



**UTAH'S COMMISSION
ON CRIMINAL &
JUVENILE JUSTICE**

GENERAL SESSION SUMMARY

20

24

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WORD FROM THE EXECUTIVE DIRECTOR

Dear Stakeholders,

The 2024 General Session has been another record breaking session with 934 bills! Here at the Commission on Criminal and Juvenile Justice, we review all of the bills for potential justice system impact.

We value the process of open communication and cross agency collaboration to ensure policy is based on sound research, data, perspectives from experts from the field as well as from individuals who may be impacted by the issue the bill seeks to solve. We continue to be committed to working collaboratively on future legislation during the interim.

Sincerely,



Tom Ross

BACKGROUND

During the General Legislative Session, the Commission on Criminal and Juvenile Justice, as well as the Sentencing Commission, Substance Use and Mental Health Advisory Council, and Victim Groups meets with their respective groups on a weekly basis to discuss potential legislation that may impact the population they serve. Please feel free to reach out to any of the individuals below.

CONTACT

- CCJJ: Tom Ross, tomross@utah.gov
- Juvenile Justice: Van Nguyen, vnguyen@utah.gov
- Sentencing Commission: Daniel Strong, drstrong@utah.gov
- USAAV+: Liz Klc, efklc@utah.gov
- Utah Council on Victims of Crime: Rabbi Zippel, avremisstory@gmail.com
- Victim Services Commission: Marlesse Jones, mdjones@utah.gov

Because of the diverse composition of expertise across members, discussion on potential legislation may not always be harmonious but they are always informative. Positions are decided by a majority vote and depending on the specific legislation, some may result in an unanimous vote or a very close split vote. These positions are then communicated to the legislator as a means to provide information and support as well as to work together on any areas that may be of concern.

KEY TERMS

- Support: Support to the bill
- Support In Concept: Support but there's an area of concern
- Oppose: Opposition to the bill
- No Position: Neutral
- Hold: Hold the bill for further information
- Priority Support: Priority for passage
- Beyond Scope: Not within the group's purview

