Tyler Clancy proposes the following substitute bill:

Offender Reintegration Amendments

2025 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Stephanie Pitcher

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LONG TITLE

4 General Description:

This bill concerns the reentry and reintegration of offenders and former offenders into the general public.

Highlighted Provisions:

- 8 This bill:
 - provides that a local mental health authority shall, to the extent feasible, coordinate with the Department of Corrections (department) to ensure the continuity of mental health services for county residents on probation or parole;
 - provides that a criminal justice coordinating council shall identify strategies for connecting county residents on probation, parole, or leaving jail or prison, with certain county-based services;
 - adds an expunged conviction and an arrest that occurred as a juvenile to the circumstances when a public employer may not exclude an applicant from an initial interview;
 - reduces the amount of time following an individual's incarceration for purposes of defining unprofessional conduct in certain circumstances and expands the exceptions under which a conviction would not qualify;
 - provides that the department may procure or adopt technology to coordinate services with outside organizations involved in supporting individuals on probation or parole;
 - creates the Rehabilitation and Reentry Services Special Revenue Fund, which:
 - allows the department to accept donations and other funds; and
- restricts funds for specified purposes relating to the successful reintegration of offenders and former offenders into the general public; and
- 27 makes technical and conforming changes.

Money Appropriated in this Bill:

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29	This bill appropriates \$2,000,000 in operating and capital budgets for fiscal year 2026, all
30	of which is from the various sources as detailed in this bill.
31	Other Special Clauses:
32	This bill provides a special effective date.
33	Utah Code Sections Affected:
34	AMENDS:
35	17-43-301 (Effective upon governor's approval), as last amended by Laws of Utah 2024,
36	Chapters 240, 299
37	17-55-201 (Effective upon governor's approval), as last amended by Laws of Utah 2024,
38	Chapter 187
39	34-52-201 (Effective upon governor's approval), as last amended by Laws of Utah 2023,
40	Chapters 115, 344 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 344
41	58-1-501 (Effective upon governor's approval), as last amended by Laws of Utah 2024,
42	Chapter 420
43	64-13-6 (Effective upon governor's approval), as last amended by Laws of Utah 2024,
44	Chapters 144, 208
45	ENACTS:
46	64-13h-101 (Effective upon governor's approval), Utah Code Annotated 1953
47	64-13h-102 (Effective upon governor's approval), Utah Code Annotated 1953
48	64-13h-103 (Effective upon governor's approval), Utah Code Annotated 1953
4950	Be it enacted by the Legislature of the state of Utah:
51	Section 1. Section 17-43-301 is amended to read:
52	17-43-301 (Effective upon governor's approval). Local mental health authorities
53	Responsibilities.
54	(1) As used in this section:
55	(a) "Assisted outpatient treatment" means the same as that term is defined in Section
56	26B-5-301.
57	(b) "Crisis worker" means the same as that term is defined in Section 26B-5-610.
58	(c) "Local mental health crisis line" means the same as that term is defined in Section
59	26B-5-610.
60	(d) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
61	(e) "Public funds" means the same as that term is defined in Section 17-43-303.

(f) "Statewide mental health crisis line" means the same as that term is defined in

63	Section 26B-5-610.
64	(2)(a)(i) In each county operating under a county executive-council form of
65	government under Section 17-52a-203, the county legislative body is the local
66	mental health authority, provided however that any contract for plan services shall
67	be administered by the county executive.
68	(ii) In each county operating under a council-manager form of government under
69	Section 17-52a-204, the county manager is the local mental health authority.
70	(iii) In each county other than a county described in Subsection (2)(a)(i) or (ii), the
71	county legislative body is the local mental health authority.
72	(b) Within legislative appropriations and county matching funds required by this section,
73	under the direction of the division, each local mental health authority shall:
74	(i) provide mental health services to individuals within the county; and
75	(ii) cooperate with efforts of the division to promote integrated programs that address
76	an individual's substance use, mental health, and physical healthcare needs, as
77	described in Section 26B-5-102.
78	(c) Within legislative appropriations and county matching funds required by this section,
79	each local mental health authority shall cooperate with the efforts of the department
80	to promote a system of care, as defined in Section 26B-5-101, for minors with or at
81	risk for complex emotional and behavioral needs, as described in Section 26B-1-202.
82	(3)(a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal
83	Cooperation Act, two or more counties may join to:
84	(i) provide mental health prevention and treatment services; or
85	(ii) create a united local health department that combines substance use treatment
86	services, mental health services, and local health department services in
87	accordance with Subsection (4).
88	(b) The legislative bodies of counties joining to provide services may establish
89	acceptable ways of apportioning the cost of mental health services.
90	(c) Each agreement for joint mental health services shall:
91	(i)(A) designate the treasurer of one of the participating counties or another person
92	as the treasurer for the combined mental health authorities and as the custodian
93	of money available for the joint services; and
94	(B) provide that the designated treasurer, or other disbursing officer authorized by
95	the treasurer, may make payments from the money available for the joint
96	services upon audit of the appropriate auditing officer or officers representing

