

1 STATEWIDE JAIL DATA AMENDMENTS

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Daniel W. Thatcher

5 House Sponsor: Paul Ray

7 LONG TITLE

8 General Description:

9 This bill modifies reporting requirements for county jails.

10 Highlighted Provisions:

11 This bill:

12 ► adds certain data reporting requirements related to inmate population to current
13 county jail reporting requirements.

14 Money Appropriated in this Bill:

15 None

16 Other Special Clauses:

17 This bill provides a coordination clause.

18 Utah Code Sections Affected:

19 AMENDS:

20 [17-22-32](#), as last amended by Laws of Utah 2019, Chapter 311

21 Utah Code Sections Affected by Coordination Clause:

22 [17-22-32.4](#), Utah Code Annotated 1953

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

25 Section 1. Section [17-22-32](#) is amended to read:

26 **[17-22-32. County jail reporting requirements.](#)**

27 (1) As used in this section:

28 (a) "Commission" means the Commission on Criminal and Juvenile Justice created in

29 Section [63M-7-201](#).

30 ~~[(a)]~~ (b) (i) "In-custody death" means an inmate death that occurs while the inmate is in
31 the custody of a county jail.

32 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:

33 (A) being transported for medical care; or

34 (B) receiving medical care outside of a county jail.

35 ~~[(b)]~~ (c) "Inmate" means an individual who is processed or booked into custody or
36 housed in a county jail in the state.

37 ~~[(c)]~~ (d) "Opiate" means the same as that term is defined in Section 58-37-2.

38 (2) ~~[(A)]~~ Each county jail shall submit a report to the ~~[Commission on Criminal and~~
39 ~~Juvenile Justice, created in Section 63M-7-201;]~~ commission before June 15 of each year that
40 includes~~[-];~~ for the preceding calendar year if reasonably available:

41 (a) the average daily inmate population each month;

42 (b) the number of inmates in the county jail on the last day of each month who identify
43 as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity
44 published by the United States Federal Bureau of Investigation;

45 (c) the number of inmates booked into the county jail;

46 (d) the number of inmates held in the county jail each month on behalf of each of the
47 following entities:

48 (i) the Bureau of Indian Affairs;

49 (ii) a state prison;

50 (iii) a federal prison;

51 (iv) the United States Immigration and Customs Enforcement;

52 (v) any other entity with which a county jail has entered a contract to house inmates on
53 the entity's behalf;

54 (e) the number of inmates that are denied pretrial release and held in the custody of the
55 county jail while the inmate awaited final disposition of the inmate's criminal charges;

56 (f) for each inmate booked into the county jail:

57 (i) the name of the agency that arrested the inmate;

58 (ii) the date and time the inmate was booked into and released from the custody of the
59 county jail;

60 (iii) if the inmate was released from the custody of the county jail, the reason the
61 inmate was released from the custody of the county jail;

62 (iv) if the inmate was released from the custody of the county jail on a financial
63 condition, whether the financial condition was set by a bail commissioner or a court;

64 (v) the number of days the inmate was held in the custody of the county jail before
65 disposition of the inmate's criminal charges;

66 (vi) whether the inmate was released from the custody of the county jail before final
67 disposition of the inmate's criminal charges; and

68 (vii) the state identification number of the inmate;

69 ~~[(a)]~~ (g) the number of in-custody deaths that occurred [during the preceding calendar
70 year] at the county jail;

71 ~~[(b)]~~ (h) the known, or discoverable on reasonable inquiry, causes and contributing
72 factors of each of the in-custody deaths described in Subsection (2)~~[(a)]~~(g);

73 ~~[(c)]~~ (i) the county jail's policy for notifying an inmate's next of kin after the inmate's
74 in-custody death;

75 ~~[(d)]~~ (j) the county jail policies, procedures, and protocols:

76 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
77 including use of opiates;

78 (ii) that relate to the county jail's provision, or lack of provision, of medications used to
79 treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all
80 forms of buprenorphine and naltrexone; and

81 (iii) that relate to screening, assessment, and treatment of an inmate for a substance use
82 or mental health disorder; and

83 ~~[(e)]~~ (k) any report the county jail provides or is required to provide under federal law
84 or regulation relating to inmate deaths.

85 (3) (a) Subsection (2) does not apply to a county jail if the county jail:

86 (i) collects and stores the data described in Subsection (2); and

87 (ii) enters into a memorandum of understanding with the commission that allows the
88 commission to access the data described in Subsection (2).

89 (b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include
90 a provision to protect any information related to an ongoing investigation and comply with all
91 applicable federal and state laws.

92 (c) If the commission accesses data from a county jail in accordance with Subsection
93 (3)(a), the commission may not release a report prepared from that data, unless:

94 (i) the commission provides the report for review to:

95 (A) the county jail; and

96 (B) any arresting agency that is named in the report; and

97 (ii) (A) the county jail approves the report for release;

98 (B) the county jail reviews the report and prepares a response to the report to be
99 published with the report; or

100 (C) the county jail fails to provide a response to the report within four weeks after the
101 day on which the commission provides the report to the county jail.

102 ~~[(3)]~~ (4) The ~~[Commission on Criminal and Juvenile Justice]~~ commission shall:

103 (a) compile the information from the reports described in Subsection (2);

104 (b) omit or redact any identifying information of an inmate in the compilation to the
105 extent omission or redaction is necessary to comply with state and federal law; and

106 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
107 Committee and the Utah Substance Use and Mental Health Advisory Council before November
108 1 of each year.

109 ~~[(4)]~~ (5) The Commission on Criminal and Juvenile Justice may not provide access to
110 or use a county jail's policies, procedures, or protocols submitted under this section in a manner
111 or for a purpose not described in this section.

112 **Section 2. Coordinating S.B. 193 with H.B. 288 -- Substantive amendments.**

113 If S.B. 193 and H.B. 288, Prosecutor Data Collection Amendments, both pass and

114 become law, it is the intent of the Legislature that Section 17-22-32.4 enacted in H.B. 288 not
115 take effect.