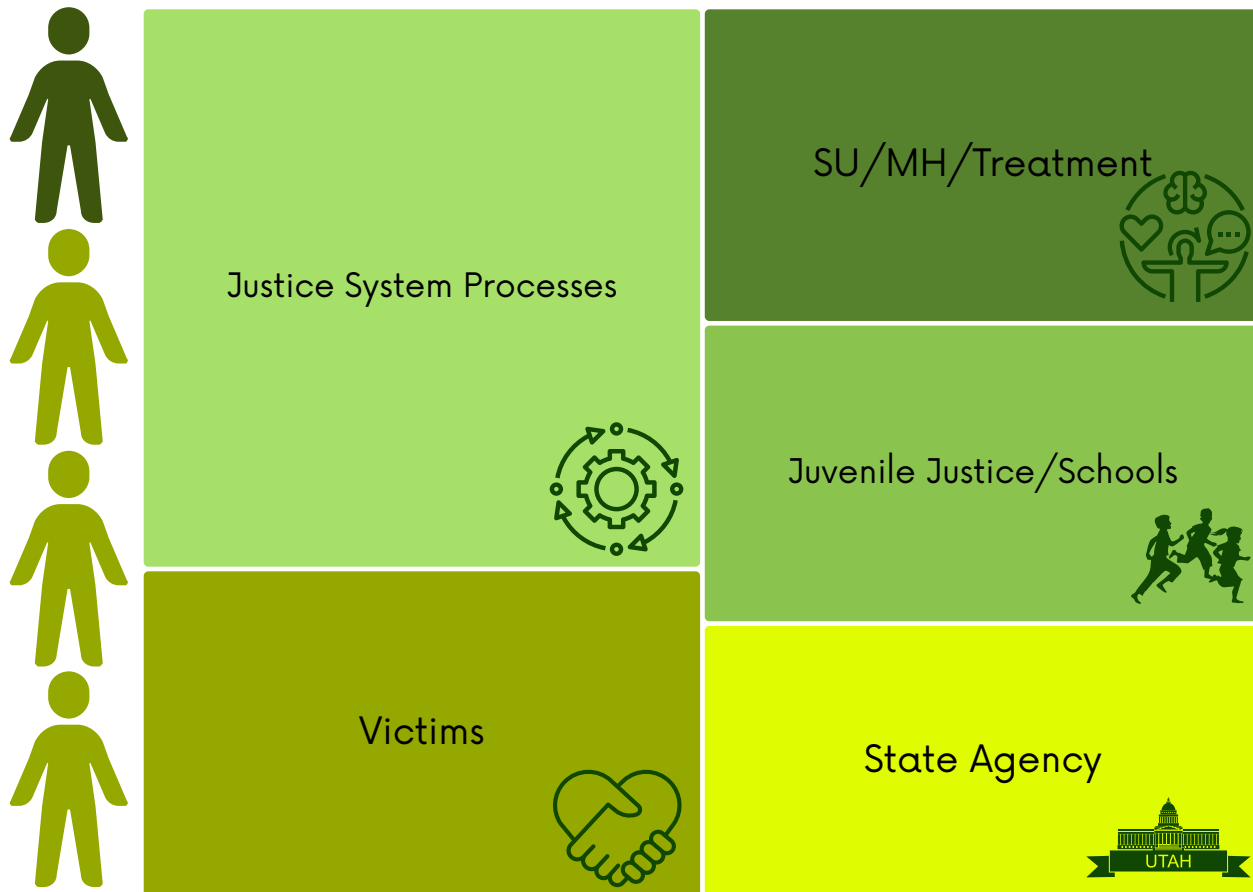
Introduction

Over
400
bills were tracked!

This summary report serves to provide a general overview of legislation that may have a direct or ancillary impact on the criminal and juvenile justice system. A complete list of all official legislative positions can be found [here](#).

Out of the 934 bills that were introduced in the 2024 General Legislative Session, the Commission on Criminal and Juvenile Justice tracked 479 bills, which includes substituted bills, across all of the various groups. There were 245 unique bills which represents 26%, one in four of all publicly numbered bills! Figure 1 shows the top five major themes identified.