97	the participating counties;
98	(ii) provide for the appointment of an independent auditor or a county auditor of one
99	of the participating counties as the designated auditing officer for the combined
100	mental health authorities;
101	(iii)(A) provide for the appointment of the county or district attorney of one of the
102	participating counties as the designated legal officer for the combined mental
103	health authorities; and
104	(B) authorize the designated legal officer to request and receive the assistance of
105	the county or district attorneys of the other participating counties in defending
106	or prosecuting actions within their counties relating to the combined mental
107	health authorities; and
108	(iv) provide for the adoption of management, clinical, financial, procurement,
109	personnel, and administrative policies as already established by one of the
110	participating counties or as approved by the legislative body of each participating
111	county or interlocal board.
112	(d) An agreement for joint mental health services may provide for:
113	(i) joint operation of services and facilities or for operation of services and facilities
114	under contract by one participating local mental health authority for other
115	participating local mental health authorities; and
116	(ii) allocation of appointments of members of the mental health advisory council
117	between or among participating counties.
118	(4) A county governing body may elect to combine the local mental health authority with
119	the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,
120	and the local health department created in Title 26A, Chapter 1, Part 1, Local Health
121	Department Act, to create a united local health department under Section 26A-1-105.5.
122	A local mental health authority that joins with a united local health department shall
123	comply with this part.
124	(5)(a) Each local mental health authority is accountable to the department and the state
125	with regard to the use of state and federal funds received from those departments for
126	mental health services, regardless of whether the services are provided by a private
127	contract provider.
128	(b) Each local mental health authority shall comply, and require compliance by its
129	contract provider, with all directives issued by the department regarding the use and
130	expenditure of state and federal funds received from those departments for the

131	purpose of providing mental health programs and services. The department shall
132	ensure that those directives are not duplicative or conflicting, and shall consult and
133	coordinate with local mental health authorities with regard to programs and services.
134	(6)(a) Each local mental health authority shall:
135	(i) review and evaluate mental health needs and services, including mental health
136	needs and services for:
137	(A) an individual incarcerated in a county jail or other county correctional facility
138	and
139	(B) an individual who is a resident of the county and who is court ordered to
140	receive assisted outpatient treatment under Section 26B-5-351;
141	(ii) in accordance with Subsection (6)(b), annually prepare and submit to the division
142	a plan approved by the county legislative body for mental health funding and
143	service delivery, either directly by the local mental health authority or by contract;
144	(iii) establish and maintain, either directly or by contract, programs licensed under
145	Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities;
146	(iv) appoint, directly or by contract, a full-time or part-time director for mental health
147	programs and prescribe the director's duties;
148	(v) provide input and comment on new and revised rules established by the division;
149	(vi) establish and require contract providers to establish administrative, clinical,
150	personnel, financial, procurement, and management policies regarding mental
151	health services and facilities, in accordance with the rules of the division, and state
152	and federal law;
153	(vii) establish mechanisms allowing for direct citizen input;
154	(viii) annually contract with the division to provide mental health programs and
155	services in accordance with the provisions of Title 26B, Chapter 5, Health Care -
156	Substance Use and Mental Health;
157	(ix) comply with all applicable state and federal statutes, policies, audit requirements,
158	contract requirements, and any directives resulting from those audits and contract
159	requirements;
160	(x) provide funding equal to at least 20% of the state funds that it receives to fund
161	services described in the plan;
162	(xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
163	Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special
164	Districts, and Title 51. Chapter 2a. Accounting Reports from Political

165	Subdivisions, Interlocal Organizations, and Other Local Entities Act; and
166	(xii) take and retain physical custody of minors committed to the physical custody of
167	local mental health authorities by a judicial proceeding under Title 26B, Chapter
168	5, Part 4, Commitment of Persons Under Age 18.
169	(b) Each plan under Subsection (6)(a)(ii) shall include services for adults, youth, and
170	children, which shall include:
171	(i) inpatient care and services;
172	(ii) residential care and services;
173	(iii) outpatient care and services;
174	(iv) 24-hour crisis care and services;
175	(v) psychotropic medication management;
176	(vi) psychosocial rehabilitation, including vocational training and skills development;
177	(vii) case management;
178	(viii) community supports, including in-home services, housing, family support
179	services, and respite services;
180	(ix) consultation and education services, including case consultation, collaboration
181	with other county service agencies, public education, and public information; and
182	(x) services to persons incarcerated in a county jail or other county correctional
183	facility.
184	(7)(a) If a local mental health authority provides for a local mental health crisis line
185	under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv),
186	the local mental health authority shall:
187	(i) collaborate with the statewide mental health crisis line described in Section
188	26B-5-610;
189	(ii) ensure that each individual who answers calls to the local mental health crisis line:
190	(A) is a mental health therapist or a crisis worker; and
191	(B) meets the standards of care and practice established by the Division of
192	Integrated Healthcare, in accordance with Section 26B-5-610; and
193	(iii) ensure that when necessary, based on the local mental health crisis line's
194	capacity, calls are immediately routed to the statewide mental health crisis line to
195	ensure that when an individual calls the local mental health crisis line, regardless
196	of the time, date, or number of individuals trying to simultaneously access the
197	local mental health crisis line, a mental health therapist or a crisis worker answers
198	the call without the caller first:

199	(A) waiting on hold; or
200	(B) being screened by an individual other than a mental health therapist or crisis
201	worker.
202	(b) If a local mental health authority does not provide for a local mental health crisis line
203	under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv),
204	the local mental health authority shall use the statewide mental health crisis line as a
205	local crisis line resource.
206	(8) Before disbursing any public funds, each local mental health authority shall require that
207	each entity that receives any public funds from a local mental health authority agrees in
208	writing that:
209	(a) the entity's financial records and other records relevant to the entity's performance of
210	the services provided to the mental health authority shall be subject to examination
211	by:
212	(i) the division;
213	(ii) the local mental health authority director;
214	(iii)(A) the county treasurer and county or district attorney; or
215	(B) if two or more counties jointly provide mental health services under an
216	agreement under Subsection (3), the designated treasurer and the designated
217	legal officer;
218	(iv) the county legislative body; and
219	(v) in a county with a county executive that is separate from the county legislative
220	body, the county executive;
221	(b) the county auditor may examine and audit the entity's financial and other records
222	relevant to the entity's performance of the services provided to the local mental health
223	authority; and
224	(c) the entity will comply with the provisions of Subsection (5)(b).
225	(9) A local mental health authority may receive property, grants, gifts, supplies, materials,
226	contributions, and any benefit derived therefrom, for mental health services. If those
227	gifts are conditioned upon their use for a specified service or program, they shall be so
228	used.
229	(10) Public funds received for the provision of services pursuant to the local mental health
230	plan may not be used for any other purpose except those authorized in the contract
231	between the local mental health authority and the provider for the provision of plan
232	services.

233	(11) A local mental health authority shall:
234	(a) provide assisted outpatient treatment services to a resident of the county who has
235	been ordered under Section 26B-5-351 to receive assisted outpatient treatment[-] ; and
236	(b) to the extent feasible, coordinate with the Department of Corrections to ensure the
237	continuity of mental health services for county residents who are on probation or
238	parole.
239	Section 2. Section 17-55-201 is amended to read:
240	17-55-201 (Effective upon governor's approval). Criminal justice coordinating
241	councils Creation Strategic plan Reporting requirements.
242	(1)(a) Beginning January 1, 2023, a county shall:
243	(i) create a criminal justice coordinating council; or
244	(ii) jointly with another county or counties, create a criminal justice coordinating
245	council.
246	(b) The purpose of a council is to coordinate and improve components of the criminal
247	justice system in the county or counties.
248	(2)(a) A council shall include:
249	(i) one county commissioner or county council member;
250	(ii) the county sheriff or the sheriff's designee;
251	(iii) one chief of police of a municipality within the county or the chief's designee;
252	(iv) the county attorney or the attorney's designee;
253	(v) one public defender or attorney who provides public defense within the county;
254	(vi) one district court judge;
255	(vii) one justice court judge;
256	(viii) one representative from the Division of Adult Probation and Parole within the
257	Department of Corrections;
258	(ix) one representative from the local mental health authority within the county; and
259	(x) one individual who is:
260	(A) a crime victim; or
261	(B) a victim advocate, as defined in Section 77-38-403.
262	(b) A council may include:
263	(i) an individual representing:
264	(A) local government;
265	(B) human services programs;
266	(C) higher education:

267	(D) peer support services;
268	(E) workforce services;
269	(F) local housing services;
270	(G) mental health or substance use disorder providers;
271	(H) a health care organization within the county;
272	(I) a local homeless council;
273	(J) family counseling and support groups; or
274	(K) organizations that work with families of incarcerated individuals; or
275	(ii) an individual with lived experiences in the criminal justice system.
276	(3)(a) A member who is an elected county official shall serve as chair of the council.
277	(b) The council shall elect the member to serve as chair under Subsection (3)(a).
278	(4)(a) A council shall develop and implement a strategic plan for the county's or
279	counties' criminal justice system that includes:
280	(i) mapping of all systems, resources, assets, and services within the county's or
281	counties' criminal justice system;
282	(ii) a plan for data sharing across the county's or counties' criminal justice system;
283	(iii) recidivism reduction objectives; and
284	(iv) community reintegration goals, including identifying strategies for connecting
285	county residents who are on probation, parole, or leaving jail or prison, including
286	those under the custody of the Division of Juvenile Justice and Youth Services,
287	with county-based housing, employment, mental health services, substance use
288	treatment, and related resources.
289	(b) The commission may assist a council in the development of a strategic plan.
290	(5) As part of the council's duties described in Subsection (4)(a)(i), the council shall prepare
291	a list of private probation providers for a court to provide to defendants as described in
292	Section 77-18-105.
293	(6) Before November 30 of each year, a council shall provide a written report to the
294	commission regarding:
295	(a) the implementation of a strategic plan described in Subsection (4); and
296	(b) any data on the impact of the council on the criminal justice system in the county or
297	counties.
298	Section 3. Section 34-52-201 is amended to read:
299	34-52-201 (Effective upon governor's approval). Public employer requirements.
300	(1) Except as provided in Subsections (3) and (6), a public employer may not:

