

1 **COMMUNITY CORRECTIONAL CENTER AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Calvin R. Musselman**

5 Senate Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This bill addresses use of community correction centers.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ defines terms;
- 12 ▶ provides for the calculation of the community supervision percentage;
- 13 ▶ makes conforming amendments related to a cap; and
- 14 ▶ makes technical changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **64-13f-102**, as enacted by Laws of Utah 2018, Chapter 194

22 **64-13f-103**, as enacted by Laws of Utah 2018, Chapter 194

23 ENACTS:

24 **64-13f-102.5**, Utah Code Annotated 1953

25

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



28 Section 1. Section **64-13f-102** is amended to read:

29 **64-13f-102. Definitions.**

30 As used in this chapter:

31 [~~(1)~~] "Base percentage" means ~~the population of a county or county zone as a~~
32 ~~percentage of the state population on June 30, 2023, and June 30 of every fifth subsequent year,~~
33 ~~determined using:]~~

34 [~~(a)~~] ~~the most recent United States decennial or special census; or]~~

35 [~~(b)~~] ~~another method used by the United States or state governments.]~~

36 [~~(2)~~] (1) "Cap" means ~~[the base]~~ no more than 20% above the community supervision
37 percentage multiplied by the [total number of offenders housed in community correctional
38 centers throughout the state on June 30, 2023, and June 30 of every fifth subsequent year]
39 community correctional center projection.

40 [~~(3)~~] (2) "Community correctional center" means the same as that term is defined in
41 ~~[Subsection]~~ Section 64-13-1 [~~(2)~~].

42 (3) "Community correctional center projection" means the daily average number of
43 offenders projected to be supervised in the community by the department in the next fiscal year
44 multiplied by the percentage of offenders supervised in the community that are also housed in a
45 community correctional center on June 30 of the previous fiscal year.

46 (4) "Community supervision percentage" means the percentage calculated by dividing
47 the total number of offenders supervised in the community by the department in each county or
48 county zone by the total number of offenders supervised in the community by the department
49 on June 30, 2023, and on June 30 of every fifth subsequent year.

50 [~~(4)~~] (5) "County zone" means the eastern zone, northern zone, or western zone.

51 [~~(5)~~] (6) "Department" means the Department of Corrections.

52 [~~(6)~~] (7) (a) "Eastern zone" means, except as provided in Subsection [~~(6)~~] (7)(b),
53 Carbon, Daggett, Duchesne, Emery, Grand, San Juan, and Uintah counties.

54 (b) A county with a population of 150,000 or more on the date the ~~[base]~~ community
55 supervision percentage is determined is not part of the eastern zone.

56 [~~(7)~~] (8) (a) "Northern zone" means, except as provided in Subsection [~~(7)~~] (8)(b), Box
57 Elder, Cache, Morgan, Rich, Summit, and Wasatch counties.

58 (b) A county with a population of 150,000 or more on the date the ~~[base]~~ community

59 supervision percentage is determined is not part of the northern zone.

60 [~~(8)~~] (9) "Offender" means the same as that term is defined in [~~Subsection~~] Section
61 64-13-1[~~(9)~~].

62 [~~(9)~~] (10) (a) "Western zone" means, except as provided in Subsection [~~(9)~~] (10)(b),
63 Beaver, Garfield, Tooele, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, and Wayne
64 counties.

65 (b) A county with a population of 150,000 or more on the date the [~~base~~] community
66 supervision percentage is determined is not part of the western zone.

67 Section 2. Section **64-13f-102.5** is enacted to read:

68 **64-13f-102.5. Calculation of the community supervision percentage.**

69 In calculating the community supervision percentage, the department:

70 (1) shall determine the county or county zone in which an offender is supervised by
71 identifying the location of the offender's most recent court conviction;

72 (2) shall only include an offender on probation or parole supervision with the
73 department in the community supervision percentage calculation; and

74 (3) may not include convictions for offenses that occur while the offender is in the
75 custody of the department.

76 Section 3. Section **64-13f-103** is amended to read:

77 **64-13f-103. Establishment of community correctional centers -- Cap --**
78 **Rulemaking.**

79 (1) Subject to appropriation by the Legislature, the department may:

80 (a) establish community correctional centers throughout the state in accordance with
81 this section;

82 (b) project the number of offenders that may be released to community correctional
83 centers throughout the state by September 1, 2023, and September 1 of every fifth subsequent
84 year; and

85 (c) establish, by rule made in accordance with Title 63G, Chapter 3, Utah
86 Administrative Rulemaking Act, a procedure to allocate offenders to community correctional
87 centers consistent with Subsections (2) and (3) and based on the number of offenders projected
88 by the department to be released to community correctional centers under Subsection (1)(b).

89 (2) Except as provided in Subsection (3), after June 30, 2023, the total number of

90 offenders housed in one or more community correctional centers within a county or county
91 zone may not exceed the county or county zone's cap [~~by more than 20%~~].

92 (3) (a) A county or county zone that exceeds the cap [~~described in Subsection (2)~~] on
93 July 1, 2023, may continue to exceed the cap until the day on which the county or county zone
94 first comes into compliance with the cap.

95 (b) A county or county zone described in Subsection (3)(a) may not exceed the cap
96 after the day on which the county or county zone first comes into compliance with the cap
97 [~~described in Subsection (2)~~].

98 (c) The department shall transfer offenders from a community correctional center in a
99 county or county zone described in Subsection (3)(a) to a community correctional center in
100 another county or county zone that does not meet or exceed the cap [~~described in Subsection~~
101 ~~(2)~~] until the county or county zone described in Subsection (3)(a) comes into compliance with
102 the cap.