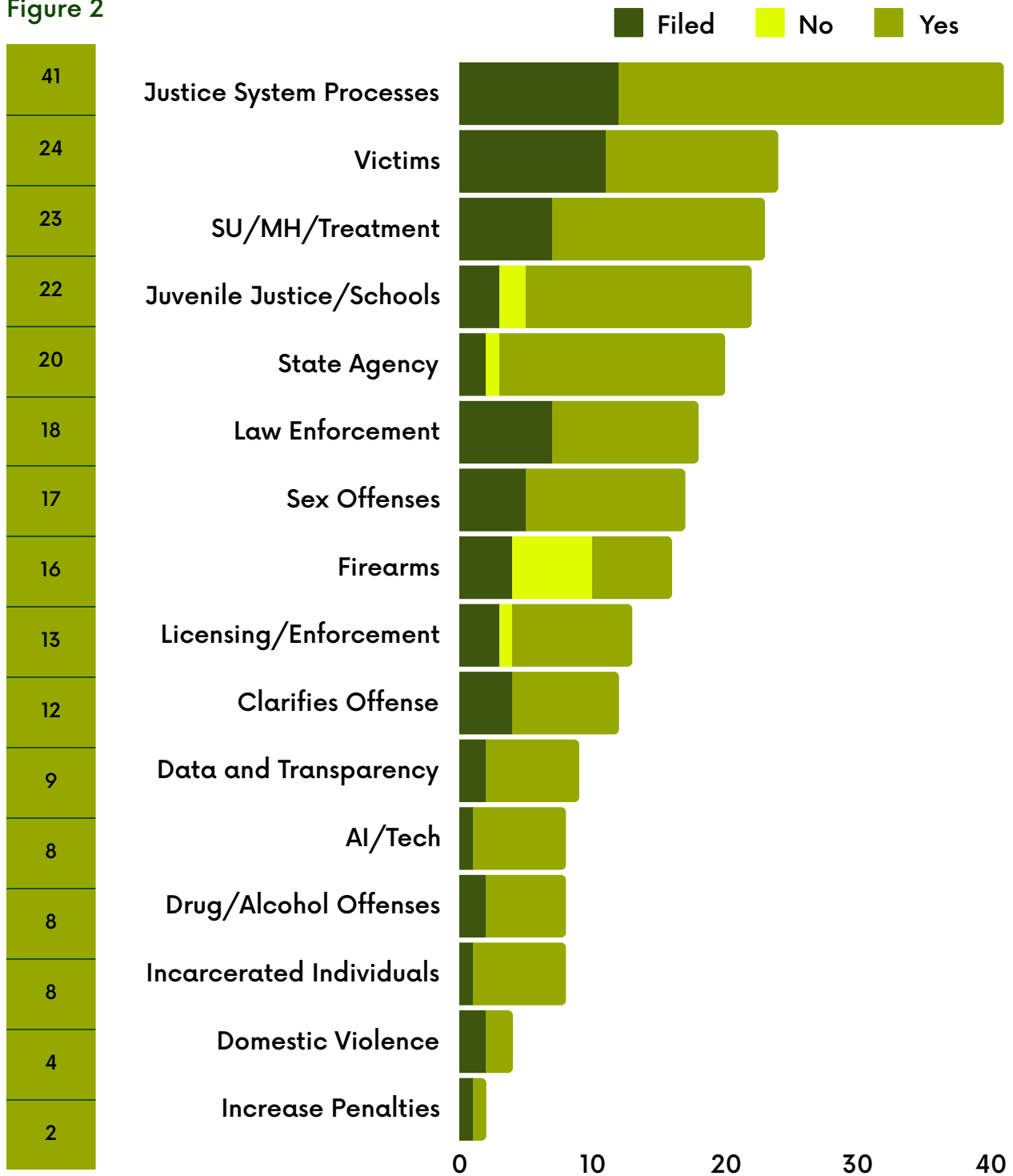
Figure 1



MAJOR THEMES

Figure 2 provides a breakdown of identified themes and the outcome. Filed means the bill could have just run out of time, held in rules due to fiscal impact, or the sponsor chose not to move forward with bill. No means, the bill got held in a committee or failed to recommend. Yes means, the bill has passed.