301	(a) exclude an applicant from an initial interview because of:
302	(i) a past criminal conviction, an expunged conviction, an arrest for an offense that
303	occurred before the applicant was 18 years old, or a juvenile adjudication; or
304	(ii) if the applicant is a mental health professional applicant, an arrest for an offense
305	that occurred before the applicant was 18 years old;
306	(b) make an inquiry related to an applicant's expunged criminal or juvenile delinquency
307	history;
308	(c) when making a hiring decision regarding a mental health professional applicant,
309	consider:
310	(i) an arrest for an offense that occurred before the mental health professional
311	applicant was 18 years old;
312	(ii) an arrest not followed by a criminal conviction or juvenile adjudication;
313	(iii) a juvenile adjudication; or
314	(iv) a past criminal conviction if:
315	(A) the sentence for the criminal conviction is terminated; and
316	(B) the mental health professional applicant was not incarcerated for the past
317	criminal conviction or the mental health professional applicant's incarceration
318	for the past criminal conviction ended at least three years before the day on
319	which the mental health professional applicant applied for employment; or
320	(d) deny a mental health professional applicant employment based on a past criminal
321	conviction that does not bear a direct relationship to the mental health professional
322	applicant's ability to safely or competently perform the duties of employment.
323	(2) A public employer excludes an applicant from an initial interview under Subsection (1)
324	if the public employer:
325	(a) requires an applicant to disclose a criminal conviction or juvenile adjudication:
326	(i) on an employment application;
327	(ii) before an initial interview; or
328	(iii) if no interview is conducted, before making a conditional offer of employment; or
329	(b) requires an applicant who is a mental health professional applicant to disclose an
330	arrest for an offense that occurred before the applicant was 18 years old:
331	(i) on an employment application;
332	(ii) before an initial interview; or
333	(iii) if no interview is conducted, before making a conditional offer of employment.
334	(3) A public employer may not deny a mental health professional applicant employment

333	that requires the mental health professional applicant to provide substance use treatment
336	based on:
337	(a) the mental health professional applicant's participation in substance use treatment; or
338	(b) a past criminal conviction for a nonviolent drug offense if:
339	(i) the sentence for the criminal conviction is terminated; and
340	(ii)(A) the mental health professional applicant was not incarcerated for the past
341	criminal conviction; or
342	(B) the mental health professional applicant's incarceration for the past criminal
343	conviction ended at least three years before the day on which the mental health
344	professional applicant applied for employment.
345	(4) An applicant seeking employment from a public employer may answer a question
346	related to an expunged criminal or juvenile delinquency record as though the action
347	underlying the expunged criminal or juvenile delinquency record never occurred.
348	(5) Except as provided in Subsections (1) through (3), this section does not prevent a public
349	employer from:
350	(a) asking an applicant for information about an applicant's criminal conviction or
351	juvenile delinquency history during an initial interview or after an initial interview; or
352	(b) considering an applicant's criminal conviction or juvenile delinquency history when
353	making a hiring decision.
354	(6)(a) Subsections (1) through (4) do not apply:
355	(i) if federal, state, or local law, including corresponding administrative rules,
356	requires the consideration of an applicant's criminal conviction, an expunged
357	conviction, an arrest for an offense that occurred before the applicant was 18 years
358	old, or juvenile delinquency history;
359	(ii) to a public employer that is a law enforcement agency;
360	(iii) to a public employer that is part of the criminal or juvenile justice system;
361	(iv) to a public employer seeking a nonemployee volunteer;
362	(v) to a public employer that works with children or vulnerable adults;
363	(vi) to the Department of Alcoholic Beverage Services created in Section 32B-2-203;
364	(vii) to the State Tax Commission;
365	(viii) to a public employer whose primary purpose is performing financial or
366	fiduciary functions; or
367	(ix) to a public transit district hiring or promoting an individual for a safety sensitive
368	position described in Section 17B-2a-825

