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**Adult Probation and Parole Amendments**  
2025 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Jefferson S. Burton**  
Senate Sponsor: Brady Brammer

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the Division of Adult Probation and Parole within the Department of Corrections.

**Highlighted Provisions:**

This bill:

- ▶ establishes the Division of Adult Probation and Parole in the code;
- ▶ amends provisions throughout the code regarding the responsibility of the Department of Corrections to supervise individuals on probation or parole; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 13-53-106**, as enacted by Laws of Utah 2018, Chapter 252
- 17-55-201**, as last amended by Laws of Utah 2024, Chapter 187
- 41-6a-507**, as last amended by Laws of Utah 2021, Chapter 342
- 53-10-209**, as renumbered and amended by Laws of Utah 1998, Chapter 263
- 53-10-404**, as last amended by Laws of Utah 2024, Chapter 234
- 53-13-103**, as last amended by Laws of Utah 2024, Chapter 80
- 53B-35-202**, as last amended by Laws of Utah 2024, Chapter 144
- 58-37f-301**, as last amended by Laws of Utah 2023, Chapter 329
- 58-50-10**, as last amended by Laws of Utah 2021, Chapter 260
- 59-27-105**, as last amended by Laws of Utah 2013, Chapter 400

- 29        **63A-16-1002**, as last amended by Laws of Utah 2024, Chapter 467  
30        **63A-17-512**, as last amended by Laws of Utah 2024, Chapter 80  
31        **63B-12-301**, as last amended by Laws of Utah 2023, Chapter 369  
32        **63M-7-404.3**, as enacted by Laws of Utah 2024, Chapter 197  
33        **63M-7-1002**, as enacted by Laws of Utah 2024, Chapter 160  
34        **64-13-6**, as last amended by Laws of Utah 2024, Chapters 144, 208  
35        **64-13-14.5**, as last amended by Laws of Utah 2024, Chapters 96, 187 and 208  
36        **64-13-26**, as last amended by Laws of Utah 2022, Chapter 187  
37        **64-13e-102**, as last amended by Laws of Utah 2024, Chapter 467  
38        **76-3-202**, as last amended by Laws of Utah 2024, Chapter 208  
39        **76-3-409**, as last amended by Laws of Utah 1985, Chapter 212  
40        **77-2a-2**, as last amended by Laws of Utah 2024, Chapter 208  
41        **77-2a-3**, as last amended by Laws of Utah 2024, Chapter 180  
42        **77-16a-103**, as last amended by Laws of Utah 2024, Chapter 177  
43        **77-16a-205**, as last amended by Laws of Utah 2023, Chapter 184  
44        **77-18-102**, as last amended by Laws of Utah 2024, Chapters 245, 434  
45        **77-18-105**, as last amended by Laws of Utah 2024, Chapters 187, 208  
46        **77-18-107**, as enacted by Laws of Utah 2021, Chapter 260  
47        **77-18-108**, as last amended by Laws of Utah 2024, Chapter 208  
48        **77-18-109**, as enacted by Laws of Utah 2021, Chapter 260  
49        **77-20-203**, as last amended by Laws of Utah 2024, Chapter 16  
50        **77-20-204**, as last amended by Laws of Utah 2024, Chapter 16  
51        **77-27-10**, as last amended by Laws of Utah 2024, Chapter 208  
52        **77-27-10.5**, as last amended by Laws of Utah 2023, Chapter 184  
53        **77-27-11**, as last amended by Laws of Utah 2024, Chapter 208  
54        **77-32b-102**, as last amended by Laws of Utah 2024, Chapter 389  
55        **77-36-5.1**, as last amended by Laws of Utah 2021, Chapter 159  
56        **77-38-3**, as last amended by Laws of Utah 2024, Chapter 240  
57        **77-38-611**, as last amended by Laws of Utah 2023, Chapter 237  
58        **77-38b-102**, as last amended by Laws of Utah 2024, Chapter 330  
59        **77-38b-304**, as last amended by Laws of Utah 2023, Chapter 113  
60        **77-38b-401**, as renumbered and amended by Laws of Utah 2021, Chapter 260  
61        **77-40a-205**, as enacted by Laws of Utah 2024, Chapter 180  
62        **77-40a-305**, as last amended by Laws of Utah 2024, Chapter 180

63 **77-41-104**, as last amended by Laws of Utah 2023, Chapter 128

64 **77-41-105**, as last amended by Laws of Utah 2024, Chapter 234

65 **78B-7-807**, as enacted by Laws of Utah 2020, Chapter 142

66 ENACTS:

67 **64-14-101**, Utah Code Annotated 1953

68 **64-14-201**, Utah Code Annotated 1953

69 **64-14-202**, Utah Code Annotated 1953

70 **64-14-203**, Utah Code Annotated 1953

71 RENUMBERS AND AMENDS:

72 **64-14-204**, (Renumbered from 64-13-21, as last amended by Laws of Utah 2024,  
73 Chapters 208, 434)

74 **64-14-205**, (Renumbered from 64-13-29, as last amended by Laws of Utah 2024,  
75 Chapter 16)

76 **64-14-301**, (Renumbered from 64-13g-101, as enacted by Laws of Utah 2022,  
77 Chapter 393)

78 **64-14-302**, (Renumbered from 64-13g-102, as last amended by Laws of Utah 2024,  
79 Chapter 208)

80 **64-14-303**, (Renumbered from 64-13g-103, as enacted by Laws of Utah 2022,  
81 Chapter 393)

82 REPEALS:

83 **64-13-21.2**, as last amended by Laws of Utah 2010, Chapter 391

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

86 Section 1. Section **13-53-106** is amended to read:

87 **13-53-106 . Disclosure to participants.**

88 (1) Before accepting a participant, a residential, vocational and life skills program shall  
89 provide to the prospective participant a written disclosure.

90 (2) The written disclosure shall include:

91 (a) a statement that the program is a registered residential, vocational and life skills  
92 program, but that the residential, vocational and life skills program is not endorsed by  
93 the state or the division;

94 (b) a statement that the prospective participant's continuation in the program is voluntary  
95 and that a participant may leave at any time;

96 (c) the conditions under which a participant is removed from the residential, vocational

- 97 and life skills program or required to leave a program facility;
- 98 (d) a statement that the residential, vocational and life skills program will contact the
- 99 Division of Adult Probation and Parole created in Section 64-14-202, if required by
- 100 law; and
- 101 (e) a description of:
- 102 (i) the lodging, food, clothing, and other resources that are available to a participant;
- 103 (ii) the nature and scope of the residential, vocational and life skills program,
- 104 including any activities or work that a participant is required to perform;
- 105 (iii) the scope and substance of peer-led activities;
- 106 (iv) the types of vocational training available to a participant, including the
- 107 limitations on availability;
- 108 (v) the nature and extent of possible exposure to profanity, accusation, confrontation,
- 109 nonphysical threats, or nonphysical corrective interaction;
- 110 (vi) the terms of any prohibition from contact with a participant's family, friends, or
- 111 associates; and
- 112 (vii) any crimes committed within the previous two years at the residential,
- 113 vocational and life skills program facility or at a vocational training entity
- 114 affiliated with the residential, vocational and life skills program.

115 Section 2. Section **17-55-201** is amended to read:

116 **17-55-201 . Criminal justice coordinating councils -- Creation -- Strategic plan --**

117 **Reporting requirements.**

- 118 (1)(a) Beginning January 1, 2023, a county shall:
- 119 (i) create a criminal justice coordinating council; or
- 120 (ii) jointly with another county or counties, create a criminal justice coordinating
- 121 council.
- 122 (b) The purpose of a council is to coordinate and improve components of the criminal
- 123 justice system in the county or counties.
- 124 (2)(a) A council shall include:
- 125 (i) one county commissioner or county council member;
- 126 (ii) the county sheriff or the sheriff's designee;
- 127 (iii) one chief of police of a municipality within the county or the chief's designee;
- 128 (iv) the county attorney or the attorney's designee;
- 129 (v) one public defender or attorney who provides public defense within the county;
- 130 (vi) one district court judge;

- 131 (vii) one justice court judge;
- 132 (viii) one representative from the Division of Adult Probation and Parole [~~within the~~  
133 ~~Department of Corrections~~] created in Section 64-14-202;
- 134 (ix) one representative from the local mental health authority within the county; and
- 135 (x) one individual who is:
- 136 (A) a crime victim; or
- 137 (B) a victim advocate, as defined in Section 77-38-403.
- 138 (b) A council may include:
- 139 (i) an individual representing:
- 140 (A) local government;
- 141 (B) human services programs;
- 142 (C) higher education;
- 143 (D) peer support services;
- 144 (E) workforce services;
- 145 (F) local housing services;
- 146 (G) mental health or substance use disorder providers;
- 147 (H) a health care organization within the county;
- 148 (I) a local homeless council;
- 149 (J) family counseling and support groups; or
- 150 (K) organizations that work with families of incarcerated individuals; or
- 151 (ii) an individual with lived experiences in the criminal justice system.
- 152 (3)(a) A member who is an elected county official shall serve as chair of the council.
- 153 (b) The council shall elect the member to serve as chair under Subsection (3)(a).
- 154 (4)(a) A council shall develop and implement a strategic plan for the county's or
- 155 counties' criminal justice system that includes:
- 156 (i) mapping of all systems, resources, assets, and services within the county's or
- 157 counties' criminal justice system;
- 158 (ii) a plan for data sharing across the county's or counties' criminal justice system;
- 159 (iii) recidivism reduction objectives; and
- 160 (iv) community reintegration goals.
- 161 (b) The commission may assist a council in the development of a strategic plan.
- 162 (5) As part of the council's duties described in Subsection (4)(a)(i), the council shall prepare
- 163 a list of private probation providers for a court to provide to defendants as described in
- 164 Section 77-18-105.

- 165 (6) Before November 30 of each year, a council shall provide a written report to the  
166 commission regarding:
- 167 (a) the implementation of a strategic plan described in Subsection (4); and  
168 (b) any data on the impact of the council on the criminal justice system in the county or  
169 counties.

170 Section 3. Section **41-6a-507** is amended to read:

171 **41-6a-507 . Supervised probation for certain driving under the influence**  
172 **violations.**

- 173 (1) If supervised probation is ordered under Section 41-6a-505 or 41-6a-517:
- 174 (a) the court shall specify the period of the probation;  
175 (b) the person shall pay all of the costs of the probation; and  
176 (c) the court may order any other conditions of the probation.
- 177 (2)(a) Subject to Subsection (2)(b), the court shall provide the probation described in this  
178 section by contract with a probation monitoring agency or a private probation  
179 provider.
- 180 (b) If a court determines that a person is subject to supervised probation provided by the  
181 Division of Adult Probation and Parole created in Section 64-14-202 for an offense  
182 other than the offense for which probation is ordered under Section 41-6a-505 or  
183 41-6a-517, the court may order supervised probation to be provided by the Division  
184 of Adult Probation and Parole.
- 185 (3) The probation provider described in Subsection (2) shall monitor the person's  
186 compliance with all conditions of the person's sentence, conditions of probation, and  
187 court orders received under this part and shall notify the court of any failure to comply  
188 with or complete that sentence or those conditions or orders.
- 189 (4)(a) The court may waive all or part of the costs associated with probation if the  
190 person is determined to be indigent by the court.
- 191 (b) The probation provider described in Subsection (2) shall cover the costs of waivers  
192 by the court under Subsection (4)(a).

193 Section 4. Section **53-10-209** is amended to read:

194 **53-10-209 . Penal institutions and state hospital to supply information.**

- 195 (1) The warden of the state prison, keeper of any jail or correctional institution, and  
196 superintendent of the state hospital shall forward to the division:
- 197 (a) the fingerprints and recent photographs of all persons confined in each institution  
198 under criminal commitment;

199 (b) information relating to the parole, termination or expiration of sentence, or any other  
200 release of each person from confinement during the preceding month; and

201 (c) a photograph taken near the time of release.

202 (2) The [~~adult probation and parole section of the Department of Corrections~~] Division of  
203 Adult Probation and Parole created in Section 64-14-202 shall furnish to the division:

204 (a) information relating to the revocation or termination of probation or parole; and

205 (b) upon request, the names, fingerprints, photographs, and other data.

206 (3) The chair of the Board of Pardons and Parole shall provide to the division information  
207 regarding the issuance, recall, cancellation, or modification of any warrant issued by  
208 members of the Board of Pardons and Parole, under Section 77-27-11, within one day of  
209 issuance.

210 (4) Information provided to the division under this section shall be on forms designated by  
211 the division.

212 Section 5. Section **53-10-404** is amended to read:

213 **53-10-404 . DNA specimen analysis -- Requirement to obtain the specimen.**

214 (1) As used in this section, "person" means a person or minor described in Section  
215 53-10-403.

216 (2)(a) A person under Section 53-10-403 or any person required to register as a sex  
217 offender, kidnap offender, or child abuse offender under Title 77, Chapter 41, Sex,  
218 Kidnap, and Child Abuse Offender Registry, shall provide a DNA specimen and shall  
219 reimburse the agency responsible for obtaining the DNA specimen \$150 for the cost  
220 of obtaining the DNA specimen unless:

221 (i) the person was booked under Section 53-10-403 and is not required to reimburse  
222 the agency under Section 53-10-404.5; or

223 (ii) the agency determines the person lacks the ability to pay.

224 (b)(i)(A) The responsible agencies shall establish guidelines and procedures for  
225 determining if the person is able to pay the fee.

226 (B) An agency's implementation of Subsection (2)(b)(i) meets an agency's  
227 obligation to determine an inmate's ability to pay.

228 (ii) An agency's guidelines and procedures may provide for the assessment of \$150  
229 on the inmate's county trust fund account and may allow a negative balance in the  
230 account until the \$150 is paid in full.

231 (3)(a)(i) All fees collected under Subsection (2) shall be deposited into the DNA  
232 Specimen Restricted Account created in Section 53-10-407, except that the

- 233 agency collecting the fee may retain not more than \$25 per individual specimen  
234 for the costs of obtaining the saliva DNA specimen.
- 235 (ii) The agency collecting the \$150 fee may not retain from each separate fee more  
236 than \$25, and no amount of the \$150 fee may be credited to any other fee or  
237 agency obligation.
- 238 (b) The responsible agency shall determine the method of collecting the DNA specimen.  
239 Unless the responsible agency determines there are substantial reasons for using a  
240 different method of collection or the person refuses to cooperate with the collection,  
241 the preferred method of collection shall be obtaining a saliva specimen.
- 242 (c) The responsible agency may use reasonable force, as established by its guidelines  
243 and procedures, to collect the DNA sample if the person refuses to cooperate with the  
244 collection.
- 245 (d) If the judgment places the person on probation, the person shall submit to the  
246 obtaining of a DNA specimen as a condition of the probation.
- 247 (e)(i) Under this section a person is required to provide one DNA specimen and pay  
248 the collection fee as required under this section.
- 249 (ii) The person shall provide an additional DNA specimen only if the DNA specimen  
250 previously provided is not adequate for analysis.
- 251 (iii) The collection fee is not imposed for a second or subsequent DNA specimen  
252 collected under this section.
- 253 (f) Any agency that is authorized to obtain a DNA specimen under this part may collect  
254 any outstanding amount of a fee due under this section from any person who owes  
255 any portion of the fee and deposit the amount in the DNA Specimen Restricted  
256 Account created in Section 53-10-407.
- 257 (4)(a) The responsible agency shall cause a DNA specimen to be obtained as soon as  
258 possible and transferred to the Department of Public Safety:
- 259 (i) after a conviction or an adjudication by the juvenile court;
- 260 (ii) on and after January 1, 2011, through December 31, 2014, after the booking of a  
261 person for any offense under Subsection 53-10-403(1)(c); and
- 262 (iii) on and after January 1, 2015, after the booking of a person for any felony  
263 offense, as provided under Subsection 53-10-403(1)(d)(ii).
- 264 (b) On and after May 13, 2014, through December 31, 2014, the responsible agency may  
265 cause a DNA specimen to be obtained and transferred to the Department of Public  
266 Safety after the booking of a person for any felony offense, as provided under

- 267 Subsection 53-10-403(1)(d)(i).
- 268 (c) If notified by the Department of Public Safety that a DNA specimen is not adequate  
269 for analysis, the agency shall, as soon as possible:
- 270 (i) obtain and transmit an additional DNA specimen; or
- 271 (ii) request that another agency that has direct access to the person and that is  
272 authorized to collect DNA specimens under this section collect the necessary  
273 second DNA specimen and transmit it to the Department of Public Safety.
- 274 (d) Each agency that is responsible for collecting DNA specimens under this section  
275 shall establish:
- 276 (i) a tracking procedure to record the handling and transfer of each DNA specimen it  
277 obtains; and
- 278 (ii) a procedure to account for the management of all fees it collects under this  
279 section.
- 280 (5)(a) The Department of Corrections is the responsible agency whenever the person is  
281 committed to the custody of or is under the supervision of the [~~Department of~~  
282 ~~Corrections~~] Division of Adult Probation and Parole created in Section 64-14-202.
- 283 (b) If a minor described in Subsection 53-10-403(3) is not committed to the legal  
284 custody of the Division of Juvenile Justice and Youth Services upon an adjudication,  
285 the juvenile court is the responsible agency regarding the collection of a DNA  
286 specimen from the minor.
- 287 (c) If a minor described in Subsection 53-10-403(3) is committed to the legal custody of  
288 the Division of Juvenile Justice and Youth Services upon an adjudication, the  
289 Division of Juvenile Justice and Youth Services is the responsible agency regarding  
290 the collection of a DNA specimen from the minor.
- 291 (d) The sheriff operating a county jail is the responsible agency regarding the collection  
292 of DNA specimens from persons who:
- 293 (i) have pled guilty to or have been convicted of an offense listed under Subsection  
294 53-10-403(2) but who have not been committed to the custody of the Department  
295 of Corrections or are not under the supervision of the [~~Department of Corrections~~]  
296 Division of Adult Probation and Parole created in Section 64-14-202;
- 297 (ii) are incarcerated in the county jail:
- 298 (A) as a condition of probation for a felony offense; or
- 299 (B) for a misdemeanor offense for which collection of a DNA specimen is  
300 required;

- 301 (iii) on and after January 1, 2011, through May 12, 2014, are booked at the county  
302 jail for any offense under Subsection 53-10-403(1)(c); and
- 303 (iv) are booked at the county jail:
- 304 (A) by a law enforcement agency that is obtaining a DNA specimen for any felony  
305 offense on or after May 13, 2014, through December 31, 2014, under  
306 Subsection 53-10-404(4)(b); or
- 307 (B) on or after January 1, 2015, for any felony offense.
- 308 (e) Each agency required to collect a DNA specimen under this section shall:
- 309 (i) designate employees to obtain the saliva DNA specimens required under this  
310 section; and
- 311 (ii) ensure that employees designated to collect the DNA specimens receive  
312 appropriate training and that the specimens are obtained in accordance with  
313 generally accepted protocol.
- 314 (6)(a) As used in this Subsection (6), "department" means the Department of Corrections.
- 315 (b) Priority of obtaining DNA specimens by the department is:
- 316 (i) first, to obtain DNA specimens of persons who as of July 1, 2002, are in the  
317 custody of or under the supervision of the department before these persons are  
318 released from incarceration, parole, or probation, if their release date is prior to  
319 that of persons under Subsection (6)(b)(ii), but in no case later than July 1, 2004;  
320 and
- 321 (ii) second, the department shall obtain DNA specimens from persons who are  
322 committed to the custody of the department or who are placed under the  
323 supervision of the department after July 1, 2002, within 120 days after the  
324 commitment, if possible, but not later than prior to release from incarceration if  
325 the person is imprisoned, or prior to the termination of probation if the person is  
326 placed on probation.
- 327 (c) The priority for obtaining DNA specimens from persons under Subsection (6)(b)(ii)  
328 is:
- 329 (i) first, persons on probation;
- 330 (ii) second, persons on parole; and
- 331 (iii) third, incarcerated persons.
- 332 (d) Implementation of the schedule of priority under Subsection (6)(c) is subject to the  
333 priority of Subsection (6)(b)(i), to ensure that the Department of Corrections obtains  
334 DNA specimens from persons in the custody of or under the supervision of the

- 335 Department of Corrections as of July 1, 2002, prior to their release.
- 336 (7)(a) As used in this Subsection (7):
- 337 (i) "Court" means the juvenile court.
- 338 (ii) "Division" means the Division of Juvenile Justice and Youth Services.
- 339 (b) Priority of obtaining DNA specimens by the court from minors under Section
- 340 53-10-403 whose cases are under the jurisdiction of the court but who are not in the
- 341 legal custody of the division shall be:
- 342 (i) first, to obtain specimens from minors whose cases, as of July 1, 2002, are under
- 343 the court's jurisdiction, before the court's jurisdiction over the minors' cases
- 344 terminates; and
- 345 (ii) second, to obtain specimens from minors whose cases are under the jurisdiction
- 346 of the court after July 1, 2002, within 120 days of the minor's case being found to
- 347 be within the court's jurisdiction, if possible, but no later than before the court's
- 348 jurisdiction over the minor's case terminates.
- 349 (c) Priority of obtaining DNA specimens by the division from minors under Section
- 350 53-10-403 who are committed to the legal custody of the division shall be:
- 351 (i) first, to obtain specimens from minors who as of July 1, 2002, are within the
- 352 division's legal custody and who have not previously provided a DNA specimen
- 353 under this section, before termination of the division's legal custody of these
- 354 minors; and
- 355 (ii) second, to obtain specimens from minors who are placed in the legal custody of
- 356 the division after July 1, 2002, within 120 days of the minor's being placed in the
- 357 custody of the division, if possible, but no later than before the termination of the
- 358 court's jurisdiction over the minor's case.
- 359 (8)(a) The Department of Corrections, the juvenile court, the Division of Juvenile Justice
- 360 and Youth Services, and all law enforcement agencies in the state shall by policy
- 361 establish procedures for obtaining saliva DNA specimens, and shall provide training
- 362 for employees designated to collect saliva DNA specimens.
- 363 (b)(i) The department may designate correctional officers, including those employed
- 364 by the [~~adult probation and parole section of the department~~] Division of Adult
- 365 Probation and Parole created in Section 64-14-202, to obtain the saliva DNA
- 366 specimens required under this section.
- 367 (ii) The department shall ensure that the designated employees receive appropriate
- 368 training and that the specimens are obtained in accordance with accepted protocol.

369 (c) Blood DNA specimens shall be obtained in accordance with Section 53-10-405.

370 Section 6. Section **53-13-103** is amended to read:

371 **53-13-103 . Law enforcement officer.**

372 (1)(a) "Law enforcement officer" means a sworn and certified peace officer:

373 (i) who is an employee of a law enforcement agency; and

374 (ii) whose primary and principal duties consist of the prevention and detection of  
375 crime and the enforcement of criminal statutes or ordinances of this state or any of  
376 its political subdivisions.

