1, 59-2-405.2, 59-2-405.3, and 72-10-110.5 shall be the same as those
- 3793 provided in Chapter 2, Part 13, Collection of Taxes, for nonpayment of ad valorem
- 3794 personal property taxes.

- 3795 (3) Any disclosure of information to a county for purposes of distributing a uniform fee
- 3796 under this part is not subject to [~~Title 77, Chapter 38, Part 6, Safe at Home Program~~]
- 3797 Title 75E, Chapter 11, Safe at Home Program.

3798 Section 49. Section **59-5-104** is amended to read:

3799 **59-5-104 (Effective 07/01/26). Statements filed -- Contents -- Falsification as**

3800 **perjury.**

- 3801 (1)(a) Every producer engaged in the production of oil or gas from any well or wells in
- 3802 the state shall file with the commission, on or before June 1 of each year, on forms

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

3837 (d) such other reasonable and necessary information as the commission may require for  
 3838 the proper enforcement of this chapter as specified in a rule [~~adopted~~] made under  
 3839 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3840 (2)(a) The owner of the mine shall be responsible for the statement or report required by  
 3841 this section, but the principal lessee, contractor, or operator may, with the consent of  
 3842 the commission, report and pay the tax as agent for the owner.[–]

3843 (b) The owner shall be entitled to deduct and remit to the commission any tax  
 3844 chargeable upon the operations conducted by the lessees or other parties.

3845 (3)(a) The statements or reports required to be filed with the commission shall be signed  
 3846 and sworn to by the person required to file the statements or reports, by a partner if a  
 3847 partnership, or by the president, secretary, or managing officer, if a corporation.[–]

3848 (b) Any willful false swearing as to the purported material facts set out in this report  
 3849 constitutes the crime of perjury and shall be punished as such under [~~Title 76, Utah~~  
 3850 ~~Criminal Code~~] Title 76, Criminal Offenses.

3851 Section 51. Section **61-2c-501.5** is amended to read:

3852 **61-2c-501.5 (Effective 07/01/26). Definitions.**

3853 As used in this part:

3854 (1) "Civil judgment" means a judgment in a civil action that:

3855 (a) is awarded in an action brought against a person licensed under this chapter on the  
 3856 basis of fraud, misrepresentation, or deceit in a residential mortgage loan transaction;  
 3857 and

3858 (b) awards actual damages.

3859 (2) "Criminal restitution judgment" means a judgment that, in accordance with [~~the Utah~~  
 3860 ~~Code of Criminal Procedure~~] Title 77, Criminal Procedure, orders criminal restitution to  
 3861 a person and against a person licensed under this chapter for a criminal offense  
 3862 involving fraud, misrepresentation, or deceit in a residential mortgage loan transaction.

3863 (3) "Final judgment" means one of the following judgments upon termination of the  
 3864 proceedings related to the judgment, including appeals:

3865 (a) a civil judgment; or

3866 (b) a criminal restitution judgment.

3867 (4) "Fund" means the Residential Mortgage Loan Education, Research, and Recovery Fund  
 3868 created in Section 61-2c-501.

3869 Section 52. Section **61-2f-502** is amended to read:

3870 **61-2f-502 (Effective 07/01/26). Definitions.**

3871 For purposes of this part:

- 3872 (1) "Civil judgment" means a judgment in a civil action that:
- 3873 (a) is awarded in an action brought against a real estate licensee on the basis of fraud,
- 3874 misrepresentation, or deceit in a real estate transaction; and
- 3875 (b) awards actual damages.
- 3876 (2) "Criminal restitution judgment" means a judgment that, in accordance with [~~the Utah~~
- 3877 ~~Code of Criminal Procedure~~] Title 77, Criminal Procedure, orders criminal restitution to
- 3878 a person and against a real estate licensee for a criminal offense involving fraud,
- 3879 misrepresentation, or deceit in a real estate transaction.
- 3880 (3) "Final judgment" means one of the following judgments upon termination of the
- 3881 proceedings related to the judgment, including appeals:
- 3882 (a) a civil judgment; or
- 3883 (b) a criminal restitution judgment.
- 3884 (4) "Fund" means the Real Estate Education, Research, and Recovery Fund created in
- 3885 Section 61-2f-503.

3886 Section 53. Section **63A-17-502** is amended to read:

3887 **63A-17-502 (Effective 07/01/26). Overtime policies for state employees.**

- 3888 (1) As used in this section:
- 3889 (a) "Accrued overtime hours" means:
- 3890 (i) for a nonexempt employee, overtime hours earned during a fiscal year that, at the
- 3891 end of the fiscal year, have not been paid and have not been taken as time off by
- 3892 the nonexempt state employee who accrued [~~them~~] the hours; and
- 3893 (ii) for an exempt employee, overtime hours earned during an overtime year.
- 3894 (b) "Appointed official" means:
- 3895 (i) each department executive director and deputy director, each division director, and
- 3896 each member of a board or commission; and
- 3897 (ii) any other person employed by a department who is appointed by, or whose
- 3898 appointment is required by law to be approved by, the governor and who:
- 3899 (A) is paid a salary by the state; and
- 3900 (B) who exercises managerial, policy-making, or advisory responsibility.
- 3901 (c) "Department" means, except as otherwise provided in this section, the Department of
- 3902 Government Operations, the Department of Corrections, the Department of Financial
- 3903 Institutions, the Department of Alcoholic Beverage Services, the Insurance
- 3904 Department, the Public Service Commission, the Labor Commission, the Department

3905 of Agriculture and Food, the Department of Health and Human Services, the  
3906 Department of Natural Resources, the Department of Transportation, the Department  
3907 of Commerce, the Department of Workforce Services, the State Tax Commission, the  
3908 Department of Cultural and Community Engagement, [~~the Department of Health,~~]  
3909 the National Guard, the Department of Environmental Quality, the Department of  
3910 Public Safety, the [~~Commission on Criminal and Juvenile Justice~~] Department of  
3911 Criminal Justice Services, all merit employees except attorneys in the Office of the  
3912 Attorney General, merit employees in the Office of the State Treasurer, merit  
3913 employees in the Office of the State Auditor, Department of Veterans and Military  
3914 Affairs, and the Board of Pardons and Parole.

3915 (d) "Elected official" means any person who is an employee of the state because the  
3916 person was elected by the registered voters of Utah to a position in state government.

3917 (e) "Exempt employee" means a state employee who is exempt as defined by the FLSA.

3918 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

3919 (g) "FLSA agreement" means the agreement authorized by the FLSA by which a  
3920 nonexempt employee elects the form of compensation the nonexempt employee will  
3921 receive for overtime.

3922 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by the  
3923 division applying FLSA requirements.

3924 (i) "Overtime" means actual time worked in excess of an employee's defined work  
3925 period.

3926 (j) "Overtime year" means the year determined by a department under Subsection (5)(b)  
3927 at the end of which an exempt employee's accrued overtime lapses.

3928 (k) "State employee" means every person employed by a department who is not:

3929 (i) an appointed official;

3930 (ii) an elected official; or

3931 (iii) a member of a board or commission who is paid only for per diem or travel  
3932 expenses.

3933 (l) "Uniform annual date" means the date when an exempt employee's accrued overtime  
3934 lapses.

3935 (m) "Work period" means:

3936 (i) for a nonexempt employee, except a nonexempt law enforcement or hospital  
3937 employee, a consecutive seven day, 24 hour work period of 40 hours;

3938 (ii) for an exempt employee, a 14 day, 80 hour payroll cycle;

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

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

- 4007 (6) The division shall:
- 4008 (a) ensure that the provisions of the FLSA and this section are implemented throughout
- 4009 state government;
- 4010 (b) determine, for each state employee, whether the employee is exempt, nonexempt,
- 4011 law enforcement, or has some other status under the FLSA;
- 4012 (c) in coordination with modifications to the systems operated by the Division of
- 4013 Finance, make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
- 4014 Rulemaking Act:
- 4015 (i) establishing procedures for recording overtime worked that comply with FLSA
- 4016 requirements;
- 4017 (ii) establishing requirements governing overtime worked while traveling and
- 4018 procedures for recording that overtime that comply with FLSA requirements;
- 4019 (iii) establishing requirements governing overtime worked if the employee is "on
- 4020 call" and procedures for recording that overtime that comply with FLSA
- 4021 requirements;
- 4022 (iv) establishing requirements governing overtime worked while an employee is
- 4023 being trained and procedures for recording that overtime that comply with FLSA
- 4024 requirements;
- 4025 (v) subject to the FLSA and Subsection (2), establishing the maximum number of
- 4026 hours that a nonexempt employee may accrue before a department is required to
- 4027 pay the employee for the overtime worked;
- 4028 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an
- 4029 exempt employee that do not lapse; and
- 4030 (vii) establishing procedures for adjudicating appeals of an FLSA determination
- 4031 made by the division as required by this section;
- 4032 (d) monitor departments for compliance with the FLSA; and
- 4033 (e) recommend to the Legislature and the governor any statutory changes necessary
- 4034 because of federal government action.
- 4035 (7)(a) In coordination with the procedures for recording overtime worked established in
- 4036 rule by the division, the Division of Finance shall modify its payroll and human
- 4037 resource systems to accommodate those procedures.
- 4038 (b) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,
- 4039 Administrative Procedures Act, Section 63A-17-602, and Section 67-19a-301, an
- 4040 employee who is aggrieved by the FLSA designation made by the division as

4041 required by this section may appeal that determination to the director of the division  
4042 by following the procedures and requirements established in division rule.

4043 (c) Upon receipt of an appeal under this section, the director shall notify the executive  
4044 director of the employee's department that the appeal has been filed.

4045 (d) If the employee is aggrieved by the decision of the director, the employee shall  
4046 appeal that determination to the United States Department of Labor, Wage and Hour  
4047 Division, according to the procedures and requirements of federal law.

4048 Section 54. Section **63G-2-305** is amended to read:

4049 **63G-2-305 (Effective 07/01/26). Protected records.**

4050 The following records are protected if properly classified by a governmental entity:

4051 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has  
4052 provided the governmental entity with the information specified in Section 63G-2-309;

4053 (2) commercial information or nonindividual financial information obtained from a person  
4054 if:

4055 (a) disclosure of the information could reasonably be expected to result in unfair  
4056 competitive injury to the person submitting the information or would impair the  
4057 ability of the governmental entity to obtain necessary information in the future;

4058 (b) the person submitting the information has a greater interest in prohibiting access than  
4059 the public in obtaining access; and

4060 (c) the person submitting the information has provided the governmental entity with the  
4061 information specified in Section 63G-2-309;

4062 (3) commercial or financial information acquired or prepared by a governmental entity to  
4063 the extent that disclosure would lead to financial speculations in currencies, securities, or  
4064 commodities that will interfere with a planned transaction by the governmental entity or  
4065 cause substantial financial injury to the governmental entity or state economy;

4066 (4) records, the disclosure of which could cause commercial injury to, or confer a  
4067 competitive advantage upon a potential or actual competitor of, a commercial project  
4068 entity as defined in Subsection 11-13-103(4);

4069 (5) test questions and answers to be used in future license, certification, registration,  
4070 employment, or academic examinations;

4071 (6) records, the disclosure of which would impair governmental procurement proceedings  
4072 or give an unfair advantage to any person proposing to enter into a contract or agreement  
4073 with a governmental entity, except, subject to Subsections (1) and (2), that this  
4074 Subsection (6) does not restrict the right of a person to have access to, after the contract

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

- 4109 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated  
4110 transaction of real or personal property including intellectual property, which, if  
4111 disclosed [~~prior to~~] before completion of the transaction, would reveal the appraisal or  
4112 estimated value of the subject property, unless:
- 4113 (a) the public interest in access is greater than or equal to the interests in restricting  
4114 access, including the governmental entity's interest in maximizing the financial  
4115 benefit of the transaction; or
  - 4116 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of  
4117 the value of the subject property have already been disclosed to persons not  
4118 employed by or under a duty of confidentiality to the entity;
- 4119 (10) records created or maintained for civil, criminal, or administrative enforcement  
4120 purposes or audit purposes, or for discipline, licensing, certification, or registration  
4121 purposes, if release of the records:
- 4122 (a) reasonably could be expected to interfere with investigations undertaken for  
4123 enforcement, discipline, licensing, certification, or registration purposes;
  - 4124 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement  
4125 proceedings;
  - 4126 (c) would create a danger of depriving a person of a right to a fair trial or impartial  
4127 hearing;
  - 4128 (d) reasonably could be expected to disclose the identity of a source who is not generally  
4129 known outside of government and, in the case of a record compiled in the course of  
4130 an investigation, disclose information furnished by a source not generally known  
4131 outside of government if disclosure would compromise the source; or
  - 4132 (e) reasonably could be expected to disclose investigative or audit techniques,  
4133 procedures, policies, or orders not generally known outside of government if  
4134 disclosure would interfere with enforcement or audit efforts;
- 4135 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 4136 (12) records the disclosure of which would jeopardize the security of governmental  
4137 property, governmental programs, or governmental recordkeeping systems from  
4138 damage, theft, or other appropriation or use contrary to law or public policy;
- 4139 (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
4140 facility, or records relating to incarceration, treatment, probation, or parole, that would  
4141 interfere with the control and supervision of an offender's incarceration, treatment,  
4142 probation, or parole;

- 4143 (14) records that, if disclosed, would reveal recommendations made to the Board of  
4144 Pardons and Parole by an employee of or contractor for the Department of Corrections,  
4145 the Board of Pardons and Parole, or the Department of Health and Human Services that  
4146 are based on the employee's or contractor's supervision, diagnosis, or treatment of any  
4147 person within the board's jurisdiction;
- 4148 (15) records and audit workpapers that identify audit, collection, and operational procedures  
4149 and methods used by the State Tax Commission, if disclosure would interfere with  
4150 audits or collections;
- 4151 (16) records of a governmental audit agency relating to an ongoing or planned audit until  
4152 the final audit is released;
- 4153 (17) records that are subject to the attorney client privilege;
- 4154 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
4155 employee, or agent of a governmental entity for, or in anticipation of, litigation or a  
4156 judicial, quasi-judicial, or administrative proceeding;
- 4157 (19)(a)(i) personal files of a state legislator, including personal correspondence to or  
4158 from a member of the Legislature; and
- 4159 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of  
4160 legislative action or policy may not be classified as protected under this section;  
4161 and
- 4162 (b)(i) an internal communication that is part of the deliberative process in connection  
4163 with the preparation of legislation between:
- 4164 (A) members of a legislative body;  
4165 (B) a member of a legislative body and a member of the legislative body's staff; or  
4166 (C) members of a legislative body's staff; and
- 4167 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of  
4168 legislative action or policy may not be classified as protected under this section;
- 4169 (20)(a) records in the custody or control of the Office of Legislative Research and  
4170 General Counsel, that, if disclosed, would reveal a particular legislator's  
4171 contemplated legislation or contemplated course of action before the legislator has  
4172 elected to support the legislation or course of action, or made the legislation or course  
4173 of action public; and
- 4174 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the  
4175 Office of Legislative Research and General Counsel is a public document unless a  
4176 legislator asks that the records requesting the legislation be maintained as protected

- 4177 records until such time as the legislator elects to make the legislation or course of  
4178 action public;
- 4179 (21) a research request from a legislator to a legislative staff member and research findings  
4180 prepared in response to the request;
- 4181 (22) drafts, unless otherwise classified as public;
- 4182 (23) records concerning a governmental entity's strategy about:
- 4183 (a) collective bargaining; or  
4184 (b) imminent or pending litigation;
- 4185 (24) records of investigations of loss occurrences and analyses of loss occurrences that may  
4186 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the  
4187 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 4188 (25) records, other than personnel evaluations, that contain a personal recommendation  
4189 concerning an individual if disclosure would constitute a clearly unwarranted invasion  
4190 of personal privacy, or disclosure is not in the public interest;
- 4191 (26) records that reveal the location of historic, prehistoric, paleontological, or biological  
4192 resources that if known would jeopardize the security of those resources or of valuable  
4193 historic, scientific, educational, or cultural information;
- 4194 (27) records of independent state agencies if the disclosure of the records would conflict  
4195 with the fiduciary obligations of the agency;
- 4196 (28) records of an institution of higher education defined in Section 53H-1-101 regarding  
4197 tenure evaluations, appointments, applications for admissions, retention decisions, and  
4198 promotions, which could be properly discussed in a meeting closed in accordance with  
4199 Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final  
4200 decisions about tenure, appointments, retention, promotions, or those students admitted,  
4201 may not be classified as protected under this section;
- 4202 (29) records of the governor's office, including budget recommendations, legislative  
4203 proposals, and policy statements, that if disclosed would reveal the governor's  
4204 contemplated policies or contemplated courses of action before the governor has  
4205 implemented or rejected those policies or courses of action or made them public;
- 4206 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,  
4207 revenue estimates, and fiscal notes of proposed legislation before issuance of the final  
4208 recommendations in these areas;
- 4209 (31) records provided by the United States or by a government entity outside the state that  
4210 are given to the governmental entity with a requirement that they be managed as

- 4211 protected records if the providing entity certifies that the record would not be subject to  
4212 public disclosure if retained by it;
- 4213 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
4214 public body except as provided in Section 52-4-206;
- 4215 (33) records that would reveal the contents of settlement negotiations but not including final  
4216 settlements or empirical data to the extent that they are not otherwise exempt from  
4217 disclosure;
- 4218 (34) memoranda prepared by staff and used in the decision-making process by an  
4219 administrative law judge, a member of the Board of Pardons and Parole, or a member of  
4220 any other body charged by law with performing a quasi-judicial function;
- 4221 (35) records that would reveal negotiations regarding assistance or incentives offered by or  
4222 requested from a governmental entity for the purpose of encouraging a person to expand  
4223 or locate a business in Utah, but only if disclosure would result in actual economic harm  
4224 to the person or place the governmental entity at a competitive disadvantage, but this  
4225 section may not be used to restrict access to a record evidencing a final contract;
- 4226 (36) materials to which access must be limited for purposes of securing or maintaining the  
4227 governmental entity's proprietary protection of intellectual property rights including  
4228 patents, copyrights, and trade secrets;
- 4229 (37) the name of a donor or a prospective donor to a governmental entity, including an  
4230 institution of higher education defined in Section 53H-1-101, and other information  
4231 concerning the donation that could reasonably be expected to reveal the identity of the  
4232 donor, provided that:
- 4233 (a) the donor requests anonymity in writing;
- 4234 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be  
4235 classified protected by the governmental entity under this Subsection (37); and
- 4236 (c) except for an institution of higher education defined in Section 53H-1-101, the  
4237 governmental unit to which the donation is made is primarily engaged in educational,  
4238 charitable, or artistic endeavors, and has no regulatory or legislative authority over  
4239 the donor, a member of the donor's immediate family, or any entity owned or  
4240 controlled by the donor or the donor's immediate family;
- 4241 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 4242 (39) a notification of workers' compensation insurance coverage described in Section  
4243 34A-2-205;
- 4244 (40) subject to Subsections (40)(g) and (h), the following records of an institution of higher

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

- 4279 (45) information regarding National Guard operations or activities in support of the  
4280 National Guard's federal mission;
- 4281 (46) records provided by any pawn or secondhand business to a law enforcement agency or  
4282 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand  
4283 Merchandise, and Catalytic Converter Transaction Information Act;
- 4284 (47) information regarding food security, risk, and vulnerability assessments performed by  
4285 the Department of Agriculture and Food;
- 4286 (48) except to the extent that the record is exempt from this chapter [~~pursuant to~~] in  
4287 accordance with Section 63G-2-106, records related to an emergency plan or program, a  
4288 copy of which is provided to or prepared or maintained by the Division of Emergency  
4289 Management, and the disclosure of which would jeopardize:
- 4290 (a) the safety of the general public; or  
4291 (b) the security of:
- 4292 (i) governmental property;  
4293 (ii) governmental programs; or  
4294 (iii) the property of a private person who provides the Division of Emergency  
4295 Management information;
- 4296 (49) records of the Department of Agriculture and Food that provides for the identification,  
4297 tracing, or control of livestock diseases, including any program established under Title  
4298 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
4299 of Animal Disease;
- 4300 (50) as provided in Section 26B-2-709:
- 4301 (a) information or records held by the Department of Health and Human Services related  
4302 to a complaint regarding a provider, program, or facility which the department is  
4303 unable to substantiate; and  
4304 (b) information or records related to a complaint received by the Department of Health  
4305 and Human Services from an anonymous complainant regarding a provider, program,  
4306 or facility;
- 4307 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided  
4308 under Section 41-1a-116, an individual's home address, home telephone number, or  
4309 personal mobile phone number, if:
- 4310 (a) the individual is required to provide the information in order to comply with a law,  
4311 ordinance, rule, or order of a government entity; and  
4312 (b) the subject of the record has a reasonable expectation that this information will be

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

- 4347 Medicaid Services, created in Section 63A-13-201:
- 4348 (a) records that would disclose information relating to allegations of personal  
4349 misconduct, gross mismanagement, or illegal activity of a person if the information  
4350 or allegation cannot be corroborated by the Office of Inspector General of Medicaid  
4351 Services through other documents or evidence, and the records relating to the  
4352 allegation are not relied upon by the Office of Inspector General of Medicaid  
4353 Services in preparing a final investigation report or final audit report;
- 4354 (b) records and audit workpapers to the extent they would disclose the identity of a  
4355 person who, during the course of an investigation or audit, communicated the  
4356 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected  
4357 violation of a law, rule, or regulation adopted under the laws of this state, a political  
4358 subdivision of the state, or any recognized entity of the United States, if the  
4359 information was disclosed on the condition that the identity of the person be  
4360 protected;
- 4361 (c) before the time that an investigation or audit is completed and the final investigation  
4362 or final audit report is released, records or drafts circulated to a person who is not an  
4363 employee or head of a governmental entity for the person's response or information;
- 4364 (d) records that would disclose an outline or part of any investigation, audit survey plan,  
4365 or audit program; or
- 4366 (e) requests for an investigation or audit, if disclosure would risk circumvention of an  
4367 investigation or audit;
- 4368 (60) records that reveal methods used by the Office of Inspector General of Medicaid  
4369 Services, the fraud unit, or the Department of Health and Human Services, to discover  
4370 Medicaid fraud, waste, or abuse;
- 4371 (61) information provided to the Department of Health and Human Services or the Division  
4372 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections  
4373 58-68-304(3) and (4);
- 4374 (62) a record described in Section 63G-12-210;
- 4375 (63) captured plate data that is obtained through an automatic license plate reader system  
4376 used by a governmental entity as authorized in Section 41-6a-2003;
- 4377 (64) an audio or video recording created by a body-worn camera, as that term is defined in  
4378 Section 77-7a-103, that records sound or images inside a hospital or health care facility  
4379 as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider,  
4380 as that term is defined in Section 78B-3-403, or inside a human [service] services

- 4381 program as that term is defined in Section 26B-2-101, except for recordings that:
- 4382 (a) depict the commission of an alleged crime;
- 4383 (b) record any encounter between a law enforcement officer and a person that results in
- 4384 death or bodily injury, or includes an instance when an officer fires a weapon;
- 4385 (c) record any encounter that is the subject of a complaint or a legal proceeding against a
- 4386 law enforcement officer or law enforcement agency;
- 4387 (d) contain an [~~officer-involved~~] officer-involved critical incident as defined in
- 4388 Subsection 76-2-408(1)(f); or
- 4389 (e) have been requested for reclassification as a public record by a subject or authorized
- 4390 agent of a subject featured in the recording;
- 4391 (65) a record pertaining to the search process for a president of an institution of higher
- 4392 education described in Section 53H-3-302;
- 4393 (66) an audio recording that is:
- 4394 (a) produced by an audio recording device that is used in conjunction with a device or
- 4395 piece of equipment designed or intended for resuscitating an individual or for treating
- 4396 an individual with a life-threatening condition;
- 4397 (b) produced during an emergency event when an individual employed to provide law
- 4398 enforcement, fire protection, paramedic, emergency medical, or other first responder
- 4399 service:
- 4400 (i) is responding to an individual needing resuscitation or with a life-threatening
- 4401 condition; and
- 4402 (ii) uses a device or piece of equipment designed or intended for resuscitating an
- 4403 individual or for treating an individual with a life-threatening condition; and
- 4404 (c) intended and used for purposes of training emergency responders how to improve
- 4405 their response to an emergency situation;
- 4406 (67) records submitted by or prepared in relation to an applicant seeking a recommendation
- 4407 by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the
- 4408 Legislative Audit Subcommittee, established under Section 36-12-8, for an employment
- 4409 position with the Legislature;
- 4410 (68) work papers as defined in Section 31A-2-204;
- 4411 (69) a record made available to Adult Protective Services or a law enforcement agency
- 4412 under Section 61-1-206;
- 4413 (70) a record submitted to the Insurance Department in accordance with Section
- 4414 31A-37-201;

- 4415 (71) a record described in Section 31A-37-503;
- 4416 (72) any record created by the Division of Professional Licensing as a result of Subsection  
4417 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 4418 (73) a record described in Section 72-16-306 that relates to the reporting of an injury  
4419 involving an amusement ride;
- 4420 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a  
4421 political petition, or on a request to withdraw a signature from a political petition,  
4422 including a petition or request described in the following titles:
- 4423 (a) Title 10, Utah Municipal Code;
- 4424 (b) Title 17, Counties;
- 4425 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 4426 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 4427 (e) Title 20A, Election Code;
- 4428 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a  
4429 voter registration record;
- 4430 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature  
4431 described in Subsection (74) or (75), in the custody of the lieutenant governor or a local  
4432 political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 4433 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5,  
4434 Victims Guidelines for Prosecutors Act;
- 4435 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 4436 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is  
4437 prohibited under Section 63G-26-103;
- 4438 (80) an image taken of an individual during the process of booking the individual into jail,  
4439 unless:
- 4440 (a) the individual is convicted of a criminal offense based upon the conduct for which  
4441 the individual was incarcerated at the time the image was taken;
- 4442 (b) a law enforcement agency releases or disseminates the image:
- 4443 (i) after determining that the individual is a fugitive or an imminent threat to an  
4444 individual or to public safety and releasing or disseminating the image will assist  
4445 in apprehending the individual or reducing or eliminating the threat; or
- 4446 (ii) to a potential witness or other individual with direct knowledge of events relevant  
4447 to a criminal investigation or criminal proceeding for the purpose of identifying or  
4448 locating an individual in connection with the criminal investigation or criminal

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

- 4483 statement; and
- 4484 (b) provides the employee assurance that the statement cannot be used against the
- 4485 employee in any criminal proceeding;
- 4486 (85) any part of an application for a Utah Fits All Scholarship account described in Section
- 4487 53F-6-402 or other information identifying a scholarship student as defined in Section
- 4488 53F-6-401;
- 4489 (86) a record:
- 4490 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 4491 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
- 4492 person concerning the claim, including a representative from another state or the
- 4493 federal government; and
- 4494 (c) the disclosure of which would:
- 4495 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
- 4496 Great Salt Lake;
- 4497 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
- 4498 and conditions regarding the use of water in the Great Salt Lake; or
- 4499 (iii) give an advantage to another person including another state or to the federal
- 4500 government in negotiations regarding the use of water in the Great Salt Lake;
- 4501 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is
- 4502 reclassified as public as described in Subsection [~~13-2-11(4)~~] 13-2-11(3);
- 4503 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 4504 (a) concerning a claim to the use of waters;
- 4505 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
- 4506 representative from another state, a tribe, the federal government, or other
- 4507 government entity as provided in Title 73, Chapter 10g, Part 7, Utah Water Agent;
- 4508 and
- 4509 (c) the disclosure of which would:
- 4510 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 4511 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions
- 4512 regarding the use of water; or
- 4513 (iii) give an advantage to another state, a tribe, the federal government, or other
- 4514 government entity in negotiations regarding the use of water; and
- 4515 (89) a record created or maintained for an investigation of the Prosecutor Conduct
- 4516 Commission, created in Section [~~63M-7-1102~~] 75E-8-102, that contains any personal

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

- 4551 [(19)] (17) Section 63N-2-512, Hotel Impact Mitigation Fund, is repealed July 1, 2028.
- 4552 [(20)] (18) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is  
4553 repealed July 1, 2027.
- 4554 [(21)] (19) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is  
4555 repealed July 1, 2028.
- 4556 [(22)] (20) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed  
4557 July 1, 2028.
- 4558 [(23)] (21) Section 63N-4-804, Rural Opportunity Advisory Committee, is repealed July 1,  
4559 2027.
- 4560 [(24)] (22) Subsection 63N-4-805(5)(b), regarding the Rural Employment Expansion  
4561 Program, is repealed July 1, 2028.
- 4562 [(25)] (23) Subsection 63N-7-101(1), regarding the Board of Tourism Development, is  
4563 repealed July 1, 2030.
- 4564 [(26)] (24) Subsection 63N-7-102(3)(c), regarding a requirement for the Utah Office of  
4565 Tourism to receive approval from the Board of Tourism Development, is repealed July  
4566 1, 2030.
- 4567 [(27)] (25) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed July 1,  
4568 2030.

4569 *The following section is affected by a coordination clause at the end of this bill.*

4570 Section 56. Section **63I-1-275** is amended to read:

4571 **63I-1-275 (Effective 07/01/26). Repeal dates: Titles 75 through 75E.**

4572 [ ~~Reserved.~~]

- 4573 (1) Title 75E, Chapter 7, Domestic Violence Offender Treatment Board, is repealed July 1,  
4574 2027.
- 4575 (2) Section 75E-6-102, Creation -- Membership -- Terms -- Vacancies -- Expenses, is  
4576 repealed July 1, 2029.
- 4577 (3) Section 75E-10-505, Interdisciplinary Parental Representation Pilot Program, is  
4578 repealed December 31, 2026.

4579 Section 57. Section **63I-1-278** is amended to read:

4580 **63I-1-278 (Effective 07/01/26). Repeal dates: Title 78A and Title 78B.**

- 4581 (1) Subsection 78A-7-106(7), regarding the transfer of a criminal action involving a  
4582 domestic violence offense from the justice court to the district court, is repealed July 1,  
4583 2029.
- 4584 (2) Section 78B-3-421, Arbitration agreements, is repealed July 1, 2029.

- 4585 (3) Section 78B-4-518, Limitation on liability of employer for an employee convicted of an  
4586 offense, is repealed July 1, 2029.
- 4587 (4) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,  
4588 2026.
- 4589 [~~(5) Section 78B-22-805, Interdisciplinary Parental Representation Pilot Program, is~~  
4590 ~~repealed December 31, 2026.~~]
- 4591 Section 58. Section **63I-2-253** is amended to read:  
4592 **63I-2-253 (Effective 07/01/26). Repeal dates: Titles 53 through 53G.**
- 4593 (1) Title 53, Chapter 2c, COVID-19 Health and Economic Response Act, is repealed July 1,  
4594 2026.
- 4595 (2) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem --  
4596 Report -- Expiration, is repealed December 31, 2025.
- 4597 (3) Section 53-22-104.2, The School Security Task Force -- Education Advisory Board, is  
4598 repealed December 31, 2025.
- 4599 (4) Section 53-25-103, Airport dangerous weapon possession reporting requirements, is  
4600 repealed December 31, 2031.
- 4601 (5) Subsection 53-25-602(4)(b), regarding the rights of a peace officer placed onto a  
4602 prosecution agency's Brady identification system before May 7, 2025, is repealed  
4603 December 1, 2025.
- 4604 (6) Subsection [~~53-29-302(2)(b)(ii)] 53-29-302(3)(b)(ii), regarding the requirement for the  
4605 Department of Corrections to submit the results of risk assessments for sex offenders to  
4606 the [~~State Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice  
4607 Services, is repealed January 1, 2030.~~
- 4608 (7) Subsection 53E-3-501(7)(e)(ii), regarding a report on the packet method, is repealed  
4609 July 1, 2028.
- 4610 (8) Subsection 53F-2-504(6), regarding a report on the Salary Supplement for Highly  
4611 Needed Educators, is repealed July 1, 2026.
- 4612 (9) Section 53F-5-221, Management of energy and water use pilot program, is repealed July  
4613 1, 2028.
- 4614 (10) Section 53F-5-222, Mentoring and Supporting Teacher Excellence and Refinement  
4615 Pilot Program, is repealed July 1, 2028.
- 4616 (11) Section 53F-5-223, Stipends for Future Educators Grant Program, is repealed July 1,  
4617 2028.
- 4618 (12) Subsection 53G-11-502(1), regarding implementation of the educator evaluation

- 4619 process, is repealed July 1, 2029.
- 4620 (13) Section 53G-11-506, Establishment of educator evaluation program -- Joint  
4621 committee, is repealed July 1, 2029.
- 4622 (14) Section 53G-11-507, Components of educator evaluation program, is repealed July 1,  
4623 2029.
- 4624 (15) Section 53G-11-508, Summative evaluation timelines -- Review of summative  
4625 evaluations, is repealed July 1, 2029.
- 4626 (16) Section 53G-11-509, Mentor for provisional educator, is repealed July 1, 2029.
- 4627 (17) Section 53G-11-510, State board to describe a framework for the evaluation of  
4628 educators, is repealed July 1, 2029.
- 4629 (18) Section 53G-11-511, Rulemaking for privacy protection, is repealed July 1, 2029.
- 4630 (19) Subsection 53G-11-520(1), regarding optional alternative educator evaluation  
4631 processes, is repealed July 1, 2029.
- 4632 (20) Subsection 53G-11-520(2), regarding an exception from educator evaluation process  
4633 requirements, is repealed July 1, 2029.
- 4634 Section 59. Section **63J-1-602.1** is amended to read:
- 4635 **63J-1-602.1 (Effective 07/01/26). List of nonlapsing appropriations from**  
4636 **accounts and funds.**
- 4637 Appropriations made from the following accounts or funds are nonlapsing:
- 4638 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
- 4639 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as  
4640 provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.
- 4641 (3) Funds collected for directing and administering the C-PACE district created in Section  
4642 11-42a-106.
- 4643 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
- 4644 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
- 4645 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section  
4646 19-2a-106.
- 4647 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in  
4648 Section 19-5-126.
- 4649 (8) State funds for matching federal funds in the Children's Health Insurance Program as  
4650 provided in Section 26B-3-906.
- 4651 (9) Funds collected from the program fund for local health department expenses incurred in  
4652 responding to a local health emergency under Section 26B-7-111.

- 4653 (10) The Technology Development Restricted Account created in Section 31A-3-104.
- 4654 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- 4655 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the  
4656 extent that Section 31A-3-304 makes the money received under that section free revenue.
- 4657 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- 4658 (14) The Health Insurance Actuarial Review Restricted Account created in Section  
4659 31A-30-115.
- 4660 (15) The State Mandated Insurer Payments Restricted Account created in Section  
4661 31A-30-118.
- 4662 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 4663 (17) The Underage Drinking Prevention Media and Education Campaign Restricted  
4664 Account created in Section 32B-2-306.
- 4665 (18) The School Readiness Restricted Account created in Section 35A-15-203.
- 4666 (19) Money received by the Utah State Office of Rehabilitation for the sale of certain  
4667 products or services, as provided in Section 35A-13-202.
- 4668 (20) The Property Loss Related to Homelessness Compensation Enterprise Fund created in  
4669 Section 35A-16-212.
- 4670 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section  
4671 35A-16-402.
- 4672 (22) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 4673 (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 4674 (24) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.
- 4675 (25) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the  
4676 Motor Vehicle Division.
- 4677 (26) The License Plate Restricted Account created by Section 41-1a-122.
- 4678 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account  
4679 created by Section 41-3-110 to the State Tax Commission.
- 4680 (28) The State Disaster Recovery Restricted Account to the Division of Emergency  
4681 Management, as provided in Section 53-2a-603.
- 4682 (29) The Disaster Response, Recovery, and Mitigation Restricted Account created in  
4683 Section 53-2a-1302.
- 4684 (30) The Emergency Medical Services Critical Needs Account created in Section 53-2d-110.
- 4685 (31) The Department of Public Safety Restricted Account to the Department of Public  
4686 Safety, as provided in Section 53-3-106.

- 4687 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- 4688 (33) The DNA Specimen Restricted Account created in Section 53-10-407.
- 4689 (34) The Technical Colleges Capital Projects Fund created in Section 53H-9-605.
- 4690 (35) The Higher Education Capital Projects Fund created in Section 53H-9-502.
- 4691 (36) A certain portion of money collected for administrative costs under the School  
4692 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 4693 (37) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject  
4694 to Subsection 54-5-1.5(4)(d).
- 4695 (38) Funds collected from a surcharge fee to provide certain licensees with access to an  
4696 electronic reference library, as provided in Section 58-3a-105.
- 4697 (39) Certain fines collected by the Division of Professional Licensing for violation of  
4698 unlawful or unprofessional conduct that are used for education and enforcement  
4699 purposes, as provided in Section 58-17b-505.
- 4700 (40) Funds collected from a surcharge fee to provide certain licensees with access to an  
4701 electronic reference library, as provided in Section 58-22-104.
- 4702 (41) Funds collected from a surcharge fee to provide certain licensees with access to an  
4703 electronic reference library, as provided in Section 58-55-106.
- 4704 (42) Funds collected from a surcharge fee to provide certain licensees with access to an  
4705 electronic reference library, as provided in Section 58-56-3.5.
- 4706 (43) Certain fines collected by the Division of Professional Licensing for use in education  
4707 and enforcement of the Security Personnel Licensing Act, as provided in Section  
4708 58-63-103.
- 4709 (44) The Relative Value Study Restricted Account created in Section 59-9-105.
- 4710 (45) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 4711 (46) Funds paid to the Division of Real Estate for the cost of a criminal background check  
4712 for a mortgage loan license, as provided in Section 61-2c-202.
- 4713 (47) Funds paid to the Division of Real Estate for the cost of a criminal background check  
4714 for principal broker, associate broker, and sales agent licenses, as provided in Section  
4715 61-2f-204.
- 4716 (48) Certain funds donated to the Department of Health and Human Services, as provided  
4717 in Section 26B-1-202.
- 4718 (49) Certain funds donated to the Division of Child and Family Services, as provided in  
4719 Section 80-2-404.
- 4720 (50) Funds collected by the Office of Administrative Rules for publishing, as provided in

- 4721 Section 63G-3-402.
- 4722 (51) The Immigration Act Restricted Account created in Section 63G-12-103.
- 4723 (52) Money received by the military installation development authority, as provided in  
4724 Section 63H-1-504.
- 4725 (53) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.
- 4726 (54) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.
- 4727 (55) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
- 4728 (56) The Motion Picture Incentive Account created in Section 63N-8-103.
- 4729 (57) Funds collected by the housing of state probationary inmates or state parole inmates, as  
4730 provided in Subsection 64-13e-104(2).
- 4731 (58) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and  
4732 State Lands, as provided in Section 65A-8-103.
- 4733 (59) The following funds or accounts created in Section 72-2-124:
- 4734 (a) Transportation Investment Fund of 2005;
- 4735 (b) Transit Transportation Investment Fund;
- 4736 (c) Cottonwood Canyons Transportation Investment Fund;
- 4737 (d) Active Transportation Investment Fund; and
- 4738 (e) Commuter Rail Subaccount.
- 4739 (60) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.
- 4740 (61) Certain funds received by the Office of the State Engineer for well drilling fines or  
4741 bonds, as provided in Section 73-3-25.
- 4742 (62) The Water Resources Conservation and Development Fund, as provided in Section  
4743 73-23-2.
- 4744 (63) Funds collected for indigent defense as provided in Title 75E, Chapter 9, Indigent  
4745 Defense Commission.
- 4746 [~~(63)~~] (64) Award money under the State Asset Forfeiture Grant Program, as provided under  
4747 Section 77-11b-403.
- 4748 [~~(64)~~] (65) Funds donated or paid to a juvenile court by private sources, as provided in  
4749 Subsection 78A-6-203(1)(c).
- 4750 [~~(65)~~] (66) Fees for certificate of admission created under Section 78A-9-102.
- 4751 [~~(66)~~] (67) Funds collected for adoption document access as provided in Sections 81-13-103,  
4752 81-13-504, and 81-13-505.
- 4753 [~~(67)~~] Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,  
4754 Utah Indigent Defense Commission.]

- 4755 (68) The Utah Geological Survey Restricted Account created in Section 79-3-403.
- 4756 (69) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park,  
4757 and Green River State Park, as provided under Section 79-4-403.
- 4758 (70) Certain funds received by the Division of State Parks from the sale or disposal of  
4759 buffalo, as provided under Section 79-4-1001.
- 4760 Section 60. Section **63J-1-602.2** is amended to read:
- 4761 **63J-1-602.2 (Effective 07/01/26) (Partially Repealed 07/01/29). List of nonlapsing**  
4762 **appropriations to programs.**
- 4763 Appropriations made to the following programs are nonlapsing:
- 4764 (1) The Legislature and the Legislature's committees.
- 4765 (2) The State Board of Education, including all appropriations to agencies, line items, and  
4766 programs under the jurisdiction of the State Board of Education, in accordance with  
4767 Section 53F-9-103.
- 4768 (3) The Rangeland Improvement Act created in Section 4-20-101.
- 4769 (4) The Percent-for-Art Program created in Section 9-6-404.
- 4770 (5) The LeRay McAllister Working Farm and Ranch Fund Program created in Title 4,  
4771 Chapter 46, Part 3, LeRay McAllister Working Farm and Ranch Fund.
- 4772 (6) The Utah Lake Authority created in Section 11-65-201.
- 4773 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under  
4774 Subsection 17-66-303(2)(d)(ii).
- 4775 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 4776 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection  
4777 26B-3-108(7).
- 4778 (10) The primary care grant program created in Section 26B-4-310.
- 4779 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 4780 (12) The Utah Health Care Workforce Financial Assistance Program created in Section  
4781 26B-4-702.
- 4782 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 4783 (14) The Utah Medical Education Council for the:
- 4784 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;  
4785 (b) provision of medical residency grants described in Section 26B-4-711; and  
4786 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.
- 4787 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.
- 4788 (16) The Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program

- 4789 created in Section 26B-7-122.
- 4790 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with  
4791 Subsection 32B-2-301(8)(a) or (b).
- 4792 (18) The General Assistance program administered by the Department of Workforce  
4793 Services, as provided in Section 35A-3-401.
- 4794 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 4795 (20) The Search and Rescue Financial Assistance Program, as provided in Section  
4796 53-2a-1102.
- 4797 (21) The Emergency Medical Services Grant Program, as provided in Section 53-2d-207.
- 4798 (22) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 4799 (23) The Utah Board of Higher Education for teacher preparation programs, as provided in  
4800 Section 53H-5-402.
- 4801 (24) Innovation grants under Section 53G-10-608, except as provided in Subsection  
4802 53G-10-608(3).
- 4803 (25) The Division of Fleet Operations for the purpose of upgrading underground storage  
4804 tanks under Section 63A-9-401.
- 4805 (26) The Division of Technology Services for technology innovation as provided under  
4806 Section 63A-16-903.
- 4807 (27) The State Capitol Preservation Board created by Section 63O-2-201.
- 4808 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 4809 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado  
4810 River Authority of Utah Act.
- 4811 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as  
4812 provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 4813 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion  
4814 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion  
4815 Program.
- 4816 (32) County correctional facility contracting program for state inmates as described in  
4817 Section 64-13e-103.
- 4818 (33) County correctional facility reimbursement program for state probationary inmates and  
4819 state parole inmates as described in Section 64-13e-104.
- 4820 (34) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 4821 (35) The Division of Human Resource Management user training program, as provided in  
4822 Section 63A-17-106.

- 4823 (36) A public safety answering point's emergency telecommunications service fund, as  
 4824 provided in Section 69-2-301.
- 4825 (37) The Traffic Noise Abatement Program created in Section 72-6-112.
- 4826 (38) The money appropriated from the Navajo Water Rights Negotiation Account to the  
 4827 Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a  
 4828 settlement of federal reserved water right claims.
- 4829 (39) Indigent defense as provided in Title 75E, Chapter 9, Indigent Defense Commission.  
 4830 ~~[(39)]~~ (40) The Judicial Council for compensation for special prosecutors, as provided in  
 4831 Section 77-10a-19.
- 4832 ~~[(40)]~~ (41) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 4833 ~~[(41)]~~ (42) The Utah Geological Survey, as provided in Section 79-3-401.
- 4834 ~~[(42)]~~ (43) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 4835 ~~[(43)]~~ (44) Adoption document access as provided in Sections 81-13-103, 81-13-504, and  
 4836 81-13-505.
- 4837 ~~[(44) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense~~  
 4838 ~~Commission.]~~
- 4839 (45) The program established by the Division of Facilities Construction and Management  
 4840 under Section 63A-5b-703 under which state agencies receive an appropriation and pay  
 4841 lease payments for the use and occupancy of buildings owned by the Division of  
 4842 Facilities Construction and Management.
- 4843 (46) The State Tax Commission for reimbursing counties for deferrals in accordance with  
 4844 Section 59-2-1802.5.
- 4845 (47) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.  
 4846 Section 61. Section **63O-2-301** is amended to read:  
 4847 **63O-2-301 (Effective 07/01/26). Board powers -- Subcommittees.**
- 4848 (1) The board shall:
- 4849 (a) except as otherwise provided in Chapter 1, Control and Maintenance of Capitol Hill,  
 4850 exercise complete jurisdiction and stewardship over capitol hill facilities, capitol hill  
 4851 grounds, and the capitol hill complex;
- 4852 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities, capitol  
 4853 hill grounds, and their contents;
- 4854 (c) before October 1 of each year, review and approve the executive director's annual  
 4855 budget request for submittal to the governor and Legislature;
- 4856 (d) on or before October 1 of each year, prepare and submit a recommended budget

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

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

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

- 4959 American Institute of Architects; or
- 4960 (ii) an engineer, who shall be selected from a list of three engineers submitted by the
- 4961 American Civil Engineers Council.
- 4962 (e) If the board establishes any subcommittees, the board may, by majority vote, appoint
- 4963 up to two people who are not members of the board to serve, at the will of the board,
- 4964 as nonvoting members of a subcommittee.
- 4965 (f) Members of each subcommittee shall, at the first meeting of each calendar year,
- 4966 select one individual to act as chair of the subcommittee for a one-year term.
- 4967 (6)(a) The board, and the employees of the board, may not move the office of the
- 4968 governor, lieutenant governor, president of the Senate, speaker of the House of
- 4969 Representatives, or a member of the Legislature from the State Capitol unless the
- 4970 removal is approved by:
- 4971 (i) the governor, in the case of the governor's office;
- 4972 (ii) the lieutenant governor, in the case of the lieutenant governor's office;
- 4973 (iii) the president of the Senate, in the case of the president's office or the office of a
- 4974 member of the Senate; or
- 4975 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
- 4976 the office of a member of the House.
- 4977 (b) The board and the employees of the board have no control over the furniture,
- 4978 furnishings, and decorative objects in the offices of the governor, lieutenant
- 4979 governor, or the members of the Legislature except as necessary to inventory or
- 4980 conserve items of historical significance owned by the state.
- 4981 (c) The board and the employees of the board have no control over records and
- 4982 documents produced by or in the custody of a state agency, official, or employee
- 4983 having an office in a building on capitol hill.
- 4984 (d) Except for items identified by the board as having historical significance, and except
- 4985 as provided in Subsection (6)(b), the board and the employees of the board have no
- 4986 control over moveable furnishings and equipment in the custody of a state agency,
- 4987 official, or employee having an office in a building on capitol hill.
- 4988 Section 62. Section **64-13-6** is amended to read:
- 4989 **64-13-6 (Effective 07/01/26). Department duties.**
- 4990 (1) The department shall:
- 4991 (a) protect the public through institutional care and confinement, and supervision in the
- 4992 community of offenders where appropriate;

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

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

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

- 5095 (b) The department shall collect and disburse, with any interest and any other costs  
 5096 assessed under Section 64-14-204, an accounts receivable for an offender during:  
 5097 (i) the parole period and any extension of that period in accordance with Subsection  
 5098 (4)(c); and  
 5099 (ii) the probation period for which the court orders supervised probation and any  
 5100 extension of that period by the department in accordance with Subsection  
 5101 77-18-105(7).
- 5102 (c)(i) If an offender has an unpaid balance of the offender's accounts receivable at the  
 5103 time that the offender's sentence expires or terminates, the department shall be  
 5104 referred to the sentencing court for the sentencing court to enter a civil judgment  
 5105 of restitution and a civil accounts receivable as described in Section 77-18-114.  
 5106 (ii) If the board makes an order for restitution within 60 days from the day on which  
 5107 the offender's sentence expires or terminates, the board shall refer the order for  
 5108 restitution to the sentencing court to be entered as a civil judgment of restitution as  
 5109 described in Section 77-18-114.
- 5110 (d) This Subsection (4) only applies to offenders sentenced before July 1, 2021.
- 5111 (5)(a) The department may procure or adopt technology services to facilitate the  
 5112 coordination of services and enhance accountability with agencies, local partners, and  
 5113 community-based organizations that are involved with assisting individuals on  
 5114 probation or parole.
- 5115 (b) If possible, the technology services described in Subsection (5)(a) shall:  
 5116 (i) maintain a single, secure client record with a unique identifier to ensure seamless  
 5117 coordination and reduce duplication of services;  
 5118 (ii) notify authorized users of incoming service requests or referrals;  
 5119 (iii) provide secure access to information necessary to understanding and addressing  
 5120 the needs of an individual, including the individual's service and care history;  
 5121 (iv) allow authorized users to exchange information with referring or collaborating  
 5122 organizations through a secure and live chat feature; and  
 5123 (v) send and track individual referrals, store referral outcomes, and document  
 5124 services provided.

5125 Section 63. Section **64-13-14.5** is amended to read:

5126 **64-13-14.5 (Effective 07/01/26). Limits of confinement place -- Release status --**

5127 **Work release.**

- 5128 (1) The department may extend the limits of the place of confinement of an inmate when, as

- 5129 established by department policies and procedures, there is cause to believe the inmate  
5130 will honor the trust, by authorizing the inmate under prescribed conditions:
- 5131 (a) to leave temporarily for purposes specified by department policies and procedures to  
5132 visit specifically designated places for a period not to exceed 30 days;
  - 5133 (b) to participate in a voluntary training program in the community while housed at a  
5134 correctional facility or to work at paid employment;
  - 5135 (c) to be housed in a nonsecure community correctional center operated by the  
5136 department; or
  - 5137 (d) to be housed in any other facility under contract with the department.
- 5138 (2)(a) The department shall establish rules governing offenders on release status.
- 5139 (b) A copy of the rules established under Subsection (2)(a) shall be furnished to the  
5140 offender and to any employer or other person participating in the offender's release  
5141 program.
  - 5142 (c) Any employer or other participating person shall agree in writing to abide by the  
5143 rules established under Subsection (2)(a) and to notify the department of the  
5144 offender's discharge or other release from a release program activity, or of any  
5145 violation of the rules governing release status.
- 5146 (3) The willful failure of an inmate to remain within the extended limits of his confinement  
5147 or to return within the time prescribed to an institution or facility designated by the  
5148 department is an escape from custody.
- 5149 (4) If an offender is arrested for the commission of a crime, the arresting authority shall  
5150 immediately notify the department of the arrest.
- 5151 (5) The department may impose appropriate sanctions [~~pursuant to~~] in accordance with  
5152 Section 64-14-204 upon offenders who violate the adult sentencing and supervision  
5153 length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101, including prosecution  
5154 for escape under Section 76-8-309 or 76-8-309.3 and for absconding from supervision.
- 5155 (6) An inmate who is housed at a nonsecure correctional facility and on work release may  
5156 not be required to work for less than the current federally established minimum wage, or  
5157 under substandard working conditions.
- 5158 Section 64. Section **64-13-14.7** is amended to read:
- 5159 **64-13-14.7 (Effective 07/01/26). Victim notification of offender's release.**
- 5160 (1) As used in this section:
- 5161 (a) "Offender" means [~~a person~~] an individual who committed an act of criminally  
5162 injurious conduct against the victim and has been sentenced to incarceration in the

- 5163 custody of the department.
- 5164 (b)(i) "Victim" means ~~[a person]~~ an individual against whom an offender committed  
5165 criminally injurious conduct as defined in Section ~~[63M-7-502]~~ 75E-5-101, and  
5166 who is entitled to notice of hearings regarding the offender's parole under Section  
5167 77-27-9.5.~~[-]~~
- 5168 (ii) "Victim" includes the legal guardian of a victim, or the representative of the  
5169 family of a victim who is deceased.
- 5170 (2)(a)(i) Upon submitting a signed written request of notification to the Department  
5171 of Corrections, a victim shall be notified of an offender's release under ~~[Sections-]~~  
5172 Section 64-13-14.5 and ~~[64-13-14.7]~~ this section, or any other release to or from a  
5173 half-way house, to a program outside of the prison such as a rehabilitation  
5174 program, state hospital, community center other than a release on parole,  
5175 commutation, or termination for which notice is provided under Sections 77-27-9.5  
5176 and 77-27-9.7, transfer of the offender to an out-of-state facility, an offender's  
5177 escape, or an offender's termination from probation or parole.
- 5178 (ii) The request shall include a current mailing address and may include current  
5179 telephone numbers if the victim chooses.
- 5180 (iii) The notice for an offender's termination from probation or parole shall notify the  
5181 victim that the victim may petition the court for the appropriate continuous  
5182 protective order under Subsection 78B-7-804(5) or 78B-7-805(5).
- 5183 (b)(i) Subject to Subsection (2)(b)(ii), the department shall advise the victim of an  
5184 offender's release or escape under Subsection (2)(a), in writing.
- 5185 (ii) If written notice is not feasible because the release is immediate or the offender  
5186 escapes, the department shall make a reasonable attempt to notify the victim by  
5187 telephone if the victim has provided a telephone number under Subsection (2)(a)  
5188 and shall follow up with a written notice.
- 5189 (3)(a) Notice of victim rights under this section shall be provided to the victim in the  
5190 notice of hearings regarding parole under Section 77-27-9.5.
- 5191 (b) The department shall coordinate with the Board of Pardons and Parole to ensure the  
5192 notice is implemented.
- 5193 (4) A victim's request for notification under this section and any notification to a victim  
5194 under this section is private information that the department may not release:
- 5195 (a) to the offender under any circumstances; or  
5196 (b) to any other party without the written consent of the victim.

- 5197 (5) The department may make rules as necessary to implement this section.
- 5198 (6) The department or [its] the department's employees acting within the scope of their  
5199 employment are not civilly or criminally liable for failure to provide notice or improper  
5200 notice under this section unless the failure or impropriety is willful or grossly negligent.
- 5201 Section 65. Section **64-13-23** is amended to read:
- 5202 **64-13-23 (Effective 07/01/26). Offender's income, debt, and finances --**  
5203 **Department responsibilities concerning offender debt and financial information.**
- 5204 (1) The department may require each offender, while in the custody of the department or  
5205 while on probation or parole, to place funds received or earned by the offender from any  
5206 source into:
- 5207 (a) an account administered by the department; or  
5208 (b) a joint account with the department at a federally insured financial institution.
- 5209 (2) The department may require each offender to maintain a minimum balance in an  
5210 account under Subsection (1) for the particular offender's use upon:
- 5211 (a) discharge from the custody of the department; or  
5212 (b) completion of parole or probation.
- 5213 (3) If the funds are placed in a joint account at a federally insured financial institution:
- 5214 (a) any interest accrues to the benefit of the offender account; and  
5215 (b) the department may require that the signatures of both the offender and a  
5216 departmental representative be submitted to the financial institution to withdraw  
5217 funds from the account.
- 5218 (4) If the funds are placed in an account administered by the department, the department  
5219 may by rule designate:
- 5220 (a) a certain portion of the offender's funds as interest-bearing savings; and  
5221 (b) a portion of the offender's funds as noninterest-bearing to be used for day-to-day  
5222 expenses.
- 5223 (5)(a) The department may withhold part of the offender's funds in an account under  
5224 Subsection (1) for expenses of:
- 5225 (i) supervision or treatment;  
5226 (ii) restitution, [~~reparation~~] victim compensation, fines, alimony, support payments, or  
5227 similar court-ordered payments;  
5228 (iii) obtaining the offender's DNA specimen, if the offender is required under Section  
5229 53-10-404 to provide a specimen;  
5230 (iv) department-ordered repayment of a fine that is incurred under Section 64-13-33;

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

- 5265 Recovery Services about the inmate's incarceration, including:
- 5266 (A) the relevant dates of the inmate's incarceration and identifying information
- 5267 concerning the inmate's identity; and
- 5268 (B) whether the inmate's incarceration is based on criminal non-payment of a child
- 5269 support order or an offense against the child or custodial parent.
- 5270 (ii) Beginning on January 1, 2027, within 15 days after the day on which an inmate is
- 5271 released from incarceration, the department shall notify the entities listed in
- 5272 Subsection (9)(a)(i) of the inmate's release date.
- 5273 (b) The requirement described in Subsection (9)(a)(i) does not apply if a court, county
- 5274 jail, or other entity previously has notified the agencies listed in Subsection (9)(a)(i)
- 5275 about the inmate's incarceration.
- 5276 (10)(a) The department shall, on a periodic basis, offer educational resources to one or
- 5277 more individuals designated by an inmate concerning financial incentives for
- 5278 repaying certain debts during an inmate's incarceration.
- 5279 (b) The department may, if the department has received an inmate's consent, provide one
- 5280 or more individuals designated by an inmate with information concerning the
- 5281 inmate's current financial account balance and existing known debts, in addition to
- 5282 the information provided under Subsection (10)(a).
- 5283 Section 66. Section **64-13-25** is amended to read:
- 5284 **64-13-25 (Effective 07/01/26). Standards for programs -- Audits.**
- 5285 (1)(a) To promote accountability and to ensure safe and professional operation of
- 5286 correctional programs, the department shall establish minimum standards for the
- 5287 organization and operation of the department's programs, including collaborating
- 5288 with the Department of Health and Human Services to establish minimum standards
- 5289 for programs providing assistance for individuals involved in the criminal justice
- 5290 system.
- 5291 (b)(i) The department shall [~~promulgate~~] establish the standards according to state
- 5292 rulemaking provisions.
- 5293 (ii) Those standards that apply to offenders are exempt from the provisions of Title
- 5294 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 5295 (iii) Offenders are not a class of persons under Title 63G, Chapter 3, Utah
- 5296 Administrative Rulemaking Act.
- 5297 (c) The standards shall provide for inquiring into and processing offender complaints.
- 5298 (d)(i) The department shall establish minimum standards and qualifications for

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

5333 shall comply with the standards in order to begin receiving or continue receiving  
5334 payment from the department to provide sex offense treatment.

5335 (e) The department shall establish the certification program by administrative rule in  
5336 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5337 (3) The department:

5338 (a) shall establish performance goals and outcome measurements for all programs that  
5339 are subject to the minimum standards established under this section and collect data  
5340 to analyze and evaluate whether the goals and measurements are attained;

5341 (b) shall collaborate with the Office of Substance Use and Mental Health to develop and  
5342 coordinate the performance goals and outcome measurements, including recidivism  
5343 rates and treatment success and failure rates;

5344 (c) may use the data collected under Subsection (3)(b) to make decisions on the use of  
5345 funds to provide treatment for which standards are established under this section;

5346 (d) shall collaborate with the Office of Substance Use and Mental Health to track a  
5347 subgroup of participants to determine if there is a net positive result from the use of  
5348 treatment as an alternative to incarceration;

5349 (e) shall collaborate with the Office of Substance Use and Mental Health to evaluate the  
5350 costs, including any additional costs, and the resources needed to attain the  
5351 performance goals established for the use of treatment as an alternative to  
5352 incarceration; and

5353 (f) shall annually provide data collected under this Subsection (3) to the [~~State~~  
5354 ~~Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice  
5355 Services on or before August 31.

5356 (4) The [~~State Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice  
5357 Services shall compile a written report of the findings based on the data collected under  
5358 Subsection (3) and provide the report to the legislative Judiciary Interim Committee, the  
5359 Health and Human Services Interim Committee, the Law Enforcement and Criminal  
5360 Justice Interim Committee, and the related appropriations subcommittees.

5361 Section 67. Section **64-13-45** is amended to read:

5362 **64-13-45 (Effective 07/01/26). Department reporting requirements.**

5363 (1) As used in this section:

5364 (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.

5365 (b)(i) "In-custody death" means an inmate death that occurs while the inmate is in the  
5366 custody of the department.

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

- 5401 inmate in accordance with Subsection 64-13-7(5)(a); and
- 5402 (ii) a detailed explanation regarding how the security conditions described in
- 5403 Subsection 64-13-7(5)(b) are met for each transgender inmate;
- 5404 (e) the number of transgender inmates that were:
- 5405 (i) assigned to a living area with inmates whose biological sex at birth do not
- 5406 correspond with the transgender inmate's biological sex at birth; and
- 5407 (ii) removed and assigned to a living area with inmates whose biological sex at birth
- 5408 corresponds with the transgender inmate's biological sex at birth in accordance
- 5409 with Subsection 64-13-7(6); and
- 5410 (f) any report the department provides or is required to provide under federal law or
- 5411 regulation relating to inmate deaths.
- 5412 (3) The ~~[Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice
- 5413 Services shall:
- 5414 (a) compile the information from the reports described in Subsection (2);
- 5415 (b) omit or redact any identifying information of an inmate in the compilation to the
- 5416 extent omission or redaction is necessary to comply with state and federal law[-]; and
- 5417 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
- 5418 Committee and the Utah Substance Use and Mental Health Advisory Committee
- 5419 before November 1 of each year.
- 5420 (4) The ~~[Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice
- 5421 Services may not provide access to or use the department's policies, procedures, or
- 5422 protocols submitted under this section in a manner or for a purpose not described in this
- 5423 section.

5424 Section 68. Section **64-13e-102** is amended to read:

5425 **64-13e-102 (Effective 07/01/26). Definitions.**

5426 As used in this chapter:

- 5427 (1) "Alternative treatment program" means:
- 5428 (a) an evidence-based cognitive behavioral therapy program; or
- 5429 (b) a certificate-based program provided by:
- 5430 (i) an institution of higher education described in Subsection 53H-1-102(1)(b); or
- 5431 (ii) a degree-granting institution acting in the degree-granting institution's technical
- 5432 education role described in Section 53H-3-608.
- 5433 (2) "Average state daily incarceration cost" means the average cost incurred by the
- 5434 department per bed day over the previous three fiscal years, that reflects the following

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

5469 parole inmate in a county correctional facility that is eligible for reimbursement  
5470 under Section 64-13e-104.

5471 (b) "Eligible bed day" includes:

5472 (i) a condition of probation day;

5473 (ii) a parole hold day;

5474 (iii) a parole sanction day; and

5475 (iv) a probation sanction day.

5476 [(9)] (8)(a) "Parole hold day" means a day spent in a county correctional facility by a  
5477 state parole inmate under Subsection [~~64-13-29(3)~~] 64-14-205(3) based on a  
5478 suspected violation of the state parole inmate's terms of parole.

5479 (b) "Parole hold day" does not include a day spent in a county correctional facility by a  
5480 state parole inmate:

5481 (i) after the state parole inmate has spent 72 hours, excluding weekends and holidays,  
5482 for a single suspected violation of the state parole inmate's terms of parole; or

5483 (ii) as a parole sanction day.

5484 [(10)] (9)(a) "Parole sanction day" means a day spent in a county correctional facility by  
5485 a state parole inmate as a sanction under Subsection [~~64-13-6(2)~~] 64-14-204(2)(b) for  
5486 a violation of the state parole inmate's terms of parole.

5487 (b) "Parole sanction day" includes not more than three consecutive days and not more  
5488 than a total of six days within a period of 30 days for each sanction.

5489 (c) "Parole sanction day" does not include a parole hold day.

5490 [(11)] (10)(a) "Probation sanction day" means a day spent in a county correctional  
5491 facility by a state probationary inmate as a sanction under Subsection [~~64-13-6(2)~~]  
5492 64-14-204(2)(b) based on a violation of the state probationary inmate's terms of  
5493 probation.

5494 (b) "Probation sanction day" includes not more than three consecutive days and not more  
5495 than a total of six days within a period of 30 days for each sanction.

5496 (c) "Probation sanction day" does not include:

5497 (i) a condition of probation day; or

5498 (ii) a day spent in a county correctional facility by a state probationary inmate under  
5499 Subsection 64-14-205(3) based on a suspected violation of the state probationary  
5500 inmate's terms of probation.

5501 [(12)] (11) "Rate surplus" means the dollar amount by which the average state daily  
5502 incarceration cost for a given year exceeds 105% of the prior year's state daily

5503 incarceration rate.

5504 [(13)] (12) "State daily incarceration rate" means the daily per bed dollar basis upon which  
5505 the department will calculate payments to other parties for housing state inmates and  
5506 state probationary inmates.

5507 [(14)] (13) "State inmate" means an individual, other than a state probationary inmate or  
5508 state parole inmate, who is committed to the custody of the department.

5509 [(15)] (14) "State parole inmate" means an individual who is:

5510 (a) on parole, as defined in Section 77-27-1; and

5511 (b) housed in a county correctional facility for a reason related to the individual's parole.

5512 [(16)] (15) "State probationary inmate" means a felony probationer sentenced to time in a  
5513 county correctional facility under Subsection 77-18-105(6).

5514 [(17)] (16) "Treatment program" means:

5515 (a) an alcohol treatment program;

5516 (b) a substance abuse treatment program;

5517 (c) a sex offender treatment program; or

5518 (d) an alternative treatment program.

5519 Section 69. Section **64-13e-103.1** is amended to read:

5520 **64-13e-103.1 (Effective 07/01/26). Calculating the average state daily**

5521 **incarceration cost and the state incarceration rate.**

5522 (1) Before September 15 of each year, the department shall:

5523 (a) calculate the average state daily incarceration cost; [~~and;~~]

5524 [(+)] (b)(i) if the average state daily incarceration cost calculated in Subsection (1)(a)

5525 equals more than 105% of the previous year's state daily incarceration rate:

5526 (A) set the state daily incarceration rate at 105% of the prior year's state daily  
5527 incarceration rate; and

5528 (B) record that year's rate surplus; or

5529 (ii) if the average state daily incarceration cost calculated in Subsection (1)(a) is less  
5530 than 105% of the previous year's state daily incarceration rate:

5531 (A) set the state daily incarceration rate at the state daily incarceration cost; or

5532 (B) if in any one or more of the prior three years there existed a rate surplus, and  
5533 that rate surplus has not been used to augment the state daily incarceration cost  
5534 in another year, add the rate surplus or surpluses to the state daily incarceration  
5535 cost and set the state daily incarceration rate to that combined amount, up to  
5536 105% of the previous year's state daily incarceration rate; and

5537           ~~[(b)]~~ (c) inform each county and the ~~[eommission]~~ Department of Criminal Justice  
5538           Services of the state daily incarceration rate.

5539           (2) Except as provided in Subsections (3) and (4), the state daily incarceration rate may not  
5540           be less than the rate presented to the Executive Appropriations Committee of the  
5541           Legislature for purposes of setting the appropriation for the department's budget.

5542           (3) Notwithstanding any other provision in this section, in a fiscal year where General Fund  
5543           revenue growth is not sufficient to fund the state daily incarceration rate presented to the  
5544           Executive Appropriations Committee, the state daily incarceration rate shall be reset by  
5545           the Executive Appropriations Committee in an appropriations act.

5546           (4) For the fiscal year beginning July 1, 2025, only, the state daily incarceration rate is  
5547           \$120.75.

5548           Section 70. Section **64-13e-104** is amended to read:

5549           **64-13e-104 (Effective 07/01/26). County correctional facility reimbursement**  
5550           **program for state probationary inmates and state parole inmates -- Payments.**

5551           (1) A county may receive reimbursement from the state for the county's eligible bed days as  
5552           described in this section.

5553           (2) Within funds appropriated by the Legislature for the purpose described in Subsection (1),  
5554           the division shall:

5555           (a) pay a county for the county's eligible bed days at a rate of 50% of the state daily  
5556           incarceration rate; and

5557           (b) administer the payments under this section.

5558           (3) Funds appropriated by the Legislature under Subsection (2):

5559           (a) are nonlapsing;

5560           (b) may only be used for the purposes described in Subsection (2)[-]; and

5561           (c) may not be used for:

5562           (i) the costs of administering the payment described in this section; or

5563           (ii) payment of county correctional facility contract costs for state inmates under  
5564           Section 64-13e-103.

5565           (4) The costs described in Subsection (3)(c)(i) shall be funded by legislative appropriation.

5566           (5) The ~~[eommission]~~ Department of Criminal Justice Services may ~~[adopt]~~ make, according  
5567           to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules to administer this  
5568           section, including establishing requirements and procedures for collecting data from  
5569           counties for the purpose of completing the calculations described in this section.

5570           (6) Each county that receives the payment described in Subsection (2) shall submit a report

5571 to the [~~commission~~] Department of Criminal Justice Services in accordance with the  
 5572 requirements established by the [~~commission~~] Department of Criminal Justice Services.

5573 (7)(a) On or before September 30 of each year, the [~~commission~~] Department of  
 5574 Criminal Justice Services shall:

5575 (i) compile the information from the reports described in Subsection (6) that relate to  
 5576 the preceding state fiscal year and provide a copy of the compilation to each  
 5577 county that submitted a report; and

5578 (ii) calculate:

5579 (A) the eligible bed days for each county; and

5580 (B) the amount owed to each county based on the county's eligible bed days in  
 5581 accordance with Subsection (2).

5582 (b) On or before October 15 of each year, the [~~commission~~] Department of Criminal  
 5583 Justice Services shall inform the division and each county of the exact amount of the  
 5584 payment described in this section that shall be made to each county.

5585 (8)(a) On or before December 15 of each year, the division shall distribute the payment  
 5586 described in Subsection (7)(b) in a single payment to each county.

5587 (b) Funds from the Jail Reimbursement Reserve Program may be used only once  
 5588 existing annual appropriated funds for the fiscal year have been exhausted.

5589 Section 71. Section **64-14-203** is amended to read:

5590 **64-14-203 (Effective 07/01/26). Duties of division.**

5591 (1) The division shall:

5592 (a) assist the department in fulfilling the department's duty to supervise, as described in  
 5593 Subsection 64-13-6(1)(i), probationers and parolees as directed by statute and  
 5594 implemented by the courts and the Board of Pardons and Parole;

5595 (b) comply with the requirements described in this part;

5596 (c) supply the information described in Section 53-10-209 that is required to be  
 5597 submitted to the Criminal Investigations and Technical Services Division created in  
 5598 Subsection [~~53-10-103(2)~~] 53-10-103(1);

5599 (d) comply with the use of funds requirement for outpatient treatment services for those  
 5600 convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, as  
 5601 described in Subsection 59-27-105(4)(c);

5602 (e) monitor the status of an offender with a mental condition who has been placed on  
 5603 parole as described in Subsection 77-16a-205(4);

5604 (f) comply with the requirements described in Title 77, Chapter 18, The Judgment;

- 5605 (g) in accordance with the adult sentencing and supervision length guidelines described  
5606 in Section [~~63M-7-404.3~~] 75E-4-203, notify the Board of Pardons and Parole of  
5607 parole violations;
- 5608 (h) for an individual who is on probation for a domestic violence offense that the  
5609 division is supervising, report to the court and notify the victim of the domestic  
5610 violence offense if the individual fails to comply with any condition imposed by the  
5611 court or commits a violation of a sentencing protective order as required by  
5612 Subsection 77-36-5.1(4);
- 5613 (i) comply with the notice requirement to a prosecuting agency described in Subsection  
5614 77-38-3(6) if the division is the moving party on a motion for modification of any  
5615 determination made at any of the criminal justice hearings provided in Subsections  
5616 77-38-2(5)(a) through (g);
- 5617 (j) collect restitution information in preparing a presentence investigation report as  
5618 described in Section 77-38b-203;
- 5619 (k) for an individual under supervision by the division who violates a sentencing  
5620 protective order issued under Title 78B, Chapter 7, Part 8, Criminal Protective  
5621 Orders, report the violation to the court and notify the victim protected by the order  
5622 of the violation as required by Section 78B-7-807; and
- 5623 (l) comply with any other requirement established by applicable statute or regulation or  
5624 a directive from the executive director.
- 5625 (2) The division may, in the course of supervising individuals on probation and parole:
- 5626 (a) respond to an individual's violation of one or more terms of the probation or parole in  
5627 accordance with the graduated and evidence-based processes established by the adult  
5628 sentencing and supervision length guidelines, as defined in Section [~~63M-7-401.1~~]  
5629 75E-4-101; and
- 5630 (b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction  
5631 for an individual's violation of the terms of probation or parole a period of  
5632 incarceration of not more than three consecutive days and not more than a total of six  
5633 days within a period of 30 days.

5634 Section 72. Section **64-14-204** is amended to read:

5635 **64-14-204 (Effective 07/01/26). Supervision of sentenced offenders placed in**  
5636 **community -- Rulemaking -- POST certified parole or probation officers and peace**  
5637 **officers -- Duties -- Supervision fee -- Coordination with local mental health authority.**

5638 (1)(a) The division, except as otherwise provided by law, shall supervise a sentenced

- 5639 offender placed in the community if the offender:
- 5640 (i)(A) is placed on probation by a court;
- 5641 (B) is released on parole by the Board of Pardons and Parole; or
- 5642 (C) is accepted for supervision under the terms of the Interstate Compact for the
- 5643 Supervision of Parolees and Probationers; and
- 5644 (ii) has been convicted of:
- 5645 (A) a felony;
- 5646 (B) a class A misdemeanor when an element of the offense is the use or attempted
- 5647 use of physical force against an individual or property; or
- 5648 (C) notwithstanding Subsection (1)(a)(ii)(B), a class A misdemeanor if the
- 5649 division is ordered by a court to supervise the offender under Section 77-18-105.
- 5650 (b) If a sentenced offender participates in substance use treatment or a residential
- 5651 vocational or life skills program, as defined in Section 13-53-102, while under
- 5652 supervision on probation or parole, the division shall monitor the offender's
- 5653 compliance with and completion of the treatment or program.
- 5654 (c) The department shall establish standards for:
- 5655 (i) the supervision of offenders in accordance with the adult sentencing and
- 5656 supervision length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101,
- 5657 giving priority, based on available resources, to felony offenders and offenders
- 5658 sentenced under Subsection 58-37-8 (2)(b)(ii); and
- 5659 (ii) the monitoring described in Subsection (1)(b).
- 5660 (2) The division shall apply the graduated and evidence-based responses established in the
- 5661 adult sentencing and supervision length guidelines, as defined in Section [~~63M-7-401.1~~]
- 5662 75E-4-101, to facilitate a prompt and appropriate response to an individual's violation of
- 5663 the terms of probation or parole, including:
- 5664 (a) sanctions to be used in response to a violation of the terms of probation or parole; and
- 5665 (b) requesting approval from the court or Board of Pardons and Parole to impose a
- 5666 sanction for an individual's violation of the terms of probation or parole, for a period
- 5667 of incarceration of not more than three consecutive days and not more than a total of
- 5668 six days within a period of 30 days.
- 5669 (3) The division shall implement a program of graduated incentives as established in the
- 5670 adult sentencing and supervision length guidelines, as defined in Section [~~63M-7-401.1~~]
- 5671 75E-4-101 to facilitate the department's prompt and appropriate response to an
- 5672 offender's:

- 5673 (a) compliance with the terms of probation or parole; or  
5674 (b) positive conduct that exceeds those terms.
- 5675 (4)(a) The department shall, in collaboration with the [~~State Commission on Criminal~~  
5676 ~~and Juvenile Justice~~] Department of Criminal Justice Services and the Division of  
5677 Substance Use and Mental Health, create standards and procedures for the collection  
5678 of information, including cost savings related to recidivism reduction and the  
5679 reduction in the number of inmates, related to the use of the graduated and  
5680 evidence-based responses and graduated incentives, and offenders' outcomes.
- 5681 (b) The collected information shall be provided to the [~~State Commission on Criminal~~  
5682 ~~and Juvenile Justice~~] Department of Criminal Justice Services not less frequently than  
5683 annually on or before August 31.
- 5684 (5) Employees of the division who are POST certified as law enforcement officers or  
5685 correctional officers and who are designated as parole and probation officers by the  
5686 executive director have the following duties:
- 5687 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance  
5688 with the conditions of the parole or probation agreement;
- 5689 (b) investigating or apprehending any offender who has escaped from the custody of the  
5690 department or absconded from supervision by the division;
- 5691 (c) supervising any offender during transportation; or  
5692 (d) collecting DNA specimens when the specimens are required under Section 53-10-404.
- 5693 (6)(a)(i) A monthly supervision fee of \$30 shall be collected from each offender on  
5694 probation or parole.
- 5695 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the  
5696 division upon a showing by the offender that imposition would create a substantial  
5697 hardship or if the offender owes restitution to a victim.
- 5698 (b)(i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
5699 Administrative Rulemaking Act, specifying the criteria for suspension or waiver  
5700 of the supervision fee and the circumstances under which an offender may request  
5701 a hearing.
- 5702 (ii) In determining whether the imposition of the supervision fee would constitute a  
5703 substantial hardship, the division shall consider the financial resources of the  
5704 offender and the burden that the fee would impose, with regard to the offender's  
5705 other obligations.
- 5706 (c) The division shall deposit money received from the monthly supervision fee

5707 established in this Subsection (6) into the General Fund as a parole and probation  
5708 dedicated credit to be used to cover costs incurred in the collection of the fee and in  
5709 the development of offender supervision programs.

5710 (7)(a) For offenders placed on probation under Section 77-18-105 or parole under  
5711 Subsection 76-3-202(2)(a) on or after October 1, 2015, but before January 1, 2019,  
5712 the division shall establish a program allowing an offender to earn a reduction credit  
5713 of 30 days from the offender's period of probation or parole for each month the  
5714 offender complies with the terms of the offender's probation or parole agreement,  
5715 including the case action plan.

5716 (b)(i) For offenders placed on probation under Section 77-18-105 or parole under  
5717 Section 76-3-202 on or after July 1, 2026, the division shall establish a program,  
5718 consistent with the adult sentencing and supervision length guidelines, as defined  
5719 in Section [~~63M-7-401.1~~] 75E-4-101, to provide incentives for an offender that  
5720 maintains eligible employment, as defined in Section [~~64-13g-101~~] 64-14-301.

5721 (ii) The program under Subsection (7)(b)(i) may include a credit towards the  
5722 reduction of the length of supervision for an offender at a rate of up to 30 days for  
5723 each month that the offender maintains eligible employment, as defined in Section [  
5724 ~~64-13g-101~~] 64-14-301.

5725 (iii) A court, or the Board of Pardons and Parole, is not required to grant a request for  
5726 termination of supervision under the program described in this Subsection (7)(b) if  
5727 the court, or the Board of Pardons and Parole, finds that:

5728 (A) the offender presents a substantial risk to public safety;

5729 (B) termination would prevent the offender from completing risk reduction  
5730 programming or treatment; or

5731 (C) the eligibility criteria for termination of supervision, as established in the adult  
5732 sentencing and supervision length guidelines, as defined in Section [  
5733 ~~63M-7-401.1~~] 75E-4-101, have not been met.

5734 (iv) This Subsection (7)(b) does not prohibit the division, or another supervision  
5735 services provider, from requesting termination of supervision based on the  
5736 eligibility criteria in the adult sentencing and supervision length guidelines, as  
5737 defined in Section [~~63M-7-401.1~~] 75E-4-101.

5738 (c) The division shall:

5739 (i) maintain a record of credits earned by an offender under this Subsection (7); and

5740 (ii) request from the court or the Board of Pardons and Parole the termination of

5741 probation or parole not fewer than 30 days [~~prior to~~] before the termination date  
5742 that reflects the credits earned under this Subsection (7).

5743 (d) This Subsection (7) does not prohibit the division from requesting a termination date  
5744 earlier than the termination date established by earned credits under Subsection (7)(c).

5745 (e) The court or the Board of Pardons and Parole shall terminate an offender's probation  
5746 or parole upon completion of the period of probation or parole accrued by time  
5747 served and credits earned under this Subsection (7) unless the court or the Board of  
5748 Pardons and Parole finds that termination would interrupt the completion of a  
5749 necessary treatment program, in which case the termination of probation or parole  
5750 shall occur when the treatment program is completed.

5751 (f) The department shall report annually to the [~~State Commission on Criminal and~~  
5752 ~~Juvenile Justice~~] Department of Criminal Justice Services on or before August 31:

5753 (i) the number of offenders who have earned probation or parole credits under this  
5754 Subsection (7) in one or more months of the preceding fiscal year and the  
5755 percentage of the offenders on probation or parole during that time that this  
5756 number represents;

5757 (ii) the average number of credits earned by those offenders who earned credits;

5758 (iii) the number of offenders who earned credits by county of residence while on  
5759 probation or parole;

5760 (iv) the cost savings associated with sentencing reform programs and practices; and

5761 (v) a description of how the savings will be invested in treatment and  
5762 early-intervention programs and practices at the county and state levels.

5763 (8)(a) The department shall coordinate with a local mental health authority to complete  
5764 the requirements of this Subsection (8) for an offender who:

5765 (i) is a habitual offender as that term is defined in Section 77-18-102;

5766 (ii) has a mental illness as that term is defined in Section 26B-5-301; and

5767 (iii) based on a risk and needs assessment:

5768 (A) is at a high risk of reoffending; and

5769 (B) has risk factors that may be addressed by available community-based services.

5770 (b) For an offender described in Subsection (8)(a), at any time clinically appropriate or  
5771 at least three months before termination of an offender's parole or expiration of an  
5772 offender's sentence, the department shall coordinate with the Department of Health  
5773 and Human Services and the relevant local mental health authority to provide  
5774 applicable clinical assessments and transitional treatment planning and services for

- 5775 the offender so that the offender may receive appropriate treatment and support  
 5776 services after the termination of parole or expiration of sentence.
- 5777 (c) The local mental health authority may determine whether the offender:  
 5778 (i) meets the criteria for civil commitment;  
 5779 (ii) meets the criteria for assisted outpatient treatment; or  
 5780 (iii) would benefit from assignment to an assertive community treatment team or  
 5781 available community-based services.
- 5782 (d) Based on the local mental health authority's determination under Subsection (8)(c),  
 5783 the local mental health authority shall, as appropriate:  
 5784 (i) initiate an involuntary commitment court proceeding;  
 5785 (ii) file a written application for assisted outpatient treatment; or  
 5786 (iii) seek to have the offender assigned to an assertive community treatment team or  
 5787 available community-based services.
- 5788 (e) On or before November 1, 2025, the department shall provide a report to the Law  
 5789 Enforcement and Criminal Justice Interim Committee regarding any proposed  
 5790 changes to the requirements in this Subsection (8), including whether the  
 5791 requirements of this Subsection (8) should also apply to any other category of  
 5792 offenders.

5793 Section 73. Section **64-14-302** is amended to read:

5794 **64-14-302 (Effective 07/01/26). Adult Probation and Parole Employment**

5795 **Incentive Program.**

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

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

- 5843 employment incentive payment for the region.
- 5844 (7) The employment incentive payment, or end-of-supervision employment supervision  
5845 payment, for a region is zero if the recidivism percentage for the region, described in  
5846 Subsection (3)(c), represents an increase in the recidivism percentage when compared to  
5847 the fiscal year immediately preceding the fiscal year to which the recidivism percentage  
5848 for the region, described in Subsection (3)(c), relates.
- 5849 (8) Upon determining an employment incentive payment for a region in accordance with  
5850 Subsections (5)(d)(ii), (6), and (7), the office shall authorize distribution, from the  
5851 restricted account, of the incentive payment as follows:
- 5852 (a) 15% of the payment may be used by the department for expenses related to  
5853 administering the program; and
- 5854 (b) 85% of the payment shall be used by the region to improve and expand supervision  
5855 and rehabilitative services to individuals on parole or adult probation, including by:
- 5856 (i) implementing and expanding evidence-based practices for risk and needs  
5857 assessments for individuals;
- 5858 (ii) implementing and expanding intermediate sanctions, including mandatory  
5859 community service, home detention, day reporting, restorative justice programs,  
5860 and furlough programs;
- 5861 (iii) expanding the availability of evidence-based practices for rehabilitation  
5862 programs, including drug and alcohol treatment, mental health treatment, anger  
5863 management, cognitive behavior programs, and job training and other  
5864 employment services;
- 5865 (iv) hiring additional officers, contractors, or other personnel to implement  
5866 evidence-based practices for rehabilitative and vocational programing;
- 5867 (v) purchasing and adopting new technologies or equipment that are relevant to, and  
5868 enhance, supervision, rehabilitation, or vocational training; or
- 5869 (vi) evaluating the effectiveness of rehabilitation and supervision programs and  
5870 ensuring program fidelity.
- 5871 (9)(a) The report described in Subsections (3) and (4) is a public record.
- 5872 (b) The department shall maintain a complete and accurate accounting of the payment  
5873 and use of funds under this section.
- 5874 (c) If the money in the restricted account is insufficient to make the full employment  
5875 incentive payments or the full end-of-supervision employment incentive payments,  
5876 the office shall authorize the payments on a prorated basis.

5877 Section 74. Section **67-4a-801** is amended to read:

5878 **67-4a-801 (Effective 07/01/26). Unclaimed Property Fund -- Deposit of funds by**  
5879 **administrator.**

5880 (1)(a) There is created a custodial fund entitled the "Unclaimed Property Fund."

5881 (b) Except as otherwise provided in this section, the administrator shall deposit all funds  
5882 received under this chapter, including proceeds from the sale of property under Part  
5883 7, Sale of Property by Administrator, in the fund.

5884 (c) The fund shall earn interest.

5885 (2) The administrator shall:

5886 (a) pay any legitimate claims or deductions authorized by this chapter from the fund;

5887 (b) before the end of the fiscal year, estimate the amount of money from the fund that  
5888 will ultimately be needed to be paid to claimants; and

5889 (c) at the end of the fiscal year, transfer any amount in excess of that amount to the  
5890 Uniform School Fund, except that unclaimed restitution for crime victims shall be  
5891 transferred to the Crime Victim [~~Reparations~~] Compensation Fund.

5892 (3) Before making any transfer to the Uniform School Fund, the administrator may deduct  
5893 from the fund:

5894 (a) amounts appropriated by the Legislature for administration of this chapter;

5895 (b) any costs incurred in connection with the sale of abandoned property;

5896 (c) costs of mailing and publication in connection with any abandoned property;

5897 (d) reasonable service charges; and

5898 (e) costs incurred in examining records of holders of property and in collecting the  
5899 property from those holders.

5900 Section 75. Section **67-4a-803** is amended to read:

5901 **67-4a-803 (Effective 07/01/26). Expenses and service charges of administrator.**

5902 Before making a deposit of funds received under this chapter to the Uniform School  
5903 Fund or the Crime Victim [~~Reparations~~] Compensation Fund, the administrator may deduct:

5904 (1) expenses of disposition of property delivered to the administrator under this chapter;

5905 (2) costs of mailing and publication in connection with property delivered to the  
5906 administrator under this chapter;

5907 (3) reasonable service charges; and

5908 (4) expenses incurred in examining records of or collecting property from a putative holder  
5909 or holder.

5910 Section 76. Section **67-22-2** is amended to read:

5911 **67-22-2 (Effective 07/01/26). Compensation -- Other state officers.**

5912 (1) As used in this section:

5913 (a) "Appointed executive" means the:

5914 (i) commissioner of the Department of Agriculture and Food;

5915 (ii) commissioner of the Insurance Department;

5916 (iii) commissioner of the Labor Commission;

5917 (iv) director, Department of Alcoholic Beverage Services;

5918 (v) commissioner of the Department of Financial Institutions;

5919 (vi) executive director, Department of Commerce;

5920 (vii) executive director, Commission on Criminal and Juvenile Justice;

5921 (viii) adjutant general;

5922 (ix) executive director, Department of Cultural and Community Engagement;

5923 (x) executive director, Department of Corrections;

5924 (xi) commissioner, Department of Public Safety;

5925 (xii) executive director, Department of Natural Resources;

5926 (xiii) executive director, Governor's Office of Planning and Budget;

5927 (xiv) executive director, Department of Government Operations;

5928 (xv) executive director, Department of Environmental Quality;

5929 (xvi) executive director, Governor's Office of Economic Opportunity;

5930 (xvii) executive director, Department of Workforce Services;

5931 (xviii) executive director, Department of Health and Human Services, Nonphysician;

5932 (xix) executive director, Department of Transportation;

5933 (xx) executive director, Department of Veterans and Military Affairs;

5934 (xxi) advisor, Public Lands Policy Coordinating Office, created in Section

5935 63L-11-201;

5936 (xxii) Great Salt Lake commissioner, appointed under Section 73-32-201; and

5937 (xxiii) Utah water agent, appointed under Section 73-10g-702.

5938 (b) "Board or commission executive" means:

5939 (i) members, Board of Pardons and Parole;

5940 (ii) chair, State Tax Commission;

5941 (iii) commissioners, State Tax Commission;

5942 (iv) executive director, State Tax Commission;

5943 (v) chair, Public Service Commission; and

5944 (vi) commissioners, Public Service Commission.