369	(b) Subsections (1)(c)(iv) and (1)(d) do not apply to a criminal conviction for:
370	(i) a violent felony as defined in Section 76-3-203.5; or
371	(ii) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4, Sexual
372	Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act.
373	(c) Subsections (1)(a)(ii), (1)(c), (1)(d), and (3) apply to a person under contract with a
374	public employer.
375	Section 4. Section 58-1-501 is amended to read:
376	58-1-501 (Effective upon governor's approval). Unlawful and unprofessional
377	conduct.
378	(1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under
379	this title and includes:
380	(a) practicing or engaging in, representing oneself to be practicing or engaging in, or
381	attempting to practice or engage in any profession requiring licensure under this title,
382	except the behavioral health technician under Chapter 60, Part 6, Behavioral Health
383	Coach and Technician Licensing Act, if the person is:
384	(i) not licensed to do so or not exempted from licensure under this title; or
385	(ii) restricted from doing so by a suspended, revoked, restricted, temporary,
386	probationary, or inactive license;
387	(b)(i) impersonating another licensee or practicing a profession under a false or
388	assumed name, except as permitted by law; or
389	(ii) for a licensee who has had a license under this title reinstated following
390	disciplinary action, practicing the same profession using a different name than the
391	name used before the disciplinary action, except as permitted by law and after
392	notice to, and approval by, the division;
393	(c) knowingly employing any other person to practice or engage in or attempt to practice
394	or engage in any profession licensed under this title if the employee is not licensed to
395	do so under this title;
396	(d) knowingly permitting the person's authority to practice or engage in any profession
397	licensed under this title to be used by another, except as permitted by law;
398	(e) obtaining a passing score on a licensure examination, applying for or obtaining a
399	license, or otherwise dealing with the division or a licensing board through the use of
400	fraud, forgery, or intentional deception, misrepresentation, misstatement, or omission;
401	(f)(i) issuing, or aiding and abetting in the issuance of, an order or prescription for a
402	drug or device to a person located in this state:

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403 (A) without prescriptive authority conferred by a license issued under this title, or 404 by an exemption to licensure under this title; or 405 (B) with prescriptive authority conferred by an exception issued under this title or 406 a multistate practice privilege recognized under this title, if the prescription 407 was issued without first obtaining information, in the usual course of 408 professional practice, that is sufficient to establish a diagnosis, to identify 409 underlying conditions, and to identify contraindications to the proposed 410 treatment; and 411 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call 412 or cross coverage situation, provided that the person who issues the prescription 413 has prescriptive authority conferred by a license under this title, or is exempt from 414 licensure under this title; or 415 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a 416 profession under this title. 417 (2)(a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is 418 defined as unprofessional conduct under this title or under any rule adopted under 419 this title and includes: 420 (i) violating any statute, rule, or order regulating an a profession under this title; 421 (ii) violating, or aiding or abetting any other person to violate, any generally accepted 422 professional or ethical standard applicable to an occupation or profession 423 regulated under this title; 424 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in 425 conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is 426 held in abeyance pending the successful completion of probation with respect to a 427 crime that, when considered with the functions and duties of the profession for 428 which the license was issued or is to be issued, bears a substantial relationship to 429 the licensee's or applicant's ability to safely or competently practice the profession; 430 (iv) engaging in conduct that results in disciplinary action, including reprimand, 431 censure, diversion, probation, suspension, or revocation, by any other licensing or 432 regulatory authority having jurisdiction over the licensee or applicant in the same 433 profession if the conduct would, in this state, constitute grounds for denial of 434 licensure or disciplinary proceedings under Section 58-1-401; (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar 435

chemicals, to the extent that the conduct does, or might reasonably be considered

437	to, impair the ability of the licensee or applicant to safely engage in the profession;
438	(vi) practicing or attempting to practice a profession regulated under this title despite
439	being physically or mentally unfit to do so;
440	(vii) practicing or attempting to practice a or profession regulated under this title
441	through gross incompetence, gross negligence, or a pattern of incompetency or
442	negligence;
443	(viii) practicing or attempting to practice a profession requiring licensure under this
444	title by any form of action or communication which is false, misleading,
445	deceptive, or fraudulent;
446	(ix) practicing or attempting to practice a profession regulated under this title beyond
447	the scope of the licensee's competency, abilities, or education;
448	(x) practicing or attempting to practice a profession regulated under this title beyond
449	the scope of the licensee's license;
450	(xi) verbally, physically, mentally, or sexually abusing or exploiting any person
451	through conduct connected with the licensee's practice under this title or otherwise
452	facilitated by the licensee's license;
453	(xii) acting as a supervisor without meeting the qualification requirements for that
454	position that are defined by statute or rule;
455	(xiii) issuing, or aiding and abetting in the issuance of, an order or prescription for a
456	drug or device:
457	(A) without first obtaining information in the usual course of professional
458	practice, that is sufficient to establish a diagnosis, to identify conditions, and to
459	identify contraindications to the proposed treatment; or
460	(B) with prescriptive authority conferred by an exception issued under this title, or
461	a multi-state practice privilege recognized under this title, if the prescription
462	was issued without first obtaining information, in the usual course of
463	professional practice, that is sufficient to establish a diagnosis, to identify
464	underlying conditions, and to identify contraindications to the proposed
465	treatment;
466	(xiv) violating a provision of Section 58-1-501.5;
467	(xv) violating the terms of an order governing a license; or
468	(xvi) violating Section 58-1-511.
469	(b) "Unprofessional conduct" does not include:
470	(i) a health care provider, as defined in Section 78B-3-403 and who is licensed under