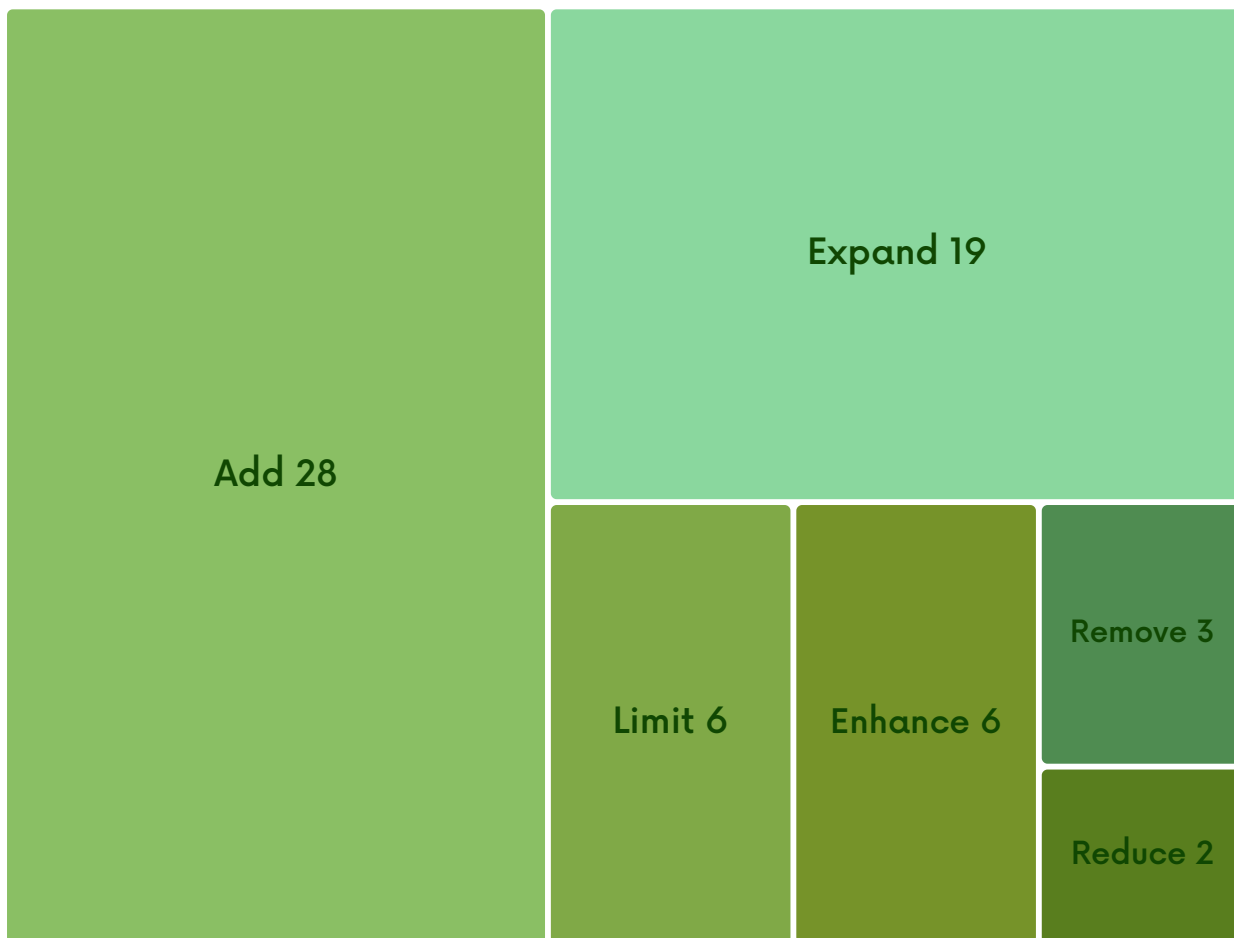
Figure 2



OFFENSE ELEMENTS Updated May 2024*

Figure 3 shows when we look for elements of a criminal offense, we found 28 bills aimed to create a new crime, 19 bills aimed to expand an existing offense, 6 bills aimed to enhance penalties, 6 bills aim to narrow an offense, 2 bills aimed to reduce penalties, and 3 bills aimed to repeal an existing crime. These include all bills that were introduced.

Figure 3



It is important to keep in mind that while there is an increasing numbers of bills aimed to create a new crime or enhance existing crime, the crime rate and recidivism rate for the state of Utah has been decreasing. Please click [here](#) for more information and data (specifically pages 42 and 69). We also encourage readers to review the Sentencing Commission’s Master Offense List, as this resource provides changes by offense and related statute.



Background

Utah's **Commission on Criminal and Juvenile Justice (CCJJ)** serves as the hub for justice issues for the State of Utah while acting as a coordinating body for policy development. The success of CCJJ is due to the makeup of our statutorily delegated and appointed members, representing all facets of the criminal and juvenile justice system including judges, prosecutors, defense attorneys, legislators, victim representatives, law enforcement, treatment specialists, corrections, parole authorities, education, and community partners. Click [here](#) for our latest annual report.

Voting Summary

Overall, CCJJ took a position on 154 bills which included 43 substituted bills. The majority of those bills had a position of Support (119) and Support in Concept (11). There were 17 bills which new positions were taken from either an original Hold, Support in Concept, and Opposition due to commission members working with the sponsor on addressing concerns.



CCJJ BILL HIGHLIGHTS

The following bills are supported legislation that either the Commission worked on with the sponsor or are a result of an interim working group.



HB 352 Sub 6 — Amendments to Expungement

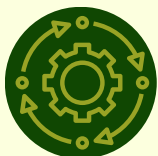
This bill does a number of things aimed to address the process of expungement and specifically the backlog of automatic expungement, including:

- Prohibiting an automatic expungement if there is a criminal proceeding pending on a misdemeanor or felony charge.
- Establishes the priority of expungement orders that are processed by a court and BCI.
- Allows a court to issue an order of expungement for a plea in abeyance when the defendant has completed a problem solving court program and the court dismisses the case against the defendant.
- Creates an Expungement Working Group within CCJJ to study the challenges of implementing automatic expungement.



SB 48 — Jail Contracting and Reimbursement

This has been a three year process focused on jail contracting and reimbursement. This bill is focused on the reimbursement piece where 50% reimbursement of the contract rate will be paid to the counties.



SB 213 Sub 3 — Criminal Justice Modifications

This is an omnibus bill focused on the criminal justice system and large components of the bills is a result of several working groups CCJJ and the Sentencing Commission facilitated:

- Establishes 72 hour holds for people with nine plus felony cases within the past five years.
- Modifies drug court eligibility requirements to be more consistent with national standards by basing eligibility on risk/needs and not restricting to only certain offense categories.
- Ensures victim impact statements and other relevant information is shared between sentencing courts and the Board of Pardons and Parole.

There were at least

22

juvenile justice bills!

JUVENILE JUSTICE

Background

Within CCJJ, we have the **Utah Board of Juvenile Justice (UBJJ)**, the **Juvenile Justice Oversight Committee (JJOC)**, and the **Racial and Ethnic Disparities (RED) Collaborative** to advance policies and practices that promote a just and equitable juvenile justice system. Across all three groups we have members representing the Juvenile Court, Juvenile Justice and Youth Services, Utah State Board of Education, local mental health professionals, law enforcement, defense, prosecution, community organizations, and others.

JJOC is statutorily responsible for overseeing the implementation of the juvenile reform efforts and for gathering and analyzing data that measures the impact of the policy changes at the state level. While UBJJ serves as the designated State Advisory Group for the federal **Juvenile Justice and Delinquency Prevention Act (JJDP A)** and establishes a comprehensive compliance plan to meet eligibility for federal grants. UBJJ then subgrants federal funding statewide in a variety of program areas including delinquency prevention, positive youth development, juvenile justice system improvement, and juvenile record expungement services. The RED Collaborative is a branch of UBJJ that was created to help address and maintain compliance with the fourth core protection of the JJDP A. This requires states to assess and address racial and ethnic disparities at key points in the youth justice system.