- 5945 (c) "Deputy" means the person who acts as the appointed executive's second in  
5946 command as determined by the Division of Human Resource Management.
- 5947 (2)(a) The director of the Division of Human Resource Management shall:
- 5948 (i) before October 31 of each year, recommend to the governor a compensation plan  
5949 for the appointed executives and the board or commission executives; and
- 5950 (ii) base those recommendations on market salary studies conducted by the Division  
5951 of Human Resource Management.
- 5952 (b)(i) The Division of Human Resource Management shall determine the salary range  
5953 for the appointed executives by:
- 5954 (A) identifying the salary range assigned to the appointed executive's deputy;  
5955 (B) designating the lowest minimum salary from those deputies' salary ranges as  
5956 the minimum salary for the appointed executives' salary range; and
- 5957 (C) designating 105% of the highest maximum salary range from those deputies'  
5958 salary ranges as the maximum salary for the appointed executives' salary range.
- 5959 (ii) If the deputy is a medical doctor, the Division of Human Resource Management  
5960 may not consider that deputy's salary range in designating the salary range for  
5961 appointed executives.
- 5962 (c)(i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for  
5963 board or commission executives, the Division of Human Resource Management  
5964 shall set the maximum salary in the salary range for each of those positions at  
5965 90% of the salary for district judges as established in the annual appropriation act  
5966 under Section 67-8-2.
- 5967 (ii) In establishing the salary ranges for an individual described in Subsection  
5968 (1)(b)(ii), (1)(b)(iii), or (1)(b)(iv), the Division of Human Resource Management  
5969 shall set the maximum salary in the salary range for each of those positions at  
5970 100% of the salary for district judges as established in the annual appropriation act  
5971 under Section 67-8-2.
- 5972 (3)(a)(i) Except as provided in Subsection (3)(a)(ii) or Subsection (3)(d), the  
5973 governor shall establish a specific salary for each appointed executive within the  
5974 range established under Subsection (2)(b).
- 5975 (ii) If the executive director of the Department of Health and Human Services is a  
5976 physician, the governor shall establish a salary within the highest physician salary  
5977 range established by the Division of Human Resource Management.
- 5978 (iii) The governor may provide salary increases for appointed executives within the

- 5979 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).
- 5980 (b) The governor shall apply the same overtime regulations applicable to other FLSA  
5981 exempt positions.
- 5982 (c) The governor may develop standards and criteria for reviewing the appointed  
5983 executives.
- 5984 (d) If under Section 73-10g-702 the governor appoints an individual who is serving in an  
5985 appointed executive branch position to be the Utah water agent, the governor shall  
5986 adjust the salary of the Utah water agent to account for salary received for the  
5987 appointed executive branch position.
- 5988 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that are not  
5989 provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial  
5990 Salary Act, shall be established [~~as provided in~~] in accordance with Section 63A-17-301.
- 5991 (5)(a) The Legislature fixes benefits for the appointed executives and the board or  
5992 commission executives as follows:
- 5993 (i) the option of participating in a state retirement system established by Title 49,  
5994 Utah State Retirement and Insurance Benefit Act, or in a deferred compensation  
5995 plan administered by the State Retirement Office in accordance with the Internal  
5996 Revenue Code and [~~its~~] the Internal Revenue Code's accompanying rules and  
5997 regulations;
- 5998 (ii) health insurance;
- 5999 (iii) dental insurance;
- 6000 (iv) basic life insurance;
- 6001 (v) unemployment compensation;
- 6002 (vi) workers' compensation;
- 6003 (vii) required employer contribution to Social Security;
- 6004 (viii) long-term disability income insurance;
- 6005 (ix) the same additional state-paid life insurance available to other noncareer service  
6006 employees;
- 6007 (x) the same severance pay available to other noncareer service employees;
- 6008 (xi) the same leave, holidays, and allowances granted to Schedule B state employees  
6009 as follows:
- 6010 (A) sick leave;
- 6011 (B) converted sick leave if accrued [~~prior to~~] before January 1, 2014;
- 6012 (C) educational allowances;

- 6013 (D) holidays; and
- 6014 (E) annual leave except that annual leave shall be accrued at the maximum rate
- 6015 provided to Schedule B state employees;
- 6016 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
- 6017 provided by law or rule upon resignation or retirement according to the same
- 6018 criteria and procedures applied to Schedule B state employees;
- 6019 (xiii) the option to purchase additional life insurance at group insurance rates
- 6020 according to the same criteria and procedures applied to Schedule B state
- 6021 employees; and
- 6022 (xiv) professional memberships if being a member of the professional organization is
- 6023 a requirement of the position.
- 6024 (b) Each department shall pay the cost of additional state-paid life insurance for [its] the
- 6025 department's executive director from [its] the department's existing budget.
- 6026 (6) The Legislature fixes the following additional benefits:
- 6027 (a) for the executive director of the Department of Transportation a vehicle for official
- 6028 and personal use;
- 6029 (b) for the executive director of the Department of Natural Resources a vehicle for
- 6030 commute and official use;
- 6031 (c) for the commissioner of Public Safety:
- 6032 (i) an accidental death insurance policy if POST certified; and
- 6033 (ii) a public safety vehicle for official and personal use;
- 6034 (d) for the executive director of the Department of Corrections:
- 6035 (i) an accidental death insurance policy if POST certified; and
- 6036 (ii) a public safety vehicle for official and personal use;
- 6037 (e) for the adjutant general a vehicle for official and personal use;
- 6038 (f) for each member of the Board of Pardons and Parole a vehicle for commute and
- 6039 official use; and
- 6040 (g) for the executive director of the Department of Veterans and Military Affairs a
- 6041 vehicle for commute and official use.

6042 Section 77. Section **67-28-101** is amended to read:

6043 **67-28-101 (Effective 07/01/26). Definitions.**

6044 As used in this chapter:

- 6045 [(1) "Commission" means the State Commission on Criminal and Juvenile Justice created
- 6046 in Section 63M-7-201.]

- 6047 [(2)] (1) "Criminal offense" means an act or omission that may result in a felony,  
 6048 misdemeanor, or infraction.
- 6049 (2) "Department" means the Department of Criminal Justice Services created in Section  
 6050 75E-2-102.
- 6051 (3)(a) "State agency" means a department, division, board, council, committee,  
 6052 institution, office, bureau, or other similar administrative unit of the executive branch  
 6053 of state government.
- 6054 (b) "State agency" does not include the attorney general.
- 6055 Section 78. Section **67-28-102** is amended to read:  
 6056 **67-28-102 (Effective 07/01/26). State agency review and recommendation**  
 6057 **regarding criminal offenses.**
- 6058 (1) Except as provided in Subsection (4), on or before July 1, 2026, and on or before July 1  
 6059 every three years after 2026, every state agency shall complete a review of the criminal  
 6060 offenses contained in the statutes:
- 6061 (a) for which the state agency is responsible to prosecute or refer for prosecution; or  
 6062 (b) contained in the state agency's designated area of code.
- 6063 (2)(a) A state agency review required under this section shall require the state agency to  
 6064 evaluate each criminal offense described in Subsection (1) and recommend whether  
 6065 the criminal offense:
- 6066 (i) would benefit from legislative amendment, clarification, or repeal; and  
 6067 (ii) should have the penalty level increased, reduced, or remain the same.
- 6068 (b) The review under Subsection (2)(a) shall include the state agency's specific  
 6069 recommendations and reasoning for any recommended statutory changes.
- 6070 (c) Each state agency shall submit the results of the review required under this section to  
 6071 the [~~commission~~] department:
- 6072 (i) within 30 days after the day on which the review is completed; and  
 6073 (ii) in the standardized format developed by the [~~commission~~] department under  
 6074 Subsection (3).
- 6075 (3) The [~~commission~~] department shall:
- 6076 (a) develop a standardized format for reporting the information described in Subsection  
 6077 (2);
- 6078 (b) compile the information that was submitted under Subsection (2); and
- 6079 (c) annually, on or before October 1, submit a report to the Law Enforcement and  
 6080 Criminal Justice Interim Committee that contains:

- 6081 (i) the compiled information received for the current year, if any; and  
6082 (ii) the names of any agencies that failed to submit a review that was required under  
6083 this section.

6084 (4) This section does not apply to the Division of Professional Licensing with regard to  
6085 offenses in Title 58, Chapters 37 through 37e.

6086 Section 79. Section **75-2-803** is amended to read:

6087 **75-2-803 (Effective 07/01/26). Definitions -- Effect of homicide on intestate**  
6088 **succession, wills, trusts, joint assets, life insurance, and beneficiary designations --**  
6089 **Petition -- Forfeiture -- Revocation.**

6090 (1) As used in this section:

- 6091 (a) "Conviction" means the same as that term is defined in Section 77-38b-102.  
6092 (b) "Decedent" means a deceased individual.  
6093 (c) "Disposition or appointment of property" includes a transfer of an item of property or  
6094 any other benefit to a beneficiary designated in a governing instrument.  
6095 (d)(i) Except as provided in Subsection (1)(d)(ii), "disqualifying homicide" means  
6096 any felony homicide offense described in Title 76, Chapter 5, Offenses Against  
6097 the Individual, for which the elements are established by a preponderance of the  
6098 evidence and by applying the same principles of culpability and defenses  
6099 described in [~~Title 76, Utah Criminal Code~~] Title 76, Criminal Offenses.  
6100 (ii) "Disqualifying homicide" does not include an offense for:  
6101 (A) automobile homicide, as described in Section 76-5-207; and  
6102 (B) automobile homicide involving using a handheld wireless communication  
6103 device while driving, as described in Section 76-5-207.5.  
6104 (e) "Governing instrument" means a governing instrument executed by the decedent.  
6105 (f) "Killer" means an individual who commits a disqualifying homicide.  
6106 (g) "Revocable" means a disposition, appointment, provision, or nomination under  
6107 which the decedent, at the time of or immediately before death, was alone  
6108 empowered, by law or under the governing instrument, to cancel the designation in  
6109 favor of the killer regardless of whether at the time or immediately before death:  
6110 (i) the decedent was empowered to designate the decedent in place of the decedent's  
6111 killer; or  
6112 (ii) the decedent had the capacity to exercise the power.

6113 (2)(a) An individual who commits a disqualifying homicide of the decedent forfeits all  
6114 benefits under this chapter with respect to the decedent's estate, including an intestate

- 6115 share, an elective share, an omitted spouse's or child's share, a homestead allowance,  
6116 exempt property, and a family allowance.
- 6117 (b) If the decedent died intestate, the decedent's intestate estate passes as if the killer  
6118 disclaimed the killer's intestate share.
- 6119 (3) The killing of the decedent by means of a disqualifying homicide:
- 6120 (a) revokes any revocable:
- 6121 (i) disposition or appointment of property made by the decedent to the killer in a  
6122 governing instrument;
- 6123 (ii) provision in a governing instrument conferring a general or nongeneral power of  
6124 appointment on the killer; and
- 6125 (iii) nomination of the killer in a governing instrument, nominating or appointing the  
6126 killer to serve in any fiduciary or representative capacity, including a personal  
6127 representative, executor, trustee, or agent; and
- 6128 (b) severs the interests of the decedent and killer in property held by them at the time of  
6129 the killing as joint tenants with the right of survivorship, transforming the interests of  
6130 the decedent and killer into tenancies in common.
- 6131 (4) A severance under Subsection (3)(b) does not affect any third-party interest in property  
6132 acquired for value and in good faith reliance on an apparent title by survivorship in the  
6133 killer unless a writing declaring the severance has been noted, registered, filed, or  
6134 recorded in records appropriate to the kind and location of the property which are relied  
6135 upon, in the ordinary course of transactions involving such property, as evidence of  
6136 ownership.
- 6137 (5) Provisions of a governing instrument are given effect as if the killer disclaimed all  
6138 provisions revoked by this section or, in the case of a revoked nomination in a fiduciary  
6139 or representative capacity, as if the killer predeceased the decedent.
- 6140 (6) A wrongful acquisition of property or interest by one who kills another under  
6141 circumstances not covered by this section shall be treated in accordance with the  
6142 principle that a killer cannot profit from the killer's wrong.
- 6143 (7)(a) An interested person may petition the court to determine whether an individual  
6144 has committed a disqualifying homicide of the decedent.
- 6145 (b) An individual has committed a disqualifying homicide of the decedent for purposes  
6146 of this section if:
- 6147 (i) unless the court finds that disinheritance would create a manifest injustice, the  
6148 court finds that, by a preponderance of the evidence, the individual has committed

- 6149 a disqualifying homicide of the decedent; or
- 6150 (ii) the court finds that a judgment of conviction has been entered against the
- 6151 individual for a disqualifying homicide of the decedent and all direct appeals for
- 6152 the judgment have been exhausted.
- 6153 (8)(a) Before a court determines whether an individual committed a disqualifying
- 6154 homicide of the decedent under Subsection (7), the decedent's estate may petition the
- 6155 court to:
- 6156 (i) enter a temporary restraining order, an injunction, or a temporary restraining order
- 6157 and an injunction, to preserve the property or assets of the killer or the killer's
- 6158 estate;
- 6159 (ii) require the execution of a trustee's bond under Section 75B-2-702 for the killer's
- 6160 estate;
- 6161 (iii) establish a constructive trust on any property or assets of the killer or the killer's
- 6162 estate that is effective from the time the killer's act caused the death of the
- 6163 decedent; or
- 6164 (iv) take any other action necessary to preserve the property or assets of the killer or
- 6165 the killer's estate:
- 6166 (A) until a court makes a determination under Subsection (7); or
- 6167 (B) for the payment of all damages and judgments for conduct resulting in the
- 6168 disqualifying homicide of the decedent.
- 6169 (b) Upon a petition for a temporary restraining order or an injunction under Subsection
- 6170 (8)(a)(i), a court may enter a temporary restraining order against an owner's property
- 6171 in accordance with Rule 65A of the Utah Rules of Civil Procedure, without notice or
- 6172 opportunity of a hearing, if the court determines that:
- 6173 (i) there is a substantial likelihood that the property is, or will be, necessary to satisfy
- 6174 a judgment or damages owed by the killer for conduct resulting in the
- 6175 disqualifying homicide of the decedent; and
- 6176 (ii) notice of the hearing would likely result in the property being:
- 6177 (A) sold, distributed, destroyed, or removed; and
- 6178 (B) unavailable to satisfy a judgment or damages owed by the killer for conduct
- 6179 resulting in the disqualifying homicide of the decedent.
- 6180 (9)(a)(i) A payor or other third party is not liable for having made a payment or
- 6181 transferred an item of property or any other benefit to a beneficiary designated in a
- 6182 governing instrument affected by a disqualifying homicide, or for having taken

6183 any other action in good faith reliance on the validity of the governing instrument,  
6184 upon request and satisfactory proof of the decedent's death, before the payor or  
6185 other third party received written notice of a claimed forfeiture or revocation  
6186 under this section.

6187 (ii) A payor or other third party is liable for a payment made or other action taken  
6188 after the payor or other third party received written notice of a claimed forfeiture  
6189 or revocation under this section.

6190 (b)(i) Written notice of a claimed forfeiture or revocation under Subsection (9)(a)  
6191 shall be mailed to the payor's or other third party's main office or home by  
6192 registered or certified mail, return receipt requested, or served upon the payor or  
6193 other third party in the same manner as a summons in a civil action.

6194 (ii) Upon receipt of written notice of a claimed forfeiture or revocation under this  
6195 section, a payor or other third party may pay any amount owed or transfer or  
6196 deposit any item of property held by the payor or third party to or with:  
6197 (A) the court having jurisdiction of the probate proceedings relating to the  
6198 decedent's estate; or  
6199 (B) if no proceedings have been commenced, the court having jurisdiction of  
6200 probate proceedings relating to the decedent's estates located in the county of  
6201 the decedent's residence.

6202 (iii) The court shall hold the funds or item of property and, upon the court's  
6203 determination under this section, shall order disbursement in accordance with the  
6204 determination.

6205 (iv) Payments, transfers, or deposits made to or with the court discharge the payor or  
6206 other third party from all claims for the value of amounts paid to or items of  
6207 property transferred to or deposited with the court.

6208 (10)(a) A person who purchases property for value and without notice, or who receives a  
6209 payment or other item of property in partial or full satisfaction of a legally  
6210 enforceable obligation, is:

6211 (i) not obligated under this section to return the payment, item of property, or benefit;  
6212 and

6213 (ii) not liable under this section for the amount of the payment or the value of the  
6214 item of property or benefit.

6215 (b) Notwithstanding Subsection (10)(a), a person who, not for value, receives a payment,  
6216 item of property, or any other benefit to which the person is not entitled under this

- 6217 section is:
- 6218 (i) obligated to return the payment, item of property, or benefit to the person who is
- 6219 entitled to the payment, property, or benefit under this section; and
- 6220 (ii) personally liable for the amount of the payment or the value of the item of
- 6221 property or benefit to the person who is entitled to the payment, property, or
- 6222 benefit under this section.
- 6223 (c) If this section or any part of this section is preempted by federal law with respect to a
- 6224 payment, an item of property, or any other benefit covered by this section, a person
- 6225 who, not for value, receives the payment, item of property, or any other benefit to
- 6226 which the person is not entitled under this section is:
- 6227 (i) obligated to return the payment, item of property, or benefit to the person who
- 6228 would have been entitled to the payment, property, or benefit if this section or part
- 6229 were not preempted; and
- 6230 (ii) personally liable for the amount of the payment or the value of the item of
- 6231 property or benefit, to the person who would have been entitled to the payment,
- 6232 property, or benefit if this section or part were not preempted.

6233 Section 80. Section **75E-1-101** is enacted to read:

6234 **TITLE 75E. Criminal and Juvenile Justice Administration**

6235 **CHAPTER 1. General Provisions**

6236 **Part 1. General Provisions**

6237 **75E-1-101 (Effective 07/01/26). Definitions for title.**

6238 As used in this title:

- 6239 (1) "Commissioner" means the commissioner of criminal justice appointed under Section
- 6240 75E-2-103.
- 6241 (2) "Department" means the Department of Criminal Justice Services created in Section
- 6242 75E-2-102.

6243 Section 81. Section **75E-2-101** is enacted to read:

6244 **CHAPTER 2. Department of Criminal Justice**

6245 **Part 1. General Provisions**

6246 **75E-2-101 (Effective 07/01/26). Definitions for chapter.**

6247 As used in this chapter:

- 6248 (1) "Criminal justice agency" means an agency or institution directly involved in the
- 6249 apprehension, prosecution, and incarceration of an individual involved in criminal

6250 activity, including law enforcement, a correctional facility, a jail, a court, probation, or  
 6251 parole.

6252 (2) "Public safety portal" means the data portal created in Section 75E-2-210.

6253 Section 82. Section **75E-2-102** is enacted to read:

6254 **75E-2-102 (Effective 07/01/26). Creation of department.**

6255 (1) There is created within state government the Department of Criminal Justice Services.

6256 (2) The department has all of the policymaking functions, regulatory and enforcement  
 6257 powers, rights, duties, and responsibilities described in this title.

6258 Section 83. Section **75E-2-103** is enacted to read:

6259 **75E-2-103 (Effective 07/01/26). Commissioner of Criminal Justice --**

6260 **Appointment -- Qualifications -- Salary -- Responsibility -- Powers and duties.**

6261 (1) The chief executive officer of the department is the commissioner of criminal justice.

6262 (2)(a) The commissioner is appointed by the governor with the advice and consent of the  
 6263 Senate.

6264 (b) The commissioner serves at the pleasure of the governor.

6265 (3) The commissioner shall:

6266 (a) be an individual of recognized executive and administrative capacity;

6267 (b) be selected solely with regard to qualifications and fitness to discharge the duties of  
 6268 the commissioner's office; and

6269 (c) maintain the highest standards of integrity and character.

6270 (4) The commissioner shall devote full time to the duties of the office.

6271 (5) The governor shall establish the commissioner's salary within the salary range fixed by  
 6272 the Legislature in Title 67, Chapter 22, State Officer Compensation.

6273 (6) In addition to the responsibilities described in this title, the commissioner shall:

6274 (a) administer and enforce this title;

6275 (b) appoint deputies, clerical workers, and other employees as required to properly  
 6276 discharge the duties of the department;

6277 (c) act as the governor's advisor on national, state, regional, metropolitan, and local  
 6278 government planning as it relates to criminal justice; and

6279 (d) make rules to carry out the department's duties and functions.

6280 Section 84. Section **75E-2-201** is enacted to read:

6281 **Part 2. Department Responsibilities**

6282 **75E-2-201 (Effective 07/01/26). Definitions for part.**

6283 As used in this part:

- 6284 (1) "Commission" means the Commission on Criminal and Juvenile Justice created in  
6285 Section 75E-3-102.
- 6286 (2) "Desistance" means an individual's abstinence from further criminal activity after a  
6287 previous criminal conviction.
- 6288 (3) "Intervention" means a program, sanction, supervision, or event that may impact  
6289 recidivism.
- 6290 (4) "Recidivism" means a return to criminal activity after a previous criminal conviction.
- 6291 (5) "Recidivism standard metric" means the number of individuals who are returned to  
6292 prison for a new conviction within three years after the day on which the individuals  
6293 were released from prison.

6294 Section 85. Section **75E-2-202** is enacted to read:

6295 **75E-2-202 (Effective 07/01/26). Department responsibilities.**

6296 The department shall:

- 6297 (1) promote the communication and coordination of all criminal and juvenile justice  
6298 agencies;
- 6299 (2) study, evaluate, and report on:
- 6300 (a) the status of crime in the state;
- 6301 (b) the effectiveness of criminal justice policies, procedures, and programs that are  
6302 directed toward the reduction of crime in the state;
- 6303 (c) programs initiated by state and local agencies to address reducing recidivism,  
6304 including:
- 6305 (i) changes in penalties and sentencing guidelines intended to reduce recidivism;
- 6306 (ii) cost savings associated with the reduction in the number of inmates; and
- 6307 (iii) evaluation of expenses and resources needed to meet goals regarding the use of  
6308 treatment as an alternative to incarceration, as resources allow; and
- 6309 (d) policies, procedures, and programs of other jurisdictions that have effectively  
6310 reduced crime;
- 6311 (3) identify and promote the implementation of specific policies and programs the  
6312 department determines will significantly reduce crime in the state;
- 6313 (4) provide analysis, accountability, and supervision for state and federal criminal justice  
6314 grant money;
- 6315 (5) make recommendations to the commission regarding state and federal criminal justice  
6316 grant money;
- 6317 (6) provide public information on the criminal and juvenile justice system and give

- 6318 technical assistance to agencies or local units of government on methods to promote  
6319 public awareness;
- 6320 (7) promote research and program evaluation as an integral part of the criminal and juvenile  
6321 justice system;
- 6322 (8) annually provide the commission with a comprehensive criminal justice plan for review;
- 6323 (9) review and make recommendations to the commission on agency forecasts regarding  
6324 future demands on the criminal and juvenile justice system, including specific  
6325 projections for secure bed space;
- 6326 (10) promote the development of criminal and juvenile justice information systems that are  
6327 consistent with common standards for data storage and are capable of appropriately  
6328 sharing information with other criminal justice information systems by:
- 6329 (a) developing and maintaining common data standards for use by all state criminal  
6330 justice agencies;
- 6331 (b) annually performing audits of criminal history record information maintained by  
6332 state criminal justice agencies to assess accuracy, completeness, and adherence to  
6333 standards;
- 6334 (c) defining and developing state and local programs and projects associated with the  
6335 improvement of information management for law enforcement and the administration  
6336 of justice; and
- 6337 (d) establishing general policies concerning criminal and juvenile justice information  
6338 systems and making rules as necessary to carry out the duties under Subsection (8)  
6339 and this Subsection (10);
- 6340 (11) allocate and administer grants:
- 6341 (a) for approved education programs to help prevent the sexual exploitation of children;  
6342 (b) for law enforcement operations and programs related to reducing illegal drug activity  
6343 and related criminal activity; and
- 6344 (c) for pilot qualifying education programs;
- 6345 (12) request, receive, and evaluate:
- 6346 (a) data and recommendations collected and reported by:
- 6347 (i) agencies and contractors related to policies recommended by the commission  
6348 regarding recidivism reduction, including the data described in Section 13-53-111  
6349 and Subsection 26B-5-102(2)(jj); and
- 6350 (ii) state agencies under Section 67-28-102; and
- 6351 (b) the aggregate data collected from prosecutorial agencies and the Administrative

- 6352 Office of the Courts, in accordance with Sections 75E-2-205, 75E-2-206, and  
6353 78A-2-109.5;
- 6354 (13) establish and administer a performance incentive grant program that allocates funds  
6355 appropriated by the Legislature to programs and practices implemented by counties that  
6356 reduce recidivism and reduce the number of offenders per capita who are incarcerated;
- 6357 (14) oversee or designate an entity to oversee the implementation of juvenile justice  
6358 reforms;
- 6359 (15) make rules and administer the juvenile holding room standards and juvenile jail  
6360 standards to align with the Juvenile Justice and Delinquency Prevention Act  
6361 requirements in accordance with 42 U.S.C. Sec. 5633;
- 6362 (16) provide staff to the Victim Services Commission and to any subcommittee of the  
6363 Victim Services Commission;
- 6364 (17) contract with a third party to assist the Victim Services Commission with reviewing  
6365 and providing recommendations on:
- 6366 (a) the best practices and policies for crime victim services;  
6367 (b) the structure and membership of the commission;  
6368 (c) the purpose and duties of the commission, including any overlapping duties that the  
6369 commission has with another state office, board, or commission;  
6370 (d) the funding for crime victim services in this state, including the need for funding, the  
6371 management of state funds for crime victim services, and the implementation of  
6372 accountability and performance measures; and  
6373 (e) any other issue related to the duties of the commission with which the third party  
6374 may provide assistance;
- 6375 (18) report annually to the Law Enforcement and Criminal Justice Interim Committee on  
6376 the progress made on each of the following goals of the Justice Reinvestment Initiative:
- 6377 (a) ensuring oversight and accountability;  
6378 (b) supporting local corrections systems;  
6379 (c) improving and expanding reentry and treatment services; and  
6380 (d) strengthening probation and parole supervision;
- 6381 (19) compile a report of findings based on the data and recommendations provided under  
6382 Section 13-53-111 that separates the data provided under Section 13-53-111 by each  
6383 residential vocational or life skills program;
- 6384 (20) publish the report described in Subsection (19) on the department's website and  
6385 annually provide the report to the Judiciary Interim Committee, the Health and Human

- 6386 Services Interim Committee, the Law Enforcement and Criminal Justice Interim  
 6387 Committee, and the related appropriations subcommittees;  
 6388 (21) publish on the department's website:  
 6389 (a) the reports on genetic genealogy database utilization described in Section 53-25-401;  
 6390 and  
 6391 (b) the data and reports described in Subsection 75E-2-210(5); and  
 6392 (22) assist the governor with responsibilities related to extradition as directed by the  
 6393 governor under Section 77-30-2.5.

6394 Section 86. Section **75E-2-203**, which is renumbered from Section 63M-7-102 is renumbered  
 6395 and amended to read:

6396 **[63M-7-102] 75E-2-203 (Effective 07/01/26). Recidivism metrics -- Reporting.**

- 6397 (1)[(a)] The [eommission] department, the Department of Corrections, and the Board of  
 6398 Pardons and Parole, when reporting data on statewide recidivism, shall include data  
 6399 reflecting the recidivism standard metric.  
 6400 [~~(b)(i) On or before August 1, 2024, the commission shall reevaluate the recidivism~~  
 6401 ~~standard metric to determine whether new data streams allow for a broader~~  
 6402 ~~definition, which may include criminal convictions that do not include prison time.]~~  
 6403 [(ii) On or before November 1, 2024, the commission shall report to the Law  
 6404 Enforcement and Criminal Justice Interim Committee:]  
 6405 [(A) the result of the reevaluation described in Subsection (1)(b)(i); and]  
 6406 [(B) other recommendations regarding standardized recidivism metrics.]
- 6407 (2) A report on statewide criminal recidivism may also include other information reflecting  
 6408 available recidivism, intervention, or desistance data.
- 6409 (3) A criminal justice institution, agency, or entity required to report adult recidivism data  
 6410 to the [eommission] department:
- 6411 (a) shall include:
- 6412 (i) a clear description of the eligible individuals, including:
- 6413 (A) the criminal population being evaluated for recidivism; and
- 6414 (B) the interventions that are being evaluated;
- 6415 (ii) a clear description of the beginning and end of the evaluation period; and
- 6416 (iii) a clear description of the events that are considered as a recidivism-triggering  
 6417 event; and
- 6418 (b) may include supplementary data including:
- 6419 (i) the length of time that elapsed before a recidivism-triggering event described in

6420 Subsection (3)(a)(iii) occurred;

6421 (ii) the severity of a recidivism-triggering event described in Subsection (3)(a)(iii);

6422 (iii) measures of personal well-being, education, employment, housing, health, family

6423 or social support, civic or community engagement, or legal involvement; or

6424 (iv) other desistance metrics that may capture an individual's behavior following the

6425 individual's release from an intervention.

6426 (4) Unless otherwise specified in statute:

6427 (a) the evaluation period described in Subsection (3)(a)(ii) is three years; and

6428 (b) a recidivism-triggering event under Subsection (3)(a)(iii) shall include:

6429 (i) an arrest;

6430 (ii) an admission to prison;

6431 (iii) a criminal charge; or

6432 (iv) a criminal conviction.

6433 Section 87. Section **75E-2-204**, which is renumbered from Section 63M-7-205 is renumbered

6434 and amended to read:

6435 **[63M-7-205] 75E-2-204 (Effective 07/01/26). Annual report by the department.**

6436 (1) The [~~commission~~] department shall annually prepare and publish a report directed to the

6437 governor, the Legislature, the commission, and the Judicial Council.

6438 (2) The report shall describe how[-] :

6439 (a) the commission fulfilled [its] the commission's statutory purposes and duties during

6440 the year[-] ; and

6441 (b) the department fulfilled the department's statutory purposes and duties during the

6442 year.

6443 Section 88. Section **75E-2-205**, which is renumbered from Section 63M-7-216 is renumbered

6444 and amended to read:

6445 **[63M-7-216] 75E-2-205 (Effective 07/01/26). Prosecutorial data collection --**

6446 **Policy transparency.**

6447 (1) As used in this section:

6448 [~~(a) "Commission" means the Commission on Criminal and Juvenile Justice created in~~

6449 ~~Section 63M-7-201.]~~

6450 [~~(b)~~] (a)(i) "Criminal case" means a case [~~where~~] in which an offender is charged with

6451 an offense [~~for which~~] that requires a mandatory court appearance [~~is required~~]

6452 under the Uniform Bail Schedule.

6453 (ii) "Criminal case" does not mean a case for criminal non-support under Section

6454 76-7-201 or any proceeding involving collection or payment of child support,  
 6455 medical support, or child care expenses by or on behalf of the Office of Recovery  
 6456 Services under Section 26B-9-108 or 76-7-202.

6457 [(e)] (b) "Offense tracking number" means a distinct number applied to each criminal  
 6458 offense by the Bureau of Criminal Identification.

6459 [(d)] (c) "Pre-filing diversion" means an agreement between a [prosecutor] prosecuting  
 6460 attorney and an individual prior to being charged with a crime, before an information  
 6461 or indictment is filed, in which the individual is diverted from the traditional criminal  
 6462 justice system into a program of supervision and supportive services in the  
 6463 community.

6464 [(e)] (d) "Post-filing diversion" is as described in Section 77-2-5.

6465 [(f)] (e) "Prosecutorial agency" means[-] :

6466 (i) the Office of the Attorney General[-and-] ; or

6467 (ii) [any] a city, county, or district attorney acting as a public [prosecutor] prosecuting  
 6468 attorney.

6469 [(g)] (f) "Publish" means to make aggregated data available to the general public.

6470 (2) [~~Beginning July 1, 2021, all~~] Each prosecutorial [agencies] agency within the state shall  
 6471 submit to the department the following data with regards to each criminal case referred  
 6472 to [~~it~~] the prosecutorial agency from a law enforcement agency[~~to the commission for~~  
 6473 ~~compilation and analysis~~]:

6474 (a) the defendant's:

6475 (i) full name;

6476 (ii) offense tracking number;

6477 (iii) date of birth; and

6478 (iv) zip code;

6479 (b) referring agency;

6480 (c) whether the prosecutorial agency filed charges, declined charges, initiated a  
 6481 pre-filing diversion, or asked the referring agency for additional information;

6482 (d) if charges were filed, the case number and the court in which the charges were filed;

6483 (e) all charges brought against the defendant;

6484 (f) if applicable, all enhancements to the charges against the defendant;

6485 (g) whether bail was requested and, if so, the requested amount;

6486 (h) the date of initial discovery disclosure;

6487 (i) whether post-filing diversion was offered and, if so, whether [~~it~~] post-filing diversion

- 6488 was entered;
- 6489 (j) if post-filing diversion or other plea agreement was accepted, the date entered by the  
6490 court; and
- 6491 (k) the date of conviction, acquittal, plea agreement, dismissal, or other disposition of  
6492 the case.
- 6493 (3)(a) ~~[The]~~ A prosecutorial agency shall submit the information required by Subsection  
6494 (2), including information that was missing or incomplete at the time of an earlier  
6495 submission but is presently available,~~[shall be submitted]~~ within 90 days of the last  
6496 day of March, June, September, and December of each year for the previous 90-day  
6497 period in the form and manner selected by the ~~[commission]~~ department.
- 6498 (b) If the last day of the month is a Saturday, Sunday, or state holiday, the information  
6499 shall be submitted on the next working day.
- 6500 (4) The prosecutorial agency shall maintain a record of all information collected and  
6501 transmitted to the ~~[commission]~~ department for 10 years.
- 6502 (5)(a) The ~~[commission]~~ department shall include in the plan required by Subsection [  
6503 ~~63M-7-204(1)(k)]~~ 75E-2-202(8) an analysis of the data received, comparing and  
6504 contrasting the practices and trends among and between prosecutorial agencies in the  
6505 state.~~[-]~~
- 6506 (b) The Law Enforcement and Criminal Justice Interim Committee may request an  
6507 in-depth analysis of the data received annually.~~[-]~~
- 6508 (c) ~~[Any]~~ A request described in Subsection (5)(b) shall be in writing and specify which  
6509 data points the report shall focus on.
- 6510 (6) The ~~[commission]~~ department may provide assistance to prosecutorial agencies in  
6511 setting up a method of collecting and reporting data required by this section.
- 6512 (7)(a) ~~[Beginning January 1, 2021, all prosecutorial agencies shall publish specific office  
6513 policies. If the agency does not maintain a policy on a topic in this subsection, the  
6514 agency shall affirmatively disclose that fact. Policies shall be published online on the  
6515 following topics:]~~ Each prosecutorial agency shall publish online specific office  
6516 policies on the following topics:
- 6517 ~~[(a)]~~ (i) screening and filing criminal charges;
- 6518 ~~[(b)]~~ (ii) plea bargains;
- 6519 ~~[(e)]~~ (iii) sentencing recommendations;
- 6520 ~~[(d)]~~ (iv) discovery practices;
- 6521 ~~[(e)]~~ (v) prosecution of juveniles, including whether to prosecute a juvenile as an

6522 adult;

6523 [(f)] (vi) collection of fines and fees;

6524 [(g)] (vii) criminal and civil asset forfeiture practices;

6525 [(h)] (viii) services available to victims of crime, both internal to the prosecutorial

6526 office and by referral to outside agencies;

6527 [(i)] (ix) diversion programs; and

6528 [(j)] (x) restorative justice programs.

6529 (b) A prosecutorial agency shall affirmatively disclose if the agency does not maintain a

6530 policy on a topic described in Subsection (7)(a).

6531 Section 89. Section **75E-2-206**, which is renumbered from Section 63M-7-216.1 is renumbered

6532 and amended to read:

6533 **[63M-7-216.1] 75E-2-206 (Effective 07/01/26). Prosecutorial data collection**

6534 **regarding certain prosecutions, dismissals, and declinations to prosecute.**

6535 (1) [~~Beginning January 1, 2026, all~~] Each prosecutorial [~~agencies~~] agency within the state

6536 shall collect and submit the following data to the [~~commission~~] department:

- 6537 (a) the number of prosecutions during the previous calendar year in which charges were
- 6538 brought against an individual based on the individual's false accusation that a felony
- 6539 or misdemeanor had occurred;
- 6540 (b) the disposition of each prosecution described in Subsection (1)(a); and
- 6541 (c) the number of cases during the previous calendar year for which an alleged violation
- 6542 of any felony or misdemeanor was dismissed or declined:
- 6543 (i) based on evidence that no crime was committed or attempted;
- 6544 (ii) based on insufficient evidence to establish a likelihood of success at trial; or
- 6545 (iii) because the victim was unable to participate.

6546 (2) The information required by Subsection (1) shall be submitted to the [~~commission~~]

6547 department in the form and manner selected by the [~~commission~~] department.

6548 Section 90. Section **75E-2-207**, which is renumbered from Section 63M-7-208 is renumbered

6549 and amended to read:

6550 **[63M-7-208] 75E-2-207 (Effective 07/01/26). Juvenile justice oversight --**

6551 **Delegation -- Effective dates.**

6552 (1) The [~~State Commission on Criminal and Juvenile Justice~~] department shall:

- 6553 (a) support implementation and expansion of evidence-based juvenile justice programs
- 6554 and practices, including assistance regarding implementation fidelity, quality
- 6555 assurance, and ongoing evaluation;

- 6556 (b) examine and make recommendations on the use of third-party entities or an  
6557 intermediary organization to assist with implementation and to support the  
6558 performance-based contracting system authorized in Subsection (1)(m);
- 6559 (c) oversee the development of performance measures to track juvenile justice reforms,  
6560 and ensure early and ongoing stakeholder engagement in identifying the relevant  
6561 performance measures;
- 6562 (d) evaluate currently collected data elements throughout the juvenile justice system and  
6563 contract reporting requirements to streamline reporting, reduce redundancies,  
6564 eliminate inefficiencies, and ensure a focus on recidivism reduction;
- 6565 (e) review averted costs from reductions in out-of-home placements for juvenile justice  
6566 youth placed with the Division of Juvenile Justice and Youth Services and the  
6567 Division of Child and Family Services, and make recommendations to prioritize the  
6568 reinvestment and realignment of resources into community-based programs for youth  
6569 living at home, including the following:
- 6570 (i) statewide expansion of:
- 6571 (A) juvenile receiving centers, as defined in Section 80-1-102;  
6572 (B) mobile crisis outreach teams, as defined in Section 26B-5-101;  
6573 (C) youth courts; and  
6574 (D) victim-offender mediation;
- 6575 (ii) statewide implementation of nonresidential diagnostic assessment;
- 6576 (iii) statewide availability of evidence-based programs and practices including  
6577 cognitive behavioral and family therapy programs for minors assessed by a  
6578 validated risk and needs assessment as moderate or high risk;
- 6579 (iv) implementation and infrastructure to support the sustainability and fidelity of  
6580 evidence-based juvenile justice programs, including resources for staffing,  
6581 transportation, and flexible funds; and
- 6582 (v) early intervention programs such as family strengthening programs, family  
6583 wraparound services, and proven truancy interventions;
- 6584 (f) assist the Administrative Office of the Courts in the development of a statewide  
6585 sliding scale for the assessment of fines, fees, and restitution, based on the ability of  
6586 the minor's family to pay;
- 6587 (g) analyze the alignment of resources and the roles and responsibilities of agencies,  
6588 such as the operation of early intervention services, receiving centers, and diversion,  
6589 and make recommendations to reallocate functions as appropriate, in accordance with

- 6590 Section 80-5-401;
- 6591 (h) comply with the data collection and reporting requirements under Section 80-6-104;
- 6592 (i) develop a reasonable timeline within which all programming delivered to minors in
- 6593 the juvenile justice system must be evidence-based or consist of practices that are
- 6594 rated as effective for reducing recidivism by a standardized program evaluation tool;
- 6595 (j) provide guidelines to be considered by the Administrative Office of the Courts and
- 6596 the Division of Juvenile Justice and Youth Services in developing tools considered
- 6597 by the Administrative Office of the Courts and the Division of Juvenile Justice and
- 6598 Youth Services in developing or selecting tools to be used for the evaluation of
- 6599 juvenile justice programs;
- 6600 (k) develop a timeline to support improvements to juvenile justice programs to achieve
- 6601 reductions in recidivism and review reports from relevant state agencies on progress
- 6602 toward reaching that timeline;
- 6603 (l) subject to Subsection (2), assist in the development of training for juvenile justice
- 6604 stakeholders, including educators, law enforcement officers, probation staff, judges,
- 6605 Division of Juvenile Justice and Youth Services staff, Division of Child and Family
- 6606 Services staff, and program providers;
- 6607 (m) subject to Subsection (3), assist in the development of a performance-based
- 6608 contracting system, which shall be developed by the Administrative Office of the
- 6609 Courts and the Division of Juvenile Justice and Youth Services for contracted
- 6610 services in the community and contracted out-of-home placement providers;
- 6611 (n) assist in the development of a validated detention risk assessment tool that is
- 6612 developed or adopted and validated by the Administrative Office of the Courts and
- 6613 the Division of Juvenile Justice and Youth Services [~~as provided in~~] in accordance
- 6614 with Section 80-5-203; and
- 6615 (o) annually issue and make public a report to the governor, president of the Senate,
- 6616 speaker of the House of Representatives, and chief justice of the Utah Supreme Court
- 6617 on the progress of the reforms and any additional areas in need of review.
- 6618 (2) Training described in Subsection (1)(l) should include instruction on evidence-based
- 6619 programs and principles of juvenile justice, such as risk, needs, responsivity, and
- 6620 fidelity, and shall be supplemented by the following topics:
- 6621 (a) adolescent development;
- 6622 (b) identifying and using local behavioral health resources;
- 6623 (c) cross-cultural awareness;

- 6624 (d) graduated responses;
- 6625 (e) Utah juvenile justice system data and outcomes; and
- 6626 (f) gangs.
- 6627 (3) The system described in Subsection (1)(m) shall provide incentives for:
- 6628 (a) the use of evidence-based juvenile justice programs and practices rated as effective
- 6629 by the tools selected in accordance with Subsection (1)(j);
- 6630 (b) the use of three-month timelines for program completion; and
- 6631 (c) evidence-based programs and practices for minors living at home in rural areas.
- 6632 (4) The ~~[State Commission on Criminal and Juvenile Justice]~~ department may delegate the
- 6633 duties imposed under this section to a subcommittee or board established by the ~~[State~~
- 6634 ~~Commission on Criminal and Juvenile Justice]~~ commission in accordance with
- 6635 Subsection ~~[63M-7-204(2)]~~ 75E-3-202(2).

6636 Section 91. Section **75E-2-208**, which is renumbered from Section 63M-7-220 is renumbered

6637 and amended to read:

6638 **[63M-7-220] 75E-2-208 (Effective 07/01/26). Domestic violence data collection.**

- 6639 (1) As used in this section:
- 6640 [(a) "Commission" means the State Commission on Criminal and Juvenile Justice
- 6641 created in Section 63M-7-201.]
- 6642 [(b)] (a) "Cohabitant abuse protective order" means an order issued with or without
- 6643 notice to the respondent in accordance with Title 78B, Chapter 7, Part 6, Cohabitant
- 6644 Abuse Protective Orders.
- 6645 [(e)] (b) "Lethality assessment" means an evidence-based assessment that is intended to
- 6646 identify a victim of domestic violence who is at a high risk of being killed by the
- 6647 perpetrator.
- 6648 [(d)] (c) "Victim" means the same as that term is defined in Section 77-36-1.
- 6649 (2) ~~[Beginning July 1, 2025, each]~~ Each law enforcement agency and other organizations
- 6650 that provide domestic violence services within the state shall submit the following data
- 6651 to the ~~[commission]~~ department for compilation and analysis in collaboration with the
- 6652 data collected by the Department of Public Safety in accordance with Section 77-36-2.1
- 6653 and the Administrative Office of the Courts:
- 6654 (a) lethality assessments conducted in the state, including:
- 6655 (i) the type of lethality assessments used by law enforcement agencies and other
- 6656 organizations that provide domestic violence services; and
- 6657 (ii) training and protocols implemented by law enforcement agencies and the

- 6658 organizations described in Subsection (2)(a)(i) regarding the use of lethality  
 6659 assessments;
- 6660 (b) the data collection efforts implemented by law enforcement agencies and the  
 6661 organizations described in Subsection (2)(a)(i);
- 6662 (c) the number of cohabitant abuse protective orders that, in the immediately preceding  
 6663 calendar year, were:
- 6664 (i) issued;
- 6665 (ii) amended or dismissed before the date of expiration; and
- 6666 (iii) dismissed under Section 78B-7-605; and
- 6667 (d) the prevalence of domestic violence in the state and the prevalence of the following  
 6668 in domestic violence cases:
- 6669 (i) stalking;
- 6670 (ii) strangulation;
- 6671 (iii) violence in the presence of children; and
- 6672 (iv) threats of suicide or homicide.
- 6673 (3) The [~~commission~~] department, in collaboration with the commission, domestic violence  
 6674 organizations, and other related stakeholders, shall conduct a review of and provide  
 6675 feedback on:
- 6676 (a) lethality assessment training and protocols implemented by law enforcement  
 6677 agencies and the organizations described in Subsection (2)(a)(i); and
- 6678 (b) the collection of domestic violence data in the state, including:
- 6679 (i) coordination between state, local, and not-for-profit agencies to collect data from  
 6680 lethality assessments and on the prevalence of domestic violence, including the  
 6681 number of voluntary commitments of firearms under Section 53-5a-502;
- 6682 (ii) efforts to standardize the format for collecting domestic violence and lethality  
 6683 assessment data from state, local, and not-for-profit agencies subject to federal  
 6684 confidentiality requirements; and
- 6685 (iii) the need for any additional data collection requirements or efforts.
- 6686 (4) On or before November 30 of each year, the [~~commission~~] department shall provide a  
 6687 written report to the Law Enforcement and Criminal Justice Interim Committee  
 6688 describing:
- 6689 (a) the information gathered under Subsections (2) and (3); or
- 6690 (b) the progress and assessment of available data under Subsections (2) and (3).

6691 Section 92. Section **75E-2-209**, which is renumbered from Section 78A-10a-201 is renumbered

6692 and amended to read:

6693 **[78A-10a-201] 75E-2-209 (Effective 07/01/26). Judicial selection -- Rulemaking.**

6694 The ~~[State Commission on Criminal and Juvenile Justice]~~ department shall:

- 6695 (1) enact rules establishing procedures for the meetings of a ~~[commission]~~ judicial  
 6696 nominating commission created under Section 78A-10a-302, 78A-10a-402, or  
 6697 78A-10a-502 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
 6698 Act; and
- 6699 (2) ensure that the rules described in Subsection (1):
- 6700 (a) comply with the requirements of ~~[this chapter]~~ Title 78A, Chapter 10a, Judicial  
 6701 Selection;
- 6702 (b) include standards that:
- 6703 (i) maintain the confidentiality of applications for a judicial vacancy and related  
 6704 documents;
- 6705 (ii) address destroying the records of the names of applicants, applications, and  
 6706 related documents upon the completion of the judicial nomination process; and
- 6707 (iii) govern a ~~[commissioner's]~~ judicial nominating commission member's  
 6708 disqualification and inability to serve;
- 6709 (c) allow for public comment concerning the judicial nomination process, qualifications  
 6710 for judicial office, and individual applicants;
- 6711 (d) include evaluation criteria for the selection of judicial nominees; and
- 6712 (e) address procedures for:
- 6713 (i) taking summary minutes at a judicial nominating commission meeting;
- 6714 (ii) simultaneously forwarding the names of nominees to the governor, the president  
 6715 of the Senate, and the Office of Legislative Research and General Counsel as  
 6716 described in Subsection 78A-10a-203(5); and
- 6717 (iii) requiring the Administrative Office of the Courts to immediately inform the  
 6718 governor when a judge is removed, resigns, or retires.

6719 Section 93. Section **75E-2-210**, which is renumbered from Section 63A-16-1002 is renumbered  
 6720 and amended to read:

6721 **[63A-16-1002] 75E-2-210 (Effective 07/01/26). Public safety portal -- Software**  
 6722 **service required to be compatible with public safety portal.**

6723 (1) As used in this section, "division" means the Division of Technology Services created in  
 6724 Section 63A-16-103.

6725 ~~[(1)]~~ (2) The ~~[commission]~~ department shall oversee the creation and management of a

6726 public safety portal for information and data required to be reported to the [eommission]  
6727 department and accessible to all criminal justice agencies in the state.

6728 [(2)] (3) The division shall assist with the development and management of the public safety  
6729 portal.

6730 [(3)] (4) The division, in collaboration with the [eommission] department, shall create:

6731 (a) master standards and formats for information submitted to the public safety portal;

6732 (b) a gateway, bridge, website, or other method for reporting entities to provide the  
6733 information;

6734 (c) a master data management index or system to assist in the retrieval of information  
6735 from the public safety portal;

6736 (d) a protocol for accessing information in the public safety portal that complies with  
6737 state privacy regulations; and

6738 (e) a protocol for real-time audit capability of all data accessed from the public safety  
6739 portal by participating data source, data use entities, and regulators.

6740 [(4)] (5) The public safety portal shall be the repository for[~~the statutorily required data~~  
6741 ~~described in~~]:

6742 (a) recidivism data described in Section 13-53-111[~~, Recidivism reporting requirements~~];

6743 (b) county jail data described in Section 17-72-408[~~, County jail reporting requirements~~];

6744 (c) criminal justice coordinating council data described in Section 17E-2-201[~~, Criminal  
6745 Justice Coordinating Councils reporting~~];

6746 (d) data from the Alcohol Abuse Tracking Committee as described in Section 26B-1-427[  
6747 ~~, Alcohol Abuse Tracking Committee~~];

6748 (e) DUI related data described in Section 41-6a-511[~~, Courts to collect and maintain data~~];

6749 (f) driving under the influence crash and arrest data, as described in Section 53-10-118[  
6750 ~~Regarding driving under the influence data~~];

6751 [(g) ~~Section 53-25-301, Reporting requirements for reverse-location warrants~~];

6752 [(h)] (g) sexual assault offense data described in Section 53-25-202[~~, Sexual assault  
6753 offense reporting requirements for law enforcement agencies~~];

6754 [(i) ~~Section 53E-3-516, School disciplinary and law enforcement action report~~];

6755 (h) reverse-location warrant data described in Section 53-25-301;

6756 [(j)] (i) seized firearm data described in Section 53-25-501[~~, Reporting requirements for  
6757 seized firearms~~];

6758 [(k)] (j) firearm data described in Section 53-25-502[~~, Law enforcement agency reporting  
6759 requirements for certain firearm data~~];

- 6760 [~~(l)~~ Section 63M-7-214, Law enforcement agency grant reporting;]
- 6761 [~~(m)~~ Section 63M-7-216, Prosecutorial data collection;]
- 6762 [~~(n)~~ Section 63M-7-216.1, Prosecutorial data collection regarding certain prosecutions,
- 6763 dismissals, and declinations to prosecute;]
- 6764 [~~(o)~~ Section 63M-7-220, Domestic violence data collection;]
- 6765 [~~(p)~~ Section 64-14-204, Supervision of sentenced offenders placed in community;]
- 6766 (k) the school disciplinary and law enforcement action report described in Section
- 6767 53E-3-516;
- 6768 [(q)] (l) data described in Section 64-13-25, [Standards for programs] relating to
- 6769 programs developed by the Department of Corrections;
- 6770 [(r)] (m) inmate data described in Section 64-13-45[, Department reporting requirements];
- 6771 [(s)] (n) the county reports described in Section 64-13e-104[, County correctional facility
- 6772 reimbursement program for state probationary inmates and state parole inmates];
- 6773 (o) sentenced offender data described in Section 64-14-204;
- 6774 (p) prosecutorial agency data for each criminal case as described in Section 75E-2-205;
- 6775 (q) prosecutorial agency data for the previous calendar year as described in Section
- 6776 75E-2-206;
- 6777 (r) domestic violence data described in Section 75E-2-208;
- 6778 (s) law enforcement agency grant reports described in Section 75E-2-302;
- 6779 (t) tactical group data described in Section 77-7-8.5[, Use of tactical groups];
- 6780 (u) forfeiture data described in Section 77-11b-404[, Forfeiture reporting requirements];
- 6781 (v) release data described in Section 77-20-103[, Release data requirements];
- 6782 (w) court order data described in Section 77-22-2.5[, Court orders for criminal
- 6783 investigations];
- 6784 (x) court data described in Section 78A-2-109.5[, Court data collection on criminal cases];
- 6785 (y) data on offenses committed by minors submitted under Section 80-6-104[, Data
- 6786 collection on offenses committed by minors]; and
- 6787 (z) any other statutes that require the collection of specific data and the reporting of that
- 6788 data to the [eommission] department.
- 6789 [(5) Before October 1, 2025, the commission shall report all data collected to the Law
- 6790 Enforcement and Criminal Justice Interim Committee.]
- 6791 (6) The [eommission] department may:
- 6792 (a) enter into contracts with private or governmental entities to assist entities in
- 6793 complying with the data reporting requirements of Subsection [(4)] (5); and

6794 (b) make, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
 6795 Act, rules to administer this section, including establishing requirements and  
 6796 procedures for collecting the data described in Subsection [(4)] (5).

6797 (7) A vendor that operates a software service described in Subsection (8) shall:

6798 (a) establish an automated connection to the department's public safety portal; and

6799 (b) ensure that the connection described in Subsection (7)(a) is operational within one  
 6800 year of the criminal justice agency's system that uses the software service becoming  
 6801 active.

6802 (8) A software service is subject to Subsection (7) if the software service:

6803 (a) is for use by a criminal justice agency within the state's criminal justice system; and

6804 (b) collects and stores data required by statute to be reported to the department.

6805 Section 94. Section **75E-2-211**, which is renumbered from Section 63M-7-528 is renumbered  
 6806 and amended to read:

6807 **[63M-7-528] 75E-2-211 (Effective 07/01/26). Rape crisis and services center**  
 6808 **standards, eligibility, and monitoring -- Administrative rulemaking authority.**

6809 (1) With regard to eligibility for a grant, other funds, or services provided under [~~this part~~]  
 6810 Chapter 5, Office for Victims of Crime, for a rape crisis and services center, the [~~commission]~~ department, in consultation with the [~~office]~~ Office for Victims of Crime,  
 6811 shall create rules to:  
 6812

6813 (a) create standards of care for a rape crisis and services center to provide safe, effective,  
 6814 and appropriate services for a victim of sexual assault:

6815 (i) that are based on best practices; and

6816 (ii) with input from the [~~Utah~~]Victim Services Commission's subcommittee on rape  
 6817 and sexual assault established under Subsection [~~63M-7-903(5)(b)]~~  
 6818 75E-6-103(5)(b);

6819 (b) create and enforce eligibility standards for a rape crisis and services center that:

6820 (i) incorporate the standards of care described in Subsection (1)(a); and

6821 (ii) may be used to determine whether a rape crisis and services center is eligible for  
 6822 a grant, other funds, or services under [~~this part~~] Chapter 5, Office for Victims of  
 6823 Crime; and

6824 (c) create standards and procedures for the [~~commission]~~ department to monitor and  
 6825 audit a rape crisis and services center for compliance with the eligibility standards  
 6826 described in Subsection (1)(b).

6827 (2) Rules made by the [~~commission]~~ department under this section shall be made in

6828 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

6829 (3) The state auditor shall audit the [~~commission's~~] department's compliance with the [~~commission's~~]  
6830 department's monitoring and auditing requirements described in  
6831 Subsection (1)(c) and the provision of grant funds under this section.

6832 Section 95. Section **75E-2-301** is enacted to read:

6833 **Part 3. Grants and Funds**

6834 **75E-2-301 (Effective 07/01/26). Definitions for part.**

6835 Reserved.

6836 Section 96. Section **75E-2-302**, which is renumbered from Section 63M-7-214 is renumbered  
6837 and amended to read:

6838 **[63M-7-214] 75E-2-302 (Effective 07/01/26). Law enforcement agency grants.**

6839 [~~(1) As used in this section:~~]

6840 [~~(a) "Commission" means the Commission on Criminal and Juvenile Justice created in~~  
6841 ~~Section 63M-7-201.]~~

6842 [~~(b) "Law enforcement agency" means a state or local law enforcement agency.]~~

6843 [~~(c) "Other appropriate agency" means a state or local government agency, or a~~  
6844 ~~nonprofit organization, that works to prevent illegal drug activity and enforce laws~~  
6845 ~~regarding illegal drug activity and related criminal activity by:~~]

6846 [~~(i) programs, including education, prevention, treatment, and research programs; and]~~

6847 [~~(ii) enforcement of laws regarding illegal drugs.]~~

6848 (1) As used in this section, "agency" means:

6849 (a) a state or local law enforcement agency; or

6850 (b) a state or local government agency, or a nonprofit organization, that works to prevent  
6851 illegal drug activity and enforce laws regarding illegal drug activity and related  
6852 criminal activity through:

6853 (i) programs, including education, prevention, treatment, and research programs; and

6854 (ii) enforcement of laws regarding illegal drugs.

6855 (2) The [~~commission~~] department shall implement law enforcement operations and  
6856 programs related to reducing illegal drug activity as [~~listed~~] described in Subsection (3).

6857 (3)(a) The first priority of the [~~commission~~] department is to annually allocate not more  
6858 than \$2,500,000, depending upon funding available from other sources, to directly  
6859 fund the operational costs of [~~state and local law enforcement~~] agencies' drug or  
6860 crime task forces, including multijurisdictional task forces.

6861 (b) The second priority of the [~~commission~~] department is to allocate grants for specified [

6862 ~~law enforcement~~]agency functions and other agency functions as the [~~commission~~]  
 6863 department finds appropriate to more effectively reduce illegal drug activity and  
 6864 related criminal activity, including providing education, prevention, treatment, and  
 6865 research programs.

6866 (4)(a) In allocating grants and determining the amount of the grants to carry out the  
 6867 purposes of Subsection (3), the [~~commission~~] department shall consider:

6868 (i) the demonstrated ability of the agency to appropriately use the grant to implement  
 6869 the proposed functions and how this function or task force will add to the [~~law~~  
 6870 ~~enforcement~~]agency's [~~current~~]efforts to reduce illegal drug activity and related  
 6871 criminal activity; and

6872 (ii) the agency's cooperation with other [~~state and local~~]agencies and task forces.

6873 (b) [~~Agencies qualify~~] An agency qualifies for a grant only if [~~they demonstrate~~] the  
 6874 agency demonstrates compliance with all reporting and policy requirements  
 6875 applicable under this [~~section and under Title 63M, Chapter 7, Criminal Justice and~~  
 6876 ~~Substance Abuse, in order to qualify as a potential grant recipient~~] title.

6877 (5) [~~Recipient agencies~~] A recipient agency may only use grant money after approval or  
 6878 appropriation by the agency's governing body, and a determination that the grant money  
 6879 is nonlapsing.

6880 (6) A recipient[~~law enforcement~~] agency may use funds granted under this section only for  
 6881 the purposes stated by the [~~commission~~] department in the grant.

6882 (7)(a) For each fiscal year, [~~any law enforcement~~] an agency that receives a grant from  
 6883 the [~~commission~~] department under this section shall prepare and file with the [~~commission~~]  
 6884 department and the state auditor a report in a form specified by the [~~commission~~]  
 6885 department.

6886 (b) The report described in Subsection (7)(a) shall include the following regarding each  
 6887 grant:

6888 (i) the agency's name;

6889 (ii) the amount of the grant;

6890 (iii) the date of the grant;

6891 (iv) how the grant has been used; and

6892 (v) a statement signed by both the agency's or political subdivision's executive officer  
 6893 or designee and by the agency's legal counsel, that all grant funds were used for  
 6894 law enforcement operations and programs[-] :

6895 (A) approved by the [~~commission~~] department; and[-]

6896 (B) that relate to reducing illegal drug activity and related criminal activity, as  
 6897 specified in the grant.

6898 Section 97. Section **75E-2-303**, which is renumbered from Section 63M-7-218 is renumbered  
 6899 and amended to read:

6900 **[63M-7-218] 75E-2-303 (Effective 07/01/26). State grant requirements.**

6901 (1) Except as provided in Subsection (2), the [~~commission~~] department may not award a  
 6902 grant of state funds to an entity subject to, and not in compliance with, the reporting  
 6903 requirements described in [-]Subsection [~~63A-16-1002(4)~~] 75E-2-210(5).

6904 (2)(a) The [~~commission~~] department may award a grant to an entity under Section [  
 6905 ~~63A-16-1003~~] 75E-2-306 even if the entity is not in compliance with the reporting  
 6906 requirements described in Subsection [~~63A-16-1002(4)~~] 75E-2-210(5).

6907 (b) Subsection (1) does not apply to the law enforcement reporting requirements for  
 6908 certain firearm data described in Section 53-25-502.

6909 (3) [~~Beginning July 1, 2025, the commission~~] The department may not award [~~any~~] a grant  
 6910 of state funds to an entity subject to the requirements [~~under~~] described in Sections  
 6911 53-21-102 and 53-21-104.3, if the [~~commission~~] department has determined[ ~~under~~  
 6912 Subsection 63M-7-204(1)(aa)] , after receiving a recommendation described in  
 6913 Subsection 75E-3-202(1)(i)(ii) from the Commission on Criminal and Juvenile Justice,  
 6914 that the entity is [~~currently~~]not eligible to receive state grant funds under this section.

6915 Section 98. Section **75E-2-304**, which is renumbered from Section 63M-7-215 is renumbered  
 6916 and amended to read:

6917 **[63M-7-215] 75E-2-304 (Effective 07/01/26). Pretrial Release Programs Special**  
 6918 **Revenue Fund -- Funding -- Uses.**

6919 (1) As used in this section[;] , "fund" means the Pretrial Release Programs Special Revenue  
 6920 Fund created in this section.

6921 [(a) "Commission" means the Commission on Criminal and Juvenile Justice created in  
 6922 Section 63M-7-201.]

6923 [(b) "Fund" means the Pretrial Release Programs Special Revenue Fund created in this  
 6924 section.]

6925 (2) There is created an expendable special revenue fund known as the "Pretrial Release  
 6926 Programs Special Revenue Fund."

6927 (3) The Division of Finance shall administer the fund in accordance with this section.

6928 (4) The fund shall consist of:

6929 (a) money collected and remitted to the fund under Section 77-20-403;

- 6930 (b) appropriations from the Legislature;
- 6931 (c) interest earned on money in the fund; and
- 6932 (d) contributions from other public or private sources.
- 6933 (5) The [~~commission~~] department shall award grants from the fund to county agencies and
- 6934 other agencies the [~~commission~~] department determines appropriate to assist counties
- 6935 with establishing and expanding pretrial services programs that serve the purpose of:
- 6936 (a) assisting a court in making an informed decision regarding an individual's pretrial
- 6937 release; and
- 6938 (b) providing supervision of an individual released from law enforcement custody on
- 6939 conditions pending a final determination of a criminal charge filed against the
- 6940 individual.
- 6941 (6) The [~~commission~~] department may retain up to 3% of the money deposited into the fund
- 6942 to pay for administrative costs incurred by the [~~commission~~] department, including salary
- 6943 and benefits, equipment, supplies, or travel costs that are directly related to the
- 6944 administration of this section.
- 6945 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [~~commission~~]
- 6946 department shall establish a grant application and review process for the
- 6947 expenditure of money from the fund.
- 6948 (8) The grant application and review process shall describe:
- 6949 (a) the requirements to complete the grant application;
- 6950 (b) requirements for receiving funding;
- 6951 (c) criteria for the approval of a grant application; and
- 6952 (d) support offered by the [~~commission~~] department to complete a grant application.
- 6953 (9) Upon receipt of a grant application, the [~~commission~~] department shall:
- 6954 (a) review the grant application for completeness;
- 6955 (b) make a determination regarding the grant application;
- 6956 (c) inform the grant applicant of the [~~commission's~~] department's determination regarding
- 6957 the grant application; and
- 6958 (d) if approved, award grants from the fund to the grant applicant.
- 6959 (10) Before November 30 of each year, the [~~commission~~] department shall provide an
- 6960 electronic report to the Law Enforcement and Criminal Justice Interim Committee
- 6961 regarding the status of the fund and expenditures made from the fund.

6962 Section 99. Section **75E-2-305**, which is renumbered from Section 63M-7-219 is renumbered

6963 and amended to read:

6964 **[63M-7-219] 75E-2-305 (Effective 07/01/26). Victim Services Restricted Account**  
 6965 **-- Funding -- Uses.**

6966 (1) There is created in the General Fund a restricted account known as the "Victim Services  
 6967 Restricted Account."

6968 (2) The Victim Services Restricted Account is funded by:

6969 (a) money appropriated to the account by the Legislature;

6970 (b) money deposited from a judgment in favor of the state [~~pursuant to~~] in accordance  
 6971 with the requirements of Section 78B-8-201;

6972 (c) gifts, donations, or grants from private entities or individuals; and

6973 (d) interest earned on money in the account.

6974 (3) Subject to appropriation, the Legislature shall use the funds in the Victim Services  
 6975 Restricted Account to fund services for victims, including using funds for:

6976 (a) services provided by Children's Justice Centers;

6977 (b) services for sexual assault and domestic violence victims;

6978 (c) services recommended by the [~~Utah~~]Victim Services Commission under Section [  
 6979 ~~63M-7-804~~] 75E-6-202; or

6980 (d) any administrative costs associated with implementing victim services.

6981 Section 100. Section **75E-2-306**, which is renumbered from Section 63A-16-1003 is renumbered  
 6982 and amended to read:

6983 **[63A-16-1003] 75E-2-306 (Effective 07/01/26). Public safety portal grant**  
 6984 **program.**

6985 (1) As used in this section:

6986 (a) "Grant" means a grant awarded under this section.

6987 (b) "Program" means the public safety portal grant program created in Subsection (2)(a).

6988 [(1)] (2)(a) There is created within the [~~commission~~] department the public safety portal  
 6989 grant program.

6990 (b) The purpose of the program is to award grants to assist entities in complying with the  
 6991 data reporting requirements described in Subsection [~~63A-16-1002(4)~~] 75E-2-210(5).

6992 (c) The program is funded with existing appropriations previously designated for the  
 6993 purpose of facilitating data collection and any ongoing appropriations made by the  
 6994 Legislature for the program.

6995 [(2)] (3) An entity that submits a proposal for a grant to the [~~commission~~] department shall  
 6996 include details in the proposal regarding:

6997 (a) how the entity plans to use the grant to fulfill the purpose described in Subsection [

- 6998 (1)(b)] (2)(b);
- 6999 (b) any plan to use funding sources in addition to the grant for proposal;
- 7000 (c) any existing or planned partnerships with another individual or entity to implement
- 7001 the proposal; and
- 7002 (d) other information the [~~eommission~~] department determines is necessary to evaluate
- 7003 the proposal.
- 7004 [(3)] (4) When evaluating a proposal for a grant, the [~~eommission~~] department shall consider:
- 7005 (a) the likelihood that the proposal will accomplish the purpose described in Subsection [
- 7006 (1)(b)] (2)(b);
- 7007 (b) the cost of the proposal; and
- 7008 (c) the viability and sustainability of the proposal.
- 7009 [(4)] (5) Subject to Subsection [(2)] (3), the [~~eommission~~] department may make rules, in
- 7010 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
- 7011 establish:
- 7012 (a) eligibility criteria for a grant;
- 7013 (b) the form and process for submitting a proposal to the [~~eommission~~] department for a
- 7014 grant;
- 7015 (c) the method and formula for determining a grant amount; and
- 7016 (d) reporting requirements for a grant recipient.

7017 Section 101. Section **75E-3-101**, which is renumbered from Section 63M-7-101.5 is renumbered

7018 and amended to read:

### 7019 **CHAPTER 3. Commission on Criminal and Juvenile Justice**

#### 7020 **Part 1. General Provisions**

##### 7021 **[~~63M-7-101.5~~] 75E-3-101 (Effective 07/01/26). Definitions for chapter.**

7022 As used in this chapter:

- 7023 (1) "Commission" means [~~except as provided in Sections 63M-7-901 and 63M-7-1101,~~]
- 7024 the [~~State~~] Commission on Criminal and Juvenile Justice created in Section [~~63M-7-201~~]
- 7025 75E-3-102.
- 7026 (2)(a) "Rape crisis and services center" means a nonprofit entity that assists victims of
- 7027 sexual assault and victims' families by offering sexual assault crisis intervention and
- 7028 counseling through a sexual assault counselor.
- 7029 (b) "Rape crisis and services center" does not include a qualified institutional victim
- 7030 services provider as defined in Section 53H-14-401.

7031 (3)(a) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part  
 7032 4, Sexual Offenses.

7033 (b) "Sexual assault" does not include criminal conduct described in:

7034 (i) Section 76-5-417, Enticing a minor;

7035 (ii) Section 76-5-418, Sexual battery;

7036 (iii) Section 76-5-419, Lewdness; or

7037 (iv) Section 76-5-420, Lewdness involving a child.

7038 (4) "Sexual assault counselor" means an individual who:

7039 (a) is employed by or volunteers at a rape crisis and services center;

7040 (b) has a minimum of 40 hours of training in counseling and assisting victims of sexual  
 7041 assault; and

7042 (c) is under the supervision of the director of a rape crisis and services center or the  
 7043 director's designee.

7044 [~~(2) "Desistance" means an individual's abstinence from further criminal activity after a~~  
 7045 ~~previous criminal conviction.]~~

7046 [~~(3) "Intervention" means a program, sanction, supervision, or event that may impact~~  
 7047 ~~recidivism.]~~

7048 [~~(4) "Recidivism" means a return to criminal activity after a previous criminal conviction.]~~

7049 [~~(5) "Recidivism standard metric" means the number of individuals who are returned to~~  
 7050 ~~prison for a new conviction within the three years after the day on which the individuals~~  
 7051 ~~were released from prison.]~~

7052 Section 102. Section **75E-3-102**, which is renumbered from Section 63M-7-201 is renumbered  
 7053 and amended to read:

7054 **[~~63M-7-201~~] **75E-3-102 (Effective 07/01/26). Creation -- Purpose.****

7055 (1) The [State-]Commission on Criminal and Juvenile Justice is created within the [  
 7056 ~~governor's office~~] department.

7057 (2) The commission's purpose is to:

7058 (a) promote broad philosophical agreement concerning the objectives of the criminal and  
 7059 juvenile justice system in Utah;

7060 (b) provide a mechanism for coordinating the functions of the various branches and  
 7061 levels of government concerned with criminal and juvenile justice to achieve those  
 7062 objectives;

7063 (c) coordinate statewide efforts to reduce crime and victimization in Utah; and

7064 (d) accomplish the duties [~~enumerated~~] described in Section [~~63M-7-204~~] 75E-3-202.

7065 Section 103. Section **75E-3-103**, which is renumbered from Section 63M-7-202 is renumbered  
7066 and amended to read:

7067 **~~[63M-7-202]~~ 75E-3-103 (Effective 07/01/26). Composition -- Appointments -- Ex**  
7068 **officio members -- Terms.**

7069 (1) The [~~State Commission on Criminal and Juvenile Justice~~] commission is composed of  
7070 17 voting members as follows:

- 7071 (a) the state court administrator or the state court administrator's designee;
- 7072 (b) the executive director of the Department of Corrections or the executive director's  
7073 designee;
- 7074 (c) the executive director of the Department of Health and Human Services or the  
7075 executive director's designee;
- 7076 (d) the commissioner of the Department of Public Safety or the commissioner's designee;
- 7077 (e) the attorney general or an attorney designated by the attorney general;
- 7078 (f) the president of the chiefs of police association or a chief of police designated by the  
7079 association's president;
- 7080 (g) the president of the sheriffs' association or a sheriff designated by the association's  
7081 president;
- 7082 (h) the chair of the Board of Pardons and Parole or a member of the Board of Pardons  
7083 and Parole designated by the chair;
- 7084 (i) the chair of the [~~Utah Sentencing Commission~~] sentencing commission or a member  
7085 of the [~~Utah Sentencing Commission~~] sentencing commission designated by the chair;
- 7086 (j) the chair of the Juvenile Justice Oversight Committee or a member of the Juvenile  
7087 Justice Oversight Committee designated by the chair;
- 7088 (k) the chair of the [~~Utah~~]Victim Services Commission or a member of the [~~Utah~~]  
7089 Victim Services Commission designated by the chair;
- 7090 (l) an indigent defense attorney, appointed by the [~~Utah~~]Indigent Defense Commission;
- 7091 (m) a criminal [~~prosecutor~~] prosecuting attorney, appointed by the Statewide Association  
7092 of [~~Public Attorneys and Prosecutors~~] Prosecutors and Public Attorneys;
- 7093 (n) a criminal defense attorney, appointed by the Utah Association of Criminal Defense  
7094 Lawyers;
- 7095 (o) the executive director of the commission;
- 7096 (p) an education professional, appointed by the State Board of Education; and
- 7097 (q) the director of the Division of Juvenile Justice and Youth Services or the director's  
7098 designee.

7099 (2) In addition to the members designated in Subsection (1), the following may serve as [  
7100 ~~non-voting~~] nonvoting members:

7101 (a) a district court judge appointed by the Judicial Council; and

7102 (b) a juvenile court judge appointed by the Judicial Council.

7103 (3) In appointing the members under Subsections (1) and (2), the appointing authority shall  
7104 take into account the geographical makeup of the commission.

7105 Section 104. Section **75E-3-104**, which is renumbered from Section 63M-7-203 is renumbered  
7106 and amended to read:

7107 **[63M-7-203] 75E-3-104 (Effective 07/01/26). Executive director -- Qualifications**  
7108 **-- Compensation -- Appointment -- Functions.**

7109 (1) The [~~governor~~] commissioner, with the advice and consent of the Senate, shall appoint [~~a~~  
7110 ~~person~~] an individual experienced in the field of criminal justice and in administration as  
7111 the executive director of the [~~Commission on Criminal and Juvenile Justice~~] commission.~~[-]~~

7112 (2) The [~~governor~~] commissioner shall establish the executive director's salary within the  
7113 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

7114 ~~[(2)(a) The executive director, under the direction of the commission, shall administer~~  
7115 ~~the duties of the commission and act as the governor's advisor on national, state,~~  
7116 ~~regional, metropolitan, and local government planning as it relates to criminal justice.]~~

7117 (3)(a) The executive director shall:

7118 (i) administer the duties of the commission;

7119 (ii) communicate on behalf of the commission to policymakers and the public;

7120 (iii) represent the department on the commission; and

7121 (iv) represent the department on other boards and commissions in accordance with  
7122 Sections 75E-4-102 and 75E-6-102 or as assigned by the commissioner.

7123 (b) This chapter does not derogate the planning authority conferred on state, regional,  
7124 metropolitan, and local governments by existing law.

7125 Section 105. Section **75E-3-105**, which is renumbered from Section 63M-7-206 is renumbered  
7126 and amended to read:

7127 **[63M-7-206] 75E-3-105 (Effective 07/01/26). Election of chair -- Meetings.**

7128 (1) The membership of the [~~Commission on Criminal and Juvenile Justice~~] commission,  
7129 by simple majority vote of [~~those~~] commission members in attendance, shall annually  
7130 elect [~~one of their number~~] a commission member to serve as chair.~~[-]~~

7131 (2) The chair is responsible for the call and conduct of meetings.~~[-]~~

7132 (3) [~~Meetings shall be called and held~~] The chair shall call and hold meetings at least

7133 bimonthly.[-]

7134 (4) One of the bimonthly meetings shall be held while the Legislature is convened in [its]  
7135 the Legislature's annual general session.[-]

7136 (5) Additional meetings may be called upon request by a majority of the commission's  
7137 members.

7138 Section 106. Section **75E-3-106**, which is renumbered from Section 63M-7-207 is renumbered  
7139 and amended to read:

7140 **[63M-7-207] 75E-3-106 (Effective 07/01/26). Members serve without pay --**  
7141 **Reimbursement for expenses.**

7142 (1) A member who is not a legislator may not receive compensation or benefits for the  
7143 member's service, but may receive per diem and travel expenses as allowed in:

7144 (a) Section 63A-3-106;

7145 (b) Section 63A-3-107; and

7146 (c) rules made by the Division of Finance according to Sections 63A-3-106 and  
7147 63A-3-107.

7148 (2) Compensation and expenses of a member who is a legislator are governed by Section  
7149 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

7150 Section 107. Section **75E-3-201** is enacted to read:

7151 **Part 2. Commission Responsibilities**

7152 **75E-3-201 (Effective 07/01/26). Definitions for part.**

7153 Reserved.

7154 Section 108. Section **75E-3-202**, which is renumbered from Section 63M-7-204 is renumbered  
7155 and amended to read:

7156 **[63M-7-204] 75E-3-202 (Effective 07/01/26). Duties of commission.**

7157 (1) The commission shall:

7158 (a) promote the commission's purposes as ~~enumerated~~ described in Section ~~[63M-7-204]~~  
7159 75E-3-102;

7160 (b) promote the communication and coordination of all criminal and juvenile justice  
7161 agencies;

7162 ~~[(c) study, evaluate, and report on the status of crime in the state and on the effectiveness~~  
7163 ~~of criminal justice policies, procedures, and programs that are directed toward the~~  
7164 ~~reduction of crime in the state;]~~

7165 ~~[(d) study, evaluate, and report on programs initiated by state and local agencies to~~  
7166 ~~address reducing recidivism, including changes in penalties and sentencing~~

7167 guidelines intended to reduce recidivism, costs savings associated with the reduction  
7168 in the number of inmates, and evaluation of expenses and resources needed to meet  
7169 goals regarding the use of treatment as an alternative to incarceration, as resources  
7170 allow;]

7171 [(e) study, evaluate, and report on policies, procedures, and programs of other  
7172 jurisdictions which have effectively reduced crime;]

7173 [(f)] (c) identify and promote the implementation of specific policies and programs the  
7174 commission determines will significantly reduce crime and improve public safety in  
7175 Utah;

7176 [(g)] (d) with the assistance of data and reports provided by the department, including  
7177 any annual criminal justice reports, provide analysis and recommendations on all  
7178 criminal and juvenile justice legislation, [~~state budget, and facility requests;~~]  
7179 including program and fiscal impact on all components of the criminal and juvenile  
7180 justice system;

7181 [(h) provide analysis, accountability, recommendations, and supervision for state and  
7182 federal criminal justice grant money;]

7183 [(i) provide public information on the criminal and juvenile justice system and give  
7184 technical assistance to agencies or local units of government on methods to promote  
7185 public awareness;]

7186 [(j)] (e) promote research and program evaluation as an integral part of the criminal and  
7187 juvenile justice system;

7188 [(k) provide a comprehensive criminal justice plan annually;]

7189 [(l)] (f) review agency forecasts regarding future demands on the criminal and juvenile  
7190 justice systems, including specific projections for secure bed space;

7191 [(m) promote the development of criminal and juvenile justice information systems that  
7192 are consistent with common standards for data storage and are capable of  
7193 appropriately sharing information with other criminal justice information systems by:]

7194 [(i) developing and maintaining common data standards for use by all state criminal  
7195 justice agencies;]

7196 [(ii) annually performing audits of criminal history record information maintained by  
7197 state criminal justice agencies to assess their accuracy, completeness, and  
7198 adherence to standards;]

7199 [(iii) defining and developing state and local programs and projects associated with  
7200 the improvement of information management for law enforcement and the

7201 administration of justice; and]

7202 [(iv) establishing general policies concerning criminal and juvenile justice

7203 information systems and making rules as necessary to carry out the duties under

7204 Subsection (1)(k) and this Subsection (1)(m);]

7205 [(n) allocate and administer grants, from money made available, for approved education

7206 programs to help prevent the sexual exploitation of children;]

7207 [(o) allocate and administer grants for law enforcement operations and programs related

7208 to reducing illegal drug activity and related criminal activity;]

7209 [(p) request, receive, and evaluate data and recommendations collected and reported by:]

7210 [(i) agencies and contractors related to policies recommended by the commission

7211 regarding recidivism reduction, including the data described in Section 13-53-111

7212 and Subsection 26B-5-102(2)(jj); and]

7213 [(ii) state agencies under Section 67-28-102;]

7214 [(q) establish and administer a performance incentive grant program that allocates funds

7215 appropriated by the Legislature to programs and practices implemented by counties

7216 that reduce recidivism and reduce the number of offenders per capita who are

7217 incarcerated;]

7218 [(r) oversee or designate an entity to oversee the implementation of juvenile justice

7219 reforms;]

7220 [(s) make rules and administer the juvenile holding room standards and juvenile jail

7221 standards to align with the Juvenile Justice and Delinquency Prevention Act

7222 requirements pursuant to 42 U.S.C. Sec. 5633;]

7223 [(t) allocate and administer grants, from money made available, for pilot qualifying

7224 education programs;]

7225 [(u) request, receive, and evaluate the aggregate data collected from prosecutorial

7226 agencies and the Administrative Office of the Courts, in accordance with Sections

7227 63M-7-216, 63M-7-216.1, and 78A-2-109.5;]

7228 [(v) report annually to the Law Enforcement and Criminal Justice Interim Committee on

7229 the progress made on each of the following goals of the Justice Reinvestment

7230 Initiative:]

7231 [(i) ensuring oversight and accountability;]

7232 [(ii) supporting local corrections systems;]

7233 [(iii) improving and expanding reentry and treatment services; and]

7234 [(iv) strengthening probation and parole supervision;]

- 7235 [(w) compile a report of findings based on the data and recommendations provided  
 7236 under Section 13-53-111 that separates the data provided under Section 13-53-111 by  
 7237 each residential-vocational or life skills program;]
- 7238 [(x) publish the report described in Subsection (1)(w) on the commission's website and  
 7239 annually provide the report to the Judiciary Interim Committee, the Health and  
 7240 Human Services Interim Committee, the Law Enforcement and Criminal Justice  
 7241 Interim Committee, and the related appropriations subcommittees;]
- 7242 [(y) receive, compile, and publish on the commission's website the data provided under:]  
 7243 [(i) Section 53-25-202;]  
 7244 [(ii) Section 53-25-301; and]  
 7245 [(iii) Section 53-25-401;]
- 7246 (g) make recommendations regarding state and federal criminal justice grant funding  
 7247 administered by the department;
- 7248 [(z)] (h) review, research, advise, and make recommendations to the three branches of  
 7249 government regarding evidence-based sex offense management policies and  
 7250 practices, including supervision standards, treatment standards, and the sex offender  
 7251 registry;
- 7252 [(aa)] (i)(i) receive and evaluate a referral from the Department of Public Safety  
 7253 received under Section 53-21-104.3 involving a denial of mental health resources  
 7254 by a first responder agency to an eligible individual[, including, if appropriate in  
 7255 the commission's discretion,] ; and  
 7256 (ii) after evaluating a referral described in Subsection (1)(i)(i), determine whether to  
 7257 recommend that the department deny the [relevant entity] first responder agency  
 7258 subject to the referral from receiving any grant of state funds under Section [  
 7259 63M-7-218] 75E-2-303 for a specified period of time; and
- 7260 [(bb)] (j) accept public comment.
- 7261 (2)(a) The commission may designate an entity to perform the duties described in this [   
 7262 part] chapter.
- 7263 (b) If the commission designates an entity under Subsection (2)(a), the commission shall  
 7264 ensure that the membership of the designated entity includes representation from  
 7265 relevant stakeholder groups from the parts of the justice system implicated in the  
 7266 policy area.
- 7267 (3) In fulfilling the commission's duties under Subsection (1), the commission may seek  
 7268 input and request assistance from groups with knowledge and expertise in criminal

7269 justice, including other boards and commissions affiliated or housed within the [  
7270 ~~commission~~] department.

7271 Section 109. Section **75E-4-101**, which is renumbered from Section 63M-7-401.1 is renumbered  
7272 and amended to read:

7273 **CHAPTER 4. Sentencing Commission**

7274 **Part 1. General Provisions**

7275 **~~[63M-7-401.1]~~ 75E-4-101 (Effective 07/01/26). Definitions for chapter.**

7276 As used in this [~~part~~] chapter:

7277 (1) "Adjudication" means an adjudication, as that term is defined in Section 80-1-102, of an  
7278 offense under Section 80-6-701.

7279 (2) "Adult sentencing and supervision length guidelines" means the guidelines established  
7280 in Section [~~63M-7-404.3]~~ 75E-4-203.

7281 (3) "Civil disability" means a legal right or privilege that is revoked as a result of the  
7282 individual's conviction or adjudication.

7283 (4) "Collateral consequence" means:

7284 (a) a discretionary disqualification; or

7285 (b) a mandatory sanction.

7286 (5) "Commission" means the Commission on Criminal and Juvenile Justice created in  
7287 Section 75E-3-102.

7288 [~~(5)~~] (6) "Conviction" means the same as that term is defined in Section 77-38b-102.

7289 [~~(6)~~] (7) "Disadvantage" means any legal or regulatory restriction that:

7290 (a) is imposed on an individual as a result of the individual's conviction or adjudication;  
7291 and

7292 (b) is not a civil disability or a legal penalty.

7293 [~~(7)~~] (8) "Discretionary disqualification" means a penalty, a civil disability, or a  
7294 disadvantage that a court in a civil proceeding, or a federal, state, or local government  
7295 agency or official, may impose on an individual as a result of the individual's  
7296 adjudication or conviction for an offense regardless of whether the penalty, the civil  
7297 disability, or the disadvantage is specifically designated as a penalty, a civil disability, or  
7298 a disadvantage.

7299 [~~(8)~~] (9) "Juvenile" means a minor as that term is defined in Section 80-1-102.

7300 [~~(9)~~] (10) "Juvenile disposition guidelines" means the guidelines established in Section [  
7301 ~~63M-7-404.5]~~ 75E-4-204.

7302 [(10)] (11) "Mandatory sanction" means a penalty, a civil disability, or a disadvantage that:

7303 (a) is imposed on an individual as a result of the individual's adjudication or conviction  
7304 for an offense regardless of whether the penalty, the civil disability, or the  
7305 disadvantage is specifically designated as a penalty, a civil disability, or a  
7306 disadvantage; and

7307 (b) is not included in the judgment for the adjudication or conviction.

7308 [~~(11) "Master offense list" means a document that contains all offenses that exist in statute  
7309 and each offense's associated penalty.~~]

7310 (12) "Offense" means a felony, a misdemeanor, an infraction, or an adjudication under the  
7311 laws of this state, another state, or the United States.

7312 (13) "Penalty" means an administrative, civil, or criminal sanction imposed to punish the  
7313 individual for the individual's conviction or adjudication.

7314 (14) "Sentencing commission" means the sentencing commission created in Section [  
7315 ~~63M-7-401.2]~~ 75E-4-102.

7316 Section 110. Section **75E-4-102**, which is renumbered from Section 63M-7-401.2 is renumbered  
7317 and amended to read:

7318 **[~~63M-7-401.2]~~ 75E-4-102 (Effective 07/01/26). Creation -- Members --  
7319 Appointment -- Qualifications.**

7320 (1) There is created the sentencing commission[~~, within the commission, that is composed  
7321 of 15 voting members.~~] within the department.

7322 (2) The sentencing commission shall:

7323 (a) develop [~~by laws]~~ bylaws and rules in compliance with Title 63G, Chapter 3, Utah  
7324 Administrative Rulemaking Act; and

7325 (b) elect the sentencing commission's officers.

7326 (3)(a) The sentencing commission is composed of 15 voting members.

7327 (b) The sentencing commission's members shall be:

7328 [~~(a)]~~ (i) the executive director of the Department of Corrections or the executive  
7329 director's designee;

7330 [~~(b)]~~ (ii) the director of the [-]Division of Juvenile Justice and Youth Services or the  
7331 director's designee;

7332 [~~(c)]~~ (iii) the executive director of the commission or the executive director's designee;

7333 [~~(d)]~~ (iv) the chair of the Board of Pardons and Parole or the chair's designee;

7334 [~~(e)]~~ (v) the state court administrator or the state court administrator's designee;

7335 [~~(f)]~~ (vi) a criminal defense attorney, appointed by the Utah Association of Criminal

7336 Defense Lawyers;

7337 ~~[(g)]~~ (vii) an indigent defense attorney, appointed by the Indigent Defense

7338 Commission;

7339 ~~[(h)]~~ (viii) the attorney general or the attorney general's designee;

7340 ~~[(i)]~~ (ix) a criminal ~~[prosecutor]~~ prosecuting attorney, appointed by the Statewide

7341 Association of ~~[Public Attorneys and Prosecutors]~~ Prosecutors and Public

7342 Attorneys;

7343 ~~[(j)]~~ (x) a representative of the Utah ~~[Sheriff's]~~ Sheriffs Association appointed by the

7344 governor;

7345 ~~[(k)]~~ (xi) a licensed professional, appointed by the governor, who assists in the

7346 rehabilitation of individuals convicted of an offense;

7347 ~~[(l)]~~ (xii) the chair of the ~~[Utah-]~~Victim Services Commission or a member of the [~~Utah-]~~Victim Services Commission designated by the chair;

7348

7349 ~~[(m)]~~ (xiii) the chair of the Juvenile Justice Oversight Committee or a member of the

7350 Juvenile Justice Oversight Committee designated by the chair;

7351 ~~[(n)]~~ (xiv) a juvenile prosecuting attorney, appointed by the Statewide Association of [~~Public Attorneys and Prosecutors]~~ Prosecutors and Public Attorneys; and

7352

7353 ~~[(o)]~~ (xv) a juvenile defense attorney, appointed by the Utah Association of Criminal

7354 Defense Lawyers.

7355 (4) In addition to the members described in Subsection (3), the following may serve as [~~non-voting]~~ nonvoting members:

- 7357 (a) a district court judge appointed by the Judicial Council; and
- 7358 (b) a juvenile court judge appointed by the Judicial Council.

