

1                                   **COUNTY JAIL WORK RELEASE PROCESS**

2   **AMENDMENTS**

3   2006 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Scott L Wyatt**

6   Senate Sponsor: \_\_\_\_\_

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill modifies the Criminal Code and the Code of Criminal Procedure regarding  
11                   procedures for the release of jail inmates for work or education.

12                   **Highlighted Provisions:**

13                   This bill:

- 14                   ▶ clarifies that the court may order whether the inmate is allowed to be released;
- 15                   ▶ specifies that the custodial authority of the jail determines the terms and conditions  
16 of an inmate's release; and
- 17                   ▶ provides the procedure for an inmate to appeal the denial of release time by the  
18 custodial authority if the denial does not comply with the facility's policy in  
19 determining release for the inmate.

20                   **Monies Appropriated in this Bill:**

21                   None

22                   **Other Special Clauses:**

23                   None

24                   **Utah Code Sections Affected:**

25                   AMENDS:

26                   **76-3-403.5**, as enacted by Chapter 204, Laws of Utah 2000

27                   **77-19-3**, as enacted by Chapter 15, Laws of Utah 1980



28 77-19-4, as enacted by Chapter 15, Laws of Utah 1980



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

31 Section 1. Section 76-3-403.5 is amended to read:

32 **76-3-403.5. Work or school release from county jail or detention facility.**

33 (1) When an inmate is committed for incarceration in a county jail or in a detention  
34 facility, the custodial authority may ~~[in its discretion]~~, in accordance with the release policy of  
35 the facility, allow the inmate to work outside of the jail or facility as part of a jail or facility  
36 supervised work detail, seek or work at employment, or attend an educational institution, if the  
37 inmate's incarceration:

38 (a) is not for an offense for which release is prohibited under state law; and  
39 ~~[(+)]~~ (i) is for a misdemeanor offense, and the sentencing judge has not entered an  
40 order [to the contrary] prohibiting release under this section;

41 ~~[(2)]~~ (ii) is part of a probation agreement for a felony offense, and the sentencing  
42 district judge has not entered an order [to the contrary] prohibiting release under this section; or

43 ~~[(3)]~~ (iii) is in a county facility pursuant to a contract with the Department of  
44 Corrections.

45 (2) (a) An inmate may petition the court for review of a denial by the custodial  
46 authority of the inmate's release request in accordance with the facility's release policy.

47 (b) Review under Subsection (2)(a) may only be sought after exhausting the review  
48 process provided by the facility's release policy.

49 Section 2. Section 77-19-3 is amended to read:

50 **77-19-3. Special release from city or county jail -- Purposes.**

51 (1) Any person sentenced to a term in any city or county jail may, ~~[pursuant to order of~~  
52 ~~the sentencing judge,]~~ in accordance with the release policy of the facility, be released from jail  
53 during those hours which are reasonable and necessary to accomplish any of the ~~[following]~~  
54 purposes under Subsection (2) if:

55 (a) the offense is not one for which release is prohibited under state law; and

56 (b) the judge has not entered an order prohibiting a special release.

57 (2) The custodial authority at the jail may release an inmate who qualifies under  
58 Subsection (1) for:

59           ~~[(1)]~~ (a) working at his employment;  
60           ~~[(2)]~~ (b) performing essential household duties;  
61           ~~[(3)]~~ (c) attending an educational institution;  
62           ~~[(4)]~~ (d) obtaining necessary medical treatment; or  
63           ~~[(5)]~~ (e) any other ~~[proper]~~ reasonable purpose ~~[the court may order]~~ as determined by  
64 the custodial authority of the jail.

65           Section 3. Section **77-19-4** is amended to read:

66           **77-19-4. Special release from city or county jail -- Conditions and limitations.**

67           (1) All released prisoners~~[- while absent from the jail,]~~ under Section 77-19-3 are in the  
68 custody of the ~~[jailer]~~ custodial authority and are subject at any time to being returned to jail,  
69 ~~[if]~~ for good cause ~~[appears for so doing]~~.

70           (2) The judge ~~[shall specify the terms and conditions of the release time which may~~  
71 ~~include, but are not limited to the following]~~ may order that the prisoner:

72           ~~[(1) The prisoner may be required to]~~ (a) pay ~~[all]~~ monies earned from employment  
73 during the jail term to those persons he is legally responsible to support; or

74           ~~[(2) He may be required to pay a reasonable amount for the expenses of his~~  
75 ~~maintenance in the jail but may be permitted to]~~

76           (b) retain sufficient money to pay his costs of transportation, meals, and other  
77 incidental and necessary expenses related to his special release.

78           (3) The custodial authority of the jail shall establish all other conditions of special  
79 release.

80           (4) During all hours when the prisoner is not serving the function for which he is  
81 awarded release time, he shall be confined to jail.

82           (5) The prisoner shall ~~[be responsible for obtaining]~~ obtain his own transportation to  
83 and from the place where he performs the function for which he is released.

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**Legislative Review Note**

**as of 1-23-06 1:54 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0153**

**County Jail Work Release Process Amendments**

*01-Feb-06*

*8:43 AM*

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**State Impact**

No fiscal impact. Local jails may experience some reduction in administration costs.

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**Individual and Business Impact**

No fiscal impact

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**Office of the Legislative Fiscal Analyst**