



Office of Utah for Rational Sex Offense Laws

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Representative Tyler Clancy
Utah House of Representatives
350 North State, Suite 350
Salt Lake City, UT 84114
Via email: ryanwilcox@le.utah.gov

Position Statement on H.B. 205 Substance Use Intervention Amendments

Dear Representative Clancy,

Utah for Rational Sex Offense Laws (UTRSOL) supports the intent of H.B. 205 to expand substance use intervention programs. Many individuals entering prison could be more effectively treated in community-based settings, including those with co-occurring mental health and substance use disorders. However, we are concerned that Section 78A-7-124(4)(b) excludes those with pending sexual offense charges from participating in the STEP Program.

Key Concerns:

Eligibility Restrictions: Sex Offense Exclusion

This blanket exclusion prevents individuals with lower-level sexual offenses who are actively working toward risk reduction from accessing evidence-based community treatment. Research shows that substance use treatment combined with appropriate supervision can effectively reduce recidivism for many individuals, including those with sexual offense charges, particularly when the offense is non-violent and substance use is a contributing factor. The current bill:

- Creates the STEP Supervision Program - Establishes a Structured Treatment and Enforcement Pathway Supervision Program that justice courts may operate for individuals with substance use-related offenses
- Requires substance abuse treatment - Mandates court-approved substance abuse treatment plans, which may include medication-assisted treatment
- Excludes individuals with sexual offense charges - Makes anyone with pending charges of sexual offenses ineligible for the program, regardless of the severity of the offense or whether substance use was a contributing factor
- Requires employment or education - Participants must maintain employment, stay enrolled in educational programs, or actively seek employment

Systematic Exclusion from Treatment: Estimating the Impact in Utah

Currently, there are approximately 10,200 individuals on the Utah sex offender registry. Research by Kraanen and Emmelkamp (2011) indicates that roughly half of individuals who commit sexual offenses have a history of substance misuse. Exit program coordinators from several County Sheriff's Office's in Utah have refined this estimate, suggesting that about 25% of this population in Utah is a realistic figure for co-occurring substance use disorders, with a conservative lower bound of 15%.

Applied to Utah's registry, this equates to approximately 2,550 individuals at the higher estimate and about 1,530 at the conservative estimate who would likely benefit from substance use disorder (SUD) treatment but face significant barriers to accessing or are frequently excluded from through outpatient providers and legislation similar to H.B. 205 that explicitly makes individuals with pending charges for "sexual offenses" ineligible for the STEP Supervision Program, which is the main substance abuse intervention the bill creates. This intentional exclusion illustrates how the registrant population is systematically left out of the support systems necessary for rehabilitation and successful reintegration into the community.

Since there is no centralized dataset, peer-reviewed or government data quantifying how many registrants are turned away from substance-use treatment program, the nearest estimate we can draw on is from the experiences of SOTP treatment providers and others who work with this population including caseworkers, reentry program organizations and coordinators among Weber, Davis, and Salt Lake Counties through the Department of Workforce services. And many of them agree that the number cited above is much higher.

Recommendations

1. Allow Judicial Discretion for Case-by-Case Evaluation
 - Enable courts to assess the nature of the sexual offense, the role of substance use as a contributing factor, and the individual's risk level and treatment needs
2. Distinguish Between Offense Severity Levels
 - Create tiered eligibility criteria that differentiate between violent/predatory sexual offenses and lower-level, non-contact offenses
3. Prioritize Evidence-Based Risk Assessment Over Categorical Exclusions
 - Require validated risk assessment tools to determine eligibility rather than relying solely on offense category
4. Include Robust Safeguards for Approved Participants
 - Ensure that any individual with sex offense charges who participates in the STEP Program receives integrated treatment addressing both substance use and offense-specific risk factors
5. Establish Data Collection and Program Evaluation
 - Require tracking of outcomes for all STEP Program participants, including recidivism rates, treatment completion, and employment stability

Conclusion

H.B. 205 represents an important step forward in addressing substance use disorders within Utah's justice system. However, the categorical exclusion of individuals with sex offense charges undermines the bill's stated goals and leaves a significant population—estimated at 1,530 to 2,550 individuals—without access to critical, evidence-based treatment.

Public safety is best served when all individuals with substance use disorders can access appropriate treatment and supervision. By allowing judicial discretion and individualized assessments, the legislature can ensure that the STEP Program serves those who need it most while maintaining appropriate safeguards for community protection.

We appreciate your leadership on substance use intervention and your willingness to consider these concerns. UTRSOL stands ready to work with you and other stakeholders to develop amendments that expand treatment access while prioritizing public safety.

Sincerely

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