7359 (5) The executive director of the commission shall hire a director of the sentencing

7360 commission to administer and manage the sentencing commission.

7361 Section 111. Section **75E-4-103**, which is renumbered from Section 63M-7-402 is renumbered

7362 and amended to read:

7363 **[63M-7-402] 75E-4-103 (Effective 07/01/26). Terms of members --**

7364 **Reappointment -- Vacancy.**

7365 (1)(a) Except as required by Subsection (1)(b), [-]the appointing authority shall appoint

7366 each new member or reappointed member to a four-year term as the terms of

7367 members of the sentencing commission expire.

- 7368 (b) The appointing authority shall, at the time of appointment or reappointment, adjust
- 7369 the length of terms to ensure that the terms of members of the sentencing commission

7370 are staggered so that approximately half of the sentencing commission is appointed  
7371 every two years.

7372 (2) If a member of the sentencing commission no longer holds a qualifying position,  
7373 resigns, or is unable to serve, the appointing authority shall fill the vacancy.

7374 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
7375 appointed for the unexpired term.

7376 Section 112. Section **75E-4-104**, which is renumbered from Section 63M-7-402.5 is renumbered  
7377 and amended to read:

7378 **[63M-7-402.5] 75E-4-104 (Effective 07/01/26). Compensation of members.**

7379 (1) A member of the sentencing commission who is not a legislator may not receive  
7380 compensation or benefits for the member's service, but may receive per diem and travel  
7381 expenses as allowed in:

7382 (a) Section 63A-3-106;

7383 (b) Section 63A-3-107; and

7384 (c) rules made by the Division of Finance according to Sections 63A-3-106 and  
7385 63A-3-107.

7386 (2) Compensation and expenses of a member of the sentencing commission who is a  
7387 legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5,  
7388 Legislative Compensation and Expenses.

7389 Section 113. Section **75E-4-201** is enacted to read:

7390 **Part 2. Sentencing Commission Responsibilities**

7391 **75E-4-201 (Effective 07/01/26). Definitions for part.**

7392 Reserved.

7393 Section 114. Section **75E-4-202**, which is renumbered from Section 63M-7-404.1 is renumbered  
7394 and amended to read:

7395 **[63M-7-404.1] 75E-4-202 (Effective 07/01/26). Duties of the sentencing**  
7396 **commission.**

7397 (1) The sentencing commission shall establish and maintain:

7398 (a) the adult sentencing and supervision length guidelines described in Section [  
7399 63M-7-404.3] 75E-4-203;

7400 (b) the juvenile disposition guidelines described in Section [~~63M-7-404.5~~] 75E-4-204;

7401 (c) [~~a master offense list~~] an annual offense report described in Section [~~63M-7-405~~]  
7402 75E-4-205; and

7403 (d) a collateral consequences guide described in Section [~~63M-7-405~~] 75E-4-205.

- 7404 (2) The sentencing commission may make recommendations to the Legislature, the  
 7405 governor, and the Judicial Council regarding:
- 7406 (a) the adult sentencing and supervision length guidelines described in Section [  
 7407 ~~63M-7-404.3~~] 75E-4-203;
- 7408 (b) the juvenile disposition guidelines described in Section [~~63M-7-404.5~~] 75E-4-204;
- 7409 (c) [~~a master offense list~~] an annual offense report described in Section [~~63M-7-405~~]  
 7410 75E-4-205; and
- 7411 (d) a collateral consequences guide described in Section [~~63M-7-405~~] 75E-4-205.
- 7412 (3) The sentencing commission shall use existing data and resources from state criminal  
 7413 justice agencies in carrying out the duties of the sentencing commission.
- 7414 (4) The sentencing commission shall:
- 7415 (a) provide training and recommendations regarding the adult sentencing and  
 7416 supervision length guidelines, the juvenile disposition guidelines, and other  
 7417 documents maintained by the sentencing commission to the three branches of  
 7418 government, in coordination with the commission; and
- 7419 (b) assist and respond to questions from all three branches of government.
- 7420 (5)(a) The sentencing commission may provide analysis and recommendations to the  
 7421 commission regarding proposed legislation or other policy changes that may impact  
 7422 sentencing, release, or supervision of individuals convicted of crimes.
- 7423 (b) The sentencing commission may not take public positions on proposed legislation or  
 7424 other proposed policy changes by the Legislature.
- 7425 (6) The sentencing commission may employ professional assistance and other staff  
 7426 members that the sentencing commission considers necessary to comply with this [~~part~~]  
 7427 chapter.
- 7428 (7) The sentencing commission shall coordinate with the [~~commission~~] department on  
 7429 criminal and juvenile justice issues, budget, and administrative support.

7430 Section 115. Section **75E-4-203**, which is renumbered from Section 63M-7-404.3 is renumbered  
 7431 and amended to read:

7432 **[~~63M-7-404.3~~] 75E-4-203 (Effective 07/01/26). Adult sentencing and supervision**  
 7433 **length guidelines.**

7434 [(+) ] The sentencing commission shall establish and maintain adult sentencing and  
 7435 supervision length guidelines regarding:

7436 [(+)] (1) the sentencing and release of offenders in order to:

7437 [(+)] (a) accept public comment;

- 7438 [(ii)] (b) relate sentencing practices and correctional resources;
- 7439 [(iii)] (c) increase [equity] consistency in sentencing;
- 7440 [(iv)] (d) better define responsibility in sentencing; and
- 7441 [(v)] (e) enhance the discretion of the sentencing court while preserving the role of the
- 7442 Board of Pardons and Parole;
- 7443 [(b)] (2) the length of supervision of offenders on probation or parole in order to:
- 7444 [(i)] (a) accept public comment;
- 7445 [(ii)] (b) increase [equity] consistency in criminal supervision lengths;
- 7446 [(iii)] (c) relate the length of supervision to an offender's progress;
- 7447 [(iv)] (d) take into account an offender's risk of offending again;
- 7448 [(v)] (e) relate the length of supervision to the amount of time an offender has remained
- 7449 under supervision in the community; and
- 7450 [(vi)] (f) enhance the discretion of the sentencing court while preserving the role of the
- 7451 Board of Pardons and Parole; and
- 7452 [(e)] (3) appropriate, evidence-based probation and parole supervision policies and services
- 7453 that assist offenders in successfully completing supervision and reduce incarceration
- 7454 rates from community supervision programs while ensuring public safety, including:
- 7455 [(i)] (a) treatment and intervention completion determinations based on individualized
- 7456 case action plans;
- 7457 [(ii)] (b) measured and consistent processes for addressing violations of conditions of
- 7458 supervision;
- 7459 [(iii)] (c) processes that include using positive reinforcement to recognize an offender's
- 7460 progress in supervision;
- 7461 [(iv)] (d) engaging with social services agencies and other stakeholders who provide
- 7462 services that meet the needs of an offender; and
- 7463 [(v)] (e) identifying community violations that may not warrant revocation of probation
- 7464 or parole.
- 7465 [(2)(a) ~~Before July 1, 2024, the sentencing commission shall revise and review the adult~~
- 7466 ~~sentencing and supervision length guidelines to reflect appropriate penalties for the~~
- 7467 ~~following offenses:]~~
- 7468 [(i) ~~an interlock restricted driver operating a vehicle without an ignition interlock~~
- 7469 ~~system, Section 41-6a-518.2;]~~
- 7470 [(ii) ~~negligently operating a vehicle resulting in injury, Section 76-5-102.1; and]~~
- 7471 [(iii) ~~negligently operating a vehicle resulting in death, Section 76-5-207.]~~

- 7472           ~~[(b) The guidelines under Subsection (2)(a) shall consider the following:]~~
- 7473           ~~[(i) the current sentencing requirements for driving under the influence of alcohol,~~
- 7474           ~~drugs, or a combination of both as identified in Section 41-6a-505 when injury or~~
- 7475           ~~death do not result;]~~
- 7476           ~~[(ii) the degree of injury and the number of victims suffering injury or death as a~~
- 7477           ~~result of the offense;]~~
- 7478           ~~[(iii) the offender's number of previous convictions for driving under the influence~~
- 7479           ~~related offenses as defined in Subsection 41-6a-501(2)(a); and]~~
- 7480           ~~[(iv) whether the offense amounts to extreme DUI, as that term is defined in Section~~
- 7481           ~~41-6a-501.]~~
- 7482   ~~[(3) On or before October 31, 2024, the sentencing commission shall review and revise the~~
- 7483   ~~supervision tools in the adult sentencing and supervision length guidelines to:]~~
- 7484   ~~[(a) recommend appropriate sanctions for an individual who violates probation or parole~~
- 7485   ~~by:]~~
- 7486   ~~[(i) committing a felony offense, a misdemeanor offense described in Title 76,~~
- 7487   ~~Chapter 5, Offenses Against the Individual, or a misdemeanor offense for driving~~
- 7488   ~~under the influence described in Section 41-6a-502;]~~
- 7489   ~~[(ii) possessing a dangerous weapon; or]~~
- 7490   ~~[(iii) willfully refusing to participate in treatment ordered by the court or the Board of~~
- 7491   ~~Pardons and Parole; and]~~
- 7492   ~~[(b) recommend appropriate incentives for an individual on probation or parole that:]~~
- 7493   ~~[(i) completes all conditions of probation or parole; or]~~
- 7494   ~~[(ii) maintains eligible employment as defined in Section 64-14-301.]~~
- 7495   ~~[(4) The sentencing commission shall establish guidelines in the adult sentencing and~~
- 7496   ~~supervision length guidelines that recommend an enhanced sentence that a court or the~~
- 7497   ~~Board of Pardons and Parole should consider when determining the period in which a~~
- 7498   ~~habitual offender, as defined in Section 77-18-102, will be incarcerated.]~~
- 7499   ~~[(5) The sentencing commission shall modify:]~~
- 7500   ~~[(a) the adult sentencing and supervision length guidelines to reduce recidivism for the~~
- 7501   ~~purposes of protecting the public and ensuring efficient use of state funds; and]~~
- 7502   ~~[(b) the criminal history score in the adult sentencing and supervision length guidelines~~
- 7503   ~~to reduce recidivism, including factors in an offender's criminal history that are~~
- 7504   ~~relevant to the accurate determination of an individual's risk of offending again.]~~
- 7505   Section 116. Section **75E-4-204**, which is renumbered from Section 63M-7-404.5 is renumbered

7506 and amended to read:

7507 **[63M-7-404.5] 75E-4-204 (Effective 07/01/26). Juvenile disposition guidelines.**

7508 (1) The sentencing commission shall establish and maintain juvenile disposition guidelines

7509 that:

7510 (a) respond to public comment;

7511 (b) relate dispositional practices and rehabilitative resources;

7512 (c) increase [equity] consistency in disposition orders;

7513 (d) better define responsibility for disposition orders; and

7514 (e) enhance the discretion of the juvenile court while preserving the role of the Youth  
7515 Parole Authority.

7516 (2) The juvenile disposition guidelines shall address how to appropriately respond to  
7517 negative and positive behavior of juveniles who are:

7518 (a) nonjudicially adjusted;

7519 (b) placed on diversion;

7520 (c) placed on probation;

7521 (d) placed on community supervision;

7522 (e) placed in an out-of-home placement; or

7523 (f) placed in a secure care facility.

7524 (3) The juvenile disposition guidelines shall include:

7525 (a) other sanctions and incentives including:

7526 (i) recommended responses that are swift and certain;

7527 (ii) a continuum of community-based options for juveniles living at home;

7528 (iii) recommended responses that target the juvenile's criminogenic risk and needs;

7529 and

7530 (iv) recommended incentives for compliance, including earned discharge credits; and

7531 (b) a recommendation that, when a juvenile court interacts with a juvenile described in  
7532 Subsection (2), the juvenile court shall consider:

7533 (i) the seriousness of the negative and positive behavior of the juvenile;

7534 (ii) the juvenile's conduct postadjudication; and

7535 (iii) the juvenile's delinquency history[;and] .

7536 [~~(e) appropriate sanctions for a juvenile who commits sexual exploitation of a minor as~~  
7537 ~~described in Section 76-5b-201, or aggravated sexual exploitation of a minor as~~  
7538 ~~described in Section 76-5b-201.1, including the application of aggravating and~~  
7539 ~~mitigating factors specific to the offense.]~~

7540 Section 117. Section **75E-4-205**, which is renumbered from Section 63M-7-405 is renumbered  
7541 and amended to read:

7542 **[63M-7-405] 75E-4-205 (Effective 07/01/26). Annual offense report -- Collateral**  
7543 **consequences guide.**

7544 (1)(a) The sentencing commission shall annually create [~~a master offense list.~~] an offense  
7545 report listing and briefly summarizing every criminal offense that was created,  
7546 expanded, enhanced, reduced, or eliminated during the previous legislative session.

7547 (b) On or before June 30 of each year, the sentencing commission shall:

7548 (i) after the last day of the general legislative session, update the [~~master offense list~~]  
7549 report described in Subsection (1)(a); and

7550 (ii) present the [~~updated master offense list~~] report described in Subsection (1)(a) to  
7551 the Law Enforcement and Criminal Justice Interim Committee.

7552 (2)(a) The sentencing commission shall:

7553 (i) identify any provision of state law, including the Utah Constitution, and any  
7554 administrative rule that imposes a collateral consequence;

7555 (ii) prepare and compile a guide that contains all the provisions identified in  
7556 Subsection (2)(a)(i); and

7557 (iii) update the guide described in Subsection (2)(a)(ii) annually.

7558 (b) The sentencing commission shall state in the guide described in Subsection (2)(a)  
7559 that:

7560 (i) the guide has not been enacted into law;

7561 (ii) the guide does not have the force of law;

7562 (iii) the guide is for informational purposes only;

7563 (iv) an error or omission in the guide, or in any reference in the guide:

7564 (A) has no effect on a plea, an adjudication, a conviction, a sentence, or a  
7565 disposition; and

7566 (B) does not prevent a collateral consequence from being imposed;

7567 (v) any laws or regulations for a county, a municipality, another state, or the United  
7568 States[;] imposing a collateral consequence are not included in the guide; and

7569 (vi) the guide does not include any provision of state law or any administrative rule  
7570 imposing a collateral consequence that is enacted on or after March 31 of each  
7571 year.

7572 (c) The sentencing commission shall:

7573 (i) place the statements described in Subsection (2)(b) in a prominent place at the

7574 beginning of the guide; ~~and~~  
 7575 (ii) periodically update the guide; and  
 7576 ~~[(ii)] (iii)~~ make the guide available to the public on the sentencing commission's  
 7577 website.

7578 ~~[(d) The sentencing commission shall:]~~

7579 ~~[(i) present the updated guide described in Subsection (2)(a)(iii) annually to the Law  
 7580 Enforcement and Criminal Justice Interim Committee; and]~~

7581 ~~[(ii) identify and recommend legislation on collateral consequences to the Law  
 7582 Enforcement and Criminal Justice Interim Committee.]~~

7583 Section 118. Section **75E-4-206**, which is renumbered from Section 63M-7-406 is renumbered  
 7584 and amended to read:

7585 **[63M-7-406] 75E-4-206 (Effective 07/01/26). Reports -- Legislative approval --**  
 7586 **Publication of reports.**

7587 (1)(a) On or before October 31 of each year, the sentencing commission shall submit the  
 7588 sentencing and supervision length guidelines and juvenile disposition guidelines  
 7589 created in accordance with Sections ~~[63M-7-404.3]~~ 75E-4-203 and ~~[63M-7-404.5]~~  
 7590 75E-4-204 to the Law Enforcement and Criminal Justice Interim Committee and the  
 7591 Judiciary Interim Committee for review, including any legislative recommendations.

7592 (b) ~~[Beginning January 1, 2025, the]~~ The Legislature shall annually authorize, by passing  
 7593 a concurrent resolution, the sentencing and supervision length guidelines and the  
 7594 juvenile disposition guidelines submitted in accordance with Subsection (1)(a).

7595 (c) The existing sentencing and supervision length guidelines and juvenile disposition  
 7596 guidelines that were approved in accordance with Subsection (1)(b) shall remain in  
 7597 effect until the day on which the Legislature reauthorizes the sentencing and  
 7598 supervision length guidelines and juvenile disposition guidelines as described in  
 7599 Subsection (1)(b).

7600 (2) The sentencing commission ~~[shall also be]~~ is authorized to prepare, publish, and  
 7601 distribute from time to time reports of studies, recommendations, and statements from  
 7602 the sentencing commission.

7603 Section 119. Section **75E-5-101**, which is renumbered from Section 63M-7-502 is renumbered  
 7604 and amended to read:

## CHAPTER 5. Office for Victims of Crime

### Part 1. General Provisions

7606

7607 **[63M-7-502] 75E-5-101 (Effective 07/01/26). Definitions for chapter.**

7608 As used in this ~~[part]~~ chapter:

7609 (1) "Accomplice" means an individual who has engaged in criminal conduct as described in  
7610 Section 76-2-202.

7611 (2) "Advocacy services provider" means the same as that term is defined in Section  
7612 77-38-403.

7613 (3) "Bodily injury" means physical pain, illness, or any impairment of physical condition.

7614 (4) "Claimant" means any of the following claiming ~~[reparations]~~ compensation under this [  
7615 ~~part]~~ chapter:

7616 (a) a victim;

7617 (b) a dependent of a deceased victim; or

7618 (c) an individual or representative who files a ~~[reparations]~~ compensation claim on behalf  
7619 of a victim.

7620 (5) "Child" means an unemancipated individual who is under 18 years old.

7621 (6) "Collateral source" means any source of benefits or advantages for economic loss  
7622 otherwise reparable under this ~~[part]~~ chapter that the claimant has received, or that is  
7623 readily available to the claimant from:

7624 (a) the offender;

7625 (b) the insurance of the offender or the victim;

7626 (c) the United States government or any ~~[of its]~~ agencies of the United States government,  
7627 a state or any of ~~[its]~~ the state's political subdivisions, or an instrumentality of two or  
7628 more states, except in the case on nonobligatory state-funded programs;

7629 (d) social security, Medicare, and Medicaid;

7630 (e) state-required temporary nonoccupational income replacement insurance or disability  
7631 income insurance;

7632 (f) workers' compensation;

7633 (g) wage continuation programs of any employer;

7634 (h) proceeds of a contract of insurance payable to the claimant for the loss the claimant  
7635 sustained because of the criminally injurious conduct;

7636 (i) a contract providing prepaid hospital and other health care services or benefits for  
7637 disability; or

7638 (j) veteran's benefits, including veteran's hospitalization benefits.

7639 (7) "Compensation award" means money or other benefits provided to a claimant or to  
7640 another on behalf of a claimant after a compensation claim is approved by the office.

7641 (8) "Compensation claim" means a claimant's request or application made to the office for a  
7642 compensation award.

7643 (9)(a) "Compensation specialist" means an individual employed by the office to  
7644 investigate a claimant's request for compensation and award compensation under this  
7645 chapter.

7646 (b) "Compensation specialist" includes the director when the director is acting as a  
7647 compensation specialist.

7648 [(7)] (10)(a) "Confidential record" means a record in the custody of the office that relates  
7649 to a claimant's eligibility for a [reparations] compensation award.

7650 (b) "Confidential record" includes:

7651 (i) a [reparations] compensation claim;

7652 (ii) any correspondence regarding:

7653 (A) the approval or denial of a [reparations] compensation claim; or

7654 (B) the payment of a [reparations] compensation award;

7655 (iii) a document submitted to the office in support of a [reparations] compensation  
7656 award;

7657 (iv) a medical or mental health treatment plan; [and] or

7658 (v) an investigative report provided to the office by a law enforcement agency.

7659 [(8)] (11) "Criminal justice system victim advocate" means the same as that term is defined  
7660 in Section 77-38-403.

7661 [(9)] (12)(a) "Criminally injurious conduct" other than acts of war declared or not  
7662 declared means conduct that:

7663 (i) is or would be subject to prosecution in this state under Section 76-1-201;

7664 (ii) occurs or is attempted;

7665 (iii) causes, or poses a substantial threat of causing, bodily injury or death;

7666 (iv) is punishable by fine, imprisonment, or death if the individual engaging in the  
7667 conduct possessed the capacity to commit the conduct; and

7668 (v) does not arise out of the ownership, maintenance, or use of a motor vehicle,  
7669 aircraft, or water craft, unless the conduct is:

7670 (A) intended to cause bodily injury or death;

7671 (B) punishable under Title 76, Chapter 5, Offenses Against the Individual; or

7672 (C) chargeable as an offense for driving under the influence of alcohol or drugs.

7673 (b) "Criminally injurious conduct" includes a felony violation of Section 76-7-101 and  
7674 other conduct leading to the psychological injury of an individual resulting from

- 7675 living in a setting that involves a bigamous relationship.
- 7676 [(10)] (13)(a) "Dependent" means a natural person to whom the victim is wholly or  
7677 partially legally responsible for care or support.
- 7678 (b) "Dependent" includes a child of the victim born after the victim's death.
- 7679 [(11)] (14) "Dependent's economic loss" means loss after the victim's death of contributions  
7680 of things of economic value to the victim's dependent, not including services the  
7681 dependent would have received from the victim if the victim had not suffered the fatal  
7682 injury, less expenses of the dependent avoided by reason of the victim's death.
- 7683 [(12)] (15) "Dependent's replacement services loss" means loss reasonably and necessarily  
7684 incurred by the dependent after the victim's death in obtaining services in lieu of those  
7685 the decedent would have performed for the victim's benefit if the victim had not suffered  
7686 the fatal injury, less expenses of the dependent avoided by reason of the victim's death  
7687 and not subtracted in calculating the dependent's economic loss.
- 7688 [(13)] (16) "Director" means the director of the office.
- 7689 [(14)] (17) "Disposition" means the sentencing or determination of penalty or punishment to  
7690 be imposed upon an individual:
- 7691 (a) convicted of a crime;
- 7692 (b) found delinquent; or
- 7693 (c) against whom a finding of sufficient facts for conviction or finding of delinquency is  
7694 made.
- 7695 [(15)] (18)(a) "Economic loss" means economic detriment consisting only of allowable  
7696 expense, work loss, replacement services loss, and if injury causes death, dependent's  
7697 economic loss and dependent's replacement service loss.
- 7698 (b) "Economic loss" includes economic detriment even if caused by pain and suffering  
7699 or physical impairment.
- 7700 (c) "Economic loss" does not include noneconomic detriment.
- 7701 [(16)] (19) "Elderly victim" means an individual who is[-] :
- 7702 (a) 60 years old or older; and[-who is-]
- 7703 (b) a victim.
- 7704 [(17)] (20) "Fraudulent claim" means a filed [reparations] compensation based on material  
7705 misrepresentation of fact and intended to deceive the [reparations] compensation staff for  
7706 the purpose of obtaining [reparation] compensation funds for which the claimant is not  
7707 eligible.
- 7708 [(18)] (21) "Fund" means the Crime Victim [Reparations] Compensation Fund created in

7709 Section ~~[63M-7-526]~~ 75E-5-302.

7710 [(19)] (22)(a) "Interpersonal violence" means an act involving violence, physical harm,  
7711 or a threat of violence or physical harm, that is committed by an individual who is or  
7712 has been in a domestic, dating, sexual, or intimate relationship with the victim.

7713 (b) "Interpersonal violence" includes any attempt, conspiracy, or solicitation of an act  
7714 described in Subsection [(19)(a)] (22)(a).

7715 [(20)] (23) "Law enforcement agency" means a public or private agency having general  
7716 police power and charged with making arrests in connection with enforcement of the  
7717 criminal statutes and ordinances of this state or any political subdivision of this state.

7718 [(21)] (24) "Law enforcement officer" means the same as that term is defined in Section  
7719 53-13-103.

7720 [(22)] (25)(a) "Medical examination" means a physical examination necessary to  
7721 document criminally injurious conduct.

7722 (b) "Medical examination" does not include mental health evaluations for the  
7723 prosecution and investigation of a crime.

7724 [(23)] (26) "Mental health counseling" means outpatient and inpatient counseling[  
7725 necessitated] that:

7726 (a) is necessary as a result of criminally injurious conduct[-] ; and  
7727 (b) is subject to rules made by the office in accordance with Title 63G, Chapter 3, Utah  
7728 Administrative Rulemaking Act.

7729 [(24)] (27) "Misconduct" means conduct by the victim that was attributable to the injury or  
7730 death of the victim as provided by rules made by the office in accordance with Title  
7731 63G, Chapter 3, Utah Administrative Rulemaking Act.

7732 [(25)] (28) "Noneconomic detriment" means pain, suffering, inconvenience, physical  
7733 impairment, and other nonpecuniary damage, except as provided in this [~~part~~] chapter.

7734 [(26)] (29) "Nongovernment organization victim advocate" means the same as that term is  
7735 defined in Section 77-38-403.

7736 [(27)] (30) "Nonpublic restitution record" means a restitution record that contains a  
7737 claimant's medical or mental health information.

7738 [(28)] (31) "Pecuniary loss" does not include loss attributable to pain and suffering except as  
7739 otherwise provided in this [~~part~~] chapter.

7740 [(29)] (32) "Offender" means an individual who has violated [~~Title 76, Utah Criminal Code~~]  
7741 Title 76, Criminal Offenses, through criminally injurious conduct regardless of whether  
7742 the individual is arrested, prosecuted, or convicted.

7743 [~~(30)~~] (33) "Offense" means a violation of [~~Title 76, Utah Criminal Code~~] Title 76, Criminal  
 7744 Offenses.

7745 [~~(31)~~] (34) "Office" [~~means the director, the reparations and assistance officers, and any~~  
 7746 ~~other staff employed for the purpose of carrying out the provisions of this part~~] means the  
 7747 Office for Victims of Crime created in Section 75E-5-102.

7748 [~~(32)~~] (35) "Perpetrator" means the individual who actually participated in the criminally  
 7749 injurious conduct.

7750 [~~(33)~~] (36) "Public restitution record" means a restitution record that does not contain a  
 7751 claimant's medical or mental health information.

7752 [~~(34)(a)~~] "~~Rape crisis and services center~~" means a nonprofit entity that assists victims of  
 7753 sexual assault and victims' families by offering sexual assault crisis intervention and  
 7754 counseling through a sexual assault counselor.]

7755 [(b) "~~Rape crisis and services center~~" does not include a qualified institutional victim  
 7756 services provider as defined in Section 53H-14-401.]

7757 [~~(35)~~] "~~Reparations award~~" means money or other benefits provided to a claimant or to  
 7758 another on behalf of a claimant after the day on which a reparations claim is approved  
 7759 by the office.]

7760 [~~(36)~~] "~~Reparations claim~~" means a claimant's request or application made to the office for a  
 7761 reparations award.]

7762 [~~(37)(a)~~] "~~Reparations officer~~" means an individual employed by the office to investigate  
 7763 a claimant's request for reparations and award reparations under this part.]

7764 [(b) "~~Reparations officer~~" includes the director when the director is acting as a  
 7765 reparations officer.]

7766 [~~(38)~~] (37) "Replacement service loss" means expenses reasonably and necessarily incurred  
 7767 in obtaining ordinary and necessary services in lieu of those the injured individual would  
 7768 have performed, not for income but the benefit of the injured individual or the injured  
 7769 individual's dependents if the injured individual had not been injured.

7770 [~~(39)~~] (38)(a) "Representative" means the victim, immediate family member, legal  
 7771 guardian, attorney, conservator, executor, or an heir of an individual.

7772 (b) "Representative" does not include a service provider or collateral source.

7773 [~~(40)~~] (39) "Restitution" means the same as that term is defined in Section 77-38b-102.

7774 [~~(41)~~] (40)(a) "Restitution record" means a record documenting payments made to, or on  
 7775 behalf of, a claimant by the office that the office relies on to support a restitution  
 7776 request made in accordance with Section 77-38b-205.

- 7777 (b) "Restitution record" includes:
- 7778 (i) a notice of restitution;
- 7779 (ii) an itemized list of payments;
- 7780 (iii) an invoice, receipt, or bill submitted to the office for reimbursement; and
- 7781 (iv) any documentation that the office relies on to establish a nexus between an
- 7782 offender's criminally injurious conduct and a ~~[reparations]~~ compensation award
- 7783 made by the office.
- 7784 ~~[(42)]~~ (41) "Secondary victim" means an individual who is traumatically affected by the
- 7785 criminally injurious conduct subject to rules made by the office in accordance with Title
- 7786 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 7787 ~~[(43)]~~ (42) "Service provider" means an individual or agency who provides a service to a
- 7788 claimant for a monetary fee, except attorneys as provided in Section ~~[63M-7-524]~~
- 7789 75E-5-314.
- 7790 ~~[(44)]~~ (43) "Serious bodily injury" means the same as that term is defined in Section
- 7791 76-1-101.5.
- 7792 ~~[(45)(a) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5,~~
- 7793 ~~Part 4, Sexual Offenses.]~~
- 7794 ~~[(b) "Sexual assault" does not include criminal conduct described in:]~~
- 7795 ~~[(i) Section 76-5-417, enticing a minor;]~~
- 7796 ~~[(ii) Section 76-5-418, sexual battery;]~~
- 7797 ~~[(iii) Section 76-5-419, lewdness; or]~~
- 7798 ~~[(iv) Section 76-5-420, lewdness involving a child.]~~
- 7799 ~~[(46) "Sexual assault counselor" means an individual who:]~~
- 7800 ~~[(a) is employed by or volunteers at a rape crisis and services center;]~~
- 7801 ~~[(b) has a minimum of 40 hours of training in counseling and assisting victims of sexual~~
- 7802 ~~assault; and]~~
- 7803 ~~[(c) is under the supervision of the director of a rape crisis and services center or the~~
- 7804 ~~director's designee.]~~
- 7805 (44) "Sexual assault" means the same as that term is defined in Section 75E-3-101.
- 7806 ~~[(47)]~~ (45) "Strangulation" means any act involving the use of unlawful force or violence
- 7807 that:
- 7808 (a) impedes breathing or the circulation of blood; and
- 7809 (b) is likely to produce a loss of consciousness by:
- 7810 (i) applying pressure to the neck or throat of an individual; or

7811 (ii) obstructing the nose, mouth, or airway of an individual.

7812 [(48)] (46) "Substantial bodily injury" means the same as that term is defined in Section  
7813 76-1-101.5.

7814 [(49)] (47)(a) "Victim" means an individual who suffers bodily or psychological injury or  
7815 death as a direct result of:

7816 (i) criminally injurious conduct; or

7817 (ii) the production of [~~pornography~~] child sexual abuse material in violation of  
7818 Section 76-5b-201 or 76-5b-201.1 if the individual is a minor.

7819 (b) "Victim" does not include an individual who participated in or observed the judicial  
7820 proceedings against an offender unless otherwise provided by statute or rule made in  
7821 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

7822 [(50)] (48) "Work loss" means loss of income from work the injured victim would have  
7823 performed if the injured victim had not been injured and expenses reasonably incurred  
7824 by the injured victim in obtaining services in lieu of those the injured victim would have  
7825 performed for income, reduced by any income from substitute work the injured victim  
7826 was capable of performing but unreasonably failed to undertake.

7827 Section 120. Section **75E-5-102** is enacted to read:

7828 **75E-5-102 (Effective 07/01/26). Office for Victims of Crime -- Purpose.**

7829 (1) There is created the Office for Victims of Crime within the department.

7830 (2) The purpose of the office is to assist victims of criminally injurious conduct who may  
7831 be eligible for assistance from the fund.

7832 Section 121. Section **75E-5-103**, which is renumbered from Section 63M-7-507 is renumbered  
7833 and amended to read:

7834 **[63M-7-507] 75E-5-103 (Effective 07/01/26). Appointment of director.**

7835 (1) The [~~executive director of the Commission on Criminal and Juvenile Justice~~]  
7836 commissioner shall appoint a director to carry out the provisions of this [~~part~~] chapter.

7837 (2) The director shall:

7838 (a) be an experienced administrator with a background in at least one of the following  
7839 fields:

7840 (i) social work;

7841 (ii) psychology;

7842 (iii) criminal justice;

7843 (iv) law; or

7844 (v) another field related to the fields described in Subsections (2)(a)(i) through (iv);

- 7845 (b) demonstrate an understanding of the needs of crime victims and of services to  
7846 victims; and
- 7847 (c) devote the director's time and capacity to the director's duties.
- 7848 [~~(3) In addition to the requirements under Subsection (2), the director shall:]~~
- 7849 [~~(a) hire staff, including reparations and assistance officers, as necessary;]~~
- 7850 [~~(b) act when necessary as a reparations officer in deciding an initial reparations claim;]~~
- 7851 [~~(c) possess the same investigation and decision-making authority as the reparations~~  
7852 ~~officers;]~~
- 7853 [~~(d) hear appeals from the decisions of the reparations officers, unless the director acted~~  
7854 ~~as a reparations officer on the initial reparations claim;]~~
- 7855 [~~(e) serve as the public relations representative of the office;]~~
- 7856 [~~(f) provide for payment of all administrative salaries, fees, and expenses incurred by the~~  
7857 ~~staff of the office, to be paid out of appropriations from the fund;]~~
- 7858 [~~(g) cooperate with the state treasurer and the state Division of Finance in causing the~~  
7859 ~~funds in the fund to be invested and the fund's investments sold or exchanged and the~~  
7860 ~~proceeds and income collected;]~~
- 7861 [~~(h) apply for, receive, allocate, disburse, and account for, subject to approval and in~~  
7862 ~~conformance with policies adopted by the office, all grant funds made available by~~  
7863 ~~the United States, the state, foundations, corporations, and other businesses, agencies,~~  
7864 ~~or individuals;]~~
- 7865 [~~(i) obtain and utilize the services of other governmental agencies upon request; and]~~
- 7866 [~~(j) act in any other capacity or perform any other acts necessary for the office to~~  
7867 ~~successfully fulfill the office's statutory duties and objectives.]~~
- 7868 [~~(4) The director may request assistance from the Commission on Criminal and Juvenile~~  
7869 ~~Justice, the Department of Public Safety, and other state agencies in conducting research~~  
7870 ~~or monitoring victims' programs.]~~

7871 Section 122. Section **75E-5-201** is enacted to read:

7872 **Part 2. Office Responsibilities**

7873 **75E-5-201 (Effective 07/01/26). Definitions for part.**

7874 Reserved.

7875 Section 123. Section **75E-5-202**, which is renumbered from Section 63M-7-506 is renumbered  
7876 and amended to read:

7877 [~~63M-7-506~~] **75E-5-202 (Effective 07/01/26). Duties of the office.**

7878 (1) The office shall:

- 7879 (a) prescribe policy for the office;
- 7880 (b) under the direction of the [~~executive director of the Commission on Criminal and~~  
7881 ~~Juvenile Justice~~] commissioner, [~~adopt~~] make rules to implement and administer this [  
7882 ~~part~~] chapter in accordance with Title 63G, Chapter 3, Utah Administrative  
7883 Rulemaking Act, which may include setting [~~of~~] ceilings on [~~reparations~~]  
7884 compensation, defining [~~of~~] terms not specifically stated in this [~~part~~] chapter, and  
7885 establishing [~~of~~] rules governing attorney fees;
- 7886 (c) prescribe forms for applications for [~~reparations~~] compensation;
- 7887 (d) render an annual report to the governor and the Legislature regarding the staff's  
7888 activities;
- 7889 (e) formulate standards for the uniform application of Section [~~63M-7-509~~] 75E-5-305,  
7890 taking into consideration the rates and amounts of [~~reparation~~] compensation payable  
7891 for injuries and death under other laws of this state and the United States;
- 7892 (f) allocate money available in the fund to victims of criminally injurious conduct for [  
7893 ~~reparations~~] compensation claims;
- 7894 (g) allocate money available to other victim services as provided by administrative rule  
7895 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
7896 once a sufficient reserve has been established for [~~reparation~~] compensation claims; [  
7897 ~~and~~]
- 7898 (h) as authorized by the [~~Commission on Criminal and Juvenile Justice~~] department,  
7899 allocate and disburse funds made available to the office by the United States, the  
7900 state, foundations, corporations, or other entities or individuals to subgrantees from  
7901 private, non-profit, and governmental entities operating qualified statewide assistance  
7902 programs[-] ; and
- 7903 (i) provide educational materials to a law enforcement agency to assist the law  
7904 enforcement agency with informing a victim of a sexual assault of the victim's right  
7905 to request testing of the victim and of the offender alleged to have committed the  
7906 sexual assault as described in Section 53-10-802.
- 7907 (2) All rules, or other statements of policy, along with application forms specified by the  
7908 office, are binding upon the director, the [~~reparations officers~~] compensation specialists,  
7909 assistance [~~officers~~] specialists, and other staff.

7910 Section 124. Section **75E-5-203** is enacted to read:

7911 **75E-5-203 (Effective 07/01/26). Director duties and powers.**

- 7912 (1) The director shall:

- 7913 (a) hire staff, including compensation and assistance specialists, as necessary;  
 7914 (b) act when necessary as a compensation specialist in deciding an initial compensation  
 7915 claim;  
 7916 (c) possess the same investigation and decision-making authority as the compensation  
 7917 specialists;  
 7918 (d) hear appeals from the decisions of the compensation specialists, unless the director  
 7919 acted as a compensation specialist on the initial compensation claim;  
 7920 (e) serve as the public relations representative of the office;  
 7921 (f) provide for payment of all administrative salaries, fees, and expenses incurred by the  
 7922 staff of the office, to be paid out of appropriations from the fund;  
 7923 (g) cooperate with the state treasurer and the state Division of Finance in causing the  
 7924 funds in the fund to be invested and the fund's investments sold or exchanged and the  
 7925 proceeds and income collected;  
 7926 (h) apply for, receive, allocate, disburse, and account for, subject to approval and in  
 7927 conformance with policies adopted by the office, all grant funds made available by  
 7928 the United States, the state, foundations, corporations, and other businesses, agencies,  
 7929 or individuals;  
 7930 (i) obtain and utilize the services of other governmental agencies upon request; and  
 7931 (j) act in any other capacity or perform any other acts necessary for the office to  
 7932 successfully fulfill the office's statutory duties and objectives.  
 7933 (2) The director may request assistance from the department, the Commission on Criminal  
 7934 and Juvenile Justice, the Department of Public Safety, and other state agencies in  
 7935 conducting research or monitoring victims' programs.

7936 Section 125. Section **75E-5-204**, which is renumbered from Section 63M-7-508 is renumbered  
 7937 and amended to read:

7938 **[63M-7-508] 75E-5-204 (Effective 07/01/26). Staff duties.**

7939 [~~The reparations officers shall in addition to any assignments made by the director~~] In  
 7940 addition to any assignments made by the director, a compensation specialist shall:

- 7941 (1) hear and determine all matters relating to a [~~reparations~~] compensation claim and  
 7942 reinvestigate or reopen a [~~reparations~~] compensation claim without regard to statutes of  
 7943 limitation or periods of prescription;  
 7944 (2) obtain from prosecuting attorneys, law enforcement officers, and other criminal justice  
 7945 agencies, investigations and data to enable the [~~reparations officer~~] compensation  
 7946 specialist to determine whether and to what extent a claimant qualifies for [~~reparations~~]

- 7947 compensation;
- 7948 (3) as determined necessary by the [~~reparations officers~~] compensation specialist, hold
- 7949 hearings, administer oaths or affirmations, examine any individual under oath or
- 7950 affirmation, issue subpoenas requiring the attendance and giving of testimony of
- 7951 witnesses, require the production of any books, papers, documents, or other evidence
- 7952 which may contribute to the [~~reparations officer's~~] compensation specialist's ability to
- 7953 determine particular [~~reparation~~] compensation awards;
- 7954 (4) determine who is a victim or dependent;
- 7955 (5) award [~~reparations~~] compensation or other benefits determined to be due under this [~~part~~]
- 7956 chapter and the rules of the office made in accordance with Title 63G, Chapter 3, Utah
- 7957 Administrative Rulemaking Act;
- 7958 (6) take notice of judicially recognized facts and general, technical, and scientific facts
- 7959 within the [~~reparations officers'~~] compensation specialist's specialized knowledge;
- 7960 (7) advise and assist in developing policies recognizing the rights, needs, and interests of
- 7961 crime victims;
- 7962 (8) render periodic reports as requested by the Commission on Criminal and Juvenile
- 7963 Justice concerning:
- 7964 (a) the [~~reparations officers'~~] compensation specialist's activities; and
- 7965 (b) the manner in which the rights, needs, and interests of crime victims are being
- 7966 addressed by the state's criminal justice system;
- 7967 (9) establish priorities for assisting elderly victims of crime or those victims facing
- 7968 extraordinary hardships;
- 7969 (10) cooperate with the [~~State~~] Commission on Criminal and Juvenile Justice to develop
- 7970 information regarding crime victims' problems and programs; and
- 7971 (11) assist the director in publicizing the provisions of the office, including the procedures
- 7972 for obtaining [~~reparation~~] compensation, and in encouraging law enforcement agencies,
- 7973 health providers, and other related officials to take reasonable care to ensure that victims
- 7974 are informed about the provisions of this [~~part~~] chapter and the procedure for applying
- 7975 for [~~reparation~~] compensation.

7976 Section 126. Section **75E-5-205**, which is renumbered from Section 63M-7-527 is renumbered

7977 and amended to read:

7978 **[~~63M-7-527~~] 75E-5-205 (Effective 07/01/26). Records -- Requirements for release.**

- 7979 (1) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
- 7980 Act, a confidential record, a public restitution record, and a nonpublic restitution record

7981 may only be disclosed as provided in this section.

7982 (2) A confidential record may be provided to:

7983 (a) the claimant who is the subject of the record if the record requested does not contain  
7984 mental health treatment information; or

7985 (b) the person who submitted the record to the office.

7986 (3) A confidential record may be used in:

7987 (a) a criminal investigation or prosecution when the office suspects that a [reparations]  
7988 compensation claim may be fraudulent; or

7989 (b) a subrogation action brought by the office in accordance with Section [63M-7-519]  
7990 75E-5-311.

7991 (4)(a) The office may disclose a public restitution record for the purpose of carrying out  
7992 this [part] chapter.

7993 (b) The office shall disclose a public restitution record to the Board of Pardons and  
7994 Parole for a restitution matter.

7995 (5)(a) If the office requests restitution in a criminal case and the offender requests a  
7996 restitution hearing, the office shall provide a nonpublic restitution record to the court,  
7997 the prosecuting attorney, and counsel for the offender.

7998 (b) A person may not:

7999 (i) disseminate a nonpublic restitution record obtained under this Subsection (5); or

8000 (ii) share a nonpublic restitution record with the offender unless the office and  
8001 claimant agree, in writing, to the disclosure.

8002 (6) Before the office may disclose a restitution record under Subsection (4) or (5), the office  
8003 shall redact:

8004 (a) the name, not including the initials, of a minor or an individual who has been the  
8005 victim of a sexual assault;

8006 (b) the contact information of a claimant or a witness, including a physical address,  
8007 phone number, or email address;

8008 (c) a claimant's date of birth and social security number; and

8009 (d) any information that would jeopardize the health or safety of a claimant.

8010 Section 127. Section **75E-5-206**, which is renumbered from Section 63M-7-515 is renumbered  
8011 and amended to read:

8012 ~~[63M-7-515]~~ **75E-5-206 (Effective 07/01/26). Rulemaking -- Exemption from**  
8013 **Administrative Procedures Act.**

8014 (1) ~~[Rules for procedures for contested determinations by a reparations officer shall be~~

8015 ~~adopted]~~ The office shall make, in accordance with Title 63G, Chapter 3, Utah  
 8016 Administrative Rulemaking Act, rules for procedures for contested determinations by a  
 8017 compensation specialist.

8018 (2) The office is exempt from Title 63G, Chapter 4, Administrative Procedures Act.

8019 Section 128. Section **75E-5-301** is enacted to read:

8020 **Part 3. Victim Compensation**

8021 **75E-5-301 (Effective 07/01/26). Definitions for part.**

8022 Reserved.

8023 Section 129. Section **75E-5-302**, which is renumbered from Section 63M-7-526 is renumbered  
 8024 and amended to read:

8025 **[63M-7-526] 75E-5-302 (Effective 07/01/26). Crime Victim Compensation Fund.**

8026 (1)(a) There is created an expendable special revenue fund known as the "Crime Victim [  
 8027 Reparations] Compensation Fund" to be administered and distributed as provided in  
 8028 this section by the office in cooperation with the Division of Finance.

8029 (b) The fund shall consist of:

8030 (i) appropriations by the Legislature; and

8031 (ii) funds collected under Subsections (2) and (3).

8032 (c) Money deposited in this fund is for victim [~~reparations~~] compensation, other victim  
 8033 services, and, as appropriated, for administrative costs of the office.

8034 (2)(a) A percentage of the income earned by inmates working for correctional industries  
 8035 in a federally certified [~~private sector/prison industries~~] private sector prison industries  
 8036 enhancement program shall be deposited in the fund.

8037 (b) The percentage of income deducted from inmate pay under Subsection (2)(a) shall be  
 8038 determined by the executive director of the Department of Corrections in accordance  
 8039 with the requirements of the [~~private sector/prison industries~~] private sector prison  
 8040 industries enhancement program.

8041 (3)(a) Judges are encouraged to, and may in their discretion, impose additional [  
 8042 ~~reparations~~] compensation to be paid into the fund by convicted criminals.

8043 (b) The additional discretionary [~~reparations~~] compensation may not exceed the statutory  
 8044 maximum fine permitted by [~~Title 76, Utah Criminal Code~~] Title 76, Criminal  
 8045 Offenses, for that offense.

8046 Section 130. Section **75E-5-303**, which is renumbered from Section 63M-7-525 is renumbered  
 8047 and amended to read:

8048 **[63M-7-525] 75E-5-303 (Effective 07/01/26). Compensation award -- No right of**

8049 **action.**

8050 [~~(1)(a) The purpose of the office is to assist victims of criminally injurious conduct who~~  
8051 ~~may be eligible for assistance from the fund.]~~

8052 [~~(b) Reparation to a victim under this part is limited to the money available in the fund.]~~

8053 [~~(2)(a) The assistance program described in Subsection (1) is not an entitlement~~  
8054 ~~program.]~~

8055 [~~(b) A reparations award may be limited or denied as determined appropriate by the~~  
8056 ~~office.]~~

8057 (1) Compensation to a victim under this chapter is:

8058 (a) limited to the money available in the fund; and

8059 (b) not an entitlement program.

8060 [~~(e) (2) Failure to grant a [reparations] compensation award does not create a [cause] right of~~  
8061 ~~action against the office, the state, or any of [its] the state's subdivisions[~~and there~~].~~

8062 (3) There is no right to judicial review over the decision of whether[~~or not~~] to grant a [  
8063 reparations] compensation award.

8064 [~~(3) A cause of action based on a failure to give or receive the notice required by this part~~  
8065 ~~does not accrue to any person against the state, any of its agencies or local subdivisions,~~  
8066 ~~any of their law enforcement officers or other agents or employees, or any health care or~~  
8067 ~~medical provider or its agents or employees nor does it affect or alter any requirement~~  
8068 ~~for filing or payment of a reparations claim.]~~

8069 (4) Failure to give or receive the notice required by this chapter does not:

8070 (a) create a cause of action against:

8071 (i) the state;

8072 (ii) a state agency or local subdivision;

8073 (iii) a law enforcement officer, agent, or employee of the state or local subdivision;

8074 (iv) a health care or medical provider; or

8075 (v) an agent or employee of a health care or medical provider; or

8076 (b) affect or alter a requirement for filing or paying a compensation claim.

8077 Section 131. Section **75E-5-304**, which is renumbered from Section 63M-7-503 is renumbered  
8078 and amended to read:

8079 **[63M-7-503] 75E-5-304 (Effective 07/01/26). Compensation not to supplant**  
8080 **restitution -- Assignment of claim for restitution judgment to Compensation Office.**

8081 (1)(a) A [reparations] compensation award may not supplant an order for restitution  
8082 under Title 77, Chapter 38b, Crime Victims Restitution Act, or under any other

- 8083 provision of law.
- 8084 (b) An order for restitution may not be considered readily available as a collateral source
- 8085 for a compensation award granted under this chapter.
- 8086 (c) Receipt of a compensation award under this chapter is considered an assignment of
- 8087 the victim's rights to restitution from the offender.
- 8088 (2) The court may not reduce an order for restitution based on a [~~reparations~~] compensation
- 8089 award.
- 8090 (3)(a)(i) If a victim receives a [~~reparations~~] compensation award and the office is
- 8091 assigned the victim's claim for restitution, or a portion of the victim's claim for
- 8092 restitution, under Section [~~63M-7-519~~] 75E-5-311, the office may file with the
- 8093 sentencing court a notice of restitution listing the amounts or estimated future
- 8094 amounts of payments made or anticipated to be made to or on behalf of the victim.
- 8095 (ii) The office may provide a notice of restitution to the victim or victim's
- 8096 representative before or at sentencing.
- 8097 (iii) The office's failure to provide notice under Subsection (3)(a)(i) or (ii) does not
- 8098 invalidate the imposition of the judgment or an order for restitution if the
- 8099 defendant is given the opportunity to object and be heard as provided in this [~~part~~]
- 8100 chapter.
- 8101 (b)(i) Any objection by the defendant to the imposition or amount of restitution under
- 8102 Subsection (3)(a)(i) shall be:
- 8103 (A) made at the time of sentencing; or
- 8104 (B) made in writing within 20 days after the day on which the defendant receives
- 8105 the notice described in Subsection (3)(a) and filed with the court and a copy
- 8106 mailed to the office.
- 8107 (ii) Upon an objection, the court shall allow the defendant a hearing on the issue.
- 8108 (iii) After a hearing under Subsection (3)(b)(ii), the court shall:
- 8109 (A) enter an order for restitution in accordance with Section 77-38b-205; and
- 8110 (B) identify the office as an assignee for the order for restitution.
- 8111 (iv) Subject to the right of the defendant to object, the amount of restitution sought by
- 8112 the office may be updated and the office identified as an assignee of an order for
- 8113 restitution in accordance with the time periods established under Section
- 8114 77-38b-205.
- 8115 (4) If no objection is made or filed by the defendant under Subsection (3), the court shall
- 8116 upon conviction and sentencing:

- 8117 (a) enter an order for restitution in accordance with Section 77-38b-205; and  
 8118 (b) identify the office as an assignee for the order for restitution.
- 8119 (5)(a) If the notice of restitution is filed after sentencing but during the term of probation  
 8120 or parole, the court shall:
- 8121 (i) modify any order for restitution to include expenses paid by the office on behalf of  
 8122 the victim in accordance with Section 77-38b-205; and  
 8123 (ii) identify the office as an assignee of the order for restitution.
- 8124 (b) If an order for restitution has not been entered, the court shall:
- 8125 (i) enter an order for restitution in accordance with Section 77-38b-205; and  
 8126 (ii) identify the office as an assignee of the order for restitution.
- 8127 Section 132. Section **75E-5-305**, which is renumbered from Section 63M-7-509 is renumbered  
 8128 and amended to read:
- 8129 **[63M-7-509] 75E-5-305 (Effective 07/01/26). Grounds for eligibility.**
- 8130 (1) A victim is eligible for a [reparations] compensation award under this [part] chapter if:
- 8131 (a) the claimant is:
- 8132 (i) a victim of criminally injurious conduct;  
 8133 (ii) a dependent of a deceased victim of criminally injurious conduct; or  
 8134 (iii) a representative acting on behalf of one of the above;
- 8135 (b)(i) the criminally injurious conduct occurred in Utah; or  
 8136 (ii) the victim is a Utah resident who suffers injury or death as a result of criminally  
 8137 injurious conduct inflicted in a state, territory, or country that does not provide a  
 8138 crime victims' compensation program;
- 8139 (c) the application is made in writing in a form that conforms substantially to that  
 8140 prescribed by the office;
- 8141 (d) the criminally injurious conduct is reported to a law enforcement officer, in the law  
 8142 enforcement officer's capacity as a law enforcement officer, or another federal or  
 8143 state investigative agency;
- 8144 (e) the claimant or victim cooperates with the appropriate law enforcement agencies and  
 8145 prosecuting attorneys in efforts to apprehend or convict the perpetrator of the alleged  
 8146 offense; and
- 8147 (f) the criminally injurious conduct occurred after December 31, 1986.
- 8148 (2) A [reparations] compensation award may be made to a victim regardless of whether any  
 8149 individual is arrested, prosecuted, or convicted of the criminally injurious conduct  
 8150 giving rise to a [reparations] compensation claim.

8151 (3)(a) Notwithstanding the requirements of Subsections (1)(d) and (e), a victim of sexual  
 8152 assault is not required to report the sexual assault to a law enforcement officer or  
 8153 another federal or state investigative agency or cooperate with the appropriate law  
 8154 enforcement agencies and prosecuting attorneys to be eligible for a [reparations]  
 8155 compensation award under this section if:

8156 (i) the victim seeks assistance from an advocacy services provider, a criminal justice[-]  
 8157 system victim advocate, or a nongovernment organization victim advocate; and  
 8158 (ii) the advocacy services provider, the criminal justice system victim advocate, or  
 8159 the nongovernment organization victim advocate completes a questionnaire,  
 8160 provided by the office, regarding the sexual assault.

8161 (b) Notwithstanding the requirement of Subsection (1)(e), a victim who has suffered  
 8162 strangulation in the course of interpersonal violence is not required to cooperate with  
 8163 the appropriate law enforcement agencies and prosecuting attorneys to be eligible for  
 8164 a [reparations] compensation award under this section if the victim:

8165 (i) reports the strangulation to a law enforcement officer or another federal or state  
 8166 investigative agency after the strangulation occurs; or  
 8167 (ii) seeks medical care for the strangulation immediately after the strangulation  
 8168 occurs.

8169 Section 133. Section **75E-5-306**, which is renumbered from Section 63M-7-510 is renumbered  
 8170 and amended to read:

8171 **[63M-7-510] 75E-5-306 (Effective 07/01/26). Ineligible individuals -- Fraudulent**  
 8172 **compensation claims -- Penalties.**

8173 (1) The following individuals are not eligible to receive a [reparations] compensation award:

8174 (a) an individual who does not meet all of the provisions set forth in Section [63M-7-509]  
 8175 75E-5-305;

8176 (b) the offender;

8177 (c) an accomplice of the offender;

8178 (d) an individual whose receipt of a [reparations] compensation award would unjustly  
 8179 benefit the offender, accomplice, or another individual reasonably suspected of  
 8180 participating in the offense;

8181 (e) the victim of a motor vehicle injury who was the owner or operator of the motor  
 8182 vehicle and was not at the time of the injury in compliance with the state motor  
 8183 vehicle insurance laws;

8184 (f) a convicted offender serving a sentence of imprisonment in any prison or jail or

- 8185           residing in any other correctional facility;
- 8186           (g) an individual who is on probation or parole if the circumstances surrounding the
- 8187           offense of which the individual is a victim is a violation of the individual's probation
- 8188           or parole;
- 8189           (h) an individual whose injuries are the result of criminally injurious conduct that
- 8190           occurred in a prison, jail, or another correctional facility while the individual was
- 8191           incarcerated; and
- 8192           (i) an individual who:
- 8193               (i) submits a fraudulent claim; or
- 8194               (ii) misrepresents a material fact in requesting a [reparations] compensation award.
- 8195       (2)(a) An individual may not knowingly:
- 8196               (i) submit a fraudulent claim; or
- 8197               (ii) misrepresent a material fact in requesting a [reparations] compensation award.
- 8198       (b) A violation of Subsection (2)(a) is:
- 8199               (i) a class B misdemeanor if:
- 8200                   (A) the individual who violates Subsection (2)(a) does not receive a [reparations]
- 8201                   compensation award; or
- 8202                   (B) the value of the [reparations] compensation award received is less than \$500;
- 8203               (ii) a class A misdemeanor if the value of the [reparations] compensation award
- 8204                   received is or exceeds \$500 but is less than \$1,500;
- 8205               (iii) a third degree felony if the value of the [reparations] compensation award
- 8206                   received is or exceeds \$1,500 but is less than \$5,000; and
- 8207               (iv) a second degree felony if the value of the [reparations] compensation award
- 8208                   received is or exceeds \$5,000.
- 8209       (3) The [state]-attorney general may prosecute violations under this section or may make
- 8210           arrangements with county or city attorneys for the prosecution of violations under this
- 8211           section when the attorney general cannot conveniently prosecute.
- 8212       (4)(a) A claimant who is not eligible to receive a [reparations] compensation award under
- 8213           Subsection (1) but receives a [reparations] compensation award shall reimburse the
- 8214           fund for the amount of the [reparations] compensation award.
- 8215       (b) The office may bring a civil action against a victim who does not reimburse the fund
- 8216           for the amount of the [reparations] compensation award in accordance with
- 8217           Subsection (4)(a).
- 8218       Section 134. Section **75E-5-307**, which is renumbered from Section 63M-7-517 is renumbered

8219 and amended to read:

8220 **[63M-7-517] 75E-5-307 (Effective 07/01/26). Compensation award process --**  
 8221 **Additional testing -- Failure to comply -- Waiver of privilege.**

8222 (1)(a) If the mental, physical, or emotional condition of a victim is material to a [  
 8223 ~~reparations]~~ compensation claim, the [~~reparations officer]~~ compensation specialist,  
 8224 director, or the assistant director [~~reparations]~~ compensation program manager who  
 8225 hears the [~~reparations]~~ compensation claim or the appeal may order the claimant to  
 8226 submit to a mental or physical examination by a physician or psychologist and may  
 8227 recommend to the court to order an autopsy of a deceased victim.

8228 [(2)] (b) The court may order an additional examination for good cause shown and shall  
 8229 provide notice to the individual to be examined and the individual's representative.

8230 [(3)] (c) All reports from additional examinations shall set out findings, including results  
 8231 of all tests made, diagnoses, prognoses, other conclusions, and reports of earlier  
 8232 examinations of the same conditions.

8233 [(4)] (d) A copy of the report shall be made available to the victim or the representative  
 8234 of the victim unless dissemination of that copy is prohibited by law.

8235 (2) If an individual refuses to comply with an order under this chapter or asserts a privilege,  
 8236 except privileges arising from the attorney-client relationship, to withhold or suppress  
 8237 evidence relevant to a compensation claim, the director or compensation specialist may  
 8238 make any appropriate determination, including denial of the compensation claim.

8239 (3)(a) A victim who is a claimant waives any privilege as to communications or records  
 8240 relevant to an issue of the physical, mental, or emotional conditions of the victim  
 8241 except for the attorney-client privilege.

8242 (b) The waiver described in Subsection (3)(a) applies only to compensation specialists,  
 8243 the director, the assistant director compensation program manager, and legal counsel.

8244 (c) A claimant may be required to supply any additional medical or psychological  
 8245 reports available relating to the injury or death for which compensation is claimed.

8246 (d) The compensation specialist hearing a compensation claim or an appeal from a  
 8247 compensation claim shall make available to the claimant a copy of the report.

8248 (e) If the victim is deceased, the director or the director's appointee, on request, shall  
 8249 furnish the claimant a copy of the report unless dissemination of that copy is  
 8250 prohibited by law.

8251 Section 135. Section **75E-5-308**, which is renumbered from Section 63M-7-529 is renumbered  
 8252 and amended to read:

- 8253            **[63M-7-529] 75E-5-308 (Effective 07/01/26). Determination of eligibility for**  
8254 **victim compensation -- Law enforcement agency to provide investigative reports --**  
8255 **Restrictions on usage -- Criminal penalty.**
- 8256 (1)(a) Notwithstanding Section 63G-2-206, and subject to Subsection (1)(c), a law  
8257 enforcement agency shall provide a copy of an investigative report that describes the  
8258 facts and circumstances of a criminal episode within 10 business days of the date the  
8259 law enforcement agency receives a request for that information from the office.
- 8260 (b) Before releasing an investigative report, the law enforcement agency may redact the  
8261 following information:
- 8262        (i) the name of:
- 8263            (A) an undercover officer; or  
8264            (B) a confidential informant; and
- 8265        (ii) any information that would:
- 8266            (A) jeopardize the investigation; or  
8267            (B) disclose law enforcement techniques not generally known to the public.
- 8268 (c) If a criminal episode remains under investigation when the office requests an  
8269 investigative report and the law enforcement agency determines that release of an  
8270 investigative report at that time would jeopardize the investigation, a law  
8271 enforcement agency may provide a detailed description of the following information,  
8272 instead of providing an investigative report, within 10 business days of the date the  
8273 law enforcement agency received the original request from the office:
- 8274        (i) the law enforcement agency's case number;  
8275        (ii) the location where the criminal episode occurred;  
8276        (iii) the criminal conduct under investigation;  
8277        (iv) a summary of the criminal episode;  
8278        (v) verification that the claimant is a victim of the criminal conduct;  
8279        (vi) any information regarding whether the claimant's conduct may have contributed  
8280            to the criminal conduct; and  
8281        (vii) whether the claimant was and continues to be cooperative with law enforcement.
- 8282 (d) An investigative report provided under Subsection (1)(a), or information provided  
8283 under Subsection (1)(c), shall contain sufficient information for the office to  
8284 determine whether a claimant is eligible for a [reparations] compensation award under  
8285 Sections [63M-7-509] 75E-5-305 and [63M-7-510] 75E-5-306.
- 8286 (e) If an investigative report or information provided to the office by a law enforcement

8287 agency is not sufficient for the office to determine whether a claimant is eligible for a [  
8288 reparations] compensation award, the office may contact the law enforcement agency  
8289 for additional information.

8290 (f)(i) A law enforcement agency may give written notice that a request may take up  
8291 to an additional 10 business days to process if exigent circumstances exist, which  
8292 include:

8293 (A) a circumstance [~~where~~] in which another agency is using relevant documents;

8294 (B) a circumstance in which the request requires review of a voluminous amount  
8295 of documents;

8296 (C) a circumstance in which the request requires legal review;

8297 (D) a circumstance in which the request requires extensive redaction;

8298 (E) a circumstance in which the law enforcement agency is currently processing  
8299 multiple requests; or

8300 (F) any other exigent [~~circumstances~~] circumstance.

8301 (ii) Notice of an extended response time shall include the type of exigent  
8302 circumstances involved and the new due date for the response.

8303 (2)(a) An investigative report provided under this section may only be used for the  
8304 purpose of carrying out the provisions of this [~~part~~] chapter.

8305 (b) An investigative report received under this section:

8306 (i) may only be viewed by the office and legal counsel for the office; and

8307 (ii) may not be further disclosed or disseminated for any reason.

8308 (3) The office shall dispose of or retain an investigative report received under this section in  
8309 a secure manner.

8310 (4) An investigative report provided to the office under this section is not subject to the  
8311 provisions of Title 63G, Chapter 2, Government Records Access and Management Act.

8312 (5) A public employee or other person who knowingly or intentionally uses or distributes  
8313 an investigative report, or information received from an investigative report, in violation  
8314 of the requirements of Subsection (2) is guilty of a class B misdemeanor.

8315 Section 136. Section **75E-5-309**, which is renumbered from Section 63M-7-511 is renumbered  
8316 and amended to read:

8317 **[63M-7-511] 75E-5-309 (Effective 07/01/26). When a compensation award may**  
8318 **be granted -- Limitations.**

8319 [~~A reparations award under this part may be made if:~~]

8320 (1) The office may grant a compensation award if:

8321 [(1)] (a) the [~~reparations officer~~] compensation specialist finds the [~~reparations]~~  
8322 compensation claim satisfies the requirements for the [~~reparations]~~ compensation  
8323 award under the provisions of this [~~part~~] chapter and the rules of the office;

8324 [(2)] (b) money is available in the fund;

8325 [(3)] (c) the individual for whom the [~~reparations]~~ compensation award is to be paid is  
8326 otherwise eligible under this [~~part~~] chapter; and

8327 [(4)] (d) the [~~reparations]~~ compensation claim is for an allowable expense incurred by the  
8328 victim, as follows:

8329 [(a)] (i) reasonable and necessary charges incurred for products, services, and  
8330 accommodations;

8331 [(b)] (ii) inpatient and outpatient medical treatment and physical therapy, subject to  
8332 rules made by the office in accordance with Title 63G, Chapter 3, Utah  
8333 Administrative Rulemaking Act;

8334 [(c)] (iii) mental health counseling that:

8335 [(i)] (A) is set forth in a mental health treatment plan that is approved before any  
8336 payment is made by a [~~reparations officer~~] compensation specialist; and

8337 [(ii)] (B) qualifies within any further rules made by the office in accordance with  
8338 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

8339 [(d)] (iv) actual loss of past earnings and anticipated loss of future earnings because of  
8340 a death or disability resulting from the personal injury at a rate not to exceed  
8341 66-2/3% of the individual's weekly gross salary or wages or the maximum amount  
8342 allowed under the state workers' compensation statute;

8343 [(e)] (v) care of minor children enabling a victim or spouse of a victim, but not both,  
8344 to continue gainful employment at a rate per child per week as determined under  
8345 rules established by the office in accordance with Title 63G, Chapter 3, Utah  
8346 Administrative Rulemaking Act;

8347 [(f)] (vi) funeral and burial expenses for death caused by the criminally injurious  
8348 conduct, subject to rules made by the office in accordance with Title 63G, Chapter  
8349 3, Utah Administrative Rulemaking Act;

8350 [(g)] (vii) loss of support to a dependent not otherwise compensated for a pecuniary  
8351 loss for personal injury, for as long as the dependence would have existed had the  
8352 victim survived, at a rate not to exceed 66-2/3% of the individual's weekly salary  
8353 or wages or the maximum amount allowed under the state workers' compensation  
8354 statute, whichever is less;

- 8355            [(h)] (viii) personal property necessary and essential to the health or safety of the  
8356            victim as defined by rules made by the office in accordance with Title 63G,  
8357            Chapter 3, Utah Administrative Rulemaking Act;
- 8358            [(i)] (ix) medical examinations, subject to rules made by the office in accordance with  
8359            Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which may allow for  
8360            exemptions from [~~Sections 63M-7-509, 63M-7-512, and 63M-7-513~~] Section  
8361            75E-5-305 and Subsections (2), 75E-5-304(1)(b), 75E-5-304(1)(c), 75E-5-311(4),  
8362            75E-5-311(6), 75E-5-311(7), and 75E-5-311(8); and
- 8363            [(j)] (x) for a victim of sexual assault who becomes pregnant from the sexual assault,  
8364            health care:
- 8365            [(i)] (A) for the victim during the duration of the victim's pregnancy if the health  
8366            care is related to or resulting from the sexual assault or the pregnancy; and
- 8367            [(i)] (B) for the victim and the victim's child for one year after the day on which  
8368            the victim's child is born.
- 8369            (2)(a) The office may reduce or deny a compensation award otherwise payable to a  
8370            claimant if:
- 8371            (i) the economic loss upon which the claim is based has been or could be recouped  
8372            from other persons, including collateral sources;
- 8373            (ii) the compensation specialist considers the compensation claim unreasonable  
8374            because of the misconduct of the claimant; or
- 8375            (iii) the victim did not use a facility or health care provider that would be covered by  
8376            a collateral source.
- 8377            (b) When two or more dependents are entitled to a compensation award as a result of a  
8378            victim's death, the compensation specialist shall apportion the compensation award  
8379            among the dependents.
- 8380            (3)(a) If a compensation specialist determines that a claimant will suffer financial  
8381            hardship unless an emergency compensation award is made, and a final  
8382            compensation award appears likely, the office may pay an amount to the claimant, to  
8383            be deducted from the final compensation award or repaid by and recoverable from  
8384            the claimant to the extent that the payment exceeds the final compensation award.
- 8385            (b) The office may limit emergency compensation awards under Subsection (3)(a) to any  
8386            amount the office considers necessary.
- 8387            (4)(a) Except as provided in Subsection (4)(b), a compensation award may not exceed  
8388            \$25,000 including any compensation award for a secondary victim.

8389 (b) A compensation award for medical expenses resulting from serious bodily injury or  
 8390 substantial bodily injury may not exceed \$50,000.

8391 (5) Unless otherwise requested by the claimant, the office shall pay a compensation award  
 8392 for the victim before a compensation award for a secondary victim.

8393 (6) The compensation specialist shall determine the priority of payment among multiple  
 8394 secondary victims on a single compensation claim.

8395 Section 137. Section **75E-5-310**, which is renumbered from Section 63M-7-514 is renumbered  
 8396 and amended to read:

8397 **[63M-7-514] 75E-5-310 (Effective 07/01/26). Notification of claimant --**  
 8398 **Suspension of proceedings.**

8399 (1)(a) The office shall immediately notify the claimant in writing of a [reparations]  
 8400 compensation award and shall forward to the Division of Finance a certified copy of  
 8401 the [reparations] compensation award and a warrant request for the amount of the [  
 8402 reparations] compensation award.

8403 (b) The Division of Finance shall pay the claimant the amount submitted to the division,  
 8404 out of the fund.

8405 (c) If money in the fund is temporarily depleted, the office shall place claimants  
 8406 approved to receive a [reparations] compensation award on a waiting list and provide  
 8407 the [reparations] compensation awards as funds are available in the order in which the [  
 8408 reparations] compensation awards are approved.

8409 (2) The [~~reparations officer~~] compensation specialist may suspend the proceedings pending  
 8410 disposition of a criminal prosecution that is commenced or is imminent.

8411 Section 138. Section **75E-5-311**, which is renumbered from Section 63M-7-519 is renumbered  
 8412 and amended to read:

8413 **[63M-7-519] 75E-5-311 (Effective 07/01/26). Acceptance of a compensation**  
 8414 **award -- Assignment of recovery -- Reimbursement.**

8415 (1)(a) By accepting a [reparations] compensation award, [the] a victim:

8416 (i) automatically assigns to the office any claim the victim may have relating to  
 8417 criminally injurious conduct in the [reparations] compensation claim; and

8418 (ii) is required to reimburse the office if the victim recovers any money relating to the  
 8419 criminally injurious conduct.

8420 (b) The office's right of assignment and reimbursement under Subsection (1)(a) is  
 8421 limited to the lesser of:

8422 (i) the amount paid by the office; or

- 8423 (ii) the amount recovered by the victim from the third party.
- 8424 (c) The office may be reimbursed under Subsection (1)(a) regardless of whether the  
8425 office exercises the office's right of assignment under Subsection (1)(a).
- 8426 (2) ~~The [executive director of the Commission on Criminal and Juvenile Justice]~~  
8427 commissioner, with the concurrence of the director, may reduce the office's right of  
8428 reimbursement if the ~~[executive director]~~ commissioner determines that:
- 8429 (a) the reduction will benefit the fund; or
- 8430 (b) the victim has ongoing expenses related to the offense upon which the ~~[reparations]~~  
8431 compensation claim is based and the benefit to the victim of reducing the office's  
8432 right of reimbursement exceeds the benefit to the office of receiving full  
8433 reimbursement.
- 8434 (3) The office reserves the right to make a claim for reimbursement on behalf of the victim~~[~~  
8435 ~~and the victim may not impair the office's claim or the office's right of reimbursement]~~.
- 8436 (4) The victim may not discharge a claim against an individual or entity without the office's  
8437 written permission.
- 8438 (5) The victim may not impair the office's:
- 8439 (a) claim; or
- 8440 (b) right of reimbursement.
- 8441 (6) The victim shall fully cooperate with the office in pursuing the office's right of  
8442 reimbursement, including providing the office with any evidence in the victim's  
8443 possession.
- 8444 (7) The office's right of reimbursement applies regardless of whether the victim is fully  
8445 compensated for the victim's losses.
- 8446 (8) Notwithstanding Subsection 75E-5-309(2)(a)(i), a victim of a sexual offense who  
8447 requests testing of the victim's self may be reimbursed for the costs of the HIV test only  
8448 as provided in Subsection 53-10-803(4).

8449 Section 139. Section **75E-5-312**, which is renumbered from Section 63M-7-521 is renumbered  
8450 and amended to read:

8451 **[63M-7-521] 75E-5-312 (Effective 07/01/26). Payment of a compensation award**  
8452 **-- Claims against the award -- Review.**

- 8453 (1)(a) Except as provided in Subsection (1)(b), a ~~[reparations officer]~~ compensation  
8454 specialist may provide for the payment of a ~~[reparations]~~ compensation award in a  
8455 lump sum or in installments.
- 8456 (b)(i) The ~~[reparations officer]~~ compensation specialist shall pay the part of a [

- 8457            ~~reparations~~] compensation award equal to the amount of economic loss accrued to  
8458            the date of the [~~reparations~~] compensation award in a lump sum.
- 8459            (ii) A [~~reparations-officer~~] compensation specialist may not pay allowable expense  
8460            that would accrue after an initial [~~reparations~~] compensation award is made in a  
8461            lump sum.
- 8462            (iii) Except as provided in Subsection (2), a [~~reparations-officer~~] compensation  
8463            specialist shall award the part of a [~~reparations~~] compensation award that may not  
8464            be paid in a lump sum under this Subsection (1)(b) in installments.
- 8465            (2) At the request of the claimant, the [~~reparations-officer~~] compensation specialist may  
8466            convert future economic loss installment payments, other than allowable expense, to a  
8467            lump sum payment, discounted to present value, but only upon a finding by the [  
8468            ~~reparations-officer~~] compensation specialist that the [~~reparations~~] compensation award in  
8469            a lump sum will promote the interests of the claimant.
- 8470            (3)(a) A [~~reparations~~] compensation award for future economic loss payable in  
8471            installments may be made only for a period for which the [~~reparations-officer~~]  
8472            compensation specialist can reasonably determine future economic loss.
- 8473            (b) The [~~reparations-officer~~] compensation specialist may reconsider and modify a [  
8474            ~~reparations~~] compensation award for future economic loss payable in installments,  
8475            upon the [~~reparations-officer's~~] compensation specialist's finding that a material and  
8476            substantial change of circumstances has occurred.
- 8477            (4) A [~~reparations~~] compensation award is not subject to execution, attachment, or  
8478            garnishment, except that a [~~reparations~~] compensation award for allowable expense is not  
8479            exempt from a claim of a creditor to the extent that the creditor provided products,  
8480            services, or accommodations, the costs of which are included in the [~~reparations~~]  
8481            compensation award.
- 8482            (5) An assignment or agreement to assign a [~~reparations~~] compensation award for loss  
8483            accruing in the future is unenforceable, except:
- 8484            (a) an assignment of a [~~reparations~~] compensation award of [~~reparations~~] compensation  
8485            for work loss to secure payment of alimony, maintenance, or child support;
- 8486            (b) an assignment of a [~~reparations~~] compensation award for allowable expense to the  
8487            extent that the benefits are for the cost of products, services, or accommodations  
8488            necessitated by the injury or death on which the [~~reparations~~] compensation claim is  
8489            based and are provided or to be provided by the assignee; or
- 8490            (c) an assignment to repay a loan obtained to pay for the obligations or expenses

8491 described in Subsection (5)(a) or (b).

8492 (6)(a) A compensation specialist shall review at least annually every compensation  
8493 award being paid in installments.

8494 (b) An order on review of a compensation award does not require refund of amounts  
8495 previously paid unless the compensation award was obtained by fraud or a material  
8496 mistake of fact.

8497 Section 140. Section **75E-5-313**, which is renumbered from Section 63M-7-521.5 is renumbered  
8498 and amended to read:

8499 **[63M-7-521.5] 75E-5-313 (Effective 07/01/26). Payments to medical service**  
8500 **providers.**

8501 (1)(a) Except as provided in Subsection (2), a medical service provider who accepts  
8502 payment from the office[-] :

8503 (i) shall agree to accept payments as payment in full on behalf of the victim or  
8504 claimant; and[-]

8505 (ii) may not attempt to collect further payment from the victim or the claimant for  
8506 services for which the office has made payment.

8507 (b) ~~[In the event]~~ If the office is unable to make full payment in accordance with the  
8508 office's rules, the medical service provider may collect from the victim or claimant,  
8509 but not more than the amount the provider would have received from the office.

8510 (2)(a) When a medical service provider receives notice that a ~~[reparations]~~ compensation  
8511 claim has been filed, the medical service provider may not, before the office  
8512 determines whether to issue a ~~[reparations]~~ compensation award, engage in debt  
8513 collection for the claim, including:

8514 (i) repeatedly calling or writing to a victim and threatening to refer unpaid health care  
8515 costs to a debt collection agency, attorney, or other person for collection; or

8516 (ii) filing for or pursuing a legal remedy for payment of unpaid health care costs.

8517 (b) The statute of limitations for collecting a debt is tolled during the time in which a  
8518 request for a ~~[reparations]~~ compensation award is being reviewed by the office.

8519 (3) The office may:

8520 (a) use the fee schedule utilized by the Utah Public Employees Health Plan or any other  
8521 fee schedule adopted by the office; and

8522 (b) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
8523 Rulemaking Act, necessary to implement the fee schedule adopted in accordance  
8524 with this section.

8525 Section 141. Section **75E-5-314**, which is renumbered from Section 63M-7-524 is renumbered  
8526 and amended to read:

8527 **[63M-7-524] 75E-5-314 (Effective 07/01/26). Attorney fees.**

8528 (1) The claims procedures shall be sufficiently simple that the assistance of an attorney is  
8529 unnecessary, and no attorney fees may be paid for the assistance of an attorney or any  
8530 other representative in filing the [reparations] compensation claim or providing  
8531 information to the [reparations-officer] compensation specialist.

8532 (2) Attorney fees may be granted in the following circumstances and shall be paid out of  
8533 the [reparations] compensation award not to exceed 15% of the amount of the [  
8534 reparations] compensation award:

8535 (a) when a [reparations] compensation award is denied and, after a hearing, the decision  
8536 to deny is overturned; or

8537 (b) when minor dependents of a deceased victim require assistance in establishing a trust  
8538 or determining a guardian.

8539 (3)(a) An attorney or any other person providing assistance in a [reparations]  
8540 compensation claim, who contracts for or receives sums not allowed under this [part]  
8541 chapter, is guilty of a class B misdemeanor.

8542 (b) This Subsection (3) does not apply to attorneys who assist the victim in filing a civil  
8543 action against the perpetrator.

8544 Section 142. Section **75E-6-101**, which is renumbered from Section 63M-7-901 is renumbered  
8545 and amended to read:

## 8546 **CHAPTER 6. Victim Services Commission**

### 8547 **Part 1. General Provisions**

8548 **[63M-7-901] 75E-6-101 (Effective 07/01/26). Definitions for chapter.**

8549 As used in this [part] chapter:

8550 (1) "Commission" means the [~~Utah~~]Victim Services Commission.

8551 (2) "Criminal justice system victim advocate" means the same as that term is defined in  
8552 Section 77-38-403.

8553 (3) "Member" means a member of the [~~Utah~~]Victim Services Commission.

8554 (4) "State domestic violence coalition" means the same as that term is defined in 45 C.F.R.  
8555 Sec. 1370.2.

8556 (5) "State sexual assault coalition" means the same as that term is defined in 34 U.S.C. Sec.  
8557 12291.

- 8558 (6) "Tribal coalition" means the same as that term is defined in 34 U.S.C. Sec. 12291.  
 8559 (7) "Victim Services Restricted Account" means the account created in Section [63M-7-219]  
 8560 75E-2-305.

8561 Section 143. Section **75E-6-102**, which is renumbered from Section 63M-7-902 is renumbered  
 8562 and amended to read:

8563 **[63M-7-902] 75E-6-102 (Effective 07/01/26) (Repealed 07/01/29). Creation --**  
 8564 **Membership -- Terms -- Vacancies -- Expenses.**

- 8565 (1) There is created the [~~Utah~~]Victim Services Commission within the [~~State Commission~~  
 8566 ~~on Criminal and Juvenile Justice~~] department.
- 8567 (2) The commission is composed of the following members:
- 8568 (a) the executive director of the [~~State~~]Commission on Criminal and Juvenile Justice or  
 8569 the executive director's designee;
- 8570 (b) the director of the [~~Utah~~]Office for Victims of Crime or the director's designee;
- 8571 (c) the executive director of the Department of Corrections or the executive director's  
 8572 designee;
- 8573 (d) the director of the Division of Multicultural Affairs or the director's designee;
- 8574 (e) the executive director of the state sexual assault coalition for this state or the  
 8575 executive director's designee;
- 8576 (f) the executive director of the state domestic violence coalition for this state or the  
 8577 executive director's designee;
- 8578 (g) the executive director of the tribal coalition for this state or the executive director's  
 8579 designee;
- 8580 (h) the director of the Children's Justice Center Program in the Office of the Attorney  
 8581 General or the director's designee;
- 8582 (i) the attorney general or the attorney general's designee;
- 8583 (j) the commissioner of the Department of Public Safety or the commissioner's designee;
- 8584 (k) a criminal justice system [~~based~~] victim advocate, appointed by the governor with the  
 8585 advice and consent of the Senate;
- 8586 (l) a prosecuting attorney, appointed by the governor with the advice and consent of the  
 8587 Senate;
- 8588 (m) a criminal defense attorney, appointed by the governor with the advice and consent  
 8589 of the Senate;
- 8590 (n) a law enforcement representative from the Utah Sheriffs Association or Utah Chiefs  
 8591 of Police Association, appointed by the governor with the advice and consent of the

- 8592 Senate; and
- 8593 (o) an individual who is a current representative from the House of Representatives or
- 8594 senator from the Senate, appointed jointly by the speaker of the House of
- 8595 Representatives and president of the Senate.
- 8596 (3)(a) A member appointed under Subsections (2)(k) through (o) shall serve a four-year
- 8597 term.
- 8598 (b) A member appointed to serve a four-year term is eligible for reappointment.
- 8599 (c) The governor's reappointment of a member under Subsections (2)(k) through (n)
- 8600 shall be made with the advice and consent of the Senate.
- 8601 (4) When a vacancy occurs in the membership of the commission for any reason, the
- 8602 applicable appointing authority shall, in accordance with any procedure described in [
- 8603 ~~Subsection~~] Subsections (2)(a) through (o), appoint a replacement for the unexpired term.
- 8604 (5) Except as otherwise provided in Subsection (6), a member may not receive
- 8605 compensation for the member's service but may receive per diem and reimbursement for
- 8606 travel expenses incurred as a member at the rates established by:
- 8607 (a) Section 63A-3-106;
- 8608 (b) Section 63A-3-107; and
- 8609 (c) rules made by the Division of Finance [~~according to~~] in accordance with Sections
- 8610 63A-3-106 and 63A-3-107.
- 8611 (6) A member may not receive per diem or reimbursement for travel expenses under
- 8612 Subsection (5) if the member is being paid by a governmental entity while performing
- 8613 the member's service on the commission.
- 8614 Section 144. Section **75E-6-103**, which is renumbered from Section 63M-7-903 is renumbered
- 8615 and amended to read:
- 8616 **[63M-7-903] 75E-6-103 (Effective 07/01/26). Chair and vice chair -- Procedure --**
- 8617 **Subcommittees.**
- 8618 (1)(a) Except as provided in Subsection (1)(b), the governor shall appoint, with the
- 8619 advice and consent of the Senate, a chair from among the membership of the
- 8620 commission.
- 8621 (b) A member who is a legislator may not be appointed as the chair of the commission.
- 8622 (c) The chair of the commission shall serve a two-year term.
- 8623 (2)(a) The members of the commission shall elect a vice chair from among the
- 8624 membership of the commission.
- 8625 (b) The vice chair of the commission shall serve a two-year term.

- 8626 (c) A member who is a legislator may not be elected as the vice chair of the commission.  
 8627 (3)(a) A majority of the members of the commission constitutes a quorum.  
 8628 (b) The action of a majority of a quorum constitutes the action of the commission.  
 8629 (4) The commission shall meet quarterly or more frequently as determined necessary by the  
 8630 chair.  
 8631 (5) The commission shall establish:  
 8632 (a) a subcommittee focused on domestic violence that is co-chaired by:  
 8633 (i) the executive director of the state domestic violence coalition for this state or the  
 8634 executive director's designee; and  
 8635 (ii) the executive director of the tribal coalition for this state or the executive  
 8636 director's designee;  
 8637 (b) a subcommittee focused on rape and sexual assault that is co-chaired by:  
 8638 (i) the executive director of the state sexual assault coalition for this state or the  
 8639 executive director's designee; and  
 8640 (ii) the executive director of the tribal coalition for this state or the executive  
 8641 director's designee;  
 8642 (c) a subcommittee focused on child abuse that is chaired by the chair of the Children's  
 8643 Justice Center Standing Committee or the chair's designee;  
 8644 (d) a subcommittee focused on multicultural communities with distinct victimization  
 8645 issues that is chaired by the director of Division of Multicultural Affairs or the  
 8646 director's designee; and  
 8647 (e) any other subcommittee as needed to assist the commission in accomplishing the  
 8648 duties of the commission, including an executive subcommittee.  
 8649 (6) Except as otherwise provided in Subsection (5), the commission may:  
 8650 (a) appoint to a subcommittee any member of the commission or any other individual  
 8651 with subject-matter expertise that is relevant to a subcommittee's focus and purpose;  
 8652 (b) appoint the chair of any subcommittee; and  
 8653 (c) establish the focus and purpose of a subcommittee.

8654 Section 145. Section **75E-6-201** is enacted to read:

8655 **Part 2. Commission Responsibilities**

8656 **75E-6-201 (Effective 07/01/26). Definitions for part.**

8657 Reserved.

8658 Section 146. Section **75E-6-202**, which is renumbered from Section 63M-7-904 is renumbered  
 8659 and amended to read:

8660 **[63M-7-904] 75E-6-202 (Effective 07/01/26). Duties of the commission -- Report.**

- 8661 (1) The commission shall:
- 8662 (a) advocate for the adoption, repeal, or modification of laws or proposed legislation in
- 8663 the interest of victims of crime;
- 8664 (b) make recommendations to the Legislature, the governor, and the Judicial Council on
- 8665 the following:
- 8666 (i) enforcing existing rights of victims of crime;
- 8667 (ii) enhancing rights of victims of crime;
- 8668 (iii) the role of victims of crime in the criminal justice system;
- 8669 (iv) victim restitution;
- 8670 (v) educating and training criminal justice professionals on the rights of victims of
- 8671 crime; and
- 8672 (vi) enhancing services to victims of ~~crimes~~ crime; and
- 8673 (c) provide training on the rights of victims of crime.
- 8674 (2) The commission shall, in partnership with state agencies and organizations, including
- 8675 the Children's Justice Center Program, the ~~Utah~~-Office for Victims of Crime, and the
- 8676 Division of Child and Family Services:
- 8677 (a) review and assess the duties and practices of the ~~State~~-Commission on Criminal and
- 8678 Juvenile Justice regarding services and criminal justice policies pertaining to victims;
- 8679 (b) encourage and facilitate the development and coordination of trauma-informed
- 8680 services for crime victims throughout the state;
- 8681 (c) encourage and foster public and private partnerships for the purpose of:
- 8682 (i) assessing needs for crime victim services throughout the state;
- 8683 (ii) developing crime victim services and resources throughout the state; and
- 8684 (iii) coordinating crime victim services and resources throughout the state;
- 8685 (d) generate unity for ongoing efforts to reduce and eliminate the impact of crime on
- 8686 victims through a comprehensive and evidence-based prevention, treatment, and
- 8687 justice strategy;
- 8688 (e) recommend and support the creation, dissemination, and implementation of statewide
- 8689 policies and plans to address crimes, including domestic violence, sexual violence,
- 8690 child abuse, and driving under the influence of drugs and alcohol;
- 8691 (f) collect information on statewide funding for crime victim services and prevention
- 8692 efforts, including the sources, disbursement, and outcomes of statewide funding for
- 8693 crime victim services and prevention efforts;

- 8694 (g) consider recommendations from any subcommittee of the commission; and  
 8695 (h) make recommendations regarding:  
 8696 (i) the duties and practices of the [~~State Commission on Criminal and Juvenile Justice~~]  
 8697 department to ensure that:  
 8698 (A) crime victims are a vital part of the criminal justice system of the state;  
 8699 (B) all crime victims and witnesses are treated with dignity, respect, courtesy, and  
 8700 sensitivity; and  
 8701 (C) the rights of crime victims and witnesses are honored and protected by law in  
 8702 a manner no less vigorous than protections afforded to criminal defendants; and  
 8703 (ii) statewide funding for crime victim services and prevention efforts.
- 8704 (3) The commission may:  
 8705 (a) subject to court rules and the governor's approval, advocate in an appellate court on  
 8706 behalf of a victim of crime;  
 8707 (b) recommend to the Legislature the services to be funded by the Victim Services  
 8708 Restricted Account;  
 8709 (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
 8710 Rulemaking Act, regarding the process by which a victim, or a representative of a  
 8711 victim, may submit a complaint alleging a violation of the victim's rights; and  
 8712 (d) review any action taken by a victim rights committee created in accordance with  
 8713 Section [~~63M-7-1002~~] 75E-6-302.
- 8714 (4) The commission shall report the commission's recommendations annually to the  
 8715 department, the [~~State-~~]Commission on Criminal and Juvenile Justice, the governor, the  
 8716 Judicial Council, the Criminal Justice Appropriations Subcommittee, the Health and  
 8717 Human Services Interim Committee, the Judiciary Interim Committee, and the Law  
 8718 Enforcement and Criminal Justice Interim Committee.
- 8719 (5) When taking an action or making a recommendation, the commission shall respect that  
 8720 a state agency is bound to follow state law and may have duties or responsibilities  
 8721 imposed by state law.