377 (b) "Law enforcement officer" includes the following:

378 (i) a sheriff or deputy sheriff, chief of police, police officer, or marshal of any county,  
379 city, or town;

380 (ii) the commissioner of public safety and any member of the Department of Public  
381 Safety certified as a peace officer;

382 (iii) all individuals specified in Section 79-2-704;

383 (iv) a police officer employed by a state institution of higher education;

384 (v) investigators for the Motor Vehicle Enforcement Division;

385 (vi) investigators for the Department of Insurance, Fraud Division;

386 (vii) special agents or investigators employed by the attorney general, district  
387 attorneys, and county attorneys;

388 (viii) employees of the Department of Natural Resources designated as peace officers  
389 by law;

390 (ix) school district police officers as designated by the board of education for the  
391 school district;

392 (x) the executive director of the Department of Corrections and any correctional  
393 enforcement or investigative officer designated by the executive director and  
394 approved by the commissioner of public safety and certified by the division;

395 (xi) correctional enforcement, investigative, or [~~adult probation and parole~~] Division  
396 of Adult Probation and Parole officers employed by the Department of  
397 Corrections serving on or before July 1, 1993;

398 (xii) members of a law enforcement agency established by a private college or  
399 university if the agency is certified by the commissioner under [Title 53,] Chapter  
400 19, Certification of Private Law Enforcement Agency;

401 (xiii) airport police officers of any airport owned or operated by the state or any of its  
402 political subdivisions; and

- 403 (xiv) transit police officers designated under Section 17B-2a-822.
- 404 (2) Law enforcement officers may serve criminal process and arrest violators of any law of  
405 this state and have the right to require aid in executing their lawful duties.
- 406 (3)(a) A law enforcement officer has statewide full-spectrum peace officer authority, but  
407 the authority extends to other counties, cities, or towns only when the officer is acting  
408 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement  
409 officer is employed by the state.
- 410 (b)(i) A local law enforcement agency may limit the jurisdiction in which its law  
411 enforcement officers may exercise their peace officer authority to a certain  
412 geographic area.
- 413 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise  
414 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9,  
415 Uniform Act on Fresh Pursuit, if the officer is pursuing an offender for an offense  
416 that occurred within the limited geographic area.
- 417 (c) The authority of law enforcement officers employed by the Department of  
418 Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State  
419 Prison.
- 420 (4) A law enforcement officer shall, prior to exercising peace officer authority:
- 421 (a)(i) have satisfactorily completed the requirements of Section 53-6-205; or  
422 (ii) have met the waiver requirements in Section 53-6-206; and
- 423 (b) have satisfactorily completed annual certified training of at least 40 hours per year as  
424 directed by the director of the division, with the advice and consent of the council.
- 425 Section 7. Section **53B-35-202** is amended to read:
- 426 **53B-35-202 . Council duties -- Reporting.**
- 427 (1) The council shall:
- 428 (a) coordinate, facilitate, and support higher education delivered in the state's  
429 correctional facilities, including the county jails under contract with the Department  
430 of Corrections to house inmates, to prepare incarcerated individuals for integration  
431 and productive employment upon release;
- 432 (b) explore and provide recommendations to the board and the Department of  
433 Corrections for the efficient and effective delivery of higher education programs to  
434 incarcerated individuals, including:
- 435 (i) evidence-based practices and technologies;
- 436 (ii) methods of maximizing and facilitating incarcerated individuals' access to

- 437 educational programs;
- 438 (iii) methods of supporting and facilitating timely completion of courses, certificates,  
439 and degrees;
- 440 (iv) methods of emphasizing educational programs that:
- 441 (A) align with current and future workforce demands of the state;
- 442 (B) lead to occupations that are accessible to released incarcerated individuals;
- 443 (C) provide sustainable wages following release; and
- 444 (D) maximize accessibility and timely completion during incarceration;
- 445 (v) use of cross-institutional application of coursework toward certificates and  
446 degrees;
- 447 (vi) use of coursework that encourages personal and civic development; and
- 448 (vii) methods of leveraging innovative course delivery, including technology  
449 resources;
- 450 (c) explore methods and make recommendations for the collection and analysis of  
451 critical data regarding:
- 452 (i) enrollment and completion of postsecondary education courses, certificate  
453 programs, credentials, and degree programs;
- 454 (ii) federal and state student aid awarded to incarcerated individuals;
- 455 (iii) costs of postsecondary education in prison, including any recommendations for  
456 continued improvement; and
- 457 (iv) outcomes of formerly incarcerated individuals who participated in postsecondary  
458 programming during incarceration if the individual is under the supervision of the [  
459 Department of Corrections] Division of Adult Probation and Parole created in  
460 Section 64-14-202, including recidivism, employment, and post-release  
461 postsecondary education engagement; and
- 462 (d) recommend requests for legislative appropriations to the board to support the  
463 purposes and objectives of the council.
- 464 (2) The council shall annually report regarding the council's plans and programs, the  
465 number of enrollees served, and the number of enrollees receiving degrees and  
466 certificates to:
- 467 (a) the board;
- 468 (b) before the committee's November interim committee meeting, the Education Interim  
469 Committee; and
- 470 (c) at least 30 days before the beginning of the annual legislative session, the Higher

471 Education Appropriations Subcommittee.

472 Section 8. Section **58-37f-301** is amended to read:

473 **58-37f-301 . Access to database.**

474 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah

475 Administrative Rulemaking Act, to:

476 (a) effectively enforce the limitations on access to the database as described in this part;

477 and

478 (b) establish standards and procedures to ensure accurate identification of individuals

479 requesting information or receiving information without request from the database.

480 (2) The division shall make information in the database and information obtained from

481 other state or federal prescription monitoring programs by means of the database

482 available only to the following individuals, in accordance with the requirements of this

483 chapter and division rules:

484 (a)(i) personnel of the division specifically assigned to conduct investigations related

485 to controlled substance laws under the jurisdiction of the division; and

486 (ii) the following law enforcement officers, but the division may only provide

487 nonidentifying information, limited to gender, year of birth, and postal ZIP code,

488 regarding individuals for whom a controlled substance has been prescribed or to

489 whom a controlled substance has been dispensed:

490 (A) a law enforcement agency officer who is engaged in a joint investigation with

491 the division; and

492 (B) a law enforcement agency officer to whom the division has referred a

493 suspected criminal violation of controlled substance laws;

494 (b) authorized division personnel engaged in analysis of controlled substance

495 prescription information as a part of the assigned duties and responsibilities of their

496 employment;

497 (c) a board member if:

498 (i) the board member is assigned to monitor a licensee on probation; and

499 (ii) the board member is limited to obtaining information from the database regarding

500 the specific licensee on probation;

501 (d) a person the division authorizes to obtain that information on behalf of the Utah

502 Professionals Health Program established in Subsection 58-4a-103(1) if:

503 (i) the person the division authorizes is limited to obtaining information from the

504 database regarding the person whose conduct is the subject of the division's

- 505 consideration; and
- 506 (ii) the conduct that is the subject of the division's consideration includes a violation  
507 or a potential violation of Chapter 37, Utah Controlled Substances Act, or another  
508 relevant violation or potential violation under this title;
- 509 (e) in accordance with a written agreement entered into with the department, employees  
510 of the Department of Health and Human Services:
- 511 (i) whom the director of the Department of Health and Human Services assigns to  
512 conduct scientific studies regarding the use or abuse of controlled substances, if  
513 the identity of the individuals and pharmacies in the database are confidential and  
514 are not disclosed in any manner to any individual who is not directly involved in  
515 the scientific studies;
- 516 (ii) when the information is requested by the Department of Health and Human  
517 Services in relation to a person or provider whom the Department of Health and  
518 Human Services suspects may be improperly obtaining or providing a controlled  
519 substance; or
- 520 (iii) in the medical examiner's office;
- 521 (f) in accordance with a written agreement entered into with the department, a designee  
522 of the director of the Department of Health and Human Services, who is not an  
523 employee of the Department of Health and Human Services, whom the director of the  
524 Department of Health and Human Services assigns to conduct scientific studies  
525 regarding the use or abuse of controlled substances pursuant to an application process  
526 established in rule by the Department of Health and Human Services, if:
- 527 (i) the designee provides explicit information to the Department of Health and  
528 Human Services regarding the purpose of the scientific studies;
- 529 (ii) the scientific studies to be conducted by the designee:
- 530 (A) fit within the responsibilities of the Department of Health and Human  
531 Services for health and welfare;
- 532 (B) are reviewed and approved by an Institutional Review Board that is approved  
533 for human subject research by the United States Department of Health and  
534 Human Services;
- 535 (C) are not conducted for profit or commercial gain; and
- 536 (D) are conducted in a research facility, as defined by division rule, that is  
537 associated with a university or college accredited by one or more regional or  
538 national accrediting agencies recognized by the United States Department of

- 539 Education;
- 540 (iii) the designee protects the information as a business associate of the Department  
541 of Health and Human Services; and
- 542 (iv) the identity of the prescribers, patients, and pharmacies in the database are  
543 de-identified, confidential, and not disclosed in any manner to the designee or to  
544 any individual who is not directly involved in the scientific studies;
- 545 (g) in accordance with a written agreement entered into with the department and the  
546 Department of Health and Human Services, authorized employees of a managed care  
547 organization, as defined in 42 C.F.R. Sec. 438, if:
- 548 (i) the managed care organization contracts with the Department of Health and  
549 Human Services under the provisions of Section 26B-3-202 and the contract  
550 includes provisions that:
- 551 (A) require a managed care organization employee who will have access to  
552 information from the database to submit to a criminal background check; and
- 553 (B) limit the authorized employee of the managed care organization to requesting  
554 either the division or the Department of Health and Human Services to conduct  
555 a search of the database regarding a specific Medicaid enrollee and to report  
556 the results of the search to the authorized employee; and
- 557 (ii) the information is requested by an authorized employee of the managed care  
558 organization in relation to a person who is enrolled in the Medicaid program with  
559 the managed care organization, and the managed care organization suspects the  
560 person may be improperly obtaining or providing a controlled substance;
- 561 (h) a licensed practitioner having authority to prescribe controlled substances, to the  
562 extent the information:
- 563 (i)(A) relates specifically to a current or prospective patient of the practitioner; and  
564 (B) is provided to or sought by the practitioner for the purpose of:
- 565 (I) prescribing or considering prescribing any controlled substance to the  
566 current or prospective patient;
- 567 (II) diagnosing the current or prospective patient;
- 568 (III) providing medical treatment or medical advice to the current or  
569 prospective patient; or
- 570 (IV) determining whether the current or prospective patient:
- 571 (Aa) is attempting to fraudulently obtain a controlled substance from the  
572 practitioner; or

- 573 (Bb) has fraudulently obtained, or attempted to fraudulently obtain, a  
574 controlled substance from the practitioner;
- 575 (ii)(A) relates specifically to a former patient of the practitioner; and  
576 (B) is provided to or sought by the practitioner for the purpose of determining  
577 whether the former patient has fraudulently obtained, or has attempted to  
578 fraudulently obtain, a controlled substance from the practitioner;
- 579 (iii) relates specifically to an individual who has access to the practitioner's Drug  
580 Enforcement Administration identification number, and the practitioner suspects  
581 that the individual may have used the practitioner's Drug Enforcement  
582 Administration identification number to fraudulently acquire or prescribe a  
583 controlled substance;
- 584 (iv) relates to the practitioner's own prescribing practices, except when specifically  
585 prohibited by the division by administrative rule;
- 586 (v) relates to the use of the controlled substance database by an employee of the  
587 practitioner, described in Subsection (2)(i); or
- 588 (vi) relates to any use of the practitioner's Drug Enforcement Administration  
589 identification number to obtain, attempt to obtain, prescribe, or attempt to  
590 prescribe, a controlled substance;
- 591 (i) in accordance with Subsection (3)(a), an employee of a practitioner described in  
592 Subsection (2)(h), for a purpose described in Subsection (2)(h)(i) or (ii), if:
- 593 (i) the employee is designated by the practitioner as an individual authorized to  
594 access the information on behalf of the practitioner;
- 595 (ii) the practitioner provides written notice to the division of the identity of the  
596 employee; and
- 597 (iii) the division:
- 598 (A) grants the employee access to the database; and  
599 (B) provides the employee with a password that is unique to that employee to  
600 access the database in order to permit the division to comply with the  
601 requirements of Subsection 58-37f-203(7) with respect to the employee;
- 602 (j) an employee of the same business that employs a licensed practitioner under  
603 Subsection (2)(h) if:
- 604 (i) the employee is designated by the practitioner as an individual authorized to  
605 access the information on behalf of the practitioner;
- 606 (ii) the practitioner and the employing business provide written notice to the division

- 607 of the identity of the designated employee; and
- 608 (iii) the division:
- 609 (A) grants the employee access to the database; and
- 610 (B) provides the employee with a password that is unique to that employee to
- 611 access the database in order to permit the division to comply with the
- 612 requirements of Subsection 58-37f-203(7) with respect to the employee;
- 613 (k) a licensed pharmacist having authority to dispense a controlled substance, or a
- 614 licensed pharmacy intern or pharmacy technician working under the general
- 615 supervision of a licensed pharmacist, to the extent the information is provided or
- 616 sought for the purpose of:
- 617 (i) dispensing or considering dispensing any controlled substance;
- 618 (ii) determining whether a person:
- 619 (A) is attempting to fraudulently obtain a controlled substance from the pharmacy,
- 620 practitioner, or health care facility; or
- 621 (B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled
- 622 substance from the pharmacy, practitioner, or health care facility;
- 623 (iii) reporting to the controlled substance database; or
- 624 (iv) verifying the accuracy of the data submitted to the controlled substance database
- 625 on behalf of a pharmacy where the licensed pharmacist, pharmacy intern, or
- 626 pharmacy technician is employed;
- 627 (l) pursuant to a valid search warrant, federal, state, and local law enforcement officers
- 628 and state and local prosecutors who are engaged in an investigation related to:
- 629 (i) one or more controlled substances; and
- 630 (ii) a specific person who is a subject of the investigation;
- 631 (m) subject to Subsection (7), a probation or parole officer, employed by the [
- 632 ~~Department of Corrections]~~ Division of Adult Probation and Parole created in Section
- 633 64-14-202 or by a political subdivision, to gain access to database information
- 634 necessary for the officer's supervision of a specific probationer or parolee who is
- 635 under the officer's direct supervision;
- 636 (n) employees of the Office of Internal Audit within the Department of Health and
- 637 Human Services who are engaged in their specified duty of ensuring Medicaid
- 638 program integrity under Section 26B-3-104;
- 639 (o) a mental health therapist, if:
- 640 (i) the information relates to a patient who is:

- 641 (A) enrolled in a licensed substance abuse treatment program; and
- 642 (B) receiving treatment from, or under the direction of, the mental health therapist
- 643 as part of the patient's participation in the licensed substance abuse treatment
- 644 program described in Subsection (2)(o)(i)(A);
- 645 (ii) the information is sought for the purpose of determining whether the patient is
- 646 using a controlled substance while the patient is enrolled in the licensed substance
- 647 abuse treatment program described in Subsection (2)(o)(i)(A); and
- 648 (iii) the licensed substance abuse treatment program described in Subsection
- 649 (2)(o)(i)(A) is associated with a practitioner who:
- 650 (A) is a physician, a physician assistant, an advance practice registered nurse, or a
- 651 pharmacist; and
- 652 (B) is available to consult with the mental health therapist regarding the
- 653 information obtained by the mental health therapist, under this Subsection
- 654 (2)(o), from the database;
- 655 (p) an individual who is the recipient of a controlled substance prescription entered into
- 656 the database, upon providing evidence satisfactory to the division that the individual
- 657 requesting the information is in fact the individual about whom the data entry was
- 658 made;
- 659 (q) an individual under Subsection (2)(p) for the purpose of obtaining a list of the
- 660 persons and entities that have requested or received any information from the
- 661 database regarding the individual, except if the individual's record is subject to a
- 662 pending or current investigation as authorized under this Subsection (2);
- 663 (r) the inspector general, or a designee of the inspector general, of the Office of
- 664 Inspector General of Medicaid Services, for the purpose of fulfilling the duties
- 665 described in Title 63A, Chapter 13, Part 2, Office and Powers;
- 666 (s) the following licensed physicians for the purpose of reviewing and offering an
- 667 opinion on an individual's request for workers' compensation benefits under Title
- 668 34A, Chapter 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah
- 669 Occupational Disease Act:
- 670 (i) a member of the medical panel described in Section 34A-2-601;
- 671 (ii) a physician employed as medical director for a licensed workers' compensation
- 672 insurer or an approved self-insured employer; or
- 673 (iii) a physician offering a second opinion regarding treatment;
- 674 (t) members of Utah's Opioid Fatality Review Committee, for the purpose of reviewing a

- 675 specific fatality due to opioid use and recommending policies to reduce the frequency  
676 of opioid use fatalities;
- 677 (u) a licensed pharmacist who is authorized by a managed care organization as defined  
678 in Section 31A-1-301 to access the information on behalf of the managed care  
679 organization, if:
- 680 (i) the managed care organization believes that an enrollee of the managed care  
681 organization has obtained or provided a controlled substance in violation of a  
682 medication management program contract between the enrollee and the managed  
683 care organization; and
- 684 (ii) the managed care organization included a description of the medication  
685 management program in the enrollee's outline of coverage described in Subsection  
686 31A-22-605(7); and
- 687 (v) the Utah Medicaid Fraud Control Unit of the attorney general's office for the purpose  
688 of investigating active cases, in exercising the unit's authority to investigate and  
689 prosecute Medicaid fraud, abuse, neglect, or exploitation under 42 U.S.C. Sec.  
690 1396b(q).
- 691 (3)(a) A practitioner described in Subsection (2)(h) may designate one or more  
692 employees to access information from the database under Subsection (2)(i), (2)(j), or  
693 (4)(c).
- 694 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
695 Administrative Rulemaking Act, to:
- 696 (i) establish background check procedures to determine whether an employee  
697 designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the  
698 database;
- 699 (ii) establish the information to be provided by an emergency department employee  
700 under Subsection (4); and
- 701 (iii) facilitate providing controlled substance prescription information to a third party  
702 under Subsection (5).
- 703 (c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or  
704 (4)(c) access to the database, unless the division determines, based on a background  
705 check, that the employee poses a security risk to the information contained in the  
706 database.
- 707 (4)(a) An individual who is employed in the emergency department of a hospital may  
708 exercise access to the database under this Subsection (4) on behalf of a licensed

- 709 practitioner if the individual is designated under Subsection (4)(c) and the licensed  
710 practitioner:
- 711 (i) is employed or privileged to work in the emergency department;
  - 712 (ii) is treating an emergency department patient for an emergency medical condition;  
713 and
  - 714 (iii) requests that an individual employed in the emergency department and  
715 designated under Subsection (4)(c) obtain information regarding the patient from  
716 the database as needed in the course of treatment.
- 717 (b) The emergency department employee obtaining information from the database shall,  
718 when gaining access to the database, provide to the database the name and any  
719 additional identifiers regarding the requesting practitioner as required by division  
720 administrative rule established under Subsection (3)(b).
- 721 (c) An individual employed in the emergency department under this Subsection (4) may  
722 obtain information from the database as provided in Subsection (4)(a) if:
- 723 (i) the employee is designated by the hospital as an individual authorized to access  
724 the information on behalf of the emergency department practitioner;
  - 725 (ii) the hospital operating the emergency department provide written notice to the  
726 division of the identity of the designated employee; and
  - 727 (iii) the division:
    - 728 (A) grants the employee access to the database; and
    - 729 (B) provides the employee with a password that is unique to that employee to  
730 access the database.
- 731 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a  
732 practitioner who designates an employee under Subsection (2)(i), (2)(j), or (4)(c) to  
733 pay for the costs incurred by the division to conduct the background check and make  
734 the determination described in Subsection (3)(b).
- 735 (5)(a)(i) An individual may request that the division provide the information under  
736 Subsection (5)(b) to a third party who is designated by the individual each time a  
737 controlled substance prescription for the individual is dispensed.
- 738 (ii) The division shall upon receipt of the request under this Subsection (5)(a) advise  
739 the individual in writing that the individual may direct the division to discontinue  
740 providing the information to a third party and that notice of the individual's  
741 direction to discontinue will be provided to the third party.
- 742 (b) The information the division shall provide under Subsection (5)(a) is:

- 743 (i) the fact a controlled substance has been dispensed to the individual, but without  
744 identifying the controlled substance; and  
745 (ii) the date the controlled substance was dispensed.
- 746 (c)(i) An individual who has made a request under Subsection (5)(a) may direct that  
747 the division discontinue providing information to the third party.  
748 (ii) The division shall:  
749 (A) notify the third party that the individual has directed the division to no longer  
750 provide information to the third party; and  
751 (B) discontinue providing information to the third party.
- 752 (6)(a) An individual who is granted access to the database based on the fact that the  
753 individual is a licensed practitioner or a mental health therapist shall be denied access  
754 to the database when the individual is no longer licensed.  
755 (b) An individual who is granted access to the database based on the fact that the  
756 individual is a designated employee of a licensed practitioner shall be denied access  
757 to the database when the practitioner is no longer licensed.
- 758 (7) A probation or parole officer is not required to obtain a search warrant to access the  
759 database in accordance with Subsection (2)(m).
- 760 (8) The division shall review and adjust the database programming which automatically  
761 logs off an individual who is granted access to the database under Subsections (2)(h),  
762 (2)(i), (2)(j), and (4)(c) to maximize the following objectives:  
763 (a) to protect patient privacy;  
764 (b) to reduce inappropriate access; and  
765 (c) to make the database more useful and helpful to a person accessing the database  
766 under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations  
767 such as an emergency department.
- 768 (9) Any person who knowingly and intentionally accesses the database without express  
769 authorization under this section is guilty of a class A misdemeanor.
- 770 Section 9. Section **58-50-10** is amended to read:  
771 **58-50-10 . Exceptions from licensure.**  
772 In addition to the exemptions from licensure in Section 58-1-307, the following persons  
773 may engage in probation supervision services subject to the stated circumstances and  
774 limitations without being licensed under this chapter:  
775 (1) [employees] an employee of the [Department of Corrections] Division of Adult Probation  
776 and Parole created in Section 64-14-202 while the employee is performing probation

777 services as part of [~~their~~] the employee's normal duties and responsibilities;  
 778 (2) [~~members~~] a member of the armed forces and [~~employees, agents~~] an employee, agent, or [  
 779 ~~representatives~~] representative of the federal government while acting in [~~their~~] the  
 780 member's, employee's, agent's, or representative's official capacity; and  
 781 [~~(3) agencies of local government in accordance with Section 77-18-105.~~]  
 782 (3) an agency of a local government in accordance with Section 77-18-105.

783 Section 10. Section **59-27-105** is amended to read:

784 **59-27-105 . Sexually Explicit Business and Escort Service Fund -- Administrative**  
 785 **charge.**

- 786 (1) There is created an expendable special revenue fund called the "Sexually Explicit  
 787 Business and Escort Service Fund."  
 788 (2)(a) Except as provided in Subsection (3), the fund consists of all amounts collected by  
 789 the commission under this chapter.  
 790 (b)(i) The money in the fund shall be invested by the state treasurer pursuant to Title  
 791 51, Chapter 7, State Money Management Act.  
 792 (ii) All interest or other earnings derived from the fund money shall be deposited in  
 793 the fund.  
 794 (3) Notwithstanding any other provision of this chapter, the commission shall retain and  
 795 deposit an administrative charge in accordance with Section 59-1-306 from the revenues  
 796 the commission collects from a tax under this chapter.  
 797 (4)(a) Fund money shall be used as provided in this Subsection (4).  
 798 (b) The Department of Corrections shall use 60% of the money in the fund, in addition  
 799 to existing budgets, to provide treatment services to nonworking or indigent adults  
 800 who:  
 801 (i) have been convicted of an offense under Title 76, Chapter 5, Part 4, Sexual  
 802 Offenses; and  
 803 (ii) are not currently confined or incarcerated in a jail or prison.  
 804 (c) The Division of Adult Probation and Parole [~~section of the Department of Corrections~~]  
 805 created in Section 64-14-202 shall use 15% of the money in the fund to provide  
 806 outpatient treatment services to individuals who:  
 807 (i) have been convicted of an offense under Title 76, Chapter 5, Part 4, Sexual  
 808 Offenses; and  
 809 (ii) are not currently confined or incarcerated in a jail or prison.  
 810 (d) The Department of Corrections shall use 10% of the money in the fund, in addition

811 to existing budgets, to implement treatment programs for juveniles who have been  
812 convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses.

813 (e) The attorney general shall use 15% of the money in the fund to provide funding for  
814 any task force:

815 (i) administered through the Office of the Attorney General; and

816 (ii) that investigates and prosecutes individuals who use the Internet to commit  
817 crimes against children.

818 Section 11. Section **63A-16-1002** is amended to read:

819 **63A-16-1002 . Public safety portal.**

820 (1) The commission shall oversee the creation and management of a public safety portal for  
821 information and data required to be reported to the commission and accessible to all  
822 criminal justice agencies in the state.

823 (2) The division shall assist with the development and management of the public safety  
824 portal.

825 (3) The division, in collaboration with the commission, shall create:

826 (a) master standards and formats for information submitted to the public safety portal;

827 (b) a gateway, bridge, website, or other method for reporting entities to provide the  
828 information;

829 (c) a master data management index or system to assist in the retrieval of information  
830 from the public safety portal;

831 (d) a protocol for accessing information in the public safety portal that complies with  
832 state privacy regulations; and

833 (e) a protocol for real-time audit capability of all data accessed from the public safety  
834 portal by participating data source, data use entities, and regulators.

