

1 **SHERIFF'S CLASSIFICATION OF JAIL**
2 **INMATES AND JAIL FACILITIES**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Michael G. Waddoups**

6 AN ACT RELATING TO COUNTIES; REQUIRING COUNTY SHERIFFS TO ADOPT AND
7 IMPLEMENT CERTAIN INCARCERATION CRITERIA AND PRACTICES; AUTHORIZING
8 COUNTY SHERIFFS TO CLASSIFY JAIL FACILITIES AND TO ESTABLISH MAXIMUM
9 JAIL CAPACITIES; REQUIRING COUNTY SHERIFFS TO TRANSFER OR RELEASE
10 PRISONERS UNDER CERTAIN CIRCUMSTANCES; AND MAKING TECHNICAL
11 CHANGES.

12 This act affects sections of Utah Code Annotated 1953 as follows:

13 AMENDS:

14 **17-22-5**, as repealed and reenacted by Chapter 13, Laws of Utah 1991

15 ENACTS:

16 **17-22-5.5**, Utah Code Annotated 1953

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

18 Section 1. Section **17-22-5** is amended to read:

19 **17-22-5. Sheriff's classification of jail inmates.**

20 (1) The sheriff shall adopt and implement written policy for the classification of persons
21 incarcerated in the jail which shall provide for the separation of prisoners by [sex] gender and by
22 such other factors as may reasonably provide for the safety and well-being of inmates and the
23 community.

24 (2) Each county sheriff shall assign prisoners to a facility or section of a facility based on
25 classification criteria that the sheriff develops and maintains.

26 (3) (a) A county sheriff may develop and implement alternative incarceration programs
27 that may or may not involve housing a prisoner in a jail facility.

28 (b) A prisoner housed under an alternative incarceration program under Subsection (3)(a)
29 shall be considered to be in the full custody and control of the sheriff for purposes of Section
30 76-8-309.

31 Section 2. Section 17-22-5.5 is enacted to read:

32 **17-22-5.5. Sheriff's classification of jail facilities -- Maximum operating capacity of**
33 **jail facilities -- Transfer or release of prisoners.**

34 (1) A county sheriff may determine:

35 (a) the classification of each jail facility or section of a jail facility under the sheriff's
36 control;

37 (b) the nature of each program conducted at a jail facility under the sheriff's control; and

38 (c) the internal operation of a jail facility under the sheriff's control.

39 (2) Each county sheriff shall:

40 (a) establish a maximum operating capacity for each jail facility under the sheriff's control,
41 based on facility design and staffing; and

42 (b) upon a jail facility reaching its maximum operating capacity, as established by the
43 sheriff:

44 (i) transfer prisoners to another appropriate facility:

45 (A) under the sheriff's control; or

46 (B) available to the sheriff by contract; or

47 (ii) release prisoners:

48 (A) to a supervised release program, according to release criteria established by the sheriff;

49 or

50 (B) to another alternative incarceration program developed by the sheriff.

Legislative Review Note
as of 2-4-00 4:45 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel