

Prison and Jail Standards Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

LONG TITLE**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 10 voting for 0 voting against 6 absent

General Description:

This bill concerns standards and inspections for state correctional facilities and county jails.

Highlighted Provisions:

This bill:

- requires a county sheriff to ensure that every county jail under the sheriff's jurisdiction operates in accordance with a system of independently administered standards and submits to a regular inspection schedule;
- requires the Department of Corrections (department) to ensure that every state correctional facility under the department's jurisdiction operates in accordance with a system of independently administered standards and submits to a regular inspection schedule; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-72-401, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

64-13-6, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

64-13-25, as last amended by Laws of Utah 2024, Chapter 16

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

31 Section 1. Section **17-72-401** is amended to read:

32 **17-72-401 . County jails -- Sheriff as keeper -- Contracting with private**
33 **contractor.**

34 (1) The county jail shall be kept by the sheriff and shall be used for:

35 (a) the detention of an individual committed to jail to secure the individual's attendance
36 as a witness in a criminal case;

37 (b) the detention of prisoners charged with crime and committed for trial;

38 (c) the confinement of prisoners committed for contempt, or upon civil process, or by
39 other authority of law; and

40 (d) the confinement of inmates sentenced to imprisonment upon conviction of crime.

41 (2) If the county executive contracts with a private contractor to manage, maintain, operate,
42 or construct county jail facilities, the sheriff shall perform whatever obligations are
43 imposed upon the sheriff by that contract.

44 (3)(a) The sheriff shall ensure that every county jail under the sheriff's jurisdiction:

45 (i) operates in accordance with a system of independently administered standards
46 applicable to jails; and

47 (ii) submits to a regular schedule of inspections conducted by an independent
48 inspector.

49 (b) The standards and requirements described in Subsection (3)(a) are separate from, and
50 in addition to, any other standards or requirements for a county jail, including under
51 Chapter 69, County Auditor.

52 Section 2. Section **64-13-6** is amended to read:

53 **64-13-6 . Department duties.**

54 (1) The department shall:

55 (a) protect the public through institutional care and confinement, and supervision in the
56 community of offenders where appropriate;

57 (b) implement court-ordered punishment of offenders;

58 (c) provide evidence-based and evidence-informed program opportunities for offenders
59 designed to reduce offenders' criminogenic and recidivism risks, including
60 behavioral, cognitive, educational, and career-readiness program opportunities;

61 (d) ensure that offender participation in all program opportunities described in
62 Subsection (1)(c) is voluntary;

63 (e) where appropriate, utilize offender volunteers as mentors in the program
64 opportunities described in Subsection (1)(c);

- 65 (f) provide treatment for sex offenders who are found to be treatable based upon criteria
66 developed by the department;
- 67 (g) provide the results of ongoing clinical assessment of sex offenders and objective
68 diagnostic testing to sentencing and release authorities;
- 69 (h) manage programs that take into account the needs and interests of victims, where
70 reasonable;
- 71 (i) through the Division of Adult Probation and Parole created in Section 64-14-202,
72 supervise probationers and parolees as directed by statute and implemented by the
73 courts and the Board of Pardons and Parole;
- 74 (j) subject to Subsection (2), investigate criminal conduct involving offenders
75 incarcerated in a state correctional facility;
- 76 (k) cooperate and exchange information with other state, local, and federal law
77 enforcement agencies to achieve greater success in prevention and detection of crime
78 and apprehension of criminals;
- 79 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
80 Offender Supervision;
- 81 (m) establish a case action plan based on appropriate validated risk, needs, and
82 responsivity assessments for each offender as follows:
- 83 (i)(A) if an offender is to be supervised in the community, the department shall
84 establish a case action plan for the offender no later than 60 days after the day
85 on which the department's community supervision of the offender begins; and
86 (B) if the offender is committed to the custody of the department, the department
87 shall establish a case action plan for the offender no later than 90 days after the
88 day on which the offender is committed to the custody of the department;
- 89 (ii) each case action plan shall:
- 90 (A) integrate an individualized, evidence-based, and evidence-informed treatment
91 and program plan with clearly defined completion requirements; and
92 (B) require that a case manager will:
- 93 (I) ensure that an assessment of the education level, occupational interests, and
94 aptitudes of the inmate has been completed;
- 95 (II) refer the inmate to a higher education student advisor at an institution
96 offering programs consistent with the inmate's interests and aptitudes for
97 advisement on educational preferences and plans;
- 98 (III) incorporate the inmate's interests, aptitudes, and student advisement into

