

1 **Alternative Incarceration Program Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Doug Owens**

Senate Sponsor: Brady Brammer

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to alternative incarceration programs.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ clarifies terms;
- 9 ▶ provides that a county sheriff may implement a sheriff's work program in which inmates
- 10 participate in supervised public works projects instead of serving time in jail;
- 11 ▶ amends and establishes eligibility requirements for alternative incarceration programs and
- 12 sheriff's work programs;
- 13 ▶ provides that certain convictions are not eligible for participation in a sheriff's work
- 14 program;
- 15 ▶ clarifies provisions related to credit for good behavior against a jail sentence; and
- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **17-22-5**, as last amended by Laws of Utah 2024, Chapters 96, 187 and 341

24 **76-3-403**, as last amended by Laws of Utah 1998, Chapter 91

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

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

28 **17-22-5 . Sheriff's classification of jail inmates -- Classification criteria --**

29 **Alternative incarceration programs -- Sheriff's work programs -- Limitations.**

30 (1) As used in this section, "living area" means the same as that term is defined in Section

31 64-13-7.

32 (2)(a) Except as provided in Subsections [~~(5) and (6)~~] (6) and (7), the sheriff shall adopt  
33 and implement written policies for admission of inmates to the county jail and the  
34 classification of individuals incarcerated in the jail which shall provide for the  
35 separation of [~~prisoners~~] inmates by gender and by such other factors as may  
36 reasonably provide for the safety and well-being of inmates and the community.

37 (b) To the extent authorized by law, any written admission policies adopted and  
38 implemented under this Subsection (2) shall be applied equally to all entities using  
39 the county correctional facilities.

40 (3) [~~Except as provided in Subsections (5) and (6)~~] Subject to the requirements of this  
41 section, each county sheriff shall assign inmates to a facility or section of a facility based  
42 on classification criteria that the sheriff develops and maintains.

43 (4)(a) [~~Except as provided in Subsection (6)~~] Subject to the requirements of this section,  
44 a county sheriff may develop and implement alternative incarceration programs that  
45 may involve housing an inmate in a jail facility.

46 (b) An inmate [~~housed under~~] participating in an alternative incarceration program [~~under~~  
47 ~~Subsection (4)(a)~~] shall be considered to be in the [~~full custody and control~~] official  
48 custody of the sheriff for purposes of Sections 76-8-309, 76-8-309.1, and 76-8-309.3.

49 (c) An inmate may [~~not~~] be placed in an alternative incarceration program [~~under~~  
50 ~~Subsection (4)(a) unless~~] at the discretion of the county sheriff if:

51 (i) the jail facility is at maximum operating capacity, as established under Section  
52 17-22-5.5; or

53 (ii) ordered by the court.

54 (5)(a) In addition to an alternative incarceration program under Subsection (4), a county  
55 sheriff may implement a sheriff's work program that allows an inmate to participate  
56 in public works projects under the county sheriff's supervision and in lieu of  
57 incarceration in a jail facility.

58 (b) If a county sheriff implements a sheriff's work program, the county sheriff shall  
59 establish policies and procedures related to a sheriff's work program, including:

60 (i) notwithstanding Subsection (6), program eligibility criteria;

61 (ii) reasonable participation fees;

62 (iii) the type of work assignments;

63 (iv) the timeline within which the work assignments must be completed;

64 (v) participant dress code and code of conduct;

- 65           (vi) work safety protocols;  
 66           (vii) supervision of participants;  
 67           (viii) disciplinary measures for program noncompliance; and  
 68           (ix) criteria for successful completion or termination.  
 69       (c) An inmate participating in a sheriff's work program shall be considered to be in the  
 70           official custody of the sheriff for purposes of Sections 76-8-309, 76-8-309.1, and  
 71           76-8-309.3.  
 72       (d) An inmate may be placed in a sheriff's work program at the discretion of the county  
 73           sheriff if:  
 74           (i) the inmate was convicted of a non-violent offense and sentenced to a jail term ~~not~~  
 74a           **of no more than 30 days** ~~not~~ ;  
 75           (ii) the inmate voluntarily agrees to participate in the program;  
 76           (iii) the inmate's participation in the program is not prohibited by a court order; and  
 77           (iv) the inmate is not serving a sentence resulting from a second or subsequent  
 78               conviction as defined by Subsection 41-6a-501(2).  
 79       (e) When assigning and scheduling work under a sheriff's work program, a county  
 80           sheriff may consider:  
 81           (i) an inmate's ability to perform the work assignment; and  
 82           (ii) an inmate's existing employment, education, training, treatment, medical needs,  
 83               family care obligations, and other similar obligations.  
 84       (f) Eight hours of participation in a sheriff's work program shall constitute credit for one  
 85           day of incarceration.

86 [~~(5)~~] (6) A jail facility shall comply with the same requirements as the Department of  
 87 Corrections described in Subsections 64-13-7(4), (5), and (6) when assigning an inmate  
 88 to a living area, including the reporting requirements in Subsections 64-13-45(2)(d) and  
 89 (e).

90 [~~(6)~~] (7) This section does not authorize a sheriff to modify provisions of a contract with the  
 91 Department of Corrections to house in a county jail inmates sentenced to the Department  
 92 of Corrections.

93       Section 2. Section **76-3-403** is amended to read:

94       **76-3-403 . Credit for good behavior against jail sentence for misdemeanors and**  
 95 **certain felonies.**

96       In any commitment for incarceration in a county jail or detention facility, other than the  
 97 Utah State Prison, or for participation in an alternative incarceration program or sheriff's work

98 program as described in Section 17-22-5, the custodial authority may in its discretion and upon  
99 good behavior of the inmate allow up to 10 days credit against the sentence to be served for  
100 every 30 days served or up to two days credit for every 10 days served when the period to be  
101 served is less than 30 days if:

102 (1) the incarceration is for a misdemeanor offense, and the sentencing judge has not entered  
103 an order to the contrary; or

104 (2) the incarceration is part of a probation agreement for a felony offense, and the  
105 sentencing district judge has not entered an order to the contrary.

106 Section 3. **Effective Date.**

107 This bill takes effect on May 7, 2025.