835 (4) The public safety portal shall be the repository for the statutorily required data described  
836 in:

837 (a) Section 13-53-111, recidivism reporting requirements;

838 (b) Section 17-22-32, county jail reporting requirements;

839 (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;

840 (d) Section 26B-1-427, Alcohol Abuse Tracking Committee;

841 (e) Section 41-6a-511, courts to collect and maintain data;

842 (f) Section 53-25-301, reporting requirements for reverse-location warrants;

843 (g) Section 53-25-202, sexual assault offense reporting requirements for law  
844 enforcement agencies;

- 845 (h) Section 53E-3-516, school disciplinary and law enforcement action report;
- 846 (i) Section 53-25-501, reporting requirements for seized firearms;
- 847 (j) Section 63M-7-214, law enforcement agency grant reporting;
- 848 (k) Section 63M-7-216, prosecutorial data collection;
- 849 (l) Section 63M-7-220, domestic violence data collection;
- 850 (m) Section [~~64-13-21~~] 64-14-204, supervision of sentenced offenders placed in
- 851 community;
- 852 (n) Section 64-13-25, standards for programs;
- 853 (o) Section 64-13-45, department reporting requirements;
- 854 (p) Section 64-13e-104, county correctional facility reimbursement program for state
- 855 probationary inmates and state parole inmates;
- 856 (q) Section 77-7-8.5, use of tactical groups;
- 857 (r) Section 77-11b-404, forfeiture reporting requirements;
- 858 (s) Section 77-20-103, release data requirements;
- 859 (t) Section 77-22-2.5, court orders for criminal investigations;
- 860 (u) Section 78A-2-109.5, court data collection on criminal cases;
- 861 (v) Section 80-6-104, data collection on offenses committed by minors; and
- 862 (w) any other statutes which require the collection of specific data and the reporting of
- 863 that data to the commission.
- 864 (5) Before October 1, 2025, the commission shall [~~reportall~~] report all data collected to the
- 865 Law Enforcement and Criminal Justice Interim Committee.
- 866 (6) The commission may:
- 867 (a) enter into contracts with private or governmental entities to assist entities in
- 868 complying with the data reporting requirements of Subsection (4); and
- 869 (b) adopt, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 870 rules to administer this section, including establishing requirements and procedures
- 871 for collecting the data described in Subsection (4).
- 872 Section 12. Section **63A-17-512** is amended to read:
- 873 **63A-17-512 . Leave of absence with pay for employees with a disability who are**
- 874 **covered under other civil service systems.**
- 875 (1) As used in this section:
- 876 (a) "Eligible officer" means a person who qualifies for a benefit under this section.
- 877 (b)(i) "Law enforcement officer" means a sworn and certified peace officer who is an
- 878 employee of a law enforcement agency that is part of or administered by the state,

- 879 and whose primary and principal duties consist of the prevention and detection of  
880 crime and the enforcement of criminal statutes of this state.
- 881 (ii) "Law enforcement officer" specifically includes the following:
- 882 (A) the commissioner of public safety and any member of the Department of  
883 Public Safety certified as a peace officer;
- 884 (B) investigators for the Motor Vehicle Enforcement Division;
- 885 (C) special agents or investigators employed by the attorney general;
- 886 (D) employees of the Department of Natural Resources designated as peace  
887 officers by law;
- 888 (E) the executive director of the Department of Corrections and any correctional  
889 enforcement or investigative officer designated by the executive director and  
890 approved by the commissioner of public safety and certified by the division;  
891 and
- 892 (F) correctional enforcement, investigative, or [~~adult probation and parole officers~~]  
893 Division of Adult Probation and Parole officers employed by the Department  
894 of Corrections serving on or before July 1, 1993.
- 895 (c) "State correctional officer" means a correctional officer as defined in Section  
896 53-13-104 who is employed by the Department of Corrections.
- 897 (2)(a) A law enforcement officer or state correctional officer who is injured in the course  
898 of employment shall be given a leave of absence with 100% of the officer's regular  
899 monthly salary and benefits during the period the employee has a temporary  
900 disability.
- 901 (b) The benefit provided under Subsection (2)(a):
- 902 (i) shall be offset as provided under Subsection (4); and
- 903 (ii) may not exceed 100% of the officer's regular monthly salary and benefits,  
904 including all offsets required under Subsection (4).
- 905 (3)(a) A law enforcement officer or state correctional officer who has a total disability as  
906 defined in Section 49-21-102, shall be given a leave of absence with 100% of the  
907 officer's regular monthly salary and benefits until the officer is eligible for an  
908 unreduced retirement under Title 49, Utah State Retirement and Insurance Benefit Act,  
909 or reaches the retirement age of 62 years, whichever occurs first, if:
- 910 (i) the disability is a result of an injury sustained while in the lawful discharge of the  
911 officer's duties; and
- 912 (ii) the injury is the result of:

- 913 (A) a criminal act upon the officer; or  
 914 (B) an aircraft, vehicle, or vessel accident and the officer was not negligent in  
 915 causing the accident.
- 916 (b) The benefit provided under Subsection (3)(a):  
 917 (i) shall be offset as provided under Subsection (4); and  
 918 (ii) may not exceed 100% of the officer's regular monthly salary and benefits,  
 919 including all offsets required under Subsection (4).
- 920 (4)(a) The agency shall reduce or require the reimbursement of the monthly benefit  
 921 provided under this section by any amount received by, or payable to, the eligible  
 922 officer for the same period of time during which the eligible officer is entitled to  
 923 receive a monthly disability benefit under this section.
- 924 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 925 division shall make rules establishing policies and procedures for the reductions  
 926 required under Subsection (4)(a).
- 927 Section 13. Section **63B-12-301** is amended to read:  
 928 **63B-12-301 . Other capital facilities authorizations.**
- 929 (1) It is the intent of the Legislature that:  
 930 (a) Utah State University use institutional funds to plan, design, and construct an  
 931 addition to the Laboratory Research Center under the direction of the director of the  
 932 Division of Facilities Construction and Management unless supervisory authority has  
 933 been delegated;  
 934 (b) no state funds be used for any portion of this project; and  
 935 (c) the university may request state funds for operations and maintenance to the extent  
 936 that the university is able to demonstrate to the Board of Regents that the facility  
 937 meets approved academic and training purposes under Board of Regents policy R710.
- 938 (2) It is the intent of the Legislature that:  
 939 (a) Utah State University use institutional funds to plan, design, and construct an  
 940 addition to the Biology/Natural Resources Building under the direction of the director  
 941 of the Division of Facilities Construction and Management unless supervisory  
 942 authority has been delegated;  
 943 (b) no state funds be used for any portion of this project; and  
 944 (c) the university may request state funds for operations and maintenance to the extent  
 945 that the university is able to demonstrate to the Board of Regents that the facility  
 946 meets approved academic and training purposes under Board of Regents policy R710.

- 947 (3) It is the intent of the Legislature that:
- 948 (a) Snow College use grants and loans from the Community Impact Board together with
- 949 other institutional funds to plan, design, and construct an addition to the Activities
- 950 Center under the direction of the director of the Division of Facilities Construction
- 951 and Management unless supervisory authority has been delegated;
- 952 (b) no state funds be used for any portion of this project;
- 953 (c) before proceeding with the project, the Board of Regents and the Division of
- 954 Facilities Construction and Management review and approve the scope and funding
- 955 of the project; and
- 956 (d) the college may request state funds for operations and maintenance to the extent that
- 957 the college is able to demonstrate to the Board of Regents that the facility meets
- 958 approved academic and training purposes under Board of Regents policy R710.
- 959 (4)(a) It is the intent of the Legislature that the Division of Facilities Construction and
- 960 Management sell the state's interest in the Iron County Correction Facility to Iron
- 961 County for \$2,000,000 according to the terms specified in this Subsection (4).
- 962 (b) Iron County will pay the state \$1,550,000 in cash.
- 963 (c) To pay the \$450,000 balance of the purchase price, Iron County will:
- 964 (i) provide office space for the Department [~~of Corrections' Adult Probation and~~
- 965 ~~Parole~~] of Corrections in the Iron County Correction Facility for 10 years at no
- 966 cost to the state of Utah, at an estimated value of \$45,000 per year for a total
- 967 10-year value of \$450,000; and
- 968 (ii) contract with the Department of Corrections to house 15 state prisoners in the
- 969 Iron County Correctional Facility for at least five years.
- 970 (d)(i) The Department of Corrections shall select the 15 prisoners to house at the Iron
- 971 County Correctional Facility from beds currently under contract in other counties.
- 972 (ii) Nothing in this section may be construed to authorize or require the Department
- 973 of Corrections to increase the number of prisoners currently housed in county
- 974 correctional facilities on state contract.
- 975 (e) If the [~~Department of Corrections']~~ Division of Adult Probation and Parole created in
- 976 Section 64-14-202 chooses~~[-, for whatever reason,]~~ not to use the office space offered
- 977 by Iron County, Iron County is not liable for, and need not pay, the state the value of
- 978 that estimated rent.
- 979 Section 14. Section **63M-7-404.3** is amended to read:
- 980 **63M-7-404.3 . Adult sentencing and supervision length guidelines.**

- 981 (1) The sentencing commission shall establish and maintain adult sentencing and  
982 supervision length guidelines regarding:
- 983 (a) the sentencing and release of offenders in order to:
- 984 (i) accept public comment;
- 985 (ii) relate sentencing practices and correctional resources;
- 986 (iii) increase equity in sentencing;
- 987 (iv) better define responsibility in sentencing; and
- 988 (v) enhance the discretion of the sentencing court while preserving the role of the  
989 Board of Pardons and Parole;
- 990 (b) the length of supervision of offenders on probation or parole in order to:
- 991 (i) accept public comment;
- 992 (ii) increase equity in criminal supervision lengths;
- 993 (iii) relate the length of supervision to an offender's progress;
- 994 (iv) take into account an offender's risk of offending again;
- 995 (v) relate the length of supervision to the amount of time an offender has remained  
996 under supervision in the community; and
- 997 (vi) enhance the discretion of the sentencing court while preserving the role of the  
998 Board of Pardons and Parole; and
- 999 (c) appropriate, evidence-based probation and parole supervision policies and services  
1000 that assist offenders in successfully completing supervision and reduce incarceration  
1001 rates from community supervision programs while ensuring public safety, including:
- 1002 (i) treatment and intervention completion determinations based on individualized  
1003 case action plans;
- 1004 (ii) measured and consistent processes for addressing violations of conditions of  
1005 supervision;
- 1006 (iii) processes that include using positive reinforcement to recognize an offender's  
1007 progress in supervision;
- 1008 (iv) engaging with social services agencies and other stakeholders who provide  
1009 services that meet the needs of an offender; and
- 1010 (v) identifying community violations that may not warrant revocation of probation or  
1011 parole.
- 1012 (2)(a) Before July 1, 2024, the sentencing commission shall revise and review the adult  
1013 sentencing and supervision length guidelines to reflect appropriate penalties for the  
1014 following offenses:

- 1015 (i) an interlock restricted driver operating a vehicle without an ignition interlock  
1016 system, Section 41-6a-518.2[~~3~~] ;
- 1017 (ii) negligently operating a vehicle resulting in injury, Section 76-5-102.1; and  
1018 (iii) negligently operating a vehicle resulting in death, Section 76-5-207.
- 1019 (b) The guidelines under Subsection (2)(a) shall consider the following:
- 1020 (i) the current sentencing requirements for driving under the influence of alcohol,  
1021 drugs, or a combination of both as identified in Section 41-6a-505 when injury or  
1022 death do not result;
- 1023 (ii) the degree of injury and the number of victims suffering injury or death as a result  
1024 of the offense;
- 1025 (iii) the offender's number of previous convictions for driving under the influence  
1026 related offenses as defined in Subsection 41-6a-501(2)(a); and
- 1027 (iv) whether the offense amounts to extreme DUI, as that term is defined in Section  
1028 41-6a-501.
- 1029 (3) On or before October 31, 2024, the sentencing commission shall review and revise the  
1030 supervision tools in the adult sentencing and supervision length guidelines to:
- 1031 (a) recommend appropriate sanctions for an individual who violates probation or parole  
1032 by:
- 1033 (i) committing a felony offense, a misdemeanor offense described in Title 76,  
1034 Chapter 5, Offenses Against the Individual, or a misdemeanor offense for driving  
1035 under the influence described in Section 41-6a-502;
- 1036 (ii) possessing a dangerous weapon; or
- 1037 (iii) willfully refusing to participate in treatment ordered by the court or the Board of  
1038 Pardons and Parole; and
- 1039 (b) recommend appropriate incentives for an individual on probation or parole that:
- 1040 (i) completes all conditions of probation or parole; or
- 1041 (ii) maintains eligible employment as defined in Section ~~[64-13g-101]~~ 64-14-301.
- 1042 (4) The sentencing commission shall establish guidelines in the adult sentencing and  
1043 supervision length guidelines that recommend an enhanced sentence that a court or the  
1044 Board of Pardons and Parole should consider when determining the period in which a  
1045 habitual offender, as defined in Section 77-18-102, will be incarcerated.
- 1046 (5) The sentencing commission shall modify:
- 1047 (a) the adult sentencing and supervision length guidelines to reduce recidivism for the  
1048 purposes of protecting the public and ensuring efficient use of state funds; and

1049 (b) the criminal history score in the adult sentencing and supervision length guidelines to  
 1050 reduce recidivism, including factors in an offender's criminal history that are relevant  
 1051 to the accurate determination of an individual's risk of offending again.

1052 Section 15. Section **63M-7-1002** is amended to read:

1053 **63M-7-1002 . Victim rights committee for each judicial district -- Members --**  
 1054 **Terms.**

- 1055 (1) There is created a victim rights committee in each judicial district of this state.  
 1056 (2) The Victim Services Commission shall appoint a chair to serve on each committee.  
 1057 (3) The chair shall appoint, with the Victim Services Commission's consent, the following  
 1058 individuals to serve on each committee:
- 1059 (a) a county or district attorney within the judicial district, or the county or district  
 1060 attorney's designee;
  - 1061 (b) a municipal attorney within the judicial district, or the municipal attorney's designee;
  - 1062 (c) a sheriff within the judicial district, or the sheriff's designee;
  - 1063 (d) a chief of police within the judicial district, or the chief of police's designee;
  - 1064 (e) a representative of the Division of Adult Probation and Parole [~~within the~~  
 1065 ~~Department of Corrections~~] created in Section 64-14-202;
  - 1066 (f) a victim advocate; and
  - 1067 (g) any other representative as appropriate.
- 1068 (4) A member is:
- 1069 (a) appointed to serve a four-year term; and
  - 1070 (b) eligible for reappointment.
- 1071 (5) When a vacancy occurs in the membership of a committee for any reason, the  
 1072 replacement shall be appointed for the remainder of the unexpired term.
- 1073 (6) A member may not receive compensation or benefits for the member's service, but a  
 1074 member may receive per diem and travel expenses in accordance with:
- 1075 (a) Section 63A-3-106;
  - 1076 (b) Section 63A-3-107; and
  - 1077 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 1078 63A-3-107.

1079 Section 16. Section **64-13-6** is amended to read:

1080 **64-13-6 . Department duties.**

- 1081 (1) The department shall:
- 1082 (a) protect the public through institutional care and confinement, and supervision in the

- 1083 community of offenders where appropriate;
- 1084 (b) implement court-ordered punishment of offenders;
- 1085 (c) provide evidence-based and evidence-informed program opportunities for offenders  
1086 designed to reduce offenders' criminogenic and recidivism risks, including  
1087 behavioral, cognitive, educational, and career-readiness program opportunities;
- 1088 (d) ensure that offender participation in all program opportunities described in  
1089 Subsection (1)(c) is voluntary;
- 1090 (e) where appropriate, utilize offender volunteers as mentors in the program  
1091 opportunities described in Subsection (1)(c);
- 1092 (f) provide treatment for sex offenders who are found to be treatable based upon criteria  
1093 developed by the department;
- 1094 (g) provide the results of ongoing clinical assessment of sex offenders and objective  
1095 diagnostic testing to sentencing and release authorities;
- 1096 (h) manage programs that take into account the needs and interests of victims, where  
1097 reasonable;
- 1098 (i) through the Division of Adult Probation and Parole created in Section 64-14-202,  
1099 supervise probationers and parolees as directed by statute and implemented by the  
1100 courts and the Board of Pardons and Parole;
- 1101 (j) subject to Subsection [~~3~~] (2), investigate criminal conduct involving offenders  
1102 incarcerated in a state correctional facility;
- 1103 (k) cooperate and exchange information with other state, local, and federal law  
1104 enforcement agencies to achieve greater success in prevention and detection of crime  
1105 and apprehension of criminals;
- 1106 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult  
1107 Offender Supervision;
- 1108 (m) establish a case action plan based on appropriate validated risk, needs, and  
1109 responsivity assessments for each offender as follows:
- 1110 (i)(A) if an offender is to be supervised in the community, the department shall  
1111 establish a case action plan for the offender no later than 60 days after the day  
1112 on which the department's community supervision of the offender begins; and  
1113 (B) if the offender is committed to the custody of the department, the department  
1114 shall establish a case action plan for the offender no later than 90 days after the  
1115 day on which the offender is committed to the custody of the department;
- 1116 (ii) each case action plan shall:

- 1117 (A) integrate an individualized, evidence-based, and evidence-informed treatment  
1118 and program plan with clearly defined completion requirements; and
- 1119 (B) require that a case manager will:
- 1120 (I) ensure that an assessment of the education level, occupational interests, and  
1121 aptitudes of the inmate has been completed;
- 1122 (II) refer the inmate to a higher education student advisor at an institution  
1123 offering programs consistent with the inmate's interests and aptitudes for  
1124 advisement on educational preferences and plans;
- 1125 (III) incorporate the inmate's interests, aptitudes, and student advisement into  
1126 an education plan consistent with the guidance provided by the Higher  
1127 Education and Corrections Council created in Section 53B-35-201; and
- 1128 (IV) refer the inmate to the student advisor at the institution called for in the  
1129 case action plan for guidance and assistance with the education process;
- 1130 (iii) the department shall share each newly established case action plan with the  
1131 sentencing and release authority within 30 days after the day on which the case  
1132 action plan is established; and
- 1133 (iv) the department shall share any changes to a case action plan, including any  
1134 change in an offender's risk assessment, with the sentencing and release authority  
1135 within 30 days after the day of the change;
- 1136 (n) ensure that an inmate has reasonable access to legal research;
- 1137 (o) ensure that any training or certification required of a public official or public  
1138 employee, as those terms are defined in Section 63G-22-102, complies with Title  
1139 63G, Chapter 22, State Training and Certification Requirements, if the training or  
1140 certification is required:
- 1141 (i) under this title;
- 1142 (ii) by the department; or
- 1143 (iii) by an agency or division within the department;
- 1144 (p) when reporting on statewide recidivism, include the metrics and requirements  
1145 described in Section 63M-7-102;
- 1146 (q) create a reentry division that focuses on the successful reentry of inmates into the  
1147 community;
- 1148 (r) coordinate with the Board of Pardons and Parole regarding inmate records that are  
1149 necessary for the Board of Pardons and Parole to make necessary determinations  
1150 regarding an inmate; and

- 1151 (s) ensure that inmate records regarding discipline, programs, and other relevant metrics  
1152 are:
- 1153 (i) complete and updated in a timely manner; and  
1154 (ii) when applicable, shared with the Board of Pardons and Parole in a timely manner.
- 1155 ~~[(2) The department may in the course of supervising probationers and parolees:]~~  
1156 ~~[(a) respond to an individual's violation of one or more terms of the probation or parole~~  
1157 ~~in accordance with the graduated and evidence-based processes established by the~~  
1158 ~~adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1;~~  
1159 ~~and]~~
- 1160 ~~[(b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction~~  
1161 ~~for an individual's violation of the terms of probation or parole a period of~~  
1162 ~~incarceration of not more than three consecutive days and not more than a total of~~  
1163 ~~five days within a period of 30 days.]~~
- 1164 ~~[(3)]~~ (2)(a) By following the procedures in Subsection ~~[(3)(b)]~~ (2)(b), the department may  
1165 investigate the following occurrences at state correctional facilities:
- 1166 (i) criminal conduct of departmental employees;  
1167 (ii) felony crimes resulting in serious bodily injury;  
1168 (iii) death of any person; or  
1169 (iv) aggravated kidnapping.
- 1170 (b) Before investigating any occurrence specified in Subsection ~~[(3)(a)]~~ (2)(a), the  
1171 department shall:
- 1172 (i) notify the sheriff or other appropriate law enforcement agency promptly after  
1173 ascertaining facts sufficient to believe an occurrence specified in Subsection ~~[(3)(a)]~~  
1174 (2)(a) has occurred; and  
1175 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to  
1176 conduct an investigation involving an occurrence specified in Subsection ~~[(3)(a)]~~  
1177 (2)(a).
- 1178 ~~[(4)]~~ (3) Upon request, the department shall provide copies of investigative reports of  
1179 criminal conduct to the sheriff or other appropriate law enforcement agencies.
- 1180 ~~[(5)]~~ (4)(a) The executive director of the department, or the executive director's designee  
1181 if the designee possesses expertise in correctional programming, shall consult at least  
1182 annually with cognitive and career-readiness staff experts from the Utah system of  
1183 higher education and the State Board of Education to review the department's  
1184 evidence-based and evidence-informed treatment and program opportunities.

- 1185 (b) Beginning in the 2022 interim, the department shall provide an annual report to the  
 1186 Law Enforcement and Criminal Justice Interim Committee regarding:
- 1187 (i) the department's implementation of and offender participation in evidence-based  
 1188 and evidence-informed treatment and program opportunities designed to reduce  
 1189 the criminogenic and recidivism risks of offenders over time; and
- 1190 (ii) the progress of the department's implementation of the inmate program  
 1191 requirements described in Section 64-13-50.
- 1192 ~~[(6)]~~ (5)(a) As used in this Subsection ~~[(6)]~~ (5):
- 1193 (i) "Accounts receivable" means any amount owed by an offender arising from a  
 1194 criminal judgment that has not been paid.
- 1195 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,  
 1196 surcharges, costs, interest, penalties, restitution to victims, third-party claims,  
 1197 claims, reimbursement of a reward, and damages that an offender is ordered to  
 1198 pay.
- 1199 (b) The department shall collect and disburse, with any interest and any other costs  
 1200 assessed under Section ~~[64-13-21]~~ 64-14-204, an accounts receivable for an offender  
 1201 during:
- 1202 (i) the parole period and any extension of that period in accordance with Subsection [  
 1203 ~~(6)(e)]~~ (5)(c); and
- 1204 (ii) the probation period for which the court orders supervised probation and any  
 1205 extension of that period by the department in accordance with Subsection  
 1206 77-18-105(7).
- 1207 (c)(i) If an offender has an unpaid balance of the offender's accounts receivable at the  
 1208 time that the offender's sentence expires or terminates, the department shall be  
 1209 referred to the sentencing court for the sentencing court to enter a civil judgment  
 1210 of restitution and a civil accounts receivable as described in Section 77-18-114.
- 1211 (ii) If the board makes an order for restitution within 60 days from the day on which  
 1212 the offender's sentence expires or terminates, the board shall refer the order for  
 1213 restitution to the sentencing court to be entered as a civil judgment of restitution as  
 1214 described in Section 77-18-114.
- 1215 (d) This Subsection ~~[(6)]~~ (5) only applies to offenders sentenced before July 1, 2021.  
 1216 Section 17. Section **64-13-14.5** is amended to read:
- 1217 **64-13-14.5 . Limits of confinement place -- Release status -- Work release.**
- 1218 (1) The department may extend the limits of the place of confinement of an inmate when, as

- 1219 established by department policies and procedures, there is cause to believe the inmate  
1220 will honor the trust, by authorizing the inmate under prescribed conditions:
- 1221 (a) to leave temporarily for purposes specified by department policies and procedures to  
1222 visit specifically designated places for a period not to exceed 30 days;
- 1223 (b) to participate in a voluntary training program in the community while housed at a  
1224 correctional facility or to work at paid employment;
- 1225 (c) to be housed in a nonsecure community correctional center operated by the  
1226 department; or
- 1227 (d) to be housed in any other facility under contract with the department.
- 1228 (2)(a) The department shall establish rules governing offenders on release status.
- 1229 (b) A copy of the rules established under Subsection (2)(a) shall be furnished to the  
1230 offender and to any employer or other person participating in the offender's release  
1231 program.
- 1232 (c) Any employer or other participating person shall agree in writing to abide by the  
1233 rules established under Subsection (2)(a) and to notify the department of the  
1234 offender's discharge or other release from a release program activity, or of any  
1235 violation of the rules governing release status.
- 1236 (3) The willful failure of an inmate to remain within the extended limits of his confinement  
1237 or to return within the time prescribed to an institution or facility designated by the  
1238 department is an escape from custody.
- 1239 (4) If an offender is arrested for the commission of a crime, the arresting authority shall  
1240 immediately notify the department of the arrest.
- 1241 (5) The department may impose appropriate sanctions pursuant to Section [~~64-13-21~~]  
1242 64-14-204 upon offenders who violate the adult sentencing and supervision length  
1243 guidelines, as defined in Section 63M-7-401.1, including prosecution for escape under  
1244 Section 76-8-309 or 76-8-309.3 and for [~~unauthorized absence~~] absconding from  
1245 supervision.
- 1246 (6) An inmate who is housed at a nonsecure correctional facility and on work release may  
1247 not be required to work for less than the current federally established minimum wage, or  
1248 under substandard working conditions.
- 1249 Section 18. Section **64-13-26** is amended to read:
- 1250 **64-13-26 . Private providers of services.**
- 1251 (1) Subject to Subsection [~~64-13-21(1)(b)~~] 64-14-204(1)(b), the department may contract  
1252 with a private provider or another agency for the provision of care, treatment, and