During the legislative session, stakeholders from all three groups come together weekly to discuss legislation that may have a direct or ancillary impact on the juvenile justice system. This juvenile justice stakeholder group do not take official positions, but rather, the group discusses key areas of support or concern and communicates these to CCJJ or works directly with the bill sponsor on the potential impact of the proposed legislation.

JUVENILE JUSTICE BILL HIGHLIGHTS

One of the top themes from this session was focused on juvenile justice and schools. The following are several bills that the Juvenile Justice Stakeholder group thoroughly reviewed and had several members work with the sponsor on key issues. Some concerns were addressed, while other issues will be discussed over the interim.



HB 82 Sub 1 — Public Education Program Modifications

This bill would add additional data elements to include: the number of suspensions imposed, the average length of suspensions, the number of days of instruction lost due to suspensions, and the number of expulsions to the school discipline and law enforcement action report 53E-3-516. This is a report that the Utah State Board of Education (USB E) collects from local education agencies (LEAs) and submits to CCJJ/JJOC for reporting.



HB 84 Sub 5 — School Safety Amendments

This is one bill of many that focused on school safety. In its final form:

- Establishes a school guardian program.
- Requires LEAs to conduct a needs assessment first before selecting one of the three security options (SRO, school guardian; or an armed school security guard) for their school.
- Increases collaboration between the state security chief, school safety center, USB E, and substance use/mental health agency.
- Creates an education advisory board and grants subcommittee.
- Requires the state board to display disciplinary data from 53E-3-516 and the public safety portal 63A-16-1002 on the parent portal.
- Requires LEA to develop policy and have an action plan and notify parents if a student threatens suicide, or is involved in bullying or hazing.



HB 86 Sub 2 — Public Safety Data Amendments

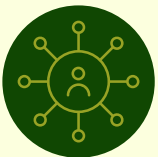
This bill clarifies data elements of the school discipline and law enforcement action report 53E-3-516 and includes it to the list of data collection requirements of the Public Safety Portal 63A-16-1002.



HB 362 Sub 3 — Juvenile Justice Revisions

This bill does a number of things broadly including:

- Clarifies data requirements for USBE Gang Grant formula.
- Reduces two previous occasions down to one previous occasion before being able to refer class C misdemeanors, infractions, or status offenses to Juvenile Court.
- Expands reintegration plans to include serious offenses which would include a violent felony (76-3-203.5), theft of a firearm offense (76-6-4), or a weapons offense (76-10-5).
- Defines habitual truancy as being truant at least 20 times in one school year.
- Adds habitual truancy to the list of class C misdemeanors, infractions, or status offenses to be referred to evidence based intervention. Adds truancy mediation as an option and only allows referral to court if there were two failed interventions. If truancy is still referred to court then the only option would be a Non-judicial Adjustment.
- Clarifies probation notices only apply to formal probation.
- Adds handgun possession by a minor to the list of 3rd degree felonies.
- Narrows criminal solicitation of a minor to target felony and Misdemeanor A offenses.



HB 418 — Student Offender Reintegration Amendments

This bill requires an LEA to adopt a policy regarding a student who commits a violent or sexual crime that shall:

- Provide a process for a school resource officer to provide input for the LEA to consider regarding the safety risks a student may pose upon reintegration.
- Establish a process to inform a school resource officer of any student who is on probation.
- Create procedures for determining an alternative placement for a student if the student attends the same school as the victim of the student's crime and an individual who has a protective order against the student.

This bill also adds the actual use of violence or sexual misconduct to the list where a LEA shall suspend or expel a student and clarifies reintegration plan requirements.

Took a position on

304
bills!

SENTENCING COMMISSION

Background

Utah's Sentencing Commission consists of twenty-eight statutorily delegated and appointed members representing all facets of the criminal justice system including judges, prosecutors, defense attorneys, legislators, victim representatives, law enforcement, treatment specialists, corrections, parole authorities, juvenile justice representatives, citizen representatives, and others.

Voting Summary

Overall, the Sentencing Commission reviewed and took a position on 304 bills which included 122 substituted bills. Aside from the bills that were beyond the scope, the majority of the bills had a position of Support (49) and Support in Hold (11). There were 14 bills which new positions were taken from either an original Hold, Support in Concept, and Opposition due to commission members working with the sponsor on addressing concerns.



SENTENCING BILL HIGHLIGHTS

The following bills are legislation that either the Sentencing Commission worked on with the sponsor or are a result of an interim working group.