8722 Section 147. Section **75E-6-301**, which is renumbered from Section 63M-7-1001 is renumbered  
 8723 and amended to read:

### 8724 **Part 3. Victim Rights Committees**

8725 **[~~63M-7-1001~~] 75E-6-301 (Effective 07/01/26). Definitions for part.**

8726 As used in this part:

- 8727 (1) "Committee" means a victim rights (1) committee established in each judicial district as

8728 described in Section [~~63M-7-1002~~] 75E-6-302.

8729 [~~(2)~~] "~~Victim Services Commission~~" means the Utah Victim Services Commission  
8730 established in Section ~~63M-7-902~~.]

8731 [~~(3)~~] (2)(a) "Criminal justice agency" means an agency that is directly involved in the  
8732 apprehension, prosecution, incarceration, or supervision of an individual involved in  
8733 criminal conduct.

8734 (b) "Criminal justice agency" includes:

8735 (i) a law enforcement agency as defined in Section [~~63M-7-502~~] 75E-5-101;

8736 (ii) a prosecuting agency;

8737 (iii) the Department of Corrections created in Section 64-13-2; or

8738 (iv) the Board of Pardons and Parole created in Section 77-27-2.

8739 [~~(4)~~] (3) "Member" means an individual appointed to a committee.

8740 [~~(5)~~] (4) "Representative of a victim" means the same as that term is defined in Section  
8741 77-38-2.

8742 [~~(6)~~] (5)(a) "Victim" means an individual against whom criminal conduct has allegedly  
8743 been committed.

8744 (b) "Victim" does not include an individual who is an accomplice or codefendant to  
8745 criminal conduct.

8746 [~~(7)~~] (6) "Victim advocate" means the same as that term is defined in Section [~~77-37-403~~]  
8747 77-38-403.

8748 [~~(8)~~] (7) "Victim's rights" means the rights afforded to a victim under Title 77, Chapter 37,  
8749 Victims' Rights, Title 77, Chapter 38, Crime Victims, and Utah Constitution, Article I,  
8750 Section 28.

8751 Section 148. Section **75E-6-302**, which is renumbered from Section 63M-7-1002 is renumbered  
8752 and amended to read:

8753 **[~~63M-7-1002~~] 75E-6-302 (Effective 07/01/26). Victim rights committee for each**  
8754 **judicial district -- Members -- Terms.**

8755 (1) There is created a victim rights committee in each judicial district of this state.

8756 (2) The [~~Victim Services Commission~~] commission shall appoint a chair to serve on each  
8757 committee.

8758 (3) The chair shall appoint, with the [~~Victim Services Commission's~~] commission's consent,  
8759 the following individuals to serve on each committee:

8760 (a) a county or district attorney within the judicial district, or the county or district  
8761 attorney's designee;

- 8762 (b) a municipal attorney within the judicial district, or the municipal attorney's designee;  
 8763 (c) a sheriff within the judicial district, or the sheriff's designee;  
 8764 (d) a chief of police within the judicial district, or the chief of police's designee;  
 8765 (e) a representative of the Division of Adult Probation and Parole created in Section  
 8766 64-14-202;  
 8767 (f) a victim advocate; and  
 8768 (g) any other representative as appropriate.
- 8769 (4) A member is:
- 8770 (a) appointed to serve a four-year term; and  
 8771 (b) eligible for reappointment.
- 8772 (5) When a vacancy occurs in the membership of a committee for any reason, the  
 8773 replacement shall be appointed for the remainder of the unexpired term.
- 8774 (6) A member may not receive compensation or benefits for the member's service, but a  
 8775 member may receive per diem and travel expenses in accordance with:
- 8776 (a) Section 63A-3-106;  
 8777 (b) Section 63A-3-107; and  
 8778 (c) rules made by the Division of Finance [~~pursuant to~~] in accordance with Sections  
 8779 63A-3-106 and 63A-3-107.

8780 Section 149. Section **75E-6-303**, which is renumbered from Section 63M-7-1003 is renumbered  
 8781 and amended to read:

8782 **[~~63M-7-1003~~] 75E-6-303 (Effective 07/01/26). Complaint of violation of victim**  
 8783 **rights -- Criminal justice agency policy about complaints.**

- 8784 (1)(a) When a committee receives a complaint, the committee shall review the complaint  
 8785 to determine whether the complaint alleges a violation of a victim's rights.
- 8786 (b) If a complaint alleges a violation of a victim's rights in another judicial district, the  
 8787 committee shall forward the complaint to the judicial district where the violation  
 8788 allegedly occurred.
- 8789 (2)(a) If the committee receives a complaint that does not allege a violation of a victim's  
 8790 rights, the committee shall send a letter to the victim, or the representative of a victim:
- 8791 (i) explaining that the committee may only address a violation of the victim's rights;  
 8792 and  
 8793 (ii) describing any other resources that may be available to the victim or the  
 8794 representative of the victim.
- 8795 (b) The committee shall send the letter described in Subsection (2)(a) within 30 days

- 8796 after the day on which the committee receives the complaint.
- 8797 (3) If the complaint does allege a violation of a victim's rights, the committee shall forward  
8798 a copy of the complaint to the person that is the subject of the complaint.
- 8799 (4) The committee shall schedule a meeting for the committee to review the complaint as  
8800 soon as practicable.
- 8801 (5) If a criminal justice agency investigates a complaint regarding a violation of a victim's  
8802 rights and the committee receives a complaint about the same violation, the criminal  
8803 justice agency shall provide the criminal justice agency's investigative findings related to  
8804 the complaint to the committee.
- 8805 (6) After reviewing the complaint and any findings submitted by a criminal justice agency  
8806 under Subsection (5), the committee may:
- 8807 (a) inform the person of a victim's rights and the obligations required by law;  
8808 (b) refer the victim, or the representative of a victim, to other resources in the  
8809 community; or
- 8810 (c) inform the victim, or the representative of a victim, of the victim's rights and  
8811 remedies described in Title 77, Chapter 37, Victims' Rights, Title 77, Chapter 38,  
8812 Crime Victims, and Utah Constitution, Article I, Section 28.
- 8813 (7) Within 30 days after the day on which the committee meeting is held, the chair of the  
8814 committee shall send a letter to the victim, or the representative of a victim, describing  
8815 any action taken by the committee.
- 8816 (8) A criminal justice agency shall establish a policy for addressing a complaint alleging a  
8817 violation of a victim's rights.

8818 Section 150. Section **75E-7-101**, which is renumbered from Section 63M-7-701 is renumbered  
8819 and amended to read:

8820 **CHAPTER 7. Domestic Violence Offender Treatment Board**

8821 **Part 1. General Provisions**

8822 **[~~63M-7-701~~] 75E-7-101 (Effective 07/01/26) (Repealed 07/01/27). Definitions for**  
8823 **chapter.**

8824 As used in this [part] chapter:

- 8825 (1) "Board" means the Domestic Violence Offender Treatment Board created in Section [  
8826 ~~63M-7-702~~] 75E-7-102.
- 8827 (2) "Commission" means the [~~State~~]Commission on Criminal and Juvenile Justice created  
8828 in Section [~~63M-7-201~~] 75E-3-102.

8829 Section 151. Section **75E-7-102**, which is renumbered from Section 63M-7-702 is renumbered  
8830 and amended to read:

8831 **~~[63M-7-702]~~ 75E-7-102 (Effective 07/01/26) (Repealed 07/01/27). Domestic**  
8832 **Violence Offender Treatment Board -- Creation -- Membership -- Quorum -- Per diem --**  
8833 **Staff support -- Meetings.**

- 8834 (1) There is created within the [~~commission~~] department the Domestic Violence Offender  
8835 Treatment Board consisting of the following members:
- 8836 (a) the executive director of the Department of Corrections, or the executive director's  
8837 designee;
  - 8838 (b) the executive director of the Department of Health and Human Services, or the  
8839 executive director's designee;
  - 8840 (c) one individual who represents a state program that focuses on prevention of injury  
8841 and domestic violence appointed by the executive director of the Department of  
8842 Health and Human Services;
  - 8843 (d) the commissioner of public safety for the Department of Public Safety, or the  
8844 commissioner's designee;
  - 8845 (e) the chair of the [~~Utah~~]Victim Services Commission or the chair's designee;
  - 8846 (f) the director of the [~~Utah~~]Office for Victims of Crime, or the director's designee;
  - 8847 (g) the chair of the Board of Pardons and Parole, or the chair's designee;
  - 8848 (h) the director of the Division of Juvenile Justice and Youth Services, or the director's  
8849 designee;
  - 8850 (i) one individual who represents the Administrative Office of the Courts appointed by  
8851 the state court administrator; and
  - 8852 (j) ten individuals appointed by the executive director of the commission, including:
    - 8853 (i) the following four individuals licensed under Title 58, Chapter 60, Mental Health  
8854 Professional Practice Act:
      - 8855 (A) a clinical social worker;
      - 8856 (B) a marriage and family therapist;
      - 8857 (C) a professional counselor; and
      - 8858 (D) a psychologist;
    - 8859 (ii) one individual who represents an association of criminal defense attorneys;
    - 8860 (iii) one criminal defense attorney who primarily represents indigent criminal  
8861 defendants;
    - 8862 (iv) one individual who represents an association of prosecuting attorneys;

- 8863 (v) one individual who represents law enforcement;
- 8864 (vi) one individual who represents an association of criminal justice victim
- 8865 advocates; and
- 8866 (vii) one individual who represents a nonprofit organization that provides domestic
- 8867 violence victim advocate services.
- 8868 (2)(a) A member may not serve on the board for more than eight consecutive years.
- 8869 (b) If a vacancy occurs in the membership of the board appointed under Subsection (1),
- 8870 the member shall be replaced in the same manner in which the original appointment
- 8871 was made.
- 8872 (c) A member of the board serves until the member's successor is appointed.
- 8873 (3) The members of the board shall vote on a chair and co-chair of the board to serve for
- 8874 two years.
- 8875 (4)(a) A majority of the board members constitutes a quorum.
- 8876 (b) The action of a majority of a quorum constitutes an action of the board.
- 8877 (5) A board member may not receive compensation or benefits for the member's service on
- 8878 the board, but may receive per diem and reimbursement for travel expenses incurred as a
- 8879 board member at the rates established by the Division of Finance under:
- 8880 (a) Sections 63A-3-106 and 63A-3-107; and
- 8881 (b) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 8882 (6) The commission shall provide staff support to the board.
- 8883 (7) The board shall meet at least quarterly on a date the board sets.
- 8884 Section 152. Section **75E-7-201** is enacted to read:

## 8885 **Part 2. Board Responsibilities**

### 8886 **75E-7-201 (Effective 07/01/26). Definitions for part.**

8887 Reserved.

8888 Section 153. Section **75E-7-202**, which is renumbered from Section 63M-7-703 is renumbered

8889 and amended to read:

### 8890 **[~~63M-7-703~~] 75E-7-202 (Effective 07/01/26) (Repealed 07/01/27). Board duties.**

- 8891 (1) The board shall advise and make recommendations to other councils, boards, and
- 8892 offices within the [~~commission~~] department that address domestic violence.
- 8893 (2) As part of the board's duties under Subsection (1), the board shall:
- 8894 (a) research standardized procedures and methods for intimate partner and domestic
- 8895 violence offender evaluation, intervention, treatment, and monitoring that prioritize
- 8896 physical and psychological safety of the victim;

- 8897 (b) identify and establish best practice standards for intimate partner and domestic  
 8898 violence evaluation, intervention, treatment, and monitoring that:  
 8899 (i) are applicable to the state's needs;  
 8900 (ii) are based on scientific research to address an individual's intimate partner and  
 8901 domestic violence risk factors; and  
 8902 (iii) incorporate evidence-based trauma informed care to enhance the quality and  
 8903 continuity of intervention and treatment;
- 8904 (c) disseminate the best practice standards described in Subsection (2)(b) to the entities  
 8905 described in Subsection (1) to be used in the evaluation, intervention, treatment, and  
 8906 monitoring of intimate partner and domestic violence offenders; and
- 8907 (d) establish a training and certification program for public and private providers of  
 8908 intervention and treatment for intimate partner and domestic violence offenders that  
 8909 requires the public and private providers to:  
 8910 (i) comply with the best practice standards described in Subsection (2)(b) to obtain  
 8911 and maintain certification; and  
 8912 (ii) participate in annual education or training to maintain certification.
- 8913 (3) The board shall:
- 8914 (a) monitor the public and private providers who participate in the training and  
 8915 certification program described in Subsection (2)(d) to ensure compliance with the  
 8916 best practice standards and annual education or training described in Subsection (2)(d);  
 8917 and
- 8918 (b) annually provide a list of the public and private providers who participated in the  
 8919 training and certification program described in Subsection (2)(d) and are in  
 8920 compliance with the requirements described in Subsection (2)(d) to the  
 8921 Administrative Office of the Courts as a resource for judges and commissioners in  
 8922 domestic violence cases.

8923 Section 154. Section **75E-8-101**, which is renumbered from Section 63M-7-1101 is renumbered  
 8924 and amended to read:

8925 **CHAPTER 8. Prosecutor Conduct Commission**

8926 **Part 1. General Provisions**

8927 **[63M-7-1101] 75E-8-101 (Effective 07/01/26). Definitions for chapter.**

8928 As used in this [part] chapter:

- 8929 (1) "Commission" means the Prosecutor Conduct Commission created in Section [

8930 ~~63M-7-1102]~~ 75E-8-102.

- 8931 (2) "Complaint" means:
- 8932 (a) a written complaint regarding professional misconduct by a prosecuting attorney; or
- 8933 (b) an allegation based on reliable information received in any form, from any source,
- 8934 that alleges, or from which a reasonable inference can be drawn that a prosecuting
- 8935 attorney has committed professional misconduct.
- 8936 (3) "Employer" means:
- 8937 (a) except as provided in Subsection (3)(b), the attorney general, a district attorney, a
- 8938 county attorney, or a municipal attorney who employs the prosecuting attorney; or
- 8939 (b) the chief executive officer of the political subdivision that employs the prosecuting
- 8940 attorney if the prosecuting attorney is a district or county attorney or a municipal
- 8941 attorney.
- 8942 (4) "Investigation" means an inquiry into a complaint.
- 8943 (5) "Knowingly" means taking an action, or failing to take an action, with the knowledge
- 8944 that the natural or probable consequences are unambiguously prohibited by a legal
- 8945 obligation or professional standard.
- 8946 (6) "Legal obligation" means an obligation imposed by the Utah Constitution, the
- 8947 Constitution of the United States, a statute, a rule of procedure or evidence, or a local
- 8948 rule.
- 8949 (7) "Professional misconduct" means conduct committed in the course of a prosecution of a
- 8950 felony offense, a class A misdemeanor offense, or a class B misdemeanor offense that:
- 8951 (a) purposefully, knowingly, or recklessly violated a clear and unambiguous legal
- 8952 obligation or professional standard for a prosecuting attorney; and
- 8953 (b) impacted, or reasonably could have impacted, the substantive or procedural due
- 8954 process rights of an individual.
- 8955 (8) "Professional standard" means a standard of conduct imposed by the Utah Rules of
- 8956 Professional Conduct.
- 8957 (9) "Prosecuting attorney" means an attorney who brings a criminal prosecution or
- 8958 delinquency proceeding on behalf of this state or a county or municipality of this state.
- 8959 (10) "Purposefully" means taking an action, or failing to take an action, in order to obtain a
- 8960 result that is unambiguously prohibited by a legal obligation or professional standard.
- 8961 (11) "Recklessly" means the conduct is a gross deviation from the standard of conduct for
- 8962 an objectively reasonable prosecuting attorney:
- 8963 (a) after considering the nature and the circumstances of a prosecuting attorney's

- 8964 conduct; and
- 8965 (b) by taking into account whether the prosecuting attorney knew, or should have known:
- 8966 (i) based on the prosecuting attorney's experience, of the legal obligation or
- 8967 professional standard; and
- 8968 (ii) the prosecuting attorney's conduct was substantially likely to violate a legal
- 8969 obligation or professional standard.

8970 Section 155. Section **75E-8-102**, which is renumbered from Section 63M-7-1102 is renumbered

8971 and amended to read:

8972 **[63M-7-1102] 75E-8-102 (Effective 07/01/26). Prosecutor Conduct Commission**

8973 **-- Members -- Terms -- Compensation -- Staff.**

- 8974 (1) There is created the Prosecutor Conduct Commission within the [~~State Commission on~~
- 8975 ~~Criminal and Juvenile Justice~~] department.
- 8976 (2) The commission is composed of six members as follows:
- 8977 (a) [~~an assistant attorney general who prosecutes criminal offenses full-time, appointed~~
- 8978 ~~by the attorney general with the advice and consent of the Senate;~~] an attorney
- 8979 appointed by the attorney general, with the advice and consent of the Senate, who has
- 8980 experience prosecuting criminal offenses;
- 8981 (b) [~~a county or district attorney, or an assistant county or district attorney, who~~
- 8982 ~~prosecutes criminal offenses full-time, appointed by the Statewide Association of~~
- 8983 ~~Prosecutors and Public Attorneys with the advice and consent of the Senate;~~] an
- 8984 attorney appointed by the Statewide Association of Prosecutors and Public Attorneys,
- 8985 with the advice and consent of the Senate, who has experience prosecuting criminal
- 8986 offenses;
- 8987 (c) [~~a municipal attorney, or an assistant municipal attorney, who prosecutes criminal~~
- 8988 ~~offenses full-time, appointed by the Statewide Association of Prosecutors and Public~~
- 8989 ~~Attorneys with the advice and consent of the Senate;~~] an attorney appointed by the
- 8990 Statewide Association of Prosecutors and Public Attorneys, with the advice and
- 8991 consent of the Senate, who has experience prosecuting misdemeanor criminal
- 8992 offenses;
- 8993 (d) a retired attorney whose primary caseload as an attorney was criminal defense,
- 8994 appointed by the [~~executive director of the Commission on Criminal and Juvenile~~
- 8995 ~~Justice~~] commissioner with the advice and consent of the Senate; and
- 8996 (e) two retired district or appellate court judges, appointed by the governor with the
- 8997 advice and consent of the Senate.

- 8998 (3)(a) Except as provided in Subsection (4), a member appointed under Subsection (2)  
8999 shall serve a four-year term.
- 9000 (b) A member may serve no more than eight years.
- 9001 (4) At the time of appointment, the terms of commission members shall be staggered so that  
9002 approximately half of commission members' terms expire every two years.
- 9003 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
9004 appointed for the unexpired term by the same appointing authority that appointed the  
9005 member creating the vacancy.
- 9006 (6)(a) Three members of the commission constitutes a quorum.
- 9007 (b) If a quorum is present, the action of a majority of the quorum constitutes the action  
9008 of the commission.
- 9009 (7)(a) The commission shall annually elect [~~annually~~] a chair from the commission's  
9010 membership to serve a two-year term.
- 9011 (b) A commission member may not serve as chair of the commission for more than three  
9012 consecutive terms.
- 9013 (8) The commission shall establish guidelines and procedures for the disqualification of  
9014 any member from consideration of any matter.
- 9015 (9)(a) A member may not receive compensation or benefits for the member's service, but  
9016 may receive per diem and travel expenses in accordance with:
- 9017 (i) Section 63A-3-106;
- 9018 (ii) Section 63A-3-107; and
- 9019 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106  
9020 and 63A-3-107.
- 9021 (b) A member may not receive per diem or reimbursement for travel expenses under  
9022 Subsection (9)(a) if the member is being paid by a governmental entity while  
9023 performing the member's service on the commission.
- 9024 (10)(a) The executive director of the [~~State~~] Commission on Criminal and Juvenile  
9025 Justice shall hire a director to administer and manage the work of the commission.
- 9026 (b) With approval by the executive director of the [~~State~~] Commission on Criminal and  
9027 Juvenile Justice, the director may hire staff to assist the director and commission with  
9028 the work of the commission.
- 9029 (11) The commission and the director of the commission shall coordinate with the [~~State~~  
9030 ~~Commission on Criminal and Juvenile Justice~~] department on budget and administrative  
9031 support issues for the commission.

9032 Section 156. Section **75E-8-201** is enacted to read:

9033 **Part 2. Commission Responsibilities**

9034 **75E-8-201 (Effective 07/01/26). Definitions for part.**

9035 Reserved.

9036 Section 157. Section **75E-8-202**, which is renumbered from Section 63M-7-1103 is renumbered  
9037 and amended to read:

9038 **[63M-7-1103] 75E-8-202 (Effective 07/01/26). Functions and duties of the**  
9039 **commission.**

9040 (1) The commission may:

9041 (a) request that members of the public report instances of professional misconduct by a  
9042 prosecuting attorney to the commission;

9043 (b) receive, initiate, investigate, or hear complaints as described in Section [63M-7-1104]  
9044 75E-8-203;

9045 (c) report professional misconduct as described in Section [63M-7-1105] 75E-8-204; and

9046 (d) gather and publish data on claims of professional misconduct by prosecuting  
9047 attorneys in this state.

9048 (2) To enforce the provisions of this [part] chapter, the commission may:

9049 (a) administer an oath or affirmation;

9050 (b) issue a subpoena, in accordance with the Utah Rules of Civil Procedure, that requires:

9051 (i) the attendance and testimony of a witness; or

9052 (ii) the production of evidence relevant to the investigation; and

9053 (c) take evidence.

9054 (3) A court shall enforce a subpoena issued by the commission, unless the testimony or  
9055 evidence sought is privileged or protected information under a law of this state.

9056 (4) The commission shall pay any witness fee, travel expense, mileage, or any other fee  
9057 required by the service statutes of the state where the witness or evidence is located.

9058 Section 158. Section **75E-8-203**, which is renumbered from Section 63M-7-1104 is renumbered  
9059 and amended to read:

9060 **[63M-7-1104] 75E-8-203 (Effective 07/01/26). Complaint and investigation**  
9061 **process.**

9062 (1)(a) A prosecuting attorney shall report:

9063 (i) any alleged professional misconduct by another prosecuting attorney to that  
9064 prosecuting attorney's employer; and

9065 (ii) any statement by a judge or magistrate alleging that another prosecuting attorney

- 9066 has committed professional misconduct to that prosecuting attorney's employer.
- 9067 (b) An employer of a prosecuting attorney shall:
- 9068 (i) investigate any alleged professional misconduct by a prosecuting attorney; and
- 9069 (ii) submit a complaint regarding the professional misconduct to the commission if
- 9070 the employer determines that the allegation is substantiated.
- 9071 (2) An individual may submit a complaint to the commission alleging that a prosecuting
- 9072 attorney has committed professional misconduct.
- 9073 (3) On a motion by a member of the commission, the commission may initiate an
- 9074 investigation of alleged professional misconduct by a prosecuting attorney if the
- 9075 commission determines that a complaint, if substantiated, would lead to a finding of
- 9076 professional misconduct by the prosecuting attorney.
- 9077 (4)(a) The commission may dismiss a complaint at any time if the commission
- 9078 determines that the complaint lacks merit.
- 9079 (b) If a complaint submitted by an individual is dismissed, the commission shall notify
- 9080 the individual who submitted the complaint.
- 9081 (5) The commission may investigate a complaint even if the prosecuting attorney has
- 9082 retired or resigned.
- 9083 (6) If the commission moves to initiate an investigation of alleged professional misconduct
- 9084 by a prosecuting attorney, the commission shall:
- 9085 (a) notify the prosecuting attorney and the prosecuting attorney's employer of the
- 9086 investigation; and
- 9087 (b) provide the prosecuting attorney with all information necessary to prepare an
- 9088 adequate response or defense, including the identity of the complainant.
- 9089 (7) If the committee dismisses an investigation after notifying the prosecuting attorney as
- 9090 described in Subsection (4), the commission shall notify the prosecuting attorney of the
- 9091 dismissal.
- 9092 (8) A prospective employer may inquire of the commission as to whether there is a pending
- 9093 investigation against a prosecuting attorney.
- 9094 (9)(a) In the course of an investigation, the commission may request that the prosecuting
- 9095 attorney testify before the commission.
- 9096 (b) The prosecuting attorney's counsel may be present during the prosecuting attorney's
- 9097 testimony.
- 9098 (c) The prosecuting attorney may present evidence and material relevant to the
- 9099 complaint.

- 9100 (10) A governmental entity may provide the commission with a record as described in  
 9101 Section 63G-2-206.
- 9102 (11)(a) A prosecuting agency, and an employee of a prosecuting agency, shall:  
 9103 (i) cooperate with the commission in an investigation of a prosecuting attorney; and  
 9104 (ii) respond truthfully to questions posed during the course of an investigation unless:  
 9105 (A) the information is privileged or protected by statute or court rule; or  
 9106 (B) the employee asserts the employee's constitutional right to remain silent.
- 9107 (b) A prosecuting agency may subject an employee to discipline, including termination,  
 9108 if the employee refuses to cooperate with an investigation by the commission.
- 9109 (c) The dismissal or demotion of a career service employee under Subsection (11)(b) is  
 9110 subject to the requirements of Section 63A-17-306.
- 9111 Section 159. Section **75E-8-204**, which is renumbered from Section 63M-7-1105 is renumbered  
 9112 and amended to read:
- 9113 **[63M-7-1105] 75E-8-204 (Effective 07/01/26). Finding of professional misconduct**  
 9114 **-- Reporting of finding.**
- 9115 (1)(a) Upon an investigation under Section [63M-7-1104] 75E-8-203, the commission  
 9116 may make a finding, by a preponderance of the evidence, that a prosecuting attorney  
 9117 committed professional misconduct.
- 9118 (b) In determining whether a prosecuting attorney committed professional misconduct  
 9119 under Subsection (1)(a), the commission may consider an affirmative action of the  
 9120 prosecuting attorney or an action that the prosecuting attorney failed to take.
- 9121 (2) If the commission finds that a prosecuting attorney committed professional misconduct:  
 9122 (a) the commission shall notify:  
 9123 (i) the prosecuting attorney's employer of the commission's finding;  
 9124 (ii) the appropriate law enforcement agency of the commission's finding if the  
 9125 professional misconduct is likely a criminal offense; and  
 9126 (iii) the Office of Professional Conduct of the commission's finding if the  
 9127 professional misconduct is likely a violation of the Utah Rules of Professional  
 9128 Conduct; and
- 9129 (b) the commission may disclose a summary of the commission's investigation and  
 9130 finding.
- 9131 (3) Any documents disclosed under Subsection (2) shall maintain the same classification  
 9132 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 9133 (4) The commission may not disclose information or evidence under Subsection (2) that is:

- 9134 (a) protected from disclosure by court order or a legal privilege; or  
 9135 (b) given after having been issued a warning based on *Garrity v. New Jersey*, 385 U.S.  
 9136 493 (1967).
- 9137 (5) A finding by the commission that a prosecuting attorney committed professional  
 9138 misconduct may only be made public if:
- 9139 (a) a governmental entity with a record of the finding is required to make the record  
 9140 public under Title 63G, Chapter 2, Government Records Access and Management  
 9141 Act;
- 9142 (b) the Office of Professional Conduct discloses the commission's finding to the public  
 9143 due to a disciplinary action against the prosecuting attorney as a result of the  
 9144 commission's finding; or
- 9145 (c) a prosecuting agency brings a criminal prosecution against the prosecuting attorney  
 9146 as a result of the commission's finding.
- 9147 (6) The commission may not discipline or sanction a prosecuting attorney for any  
 9148 professional misconduct.

9149 Section 160. Section **75E-8-205**, which is renumbered from Section 63M-7-1106 is renumbered  
 9150 and amended to read:

9151 **[63M-7-1106] 75E-8-205 (Effective 07/01/26). Annual reporting requirement to**  
 9152 **Legislature.**

- 9153 (1) Before November 1 of each year, the commission shall report to the Commission on  
 9154 Criminal and Juvenile Justice, the Law Enforcement and Criminal Justice Interim  
 9155 Committee, and the Judiciary Interim Committee on:
- 9156 (a) the number of complaints received;
- 9157 (b) the general nature of the complaints;
- 9158 (c) the number of complaints dismissed without an investigation;
- 9159 (d) the number of complaints investigated;
- 9160 (e) the general findings and outcomes of investigations; and
- 9161 (f) the name of any prosecuting agency that refused, without reasonable cause, to  
 9162 cooperate in an investigation by the commission.
- 9163 (2) The commission may not include any personal identifying information regarding a  
 9164 prosecuting attorney in a report described in Subsection (1).

9165 Section 161. Section **75E-9-101** is enacted to read:

9166 **CHAPTER 9. Indigent Defense Commission**

9167

## Part 1. General Provisions

9168            **75E-9-101 (Effective 07/01/26). Definitions for chapter.**

9169            As used in this chapter:

9170            (1) "Account" means the Indigent Defense Resources Restricted Account created in Section  
9171            75E-9-202.

9172            (2) "Child welfare case" means a proceeding under Title 80, Chapter 3, Abuse, Neglect, and  
9173            Dependency Proceedings, or Title 80, Chapter 4, Termination and Restoration of  
9174            Parental Rights.

9175            (3) "Commission" means the Indigent Defense Commission created in Section 75E-9-102.

9176            (4) "Eligible county" means:

9177            (a) a county of the fourth, fifth, or sixth class, as described in Section 17-60-104; or

9178            (b) a county of the third class, as described in Section 17-60-104, if the county of the  
9179            third class has no municipality with a population of 100,000 or more.

9180            (5) "Indigent defense resources" means the same as that term is defined in Section  
9181            78B-22-102.

9182            (6) "Indigent defense service provider" means the same as that term is defined in Section  
9183            78B-22-102.

9184            (7) "Indigent defense services" means the same as that term is defined in Section  
9185            78B-22-102.

9186            (8) "Indigent defense system" means the same as that term is defined in Section 78B-22-102.

9187            (9) "Indigent individual" means the same as that term is defined in Section 78B-22-102.

9188            (10) "Minor" means the same as that term is defined in Section 78B-22-102.

9189            (11) "Office" means the Office of Indigent Defense Services created in Section 75E-10-102.

9190            Section 162. Section **75E-9-102**, which is renumbered from Section 78B-22-401 is renumbered  
9191            and amended to read:

9192            **[78B-22-401] 75E-9-102 (Effective 07/01/26). Indigent Defense Commission --**  
9193            **Creation -- Purpose.**

9194            (1) There is created the [~~Utah~~]Indigent Defense Commission within the [~~State Commission~~  
9195            ~~on Criminal and Juvenile Justice~~] department.

9196            (2) The purpose of the commission is to assist:

9197            (a) the state in meeting the state's obligations for the provision of indigent defense  
9198            services, consistent with the United States Constitution, the Utah Constitution, and  
9199            the Utah Code; and

9200 (b) the [~~Office of Indigent Defense Services, created in Section 78B-22-451,~~] office with  
 9201 carrying out the statutory duties assigned to the commission and the [~~Office of~~  
 9202 ~~Indigent Defense Services~~] office.

9203 Section 163. Section **75E-9-103**, which is renumbered from Section 78B-22-402 is renumbered  
 9204 and amended to read:

9205 **[~~78B-22-402~~] 75E-9-103 (Effective 07/01/26). Commission members -- Member**  
 9206 **qualifications -- Terms -- Vacancy.**

9207 (1)(a) The commission is composed of 15 members.

9208 (b) The governor, with the advice and consent of the Senate, and in accordance with  
 9209 Title 63G, Chapter 24, Part 2, Vacancies, shall appoint the following 11 members:

9210 (i) two practicing criminal defense attorneys [~~-~~]recommended by the Utah  
 9211 Association of Criminal Defense Lawyers;

9212 (ii) one attorney practicing in juvenile delinquency defense recommended by the  
 9213 Utah Association of Criminal Defense Lawyers;

9214 (iii) one attorney who represents parents in child welfare cases, recommended by an  
 9215 entity funded under the Child Welfare Parental Representation Program created in  
 9216 Section [~~78B-22-802~~] 75E-10-502;

9217 (iv) one attorney representing minority interests recommended by the Utah Minority  
 9218 Bar Association;

9219 (v) one member recommended by the Utah Association of Counties from a county of  
 9220 the first or second class;

9221 (vi) one member recommended by the Utah Association of Counties from a county of  
 9222 the third through sixth class;

9223 (vii) a director of a county public defender organization recommended by the Utah  
 9224 Association of Criminal Defense Lawyers;

9225 (viii) two members recommended by the Utah League of Cities and Towns from [~~its~~]  
 9226 the membership of the Utah League of Cities and Towns; and

9227 (ix) one retired judge recommended by the Judicial Council.

9228 (c) The speaker of the House of Representatives and the president of the Senate shall  
 9229 appoint two members of the Utah Legislature, one from the House of Representatives  
 9230 and one from the Senate.

9231 (d) The Judicial Council shall appoint a member from the Administrative Office of the  
 9232 Courts.

9233 (e) The [~~executive director of the State Commission on Criminal and Juvenile Justice or~~

9234 ~~the executive director's]~~ commissioner or the commissioner's designee is a member of  
9235 the commission.

9236 (2) A member appointed by the governor shall serve a four-year term, except as provided in  
9237 Subsection (3).

9238 (3) The governor shall stagger the initial terms of appointees so that approximately half of  
9239 the members appointed by the governor are appointed every two years.

9240 (4) A member appointed to the commission shall[-] :

9241 (a) have significant experience in[-] :

9242 (i) indigent criminal defense[-,] ;

9243 (ii) representing parents in child welfare cases[-,] ; or

9244 (iii) [~~in~~]juvenile defense in delinquency [-]proceedings; or

9245 (b) have otherwise demonstrated a strong commitment to providing effective  
9246 representation in indigent defense services.

9247 (5) An individual who is currently employed solely as a criminal prosecuting attorney may  
9248 not serve as a member of the commission[-].

9249 (6) A commission member shall hold office until the member's successor is appointed.

9250 (7) The commission may remove a member for incompetence, dereliction of duty,  
9251 malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

9252 (8) If a vacancy occurs in the membership for any reason, a replacement shall be appointed  
9253 for the remaining unexpired term in the same manner, and in accordance with the same  
9254 procedure, as the original appointment.

9255 (9)(a) The commission shall elect annually a chair from the commission's membership to  
9256 serve a one-year term.

9257 (b) A commission member may not serve as chair of the commission for more than three  
9258 consecutive terms.

9259 (10) A member may not receive compensation or benefits for the member's service, but  
9260 may receive per diem and travel expenses in accordance with:

9261 (a) Section 63A-3-106;

9262 (b) Section 63A-3-107; and

9263 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
9264 63A-3-107.

9265 (11)(a) A majority of the members of the commission constitutes a quorum.

9266 (b) If a quorum is present, the action of a majority of the voting members present  
9267 constitutes the action of the commission.

9268 (c) A member shall comply with the conflict of interest provisions described in Title  
9269 63G, Chapter 24, Part 3, Conflicts of Interest.

9270 Section 164. Section **75E-9-104**, which is renumbered from Section 78B-22-404 is renumbered  
9271 and amended to read:

9272 **[78B-22-404] 75E-9-104 (Effective 07/01/26). Powers and duties of the**  
9273 **commission.**

9274 (1) The commission shall:

9275 (a) adopt core principles for an indigent defense system to ensure the effective  
9276 representation of indigent individuals consistent with the requirements of the United  
9277 States Constitution, the Utah Constitution, and the Utah Code, which principles at a  
9278 minimum shall address the following:

9279 (i) an indigent defense system shall ensure that in providing indigent defense services:

9280 (A) an indigent individual receives conflict-free indigent defense services; and

9281 (B) there is a separate contract for each type of indigent defense service; and

9282 (ii) an indigent defense system shall ensure an indigent defense service provider has:

9283 (A) the ability to exercise independent judgment without fear of retaliation and is  
9284 free to represent an indigent individual based on the indigent defense service  
9285 provider's own independent judgment;

9286 (B) adequate access to indigent defense resources;

9287 (C) the ability to provide representation to accused individuals in criminal cases at  
9288 the critical stages of proceedings, and at all stages to indigent individuals in  
9289 juvenile delinquency and child welfare proceedings;

9290 (D) a workload that allows for sufficient time to meet with clients, investigate  
9291 cases, file appropriate documents with the courts, and otherwise provide  
9292 effective assistance of counsel to each client;

9293 (E) adequate compensation without financial disincentives;

9294 (F) appropriate experience or training in the area for which the indigent defense  
9295 service provider is representing indigent individuals;

9296 (G) compensation for legal training and education in the areas of the law relevant  
9297 to the types of cases for which the indigent defense service provider is  
9298 representing indigent individuals; and

9299 (H) the ability to meet the obligations of the Utah Rules of Professional Conduct,  
9300 including expectations on client communications and managing conflicts of  
9301 interest;

- 9302 (b) encourage and aid indigent defense systems in the state in the regionalization of  
 9303 indigent defense services to provide for effective and efficient representation to the  
 9304 indigent individuals;
- 9305 (c) emphasize the importance of ensuring constitutionally effective indigent defense  
 9306 services;
- 9307 (d) encourage members of the judiciary to provide input regarding the delivery of  
 9308 indigent defense services;
- 9309 (e) oversee individuals and entities involved in providing indigent defense services;
- 9310 (f) manage county participation in the Indigent Aggravated Murder Defense Fund  
 9311 created in Section [~~78B-22-704~~] 75E-10-402; and
- 9312 (g) develop and oversee the provision of resources for minors to access legal advice  
 9313 when considering a nonjudicial adjustment.

9314 (2) The commission may:

- 9315 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
 9316 Rulemaking Act, to carry out the commission's duties under this [~~part~~] chapter;
- 9317 (b) assign duties related to indigent defense services to the office to assist the  
 9318 commission with the commission's statutory duties;
- 9319 (c) request supplemental appropriations from the Legislature to address a deficit in the  
 9320 Indigent Inmate Fund created in Section [~~78B-22-455~~] 75E-10-302; and
- 9321 (d) request supplemental appropriations from the Legislature to address a deficit in the  
 9322 Child Welfare Parental Representation Fund created in Section [~~78B-22-804~~]  
 9323 75E-10-504.

9324 Section 165. Section **75E-9-105**, which is renumbered from Section 78B-22-407 is renumbered  
 9325 and amended to read:

9326 [~~78B-22-407~~] **75E-9-105** (Effective 07/01/26). **Cooperation and participation with**  
 9327 **the commission.**

9328 Indigent defense systems and indigent defense service providers shall cooperate and  
 9329 participate with the commission in the collection of data, investigation, audit, and review of  
 9330 indigent defense services.

9331 Section 166. Section **75E-9-201** is enacted to read:

9332 **Part 2. Accounts and Grants**

9333 **75E-9-201** (Effective 07/01/26). **Definitions for part.**

9334 Reserved.

9335 Section 167. Section **75E-9-202**, which is renumbered from Section 78B-22-405 is renumbered

9336 and amended to read:

9337 **[78B-22-405] 75E-9-202 (Effective 07/01/26). Indigent Defense Resources**  
 9338 **Restricted Account -- Administration.**

9339 (1)(a) There is created within the General Fund a restricted account known as the  
 9340 "Indigent Defense Resources Restricted Account."

9341 (b) Appropriations from the account are nonlapsing.

9342 (2) The account consists of:

9343 (a) money appropriated by the Legislature based upon recommendations from the  
 9344 commission consistent with principles of shared state and local funding;

9345 (b) any other money received by the commission from any source to carry out the  
 9346 purposes of this [part] chapter; and

9347 (c) any interest and earnings from the investment of account money.

9348 (3) The commission shall administer the account and, subject to appropriation, disburse  
 9349 money from the account for the following purposes:

9350 (a) to establish and maintain a statewide indigent defense data collection system;

9351 (b) to establish and administer a grant program to provide grants of state money and  
 9352 other money to indigent defense systems as [set forth] described in Section [  
 9353 78B-22-406] 75E-9-203;

9354 (c) to provide training and continuing legal education for indigent defense service  
 9355 providers; and

9356 (d) for administrative costs.

9357 Section 168. Section **75E-9-203**, which is renumbered from Section 78B-22-406 is renumbered  
 9358 and amended to read:

9359 **[78B-22-406] 75E-9-203 (Effective 07/01/26). Indigent defense services grant**  
 9360 **program.**

9361 (1) The commission may award grants:

9362 (a) to supplement local spending by an indigent defense system for indigent defense  
 9363 services; and

9364 (b) for contracts to provide indigent defense services for appeals from juvenile court  
 9365 proceedings in an eligible county.

9366 (2) The commission may use grant money:

9367 (a) to assist an indigent defense system to provide indigent defense services that meet  
 9368 the commission's core principles for the effective representation of indigent  
 9369 individuals;

- 9370 (b) to establish and maintain local indigent defense data collection systems;
- 9371 (c) to provide indigent defense services in addition to indigent defense services that are
- 9372 currently being provided by an indigent defense system;
- 9373 (d) to provide training and continuing legal education for indigent defense service
- 9374 providers;
- 9375 (e) to assist indigent defense systems with appeals from juvenile court proceedings;
- 9376 (f) to pay for indigent defense resources and costs and expenses for parental
- 9377 representation attorneys as described in Subsection [~~78B-22-804(2)~~] 75E-10-504(2);
- 9378 and
- 9379 (g) to reimburse an indigent defense system for the cost of providing indigent defense
- 9380 services in an action initiated by a private party under Title 80, Chapter 4,
- 9381 Termination and Restoration of Parental Rights, if the indigent defense system has
- 9382 complied with the commission's policies and procedures for reimbursement.
- 9383 (3) To receive a grant from the commission, an indigent defense system shall demonstrate
- 9384 to the commission's satisfaction that:
- 9385 (a) the indigent defense system has incurred or reasonably anticipates incurring expenses
- 9386 for indigent defense services that are in addition to the indigent defense system's
- 9387 average annual spending on indigent defense services in the three fiscal years
- 9388 immediately [~~preceeding~~] before the grant application; and
- 9389 (b)(i) a grant from the commission is necessary for the indigent defense system to
- 9390 meet the commission's core principles for the effective representation of indigent
- 9391 individuals; or
- 9392 (ii) the indigent defense system shall use the grant in an innovative manner that meets
- 9393 the commission's core principles for the effective representation of indigent
- 9394 individuals.
- 9395 (4) The commission may revoke a grant if an indigent defense system fails to meet
- 9396 requirements of the grant or any of the commission's core principles for the effective
- 9397 representation of indigent individuals.

9398 Section 169. Section **75E-10-101** is enacted to read:

9399 **CHAPTER 10. Office of Indigent Defense Services**

9400 **Part 1. General Provisions**

9401 **75E-10-101 (Effective 07/01/26). Definitions for chapter.**

9402 As used in this chapter:

- 9403 (1) "Child welfare case" means the same as that term is defined in Section 75E-9-101.
- 9404 (2) "Commission" means the Indigent Defense Commission created in Section 75E-9-102.
- 9405 (3) "Eligible county" means the same as that term is defined in Section 75E-9-101.
- 9406 (4) "Executive director" means the executive director of the office appointed under Section
- 9407 75E-10-103.
- 9408 (5) "Indigent defense resources" means the same as that term is defined in Section
- 9409 78B-22-102.
- 9410 (6) "Indigent defense service provider" means the same as that term is defined in Section
- 9411 78B-22-102.
- 9412 (7) "Indigent defense services" means the same as that term is defined in Section
- 9413 78B-22-102.
- 9414 (8) "Indigent defense system" means the same as that term is defined in Section 78B-22-102.
- 9415 (9) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 9416 (10) "Minor" means the same as that term is defined in Section 78B-22-102.
- 9417 (11) "Office" means the Office of Indigent Defense Services created in Section 75E-10-102.

9418 Section 170. Section **75E-10-102**, which is renumbered from Section 78B-22-451 is renumbered

9419 and amended to read:

9420 **[78B-22-451] 75E-10-102 (Effective 07/01/26). Office of Indigent Defense**

9421 **Services -- Creation.**

9422 There is created under the commission the Office of Indigent Defense Services.

9423 Section 171. Section **75E-10-103**, which is renumbered from Section 78B-22-453 is renumbered

9424 and amended to read:

9425 **[78B-22-453] 75E-10-103 (Effective 07/01/26). Executive director --**

9426 **Qualifications -- Staff.**

- 9427 (1) The commission:
- 9428 (a) shall appoint the executive director, by a majority vote of the commission, to carry
- 9429 out the duties of the office described in Section [78B-22-452] 75E-10-202; and
- 9430 (b) may remove the executive director by majority vote of the commission.
- 9431 (2) The executive director shall be [-]an active member of the Utah State Bar [-]with an
- 9432 appropriate background and experience to serve as the full-time executive director.
- 9433 (3) The executive director shall hire staff as necessary to carry out the duties of the office as
- 9434 described in Section [78B-22-452] 75E-10-202, including:
- 9435 (a) one individual who is an active member of the Utah State Bar to serve as a full-time
- 9436 assistant director; and

- 9437 (b) one individual with data collection and analysis skills.
- 9438 (4) When appointing the executive director of the office under Subsection (1), the
- 9439 commission shall give preference to an individual with experience in adult criminal
- 9440 defense, representing parents in child welfare cases, or in juvenile delinquency defense.
- 9441 (5) When hiring the assistant director, the executive director shall give preference to an
- 9442 individual with experience in adult criminal defense, representing parents in child
- 9443 welfare cases, or in juvenile delinquency defense.

9444 Section 172. Section **75E-10-201** is enacted to read:

9445 **Part 2. Office Responsibilities**

9446 **75E-10-201 (Effective 07/01/26). Definitions for part.**

9447 Reserved.

9448 Section 173. Section **75E-10-202**, which is renumbered from Section 78B-22-452 is renumbered

9449 and amended to read:

9450 **[78B-22-452] 75E-10-202 (Effective 07/01/26). Duties of the office.**

- 9451 (1) The office shall:
- 9452 (a) establish an annual budget for the office for the Indigent Defense Resources
- 9453 Restricted Account created in Section [78B-22-405] 75E-9-202;
- 9454 (b) assist the commission in performing the commission's statutory duties described in [  
9455 ~~this chapter~~] Chapter 9, Indigent Defense Commission;
- 9456 (c) identify and collect data that is necessary for the commission to:
- 9457 (i) aid, oversee, and review compliance by indigent defense systems with the
- 9458 commission's core principles for the effective representation of indigent
- 9459 individuals; and
- 9460 (ii) provide reports regarding the operation of the commission and the provision of
- 9461 indigent defense services by indigent defense systems in the state;
- 9462 (d) assist indigent defense systems by reviewing contracts and other agreements, to
- 9463 ensure compliance with the commission's core principles for effective representation
- 9464 of indigent individuals;
- 9465 (e) establish procedures for the receipt and acceptance of complaints regarding the
- 9466 provision of indigent defense services in the state;
- 9467 (f) establish procedures to award grants to indigent defense systems under Section [  
9468 78B-22-406] 75E-9-203 that are consistent with the commission's core principles;
- 9469 (g) create and enter into contracts consistent with Section [78B-22-454] 75E-10-303 to
- 9470 provide indigent defense services for an indigent defense inmate who:

- 9471 (i) is incarcerated in a state prison located in an eligible county;
- 9472 (ii) is charged with having committed a crime within that state prison; and
- 9473 (iii) has been appointed counsel in accordance with Section 78B-22-203;
- 9474 (h) assist the commission in developing and reviewing advisory caseload guidelines and
- 9475 procedures;
- 9476 (i) investigate, audit, and review the provision of indigent defense services to ensure
- 9477 compliance with the commission's core principles for the effective representation of
- 9478 indigent individuals;
- 9479 (j) administer the Child Welfare Parental Representation Program in accordance with [  
9480 ~~Part 8, Child Welfare Parental Representation Program~~] Part 5, Child Welfare
- 9481 Parental Representation Program;
- 9482 (k) administer the Indigent Aggravated Murder Defense Fund in accordance with [~~Part~~  
9483 ~~7, Indigent Aggravated Murder Defense Fund~~] Part 4, Indigent Aggravated Murder
- 9484 Defense Fund;
- 9485 (l) assign an indigent defense service provider to represent an individual prosecuted for
- 9486 aggravated murder in accordance with [~~Part 7, Indigent Aggravated Murder Defense~~  
9487 ~~Fund~~] Part 4, Indigent Aggravated Murder Defense Fund;
- 9488 (m) provide access for a minor to receive legal advice, at no cost, in connection with
- 9489 considering a nonjudicial adjustment;
- 9490 (n) annually report to the governor, Legislature, Judiciary Interim Committee, and
- 9491 Judicial Council, regarding:
- 9492 (i) the operations of the commission;
- 9493 (ii) the operations of the indigent defense systems in the state; and
- 9494 (iii) compliance with the commission's core principles by indigent defense systems
- 9495 receiving grants from the commission;
- 9496 (o) submit recommendations to the commission for improving indigent defense services
- 9497 in the state;
- 9498 (p) publish an annual report on the commission's website; and
- 9499 (q) perform all other duties assigned by the commission related to indigent defense
- 9500 services.
- 9501 (2) The office may:
- 9502 (a) enter into contracts and accept, allocate, and administer funds and grants from any
- 9503 public or private person to accomplish the duties of the office; and
- 9504 (b) employ or contract with an attorney to provide counsel, at no cost, to any minor

9505 considering a nonjudicial adjustment.

9506 (3) Any contract entered into under this ~~[part]~~ chapter shall require that indigent defense  
9507 services are provided in a manner consistent with the commission's core principles  
9508 implemented under Section ~~[78B-22-404]~~ 75E-9-104.

9509 Section 174. Section **75E-10-301** is enacted to read:

9510 **Part 3. Indigent Inmate Fund**

9511 **75E-10-301 (Effective 07/01/26). Definitions for part.**

9512 As used in this part, "fund" means the Indigent Inmate Fund created in Section  
9513 75E-10-302.

9514 Section 175. Section **75E-10-302**, which is renumbered from Section 78B-22-455 is renumbered  
9515 and amended to read:

9516 **[78B-22-455] 75E-10-302 (Effective 07/01/26). Indigent Inmate Fund.**

9517 (1) There is created a custodial fund known as the "Indigent Inmate Fund" to be disbursed  
9518 by the office in accordance with contracts entered into under Subsection [  
9519 ~~78B-22-452(1)(g)]~~ 75E-10-202(1)(g).

9520 (2) Money deposited into this fund shall only be used:

9521 (a) to pay indigent defense services for an indigent inmate who:

9522 (i) is incarcerated in a state prison located in a county of the third, fourth, fifth, or  
9523 sixth class as classified under Section 17-60-104;

9524 (ii) is charged with having committed a crime within that state prison; and

9525 (iii) has been appointed counsel in accordance with Section 78B-22-203; and

9526 (b) to cover costs of administering the Indigent Inmate Fund.

9527 (3) The fund consists of:

9528 (a) proceeds received from counties that impose the additional tax levy by ordinance  
9529 under Subsection ~~[78B-22-454(4)]~~ 75E-10-303(4), which shall be the total county  
9530 obligation for payment of costs listed in Subsection (2) for defense services for  
9531 indigent inmates;

9532 (b) appropriations made to the fund by the Legislature; and

9533 (c) interest and earnings from the investment of fund money.

9534 (4) Fund money shall be invested by the state treasurer with the earnings and interest  
9535 accruing to the fund.

9536 (5)(a) In any calendar year in which the fund has insufficient funding, or is projected to  
9537 have insufficient funding, the commission shall request a supplemental appropriation  
9538 from the Legislature in the following general session to provide sufficient funding.

- 9539 (b) The state shall pay any or all of the reasonable and necessary money to provide  
 9540 sufficient funding into the [~~Indigent Inmate Fund~~] fund.
- 9541 (6) The fund is capped at \$1,000,000.
- 9542 (7) The office shall notify the contributing counties when the fund approaches \$1,000,000  
 9543 and provide each county with the amount of the balance in the fund.
- 9544 (8) Upon notification by the office that the fund is near the limit imposed in Subsection (6),  
 9545 the counties may contribute enough money to enable the fund to reach \$1,000,000 and  
 9546 discontinue contributions until notified by the office that the balance has fallen below  
 9547 \$1,000,000, at which time counties that meet the requirements of Section [~~78B-22-454~~]  
 9548 75E-10-303 shall resume contributions.

9549 Section 176. Section **75E-10-303**, which is renumbered from Section 78B-22-454 is renumbered  
 9550 and amended to read:

9551 **[~~78B-22-454~~] 75E-10-303 (Effective 07/01/26). Funding for indigent defense**  
 9552 **services.**

- 9553 (1) The office shall pay for indigent defense services for indigent inmates from the [  
 9554 ~~Indigent Inmate Fund created in Section 78B-22-455~~] fund.
- 9555 (2) A contract under this [~~part~~] chapter shall ensure that indigent defense services are  
 9556 provided in a manner consistent with the core principles described in Section [  
 9557 ~~78B-22-404~~] 75E-9-104.
- 9558 (3) The county attorney or district attorney of a county of the third, fourth, fifth, or sixth  
 9559 class shall function as the prosecuting entity.
- 9560 (4)(a) A county of the third, fourth, fifth, or sixth class where a state prison is located  
 9561 may impose an additional property tax levy by ordinance at .0001 per dollar of  
 9562 taxable value in the county.
- 9563 (b) If the county governing body imposes the additional property tax levy by ordinance,  
 9564 the revenue shall be deposited into the [~~Indigent Inmate Fund~~] fund as provided in  
 9565 Section [~~78B-22-455~~] 75E-10-302 to fund the purposes of this [~~part~~] chapter.
- 9566 (c) Upon notification that the fund has reached the amount specified in Subsection [  
 9567 ~~78B-22-455(6)~~] 75E-10-302(6), a county shall deposit revenue derived from the  
 9568 property tax levy after the county receives the notice into a county account used  
 9569 exclusively to provide indigent defense services.
- 9570 (d) A county that chooses not to impose the additional levy by ordinance may not  
 9571 receive any benefit from the [~~Indigent Inmate Fund~~] fund.

9572 Section 177. Section **75E-10-401** is enacted to read:

9573 **Part 4. Indigent Aggravated Murder Defense Fund**

9574 **75E-10-401 (Effective 07/01/26). Definitions for part.**

9575 As used in this part:

9576 (1) "Fund" means the Indigent Aggravated Murder Defense Fund created in Section  
9577 75E-10-402.

9578 (2) "Participating county" means a county that complies with this part for participation in  
9579 the fund.

9580 Section 178. Section **75E-10-402**, which is renumbered from Section 78B-22-701 is renumbered  
9581 and amended to read:

9582 **[78B-22-701] 75E-10-402 (Effective 07/01/26). Establishment of Indigent**  
9583 **Aggravated Murder Defense Fund -- Use of fund -- Compensation for indigent legal**  
9584 **defense from fund.**

9585 [~~(1)~~ ~~As used in this part, "fund" means the Indigent Aggravated Murder Defense Fund.~~]

9586 [~~(2)~~ (1)(a) There is established a custodial fund known as the "Indigent Aggravated  
9587 Murder Defense Fund."

9588 (b) The office shall disburse money from the fund at the direction of the commission and  
9589 subject to this [~~chapter~~] part.

9590 [~~(3)~~ (2) The fund consists of:

9591 (a) money received from participating counties as [~~provided~~] described in Sections [  
9592 ~~78B-22-702] 75E-10-404 and [78B-22-703] 75E-10-405;~~

9593 (b) appropriations made to the fund by the Legislature as [~~provided~~] described in Section [  
9594 ~~78B-22-703] 75E-10-405; and~~

9595 (c) interest and earnings from the investment of fund money.

9596 [~~(4)~~ (3) The state treasurer shall invest fund money with the earnings and interest accruing  
9597 to the fund.

9598 [~~(5)~~ (4) The fund shall be used to fulfill the constitutional and statutory mandates for the  
9599 provision of constitutionally effective defense for indigent individuals prosecuted for the  
9600 violation of state laws in cases involving aggravated murder.

9601 [~~(6)~~ (5) Money allocated to or deposited into the fund is used only:

9602 (a) to pay an indigent defense service provider appointed to represent an individual  
9603 prosecuted for aggravated murder;

9604 (b) for defense resources necessary to effectively represent the individual; and

9605 (c) for costs associated with the management of the fund and defense service providers.

9606

Section 179. Section **75E-10-403**, which is renumbered from Section 78B-22-701.5 is renumbered

9607 and amended to read:

9608 **[78B-22-701.5] 75E-10-403 (Effective 07/01/26). Administration of Indigent**  
 9609 **Aggravated Murder Defense Fund.**

9610 (1) The commission shall establish rules and procedures for[-] :

9611 (a) the application by a county for disbursements[-] ; and[-]

9612 (b) the screening and approval of the applications for the money from the fund.

9613 (2) The office shall:

9614 (a) receive, screen, and approve[-] or disapprove the application of a county for  
 9615 disbursements from the fund;

9616 (b) calculate the amount of the annual contribution to be made to the fund by each  
 9617 participating county;

9618 (c) prescribe forms for the application for money from the fund;

9619 (d) oversee and approve the disbursement of money from the fund as described in  
 9620 Section ~~[78B-22-701]~~ 75E-10-402; and

9621 (e) negotiate, enter into, and administer contracts with legal counsel, qualified under and  
 9622 meeting the standards consistent with this chapter, to provide indigent defense  
 9623 services to an indigent individual prosecuted in a participating county for an offense  
 9624 involving aggravated murder.

9625 Section 180. Section **75E-10-404**, which is renumbered from Section 78B-22-702 is renumbered  
 9626 and amended to read:

9627 **[78B-22-702] 75E-10-404 (Effective 07/01/26). County participation.**

9628 (1)(a) A county may participate in the fund subject to the provisions of this ~~[chapter]~~ part.

9629 (b) A county that does not participate in the fund, or is not current in the county's  
 9630 assessments for the fund, is ineligible to receive money from the fund.

9631 (c) The commission may revoke a county's participation in the fund if the county fails to  
 9632 pay the county's assessments when due.

9633 (2) To participate in the fund, the legislative body of a county shall:

9634 (a) adopt a resolution approving participation in the fund and committing that county to  
 9635 fulfill the assessment requirements ~~[as set forth]~~ described in Subsection (3) and  
 9636 Section ~~[78B-22-703]~~ 75E-10-405; and

9637 (b) submit a certified copy of that resolution together with an application to the  
 9638 commission.

9639 (3) [By] On or before January 15 of each year, a participating county shall contribute to the  
 9640 fund an amount computed in accordance with Section [~~78B-22-703~~] 75E-10-405.

9641 (4) A participating county may withdraw from participation in the fund upon:

9642 (a) adoption by the county's legislative body of a resolution to withdraw; and

9643 (b) notice to the commission [by] on or before January 1 of the year before withdrawal.

9644 (5) A county withdrawing from participation in the fund, or whose participation in the fund  
 9645 has been revoked for failure to pay the county's assessments when due, shall forfeit the  
 9646 right to:

9647 (a) any previously paid assessment;

9648 (b) relief from the county's obligation to pay the county's assessment during the period  
 9649 of the county's participation in the fund; and

9650 (c) any benefit from the fund, including reimbursement of costs that accrued after the  
 9651 last day of the period for which the county has paid the county's assessment.

9652 Section 181. Section **75E-10-405**, which is renumbered from Section 78B-22-703 is renumbered  
 9653 and amended to read:

9654 **[~~78B-22-703~~] 75E-10-405 (Effective 07/01/26). County and state obligations.**

9655 [~~(1)(a) Except as provided in Subsection (1)(b), a participating county shall pay into the~~  
 9656 ~~fund annually an amount calculated by multiplying the average of the percent of the~~  
 9657 ~~county's population to the total population of all participating counties and of the~~  
 9658 ~~percent of the county's taxable value of the locally and centrally assessed property~~  
 9659 ~~located within that county to the total taxable value of the locally and centrally~~  
 9660 ~~assessed property to all participating counties by the total fund assessment for that~~  
 9661 ~~year to be paid by all participating counties as is determined by the commission to be~~  
 9662 ~~sufficient such that it is unlikely that a deficit will occur in the fund in any calendar~~  
 9663 ~~year.]~~

9664 (1)(a) Except as provided in Subsection (1)(b), a participating county shall annually pay  
 9665 into the fund an amount which the commission determines is sufficient to make a  
 9666 deficit in any calendar year unlikely, equal to the total fund assessment for that year,  
 9667 multiplied by the average of:

9668 (i) the percent of the participating county's population to the total population of all  
 9669 participating counties; and

9670 (ii) the percent of the participating county's taxable value of the locally and centrally  
 9671 assessed property located within that county to the total taxable value of the  
 9672 locally and centrally assessed property of all participating counties.

- 9673 (b) The fund minimum is equal to or greater than 50 cents per ~~[person]~~ individual of all  
 9674 counties participating.
- 9675 (c) The amount paid by a participating county under this Subsection (1) is the total  
 9676 county obligation for payment of costs in accordance with Section ~~[78B-22-701]~~  
 9677 75E-10-402.
- 9678 (2)(a) A county that elects to initiate participation in the fund, or reestablish participation  
 9679 in the fund after participation was terminated, is required to make an equity payment  
 9680 in addition to the assessment required by Subsection (1).
- 9681 (b) The equity payment is determined by the commission and represent what the  
 9682 county's equity in the fund would be if the county had made assessments into the  
 9683 fund for each of the previous two years.
- 9684 (3) If the fund balance after contribution by the state and participating counties is  
 9685 insufficient to replenish the fund annually to at least \$250,000, the commission by a  
 9686 majority vote may terminate the fund.
- 9687 (4) If the fund is terminated, the remaining money shall continue to be administered and  
 9688 disbursed in accordance with the provision of this chapter until exhausted, at which time  
 9689 the fund shall cease to exist.
- 9690 (5)(a) If the fund runs a deficit during any calendar year, the state is responsible for the  
 9691 deficit.
- 9692 (b) In the calendar year following a deficit year, the commission shall increase the  
 9693 assessment required by Subsection (1) by an amount at least equal to the deficit of the  
 9694 previous year, which combined amount becomes the base assessment until another  
 9695 deficit year occurs.
- 9696 (6) In a calendar year in which the fund runs a deficit, or is projected to run a deficit, the  
 9697 commission shall request a supplemental appropriation to pay for the deficit from the  
 9698 Legislature in the following general session.
- 9699 (7) The state shall pay any or all of the reasonable and necessary money for the deficit into  
 9700 the fund.

9701 Section 182. Section **75E-10-406**, which is renumbered from Section 78B-22-704 is renumbered  
 9702 and amended to read:

9703 **[78B-22-704] 75E-10-406 (Effective 07/01/26). Application and qualification for**  
 9704 **fund money.**

- 9705 (1) A participating county may apply to the office for benefits from the fund if that county  
 9706 has incurred, or reasonably anticipates incurring, expenses for indigent defense services

- 9707 provided to an indigent individual for an offense involving aggravated murder.
- 9708 (2) An application may not be made nor benefits provided from the fund for a case filed  
9709 before September 1, 1998.
- 9710 (3) If the application of a participating county is approved by the office, the office shall  
9711 negotiate, enter into, and administer a contract for the cost of indigent defense services  
9712 with an attorney or entity appointed to represent the indigent individual.
- 9713 (4) A nonparticipating county is responsible for paying for indigent defense services in the  
9714 nonparticipating county and is not eligible for any legislative relief.

9715 Section 183. Section **75E-10-501**, which is renumbered from Section 78B-22-801 is renumbered  
9716 and amended to read:

9717 **Part 5. Child Welfare Parental Representation Program**

9718 **[78B-22-801] 75E-10-501 (Effective 07/01/26). Definitions for part.**

9719 As used in this part:

- 9720 (1) "Contracted parental representation attorney" means an attorney who represents an  
9721 indigent individual who is a parent in a child welfare case under a contract with the  
9722 office or a contributing county.
- 9723 (2) "Contributing county" means a county that complies with this part for participation in  
9724 the fund[~~described in Section 78B-22-804~~].
- 9725 (3) "Fund" means the Child Welfare Parental Representation Fund created in Section [  
9726 ~~78B-22-804~~] 75E-10-504.
- 9727 (4) "Program" means the Child Welfare Parental Representation Program created in Section [  
9728 ~~78B-22-802~~] 75E-10-502.

9729 Section 184. Section **75E-10-502**, which is renumbered from Section 78B-22-802 is renumbered  
9730 and amended to read:

9731 **[78B-22-802] 75E-10-502 (Effective 07/01/26). Child Welfare Parental**  
9732 **Representation Program -- Creation -- Duties -- Annual report -- Budget.**

- 9733 (1) There is created within the office the Child Welfare Parental Representation Program.
- 9734 (2)(a) The office shall:
- 9735 (i) administer and enforce the program in accordance with this part;
- 9736 (ii) manage the operation and budget of the program;
- 9737 (iii) develop and provide educational and training programs for contracted parental  
9738 representation attorneys; and
- 9739 (iv) provide information and advice to assist a contracted parental representation  
9740 attorney to comply with the attorney's professional, contractual, and ethical duties.

- 9741 (b) In administering the program, the office shall contract with:
- 9742 (i) a person who is qualified to perform the program duties under this section; and
- 9743 (ii) an attorney, as an independent contractor, in accordance with Section [
- 9744 ~~78B-22-803~~] 75E-10-503.

9745 (3)(a) The executive director shall prepare a budget of:

- 9746 (i) the administrative expenses for the program; and
- 9747 (ii) the amount estimated to fund needed contracts and other costs.

9748 (b) On or before October 1 of each year, the executive director shall report to the

9749 governor and the Child Welfare Legislative Oversight Panel regarding the preceding

9750 fiscal year on the operations, activities, and goals of the program.

9751 Section 185. Section **75E-10-503**, which is renumbered from Section ~~78B-22-803~~ is renumbered

9752 and amended to read:

9753 **~~[78B-22-803]~~ 75E-10-503 (Effective 07/01/26). Child welfare parental defense**

9754 **contracts.**

9755 (1)(a) The office may enter into a contract with an attorney to provide indigent defense

9756 services for a parent who is the subject of a petition alleging abuse, neglect, or

9757 dependency, and requires indigent defense services under Section 80-3-104.

9758 (b) The office shall make payment for the representation, costs, and expenses of a

9759 contracted parental representation attorney from the fund in accordance with Section [

9760 ~~78B-22-804~~] 75E-10-504.

9761 (2)(a) Except as provided in Subsection (2)(b), a contracted parental representation

9762 attorney shall:

- 9763 (i) complete a basic training course provided by the office;
- 9764 (ii) provide parental representation services consistent with the commission's core
- 9765 principles described in Section [~~78B-22-404~~] 75E-9-104;
- 9766 (iii) have experience in child welfare cases; and
- 9767 (iv) participate each calendar year in continuing legal education courses providing no
- 9768 fewer than eight hours of instruction in child welfare law.

9769 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

9770 commission may, by rule, exempt from the requirements of Subsection (2)(a) an

9771 attorney who has equivalent training or adequate experience.

9772 Section 186. Section **75E-10-504**, which is renumbered from Section ~~78B-22-804~~ is renumbered

9773 and amended to read:

9774 **~~[78B-22-804]~~ 75E-10-504 (Effective 07/01/26). Child Welfare Parental**

9775 **Representation Fund -- Contracts for coverage by the fund.**

- 9776 (1) There is created an expendable special revenue fund known as the "Child Welfare  
9777 Parental Representation Fund."  
9778 (2) Subject to availability, the office may make distributions from the fund for the  
9779 following purposes:  
9780 (a) to pay for indigent defense resources for contracted parental representation attorneys;  
9781 (b) for administrative costs of the program; and  
9782 (c) for reasonable expenses directly related to the functioning of the program, including  
9783 training and travel expenses.  
9784 (3) The fund consists of:  
9785 (a) federal funds received by the state as partial reimbursement for amounts expended by  
9786 the [~~Utah Indigent Defense Commission~~] commission to pay for parental  
9787 representation;  
9788 (b) appropriations made to the fund by the Legislature;  
9789 (c) interest and earnings from the investment of fund money;  
9790 (d) proceeds deposited by contributing counties under this section; and  
9791 (e) private contributions to the fund.  
9792 (4) The state treasurer shall invest the money in the fund by following the procedures and  
9793 requirements of Title 51, Chapter 7, State Money Management Act.  
9794 (5)(a) If the office anticipates a deficit in the fund during a fiscal year:  
9795 (i) the commission may request an appropriation from the Legislature; and  
9796 (ii) the Legislature may fund the anticipated deficit through appropriation.  
9797 (b) If the anticipated deficit is not funded by the Legislature under Subsection (5)(a), the  
9798 office may request an interim assessment from contributing counties as described in  
9799 Subsection (6) to fund the anticipated deficit.  
9800 (6)(a) A county legislative body and the office may annually enter into a contract for the  
9801 office to provide indigent defense services for a parent in a child welfare case in the  
9802 county out of the fund.  
9803 (b) A contract described in Subsection (6)(a) shall:  
9804 (i) require the contributing county described in Subsection (6)(a) to pay into the fund  
9805 an amount defined by a formula established by the commission; and  
9806 (ii) provide for revocation of the contract for the contributing county's failure to pay  
9807 the assessment described in Subsection (5) on the due date established by the  
9808 commission.

- 9809 (7) After the first year of operation of the fund, a contributing county that enters into a  
 9810 contract under Subsection (6) to initiate or reestablish participation in the fund is  
 9811 required to make an equity payment in the amount determined by the commission, in  
 9812 addition to the assessment described in Subsection (5).
- 9813 (8) A contributing county that withdraws from participation in the fund, or whose  
 9814 participation in the fund is revoked as described in Subsection (6) for failure to pay the  
 9815 contributing county's assessment when due, shall forfeit any right to any previously paid  
 9816 assessment by the contributing county or coverage from the fund.

9817 Section 187. Section **75E-10-505**, which is renumbered from Section 78B-22-805 is renumbered  
 9818 and amended to read:

9819 **[78B-22-805] 75E-10-505 (Effective 07/01/26) (Repealed 12/31/26).**

9820 **Interdisciplinary Parental Representation Pilot Program.**

- 9821 (1) As used in this section:
- 9822 (a) "Parental representation liaison" means an individual who has a bachelor's or  
 9823 graduate degree in social work, sociology, psychology, human services, or a closely  
 9824 related field.
- 9825 (b) "Program" means the Interdisciplinary Parental Representation Pilot Program created  
 9826 in this section.
- 9827 (2)(a) There is created within the commission the Interdisciplinary Parental  
 9828 Representation Pilot Program.
- 9829 (b) The purpose of the program is to enhance the legal representation of a parent in a  
 9830 child welfare case by including a parental representation liaison as a member of the  
 9831 parent's interdisciplinary legal team.
- 9832 (3)(a) A county may submit a proposal to the commission for a grant to develop a  
 9833 parental representation liaison position to provide services to parents involved in a  
 9834 child welfare case in the county.
- 9835 (b) A proposal described in Subsection (3)(a) shall include details regarding:
- 9836 (i) how the county plans to use the grant award to fulfill the purpose described in  
 9837 Subsection (2);
- 9838 (ii) any plan to use funding sources in addition to a grant awarded under this section  
 9839 for the proposal; and
- 9840 (iii) other information the commission determines necessary to evaluate the proposal  
 9841 for a grant award under this section.
- 9842 (c) In evaluating a proposal for a grant award under this section, the commission shall

- 9843 consider:
- 9844 (i) the extent to which the proposal will fulfill the purpose described in Subsection (2);
- 9845 (ii) the cost of the proposal;
- 9846 (iii) the extent to which other funding sources identified in the proposal are likely to
- 9847 benefit the proposal;
- 9848 (iv) the sustainability of the proposal;
- 9849 (v) the need for parental representation liaison engagement in child welfare cases in
- 9850 the county that submitted the proposal; and
- 9851 (vi) whether the proposal will support improvements in indigent defense services in
- 9852 accordance with the commission core principles described in Section [~~78B-22-404~~]
- 9853 75E-9-104.

- 9854 (4) Before October 1, 2023, the commission shall provide a written report to the Health and
- 9855 Human Services Interim Committee regarding the program that includes information on:
- 9856 (a) the number of grants awarded under the program; and
- 9857 (b) whether the program had any impact on child welfare case outcomes.

9858 Section 188. Section **75E-10-601**, which is renumbered from Section 78B-22-901 is renumbered

9859 and amended to read:

9860 **Part 6. Indigent Appellate Defense Division**

9861 **[78B-22-901] 75E-10-601 (Effective 07/01/26). Definitions for part.**

9862 As used in this part:

- 9863 (1)(a) "Appellate defense services" means the representation of an indigent individual:
- 9864 (i) described in Subsection 78B-22-201(1)(d) or who is party to an appeal under
- 9865 Section 77-18a-1;
- 9866 (ii) in an action or on appeal for postconviction relief under [~~Chapter 9,~~
- 9867 ~~Postconviction Remedies Act~~] Title 78B, Chapter 9, Postconviction Remedies Act;
- 9868 or
- 9869 (iii) in an appeal of right from an action for the termination or restoration of parental
- 9870 rights under Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings,
- 9871 Title 80, Chapter 4, Termination and Restoration of Parental Rights, or Title 81,
- 9872 Chapter 13, Adoption.
- 9873 (b) "Appellate defense services" does not include the representation of an indigent
- 9874 individual:
- 9875 (i) facing an appeal in a case where the indigent individual was prosecuted for
- 9876 aggravated murder; or

9877 (ii) in an action or appeal for postconviction relief under [~~Chapter 9, Postconviction~~  
 9878 ~~Remedies Act~~] Title 78B, Chapter 9, Postconviction Remedies Act, if the indigent  
 9879 individual has been sentenced to death.

9880 (2) "Division" means the Indigent Appellate Defense Division created in Section [  
 9881 ~~78B-22-902~~] 75E-10-602.

9882 Section 189. Section **75E-10-602**, which is renumbered from Section 78B-22-902 is renumbered  
 9883 and amended to read:

9884 **[~~78B-22-902~~] 75E-10-602 (Effective 07/01/26). Indigent Appellate Defense**  
 9885 **Division.**

9886 There is created the Indigent Appellate Defense Division within the [~~Office of Indigent~~  
 -9887 ~~Defense Services~~] office.

9888 Section 190. Section **75E-10-603**, which is renumbered from Section 78B-22-904 is renumbered  
 9889 and amended to read:

9890 **[~~78B-22-904~~] 75E-10-603 (Effective 07/01/26). Chief appellate officer --**

9891 **Qualifications -- Staff -- Duties.**

9892 (1)(a) After consulting with the commission, the executive director shall appoint a chief  
 9893 appellate officer.

9894 (b) When appointing the chief appellate officer, the executive director shall give  
 9895 preference to an individual with experience in adult criminal appellate defense  
 9896 representation.

9897 (2) The chief appellate officer shall be an active member of the Utah State Bar with an  
 9898 appropriate background and experience to serve as the chief appellate officer.

9899 (3) The chief appellate officer shall carry out the duties of the division described in Section [  
 9900 ~~78B-22-903~~] 75E-10-604.

9901 (4) The chief appellate officer shall:

9902 (a) provide appellate defense services in an eligible county;

9903 (b) hire staff as necessary to carry out the duties of the division described in Section [  
 9904 ~~78B-22-903~~] 75E-10-604; and

9905 (c) perform all other duties that are necessary for the division to carry out the division's  
 9906 statutory duties.

9907 (5) The chief appellate officer may provide appellate defense services in an action or an  
 9908 appeal for postconviction relief under [~~Chapter 9, Postconviction Remedies Act~~] Title  
 9909 78B, Chapter 9, Postconviction Remedies Act, if the court appoints the division to  
 9910 represent the indigent individual.

9911 Section 191. Section **75E-10-604**, which is renumbered from Section 78B-22-903 is renumbered  
9912 and amended to read:

9913 **[78B-22-903] 75E-10-604 (Effective 07/01/26). Powers and duties of the division.**

9914 (1) The division shall:

9915 (a) provide appellate defense services:

9916 (i) for an appeal under Section 77-18a-1, in eligible counties;

9917 (ii) for an action or an appeal for postconviction relief under ~~[Chapter 9,~~  
9918 ~~Postconviction Remedies Act]~~ Title 78B, Chapter 9, Postconviction Remedies Act,  
9919 if the court appoints the division to represent the indigent individual; and

9920 (iii) for an appeal of right from an action for the termination or restoration of parental  
9921 rights under Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings,  
9922 Title 80, Chapter 4, Termination and Restoration of Parental Rights, or Title 81,  
9923 Chapter 13, Adoption; and

9924 (b) provide appellate defense services in accordance with the core principles adopted by  
9925 the commission under Section ~~[78B-22-404]~~ 75E-9-104 and any other state and  
9926 federal standards for appellate defense services.

9927 (2) Upon consultation with the executive director and the commission, the division shall:

9928 (a) adopt a budget for the division;

9929 (b) adopt and publish on the commission's website:

9930 (i) appellate performance standards;

9931 (ii) case weighting standards; and

9932 (iii) any other relevant measures or information to assist with appellate defense  
9933 services; and

9934 (c) if requested by the commission, provide a report to the commission on:

9935 (i) the provision of appellate defense services by the division;

9936 (ii) the caseloads of appellate attorneys; and

9937 (iii) any other information relevant to appellate defense services in the state.

9938 (3) If the division provides appellate defense services to an indigent individual in an  
9939 indigent defense system, the division shall provide notice to the district court and the  
9940 indigent defense system that the division intends to be appointed as counsel for the  
9941 indigent individual.

9942 (4) The office shall assist with providing training and continual legal education on appellate  
9943 defense to indigent defense service providers in eligible counties.

9944

Section 192. Section **75E-10-701**, which is renumbered from Section 78B-22-1101 is renumbered

9945 and amended to read:

9946 **Part 7. Youth Defense Fund**

9947 **~~[78B-22-1101]~~ 75E-10-701 (Effective 07/01/26). Definitions for part.**

9948 As used in this part:

9949 (1) "Fund" means the Youth Defense Fund created in Section ~~[78B-22-1102]~~ 75E-10-702.

9950 (2) "Participating county" means a county that complies with this part for participation in  
9951 the fund.

9952 Section 193. Section **75E-10-702**, which is renumbered from Section 78B-22-1102 is renumbered

9953 and amended to read:

9954 **~~[78B-22-1102]~~ 75E-10-702 (Effective 07/01/26). Establishment of Youth Defense  
9955 Fund -- Use of fund -- Compensation from fund.**

9956 (1) There is established a custodial fund known as the Youth Defense Fund.

9957 (2) The fund consists of:

9958 (a) money received from participating counties as described in Section ~~[78B-22-1104]~~  
9959 75E-10-704;

9960 (b) appropriations made to the fund by the Legislature as described in Subsection [  
9961 ~~78B-22-1104(8)]~~ 75E-10-704(8); and

9962 (c) interest and earnings from the investment of fund money.

9963 (3) The state treasurer shall invest fund money with the earnings and interest accruing to the  
9964 fund.

9965 (4) The fund shall be used to fulfill the constitutional and statutory mandates for the  
9966 provision of constitutionally effective defense for juveniles referred to the juvenile court.

9967 (5) Money allocated to or deposited into the fund is used only:

9968 (a) to pay an indigent defense service provider appointed to represent a minor referred to  
9969 the juvenile court;

9970 (b) for defense resources necessary to effectively represent the minor; and

9971 (c) for costs associated with the management of the fund and indigent defense service  
9972 providers.

9973 Section 194. Section **75E-10-703**, which is renumbered from Section 78B-22-1103 is renumbered

9974 and amended to read:

9975 **[78B-22-1103] 75E-10-703 (Effective 07/01/26). Administration of Youth Defense**  
 9976 **Fund.**

- 9977 (1) The commission shall establish rules and procedures for the application by a county for  
 9978 participation in the fund.
- 9979 (2) The office shall:
- 9980 (a) receive, screen, and approve or disapprove the application of a county seeking to  
 9981 participate in the fund;
- 9982 (b) calculate the amount of the annual contribution to be made to the fund by each  
 9983 participating county;
- 9984 (c) oversee and approve disbursement of money from the fund; and
- 9985 (d) negotiate, enter into, and administer a contract with an attorney or entity to provide  
 9986 indigent defense services to a minor referred to the juvenile court in a participating  
 9987 county if the attorney or entity:
- 9988 (i) is qualified to provide indigent defense services under this chapter; and
- 9989 (ii) meets the standards consistent for providing indigent defense services under this  
 9990 chapter.

9991 Section 195. Section **75E-10-704**, which is renumbered from Section 78B-22-1104 is  
 renumbered

9992 and amended to read:

9993 **[78B-22-1104] 75E-10-704 (Effective 07/01/26). County participation in the**  
 9994 **Youth Defense Fund.**

- 9995 (1) A county may participate in the fund in accordance with the provisions of this section.
- 9996 (2) A county that does not participate in the fund, or is not current in the county's  
 9997 assessments for the fund, is ineligible to receive indigent defense services provided for  
 9998 by the fund.
- 9999 (3) The commission may revoke a county's participation in the fund if the county fails to  
 10000 pay the county's assessments when the assessments are due.
- 10001 (4) To participate in the fund, the legislative body of a county shall:
- 10002 (a) adopt a resolution that approves participation in the fund and commits the county to  
 10003 fulfilling the assessment requirements; and
- 10004 (b) submit a certified copy of that resolution together with an application to the  
 10005 commission.
- 10006 (5) On or before January 15 of each year, a participating county shall contribute to the fund  
 10007 an amount determined by the office.

- 10008 (6) A participating county may withdraw from participation in the fund upon:
- 10009 (a) adoption by the county's legislative body of a resolution to withdraw; and
- 10010 (b) notice to the commission on or before January 1 of the year in which the county
- 10011 intends to withdraw.
- 10012 (7) A county withdrawing from participation in the fund, or whose participation in the fund
- 10013 has been revoked for failure to pay the county's assessments when the assessments are
- 10014 due, shall forfeit the right to:
- 10015 (a) any previously paid assessment;
- 10016 (b) relief from the county's obligation to pay the county's assessment during the period
- 10017 of the county's participation in the fund; and
- 10018 (c) any benefit from the fund, including reimbursement of costs that accrued after the
- 10019 last day of the period for which the county has paid the county's assessment.
- 10020 (8)(a) If the fund runs a deficit during a calendar year, the state is responsible for the
- 10021 deficit.
- 10022 (b) In the calendar year following a deficit year, the office shall increase the amount of
- 10023 the annual assessment that is required for participation in the fund by an amount at
- 10024 least equal to the deficit of the previous calendar year.
- 10025 (c) In a calendar year in which the fund runs a deficit, or is projected to run a deficit, the
- 10026 office shall request a supplemental appropriation to pay for the deficit from the
- 10027 Legislature in the following general session.
- 10028 (d) The state shall pay any or all of the reasonable and necessary money for the deficit
- 10029 into the fund.

10030 Section 196. Section **75E-11-101**, which is renumbered from Section 77-38-601 is renumbered

10031 and amended to read:

10032 **CHAPTER 11. Safe at Home Program**

10033 **Part 1. General Provisions**

10034 **[77-38-601] 75E-11-101 (Effective 07/01/26). Definitions for chapter.**

10035 As used in this ~~[part]~~ chapter:

- 10036 (1) "Abuse" means~~[any of the following]~~:
- 10037 (a) "abuse" as that term is defined in Section 76-5-111 or 80-1-102; or
- 10038 (b) ~~["child abuse" as that term is defined]~~ child abuse, as described in Section 76-5-109.
- 10039 (2) "Actual address" means the residential street address of the program participant that is
- 10040 stated in a program participant's application for enrollment or on a notice of a change of

- 10041 address under Section ~~[77-38-610]~~ 75E-11-309.
- 10042 (3) "Assailant" means an individual who commits or threatens to commit abuse, human  
10043 trafficking, domestic violence, stalking, or a sexual offense against an applicant for the  
10044 program or a minor or incapacitated individual residing with an applicant for the  
10045 program.
- 10046 (4) "Assigned address" means an address designated by the ~~[commission]~~ department and  
10047 assigned to a program participant.
- 10048 (5) "Authorization card" means a card issued by the ~~[commission]~~ department that identifies  
10049 a program participant as enrolled in the program with the program participant's assigned  
10050 address and the date on which the program participant will no longer be enrolled in the  
10051 program.
- 10052 ~~[(6) "Commission" means the State Commission on Criminal and Juvenile Justice created  
10053 in Section 63M-7-201.]~~
- 10054 ~~[(7)]~~ ~~(6)~~ "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 10055 ~~[(8)]~~ ~~(7)~~ "Human trafficking" means a human trafficking offense under Section 76-5-308.
- 10056 ~~[(9)]~~ ~~(8)~~ "Incapacitated individual" means an individual who is incapacitated, as defined in  
10057 Section 75-1-201.
- 10058 ~~[(10)]~~ ~~(9)~~(a) "Mail" means first class letters or flats delivered by the United States Postal  
10059 Service, including priority, express, and certified mail.
- 10060 (b) "Mail" does not include a package, parcel, periodical, or catalogue, unless the  
10061 package, parcel, periodical, or catalogue is clearly identifiable as:  
10062 (i) being sent by a federal, state, or local agency or another government entity; or  
10063 (ii) a pharmaceutical or medical item.
- 10064 ~~[(11)]~~ ~~(10)~~ "Minor" means an individual who is younger than 18 years old.
- 10065 ~~[(12)]~~ ~~(11)~~ "Notification form" means a form issued by the ~~[commission]~~ department that a  
10066 program participant may send to a person demonstrating that the program participant is  
10067 enrolled in the program.
- 10068 ~~[(13)]~~ ~~(12)~~ "Program" means the Safe at Home Program created in Section ~~[77-38-602]~~  
10069 75E-11-102.
- 10070 ~~[(14)]~~ ~~(13)~~ "Program assistant" means an individual designated by the ~~[commission]~~  
10071 department under Section ~~[77-38-604]~~ 75E-11-303 to assist an applicant or program  
10072 participant.
- 10073 ~~[(15)]~~ ~~(14)~~ "Program participant" means an individual who is enrolled under Section [  
10074 ~~77-38-606]~~ 75E-11-305 by the ~~[commission]~~ department to participate in the program.

10075 [(16)] (15) "Record" means the same as that term is defined in Section 63G-2-103.

10076 [(17)] (16)(a) "Sexual offense" means:

- 10077 (i) a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses; or
- 10078 (ii) a sexual exploitation offense under Title 76, Chapter 5b, Part 2, Sexual
- 10079 Exploitation.

10080 (b) "Sexual offense" does not include an offense under:

- 10081 (i) Section 76-5-417, enticing a minor;
- 10082 (ii) Section 76-5-418, sexual battery;
- 10083 (iii) Section 76-5-419, lewdness;
- 10084 (iv) Section 76-5-420, lewdness involving a child; or
- 10085 (v) Section 76-5b-206, failure to report child sexual abuse material by a computer
- 10086 technician.

10087 [(18)] (17) "Stalking" means the same as that term is defined in Section 76-5-106.5.

10088 [(19)] (18) "State or local government entity" means a county, municipality, higher  
10089 education institution, special district, special service district, or any other political  
10090 subdivision of the state or an administrative subunit of the executive, legislative, or  
10091 judicial branch of this state, including:

- 10092 (a) a law enforcement entity or any other investigative entity, agency, department,
- 10093 division, bureau, board, or commission; or
- 10094 (b) an individual acting or purporting to act for or on behalf of a state or local entity,
- 10095 including an elected or appointed public official.

10096 [(20)] (19) "Victim" means a victim of abuse, domestic violence, human trafficking,  
10097 stalking, or sexual assault.

10098 Section 197. Section **75E-11-102**, which is renumbered from Section 77-38-602 is renumbered  
10099 and amended to read:

10100 ~~[77-38-602]~~ **75E-11-102 (Effective 07/01/26). Creation -- Department**  
10101 **responsibilities -- Rulemaking -- Retention and destruction of records.**

10102 (1) There is created the Safe at Home Program within the ~~[commission]~~ department.

10103 (2) Under the program, the ~~[commission]~~ department shall:

- 10104 (a) designate, train, and manage program assistants;
- 10105 (b) develop, distribute, and process application forms and related materials for the
- 10106 program;
- 10107 (c) designate an assigned address for a program participant to be used by the program
- 10108 participant and a state or local government entity; and

10109 (d) receive mail sent to a program participant's assigned address, forward the mail to the  
 10110 program participant's actual address at the [commission's] department's expense, and  
 10111 track and maintain records for all mail received.