- 1253 supervision of an offender committed to the care and custody of the department.
- 1254 (2)(a) The department shall:
- 1255 (i) establish standards for the operation of the programs;
- 1256 (ii) establish standards under Section 64-13-25 regarding program standards; and
- 1257 (iii) annually review the programs for compliance.
- 1258 (b) The reviews described in Subsection (2)(a) shall be classified as confidential internal
- 1259 working papers.
- 1260 (c) Access to records regarding the reviews is available upon the discretion of the
- 1261 executive director or the governor, or upon court order.
- 1262 Section 19. Section **64-13e-102** is amended to read:
- 1263 **64-13e-102 . Definitions.**
- 1264 As used in this chapter:
- 1265 (1) "Alternative treatment program" means:
- 1266 (a) an evidence-based cognitive behavioral therapy program; or
- 1267 (b) a certificate-based program provided by:
- 1268 (i) an institution of higher education described in Subsection 53B-1-102(1)(b); or
- 1269 (ii) a degree-granting institution acting in the degree-granting institution's technical
- 1270 education role described in Section 53B-2a-201.
- 1271 (2) "Board" means the Board of Pardons and Parole.
- 1272 (3) "Commission" means the State Commission on Criminal and Juvenile Justice, created in
- 1273 Section 63M-7-201.
- 1274 (4)(a) "Condition of probation day" means a day spent by a state probationary inmate in
- 1275 a county correctional facility as a condition of probation.
- 1276 (b) "Condition of probation day" includes a day spent by a state probationary inmate in a
- 1277 county correctional facility:
- 1278 (i) after the date of sentencing;
- 1279 (ii) before the date of sentencing, if a court orders that the state probationary inmate
- 1280 shall receive credit for time served in a county correctional facility before the date
- 1281 of sentencing;
- 1282 (iii) as a condition of an original order of probation; and
- 1283 (iv) as a condition of a new order of probation after a prior revocation of probation.
- 1284 (c) "Condition of probation day" does not include a day spent by a state probationary
- 1285 inmate in a county correctional facility:
- 1286 (i) as a probation sanction day;

- 1287 (ii) after the state probationary inmate has spent 365 consecutive days in a county  
1288 correctional facility for a single order of probation;
- 1289 (iii) as a condition of a plea in abeyance agreement if a conviction has not been  
1290 entered;
- 1291 (iv) on a hold instituted by the federal Immigration and Customs Enforcement  
1292 Agency of the United States Department of Homeland Security; or
- 1293 (v) after the termination of probation if the state probationary inmate is:  
1294 (A) sentenced to prison; or  
1295 (B) eligible for release.
- 1296 (5) "Department" means the Department of Corrections, created in Section 64-13-2.  
1297 (6) "Division" means the Division of Finance, created in Section 63A-3-101.
- 1298 (7)(a) "Eligible bed day" means a day spent by a state probationary inmate or a state  
1299 parole inmate in a county correctional facility that is eligible for reimbursement  
1300 under Section 64-13e-104.
- 1301 (b) "Eligible bed day" includes:  
1302 (i) a condition of probation day;  
1303 (ii) a parole hold day;  
1304 (iii) a parole sanction day; and  
1305 (iv) a probation sanction day.
- 1306 (8)(a) "Parole hold day" means a day spent in a county correctional facility by a state  
1307 parole inmate under Subsection 64-13-29(3) based on a suspected violation of the  
1308 state parole inmate's terms of parole.
- 1309 (b) "Parole hold day" does not include a day spent in a county correctional facility by a  
1310 state parole inmate:  
1311 (i) after the state parole inmate has spent 72 hours, excluding weekends and holidays,  
1312 for a single suspected violation of the state parole inmate's terms of parole; or  
1313 (ii) as a parole sanction day.
- 1314 (9)(a) "Parole sanction day" means a day spent in a county correctional facility by a state  
1315 parole inmate as a sanction under Subsection 64-13-6(2) for a violation of the state  
1316 parole inmate's terms of parole.
- 1317 (b) "Parole sanction day" includes not more than three consecutive days and not more  
1318 than a total of [~~five~~] six days within a period of 30 days for each sanction.
- 1319 (c) "Parole sanction day" does not include a parole hold day.
- 1320 (10)(a) "Probation sanction day" means a day spent in a county correctional facility by a

- 1321 state probationary inmate as a sanction under Subsection 64-13-6(2) based on a  
 1322 violation of the state probationary inmate's terms of probation.
- 1323 (b) "Probation sanction day" includes not more than three consecutive days and not more  
 1324 than a total of [~~five~~] six days within a period of 30 days for each sanction.
- 1325 (c) "Probation sanction day" does not include:
- 1326 (i) a condition of probation day; or
- 1327 (ii) a day spent in a county correctional facility by a state probationary inmate under  
 1328 Subsection [~~64-13-29(3)~~] 64-14-205(3) based on a suspected violation of the state  
 1329 probationary inmate's terms of probation.
- 1330 (11) "State daily incarceration rate" means the average daily incarceration rate, calculated  
 1331 by the department based on the previous three fiscal years, that reflects the following  
 1332 expenses incurred by the department for housing an inmate:
- 1333 (a) executive overhead;
- 1334 (b) administrative overhead;
- 1335 (c) transportation overhead;
- 1336 (d) division overhead; and
- 1337 (e) motor pool expenses.
- 1338 (12) "State inmate" means an individual, other than a state probationary inmate or state  
 1339 parole inmate, who is committed to the custody of the department.
- 1340 (13) "State parole inmate" means an individual who is:
- 1341 (a) on parole, as defined in Section 77-27-1; and
- 1342 (b) housed in a county correctional facility for a reason related to the individual's parole.
- 1343 (14) "State probationary inmate" means a felony probationer sentenced to time in a county  
 1344 correctional facility under Subsection 77-18-105(6).
- 1345 (15) "Treatment program" means:
- 1346 (a) an alcohol treatment program;
- 1347 (b) a substance abuse treatment program;
- 1348 (c) a sex offender treatment program; or
- 1349 (d) an alternative treatment program.

1350 Section 20. Section **64-14-101** is enacted to read:

1351 **CHAPTER 14. ADULT PROBATION AND PAROLE**

1352 **Part 1. General Provisions**

1353 **64-14-101 . Definitions.**

1354 As used in this chapter:

- 1355 (1) "Department" means the same as that term is defined in Section 64-13-1.  
 1356 (2) "Division" means the Division of Adult Probation and Parole created in Section  
 1357 64-14-202.  
 1358 (3) "Executive director" means the same as that term is defined in Section 64-13-1.  
 1359 (4) "Inmate" means the same as that term is defined in Section 64-13-1.  
 1360 (5) "Offender" means the same as that term is defined in Section 64-13-1.  
 1361 (6) "Recidivism" means the same as that term is defined in Section 64-13-1.

1362 Section 21. Section **64-14-201** is enacted to read:

1363 **Part 2. Division of Adult Probation and Parole**

1364 **64-14-201 . Definitions.**

1365 Reserved.

1366 Section 22. Section **64-14-202** is enacted to read:

1367 **64-14-202 . Creation of division -- Appointment of director.**

- 1368 (1) There is created within the department the Division of Adult Probation and Parole.  
 1369 (2) The executive director shall appoint a director of the Division of Adult Probation and  
 1370 Parole who shall manage, direct, and supervise the Division of Adult Probation and  
 1371 Parole.

1372 Section 23. Section **64-14-203** is enacted to read:

1373 **64-14-203 . Duties of division.**

- 1374 (1) The division shall:  
 1375 (a) assist the department in fulfilling the department's duty to supervise, as described in  
 1376 Subsection 64-13-6(1)(i), probationers and parolees as directed by statute and  
 1377 implemented by the courts and the Board of Pardons and Parole;  
 1378 (b) comply with the requirements described in this part;  
 1379 (c) supply the information described in Section 53-10-209 that is required to be  
 1380 submitted to the Criminal Investigations and Technical Services Division created in  
 1381 Subsection 53-10-103(2);  
 1382 (d) comply with the use of funds requirement for outpatient treatment services for those  
 1383 convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, as  
 1384 described in Subsection 59-27-105(4)(c);  
 1385 (e) monitor the status of an offender with a mental condition who has been placed on  
 1386 parole as described in Subsection 77-16a-205(4);  
 1387 (f) comply with the requirements described in Title 77, Chapter 18, The Judgment;

- 1388 (g) in accordance with the adult sentencing and supervision length guidelines described  
 1389 in Section 63M-7-404.3, notify the Board of Pardons and Parole of parole violations;  
 1390 (h) for an individual who is on probation for a domestic violence offense that the  
 1391 division is supervising, report to the court and notify the victim of the domestic  
 1392 violence offense if the individual fails to comply with any condition imposed by the  
 1393 court or commits a violation of a sentencing protective order as required by  
 1394 Subsection 77-36-5.1(4);  
 1395 (i) comply with the notice requirement to a prosecuting agency described in Subsection  
 1396 77-38-3(6) if the division is the moving party on a motion for modification of any  
 1397 determination made at any of the criminal justice hearings provided in Subsections  
 1398 77-38-2(5)(a) through (g);  
 1399 (j) collect restitution information in preparing a presentence investigation report as  
 1400 described in Section 77-38b-203;  
 1401 (k) for an individual under supervision by the division who violates a sentencing  
 1402 protective order issued under Title 78B, Chapter 7, Part 8, Criminal Protective Orders,  
 1403 report the violation to the court and notify the victim protected by the order of the  
 1404 violation as required by Section 78B-7-807; and  
 1405 (l) comply with any other requirement established by applicable statute or regulation or  
 1406 a directive from the executive director.  
 1407 (2) The division may, in the course of supervising individuals on probation and parole:  
 1408 (a) respond to an individual's violation of one or more terms of the probation or parole in  
 1409 accordance with the graduated and evidence-based processes established by the adult  
 1410 sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and  
 1411 (b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction  
 1412 for an individual's violation of the terms of probation or parole a period of  
 1413 incarceration of not more than three consecutive days and not more than a total of six  
 1414 days within a period of 30 days.

1415 Section 24. Section **64-14-204**, which is renumbered from Section 64-13-21 is renumbered  
 1416 and amended to read:

1417 **[64-13-21] 64-14-204 . Supervision of sentenced offenders placed in community --**  
 1418 **Rulemaking -- POST certified parole or probation officers and peace officers -- Duties --**  
 1419 **Supervision fee.**

1420 (1)(a) The [department] division, except as otherwise provided by law, shall supervise a  
 1421 sentenced offender placed in the community if the offender:

- 1422 (i)(A) is placed on probation by a court;
- 1423 (B) is released on parole by the Board of Pardons and Parole; or
- 1424 (C) is accepted for supervision under the terms of the Interstate Compact for the
- 1425 Supervision of Parolees and Probationers; and
- 1426 (ii) has been convicted of:
- 1427 (A) a felony;
- 1428 (B) a class A misdemeanor when an element of the offense is the use or attempted
- 1429 use of physical force against an individual or property; or
- 1430 (C) notwithstanding Subsection (1)(a)(ii)(B), a class A misdemeanor if the [
- 1431 ~~department~~] division is ordered by a court to supervise the offender under
- 1432 Section 77-18-105.
- 1433 (b) If a sentenced offender participates in substance use treatment or a residential,
- 1434 vocational and life skills program, as defined in Section 13-53-102, while under
- 1435 supervision on probation or parole, the [~~department~~] division shall monitor the
- 1436 offender's compliance with and completion of the treatment or program.
- 1437 (c) The department shall establish standards for:
- 1438 (i) the supervision of offenders in accordance with the adult sentencing and
- 1439 supervision length guidelines, as defined in Section 63M-7-401.1, giving priority,
- 1440 based on available resources, to felony offenders and offenders sentenced under
- 1441 Subsection 58-37-8 (2)(b)(ii); and
- 1442 (ii) the monitoring described in Subsection (1)(b).
- 1443 (2) The [~~department~~] division shall apply the graduated and evidence-based responses
- 1444 established in the adult sentencing and supervision length guidelines, as defined in
- 1445 Section 63M-7-401.1, to facilitate a prompt and appropriate response to an individual's
- 1446 violation of the terms of probation or parole, including:
- 1447 (a) sanctions to be used in response to a violation of the terms of probation or parole; and
- 1448 (b) requesting approval from the court or Board of Pardons and Parole to impose a
- 1449 sanction for an individual's violation of the terms of probation or parole, for a period
- 1450 of incarceration of not more than three consecutive days and not more than a total of
- 1451 six days within a period of 30 days.
- 1452 (3) The [~~department~~] division shall implement a program of graduated incentives as
- 1453 established in the adult sentencing and supervision length guidelines, as defined in
- 1454 Section 63M-7-401.1 to facilitate the department's prompt and appropriate response to
- 1455 an offender's:

- 1456 (a) compliance with the terms of probation or parole; or  
1457 (b) positive conduct that exceeds those terms.
- 1458 (4)(a) The department shall, in collaboration with the State Commission on Criminal and  
1459 Juvenile Justice and the Division of Substance Abuse and Mental Health, create  
1460 standards and procedures for the collection of information, including cost savings  
1461 related to recidivism reduction and the reduction in the number of inmates, related to  
1462 the use of the graduated and evidence-based responses and graduated incentives, and  
1463 offenders' outcomes.
- 1464 (b) The collected information shall be provided to the State Commission on Criminal  
1465 and Juvenile Justice not less frequently than annually on or before August 31.
- 1466 (5) Employees of the [department] division who are POST certified as law enforcement  
1467 officers or correctional officers and who are designated as parole and probation officers  
1468 by the executive director have the following duties:
- 1469 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance  
1470 with the conditions of the parole or probation agreement;
- 1471 (b) investigating or apprehending any offender who has escaped from the custody of the  
1472 department or absconded from supervision by the division;
- 1473 (c) supervising any offender during transportation; or  
1474 (d) collecting DNA specimens when the specimens are required under Section 53-10-404.
- 1475 (6)(a)(i) A monthly supervision fee of \$30 shall be collected from each offender on  
1476 probation or parole.
- 1477 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the [  
1478 department] division upon a showing by the offender that imposition would create  
1479 a substantial hardship or if the offender owes restitution to a victim.
- 1480 (b)(i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
1481 Administrative Rulemaking Act, specifying the criteria for suspension or waiver  
1482 of the supervision fee and the circumstances under which an offender may request  
1483 a hearing.
- 1484 (ii) In determining whether the imposition of the supervision fee would constitute a  
1485 substantial hardship, the [department] division shall consider the financial  
1486 resources of the offender and the burden that the fee would impose, with regard to  
1487 the offender's other obligations.
- 1488 (c) The division shall deposit money received from the monthly supervision fee  
1489 established in this Subsection (6) into the General Fund as a parole and probation

1490 dedicated credit to be used to cover costs incurred in the collection of the fee and in  
1491 the development of offender supervision programs.

1492 (7)(a) For offenders placed on probation under Section 77-18-105 or parole under  
1493 Subsection 76-3-202(2)(a) on or after October 1, 2015, but before January 1, 2019,  
1494 the [department] division shall establish a program allowing an offender to earn a  
1495 reduction credit of 30 days from the offender's period of probation or parole for each  
1496 month the offender complies with the terms of the offender's probation or parole  
1497 agreement, including the case action plan.

1498 (b)(i) For offenders placed on probation under Section 77-18-105 or parole under  
1499 Section 76-3-202 on or after July 1, 2026, the [department] division shall establish  
1500 a program, consistent with the adult sentencing and supervision length guidelines,  
1501 as defined in Section 63M-7-401.1, to provide incentives for an offender that  
1502 maintains eligible employment, as defined in Section 64-13g-101.

1503 (ii) The program under Subsection (7)(b)(i) may include a credit towards the  
1504 reduction of the length of supervision for an offender at a rate of up to 30 days for  
1505 each month that the offender maintains eligible employment, as defined in Section  
1506 64-13g-101.

1507 (iii) A court, or the Board of Pardons and Parole, is not required to grant a request for  
1508 termination of supervision under the program described in this Subsection (7)(b) if  
1509 the court, or the Board of Pardons and Parole, finds that:

1510 (A) the offender presents a substantial risk to public safety;

1511 (B) termination would prevent the offender from completing risk reduction  
1512 programming or treatment; or

1513 (C) the eligibility criteria for termination of supervision, as established in the adult  
1514 sentencing and supervision length guidelines, as defined in Section  
1515 63M-7-401.1, have not been met.

1516 (iv) This Subsection (7)(b) does not prohibit the [department] division, or another  
1517 supervision services provider, from requesting termination of supervision based  
1518 on the eligibility criteria in the adult sentencing and supervision length guidelines,  
1519 as defined in Section 63M-7-401.1.

1520 (c) The [department] division shall:

1521 (i) maintain a record of credits earned by an offender under this Subsection (7); and

1522 (ii) request from the court or the Board of Pardons and Parole the termination of  
1523 probation or parole not fewer than 30 days prior to the termination date that

- 1524 reflects the credits earned under this Subsection (7).
- 1525 (d) This Subsection (7) does not prohibit the [department] division from requesting a
- 1526 termination date earlier than the termination date established by earned credits under
- 1527 Subsection (7)(c).
- 1528 (e) The court or the Board of Pardons and Parole shall terminate an offender's probation
- 1529 or parole upon completion of the period of probation or parole accrued by time
- 1530 served and credits earned under this Subsection (7) unless the court or the Board of
- 1531 Pardons and Parole finds that termination would interrupt the completion of a
- 1532 necessary treatment program, in which case the termination of probation or parole
- 1533 shall occur when the treatment program is completed.
- 1534 (f) The department shall report annually to the State Commission on Criminal and
- 1535 Juvenile Justice on or before August 31:
- 1536 (i) the number of offenders who have earned probation or parole credits under this
- 1537 Subsection (7) in one or more months of the preceding fiscal year and the
- 1538 percentage of the offenders on probation or parole during that time that this
- 1539 number represents;
- 1540 (ii) the average number of credits earned by those offenders who earned credits;
- 1541 (iii) the number of offenders who earned credits by county of residence while on
- 1542 probation or parole;
- 1543 (iv) the cost savings associated with sentencing reform programs and practices; and
- 1544 (v) a description of how the savings will be invested in treatment and
- 1545 early-intervention programs and practices at the county and state levels.

1546 Section 25. Section **64-14-205**, which is renumbered from Section 64-13-29 is renumbered

1547 and amended to read:

1548 **[64-13-29] 64-14-205 . Violation of parole or probation -- Detention -- Hearing.**

- 1549 (1) As used in this section:
- 1550 (a) "72-hour hold" means a directive from the department:
- 1551 (i) prohibiting the release of a parolee or probationer from correctional custody who
- 1552 has entered correctional custody due to a violation of a condition of parole or
- 1553 probation; and
- 1554 (ii) lasting for a maximum of 72 hours, excluding weekends or holidays, from the
- 1555 time the parolee or probationer entered correctional custody.
- 1556 (b) "Correctional custody" means when a parolee or probationer is physically detained in
- 1557 a county jail or a correctional facility operated by the department.

- 1558 (c) "Parolee" means an individual on parole under the supervision of the [department]  
1559 division.
- 1560 (d) "Probationer" means an individual on probation under the supervision of the [  
1561 department] division.
- 1562 (e)(i) "Qualifying domestic violence offense" means the same as that term is defined  
1563 in Subsection 77-36-1.1(4).
- 1564 (ii) "Qualifying domestic violence offense" does not include criminal mischief as  
1565 described in Section 76-6-106.
- 1566 (f) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
- 1567 (2) The [department] division shall ensure that the court is notified of violations of the terms  
1568 and conditions of probation in the case of probationers under the supervision of the [  
1569 department] division or the Board of Pardons and Parole in the case of parolees under the [  
1570 department's] division's supervision when:
- 1571 (a) incarceration is [~~recommended~~as] recommended as a sanction;
- 1572 (b) the [department] division determines that a graduated and evidence-based response is  
1573 not an appropriate response to the violation and recommends revocation of probation  
1574 or parole; or
- 1575 (c) there is probable cause that the conduct that led to a violation of parole or probation  
1576 is:
- 1577 (i) a violent felony; or
- 1578 (ii) a qualifying domestic violence offense.
- 1579 (3) The [department] division:
- 1580 (a) may place a 72-hour hold on a parolee or probationer if there is probable cause to  
1581 believe that the parolee or probationer has committed a violation other than a violent  
1582 felony or qualifying domestic violence offense; and
- 1583 (b) shall place a 72-hour hold on a parolee or probationer if there is probable cause to  
1584 believe that the parolee or probationer has committed a violent felony or qualifying  
1585 domestic violence offense.
- 1586 (4)(a) The [department] division may not detain, or have a county jail detain, a  
1587 probationer or parolee for longer than 72 hours without a warrant or order issued by  
1588 the court or Board of Pardons and Parole.
- 1589 (b) To obtain a warrant or order to detain a probationer or parolee for longer than 72  
1590 hours, the [department] division shall seek the warrant or order from the court for a  
1591 probationer or the Board of Pardons and Parole for a parolee.

1592 (c) The [department] division may decline to seek a warrant or order under Subsection  
 1593 (4)(b) for a probationer or parolee subject to a 72-hour hold and remove the 72-hour  
 1594 hold.

1595 (5) This section does not require the [department] division to release a probationer or  
 1596 parolee who is being held for something other than a probation or parole violation,  
 1597 including a warrant issued for new criminal conduct or a new conviction where the [  
 1598 individual] probationer or parolee is sentenced to incarceration.

1599 (6) The department may make rules as necessary, in accordance with Title 63G, Chapter 3,  
 1600 Utah Administrative Rulemaking Act, for the division to implement this section[~~in~~  
 1601 ~~accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act].~~

1602 Section 26. Section **64-14-301**, which is renumbered from Section 64-13g-101 is renumbered  
 1603 and amended to read:

1604 **Part 3. Adult Probation and Parole Employment Incentive Program**

1605 **~~[64-13g-101]~~ 64-14-301 . Definitions.**

1606 As used in this [~~chapter~~] part:

1607 (1) "Average daily population" means the average daily number of individuals on parole or  
 1608 felony probation in the region during the applicable fiscal year.

1609 (2) "Baseline parole employment rate" means the average of the parole employment rates  
 1610 for fiscal years 2023, 2024, and 2025.

1611 (3) "Baseline probation employment rate" means the average of the probation employment  
 1612 rates for fiscal years 2023, 2024, and 2025.

1613 [~~(4) "Department" means the Department of Corrections.~~]

1614 [~~(5)~~ (4) "Eligible employment" means an occupation, or combined occupations, that:

1615 (a) consist of at least 130 hours in a 30-day period; and

1616 (b) are verified via paystubs, employment letters, contracts, or other reliable methods, as  
 1617 determined by the department.

1618 [~~(6)~~ (5) "Evidence-based" means a supervision policy, procedure, program, or practice  
 1619 demonstrated by scientific research to reduce recidivism of individuals on parole or  
 1620 felony probation.

1621 [~~(7)~~ (6) "Marginal cost of incarceration" means the total costs of incarceration, per inmate,  
 1622 that fluctuate based on inmate population.

1623 [~~(8)~~ (7) "Office" means the Governor's Office of Planning and Budget.

1624 [~~(9)~~ (8) "Parole employment rate" means the percentage of individuals on parole who held  
 1625 eligible employment for at least nine months in a one-year period, if at least a portion of

1626 the nine-months was during the preceding fiscal year.

1627 [(10)] (9) "Probation employment rate" means the percentage of individuals on felony  
1628 probation who held eligible employment for at least nine months in a one-year period, if  
1629 at least a portion of the nine-months was during the preceding fiscal year.

1630 [(11)] (10) "Program" means the Adult Probation and Parole Employment Incentive  
1631 Program, created in Section [64-13g-102] 64-14-302.

1632 [(12)] (11) "Region" means one of the geographic regions into which the [Department of  
1633 Corrections] department has divided the state for purposes of supervising adult probation  
1634 and parole.

1635 [(13)] (12) "Restricted account" means the Employment Incentive Restricted Account  
1636 created in Section [64-13g-103] 64-14-303.