471	this title, deviating from medical norms or established practices if the conditions
472	described in Subsection (5) are met; and
473	(ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the
474	health care provider deviates from medical norms or established practices,
475	including the maladies the health care provider treats, if the health care provider:
476	(A) does not guarantee any results regarding any health care service;
477	(B) fully discloses on the health care provider's website that the health care
478	provider deviates from medical norms or established practices with a
479	conspicuous statement; and
480	(C) includes the health care provider's contact information on the website.
481	(3) Unless otherwise specified by statute or administrative rule, in a civil or administrative
482	proceeding commenced by the division under this title, a person subject to any of the
483	unlawful and unprofessional conduct provisions of this title is strictly liable for each
484	violation.
485	(4) The following are not evidence of engaging in unprofessional conduct under Subsection
486	(2)(a)(iii):
487	(a) an arrest not followed by a conviction; or
488	(b) a conviction for which an individual's incarceration has ended more than [seven] five
489	years before the date of the division's consideration, unless:
490	(i) after the incarceration the individual has engaged in additional conduct that results
491	in another conviction, a plea of nolo contendere, or a plea of guilty or nolo
492	contendere that is held in abeyance pending the successful completion of
493	probation; or
494	(ii) the conviction was for:
495	(A) a violent felony as defined in Section 76-3-203.5;
496	(B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4,
497	Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act; or
498	(C) a felony related to criminal fraud or embezzlement, including a felony under
499	Title 76, Chapter 6, Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft; or
500	(D) a crime or a pattern of crimes that demonstrates a substantial potential to harm
501	Utah patients or consumers, as may be determined by the director in a process
502	defined by rule made in accordance with Title 63G, Chapter 3, Utah
503	Administrative Rulemaking Act.
504	(5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from

505	medical norms or established practices if:
506	(a) the health care provider does not deviate outside of the health care provider's scope
507	of practice and possesses the education, training, and experience to competently and
508	safely administer the alternative health care service;
509	(b) the health care provider does not provide an alternative health care service that is
510	otherwise contrary to any state or federal law;
511	(c) the alternative health care service has reasonable potential to be of benefit to the
512	patient to whom the alternative health care service is to be given;
513	(d) the potential benefit of the alternative health care service outweighs the known
514	harms or side effects of the alternative health care service;
515	(e) the alternative health care service is reasonably justified under the totality of the
516	circumstances;
517	(f) after diagnosis but before providing the alternative health care service:
518	(i) the health care provider educates the patient on the health care services that are
519	within the medical norms and established practices;
520	(ii) the health care provider discloses to the patient that the health care provider is
521	recommending an alternative health care service that deviates from medical norms
522	and established practices;
523	(iii) the health care provider discusses the rationale for deviating from medical norms
524	and established practices with the patient;
525	(iv) the health care provider discloses any potential risks associated with deviation
526	from medical norms and established practices; and
527	(v) the patient signs and acknowledges a notice of deviation; and
528	(g) before providing an alternative health care service, the health care provider discloses
529	to the patient that the patient may enter into an agreement describing what would
530	constitute the health care provider's negligence related to deviation.
531	(6) As used in this section, "notice of deviation" means a written notice provided by a
532	health care provider to a patient that:
533	(a) is specific to the patient;
534	(b) indicates that the health care provider is deviating from medical norms or established
535	practices in the health care provider's recommendation for the patient's treatment;
536	(c) describes how the alternative health care service deviates from medical norms or
537	established practices;
538	(d) describes the potential risks and benefits associated with the alternative health care

539	service;
540	(e) describes the health care provider's reasonably justified rationale regarding the
541	reason for the deviation; and
542	(f) provides clear and unequivocal notice to the patient that the patient is agreeing to
543	receive the alternative health care service which is outside medical norms and
544	established practices.
545	Section 5. Section 64-13-6 is amended to read:
546	64-13-6 (Effective upon governor's approval). Department duties.
547	(1) The department shall:
548	(a) protect the public through institutional care and confinement, and supervision in the
549	community of offenders where appropriate;
550	(b) implement court-ordered punishment of offenders;
551	(c) provide evidence-based and evidence-informed program opportunities for offenders
552	designed to reduce offenders' criminogenic and recidivism risks, including
553	behavioral, cognitive, educational, and career-readiness program opportunities;
554	(d) ensure that offender participation in all program opportunities described in
555	Subsection (1)(c) is voluntary;
556	(e) where appropriate, utilize offender volunteers as mentors in the program
557	opportunities described in Subsection (1)(c);
558	(f) provide treatment for sex offenders who are found to be treatable based upon criteria
559	developed by the department;
560	(g) provide the results of ongoing clinical assessment of sex offenders and objective
561	diagnostic testing to sentencing and release authorities;
562	(h) manage programs that take into account the needs and interests of victims, where
563	reasonable;
564	(i) supervise probationers and parolees as directed by statute and implemented by the
565	courts and the Board of Pardons and Parole;
566	(j) subject to Subsection (3), investigate criminal conduct involving offenders
567	incarcerated in a state correctional facility;
568	(k) cooperate and exchange information with other state, local, and federal law
569	enforcement agencies to achieve greater success in prevention and detection of crime
570	and apprehension of criminals;
571	(1) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
572	Offender Supervision;