SB 213 Sub 3 — Criminal Justice Modifications

This is an omnibus bill focused on the criminal justice system and large components of the bills is a result of several working groups CCJJ and the Sentencing Commission facilitated:

- Establishes new drug court eligibility standards consistent with evidence-based national standards;
- Creates new sentencing criteria for high-frequency offenders including mandatory presentence investigation reports;
- Ensures victim impact statements and other relevant information is shared between sentencing courts and the Board of Pardons and Parole.



HB 21 Sub 1— Criminal Accounts Receivable Amendments

Creates a new restitution repayment program for defendants that incentivizes timely payments to victims in exchange for waiver of court fines/fees.



HB 395 Sub 4 — DUI Offense Amendments

The Sentencing Commission worked with sponsor to establish a directive to the commission to create new guidelines for DUI causing injury.



HB 273 Sub 4 — Sentencing Modifications for Certain DUI Offenses

The Sentencing Commission worked with the sponsor and victims groups to create new DUI Homicide sentencing matrix that will pair with this legislation.



HB 68 Sub 2— Drug Sentencing Modifications

The Sentencing Commission worked with the sponsor to clarify sentencing provisions to preserve judicial discretion.



SB 11 — Sex and Kidnap Offender Registry Access

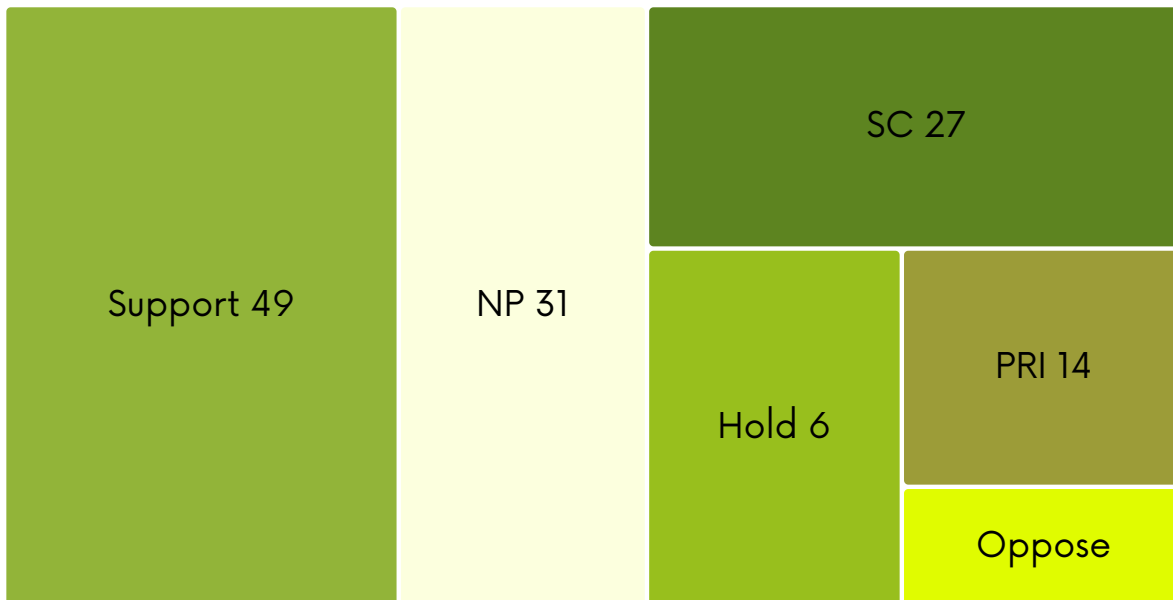
The Sentencing Commission worked with the sponsor to clarify bill language, in coordination with the Sex Offense Management Board.

Background

Established by the 1990 Utah Legislature, the mission of the **Utah Substance Use Advisory and Mental Health Advisory Council (USAAV+)** is to create and coordinate a comprehensive strategy to eliminate substance use and mental health disorders throughout the state. USAAV+ consists of twenty-three statutorily delegated and appointed members representing all facets of the treatment community and the criminal and juvenile justice field.

Voting Summary

Overall, the USAAV+ reviewed and took a position on 331 bills which included 117 substituted bills. Aside from the bills that were beyond the scope, the majority of the bills had a position of Support (49) and No Position (31). There were 15 bills which new positions were taken from either an original Hold, Support in Concept, and Opposition due to commission members working with the sponsor on addressing concerns.



USA AV+ BILL HIGHLIGHTS

The following bills are priority legislation that either the Council worked on with the sponsor or are a result of an interim working group.