1637 Section 27. Section **64-14-302**, which is renumbered from Section 64-13g-102 is renumbered  
1638 and amended to read:

1639 **[64-13g-102] 64-14-302 . Adult Probation and Parole Employment Incentive**  
1640 **Program.**

- 1641 (1) There is created the Adult Probation and Parole Employment Incentive Program.
- 1642 (2) The department and the office shall implement the program in accordance with the  
1643 requirements of this chapter.
- 1644 (3) Beginning July 2026, and each July after 2026, the department shall calculate and report  
1645 to the office, for the preceding fiscal year, for each region and statewide:
- 1646 (a) the parole employment rate and the average length of employment of individuals on  
1647 parole;
- 1648 (b) the probation employment rate and average length of employment of individuals on  
1649 felony probation;
- 1650 (c) the recidivism percentage, using applicable recidivism metrics described in  
1651 Subsections 63M-7-102(1) and (3);
- 1652 (d) the number and percentage of individuals who successfully complete parole or  
1653 felony probation;
- 1654 (e) if the recidivism percentage described in Subsection (3)(c) represents a decrease in  
1655 the recidivism percentage when compared to the fiscal year immediately preceding  
1656 the fiscal year to which the recidivism percentage described in Subsection (3)(c)  
1657 relates, the estimated costs of incarceration savings to the state, based on the marginal  
1658 cost of incarceration;
- 1659 (f) the number of individuals who successfully complete parole and, during the entire six

- 1660 months before the day on which the individuals' parole ends, held eligible  
1661 employment; and
- 1662 (g) the number of individuals who successfully complete felony probation and, during  
1663 the entire six months before the day on which the individuals' parole ended, held  
1664 eligible employment.
- 1665 (4) In addition to the information described in Subsection (3), the department shall report,  
1666 for each region, the number and types of parole or probation programs that were created,  
1667 replaced, or discontinued during the preceding fiscal year.
- 1668 (5) After receiving the information described in Subsections (3) and (4), the office, in  
1669 consultation with the department, shall, for each region:
- 1670 (a) add the region's baseline parole employment rate and the region's baseline probation  
1671 employment rate;
- 1672 (b) add the region's parole employment rate and the region's probation employment rate;
- 1673 (c) subtract the sum described in Subsection (5)(a) from the sum described in Subsection  
1674 (5)(b); and
- 1675 (d)(i) if the rate difference described in Subsection (5)(c) is zero or less than zero,  
1676 assign an employment incentive payment of zero to the region; or
- 1677 (ii) except as provided in Subsection (7), if the rate difference described in  
1678 Subsection (5)(c) is greater than zero, assign an employment incentive payment to  
1679 the region by:
- 1680 (A) multiplying the rate difference by the average daily population for that region;  
1681 and
- 1682 (B) multiplying the product of the calculation described in Subsection (5)(d)(ii)(A)  
1683 by \$2,500.
- 1684 (6) In addition to the employment incentive payment described in Subsection (5), after  
1685 receiving the information described in Subsections (3) and (4), the office, in consultation  
1686 with the department, shall, for each region, multiply the sum of the numbers described in  
1687 Subsections (3)(f) and (g) for the region by \$2,500 to determine the end-of-supervision  
1688 employment incentive payment for the region.
- 1689 (7) The employment incentive payment, or end-of-supervision employment supervision  
1690 payment, for a region is zero if the recidivism percentage for the region, described in  
1691 Subsection (3)(c), represents an increase in the recidivism percentage when compared to  
1692 the fiscal year immediately preceding the fiscal year to which the recidivism percentage  
1693 for the region, described in Subsection (3)(c), relates.

- 1694 (8) Upon determining an employment incentive payment for a region in accordance with  
1695 Subsections (5)(d)(ii), (6), and (7), the office shall authorize distribution, from the  
1696 restricted account, of the incentive payment as follows:
- 1697 (a) 15% of the payment may be used by the department for expenses related to  
1698 administering the program; and
  - 1699 (b) 85% of the payment shall be used by the region to improve and expand supervision  
1700 and rehabilitative services to individuals on parole or adult probation, including by:
    - 1701 (i) implementing and expanding evidence-based practices for risk and needs  
1702 assessments for individuals;
    - 1703 (ii) implementing and expanding intermediate sanctions, including mandatory  
1704 community service, home detention, day reporting, restorative justice programs,  
1705 and furlough programs;
    - 1706 (iii) expanding the availability of evidence-based practices for rehabilitation  
1707 programs, including drug and alcohol treatment, mental health treatment, anger  
1708 management, cognitive behavior programs, and job training and other  
1709 employment services;
    - 1710 (iv) hiring additional officers, contractors, or other personnel to implement  
1711 evidence-based practices for rehabilitative and vocational programing;
    - 1712 (v) purchasing and adopting new technologies or equipment that are relevant to, and  
1713 enhance, supervision, rehabilitation, or vocational training; or
    - 1714 (vi) evaluating the effectiveness of rehabilitation and supervision programs and  
1715 ensuring program fidelity.
- 1716 (9)(a) The report described in Subsections (3) and (4) is a public record.
- 1717 (b) The department shall maintain a complete and accurate accounting of the payment  
1718 and use of funds under this section.
  - 1719 (c) If the money in the restricted account is insufficient to make the full employment  
1720 incentive payments or the full end-of-supervision employment incentive payments,  
1721 the office shall authorize the payments on a prorated basis.
- 1722 Section 28. Section **64-14-303**, which is renumbered from Section 64-13g-103 is renumbered  
1723 and amended to read:
- 1724 **[64-13g-103] 64-14-303 . Employment Incentive Restricted Account.**
- 1725 (1) There is created within the General Fund a restricted account known as the  
1726 "Employment Incentive Restricted Account."
  - 1727 (2) The account consists of appropriations made by the Legislature.

1728 (3) The office shall authorize expenditures from the account in accordance with Section [  
1729 ~~64-13g-102~~] 64-14-302.

1730 (4) Subject to legislative appropriations, the department and each region shall expend  
1731 money from the restricted account only in accordance with Subsection [~~64-13g-102(8)~~]  
1732 64-14-302(8).

1733 Section 29. Section **76-3-202** is amended to read:

1734 **76-3-202 . Paroled individuals -- Termination or discharge from sentence -- Time**  
1735 **served on parole -- Discretion of Board of Pardons and Parole.**

1736 (1) As described in Subsection 77-27-5(7), every individual committed to the state prison to  
1737 serve an indeterminate term and, after December 31, 2018, released on parole shall  
1738 complete a term of parole that extends through the expiration of the individual's  
1739 maximum sentence unless the parole is earlier terminated by the Board of Pardons and  
1740 Parole in accordance with the adult sentencing and supervision length guidelines, as  
1741 defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the  
1742 requirements of the law.

1743 (2)(a) Except as provided in Subsection (2)(b), an individual committed to the state  
1744 prison to serve an indeterminate term and released on parole on or after October 1,  
1745 2015, but before January 1, 2019, shall, upon completion of three years on parole  
1746 outside of confinement and without violation, be terminated from the individual's  
1747 sentence unless the parole is earlier terminated by the Board of Pardons and Parole or  
1748 is terminated pursuant to Section [~~64-13-21~~] 64-14-204.

1749 (b) An individual committed to the state prison to serve an indeterminate term and later  
1750 released on parole on or after July 1, 2008, but before January 1, 2019, and who was  
1751 convicted of a felony offense under Chapter 5, Offenses Against the Individual, or an  
1752 attempt, conspiracy, or solicitation to commit the offense, shall complete a term of  
1753 parole that extends through the expiration of the individual's maximum sentence,  
1754 unless the parole is earlier terminated by the Board of Pardons and Parole.

1755 (3) An individual convicted of a second degree felony for violating Section 76-5-404,  
1756 forcible sexual abuse; Section 76-5-404.1, sexual abuse of a child; or Section 76-5-404.3,  
1757 aggravated sexual abuse of a child; or attempting, conspiring, or soliciting the  
1758 commission of a violation of any of those sections, and who is paroled before July 1,  
1759 2008, shall, upon completion of 10 years parole outside of confinement and without  
1760 violation, be terminated from the sentence unless the individual is earlier terminated by  
1761 the Board of Pardons and Parole.

- 1762 (4) An individual who violates the terms of parole, while serving parole, for any offense  
1763 under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and  
1764 Parole be recommitted to prison to serve the portion of the balance of the term as  
1765 determined by the Board of Pardons and Parole, but not to exceed the maximum term.
- 1766 (5) An individual paroled following a former parole revocation may not be discharged from  
1767 the individual's sentence until:
- 1768 (a) the individual has served the applicable period of parole under this section outside of  
1769 confinement;
- 1770 (b) the individual's maximum sentence has expired; or
- 1771 (c) the Board of Pardons and Parole orders the individual to be discharged from the  
1772 sentence.
- 1773 (6)(a) All time served on parole, outside of confinement and without violation,  
1774 constitutes service toward the total sentence.
- 1775 (b) Any time an individual spends outside of confinement after commission of a parole  
1776 violation does not constitute service toward the total sentence unless the individual is  
1777 exonerated at a parole revocation hearing.
- 1778 (c)(i) Any time an individual spends in confinement awaiting a hearing before the  
1779 Board of Pardons and Parole or a decision by the board concerning revocation of  
1780 parole constitutes service toward the total sentence.
- 1781 (ii) In the case of exoneration by the board, the time spent is included in computing  
1782 the total parole term.
- 1783 (7) When a parolee causes the parolee's absence from the state without authority from the  
1784 Board of Pardons and Parole or avoids or evades parole supervision, the period of  
1785 absence, avoidance, or evasion tolls the parole period.
- 1786 (8)(a) While on parole, time spent in confinement outside the state may not be credited  
1787 toward the service of any Utah sentence.
- 1788 (b) Time in confinement outside the state or in the custody of any tribal authority or the  
1789 United States government for a conviction obtained in another jurisdiction tolls the  
1790 expiration of the Utah sentence.
- 1791 (9) This section does not preclude the Board of Pardons and Parole from paroling or  
1792 discharging an inmate at any time within the discretion of the Board of Pardons and  
1793 Parole unless otherwise specifically provided by law.
- 1794 (10) A parolee sentenced to lifetime parole may petition the Board of Pardons and Parole  
1795 for termination of lifetime parole.

1796 Section 30. Section **76-3-409** is amended to read:

1797 **76-3-409 . Child abuse or sex offense against child -- Treatment of offender or**  
1798 **victim -- Payment of costs.**

1799 (1) Any person convicted in the district court of child abuse, or a sexual offense if the  
1800 victim is under 18 years [~~of age~~] old, may be ordered to participate in treatment or  
1801 therapy under the supervision of the [~~adult probation and parole section of the~~  
1802 ~~Department of Corrections~~] Division of Adult Probation and Parole created in Section  
1803 64-14-202, in cooperation with the division of children, youth, and families until the  
1804 court is satisfied that such treatment or therapy has been successful or that no further  
1805 benefit to the convicted offender would result if such treatment or therapy were  
1806 continued. The court may also order treatment of the victim if it believes the same  
1807 would be beneficial under the circumstances. Nothing in this section shall preclude the  
1808 court from imposing any additional sentence as provided by law.

1809 (2) The convicted offender shall be ordered to pay, to the extent that he or she is able, the  
1810 costs of his or her treatment, together with treatment costs incurred by the victim and  
1811 any administrative costs incurred by the appropriate state agency in the supervision of  
1812 such treatment. If the convicted offender is unable to pay all or part of the costs of  
1813 treatment, the court may order the appropriate state agency to pay such costs to the  
1814 extent funding is provided by the Legislature for such purpose and shall order the  
1815 convicted offender to perform public service work as compensation for the cost of  
1816 treatment.

1817 Section 31. Section **77-2a-2** is amended to read:

1818 **77-2a-2 . Plea in abeyance agreement -- Negotiation -- Contents -- Terms of**  
1819 **agreement -- Waiver of time for sentencing.**

1820 (1) At any time after acceptance of a plea of guilty or no contest but before entry of  
1821 judgment of conviction and imposition of sentence, the court may, upon motion of both  
1822 the prosecuting attorney and the defendant, hold the plea in abeyance and not enter  
1823 judgment of conviction against the defendant nor impose sentence upon the defendant  
1824 within the time periods contained in Rule 22(a), Utah Rules of Criminal Procedure.

1825 (2) A defendant shall be represented by counsel during negotiations for a plea in abeyance  
1826 and at the time of acknowledgment and affirmation of any plea in abeyance agreement  
1827 unless the defendant knowingly and intelligently waives the defendant's right to counsel.

1828 (3) A defendant has the right to be represented by counsel at any court hearing relating to a  
1829 plea in abeyance agreement.

- 1830 (4)(a) Any plea in abeyance agreement entered into between the prosecution and the  
1831 defendant and approved by the court shall include a full, detailed recitation of the  
1832 requirements and conditions agreed to by the defendant and the reason for requesting  
1833 the court to hold the plea in abeyance.
- 1834 (b) If the plea is to a felony or any combination of misdemeanors and felonies, the  
1835 agreement shall be in writing and shall, before acceptance by the court, be executed  
1836 by the prosecuting attorney, the defendant, and the defendant's counsel in the  
1837 presence of the court.
- 1838 (5)(a) Except as provided in Subsection (5)(b), a plea may not be held in abeyance for a  
1839 period longer than 18 months if the plea is to any class of misdemeanor or longer  
1840 than three years if the plea is to any degree of felony or to any combination of  
1841 misdemeanors and felonies.
- 1842 (b)(i) For a plea in abeyance agreement that the ~~[Department of Corrections]~~ Division  
1843 of Adult Probation and Parole created in Section 64-14-202 supervises, the plea  
1844 may not be held in abeyance for a period longer than the initial term of probation  
1845 required under the adult sentencing and supervision length guidelines, as defined  
1846 in Section 63M-7-401.1, if the initial term of probation is shorter than the period  
1847 required under Subsection (5)(a).
- 1848 (ii) Subsection (5)(b)(i) does not:
- 1849 (A) apply to a plea that is held in abeyance in a drug court created under Title  
1850 78A, Chapter 5, Part 2, Drug Court, or a problem solving court approved by  
1851 the Judicial Council; or
- 1852 (B) prohibit court supervision of a plea in abeyance agreement after the day on  
1853 which the ~~[Department of Corrections]~~ Division of Adult Probation and Parole  
1854 supervision described in Subsection (5)(b)(i) ends and before the day on which  
1855 the plea in abeyance agreement ends.
- 1856 (6) Notwithstanding Subsection (5), a plea may be held in abeyance for up to two years if  
1857 the plea is to any class of misdemeanor and the plea in abeyance agreement includes a  
1858 condition that the defendant participate in a problem solving court approved by the  
1859 Judicial Council.
- 1860 (7) A plea in abeyance agreement may not be approved unless the defendant, before the  
1861 court, and any written agreement, knowingly and intelligently waives time for  
1862 sentencing as designated in Rule 22(a), Utah Rules of Criminal Procedure.
- 1863 Section 32. Section **77-2a-3** is amended to read:

- 1864           **77-2a-3 . Manner of entry of plea -- Powers of court -- Expungement.**
- 1865       (1)(a) Acceptance of any plea in anticipation of a plea in abeyance agreement shall be  
1866           done in full compliance with the Utah Rules of Criminal Procedure, Rule 11.
- 1867           (b) In cases charging offenses for which bail may be forfeited, a plea in abeyance  
1868           agreement may be entered into without a personal appearance before a magistrate.
- 1869       (2) A plea in abeyance agreement may provide that the court may, upon finding that the  
1870           defendant has successfully completed the terms of the agreement:
- 1871           (a) reduce the degree of the offense, enter a judgment of conviction for the lower degree  
1872           of the offense, and impose a sentence for the lower degree of the offense;
- 1873           (b) allow withdrawal of the defendant's plea and order the dismissal of the case; or
- 1874           (c) issue an order of expungement for all records of the offense if:
- 1875           (i) the defendant successfully completes a problem solving court program that is  
1876           certified by the Judicial Council; and
- 1877           (ii) the court allows the withdrawal of the defendant's plea and orders the dismissal of  
1878           the case.
- 1879       (3)(a) Upon finding that a defendant has successfully completed the terms of a plea in  
1880           abeyance agreement and only as provided in the plea in abeyance agreement or as  
1881           agreed to by all parties, the court may :
- 1882           (i) reduce the degree of the offense, enter a judgment of conviction for the lower  
1883           degree of the offense, and impose a sentence for the lower degree of the offense;
- 1884           (ii) allow withdrawal of the defendant's plea and order the dismissal of the case; or
- 1885           (iii) issue an order of expungement for all records of the offense if:
- 1886           (A) the defendant successfully completes a problem solving court program that is  
1887           certified by the Judicial Council; and
- 1888           (B) the court allows the withdrawal of the defendant's plea and orders the  
1889           dismissal of the case.
- 1890           (b) Upon sentencing a defendant for any lesser offense in accordance with a plea in  
1891           abeyance agreement, the court may not invoke Section 76-3-402 to further reduce the  
1892           degree of the offense.
- 1893       (4) The court may require the [~~Department of Corrections~~] Division of Adult Probation and  
1894           Parole created in Section 64-14-202 to assist in the administration of the plea in  
1895           abeyance agreement as if the defendant [~~were on probation to the court~~] were placed on  
1896           probation under Section 77-18-105.
- 1897       (5) The terms of a plea in abeyance agreement may include:

- 1898 (a) an order that the defendant pay a nonrefundable plea in abeyance fee, with a  
1899 surcharge based on the amount of the plea in abeyance fee, both of which shall be  
1900 allocated in the same manner as if paid as a fine for a criminal conviction under  
1901 Section 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal  
1902 Conviction Surcharge Allocation, and which may not exceed in amount the  
1903 maximum fine and surcharge which could have been imposed upon conviction and  
1904 sentencing for the same offense;
- 1905 (b) an order that the defendant pay the costs of any remedial or rehabilitative program  
1906 required by the terms of the agreement; and
- 1907 (c) an order that the defendant comply with any other conditions that could have been  
1908 imposed as conditions of probation upon conviction and sentencing for the same  
1909 offense.
- 1910 (6)(a) The terms of a plea in abeyance shall include:
- 1911 (i) a specific amount of restitution that the defendant will pay, as agreed to by the  
1912 defendant and the prosecuting attorney;
- 1913 (ii) a certification from the prosecuting attorney that:
- 1914 (A) the prosecuting attorney has consulted with all victims, including the Utah  
1915 Office for Victims of Crime; and
- 1916 (B) all victims, including the Utah Office for Victims of Crime, are not seeking  
1917 restitution; or
- 1918 (iii) an agreement between the parties that restitution will be determined by the court  
1919 at a subsequent hearing in accordance with Section 77-38b-205.
- 1920 (b) At a subsequent hearing described in Subsection (6)(a)(iii), the court shall order the  
1921 defendant, as a modified term of the plea in abeyance, to pay restitution to all victims  
1922 for the entire amount of pecuniary damages that are proximately caused by the  
1923 criminal conduct of the defendant.
- 1924 (c) The court shall collect, receive, process, and distribute payments for restitution to the  
1925 victim, unless otherwise provided by law or by the plea in abeyance agreement.
- 1926 (d) If the defendant does not successfully complete the terms of the plea in abeyance, the  
1927 court shall enter an order for restitution, in accordance with Chapter 38b, Crime  
1928 Victims Restitution Act, upon entering a sentence for the defendant.
- 1929 (7)(a) A court may not hold a plea in abeyance without the consent of both the  
1930 prosecuting attorney and the defendant.
- 1931 (b) A decision by a prosecuting attorney not to agree to a plea in abeyance is final.

- 1932 (8) No plea may be held in abeyance in any case involving:  
1933 (a) a sexual offense against an individual who is under 14 years old; or  
1934 (b) a driving under the influence violation under Section 41-6a-502, 41-6a-502.5,  
1935 41-6a-517, 41-6a-520, 41-6a-520.1, 41-6a-521.1, 76-5-102.1, or 76-5-207.
- 1936 (9)(a) If the terms of a plea in abeyance agreement allow a court to issue an order of  
1937 expungement as described in Subsection (2)(c), the prosecuting attorney shall make a  
1938 reasonable effort to provide notice to any victim of the offense of the terms of the  
1939 plea in abeyance agreement.
- 1940 (b) The notice under Subsection (9)(a) shall:  
1941 (i) state that the victim has a right to object to the expungement; and  
1942 (ii) provide instructions for registering an objection with the court.
- 1943 (c) If there is a victim of the offense, the victim may file an objection with the court  
1944 before the court makes a finding as to whether the defendant successfully completed  
1945 the terms of the plea in abeyance agreement as described in Subsection (3).
- 1946 (d) The defendant may respond, in writing, to any objection filed by the victim within 14  
1947 days after the day on which the objection is received by the court.
- 1948 (10) If the court issues an order of expungement under Subsection (3)(a)(iii), the court shall:  
1949 (a) expunge all records of the case as described in Section 77-40a-401; and  
1950 (b) notify the Bureau of Criminal Identification of the order of expungement.
- 1951 (11)(a) Upon receiving notice from the court of an expungement order as described in  
1952 Subsection (10), the Bureau of Criminal Identification shall notify any agency, as  
1953 defined in Section 77-40a-101, affected by the expungement order.
- 1954 (b) For purposes of Subsection (11)(a), the Bureau of Criminal Identification may not  
1955 notify the Board of Pardons and Parole of an expungement order if the individual has  
1956 never been:  
1957 (i) sentenced to prison in this state; or  
1958 (ii) under the jurisdiction of the Board of Pardons and Parole.
- 1959 (c) The Bureau of Criminal Identification shall forward a copy of the expungement order  
1960 to the Federal Bureau of Investigation.
- 1961 (12) The defendant may deliver copies of the expungement to any agency, as defined in  
1962 Section 77-40a-101, affected by the order of expungement.
- 1963 (13) If an agency receives an expungement order under this part, the agency shall expunge  
1964 all records for the case in accordance with Section 77-40a-401.  
1965 Section 33. Section **77-16a-103** is amended to read:

- 1966           **77-16a-103 . Plea of guilty with a mental condition-- Procedures -- Sentencing --**  
1967 **Reduction -- Costs.**
- 1968 (1)(a)(i) If a defendant wishes to enter a plea of guilty with a mental condition, the  
1969 parties may stipulate as to:
- 1970           (A) whether the defendant had a mental condition at the time of the commission of  
1971           the offense; and
- 1972           (B) whether the defendant could benefit from supervision or treatment.
- 1973           (ii) If the parties stipulate as described in Subsection (1)(a)(i), the court shall enter  
1974           findings consistent with the parties' stipulation if the stipulation is supported by  
1975           sufficient evidence.
- 1976 (b) If the parties do not stipulate to Subsection (1)(a)(i), the court shall hold a hearing  
1977 and determine, by clear and convincing evidence:
- 1978           (i) whether the defendant had a mental condition at the time of the commission of the  
1979           offense; and
- 1980           (ii) whether the defendant could benefit from supervision or treatment.
- 1981 (c) After reviewing the stipulation described in Subsection (1)(a)(i) or conducting a  
1982 hearing under Subsection (1)(b):
- 1983           (i) if the court finds that the defendant had a mental condition at the time of the  
1984           offense, the court shall accept the defendant's plea of guilty with a mental  
1985           condition; or
- 1986           (ii) if the court finds that the defendant did not have a mental condition at the time of  
1987           the offense, the court may not accept the defendant's plea of guilty with a mental  
1988           condition.
- 1989 (2)(a) If a defendant wishes to enter a plea of guilty with a mental condition for a felony  
1990 offense and the parties do not stipulate to Subsection (1)(a)(i), before holding the  
1991 hearing described in Subsection (1)(b), the court may order the defendant to submit  
1992 to an examination, which may be conducted only by a forensic evaluator appointed  
1993 by the department, to determine:
- 1994           (i) whether the defendant had a mental condition at the time of the commission of the  
1995           offense;
- 1996           (ii) whether the defendant could benefit from supervision or treatment; or
- 1997           (iii) whether the defendant currently is competent to enter a plea.
- 1998 (b)(i) If a defendant wishes to enter a plea of guilty with a mental condition for a  
1999 misdemeanor offense and the parties do not stipulate to Subsection (1)(a)(i),

- 2000 before holding the hearing described in Subsection (1)(b), the court may order the  
 2001 defendant to submit to an examination by a forensic evaluator.
- 2002 (ii) The examination shall determine:
- 2003 (A) whether the defendant had a mental condition at the time of the commission of  
 2004 the offense;
- 2005 (B) whether the defendant could benefit from supervision or treatment; or
- 2006 (C) whether the defendant currently is competent to enter a plea.
- 2007 (c) Before an examination is conducted pursuant to Subsection (1)(b) or this Subsection  
 2008 (2):
- 2009 (i) the petitioner or other party, as directed by the court or requested by the  
 2010 department, shall provide to the forensic evaluation provider nonmedical  
 2011 information and materials relevant to a treatment assessment, including the  
 2012 charging document, arrest or incident reports pertaining to the charged offense,  
 2013 known criminal history information, and known prior mental health evaluations  
 2014 and treatments; and
- 2015 (ii) for purposes of a guilty with a mental condition evaluation, a custodian of mental  
 2016 health records pertaining to the defendant, including the defendant's prior mental  
 2017 health evaluations or records relating to the defendant's substance use disorder,  
 2018 may provide the records to:
- 2019 (A) with the defendant's consent, a forensic evaluation provider or the department  
 2020 on the department's request; or
- 2021 (B) pursuant to an order of the court, a forensic evaluation provider.
- 2022 (3)(a) If a defendant relies on a private mental health evaluation in support of the  
 2023 defendant's plea of guilty with a mental condition and the parties do not stipulate to  
 2024 Subsection (1)(a)(i), upon the request of the prosecutor before the hearing described  
 2025 in Subsection (1)(b), the court shall order the defendant to submit to an examination  
 2026 by:
- 2027 (i) the department if the offense is a felony; or
- 2028 (ii) the department or a forensic evaluator if the offense is a misdemeanor.
- 2029 (b) The petitioner or other party, as directed by the court or requested by the department,  
 2030 shall provide to the private mental health evaluation provider nonmedical information  
 2031 and materials relevant to a treatment assessment, including the charging document,  
 2032 arrest or incident reports pertaining to the charged offense, known criminal history  
 2033 information, and known prior mental health evaluations and treatments.