10112 (3) The department shall establish policies and procedures regarding the maintenance and  
 10113 destruction of applications, records, and other documents received or generated under  
 10114 this chapter.

10115 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 10116 department may make rules to:

10117 (a) establish a process to expedite requests from law enforcement officers and agencies  
 10118 in accordance with Section 75E-11-312;

10119 (b) establish procedures for an appeal process regarding cancellation of enrollment under  
 10120 Section 75E-11-316; and

10121 (c) establish the procedures for the retention and destruction of records and other  
 10122 documents in accordance with Subsection (3).

10123 Section 198. Section **75E-11-201** is enacted to read:

10124 **Part 2. Program Funding**

10125 **75E-11-201 (Effective 07/01/26). Definitions for part.**

10126 As used in this part, "account" means the Safe at Home Program Restricted Account  
 10127 created in Section 75E-11-202.

10128 Section 199. Section **75E-11-202**, which is renumbered from Section 77-38-620 is renumbered  
 10129 and amended to read:

10130 **[77-38-620] 75E-11-202 (Effective 07/01/26). Safe at Home Program Restricted**  
 10131 **Account -- Report.**

10132 (1) There is created a restricted account in the General Fund known as the "Safe at Home  
 10133 Program Restricted Account."

10134 (2) The account shall be funded by:

10135 (a) private contributions;

10136 (b) gifts, donations, or grants from public or private entities; and

10137 (c) interest and earnings on account money.

10138 (3) Upon appropriation by the Legislature, the [commission] department may expend funds  
 10139 from the account to:

10140 (a) designate, train, and manage program assistants;

10141 (b) develop, distribute, and process application forms and related materials for the  
 10142 program;

- 10143 (c) assist applicants and program participants in enrolling in the program; or  
 10144 (d) ensure program participants receive mail forwarded from the program to the program  
 10145 participant's actual address.
- 10146 (4) No later than December 31 of each year, the [~~commission~~] department shall provide to  
 10147 the Criminal Justice Appropriations Subcommittee a written report of the program's  
 10148 activities, including:
- 10149 (a) the contributions received under Subsection (2);  
 10150 (b) an accounting of the money expended or committed to be expended by the [~~commission~~]  
 10151 department under Subsection (3); and  
 10152 (c) the balance of the account.

10153 Section 200. Section **75E-11-301** is enacted to read:

10154 **Part 3. Program Administration**

10155 **75E-11-301 (Effective 07/01/26). Definitions for part.**

10156 Reserved.

10157 Section 201. Section **75E-11-302**, which is renumbered from Section 77-38-603 is renumbered  
 10158 and amended to read:

10159 **[77-38-603] 75E-11-302 (Effective 07/01/26). Eligibility.**

- 10160 (1) An applicant is eligible to participate in the program if the applicant attests that the  
 10161 applicant:
- 10162 (a) is a resident of this state;  
 10163 (b)(i) is a victim;  
 10164 (ii) is a parent or a guardian of an individual who:  
 10165 (A) is a victim; and  
 10166 (B) resides at the same address as the parent or guardian;  
 10167 (iii) resides at the same address where a victim resides; or  
 10168 (iv) fears for the applicant's physical safety, or for the physical safety of a minor or  
 10169 incapacitated individual residing at the same address as the applicant, from a  
 10170 threat of abuse, domestic violence, human trafficking, stalking, or sexual assault;
- 10171 (c)(i) resided at a residential address that was known by an assailant and relocated  
 10172 within the past 90 days to a different residential address that is not known by the  
 10173 assailant;  
 10174 (ii) resides at a residential address known by the assailant and intends to relocate  
 10175 within 90 days to a different residential address in the state that is not known by  
 10176 the assailant; or

- 10177 (iii) resides at a residential address that is not known by the assailant;  
 10178 (d) will not disclose the different residential address to the assailant; and  
 10179 (e) will benefit from participation in the program.
- 10180 (2) An applicant may participate in the program regardless of whether:  
 10181 (a) a criminal charge is filed against an assailant;  
 10182 (b) the applicant has a restraining order or injunction against an assailant; or  
 10183 (c) the applicant reported an act or threat by an assailant to a law enforcement agency or  
 10184 officer.
- 10185 (3) An applicant may participate in the program only upon the recommendation of a  
 10186 program assistant.
- 10187 (4) To participate in the program:  
 10188 (a) an applicant shall sign, date, and verify the information on an application; and  
 10189 (b) the [~~commission~~] department shall verify the applicant's current residential address as  
 10190 provided on the application.
- 10191 (5) A parent or guardian may act on behalf of a minor or an incapacitated individual in  
 10192 determining whether the minor or the incapacitated individual is eligible for the program.

10193 Section 202. Section **75E-11-303**, which is renumbered from Section 77-38-604 is renumbered  
 10194 and amended to read:

10195 **[77-38-604] 75E-11-303 (Effective 07/01/26). Designation of program assistants.**

- 10196 (1) The [~~commission~~] department may designate as a program assistant, an individual that:  
 10197 (a)(i) is an employee of the commission or a state or local government entity; or  
 10198 (ii) is a volunteer for an organization that provides counseling, assistance, or support  
 10199 services at no charge to victims; and  
 10200 (b)(i) provides counseling, referrals, or other services to victims; and  
 10201 (ii) completes any training or registration process required by the [~~commission~~]  
 10202 department.
- 10203 (2) A program assistant shall:  
 10204 (a) assist an applicant in preparing an application for the program; and  
 10205 (b) sign, date, and verify an application for the program.
- 10206 (3) A signature of a program assistant is a recommendation by the program assistant that  
 10207 the applicant is eligible to participate in the program under Section [~~77-38-603~~]  
 10208 75E-11-302.

10209 Section 203. Section **75E-11-304**, which is renumbered from Section 77-38-605 is renumbered  
 10210 and amended to read:

10211 **[~~77-38-605~~] 75E-11-304 (Effective 07/01/26). Administration -- Application.**

- 10212 (1) The [~~commission~~] department shall provide an application form to an applicant who  
10213 seeks to participate in the program under this part.
- 10214 (2) The [~~commission~~] department may not charge an applicant or program participant for an  
10215 application or participation fee to apply for, or participate in, the program.
- 10216 (3) The application shall include:
- 10217 (a) the applicant's name;
  - 10218 (b) a mailing address, a phone number, and an email address where the applicant may be  
10219 contacted by the [~~commission~~] department;
  - 10220 (c) an indication regarding whether the assailant is employed by a state or local  
10221 government entity, and if applicable, the name of the state or local government entity;
  - 10222 (d) a statement that the applicant understands and consents to:
    - 10223 (i) remain enrolled in the program for four years, unless the applicant's participation  
10224 in the program is cancelled under Section [~~77-38-617~~] 75E-11-316;
    - 10225 (ii) while the applicant is enrolled in the program, notify the [~~commission~~] department  
10226 when the applicant changes the applicant's actual address or legal name;
    - 10227 (iii) develop a safety plan with a program assistant;
    - 10228 (iv) authorize the [~~commission~~] department to notify a state or local government  
10229 entity that the applicant is a program participant;
    - 10230 (v) submit written notice to the [~~commission~~] department if the applicant chooses to  
10231 cancel the applicant's participation in the program;
    - 10232 (vi) register to vote in person at the office of the clerk in the county where the  
10233 applicant's actual address is located; and
    - 10234 (vii) certify that the [~~commission~~] department is the applicant's designated agent for  
10235 service of process for personal service;
  - 10236 (e) evidence that the applicant, or a minor or an incapacitated individual residing with  
10237 the applicant, is a victim, including:
    - 10238 (i) a law enforcement, court, or other state, local, or federal government agency  
10239 record; or
    - 10240 (ii) a document from:
      - 10241 (A) a domestic violence program, facility, or shelter;
      - 10242 (B) a sexual assault program; or
      - 10243 (C) a religious, medical, or other professional from whom the applicant, or the  
10244 minor or the incapacitated individual residing with the applicant, sought

- 10245 assistance in dealing with alleged abuse, domestic violence, stalking, or a  
10246 sexual offense;
- 10247 (f) a statement from the applicant that a disclosure of the applicant's actual address  
10248 would endanger the applicant, or a minor or an incapacitated individual residing with  
10249 the applicant;
- 10250 (g) a statement by the applicant that the applicant:
- 10251 (i) resides at a residential address that is not known by the assailant;
- 10252 (ii) has relocated to a different residential address in the past 90 days that is not  
10253 known by the assailant; or
- 10254 (iii) will relocate to a different residential address in the state within 90 days that is  
10255 not known by the assailant;
- 10256 (h) the actual address that:
- 10257 (i) the applicant requests that the ~~[commission]~~ department not disclose; and
- 10258 (ii) is at risk of discovery by the assailant or potential assailant;
- 10259 (i) a statement by the applicant disclosing:
- 10260 (i) the existence of a court order or action involving the applicant, or a minor or an  
10261 incapacitated individual residing with the applicant, related to a divorce  
10262 proceeding, a child support order or judgment, or the allocation of custody or  
10263 parent-time; and
- 10264 (ii) the court that issued the order or has jurisdiction over the action;
- 10265 (j) the name of any other individual who resides with the applicant who needs to be a  
10266 program participant to ensure the safety of the applicant, or a minor or an  
10267 incapacitated individual residing with the applicant;
- 10268 (k) a statement by the applicant that:
- 10269 (i) the applicant, or a minor or an incapacitated individual residing at the same  
10270 address as the applicant, will benefit from participation in the program;
- 10271 (ii) if the applicant intends to vote, the applicant will register to vote at the office of  
10272 the clerk in the county in which the applicant actually resides; and
- 10273 (iii) the applicant does not have a current obligation to register as a sex offender,  
10274 kidnap offender, or child abuse offender under Title 53, Chapter 29, Sex, Kidnap,  
10275 and Child Abuse Offender Registry;
- 10276 (l) a statement by the applicant, under penalty of perjury, that the information contained  
10277 in the application is true;
- 10278 (m) a statement that:

- 10279 (i) if the applicant intends to use the assigned address for any correspondence with  
 10280 the State Tax Commission, the applicant must provide the State Tax Commission  
 10281 with the applicant's social security number, federal employee identification  
 10282 number, and any other identification number related to a tax, fee, charge, or  
 10283 license administered by the State Tax Commission; and
- 10284 (ii) if the applicant intends to use the assigned address for correspondence to a state  
 10285 or local government entity for the purpose of titling or registering a motor vehicle  
 10286 or a watercraft that is owned or leased by the applicant, the applicant shall provide  
 10287 to the state or local government entity for each motor vehicle or watercraft:
- 10288 (A) the motor vehicle or hull identification number;
- 10289 (B) the license plate or registration number for the motor vehicle or the watercraft;
- 10290 and
- 10291 (C) the physical address where each motor vehicle or watercraft is stored; and
- 10292 (n) a statement that any assistance or counseling provided by a program assistant as part  
 10293 of the program does not constitute legal advice or legal services to the applicant.

10294 Section 204. Section **75E-11-305**, which is renumbered from Section 77-38-606 is renumbered  
 10295 and amended to read:

10296 **[77-38-606] 75E-11-305 (Effective 07/01/26). Enrollment of a program**  
 10297 **participant.**

- 10298 (1)(a) Within five business days after the day on which the [~~commission~~] department  
 10299 grants enrollment to a program participant, the [~~commission~~] department shall issue  
 10300 the program participant:
- 10301 (i) an assigned address;
- 10302 (ii) an authorization card; and
- 10303 (iii) a notification form.
- 10304 (b) An authorization card is valid while the program participant is enrolled in the  
 10305 program.
- 10306 (2) A program participant is enrolled in the program for four years beginning on the day on  
 10307 which the enrollment is granted, unless the enrollment is withdrawn, or is cancelled  
 10308 under Section [~~77-38-617~~] 75E-11-316, before the end of the four-year period.
- 10309 (3) A program participant may withdraw from the program by filing a request for  
 10310 withdrawal with the [~~commission~~] department that is acknowledged before a notary  
 10311 public.
- 10312 (4)(a) A program participant may renew enrollment by filing a renewal application with

10313 the [~~commission~~] department at least 30 days before the day on which enrollment in  
10314 the program will expire.

10315 (b) The applicant shall date, sign, and verify the renewal application.

10316 (c) The renewal application shall contain:

10317 (i) all statements or information required by Subsection [~~77-38-605(3)~~] 75E-11-304(3)  
10318 that have changed from the original application or a prior renewal application;

10319 (ii) a statement by the applicant that the applicant, or a minor or an incapacitated  
10320 individual residing at the same address as the applicant, will continue to benefit  
10321 from participation in the program; and

10322 (iii) a statement by the applicant, under penalty of perjury, that the information  
10323 contained in the renewal application is true.

10324 Section 205. Section **75E-11-306**, which is renumbered from Section 77-38-607 is renumbered  
10325 and amended to read:

10326 **[~~77-38-607~~] 75E-11-306 (Effective 07/01/26). Use of assigned address -- Release**  
10327 **of information.**

10328 (1) The [~~commission~~] department shall forward all mail that the office receives at the  
10329 assigned address for a program participant to the program participant's actual address.

10330 (2) The [~~commission~~] department shall provide, at the request of a program participant or a  
10331 state or local government entity, confirmation of an individual's status as a program  
10332 participant.

10333 (3) Except as provided in Sections [~~77-38-611~~] 75E-11-310, [~~77-38-612~~] 75E-11-311, and [  
10334 ~~77-38-613~~] 75E-11-312, the [~~commission~~] department may not disclose a program  
10335 participant's actual address to any person.

10336 Section 206. Section **75E-11-307**, which is renumbered from Section 77-38-608 is renumbered  
10337 and amended to read:

10338 **[~~77-38-608~~] 75E-11-307 (Effective 07/01/26). Use of assigned address --**  
10339 **Confidentiality.**

10340 (1) A program participant may use the assigned address provided to the program participant  
10341 to receive mail as provided in Subsection [~~77-38-602(2)~~] 75E-11-102(2).

10342 (2)(a) A state or local government entity may not refuse to use a program participant's  
10343 assigned address for any official business, unless:

10344 (i) the state or local government entity is statutorily required to use the program  
10345 participant's actual address; or

10346 (ii) the state or local government entity is permitted or required to use the program

- 10347 participant's actual address under this ~~[part]~~ chapter.
- 10348 (b) A state or local government entity may confirm an individual's status as a program  
10349 participant with the ~~[commission]~~ department.
- 10350 (3) A state or local government entity, after receiving a copy of the notification form from a  
10351 program participant or a notification of the program participant's enrollment from the [  
10352 ~~commission]~~ department, may not:
- 10353 (a) except as provided in Subsection (2)(a), refuse to use the assigned address for the  
10354 program participant, or a minor or an incapacitated individual residing with the  
10355 program participant;
- 10356 (b) except as provided in Subsection (4), require a program participant to disclose the  
10357 program participant's actual address; or
- 10358 (c) except as provided in Section ~~[77-38-611]~~ 75E-11-310, intentionally disclose to  
10359 another person or state or local government entity the program participant's actual  
10360 address.
- 10361 (4) Notwithstanding Subsections (2) and (3), a county clerk may require a program  
10362 participant to disclose the program participant's actual address:
- 10363 (a) for voter registration; and
- 10364 (b) to enroll a program participant in a program designed to protect the confidentiality of  
10365 a voter's address.
- 10366 (5) If a program participant is enrolled in a program designed to protect the confidentiality  
10367 of a voter's address, a county clerk:
- 10368 (a) shall classify the program participant's actual address as concealed; and
- 10369 (b) may not disclose the program participant's actual address.

10370 Section 207. Section **75E-11-308**, which is renumbered from Section 77-38-609 is renumbered  
10371 and amended to read:

10372 ~~[77-38-609]~~ **75E-11-308 (Effective 07/01/26). Disclosure of actual address**  
10373 **prohibited.**

- 10374 (1)(a) The ~~[commission]~~ department may not disclose a program participant's actual  
10375 address, unless:
- 10376 (i) required by a court order; or
- 10377 (ii) the ~~[commission]~~ department grants a request from a state or local government  
10378 entity under Section ~~[77-38-612]~~ 75E-11-311.
- 10379 (b) The ~~[commission]~~ department shall provide a program participant immediate  
10380 notification of a disclosure of the program participant's actual address if the

disclosure is made under Subsection (1)(a)(i) or (ii).

- (2) If, at the time of application, an applicant, or a parent or guardian of an applicant, is subject to a court order relating to a divorce proceeding, a child support order or judgment, or an allocation of custody or parent-time, the [eommission] department shall provide notice of whether the applicant is enrolled under the program and the assigned address of the applicant to the court that issued the order or has jurisdiction over the action.
- (3) A person may not knowingly or intentionally obtain a program participant's actual address from the [eommission] department or any state or local government entity if the person is not authorized to obtain the program participant's actual address.
- (4) Unless the disclosure is permitted under this [part] chapter or is otherwise permitted by law, an employee of the [eommission] department or a state or local government entity may not knowingly or intentionally disclose a program participant's actual address if:
- (a) the employee obtains a program participant's actual address during the course of the employee's official duties; and
  - (b) at the time of disclosure, the employee has specific knowledge that the address is the actual address of the program participant.
- (5) A person who intentionally or knowingly obtains or discloses information in violation of this [part] chapter is guilty of a class B misdemeanor.

Section 208. Section **75E-11-309**, which is renumbered from Section 77-38-610 is renumbered and amended to read:

**[77-38-610] 75E-11-309 (Effective 07/01/26). Change of name, address, or telephone number.**

- (1) A program participant shall notify the [eommission] department no later than 30 days after the day on which the program participant obtains a legal name change, by providing the [eommission] department with a certified copy of a judgment or order establishing the name change, or any other documentation that is sufficient evidence of the name change.
- (2) A program participant shall notify the [eommission] department no later than 10 business days after the day on which the program participant's actual address or telephone number changes from the actual address or telephone number listed for the program participant.
- (3) If a program participant remains enrolled in the program after a change of address, the program participant may not change the program participant's assigned address with the

10415 Driver License Division created under Section 53-3-103.

10416 Section 209. Section **75E-11-310**, which is renumbered from Section 77-38-611 is renumbered  
10417 and amended to read:

10418 **[77-38-611] 75E-11-310 (Effective 07/01/26). Address use by state or local**  
10419 **government entities.**

10420 (1) Except as otherwise provided in Subsection (7), a program participant is responsible for  
10421 requesting that a state or local government entity use the program participant's assigned  
10422 address as the program participant's residential address.

10423 (2) Except as otherwise provided in this [part] chapter, if a program participant submits a  
10424 valid authorization card, or a notification form, to a state or local government entity, the  
10425 state or local government entity shall accept the assigned address listed on the  
10426 authorization card or notification form as the program participant's address to be used as  
10427 the program participant's residential address when creating a record.

10428 (3) The program participant's assigned address shall be listed as the last known address if  
10429 any last known address requirement is needed by the state or local government entity.

10430 (4) The state or local government entity may photocopy a program participant's  
10431 authorization card for a record for the state or local government entity, but the state or  
10432 local government entity shall immediately return the authorization card to the program  
10433 participant.

10434 (5)(a) An election official, as defined in Section 20A-1-102, shall:

10435 (i) use a program participant's actual address for precinct designation and all official  
10436 election-related purposes;

10437 (ii) classify the program participant's actual address as concealed; and

10438 (iii) keep the program participant's actual address confidential from the public.

10439 (b) A program participant may not use the program participant's assigned address for  
10440 voter registration.

10441 (c) An election official shall use the assigned address for all correspondence and mail for  
10442 the program participant placed in the United States mail.

10443 (d) A state or local government entity's access to a program participant's voter  
10444 registration is subject to the request for disclosure process under Section [77-38-612]  
10445 75E-11-311.

10446 (e) This Subsection (5) applies only to a program participant who submits a valid  
10447 authorization card or a notification form when registering to vote.

10448 (6)(a) A state or local government entity may not use a program participant's assigned

- 10449 address for the purposes of listing[;] or appraising a property, or assessing property  
10450 taxes.
- 10451 (b) Except as provided by Subsection (6)(c), all property assessments and tax notices,  
10452 property tax collection notices, and all property related correspondence placed in the  
10453 United States mail for the program participant shall be addressed to the assigned  
10454 address.
- 10455 (c) The State Tax Commission shall use the actual address of a program participant,  
10456 unless the [~~commission~~] department provides the following information to the State  
10457 Tax Commission:
- 10458 (i) the full name of the program participant; and  
10459 (ii) the program participant's social security number, federal employee identification  
10460 number, and any other identification number related to a tax, fee, charge, or  
10461 license administered by the State Tax Commission.
- 10462 (7)(a) A state or local government entity may not use a program participant's assigned  
10463 address for purposes of assessing any taxes or fees on a motor vehicle or a watercraft  
10464 for titling or registering a motor vehicle or a watercraft.
- 10465 (b) Except as provided by Subsection (7)(c), all motor vehicle and watercraft  
10466 assessments and tax notices, title registration notices, and all related correspondence  
10467 placed in the United States mail for the program participant is required to be  
10468 addressed to the assigned address.
- 10469 (c) The Motor Vehicle Division shall use the actual address of a program participant,  
10470 unless the [~~commission~~] department provides the following information to the Motor  
10471 Vehicle Division:
- 10472 (i) the full name of the program participant;  
10473 (ii) the assigned address of the program participant;  
10474 (iii) the motor vehicle or hull identification number for each motor vehicle or  
10475 watercraft that is owned or leased by the program participant;  
10476 (iv) the license plate or registration number for each motor vehicle or watercraft that  
10477 is owned or leased by the program participant; and  
10478 (v) the physical address [~~where~~] of each motor vehicle or watercraft that is owned or  
10479 leased by the program participant.
- 10480 (d) Notwithstanding any other provision of this [~~part~~] chapter, the Motor Vehicle  
10481 Division may disclose to another state or local government entity all information that  
10482 is necessary for the state or local government entity to distribute any taxes or fees

- 10483 collected for titling or registering a motor vehicle or a watercraft.
- 10484 (e) Notwithstanding Section 41-1a-116 or any other provision of this part, the Motor  
10485 Vehicle Division may not disclose the actual address of a program participant[  
10486 ~~described in Subsection 77-38-605(3)(m)(ii)~~] to:
- 10487 (i) the Utah Criminal Justice Information System; or
- 10488 (ii) the title, lien, and registration system that is provided to the Motor Vehicle  
10489 Division by a third party contractor and is accessed in accordance with Subsection  
10490 41-1a-116(4).
- 10491 (8)(a) The Division of Adult Probation and Parole created in Section 64-14-202, or any  
10492 other entity responsible for supervising a program participant who is on probation or  
10493 parole as a result of a criminal conviction or an adjudication, may not use the  
10494 program participant's assigned address if the program participant's actual address is  
10495 necessary for supervising the program participant.
- 10496 (b) All written communication delivered through the United States mail to the program  
10497 participant by the Department of Corrections, or the other entity described in  
10498 Subsection (8)(a), shall be addressed to the program participant's assigned address.
- 10499 (9) If a program participant is required by law to swear or affirm to the program  
10500 participant's address, the program participant may use the program participant's assigned  
10501 address.
- 10502 (10)(a) A school district shall:
- 10503 (i) accept the assigned address as the address of record; and
- 10504 (ii) verify student enrollment eligibility with the [~~commission~~] department.
- 10505 (b) The [~~commission~~] department shall help facilitate the transfer of student records as  
10506 needed.
- 10507 (11)(a) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
10508 Management Act, a record containing a program participant's address is confidential  
10509 and, regardless of the record's classification under Title 63G, Chapter 2, Part 3,  
10510 Classification, may not be disclosed by a state or local government entity, unless  
10511 otherwise provided under this [~~part~~] chapter.
- 10512 (b) A program participant's actual address may not be disclosed to a third party by a state  
10513 or local government entity, except:
- 10514 (i) in a record created more than 90 days before the date on which the program  
10515 participant applied for enrollment in the program; or
- 10516 (ii) if a program participant voluntarily requests, in writing, that the program

10517 participant's actual address be disclosed to the third party.

10518 (c) For a record created within 90 days before the date that a program participant applied  
 10519 for enrollment in the program, a state or local government entity shall redact the  
 10520 actual address from the record or change the actual address to the assigned address in  
 10521 the public record if the program participant presents a valid authorization card or a  
 10522 notification form and requests that the state or local government entity use the  
 10523 assigned address instead of the actual address on the record.

10524 Section 210. Section **75E-11-311**, which is renumbered from Section 77-38-612 is renumbered  
 10525 and amended to read:

10526 **[77-38-612] 75E-11-311 (Effective 07/01/26). Request for disclosure.**

10527 (1) A state or local government entity requesting disclosure of a program participant's  
 10528 actual address in accordance with this section shall make the request:

10529 (a) in writing;

10530 (b) on the state or local government entity's letterhead; and

10531 (c) with the signature of the head or an executive-level official of the state or local  
 10532 government entity.

10533 (2) In accordance with Subsection (1), a state or local government entity requesting  
 10534 disclosure of a program participant's actual address shall provide the ~~[commission]~~  
 10535 department with the name of the program participant and a statement:

10536 (a) explaining why the state or local government entity is requesting the program  
 10537 participant's actual address;

10538 (b) explaining why the state or local government entity cannot meet the state or local  
 10539 government entity's statutory or administrative obligations without the disclosure of  
 10540 the program participant's actual address;

10541 (c) of facts showing that:

10542 (i) other methods to locate the program participant's actual address have failed;

10543 (ii) other methods will be unlikely to succeed; or

10544 (iii) other means of contacting the program participant have failed or are unavailable;  
 10545 and

10546 (d) that the state or local government entity has adopted a procedure to protect the  
 10547 confidentiality of the program participant's actual address.

10548 (3) In response to a request for disclosure under Subsection (2), the ~~[commission]~~  
 10549 department may request additional information from the state or local government entity  
 10550 to help identify the program participant in the records of the office or to assess whether

10551 disclosure to the state or local government entity is permitted under this part.

10552 (4)(a) Except as provided in Subsection (4)(b), after receiving a request for disclosure  
10553 from a state or local government entity under Subsection (1), the [~~commission~~]  
10554 department shall provide a program participant with written notification:

10555 (i) informing the participant of the request, and to the extent possible, of an  
10556 opportunity to be heard regarding the request; and

10557 (ii) after a decision is made by the [~~commission~~] department, whether the request has  
10558 been granted or denied.

10559 (b) The [~~commission~~] department is not required to provide notice of a request for  
10560 disclosure to a program participant under Subsection (4)(a) when:

10561 (i) the request is made by a state or local law enforcement agency conducting a  
10562 criminal investigation involving alleged criminal conduct by the program  
10563 participant; or

10564 (ii) providing notice to the program participant would jeopardize an ongoing criminal  
10565 investigation or the safety of law enforcement personnel.

10566 (5) The [~~commission~~] department shall grant a state or local government entity's request for  
10567 disclosure and disclose the program participant's actual address if:

10568 (a) the state or local government entity has demonstrated a good faith statutory or  
10569 administrative need for the actual address;

10570 (b) the actual address will be used only for the purpose stated in the request;

10571 (c) other methods to locate the program participant or the program participant's actual  
10572 address have failed or are unlikely to succeed;

10573 (d) other means of contacting the program participant have failed or are unavailable; and

10574 (e) the state or local government entity has adopted a procedure to protect the  
10575 confidentiality of the program participant's actual address.

10576 (6) If the [~~commission~~] department grants a request for disclosure under this section, the [  
10577 ~~commission~~] department shall provide the state or local government entity with a  
10578 disclosure that contains:

10579 (a) the program participant's actual address;

10580 (b) a statement of the permitted use of the program participant's actual address;

10581 (c) the names or classes of persons permitted to have access to or use of the program  
10582 participant's actual address;

10583 (d) a statement that the state or local government entity is required to limit access to and  
10584 use of the program participant's actual address to the permitted use and to the listed

- 10585 persons or classes of persons; and
- 10586 (e) if expiration of the disclosure is appropriate, the date on which the permitted use of
- 10587 the program participant's actual address expires.
- 10588 (7) If a request for disclosure is granted by the [~~commission~~] department, a state or local
- 10589 government entity shall:
- 10590 (a) limit use of the program participant's actual address to the purpose stated in the
- 10591 disclosure;
- 10592 (b) limit access to the program participant's actual address to the persons or classes of
- 10593 persons stated in the disclosure;
- 10594 (c) cease use of the program participant's actual address upon the expiration of the
- 10595 permitted use;
- 10596 (d) dispose of the program participant's actual address upon the expiration of the
- 10597 permitted use; and
- 10598 (e) except as permitted in the request for disclosure, maintain the confidentiality of the
- 10599 program participant's actual address.
- 10600 (8) Upon denial of a state or local government entity's request for disclosure, the [~~commission~~]
- 10601 department shall promptly provide a written notification to the state or local
- 10602 government entity explaining the specific reasons for denying the request for disclosure.
- 10603 (9)(a) A state or local government entity may file a written appeal with the [~~commission~~]
- 10604 department no later than 15 days after the day on which the state or local government
- 10605 entity receives the written notification under Subsection (8).
- 10606 (b) A state or local government entity filing a written appeal under Subsection (9)(a)
- 10607 shall:
- 10608 (i) restate the information contained in the request for disclosure; and
- 10609 (ii) respond to the [~~commission's~~] department's reason for denying the request for
- 10610 disclosure.
- 10611 (c) The [~~commission~~] department shall make a final determination on the appeal within
- 10612 30 days after the day on which the appeal is received by the [~~commission~~] department,
- 10613 unless the state or local government entity and the [~~commission~~] department agree to
- 10614 a different deadline.
- 10615 (d) Before the [~~commission~~] department makes a final determination, the [~~commission~~]
- 10616 department may conduct a hearing or request additional information from the state or
- 10617 local government entity or the program participant.
- 10618 Section 211. Section **75E-11-312**, which is renumbered from Section 77-38-613 is renumbered

10619 and amended to read:

10620 **[77-38-613] 75E-11-312 (Effective 07/01/26). Request for disclosure by law**  
 10621 **enforcement.**

10622 (1) The [~~commission~~] department shall establish a process to expedite a request submitted  
 10623 by a law enforcement officer or agency for the disclosure of information regarding a  
 10624 program participant who is involved in a criminal proceeding or investigation within 24  
 10625 hours of the law enforcement officer or agency submitting the request.

10626 (2) If a law enforcement officer or agency seeks the disclosure of a program participant's  
 10627 actual address from the [~~commission~~] department under Subsection (1), the law  
 10628 enforcement officer or agency shall certify to the commission, or the commission's  
 10629 designee, that the official or agency has a system in place to protect the program  
 10630 participant's actual address from disclosure to:

10631 (a) the public; and

10632 (b) law enforcement personnel who are not involved in the criminal proceeding or  
 10633 investigation for which the disclosure is requested.

10634 (3) Upon expiration of the use for the program participant's actual address in a criminal  
 10635 proceeding or investigation, a law enforcement officer or agency shall remove the  
 10636 program participant's actual address from any record system maintained by the law  
 10637 enforcement officer or agency.

10638 Section 212. Section **75E-11-313**, which is renumbered from Section 77-38-614 is renumbered  
 10639 and amended to read:

10640 **[77-38-614] 75E-11-313 (Effective 07/01/26). Service of process at the assigned**  
 10641 **address.**

10642 (1) In accordance with the Utah Rules of Civil Procedure, Rule 4, the [~~commission~~]  
 10643 department is the agent authorized to receive process for a program participant.

10644 (2) In accordance with the Utah Rules of Civil Procedure, Rule 5, the last known address  
 10645 for a program participant is the program participant's assigned address, not the program  
 10646 participant's actual address.

10647 Section 213. Section **75E-11-314**, which is renumbered from Section 77-38-615 is renumbered  
 10648 and amended to read:

10649 **[77-38-615] 75E-11-314 (Effective 07/01/26). Participation in the program --**  
 10650 **Orders in relation to allocation of custody or parent-time.**

10651 (1) A court may not consider a parent's participation in the program for the purpose of  
 10652 making an order allocating custody or parent-time under Title 81, Chapter 9, Custody,

10653 Parent-time, and Visitation.

- 10654 (2) A court shall take practical measures to keep a program participant's actual address  
 10655 confidential when making an order allocating custody or parent-time.  
 10656 (3) Nothing in this part affects an order relating to the allocation of custody or parent-time  
 10657 in effect [~~prior to~~] before or during a program participant's participation in the program.

10658 Section 214. Section **75E-11-315**, which is renumbered from Section 77-38-616 is renumbered  
 10659 and amended to read:

10660 ~~[77-38-616]~~ **75E-11-315 (Effective 07/01/26). Disclosure of address or identifiable**  
 10661 **information in a judicial or administrative proceeding.**

- 10662 (1) A program participant may submit the program participant's actual address to the court  
 10663 as a safeguarded record in accordance with the Utah Code of Judicial Administration,  
 10664 Rule 4-202.02.  
 10665 (2) A person may not compel disclosure of a program participant's actual address or  
 10666 identifying information related to the program participant's residence during a  
 10667 proceeding in a court or administrative proceeding, unless:  
 10668 (a) the court orders the disclosure of the program participant's address; or  
 10669 (b) an administrative tribunal finds, based on a preponderance of the evidence, that:  
 10670 (i) the disclosure is required in the interest of justice;  
 10671 (ii) public interest in the disclosure substantially outweighs the potential harm to the  
 10672 program participant; or  
 10673 (iii) no other alternative would satisfy the necessity of the disclosure.  
 10674 (3) If disclosure of a program participant's actual address is required in a proceeding before  
 10675 a court or administrative tribunal, the court or administrative tribunal may safeguard the  
 10676 portion of a record that contains the program participant's actual address.  
 10677 (4) Nothing in this section prevents a state or local government entity from using a program  
 10678 participant's actual address in filing a document or record with a court or administrative  
 10679 tribunal if, at the time of the filing, the document or record is filed under safeguard or  
 10680 not a public record.

10681 Section 215. Section **75E-11-316**, which is renumbered from Section 77-38-617 is renumbered  
 10682 and amended to read:

10683 ~~[77-38-617]~~ **75E-11-316 (Effective 07/01/26). Cancellation of enrollment --**  
 10684 **Records.**

- 10685 (1) The [~~commission~~] department shall cancel a program participant's enrollment in the  
 10686 program if:

- 10687 (a) the program participant submits to the [~~e~~ommission] department a written request to  
10688 withdraw from enrollment in accordance with Section [~~77-38-606~~] 75E-11-305;
- 10689 (b) the program participant fails to notify the [~~e~~ommission] department of a change in the  
10690 program participant's name, actual address, or telephone number that is listed on the  
10691 application;
- 10692 (c) the program participant, or a parent or guardian of the program participant,  
10693 knowingly submits false information in the program application; or
- 10694 (d) mail forwarded to the program participant by the [~~e~~ommission] department is  
10695 returned as undeliverable.

10696 (2)(a) If the [~~e~~ommission] department determines that there are grounds for cancelling a  
10697 program participant's enrollment in accordance with Subsection (1), the commission  
10698 shall send notice of the cancellation with the reason for cancellation to the program  
10699 participant at the program participant's actual address and email address.

10700 (b) A program participant has 30 days to appeal the cancellation decision in accordance  
10701 with procedures developed by the [~~e~~ommission] department.

10702 (3) A program participant who receives a notice of cancellation is responsible for notifying  
10703 a person who uses the program participant's assigned address to communicate with the  
10704 program participant that the assigned address is no longer valid.

10705 (4) If the [~~e~~ommission] department cancels a program participant's enrollment in the  
10706 program, the program participant is not eligible to participate in the program for six  
10707 months after the day on which the [~~e~~ommission] department cancels the program  
10708 participant's enrollment in the program.

10709 Section 216. Section **75E-11-317**, which is renumbered from Section 77-38-619 is renumbered  
10710 and amended to read:

10711 **[~~77-38-619~~] 75E-11-317 (Effective 07/01/26). Immunity from suit.**

10712 (1) A program assistant, or a program assistant's employer, is immune from liability in a  
10713 civil action or proceeding involving the performance or nonperformance of a duty under  
10714 this [~~part~~] chapter, unless:

- 10715 (a) the performance or nonperformance of a program assistant was manifestly outside  
10716 the scope of the program assistant's duties in the program; or
- 10717 (b) the program assistant acted with malicious purpose, bad faith, or in a wanton or  
10718 reckless manner.

10719 (2) In addition to the governmental immunity granted in Title 63G, Chapter 7,  
10720 Governmental Immunity Act of Utah, or any other governmental immunity provided by

10721 law, the ~~[commission]~~ department, the state, and the political subdivisions of the state are  
 10722 immune from liability in a civil action or proceeding involving the performance or  
 10723 nonperformance of a duty under the program.

10724 Section 217. Section **76-1-101.6** is amended to read:

10725 **TITLE 76. Criminal Offenses**

10726 **76-1-101.6 (Effective 07/01/26). Application of definitions to title.**

- 10727 (1) For formatting purposes, sections in this title that contain a criminal offense include an  
 10728 express provision that states that the title definitions in Section 76-1-101.5 apply to that  
 10729 section.
- 10730 (2) Although a provision described in Subsection (1) is not included in non-offense sections  
 10731 in ~~[Title 76, Utah Criminal Code]~~ this title, or in other titles, title definitions apply to all  
 10732 statutes within a title unless otherwise expressly provided.

10733 Section 218. Section **76-3-202** is amended to read:

10734 **76-3-202 (Effective 07/01/26). Paroled individuals -- Termination or discharge**  
 10735 **from sentence -- Time served on parole -- Discretion of Board of Pardons and Parole.**

- 10736 (1) As described in Subsection 77-27-5(7), every individual committed to the state prison to  
 10737 serve an indeterminate term and, after December 31, 2018, released on parole shall  
 10738 complete a term of parole that extends through the expiration of the individual's  
 10739 maximum sentence unless the parole is earlier terminated by the Board of Pardons and  
 10740 Parole in accordance with the adult sentencing and supervision length guidelines, as  
 10741 defined in Section ~~[63M-7-401.1]~~ 75E-4-101, to the extent the guidelines are consistent  
 10742 with the requirements of the law.

- 10743 (2)(a) Except as provided in Subsection (2)(b), an individual committed to the state  
 10744 prison to serve an indeterminate term and released on parole on or after October 1,  
 10745 2015, but before January 1, 2019, shall, upon completion of three years on parole  
 10746 outside of confinement and without violation, be terminated from the individual's  
 10747 sentence unless the parole is earlier terminated by the Board of Pardons and Parole or  
 10748 is terminated ~~[pursuant to]~~ in accordance with Section 64-14-204.
- 10749 (b) An individual committed to the state prison to serve an indeterminate term and later  
 10750 released on parole on or after July 1, 2008, but before January 1, 2019, and who was  
 10751 convicted of a felony offense under Chapter 5, Offenses Against the Individual, or an  
 10752 attempt, conspiracy, or solicitation to commit the offense, shall complete a term of  
 10753 parole that extends through the expiration of the individual's maximum sentence,  
 10754 unless the parole is earlier terminated by the Board of Pardons and Parole.

- 10755 (3) An individual convicted of a second degree felony for violating Section 76-5-404,  
10756 forcible sexual abuse; Section 76-5-404.1, sexual abuse of a child; or Section 76-5-404.3,  
10757 aggravated sexual abuse of a child; or attempting, conspiring, or soliciting the  
10758 commission of a violation of any of those sections, and who is paroled before July 1,  
10759 2008, shall, upon completion of 10 years parole outside of confinement and without  
10760 violation, be terminated from the sentence unless the individual is earlier terminated by  
10761 the Board of Pardons and Parole.
- 10762 (4) An individual who violates the terms of parole, while serving parole, for any offense  
10763 under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and  
10764 Parole be recommitted to prison to serve the portion of the balance of the term as  
10765 determined by the Board of Pardons and Parole, but not to exceed the maximum term.
- 10766 (5) An individual paroled following a former parole revocation may not be discharged from  
10767 the individual's sentence until:
- 10768 (a) the individual has served the applicable period of parole under this section outside of  
10769 confinement;
- 10770 (b) the individual's maximum sentence has expired; or
- 10771 (c) the Board of Pardons and Parole orders the individual to be discharged from the  
10772 sentence.
- 10773 (6)(a) All time served on parole, outside of confinement and without violation,  
10774 constitutes service toward the total sentence.
- 10775 (b) Any time an individual spends outside of confinement after commission of a parole  
10776 violation does not constitute service toward the total sentence unless the individual is  
10777 exonerated at a parole revocation hearing.
- 10778 (c)(i) Any time an individual spends in confinement awaiting a hearing before the  
10779 Board of Pardons and Parole or a decision by the board concerning revocation of  
10780 parole constitutes service toward the total sentence.
- 10781 (ii) In the case of exoneration by the board, the time spent is included in computing  
10782 the total parole term.
- 10783 (7) When a parolee causes the parolee's absence from the state without authority from the  
10784 Board of Pardons and Parole or avoids or evades parole supervision, the period of  
10785 absence, avoidance, or evasion tolls the parole period.
- 10786 (8)(a) While on parole, time spent in confinement outside the state may not be credited  
10787 toward the service of any Utah sentence.
- 10788 (b) Time in confinement outside the state or in the custody of any tribal authority or the

10789 United States government for a conviction obtained in another jurisdiction tolls the  
10790 expiration of the Utah sentence.

10791 (9) This section does not preclude the Board of Pardons and Parole from paroling or  
10792 discharging an inmate at any time within the discretion of the Board of Pardons and  
10793 Parole unless otherwise specifically provided by law.

10794 (10) A parolee sentenced to lifetime parole may petition the Board of Pardons and Parole  
10795 for termination of lifetime parole.

10796 Section 219. Section **76-5-102.1** is amended to read:

10797 **76-5-102.1 (Effective 07/01/26). Negligently operating a vehicle resulting in**  
10798 **injury.**

10799 (1)(a) As used in this section:

10800 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.

10801 (ii) "Drug" means the same as that term is defined in Section 76-5-207.

10802 (iii) "Negligent" or "negligence" means the same as that term is defined in Section  
10803 76-5-207.

10804 (iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.

10805 (b) Terms defined in Section 76-1-101.5 apply to this section.

10806 (2) An actor commits negligently operating a vehicle resulting in injury if the actor:

10807 (a)(i) operates a vehicle in a negligent manner causing bodily injury to another; and

10808 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical  
10809 test shows that the actor has a blood or breath alcohol concentration of .05  
10810 grams or greater at the time of the test;

10811 (B) is under the influence of alcohol, a drug, or the combined influence of alcohol  
10812 and a drug to a degree that renders the actor incapable of safely operating a  
10813 vehicle; or

10814 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time  
10815 of operation; or

10816 (b)(i) operates a vehicle in a criminally negligent manner causing bodily injury to  
10817 another; and

10818 (ii) has in the actor's body any measurable amount of a controlled substance.

10819 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:

10820 (a)(i) a class A misdemeanor; or

10821 (ii) a third degree felony if the actor has two or more driving under the influence  
10822 related convictions under Subsection 41-6a-501(2)(a), each of which is within 10

- 10823 years of:
- 10824 (A) the current conviction; or
- 10825 (B) the commission of the offense upon which the current conviction is based;
- 10826 (iii) a third degree felony, if the current conviction is at any time after the conviction
- 10827 of:
- 10828 (A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2),
- 10829 that is a felony; or
- 10830 (B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of
- 10831 conviction is reduced under Section 76-3-402; or
- 10832 (iv) a third degree felony if the bodily injury is serious bodily injury; and
- 10833 (b) a separate offense for each victim suffering bodily injury as a result of the actor's
- 10834 violation of this section, regardless of whether the injuries arise from the same
- 10835 episode of driving.
- 10836 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under
- 10837 Subsection (2)(b) if:
- 10838 (a) the controlled substance was obtained under a valid prescription or order, directly
- 10839 from a practitioner while acting in the course of the practitioner's professional
- 10840 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 10841 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 10842 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
- 10843 58-37-4.2 if:
- 10844 (i) the actor is the subject of medical research conducted by a holder of a valid license
- 10845 to possess controlled substances under Section 58-37-6; and
- 10846 (ii) the substance was administered to the actor by the medical researcher.
- 10847 (5)(a) A judge imposing a sentence under this section may consider:
- 10848 (i) the adult sentencing and supervision length guidelines, as defined in Section [
- 10849 ~~63M-7-401.1~~ 75E-4-101;
- 10850 (ii) the defendant's history;
- 10851 (iii) the facts of the case;
- 10852 (iv) aggravating and mitigating factors; or
- 10853 (v) any other relevant fact.
- 10854 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 10855 based on the defendant's history under Section 41-6a-505.
- 10856 (c) The standards for chemical breath analysis under Section 41-6a-515 and the

10857 provisions for the admissibility of chemical test results under Section 41-6a-516  
 10858 apply to determination and proof of blood alcohol content under this section.

10859 (d) A calculation of blood or breath alcohol concentration under this section shall be  
 10860 made in accordance with Subsection 41-6a-502(3).

10861 (e) Except as provided in Subsection (4), the fact that an actor charged with violating  
 10862 this section is or has been legally entitled to use alcohol or a drug is not a defense.

10863 (f) Evidence of a defendant's blood or breath alcohol content or drug content is  
 10864 admissible except if prohibited by the Utah Rules of Evidence, the United States  
 10865 Constitution, or the Utah Constitution.

10866 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense  
 10867 described in this section may not be held in abeyance.

10868 (6)(a) A judge imposing a sentence under this section shall designate the defendant as an  
 10869 interdicted person, as that term is defined in Section 32B-1-102, for a period of time  
 10870 not to exceed the probationary period, unless the court finds good cause to order a  
 10871 shorter or longer time.

10872 (b) If a court designates a person as an interdicted person as [provided] described in  
 10873 Subsection (6)(a), the court shall:

10874 (i) require the person to surrender the person's identification card or driver license;

10875 (ii) notify the Driver License Division that the person is an interdicted person; and

10876 (iii) provide the person's identification card or driver license to the Driver License  
 10877 Division.

10878 Section 220. Section **76-5-207** is amended to read:

10879 **76-5-207 (Effective 07/01/26). Automobile homicide -- Penalties -- Evidence.**

10880 (1)(a) As used in this section:

10881 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.

10882 (ii) "Criminally negligent" means the same as that term is described in Subsection  
 10883 76-2-103(4).

10884 (iii) "Drug" means:

10885 (A) a controlled substance;

10886 (B) a drug as defined in Section 58-37-2; or

10887 (C) a substance that, when knowingly, intentionally, or recklessly taken into the  
 10888 human body, can impair the ability of an individual to safely operate a vehicle.

10889 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that  
 10890 degree of care that reasonable and prudent persons exercise under like or similar

- 10891 circumstances.
- 10892 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 10893 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 10894 (2) An actor commits automobile homicide if the actor:
- 10895 (a)(i) operates a vehicle in a negligent or criminally negligent manner causing the
- 10896 death of another individual; and
- 10897 (ii)(A) has sufficient alcohol in the actor's body such that a subsequent chemical
- 10898 test shows that the actor has a blood or breath alcohol concentration of .05
- 10899 grams or greater at the time of the test;
- 10900 (B) is under the influence of alcohol, any drug, or the combined influence of
- 10901 alcohol and any drug to a degree that renders the actor incapable of safely
- 10902 operating a vehicle; or
- 10903 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
- 10904 of operation; or
- 10905 (b)(i) operates a vehicle in a criminally negligent manner causing death to another;
- 10906 and
- 10907 (ii) has in the actor's body any measurable amount of a controlled substance.
- 10908 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
- 10909 (a) a second degree felony, punishable by a term of imprisonment of not less than five
- 10910 years nor more than 15 years; and
- 10911 (b) a separate offense for each victim suffering death as a result of the actor's violation
- 10912 of this section, regardless of whether the deaths arise from the same episode of
- 10913 driving.
- 10914 (4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:
- 10915 (a) the controlled substance was obtained under a valid prescription or order, directly
- 10916 from a practitioner while acting in the course of the practitioner's professional
- 10917 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 10918 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 10919 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
- 10920 58-37-4.2 if:
- 10921 (i) the actor is the subject of medical research conducted by a holder of a valid license
- 10922 to possess controlled substances under Section 58-37-6; and
- 10923 (ii) the substance was administered to the actor by the medical researcher.
- 10924 (5)(a) A judge imposing a sentence under this section may consider:

- 10925 (i) the adult sentencing and supervision length guidelines, as defined in Section [  
10926 63M-7-401.1] 75E-4-101;
- 10927 (ii) the defendant's history;
- 10928 (iii) the facts of the case;
- 10929 (iv) aggravating and mitigating factors; or
- 10930 (v) any other relevant fact.
- 10931 (b) The judge may not impose a lesser sentence than would be required for a conviction  
10932 based on the defendant's history under Section 41-6a-505.
- 10933 (c) The standards for chemical breath analysis [~~as provided by~~] under Section 41-6a-515  
10934 and the provisions for the admissibility of chemical test results [~~as provided by~~] under  
10935 Section 41-6a-516 apply to determination and proof of blood alcohol content under  
10936 this section.
- 10937 (d) A calculation of blood or breath alcohol concentration under this section shall be  
10938 made in accordance with Subsection 41-6a-502(3).
- 10939 (e) Except as provided in Subsection (4), the fact that an actor charged with violating  
10940 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 10941 (f) Evidence of a defendant's blood or breath alcohol content or drug content is  
10942 admissible except when prohibited by the Utah Rules of Evidence, the United States  
10943 Constitution, or the Utah Constitution.
- 10944 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense  
10945 described in this section may not be held in abeyance.
- 10946 (6) If, when imposing a sentence under this section, the court finds that it is in the interest  
10947 of justice to suspend the imposition of prison, the court shall detail the finding on the  
10948 record, including why a suspended prison sentence is in the interest of justice.
- 10949 (7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than  
10950 three years nor more than 15 years if the court details on the record why it is in the  
10951 interest of justice.
- 10952 (8)(a) A judge imposing a sentence under this section shall designate the defendant as an  
10953 interdicted person, as that term is defined in Section 32B-1-102, for a period of time  
10954 not to exceed the probationary period, unless the court finds good cause to order a  
10955 shorter or longer time.
- 10956 (b) If a court designates a person as an interdicted person as [~~provided~~] described in  
10957 Subsection (8)(a), the court shall:
- 10958 (i) require the person to surrender the person's identification card or driver license;

- 10959 (ii) notify the Driver License Division that the person is an interdicted person; and  
 10960 (iii) provide the person's identification card or driver license to the Driver License  
 10961 Division.

10962 Section 221. Section **76-8-419** is amended to read:

10963 **76-8-419 (Effective 07/01/26). Damaging a highway or bridge.**

- 10964 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.  
 10965 (2) An actor commits damaging a highway or bridge if the actor intentionally, knowingly,  
 10966 or recklessly digs up, removes, displaces, breaks, or otherwise damages or destroys a  
 10967 public highway or private way laid out by authority of law, or a bridge upon the  
 10968 highway or private way.  
 10969 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a third degree  
 10970 felony.  
 10971 (4) If the violation of this section constitutes an offense subject to a greater penalty under  
 10972 another provision of [~~Title 76, Utah Criminal Code~~] this title, than is provided under this  
 10973 section, this section does not prohibit the prosecution and sentencing for the offense  
 10974 subject to a greater penalty.

10975 Section 222. Section **76-13-211** is amended to read:

10976 **76-13-211 (Effective 07/01/26). Injuring, harassing, or endangering a service**  
 10977 **animal.**

10978 (1)(a) As used in this section:

- 10979 (i) "Disability" means the same as that term is defined in Section 26B-6-801.  
 10980 (ii) "Search and rescue dog" means a dog:  
 10981 (A) with documented training to locate individuals who are:  
 10982 (I) lost, missing, or injured; or  
 10983 (II) trapped under debris as the result of a natural or man-made event; and  
 10984 (B) affiliated with an established search and rescue dog organization.  
 10985 (iii) "Service animal" means:  
 10986 (A) a service animal as that term is defined in Section 26B-6-801; or  
 10987 (B) a search and rescue dog.

10988 (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this  
 10989 section.

- 10990 (2) An actor commits injuring, harassing, or endangering a service animal if the actor:  
 10991 (a) knowingly, intentionally, or recklessly causes substantial bodily injury or death to a  
 10992 service animal;

- 10993 (b) owns, keeps, harbors, or exercises control over an animal and knowingly,  
 10994 intentionally, or recklessly fails to exercise sufficient control over the animal to  
 10995 prevent the animal from:  
 10996 (i) causing substantial bodily injury to or the death of a service animal;  
 10997 (ii) causing a service animal's subsequent inability to function as a service animal as a  
 10998 result of the animal's attacking, chasing, or harassing the service animal; or  
 10999 (iii) chasing or harassing a service animal while the service animal is carrying out the  
 11000 service animal's functions as a service animal, to the extent that the animal  
 11001 temporarily interferes with the service animal's ability to carry out the service  
 11002 animal's functions; or  
 11003 (c) chases or harasses a service animal.

11004 (3)(a) A violation of Subsection (2)(a), (2)(b)(i), or (2)(b)(ii) is a class A misdemeanor.

11005 (b) A violation of Subsection (2)(b)(iii) or (2)(c) is a class B misdemeanor.

11006 (4)(a) A service animal is exempt from quarantine or other animal control ordinances if  
 11007 the service animal bites an individual while the service animal is subject to an offense  
 11008 under Subsection (2).

11009 (b) The owner of the service animal or the individual with a disability whom the service  
 11010 animal serves shall make the service animal available for examination at a reasonable  
 11011 time and shall notify the local health officer if the service animal exhibits any  
 11012 abnormal behavior.

11013 (5) In addition to any other penalty, an actor convicted of a violation of this section is liable  
 11014 for restitution to the owner of the service animal or the individual with a disability  
 11015 whom the service animal serves for the replacement, training, and veterinary costs  
 11016 incurred as a result of the violation of this section.

11017 (6) If the act committed under this section amounts to an offense subject to a greater  
 11018 penalty under another provision of [~~Title 76, Utah Criminal Code~~] this title, than is  
 11019 provided under this section, this section does not prohibit prosecution and sentencing for  
 11020 the more serious offense.

11021 Section 223. Section **77-2-5** is amended to read:

11022 **TITLE 77. Criminal Procedure**

11023 **77-2-5 (Effective 07/01/26). Diversion agreement -- Negotiation -- Contents.**

11024 (1) At any time after the commencement of prosecution and before conviction, the  
 11025 prosecuting attorney may, by written agreement with the defendant, filed with the court,  
 11026 and upon approval of the court, divert a defendant to a non-criminal diversion program.

- 11027 (2) A defendant shall be represented by counsel during negotiations for diversion and at the  
11028 time of execution of any diversion agreement unless the defendant has knowingly and  
11029 intelligently waived the defendant's right to counsel.
- 11030 (3) The defendant has the right to be represented by counsel at any court hearing relating to  
11031 a diversion program.
- 11032 (4)(a) A diversion agreement, entered into between the prosecuting attorney and the  
11033 defendant and approved by a court, shall contain a full, detailed statement of the  
11034 requirements agreed to by the defendant and the reasons for diversion.
- 11035 (b) The diversion agreement described in Subsection (4)(a) shall include an agreement,  
11036 by the parties, for a specific amount of restitution that the defendant will pay, unless  
11037 the prosecuting attorney certifies that:
- 11038 (i) the prosecuting attorney has consulted with all victims, including the [~~Utah~~]  
11039 Office for Victims of Crime; and
- 11040 (ii) the defendant does not owe any restitution.
- 11041 (5)(a) If the court approves a diversion agreement that includes an agreement by the  
11042 parties for the amount of restitution that the defendant will pay, the court shall order  
11043 the defendant to pay restitution in accordance with the terms of the diversion  
11044 agreement.
- 11045 (b) The court shall collect, receive, process, and distribute payments for restitution to the  
11046 victim, unless otherwise provided by law or by the diversion agreement.
- 11047 (6) A decision by a prosecuting attorney not to divert a defendant is not subject to judicial  
11048 review.
- 11049 (7) A diversion agreement entered into between the prosecution and the defense and  
11050 approved by a magistrate may contain an order that the defendant pay a nonrefundable  
11051 diversion fee that:
- 11052 (a) shall be allocated in the same manner as if paid as a fine for a criminal conviction  
11053 under Section 78A-5-110 or Section 78A-7-120; and
- 11054 (b) may not exceed the suggested fine listed in the Uniform Fine Schedule adopted by  
11055 the Judicial Council.
- 11056 (8) A diversion agreement may not be approved unless the defendant knowingly and  
11057 intelligently waives the defendant's constitutional right to a speedy trial before a  
11058 magistrate and in the diversion agreement.
- 11059 (9)(a) The court shall, on the defendant's request, consider the defendant's ability to pay  
11060 a diversion fee before ordering the defendant to pay a diversion fee.

11061 (b) The court may:

- 11062 (i) consider any relevant evidence in determining the defendant's ability to pay a  
 11063 diversion fee; and  
 11064 (ii) lower or waive the diversion fee based on that evidence.

11065 (10) A diversion program longer than two years is not permitted.

11066 (11) The court may not rely solely on an algorithm or a risk assessment tool score in  
 11067 determining whether the court should approve the defendant's diversion to a  
 11068 non-criminal diversion program.

11069 Section 224. Section **77-2a-2** is amended to read:

11070 **77-2a-2 (Effective 07/01/26). Plea in abeyance agreement -- Negotiation --**  
 11071 **Contents -- Terms of agreement -- Waiver of time for sentencing.**

11072 (1) At any time after acceptance of a plea of guilty or no contest but before entry of  
 11073 judgment of conviction and imposition of sentence, the court may, upon motion of both  
 11074 the prosecuting attorney and the defendant, hold the plea in abeyance and not enter  
 11075 judgment of conviction against the defendant nor impose sentence upon the defendant  
 11076 within the time periods contained in Rule 22(a), Utah Rules of Criminal Procedure.

11077 (2) A defendant shall be represented by counsel during negotiations for a plea in abeyance  
 11078 and at the time of acknowledgment and affirmation of any plea in abeyance agreement  
 11079 unless the defendant knowingly and intelligently waives the defendant's right to counsel.

11080 (3) A defendant has the right to be represented by counsel at any court hearing relating to a  
 11081 plea in abeyance agreement.

11082 (4)(a) Any plea in abeyance agreement entered into between the prosecution and the  
 11083 defendant and approved by the court shall, subject to Subsection (7), include a full,  
 11084 detailed recitation of the requirements and conditions agreed to by the defendant and  
 11085 the reason for requesting the court to hold the plea in abeyance.

11086 (b) If the plea is to a felony or any combination of misdemeanors and felonies, the  
 11087 agreement shall be in writing and shall, before acceptance by the court, be executed  
 11088 by the prosecuting attorney, the defendant, and the defendant's counsel in the  
 11089 presence of the court.

11090 (5)(a) Except as provided in Subsection (5)(b), a plea may not be held in abeyance for a  
 11091 period longer than 18 months if the plea is to any class of misdemeanor or longer  
 11092 than three years if the plea is to any degree of felony or to any combination of  
 11093 misdemeanors and felonies.

11094 (b)(i) For a plea in abeyance agreement that the Division of Adult Probation and

11095 Parole created in Section 64-14-202 supervises, the plea may not be held in  
 11096 abeyance for a period longer than the initial term of probation required under the  
 11097 adult sentencing and supervision length guidelines, as defined in Section [  
 11098 ~~63M-7-401.1~~] 75E-4-101, if the initial term of probation is shorter than the period  
 11099 required under Subsection (5)(a).

11100 (ii) Subsection (5)(b)(i) does not:

11101 (A) apply to a plea that is held in abeyance in a drug court created under Title  
 11102 78A, Chapter 5, Part 2, Drug Court, or a problem solving court approved by  
 11103 the Judicial Council; or

11104 (B) prohibit court supervision of a plea in abeyance agreement after the day on  
 11105 which the Division of Adult Probation and Parole supervision described in  
 11106 Subsection (5)(b)(i) ends and before the day on which the plea in abeyance  
 11107 agreement ends.

11108 (6) Notwithstanding Subsection (5), a plea may be held in abeyance for up to two years if  
 11109 the plea is to any class of misdemeanor and the plea in abeyance agreement includes a  
 11110 condition that the defendant participate in a problem solving court approved by the  
 11111 Judicial Council.

11112 (7) A plea in abeyance agreement may not:

11113 (a) be approved unless the defendant, before the court, and any written agreement,  
 11114 knowingly and intelligently waives time for sentencing as designated in Rule 22(a),  
 11115 Utah Rules of Criminal Procedure; or

11116 (b) notwithstanding any other provision of law, include as part of the requirements and  
 11117 conditions agreed to by the defendant that the defendant will forfeit a firearm owned  
 11118 by the defendant if the offense the defendant will plea to is not an offense that would  
 11119 make the defendant a restricted person under Section 76-11-302[~~or~~] , Section  
 11120 76-11-303, or federal law.

11121 Section 225. Section **77-2a-3** is amended to read:

11122 **77-2a-3 (Effective 07/01/26). Manner of entry of plea -- Powers of court --**

11123 **Expungement.**

11124 (1)(a) Acceptance of any plea in anticipation of a plea in abeyance agreement shall be  
 11125 done in full compliance with the Utah Rules of Criminal Procedure, Rule 11.

11126 (b) In cases charging offenses for which bail may be forfeited, a plea in abeyance  
 11127 agreement may be entered into without a personal appearance before a magistrate.

11128 (2) A plea in abeyance agreement may provide that the court may, upon finding that the

11129 defendant has successfully completed the terms of the agreement:

11130 (a) reduce the degree of the offense, enter a judgment of conviction for the lower degree  
11131 of the offense, and impose a sentence for the lower degree of the offense;

11132 (b) allow withdrawal of the defendant's plea and order the dismissal of the case; or

11133 (c) issue an order of expungement for all records of the offense if:

11134 (i) the defendant successfully completes a problem solving court program that is  
11135 certified by the Judicial Council; and

11136 (ii) the court allows the withdrawal of the defendant's plea and orders the dismissal of  
11137 the case.

11138 (3)(a) Upon finding that a defendant has successfully completed the terms of a plea in  
11139 abeyance agreement and only as provided in the plea in abeyance agreement or as  
11140 agreed to by all parties, the court may[-]:

11141 (i) reduce the degree of the offense, enter a judgment of conviction for the lower  
11142 degree of the offense, and impose a sentence for the lower degree of the offense;

11143 (ii) allow withdrawal of the defendant's plea and order the dismissal of the case; or

11144 (iii) issue an order of expungement for all records of the offense if:

11145 (A) the defendant successfully completes a problem solving court program that is  
11146 certified by the Judicial Council; and

11147 (B) the court allows the withdrawal of the defendant's plea and orders the  
11148 dismissal of the case.

11149 (b) Upon sentencing a defendant for any lesser offense in accordance with a plea in  
11150 abeyance agreement, the court may not invoke Section 76-3-402 to further reduce the  
11151 degree of the offense.

11152 (4) The court may require the Division of Adult Probation and Parole created in Section  
11153 64-14-202 to assist in the administration of the plea in abeyance agreement as if the  
11154 defendant were placed on probation under Section 77-18-105.

11155 (5) The terms of a plea in abeyance agreement may include:

11156 (a) an order that the defendant pay a nonrefundable plea in abeyance fee, with a  
11157 surcharge based on the amount of the plea in abeyance fee, both of which shall be  
11158 allocated in the same manner as if paid as a fine for a criminal conviction under  
11159 Section 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal  
11160 Conviction Surcharge Allocation, and which may not exceed in amount the  
11161 maximum fine and surcharge which could have been imposed upon conviction and  
11162 sentencing for the same offense;

- 11163 (b) an order that the defendant pay the costs of any remedial or rehabilitative program  
11164 required by the terms of the agreement; and
- 11165 (c) an order that the defendant comply with any other conditions that could have been  
11166 imposed as conditions of probation upon conviction and sentencing for the same  
11167 offense.
- 11168 (6)(a) The terms of a plea in abeyance shall include:
- 11169 (i) a specific amount of restitution that the defendant will pay, as agreed to by the  
11170 defendant and the prosecuting attorney;
- 11171 (ii) a certification from the prosecuting attorney that:
- 11172 (A) the prosecuting attorney has consulted with all victims, including the [~~Utah~~]  
11173 Office for Victims of Crime; and
- 11174 (B) all victims, including the [~~Utah~~]Office for Victims of Crime, are not seeking  
11175 restitution; or
- 11176 (iii) an agreement between the parties that restitution will be determined by the court  
11177 at a subsequent hearing in accordance with Section 77-38b-205.
- 11178 (b) At a subsequent hearing described in Subsection (6)(a)(iii), the court shall order the  
11179 defendant, as a modified term of the plea in abeyance, to pay restitution to all victims  
11180 for the entire amount of pecuniary damages that are proximately caused by the  
11181 criminal conduct of the defendant.
- 11182 (c) The court shall collect, receive, process, and distribute payments for restitution to the  
11183 victim, unless otherwise provided by law or by the plea in abeyance agreement.
- 11184 (d) If the defendant does not successfully complete the terms of the plea in abeyance, the  
11185 court shall enter an order for restitution, in accordance with Chapter 38b, Crime  
11186 Victims Restitution Act, upon entering a sentence for the defendant.
- 11187 (7)(a) A court may not hold a plea in abeyance without the consent of both the  
11188 prosecuting attorney and the defendant.
- 11189 (b) A decision by a prosecuting attorney not to agree to a plea in abeyance is final.
- 11190 (8) No plea may be held in abeyance in any case involving:
- 11191 (a) a sexual offense against an individual who is under 14 years old; or
- 11192 (b) a driving under the influence violation under Section 41-6a-502, 41-6a-502.5,  
11193 41-6a-517, 41-6a-520, 41-6a-520.1, 41-6a-521.1, 76-5-102.1, or 76-5-207.
- 11194 (9)(a) If the terms of a plea in abeyance agreement allow a court to issue an order of  
11195 expungement as described in Subsection (2)(c), the prosecuting attorney shall make a  
11196 reasonable effort to provide notice to any victim of the offense of the terms of the

11197 plea in abeyance agreement.

11198 (b) The notice under Subsection (9)(a) shall:

11199 (i) state that the victim has a right to object to the expungement; and

11200 (ii) provide instructions for registering an objection with the court.

11201 (c) If there is a victim of the offense, the victim may file an objection with the court

11202 before the court makes a finding as to whether the defendant successfully completed

11203 the terms of the plea in abeyance agreement as described in Subsection (3).

11204 (d) The defendant may respond, in writing, to any objection filed by the victim within 14

11205 days after the day on which the objection is received by the court.

11206 (10) If the court issues an order of expungement under Subsection (3)(a)(iii), the court shall:

11207 (a) expunge all records of the case as described in Section 77-40a-401; and

11208 (b) notify the Bureau of Criminal Identification of the order of expungement.

11209 (11)(a) Upon receiving notice from the court of an expungement order as described in

11210 Subsection (10), the Bureau of Criminal Identification shall notify any agency, as

11211 defined in Section 77-40a-101, affected by the expungement order.

11212 (b) For purposes of Subsection (11)(a), the Bureau of Criminal Identification may not

11213 notify the Board of Pardons and Parole of an expungement order if the individual has  
11214 never been:

11215 (i) sentenced to prison in this state; or

11216 (ii) under the jurisdiction of the Board of Pardons and Parole.

11217 (c) The Bureau of Criminal Identification shall forward a copy of the expungement order

11218 to the Federal Bureau of Investigation.

11219 (12) The defendant may deliver copies of the expungement to any agency, as defined in

11220 Section 77-40a-101, affected by the order of expungement.

11221 (13) If an agency receives an expungement order under this part, the agency shall expunge

11222 all records for the case in accordance with Section 77-40a-401.

11223 Section 226. Section **77-7-8.5** is amended to read:

11224 **77-7-8.5 (Effective 07/01/26). Use of tactical groups -- Reporting requirements.**

11225 (1) As used in this section:

11226 (a)(i) "Reportable incident" means:

11227 (A) the deployment of a tactical group; or

11228 (B) law enforcement officers who serve a search warrant after using forcible entry.

11229 (ii) "Reportable incident" does not mean a forced cell entry at a corrections facility.

11230 (b) "Tactical group" means a special unit, within a law enforcement agency, specifically

- 11231 trained and equipped to respond to critical, high-risk situations.
- 11232 (2) On and after January 1, 2015, every state, county, municipal, or other law enforcement  
11233 agency shall annually on or before April 30 report to the [~~Commission on Criminal and~~  
11234 ~~Juvenile Justice~~] Department of Criminal Justice Services the following information for  
11235 the previous calendar year:
- 11236 (a) whether the law enforcement agency conducted one or more reportable incidents;
- 11237 (b) the following information regarding each reportable incident:
- 11238 (i) the organizational title of the agency, task force, or tactical group deployed;
- 11239 (ii) the city, county, and zip code of the location where the reportable incident  
11240 occurred;
- 11241 (iii) the reason for the deployment;
- 11242 (iv) the type of warrant obtained, if any;
- 11243 (v) if a threat assessment was completed;
- 11244 (vi) if a warrant was obtained, the name of the judge or magistrate who authorized  
11245 the warrant;
- 11246 (vii) the number of arrests made, if any;
- 11247 (viii) if any evidence was seized;
- 11248 (ix) if any property was seized, other than property that was seized as evidence;
- 11249 (x) if a forcible entry was made;
- 11250 (xi) if a firearm was discharged by a law enforcement officer, and, if so,  
11251 approximately how many shots were fired by each officer;
- 11252 (xii) if a weapon was brandished by a person other than the law enforcement officers;
- 11253 (xiii) if a weapon was used by a person against the law enforcement officers and, if a  
11254 firearm was used, the number or approximate number of shots fired by the person;
- 11255 (xiv) the identity of any law enforcement agencies that participated or provided  
11256 resources for the deployment;
- 11257 (xv) if a person or domestic animal was injured or killed by a law enforcement  
11258 officer; and
- 11259 (xvi) if a law enforcement officer was injured or killed; and
- 11260 (c) the number of arrest warrants served that required a forced entry as provided by  
11261 Section 77-7-8 and were not served in conjunction with a search warrant that resulted  
11262 in a reportable incident.
- 11263 (3) If a warrant is served by a multijurisdictional team of law enforcement officers, the  
11264 reporting requirement in this section shall be the responsibility of the commanding

11265 agency or governing authority of the multijurisdictional team.

11266 (4) The [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice  
11267 Services shall develop a standardized format that each law enforcement agency shall use  
11268 in reporting the data required in Subsection (2).

11269 (5) A law enforcement agency shall:

11270 (a) compile the data described in Subsection (2) for each year as a report in the format  
11271 required under Subsection (4); and

11272 (b) submit the report to:

11273 (i) the [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice  
11274 Services; and

11275 (ii) the local governing body of the jurisdiction served by the law enforcement  
11276 agency.

11277 (6)(a) The [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal  
11278 Justice Services shall summarize the yearly reports of law enforcement agencies  
11279 submitted under Subsection (2).

11280 (b) Before August 1 of each year, the [~~Commission on Criminal and Juvenile Justice~~]  
11281 Department of Criminal Justice Services shall submit a report of the summaries  
11282 described in Subsection (6)(a) to:

11283 (i) the attorney general;

11284 (ii) the speaker of the House of Representatives, for referral to any house standing or  
11285 interim committees with oversight of law enforcement and criminal justice;

11286 (iii) the president of the Senate, for referral to any senate standing or interim  
11287 committees with oversight of law enforcement and criminal justice; and

11288 (iv) each law enforcement agency.

11289 (c) The report described in Subsection (6)(b) shall be published on the Utah Open  
11290 Government website, open.utah.gov, before August 15 of each year.

11291 (7)(a) If a law enforcement agency fails to comply with the reporting requirements listed  
11292 in Subsection (2), the [~~Commission on Criminal and Juvenile Justice~~] Department of  
11293 Criminal Justice Services shall contact the law enforcement agency and request that  
11294 the agency comply with the required reporting provisions.

11295 (b) If a law enforcement agency fails to comply with the reporting requirements listed in  
11296 Subsection (2) within 30 days after being contacted by the [~~Commission on Criminal~~  
11297 ~~and Juvenile Justice~~] Department of Criminal Justice Services with a request to  
11298 comply, the [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal

Justice Services shall report the noncompliance to the attorney general, the speaker of the House of Representatives, and the president of the Senate.

Section 227. Section 77-7-17.5 is amended to read:

**77-7-17.5 (Effective 07/01/26). Physical body cavity search policy --**

**Requirements.**

(1) As used in this section:

(a) "Arrestee" means an individual who is in the custody of law enforcement for an offense for which the individual has not been convicted.

(b)(i) "Body cavity" includes the anus, rectum, vagina, esophagus, or stomach.

(ii) "Body cavity" does not include the mouth, ear canal, or nasal passages.

(c)(i) "Physical body cavity search" means a search of a body cavity of an individual that involves touching the individual with:

(A) any part of another individual's body; or

(B) an instrument or other item.

(ii) "Physical body cavity search" does not include a clothed, pat down search.

(2) Each county jail shall adopt and implement a policy that meets the minimum standards contained in a model policy established by the [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice Services.

(3) The model policy shall specify the minimum standards and procedures to be followed by the county jail when a body cavity search is performed on an arrestee within the county jail's jurisdiction, including:

(a) stating with specificity the circumstances under which a body cavity search may be performed on an arrestee;

(b) designating who may authorize the performance of a body cavity search;

(c) designating specific jail staff or medical personnel who may perform a body cavity search;

(d) requiring any nonmedically trained jail staff who may perform a body cavity search to be trained on safe practices for conducting a body cavity search;

(e) requiring documentation of each body cavity search performed at the correctional facility, including:

(i) the identity of the arrestee searched;

(ii) the date, time, and location of the search;

(iii) the identity of the individual performing the search;

(iv) the identity of the individual authorizing the search;

- 11333 (v) a description of the body areas searched and the procedures followed in  
 11334 performing the search; and  
 11335 (vi) the circumstances necessitating the body cavity search; and  
 11336 (f) designating rules and procedures to be followed, by authorized staff, when  
 11337 performing a body cavity search that account for the health and privacy interests of  
 11338 the arrestee, including:  
 11339 (i) the location where a body cavity search must be performed;  
 11340 (ii) the gender requirements of the individuals who perform or observe the search in  
 11341 relation to the gender of the arrestee being searched; and  
 11342 (iii) methods to ensure the body cavity search is conducted with the minimal amount  
 11343 of touching necessary to effectuate the purposes of the search.

11344 (4) A county jail's body cavity search policy is a public record.

11345 Section 228. Section **77-11b-101** is amended to read:

11346 **77-11b-101 (Effective 07/01/26). Definitions.**

11347 As used in this chapter:

- 11348 (1)(a) "Acquitted" means a finding by a jury or a judge at trial that a claimant is not  
 11349 guilty.  
 11350 (b) "Acquitted" does not include:  
 11351 (i) a verdict of guilty on a lesser or reduced charge;  
 11352 (ii) a plea of guilty to a lesser or reduced charge; or  
 11353 (iii) dismissal of a charge as a result of a negotiated plea agreement.  
 11354 (2) "Agency" means the same as that term is defined in Section 77-11a-101.  
 11355 (3) "Claimant" means the same as that term is defined in Section 77-11a-101.  
 11356 [~~(4) "Commission" means the State Commission on Criminal and Juvenile Justice created~~  
 11357 ~~in Section 63M-7-201.~~]  
 11358 [~~(5)~~] (4) "Complaint" means a civil or criminal complaint seeking the forfeiture of any  
 11359 property under this chapter.  
 11360 (5) "Department" means the Department of Criminal Justice Services created in Section  
 11361 75E-2-102.  
 11362 (6) "Forfeit" means to divest a claimant of an ownership interest in property seized under  
 11363 Section 77-11a-201.  
 11364 (7) "Innocent owner" means the same as that term is defined in Section 77-11a-101.  
 11365 (8) "Interest holder" means the same as that term is defined in Section 77-11a-101.  
 11366 (9) "Known address" means:

- 11367 (a) any address provided by a claimant to the peace officer or agency at the time the  
11368 property is seized; or
- 11369 (b) the claimant's most recent address on record with a governmental entity if no address  
11370 was provided at the time of the seizure.
- 11371 (10) "Legal costs" means the costs and expenses incurred by a party in a forfeiture action.
- 11372 (11) "Legislative body" means the same as that term is defined in Section 77-11a-101.
- 11373 (12) "Peace officer" means the same as that term is defined in Section 77-11a-101.
- 11374 (13) "Proceeds" means the same as that term is defined in Section 77-11a-101.
- 11375 (14) "Program" means the State Asset Forfeiture Grant Program created in Section  
11376 77-11b-403.
- 11377 (15) "Property" means the same as that term is defined in Section 77-11a-101.
- 11378 (16) "Prosecuting attorney" means the same as that term is defined in Section 77-11a-101.
- 11379 (17) "Seized property" means the same as that term is defined in Section 77-11a-101.
- 11380 Section 229. Section **77-11b-105** is amended to read:
- 11381 **77-11b-105 (Effective 07/01/26). Training requirements.**
- 11382 (1) As used in this section:
- 11383 (a) "Council" means the Utah Prosecution Council created in Section 67-5a-1.
- 11384 (b) "Division" means the Peace [~~Officers~~] Officer Standards and Training Division  
11385 created in Section 53-6-103.
- 11386 (2) To participate in the program, an agency shall have at least one employee who is  
11387 certified by the division as an asset forfeiture specialist through the completion of an  
11388 online asset forfeiture course by the division.
- 11389 (3) The division shall:
- 11390 (a) develop an online asset forfeiture specialist course that is available to an agency for  
11391 certification purposes;
- 11392 (b) certify an employee of an agency who meets the course requirements to be an asset  
11393 forfeiture specialist;
- 11394 (c) recertify, every 36 months, an employee who is designated as an asset forfeiture  
11395 specialist by an agency;
- 11396 (d) submit annually a report to the [~~commission~~] department no later than April 30 that  
11397 contains a list of the names of the employees and agencies participating in the  
11398 certification courses;
- 11399 (e) review and update the asset forfeiture specialist course each year to comply with  
11400 state and federal law; and

11401 (f) provide asset forfeiture training to all peace officers in basic training programs.

11402 (4) To be reimbursed for costs under Subsection 77-11b-401(3)(b), a prosecuting agency  
11403 shall have at least one employee who is certified by the council as an asset forfeiture  
11404 specialist through the completion of an online asset forfeiture course.

11405 (5) The council shall:

11406 (a) develop an online asset forfeiture specialist course that is available to a prosecuting  
11407 agency for certification purposes;

11408 (b) certify an employee of a prosecuting agency who meets the course requirements to  
11409 be an asset forfeiture specialist;

11410 (c) submit annually a report to the [~~commission~~] department no later than April 30 that  
11411 contains a list of the names of the employees and prosecuting agencies participating  
11412 in certification courses by the council; and

11413 (d) review and update the asset forfeiture specialist course each year to comply with  
11414 state and federal law.

11415 Section 230. Section **77-11b-401** is amended to read:

11416 **77-11b-401 (Effective 07/01/26). Disposition and allocation of forfeited property.**

11417 (1) If a court finds that property is forfeited under this chapter, the court shall order the  
11418 property forfeited to the state.

11419 (2)(a) If the property is not currency, the agency shall authorize a public or otherwise  
11420 commercially reasonable sale of that property if the property is not required by law to  
11421 be destroyed and is not harmful to the public.

11422 (b) If the property forfeited is an alcoholic product as defined in Section 32B-1-102, the  
11423 property shall be disposed of as follows:

11424 (i) an alcoholic product shall be sold if the alcoholic product is:

11425 (A) unadulterated, pure, and free from any crude, unrectified, or impure form of  
11426 ethylic alcohol, or any other deleterious substance or liquid; and

11427 (B) otherwise in saleable condition; or

11428 (ii) an alcoholic product and the alcoholic product's package shall be destroyed if the  
11429 alcoholic product is impure, adulterated, or otherwise unfit for sale.

11430 (c) If the property forfeited is a cigarette or other tobacco product as defined in Section  
11431 59-14-102, the property shall be destroyed, except that the lawful holder of the  
11432 trademark rights in the cigarette or tobacco product brand is permitted to inspect the  
11433 cigarette before the destruction of the cigarette or tobacco product.

11434 (d) The proceeds of the sale of forfeited property shall remain segregated from other

11435 property, equipment, or assets of the agency until transferred in accordance with this  
11436 chapter.

- 11437 (3) Before transferring currency and the proceeds or revenue from the sale of the property  
11438 in accordance with this chapter, the agency shall:
- 11439 (a) deduct the agency's direct costs, expense of reporting under Section 77-11b-404, and  
11440 expense of obtaining and maintaining the property pending a forfeiture proceeding;  
11441 and
- 11442 (b) if the prosecuting agency that employed the prosecuting attorney has met the  
11443 requirements of Subsection 77-11b-105(3), pay the prosecuting attorney the legal  
11444 costs associated with the litigation of the forfeiture proceeding, and up to 20% of the  
11445 value of the forfeited property in attorney fees.
- 11446 (4) If the forfeiture arises from a violation relating to wildlife resources, the agency shall  
11447 deposit any remaining currency and the proceeds or revenue from the sale of the  
11448 property into the Wildlife Resources Account created in Section 23A-3-201.
- 11449 (5) The agency shall transfer any remaining currency, the proceeds, or revenue from the  
11450 sale of the property to the [~~commission~~] department and deposited into the Criminal  
11451 Forfeiture Restricted Account created in Section 77-11b-402.

11452 Section 231. Section **77-11b-402** is amended to read:

11453 **77-11b-402 (Effective 07/01/26). Criminal Forfeiture Restricted Account.**

- 11454 (1) There is created within the General Fund a restricted account known as the "Criminal  
11455 Forfeiture Restricted Account."
- 11456 (2) Except as provided in Section 77-11b-401, the [~~commission~~] department shall deposit  
11457 any proceeds from property forfeited through a forfeiture proceeding under this chapter  
11458 into the Criminal Forfeiture Restricted Account.
- 11459 (3) The Legislature shall appropriate money in the Criminal Forfeiture Restricted Account  
11460 to the [~~commission~~] department for the purpose of implementing the State Asset  
11461 Forfeiture Grant Program described in Section 77-11b-403.

11462 Section 232. Section **77-11b-403** is amended to read:

11463 **77-11b-403 (Effective 07/01/26). State Asset Forfeiture Grant Program.**

- 11464 (1) There is created the State Asset Forfeiture Grant Program.
- 11465 (2) The program shall fund crime prevention, crime victim [~~reparations~~] compensation, and  
11466 law enforcement activities that have the purpose of:
- 11467 (a) deterring crime by depriving criminals of the profits and proceeds of [~~their~~] illegal  
11468 activities;

- 11469 (b) weakening criminal enterprises by removing the instrumentalities of crime;
- 11470 (c) reducing crimes involving substance abuse by supporting the creation,
- 11471 administration, or operation of drug court programs throughout the state;
- 11472 (d) encouraging cooperation between agencies;
- 11473 (e) allowing the costs and expenses of law enforcement to be defrayed by the forfeited
- 11474 proceeds of crime;
- 11475 (f) increasing the equitability and accountability of the use of forfeited property used to
- 11476 assist agencies in reducing and preventing crime; and
- 11477 (g) providing aid to victims of criminally injurious conduct, as defined in Section [
- 11478 ~~63M-7-502~~] 75E-5-101, who may be eligible for assistance under [~~Title 63M, Chapter~~
- 11479 ~~7, Part 5, Utah Office for Victims of Crime~~] Title 75E, Chapter 5, Office for Victims
- 11480 of Crime.

11481 (3)(a) Upon appropriation of funds from the Criminal Forfeiture Restricted Account, the [

11482 ~~commission~~] department shall allocate and administer grants to an agency or political

11483 subdivision of the state in compliance with this section and Subsection 77-11b-105(2)

11484 and to further the program purposes under Subsection (2).

11485 (b) The [~~commission~~] department may retain up to 3% of the annual appropriation from

11486 the Criminal Forfeiture Restricted Account to pay for administrative costs incurred

11487 by the [~~commission~~] department, including salary and benefits, equipment, supplies,

11488 or travel costs that are directly related to the administration of the program.

11489 (4) An agency or political subdivision shall apply for an award from the program by

11490 completing and submitting forms specified by the [~~commission~~] department.

11491 (5) In granting the awards, the [~~commission~~] department shall ensure that the amount of

11492 each award takes into consideration the:

- 11493 (a) demonstrated needs of the agency or political subdivision;
- 11494 (b) demonstrated ability of the agency or political subdivision to appropriately use the
- 11495 award;
- 11496 (c) degree to which the agency's or political subdivision's need is offset through the
- 11497 agency's or political subdivision's participation in federal equitable sharing or through
- 11498 other federal and state grant programs; and
- 11499 (d) agency's or political subdivision's cooperation with other state and local agencies and
- 11500 task forces.

11501 (6) The [~~commission~~] department may award a grant to any agency or political subdivision

11502 engaged in activities associated with Subsection (2) even if the agency has not

- 11503 contributed to the fund.
- 11504 (7) An applying agency or political subdivision shall demonstrate compliance with all  
11505 reporting and policy requirements applicable under this chapter and under [~~Title 63M,~~  
11506 ~~Chapter 7, Criminal Justice and Substance Abuse~~] Title 75E, Criminal and Juvenile  
11507 Justice Administration, in order to qualify as a potential award recipient.
- 11508 (8)(a) A recipient agency may only use award money after approval by the agency's  
11509 legislative body.
- 11510 (b) The award money is nonlapsing.
- 11511 (9) A recipient agency or political subdivision shall use an award:
- 11512 (a) only for law enforcement purposes described in this section, or for victim [~~reparations~~]  
11513 compensation as described in Subsection (2)(g); and
- 11514 (b) for the purposes specified by the agency or political subdivision in the agency's or  
11515 political subdivision's application for the award.
- 11516 (10) A permissible law enforcement purpose for which award money may be used includes:
- 11517 (a) controlled substance interdiction and enforcement activities;
- 11518 (b) drug court programs;
- 11519 (c) activities calculated to enhance future law enforcement investigations;
- 11520 (d) law enforcement training that includes:
- 11521 (i) implementation of the Fourth Amendment to the United States Constitution and  
11522 Utah Constitution, Article I, Section 7, and that addresses the protection of the  
11523 individual's right of due process;
- 11524 (ii) protection of the rights of innocent property holders; and
- 11525 (iii) the Tenth Amendment to the United States Constitution regarding states'  
11526 sovereignty and the states' reserved rights;
- 11527 (e) law enforcement or detention facilities;
- 11528 (f) law enforcement operations or equipment that are not routine costs or operational  
11529 expenses;
- 11530 (g) drug, gang, or crime prevention education programs that are sponsored in whole or in  
11531 part by the law enforcement agency or its legislative body;
- 11532 (h) matching funds for other state or federal law enforcement grants; and
- 11533 (i) the payment of legal costs, attorney fees, and postjudgment interest in forfeiture  
11534 actions.
- 11535 (11) A law enforcement purpose for which award money may not be granted or used  
11536 includes:

- 11537 (a) payment of salaries, retirement benefits, or bonuses to any individual;
- 11538 (b) payment of expenses not related to law enforcement;
- 11539 (c) uses not specified in the agency's award application;
- 11540 (d) uses not approved by the agency's legislative body;
- 11541 (e) payments, transfers, or pass-through funding to an entity other than an agency; or
- 11542 (f) uses, payments, or expenses that are not within the scope of the agency's functions.