- 99 an education plan consistent with the guidance provided by the Higher
100 Education and Corrections Council created in Section 53H-1-604; and
101 (IV) refer the inmate to the student advisor at the institution called for in the
102 case action plan for guidance and assistance with the education process;
- 103 (iii) the department shall share each newly established case action plan with the
104 sentencing and release authority within 30 days after the day on which the case
105 action plan is established; and
- 106 (iv) the department shall share any changes to a case action plan, including any
107 change in an offender's risk assessment, with the sentencing and release authority
108 within 30 days after the day of the change;
- 109 (n) ensure that an inmate has reasonable access to legal research;
- 110 (o) ensure that any training or certification required of a public official or public
111 employee, as those terms are defined in Section 63G-22-102, complies with Title
112 63G, Chapter 22, State Training and Certification Requirements, if the training or
113 certification is required:
- 114 (i) under this title;
- 115 (ii) by the department; or
- 116 (iii) by an agency or division within the department;
- 117 (p) when reporting on statewide recidivism, include the metrics and requirements
118 described in Section 63M-7-102;
- 119 (q) create a reentry division that focuses on the successful reentry of inmates into the
120 community, which shall include:
- 121 (i) screening and assessments for an inmate's risks and needs;
- 122 (ii) individualized plans and case management;
- 123 (iii) quality treatment, education, and job preparation;
- 124 (iv) community partnerships; and
- 125 (v) comprehensive release planning before the inmate's release, including:
- 126 (A) coordination with support services; and
- 127 (B) coordination with one or more family members or friends, if the inmate has
128 given permission to contact specific individuals for this purpose;
- 129 (r) coordinate with the Board of Pardons and Parole regarding inmate records that are
130 necessary for the Board of Pardons and Parole to make necessary determinations
131 regarding an inmate; ~~and~~
- 132 (s) ensure that inmate records regarding discipline, programs, and other relevant metrics

- 133 are:
- 134 (i) complete and updated in a timely manner; and
- 135 (ii) when applicable, shared with the Board of Pardons and Parole in a timely manner[-]
- 136 ; and
- 137 (t) ensure that every state correctional facility under the department's jurisdiction:
- 138 (i) operates in accordance with a system of independently administered standards
- 139 applicable to state correctional facilities; and
- 140 (ii) submits to a regular schedule of inspections conducted by an independent
- 141 inspector.
- 142 (2) In accordance with department policy, the department may conduct criminal
- 143 investigations regarding an allegation that:
- 144 (a) an offender has committed a criminal offense; or
- 145 (b) an employee of the department has committed a criminal offense.
- 146 (3)(a) The executive director of the department, or the executive director's designee if
- 147 the designee possesses expertise in correctional programming, shall consult at least
- 148 annually with cognitive and career-readiness staff experts from the Utah [~~system of~~
- 149 ~~higher education~~] System of Higher Education and the State Board of Education to
- 150 review the department's evidence-based and evidence-informed treatment and
- 151 program opportunities.
- 152 (b) Beginning in the 2022 interim, the department shall provide an annual report to the
- 153 Law Enforcement and Criminal Justice Interim Committee regarding:
- 154 (i) the department's implementation of and offender participation in evidence-based
- 155 and evidence-informed treatment and program opportunities designed to reduce
- 156 the criminogenic and recidivism risks of offenders over time; and
- 157 (ii) the progress of the department's implementation of the inmate program
- 158 requirements described in Section 64-13-50.
- 159 (4)(a) As used in this Subsection (4):
- 160 (i) "Accounts receivable" means any amount owed by an offender arising from a
- 161 criminal judgment that has not been paid.
- 162 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,
- 163 surcharges, costs, interest, penalties, restitution to victims, third-party claims,
- 164 claims, reimbursement of a reward, and damages that an offender is ordered to
- 165 pay.
- 166 (b) The department shall collect and disburse, with any interest and any other costs

- 167 assessed under Section 64-14-204, an accounts receivable for an offender during:
- 168 (i) the parole period and any extension of that period in accordance with Subsection
- 169 (4)(c); and
- 170 (ii) the probation period for which the court orders supervised probation and any
- 171 extension of that period by the department in accordance with Subsection
- 172 77-18-105(7).
- 173 (c)(i) If an offender has an unpaid balance of the offender's accounts receivable at the
- 174 time that the offender's sentence expires or terminates, the department shall be
- 175 referred to the sentencing court for the sentencing court to enter a civil judgment
- 176 of restitution and a civil accounts receivable as described in Section 77-18-114.
- 177 (ii) If the board makes an order for restitution within 60 days from the day on which
- 178 the offender's sentence expires or terminates, the board shall refer the order for
- 179 restitution to the sentencing court to be entered as a civil judgment of restitution as
- 180 described in Section 77-18-114.
- 181 (d) This Subsection (4) only applies to offenders sentenced before July 1, 2021.
- 182 (5)(a) The department may procure or adopt technology services to facilitate the
- 183 coordination of services and enhance accountability with agencies, local partners, and
- 184 community-based organizations that are involved with assisting individuals on
- 185 probation or parole.
- 186 (b) If possible, the technology services described in Subsection (5)(a) shall:
- 187 (i) maintain a single, secure client record with a unique identifier to ensure seamless
- 188 coordination and reduce duplication of services;
- 189 (ii) notify authorized users of incoming service requests or referrals;
- 190 (iii) provide secure access to information necessary to understanding and addressing
- 191 the needs of an individual, including the individual's service and care history;
- 192 (iv) allow authorized users to exchange information with referring or collaborating
- 193 organizations through a secure and live chat feature; and
- 194 (v) send and track individual referrals, store referral outcomes, and document
- 195 services provided.