HB 38 Sub 1 — Psychotropic Medication Oversight Pilot Program Amendments

This bill is important to addressing the psychotropic medication oversight pilot program and ensuring the appropriate treatment of those youth under State custody by addressing the roles of oversight team and a foster child’s caseworker. The bill also addresses lagging Medicaid rates for outpatient behavioral health services for children in foster care.



HB 501 Sub 4 — Health Amendments

This bill is important to providing essential services to two important populations in the criminal justice system: individuals who are homeless or incarcerated. This bill will amend Medicaid waivers to provide additional services to homeless populations and a 90-day waiver for incarcerated individuals for physical and behavioral health needs. With projected savings, this bill appropriates funding to local mental health and substance use authorities based on unfunded state responsibility for Medicaid services.



SB 60 Sub 1 — Drug Paraphernalia Amendments

This bill provides for the dismissal of drug paraphernalia charges dependent on whether the person:

- Stores the hypodermic syringe or needle in a sealed puncture-resistant container such as a medical sharps disposal container;
- Enrolls or participates in a syringe exchange program; and
- Demonstrates intent to engage with substance abuse treatment by commencing, continuing, or completing an SUD treatment program.



SB 61 Sub 5 — Electronic Cigarette Amendments

This bill prohibits the sale of flavored electronic cigarette products (excluding menthol and tobacco flavors) and the sale of electronic cigarette products on the premarket authorized or pending electronic cigarette product. The bill also limits the nicotine content to 4% or a nicotine concentration of 40 milligrams per milliliter.



SB 26 Sub 2 — Behavioral Health Licensing Amendments

Based on the recommendations of the Office of Professional Licensing Review and their work of the last year to adjust those licensures in the Mental Health Practice Act to help improve the accessibility of mental health and substance use services to Utahns and improve the safety to the public. Main points:

- Creates downstream licenses of behavioral health coaches (4-year program) and behavioral health technician (1-year program).
- Provides an alternative pathway for licensure those individuals through increased direct client care hours and supervised clinical hours in lieu of examination requirements;
- Creates the licenses of master addiction counselor and associate master addiction counselor.
- Enhances the direct supervision requirements for mental health therapists and establishes the level at 1,200 hours for licensure in Utah.
- Requires licensees to disclose certain information regarding appropriate and expected services to be posted for patients' review.
- Creates the ability of psychologists to prescribe selective serotonin reuptake inhibitors (SSRIs) with additional education, training, and licensing.



SB 27 Sub 2 — Behavioral Health System Amendments

After several years' work on the Behavioral Health Master Plan and Assessment, this bill is the first step into implementing and setting into motion that work. Primarily, it creates the Utah Behavioral Health Commission within the Department of Health and Human Services. The also moves USAAV+, the Education and Mental Health Coordinating Committee, and the Behavioral Health Crisis Response Commission as committees under the newly formed Commission.

Took a position on

223
bills!