573	(m) establish a case action plan based on appropriate validated risk, needs, and
574	responsivity assessments for each offender as follows:
575	(i)(A) if an offender is to be supervised in the community, the department shall
576	establish a case action plan for the offender no later than 60 days after the day
577	on which the department's community supervision of the offender begins; and
578	(B) if the offender is committed to the custody of the department, the department
579	shall establish a case action plan for the offender no later than 90 days after the
580	day on which the offender is committed to the custody of the department;
581	(ii) each case action plan shall:
582	(A) integrate an individualized, evidence-based, and evidence-informed treatment
583	and program plan with clearly defined completion requirements; and
584	(B) require that a case manager will:
585	(I) ensure that an assessment of the education level, occupational interests, and
586	aptitudes of the inmate has been completed;
587	(II) refer the inmate to a higher education student advisor at an institution
588	offering programs consistent with the inmate's interests and aptitudes for
589	advisement on educational preferences and plans;
590	(III) incorporate the inmate's interests, aptitudes, and student advisement into
591	an education plan consistent with the guidance provided by the Higher
592	Education and Corrections Council created in Section 53B-35-201; and
593	(IV) refer the inmate to the student advisor at the institution called for in the
594	case action plan for guidance and assistance with the education process;
595	(iii) the department shall share each newly established case action plan with the
596	sentencing and release authority within 30 days after the day on which the case
597	action plan is established; and
598	(iv) the department shall share any changes to a case action plan, including any
599	change in an offender's risk assessment, with the sentencing and release authority
600	within 30 days after the day of the change;
601	(n) ensure that an inmate has reasonable access to legal research;
602	(o) ensure that any training or certification required of a public official or public
603	employee, as those terms are defined in Section 63G-22-102, complies with Title
604	63G, Chapter 22, State Training and Certification Requirements, if the training or
605	certification is required:
606	(i) under this title;

607	(ii) by the department; or
608	(iii) by an agency or division within the department;
609	(p) when reporting on statewide recidivism, include the metrics and requirements
610	described in Section 63M-7-102;
611	(q) create a reentry division that focuses on the successful reentry of inmates into the
612	community;
613	(r) coordinate with the Board of Pardons and Parole regarding inmate records that are
614	necessary for the Board of Pardons and Parole to make necessary determinations
615	regarding an inmate; and
616	(s) ensure that inmate records regarding discipline, programs, and other relevant metrics
617	are:
618	(i) complete and updated in a timely manner; and
619	(ii) when applicable, shared with the Board of Pardons and Parole in a timely manner.
620	(2) The department may in the course of supervising probationers and parolees:
621	(a) respond to an individual's violation of one or more terms of the probation or parole in
622	accordance with the graduated and evidence-based processes established by the adult
623	sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and
624	(b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction
625	for an individual's violation of the terms of probation or parole a period of
626	incarceration of not more than three consecutive days and not more than a total of
627	five days within a period of 30 days.
628	(3)(a) By following the procedures in Subsection (3)(b), the department may investigate
629	the following occurrences at state correctional facilities:
630	(i) criminal conduct of departmental employees;
631	(ii) felony crimes resulting in serious bodily injury;
632	(iii) death of any person; or
633	(iv) aggravated kidnaping.
634	(b) Before investigating any occurrence specified in Subsection (3)(a), the department
635	shall:
636	(i) notify the sheriff or other appropriate law enforcement agency promptly after
637	ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a)
638	has occurred; and
639	(ii) obtain consent of the sheriff or other appropriate law enforcement agency to
640	conduct an investigation involving an occurrence specified in Subsection (3)(a).

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641 (4) Upon request, the department shall provide copies of investigative reports of criminal 642 conduct to the sheriff or other appropriate law enforcement agencies. 643 (5)(a) The executive director of the department, or the executive director's designee if 644 the designee possesses expertise in correctional programming, shall consult at least 645 annually with cognitive and career-readiness staff experts from the Utah system of 646 higher education and the State Board of Education to review the department's 647 evidence-based and evidence-informed treatment and program opportunities. 648 (b) Beginning in the 2022 interim, the department shall provide an annual report to the 649 Law Enforcement and Criminal Justice Interim Committee regarding: 650 (i) the department's implementation of and offender participation in evidence-based 651 and evidence-informed treatment and program opportunities designed to reduce 652 the criminogenic and recidivism risks of offenders over time; and 653 (ii) the progress of the department's implementation of the inmate program 654 requirements described in Section 64-13-50. 655 (6)(a) As used in this Subsection (6): 656 (i) "Accounts receivable" means any amount owed by an offender arising from a 657 criminal judgment that has not been paid. 658 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures, 659 surcharges, costs, interest, penalties, restitution to victims, third-party claims, 660 claims, reimbursement of a reward, and damages that an offender is ordered to 661 pay. 662 (b) The department shall collect and disburse, with any interest and any other costs 663 assessed under Section 64-13-21, an accounts receivable for an offender during: 664 (i) the parole period and any extension of that period in accordance with Subsection 665 (6)(c): and 666 (ii) the probation period for which the court orders supervised probation and any 667 extension of that period by the department in accordance with Subsection 668 77-18-105(7). 669 (c)(i) If an offender has an unpaid balance of the offender's accounts receivable at the 670 time that the offender's sentence expires or terminates, the department shall be 671 referred to the sentencing court for the sentencing court to enter a civil judgment of restitution and a civil accounts receivable as described in Section 77-18-114. 672 673 (ii) If the board makes an order for restitution within 60 days from the day on which

the offender's sentence expires or terminates, the board shall refer the order for

675	restitution to the sentencing court to be entered as a civil judgment of restitution as
676	described in Section 77-18-114.
677	(d) This Subsection (6) only applies to offenders sentenced before July 1, 2021.
678	(7)(a) The department may procure or adopt technology services to facilitate the
679	coordination of services and enhance accountability with agencies, local partners, and
680	community-based organizations that are involved with assisting individuals on
681	probation or parole.
682	(b) If possible, the technology services described in Subsection (7)(a) shall:
683	(i) maintain a single, secure client record with a unique identifier to ensure seamless
684	coordination and reduce duplication of services;
685	(ii) notify authorized users of incoming service requests or referrals;
686	(iii) provide secure access to information necessary to understanding and addressing
687	the needs of an individual, including the individual's service and care history;
688	(iv) allow authorized users to exchange information with referring or collaborating
689	organizations through a secure and live chat feature; and
690	(v) send and track individual referrals, store referral outcomes, and document
691	services provided.
692	Section 6. Section 64-13h-101 is enacted to read:
693	CHAPTER 13h. REHABILITATION AND REENTRY SERVICES
694	64-13h-101 (Effective upon governor's approval). Definitions.
695	As used in this chapter:
696	(1) "Department" means the Department of Corrections.
697	(2) "Fund" means the Rehabilitation and Reentry Services Special Revenue Fund created in
698	Section 64-13h-102.
699	(3) "Offender" means the same as that term is defined in Section 64-13-1.
700	Section 7. Section 64-13h-102 is enacted to read:
701	64-13h-102 (Effective upon governor's approval). Creation of Rehabilitation and
702	Reentry Services Special Revenue Fund.
703	(1) There is created a special revenue fund known as the Rehabilitation and Reentry
704	Services Special Revenue Fund.
705	(2) The $\hat{S} \rightarrow \underline{\text{fund}} \leftarrow \hat{S} \underline{\text{includes:}}$
706	(a) private donations, grants, gifts, bequests, or money made available from any other
707	source to implement this section and Section 64-13h-103; and
708	(b) any interest earned on the fund.

709	(3) The department shall administer the fund for the purposes described in Section
710	<u>64-13h-103.</u>
711	(4) Upon appropriation by the Legislature, the department shall use money in the fund as
712	described in Section 64-13h-103.
713	Section 8. Section 64-13h-103 is enacted to read:
714	64-13h-103 (Effective upon governor's approval). Uses of Rehabilitation and
715	Reentry Services Special Revenue Fund.
716	(1) Money in the fund shall be used to provide direct services to offenders that will increase
717	the likelihood of successful reintegration into the general public and decrease the
718	likelihood of recidivism, which may include:
719	(a) educational services;
720	(b) job skills training;
721	(c) life skills training;
722	(d) apprenticeships;
723	(e) job placement assistance;
724	(f) assistance with affordable housing or supervised or transitional housing services;
725	(g) substance use treatment, mental health services, or physical health services; or
726	(h) case worker access, before or after leaving incarceration.
727	(2) The department may expend money from the $\hat{S} \rightarrow [\underline{funds}] \underline{fund} \leftarrow \hat{S} \underline{to}$
727a	offset actual department expenses
728	related to administering this section.
729	Section 9. FY 2026 Appropriations.
730	The following sums of money are appropriated for the fiscal year beginning July 1,
731	2025, and ending June 30, 2026. These are additions to amounts previously appropriated for
732	fiscal year 2026.
733	Subsection 9(a). Operating and Capital Budgets
734	Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
735	Legislature appropriates the following sums of money from the funds or accounts indicated for
736	the use and support of the government of the state of Utah.
737	ITEM 1 To Utah Department of Corrections - Re-Entry and Rehabilitation
738	From Rehabilitation and Reentry Services Special
739	Revenue Fund, One-time 2,000,00
740	Schedule of Programs:
741	Re-Entry 2,000,000

742	Section 10. Effective Date.
743	This bill takes effect:
744	(1) except as provided in Subsection (2), May 7, 2025; or
745	(2) if approved by two-thirds of all members elected to each house:
746	(a) upon approval by the governor;
747	(b) without the governor's signature, the day following the constitutional time limit of
748	Utah Constitution, Article VII, Section 8; or
749	(c) in the case of a veto, the date of veto override.