196 Section 3. Section **64-13-25** is amended to read:

197 **64-13-25 . Standards for programs -- Audits.**

- 198 (1)(a) To promote accountability and to ensure safe and professional operation of
- 199 correctional programs, the department shall establish minimum standards for the
- 200 organization and operation of the department's programs, including collaborating

- 201 with the Department of Health and Human Services to establish minimum standards
202 for programs providing assistance for individuals involved in the criminal justice
203 system.
- 204 (b)(i) The department shall promulgate the standards according to state rulemaking
205 provisions.
- 206 (ii) Those standards that apply to offenders are exempt from the provisions of Title
207 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 208 (iii) Offenders are not a class of persons under Title 63G, Chapter 3, Utah
209 Administrative Rulemaking Act.
- 210 (c) The standards shall provide for inquiring into and processing offender complaints.
- 211 (d)(i) The department shall establish minimum standards and qualifications for
212 treatment programs provided in county jails to which persons committed to the
213 state prison are placed by jail contract under Section 64-13e-103.
- 214 (ii) In establishing the standards and qualifications for the treatment programs, the
215 department shall:
- 216 (A) consult and collaborate with the county sheriffs and the Office of Substance
217 Use and Mental Health; and
- 218 (B) include programs demonstrated by recognized scientific research to reduce
219 recidivism by addressing an offender's criminal risk factors as determined by a
220 risk and needs assessment.
- 221 (iii) All jails contracting to house offenders committed to the state prison shall meet
222 the minimum standards for treatment programs as established under this
223 Subsection (1)(d).
- 224 (e)(i) The department shall establish minimum standards for sex offense treatment,
225 which shall include the requirements under Subsection 64-13-7.5(3) regarding
226 licensure and competency.
- 227 (ii) The standards shall require the use of evidence-based practices to address
228 criminal risk factors as determined by validated assessments.
- 229 (iii) The department shall collaborate with the Office of Substance Use and Mental
230 Health to develop and effectively distribute the standards to jails and to mental
231 health professionals who desire to provide mental health treatment for sex
232 offenders.
- 233 (iv) The department shall establish the standards by administrative rule in accordance
234 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

- 235 (2)(a) The department shall establish a certification process for public and private
236 providers of treatment for sex offenders on probation or parole that requires the
237 providers' sex offense treatment practices meet the standards and practices
238 established under Subsection (1)(e)(i) with the goal of reducing sex offender
239 recidivism.
- 240 (b) The department shall collaborate with the Office of Substance Use and Mental
241 Health to develop, coordinate, and implement the certification process.
- 242 (c) The department shall base the certification process on the standards under Subsection
243 (1)(e)(i) and require renewal of certification every two years.
- 244 (d) All public and private providers of sex offense treatment, including those providing
245 treatment to offenders housed in county jails by contract under Section 64-13e-103,
246 shall comply with the standards in order to begin receiving or continue receiving
247 payment from the department to provide sex offense treatment.
- 248 (e) The department shall establish the certification program by administrative rule in
249 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 250 (3) The department:
- 251 (a) shall establish performance goals and outcome measurements for all programs that
252 are subject to the minimum standards established under this section and collect data
253 to analyze and evaluate whether the goals and measurements are attained;
- 254 (b) shall collaborate with the Office of Substance Use and Mental Health to develop and
255 coordinate the performance goals and outcome measurements, including recidivism
256 rates and treatment success and failure rates;
- 257 (c) may use the data collected under Subsection (3)(b) to make decisions on the use of
258 funds to provide treatment for which standards are established under this section;
- 259 (d) shall collaborate with the Office of Substance Use and Mental Health to track a
260 subgroup of participants to determine if there is a net positive result from the use of
261 treatment as an alternative to incarceration;
- 262 (e) shall collaborate with the Office of Substance Use and Mental Health to evaluate the
263 costs, including any additional costs, and the resources needed to attain the
264 performance goals established for the use of treatment as an alternative to
265 incarceration; and
- 266 (f) shall annually provide data collected under this Subsection (3) to the State
267 Commission on Criminal and Juvenile Justice on or before August 31.
- 268 (4) The State Commission on Criminal and Juvenile Justice shall compile a written report

269 of the findings based on the data collected under Subsection (3) and provide the report to
270 the legislative Judiciary Interim Committee, the Health and Human Services Interim
271 Committee, the Law Enforcement and Criminal Justice Interim Committee, and the
272 related appropriations subcommittees.

273 (5) The standards and requirements under this section are separate from, and in addition to,
274 the system of standards for state correctional facilities described in Subsection
275 64-13-6(1)(t).

276 Section 4. **Effective Date.**

277 This bill takes effect on May 6, 2026.