- 2034 (c) For purposes of a guilty with a mental condition evaluation, a custodian of mental  
2035 health records pertaining to the defendant, including the defendant's prior mental  
2036 health evaluations or records relating to the defendant's substance use disorder, may  
2037 provide the records to:
- 2038 (i) with the defendant's consent, a private mental health evaluation provider or the  
2039 department on the department's request; or
- 2040 (ii) pursuant to an order of the court, a private mental health evaluation provider.
- 2041 (4) If a court finds that a defendant was guilty with a mental condition at the time of the  
2042 offense in accordance with Subsection (1)(c)(i) but would not benefit from available  
2043 supervision or treatment, the court shall hold a sentencing hearing within 45 days of the  
2044 entry of the defendant's plea of guilty with a mental condition.
- 2045 (5)(a) If a court finds that a defendant had a mental condition at the time of the  
2046 commission of the offense, the defendant could benefit from supervision or  
2047 treatment, and has entered a plea of guilty with a mental condition in accordance with  
2048 Subsection (1)(c)(i), the court:
- 2049 (i) shall order:
- 2050 (A) the department to provide a treatment assessment of the defendant and to  
2051 submit to the court treatment recommendations for the defendant; or
- 2052 (B) the defendant to arrange for a treatment assessment of the defendant with a  
2053 private provider and for the private provider to submit to the court treatment  
2054 recommendations for the defendant;
- 2055 (ii) shall schedule a treatment review hearing within 30 days after the day on which  
2056 the court entered the plea of guilty with a mental condition; and
- 2057 (iii) may defer sentencing for up to one year in accordance with Subsection (6), if the  
2058 defendant consents to a deferred sentence.
- 2059 (b) The petitioner or other party, as directed by the court or requested by the department,  
2060 shall provide to the treatment assessment provider nonmedical information and  
2061 materials relevant to a treatment assessment, including the charging document, arrest  
2062 or incident reports pertaining to the charged offense, known criminal history  
2063 information, and known prior mental health evaluations and treatments.
- 2064 (c) For purposes of a guilty with a mental condition treatment assessment, a custodian of  
2065 mental health records pertaining to the defendant, including the defendant's prior  
2066 mental health evaluations or records relating to the defendant's substance use  
2067 disorder, may provide the records to:

- 2068 (i) with the defendant's consent, a treatment assessment provider or the department on  
2069 the department's request; or
- 2070 (ii) pursuant to an order of the court, a treatment assessment provider.
- 2071 (d) At the treatment review hearing described in Subsection (5)(a)(ii), the court shall:
- 2072 (i) consider all available diagnosis, treatment, and supervision recommendations;
- 2073 (ii) if a party does not agree with treatment recommendations issued by the  
2074 department under Subsection (5)(a)(i)(A), hold a hearing on the issue of the  
2075 department's recommendations and make appropriate modifications to the  
2076 recommendations if necessary; and
- 2077 (iii) order the defendant to comply with all treatment and supervision  
2078 recommendations that are in the best interest of the defendant and public safety.
- 2079 (e)(i) In determining treatment and supervision recommendations under Subsection  
2080 (5)(d), the court may order the defendant to be placed in a secure setting as  
2081 described in Subsections (5)(e)(ii) and (iii) if the court finds that the placement  
2082 would be in the best interest of the defendant, a victim of the defendant, or public  
2083 safety.
- 2084 (ii)(A) If the offense is a class C misdemeanor, the court may not place the  
2085 defendant in a secure setting for more than 90 days.
- 2086 (B) If the offense is a class B misdemeanor, the court may not place the defendant  
2087 in a secure setting for more than six months.
- 2088 (C) If the offense is a class A misdemeanor or a felony, the court may place the  
2089 defendant in a secure setting for up to one year.
- 2090 (iii) The court shall, before making a determination as to a secure setting placement,  
2091 notify the executive director of the proposed placement and provide the  
2092 department with an opportunity to:
- 2093 (A) evaluate the defendant; and
- 2094 (B) make a recommendation regarding placement to the court.
- 2095 (f) If the court determines that the defendant is eligible for supervised release as part of  
2096 the defendant's treatment and supervision recommendations under Subsection (5)(d),  
2097 except as provided in Section 76-3-406, the court may order:
- 2098 (i) if the offense is a felony:
- 2099 (A) supervision by the Division of Adult Probation and Parole created in Section  
2100 64-14-202, or a third party that is approved by the Division of Adult Probation  
2101 and Parole, for a period of up to one year in accordance with the applicable

- 2102 supervision provisions described in Title 64, Chapter 13, Department of  
2103 Corrections - State Prison, and Title 64, Chapter 14, Adult Probation and Parole;  
2104 and
- 2105 (B) mental health supervision by:
- 2106 (I) the department or a local mental health authority; or
- 2107 (II) if the court determines that it is appropriate, a public or private entity that  
2108 provides mental or behavioral health services and is approved by the; or
- 2109 (ii) if the offense is a misdemeanor, mental health supervision by:
- 2110 (A) a local mental health authority; or
- 2111 (B) if the court determines that it is appropriate, a public or private entity that  
2112 provides mental or behavioral health services and is approved by the  
2113 department.
- 2114 (g)(i) After the initial review hearing described in Subsection (5)(a), the court shall  
2115 hold periodic review hearings approximately every 90 days, the frequency of  
2116 which may be modified by the court.
- 2117 (ii) At a review hearing described in Subsection (5)(g)(i):
- 2118 (A) the department or the department's designee shall report on the progress of the  
2119 defendant, provide recommendations for the defendant's future care, treatment,  
2120 and secure or unsecure placement, and advise the court on the medical  
2121 necessity of treatments for the defendant;
- 2122 (B) the court shall review the status of the defendant and determine whether any  
2123 changes are needed to the defendant's supervision or treatment plan; and
- 2124 (C) a party may request, if the party has a good faith basis, that the court review or  
2125 change the defendant's placement within a secure or non-secure setting.
- 2126 (h) If a defendant is willfully non-compliant with the treatment or supervision ordered  
2127 by the court under this Subsection (5), the court shall hold an order to show cause  
2128 hearing to determine whether the court should:
- 2129 (i) proceed with sentencing under Subsection (6);
- 2130 (ii) change the defendant's placement to a secure setting;
- 2131 (iii) impose another sanction; or
- 2132 (iv) take no action.
- 2133 (6)(a) The court shall defer sentencing for a defendant who has pleaded guilty with a  
2134 mental condition as described in Subsection (5) until:
- 2135 (i) the court determines, after an order to show cause hearing or a review hearing as

- 2136 described in Subsection (5), that:
- 2137 (A) the defendant is willfully non-compliant with treatment or supervision and is
- 2138 unlikely to become compliant with further ordered treatment or supervision; or
- 2139 (B) the defendant has reached the maximum benefit of treatment and supervision;
- 2140 or
- 2141 (ii) one year has elapsed after the day on which the court entered the defendant's plea
- 2142 of guilty with a mental condition.
- 2143 (b) At the sentencing hearing, the court shall:
- 2144 (i) consider all treatment and supervision that has occurred before the sentencing
- 2145 hearing in the defendant's case;
- 2146 (ii) credit any time the defendant has spent in a mental health facility or other
- 2147 residential treatment facility or a secure facility against the defendant's sentence;
- 2148 (iii) consider victim input;
- 2149 (iv) consider the best interests of the defendant, including which sentence will help
- 2150 prevent the defendant:
- 2151 (A) from losing the defendant's ability to control the defendant's state of mental
- 2152 health; and
- 2153 (B) from committing additional criminal conduct related to the defendant's mental
- 2154 condition;
- 2155 (v) consider the best interest of public safety; and
- 2156 (vi) consider any other relevant factor or circumstance.
- 2157 (7)(a) Except as provided in Subsection (7)(b), after a defendant who has been sentenced
- 2158 under Subsection (6) has completed the defendant's sentence and any probation or
- 2159 parole:
- 2160 (i) notwithstanding the contrary provisions in Subsection 76-3-402(4) or 76-3-406(1),
- 2161 the court has jurisdiction to enter a judgment of conviction and shall reduce the
- 2162 judgment of conviction for the offense by two degrees from the original offense;
- 2163 and
- 2164 (ii) notwithstanding the contrary provisions in Subsection 76-3-402(4) or 76-3-406(1),
- 2165 if the prosecuting attorney specifically agrees in writing or on the court record at
- 2166 any time, the court has jurisdiction to consider and enter a judgment of conviction
- 2167 and may enter a judgment of conviction for the offense that is reduced by up to
- 2168 three degrees from the original offense.
- 2169 (b) If a defendant's probation is revoked and any suspended sentence is imposed, the

- 2170 defendant may not receive a reduction under this Subsection (7).
- 2171 (8)(a)(i) Except as provided in Subsection (8)(a)(iv), when the offense is a state  
2172 offense, expenses of examination, observation, and treatment for the defendant  
2173 shall be paid by the department when not paid for by the defendant's insurance.
- 2174 (ii) Travel expenses shall be paid by the county where prosecution is commenced.
- 2175 (iii) Expenses of examination for a defendant charged with a violation of a municipal  
2176 or county ordinance shall be paid by the municipality or county that commenced  
2177 the prosecution.
- 2178 (iv) The department is not responsible for payment for an evaluation described in  
2179 Subsection (3)(a)(ii) that is conducted by a forensic evaluator who is privately  
2180 retained by a party.
- 2181 (b)(i) Provisions in this part for the support at public expense of a defendant with a  
2182 mental condition do not release an insurer of a defendant with a mental condition  
2183 from liability for the care or treatment of the defendant with a mental condition.
- 2184 (ii) The department is authorized to collect amounts spent on a defendant with a  
2185 mental condition from an insurer of the defendant with a mental condition.
- 2186 (iii) A health insurance company may not deny coverage for court-ordered treatment  
2187 or supervision of a defendant with a mental condition solely based on the fact that  
2188 the treatment or supervision is ordered by a court if the treatment or supervision is  
2189 medically necessary and would otherwise be a covered benefit under the  
2190 defendant's insurance plan.
- 2191 (9) A guilty with a mental condition evaluation conducted under this section is also subject  
2192 to the procedural requirements of Subsections 77-15-5(8) through (11) and 77-15-6(4)(a).  
2193 Section 34. Section **77-16a-205** is amended to read:  
2194 **77-16a-205 . Parole.**
- 2195 (1) When an offender with a mental condition who has been committed to the department  
2196 becomes eligible to be considered for parole, the board shall request a recommendation  
2197 from the executive director and from UDC before placing the offender on parole.
- 2198 (2) Before setting a parole date, the board shall request that its mental health adviser  
2199 prepare a report regarding the offender with a mental condition, including:
- 2200 (a) all available clinical facts;
- 2201 (b) the diagnosis;
- 2202 (c) the course of treatment received at the mental health facility;
- 2203 (d) the prognosis for remission of symptoms;

- 2204 (e) potential for recidivism;
- 2205 (f) an estimation of the dangerousness of the offender with a mental condition either to
- 2206 self or others; and
- 2207 (g) recommendations for future treatment.
- 2208 (3) Based on the report described in Subsection (2), the board may place the offender with a
- 2209 mental condition on parole. The board may require mental health treatment as a
- 2210 condition of parole. If treatment is ordered, failure to continue treatment, except by
- 2211 agreement with the treatment provider, and the board, is a basis for initiation of parole
- 2212 violation hearings by the board.
- 2213 (4)(a) ~~[UDC, through Adult Probation and Parole,]~~ The Division of Adult Probation and
- 2214 Parole created in Section 64-14-202 shall monitor the status of an offender with a
- 2215 mental condition who has been placed on parole.[-]
- 2216 (b) UDC may provide treatment by contracting with the department, a local mental
- 2217 health authority, any other public or private provider, or in-house staff.
- 2218 (5) The board may not subsequently reduce the period of parole without considering an
- 2219 updated report on the offender's current mental condition.
- 2220 Section 35. Section **77-18-102** is amended to read:
- 2221 **77-18-102 . Definitions.**
- 2222 As used in this chapter:
- 2223 (1) "Assessment" means the same as the term "risk and needs assessment" in Section 77-1-3.
- 2224 (2) "Board" means the Board of Pardons and Parole.
- 2225 (3) "Civil accounts receivable" means the same as that term is defined in Section
- 2226 77-32b-102.
- 2227 (4) "Civil judgment of restitution" means the same as that term is defined in Section
- 2228 77-32b-102.
- 2229 (5) "Convicted" means the same as that term is defined in Section 76-3-201.
- 2230 (6) "Criminal accounts receivable" means the same as that term is defined in Section
- 2231 77-32b-102.
- 2232 (7) "Default" means the same as that term is defined in Section 77-32b-102.
- 2233 (8) "Delinquent" means the same as that term is defined in Section 77-32b-102.
- 2234 (9) "Department" means the Department of Corrections created in Section 64-13-2.
- 2235 (10) "Division" means the Division of Adult Probation and Parole created in Section
- 2236 64-14-202.
- 2237 [(10)] (11) "Habitual offender" means an individual who has been convicted in:

- 2238 (a) at least six cases for one or more felony offenses in each case; and
- 2239 (b) each case described in Subsection [~~(10)~~(a)] (11)(a) within five years before the day on
- 2240 which the defendant is convicted of the felony offense before the court.
- 2241 [~~(11)~~] (12) "Payment schedule" means the same as that term is defined in Section
- 2242 77-32b-102.
- 2243 [~~(12)~~] (13) "Restitution" means the same as that term is defined in Section 77-38b-102.
- 2244 [~~(13)~~] (14) "Screening" means a tool or questionnaire that is designed to determine whether
- 2245 an individual needs further assessment or any additional resource or referral for
- 2246 treatment.
- 2247 [~~(14)~~] (15) "Substance use disorder treatment" means treatment obtained through a
- 2248 substance use disorder program that is licensed by the Office of Licensing within the
- 2249 Department of Health and Human Services.
- 2250 Section 36. Section **77-18-105** is amended to read:
- 2251 **77-18-105 . Pleas held in abeyance -- Suspension of a sentence -- Probation --**
- 2252 **Supervision -- Terms and conditions of probation -- Time periods for probation -- Bench**
- 2253 **supervision for payments on criminal accounts receivable.**
- 2254 (1) If a defendant enters a plea of guilty or no contest in conjunction with a plea in
- 2255 abeyance agreement, the court may hold the plea in abeyance:
- 2256 (a) in accordance with Chapter 2a, Pleas in Abeyance; and
- 2257 (b) under the terms of the plea in abeyance agreement.
- 2258 (2) If a defendant is convicted, the court:
- 2259 (a) shall impose a sentence in accordance with Section 76-3-201; and
- 2260 (b) subject to Subsection (5), may suspend the execution of the sentence and place the
- 2261 defendant:
- 2262 (i) on probation under the supervision of the [~~department~~] division;
- 2263 (ii) on probation under the supervision of an agency of a local government or a
- 2264 private organization; or
- 2265 (iii) on court probation under the jurisdiction of the sentencing court.
- 2266 (3)(a) The legal custody of all probationers under the supervision of the [~~department~~]
- 2267 division is with the department.
- 2268 (b) The legal custody of all probationers under the jurisdiction of the sentencing court is
- 2269 vested as ordered by the court.
- 2270 (c) The court has continuing jurisdiction over all probationers.
- 2271 (4)(a) Court probation may include an administrative level of services, including

- 2272 notification to the sentencing court of scheduled periodic reviews of the probationer's  
2273 compliance with conditions.
- 2274 (b) Supervised probation services provided by the [department] division, an agency of a  
2275 local government, or a private organization shall specifically address the defendant's  
2276 risk of reoffending as identified by a screening or an assessment.
- 2277 (c) If a court orders supervised probation and determines that a public probation  
2278 provider is unavailable or inappropriate to supervise the defendant, the court shall  
2279 make available to the defendant the list of private probation providers prepared by a  
2280 criminal justice coordinating council under Section 17-55-201.
- 2281 (5)(a) Before ordering supervised probation, the court shall consider the supervision  
2282 costs to the defendant for each entity that can supervise the defendant.
- 2283 (b)(i) A court may order an agency of a local government to supervise the probation  
2284 for an individual convicted of any crime if:
- 2285 (A) the agency has the capacity to supervise the individual; and  
2286 (B) the individual's supervision needs will be met by the agency.
- 2287 (ii) A court may only order:
- 2288 (A) the [department] division to supervise the probation for an individual  
2289 convicted of a class A misdemeanor or any felony; or  
2290 (B) a private organization to supervise the probation for an individual convicted of  
2291 a class A, B, or C misdemeanor or an infraction.
- 2292 (c) A court may not order a specific private organization to supervise an individual  
2293 unless there is only one private organization that can provide the specific supervision  
2294 services required to meet the individual's supervision needs.
- 2295 (6)(a) If a defendant is placed on probation, the court may order the defendant as a  
2296 condition of the defendant's probation:
- 2297 (i) to provide for the support of persons for whose support the defendant is legally  
2298 liable;
- 2299 (ii) to participate in available treatment programs, including any treatment program in  
2300 which the defendant is currently participating if the program is acceptable to the  
2301 court;
- 2302 (iii) be voluntarily admitted to the custody of the Division of Substance [Abuse] Use  
2303 and Mental Health for treatment at the Utah State Hospital in accordance with  
2304 Section 77-18-106;
- 2305 (iv) if the defendant is on probation for a felony offense, to serve a period of time as

- 2306 an initial condition of probation that does not exceed one year in a county jail  
2307 designated by the department, after considering any recommendation by the court  
2308 as to which jail the court finds most appropriate;
- 2309 (v) to serve a term of home confinement in accordance with Section 77-18-107;  
2310 (vi) to participate in compensatory service programs, including the compensatory  
2311 service program described in Section 76-3-410;  
2312 (vii) to pay for the costs of investigation, probation, or treatment services;  
2313 (viii) to pay restitution to a victim with interest in accordance with Chapter 38b,  
2314 Crime Victims Restitution Act; or  
2315 (ix) to comply with other terms and conditions the court considers appropriate to  
2316 ensure public safety or increase a defendant's likelihood of success on probation.
- 2317 (b)(i) Notwithstanding Subsection (6)(a)(iv), the court may modify the probation of a  
2318 defendant to include a period of time that is served in a county jail immediately  
2319 before the termination of probation as long as that period of time does not exceed  
2320 one year.
- 2321 (ii) If a defendant is ordered to serve time in a county jail as a sanction for a  
2322 probation violation, the one-year limitation described in Subsection (6)(a)(iv) or  
2323 (6)(b)(i) does not apply to the period of time that the court orders the defendant to  
2324 serve in a county jail under this Subsection (6)(b)(ii).
- 2325 (7)(a) Except as provided in Subsection (7)(b), probation of an individual placed on  
2326 probation after December 31, 2018:
- 2327 (i) may not exceed the individual's maximum sentence;  
2328 (ii) shall be for a period of time that is in accordance with the adult sentencing and  
2329 supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the  
2330 guidelines are consistent with the requirements of the law; and  
2331 (iii) shall be terminated in accordance with the adult sentencing and supervision  
2332 length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines  
2333 are consistent with the requirements of the law.
- 2334 (b) Probation of an individual placed on probation after December 31, 2018, whose  
2335 maximum sentence is one year or less, may not exceed 36 months.
- 2336 (c) Probation of an individual placed on probation on or after October 1, 2015, but  
2337 before January 1, 2019, may be terminated at any time at the discretion of the court  
2338 or upon completion without violation of 36 months probation in felony or class A  
2339 misdemeanor cases, 12 months in cases of class B or C misdemeanors or infractions,

- 2340 or as allowed in accordance with Section 64-13-21 regarding earned credits.
- 2341 (d) This Subsection (7) does not apply to the probation of an individual convicted of an
- 2342 offense for criminal nonsupport under Section 76-7-201.
- 2343 (8)(a) Notwithstanding Subsection (7), if there is an unpaid balance of the criminal
- 2344 accounts receivable for the defendant upon termination of the probation period for
- 2345 the defendant under Subsection (7), the court may require the defendant to continue
- 2346 to make payments towards the criminal accounts receivable in accordance with the
- 2347 payment schedule established by the court under Section 77-32b-103.
- 2348 (b) A court may not require the defendant to make payments as described in Subsection
- 2349 (8)(a) beyond the expiration of the defendant's sentence.
- 2350 (c) If the court requires a defendant to continue to pay in accordance with the payment
- 2351 schedule for the criminal accounts receivable under this Subsection (8) and the
- 2352 defendant defaults on the criminal accounts receivable, the court shall proceed with
- 2353 an order for a civil judgment of restitution and a civil accounts receivable for the
- 2354 defendant as described in Section 77-18-114.
- 2355 (d)(i) Upon a motion from the prosecuting attorney, the victim, or upon the court's
- 2356 own motion, the court may require a defendant to show cause as to why the
- 2357 defendant's failure to pay in accordance with the payment schedule should not be
- 2358 treated as contempt of court.
- 2359 (ii) A court may hold a defendant in contempt for failure to make payments for a
- 2360 criminal accounts receivable in accordance with Title 78B, Chapter 6, Part 3,
- 2361 Contempt.
- 2362 (e) This Subsection (8) does not apply to the probation of an individual convicted of an
- 2363 offense for criminal nonsupport under Section 76-7-201.
- 2364 (9) When making any decision regarding probation:
- 2365 (a) the court shall consider information provided by the Department of Corrections
- 2366 regarding a defendant's individual case action plan, including any progress the
- 2367 defendant has made in satisfying the case action plan's completion requirements; and
- 2368 (b) the court may not rely solely on an algorithm or a risk assessment tool score.
- 2369 Section 37. Section **77-18-107** is amended to read:
- 2370 **77-18-107 . Home confinement -- Electronic monitoring for home confinement.**
- 2371 (1) The court may order home confinement as a condition of probation under the
- 2372 supervision of the [department] division, except as provided in Sections 76-3-406 and
- 2373 76-5-406.5.

- 2374 (2) The department shall establish procedures and standards for home confinement for all  
2375 defendants supervised by the [department] division for home confinement.
- 2376 (3) If the court places the defendant on probation and orders the defendant to participate in  
2377 home confinement under Subsection (1), the court may order the defendant to participate  
2378 in home confinement through the use of electronic monitoring until further order of the  
2379 court.
- 2380 (4) The electronic monitoring of a defendant shall alert the [department] division and the  
2381 appropriate law enforcement agency of the defendant's whereabouts.
- 2382 (5) An electronic monitoring device shall be used under conditions that require:  
2383 (a) the defendant to wear an electronic monitoring device at all times; and  
2384 (b) the device be placed in the home of the defendant to monitor the defendant's  
2385 compliance with the court's order.
- 2386 (6) If a court orders a defendant to participate in home confinement through electronic  
2387 monitoring as a condition of probation under Subsection (3), the court shall:  
2388 (a) place the defendant on probation under the supervision of the [department] division;  
2389 (b) order the [department] division to place an electronic monitoring device on the  
2390 defendant and install electronic monitoring equipment in the residence of the  
2391 defendant; and  
2392 (c) order the defendant to pay the costs associated with home confinement to the  
2393 department or the program provider.
- 2394 (7) The department shall pay the costs of home confinement through electronic monitoring  
2395 only for an individual who is determined to be indigent by the court.
- 2396 (8) The department may provide the electronic monitoring described in this section directly  
2397 or by contract with a private provider.