11543 Section 233. Section **77-11b-404** is amended to read:

11544 **77-11b-404 (Effective 07/01/26). Forfeiture reporting requirements.**

- 11545 (1) An agency shall provide all reasonably available data described in Subsection (5):
  - 11546 (a) if transferring the forfeited property resulting from the final disposition of any civil
  - 11547 or criminal forfeiture matter to the [~~commission~~] department as required under
  - 11548 Subsection 77-11b-401(5); or
  - 11549 (b) if the agency has been awarded an equitable share of property forfeited by the federal
  - 11550 government.
- 11551 (2) The [~~commission~~] department shall develop a standardized report format that each
- 11552 agency shall use in reporting the data required under this section.
- 11553 (3) The [~~commission~~] department shall annually, on or before April 30, prepare a summary
- 11554 report of the case data submitted by each agency under Subsection (1) during the prior
- 11555 calendar year.
- 11556 (4)(a) If an agency does not comply with the reporting requirements under this section,
- 11557 the [~~commission~~] department shall contact the agency and request that the agency
- 11558 comply with the required reporting provisions.
- 11559 (b) If an agency fails to comply with the reporting requirements under this section within
- 11560 30 days after receiving the request to comply, the [~~commission~~] department shall
- 11561 report the noncompliance to the attorney general, the speaker of the House of
- 11562 Representatives, and the president of the Senate.
- 11563 (5) The data for any civil or criminal forfeiture matter for which final disposition has been
- 11564 made under Subsection (1) shall include:
  - 11565 (a) the agency that conducted the seizure;
  - 11566 (b) the case number or other identification;
  - 11567 (c) the date or dates on which the seizure was conducted;
  - 11568 (d) the number of individuals having a known property interest in each seizure of
  - 11569 property;
  - 11570 (e) the type of property seized;

- 11571 (f) the alleged offense that was the cause for seizure of the property;
- 11572 (g) whether any criminal charges were filed regarding the alleged offense, and if so, the
- 11573 final disposition of each charge, including the conviction, acquittal, or dismissal, or
- 11574 whether action on a charge is pending;
- 11575 (h) the type of enforcement action that resulted in the seizure, including an enforcement
- 11576 stop, a search warrant, or an arrest warrant;
- 11577 (i) whether the forfeiture procedure was civil or criminal;
- 11578 (j) the value of the property seized, including currency and the estimated market value of
- 11579 any tangible property;
- 11580 (k) the final disposition of the matter, including whether final disposition was entered by
- 11581 stipulation of the parties, including the amount of property returned to any claimant,
- 11582 by default, by summary judgment, by jury award, or by guilty plea or verdict in a
- 11583 criminal forfeiture;
- 11584 (l) if the property was forfeited by the federal government, the amount of forfeited
- 11585 money awarded to the agency;
- 11586 (m) the agency's direct costs, expense of reporting under this section, and expenses for
- 11587 obtaining and maintaining the seized property, as described in Subsection
- 11588 77-11b-401(3)(a);
- 11589 (n) the legal costs and attorney fees paid to the prosecuting attorney, as described in
- 11590 Subsection 77-11b-401(3)(b); and
- 11591 (o) if the property was transferred to a federal agency or any governmental entity not
- 11592 created under and subject to state law:
- 11593 (i) the date of the transfer;
- 11594 (ii) the name of the federal agency or entity to which the property was transferred;
- 11595 (iii) a reference to which reason under Subsection 77-11a-205(3) justified the transfer;
- 11596 (iv) the court or agency where the forfeiture case was heard;
- 11597 (v) the date of the order of transfer of the property; and
- 11598 (vi) the value of the property transferred to the federal agency, including currency
- 11599 and the estimated market value of any tangible property.
- 11600 (6) An agency shall annually on or before April 30 submit a report for the prior calendar
- 11601 year to the [~~commission~~] department that states:
- 11602 (a) whether the agency received an award from the State Asset Forfeiture Grant Program
- 11603 under Section 77-11b-403 and, if so, the following information for each award:
- 11604 (i) the amount of the award;

- 11605 (ii) the date of the award;
- 11606 (iii) how the award was used or is planned to be used; and
- 11607 (iv) a statement signed by both the agency's executive officer or designee and by the
- 11608 agency's legal counsel, that:
- 11609 (A) the agency has complied with all inventory, policy, and reporting
- 11610 requirements under Section 77-11b-403;[~~and~~]
- 11611 (B) all awards were used for crime reduction or law enforcement purposes as
- 11612 specified in the application; and[~~that~~]
- 11613 (C) the awards were used only upon approval by the agency's legislative body; and
- 11614 (b) whether the agency received any property, money, or other things of value in
- 11615 accordance with federal law as described in Subsection 77-11a-205(7) and, if so, the
- 11616 following information for each piece of property, money, or other thing of value:
- 11617 (i) the case number or other case identification;
- 11618 (ii) the value of the award and the property, money, or other things of value received
- 11619 by the agency;
- 11620 (iii) the date of the award;
- 11621 (iv) the identity of any federal agency involved in the forfeiture;
- 11622 (v) how the awarded property has been used or is planned to be used; and
- 11623 (vi) a statement signed by both the agency's executive officer or designee and by the
- 11624 agency's legal counsel, that the agency has only used the award for crime
- 11625 reduction or law enforcement purposes authorized under Section 77-11b-403, and
- 11626 that the award was used only upon approval by the agency's legislative body.
- 11627 (7)(a) On or before July 1 of each year, the [~~commission~~] department shall submit notice
- 11628 of the annual reports in Subsection (3) and Subsection (6), in electronic format, to:
- 11629 (i) the attorney general;
- 11630 (ii) the speaker of the House of Representatives, for referral to any House standing or
- 11631 interim committees with oversight over law enforcement and criminal justice;
- 11632 (iii) the president of the Senate, for referral to any Senate standing or interim
- 11633 committees with oversight over law enforcement and criminal justice; and
- 11634 (iv) each law enforcement agency.
- 11635 (b) The reports described in Subsection (3) and Subsection (6), as well as the individual
- 11636 case data described in Subsection (1) for the previous calendar year, shall be
- 11637 published on the Utah Open Government website at open.utah.gov on or before July
- 11638 15 of each year.

11639 Section 234. Section **77-17-6** is amended to read:

11640 **77-17-6 (Effective 07/01/26). Lottery tickets -- Evidence.**

- 11641 (1) On a trial for violation of any of the lottery provisions of [~~the Utah Criminal Code~~] Title  
 11642 76, Criminal Offenses, it is not necessary to prove:
- 11643 (a) [~~The~~] the existence of any lottery in which any lottery tickets shall purport to have  
 11644 been issued;
- 11645 (b) [~~The~~] the actual signing of any ticket or share, or pretended share of any pretended  
 11646 lottery; or
- 11647 (c) [~~That~~] that any lottery ticket, share, or interest was signed or issued by the authority  
 11648 of any manager, or of any person assuming to have authority as manager.
- 11649 (2) In all cases, proof of the sale, furnishing, bartering, or procuring of any lottery ticket,  
 11650 share, or interest therein, or of any instrument purporting to be a ticket, or part or share  
 11651 of any ticket shall be evidence that the share or interest was signed and issued according  
 11652 to its purport.

11653 Section 235. Section **77-18-105** is amended to read:

11654 **77-18-105 (Effective 07/01/26). Pleas held in abeyance -- Suspension of a**  
 11655 **sentence -- Probation -- Supervision -- Terms and conditions of probation -- Time periods**  
 11656 **for probation -- Bench supervision for payments on criminal accounts receivable.**

- 11657 (1) If a defendant enters a plea of guilty or no contest in conjunction with a plea in  
 11658 abeyance agreement, the court may hold the plea in abeyance:
- 11659 (a) in accordance with Chapter 2a, Pleas in Abeyance; and  
 11660 (b) under the terms of the plea in abeyance agreement.
- 11661 (2) If a defendant is convicted, the court:
- 11662 (a) shall impose a sentence in accordance with Section 76-3-201; and  
 11663 (b) subject to Subsection (5), may suspend the execution of the sentence and place the  
 11664 defendant:
- 11665 (i) on probation under the supervision of the division;  
 11666 (ii) on probation under the supervision of an agency of a local government or a  
 11667 private organization; or  
 11668 (iii) on court probation under the jurisdiction of the sentencing court.
- 11669 (3)(a) The legal custody of all probationers under the supervision of the division is with  
 11670 the department.
- 11671 (b) The legal custody of all probationers under the jurisdiction of the sentencing court is  
 11672 vested as ordered by the court.

- 11673 (c) The court has continuing jurisdiction over all probationers.
- 11674 (4)(a) Court probation may include an administrative level of services, including  
11675 notification to the sentencing court of scheduled periodic reviews of the probationer's  
11676 compliance with conditions.
- 11677 (b) Supervised probation services provided by the division, an agency of a local  
11678 government, or a private organization shall specifically address the defendant's risk  
11679 of reoffending as identified by a screening or an assessment.
- 11680 (c) If a court orders supervised probation and determines that a public probation  
11681 provider is unavailable or inappropriate to supervise the defendant, the court shall  
11682 make available to the defendant the list of private probation providers prepared by a  
11683 criminal justice coordinating council under Section 17E-2-201.
- 11684 (5)(a) Before ordering supervised probation, the court shall consider the supervision  
11685 costs to the defendant for each entity that can supervise the defendant.
- 11686 (b)(i) A court may order an agency of a local government to supervise the probation  
11687 for an individual convicted of any crime if:
- 11688 (A) the agency has the capacity to supervise the individual; and  
11689 (B) the individual's supervision needs will be met by the agency.
- 11690 (ii) A court may only order:
- 11691 (A) the division to supervise the probation for an individual convicted of a class A  
11692 misdemeanor or any felony; or  
11693 (B) a private organization to supervise the probation for an individual convicted of  
11694 a class A, B, or C misdemeanor or an infraction.
- 11695 (c) A court may not order a specific private organization to supervise an individual  
11696 unless there is only one private organization that can provide the specific supervision  
11697 services required to meet the individual's supervision needs.
- 11698 (6)(a) If a defendant is placed on probation, the court may order the defendant as a  
11699 condition of the defendant's probation:
- 11700 (i) to provide for the support of persons for whose support the defendant is legally  
11701 liable;
- 11702 (ii) to participate in available treatment programs, including any treatment program in  
11703 which the defendant is currently participating if the program is acceptable to the  
11704 court;
- 11705 (iii) be voluntarily admitted to the custody of the Division of Substance Use and  
11706 Mental Health for treatment at the Utah State Hospital in accordance with Section

- 11707 77-18-106;
- 11708 (iv) if the defendant is on probation for a felony offense, to serve a period of time as
- 11709 an initial condition of probation that does not exceed one year in a county jail
- 11710 designated by the department, after considering any recommendation by the court
- 11711 as to which jail the court finds most appropriate;
- 11712 (v) to serve a term of home confinement in accordance with Section 77-18-107;
- 11713 (vi) to participate in compensatory service programs, including the compensatory
- 11714 service program described in Section 76-3-410;
- 11715 (vii) to pay for the costs of investigation, probation, or treatment services;
- 11716 (viii) to pay restitution to a victim with interest in accordance with Chapter 38b,
- 11717 Crime Victims Restitution Act; or
- 11718 (ix) to comply with other terms and conditions the court considers appropriate to
- 11719 ensure public safety or increase a defendant's likelihood of success on probation.
- 11720 (b) If a defendant is placed on probation and a condition of the defendant's probation is
- 11721 routine or random drug testing, the defendant shall sign a waiver consistent with the
- 11722 Health Insurance Portability and Accountability Act, 42 U.S.C. Sec. 1320d et seq.,
- 11723 allowing the treatment provider conducting the drug testing to notify the defendant's
- 11724 supervising probation officer regarding the results of the defendant's drug testing.
- 11725 (c)(i) Notwithstanding Subsection (6)(a)(iv), the court may modify the probation of a
- 11726 defendant to include a period of time that is served in a county jail immediately
- 11727 before the termination of probation as long as that period of time does not exceed
- 11728 one year.
- 11729 (ii) If a defendant is ordered to serve time in a county jail as a sanction for a
- 11730 probation violation, the one-year limitation described in Subsection (6)(a)(iv) or
- 11731 (6)(c)(i) does not apply to the period of time that the court orders the defendant to
- 11732 serve in a county jail under this Subsection (6)(c)(ii).
- 11733 (7)(a) Except as provided in Subsection (7)(b), probation of an individual placed on
- 11734 probation after December 31, 2018:
- 11735 (i) may not exceed the individual's maximum sentence;
- 11736 (ii) shall be for a period of time that is in accordance with the adult sentencing and
- 11737 supervision length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101, to
- 11738 the extent the guidelines are consistent with the requirements of the law; and
- 11739 (iii) shall be terminated in accordance with the adult sentencing and supervision
- 11740 length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101, to the extent

- 11741 the guidelines are consistent with the requirements of the law.
- 11742 (b) Probation of an individual placed on probation after December 31, 2018, whose  
11743 maximum sentence is one year or less, may not exceed 36 months.
- 11744 (c) Probation of an individual placed on probation on or after October 1, 2015, but  
11745 before January 1, 2019, may be terminated at any time at the discretion of the court  
11746 or upon completion without violation of 36 months probation in felony or class A  
11747 misdemeanor cases, 12 months in cases of class B or C misdemeanors or infractions,  
11748 or as allowed in accordance with Section [~~64-13-21~~] 64-14-204 regarding earned  
11749 credits.
- 11750 (d) This Subsection (7) does not apply to the probation of an individual convicted of an  
11751 offense for criminal nonsupport under Section 76-7-201.
- 11752 (8)(a) Notwithstanding Subsection (7), if there is an unpaid balance of the criminal  
11753 accounts receivable for the defendant upon termination of the probation period for  
11754 the defendant under Subsection (7), the court may require the defendant to continue  
11755 to make payments towards the criminal accounts receivable in accordance with the  
11756 payment schedule established by the court under Section 77-32b-103.
- 11757 (b) A court may not require the defendant to make payments as described in Subsection  
11758 (8)(a) beyond the expiration of the defendant's sentence.
- 11759 (c) If the court requires a defendant to continue to pay in accordance with the payment  
11760 schedule for the criminal accounts receivable under this Subsection (8) and the  
11761 defendant defaults on the criminal accounts receivable, the court shall proceed with  
11762 an order for a civil judgment of restitution and a civil accounts receivable for the  
11763 defendant as described in Section 77-18-114.
- 11764 (d)(i) Upon a motion from the prosecuting attorney, the victim, or upon the court's  
11765 own motion, the court may require a defendant to show cause as to why the  
11766 defendant's failure to pay in accordance with the payment schedule should not be  
11767 treated as contempt of court.
- 11768 (ii) A court may hold a defendant in contempt for failure to make payments for a  
11769 criminal accounts receivable in accordance with Title 78B, Chapter 6, Part 3,  
11770 Contempt.
- 11771 (e) This Subsection (8) does not apply to the probation of an individual convicted of an  
11772 offense for criminal nonsupport under Section 76-7-201.
- 11773 (9) When making any decision regarding probation:
- 11774 (a) the court shall consider information provided by the Department of Corrections

11775 regarding a defendant's individual case action plan, including any progress the  
11776 defendant has made in satisfying the case action plan's completion requirements; and

11777 (b) the court may not rely solely on an algorithm or a risk assessment tool score.

11778 Section 236. Section **77-18-108** is amended to read:

11779 **77-18-108 (Effective 07/01/26). Termination, revocation, modification, or**  
11780 **extension of probation -- Violation of probation -- Hearing on violation.**

11781 (1)(a) The division shall send a written notice to the court:

11782 (i) when the division is recommending termination of supervision for a defendant; or

11783 (ii) before a defendant's supervision will be terminated by law.

11784 (b) The written notice under this Subsection (1) shall include:

11785 (i) a probation progress report; and

11786 (ii) if the department is responsible for the collection of the defendant's criminal  
11787 accounts receivable, a summary of the criminal accounts receivable, including the  
11788 amount of restitution ordered and the amount of restitution that has been paid.

11789 (c)(i) Upon receipt of the written notice under Subsection (1)(a), the court shall:

11790 (A) file the written notice on the docket; and

11791 (B) provide notice to all parties in the criminal case.

11792 (ii) A party shall have a reasonable opportunity to respond to the written notice under  
11793 Subsection (1)(a).

11794 (d) If a defendant's probation is being terminated, and the defendant's criminal accounts  
11795 receivable has an unpaid balance or there is any outstanding debt with the  
11796 department, the department shall send a written notice to the Office of State Debt  
11797 Collection with a summary of the defendant's criminal accounts receivable, including  
11798 the amount of restitution ordered and the amount of restitution that has been paid.

11799 (2)(a) The court may modify the defendant's probation in accordance with the adult  
11800 sentencing and supervision length guidelines, as defined in Section [~~63M-7-401.1~~]

11801 75E-4-101.

11802 (b) The court may not:

11803 (i) extend the length of a defendant's probation, except upon:

11804 (A) waiver of a hearing by the defendant; or

11805 (B) a hearing and a finding by the court that the defendant has violated the terms  
11806 of probation;

11807 (ii) revoke a defendant's probation, except upon a hearing and a finding by the court  
11808 that the terms of probation have been violated; or

- 11809 (iii) terminate a defendant's probation before expiration of the probation period until  
11810 the court:
- 11811 (A) reviews the docket to determine whether the defendant owes a balance on the  
11812 defendant's criminal accounts receivable; and
- 11813 (B) enters a finding of whether the defendant owes restitution under Section  
11814 77-38b-205.
- 11815 (c) The court may find under Subsection (2)(b)(iii)(B) that the defendant does not owe  
11816 restitution if no request for restitution has been filed with the court.
- 11817 (3)(a) Upon the filing of an affidavit, or an unsworn written declaration executed in  
11818 substantial compliance with Title 78B, Chapter 18a, Uniform Unsworn Declarations  
11819 Act, alleging with particularity facts asserted to constitute violation of the terms of a  
11820 defendant's probation, the court shall determine if the affidavit or unsworn written  
11821 declaration establishes probable cause to believe that revocation, modification, or  
11822 extension of the defendant's probation is justified.
- 11823 (b)(i) If the court determines there is probable cause, the court shall order that the  
11824 defendant be served with:
- 11825 (A) a warrant for the defendant's arrest or a copy of the affidavit or unsworn  
11826 written declaration; and
- 11827 (B) an order to show cause as to why the defendant's probation should not be  
11828 revoked, modified, or extended.
- 11829 (ii) The order under Subsection (3)(b)(i)(B) shall:
- 11830 (A) be served upon the defendant at least five days before the day on which the  
11831 hearing is held;
- 11832 (B) specify the time and place of the hearing; and
- 11833 (C) inform the defendant of the right to be represented by counsel at the hearing,  
11834 the right to have counsel appointed if the defendant is indigent, and the right to  
11835 present evidence at the hearing.
- 11836 (iii) The defendant shall show good cause for a continuance of the hearing.
- 11837 (c) At the hearing, the defendant shall admit or deny the allegations of the affidavit or  
11838 unsworn written declaration.
- 11839 (d)(i) If the defendant denies the allegations of the affidavit or unsworn written  
11840 declaration, the prosecuting attorney shall present evidence on the allegations.
- 11841 (ii) If the affidavit, or unsworn written declaration, alleges that a defendant is  
11842 delinquent, or in default, on a criminal accounts receivable, the prosecuting

- 11843 attorney shall present evidence to establish, by a preponderance of the evidence,  
11844 that the defendant:
- 11845 (A) was aware of the defendant's obligation to pay the balance of the criminal  
11846 accounts receivable;
- 11847 (B) failed to pay on the balance of the criminal accounts receivable as ordered by  
11848 the court; and
- 11849 (C) had the ability to make a payment on the balance of the criminal accounts  
11850 receivable if the defendant opposes an order to show cause, in writing, and  
11851 presents evidence that the defendant was unable to make a payment on the  
11852 balance of the criminal accounts receivable.
- 11853 (e) The [~~persons~~] individuals who have given adverse information on which the  
11854 allegations are based shall be presented as witnesses subject to questioning by the  
11855 defendant, unless the court for good cause otherwise orders.
- 11856 (f) At the hearing, the defendant may:
- 11857 (i) call witnesses;
- 11858 (ii) appear and speak [~~in~~] on the defendant's own behalf; and
- 11859 (iii) present evidence.
- 11860 (g)(i) After the hearing, the court shall make findings of fact.
- 11861 (ii) Upon a finding that the defendant violated the terms of the defendant's probation,  
11862 the court may order the defendant's probation terminated, revoked, modified,  
11863 continued, or reinstated for all or a portion of the original term of probation.
- 11864 (4)(a)(i) Except as provided in Subsection 77-18-105(7), the court may not require a  
11865 defendant to remain on probation for a period of time that exceeds the length of  
11866 the defendant's maximum sentence.
- 11867 (ii) Except as provided in Subsection 77-18-105(7), if a defendant's probation is  
11868 revoked and later reinstated, the total time of all periods of probation that the  
11869 defendant serves, in relation to the same sentence, may not exceed the defendant's  
11870 maximum sentence.
- 11871 (b) If the court orders a sanction for a defendant who violated terms of probation, the  
11872 court may:
- 11873 (i) order a period of incarceration that is consistent with the adult sentencing and  
11874 supervision length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101;
- 11875 (ii) order a period of incarceration that deviates from the guidelines with an  
11876 explanation for the deviation on the record;

- 11877 (iii) order treatment services that are immediately available in the community for a  
 11878 defendant that needs substance abuse or mental health treatment, as determined by  
 11879 a screening and assessment;
- 11880 (iv) execute the sentence previously imposed; or  
 11881 (v) order any other appropriate sanction.
- 11882 (c) If the defendant had, before the imposition of a term of incarceration or the execution  
 11883 of the previously imposed sentence under this section, served time in jail as a term of  
 11884 probation or due to a violation of probation, the time that the defendant served in jail  
 11885 constitutes service of time toward the sentence previously imposed.
- 11886 (5)(a) Any time served by a defendant:
- 11887 (i) outside of confinement after having been charged with a probation violation, and  
 11888 before a hearing to revoke probation, does not constitute service of time toward  
 11889 the total probation term, unless the defendant is exonerated at a hearing to revoke  
 11890 the defendant's probation;
- 11891 (ii) in confinement awaiting a hearing or a decision concerning revocation of the  
 11892 defendant's probation does not constitute service of time toward the total  
 11893 probation term, unless the defendant is exonerated at the hearing to revoke  
 11894 probation; or
- 11895 (iii) in confinement awaiting a hearing or a decision concerning revocation of the  
 11896 defendant's probation constitutes service of time toward a term of incarceration  
 11897 imposed as a result of the revocation of probation or a graduated and  
 11898 evidence-based response imposed under the adult sentencing and supervision  
 11899 length guidelines, as defined in Section ~~[63M-7-401.1]~~ 75E-4-101.
- 11900 (b) The running of the probation period is tolled upon:
- 11901 (i) the filing of a report with the court alleging a violation of the terms of the  
 11902 defendant's probation; or
- 11903 (ii) the issuance of an order or a warrant under Subsection (3).
- 11904 Section 237. Section **77-20-103** is amended to read:
- 11905 **77-20-103 (Effective 07/01/26). Release data requirements.**
- 11906 (1) The Administrative Office of the Courts shall submit the following data on cases  
 11907 involving individuals for whom the Administrative Office of the Courts has a state  
 11908 identification number broken down by judicial district to the ~~[Commission on Criminal  
 11909 and Juvenile Justice]~~ Department of Criminal Justice Services before July 1 of each year:
- 11910 (a) for the preceding calendar year:

- 11911 (i) the number of individuals charged with a criminal offense who failed to appear at  
11912 a required court proceeding while on pretrial release under each of the following  
11913 categories of release, separated by each type of release:  
11914 (A) the individual's own recognizance;  
11915 (B) a financial condition; and  
11916 (C) a release condition other than a financial condition;
- 11917 (ii) the number of offenses that carry a potential penalty of incarceration an  
11918 individual committed while on pretrial release under each of the following  
11919 categories of release, separated by each type of release:  
11920 (A) the individual's own recognizance;  
11921 (B) a financial condition; and  
11922 (C) a release condition other than a financial condition; and
- 11923 (iii) the total amount of fees and fines, including bond forfeiture, collected by the  
11924 court from an individual for the individual's failure to comply with a condition of  
11925 release under each of the following categories of release, separated by each type  
11926 of release:  
11927 (A) an individual's own recognizance;  
11928 (B) a financial condition; and  
11929 (C) a release condition other than a financial condition; and
- 11930 (b) at the end of the preceding calendar year:
- 11931 (i) the total number of outstanding warrants of arrest for individuals who were  
11932 released from law enforcement custody on pretrial release under each of the  
11933 following categories of release, separated by each type of release:  
11934 (A) the individual's own recognizance;  
11935 (B) a financial condition; and  
11936 (C) a release condition other than a financial condition;
- 11937 (ii) for each of the categories described in Subsection (1)(b)(i), the average length of  
11938 time that the outstanding warrants had been outstanding; and
- 11939 (iii) for each of the categories described in Subsection (1)(b)(i), the number of  
11940 outstanding warrants for arrest for crimes of each of the following categories:  
11941 (A) a first degree felony;  
11942 (B) a second degree felony;  
11943 (C) a third degree felony;  
11944 (D) a class A misdemeanor;

- 11945 (E) a class B misdemeanor; and  
 11946 (F) a class C misdemeanor.
- 11947 (2) The data described in Subsection (1) shall include cases involving pretrial release by a  
 11948 temporary pretrial status order and a pretrial release order.
- 11949 (3) Each county jail shall submit the following data, based on the preceding calendar year,  
 11950 to the [~~Commission of Criminal and Juvenile Justice~~] Department of Criminal Justice  
 11951 Services before July 1 of each year:
- 11952 (a) the number of individuals released upon payment of monetary bail before appearing  
 11953 before a court;
- 11954 (b) the number of individuals released on the individual's own recognizance before  
 11955 appearing before a court;
- 11956 (c) the amount of monetary bail, any fees, and any other money paid by or on behalf of  
 11957 individuals collected by the county jail;
- 11958 (d) the number of individuals released as a result of overcrowding; and  
 11959 (e) the number of individuals released on pretrial release.

- 11960 (4) The [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice  
 11961 Services shall compile the data collected under this section and shall submit the  
 11962 compiled data in an electronic report to the Law Enforcement and Criminal Justice  
 11963 Interim Committee before November 1 of each year.

11964 Section 238. Section **77-20-403** is amended to read:

11965 **77-20-403 (Effective 07/01/26). Disposition of forfeited monetary bail.**

11966 If money deposited as a financial condition or money paid by a surety on a bail bond is  
 11967 forfeited and the forfeiture is not discharged or remitted, the clerk with whom the money is  
 11968 deposited or paid shall, immediately after final adjournment of the court, pay over the money  
 11969 forfeited as follows:

- 11970 (1) the forfeited amount in cases in precinct justice courts or in municipal justice courts  
 11971 shall be distributed as provided in Sections 78A-7-120 and 78A-7-121; and
- 11972 (2) in all other cases:
- 11973 (a) where the financial condition was paid by a surety:
- 11974 (i) 60% of the forfeited amount shall be paid to the Pretrial Release Programs Special  
 11975 Revenue Fund established in Section [~~63M-7-215~~] 75E-2-304;
- 11976 (ii) 20% of the forfeited amount shall be paid to the General Fund; and
- 11977 (iii) 20% of the forfeited amount shall be paid to the prosecuting agency that brings  
 11978 an action to collect under Section 77-20-505; and

- 11979 (b) where the financial condition was paid without the assistance of a surety:  
11980 (i) 75% of the forfeited amount shall be paid to the Pretrial Release Programs Special  
11981 Revenue Fund established in Section [~~63M-7-215~~] 75E-2-304; and  
11982 (ii) 25% of the forfeited amount shall be paid to the General Fund.

11983 Section 239. Section **77-22-2.5** is amended to read:

11984 **77-22-2.5 (Effective 07/01/26). Court orders for criminal investigations for**  
11985 **records concerning an electronic communications system or service or remote computing**  
11986 **service -- Content -- Fee for providing information.**

11987 (1) As used in this section:

- 11988 (a)(i) "Electronic communication" means any transfer of signs, signals, writing,  
11989 images, sounds, data, or intelligence of any nature transmitted in whole or in part  
11990 by a wire, radio, electromagnetic, photoelectronic, or photooptical system.  
11991 (ii) "Electronic communication" does not include:  
11992 (A) a wire or oral communication;  
11993 (B) a communication made through a tone-only paging device;  
11994 (C) a communication from a tracking device; or  
11995 (D) electronic funds transfer information stored by a financial institution in a  
11996 communications system used for the electronic storage and transfer of funds.  
11997 (b) "Electronic communications service" means a service which provides for users the  
11998 ability to send or receive wire or electronic communications.  
11999 (c) "Electronic communications system" means a wire, radio, electromagnetic,  
12000 photooptical, or photoelectronic facilities for the transmission of wire or electronic  
12001 communications, and a computer facilities or related electronic equipment for the  
12002 electronic storage of the communication.  
12003 (d) "Internet service provider" means the same as that term is defined in Section  
12004 76-5c-401.  
12005 (e) "Prosecutor" means the same as that term is defined in Section 77-22-4.5.  
12006 (f) "Remote computing service" means the provision to the public of computer storage  
12007 or processing services by means of an electronic communications system.  
12008 (g)(i) "Sexual offense against a minor" means:  
12009 (A) sexual exploitation of a minor or attempted sexual exploitation of a minor in  
12010 violation of Section 76-5b-201;  
12011 (B) aggravated sexual exploitation of a minor or attempted aggravated sexual  
12012 exploitation of a minor in violation of Section 76-5b-201.1;

- 12013 (C) a sexual offense or attempted sexual offense committed against a minor in  
12014 violation of Title 76, Chapter 5, Part 4, Sexual Offenses;
- 12015 (D) dealing in or attempting to deal in material harmful to a minor in violation of  
12016 Section 76-5c-205 or 76-5c-206;
- 12017 (E) human trafficking of a child in violation of Section 76-5-308.5; or
- 12018 (F) aggravated sexual extortion of a child in violation of Section 76-5b-204.
- 12019 (ii) "Sexual offense against a minor" does not include an offense described in Section  
12020 76-5-418, 76-5-419, or 76-5-420.
- 12021 (2) When a law enforcement agency is investigating a sexual offense against a minor, an  
12022 offense of stalking under Section 76-5-106.5, or an offense of child kidnapping under  
12023 Section 76-5-301.1, and has reasonable suspicion that an electronic communications  
12024 system or service or remote computing service has been used in the commission of a  
12025 criminal offense, a law enforcement agent shall:
- 12026 (a) articulate specific facts showing reasonable grounds to believe that the records or  
12027 other information sought, as designated in Subsections (2)(c)(i) through (v), are  
12028 relevant and material to an ongoing investigation;
- 12029 (b) present the request to a prosecutor for review and authorization to proceed; and
- 12030 (c) submit the request to a magistrate for a court order, [~~e~~onsistent] in accordance with 18  
12031 U.S.C. Sec. 2703 and 18 U.S.C. Sec. 2702, to the electronic communications system  
12032 or service or remote computing service provider that owns or controls the [~~I~~nternet]  
12033 internet protocol address, websites, email address, or service to a specific telephone  
12034 number, requiring the production of the following information, if available, upon  
12035 providing in the court order the [~~I~~nternet] internet protocol address, email address,  
12036 telephone number, or other identifier, and the dates and times the address, telephone  
12037 number, or other identifier is suspected of being used in the commission of the  
12038 offense:
- 12039 (i) names of subscribers, service customers, and users;
- 12040 (ii) addresses of subscribers, service customers, and users;
- 12041 (iii) records of session times and durations;
- 12042 (iv) length of service, including the start date and types of service utilized; and
- 12043 (v) telephone or other instrument subscriber numbers or other subscriber identifiers,  
12044 including a temporarily assigned network address.
- 12045 (3) A court order issued under this section shall state that the electronic communications  
12046 system or service or remote computing service provider shall produce a record under

12047 Subsections (2)(c)(i) through (v) that is reasonably relevant to the investigation of the  
12048 suspected criminal activity or offense as described in the court order.

12049 (4)(a) An electronic communications system or service or remote computing service  
12050 provider that provides information in response to a court order issued under this  
12051 section may charge a fee, not to exceed the actual cost, for providing the information.

12052 (b) The law enforcement agency conducting the investigation shall pay the fee.

12053 (5) The electronic communications system or service or remote computing service provider  
12054 served with or responding to the court order may not disclose the court order to the  
12055 account holder identified [~~pursuant to~~] in accordance with the court order for a period of  
12056 90 days.

12057 (6) If the electronic communications system or service or remote computing service  
12058 provider served with the court order does not own or control the [~~Internet~~] internet  
12059 protocol address, websites, or email address, or provide service for the telephone  
12060 number that is the subject of the court order, the provider shall notify the investigating  
12061 law enforcement agency that the provider does not have the information.

12062 (7) There is no cause of action against a provider or wire or electronic communication  
12063 service, or the provider or service's officers, employees, agents, or other specified  
12064 persons, for providing information, facilities, or assistance in accordance with the terms  
12065 of the court order issued under this section or statutory authorization.

12066 (8)(a) A court order issued under this section is subject to the provisions of Title 77,  
12067 Chapter 23b, Access to Electronic Communications.

12068 (b) Rights and remedies for providers and subscribers under Title 77, Chapter 23b,  
12069 Access to Electronic Communications, apply to providers and subscribers subject to a  
12070 court order issued under this section.

12071 (9) A prosecutorial agency shall annually on or before February 15 report to the [  
12072 ~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice Services:

12073 (a) the number of requests for court orders authorized by the prosecutorial agency;

12074 (b) the number of orders issued by the court and the criminal offense, [~~pursuant to~~]  
12075 described in Subsection (2), each order was used to investigate; and

12076 (c) if the court order led to criminal charges being filed, the type and number of offenses  
12077 charged.

12078 Section 240. Section **77-27-1** is amended to read:

12079 **77-27-1 (Effective 07/01/26). Definitions.**

12080 As used in this chapter:

- 12081 (1) "Appearance" means any opportunity to address the board, a board member, a panel, or  
 12082 hearing officer, including an interview.
- 12083 (2) "Board" means the Board of Pardons and Parole.
- 12084 (3)(a) "Case action plan" means a document developed by the Department of  
 12085 Corrections that identifies the program priorities for the treatment of the offender.
- 12086 (b) "Case action plan" includes the criminal risk factors as determined by a risk and  
 12087 needs assessment conducted by the department.
- 12088 [~~(4) "Commission" means the State Commission on Criminal and Juvenile Justice created~~  
 12089 ~~in Section 63M-7-201.~~]
- 12090 [~~(5)~~ (4) "Commutation" is the change from a greater to a lesser punishment after conviction.
- 12091 [~~(6)~~ (5) "Criminal accounts receivable" means the same as that term is defined in Section  
 12092 77-32b-102.
- 12093 [~~(7)~~ (6) "Criminal risk factors" means ~~[a person's]~~ an individual's characteristics and  
 12094 behaviors that:
- 12095 (a) affect that ~~[person's]~~ individual's risk of engaging in criminal behavior; and
- 12096 (b) are diminished when addressed by effective treatment, supervision, and other support  
 12097 resources resulting in reduced risk of criminal behavior.
- 12098 [~~(8)~~ (7)(a) "Deliberative process" means the board or any number of the board's  
 12099 individual members together engaging in discussions, whether written or verbal,  
 12100 regarding a parole, a pardon, a commutation, termination of sentence, or fines, fees,  
 12101 or restitution in an individual case.
- 12102 (b) "Deliberative process" includes the votes, mental processes, written notes, and  
 12103 recommendations of individual board members and staff.
- 12104 (c) "Deliberative process" does not include:
- 12105 (i) a hearing where the offender is present;
- 12106 (ii) any factual record the board is considering, including records of the offender's  
 12107 criminal convictions, records regarding the offender's current or previous  
 12108 incarceration and supervision, and records regarding the offender's physical or  
 12109 mental health;
- 12110 (iii) recommendations regarding the offender's incarceration or supervision from any  
 12111 other individual, governmental entity, or agency;
- 12112 (iv) testimony received by the board regarding the offender, whether written or  
 12113 verbal; or
- 12114 (v) the board's decision or rationale for the decision.

- 12115 [(9)] (8) "Department" means the Department of Corrections.
- 12116 [(10)] (9) "Expiration" means when the maximum sentence has run.
- 12117 [(11)] (10) "Family" means any individual related to the victim as a spouse, child, sibling,  
12118 parent, or grandparent, or the victim's legal guardian.
- 12119 [(12)] (11) "Hearing" or "full hearing" means an appearance before the board, a panel, a  
12120 board member, or a hearing examiner, at which an offender or inmate is afforded an  
12121 opportunity to be present and address the board.
- 12122 [(13)] (12) "Location," in reference to a hearing, means the physical location at which the  
12123 board, a panel, a board member, or a hearing examiner is conducting the hearing,  
12124 regardless of the location of any [person] individual participating by electronic means.
- 12125 [(14)] (13) "Open session" means any hearing, before the board, a panel, a board member, or  
12126 a hearing examiner, that is open to the public, regardless of the location of any [person]  
12127 individual participating by electronic means.
- 12128 [(15)] (14) "Panel" means members of the board assigned by the chairperson to a particular  
12129 case.
- 12130 [(16)] (15) "Pardon" means:
- 12131 (a) an act of grace that forgives a criminal conviction and restores the rights and  
12132 privileges forfeited by or because of the criminal conviction;
- 12133 (b) the release of an offender from the entire punishment prescribed for a criminal  
12134 offense and from disabilities that are a consequence of the criminal conviction; and
- 12135 (c) the reinstatement of any civil rights lost as a consequence of conviction or  
12136 punishment for a criminal offense.
- 12137 [(17)] (16) "Parole" means a release from imprisonment on prescribed conditions which, if  
12138 satisfactorily performed by the parolee, enables the parolee to obtain a termination of the  
12139 parolee's sentence.
- 12140 [(18)] (17) "Payment schedule" means the same as that term is defined in Section  
12141 77-32b-102.
- 12142 [(19)] (18) "Pecuniary damages" means the same as that term is defined in Section  
12143 77-38b-102.
- 12144 [(20)] (19) "Probation" means an act of grace by the court suspending the imposition or  
12145 execution of a convicted offender's sentence upon prescribed conditions.
- 12146 [(21)] (20) "Remit" or "remission" means the same as [that term is] those terms are defined  
12147 in Section 77-32b-102.
- 12148 [(22)] (21) "Reprieve" or "respite" means the temporary suspension of the execution of the

12149 sentence.

12150 [~~(23)~~] (22) "Restitution" means the same as that term is defined in Section 77-38b-102.

12151 [~~(24)~~] (23) "Termination" means the act of discharging from parole or concluding the  
12152 sentence of imprisonment before the expiration of the sentence.

12153 [~~(25)~~] (24) "Victim" means:

12154 (a) [~~a person~~] an individual against whom the defendant committed a felony or class A  
12155 misdemeanor offense for which a hearing is held under this chapter; or

12156 (b) the victim's family if the victim is deceased as a result of the offense for which a  
12157 hearing is held under this chapter.

12158 Section 241. Section **77-27-2** is amended to read:

12159 **77-27-2 (Effective 07/01/26). Board of Pardons and Parole -- Creation --**  
12160 **Compensation -- Functions.**

12161 (1)(a) There is created the Board of Pardons and Parole.

12162 (b) The board shall consist of five full-time members and not more than five pro  
12163 tempore members to be appointed by the governor with the advice and consent of the  
12164 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, and as provided  
12165 in this section.

12166 (c) The members of the board shall be resident citizens of the state.

12167 (d) The governor shall establish salaries for the members of the board within the salary  
12168 range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

12169 (2)(a)(i)(A) The full-time board members shall serve terms of five years.

12170 (B) The terms of the full-time members shall be staggered so one board member is  
12171 appointed for a term of five years on March 1 of each year.

12172 (ii)(A) The pro tempore members shall serve terms of five years, beginning on  
12173 March 1 of the year of appointment, with no more than one pro tempore  
12174 member term beginning or expiring in the same calendar year.

12175 (B) If a pro tempore member vacancy occurs, the board may submit the names of  
12176 not fewer than three or more than five [~~persons~~] individuals to the governor for  
12177 appointment to fill the vacancy.

12178 (b) All vacancies occurring on the board for any cause shall be filled by the governor  
12179 with the advice and consent of the Senate in accordance with this section for the  
12180 unexpired term of the vacating member.

12181 (c) The governor may at any time remove any member of the board for inefficiency,  
12182 neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

- 12183 (d)(i) A member of the board may not hold any other office in the government of the  
12184 United States, this state or any other state, or of any county government or  
12185 municipal corporation within a state.
- 12186 (ii) A member may not engage in any occupation or business inconsistent with the  
12187 member's duties.
- 12188 (e)(i) A majority of the board constitutes a quorum for the transaction of business,  
12189 including the holding of hearings at any time or any location within or without the  
12190 state, or for the purpose of exercising any duty or authority of the board.
- 12191 (ii) An action is deemed the action of the board if the action is taken by a majority of  
12192 the board regarding whether:
- 12193 (A) parole, pardon, commutation, or termination of a sentence is granted in an  
12194 offender's case;
- 12195 (B) remission of a criminal accounts receivable, or a fines or forfeiture, is granted  
12196 in an offender's case; or
- 12197 (C) an offender's payment schedule for a criminal accounts receivable is modified.
- 12198 (iii) A majority vote of the five full-time members of the board is required for  
12199 adoption of rules or policies of general applicability as provided by statute.
- 12200 (iv) Notwithstanding Subsection (2)(e)(iii), a vacancy on the board does not impair  
12201 the right of the remaining board members to exercise any duty or authority of the  
12202 board as long as a majority of the board remains.
- 12203 (v) A board member shall comply with the conflict of interest provisions described in  
12204 Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 12205 (f)(i) Any investigation, inquiry, or hearing that the board has authority to undertake  
12206 or hold may be conducted by any board member or an examiner appointed by the  
12207 board.
- 12208 (ii) When an action under Subsection (2)(f)(i) is approved and confirmed by the  
12209 board and filed in the board's office, the action is considered to be the action of the  
12210 board and has the same effect as if originally made by the board.
- 12211 (g)(i) When a full-time board member is absent or in other extraordinary  
12212 circumstances, the chair may, as dictated by public interest and efficient  
12213 administration of the board, assign a pro tempore member to act in the place of a  
12214 full-time member.
- 12215 (ii) Pro tempore members shall receive a per diem rate of compensation as  
12216 established by the Division of Finance and all actual and necessary expenses

- 12217 incurred in attending to official business.
- 12218 (h) The chair may request staff and administrative support as necessary from the  
12219 department.
- 12220 (3)(a) Except as provided in Subsection (3)(b), the [~~commission~~] Department of Criminal  
12221 Justice Services shall:
- 12222 (i) recommend five applicants to the governor for a full-time member appointment to  
12223 the board; and
- 12224 (ii) consider applicants' knowledge of the criminal justice system, state and federal  
12225 criminal law, judicial procedure, corrections policies and procedures, and  
12226 behavioral sciences.
- 12227 (b) The procedures and requirements of Subsection (3)(a) do not apply if the governor  
12228 appoints a sitting board member to a new term of office.
- 12229 (4)(a)(i) The board shall appoint an individual to serve as the board's mental health  
12230 adviser and may appoint other staff necessary to aid the board in fulfilling the  
12231 board's responsibilities under Title 77, Chapter 16a, Commitment and Treatment  
12232 of Individuals with a Mental Condition.
- 12233 (ii) The adviser shall prepare reports and recommendations to the board on all [  
12234 ~~persons~~] individuals adjudicated as guilty with a mental condition, in accordance  
12235 with Title 77, Chapter 16a, Commitment and Treatment of Individuals with a  
12236 Mental Condition.
- 12237 (b) The mental health adviser shall possess the qualifications necessary to carry out the  
12238 duties imposed by the board and may not be employed by the department or the Utah  
12239 State Hospital.
- 12240 (i) The board may review outside employment by the mental health advisor.
- 12241 (ii) The board shall develop rules governing employment with entities other than the  
12242 board by the mental health advisor for the purpose of prohibiting a conflict of  
12243 interest.
- 12244 (c) The mental health adviser shall:
- 12245 (i) act as liaison for the board with the Department of Health and Human Services  
12246 and local mental health authorities;
- 12247 (ii) educate the members of the board regarding the needs and special circumstances  
12248 of [~~persons~~] individuals with a mental condition in the criminal justice system;
- 12249 (iii) in cooperation with the department, monitor the status of [~~persons~~] individuals in  
12250 the prison who have been found guilty with a mental condition;

12251 (iv) monitor the progress of other [~~persons~~] individuals under the board's jurisdiction  
12252 who have a mental condition;

12253 (v) conduct hearings as necessary in the preparation of reports and recommendations;  
12254 and

12255 (vi) perform other duties as assigned by the board.

12256 Section 242. Section **77-27-5** is amended to read:

12257 **77-27-5 (Effective 07/01/26). Board of Pardons and Parole authority.**

12258 (1)(a) Subject to this chapter and other laws of the state, and except for a conviction for  
12259 treason or impeachment, the board shall determine by majority decision when and  
12260 under what conditions an offender's conviction may be pardoned or commuted.

12261 (b) The board shall determine by majority decision when and under what conditions an  
12262 offender committed to serve a sentence at a penal or correctional facility, which is  
12263 under the jurisdiction of the department, may:

12264 (i) be released upon parole;

12265 (ii) have a fine or forfeiture remitted;

12266 (iii) have the offender's criminal accounts receivable remitted in accordance with  
12267 Section 77-32b-105 or 77-32b-106;

12268 (iv) have the offender's payment schedule modified in accordance with Section  
12269 77-32b-103; or

12270 (v) have the offender's sentence terminated.

12271 (c) The board shall prioritize public safety when making a determination under  
12272 Subsection (1)(a) or (1)(b).

12273 (d)(i) The board may sit together or in panels to conduct hearings.

12274 (ii) The chair shall appoint members to the panels in any combination and in  
12275 accordance with rules made by the board in accordance with Title 63G, Chapter 3,  
12276 Utah Administrative Rulemaking Act.

12277 (iii) The chair may participate on any panel and when doing so is chair of the panel.

12278 (iv) The chair of the board may designate the chair for any other panel.

12279 (e)(i) Except after a hearing before the board, or the board's appointed examiner, in  
12280 an open session, the board may not:

12281 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts  
12282 receivable;

12283 (B) release the offender on parole; or

12284 (C) commute, pardon, or terminate an offender's sentence.

- 12285 (ii) An action taken under this Subsection (1) other than by a majority of the board  
12286 shall be affirmed by a majority of the board.
- 12287 (f) A commutation or pardon may be granted only after a full hearing before the board.
- 12288 (2)(a) In the case of a hearing, timely prior notice of the time and location of the hearing  
12289 shall be given to the offender.
- 12290 (b) The county or district attorney's office responsible for prosecution of the case, the  
12291 sentencing court, and law enforcement officials responsible for the defendant's arrest  
12292 and conviction shall be notified of any board hearings through the board's website.
- 12293 (c) Whenever possible, the victim or the victim's representative, if designated, shall be  
12294 notified of original hearings and any hearing after that if notification is requested and  
12295 current contact information has been provided to the board.
- 12296 (d)(i) Notice to the victim or the victim's representative shall include information  
12297 provided in Section 77-27-9.5, and any related rules made by the board under that  
12298 section.
- 12299 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are  
12300 reasonable for the lay person to understand.
- 12301 (3)(a) A decision by the board is final and not subject for judicial review if the decision  
12302 is regarding:
- 12303 (i) a pardon, parole, commutation, or termination of an offender's sentence;  
12304 (ii) restitution, the modification of an offender's payment schedule for restitution, or  
12305 an order for costs; or  
12306 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
- 12307 (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter  
12308 4, Open and Public Meetings Act, when the board is engaged in the board's  
12309 deliberative process.
- 12310 (c) [~~Pursuant to~~] In accordance with Subsection 63G-2-103(25)(b)(xii), records of the  
12311 deliberative process are exempt from Title 63G, Chapter 2, Government Records  
12312 Access and Management Act.
- 12313 (d) Unless it will interfere with a constitutional right, deliberative processes are not  
12314 subject to disclosure, including discovery.
- 12315 (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
- 12316 (4)(a) This chapter may not be construed as a denial of or limitation of the governor's  
12317 power to grant respite or reprieves in all cases of convictions for offenses against the  
12318 state, except treason or conviction on impeachment.

- 12319 (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the  
12320 next session of the board.
- 12321 (c) At the next session of the board, the board:  
12322 (i) shall continue or terminate the respite or reprieve; or  
12323 (ii) may commute the punishment or pardon the offense as provided.
- 12324 (d) In the case of conviction for treason, the governor may suspend execution of the  
12325 sentence until the case is reported to the Legislature at the Legislature's next session.
- 12326 (e) The Legislature shall pardon or commute the sentence or direct the sentence's  
12327 execution.
- 12328 (5)(a) In determining when, where, and under what conditions an offender serving a  
12329 sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the  
12330 offender's criminal accounts receivable remitted, or have the offender's sentence  
12331 commuted or terminated, the board shall:  
12332 (i) consider whether the offender has made restitution ordered by the court under  
12333 Section 77-38b-205, or is prepared to pay restitution as a condition of any parole,  
12334 pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a  
12335 commutation or termination of the offender's sentence;  
12336 (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for  
12337 making determinations under this Subsection (5);  
12338 (iii) consider information provided by the department regarding an offender's  
12339 individual case action plan; and  
12340 (iv) review an offender's status within 60 days after the day on which the board  
12341 receives notice from the department that the offender has completed all of the  
12342 offender's case action plan components that relate to activities that can be  
12343 accomplished while the offender is imprisoned.
- 12344 (b) The board shall determine whether to remit an offender's criminal accounts  
12345 receivable under this Subsection (5) in accordance with Section 77-32b-105 or  
12346 77-32b-106.
- 12347 (6) In determining whether parole may be terminated, the board shall consider:  
12348 (a) the offense committed by the parolee; and  
12349 (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.
- 12350 (7) For an offender placed on parole after December 31, 2018, the board shall terminate  
12351 parole in accordance with the adult sentencing and supervision length guidelines, as  
12352 defined in Section [63M-7-401.1] 75E-4-101, to the extent the guidelines are consistent

12353 with the requirements of the law.

- 12354 (8) The board may not rely solely on an algorithm or a risk assessment tool score in  
12355 determining whether parole should be granted or terminated for an offender.
- 12356 (9) The board may intervene as a limited-purpose party in a judicial or administrative  
12357 proceeding, including a criminal action, to seek:
- 12358 (a) correction of an order that has or will impact the board's jurisdiction; or
  - 12359 (b) clarification regarding an order that may impact the board's jurisdiction.
- 12360 (10) A motion to intervene brought under Subsection (9)(a) shall be raised within 60 days  
12361 after the day on which a court enters the order that impacts the board's jurisdiction.
- 12362 Section 243. Section **77-27-5.4** is amended to read:
- 12363 **77-27-5.4 (Effective 07/01/26). Earned time program.**
- 12364 (1) The board shall establish an earned time program that reduces the period of  
12365 incarceration for offenders who successfully complete specified programs, the purpose  
12366 of which is to reduce the risk of recidivism.
- 12367 (2) The earned time program shall:
- 12368 (a) provide not less than four months of earned time credit each for the completion of up  
12369 to two programs that:
    - 12370 (i) are approved by the board in collaboration with the department; and
    - 12371 (ii) are recommended programs that are part of the offender's case action plan; and
  - 12372 (b) allow the board to grant in the board's discretion earned time credit in addition to the  
12373 earned time credit provided under Subsection (2)(a).
- 12374 (3) The earned time program may not provide earned time credit for an offender:
- 12375 (a) whose previously ordered release date does not provide enough time, including time  
12376 for transition services, for the board to grant the earned time credit;
  - 12377 (b) who has been sentenced by the court to a term of life without the possibility of parole;
  - 12378 (c) who has been ordered by the board to serve until the expiration of the offender's  
12379 sentence, including a life sentence;
  - 12380 (d) who does not have a current release date;
  - 12381 (e) who has not met a contingency requirement for release that has been ordered by the  
12382 board; or
  - 12383 (f) who has been given a termination date by the board.
- 12384 (4) The board may order the forfeiture of earned time credits under this section if the board  
12385 determines a rescission hearing is necessary.
- 12386 (5) The department shall notify the board not more than 30 days after an offender completes

12387 a program as defined in Subsection (2)(a).

12388 (6) The board shall collect data for the fiscal year regarding the operation of the earned time  
12389 credit program, including:

12390 (a) the number of offenders who have earned time credit under this section in the prior  
12391 year;

12392 (b) the amount of time credit earned in the prior year;

12393 (c) the number of offenders who forfeited earned time credit; and

12394 (d) additional related information as requested by the [~~Commission on Criminal and~~  
12395 ~~Juvenile Justice~~] Department of Criminal Justice Services.

12396 (7) The board shall collaborate with the department in the establishment of the earned time  
12397 credit program.

12398 (8) To the extent possible, programming and hearings shall be provided early enough in an  
12399 offender's incarceration to allow the offender to earn time credit.

12400 Section 244. Section **77-27-10** is amended to read:

12401 **77-27-10 (Effective 07/01/26). Conditions of parole -- Inmate agreement to**  
12402 **warrant -- Rulemaking -- Intensive early release parole program.**

12403 (1)(a) When the Board of Pardons and Parole releases an offender on parole, it shall, in  
12404 accordance with Section 64-14-204, issue to the parolee a certificate setting forth the  
12405 conditions of parole, including the graduated and evidence-based responses to a  
12406 violation of a condition of parole established in the adult sentencing and supervision  
12407 length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101, which the offender  
12408 shall accept and agree to as evidenced by the offender's signature affixed to the  
12409 agreement.

12410 (b) The parole agreement shall require that the inmate agree in writing that the board  
12411 may issue a warrant and conduct a parole revocation hearing if:

12412 (i) the board determines after the grant of parole that the inmate willfully provided to  
12413 the board false or inaccurate information that the board finds was significant in the  
12414 board's determination to grant parole; or

12415 (ii)(A) the inmate has engaged in criminal conduct [~~prior to~~] before the granting of  
12416 parole; and

12417 (B) the board did not have information regarding the conduct at the time parole  
12418 was granted.

12419 (c)(i) A copy of the agreement shall be delivered to the Department of Corrections  
12420 and a copy shall be given to the parolee.

- 12421 (ii) The original agreement shall remain with the board's file.
- 12422 (2)(a) If an offender convicted of violating or attempting to violate Section 76-5-301.1,  
12423 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,  
12424 76-5-404, 76-5-404.1, 76-5-404.3, or 76-5-405, is released on parole, the board shall  
12425 order outpatient mental health counseling and treatment as a condition of parole.
- 12426 (b) The board shall develop standards and conditions of parole under this Subsection (2)  
12427 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 12428 (c) This Subsection (2) does not apply to intensive early release parole.
- 12429 (3)(a)(i) In addition to the conditions set out in Subsection (1), the board may place  
12430 offenders in an intensive early release parole program.
- 12431 (ii) The board shall determine the conditions of parole which are reasonably  
12432 necessary to protect the community as well as to protect the interests of the  
12433 offender and to assist the offender to lead a law-abiding life.
- 12434 (b) The offender is eligible for this program only if the offender:  
12435 (i) has not been convicted of a sexual offense; or  
12436 (ii) has not been sentenced [~~pursuant to~~] in accordance with Section 76-3-406.
- 12437 (c) The department shall:  
12438 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
12439 Rulemaking Act, for operation of the program;  
12440 (ii) adopt and implement internal management policies for operation of the program;  
12441 (iii) determine whether[~~or not~~] to refer an offender into this program within 120 days  
12442 from the date the offender is committed to prison by the sentencing court; and  
12443 (iv) make the final recommendation to the board regarding the placement of an  
12444 offender into the program.
- 12445 (d) The department may not consider credit for time served in a county jail awaiting trial  
12446 or sentencing when calculating the 120-day period.
- 12447 (e) The prosecuting attorney or sentencing court may refer an offender for consideration  
12448 by the department for participation in the program.
- 12449 (f) The board shall determine whether[~~or not~~] to place an offender into this program  
12450 within 30 days of receiving the department's recommendation.
- 12451 (4) This program shall be implemented by the department within the existing budget.
- 12452 (5) In addition to the conditions of parole described in this section, and if a condition of the  
12453 offender's parole is routine or random drug testing, the board shall order the offender to  
12454 sign a waiver consistent with the Health Insurance Portability and Accountability Act,

- 12455 42 U.S.C. Sec. 1320d et seq., allowing the treatment provider conducting the drug  
12456 testing to notify the offender's supervising parole officer regarding the results of the  
12457 offender's drug testing.
- 12458 (6) During the time the offender is on parole, the department shall collect from the offender  
12459 the monthly supervision fee authorized by Section 64-14-204.
- 12460 (7) When a parolee commits a violation of the parole agreement, the department may:
- 12461 (a) respond in accordance with the graduated and evidence-based responses established  
12462 in accordance with Section 64-14-204; or
- 12463 (b) when the graduated and evidence-based responses established in accordance with  
12464 Section 64-14-204 indicate, refer the parolee to the Board of Pardons and Parole for  
12465 revocation of parole.
- 12466 Section 245. Section **77-27-11** is amended to read:
- 12467 **77-27-11 (Effective 07/01/26). Revocation of parole.**
- 12468 (1) The board may revoke the parole of any individual who is found to have violated any  
12469 condition of the individual's parole.
- 12470 (2)(a) If a parolee is confined by the department or any law enforcement official for a  
12471 suspected violation of parole, the department shall:
- 12472 (i) [~~shall~~] immediately report the alleged violation to the board, by means of an  
12473 incident report; and
- 12474 (ii) make any recommendation regarding the incident.
- 12475 (b) A parolee may not be held for a period longer than 72 hours, excluding weekends  
12476 and holidays, without first obtaining a warrant.
- 12477 (c) The board shall expeditiously consider warrant requests from the department under  
12478 Section 64-14-205.
- 12479 (3) Any member of the board may:
- 12480 (a) issue a warrant based upon a certified warrant request to a peace officer or other  
12481 persons authorized to arrest, detain, and return to actual custody a parolee; and
- 12482 (b) upon arrest of the parolee, determine, or direct the department to determine, if there  
12483 is probable cause to believe that the parolee has violated the conditions of the  
12484 parolee's parole.
- 12485 (4) Upon a finding of probable cause, a parolee may be further detained or imprisoned  
12486 again pending a hearing by the board or the board's appointed examiner.
- 12487 (5)(a) The board or the board's appointed examiner shall conduct a hearing on the  
12488 alleged violation, and the parolee shall have written notice of the time and location of

- 12489 the hearing, the alleged violation of parole, and a statement of the evidence against  
12490 the parolee.
- 12491 (b) The board or the board's appointed examiner shall provide the parolee the  
12492 opportunity:
- 12493 (i) to be present;
- 12494 (ii) to be heard;
- 12495 (iii) to present witnesses and documentary evidence;
- 12496 (iv) to confront and cross-examine adverse witnesses, absent a showing of good  
12497 cause for not allowing the confrontation; and
- 12498 (v) to be represented by counsel when the parolee is mentally incompetent or  
12499 pleading not guilty.
- 12500 (c)(i) If heard by an appointed examiner, the examiner shall make a written decision  
12501 which shall include a statement of the facts relied upon by the examiner in  
12502 determining the guilt or innocence of the parolee on the alleged violation and a  
12503 conclusion as to whether the alleged violation occurred.
- 12504 (ii) The appointed examiner shall then refer the case to the board for disposition.
- 12505 (d)(i) A final decision shall be reached by a majority vote of the sitting members of  
12506 the board.
- 12507 (ii) A parolee shall be promptly notified in writing of the board's findings and  
12508 decision.
- 12509 (6)(a) If a parolee is found to have violated the terms of parole, the board, at the board's  
12510 discretion, may:
- 12511 (i) return the parolee to parole;
- 12512 (ii) modify the payment schedule for the parolee's criminal accounts receivable in  
12513 accordance with Section 77-32b-105;
- 12514 (iii) order the parolee to pay pecuniary damages that are proximately caused by a  
12515 defendant's violation of the terms of the defendant's parole;
- 12516 (iv) order the parolee to be imprisoned, but not to exceed the maximum term of  
12517 imprisonment for the parolee's sentence; or
- 12518 (v) order any other conditions for the parolee.
- 12519 (b) If the board returns the parolee to parole, the length of parole may not be for a period  
12520 of time that exceeds the length of the parolee's maximum sentence.
- 12521 (c) If the board revokes parole for a violation and orders incarceration, the board may  
12522 impose a period of incarceration:

- 12523 (i) consistent with the adult sentencing and supervision length guidelines, as defined  
 12524 in Section [~~63M-7-401.1~~] 75E-4-101; or  
 12525 (ii) subject to Subsection (6)(a)(iv), impose a period of incarceration that differs from  
 12526 the guidelines.
- 12527 (d) The following periods of time constitute service of time toward the period of  
 12528 incarceration imposed under Subsection (6)(c):
- 12529 (i) time served in jail by a parolee awaiting a hearing or decision concerning  
 12530 revocation of parole; and  
 12531 (ii) time served in jail by a parolee due to a violation of parole under Subsection [  
 12532 ~~64-13-6(2)~~] 64-14-204(2)(b).

12533 Section 246. Section **77-27-32** is amended to read:

12534 **77-27-32 (Effective 07/01/26). Reporting requirements.**

- 12535 (1) The board shall publicly display metrics on the board's website, including:
- 12536 (a) a measure of recidivism;
- 12537 (b) a measure of time under board jurisdiction;
- 12538 (c) a measure of prison releases by category;
- 12539 (d) a measure of parole revocations;
- 12540 (e) a measure of alignment of board decisions with the adult sentencing and supervision  
 12541 length guidelines, as defined in Section [~~63M-7-401.1~~] 75E-4-101; and  
 12542 (f) a measure of the aggregate reasons for departing from the guidelines described in  
 12543 Subsection (1)(e).
- 12544 (2) On or before September 30 of each year, the board shall submit to the [~~commission~~]  
 12545 Department of Criminal Justice Services and the Law Enforcement and Criminal Justice  
 12546 Interim Committee a report for the previous fiscal year that summarizes the metrics in  
 12547 Subsection (1).

12548 Section 247. Section **77-30-2.5** is enacted to read:

12549 **77-30-2.5 (Effective 07/01/26). Assistance from Department of Criminal Justice**  
 12550 **Services.**

12551 The governor may direct the Department of Criminal Justice Services created in Section  
 12552 75E-2-102 to assist with the governor's responsibilities described in this chapter.

12553 Section 248. Section **77-37-3** is amended to read:

12554 **77-37-3 (Effective 07/01/26). Bill of rights.**

- 12555 (1) The bill of rights for victims and witnesses is:
- 12556 (a)(i) Victims and witnesses have a right to be informed as to the level of protection

12557 from intimidation and harm available to them, and from what sources, as they  
12558 participate in criminal justice proceedings [~~as designated by~~] described in Section  
12559 76-8-508, regarding tampering with a witness, and Section 76-8-509, regarding  
12560 extortion or bribery to dismiss a criminal proceeding.[-]

12561 (ii) Law enforcement, prosecution, and corrections personnel have the duty to timely  
12562 provide [~~this~~] the information described in Subsection (1)(a)(i) in a form which is  
12563 useful to the victim.

12564 (b)(i) Victims and witnesses, including children and [~~their guardians~~] the children's  
12565 guardians, have a right to be informed and assisted as to their role in the criminal  
12566 justice process.

12567 (ii) All criminal justice agencies have the duty to provide [~~this~~] the information  
12568 described in Subsection (1)(b)(i) and assistance.

12569 (c)(i) Victims and witnesses have a right to clear explanations regarding relevant  
12570 legal proceedings[~~; these~~] .

12571 (ii) The explanations described in Subsection (1)(c)(i) shall be appropriate to the age  
12572 of child victims and witnesses.[-]

12573 (iii) All criminal justice agencies have the duty to provide [~~these~~] the explanations  
12574 described in Subsection (1)(c)(i).

12575 (d)(i) Victims and witnesses should have a secure waiting area that does not require  
12576 them to be in close proximity to defendants or the family and friends of  
12577 defendants.[-]

12578 (ii) Agencies controlling facilities shall, whenever possible, provide [~~this~~] the area  
12579 described in Subsection (1)(d)(i).

12580 (e)(i) Victims may seek restitution or [~~reparations~~] compensation, including medical  
12581 costs, as provided in [~~Title 63M, Chapter 7, Criminal Justice and Substance Abuse~~]  
12582 Title 75E, Chapter 5, Part 3, Victim Compensation, Title 77, Chapter 38b, Crime  
12583 Victims Restitution Act, and Section 80-6-710.[-]

12584 (ii) State and local government agencies that serve victims have the duty to have a  
12585 functional knowledge of the procedures established by the [~~Utah~~]Office for  
12586 Victims of Crime and to inform victims of these procedures.

12587 (f)(i) Victims and witnesses have a right to have any personal property returned as  
12588 provided in Chapter 11a, Seizure of Property and Contraband, and Chapter 11d,  
12589 Lost or Mislaid Property.[-]

12590 (ii) Criminal justice agencies shall expeditiously return the property described in

- 12591            Subsection (1)(f)(i) when it is no longer needed for court law enforcement or  
12592            prosecution purposes.
- 12593            (g)(i) Victims and witnesses have the right to reasonable employer intercession  
12594            services, including pursuing employer cooperation in minimizing employees' loss  
12595            of pay and other benefits resulting from their participation in the criminal justice  
12596            process.
- 12597            (ii) Officers of the court shall provide [~~these~~] the services described in Subsection  
12598            (1)(g)(i) and shall consider victims' and witnesses' schedules so that activities  
12599            which conflict can be avoided.
- 12600            (iii) Where conflicts cannot be avoided, the victim may request that the responsible  
12601            agency intercede with employers or other parties.
- 12602            (h)(i) Victims and witnesses, particularly children, should have a speedy disposition  
12603            of the entire criminal justice process.
- 12604            (ii) All involved public agencies shall establish policies and procedures to encourage  
12605            speedy disposition of criminal cases.
- 12606            (i)(i) Victims and witnesses have the right to timely notice of judicial proceedings  
12607            they are to attend and timely notice of cancellation of any proceedings.
- 12608            (ii) Criminal justice agencies have the duty to provide [~~these~~] the notifications  
12609            described in Subsection (1)(i)(i).
- 12610            (iii) Defense counsel and others have the duty to provide timely notice to prosecution  
12611            of any continuances or other changes that may be required.
- 12612            (2) In addition to the rights of a victim described in Subsection (1), a victim of a sexual  
12613            offense has the right to:
- 12614            (a) request voluntary testing for themselves for HIV infection as described in Section  
12615            53-10-803;
- 12616            (b) request mandatory testing of the alleged sexual offender for HIV infection as  
12617            described in Section 53-10-802;
- 12618            (c) not to be prevented from, or charged for, a medical forensic examination;
- 12619            (d) have the evidence from a sexual assault kit, or the contents of the sexual assault kit,  
12620            preserved for the time periods described in Chapter 11c, Retention of Evidence,  
12621            without any charge to the victim;
- 12622            (e) be informed whether a DNA profile was obtained from the testing of the evidence in  
12623            a sexual assault kit or from other crime scene evidence;
- 12624            (f) be informed whether a DNA profile developed from the evidence in a sexual assault

- 12625 kit, or from other crime scene evidence, has been entered into the Utah Combined  
12626 DNA Index System;
- 12627 (g) be informed of any result from a sexual assault kit or from other crime scene  
12628 evidence if that disclosure would not impede or compromise an ongoing  
12629 investigation, including:
- 12630 (i) whether there is a match between a DNA profile developed from the evidence in a  
12631 sexual assault kit, or from other crime scene evidence, and a DNA profile  
12632 contained in the Utah Combined DNA Index System; and
- 12633 (ii) a toxicology result or other information that is collected from a sexual assault kit  
12634 as part of a medical forensic examination of the victim;
- 12635 (h) be informed in writing of policies governing the collection and preservation of a  
12636 sexual assault kit;
- 12637 (i) be informed of the status and location of a sexual assault kit;
- 12638 (j) upon written request by the victim, receive a notice of intent from an agency, as  
12639 defined in Section 53-10-905, if the agency intends to destroy or dispose of evidence  
12640 from a sexual assault kit;
- 12641 (k) be granted further preservation of the sexual assault kit if the agency, as defined in  
12642 Section 53-10-905, intends to destroy or dispose of evidence from a sexual assault kit  
12643 and the victim submits a written request as described in Section 53-10-905;
- 12644 (l) designate a person of the victim's choosing to act as a recipient of the information  
12645 provided under this Subsection (2) or Subsections (3) and (4); and
- 12646 (m) be informed of all the enumerated rights in this Subsection (2).
- 12647 (3) Subsections (2)(e) through (g) do not require that the law enforcement agency  
12648 communicate with the victim or the victim's designee regarding the status of DNA  
12649 testing, absent a specific request received from the victim or the victim's designee.
- 12650 (4) A law enforcement agency investigating a sexual offense may:
- 12651 (a) release the information indicated in Subsections (2)(e) through (g) upon the request  
12652 of the victim of the sexual offense, or the victim's designee and is the designated  
12653 agency to provide that information to the victim or the victim's designee;
- 12654 (b) require that the victim's request be in writing; and
- 12655 (c) respond to the victim's request with verbal communication, written communication,  
12656 or by email if an email address is available.
- 12657 (5) A law enforcement agency investigating a sexual offense shall:
- 12658 (a) notify the victim of the sexual offense, or the victim's designee, if the law

12659 enforcement agency determines that DNA evidence will not be analyzed in a case  
12660 where the identity of the perpetrator has not be confirmed;

12661 (b) provide the information described in this section in a timely manner; and

12662 (c) upon request of the victim or the victim's designee, advise the victim or the victim's  
12663 designee of any significant changes in the information of which the law enforcement  
12664 agency is aware.

12665 (6) The law enforcement agency investigating the sexual offense is responsible for  
12666 informing the victim of the sexual offense, or the victim's designee, of the rights  
12667 established under this section.

12668 (7) Informational rights of the victim under this chapter are based upon the victim  
12669 providing the current name, address, telephone number, and email address, if an email  
12670 address is available, of the person to whom the information should be provided to the  
12671 criminal justice agencies involved in the case.

12672 Section 249. Section **77-37-4** is amended to read:

12673 **77-37-4 (Effective 07/01/26). Additional rights -- Children.**

12674 In addition to all rights afforded to victims and witnesses under this chapter, child  
12675 victims and witnesses shall be afforded these rights:

12676 (1) Children have the right to protection from physical and emotional abuse during their  
12677 involvement with the criminal justice process.

12678 (2)(a) Children are not responsible for inappropriate behavior adults commit against  
12679 them and have the right not to be questioned, in any manner, nor to have allegations  
12680 made, implying this responsibility.[-]

12681 (b) Those who interview children have the responsibility to consider the interests of the  
12682 child [~~in this regard~~] described in Subsection (2)(a).

12683 (3)(a) Child victims and witnesses have the right to have interviews relating to a  
12684 criminal prosecution kept to a minimum.[-]

12685 (b) All agencies shall coordinate interviews and ensure that they are conducted by [  
12686 persons] individuals sensitive to the needs of children.

12687 (4)(a) Child victims have the right to be informed of available community resources that  
12688 might assist them and how to gain access to those resources.[-]

12689 (b) Law enforcement and prosecutors have the duty to ensure that child victims are  
12690 informed of community resources, including counseling [~~prior to~~] before the court  
12691 proceeding, and have those services available throughout the criminal justice process.

12692 (5)(a) Child victims have the right, once an investigation has been initiated by law

12693 enforcement or the Division of Child and Family Services, to keep confidential their  
 12694 interviews that are conducted at a Children's Justice Center, including video and  
 12695 audio recordings, and transcripts of those recordings.

12696 (b) Except as provided in Subsection (6), recordings and transcripts of interviews may  
 12697 not be distributed, released, or displayed to anyone without a court order.

12698 ~~[(b)]~~ (c) A court order described in Subsection ~~[(5)(a)]~~ (5)(b):

12699 (i) shall describe with particularity to whom the recording or transcript of the  
 12700 interview may be released and prohibit further distribution or viewing by anyone  
 12701 not named in the order; and

12702 (ii) may impose restrictions on access to the materials considered reasonable to  
 12703 protect the privacy of the child victim.

12704 ~~[(e)]~~ (d)(i) A parent or guardian of the child victim may petition a juvenile or district  
 12705 court for an order allowing the parent or guardian to view a recording or transcript  
 12706 upon a finding of good cause.[-]

12707 (ii) The order described in Subsection (5)(d)(i) shall designate the agency that is  
 12708 required to display the recording or transcript to the parent or guardian and shall  
 12709 prohibit viewing by anyone not named in the order.

12710 ~~[(d)]~~ (e) Following the conclusion of any legal proceedings in which the recordings or  
 12711 transcripts are used, the court shall order the recordings and transcripts in the court's  
 12712 file sealed and preserved.

12713 (6)(a) The following offices and ~~[their]~~ the offices' designated employees may distribute  
 12714 and receive a recording or transcript to and from one another without a court order:

12715 (i) the Division of Child and Family Services;

12716 (ii) administrative law judges employed by the Department of Health and Human  
 12717 Services;

12718 (iii) Department of Health and Human Services investigators investigating the  
 12719 Division of Child and Family Services or investigators authorized to investigate  
 12720 under Section 80-2-703;

12721 (iv) an office of the city attorney, county attorney, district attorney, or attorney  
 12722 general;

12723 (v) a law enforcement agency;

12724 (vi) a Children's Justice Center established under Section 67-5b-102; or

12725 (vii) the attorney for the child who is the subject of the interview.

12726 (b) In a criminal case or in a juvenile court in which the state is a party:

- 12727 (i) the parties may display and enter into evidence a recording or transcript in the  
12728 course of a prosecution;
- 12729 (ii) the state's attorney may distribute a recording or transcript to the attorney for the  
12730 defendant, pro se defendant, respondent, or pro se respondent [~~pursuant to~~] in  
12731 accordance with a valid request for discovery;
- 12732 (iii) the attorney for the defendant or respondent may do one or both of the following:  
12733 (A) release the recording or transcript to an expert retained by the attorney for the  
12734 defendant or respondent if the expert agrees in writing that the expert will not  
12735 distribute, release, or display the recording or transcript to anyone without prior  
12736 authorization from the court; or  
12737 (B) permit the defendant or respondent to view the recording or transcript, but  
12738 may not distribute or release the recording or transcript to the defendant or  
12739 respondent; and
- 12740 (iv) the court shall advise a pro se defendant or respondent that a recording or  
12741 transcript received as part of discovery is confidential and may not be distributed,  
12742 released, or displayed without prior authorization from the court.
- 12743 (c) A court's failure to advise a pro se defendant or respondent that a recording or  
12744 transcript received as part of discovery is confidential and may not be used as a  
12745 defense to prosecution for a violation of the disclosure rule.
- 12746 (d) In an administrative case, [~~pursuant to~~] in accordance with a written request, the  
12747 Division of Child and Family Services may display, but may not distribute or release,  
12748 a recording or transcript to the respondent or to the respondent's designated  
12749 representative.
- 12750 (e)(i) Within two business days of a request from a parent or guardian of a child  
12751 victim, an investigative agency shall allow the parent or guardian to view a  
12752 recording after the conclusion of an interview, unless:  
12753 (A) the suspect is a parent or guardian of the child victim;  
12754 (B) the suspect resides in the home with the child victim; or  
12755 (C) the investigative agency determines that allowing the parent or guardian to  
12756 view the recording would likely compromise or impede the investigation.
- 12757 (ii) If the investigative agency determines that allowing the parent or guardian to  
12758 view the recording would likely compromise or impede the investigation, the  
12759 parent or guardian may petition a juvenile or district court for an expedited  
12760 hearing on whether there is good cause for the court to enter an order allowing the

- 12761 parent or guardian to view the recording in accordance with Subsection [~~(5)~~(e)]  
12762 ~~(5)~~(d).
- 12763 (iii) A Children's Justice Center shall coordinate the viewing of the recording  
12764 described in this Subsection (6)(e).
- 12765 (f) A multidisciplinary team assembled by a Children's Justice Center or an  
12766 interdisciplinary team assembled by the Division of Child and Family Services may  
12767 view a recording or transcript, but may not receive a recording or transcript.
- 12768 (g) A Children's Justice Center:
- 12769 (i) may distribute or display a recording or transcript to an authorized trainer or  
12770 evaluator for purposes of training or evaluation; and
- 12771 (ii) may display, but may not distribute, a recording or transcript to an authorized  
12772 trainee.
- 12773 (h) An authorized trainer or instructor may display a recording or transcript according to  
12774 the terms of the authorized trainer's or instructor's contract with the Children's Justice  
12775 Center or according to the authorized trainer's or instructor's scope of employment.
- 12776 (i)(i) In an investigation under Section 53E-6-506, in which a child victim who is the  
12777 subject of the recording or transcript has alleged criminal conduct against an  
12778 educator, a law enforcement agency may distribute or release the recording or  
12779 transcript to an investigator operating under State Board of Education  
12780 authorization, upon the investigator's written request.
- 12781 (ii) If the respondent in a case investigated under Section 53E-6-506 requests a  
12782 hearing authorized under that section, the investigator operating under State Board  
12783 of Education authorization may display, release, or distribute the recording or  
12784 transcript to the prosecutor operating under State Board of Education  
12785 authorization or to an expert retained by an investigator.
- 12786 (iii) Upon request for a hearing under Section 53E-6-506, a prosecutor operating  
12787 under State Board of Education authorization may display the recording or  
12788 transcript to a pro se respondent, to an attorney retained by the respondent, or to  
12789 an expert retained by the respondent.
- 12790 (iv) The parties to a hearing authorized under Section 53E-6-506 may display and  
12791 enter into evidence a recording or transcript in the course of a prosecution.
- 12792 (j) Notwithstanding any other provision in this section, a law enforcement agency shall  
12793 provide an investigative report to the [~~Utah~~]Office for Victims of Crime as provided  
12794 under Section [~~63M-7-529~~] 75E-5-308.

12795 (7) Except as otherwise provided in this section, it is a class B misdemeanor for any  
12796 individual to distribute, release, or display any recording or transcript of an interview of  
12797 a child victim conducted at a Children's Justice Center.

12798 Section 250. Section **77-38-3** is amended to read:

12799 **77-38-3 (Effective 07/01/26). Notification to victims -- Initial notice, election to**  
12800 **receive subsequent notices -- Form of notice -- Protected victim information -- Pretrial**  
12801 **criminal no contact order.**

12802 (1) Within seven days after the day on which felony criminal charges are filed against a  
12803 defendant, the prosecuting agency shall provide an initial notice to reasonably  
12804 identifiable and locatable victims of the crime contained in the charges, except as  
12805 otherwise provided in this chapter.

12806 (2) The initial notice to the victim of a crime shall provide information about electing to  
12807 receive notice of subsequent important criminal justice hearings [~~listed~~] described in  
12808 Subsections 77-38-2(5)(a) through (g) and rights under this chapter.

12809 (3) The prosecuting agency shall provide notice to a victim of a crime:

12810 (a) for the important criminal justice hearings [~~provided~~] described in Subsections  
12811 77-38-2(5)(a) through (g), which the victim has requested; and

12812 (b) for a restitution request to be submitted in accordance with Section 77-38b-202.

12813 (4)(a) The responsible prosecuting agency may provide initial and subsequent notices in  
12814 any reasonable manner, including telephonically, electronically, orally, or by means  
12815 of a letter or form prepared for this purpose.

12816 (b) In the event of an unforeseen important criminal justice hearing, described in  
12817 Subsections 77-38-2(5)(a) through (g) for which a victim has requested notice, a  
12818 good faith attempt to contact the victim by telephone shall be considered sufficient  
12819 notice [~~provided that~~] if the prosecuting agency subsequently notifies the victim of  
12820 the result of the proceeding.

12821 (5)(a) The court shall take reasonable measures to ensure that [~~its~~] the court's scheduling  
12822 practices for the proceedings [~~provided~~] described in Subsections 77-38-2(5)(a)  
12823 through (g) permit an opportunity for victims of [~~crimes~~] crime to be notified.

12824 (b) The court shall consider whether any notification system that the court might use to  
12825 provide notice of judicial proceedings to defendants could be used to provide notice  
12826 of judicial proceedings to victims of [~~crimes~~] crime.

12827 (6) A defendant or, if it is the moving party, the Division of Adult Probation and Parole  
12828 created in Section 64-14-202, shall give notice to the responsible prosecuting agency of

12829 any motion for modification of any determination made at any of the important criminal  
 12830 justice hearings [~~provided~~] described in Subsections 77-38-2(5)(a) through (g) in  
 12831 advance of any requested court hearing or action so that the prosecuting agency may  
 12832 comply with the prosecuting agency's notification obligation.

12833 (7)(a) Notice to a victim of a crime shall be provided by the Board of Pardons and  
 12834 Parole for the important criminal justice hearing under Subsection 77-38-2(5)(h).

12835 (b) The board may provide notice in any reasonable manner, including telephonically,  
 12836 electronically, orally, or by means of a letter or form prepared for this purpose.

12837 (8) Prosecuting agencies and the Board of Pardons and Parole are required to give notice to  
 12838 a victim of a crime for the proceedings provided in Subsections 77-38-2(5)(a) through (g)  
 12839 only where the victim has responded to the initial notice, requested notice of subsequent  
 12840 proceedings, and provided a current address and telephone number if applicable.

12841 (9) To facilitate the payment of restitution and the notice of hearings regarding restitution, a  
 12842 victim who seeks restitution and notice of restitution hearings shall provide the court  
 12843 with the victim's current address and telephone number.

12844 (10)(a) Law enforcement and criminal justice agencies shall refer any requests for notice  
 12845 or information about crime victim rights from victims to the responsible prosecuting  
 12846 agency.

12847 (b) In a case in which the Board of Pardons and Parole is involved, the responsible  
 12848 prosecuting agency shall forward any request for notice the prosecuting agency has  
 12849 received from a victim to the Board of Pardons and Parole.

12850 (11) In all cases where the number of victims exceeds 10, the responsible prosecuting  
 12851 agency may send any notices required under this chapter in the prosecuting agency's  
 12852 discretion to a representative sample of the victims.

12853 (12)(a) A victim's address, telephone number, and victim impact statement maintained  
 12854 by a peace officer, prosecuting agency, Youth Parole Authority, Division of Juvenile  
 12855 Justice and Youth Services, Department of Corrections, Utah State Courts, and Board  
 12856 of Pardons and Parole, for purposes of providing notice under this section, are  
 12857 classified as protected under Subsection 63G-2-305(10).

12858 (b) The victim's address, telephone number, and victim impact statement is available  
 12859 only to the following persons or entities in the performance of their duties:

12860 (i) a law enforcement agency, including the prosecuting agency;

12861 [~~(ii) a victims' right committee as provided in Section 77-37-5;~~]

12862 [~~(iii)~~] (ii) a governmentally sponsored victim or witness program;

12863           ~~[(iv)]~~ (iii) the Department of Corrections;  
 12864           ~~[(v)]~~ (iv) the ~~[Utah]~~Office for Victims of Crime;  
 12865           ~~[(vi)]~~ (v) the ~~[Commission on Criminal and Juvenile Justice]~~ Department of Criminal  
 12866                    Justice Services;  
 12867           ~~[(vii)]~~ (vi) the Utah State Courts; and  
 12868           ~~[(viii)]~~ (vii) the Board of Pardons and Parole.

12869       (13) The notice provisions ~~[as provided]~~ described in this section do not apply to  
 12870           misdemeanors ~~[as provided]~~ described in Section 77-38-5 ~~[and]~~ or to important juvenile  
 12871           justice hearings ~~[as provided]~~ described in Section 77-38-2.

12872       (14)(a) ~~[When]~~ The court may, during any court hearing in which the defendant is  
 12873           present, issue a pretrial criminal no contact order when a defendant is charged with a  
 12874           felony crime under[-] :

12875           (i) Sections 76-5-301 through 76-5-310.1 regarding kidnapping, human trafficking,  
 12876                    and human smuggling;

12877           (ii) Sections 76-5-401 through 76-5-413.2 regarding sexual offenses; or

12878           (iii) Section 76-5d-208 regarding aggravated exploitation of prostitution~~[-, the court~~  
 12879                    may, during any court hearing where the defendant is present, issue a pretrial  
 12880                    criminal no contact order.] .

12881       (b) The pretrial criminal no contact order described in Subsection (14)(a) may:

12882           (i) ~~[prohibiting]~~ prohibit the defendant from harassing, telephoning, contacting, or  
 12883                    otherwise communicating with the victim directly or through a third party;

12884           (ii) ~~[ordering]~~ order the defendant to stay away from the residence, school, place of  
 12885                    employment of the victim, and the premises of any of these, or any specified place  
 12886                    frequented by the victim or any designated family member of the victim directly  
 12887                    or through a third party; and

12888           (iii) ~~[ordering]~~ order any other relief that the court considers necessary to protect and  
 12889                    provide for the safety of the victim and any designated family or household  
 12890                    member of the victim.

12891       ~~[(b)]~~ (c) Violation of a pretrial criminal no contact order issued ~~[pursuant to]~~ in  
 12892           accordance with this section is a third degree felony.

12893       ~~[(e)]~~ (d)(i) The court shall provide to the victim a certified copy of any pretrial  
 12894           criminal no contact order that has been issued if the victim can be located with  
 12895           reasonable effort.

12896           (ii) The court shall also transmit the pretrial criminal no contact order to the statewide

- 12897 domestic violence network in accordance with Section 78B-7-113.
- 12898 (15)(a) When a case involving a victim may resolve before trial with a plea deal, the  
12899 prosecutor shall notify the victim of that possibility as soon as practicable.
- 12900 (b) Upon the request of a victim described in Subsection (15)(a), the prosecutor shall  
12901 explain the available details of an anticipated plea deal.
- 12902 Section 251. Section **77-38-11** is amended to read:
- 12903 **77-38-11 (Effective 07/01/26). Enforcement -- Appellate review -- No right to**  
12904 **money damages.**
- 12905 (1) If a person acting under color of state law allegedly violates the rights of a victim  
12906 described in this chapter, Chapter 37, Victims' Rights, or Utah Constitution, Article I,  
12907 Section 28, the victim, or a representative of a victim, may file a complaint with a victim  
12908 rights committee as described in Section [63M-7-1003] 75E-6-303.
- 12909 (2) If [~~a person~~] an individual acting under color of state law willfully or wantonly fails to  
12910 perform duties so that the rights in this chapter are not provided, an action for injunctive  
12911 relief, including prospective injunctive relief, may be brought against the individual and  
12912 the governmental entity that employs the individual.
- 12913 (3)(a) The victim of a crime or representative of a victim of a crime may:
- 12914 (i) bring an action for declaratory relief or for a writ of mandamus defining or  
12915 enforcing the rights of victims and the obligations of government entities under  
12916 this chapter;
- 12917 (ii) petition to file an amicus brief in any court in any case affecting crime victims;  
12918 and
- 12919 (iii) after giving notice to the prosecution and the defense, seek an appropriate  
12920 remedy for a violation of a victim's right from the court assigned to the case  
12921 involving the issue.
- 12922 (b) Adverse rulings on these actions or on a motion or request brought by a victim of a  
12923 crime or a representative of a victim of a crime may be appealed under the rules  
12924 governing appellate actions, provided that an appeal may not constitute grounds for  
12925 delaying any criminal or juvenile proceeding.
- 12926 (c) An appellate court shall review all properly presented issues, including issues that are  
12927 capable of repetition but would otherwise evade review.
- 12928 (4)(a) Upon a showing that the victim has not unduly delayed in seeking to protect the  
12929 victim's right, and after hearing from the prosecution and the defense, the court shall  
12930 determine whether a right of the victim has been violated.

- 12931 (b) If the court determines that a victim's right has been violated, the court shall:
- 12932 (i) determine the appropriate remedy for the violation of the victim's right by hearing
- 12933 from the victim and the parties and considering all factors relevant to the issue; and
- 12934 (ii) award an appropriate remedy to the victim.
- 12935 (5)(a) The court shall:
- 12936 (i) reconsider any judicial decision or judgment affected by a violation of the victim's
- 12937 right; and
- 12938 (ii) upon affording the victim the right and further hearing from the prosecution and
- 12939 the defense, determine whether the decision or judgment would have been
- 12940 different.
- 12941 (b) If the court's decision or judgment would have been different, the court shall enter
- 12942 the new different decision or judgment as the appropriate remedy.
- 12943 (c) If necessary to protect the victim's right, the court shall enter the new decision or
- 12944 judgment nunc pro tunc to the time the first decision or judgment was reached.
- 12945 (d) In no event shall the appropriate remedy be a new trial, damages, attorney fees, or
- 12946 costs.
- 12947 (6)(a) The appropriate remedy under Subsection (4) or (5) shall include only actions
- 12948 necessary to provide the victim the right to which the victim was entitled.
- 12949 (b) The appropriate remedy under Subsection (4) or (5) may include reopening
- 12950 previously held proceedings.
- 12951 (7)(a) Subject to Subsection (7)(c), the court may reopen a sentence or a previously
- 12952 entered guilty or no contest plea only if reopening the sentence or plea:
- 12953 (i) would not preclude continued prosecution or sentencing the defendant; and
- 12954 (ii) would not otherwise permit the defendant to escape justice.
- 12955 (b) The court shall tailor a remedy to provide the victim with an appropriate remedy
- 12956 without violating any constitutional right of the defendant.
- 12957 (c) If the court sets aside a previously entered plea of guilty or no contest, and the
- 12958 continued prosecution of the charge is held to be prevented by the defendant's having
- 12959 been previously put in jeopardy, the order setting aside the plea is void and the plea is
- 12960 reinstated as of the date of the plea's original entry.
- 12961 (d) The court may not award as a remedy the dismissal of any criminal charge.
- 12962 (e) The court may not award any remedy if the proceeding that the victim is challenging
- 12963 occurred more than 90 days before the day on which the victim filed an action
- 12964 alleging the violation of the right.

12965 (8) The failure to provide the rights in this chapter or Chapter 37, Victims' Rights, shall not  
 12966 constitute cause for a judgment against the state or any government entity, or any  
 12967 individual employed by the state or any government entity, for monetary damages,  
 12968 attorney fees, or the costs of exercising any rights under this chapter.

12969 (9) A defendant convicted of an offense may not bring an action or complaint concerning a  
 12970 violation of this chapter or Chapter 37, Victims' Rights.