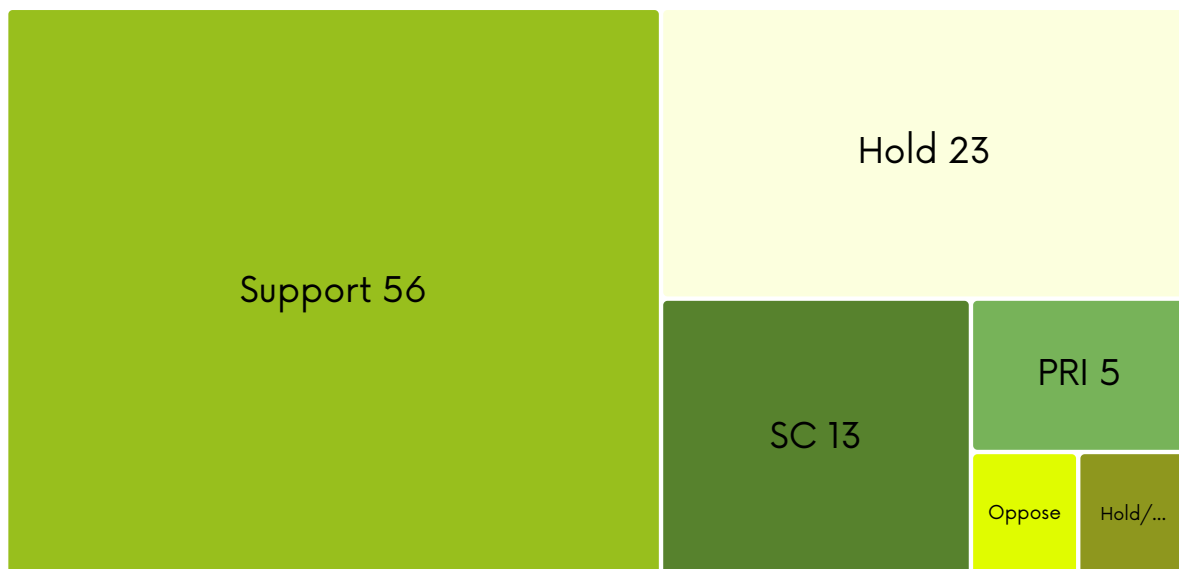
VICTIM GROUPS

Background

The **Utah Crime Victims Council (UCVC)** consisting of 28 voting members and the newly formed **Utah Victim Services Commission (VSC)** consisting of 14 voting members came together weekly during the 65th legislative session to fully discuss issues in a concurrent effort to elevate victim services in Utah. The voices and perspectives consisted of three federally recognized state coalitions, victim rights clinic, 8 judicial district committee chairs, 15 attorneys, law enforcement, victim advocates, individuals with lived experiences, and other delegated and appointed members representing the criminal justice system. The collaborative focus was to improve Utah's response to all those impacted by crime.

Voting Summary

Overall, the Victim Groups reviewed and took a position on 223 bills which included 62 substituted bills. Aside from the bills that were beyond the scope, the majority of the bills had a position of Support (56) and Hold (23). There were 14 bills which new positions were taken from either an original Hold, Support in Concept, and Opposition due to members working with the sponsor on addressing concerns.



VICTIMS BILL HIGHLIGHTS

The following bills are legislation that either the Victim Groups worked on with the sponsor, worked with other groups, or are a result of an interim working group.



HJR 13 Sub 1 — Joint Resolution Amending Court Rules of Procedure and Evidence Regarding Preliminary Hearings

We initially took a support in concept position on this bill. We worked to improve the wording, and get the outcome to a level that will be far more beneficial to protecting victims. We supported the final language.



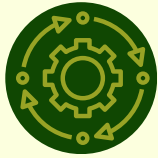
HB 532 Sub 2 — State Boards and Commissions Modifications

This bill sought to repeal the Crime Victims Council, and merge its responsibilities into the VSC. While we worked hard to improve this bill, with limited success, we did obtain an unexpected improvement on the senate floor thanks to Senator Cullimore. His floor amendment gave us an additional three months to complete the merge and restructuring. This possible merge was anticipated in the future, however, HB 532 thrust us into action much sooner than prepared for or planned. As a result of HB 532 we have also lost four voting seats on the VSC, whose impact is significant. These seat voices will be incorporated into other subcommittee work.



HB 308 Sub 2 — Crime Victim Amendments

This bill was the result of interim efforts of the Crime Victims Council to streamline and clarify the victim rights complaint process. As part of the bill a new position was proposed to provide staff support to the 8 district rights committees who meet statewide. As a result of HB 532 and funding limitations, the position could not be included and language had to be modified. Having the improved clarification for victims and committees will be very beneficial.



SB 213 Sub 3 — Criminal Justice Modifications

This is an omnibus bill focused on the criminal justice system. But we had concerns with the age gap between the offender and victim in charging sex offense related crimes in this piece of the legislation. While we were not able to get that changed, the sponsor was very receptive and willing to continue the discussion in the interim for a potential fix in the 2025 session.



HB 114 — Rape Crisis and Services Center Amendments

The Victim Groups worked with the Utah Coalition Against Sexual Assault (UCASA) on this priority bill which would create standards of care, and standards for a rape crisis and services center to be eligible for a grant, other funds, or services.



HB 328 Sub 3 — Victims of Sexual Offenses Amendments

The Victim Groups worked with the Utah Coalition Against Sexual Assault (UCASA) on this priority bill which would restrict custody and parent-time for a child conceived as a result of a sexual offense and clarifies requirements for retaining or disposing of a sexual assault kit and requires notification to a victim with notice of intent when the agency intends to destroy or dispose the kit.



HB 272 Sub 5 — Child Custody Proceedings Amendments

The Victim Groups worked with the Utah Domestic Violence Coalition (UDVC) on this priority bill which focuses on child custody proceedings and places requirements for the courts to consider when they make a determination.

CONCLUSION

The Commission on Criminal and Juvenile Justice, along with the Sentencing Commission, Substance Use and Mental Health Advisory Council, and Victim Groups understand the tremendous work that can go into just one bill. The summary of bills do not capture the phone calls, messages, and meetings, that took place throughout the past year and during the session. We applaud the efforts of the legislature and stakeholders working together on important issues for the state of Utah. We hope to be a resource for criminal and juvenile justice related legislation and look forward to working together during the interim.

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