2398 Section 38. Section **77-18-108** is amended to read:

2399 **77-18-108 . Termination, revocation, modification, or extension of probation --**

2400 **Violation of probation -- Hearing on violation.**

- 2401 (1)(a) The [department] division shall send a written notice to the court:  
2402 (i) when the [department] division is recommending termination of supervision for a  
2403 defendant; or  
2404 (ii) before a defendant's supervision will be terminated by law.
- 2405 (b) The written notice under this Subsection (1) shall include:  
2406 (i) a probation progress report; and  
2407 (ii) if the department is responsible for the collection of the defendant's criminal

2408 accounts receivable, a summary of the criminal accounts receivable, including the  
2409 amount of restitution ordered and the amount of restitution that has been paid.

2410 (c)(i) Upon receipt of the written notice under Subsection (1)(a), the court shall:

2411 (A) file the written notice on the docket; and

2412 (B) provide notice to all parties in the criminal case.

2413 (ii) A party shall have a reasonable opportunity to respond to the written notice under  
2414 Subsection (1)(a).

2415 (d) If a defendant's probation is being terminated, and the defendant's criminal accounts  
2416 receivable has an unpaid balance or there is any outstanding debt with the  
2417 department, the department shall send a written notice to the Office of State Debt  
2418 Collection with a summary of the defendant's criminal accounts receivable, including  
2419 the amount of restitution ordered and the amount of restitution that has been paid.

2420 (2)(a) The court may modify the defendant's probation in accordance with the adult  
2421 sentencing and supervision length guidelines, as defined in Section 63M-7-401.1.

2422 (b) The court may not:

2423 (i) extend the length of a defendant's probation, except upon:

2424 (A) waiver of a hearing by the defendant; or

2425 (B) a hearing and a finding by the court that the defendant has violated the terms  
2426 of probation;

2427 (ii) revoke a defendant's probation, except upon a hearing and a finding by the court  
2428 that the terms of probation have been violated; or

2429 (iii) terminate a defendant's probation before expiration of the probation period until  
2430 the court:

2431 (A) reviews the docket to determine whether the defendant owes a balance on the  
2432 defendant's criminal accounts receivable; and

2433 (B) enters a finding of whether the defendant owes restitution under Section  
2434 77-38b-205.

2435 (c) The court may find under Subsection (2)(b)(iii)(B) that the defendant does not owe  
2436 restitution if no request for restitution has been filed with the court.

2437 (3)(a) Upon the filing of an affidavit, or an unsworn written declaration executed in  
2438 substantial compliance with Title 78B, Chapter 18a, Uniform Unsworn Declarations  
2439 Act, alleging with particularity facts asserted to constitute violation of the terms of a  
2440 defendant's probation, the court shall determine if the affidavit or unsworn written  
2441 declaration establishes probable cause to believe that revocation, modification, or

- 2442 extension of the defendant's probation is justified.
- 2443 (b)(i) If the court determines there is probable cause, the court shall order that the
- 2444 defendant be served with:
- 2445 (A) a warrant for the defendant's arrest or a copy of the affidavit or unsworn
- 2446 written declaration; and
- 2447 (B) an order to show cause as to why the defendant's probation should not be
- 2448 revoked, modified, or extended.
- 2449 (ii) The order under Subsection (3)(b)(i)(B) shall:
- 2450 (A) be served upon the defendant at least five days before the day on which the
- 2451 hearing is held;
- 2452 (B) specify the time and place of the hearing; and
- 2453 (C) inform the defendant of the right to be represented by counsel at the hearing,
- 2454 the right to have counsel appointed if the defendant is indigent, and the right to
- 2455 present evidence at the hearing.
- 2456 (iii) The defendant shall show good cause for a continuance of the hearing.
- 2457 (c) At the hearing, the defendant shall admit or deny the allegations of the affidavit or
- 2458 unsworn written declaration.
- 2459 (d)(i) If the defendant denies the allegations of the affidavit or unsworn written
- 2460 declaration, the prosecuting attorney shall present evidence on the allegations.
- 2461 (ii) If the affidavit, or unsworn written declaration, alleges that a defendant is
- 2462 delinquent, or in default, on a criminal accounts receivable, the prosecuting
- 2463 attorney shall present evidence to establish, by a preponderance of the evidence,
- 2464 that the defendant:
- 2465 (A) was aware of the defendant's obligation to pay the balance of the criminal
- 2466 accounts receivable;
- 2467 (B) failed to pay on the balance of the criminal accounts receivable as ordered by
- 2468 the court; and
- 2469 (C) had the ability to make a payment on the balance of the criminal accounts
- 2470 receivable if the defendant opposes an order to show cause, in writing, and
- 2471 presents evidence that the defendant was unable to make a payment on the
- 2472 balance of the criminal accounts receivable.
- 2473 (e) The persons who have given adverse information on which the allegations are based
- 2474 shall be presented as witnesses subject to questioning by the defendant, unless the
- 2475 court for good cause otherwise orders.

- 2476 (f) At the hearing, the defendant may:
- 2477 (i) call witnesses;
- 2478 (ii) appear and speak in the defendant's own behalf; and
- 2479 (iii) present evidence.
- 2480 (g)(i) After the hearing, the court shall make findings of fact.
- 2481 (ii) Upon a finding that the defendant violated the terms of the defendant's probation,
- 2482 the court may order the defendant's probation terminated, revoked, modified,
- 2483 continued, or reinstated for all or a portion of the original term of probation.
- 2484 (4)(a)(i) Except as provided in Subsection 77-18-105(7), the court may not require a
- 2485 defendant to remain on probation for a period of time that exceeds the length of
- 2486 the defendant's maximum sentence.
- 2487 (ii) Except as provided in Subsection 77-18-105(7), if a defendant's probation is
- 2488 revoked and later reinstated, the total time of all periods of probation that the
- 2489 defendant serves, in relation to the same sentence, may not exceed the defendant's
- 2490 maximum sentence.
- 2491 (b) If the court orders a sanction for a defendant who violated terms of probation, the
- 2492 court may:
- 2493 (i) order a period of incarceration that is consistent with the adult sentencing and
- 2494 supervision length guidelines, as defined in Section 63M-7-401.1;
- 2495 (ii) order a period of incarceration that deviates from the guidelines with an
- 2496 explanation for the deviation on the record;
- 2497 (iii) order treatment services that are immediately available in the community for a
- 2498 defendant that needs substance abuse or mental health treatment, as determined by
- 2499 a screening and assessment;
- 2500 (iv) execute the sentence previously imposed; or
- 2501 (v) order any other appropriate sanction.
- 2502 (c) If the defendant had, before the imposition of a term of incarceration or the execution
- 2503 of the previously imposed sentence under this section, served time in jail as a term of
- 2504 probation or due to a violation of probation, the time that the defendant served in jail
- 2505 constitutes service of time toward the sentence previously imposed.
- 2506 (5)(a) Any time served by a defendant:
- 2507 (i) outside of confinement after having been charged with a probation violation, and
- 2508 before a hearing to revoke probation, does not constitute service of time toward
- 2509 the total probation term, unless the defendant is exonerated at a hearing to revoke

- 2510 the defendant's probation;
- 2511 (ii) in confinement awaiting a hearing or a decision concerning revocation of the
- 2512 defendant's probation does not constitute service of time toward the total
- 2513 probation term, unless the defendant is exonerated at the hearing to revoke
- 2514 probation; or
- 2515 (iii) in confinement awaiting a hearing or a decision concerning revocation of the
- 2516 defendant's probation constitutes service of time toward a term of incarceration
- 2517 imposed as a result of the revocation of probation or a graduated and
- 2518 evidence-based response imposed under the adult sentencing and supervision
- 2519 length guidelines, as defined in Section 63M-7-401.1.
- 2520 (b) The running of the probation period is tolled upon:
- 2521 (i) the filing of a report with the court alleging a violation of the terms of the
- 2522 defendant's probation; or
- 2523 (ii) the issuance of an order or a warrant under Subsection (3).
- 2524 Section 39. Section **77-18-109** is amended to read:
- 2525 **77-18-109 . Standards for supervision and presentence investigation.**
- 2526 (1) The department shall establish supervision and presentence investigation standards for
- 2527 all individuals referred to the [department] division based on:
- 2528 (a) the type of offense;
- 2529 (b) the results of a screening and an assessment;
- 2530 (c) the demand for services;
- 2531 (d) the availability of agency resources;
- 2532 (e) public safety; and
- 2533 (f) other criteria established by the department to determine what level of services shall
- 2534 be provided.
- 2535 (2) The department shall submit proposed supervision and presentence investigation
- 2536 standards annually to the Judicial Council and the board for review and comment before
- 2537 the department adopts the standards.
- 2538 (3) The Judicial Council and the department shall establish procedures for the division to
- 2539 implement the supervision and presentence investigation standards.
- 2540 (4) The Judicial Council and the department shall annually consider modifications to the
- 2541 standards based upon criteria in Subsection (1) and other criteria as the Judicial Council
- 2542 and the department consider appropriate.
- 2543 (5) The Judicial Council and the department shall:

- 2544 (a) annually prepare an impact report; and  
 2545 (b) submit the impact report to the appropriate legislative appropriations subcommittee.

2546 Section 40. Section **77-20-203** is amended to read:

2547 **77-20-203 . County sheriff authority to release an individual from jail on own**  
 2548 **recognizance.**

2549 (1) As used in this section:

2550 (a) "Division" means the Division of Adult Probation and Parole created in Section  
 2551 64-14-202.

2552 [~~(a)~~] (b)(i) "Qualifying domestic violence offense" means the same as that term is  
 2553 defined in Subsection 77-36-1.1(4).

2554 (ii) "Qualifying domestic violence offense" does not include criminal mischief as  
 2555 described in Section 76-6-106.

2556 [~~(b)~~] (c) "Qualifying offense" means the same as that term is defined in Section  
 2557 78B-7-801.

2558 [~~(e)~~] (d) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

2559 (2) Except as provided in Subsection (3), a county jail official may release an individual  
 2560 from a jail facility on the individual's own recognizance if:

2561 (a) the individual was arrested without a warrant;

2562 (b) the individual was not arrested for:

2563 (i) a violent felony;

2564 (ii) a qualifying offense;

2565 (iii) the offense of driving under the influence or driving with a measurable  
 2566 controlled substance in the body if the offense results in death or serious bodily  
 2567 injury to an individual; or

2568 (iv) an offense described in Subsection 76-9-101(4);

2569 (c) law enforcement has not submitted a probable cause statement to a court or  
 2570 magistrate;

2571 (d) the individual agrees in writing to appear for any future criminal proceedings related  
 2572 to the arrest; and

2573 (e) the individual qualifies for release under the written policy described in Subsection  
 2574 (4) for the county.

2575 (3) A county jail official may not release an individual from a jail facility if the individual is  
 2576 subject to a 72-hour hold placed on the individual by the Department of Corrections as  
 2577 described in Section [~~64-13-29~~] 64-14-205.

- 2578 (4)(a) A county sheriff shall create and approve a written policy for the county that  
2579 governs the release of an individual on the individual's own recognizance.
- 2580 (b) The written policy shall describe the criteria an individual shall meet to be released  
2581 on the individual's own recognizance.
- 2582 (c) A county sheriff may include in the written policy the criteria for release relating to:  
2583 (i) criminal history;  
2584 (ii) prior instances of failing to appear for a mandatory court appearance;  
2585 (iii) current employment;  
2586 (iv) residency;  
2587 (v) ties to the community;  
2588 (vi) an offense for which the individual was arrested;  
2589 (vii) any potential criminal charges that have not yet been filed;  
2590 (viii) the individual's health condition;  
2591 (ix) any potential risks to a victim, a witness, or the public; and  
2592 (x) any other similar factor a sheriff determines is relevant.
- 2593 (5)(a) Except as provided in Subsection (5)(b)(ii), a jail facility shall detain an individual  
2594 for up to 24 hours from booking if:  
2595 (i) the individual is on supervised probation or parole and that information is  
2596 reasonably available; and  
2597 (ii) the individual was arrested for:  
2598 (A) a violent felony; or  
2599 (B) a qualifying domestic violence offense.
- 2600 (b) The jail facility shall:  
2601 (i) notify the entity supervising the individual's probation or parole that the individual  
2602 is being detained; and  
2603 (ii) release the individual:  
2604 (A) to the [~~Department of Corrections if the Department of Corrections~~] division if  
2605 the division supervises the individual and requests the individual's release; or  
2606 (B) if a court or magistrate orders release.
- 2607 (c) This Subsection (5) does not prohibit a jail facility from holding the individual in  
2608 accordance with this chapter for a new criminal offense.
- 2609 (6) This section does not prohibit a court and a county from entering into an agreement  
2610 regarding release.
- 2611 Section 41. Section **77-20-204** is amended to read:

2612           **77-20-204 . County jail authority to release an individual from jail on monetary**  
2613 **bail.**

2614 (1) As used in this section, "eligible felony offense" means a third degree felony violation  
2615 under:

2616 (a) Section 23A-4-501 or 23A-4-502;

2617 (b) Section 23A-5-311;

2618 (c) Section 23A-5-313;

2619 (d) Title 76, Chapter 6, Part 4, Theft;

2620 (e) Title 76, Chapter 6, Part 5, Fraud;

2621 (f) Title 76, Chapter 6, Part 6, Retail Theft;

2622 (g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;

2623 (h) Title 76, Chapter 6, Part 8, Library Theft;

2624 (i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;

2625 (j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;

2626 (k) Title 76, Chapter 6, Part 11, Identity Fraud Act;

2627 (l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;

2628 (m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;

2629 (n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;

2630 (o) Title 76, Chapter 6a, Pyramid Scheme Act;

2631 (p) Title 76, Chapter 7, Offenses Against the Family;

2632 (q) Title 76, Chapter 7a, Abortion Prohibition;

2633 (r) Title 76, Chapter 9, Part 2, Electronic Communication and Telephone Abuse;

2634 (s) Title 76, Chapter 9, Part 3, Cruelty to Animals;

2635 (t) Title 76, Chapter 9, Part 4, Offenses Against Privacy;

2636 (u) Title 76, Chapter 9, Part 5, Libel; or

2637 (v) Title 76, Chapter 9, Part 6, Offenses Against the Flag.

2638 (2) Except as provided in Subsection (7)(a), a county jail official may fix a financial  
2639 condition for an individual if:

2640 (a)(i) the individual is ineligible to be released on the individual's own recognizance  
2641 under Section 77-20-203;

2642 (ii) the individual is arrested for, or charged with:

2643 (A) a misdemeanor offense under state law; or

2644 (B) a violation of a city or county ordinance that is classified as a class B or C  
2645 misdemeanor offense;

- 2646 (iii) the individual agrees in writing to appear for any future criminal proceedings  
2647 related to the arrest; and
- 2648 (iv) law enforcement has not submitted a probable cause statement to a magistrate; or
- 2649 (b)(i) the individual is arrested for, or charged with, an eligible felony offense;
- 2650 (ii) the individual is not on pretrial release for a separate criminal offense;
- 2651 (iii) the individual is not on probation or parole;
- 2652 (iv) the primary risk posed by the individual is the risk of failure to appear;
- 2653 (v) the individual agrees in writing to appear for any future criminal proceedings  
2654 related to the arrest; and
- 2655 (vi) law enforcement has not submitted a probable cause statement to a magistrate.
- 2656 (3) A county jail official may not fix a financial condition at a monetary amount that  
2657 exceeds:
- 2658 (a) \$5,000 for an eligible felony offense;
- 2659 (b) \$1,950 for a class A misdemeanor offense;
- 2660 (c) \$680 for a class B misdemeanor offense;
- 2661 (d) \$340 for a class C misdemeanor offense;
- 2662 (e) \$150 for a violation of a city or county ordinance that is classified as a class B  
2663 misdemeanor; or
- 2664 (f) \$80 for a violation of a city or county ordinance that is classified as a class C  
2665 misdemeanor.
- 2666 (4) If an individual is arrested for more than one offense, and the county jail official fixes a  
2667 financial condition for release:
- 2668 (a) the county jail official shall fix the financial condition at a single monetary amount;  
2669 and
- 2670 (b) the single monetary amount may not exceed the monetary amount under Subsection  
2671 (3) for the highest level of offense for which the individual is arrested.
- 2672 (5) Except as provided in Subsection (7)(b), an individual shall be released if the individual  
2673 posts a financial condition fixed by a county jail official in accordance with this section.
- 2674 (6) If a county jail official fixes a financial condition for an individual, law enforcement  
2675 shall submit a probable cause statement in accordance with Rule 9 of the Utah Rules of  
2676 Criminal Procedure after the county jail official fixes the financial condition.
- 2677 (7) Once a magistrate begins a review of an individual's case under Rule 9 of the Utah  
2678 Rules of Criminal Procedure:
- 2679 (a) a county jail official may not fix or modify a financial condition for an individual;

- 2680 and
- 2681 (b) if a county jail official fixed a financial condition for the individual before the
- 2682 magistrate's review, the individual may no longer be released on the financial
- 2683 condition.
- 2684 (8) A jail facility may not release an individual subject to a 72-hour hold placed on the
- 2685 individual by the Department of Corrections as described in Section [~~64-13-29~~]
- 2686 64-14-205.
- 2687 (9) This section does not prohibit a court and a county from entering into an agreement
- 2688 regarding release.
- 2689 Section 42. Section **77-27-10** is amended to read:
- 2690 **77-27-10 . Conditions of parole -- Inmate agreement to warrant -- Rulemaking --**
- 2691 **Intensive early release parole program.**
- 2692 (1)(a) When the Board of Pardons and Parole releases an offender on parole, it shall, in
- 2693 accordance with Section [~~64-13-21~~] 64-14-204, issue to the parolee a certificate
- 2694 setting forth the conditions of parole, including the graduated and evidence-based
- 2695 responses to a violation of a condition of parole established in the adult sentencing
- 2696 and supervision length guidelines, as defined in Section 63M-7-401.1, which the
- 2697 offender shall accept and agree to as evidenced by the offender's signature affixed to
- 2698 the agreement.
- 2699 (b) The parole agreement shall require that the inmate agree in writing that the board
- 2700 may issue a warrant and conduct a parole revocation hearing if:
- 2701 (i) the board determines after the grant of parole that the inmate willfully provided to
- 2702 the board false or inaccurate information that the board finds was significant in the
- 2703 board's determination to grant parole; or
- 2704 (ii)(A) the inmate has engaged in criminal conduct prior to the granting of parole;
- 2705 and
- 2706 (B) the board did not have information regarding the conduct at the time parole
- 2707 was granted.
- 2708 (c)(i) A copy of the agreement shall be delivered to the Department of Corrections
- 2709 and a copy shall be given to the parolee.
- 2710 (ii) The original agreement shall remain with the board's file.
- 2711 (2)(a) If an offender convicted of violating or attempting to violate Section 76-5-301.1,
- 2712 76-5-302, 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1,
- 2713 76-5-404, 76-5-404.1, 76-5-404.3, or 76-5-405, is released on parole, the board shall

- 2714 order outpatient mental health counseling and treatment as a condition of parole.
- 2715 (b) The board shall develop standards and conditions of parole under this Subsection (2)
- 2716 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2717 (c) This Subsection (2) does not apply to intensive early release parole.
- 2718 (3)(a)(i) In addition to the conditions set out in Subsection (1), the board may place
- 2719 offenders in an intensive early release parole program.
- 2720 (ii) The board shall determine the conditions of parole which are reasonably
- 2721 necessary to protect the community as well as to protect the interests of the
- 2722 offender and to assist the offender to lead a law-abiding life.
- 2723 (b) The offender is eligible for this program only if the offender:
- 2724 (i) has not been convicted of a sexual offense; or
- 2725 (ii) has not been sentenced pursuant to Section 76-3-406.
- 2726 (c) The department shall:
- 2727 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 2728 Rulemaking Act, for operation of the program;
- 2729 (ii) adopt and implement internal management policies for operation of the program;
- 2730 (iii) determine whether or not to refer an offender into this program within 120 days
- 2731 from the date the offender is committed to prison by the sentencing court; and
- 2732 (iv) make the final recommendation to the board regarding the placement of an
- 2733 offender into the program.
- 2734 (d) The department may not consider credit for time served in a county jail awaiting trial
- 2735 or sentencing when calculating the 120-day period.
- 2736 (e) The prosecuting attorney or sentencing court may refer an offender for consideration
- 2737 by the department for participation in the program.
- 2738 (f) The board shall determine whether or not to place an offender into this program
- 2739 within 30 days of receiving the department's recommendation.
- 2740 (4) This program shall be implemented by the department within the existing budget.
- 2741 (5) During the time the offender is on parole, the department shall collect from the offender
- 2742 the monthly supervision fee authorized by Section ~~[64-13-21]~~ 64-14-204.
- 2743 (6) When a parolee commits a violation of the parole agreement, the department may:
- 2744 (a) respond in accordance with the graduated and evidence-based responses established
- 2745 in accordance with Section ~~[64-13-21]~~ 64-14-204; or
- 2746 (b) when the graduated and evidence-based responses established in accordance with
- 2747 Section ~~[64-13-21]~~ 64-14-204 indicate, refer the parolee to the Board of Pardons and

2748 Parole for revocation of parole.

2749 Section 43. Section **77-27-10.5** is amended to read:

2750 **77-27-10.5 . Special condition of parole -- Penalty.**

- 2751 (1) In accordance with Section 77-27-5, the Board of Pardons and Parole may release the  
 2752 defendant on parole and as a condition of parole, the board may order the defendant to  
 2753 be prohibited from directly or indirectly engaging in any profit or benefit generating  
 2754 activity relating to the publication of facts or circumstances pertaining to the defendant's  
 2755 involvement in the criminal act for which the defendant is convicted.
- 2756 (2) The order may prohibit the defendant from contracting with any person, firm,  
 2757 corporation, partnership, association, or other legal entity with respect to the commission  
 2758 and reenactment of the defendant's criminal conduct, by way of a movie, book,  
 2759 magazine article, tape recording, phonograph record, radio, or television presentations,  
 2760 live entertainment of any kind, or from the expression of the defendant's thoughts,  
 2761 feelings, opinions, or emotions regarding the criminal conduct.
- 2762 (3) The board may order that the prohibition includes any event undertaken and  
 2763 experienced by the defendant while avoiding apprehension from the authorities or while  
 2764 facing criminal charges.
- 2765 (4) The board may order that any action taken by the defendant by way of execution of  
 2766 power of attorney, creation of corporate entities, or other action to avoid compliance  
 2767 with the board's order shall be grounds for revocation of parole as provided in Section  
 2768 77-27-11.
- 2769 (5) The Division of Adult Probation and Parole created in Section 64-14-202 shall notify  
 2770 the board of any alleged violation of the board's order under this section.
- 2771 (6) The violation of the board's order shall be considered a violation of parole.
- 2772 (7) For purposes of this section:
- 2773 (a) "convicted" means a conviction by entry of a plea of guilty or nolo contendere, guilty  
 2774 with a mental condition, no contest, and conviction of any crime or offense; and
- 2775 (b) "defendant" means the convicted defendant, the defendant's assignees, and  
 2776 representatives acting on the defendant's authority.

2777 Section 44. Section **77-27-11** is amended to read:

2778 **77-27-11 . Revocation of parole.**

- 2779 (1) The board may revoke the parole of any individual who is found to have violated any  
 2780 condition of the individual's parole.
- 2781 (2)(a) If a parolee is confined by the department or any law enforcement official for a

- 2782 suspected violation of parole, the department:
- 2783 (i) shall immediately report the alleged violation to the board, by means of an  
2784 incident report; and
- 2785 (ii) make any recommendation regarding the incident.
- 2786 (b) A parolee may not be held for a period longer than 72 hours, excluding weekends  
2787 and holidays, without first obtaining a warrant.
- 2788 (c) The board shall expeditiously consider warrant requests from the department under  
2789 Section [~~64-13-29~~] 64-14-205.
- 2790 (3) Any member of the board may:
- 2791 (a) issue a warrant based upon a certified warrant request to a peace officer or other  
2792 persons authorized to arrest, detain, and return to actual custody a parolee; and
- 2793 (b) upon arrest of the parolee, determine, or direct the department to determine, if there  
2794 is probable cause to believe that the parolee has violated the conditions of the  
2795 parolee's parole.
- 2796 (4) Upon a finding of probable cause, a parolee may be further detained or imprisoned  
2797 again pending a hearing by the board or the board's appointed examiner.
- 2798 (5)(a) The board or the board's appointed examiner shall conduct a hearing on the  
2799 alleged violation, and the parolee shall have written notice of the time and location of  
2800 the hearing, the alleged violation of parole, and a statement of the evidence against  
2801 the parolee.
- 2802 (b) The board or the board's appointed examiner shall provide the parolee the  
2803 opportunity:
- 2804 (i) to be present;
- 2805 (ii) to be heard;
- 2806 (iii) to present witnesses and documentary evidence;
- 2807 (iv) to confront and cross-examine adverse witnesses, absent a showing of good  
2808 cause for not allowing the confrontation; and
- 2809 (v) to be represented by counsel when the parolee is mentally incompetent or  
2810 pleading not guilty.
- 2811 (c)(i) If heard by an appointed examiner, the examiner shall make a written decision  
2812 which shall include a statement of the facts relied upon by the examiner in  
2813 determining the guilt or innocence of the parolee on the alleged violation and a  
2814 conclusion as to whether the alleged violation occurred.
- 2815 (ii) The appointed examiner shall then refer the case to the board for disposition.