12971 Section 252. Section **77-38-302** is amended to read:

12972 **77-38-302 (Effective 07/01/26). Definitions.**

12973 As used in this part:

12974 (1) "Convicted person" means [~~a person~~] an individual who has been convicted of a crime.

12975 (2) "Conviction" means an adjudication by a federal or state court resulting from a trial or  
 12976 plea, including a plea of no contest, nolo contendere, a finding of not guilty due to  
 12977 insanity, or not guilty but having a mental condition regardless of whether the sentence  
 12978 was imposed or suspended.

12979 (3) "Fund" means the Crime Victim [~~Reparations~~] Compensation Fund created in Section [  
 12980 ~~63M-7-526~~] 75E-5-302.

12981 (4) "Memorabilia" means any tangible property of a convicted person or a representative or  
 12982 assignee of a convicted person, the value of which is enhanced by the notoriety gained  
 12983 from the criminal activity for which the person was convicted.

12984 (5) "Notoriety of crimes contract" means a contract or other agreement with a convicted  
 12985 person, or a representative or assignee of a convicted person, with respect to:

12986 (a) the reenactment of a crime in any manner including a movie, book, magazine article, [  
 12987 ~~Internet~~] internet website, recording, phonograph record, radio or television  
 12988 presentation, or live entertainment of any kind;

12989 (b) the expression of the convicted person's thoughts, feelings, opinions, or emotions  
 12990 regarding a crime involving or causing personal injury, death, or property loss as a  
 12991 direct result of the crime; or

12992 (c) the payment or exchange of any money or other consideration or the proceeds or  
 12993 profits that directly or indirectly result from the notoriety of the crime.

12994 (6) "Office" means the [~~Utah~~]Office for Victims of Crime.

12995 (7) "Profit" means any income or benefit:

12996 (a) over and above the fair market value of tangible property that is received upon the  
 12997 sale or transfer of memorabilia; or

12998 (b) any money, negotiable instruments, securities, or other consideration received or

12999 contracted for gain which is traceable to a notoriety of crimes contract.

13000 Section 253. Section **77-38-303** is amended to read:

13001 **77-38-303 (Effective 07/01/26). Profit from sale of memorabilia or notoriety of**  
13002 **crimes contract -- Deposit into Crime Victim Compensation Fund -- Penalty.**

13003 (1) Any convicted person or a representative or assignee of a convicted person who receives  
13004 a profit from the sale or transfer of memorabilia shall remit to the fund:

13005 (a) a complete, itemized accounting of the transaction, including:

13006 (i) a description of each item sold;

13007 (ii) the amount received for each item;

13008 (iii) the estimated fair market value of each item; and

13009 (iv) the name and address of the purchaser of each item; and

13010 (b) a check or money order for the amount of the profit, which shall be the difference  
13011 between the amount received for the item and the estimated fair market value of the  
13012 item.

13013 (2) Any person who willfully violates Subsection (1) may be assessed a civil penalty of up  
13014 to \$1,000 per item sold or transferred or three times the amount of the unremitted profit,  
13015 whichever is greater.

13016 (3)(a) Any person or entity who enters into a notoriety of crime contract with a  
13017 convicted person or with a representative or assignee of a convicted person shall pay  
13018 to the fund any profit which by the terms of the contract would otherwise be owing to  
13019 the convicted person or representative or assignee of the convicted person.

13020 (b) A convicted person or a representative or assignee of a convicted person who has  
13021 received any profit from a notoriety of crime contract shall remit the profit to the  
13022 fund.[-]

13023 (c) Any future profit which, by the terms of the contract, would otherwise be owing to  
13024 the convicted person or a representative or assignee of a convicted person shall be  
13025 paid to the fund as required under Subsection (3)(a).

13026 (4)(a) Upon receipt of money under Subsection (3), the office shall distribute the  
13027 amounts to the victim of the crime from which the profits are derived if any  
13028 restitution remains outstanding.[-]

13029 (b) If no restitution is outstanding, the money shall be deposited into the fund.

13030 (5)(a) Any person or entity who willfully violates Subsection (3) may be assessed a civil  
13031 penalty of up to \$1,000,000.00, or up to three times the total value of the original  
13032 notoriety of crime contract, whichever is greater.

13033 (b) Any civil penalty ordered under this Subsection shall be paid to the fund.

13034 (6) The prosecuting agency or the attorney general may bring an action to enforce the  
13035 provisions of this chapter in the court of conviction.

13036 (7) A court shall enter an order to remit funds as provided in this chapter if [it] the court  
13037 finds by a preponderance of the evidence any violation of Subsection (1) or (3).

13038 Section 254. Section **77-38-403** is amended to read:

13039 **77-38-403 (Effective 07/01/26). Definitions.**

13040 As used in this part:

13041 (1) "Advocacy services" means assistance provided that supports, supplements, intervenes,  
13042 or links a victim or a victim's family with appropriate resources and services to address  
13043 the wide range of potential impacts of being victimized.

13044 (2) "Advocacy services provider" means an entity that has the primary focus of providing  
13045 advocacy services in general or with specialization to a specific crime type or specific  
13046 type of victimization.

13047 (3) "Confidential communication" means a communication that is intended to be  
13048 confidential between a victim and a victim advocate for the purpose of obtaining  
13049 advocacy services.

13050 (4) "Criminal justice system victim advocate" means an individual who:

13051 (a) is employed or authorized to volunteer by a government agency that possesses a role  
13052 or responsibility within the criminal justice system;

13053 (b) has as a primary responsibility addressing the mental, physical, or emotional  
13054 recovery of victims;

13055 (c) completes a minimum 40 hours of trauma-informed training:

13056 (i) in crisis response, the effects of crime and trauma on victims, victim advocacy  
13057 services and ethics, informed consent, and this part regarding privileged  
13058 confidential communication; and

13059 (ii) that have been approved or provided by the [~~Utah~~]Office for Victims of Crime;  
13060 and

13061 (d) is under the supervision of the director or director's designee of the government  
13062 agency.

13063 (5) "Health care provider" means the same as that term is defined in Section 78B-3-403.

13064 (6) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

13065 (7) "Nongovernment organization victim advocate" means an individual who:

13066 (a) is employed or authorized to volunteer by an nongovernment organization advocacy

- 13067 services provider;
- 13068 (b) has as a primary responsibility addressing the mental, physical, or emotional  
13069 recovery of victims;
- 13070 (c) has a minimum 40 hours of trauma-informed training:
- 13071 (i) in assisting victims specific to the specialization or focus of the nongovernment  
13072 organization advocacy services provider and includes this part regarding  
13073 privileged confidential communication; and
- 13074 (ii)(A) that have been approved or provided by the [~~Utah~~]Office for Victims of  
13075 Crime; or
- 13076 (B) that meets other minimally equivalent standards set forth by the  
13077 nongovernment organization advocacy services provider; and
- 13078 (d) is under the supervision of the director or the director's designee of the  
13079 nongovernment organization advocacy services provider.
- 13080 (8) "Record" means a book, letter, document, paper, map, plan, photograph, file, card, tape,  
13081 recording, electronic data, or other documentary material regardless of physical form or  
13082 characteristics.
- 13083 (9) "Victim" means:
- 13084 (a) a victim of a crime as defined in Section 77-38-2;
- 13085 (b) an individual who is a victim of domestic violence as defined in Section 77-36-1; or
- 13086 (c) an individual who is a victim of dating violence as defined in Section 78B-7-102.
- 13087 (10)(a) "Victim advocate" means:
- 13088 (i) a criminal justice system victim advocate;
- 13089 (ii) a nongovernment organization victim advocate; or
- 13090 (iii) an individual who is employed or authorized to volunteer by a public or private  
13091 entity and is designated by the [~~Utah~~]Office for Victims of Crime as having the  
13092 specific purpose of providing advocacy services to or for the clients of the public  
13093 or private entity.
- 13094 (b) "Victim advocate" does not include an employee of the [~~Utah~~]Office for Victims of  
13095 Crime.
- 13096 Section 255. Section **77-38-405** is amended to read:
- 13097 **77-38-405 (Effective 07/01/26). Disclosure of a communication given to a victim**  
13098 **advocate.**
- 13099 (1)(a) A victim advocate may not disclose a confidential communication with a victim,  
13100 including a confidential communication in a group therapy session, except:

13101 (i) that a criminal justice system victim advocate shall provide the confidential  
 13102 communication to a prosecutor who is responsible for determining whether the  
 13103 confidential communication is exculpatory or goes to the credibility of a witness;

13104 (ii) that a criminal justice system victim advocate may provide the confidential  
 13105 communication to a parent or guardian of a victim if the victim is a minor and the  
 13106 parent or guardian is not the accused, or a law enforcement officer, health care  
 13107 provider, mental health therapist, domestic violence shelter employee, an  
 13108 employee of the [Utah]Office for Victims of Crime, or member of a  
 13109 multidisciplinary team assembled by a Children's Justice Center or a law  
 13110 enforcement agency for the purpose of providing advocacy services; or  
 13111 (iii) to the extent allowed by the Utah Rules of Evidence.

13112 (b) If a prosecutor determines that the confidential communication is exculpatory or  
 13113 goes to the credibility of a witness, after the court notifies the victim and the defense  
 13114 attorney of the opportunity to be heard at an in camera review, the prosecutor will  
 13115 present the confidential communication to the victim, defense attorney, and the court  
 13116 for in camera review in accordance with the Utah Rules of Evidence.

13117 (2) A record that contains information from a confidential communication between a victim  
 13118 advocate and a victim may not be disclosed under Title 63G, Chapter 2, Government  
 13119 Records Access and Management Act, to the extent that it includes the information  
 13120 about the confidential communication.

13121 (3) A criminal justice system victim advocate, as soon as reasonably possible, shall notify a  
 13122 victim, or a parent or guardian of the victim if the victim is a minor and the parent or  
 13123 guardian is not the accused:

13124 (a) whether a confidential communication with the criminal justice system victim  
 13125 advocate will be disclosed to a prosecutor and whether a statement relating to the  
 13126 incident that forms the basis for criminal charges or goes to the credibility of a  
 13127 witness will also be disclosed to the defense attorney; and

13128 (b) of the name, location, and contact information of one or more nongovernment  
 13129 organization advocacy services providers specializing in the victim's service needs,  
 13130 when a nongovernment organization advocacy services provider exists and is known  
 13131 to the criminal justice system victim advocate.

13132 Section 256. Section **77-38-502** is amended to read:

13133 **77-38-502 (Effective 07/01/26). Definitions.**

13134 As used in this part:

- 13135 (1) "Certifying entity" means any of the following:
- 13136 (a) a law enforcement agency, as defined in Section 77-7a-103;
- 13137 (b) a prosecutor, as defined in Section 77-22-4.5;
- 13138 (c) a court described in Section 78A-1-101;
- 13139 (d) any other authority that has responsibility for the detection, investigation, or
- 13140 prosecution of a qualifying crime or criminal activity; and
- 13141 (e) an agency that has criminal detection or investigative jurisdiction in the agency's
- 13142 respective areas of expertise, including:
- 13143 (i) the Division of Child and Family Services; and
- 13144 (ii) the Labor Commission.
- 13145 (2) "Certifying official" means:
- 13146 (a) the head of the certifying entity;
- 13147 (b) a person in a supervisory role who has been specifically designated by the head of
- 13148 the certifying entity to issue Form I-918 Supplement B certifications on behalf of that
- 13149 agency;
- 13150 (c) a judge; or
- 13151 (d) any other certifying official defined under 8 C.F.R. Sec. 214.14.
- 13152 [~~(3) "Commission" means the State Commission on Criminal and Juvenile Justice created~~
- 13153 ~~in Section 63M-7-201.]~~
- 13154 (3) "Department" means the Department of Criminal Justice Services created in Section
- 13155 75E-2-102.
- 13156 (4)(a) "Qualifying criminal activity" means the same as that term is defined in 8 C.F.R.
- 13157 Sec. 214.14.
- 13158 (b) "Qualifying criminal activity" includes criminal offenses for which the nature and
- 13159 elements of the offenses are substantially similar to the criminal activity described in
- 13160 Subsection (4)(a), and the attempt, conspiracy, or solicitation to commit any of those
- 13161 offenses.
- 13162 Section 257. Section **77-38-503** is amended to read:
- 13163 **77-38-503 (Effective 07/01/26). Guidelines for prosecutors.**
- 13164 (1) Upon the request of the victim or victim's family member, a certifying official from a
- 13165 certifying entity shall certify victim helpfulness on the Form I-918 Supplement B
- 13166 certification, if the certifying entity determines the victim was a victim of a qualifying
- 13167 criminal activity and has been helpful, is being helpful, or is likely to be helpful to the
- 13168 detection, investigation, or prosecution of that qualifying criminal activity.

- 13169 (2) A certifying entity shall determine helpfulness as described in Subsection (1) in a  
13170 manner consistent with federal guidelines.
- 13171 (3) A certifying entity shall process a Form I-918 Supplement B certification within 90  
13172 days of request, unless the noncitizen is in removal proceedings, in which case the  
13173 certification shall be processed within 14 days of request.
- 13174 (4) A current investigation, the filing of charges, a prosecution, or a conviction are not  
13175 required for the victim to request the Form I-918 Supplement B certification from a  
13176 certifying official.
- 13177 (5) A certifying official may withdraw a Form I-918 Supplement B certification if:  
13178 (a) the victim refuses to provide information and assistance when reasonably requested;  
13179 or  
13180 (b) the certifying entity determines that the individual is not a victim of a qualifying  
13181 criminal activity.
- 13182 (6) A certifying entity is prohibited from disclosing the immigration status of a victim or  
13183 person requesting the Form I-918 Supplement B certification, except to comply with  
13184 federal law, or if authorized by the victim or person requesting the Form I-918  
13185 Supplement B certification.
- 13186 (7)(a) Each certifying entity shall maintain records of the following information related  
13187 to each request for a Form I-918 Supplement B certification:  
13188 (i) the number of victims that requested Form I-918 Supplement B certifications from  
13189 the entity;  
13190 (ii) the number of those Form I-918 Supplement B certifications that were signed; and  
13191 (iii) the number of Form I-918 Supplement B certifications that were denied.
- 13192 (b) Each certifying entity shall report the information described in Subsection (7)(a) to  
13193 the [~~commission~~] department before June 30, 2021, and each year thereafter.
- 13194 (c) The [~~commission~~] department shall report the information received [~~pursuant to~~] in  
13195 accordance with Subsection (7)(b) to the Judiciary Interim Committee of the  
13196 Legislature on or before November 30 of each year.
- 13197 (8)(a) A certifying entity may not disclose personal identifying information, or  
13198 information regarding the citizenship or immigration status of any victim of criminal  
13199 activity or trafficking who is requesting a certification unless:  
13200 (i) required to do so by applicable state or federal law or court order; or  
13201 (ii) the certifying agency has written authorization from:  
13202 (A) the victim; or

13203 (B) if the victim is a minor or is otherwise not legally competent, from the victim's  
13204 parent or guardian.

13205 (b) Subsection (8)(a) does not modify legal obligations of a prosecutor or law  
13206 enforcement to disclose information and evidence to a defendant.

13207 Section 258. Section **77-38b-102** is amended to read:

13208 **77-38b-102 (Effective 07/01/26). Definitions.**

13209 As used in this chapter:

13210 (1) "Civil accounts receivable" means the same as that term is defined in Section  
13211 77-32b-102.

13212 (2) "Civil judgment of restitution" means the same as that term is defined in Section  
13213 77-32b-102.

13214 (3)(a) "Conviction" means:

13215 (i) a plea of:

13216 (A) guilty;

13217 (B) guilty with a mental condition; or

13218 (C) no contest; or

13219 (ii) a judgment of:

13220 (A) guilty; or

13221 (B) guilty with a mental condition.

13222 (b) "Conviction" does not include:

13223 (i) a plea in abeyance until a conviction is entered for the plea in abeyance;

13224 (ii) a diversion agreement; or

13225 (iii) an adjudication of a minor for an offense under Section 80-6-701.

13226 (4) "Criminal accounts receivable" means the same as that term is defined in Section  
13227 77-32b-102.

13228 (5) "Criminal conduct" means:

13229 (a) any misdemeanor or felony offense of which the defendant is convicted; or

13230 (b) any other criminal behavior for which the defendant admits responsibility to the  
13231 court with or without an admission of committing the criminal behavior.

13232 (6) "Deceased victim" means an individual whose death is proximately caused by the  
13233 criminal conduct of the defendant.

13234 (7)(a) "Defendant" means an individual who has been convicted of, or entered into a  
13235 plea disposition for, criminal conduct.

13236 (b) "Defendant" does not include a minor, as defined in Section 80-1-102, who is

13237 adjudicated, or enters into a nonjudicial adjustment, for any offense under Title 80,  
13238 Chapter 6, Juvenile Justice.

13239 (8) "Department" means the Department of Corrections.

13240 (9)(a) "Dependent" means an individual for whom a deceased victim, or a permanently  
13241 impaired victim, had a legal obligation to provide dependent support at the time of  
13242 the criminal conduct by the defendant.

13243 (b) "Dependent" includes:

13244 (i) a child:

13245 (A) who is younger than 18 years old; and

13246 (B) for whom a deceased victim, or a permanently impaired victim, is the parent  
13247 or legal guardian;

13248 (ii) an unborn child who has a parent-child relationship with a deceased victim, or a  
13249 permanently impaired victim, in accordance with Title 81, Chapter 5, Uniform  
13250 Parentage Act; or

13251 (iii) an incapacitated individual for whom a deceased victim, or a permanently  
13252 impaired victim, is the parent or legal guardian.

13253 (10) "Dependent support" means the financial obligation of an individual to provide for the  
13254 routine needs of a dependent, including food, clothing, health care, safety, or shelter.

13255 (11) "Diversion agreement" means an agreement entered into by the prosecuting attorney  
13256 and the defendant that suspends criminal proceedings before conviction on the condition  
13257 that a defendant agree to participate in a rehabilitation program, pay restitution to the  
13258 victim, or fulfill some other condition.

13259 (12) "Division" means the Division of Adult Probation and Parole created in Section  
13260 64-14-202.

13261 (13) "Incapacitated" or "incapacitation" means the individual is:

13262 (a) mentally or physically impaired to the extent that the individual is permanently  
13263 unable to gain employment and provide basic necessities, including food, clothing,  
13264 health care, safety, or shelter; and

13265 (b) reliant on a parent, legal guardian, or other relative or person to provide basic  
13266 necessities for the individual.

13267 (14) "Incapacitated individual" means an individual who is incapacitated.

13268 (15) "Legal guardian" means an individual appointed by a court to make decisions  
13269 regarding a child or an incapacitated individual.

13270 (16) "Life expectancy" means the number of months an individual is or was expected to

- 13271 live considering medical records and experiential data for the individual.
- 13272 (17) "Office" means the Office of State Debt Collection created in Section 63A-3-502.
- 13273 (18) "Payment schedule" means the same as that term is defined in Section 77-32b-102.
- 13274 (19)(a) "Pecuniary damages" means all demonstrable economic injury, losses, and  
13275 expenses regardless of whether the economic injury, losses, and expenses have yet  
13276 been incurred.
- 13277 (b) "Pecuniary damages" does not include punitive damages or pain and suffering  
13278 damages.
- 13279 (20) "Permanently impaired victim" means an incapacitated individual whose  
13280 incapacitation is proximately caused by the criminal conduct of the defendant.
- 13281 (21) "Plea agreement" means an agreement entered between the prosecuting attorney and  
13282 the defendant setting forth the special terms and conditions and criminal charges upon  
13283 which the defendant will enter a plea of guilty or no contest.
- 13284 (22) "Plea disposition" means an agreement entered into between the prosecuting attorney  
13285 and the defendant including a diversion agreement, a plea agreement, a plea in abeyance  
13286 agreement, or any agreement by which the defendant may enter a plea in any other  
13287 jurisdiction or where charges are dismissed without a plea.
- 13288 (23) "Plea in abeyance" means an order by a court, upon motion of the prosecuting attorney  
13289 and the defendant, accepting a plea of guilty or of no contest from the defendant but not,  
13290 at that time, entering judgment of conviction against the defendant nor imposing  
13291 sentence upon the defendant on condition that the defendant comply with specific  
13292 conditions as set forth in a plea in abeyance agreement.
- 13293 (24) "Plea in abeyance agreement" means an agreement entered into between the  
13294 prosecuting attorney and the defendant setting forth the specific terms and conditions  
13295 upon which, following acceptance of the agreement by the court, a plea may be held in  
13296 abeyance.
- 13297 (25) "Restitution" means the payment of pecuniary damages to a victim.
- 13298 (26) "Unborn child" means a human fetus or embryo in any stage of gestation from  
13299 fertilization until birth.
- 13300 (27)(a) "Victim" means any person who has suffered pecuniary damages that are  
13301 proximately caused by the criminal conduct of the defendant.
- 13302 (b) "Victim" includes:
- 13303 (i) the [~~Utah~~]Office for Victims of Crime if the [~~Utah~~]Office for Victims of Crime  
13304 makes a payment to, or on behalf of, a victim under Section [~~63M-7-519~~]

- 13305                    75E-5-311;
- 13306                    (ii) the estate of a deceased victim;
- 13307                    (iii) a dependent; or
- 13308                    (iv) a parent, spouse, intimate partner as defined in 18 U.S.C. Sec. 921, child, or
- 13309                    sibling of a victim.
- 13310                    (c) "Victim" does not include a codefendant or accomplice.
- 13311                    Section 259. Section **77-38b-202** is amended to read:
- 13312                    **77-38b-202 (Effective 07/01/26). Prosecuting attorney responsibility for**
- 13313                    **collecting restitution information -- Depositing restitution on behalf of victim.**
- 13314                    (1) If a prosecuting attorney files a criminal charge against a defendant, the prosecuting
- 13315                    attorney shall:
- 13316                    (a) contact any known victim of the offense for which the criminal charge is filed, or
- 13317                    person asserting a claim for restitution on behalf of the victim; and
- 13318                    (b) gather the following information from the victim or person:
- 13319                    (i) the name of the victim or person; and
- 13320                    (ii) the actual or estimated amount of restitution.
- 13321                    (2)(a) When a conviction, a diversion agreement, or a plea in abeyance is entered by the
- 13322                    court, the prosecuting attorney shall provide the court with the information gathered
- 13323                    by the prosecuting attorney under Subsection (1)(b).
- 13324                    (b) If, at the time of the plea disposition or conviction, the prosecuting attorney does not
- 13325                    have all the information under Subsection (1)(b), the prosecuting attorney shall
- 13326                    provide the defendant with:
- 13327                    (i) at the time of plea disposition or conviction, all information under Subsection
- 13328                    (1)(b) that is reasonably available to the prosecuting attorney; and
- 13329                    (ii) any information under Subsection (1)(b) as the information becomes available to
- 13330                    the prosecuting attorney.
- 13331                    (c) Nothing in this section shall be construed to prevent a prosecuting attorney, a victim,
- 13332                    or a person asserting a claim for restitution on behalf of a victim from:
- 13333                    (i) submitting information on, or a request for, restitution to the court within the time
- 13334                    periods described in Section 77-38b-205; or
- 13335                    (ii) submitting information on, or a request for, restitution for additional or
- 13336                    substituted victims within the time periods described in Section 77-38b-205.
- 13337                    (3)(a) The prosecuting attorney may be authorized by the sentencing court or appropriate
- 13338                    public treasurer to deposit restitution collected on behalf of a victim into an

13339 interest-bearing account in accordance with Title 51, Chapter 7, State Money  
13340 Management Act, pending the distribution of the funds to the victim.

13341 (b) If restitution is deposited into an interest-bearing account under Subsection (3)(a),  
13342 the prosecuting attorney shall:

13343 (i) distribute any interest that accrues in the account to each victim on a pro rata  
13344 basis; and

13345 (ii) if all victims have been made whole and funds remain in the account, distribute  
13346 any remaining funds to the Division of Finance, created in Section 63A-3-101, to  
13347 deposit to the [~~Utah~~]Office for Victims of Crime.

13348 (c) Nothing in this section prevents an independent judicial authority from collecting,  
13349 holding, and distributing restitution.

13350 Section 260. Section **77-38b-205** is amended to read:

13351 **77-38b-205 (Effective 07/01/26). Order for restitution.**

13352 (1)(a) If a defendant is convicted, as defined in Section 76-3-201, the court shall order a  
13353 defendant, as part of the sentence imposed under Section 76-3-201, to pay restitution  
13354 to all victims:

13355 (i) in accordance with the terms of any plea agreement in the case; or

13356 (ii) for the entire amount of pecuniary damages that are proximately caused to each  
13357 victim by the criminal conduct of the defendant.

13358 (b) If a court enters a plea in abeyance or a diversion agreement for a defendant that  
13359 includes an agreement to pay restitution, the court shall order the defendant to pay  
13360 restitution to all victims:

13361 (i) in accordance with the terms of the plea in abeyance or the diversion agreement; or

13362 (ii) if the terms of the plea in abeyance include an agreement between the parties that  
13363 restitution will be determined by the court as described in Section 77-2a-3, for the  
13364 entire amount of pecuniary damages that are proximately caused to each victim by  
13365 the criminal conduct of the defendant.

13366 (2)(a) Except as provided in Subsection (2)(b), in determining the amount of pecuniary  
13367 damages under Subsection (1)(a)(ii) or (b)(ii), the court shall consider all relevant  
13368 facts to establish an amount that fully compensates a victim for all pecuniary  
13369 damages proximately caused by the criminal conduct of the defendant.

13370 (b) If the court determines that the defendant owes pecuniary damages to a dependent  
13371 for dependent support, the court shall establish the amount of dependent support  
13372 owed to the dependent as described in Section 77-38b-206.

- 13373 (c) Subsection (2)(b) does not prohibit the court from also ordering restitution for a  
13374 victim under Subsection (2)(a) that is not dependent support.
- 13375 (3) The court shall enter the determination of the amount of restitution under Subsection  
13376 (1)(a)(ii) or (b)(ii) as a finding on the record.
- 13377 (4) Upon an order for a defendant to pay restitution under Subsection (1), the court shall:  
13378 (a) enter an order to establish a criminal accounts receivable as described in Section  
13379 77-32b-103; and  
13380 (b) establish a payment schedule for the criminal accounts receivable as described in  
13381 Section 77-32b-103.
- 13382 (5) If the defendant objects to a request for restitution, the court shall allow the defendant to  
13383 have a hearing on the issue, unless the issue is addressed at the sentencing hearing for  
13384 the defendant.
- 13385 (6) If a court does not enter an order for restitution at sentencing, the court shall schedule a  
13386 hearing to enter an order for restitution, unless:  
13387 (a) the court finds as a matter of law that there is no victim in the case; or  
13388 (b) the prosecuting attorney certifies to the court, on the record, that:  
13389 (i) the prosecuting attorney has consulted with all victims, including the [~~Utah~~]  
13390 Office for Victims of Crime; and  
13391 (ii) all victims, including the [~~Utah~~]Office for Victims of Crime, are not seeking  
13392 restitution.
- 13393 (7)(a) A court shall enter an order for restitution in a defendant's case no later than the  
13394 earlier of:  
13395 (i) the termination of the defendant's sentence, including early termination of the  
13396 defendant's sentence; or  
13397 (ii)(A) if the defendant is convicted and imprisoned for a first degree felony,  
13398 within seven years after the day on which the court sentences the defendant for  
13399 the first degree felony conviction; or  
13400 (B) except as provided in Subsection (7)(a)(ii)(A), and if the defendant is  
13401 convicted of a felony, within three years after the day on which the court  
13402 sentences the defendant for the felony conviction.
- 13403 (b) A request for restitution that is made within the time period described in Subsection  
13404 (7)(a) tolls the time for which the court [~~must~~] shall enter an order for restitution  
13405 under Subsection (7)(a) but does not extend the term of the defendant's probation or  
13406 period of incarceration.

- 13407 (8)(a) If a court does not order restitution at sentencing or at a hearing described in  
13408 Subsection (6), the prosecuting attorney or the victim may file a motion for  
13409 restitution within the time periods described in Subsection (7).
- 13410 (b) If the defendant receives notice and does not object to a motion for restitution, the  
13411 court may order restitution without a hearing.
- 13412 (c) If the defendant receives notice and objects to a motion for restitution, the court may  
13413 schedule a hearing to determine whether restitution should be ordered if the  
13414 prosecuting attorney or victim shows good cause.
- 13415 (9) Upon a motion from the prosecuting attorney or the victim within the time periods  
13416 described in Subsection (7), the court may modify an existing order of restitution,  
13417 including the amount of pecuniary damages owed by the defendant in the order for  
13418 restitution, if the prosecuting attorney or the victim shows good cause for modifying the  
13419 order.

13420 Section 261. Section **77-38b-304** is amended to read:

13421 **77-38b-304 (Effective 07/01/26). Priority of payment disbursement.**

- 13422 (1) The court, or the office, shall disburse a payment for restitution within 60 days after the  
13423 day on which the payment is received from the defendant if:
- 13424 (a) the victim has complied with Subsection 77-38b-203(2);
- 13425 (b) if the defendant has tendered a negotiable instrument, funds from the financial  
13426 institution are actually received;
- 13427 (c) the payment to the victim is at least \$25, unless the payment is the final payment; and
- 13428 (d) there is no pending legal issue that would affect an order for restitution or the  
13429 distribution of restitution.
- 13430 (2) The court shall disburse money collected from a defendant for a criminal accounts  
13431 receivable in the following order of priority:
- 13432 (a) first, and except as provided in Subsection (4)(b), to restitution owed by the  
13433 defendant in accordance with Subsection (4);
- 13434 (b) second, to the cost of obtaining a DNA specimen from the defendant as described in  
13435 Subsection (4)(b);
- 13436 (c) third, to any criminal fine or surcharge owed by the defendant;
- 13437 (d) fourth, to the cost owed by the defendant for a reward described in Section  
13438 77-32b-104;
- 13439 (e) fifth, to the cost owed by the defendant for medical care, treatment, hospitalization,  
13440 and related transportation paid by a county correctional facility under Section

- 13441 17-63-706; and
- 13442 (f) sixth, to any other amount owed by the defendant.
- 13443 (3) When the office collects money from a defendant for a criminal accounts receivable, a
- 13444 civil accounts receivable, or a civil judgment of restitution, the office shall disburse the
- 13445 money in the following order of priority:
- 13446 (a) first, to any past due amount owed to the department for the monthly supervision fee
- 13447 under Subsection 64-14-204(6);
- 13448 (b) second, and except as provided in Subsection (4)(b), to restitution owed by the
- 13449 defendant in accordance with Subsection (4);
- 13450 (c) third, to the cost of obtaining a DNA specimen from the defendant in accordance
- 13451 with Subsection (4)(b);
- 13452 (d) fourth, to any criminal fine or surcharge owed by the defendant;
- 13453 (e) fifth, to the cost owed by the defendant for a reward described in Section 77-32b-104;
- 13454 (f) sixth, to the cost owed by the defendant for medical care, treatment, hospitalization
- 13455 and related transportation paid by a county correctional facility under Section
- 13456 17-63-706; and
- 13457 (g) seventh, to any other amount owed by the defendant.
- 13458 (4)(a) If a defendant owes restitution to more than one person or government agency at
- 13459 the same time, the court, or the office, shall disburse a payment for restitution in the
- 13460 following order of priority:
- 13461 (i) first, to the victim of the offense;
- 13462 (ii) second, to the [~~Utah~~]Office for Victims of Crime;
- 13463 (iii) third, any other government agency that has provided reimbursement to the
- 13464 victim as a result of the defendant's criminal conduct; and
- 13465 (iv) fourth, any insurance company that has provided reimbursement to the victim as
- 13466 a result of the defendant's criminal conduct.
- 13467 (b) If a defendant is required under Section 53-10-404 to reimburse the department for
- 13468 the cost of obtaining the defendant's DNA specimen, the reimbursement for the cost
- 13469 of obtaining the defendant's DNA specimen is the next priority after restitution to the
- 13470 victim of the offense under Subsection (4)(a)(i).
- 13471 (c) If a defendant is required to pay restitution to more than one victim, the court or the
- 13472 office shall disburse a payment for restitution proportionally to each victim.
- 13473 (5) Notwithstanding the requirements for the disbursement of a payment under Subsection
- 13474 (3) or (4), the office shall disburse money collected from a defendant to a debt that is a

13475 part of a civil accounts receivable or civil judgment of restitution if:

13476 (a) a defendant has provided a written request to the office to apply the payment to the  
13477 debt; and

13478 (b)(i) the payment will eliminate the entire balance of the debt, including any interest;  
13479 or

13480 (ii) after reaching a settlement, the payment amount will eliminate the entire agreed  
13481 upon balance of the debt, including any interest.

13482 (6) For a criminal accounts receivable, the department shall collect the current and past due  
13483 amount owed by a defendant for the monthly supervision fee under Subsection  
13484 64-14-204(6)(a) until the court enters a civil accounts receivable on the civil judgment  
13485 docket under Section 77-18-114.

13486 (7) Notwithstanding any other provision of this section:

13487 (a) the office may collect a fee, as described in Subsection 63A-3-502(4), from each  
13488 payment for a criminal accounts receivable, a civil accounts receivable, or a civil  
13489 judgment of restitution before disbursing the payment as described in this section; and

13490 (b) the office shall apply any payment collected through garnishment to the case for  
13491 which the garnishment was issued.

13492 Section 262. Section **77-40a-101** is amended to read:

13493 **77-40a-101 (Effective 07/01/26). Definitions.**

13494 As used in this chapter:

13495 (1) "Agency" means a state, county, or local government entity that generates or maintains  
13496 records relating to an investigation, arrest, detention, or conviction for an offense for  
13497 which expungement may be ordered.

13498 (2) "Automatic expungement" means the expungement of records of an investigation,  
13499 arrest, detention, or conviction of an offense without the filing of a petition.

13500 (3) "Bureau" means the Bureau of Criminal Identification of the Department of Public  
13501 Safety established in Section 53-10-201.

13502 (4) "Certificate of eligibility" means a document issued by the bureau stating that the  
13503 criminal record and all records of arrest, investigation, and detention associated with a  
13504 case that is the subject of a petition for expungement is eligible for expungement.

13505 (5) "Civil accounts receivable" means the same as that term is defined in Section  
13506 77-32b-102.

13507 (6) "Civil judgment of restitution" means the same as that term is defined in Section  
13508 77-32b-102.

- 13509 (7) "Civil protective order" means the same as that term is defined in Section 78B-7-102.
- 13510 (8) "Clean slate eligible case" means a case that is eligible for automatic expungement
- 13511 under Section 77-40a-205.
- 13512 (9) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after
- 13513 trial, a plea of guilty, or a plea of nolo contendere.
- 13514 (10) "Court" means a district court or a justice court.
- 13515 (11) "Criminal accounts receivable" means the same as that term is defined in Section
- 13516 77-32b-102.
- 13517 (12) "Criminal protective order" means the same as that term is defined in Section
- 13518 78B-7-102.
- 13519 (13) "Criminal stalking injunction" means the same as that term is defined in Section
- 13520 78B-7-102.
- 13521 (14) "Department" means the Department of Public Safety established in Section 53-1-103.
- 13522 (15) "Drug possession offense" means:
- 13523 (a) an offense described in Subsection 58-37-8(2), except for:
- 13524 (i) an offense under Subsection 58-37-8(2)(b)(i), possession of 100 pounds or more
- 13525 of marijuana;
- 13526 (ii) an offense enhanced under Subsection 58-37-8(2)(e), violation in a correctional
- 13527 facility; or
- 13528 (iii) an offense for driving with a controlled substance illegally in the [person's]
- 13529 individual's body and negligently causing serious bodily injury or death of
- 13530 another, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section
- 13531 1, Subsection 58-37-8(2)(g);
- 13532 (b) an offense described in Subsection 58-37a-5(1), use or possession of drug
- 13533 paraphernalia;
- 13534 (c) an offense described in Section 58-37b-6, possession or use of an imitation
- 13535 controlled substance; or
- 13536 (d) any local ordinance which is substantially similar to any of the offenses described in
- 13537 this Subsection (15).
- 13538 (16)(a) "Expunge" means to remove a record from public inspection by:
- 13539 (i) sealing the record; or
- 13540 (ii) restricting or denying access to the record.
- 13541 (b) "Expunge" does not include the destruction of a record.
- 13542 (17) "Indigent" means a financial status that results from a court finding that a petitioner is

- 13543 financially unable to pay the fee to file a petition for expungement under Section  
13544 78A-2-302.
- 13545 (18) "Jurisdiction" means a state, district, province, political subdivision, territory, or  
13546 possession of the United States or any foreign country.
- 13547 (19)(a) "Minor regulatory offense" means a class B or C misdemeanor offense or a local  
13548 ordinance.
- 13549 (b) "Minor regulatory offense" includes an offense under Section 76-9-110 or 76-9-1106.
- 13550 (c) "Minor regulatory offense" does not include:
- 13551 (i) any drug possession offense;
- 13552 (ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and  
13553 Reckless Driving;
- 13554 (iii) an offense under Sections 73-18-13 through 73-18-13.6;
- 13555 (iv) except as provided in Subsection (19)(b), an offense under [~~Title 76, Utah~~  
13556 ~~Criminal Code~~] Title 76, Criminal Offenses; or
- 13557 (v) any local ordinance that is substantially similar to an offense listed in Subsections  
13558 (19)(c)(i) through (iv).
- 13559 (20) "Petitioner" means an individual applying for expungement under this chapter.
- 13560 (21) "Plea in abeyance" means the same as that term is defined in Section 77-2a-1.
- 13561 (22) "Record" means a book, letter, document, paper, map, plan, photograph, film, card,  
13562 tape, recording, electronic data, or other documentary material, regardless of physical  
13563 form or characteristics, that:
- 13564 (a) is contained in the agency's file regarding the arrest, detention, investigation,  
13565 conviction, sentence, incarceration, probation, or parole of an individual; and
- 13566 (b) is prepared, owned, received, or retained by an agency, including a court.
- 13567 (23) "Special certificate" means a document issued as described in Subsection  
13568 77-40a-304(1)(c) by the bureau stating that the criminal record and all records of arrest,  
13569 investigation, and detention associated with the case do not clearly demonstrate whether  
13570 the case is eligible for expungement.
- 13571 (24)(a) "Traffic offense" means:
- 13572 (i) an infraction or a class C misdemeanor offense under Title 41, Chapter 1a, Motor  
13573 Vehicle Act;
- 13574 (ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense  
13575 under Title 41, Chapter 6a, Traffic Code;
- 13576 (iii) an infraction or a class C misdemeanor offense under Title 41, Chapter 12a,

- 13577 Financial Responsibility of Motor Vehicle Owners and Operators Act;
- 13578 (iv) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense
- 13579 under Title 53, Chapter 3, Part 2, Driver Licensing Act;
- 13580 (v) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense
- 13581 under Title 73, Chapter 18, State Boating Act; and
- 13582 (vi) all local ordinances that are substantially similar to an offense listed in
- 13583 Subsections (24)(a)(i) through (iii).
- 13584 (b) "Traffic offense" does not include:
- 13585 (i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and
- 13586 Reckless Driving;
- 13587 (ii) an offense under Section 41-12a-302 for operating a motor vehicle without
- 13588 owner's or operator's security;
- 13589 (iii) an offense under Section 41-12a-303.3 for providing false evidence of owner's or
- 13590 operator's security;
- 13591 (iv) an offense under Sections 73-18-13 through 73-18-13.6; or
- 13592 (v) any local ordinance that is substantially similar to an offense listed in Subsection
- 13593 (24)(b)(i) or (ii).
- 13594 (25) "Traffic offense case" means that each offense in the case is a traffic offense.
- 13595 Section 263. Section **77-40a-403** is amended to read:
- 13596 **77-40a-403 (Effective 07/01/26). Release and use of expunged records -- Agencies.**
- 13597 (1)(a) An agency with an expunged record, or any employee of an agency with an
- 13598 expunged record, may not knowingly or intentionally divulge any information
- 13599 contained in the expunged record to any person, or another agency, without a court
- 13600 order unless:
- 13601 (i) specifically authorized by Subsection (4) or Section 77-40a-404; or
- 13602 (ii) subject to Subsection (1)(b), the information in an expunged record is being
- 13603 shared with another agency through a records management system that both
- 13604 agencies use for the purpose of record management.
- 13605 (b) An agency with a records management system may not disclose any information in
- 13606 an expunged record to another agency or person, or allow another agency or person
- 13607 access to an expunged record, if that agency or person does not use the records
- 13608 management system for the purpose of record management.
- 13609 (2) The following entities or agencies may receive information contained in expunged
- 13610 records upon specific request:

- 13611 (a) the Board of Pardons and Parole;
- 13612 (b) Peace Officer Standards and Training;
- 13613 (c) federal authorities if required by federal law;
- 13614 (d) the State Board of Education;
- 13615 (e) the [~~Commission on Criminal and Juvenile Justice~~] Department of Criminal Justice
- 13616 Services, for purposes of investigating applicants for judicial office; and
- 13617 (f) a research institution or an agency engaged in research regarding the criminal justice
- 13618 system if:
- 13619 (i) the research institution or agency provides a legitimate research purpose for
- 13620 gathering information from the expunged records;
- 13621 (ii) the research institution or agency enters into a data sharing agreement with the
- 13622 court or agency with custody of the expunged records that protects the
- 13623 confidentiality of any identifying information in the expunged records;
- 13624 (iii) any research using expunged records does not include any individual's name or
- 13625 identifying information in any product of that research; and
- 13626 (iv) any product resulting from research using expunged records includes a disclosure
- 13627 that expunged records were used for research purposes.
- 13628 (3) Except as otherwise provided by this section or by court order, a person, an agency, or
- 13629 an entity authorized by this section to view expunged records may not reveal or release
- 13630 any information obtained from the expunged records to anyone outside the specific
- 13631 request, including distribution on a public website.
- 13632 (4) A prosecuting attorney may communicate with another prosecuting attorney, or another
- 13633 prosecutorial agency, regarding information in an expunged record that includes a
- 13634 conviction, or a charge dismissed as a result of a successful completion of a plea in
- 13635 abeyance agreement, for:
- 13636 (a) stalking as described in Section 76-5-106.5;
- 13637 (b) a domestic violence offense as defined in Section 77-36-1;
- 13638 (c) an offense that would result in the individual being a child abuse offender, a sex
- 13639 offender, or a kidnap offender under Section 53-29-202; or
- 13640 (d) a weapons offense under Title 76, Chapter 11, Weapons.
- 13641 (5) Except as provided in Subsection (7), a prosecuting attorney may not use an expunged
- 13642 record for the purpose of a sentencing enhancement or as a basis for charging an
- 13643 individual with an offense that requires a prior conviction.
- 13644 (6) The bureau may also use the information in the bureau's index as [~~provided~~] described in

13645 Section 53-5a-303.

13646 (7) If an individual is charged with a felony, or an offense eligible for enhancement based  
13647 on a prior conviction, after obtaining an order of expungement, the prosecuting attorney  
13648 may petition the court in which the individual is charged to open the expunged records  
13649 upon a showing of good cause.

13650 (8)(a) For judicial sentencing, a court may order any records expunged under this  
13651 chapter or Section 77-27-5.1 to be opened and admitted into evidence.

13652 (b) The records are confidential and are available for inspection only by the court,  
13653 parties, counsel for the parties, and any other person who is authorized by the court to  
13654 inspect ~~[them]~~ the records.

13655 (c) At the end of the action or proceeding, the court shall order the records expunged  
13656 again.

13657 (d) Any person authorized by this Subsection (8) to view expunged records may not  
13658 reveal or release any information obtained from the expunged records to anyone  
13659 outside the court.

13660 (9) Records released under this chapter are classified as protected under Section 63G-2-305  
13661 and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to  
13662 Records, and Subsection 53-10-108(2)(k) for records held by the bureau.

13663 Section 264. Section **78A-2-109.5** is amended to read:

13664 **78A-2-109.5 (Effective 07/01/26). Court data collection and reporting.**

13665 (1) As used in this section, [~~commission~~] "department" means the [~~Commission on~~  
13666 ~~Criminal and Juvenile Justice~~] Department of Criminal Justice Services created in  
13667 Section [~~63M-7-201~~] 75E-2-102.

13668 (2) The Administrative Office of the Courts shall submit the following information to the [~~commission~~]  
13669 department for each criminal case filed with the court:

13670 (a) case number;

13671 (b) the defendant's:

13672 (i) full name;

13673 (ii) offense tracking number; and

13674 (iii) date of birth;

13675 (c) charges filed;

13676 (d) if applicable, all enhancements to the charges against the defendant;

13677 (e) initial appearance date;

13678 (f) bail amount set by the court, if any;

- 13679 (g) whether the defendant was represented by a public defender, private counsel, or pro  
13680 se;
- 13681 (h) whether the defendant has previously been convicted of an offense;
- 13682 (i) final disposition of the charges; and
- 13683 (j) if the defendant is convicted, the defendant's total score for any pretrial risk  
13684 assessment used by a magistrate or judge in making a determination about pretrial  
13685 release as described in Section 77-20-205.
- 13686 (3)(a) The Administrative Office of the Courts shall submit the information described in  
13687 Subsection (2) to the [~~commission~~] department on the 15th day of July and January of  
13688 each year for the previous six-month period ending the last day of June and  
13689 December of each year in the form and manner selected by the [~~commission~~]  
13690 department.
- 13691 (b) If the last day of the month is a Saturday, Sunday, or state holiday, the  
13692 Administrative Office of the Courts shall submit the information described in  
13693 Subsection (2) to the [~~commission~~] department on the next working day.
- 13694 (4) Before July 1 of each year, the Administrative Office of the Courts shall submit the  
13695 following data on cases involving individuals charged with class A misdemeanors and  
13696 felonies, broken down by judicial district, to the [~~commission~~] department for each  
13697 preceding calendar year:
- 13698 (a) the number of cases in which a preliminary hearing is set and placed on the court  
13699 calendar;
- 13700 (b) the median and range of the number of times that a preliminary hearing is continued  
13701 in cases in which a preliminary hearing is set and placed on the court calendar;
- 13702 (c) the number of cases, and the average time to disposition for those cases, in which  
13703 only written statements from witnesses are submitted as probable cause at the  
13704 preliminary hearing;
- 13705 (d) the number of cases, and the average time to disposition for those cases, in which  
13706 written statements and witness testimony are submitted as probable cause at the  
13707 preliminary hearing;
- 13708 (e) the number of cases, and the average time to disposition for those cases, in which  
13709 only witness testimony is submitted as probable cause at the preliminary hearing; and
- 13710 (f) the number of cases in which a preliminary hearing is held and the defendant is  
13711 bound over for trial.
- 13712 (5) The [~~commission~~] department shall include the data collected under Subsection (4) in

13713 the [commission's] department's annual report described in Section [63M-7-205]  
13714 75E-2-204.

- 13715 (6) No later than November 1, 2027, the Administrative Office of the Courts shall provide  
13716 the Law Enforcement and Criminal Justice Interim Committee with a written report on,  
13717 for each fiscal year that begins on and after July 1, 2024:
- 13718 (a) the total number of offenses, including the level of each offense, for which an  
13719 enhancement was sought under Section 76-3-203.17;
  - 13720 (b) the total number of offenses, including the level of each offense, that were enhanced  
13721 under Section 76-3-203.17; and
  - 13722 (c) the total amount of fines that were imposed under Section 76-3-203.17.

13723 Section 265. Section **78A-6-102** is amended to read:

13724 **78A-6-102 (Effective 07/01/26). Establishment of juvenile court -- Organization**  
13725 **and status of court -- Purpose.**

- 13726 (1) There is established a juvenile court for the state.
- 13727 (2)(a) The juvenile court is a court of record.
- 13728 (b) The juvenile court shall have a seal.
  - 13729 (c) The juvenile court's judges, clerks, and referees have the power to administer oaths  
13730 and affirmations.
  - 13731 (d) The juvenile court has the authority to issue search warrants, subpoenas, or  
13732 investigative subpoenas under Section 80-2a-202, Part 4a, Adult Criminal  
13733 Proceedings, Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, Title  
13734 80, Chapter 4, Termination and Restoration of Parental Rights, and Title 80, Chapter  
13735 6, Juvenile Justice, for the same purposes and in the same manner as described in [  
13736 ~~Title 77, Utah Code of Criminal Procedure~~] Title 77, Criminal Procedure, and the  
13737 Utah Rules of Criminal Procedure, for the issuance of search warrants, subpoenas, or  
13738 investigative subpoenas in other trial courts in the state.
- 13739 (3) The juvenile court is of equal status with the district courts of the state.
- 13740 (4) The juvenile court is established as a forum for the resolution of all matters properly  
13741 brought before the juvenile court, consistent with applicable constitutional and statutory  
13742 requirements of due process.
- 13743 (5) The purpose of the court under this chapter is to:
- 13744 (a) promote public safety and individual accountability by the imposition of appropriate  
13745 sanctions on [~~persons~~] individuals who have committed acts in violation of law;
  - 13746 (b) order appropriate measures to promote guidance and control, preferably in the

- 13747 minor's own home, as an aid in the prevention of future unlawful conduct and the  
 13748 development of responsible citizenship;
- 13749 (c) where appropriate, order rehabilitation, reeducation, and treatment for ~~[persons]~~  
 13750 individuals who have committed acts bringing them within the court's jurisdiction;
- 13751 (d) adjudicate matters that relate to minors who are beyond parental or adult control and  
 13752 to establish appropriate authority over these minors by means of placement and  
 13753 control orders;
- 13754 (e) adjudicate matters that relate to abused, neglected, and dependent children and to  
 13755 provide care and protection for minors by placement, protection, and custody orders;
- 13756 (f) remove a minor from parental custody only where the minor's safety or welfare, or  
 13757 the public safety, may not otherwise be adequately safeguarded; and
- 13758 (g) consistent with the ends of justice, act in the best interests of the minor in all cases  
 13759 and preserve and strengthen family ties.

13760 Section 266. Section **78A-10a-304** is amended to read:

13761 **78A-10a-304 (Effective 07/01/26). Procedure -- Staff.**

- 13762 (1) Four commissioners are a quorum.
- 13763 (2) The ~~[governor shall appoint a member of the governor's staff to serve as staff to]~~  
 13764 Department of Criminal Justice Services created in Section 75E-2-102 shall administer  
 13765 and staff the commission.
- 13766 (3) The ~~[governor]~~ commissioner of the Department of Criminal Justice Services shall:  
 13767 (a) ensure that the commission follows the rules ~~[promulgated]~~ made by the ~~[State~~  
 13768 ~~Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice  
 13769 Services under Section ~~[78A-10a-201]~~ 75E-2-209; and
- 13770 (b) resolve any questions regarding the rules described in Subsection (3)(a).
- 13771 (4) A commissioner who is a licensed attorney may recuse oneself if there is a conflict of  
 13772 interest that makes the commissioner unable to serve.

13773 Section 267. Section **78A-10a-404** is amended to read:

13774 **78A-10a-404 (Effective 07/01/26). Procedure -- Staff.**

- 13775 (1) Four commissioners are a quorum.
- 13776 (2) The ~~[governor shall appoint a member of the governor's staff to serve as staff for each]~~  
 13777 Department of Criminal Justice Services created in Section 75E-2-102 shall administer  
 13778 and staff each commission.
- 13779 (3) The ~~[governor]~~ commissioner of the Department of Criminal Justice Services shall:  
 13780 (a) ensure that each commission follows the rules ~~[promulgated]~~ made by the ~~[State~~

~~Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice Services under Section ~~[78A-10a-201]~~ 75E-2-209; and

(b) resolve any questions regarding the rules.

(4) A commissioner who is a licensed attorney may recuse oneself if there is a conflict of interest that makes the commissioner unable to serve.

Section 268. Section **78A-10a-504** is amended to read:

**78A-10a-504 (Effective 07/01/26). Procedure -- Staff -- Rules -- Recusal.**

(1) Four commissioners are a quorum.

(2) The ~~[governor shall appoint a member of the governor's staff to serve as staff to]~~ Department of Criminal Justice Services created in Section 75E-2-102 shall administer and staff the commission.

(3) The ~~[governor]~~ commissioner of the Department of Criminal Justice Services shall:

(a) ensure that the commission follows the rules ~~[promulgated]~~ made by the ~~[State Commission on Criminal and Juvenile Justice]~~ Department of Criminal Justice Services under Section ~~[78A-10a-201]~~ 75E-2-209; and

(b) resolve any questions regarding the rules described in Subsection (3)(a).

(4) A commissioner who is a licensed attorney may recuse oneself if there is a conflict of interest that makes the commissioner unable to serve.

Section 269. Section **78A-12-201** is amended to read:

**78A-12-201 (Effective 07/01/26). Judicial Performance Evaluation Commission -- Creation -- Membership.**

(1) There is created an independent commission called the Judicial Performance Evaluation Commission consisting of 13 members, as follows:

(a) two members appointed by the president of the Senate, only one of whom may be a member of the Utah State Bar;

(b) two members appointed by the speaker of the House of Representatives, only one of whom may be a member of the Utah State Bar;

(c) four members appointed by the members of the Supreme Court, at least one of whom, but not more than two of whom, may be a member of the Utah State Bar;

(d) four members appointed by the governor, at least one of whom, but not more than two of whom, may be a member of the Utah State Bar; and

(e) the ~~[executive director of the Commission on Criminal and Juvenile Justice]~~ commissioner of the Department of Criminal Justice Services.

(2)(a) The president of the Senate and the speaker of the House of Representatives shall

13815 confer when appointing members under Subsections (1)(a) and (b) to ensure that  
 13816 there is at least one member from among their four appointees who is a member of  
 13817 the Utah State Bar.

13818 (b) A sitting legislator or a sitting judge may not serve as a commission member.

13819 (3)(a) A member appointed under Subsection (1) shall be appointed for a four-year term.

13820 (b) A member may serve no more than three consecutive terms.

13821 (4) At the time of appointment, the terms of commission members shall be staggered so that  
 13822 approximately half of commission members' terms expire every two years.

13823 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
 13824 appointed for the unexpired term by the same appointing authority that appointed the  
 13825 member creating the vacancy.

13826 (6)(a) Eight members of the commission constitute a quorum.

13827 (b) The action of a majority of the quorum constitutes the action of the commission,  
 13828 except that the commission may not make a determination that a judge meets or  
 13829 exceeds minimum performance standards, or that a judge does not meet or exceed  
 13830 minimum performance standards, by a vote of less than six members.

13831 (c) If, because of absences, the commission is unable to make a determination described  
 13832 in Subsection (6)(b) by at least six votes, the commission may meet a second time to  
 13833 make a determination.

13834 (d) If a vote on the question of whether a judge meets or exceeds minimum performance  
 13835 standards or does not meet or exceed minimum performance standards ends in a tie  
 13836 or does not pass by at least six votes, the record shall reflect that the commission  
 13837 made no determination in relation to that judge.

13838 Section 270. Section **78A-12-202** is amended to read:

13839 **78A-12-202 (Effective 07/01/26). Salary and expenses -- Staff.**

13840 (1) A member may not receive compensation or benefits for the member's service, but may  
 13841 receive per diem and travel expenses in accordance with:

13842 (a) Section 63A-3-106;

13843 (b) Section 63A-3-107; and

13844 (c) rules made by the Division of Finance [~~pursuant to~~] in accordance with Sections  
 13845 63A-3-106 and 63A-3-107.

13846 (2) The commission shall elect a chair from among [~~its~~] the commission's members.

13847 (3) The commission shall employ an executive director and may employ additional staff as  
 13848 necessary within budgetary constraints.

13849 (4) The commission shall be located in the [~~Commission on Criminal and Juvenile Justice~~]  
 13850 Department of Criminal Justice Services.

13851 Section 271. Section **78B-3-1003** is amended to read:

13852 **78B-3-1003 (Effective 07/01/26). Liability of a parent or guardian for repeated**  
 13853 **offenses by a minor on school grounds.**

13854 (1) Except as provided in Subsection (6), if a person suffers damages from a minor  
 13855 committing the same offense repeatedly on school grounds for an offense in [~~Title 76,~~  
 13856 ~~Utah Criminal Code~~] Title 76, Criminal Offenses, or Title 80, Utah Juvenile Code, the  
 13857 person may bring a cause of action against a parent or guardian with legal custody of the  
 13858 minor to recover costs and damages caused by the repeated offense.

13859 (2) The parent or guardian is not liable for costs or damages under Subsection (1) if the  
 13860 parent or guardian made a reasonable effort to supervise and direct the minor.

13861 (3) If a parent or guardian is found liable under this section, the court may waive part or all  
 13862 of the parent's or guardian's liability for costs or damages if the court finds:

13863 (a) good cause; or

13864 (b) that the parent or guardian reported the minor's wrongful conduct to law enforcement  
 13865 after the parent or guardian knew of the minor's wrongful conduct.

13866 (4) A report is not required under Subsection [~~(3)(b)(ii)~~] (3)(b) from a parent or guardian if  
 13867 the minor was arrested or apprehended by law enforcement.

13868 (5) An adjudication or a conviction of a minor for a repeated offense under [~~Title 76, Utah~~  
 13869 ~~Criminal Code~~] Title 76, Criminal Offenses, or Title 80, Utah Juvenile Code, is not  
 13870 required for a civil action to be brought under this section.

13871 (6) A person may not bring a cause of action against the state, an agency of the state, or a  
 13872 contracted provider of an agency of the state, under this section.

13873 Section 272. Section **78B-6-2105** is amended to read:

13874 **78B-6-2105 (Effective 07/01/26). Civil action for enforcement -- Penalties.**

13875 (1) A person who distributes or otherwise provides pornographic material to consumers  
 13876 may not distribute any obscene material or performance as defined in Section 76-5c-101  
 13877 without first giving a clear and reasonable warning of the harmful impact of exposing  
 13878 minors to the material or performance.

13879 (2) The warning of the harm shall be prominently displayed in the following form:

13880 STATE OF UTAH WARNING

13881 Exposing minors to obscene material may damage or negatively impact minors.

13882 (3)(a) For print publications created after May 12, 2020, the warning in Subsection (2)

13883 shall be placed in clear, readable type on the cover of each publication which  
13884 includes material as defined in Section 76-5c-101.

13885 (b) For digital publications:

13886 (i) the warning in Subsection (2) shall be displayed in searchable text format and for  
13887 at least five seconds [~~prior to~~] before the display of any video or each image which  
13888 includes material as defined in Section 76-5c-101; or

13889 (ii) if the website complies with Subsection 78B-6-2103(3), it is not required to  
13890 display the warning in Subsection (2) [~~prior to~~] before each video or image  
13891 contained on the website.

13892 (4) A person who violates this section shall be liable for a civil penalty not to exceed  
13893 \$2,500 per violation, plus filing fees and attorney fees, in addition to any other penalty  
13894 established by law, and enjoined from further violations.

13895 (5) The civil penalty may be assessed and recovered in a civil action brought in any court of  
13896 competent jurisdiction.

13897 (6) Each of the following violations shall create a separate liability per violation:

13898 (a) the sale or display of potentially harmful content without the warning required in  
13899 Subsection (2), in accordance with Subsection (3); or

13900 (b) the absence of the following searchable text within the website's metadata -  
13901 utahobscenitywarning.

13902 (7)(a) The determination by a court as to whether a person is distributing material the  
13903 state considers to be obscene material or performance as defined in Section [  
13904 ~~78B-6-1203~~] 76-5c-101 shall be proven by clear and convincing evidence.[-]

13905 (b) All other elements of proof shall be proven by a preponderance of the evidence.

13906 (8) The court, in ordering payment, shall specify each amount for the civil penalty, filing  
13907 fees, and attorney fees.

13908 (9) In assessing the amount of a civil penalty for a violation of this chapter, the court shall  
13909 consider all of the following:

13910 (a) the nature and extent of the violation;

13911 (b) the number and severity of the violations;

13912 (c) the economic effect of the penalty on the violator;

13913 (d) whether the violator took good faith measures to comply with this chapter and when  
13914 those measures were taken;

13915 (e) the willfulness of the violator's misconduct;

13916 (f) the deterrent effect that the imposition of the penalty would have on both the violator

13917 and the regulated community as a whole; and

13918 (g) any other factor that the court determines justice requires.

13919 (10) Actions [~~pursuant to~~] described in this section may be brought by the attorney general's  
13920 office in the name of the people of the state or by a private person in accordance with  
13921 Subsection (11).

13922 (11) A private person may bring an action in the public interest [~~pursuant to~~] in accordance  
13923 with this section if:

13924 (a) the person has served notice of an alleged violation of Section 78B-6-2103 on the  
13925 alleged violator and the attorney general's office;

13926 (b) the attorney general's office has not provided a letter to the noticing party within 60  
13927 days of receipt of the notice of an alleged violation indicating that:

13928 (i) an action is currently being pursued or will be pursued by the attorney general's  
13929 office regarding the violation; or

13930 (ii) the attorney general believes that there is no merit to the action; and

13931 (c) the alleged violator has not responded to the notice of alleged violation or returned  
13932 the proof of compliance form provided in Subsection (17).

13933 (12) If a lawsuit is commenced, the plaintiff may include additional violations in the claim  
13934 that are discovered through the discovery process.

13935 (13)(a) Notice of the alleged violation shall be executed by the attorney for the noticing  
13936 party, or by the noticing party, if the noticing party is not represented by an attorney,  
13937 and include a notice of alleged violation.[-]

13938 (b) The notice of alleged violation shall:

13939 [~~(a)~~] (i) state that the person executing the notice believes that there is a violation; and

13940 [~~(b)~~] (ii) provide factual information sufficient to establish the basis for the alleged  
13941 violation.

13942 (14)(a) A person who serves a notice of alleged violation [~~identified~~] described in  
13943 Subsection (13) shall complete and provide to the alleged violator at the time the  
13944 notice of alleged violation is served, a notice of special compliance procedure and  
13945 proof of compliance form [~~pursuant to~~] described in Subsection (17).[-]

13946 (b) The person may file an action against the alleged violator, or recover from the  
13947 alleged violator if:

13948 [~~(a)~~] (i) the notice of alleged violation alleges that the alleged violator failed to  
13949 provide a clear and reasonable warning as required under Subsection (1); and

13950 [~~(b)~~] (ii) within 14 days after receipt of the notice of alleged violation, the alleged

13951 violator has not:  
 13952 [(i)] (A) corrected the alleged violation and all similar violations known to the  
 13953 alleged violator;  
 13954 [(ii)] (B) agreed to pay a penalty for the alleged violation in the amount of \$500  
 13955 per violation; and  
 13956 [(iii)] (C) notified, in writing, the noticing party that the violation has been  
 13957 corrected.

13958 (15)(a) The written notice required in Subsection [~~(14)(b)(iii)] (14)(b)(ii)(C) shall be the  
 13959 notice of special compliance procedure and proof of compliance form specified in  
 13960 Subsection (17).[-]~~

13961 (b) The alleged violator shall deliver the civil penalty to the noticing party within 30  
 13962 days of receipt of the notice of alleged violation.

13963 (16)(a) The attorney general shall review the notice of alleged violation and may confer  
 13964 with the noticing party.[-]

13965 (b) If the attorney general believes there is no merit to the action, the attorney general  
 13966 shall, within 45 days of receipt of the notice of alleged violation, provide a letter to  
 13967 the noticing party and the alleged violator stating that the attorney general believes  
 13968 there is no merit to the action.

13969 (17) The notice required to be provided to an alleged violator [~~pursuant to~~] in accordance with  
 13970 Subsection (14) shall be presented as follows:

13971 Date:

13972 Name of Noticing Party or attorney for Noticing Party:

13973 Address:

13974 Phone number:

13975 SPECIAL COMPLIANCE PROCEDURE

13976 PROOF OF COMPLIANCE

13977 You are receiving this form because the Noticing Party listed above has alleged that you  
 13978 are in violation of Utah Code Section 78B-6-2103.

13979 The Noticing Party may bring legal proceedings against you for the alleged violation  
 13980 checked below if:

- 13981 (1) you have not actually taken the corrective steps that you have certified in this form;  
 13982 (2) the Noticing Party has not received this form at the address shown above, accurately  
 13983 completed by you, postmarked within 14 days of your receiving this notice; and  
 13984 (3) the Noticing Party does not receive the required \$500 penalty payment for each

13985 violation alleged from you at the address shown above postmarked within 30 days of your  
13986 receiving this notice.

13987 PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY FOR  
13988 THE NOTICING PARTY

13989 This notice of alleged violation is for failure to warn against an exposure to minors of  
13990 materials considered harmful to minors. (provide complete description of violation, including  
13991 when and where observed)

13992 Date:

13993 Name of Noticing Party or attorney for Noticing Party:

13994 Address:

13995 Phone number:

13996 PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED  
13997 REPRESENTATIVE

13998 Certification of Compliance

13999 Accurate completion of this form will demonstrate that you are now in compliance with  
14000 Utah Code Section 78B-6-2103, for the alleged violation listed above. You must complete and  
14001 submit the form below to the Noticing Party at the address shown above, postmarked within 14  
14002 days of you receiving this notice.

14003 I hereby agree to pay, within 30 days of receipt of this notice, a penalty of \$500 for each  
14004 violation alleged to the Noticing Party only and certify that I have complied with by (check  
14005 only one of the following):

14006  Posting a warning or warnings, and attaching a copy of that warning and a  
14007 photograph accurately showing its placement on the print or digital publication.

14008  Eliminating the alleged exposure, and attaching a statement accurately describing  
14009 how the alleged exposure has been eliminated.

14010 CERTIFICATION

14011 My statements on this form, and on any attachments to it, are true, complete, and correct  
14012 to the best of my knowledge and belief and are made in good faith. I have carefully read the  
14013 instructions to complete this form. I understand that if I make a false statement on this form, I  
14014 may be subject to additional penalties under Utah Code Sections 76-5c-205 and 76-5c-206.

14015 Signature of alleged violator or authorized representative:

14016 Date:

14017 Name and title of signatory:

14018 (18) An alleged violator may satisfy the conditions set forth in Subsection (17) only one

- 14019 time for a specific violation.
- 14020 (19) Notwithstanding Subsection (17), the attorney general may file an action [~~pursuant to~~  
14021 in accordance with Subsection (10) against an alleged violator. In any action, the amount  
14022 of any civil penalty for a violation shall be reduced to reflect any payment made by the  
14023 alleged violator to a private person in accordance with Subsection (17) for the same  
14024 alleged violation.
- 14025 (20) Payments shall be made in accordance with this section.
- 14026 (a) A civil penalty ordered by the court shall be paid to the plaintiff as directed by the  
14027 court.
- 14028 (b) A penalty paid in accordance with the special compliance procedure in Subsection  
14029 (17) shall be made directly to the noticing party.
- 14030 (21)(a) The [~~Utah~~]Office for Victims of Crime shall receive 50% of any penalty paid in  
14031 accordance with this section.[-]
- 14032 (b) Funds received shall be deposited into the Crime Victim [~~Reparations~~] Compensation  
14033 Fund created in Section [~~63M-7-526~~] 75E-5-302.[-]
- 14034 (c) The penalty amount upon which the 50% is calculated may not include attorney fees  
14035 or costs awarded by the court.
- 14036 [~~(a)~~] (d) If the penalty is paid to a noticing party in accordance with Subsection (17), the  
14037 noticing party shall remit the required amount along with a copy of the Special  
14038 Compliance Procedure document.
- 14039 [~~(b)~~] (e) If a civil penalty is ordered by the court, the plaintiff shall remit the required  
14040 amount along with a copy of the court order.
- 14041 (22) The attorney general's office shall provide to the [~~Utah~~]Office for Victims of Crime a  
14042 copy of all notices of alleged violations to which the attorney general's office did not  
14043 respond with a letter of no merit in accordance with Subsection (16).
- 14044 (23) The court shall provide to the [~~Utah~~]Office for Victims of Crime a copy of the court's  
14045 order for payment.
- 14046 (24) The [~~Utah~~]Office for Victims of Crime shall:
- 14047 (a) maintain a record of documents and payments submitted [~~pursuant to~~] in accordance  
14048 with Subsections (21), (22), and (23); and
- 14049 (b) create and provide to the Legislature in odd-numbered years beginning November  
14050 2021, a report containing the following for the previous two years:
- 14051 (i) the number of notices of alleged violations received from the attorney general's  
14052 office;

14053 (ii) the number of court orders received; and

14054 (iii) the total amount received and deposited into the Crime Victim [Reparations]

14055 Compensation Fund.

14056 (25) This section does not apply to:

14057 (a) a person portrayed in obscene or pornographic material that is created, duplicated, or  
14058 distributed without the person's knowledge or consent; or

14059 (b) a person who is coerced or blackmailed into distributing obscene or pornographic  
14060 material.

14061 (26)(a) Beginning May 1, 2025, and at each five-year interval, the dollar amount of the  
14062 civil penalty provided in Subsection (4) shall be adjusted by the Judicial Council  
14063 based on the change in the annual Consumer Price Index for the most recent five-year  
14064 period ending on December 31 of the previous year, and rounded to the nearest five  
14065 dollars.[-]

14066 (b) The attorney general shall publish the dollar amount of the civil penalty together  
14067 with the date of the next scheduled adjustment.

14068 Section 273. Section **78B-8-201** is amended to read:

14069 **78B-8-201 (Effective 07/01/26). Basis for punitive damages awards -- Section**  
14070 **inapplicable to DUI cases or providing illegal controlled substances -- Division of award**  
14071 **with state -- Deposit of state judgment payments.**

14072 (1)(a) Except as otherwise provided by statute, punitive damages may be awarded only  
14073 if compensatory or general damages are awarded and it is established by clear and  
14074 convincing evidence that the acts or omissions of the tortfeasor are the result of  
14075 willful and malicious or intentionally fraudulent conduct, or conduct that manifests a  
14076 knowing and reckless indifference toward, and a disregard of, the rights of others.

14077 (b) The limitations, standards of evidence, and standards of conduct of Subsection (1)(a)  
14078 do not apply to any claim for punitive damages arising out of the tortfeasor's:

14079 (i) operation of a motor vehicle or motorboat while voluntarily intoxicated or under  
14080 the influence of any drug or combination of alcohol and drugs as prohibited by  
14081 Section 41-6a-502;

14082 (ii) causing death of another person by providing or administering an illegal  
14083 controlled substance to the person under Section 78B-3-801; or

14084 (iii) providing an illegal controlled substance to any person in the chain of transfer  
14085 that connects directly to a person who subsequently provided or administered the  
14086 substance to a person whose death was caused in whole or in part by the substance.

- 14087 (c) The award of a penalty under Section 78B-3-108 regarding shoplifting is not subject  
14088 to the prior award of compensatory or general damages under Subsection (1)(a)  
14089 whether~~[or not]~~ restitution has been paid to the merchant ~~[prior to]~~ before or as a part  
14090 of a civil action under Section 78B-3-108.
- 14091 (2) Evidence of a party's wealth or financial condition shall be admissible only after a  
14092 finding of liability for punitive damages has been made.
- 14093 (a) Discovery concerning a party's wealth or financial condition may only be allowed  
14094 after the party seeking punitive damages has established a prima facie case on the  
14095 record that an award of punitive damages is reasonably likely against the party about  
14096 whom discovery is sought and, if disputed, the court is satisfied that the discovery is  
14097 not sought for the purpose of harassment.
- 14098 (b) Subsection (2)(a) does not apply to any claim for punitive damages arising out of the  
14099 tortfeasor's:
- 14100 (i) operation of a motor vehicle or motorboat while voluntarily intoxicated or under  
14101 the influence of any drug or combination of alcohol and drugs as prohibited by  
14102 Section 41-6a-502;
- 14103 (ii) causing death of another person or causing a person to be addicted by providing  
14104 or administering an illegal controlled substance to the person under Section  
14105 78B-3-801; or
- 14106 (iii) providing an illegal controlled substance to any person in the chain of transfer  
14107 that connects directly to a person who subsequently provided or administered the  
14108 substance to a person whose death was caused in whole or in part by the substance.
- 14109 (3)(a) In any case where punitive damages are awarded, the court shall enter judgment as  
14110 follows:
- 14111 (i) for the first \$50,000, judgment shall be in favor of the injured party; and  
14112 (ii) any amount in excess of \$50,000 shall be divided equally between the state and  
14113 the injured party, and judgment to each entered accordingly.
- 14114 (b)(i) The actual and bona fide attorney fees and costs incurred in obtaining and  
14115 collecting the judgment for punitive damages shall be considered to have been  
14116 incurred by the state and the injured party in proportion to the judgment entered in  
14117 each party's behalf.
- 14118 (A) The state and injured party shall be responsible for each one's proportionate  
14119 share only.
- 14120 (B) The state is liable to pay ~~[its]~~ the state's proportionate share only to the extent [

- 14121                   it] the state receives payment toward [its] the state's judgment.
- 14122                   (ii)(A) If the court awards attorney fees and costs to the injured party as a direct
- 14123                   result of the punitive damage award, the state shall have a corresponding credit
- 14124                   in a proportionate amount based on the amounts of the party's respective
- 14125                   punitive damage judgments.[-]
- 14126                   (B) This credit may be applied as an offset against the amount of attorney fees and
- 14127                   costs charged to the state for obtaining the punitive damage judgment.
- 14128                   (c) The state shall have all rights due a judgment creditor to collect the full amounts of
- 14129                   both punitive damage judgments until the judgments are fully satisfied.
- 14130                   [(i)] (d) Neither party is required to pursue collection.
- 14131                   [(ii)] (e) In pursuing collection, the state may exercise any of [its] the state's collection
- 14132                   rights under [~~Section 63A-3-301 et seq., Section 63A-3-502 et seq.~~] Title 63A,
- 14133                   Chapter 3, Part 3, Accounts Receivable Collection, Title 63A, Chapter 3, Part 5,
- 14134                   Office of State Debt Collection, and any other statutory provisions.[-]
- 14135                   (f) Any amounts collected on [~~these~~] the judgments described in Subsection (3)(e) by
- 14136                   either party shall be held in trust and distributed as set forth in Subsection [~~(3)(e)~~]
- 14137                   (3)(i).
- 14138                   [(d)] (g) Unless all affected parties, including the state, expressly agree otherwise,
- 14139                   collection on the punitive damages judgment shall be deferred until all other
- 14140                   judgments have been fully paid.[-]
- 14141                   (h) Any payment by or on behalf of any judgment debtor, whether voluntary, by
- 14142                   execution, or otherwise, shall be distributed and applied in the following order:
- 14143                   (i) to the judgment for compensatory damage and any applicable judgment for
- 14144                   attorney fees and costs;
- 14145                   (ii) to the initial \$50,000 of the punitive damage judgment;
- 14146                   (iii) to any judgment for attorney fees and costs awarded as a direct result of the
- 14147                   punitive damages; and
- 14148                   (iv) to the remaining judgments for punitive damages.
- 14149                   [(e)] (i) Any partial payments shall be distributed equally between the state and injured
- 14150                   party.
- 14151                   [(f)] (j) After the payment of attorney fees and costs, all amounts paid on the state's
- 14152                   judgment shall be remitted:
- 14153                   (i) for an amount received on or before May 11, 2025, to the state treasurer to be
- 14154                   deposited into the General Fund; and

14155 (ii) for an amount received after May 11, 2025, to the state treasurer to be deposited  
14156 into the [~~Vietims~~] Victim Services Restricted Fund established in Section [  
14157 ~~63M-7-219~~] 75E-2-305.

14158 Section 274. Section **78B-9-109** is amended to read:

14159 **78B-9-109 (Effective 07/01/26). Appointment of pro bono counsel or counsel**  
14160 **from Indigent Appellate Defense Division.**

14161 (1)(a) If any portion of the petition is not summarily dismissed, the court may, upon the  
14162 request of an indigent petitioner, appoint counsel on a pro bono basis or from the  
14163 Indigent Appellate Defense Division, created in Section [~~78B-22-902~~] 75E-10-602, to  
14164 represent the petitioner in the postconviction court or on postconviction appeal.

14165 (b) Counsel who represented the petitioner at trial or on the direct appeal may not be  
14166 appointed to represent the petitioner under this section.

14167 (2) In determining whether to appoint counsel, the court may consider:

14168 (a) whether the petitioner is incarcerated;

14169 (b) the likelihood that an evidentiary hearing will be necessary;

14170 (c) the likelihood that an investigation will be necessary;

14171 (d) the complexity of the factual and legal issues; and

14172 (e) any other factor relevant to the particular case.

14173 (3) An allegation that counsel appointed under this section was ineffective cannot be the  
14174 basis for relief in any subsequent postconviction petition.

14175 Section 275. Section **78B-9-402** is amended to read:

14176 **78B-9-402 (Effective 07/01/26). Petition for determination of factual innocence --**  
14177 **Sufficient allegations -- Notification of victim -- Payment to surviving spouse.**

14178 (1) [~~A person~~] An individual who has been convicted of a felony offense may petition the  
14179 district court in the county in which the [~~person~~] individual was convicted for a hearing  
14180 to establish that the [~~person~~] individual is factually innocent of the crime or crimes of  
14181 which the [~~person~~] individual was convicted.

14182 (2)(a) The petition shall contain an assertion of factual innocence under oath by the  
14183 petitioner and shall aver, with supporting affidavits or other credible documents, that:

14184 (i) newly discovered material evidence exists that, if credible, establishes that the  
14185 petitioner is factually innocent;

14186 (ii) the specific evidence identified by the petitioner in the petition establishes  
14187 innocence;

14188 (iii) the material evidence is not merely cumulative of evidence that was known;

- 14189 (iv) the material evidence is not merely impeachment evidence; and  
14190 (v) viewed with all the other evidence, the newly discovered evidence demonstrates  
14191 that the petitioner is factually innocent.

14192 (b)(i) The court shall review the petition in accordance with the procedures in  
14193 Subsection (9)(b), and make a finding that the petition has satisfied the  
14194 requirements of Subsection (2)(a).

- 14195 (ii) If the court finds the petition does not meet all the requirements of Subsection  
14196 (2)(a), the court shall dismiss the petition without prejudice and send notice of the  
14197 dismissal to the petitioner and the attorney general.

14198 (3)(a) The petition shall also contain an averment that:

- 14199 (i) neither the petitioner nor the petitioner's counsel knew of the evidence at the time  
14200 of trial or sentencing or in time to include the evidence in any previously filed  
14201 post-trial motion or postconviction motion, and the evidence could not have been  
14202 discovered by the petitioner or the petitioner's counsel through the exercise of  
14203 reasonable diligence; or

- 14204 (ii) a court has found ineffective assistance of counsel for failing to exercise  
14205 reasonable diligence in uncovering the evidence.

14206 (b)(i) Upon entry of a finding that the petition is sufficient under Subsection (2)(a),  
14207 the court shall then review the petition to determine if Subsection (3)(a) has been  
14208 satisfied.

- 14209 (ii) If the court finds that the requirements of Subsection (3)(a) have not been  
14210 satisfied, the court may dismiss the petition without prejudice and give notice to  
14211 the petitioner and the attorney general of the dismissal, or the court may waive the  
14212 requirements of Subsection (3)(a) if the court finds the petition should proceed to  
14213 hearing based upon the strength of the petition, and that there is other evidence  
14214 that could have been discovered through the exercise of reasonable diligence by  
14215 the petitioner or the petitioner's counsel at trial, and the other evidence:  
14216 (A) was not discovered by the petitioner or the petitioner's counsel;  
14217 (B) is material upon the issue of factual innocence; and  
14218 (C) has never been presented to a court.

14219 (4)(a) If the conviction for which the petitioner asserts factual innocence was based upon  
14220 a plea of guilty, the petition shall contain the specific nature and content of the  
14221 evidence that establishes factual innocence.

14222 (b) The court shall review the evidence and may dismiss the petition at any time in the

14223 course of the proceedings, if the court finds that the evidence of factual innocence  
14224 relies solely upon the recantation of testimony or prior statements made by a witness  
14225 against the petitioner, and the recantation appears to the court to be equivocal or self  
14226 serving.

14227 (5) ~~[A person]~~ An individual who has already obtained postconviction relief that vacated or  
14228 reversed the ~~[person's]~~ individual's conviction or sentence may also file a petition under  
14229 this part in the same manner and form as described above, if no retrial or appeal  
14230 regarding this offense is pending.

14231 (6) If some or all of the evidence alleged to be exonerating is biological evidence subject to  
14232 DNA testing, the petitioner shall seek DNA testing in accordance with Section  
14233 78B-9-301.

14234 (7) Except as provided in Subsection (9), the petition and all subsequent proceedings shall  
14235 be in compliance with and governed by Utah Rules of Civil Procedure, Rule 65C and  
14236 shall include the underlying criminal case number.

14237 (8) After a petition is filed under this section, prosecutors, law enforcement officers, and  
14238 crime laboratory personnel shall cooperate in preserving evidence and in determining  
14239 the sufficiency of the chain of custody of the evidence which is the subject of the  
14240 petition.

14241 (9)(a) ~~[A person]~~ An individual who files a petition under this section shall serve notice  
14242 of the petition and a copy of the petition upon the office of the ~~[prosecutor]~~  
14243 prosecuting attorney who obtained the conviction and upon the ~~[Utah]~~attorney  
14244 general.

14245 (b)(i) The assigned judge shall conduct an initial review of the petition.

14246 (ii) If it is apparent to the court that the petitioner is either merely relitigating facts,  
14247 issues, or evidence presented in previous proceedings or presenting issues that  
14248 appear frivolous or speculative on their face, the court shall dismiss the petition,  
14249 state the basis for the dismissal, and serve notice of dismissal upon the petitioner  
14250 and the attorney general.

14251 (iii) If, upon completion of the initial review, the court does not dismiss the petition,  
14252 the court shall order the attorney general to file a response to the petition.

14253 (iv) The attorney general shall, within 30 days after the day on which the attorney  
14254 general receives the court's order, or within any additional period of time the court  
14255 allows, answer or otherwise respond to all proceedings initiated under this part.

14256 (c)(i) After the time for response by the attorney general under Subsection (9)(b) has

14257 passed, the court shall order a hearing if the court finds the petition meets the  
14258 requirements of Subsections (2) and (3) and finds there is a bona fide and  
14259 compelling issue of factual innocence regarding the charges of which the  
14260 petitioner was convicted.

14261 (ii) No bona fide and compelling issue of factual innocence exists if the petitioner is  
14262 merely relitigating facts, issues, or evidence presented in a previous proceeding or  
14263 if the petitioner is unable to identify with sufficient specificity the nature and  
14264 reliability of the newly discovered evidence that establishes the petitioner's factual  
14265 innocence.

14266 (d)(i) If the parties stipulate that the evidence establishes that the petitioner is  
14267 factually innocent, the court may find the petitioner is factually innocent without  
14268 holding a hearing.

14269 (ii) If the state will not stipulate that the evidence establishes that the petitioner is  
14270 factually innocent, no determination of factual innocence may be made by the  
14271 court without first holding a hearing under this part.

14272 (10) The court may not grant a petition for a hearing under this part during the period in  
14273 which criminal proceedings in the matter are pending before any trial or appellate court,  
14274 unless stipulated to by the parties.

14275 (11) Any victim of a crime that is the subject of a petition under this part, and who has  
14276 elected to receive notice under Section 77-38-3, shall be notified by the state's attorney  
14277 of any hearing regarding the petition.

14278 (12)(a) A petition to determine factual innocence under this part, or Part 3,  
14279 Postconviction Testing of DNA, shall be filed separately from any petition for  
14280 postconviction relief under Part 1, General Provisions.

14281 (b) Separate petitions may be filed simultaneously in the same court.

14282 (13) The procedures governing the filing and adjudication of a petition to determine factual  
14283 innocence apply to all petitions currently filed or pending in the district court and any  
14284 new petitions filed on or after June 1, 2012.

14285 (14)(a) As used in this Subsection (14) and in Subsection (15):

14286 (i) "Married" means the legal marital relationship established between two  
14287 individuals and as recognized by the law; and

14288 (ii) "Spouse" means an individual married to the petitioner at the time the petitioner  
14289 was found guilty of the offense regarding which a petition is filed and who has  
14290 since then been continuously married to the petitioner until the petitioner's death.

- 14291 (b) A claim for determination of factual innocence under this part is not extinguished  
 14292 upon the death of the petitioner.
- 14293 (c)(i) If any payments are already being made to the petitioner under this part at the  
 14294 time of the death of the petitioner, or if the finding of factual innocence occurs  
 14295 after the death of the petitioner, the payments due under Section 78B-9-405 shall  
 14296 be paid in accordance with Section 78B-9-405 to the petitioner's surviving spouse.
- 14297 (ii) Payments cease upon the death of the spouse.
- 14298 (15) The spouse under Subsection (14) forfeits all rights to receive any payment under this  
 14299 part if the spouse is charged with a homicide established by a preponderance of the  
 14300 evidence that meets the elements of any felony homicide offense in Title 76, Chapter 5,  
 14301 Offenses Against the Individual, except automobile homicide under Section 76-5-207,  
 14302 applying the same principles of culpability and defenses as in [~~Title 76, Utah Criminal~~  
 14303 ~~Code~~] Title 76, Criminal Offenses, including Title 76, Chapter 2, Principles of Criminal  
 14304 Responsibility.
- 14305 Section 276. Section **78B-9-405** is amended to read:
- 14306 **78B-9-405 (Effective 07/01/26). Judgment and assistance payment.**
- 14307 (1) As used in this section:
- 14308 (a) "Felony" means a criminal offense classified as a felony under Title 76, Chapter 3,  
 14309 Punishments, or conduct that would constitute a felony if committed in Utah.
- 14310 (b) "Petitioner" means a United States citizen or an individual who was otherwise  
 14311 lawfully present in this country at the time of the incident that gave rise to the  
 14312 underlying conviction.
- 14313 (2)(a) If a court finds a petitioner factually innocent under Part 3, Postconviction Testing  
 14314 of DNA, or under this part, and if the petitioner has served a period of incarceration,  
 14315 the court shall order that the petitioner receive for each year or portion of a year the  
 14316 petitioner was incarcerated, up to a maximum of 15 years, the monetary equivalent of  
 14317 the average annual nonagricultural payroll wage in Utah, as determined by the data  
 14318 most recently published by the Department of Workforce Services at the time of the  
 14319 petitioner's release from prison.
- 14320 (b) The court's determination of the monetary equivalent of the average annual  
 14321 nonagricultural payroll wage shall be included in the order declaring that the  
 14322 petitioner is factually innocent.
- 14323 (3) If a court orders that a petitioner is to receive payment under Subsection (2):
- 14324 (a) the [~~Utah~~]Office for Victims of Crime shall pay from the Crime Victim [~~Reparations~~]

- 14325            Compensation Fund to the petitioner within 45 days of the court order under  
 14326            Subsection (2) an initial sum equal to either 20% of the total financial assistance  
 14327            payment as determined under Subsection (2) or an amount equal to two years of  
 14328            incarceration, whichever is greater, but not to exceed the total amount owed;
- 14329            (b) the Legislature shall appropriate as nonlapsing funds from the General Fund, and no  
 14330            later than the next general session following the issuance of the court order under  
 14331            Subsection (2):
- 14332            (i) to the Crime Victim [~~Reparations~~] Compensation Fund, the amount that was paid  
 14333            out of the fund under Subsection (3)(a); and
- 14334            (ii) to the [~~State Commission on Criminal and Juvenile Justice~~] Department of  
 14335            Criminal Justice Services, as a separate line item, the amount ordered by the court  
 14336            for payments under Subsection (2), minus the amount reimbursed to the Crime  
 14337            Victim [~~Reparations~~] Compensation Fund under Subsection (3)(b)(i); and
- 14338            (c) the [~~State Commission on Criminal and Juvenile Justice~~] Department of Criminal  
 14339            Justice Services shall pay the amount ordered by the court under Subsection (2),  
 14340            minus the amount paid by the [~~Utah~~] Office for Victims of Crime under Subsection  
 14341            (3)(a), to the petitioner:
- 14342            (i) quarterly on or before the last day of the month next succeeding each calendar  
 14343            quarterly period; or
- 14344            (ii) in one lump sum payment no later than the next succeeding July 31 after the day  
 14345            on which the court ordered the payment.
- 14346            (4)(a) For a payment under Subsection (3)(c):
- 14347            (i) the petitioner shall choose, within 90 days after the day on which the payment  
 14348            under Subsection (3)(a) is made, whether the payment is disbursed under  
 14349            Subsection (3)(c)(i) or (ii); and
- 14350            (ii) the [~~State Commission on Criminal and Juvenile Justice~~] Department of Criminal  
 14351            Justice Services shall disburse the payment in accordance with the petitioner's  
 14352            choice under Subsection (4)(a)(i).
- 14353            (b) If the petitioner fails to make a choice under Subsection (4)(a)(i) within 90 days after  
 14354            the day on which the payment under Subsection (3)(a) is made, the [~~State~~  
 14355            Commission on Criminal and Juvenile Justice] Department of Criminal Justice  
 14356            Services shall pay the amount under Subsection (3)(c) in accordance with Subsection  
 14357            (3)(c)(i).
- 14358            (c)(i) If a court ordered a petitioner to receive a payment under this section on or

14359 before May 5, 2021, the petitioner may request that the [~~State Commission on~~  
14360 ~~Criminal and Juvenile Justice~~] Department of Criminal Justice Services disburse  
14361 the remaining balance of the payment owed to the petitioner under Subsection  
14362 (3)(c) in one lump sum payment.

14363 (ii) If a petitioner submits a request under Subsection (4)(c)(i), the [~~State Commission~~  
14364 ~~on Criminal and Juvenile Justice~~] Department of Criminal Justice Services shall  
14365 disburse the remaining balance of the payment owed to the petitioner in one lump  
14366 sum payment.

14367 (5) Payments under Subsection (3)(c)(i) shall:

14368 (a) commence no later than one year after the effective date of the appropriation for the  
14369 payments;

14370 (b) be made to the petitioner for the balance of the amount ordered by the court after the  
14371 initial payment under Subsection (3)(a); and

14372 (c) be allocated so that the entire amount due to the petitioner under this section has been  
14373 paid no later than 10 years after the effective date of the appropriation made under  
14374 Subsection (3)(b).

14375 (6)(a) Payments under this section shall be reduced to the extent that the period of  
14376 incarceration for which the petitioner seeks payment was attributable to a separate  
14377 and lawful conviction.

14378 (b) Payments under this section shall:

14379 (i) be tolled upon the commencement of any period of incarceration due to the  
14380 petitioner's subsequent conviction of a felony; and

14381 (ii) resume upon the conclusion of that period of incarceration.

14382 (c) The reduction of payments under Subsection (6)(a) or the tolling of payments [  
14383 ~~pursuant to~~] in accordance with Subsection (6)(b) shall be determined by the same  
14384 court that finds a petitioner to be factually innocent under Part 3, Postconviction  
14385 Testing of DNA, or this part.

14386 (7)(a) An individual is ineligible for any payments under this part if the individual was  
14387 already serving a prison sentence in another jurisdiction at the time of the conviction  
14388 of the crime for which that individual has been found factually innocent in  
14389 accordance with Part 3, Postconviction Testing of DNA, or this part, and that  
14390 individual is to be returned to that other jurisdiction upon release for further  
14391 incarceration on the prior conviction.

14392 (b) Ineligibility for any payments under this Subsection (7) shall be determined by the

14393 same court that finds an individual to be factually innocent under Part 3,  
 14394 Postconviction Testing of DNA, or this part.

14395 (8) Payments under this section:

14396 (a) are not subject to any Utah state taxes; and

14397 (b) may not be offset by any expenses incurred by the state or any political subdivision  
 14398 of the state, including expenses incurred to secure the petitioner's custody, or to feed,  
 14399 clothe, or provide medical services for the petitioner.

14400 (9) If a court finds a petitioner to be factually innocent under Part 3, Postconviction Testing  
 14401 of DNA, or this part, the court shall also:

14402 (a) issue an order of expungement of the petitioner's criminal record for all acts in the  
 14403 charging document upon which the payment under this part is based; and

14404 (b) provide a letter to the petitioner explaining that the petitioner's conviction has been  
 14405 vacated on the grounds of factual innocence and indicating that the petitioner did not  
 14406 commit the crime or crimes for which the petitioner was convicted and was later  
 14407 found to be factually innocent under Part 3, Postconviction Testing of DNA, or this  
 14408 part.

14409 (10) A petitioner found to be factually innocent under Part 3, Postconviction Testing of  
 14410 DNA, or this part shall have access to the same services and programs available to Utah  
 14411 citizens generally as though the conviction for which the petitioner was found to be  
 14412 factually innocent had never occurred.

14413 (11)(a) Payments under this part constitute a full and conclusive resolution of the  
 14414 petitioner's claims on the specific issue of factual innocence.

14415 (b) Pre-judgment interest may not be awarded in addition to the payments provided  
 14416 under this part.

14417 Section 277. Section **78B-22-102** is amended to read:

14418 **78B-22-102 (Effective 07/01/26). Definitions.**

14419 As used in this chapter:

14420 [(1) "Account" means the Indigent Defense Resources Restricted Account created in  
 14421 Section 78B-22-405.]

14422 [(2) "Child welfare case" means a proceeding under Title 80, Chapter 3, Abuse, Neglect,  
 14423 and Dependency Proceedings, or Title 80, Chapter 4, Termination and Restoration of  
 14424 Parental Rights.]

14425 [(3)] (1) "Commission" means the [Utah] Indigent Defense Commission created in Section [  
 14426 78B-22-401] 75E-9-102.

- 14427 [~~(4)~~ "Eligible county" means:]
- 14428       (a) a county of the fourth, fifth, and sixth class, as classified under Section 17-60-104;
- 14429       and]
- 14430       (b) a county of the third class, as classified under Section 17-60-104, if the county of
- 14431       the third class has no municipality with a population of 100,000 or more.]
- 14432 [~~(5)~~ "Executive director" means the executive director of the Office of Indigent Defense
- 14433       Services, created in Section 78B-22-451, who is appointed in accordance with Section
- 14434       78B-22-453.]
- 14435 [~~(6)~~ (2) "Indigent defense resources" means the resources necessary to provide an effective
- 14436       defense for an indigent individual.
- 14437 [~~(7)~~ (3) "Indigent defense service provider" means an attorney or entity appointed to
- 14438       represent an indigent individual through:
- 14439       (a) a contract with an indigent defense system to provide indigent defense services;
- 14440       (b) an order issued by the court under Subsection 78B-22-203(2)(a); or
- 14441       (c) direct employment with an indigent defense system.
- 14442 [~~(8)~~ (4) "Indigent defense services" means:
- 14443       (a) the representation of an indigent individual by an indigent defense service provider;
- 14444       and
- 14445       (b) the provision of indigent defense resources for an indigent individual.
- 14446 [~~(9)~~ (5) "Indigent defense system" means:
- 14447       (a) a city or town that is responsible for providing indigent defense services;
- 14448       (b) a county that is responsible for providing indigent defense services in the district
- 14449       court, juvenile court, and the county's justice courts; or
- 14450       (c) an interlocal entity, created [~~pursuant to~~] in accordance with Title 11, Chapter 13,
- 14451       Interlocal Cooperation Act, that is responsible for providing indigent defense services
- 14452       according to the terms of an agreement between a county, city, or town.
- 14453 [~~(10)~~ (6) "Indigent individual" means:
- 14454       (a) a minor who is:
- 14455           (i) arrested and admitted into detention for an offense under Section 78A-6-103;
- 14456           (ii) charged by petition or information in the juvenile or district court; or
- 14457           (iii) described in this Subsection [~~(10)(a)~~] (6)(a), who is appealing an adjudication or
- 14458           other final court action; and
- 14459       (b) an individual listed in Subsection 78B-22-201(1) who is found indigent [~~pursuant to~~
- 14460       in accordance with Section 78B-22-202.

- 14461 [(11)] (7) "Minor" means the same as that term is defined in Section 80-1-102.
- 14462 [(12)] (8) "Office" means the Office of Indigent Defense Services created in Section [  
14463 ~~78B-22-451~~] 75E-10-102.
- 14464 [(13) "~~Participating county~~" means a county that complies with this chapter for participation  
14465 in the ~~Indigent Aggravated Murder Defense Fund~~ as provided in Sections ~~78B-22-702~~  
14466 and ~~78B-22-703~~.]
- 14467 Section 278. Section **78B-22-203** is amended to read:
- 14468 **78B-22-203 (Effective 07/01/26). Order for indigent defense services.**
- 14469 (1)(a) Except as provided in Subsection (6), a court shall appoint an indigent defense  
14470 service provider who is employed by an indigent defense system or who has a  
14471 contract with an indigent defense system to provide indigent defense services for an  
14472 individual over whom the court has jurisdiction if:
- 14473 (i) the individual is an indigent individual; and
- 14474 (ii) the individual does not have private counsel.
- 14475 (b) An indigent defense service provider appointed by the court under Subsection (1)(a)  
14476 shall provide indigent defense services for the indigent individual in all court  
14477 proceedings in the matter for which the indigent defense service provider is  
14478 appointed.
- 14479 (2)(a) Notwithstanding Subsection (1), the court may order that indigent defense  
14480 services be provided by an indigent defense service provider who does not have a  
14481 contract with an indigent defense system if the court finds by clear and convincing  
14482 evidence that:
- 14483 (i) all the contracted indigent defense service providers:
- 14484 (A) have a conflict of interest; or
- 14485 (B) do not have sufficient expertise to provide indigent defense services for the  
14486 indigent individual; or
- 14487 (ii) the indigent defense system does not have a contract with an indigent defense  
14488 service provider for indigent defense services.
- 14489 (b) A court may not order indigent defense services under Subsection (2)(a) unless the  
14490 court conducts a hearing with proper notice to the indigent defense system by sending  
14491 notice of the hearing to the county clerk or municipal recorder.
- 14492 (3)(a) A court may order reasonable indigent defense resources for an individual who  
14493 has retained private counsel only if the court finds by clear and convincing evidence  
14494 that:

- 14495 (i) the individual is an indigent individual;
- 14496 (ii) the individual would be prejudiced by the substitution of a contracted indigent  
14497 defense service provider and the prejudice cannot be remedied;
- 14498 (iii) at the time that private counsel was retained, the individual:
- 14499 (A) entered into a written contract with private counsel; and
- 14500 (B) had the ability to pay for indigent defense resources, but no longer has the  
14501 ability to pay for the indigent defense resources in addition to the cost of  
14502 private counsel;
- 14503 (iv) there has been an unforeseen change in circumstances that requires indigent  
14504 defense resources beyond the individual's ability to pay; and
- 14505 (v) any representation under this Subsection (3)(a) is made in good faith and is not  
14506 calculated to allow the individual or retained private counsel to avoid the  
14507 requirements of this section.
- 14508 (b) A court may not order indigent defense resources under Subsection (3)(a) until the  
14509 court conducts a hearing with proper notice to the indigent defense system by sending  
14510 notice of the hearing to the county clerk or municipal recorder.
- 14511 (c) At the hearing, the court shall conduct an in camera review of:
- 14512 (i) the private counsel contract;
- 14513 (ii) the costs or anticipated costs of the indigent defense resources; and
- 14514 (iii) other relevant records.
- 14515 (4) A court may only order the representation of an indigent individual by an indigent  
14516 defense service provider in accordance with this section.
- 14517 (5) A court may not order indigent defense resources be provided to an indigent individual,  
14518 except as provided in Subsection (3).
- 14519 (6)(a) For an individual prosecuted for aggravated murder and found indigent, a court  
14520 from a county participating in the Indigent Aggravated Murder Defense Fund created  
14521 in Section [~~78B-22-701~~] 75E-10-402 shall notify the Office of Indigent Defense  
14522 Services of the finding of indigency.
- 14523 (b) The office shall assign an indigent defense service provider qualified under Utah  
14524 Rules of Criminal Procedure, Rule 8, with whom the office has a preliminary contract  
14525 to provide indigent defense services for an assigned rate.
- 14526 Section 279. Section **78B-22-301** is amended to read:
- 14527 **78B-22-301 (Effective 07/01/26). Standards for indigent defense systems --**  
14528 **Written report.**

- 14529 (1) An indigent defense system shall provide indigent defense services for an indigent  
 14530 individual in accordance with the core principles adopted by the commission under  
 14531 Section [~~78B-22-404~~] 75E-9-104.
- 14532 (2)(a) On or before March 30 of each year, all indigent defense systems shall submit a  
 14533 written report to the commission that describes each indigent defense system's  
 14534 compliance with the commission's core principles.
- 14535 (b) If an indigent defense system fails to submit a timely report under Subsection (2)(a),  
 14536 the indigent defense system is disqualified from receiving a grant from the  
 14537 commission for the following calendar year.
- 14538 Section 280. Section **80-2-503** is amended to read:
- 14539 **80-2-503 (Effective 07/01/26). Division contracts for prevention and treatment of**  
 14540 **child abuse and neglect -- Requirements -- Public hearing -- Funding provided by**  
 14541 **contractor.**
- 14542 (1)(a) The Legislature finds that there is a need to assist private and public agencies in  
 14543 identifying and establishing community-based education, service, and treatment  
 14544 programs to prevent the occurrence and recurrence of abuse and neglect.
- 14545 (b) It is the purpose of this section to provide a means to increase prevention and  
 14546 treatment programs designed to reduce the occurrence or recurrence of child abuse  
 14547 and neglect.
- 14548 (2) The division shall contract with public or private nonprofit organizations, agencies, or  
 14549 schools, or with qualified individuals to establish voluntary community-based  
 14550 educational and service programs designed to reduce or prevent the occurrence or  
 14551 recurrence of abuse and neglect.
- 14552 (3)(a) A program that the division contracts with under this section shall provide  
 14553 voluntary primary abuse and neglect prevention, and voluntary or court-ordered  
 14554 treatment services.
- 14555 (b) A program described in Subsection (3)(a) includes:
- 14556 (i) a program related to prenatal care, perinatal bonding, child growth and  
 14557 development, basic child care, care of children with special needs, and coping  
 14558 with family stress;
- 14559 (ii) a program related to crisis care, aid to parents, abuse counseling, support groups  
 14560 for abusive or potentially abusive parents and abusive parents' children, and early  
 14561 identification of families where the potential for abuse and neglect exists;
- 14562 (iii) a program clearly designed to prevent the occurrence or recurrence of abuse,

- 14563 neglect, sexual abuse, sexual exploitation, or medical or educational neglect;
- 14564 (iv) a program that the division and council consider potentially effective in reducing
- 14565 the incidence of family problems leading to abuse or neglect; and
- 14566 (v) a program designed to establish and assist community resources that prevent
- 14567 abuse and neglect.
- 14568 (4) The division shall:
- 14569 (a) consult with appropriate state agencies, commissions, and boards to help determine
- 14570 the probable effectiveness, fiscal soundness, and need for proposed education and
- 14571 service programs for the prevention and treatment of abuse and neglect;
- 14572 (b) develop policies to determine whether a program will be discontinued or receive
- 14573 continuous funding;
- 14574 (c) facilitate the exchange of information between and among groups concerned with
- 14575 families and children;
- 14576 (d) establish flexible fees and fee schedules based on the recipient's ability to pay for
- 14577 part or all of the costs of service received;
- 14578 (e) before awarding a contract for an abuse or neglect prevention or treatment program
- 14579 or service:
- 14580 (i) conduct a public hearing to receive public comment on the program or service and
- 14581 ensure the council conducted a public hearing on the program or service in
- 14582 accordance with Subsection (6);
- 14583 (ii) if the program or service is intended for presentation in public schools, receive
- 14584 evidence that the program or service is approved by the local board of education
- 14585 of each school district that will be utilizing the program or service, or under the
- 14586 direction of the local board of education, the state superintendent; and
- 14587 (iii) consider need, diversity of geographic locations, the program's or services'
- 14588 coordination with or enhancement of existing services, and the program's or
- 14589 services' extensive use of volunteers;
- 14590 (f) award a contract under this section for services to prevent abuse and neglect on the
- 14591 basis of probability of success, based in part on sound research data; and
- 14592 (g) [~~adopt~~] make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 14593 Rulemaking Act, as necessary to carry out the purposes of this section.
- 14594 (5) The division may:
- 14595 (a) require that 25% of the funding for a program contracted for under this section be
- 14596 provided by the contractor operating the program; and

- 14597 (b) consider a contribution of materials, supplies, or physical facilities as all or part of  
14598 the funding provided by the contractor under Subsection (5)(a).
- 14599 (6) The council shall conduct a public hearing to receive public comment on the program or  
14600 service before the division may enter into a contract under this section.
- 14601 (7) A contract entered into under this section shall contain a provision for the evaluation of  
14602 services provided under the contract.
- 14603 (8) Contract funds awarded under this section for the treatment of victims of abuse or  
14604 neglect are not a collateral source as defined in Section [~~63M-7-502~~] 75E-5-101.
- 14605 Section 281. Section **80-5-102** is amended to read:
- 14606 **80-5-102 (Effective 07/01/26). Definitions.**
- 14607 As used in this chapter:
- 14608 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in  
14609 Section 80-5-302.
- 14610 (2)(a) "Adult" means an individual who is 18 years old or older.
- 14611 (b) "Adult" does not include a juvenile offender.
- 14612 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.  
14613 1351.1.
- 14614 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.
- 14615 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender in a  
14616 manner consistent with public safety and the well-being of the juvenile offender and  
14617 division employees.
- 14618 (6) "Cross-sex hormone treatment" means the same as that term is defined in Section  
14619 26B-4-1001.
- 14620 (7) "Director" means the director of the Division of Juvenile Justice and Youth Services.
- 14621 (8) "Discharge" means the same as that term is defined in Section 80-6-102.
- 14622 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section  
14623 80-5-103.
- 14624 (10) "Homeless youth" means a child, other than an emancipated minor:
- 14625 (a) who is a runaway; or
- 14626 (b) who is:
- 14627 (i) not accompanied by the child's parent or guardian; and
- 14628 (ii) without care, as defined in Section 80-5-602.
- 14629 (11) "Housing unit" means an area with secured entrances, minor rooms, and common area  
14630 space.

- 14631 (12) "Minor room" means a secured room where an individual sleeps and uses restroom  
14632 facilities.
- 14633 (13) "Observation and assessment program" means a nonresidential service program  
14634 operated or purchased by the division that is responsible only for diagnostic assessment  
14635 of minors, including for substance use disorder, mental health, psychological, and sexual  
14636 behavior risk assessments.
- 14637 (14) "Performance based contracting" means a system of contracting with service providers  
14638 for the provision of residential or nonresidential services that:
- 14639 (a) provides incentives for the implementation of evidence-based juvenile justice  
14640 programs or programs rated as effective for reducing recidivism by a standardized  
14641 tool in accordance with Section [63M-7-208] 75E-2-207; and
- 14642 (b) provides a premium rate allocation for a minor who receives the evidence-based  
14643 dosage of treatment and successfully completes the program within three months.
- 14644 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for  
14645 effectuating or facilitating an individual's attempted sex change, any of the following  
14646 alone or in combination with aromatase inhibitors:
- 14647 (a) gonadotropin-releasing hormone agonists; or  
14648 (b) androgen receptor inhibitors.
- 14649 (16) "Primary sex characteristic surgical procedure" means the same as that term is defined  
14650 in Section 26B-4-1001.
- 14651 (17) "Rescission" means the same as that term is defined in Section 80-6-102.
- 14652 (18) "Restitution" means the same as that term is defined in Section 80-6-102.
- 14653 (19) "Revocation" means the same as that term is defined in Section 80-6-102.
- 14654 (20) "Secondary sex characteristic surgical procedure" means the same as that term is  
14655 defined in Section 26B-4-1001.
- 14656 (21) "Temporary custody" means the same as that term is defined in Section 80-6-102.
- 14657 (22) "Temporary homeless youth shelter" means a facility that:
- 14658 (a) provides temporary shelter to homeless youth; and  
14659 (b) is licensed by the Department of Health and Human Services, created in Section  
14660 26B-1-201, as a residential support program.
- 14661 (23) "Termination" means the same as that term is defined in Section 80-6-102.
- 14662 (24) "Victim" means the same as that term is defined in Section 80-6-102.
- 14663 (25) "Work program" means a nonresidential public or private service work project  
14664 established and administered by the division for juvenile offenders for the purpose of

14665 rehabilitation, education, and restitution to victims.

14666 (26)(a) "Youth services" means services provided in an effort to resolve family conflict:

14667 (i) for families in crisis when a minor is ungovernable or a runaway; or

14668 (ii) involving a minor and the minor's parent or guardian.

14669 (b) "Youth services" include efforts to:

14670 (i) resolve family conflict;

14671 (ii) maintain or reunite minors with the minors' families; and

14672 (iii) divert minors from entering or escalating in the juvenile justice system.

14673 (c) "Youth services" may provide:

14674 (i) crisis intervention;

14675 (ii) short-term shelter;

14676 (iii) time-out placement; and

14677 (iv) family counseling.

14678 (27) "Youth services center" means a center established by, or under contract with, the  
14679 division to provide youth services.

14680 Section 282. Section **80-5-201** is amended to read:

14681 **80-5-201 (Effective 07/01/26). Division responsibilities.**

14682 (1) The division is responsible for all minors committed to the division by juvenile courts  
14683 under Sections 80-6-703 and 80-6-705.

14684 (2) The division shall:

14685 (a) establish and administer a continuum of community, secure, and nonsecure programs  
14686 for all minors committed to the division;

14687 (b) establish and maintain all detention and secure care facilities and set minimum  
14688 standards for all detention and secure care facilities;

14689 (c) establish and operate prevention and early intervention youth services programs for  
14690 nonadjudicated minors placed with the division;

14691 (d) establish observation and assessment programs necessary to serve minors in a  
14692 nonresidential setting under Subsection 80-6-706(1);

14693 (e) place minors committed to the division under Section 80-6-703 in the most  
14694 appropriate program for supervision and treatment;

14695 (f) employ staff necessary to:

14696 (i) supervise and control minors committed to the division for secure care or  
14697 placement in the community;

14698 (ii) supervise and coordinate treatment of minors committed to the division for

- 14699 placement in community-based programs; and
- 14700 (iii) control and supervise adjudicated and nonadjudicated minors placed with the
- 14701 division for temporary services in juvenile receiving centers, youth services, and
- 14702 other programs established by the division;
- 14703 (g) control or detain a minor committed to the division, or in the temporary custody of
- 14704 the division, in a manner that is consistent with public safety and rules made by the
- 14705 division;
- 14706 (h) establish and operate work programs for minors committed to the division by the
- 14707 juvenile court that:
- 14708 (i) are not residential;
- 14709 (ii) provide labor to help in the operation, repair, and maintenance of public facilities,
- 14710 parks, highways, and other programs designated by the division;
- 14711 (iii) provide educational and prevocational programs in cooperation with the State
- 14712 Board of Education for minors placed in the program; and
- 14713 (iv) provide counseling to minors;
- 14714 (i) establish minimum standards for the operation of all private residential and
- 14715 nonresidential rehabilitation facilities that provide services to minors who have
- 14716 committed an offense in this state or in any other state;
- 14717 (j) provide regular training for secure care staff, detention staff, case management staff,
- 14718 and staff of the community-based programs;
- 14719 (k) designate employees to obtain the saliva DNA specimens required under Section
- 14720 53-10-403;
- 14721 (l) ensure that the designated employees receive appropriate training and that the
- 14722 specimens are obtained in accordance with accepted protocol;
- 14723 (m) register an individual with the Department of Public Safety who:
- 14724 (i) is adjudicated for an offense that would result in the individual being a child abuse
- 14725 offender under Subsection 53-29-202(2)(a) or a sex offender under Subsection
- 14726 53-29-202(2)(b);
- 14727 (ii) is committed to the division for secure care; and
- 14728 (iii)(A) if the individual is a youth offender, remains in the division's custody 30
- 14729 days before the individual's 21st birthday; or
- 14730 (B) if the individual is a serious youth offender, remains in the division's custody
- 14731 30 days before the individual's 25th birthday; and
- 14732 (n) ensure that a program delivered to a minor under this section is an evidence-based

14733 program in accordance with Section [~~63M-7-208~~] 75E-2-207.

14734 (3)(a) The division is authorized to employ special function officers, as defined in  
14735 Section 53-13-105, to:

14736 (i) locate and apprehend minors who have absconded from division custody;

14737 (ii) transport minors taken into custody in accordance with division policy;

14738 (iii) investigate cases; and

14739 (iv) carry out other duties as assigned by the division.

14740 (b) A special function officer may be:

14741 (i) employed through a contract with the Department of Public Safety, or any law  
14742 enforcement agency certified by the Peace Officer Standards and Training  
14743 Division; or

14744 (ii) directly hired by the division.

14745 (4) In the event of an unauthorized leave from secure care, detention, a community-based  
14746 program, a juvenile receiving center, a home, or any other designated placement of a  
14747 minor, a division employee has the authority and duty to locate and apprehend the  
14748 minor, or to initiate action with a local law enforcement agency for assistance.

14749 (5) The division may proceed with an initial medical screening or assessment of a child  
14750 admitted to a detention facility to ensure the safety of the child and others in the  
14751 detention facility if the division makes a good faith effort to obtain consent for the  
14752 screening or assessment from the child's parent or guardian.

14753 Section 283. Section **80-5-205** is amended to read:

14754 **80-5-205 (Effective 07/01/26). Contracts with private providers.**

14755 (1) This chapter does not prohibit the division from contracting with private providers or  
14756 other agencies for:

14757 (a) the construction, operation, and maintenance of juvenile facilities; or

14758 (b) the provision of care, treatment, and supervision of minors who have been  
14759 committed to the division.

14760 (2) All programs for the care, treatment, and supervision of minors committed to the  
14761 division shall be licensed in compliance with division standards within six months after  
14762 commencing operation.

14763 (3) A contract for the care, treatment, and supervision of a minor committed to the division  
14764 shall be executed in accordance with the performance-based contracting system  
14765 developed under Section [~~63M-7-208~~] 75E-2-207.

14766 Section 284. Section **80-5-304** is amended to read:

14767 **80-5-304 (Effective 07/01/26). Income and finances for minors in the custody of**  
 14768 **the division.**

- 14769 (1) If a minor is committed to the custody of the division, the division may establish:
- 14770 (a) an account for the minor that is administered by the division; or
- 14771 (b) a joint account for the minor and the division at a federally insured financial
- 14772 institution.
- 14773 (2) The division may:
- 14774 (a) collect funds earned or received by a minor; and
- 14775 (b) place the funds earned or received by the minor into an account described in
- 14776 Subsection (1).
- 14777 (3) The division may:
- 14778 (a) only use funds placed in an account described in Subsection (1) for the minor,
- 14779 including using the funds to pay restitution, [~~reparations~~] victim compensation, fines,
- 14780 alimony, support payments, cost of care, or similar court-ordered payments owed by
- 14781 the minor; and
- 14782 (b) provide the minor with any funds remaining in an account described in Subsection (1)
- 14783 upon the minor's transition and termination from the custody of the division.
- 14784 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 14785 division shall make rules to establish the administration of accounts and finances for
- 14786 minors in the custody of the division.

14787 Section 285. Section **80-6-102** is amended to read:

14788 **80-6-102 (Effective 07/01/26). Definitions.**

14789 As used in this chapter:

- 14790 (1) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
- 14791 1351.1.
- 14792 (2) "Authority" means the Youth Parole Authority created in Section 80-5-701.
- 14793 [~~(3) "Commission" means the State Commission on Criminal and Juvenile Justice created~~
- 14794 ~~in Section 63M-7-201.~~]
- 14795 [(4)] (3) "Compensatory service" means service or unpaid work performed by a minor in
- 14796 lieu of the payment of a fine, fee, or restitution.
- 14797 [(5)] (4) "Control" means the same as that term is defined in Section 80-5-102.
- 14798 (5) "Department" means the Department of Criminal Justice Services created in Section
- 14799 75E-2-102.
- 14800 (6) "Detention hearing" means a proceeding under Section 80-6-207 to determine whether a

- 14801 minor should remain in detention.
- 14802 (7) "Detention guidelines" means standards, established by the division in accordance with  
14803 Subsection 80-5-202(1)(a), for the admission of a minor to detention.
- 14804 (8) "Discharge" means a written order of the authority that removes a juvenile offender  
14805 from the authority's jurisdiction.
- 14806 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section  
14807 80-5-103.
- 14808 (10) "Family-based setting" means a home that is licensed to allow a minor to reside at the  
14809 home, including a foster home, proctor care, or residential care by a professional parent.
- 14810 (11) "Formal referral" means a written report from a peace officer, or other person,  
14811 informing the juvenile court that:
- 14812 (a) an offense committed by a minor is, or appears to be, within the juvenile court's  
14813 jurisdiction; and
- 14814 (b) the minor's case must be reviewed by a juvenile probation officer or a prosecuting  
14815 attorney.
- 14816 (12) "Habitual truant" means the same as that term is defined in Section 53G-8-211.
- 14817 (13) "Material loss" means an uninsured:
- 14818 (a) property loss;
- 14819 (b) out-of-pocket monetary loss for property that is stolen, damaged, or destroyed;
- 14820 (c) lost wages because of an injury, time spent as a witness, or time spent assisting the  
14821 police or prosecution; or
- 14822 (d) medical expense.
- 14823 (14) "Referral" means a formal referral, a referral to the juvenile court under Section  
14824 53G-8-211, or a citation issued to a minor for which the juvenile court receives notice  
14825 under Section 80-6-302.
- 14826 (15) "Rescission" means a written order of the authority that rescinds a date for parole.
- 14827 (16) "Restitution" means money or services that the juvenile court, or a juvenile probation  
14828 officer if the minor agrees to a nonjudicial adjustment, orders a minor to pay or render to  
14829 a victim for the minor's wrongful act or conduct.
- 14830 (17) "Revocation" means a written order of the authority that, after a hearing and  
14831 determination under Section 80-6-806:
- 14832 (a) terminates supervision of a juvenile offender's parole; and
- 14833 (b) directs a juvenile offender to return to secure care.
- 14834 (18) "Temporary custody" means the control and responsibility of a minor, before an

- 14835 adjudication under Section 80-6-701, until the minor is released to a parent, guardian,  
14836 responsible adult, or to an appropriate agency.
- 14837 (19) "Termination" means a written order of the authority that terminates a juvenile  
14838 offender from parole.
- 14839 (20)(a) "Victim" means a person that the juvenile court determines suffered a material  
14840 loss as a result of a minor's wrongful act or conduct.
- 14841 (b) "Victim" includes:
- 14842 (i) any person directly harmed by the minor's wrongful act or conduct in the course of  
14843 the scheme, conspiracy, or pattern if the minor's wrongful act or conduct is an  
14844 offense that involves an element of a scheme, a conspiracy, or a pattern of  
14845 criminal activity; and
- 14846 (ii) the ~~[Utah]~~Office for Victims of Crime.
- 14847 (21) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
- 14848 (22) "Work program" means the same as that term is defined in Section 80-5-102.
- 14849 (23) "Youth services" means the same as that term is defined in Section 80-5-102.
- 14850 Section 286. Section **80-6-104** is amended to read:
- 14851 **80-6-104 (Effective 07/01/26). Data collection on offenses committed by minors --**  
14852 **Reporting requirement.**
- 14853 (1) As used in this section:
- 14854 (a) "Firearm" means the same as that term is defined in Section 76-11-101.  
14855 (b) "Firearm-related offense" means a criminal offense involving a firearm.  
14856 (c) "School is in session" means the same as that term is defined in Section 53E-3-516.  
14857 (d) "School-sponsored activity" means the same as that term is defined in Section  
14858 53E-3-516.
- 14859 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the  
14860 following data to the ~~[State Commission on Criminal and Juvenile Justice]~~ department,  
14861 broken down by judicial district, for the preceding calendar year:
- 14862 (a) the number of referrals to the juvenile court;  
14863 (b) the number of minors diverted to a nonjudicial adjustment;  
14864 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;  
14865 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;  
14866 (e) the number of minors for whom an information is filed in the juvenile court;  
14867 (f) the number of minors bound over to the district court by the juvenile court;  
14868 (g) the number of petitions for offenses committed by minors that were dismissed by the

- 14869 juvenile court;
- 14870 (h) the number of adjudications in the juvenile court for offenses committed by minors;
- 14871 (i) the number of guilty pleas entered into by minors in the juvenile court;
- 14872 (j) the number of dispositions resulting in secure care, community-based placement,
- 14873 formal probation, and intake probation; and
- 14874 (k) for each minor charged in the juvenile court with a firearm-related offense:
- 14875 (i) the minor's age at the time the offense was committed or allegedly committed;
- 14876 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
- 14877 (iii) whether the minor is a restricted person under Subsection 76-11-302(4) or
- 14878 76-11-303(4);
- 14879 (iv) the type of offense for which the minor is charged;
- 14880 (v) the outcome of the minor's case in juvenile court, including whether the minor
- 14881 was bound over to the district court or adjudicated by the juvenile court; and
- 14882 (vi) if a disposition was entered by the juvenile court, whether the disposition
- 14883 resulted in secure care, community-based placement, formal probation, or intake
- 14884 probation.
- 14885 (3) The [~~State Commission on Criminal and Juvenile Justice~~] department shall track the
- 14886 disposition of a case resulting from a firearm-related offense committed, or allegedly
- 14887 committed, by a minor when the minor is found in possession of a firearm while school
- 14888 is in session or during a school-sponsored activity.
- 14889 (4) In collaboration with the Administrative Office of the Courts, the division, and other
- 14890 agencies, the [~~State Commission on Criminal and Juvenile Justice~~] department shall
- 14891 collect data for the preceding calendar year on:
- 14892 (a) the length of time that minors spend in the juvenile justice system, including the total
- 14893 amount of time minors spend under juvenile court jurisdiction, on community
- 14894 supervision, and in each out-of-home placement;
- 14895 (b) recidivism of minors who are diverted to a nonjudicial adjustment and minors for
- 14896 whom dispositions are ordered by the juvenile court, including tracking minors into
- 14897 the adult corrections system;
- 14898 (c) changes in aggregate risk levels from the time minors receive services, are under
- 14899 supervision, and are in out-of-home placement; and
- 14900 (d) dosages of programming.
- 14901 (5) On and before October 1 of each year, the [~~State Commission on Criminal and Juvenile~~
- 14902 ~~Justice~~] department shall prepare and submit a written report to the Judiciary Interim

- 14903 Committee and the Law Enforcement and Criminal Justice Interim Committee that  
14904 includes:
- 14905 (a) data collected by the [~~State Commission on Criminal and Juvenile Justice~~] department  
14906 under this section;
- 14907 (b) data collected by the State Board of Education under Section 53E-3-516; and  
14908 (c) recommendations for legislative action with respect to the data described in this  
14909 Subsection (5).
- 14910 (6) After submitting the written report described in Subsection (5), the [~~State Commission~~  
14911 ~~on Criminal and Juvenile Justice~~] department may supplement the report at a later time  
14912 with updated data and information the State Board of Education collects under Section  
14913 53E-3-516.
- 14914 (7) Nothing in this section shall be construed to require the disclosure of information or  
14915 data that is classified as controlled, private, or protected under Title 63G, Chapter 2,  
14916 Government Records Access and Management Act.
- 14917 Section 287. Section **80-6-204** is amended to read:
- 14918 **80-6-204 (Effective 07/01/26). Detention or confinement of a child -- Restrictions.**
- 14919 (1) Except as provided in Subsection (2) or this chapter, if a child is apprehended by a peace[-]  
14920 officer, or brought before a court for examination under state law, the child may not be  
14921 confined:
- 14922 (a) in a jail, lockup, or cell used for an adult who is charged with a crime; or  
14923 (b) in secure care[-].
- 14924 (2)(a) The division shall detain a child in accordance with Sections 80-6-502, 80-6-504,  
14925 and 80-6-505 if:
- 14926 (i) the child is charged with an offense under Section 80-6-502 or 80-6-503;  
14927 (ii) the district court has obtained jurisdiction over the offense because the child is  
14928 bound over to the district court under Section 80-6-504; and  
14929 (iii) the juvenile or district court orders the detention of the child.
- 14930 (b)(i) If a child is detained before a detention hearing, or a preliminary hearing under  
14931 Section 80-6-504 if a criminal information is filed for the child under Section  
14932 80-6-503, the child may only be held in certified juvenile detention  
14933 accommodations in accordance with rules made by the [~~commission~~] department.
- 14934 (ii) The [~~commission's~~] department's rules shall include rules for acceptable sight and  
14935 sound separation from adult inmates.
- 14936 (iii) The [~~commission~~] department shall certify that a correctional facility is in

- 14937 compliance with the [~~commission's~~] department's rules.
- 14938 (iv) This Subsection (2)(b) does not apply to a child held in a correctional facility in  
14939 accordance with Subsection (2)(a).
- 14940 (3)(a) In an area of low density population, the [~~commission~~] department may, by rule,  
14941 approve a juvenile detention accommodation within a correctional facility that has  
14942 acceptable sight and sound separation.
- 14943 (b) An accommodation described in Subsection (3)(a) shall be used only:  
14944 (i) for short-term holding of a child who is alleged to have committed an act that  
14945 would be a criminal offense if committed by an adult; and  
14946 (ii) for a maximum confinement period of six hours.
- 14947 (c) A child may only be held in an accommodation described in Subsection (3)(a) for:  
14948 (i) identification;  
14949 (ii) notification of a juvenile court official;  
14950 (iii) processing; and  
14951 (iv) allowance of adequate time for evaluation of needs and circumstances regarding  
14952 the release or transfer of the child to a shelter or detention facility.
- 14953 (d) This Subsection (3) does not apply to a child held in a correctional facility in  
14954 accordance with Subsection (2)(a).
- 14955 (4)(a) If a child is alleged to have committed an act that would be a criminal offense if  
14956 committed by an adult, a law enforcement officer or agency may detain the child in a  
14957 holding room in a local law enforcement agency facility for no longer than four hours:  
14958 (i) for identification or interrogation; or  
14959 (ii) while awaiting release to a parent or other responsible adult.
- 14960 (b) A holding room described in Subsection (4)(a) shall be certified by the [~~commission~~]  
14961 department in accordance with the [~~commission's~~] department's rules.
- 14962 (c) The [~~commission's~~] department's rules shall include provisions for constant  
14963 supervision and for sight and sound separation from adult inmates.
- 14964 (5) Willful failure to comply with this section is a class B misdemeanor.
- 14965 (6)(a) The division is responsible for the custody and detention of:  
14966 (i) a child who requires detention before trial or examination, or is placed in secure  
14967 detention after an adjudication under Section 80-6-704; and  
14968 (ii) a juvenile offender under Subsection 80-6-806(7).
- 14969 (b) Subsection (6)(a) does not apply to a child held in a correctional facility in  
14970 accordance with Subsection (2)(a).

- 14971 (c)(i) The [~~commission~~] department shall provide standards for custody or detention  
14972 under Subsections (2)(b), (3), and (4).
- 14973 (ii) The division shall determine and set standards for conditions of care and  
14974 confinement of children in detention facilities.
- 14975 (d)(i) The division, or a public or private agency willing to undertake temporary  
14976 custody or detention upon agreed terms in a contract with the division, shall  
14977 provide all other custody or detention in suitable premises distinct and separate  
14978 from the general jails, lockups, or cells used in law enforcement and corrections  
14979 systems.
- 14980 (ii) This Subsection (6)(d) does not apply to a child held in a correctional facility in  
14981 accordance with Subsection (2)(a).
- 14982 (7) Except as otherwise provided by this chapter, if an individual who is, or appears to be,  
14983 under 18 years old is received at a correctional facility, the sheriff, warden, or other  
14984 official, in charge of the correctional facility shall:
- 14985 (a) immediately notify the juvenile court of the individual; and  
14986 (b) make arrangements for the transfer of the individual to a detention facility, unless  
14987 otherwise ordered by the juvenile court.
- 14988 Section 288. Section **80-6-304** is amended to read:
- 14989 **80-6-304 (Effective 07/01/26). Nonjudicial adjustments -- Requirement to seek**  
14990 **legal counsel before declination.**
- 14991 (1) For a nonjudicial adjustment, the juvenile probation officer may require a minor to:
- 14992 (a) pay a financial penalty of no more than \$250 to the juvenile court, subject to the  
14993 terms established under Subsection (5);
- 14994 (b) pay restitution to any victim;
- 14995 (c) complete community or compensatory service;
- 14996 (d) attend counseling or treatment with an appropriate provider;
- 14997 (e) attend substance abuse treatment or counseling;
- 14998 (f) comply with specified restrictions on activities or associations;
- 14999 (g) attend victim-offender mediation if requested by the victim; and
- 15000 (h) comply with any other reasonable action that is in the interest of the minor, the  
15001 community, or the victim.
- 15002 (2)(a) Within seven days of receiving a referral that appears to be eligible for a  
15003 nonjudicial adjustment in accordance with Section 80-6-303.5, the juvenile probation  
15004 officer shall provide an initial notice to reasonably identifiable and locatable victims

- 15005 of the offense contained in the referral.
- 15006 (b) The victim shall be responsible to provide to the juvenile probation officer upon  
15007 request:
- 15008 (i) invoices, bills, receipts, and any other evidence of injury, loss of earnings, and  
15009 out-of-pocket loss;
- 15010 (ii) documentation and evidence of compensation or reimbursement from an  
15011 insurance company or an agency of the state, any other state, or the federal  
15012 government received as a direct result of the crime for injury, loss of earnings, or  
15013 out-of-pocket loss; and
- 15014 (iii) proof of identification, including home and work address and telephone numbers.
- 15015 (c) The inability, failure, or refusal of the victim to provide all or part of the requested  
15016 information shall result in the juvenile probation officer determining restitution based  
15017 on the best information available.
- 15018 (3) The juvenile probation officer may not predicate acceptance of an offer of a nonjudicial  
15019 adjustment on an admission of guilt.
- 15020 (4)(a) A minor may not decline to enter into a nonjudicial adjustment without first being  
15021 advised of their right to consult with counsel, subject to the requirements of this  
15022 section.
- 15023 (b) If a minor seeks to decline a nonjudicial adjustment, the juvenile probation officer  
15024 shall inform the minor of:
- 15025 (i) the minor's right to consult with counsel; and
- 15026 (ii) the availability of resources for the minor to receive legal advice provided by the  
15027 Office of Indigent Defense Services created in Section ~~[78B-22-451]~~ 75E-10-102.
- 15028 (c) If a minor seeks to decline a nonjudicial adjustment, and also declines to seek the  
15029 advice of counsel after being informed as required under Subsection (4)(b), the  
15030 juvenile probation officer shall:
- 15031 (i) sign an acknowledgment that the juvenile probation officer provided the minor  
15032 with the information required by Subsection (4)(b);
- 15033 (ii) have the minor sign an acknowledgment that the minor received the information  
15034 required by Subsection (4)(b) and knowingly and voluntarily declined to seek the  
15035 advice of counsel; and
- 15036 (iii) permit the minor to decline the nonjudicial adjustment.
- 15037 (d) No provision of this section affects a court's obligation to ensure a minor's right to  
15038 counsel ~~[in the event]~~ if a petition is filed.

- 15039 (5)(a) The juvenile probation officer may not deny a minor an offer of a nonjudicial  
15040 adjustment due to a minor's inability to pay a financial penalty under Subsection (1).  
15041 (b) The juvenile probation officer shall base a fee, fine, or the restitution for a  
15042 nonjudicial adjustment under Subsection (1) upon the ability of the minor's family to  
15043 pay as determined by a statewide sliding scale developed in accordance with Section [  
15044 ~~63M-7-208~~] 75E-2-207.
- 15045 (6)(a) A nonjudicial adjustment may not extend for more than 90 days, unless a juvenile  
15046 court judge extends the nonjudicial adjustment for an additional 90 days.  
15047 (b) A juvenile court judge may extend a nonjudicial adjustment beyond the 180 days  
15048 permitted under Subsection (6)(a):  
15049 (i) for a minor who is:  
15050 (A) offered a nonjudicial adjustment for a sexual offense under Title 76, Chapter  
15051 5, Part 4, Sexual Offenses, that the minor committed before the minor was 12  
15052 years old, other than an offense under Section 76-5-417, 76-5-418, 76-5-419,  
15053 or 76-5-420; or  
15054 (B) referred to a prosecuting attorney for a sexual offense under Title 76, Chapter  
15055 5, Part 4, Sexual Offenses, that the minor committed before the minor was 12  
15056 years old, other than an offense under Section 76-5-417, 76-5-418, 76-5-419,  
15057 or 76-5-420; and  
15058 (ii) the judge determines that:  
15059 (A) the nonjudicial adjustment requires specific treatment for the sexual offense;  
15060 (B) the treatment cannot be completed within 180 days after the day on which the  
15061 minor entered into the nonjudicial adjustment; and  
15062 (C) the treatment is necessary based on a clinical assessment that is  
15063 developmentally appropriate for the minor.  
15064 (c) If a juvenile court judge extends a minor's nonjudicial adjustment under Subsection  
15065 (6)(b), the judge may extend the nonjudicial adjustment until the minor completes the  
15066 specific treatment, but the judge may only grant each extension for 90 days at a time.
- 15067 (7) If a minor violates Section 76-9-1106, the minor may be required to pay a fine or  
15068 penalty and participate in a court-approved tobacco education program with a  
15069 participation fee.

15070 Section 289. Section **80-6-307** is amended to read:

15071 **80-6-307 (Effective 07/01/26). Dispositional report required in minors' cases --**

15072 **Exceptions.**

- 15073 (1) A juvenile probation officer, or other agency designated by the juvenile court, shall  
15074 make a dispositional report in writing in all minors' cases in which a petition has been  
15075 filed, except in cases involving violations of traffic laws or ordinances, violations of  
15076 wildlife laws and boating laws, and other minor cases.
- 15077 (2) When preparing a dispositional report and recommendation in a minor's case, the  
15078 juvenile probation officer, or other agency designated by the juvenile court, shall  
15079 consider the juvenile disposition guidelines, as defined in Section [~~63M-7-401.1~~]  
15080 75E-4-101, and any other factors relevant to the disposition designated in the juvenile  
15081 disposition guidelines[-].
- 15082 (3) Where the allegations of a petition filed under Section 80-6-305 [-]are denied, the  
15083 investigation may not be made until the juvenile court has made an adjudication.
- 15084 Section 290. Section **80-6-607** is amended to read:
- 15085 **80-6-607 (Effective 07/01/26). Case planning and appropriate responses.**
- 15086 (1) For a minor adjudicated and placed on probation under Section 80-6-702 [-]or  
15087 committed to the division [-]under Section 80-6-703[-], a case plan shall be created and:  
15088 (a) developed in collaboration with the minor and the minor's family;  
15089 (b) individualized to the minor;  
15090 (c) informed by the results of a validated risk and needs assessment under Section  
15091 80-6-606; and  
15092 (d) tailored to the minor's offense and history.
- 15093 (2)(a) The Administrative Office of the Courts and the division shall develop a statewide  
15094 system of appropriate responses to guide responses to the behaviors of minors:  
15095 (i) undergoing nonjudicial adjustments;  
15096 (ii) whose case is under the jurisdiction of the juvenile court; and  
15097 (iii) in the custody of the division.
- 15098 (b) The system of responses shall include both sanctions and incentives that:  
15099 (i) are swift and certain;  
15100 (ii) include a continuum of community based responses for minors living at home;  
15101 (iii) target a minor's criminogenic risks and needs, as determined by the results of a  
15102 validated risk and needs assessment under Section 80-6-606, and the severity of  
15103 the violation; and  
15104 (iv) authorize earned discharge credits as one incentive for compliance.
- 15105 (c) After considering the juvenile disposition guidelines, as defined in Section [  
15106 ~~63M-7-401.1~~] 75E-4-101, the system of appropriate responses under Subsections

15107 (2)(a) and (b) shall be developed.

15108 (3)(a) A response to compliant or noncompliant behavior under Subsection (2) shall be  
15109 documented in the minor's case plan.

15110 (b) Documentation under Subsection (3)(a) [-]shall include:

15111 (i) positive behaviors and incentives offered;

15112 (ii) violations and corresponding sanctions; and

15113 (iii) whether the minor has a subsequent violation after a sanction.

15114 (4) Before referring a minor to a juvenile court for judicial review, or to the authority if the  
15115 minor is under the jurisdiction of the authority, in response to a contempt filing under  
15116 Section 78A-6-353 or an order to show cause, a pattern of appropriate responses shall be  
15117 documented in the minor's case plan in accordance with Subsections (3)(a) and (b) .

15118 (5) Notwithstanding Subsection (4), if a minor violates a protective order or an ex parte  
15119 protective order listed in Section 78B-7-803, the violation may be filed directly with the  
15120 juvenile court.

15121 Section 291. Section **80-6-804** is amended to read:

15122 **80-6-804 (Effective 07/01/26). Review and termination of secure care.**

15123 (1) If a juvenile offender is ordered to secure care under Section 80-6-705, the juvenile  
15124 offender shall appear before the authority within 45 days after the day on which the  
15125 juvenile offender is ordered to secure care for review of a treatment plan and to establish  
15126 parole release guidelines.

15127 (2)(a) Except as provided in Subsections (2)(b) and (2)(h), if a juvenile offender is  
15128 ordered to secure care under Section 80-6-705, the authority shall set a presumptive  
15129 term of secure care for the juvenile offender from three to six months, but the  
15130 presumptive term may not exceed six months.

15131 (b) If a juvenile offender is ordered to secure care for a misdemeanor offense, the  
15132 authority may immediately release the juvenile offender on parole if there is a  
15133 treatment program available for the juvenile offender in a community-based setting.

15134 (c) Except as provided in Subsection (2)(h), the authority shall release the juvenile  
15135 offender on parole at the end of the presumptive term of secure care unless:

15136 (i) termination would interrupt the completion of a treatment program determined to  
15137 be necessary by the results of a validated risk and needs assessment under Section

15138 80-6-606; or

15139 (ii) the juvenile offender commits a new misdemeanor or felony offense.

15140 (d) The authority shall determine whether a juvenile offender has completed a treatment

- 15141 program under Subsection (2)(c)(i) by considering:
- 15142 (i) the recommendations of the licensed service provider for the treatment program;
- 15143 (ii) the juvenile offender's record in the treatment program; and
- 15144 (iii) the juvenile offender's completion of the goals of the treatment program.
- 15145 (e) Except as provided in Subsection (2)(h), the authority may extend the length of
- 15146 secure care and delay parole release for the time needed to address the specific
- 15147 circumstance if one of the circumstances under Subsection (2)(c) exists.
- 15148 (f) The authority shall:
- 15149 (i) record the length of the extension and the grounds for the extension; and
- 15150 (ii) report annually the length and grounds of extension to the [~~commission~~]
- 15151 department.
- 15152 (g) Records under Subsection (2)(f) shall be tracked in the data system used by the
- 15153 juvenile court and the division.
- 15154 (h) If a juvenile offender is ordered to secure care for a misdemeanor offense, the
- 15155 authority may not:
- 15156 (i) set a juvenile offender's presumptive term of secure care under Subsection (2)(a)
- 15157 that would result in a term of secure care that exceeds a term of incarceration for
- 15158 an adult under Section 76-3-204 for the same misdemeanor offense; or
- 15159 (ii) extend the juvenile offender's term of secure care under Subsections (2)(c) and (e)
- 15160 if the extension would result in a term of secure care that exceeds the term of
- 15161 incarceration for an adult under Section 76-3-204 for the same misdemeanor
- 15162 offense.
- 15163 (3)(a) If a juvenile offender is ordered to secure care, the authority shall set a
- 15164 presumptive term of parole supervision, including aftercare services, from three to
- 15165 four months, but the presumptive term may not exceed four months.
- 15166 (b) If the authority determines that a juvenile offender is unable to return home
- 15167 immediately upon release, the juvenile offender may serve the term of parole:
- 15168 (i) in the home of a qualifying relative or guardian;
- 15169 (ii) at an independent living program contracted or operated by the division; or
- 15170 (iii) in a family-based setting with approval by the director or the director's designee
- 15171 if the minor does not qualify for an independent living program due to age,
- 15172 disability, or another reason or the minor cannot be placed with a qualifying
- 15173 relative or guardian.
- 15174 (c) The authority shall release a juvenile offender from parole and terminate the

- 15175 authority's jurisdiction at the end of the presumptive term of parole, unless:
- 15176 (i) termination would interrupt the completion of a treatment program that is
- 15177 determined to be necessary by the results of a validated risk and needs assessment
- 15178 under Section 80-6-606;
- 15179 (ii) the juvenile offender commits a new misdemeanor or felony offense; or
- 15180 (iii) restitution has not been completed.
- 15181 (d) The authority shall determine whether a juvenile offender has completed a treatment
- 15182 program under Subsection (3)(c)(i) by considering:
- 15183 (i) the recommendations of the licensed service provider;
- 15184 (ii) the juvenile offender's record in the treatment program; and
- 15185 (iii) the juvenile offender's completion of the goals of the treatment program.
- 15186 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay
- 15187 parole release only for the time needed to address the specific circumstance.
- 15188 (f) The authority shall:
- 15189 (i) record the grounds for extension of the presumptive length of parole and the
- 15190 length of the extension; and
- 15191 (ii) report annually the extension and the length of the extension to the [commission]
- 15192 department.
- 15193 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the
- 15194 juvenile court and the division.
- 15195 (h) If a juvenile offender leaves parole supervision without authorization for more than
- 15196 24 hours, the term of parole shall toll until the juvenile offender returns.
- 15197 (4) Subsections (2) and (3) do not apply to a juvenile offender ordered to secure care for:
- 15198 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 15199 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 15200 (c) Section 76-5-203, murder or attempted murder;
- 15201 (d) Section 76-5-205, manslaughter;
- 15202 (e) Section 76-5-206, negligent homicide;
- 15203 (f) Section 76-5-207, automobile homicide;
- 15204 (g) Section 76-5-207.5, automobile homicide involving using a wireless communication
- 15205 device while operating a motor vehicle;
- 15206 (h) Section 76-5-208, child abuse homicide;
- 15207 (i) Section 76-5-209, homicide by assault;
- 15208 (j) Section 76-5-302, aggravated kidnapping;

- 15209 (k) Section 76-5-405, aggravated sexual assault;
- 15210 (l) a felony violation of Section 76-6-103, aggravated arson;
- 15211 (m) Section 76-6-203, aggravated burglary;
- 15212 (n) Section 76-6-302, aggravated robbery;
- 15213 (o) Section 76-11-210, felony discharge of a firearm;
- 15214 (p)(i) an offense other than an offense listed in Subsections (4)(a) through (o)
- 15215 involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is
- 15216 a felony; and
- 15217 (ii) the juvenile offender has been previously adjudicated or convicted of an offense
- 15218 involving the use of a dangerous weapon, as defined in Section 76-1-101.5; or
- 15219 (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the
- 15220 juvenile offender has been previously ordered to secure care.

15221 Section 292. Section **80-6-907** is amended to read:

15222 **80-6-907 (Effective 07/01/26). Youth Court Board -- Membership --**

15223 **Responsibilities.**

- 15224 (1) The Youth Court Board shall be comprised of the following members:
- 15225 (a) the Utah attorney general or the attorney general's designee;
- 15226 (b) one prosecuting attorney appointed by the Utah Prosecution Council;
- 15227 (c) one criminal defense attorney appointed by the Utah Association of Criminal
- 15228 Defense Attorneys;
- 15229 (d) one juvenile court judge appointed by the Board of Juvenile Court Judges;
- 15230 (e) the juvenile court administrator or the administrator's designee;
- 15231 (f) the ~~[executive director]~~ commissioner of the ~~[commission]~~ Department of Criminal
- 15232 Justice Services or the ~~[executive director's]~~ commissioner's designee;
- 15233 (g) the state superintendent of education or the state superintendent's designee;
- 15234 (h) two representatives, appointed by the Utah Youth Court Association, from youth
- 15235 courts based primarily in schools;
- 15236 (i) two representatives, appointed by the Utah Youth Court Association, from youth
- 15237 courts based primarily in communities;
- 15238 (j) one member from the law enforcement community appointed by the Youth Court
- 15239 Board;
- 15240 (k) one member from the community at large appointed by the Youth Court Board; and
- 15241 (l) the president of the Utah Youth Court Association.
- 15242 (2) The Office of the Attorney General shall provide staff support and assistance to the

- 15243 Youth Court Board.
- 15244 (3) The members selected to fill the positions in Subsections (1)(a) through (g) shall jointly  
15245 select the members to fill the positions in Subsections (1)(h) through (k).
- 15246 (4) Members shall serve two-year staggered terms beginning July 1, 2012, except the initial  
15247 terms of the members designated by Subsections (1)(b), (c), (d), (j), and (k) and one of  
15248 the members from Subsections (1)(h) and (i) shall serve two-year terms, but may be  
15249 reappointed for a full four-year term upon the expiration of the member's initial term.
- 15250 (5) The Youth Court Board shall meet at least quarterly to:
- 15251 (a) set minimum standards for the establishment of a youth court, including an  
15252 application process, membership and training requirements, and the qualifications for  
15253 the adult coordinator;
- 15254 (b) review certification applications; and
- 15255 (c) provide for a process to recertify each youth court every three years.
- 15256 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
15257 Youth Court Board shall make rules to accomplish the requirements of Subsection (4).
- 15258 (7) The Youth Court Board may deny certification, recertification, or withdraw the  
15259 certification of any youth court for failure to comply with program requirements.
- 15260 (8) A member may not receive compensation or benefits for the member's service, but may  
15261 receive per diem and travel expenses in accordance with:
- 15262 (a) Section 63A-3-106;
- 15263 (b) Section 63A-3-107; and
- 15264 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
15265 63A-3-107.
- 15266 (9) The Youth Court Board shall provide a list of certified youth courts to the Board of  
15267 Juvenile Court Judges, all law enforcement agencies in the state, all school districts, and  
15268 the Utah Prosecution Council by October 1 of each year.
- 15269 Section 293. Section **81-13-205** is amended to read:
- 15270 **81-13-205 (Effective 07/01/26). Petition to terminate parental rights of a minor**  
15271 **child.**
- 15272 (1) A party may bring a petition seeking to terminate parental rights of a minor child for the  
15273 purpose of facilitating the adoption of the minor child in a court with jurisdiction under  
15274 Title 78A, Judiciary and Judicial Administration.
- 15275 (2) A petition to terminate parental rights under this section may be:
- 15276 (a) joined with a proceeding on an adoption petition; or

- 15277 (b) filed as a separate proceeding before or after a petition to adopt the minor child is  
15278 filed.
- 15279 (3) A court may enter a final order terminating parental rights before a final decree of  
15280 adoption is entered.
- 15281 (4)(a) Nothing in this section limits the jurisdiction of a juvenile court relating to  
15282 proceedings to terminate parental rights as described in Section 78A-6-103.
- 15283 (b) A court may not terminate parental rights of a minor child if the minor child is under  
15284 the jurisdiction of the juvenile court in a pending abuse, neglect, dependency, or  
15285 termination of parental rights proceeding.
- 15286 (5) The court may terminate an individual's parental rights of a minor child if:
- 15287 (a) the individual executes a voluntary consent to adoption, or relinquishment for  
15288 adoption, of the minor child, in accordance with:
- 15289 (i) the requirements of this chapter; or  
15290 (ii) the laws of another state or country, if the consent is valid and irrevocable;
- 15291 (b) the individual is an unmarried biological father who is not entitled to consent to  
15292 adoption, or relinquishment for adoption, under Section 81-13-212 or 81-13-213;
- 15293 (c) the individual:
- 15294 (i) received notice of the adoption proceeding relating to the minor child under  
15295 Section 81-13-207; and  
15296 (ii) failed to file a motion for relief, under Subsection 81-13-207(6), within 30 days  
15297 after the day on which the individual was served with notice of the adoption  
15298 proceeding;
- 15299 (d) the court finds, under Section 81-5-607, that the individual is not a parent of the  
15300 minor child; or
- 15301 (e) the individual's parental rights are terminated on grounds described in Title 80,  
15302 Chapter 4, Termination and Restoration of Parental Rights, and termination is in the  
15303 best interests of the minor child.
- 15304 (6) The court shall appoint an indigent defense service provider in accordance with Title  
15305 78B, Chapter 22, Indigent Defense Act, to represent a parent, as defined in Section  
15306 81-13-211, who faces any action initiated by a private party under Title 80, Chapter 4,  
15307 Termination and Restoration of Parental Rights, or whose parental rights are subject to  
15308 termination under this section.
- 15309 (7) If a county incurs expenses in providing indigent defense services to an indigent  
15310 individual facing any action initiated by a private party under Title 80, Chapter 4,

15311 Termination and Restoration of Parental Rights, or termination of parental rights under  
 15312 this section, the county may apply for reimbursement from the [~~Utah~~]Indigent Defense  
 15313 Commission in accordance with Section [~~78B-22-406~~] 75E-9-203.

15314 (8) A petition filed under this section is subject to the procedural requirements of this  
 15315 chapter.

15316 Section 294. **Repealer.**

15317 This bill repeals:

15318 Section **63A-16-1001, Definitions.**

15319 Section **63A-16-1004, Software service required to be compatible with public safety**  
 15320 **portal.**

15321 Section **63M-7-210, Pilot program of competency-based career and technical education**  
 15322 **grants.**

15323 Section **63M-7-501, Title.**

15324 Section **63M-7-506.5, Duties of the office.**

15325 Section **63M-7-511.5, Limitation of reparations awards.**

15326 Section **63M-7-512, Reparations reduction.**

15327 Section **63M-7-513, Collateral sources.**

15328 Section **63M-7-516, Waiver of privilege.**

15329 Section **63M-7-518, Failure to comply.**

15330 Section **63M-7-522, Emergency reparations award.**

15331 Section **63M-7-523, Review of reparations award decision.**

15332 Section **63M-7-905, Staff -- Contract with third party.**

15333 Section **76-1-101, Short title.**

15334 Section **77-1-1, Short title.**

15335 Section **77-38-618, Retention and destruction of records.**

15336 Section **77-38-621, Rulemaking.**

15337 Section 295. **Effective Date.**

15338 This bill takes effect on July 1, 2026.

15339 Section 296. **Coordinating S.B. 323 with H.B. 122.**

15340 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 122, Pregnant and  
 15341 Postpartum Inmate Amendments, both pass and become law, the Legislature intends that, on  
 15342 July 1, 2026, the amendments to Subsections 64-13-45(3) and (4) in S.B. 323 supersede the  
 15343 amendments to those subsections in H.B. 122.

15344 Section 297. **Coordinating S.B. 323 with H.B. 220.**

15345 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 220, Public Safety  
 15346 Data Amendments, both pass and become law, the Legislature intends that, on July 1, 2026:

15347 (1) Subsection 53-5a-602(8)(d)(iii) in H.B. 220 be amended to read:

15348 "(iii) submit the compilation to the [~~Law Enforcement and Criminal Justice Interim~~  
 15349 Committee ~~Law Enforcement and Criminal Interim Committee~~] Department of Criminal Justice  
 15350 Services created in Section 75E-2-102 before November 1 of each year.";

15351 (2) Section 53-10-910 in H.B. 220 be amended to read:

15352 "The Department of Public Safety and the Utah Bureau of Forensic Services shall  
 15353 report by July 31 of each year to the Department of Criminal Justice Services, the Law  
 15354 Enforcement and Criminal Justice Interim Committee, and the Criminal Justice Appropriations  
 15355 Subcommittee regarding:

15356 (1) the timelines set for testing all sexual assault kits submitted to the Utah Bureau  
 15357 of Forensic Services as provided in Subsection 53-10-903(2);

15358 (2) the goals established in Section 53-10-909;

15359 (3) the status of meeting those goals;

15360 (4) the number of sexual assault kits that are sent to the Utah Bureau of Forensic  
 15361 Services for testing;

15362 (5) the number of restricted kits held by law enforcement;

15363 (6) the number of sexual assault kits that are not processed in accordance with the  
 15364 timelines established in this part; and

15365 (7) future appropriations requests that will ensure that all DNA cases can be  
 15366 processed according to the timelines established by this part.";

15367 (3) Subsection 53H-7-603(2)(c) enacted in H.B. 220 be amended to read:

15368 "(c) on or before November 1 of each year, provide the crime statistics aggregated by  
 15369 housing facility as described in Subsection (2)(a) to the Department of Criminal Justice  
 15370 Services created in Section 75E-2-102.";

15371 (4) Subsection 63A-16-1002(4) in H.B. 220 be amended to read:

15372 "(4) The public safety portal shall be the repository for[~~the statutorily required data~~  
 15373 described in]:

15374 (a) recidivism data described in Section 13-53-111[~~, Recidivism reporting~~  
 15375 requirements];

15376 (b) county jail data described in Section 17-72-408[~~, County jail reporting~~  
 15377 requirements];

15378 (c) criminal justice coordinating council data described in Section 17E-2-201[~~,~~

15379 ~~Criminal Justice Coordinating Councils reporting];~~  
15380 (d) data from the Alcohol Abuse Tracking Committee as described in Section  
15381 26B-1-427~~[- Alcohol Abuse Tracking Committee];~~  
15382 (e) DUI related data described in Section 41-6a-511~~[- Courts to collect and~~  
15383 ~~maintain data];~~  
15384 (f) data of attempted weapons purchases by restricted persons described in Section  
15385 53-5a-602;  
15386 ~~[(f)]~~ (g) driving under the influence crash and arrest data, as described in Section  
15387 53-10-118~~[- Regarding driving under the influence data];~~  
15388 (h) sexual assault kits data described in Section 53-10-910;  
15389 ~~[(g) Section 53-25-301, Reporting requirements for reverse-location warrants];~~  
15390 ~~[(h)]~~ (i) sexual assault offense data described in Section 53-25-202~~[- Sexual assault~~  
15391 ~~offense reporting requirements for law enforcement agencies];~~  
15392 ~~[(i) Section 53E-3-516, School disciplinary and law enforcement action report];~~  
15393 (j) reverse-location warrant data described in Section 53-25-301;  
15394 ~~[(j)]~~ (k) seized firearm data described in Section 53-25-501~~[- Reporting~~  
15395 ~~requirements for seized firearms];~~  
15396 ~~[(k)]~~ (l) firearm data described in Section 53-25-502~~[- Law enforcement agency~~  
15397 ~~reporting requirements for certain firearm data];~~  
15398 ~~[(l) Section 63M-7-214, Law enforcement agency grant reporting];~~  
15399 ~~[(m) Section 63M-7-216, Prosecutorial data collection];~~  
15400 ~~[(n) Section 63M-7-216.1, Prosecutorial data collection regarding certain~~  
15401 ~~prosecutions, dismissals, and declinations to prosecute];~~  
15402 ~~[(o) Section 63M-7-220, Domestic violence data collection];~~  
15403 ~~[(p) Section 64-14-204, Supervision of sentenced offenders placed in community];~~  
15404 (m) the school disciplinary and law enforcement action report described in Section  
15405 53E-3-516;  
15406 (n) data regarding crime statistics on student housing as described in Section  
15407 53H-7-603;  
15408 ~~[(q)]~~ (o) data described in Section 64-13-25, [Standards for programs] relating to  
15409 programs developed by the Department of Corrections;  
15410 ~~[(r)]~~ (p) inmate data described in Section 64-13-45~~[- Department reporting~~  
15411 ~~requirements];~~  
15412 (q) data regarding sexual assaults in correctional facilities described in Section

15413 64-13-47;  
 15414 ~~[(s)]~~ (r) the county reports described in Section 64-13e-104[; County correctional  
 15415 facility reimbursement program for state probationary inmates and state parole inmates];  
 15416 (s) sentenced offender data described in Section 64-14-204;  
 15417 (t) data from the multi-agency strike force to combat violent and other major  
 15418 felony crimes described in Section 67-5-22.7;  
 15419 (u) prosecutorial agency data for each criminal case as described in Section  
 15420 75E-2-205;  
 15421 (v) prosecutorial agency data for the previous calendar year as described in  
 15422 Section 75E-2-206;  
 15423 (w) domestic violence data described in Section 75E-2-208;  
 15424 (x) law enforcement agency grant reports described in Section 75E-2-302;  
 15425 (y) the Prosecutor Conduct Commission report described in Section 75E-8-205;  
 15426 ~~[(t)]~~ (z) tactical group data described in Section 77-7-8.5[; Use of tactical groups];  
 15427 ~~[(u)]~~ (aa) forfeiture data described in Section 77-11b-404[; Forfeiture reporting  
 15428 requirements];  
 15429 ~~[(v)]~~ (bb) release data described in Section 77-20-103[; Release data requirements];  
 15430 ~~[(w)]~~ (cc) court order data described in Section 77-22-2.5[; Court orders for  
 15431 criminal investigations];  
 15432 (dd) metrics from the Board of Pardons and Parole described in Section 77-27-32;  
 15433 ~~[(x)]~~ (ee) court data described in Section 78A-2-109.5[; Court data collection on  
 15434 criminal cases];  
 15435 (ff) data regarding sexual assaults in secure care and detention facilities described  
 15436 in Section 80-5-202;  
 15437 ~~[(y)]~~ (gg) data on offenses committed by minors submitted under Section 80-6-104[;  
 15438 Data collection on offenses committed by minors]; and  
 15439 [(z)] (hh) any other statutes that require the collection of specific data and the  
 15440 reporting of that data to the [commission] department.";  
 15441 (5) Subsection 63G-2-201(15) enacted in H.B. 220 be amended to read:  
 15442 "(15) Notwithstanding any other provision of this chapter, the Department of  
 15443 Criminal Justice Services created in Section 75E-2-102:  
 15444 (a) is not required to provide a record in response to a record request that requests  
 15445 records received by the Department of Criminal Justice Services under Section 75E-2-210; and  
 15446 (b) shall inform the person making a record request for a record described in

15447 Subsection (15)(a) of the governmental entity from which the Department of Criminal Justice  
15448 Services received the record.";

15449 (6) Subsection 64-13-47(4)(b) in H.B. 220 be amended to read:

15450 "(b) annually report the data described in Subsection (4)(a) to the [Law Enforcement  
15451 and Criminal Justice Interim Committee] Department of Criminal Justice Services created in  
15452 Section 75E-2-102.";

15453 (7) Subsection 67-5-22.7(6) in H.B. 220 be amended to read:

15454 "(6) The strike force shall make an annual report on [its] the strike force's activities to  
15455 the governor[and] , the Department of Criminal Justice Services, and the [Legislature's] Law  
15456 Enforcement and Criminal Justice Interim Committee by December 1, together with any  
15457 proposed recommendations for modifications to this section.";

15458 (8) the amendments to Section 75E-8-205 (renumbered from Section 63M-7-1106) in  
15459 S.B. 323 supersede the amendments to Section 63M-7-1106 in H.B. 220;

15460 (9) the changes in S.B. 323 to Subsection 77-27-32(2) be deleted;

15461 (10) Subsection 77-27-32(3) enacted in H.B. 220 be amended to read:

15462 "On or before November 1 of each year, the board shall submit the metrics described  
15463 in Subsection (1) to the Department of Criminal Justice Services."; and

15464 (11) Subsection 80-5-202(5) in H.B. 220 be amended to read:

15465 "The division shall annually report the data described in [Section] Subsection (4)(f) to  
15466 the [Law Enforcement and Criminal Justice Interim Committee] Department of Criminal Justice  
15467 Services.".

15468 **Section 298. Coordinating S.B. 323 with H.B. 271.**

15469 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 271, Multi-Agency  
15470 Joint Strike Force Modifications, both pass and become law, the Legislature intends that, on  
15471 July 1, 2026, Subsection 63A-16-1002(4)(t) enacted in H.B. 271 be amended to read:

15472 "(t) data regarding catalytic converter thefts and arrests described in Section 67-5-37;".

15473 **Section 299. Coordinating S.B. 323 with H.B. 230.**

15474 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 230, Offender  
15475 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026, the  
15476 reference to the term "State Commission on Criminal and Juvenile Justice" in Subsection  
15477 64-14-203(1)(l) enacted in H.B. 230 be changed to "Department of Criminal Justice Services".

15478 **Section 300. Coordinating S.B. 323 with H.B. 114.**

15479 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 114, Adult-oriented  
15480 Performance and Material Amendments, both pass and become law, the Legislature intends

15481 that, on July 1, 2026, the amendments to Subsections 78B-6-2105(10) and (14) in S.B. 323  
 15482 supersede the amendments to Subsections 78B-6-2105(10) and (14) in H.B. 114.

15483 **Section 301. Coordinating S.B. 323 with S.B. 13.**

15484 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 13, Statutorily  
 15485 Required Reports and Presentations Amendments, both pass and become law, the Legislature  
 15486 intends that, on July 1, 2026:

15487 (1) the amendments to Section 13-53-111 in S.B. 323 supersede the amendments to that  
 15488 section in S.B. 13;

15489 (2) Subsection 63M-7-405(1)(b) in S.B. 13 be amended to read:

15490 "(b) On or before June 30 of each year, the sentencing commission shall:

15491 (i) after the last day of the general legislative session, update the annual offense  
 15492 report;

15493 (ii) provide the annual offense report to the department; and

15494 (iii) publish the annual offense report on the department's website.";

15495 (3) Subsection 63M-7-405(2)(a)(iii) in S.B. 13 be amended to read:

15496 "(iii) update the guide described in Subsection (2)(a)(ii) annually and publish the  
 15497 guide on the department's website.";

15498 (4) the amendments to Section 75E-2-303 (renumbered from Section 63M-7-218) in  
 15499 S.B. 323 supersede the amendments to Section 63M-7-218 in S.B. 13;

15500 (5) Section 63I-1-280 in S.B. 13 be amended to read:

15501 "Subsections 80-6-104(5) and (6), regarding a report from the Department of  
 15502 Criminal Justice Services, is repealed January 1, 2029.";

15503 (6) Subsection 75E-2-205(5) (renumbered from Subsection 63M-7-216(5)) in S.B. 323  
 15504 be amended to read:

15505 "(5) The [commission] department shall include in the plan required by Subsection [  
 15506 63M-7-204(1)(k)] 75E-2-202(8) an analysis of the data received, comparing and contrasting the  
 15507 practices and trends among and between prosecutorial agencies in the state.[ The Law  
 15508 Enforcement and Criminal Justice Interim Committee may request an in-depth analysis of the  
 15509 data received annually. Any request shall be in writing and specify which data points the report  
 15510 shall focus on.] "; and

15511 (7) Subsection 75E-2-202(18) enacted in S.B. 323 be deleted and the remaining  
 15512 subsections renumbered accordingly.

15513 **Section 302. Coordinating S.B. 323 with H.B. 34.**

15514 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 34, Victim Rights

Amendments, both pass and become law, the Legislature intends that, on July 1, 2026:

(1) Subsection 63M-7-1001(2) enacted in H.B. 34 be amended to read:

"(2) "Coordinator" means the individual designated by the commissioner as described in Section 75E-6-303.";

(2) Section 63M-7-1002.5 enacted in H.B. 34 be renumbered to Section 75E-6-303 and replaced with the following language:

"The commissioner shall designate an individual to:

(1) provide administrative assistance to each committee; and

(2) receive and process complaints as described in Section 75E-6-304.";

(3) Section 75E-6-303 (renumbered from Section 63M-7-1003) in S.B. 323 be renumbered to Section 75E-6-304; and

(4) the term "Victim Services Commission" in Subsection 63M-7-1003(1)(a) enacted in H.B. 34 be replaced with the term "commission".

**Section 303. Coordinating S.B. 323 with H.B. 48.**

If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 48, Criminal and Juvenile Justice Changes, both pass and become law, the Legislature intends that, on July 1, 2026:

(1) the changes in H.B. 48 to Section 63M-7-101.5 be deleted;

(2) Section 75E-2-201 enacted in S.B. 323 be amended to read:

**"75E-2-201 (Effective 07/01/26). Definitions for part.**

As used in this part:

(1) "Alternative recidivism metric" includes:

(a) the number of individuals who are incarcerated in a county jail or a state correctional facility:

(i) within three years after the day on which the individuals are released from incarceration in a county jail or state correctional facility for a prior conviction; and

(ii) due to:

(A) a subsequent conviction; or

(B) an arrest for:

(I) a felony offense; or

(II) a misdemeanor offense when an element of the misdemeanor offense is the use or attempted use of physical force against an individual or property; and

(b) a recidivism measurement reported to the commission under Subsection 75E-2-203(3).

15549                   (2) "Commission" means the Commission on Criminal and Juvenile Justice  
15550                   created in Section 75E-3-102.

15551                   (3) "Desistance" means an individual's abstinence from further criminal  
15552                   activity after a previous criminal conviction.

15553                   (4) "Intervention" means a program, sanction, supervision, or event that may  
15554                   impact recidivism.

15555                   (5) "Recidivism" means a return to criminal activity after a previous criminal  
15556                   conviction.

15557                   (6) "Recidivism standard metric" means the number of individuals who are  
15558                   returned to prison for a new conviction within three years after the day on which the  
15559                   individuals were released from prison.";

15560                   (3) the term "commission" in Subsection 63M-7-208(2) in H.B. 48 be replaced with  
15561                   "department"; and

15562                   (4) the changes to Subsection 75E-2-207(4) (renumbered from Subsection  
15563                   63M-7-208(4)) in S.B. 323 supersede the changes to Subsection 63M-7-208(5) in H.B. 48.

15564                   Section 304. **Coordinating S.B. 323 with H.B. 188.**

15565                   If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 188, Juvenile Justice  
15566                   Amendments, both pass and become law, the Legislature intends that, on July 1, 2026:

15567                   (1) the term "commission" in Subsection 63M-7-208(2) in H.B. 188 be replaced with  
15568                   "department"; and

15569                   (2) the changes to Subsection 75E-2-207(4) (renumbered from Subsection  
15570                   63M-7-208(4)) in S.B. 323 supersede the changes to Subsection 63M-7-208(5) in H.B. 188.

15571                   Section 305. **Coordinating S.B. 323 with H.B. 274.**

15572                   If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 274, Sentencing  
15573                   Amendments, both pass and become law, the Legislature intends that, on July 1, 2026, Section

15574                   63M-7-401.2 in H.B. 274 and Section 75E-4-102 (renumbered from Subsection 63M-7-401.2)  
15575                   in S.B. 323 be amended to read:

15576                   "~~[63M-7-401.2]~~ **75E-4-102. Creation -- Members -- Appointment -- Qualifications.**

15577                   (1) There is created the sentencing commission~~[, within the commission, that is~~  
15578                   composed of 15 voting members] within the department.

15579                   (2) The sentencing commission shall:

15580                   (a) develop ~~[by-laws]~~ bylaws and rules in compliance with Title 63G, Chapter 3,  
15581                   Utah Administrative Rulemaking Act; and

15582                   (b) elect the sentencing commission's officers.

15583 (3) (a) The sentencing commission is composed of 15 voting members.

15584 (b) The sentencing commission's members [shall be] are:

15585 [~~(a)~~] (i) the executive director of the Department of Corrections or the executive  
15586 director's designee;

15587 [~~(b)~~] (ii) the director of the Division of Juvenile Justice and Youth Services or the  
15588 director's designee;

15589 [~~(c)~~] (iii) the executive director of the commission or the executive director's  
15590 designee;

15591 [~~(d)~~] (iv) the chair of the Board of Pardons and Parole or the chair's designee;

15592 [~~(e)~~] (v) the state court administrator or the state court administrator's designee;

15593 [~~(f)~~] a criminal defense attorney, appointed by the Utah Association of Criminal  
15594 Defense Lawyers;]

15595 [~~(g)~~] an indigent defense attorney, appointed by the Indigent Defense Commission;]

15596 (vi) three criminal defense attorneys, appointed by the Utah Association of  
15597 Criminal Defense Lawyers, with at least one being a criminal defense attorney in a rural  
15598 county;

15599 [~~(h)~~] (vii) the attorney general or the attorney general's designee;

15600 (viii) three criminal prosecuting attorneys, appointed by the Statewide  
15601 Association of Public Attorneys and Prosecutors, with at least one being a criminal prosecuting  
15602 attorney in a rural county;

15603 [~~(i)~~] a criminal prosecutor, appointed by the Statewide Association of Public  
15604 Attorneys and Prosecutors;]

15605 [~~(j)~~] a representative of the Utah Sheriff's Association appointed by the governor;]

15606 (ix) two representatives of the Utah Sheriffs Association, appointed by the Utah  
15607 Sheriffs Association, with at least one being a representative of a sheriff from a rural county;

15608 (x) one representative of the Utah Chiefs of Police Association, appointed by the  
15609 Utah Chiefs of Police Association;

15610 [~~(k)~~] (xi) [a licensed professional] an individual, appointed by the governor, who  
15611 assists in the rehabilitation of individuals convicted of an offense; and

15612 [~~(l)~~] (xii) the chair of the Utah Victim Services Commission or a member of the  
15613 Utah Victim Services Commission designated by the chair[;] .

15614 [~~(m)~~] the chair of the Juvenile Justice Oversight Committee or a member of the  
15615 Juvenile Justice Oversight Committee designated by the chair;]

15616 [~~(n)~~] a juvenile prosecuting attorney, appointed by the Statewide Association of

15617 ~~Public Attorneys and Prosecutors; and]~~

15618  ~~[(o) a juvenile defense attorney, appointed by the Utah Association of Criminal~~  
 15619  ~~Defense Lawyers.]~~

15620 (4) In addition to the members described in Subsection (3), the following may serve  
 15621 as ~~[non-voting]~~ nonvoting members:

15622 (a) a district court judge appointed by the Judicial Council;~~[-and]~~

15623 (b) a juvenile district court judge appointed by the Judicial Council~~[-]~~ ; and

15624 (c) the chair of the Juvenile Justice Oversight Committee or a member of the  
 15625 Juvenile Justice Oversight Committee designated by the chair.

15626 (5) The executive director of the commission shall hire a director of the sentencing  
 15627 commission to administer and manage the sentencing commission.".

15628 **Section 306. Coordinating S.B. 323 with H.B. 345.**

15629 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 345, Victim

15630 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026:

15631 (1) the term "reparations award" in Subsection 63M-7-509(4) in H.B. 345 be changed to  
 15632 the term "compensation award"; and

15633 (2) the reference in Subsection 63M-7-510(1)(h) to "Subsection 63M-7-509(4)" enacted  
 15634 in H.B. 345 be changed to "Subsection 75E-5-305(4)".

15635 **Section 307. Coordinating S.B. 323 with S.B. 233.**

15636 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 233, Judicial

15637 Performance Evaluation Amendments, both pass and become law, the Legislature intends that,  
 15638 on July 1, 2026:

15639 (1) the changes to Subsection 78A-12-201(1)(e) in S.B. 323 supersede the changes to  
 15640 Subsection 78A-12-103(1)(e) (renumbered from Subsection 78A-12-201(1)(e)) in S.B. 233;  
 15641 and

15642 (2) the changes to Subsection 78A-12-202(4) in S.B. 323 supersede the changes to  
 15643 Subsection 78A-12-104(4) (renumbered from Subsection 78A-12-202(4)) in S.B. 233.

15644 **Section 308. Coordinating S.B. 323 with S.B. 313.**

15645 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 313, Recidivism

15646 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026, the  
 15647 changes to Subsection 64-14-302(3)(c) in S.B. 313 supersede the changes to Subsection  
 15648 64-14-302(3)(c) in S.B. 323.

15649 **Section 309. Coordinating S.B. 323 with S.B. 86.**

15650 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 86, Firearm Safe

15651 Harbor Amendments, both pass and become law, the Legislature intends that, on July 1, 2026,  
 15652 the references to the term "State Commission on Criminal and Juvenile Justice" in Subsection  
 15653 53-5a-502(7) enacted in S.B. 86 be changed to "Department of Criminal Justice Services".

15654 **Section 310. Coordinating S.B. 323 with H.B. 90.**

15655 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 90, Sexual Offenses  
 15656 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026,  
 15657 Subsection 75E-3-101(3)(b) (renumbered from Section 63M-7-101.5) in S.B. 323 be omitted.

15658 **Section 311. Coordinating S.B. 323 with H.B. 137.**

15659 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 137, Violent Crime  
 15660 Clearance Rate Amendments, both pass and become law, the Legislature intends that, on July  
 15661 1, 2026:

15662 (1) all occurrences of the term "commission" in Section 63M-7-215.1 enacted in H.B.  
 15663 137 be replaced with "department";

15664 (2) Section 63M-7-215.1 enacted in H.B. 137 be renumbered to Section 75E-2-307; and

15665 (3) the appropriation in Section 3 of H.B. 137 be amended to read:

15666 "Section 3. **FY 2027 Appropriations.**

15667 The following sums of money are appropriated for the fiscal year beginning July 1,  
 15668 2026, and ending June 30, 2027. These are additions to amounts previously appropriated for  
 15669 fiscal year 2027.

15670 **Subsection 3(a). Operating and Capital Budgets**

15671 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the  
 15672 Legislature appropriates the following sums of money from the funds or accounts indicated for  
 15673 the use and support of the government of the state of Utah.

15674 ITEM 1 To Governor's Office - [~~Commission on Criminal and Juvenile Justice~~]

15675 Department of Criminal Justice Services

15676 From Violent Crime Clearance Rate Fund                      250,000

15677 Schedule of Programs:

15678 [~~CCJJ Commission~~] Commissioner's Office                      250,000."

15679 **Section 312. Coordinating S.B. 323 with S.B. 145.**

15680 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 145, Lobbying  
 15681 Amendments, both pass and become law, the Legislature intends that, on July 1, 2026, the  
 15682 changes to Subsection 53-1-106(1)(e) in S.B. 323 supersede the changes to Subsection  
 15683 53-1-106(1)(e) in S.B. 145.

15684 **Section 313. Coordinating S.B. 323 with S.B. 67.**

15685 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 67, Law  
 15686 Enforcement Quota Amendments, both pass and become law, the Legislature intends that, on  
 15687 July 1, 2026:

15688 (1) the changes in S.B. 67 to Section 63M-7-204 be deleted;

15689 (2) the following language be inserted as Subsection 75E-2-202(19) in S.B. 323 and the  
 15690 remaining subsections be renumbered accordingly:

15691 "(19) receive, compile, and annually submit a report to the Law Enforcement and  
 15692 Criminal Justice Interim Committee of alleged violations of the impermissible law  
 15693 enforcement quota prohibition under Subsection 77-7-27(4);" and

15694 (3) the term "State Commission on Criminal and Juvenile Justice" in Subsection  
 15695 77-7-27(4) enacted in S.B. 67 be changed to the term "Department of Criminal Justice  
 15696 Services".

15697 Section 314. **Coordinating S.B. 323 with H.B. 72.**

15698 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 72, Criminal Use of  
 15699 Cryptocurrency Amendments, both pass and become law, the Legislature intends that, on July  
 15700 1, 2026:

15701 (1) Section 53-6-102 in H.B. 72 be amended to read:

15702 **"53-6-102. Definitions.**

15703 As used in this chapter:

15704 (1) "Addiction" means the unlawful or habitual use of alcohol or a controlled  
 15705 substance which endangers public health and safety.

15706 (2) "Certified academy" means a peace officer training institution certified in  
 15707 accordance with the standards developed under Section 53-6-105.

15708 [~~(3) "Council" means the Peace Officer Standards and Training Council created in~~  
 15709 ~~Section 53-6-106.]~~

15710 [~~(4)~~] (3) "Conviction" means an adjudication of guilt regarding criminal conduct,  
 15711 including:

15712 (a) a finding of guilt by a court or a jury;

15713 (b) a guilty plea;

15714 (c) a plea of nolo contendere;

15715 (d) a plea which is held in abeyance pending the successful completion of:

15716 (i) a probationary period; or

15717 (ii) a diversion agreement; or

15718 (e) a conviction which has been expunged or dismissed.

15719 (4) "Council" means the Peace Officer Standards and Training Council created in  
 15720 Section 53-6-106.

15721 (5) "Cryptocurrency" means a digital asset that functions as a medium of  
 15722 exchange, a unit of account, or a store of value, and is secured by cryptography.

15723 (6) "Cryptocurrency investigation" means a law enforcement investigation  
 15724 involving the tracing, analysis, or recovery of cryptocurrency or digital assets.

15725 (7) "Department" means the Department of Criminal Justice Services created in  
 15726 Section 75E-2-102.

15727 (8) "Digital asset" means the same as that term is defined in Section 13-62-101.

15728 ~~(5)~~ (9) "Director" means the director of the Peace Officer Standards and Training  
 15729 Division appointed under Section 53-6-104.

15730 ~~(6)~~ (10) "Dispatcher" means an employee of a public safety agency of the state or  
 15731 any of its political subdivisions and whose primary duties are to:

15732 (a) (i) receive calls for one or a combination of, emergency police, fire, and  
 15733 medical services, and to dispatch the appropriate personnel and equipment in response to the  
 15734 calls; and

15735 (ii) in response to emergency calls, make urgent decisions affecting the life,  
 15736 health, and welfare of the public and public safety employees; or

15737 (b) supervise dispatchers or direct a dispatch communication center.

15738 ~~(7)~~ (11) "Division" means the Peace Officer Standards and Training Division  
 15739 created in Section 53-6-103.

15740 ~~(8)~~ (12) "POST" means the division."; and

15741 (2) all occurrences of the term "commission" in Section 53-32-102 enacted in H.B. 72 be  
 15742 replaced with "department".

15743 **Section 315. Coordinating S.B. 323 with H.B. 338.**

15744 If S.B. 323, Criminal and Juvenile Justice Recodification, and H.B. 338, First  
 15745 Responder Health Amendments, both pass and become law, the Legislature intends that, on  
 15746 July 1, 2026, the reference in Subsection 53-21-102(1) enacted in H.B. 338 to "Section  
 15747 63A-16-1002" be changed to "Section 75E-2-210".

15748 **Section 316. Coordinating S.B. 323 with S.B. 35.**

15749 If S.B. 323, Criminal and Juvenile Justice Recodification, and S.B. 35, Amendments to  
 15750 Interdisciplinary Parental Representation Pilot Program, both pass and become law, the  
 15751 Legislature intends that, on July 1, 2026, Subsection 63I-1-275(3), enacted in S.B. 323, be  
 15752 amended to read:

15753            "(3) Section 75E-10-505, Interdisciplinary Parental Representation Pilot Program, is  
15754            repealed December 31, 2031."