- 2816 (d)(i) A final decision shall be reached by a majority vote of the sitting members of  
 2817 the board.
- 2818 (ii) A parolee shall be promptly notified in writing of the board's findings and  
 2819 decision.
- 2820 (6)(a) If a parolee is found to have violated the terms of parole, the board, at the board's  
 2821 discretion, may:
- 2822 (i) return the parolee to parole;
- 2823 (ii) modify the payment schedule for the parolee's criminal accounts receivable in  
 2824 accordance with Section 77-32b-105;
- 2825 (iii) order the parolee to pay pecuniary damages that are proximately caused by a  
 2826 defendant's violation of the terms of the defendant's parole;
- 2827 (iv) order the parolee to be imprisoned, but not to exceed the maximum term of  
 2828 imprisonment for the parolee's sentence; or
- 2829 (v) order any other conditions for the parolee.
- 2830 (b) If the board returns the parolee to parole, the length of parole may not be for a period  
 2831 of time that exceeds the length of the parolee's maximum sentence.
- 2832 (c) If the board revokes parole for a violation and orders incarceration, the board may  
 2833 impose a period of incarceration:
- 2834 (i) consistent with the adult sentencing and supervision length guidelines, as defined  
 2835 in Section 63M-7-401.1; or
- 2836 (ii) subject to Subsection (6)(a)(iv), impose a period of incarceration that differs from  
 2837 the guidelines.
- 2838 (d) The following periods of time constitute service of time toward the period of  
 2839 incarceration imposed under Subsection (6)(c):
- 2840 (i) time served in jail by a parolee awaiting a hearing or decision concerning  
 2841 revocation of parole; and
- 2842 (ii) time served in jail by a parolee due to a violation of parole under Subsection  
 2843 64-13-6(2).
- 2844 Section 45. Section **77-32b-102** is amended to read:
- 2845 **77-32b-102 . Definitions.**
- 2846 As used in this chapter:
- 2847 (1) "Board" means the Board of Pardons and Parole.
- 2848 (2)(a) "Civil accounts receivable" means any amount of the criminal accounts receivable  
 2849 that is owed by the defendant that has not been paid on or before the day on which:

- 2850 (i) the defendant's sentence is terminated; or  
2851 (ii) the court enters an order for a civil accounts receivable under Subsection  
2852 77-18-114(1) or (2).
- 2853 (b) "Civil accounts receivable" does not include any amount of the criminal accounts  
2854 receivable that is owed by the defendant for restitution.
- 2855 (3) "Civil judgment of restitution" means any amount of the criminal accounts receivable  
2856 that is owed by the defendant for restitution that has not been paid on or before the day  
2857 on which the defendant's sentence is terminated.
- 2858 (4)(a) "Criminal accounts receivable" means any amount owed by a defendant that arises  
2859 from a criminal judgment until:
- 2860 (i) the defendant's sentence terminates;  
2861 (ii) the court enters an order for a civil accounts receivable under Subsection  
2862 77-18-114(1) or (2); or  
2863 (iii) if the court requires the defendant, upon termination of the probation period for  
2864 the defendant, to continue to make payments on the criminal accounts as  
2865 described in Subsection 77-18-105(8), the defendant's sentence expires.
- 2866 (b) "Criminal accounts receivable" includes any unpaid:
- 2867 (i) fee, including the monthly supervision fee described in Subsection [~~64-13-21(6)~~  
2868 64-14-204(6)];  
2869 (ii) forfeiture;  
2870 (iii) surcharge;  
2871 (iv) cost;  
2872 (v) interest;  
2873 (vi) penalty;  
2874 (vii) restitution;  
2875 (viii) third party claim;  
2876 (ix) reimbursement of a reward; and  
2877 (x) damages.
- 2878 (5) "Default" means a civil accounts receivable, a civil judgment of restitution, or a criminal  
2879 accounts receivable that is overdue by at least 90 days.
- 2880 (6) "Delinquent" means a civil accounts receivable, a civil judgment of restitution, or a  
2881 criminal account receivable that is overdue by more than 28 days but less than 90 days.
- 2882 (7) "Payment schedule" means the amount that is be paid by a defendant in installments, or  
2883 by a certain date, to satisfy a criminal accounts receivable for the defendant.

- 2884 (8) "Remit" or "remission" means to forgive or to excuse, in whole or in part, any unpaid  
2885 amount of a criminal accounts receivable.
- 2886 (9) "Restitution" means the same as that term is defined in Section 77-38b-102.  
2887 Section 46. Section **77-36-5.1** is amended to read:  
2888 **77-36-5.1 . Conditions of probation for domestic violence offense.**
- 2889 (1) Before a perpetrator who is convicted or adjudicated of a domestic violence offense may  
2890 be placed on probation, the court shall consider the safety and protection of the victim  
2891 and any member of the victim's family or household.
- 2892 (2) The court may condition probation or a plea in abeyance on the perpetrator's compliance  
2893 with one or more orders of the court, which may include:
- 2894 (a) a sentencing protective order issued under Section 78B-7-804;  
2895 (b) prohibiting the perpetrator from possessing or consuming alcohol or controlled  
2896 substances;  
2897 (c) prohibiting the perpetrator from purchasing, using, or possessing a firearm or other  
2898 specified weapon;  
2899 (d) directing the perpetrator to surrender any weapons the perpetrator owns or possesses;  
2900 (e) directing the perpetrator to participate in and complete, to the satisfaction of the  
2901 court, a program of intervention for perpetrators, treatment for alcohol or substance  
2902 abuse, or psychiatric or psychological treatment;  
2903 (f) directing the perpetrator to pay restitution to the victim, enforcement of which shall  
2904 be in accordance with Chapter 38b, Crime Victims Restitution Act; and  
2905 (g) imposing any other condition necessary to protect the victim and any other  
2906 designated family or household member or to rehabilitate the perpetrator.
- 2907 (3) The perpetrator is responsible for the costs of any condition of probation, according to  
2908 the perpetrator's ability to pay.
- 2909 (4)(a) The Division of Adult Probation and Parole created in Section 64-14-202, or other  
2910 provider, shall immediately report to the court and notify the victim of any offense  
2911 involving domestic violence committed by the perpetrator, the perpetrator's failure to  
2912 comply with any condition imposed by the court, and any violation of a sentencing  
2913 protective order issued by the court under Section 78B-7-804.
- 2914 (b) Notification of the victim under Subsection (4)(a) shall consist of a good faith  
2915 reasonable effort to provide prompt notification, including mailing a copy of the  
2916 notification to the last-known address of the victim.
- 2917 (5) In addition to a protective order issued under this section, the court may issue a separate

2918 order relating to the transfer of a wireless telephone number in accordance with Section  
2919 78B-7-117.

2920 Section 47. Section **77-38-3** is amended to read:

2921 **77-38-3 . Notification to victims -- Initial notice, election to receive subsequent**  
2922 **notices -- Form of notice -- Protected victim information -- Pretrial criminal no contact**  
2923 **order.**

2924 (1) Within seven days after the day on which felony criminal charges are filed against a  
2925 defendant, the prosecuting agency shall provide an initial notice to reasonably  
2926 identifiable and locatable victims of the crime contained in the charges, except as  
2927 otherwise provided in this chapter.

2928 (2) The initial notice to the victim of a crime shall provide information about electing to  
2929 receive notice of subsequent important criminal justice hearings listed in Subsections  
2930 77-38-2(5)(a) through (g) and rights under this chapter.

2931 (3) The prosecuting agency shall provide notice to a victim of a crime:

2932 (a) for the important criminal justice hearings, provided in Subsections 77-38-2(5)(a)  
2933 through (g), which the victim has requested; and

2934 (b) for a restitution request to be submitted in accordance with Section 77-38b-202.

2935 (4)(a) The responsible prosecuting agency may provide initial and subsequent notices in  
2936 any reasonable manner, including telephonically, electronically, orally, or by means  
2937 of a letter or form prepared for this purpose.

2938 (b) In the event of an unforeseen important criminal justice hearing, described in  
2939 Subsections 77-38-2(5)(a) through (g) for which a victim has requested notice, a  
2940 good faith attempt to contact the victim by telephone shall be considered sufficient  
2941 notice, provided that the prosecuting agency subsequently notifies the victim of the  
2942 result of the proceeding.

2943 (5)(a) The court shall take reasonable measures to ensure that its scheduling practices for  
2944 the proceedings provided in Subsections 77-38-2(5)(a) through (g) permit an  
2945 opportunity for victims of crimes to be notified.

2946 (b) The court shall consider whether any notification system that the court might use to  
2947 provide notice of judicial proceedings to defendants could be used to provide notice  
2948 of judicial proceedings to victims of crimes.

2949 (6) A defendant or, if it is the moving party, the Division of Adult Probation and Parole  
2950 created in Section 64-14-202, shall give notice to the responsible prosecuting agency of  
2951 any motion for modification of any determination made at any of the important criminal

- 2952 justice hearings provided in Subsections 77-38-2(5)(a) through (g) in advance of any  
2953 requested court hearing or action so that the prosecuting agency may comply with the  
2954 prosecuting agency's notification obligation.
- 2955 (7)(a) Notice to a victim of a crime shall be provided by the Board of Pardons and  
2956 Parole for the important criminal justice hearing under Subsection 77-38-2(5)(h).
- 2957 (b) The board may provide notice in any reasonable manner, including telephonically,  
2958 electronically, orally, or by means of a letter or form prepared for this purpose.
- 2959 (8) Prosecuting agencies and the Board of Pardons and Parole are required to give notice to  
2960 a victim of a crime for the proceedings provided in Subsections 77-38-2(5)(a) through (g)  
2961 only where the victim has responded to the initial notice, requested notice of subsequent  
2962 proceedings, and provided a current address and telephone number if applicable.
- 2963 (9) To facilitate the payment of restitution and the notice of hearings regarding restitution, a  
2964 victim who seeks restitution and notice of restitution hearings shall provide the court  
2965 with the victim's current address and telephone number.
- 2966 (10)(a) Law enforcement and criminal justice agencies shall refer any requests for notice  
2967 or information about crime victim rights from victims to the responsible prosecuting  
2968 agency.
- 2969 (b) In a case in which the Board of Pardons and Parole is involved, the responsible  
2970 prosecuting agency shall forward any request for notice the prosecuting agency has  
2971 received from a victim to the Board of Pardons and Parole.
- 2972 (11) In all cases where the number of victims exceeds 10, the responsible prosecuting  
2973 agency may send any notices required under this chapter in the prosecuting agency's  
2974 discretion to a representative sample of the victims.
- 2975 (12)(a) A victim's address, telephone number, and victim impact statement maintained  
2976 by a peace officer, prosecuting agency, Youth Parole Authority, Division of Juvenile  
2977 Justice and Youth Services, Department of Corrections, Utah State Courts, and Board  
2978 of Pardons and Parole, for purposes of providing notice under this section, are  
2979 classified as protected under Subsection 63G-2-305(10).
- 2980 (b) The victim's address, telephone number, and victim impact statement is available  
2981 only to the following persons or entities in the performance of their duties:
- 2982 (i) a law enforcement agency, including the prosecuting agency;
- 2983 (ii) a victims' right committee as provided in Section 77-37-5;
- 2984 (iii) a governmentally sponsored victim or witness program;
- 2985 (iv) the Department of Corrections;

- 2986 (v) the Utah Office for Victims of Crime;
- 2987 (vi) the Commission on Criminal and Juvenile Justice;
- 2988 (vii) the Utah State Courts; and
- 2989 (viii) the Board of Pardons and Parole.
- 2990 (13) The notice provisions as provided in this section do not apply to misdemeanors as
- 2991 provided in Section 77-38-5 and to important juvenile justice hearings as provided in
- 2992 Section 77-38-2.
- 2993 (14)(a) When a defendant is charged with a felony crime under Sections 76-5-301
- 2994 through 76-5-310.1 regarding kidnapping, human trafficking, and human smuggling;
- 2995 Sections 76-5-401 through 76-5-413.2 regarding sexual offenses; or Section
- 2996 76-10-1306 regarding aggravated exploitation of prostitution, the court may, during
- 2997 any court hearing where the defendant is present, issue a pretrial criminal no contact
- 2998 order:
- 2999 (i) prohibiting the defendant from harassing, telephoning, contacting, or otherwise
- 3000 communicating with the victim directly or through a third party;
- 3001 (ii) ordering the defendant to stay away from the residence, school, place of
- 3002 employment of the victim, and the premises of any of these, or any specified place
- 3003 frequented by the victim or any designated family member of the victim directly
- 3004 or through a third party; and
- 3005 (iii) ordering any other relief that the court considers necessary to protect and provide
- 3006 for the safety of the victim and any designated family or household member of the
- 3007 victim.
- 3008 (b) Violation of a pretrial criminal no contact order issued pursuant to this section is a
- 3009 third degree felony.
- 3010 (c)(i) The court shall provide to the victim a certified copy of any pretrial criminal no
- 3011 contact order that has been issued if the victim can be located with reasonable
- 3012 effort.
- 3013 (ii) The court shall also transmit the pretrial criminal no contact order to the statewide
- 3014 domestic violence network in accordance with Section 78B-7-113.
- 3015 (15)(a) When a case involving a victim may resolve before trial with a plea deal, the
- 3016 prosecutor shall notify the victim of that possibility as soon as practicable.
- 3017 (b) Upon the request of a victim described in Subsection (15)(a), the prosecutor shall
- 3018 explain the available details of an anticipated plea deal.
- 3019 Section 48. Section **77-38-611** is amended to read:

3020 **77-38-611 . Address use by state or local government entities.**

- 3021 (1) Except as otherwise provided in Subsection (7), a program participant is responsible for  
3022 requesting that a state or local government entity use the program participant's assigned  
3023 address as the program participant's residential address.
- 3024 (2) Except as otherwise provided in this part, if a program participant submits a valid  
3025 authorization card, or a notification form, to a state or local government entity, the state  
3026 or local government entity shall accept the assigned address listed on the authorization  
3027 card or notification form as the program participant's address to be used as the program  
3028 participant's residential address when creating a record.
- 3029 (3) The program participant's assigned address shall be listed as the last known address if  
3030 any last known address requirement is needed by the state or local government entity.
- 3031 (4) The state or local government entity may photocopy a program participant's  
3032 authorization card for a record for the state or local government entity, but the state or  
3033 local government entity shall immediately return the authorization card to the program  
3034 participant.
- 3035 (5)(a) An election official, as defined in Section 20A-1-102, shall:
- 3036 (i) use a program participant's actual address for precinct designation and all official  
3037 election-related purposes;
- 3038 (ii) classify the program participant's actual address as concealed; and
- 3039 (iii) keep the program participant's actual address confidential from the public.
- 3040 (b) A program participant may not use the program participant's assigned address for  
3041 voter registration.
- 3042 (c) An election official shall use the assigned address for all correspondence and mail for  
3043 the program participant placed in the United States mail.
- 3044 (d) A state or local government entity's access to a program participant's voter  
3045 registration is subject to the request for disclosure process under Section 77-38-612.
- 3046 (e) This Subsection (5) applies only to a program participant who submits a valid  
3047 authorization card or a notification form when registering to vote.
- 3048 (6)(a) A state or local government entity may not use a program participant's assigned  
3049 address for the purposes of listing, or appraising a property, or assessing property  
3050 taxes.
- 3051 (b) Except as provided by Subsection (6)(c), all property assessments and tax notices,  
3052 property tax collection notices, and all property related correspondence placed in the  
3053 United States mail for the program participant shall be addressed to the assigned

- 3054 address.
- 3055 (c) The State Tax Commission shall use the actual address of a program participant,  
3056 unless the commission provides the following information to the State Tax  
3057 Commission:
- 3058 (i) the full name of the program participant; and  
3059 (ii) the program participant's social security number, federal employee identification  
3060 number, and any other identification number related to a tax, fee, charge, or  
3061 license administered by the State Tax Commission.
- 3062 (7)(a) A state or local government entity may not use a program participant's assigned  
3063 address for purposes of assessing any taxes or fees on a motor vehicle or a watercraft  
3064 for titling or registering a motor vehicle or a watercraft.
- 3065 (b) Except as provided by Subsection (7)(c), all motor vehicle and watercraft  
3066 assessments and tax notices, title registration notices, and all related correspondence  
3067 placed in the United States mail for the program participant is required to be  
3068 addressed to the assigned address.
- 3069 (c) The Motor Vehicle Division shall use the actual address of a program participant,  
3070 unless the commission provides the following information to the Motor Vehicle  
3071 Division:
- 3072 (i) the full name of the program participant;  
3073 (ii) the assigned address of the program participant;  
3074 (iii) the motor vehicle or hull identification number for each motor vehicle or  
3075 watercraft that is owned or leased by the program participant;  
3076 (iv) the license plate or registration number for each motor vehicle or watercraft that  
3077 is owned or leased by the program participant; and  
3078 (v) the physical address where each motor vehicle or watercraft that is owned or  
3079 leased by the program participant.
- 3080 (d) Notwithstanding any other provision of this part, the Motor Vehicle Division may  
3081 disclose to another state or local government entity all information that is necessary  
3082 for the state or local government entity to distribute any taxes or fees collected for  
3083 titling or registering a motor vehicle or a watercraft.
- 3084 (e) Notwithstanding Section 41-1a-116 or any other provision of this part, the Motor  
3085 Vehicle Division may not disclose the actual address of a program participant  
3086 described in Subsection 77-38-605(3)(m)(ii) to:
- 3087 (i) the Utah Criminal Justice Information System; or

- 3088 (ii) the title, lien, and registration system that is provided to the Motor Vehicle  
3089 Division by a third party contractor and is accessed in accordance with Subsection  
3090 41-1a-116(4).
- 3091 (8)(a) [~~The Department of Corrections~~] The Division of Adult Probation and Parole  
3092 created in Section 64-14-202, or any other entity responsible for supervising a  
3093 program participant who is on probation or parole as a result of a criminal conviction  
3094 or an adjudication, may not use the program participant's assigned address if the  
3095 program participant's actual address is necessary for supervising the program  
3096 participant.
- 3097 (b) All written communication delivered through the United States mail to the program  
3098 participant by the Department of Corrections, or the other entity described in  
3099 Subsection (8)(a), shall be addressed to the program participant's assigned address.
- 3100 (9) If a program participant is required by law to swear or affirm to the program  
3101 participant's address, the program participant may use the program participant's assigned  
3102 address.
- 3103 (10)(a) A school district shall:
- 3104 (i) accept the assigned address as the address of record; and  
3105 (ii) verify student enrollment eligibility with the commission.
- 3106 (b) The commission shall help facilitate the transfer of student records as needed.
- 3107 (11)(a) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
3108 Management Act, a record containing a program participant's address is confidential  
3109 and, regardless of the record's classification under Title 63G, Chapter 2, Part 3,  
3110 Classification, may not be disclosed by a state or local government entity, unless  
3111 otherwise provided under this part.
- 3112 (b) A program participant's actual address may not be disclosed to a third party by a state  
3113 or local government entity, except:
- 3114 (i) in a record created more than 90 days before the date on which the program  
3115 participant applied for enrollment in the program; or  
3116 (ii) if a program participant voluntarily requests, in writing, that the program  
3117 participant's actual address be disclosed to the third party.
- 3118 (c) For a record created within 90 days before the date that a program participant applied  
3119 for enrollment in the program, a state or local government entity shall redact the  
3120 actual address from the record or change the actual address to the assigned address in  
3121 the public record if the program participant presents a valid authorization card or a

- 3122 notification form and requests that the state or local government entity use the  
3123 assigned address instead of the actual address on the record.
- 3124 Section 49. Section **77-38b-102** is amended to read:
- 3125 **77-38b-102 . Definitions.**
- 3126 As used in this chapter:
- 3127 (1) "Civil accounts receivable" means the same as that term is defined in Section  
3128 77-32b-102.
- 3129 (2) "Civil judgment of restitution" means the same as that term is defined in Section  
3130 77-32b-102.
- 3131 (3)(a) "Conviction" means:
- 3132 (i) a plea of:
- 3133 (A) guilty;
- 3134 (B) guilty with a mental condition; or
- 3135 (C) no contest; or
- 3136 (ii) a judgment of:
- 3137 (A) guilty; or
- 3138 (B) guilty with a mental condition.
- 3139 (b) "Conviction" does not include:
- 3140 (i) a plea in abeyance until a conviction is entered for the plea in abeyance;
- 3141 (ii) a diversion agreement; or
- 3142 (iii) an adjudication of a minor for an offense under Section 80-6-701.
- 3143 (4) "Criminal accounts receivable" means the same as that term is defined in Section  
3144 77-32b-102.
- 3145 (5) "Criminal conduct" means:
- 3146 (a) any misdemeanor or felony offense of which the defendant is convicted; or
- 3147 (b) any other criminal behavior for which the defendant admits responsibility to the  
3148 court with or without an admission of committing the criminal behavior.
- 3149 (6) "Deceased victim" means an individual whose death is proximately caused by the  
3150 criminal conduct of the defendant.
- 3151 (7)(a) "Defendant" means an individual who has been convicted of, or entered into a  
3152 plea disposition for, criminal conduct.
- 3153 (b) "Defendant" does not include a minor, as defined in Section 80-1-102, who is  
3154 adjudicated, or enters into a nonjudicial adjustment, for any offense under Title 80,  
3155 Chapter 6, Juvenile Justice.

- 3156 (8) "Department" means the Department of Corrections.
- 3157 (9)(a) "Dependent" means an individual for whom a deceased victim, or a permanently  
 3158 impaired victim, had a legal obligation to provide dependent support at the time of  
 3159 the criminal conduct by the defendant.
- 3160 (b) "Dependent" includes:
- 3161 (i) a child:
- 3162 (A) who is younger than 18 years old; and
- 3163 (B) for whom a deceased victim, or a permanently impaired victim, is the adoptive  
 3164 or biological parent or legal guardian;
- 3165 (ii) an unborn child who has a parent-child relationship with a deceased victim, or a  
 3166 permanently impaired victim, in accordance with Title 78B, Chapter 15, Utah  
 3167 Uniform Parentage Act; or
- 3168 (iii) an incapacitated individual for whom a deceased victim, or a permanently  
 3169 impaired victim, is the adoptive or biological parent or the legal guardian.
- 3170 (10) "Dependent support" means the financial obligation of an individual to provide for the  
 3171 routine needs of a dependent, including food, clothing, health care, safety, or shelter.
- 3172 (11) "Diversion agreement" means an agreement entered into by the prosecuting attorney  
 3173 and the defendant that suspends criminal proceedings before conviction on the condition  
 3174 that a defendant agree to participate in a rehabilitation program, pay restitution to the  
 3175 victim, or fulfill some other condition.
- 3176 (12) "Division" means the Division of Adult Probation and Parole created in Section  
 3177 64-14-202.
- 3178 [~~12~~] (13) "Incapacitated" or "incapacitation" means the individual is:
- 3179 (a) mentally or physically impaired to the extent that the individual is permanently  
 3180 unable to gain employment and provide basic necessities, including food, clothing,  
 3181 health care, safety, or shelter; and
- 3182 (b) reliant on a parent, legal guardian, or other relative or person to provide basic  
 3183 necessities for the individual.
- 3184 [~~13~~] (14) "Incapacitated individual" means an individual who is incapacitated.
- 3185 [~~14~~] (15) "Legal guardian" means an individual appointed by a court to make decisions  
 3186 regarding a child or an incapacitated individual.
- 3187 [~~15~~] (16) "Life expectancy" means the number of months an individual is or was expected  
 3188 to live considering medical records and experiential data for the individual.
- 3189 [~~16~~] (17) "Office" means the Office of State Debt Collection created in Section 63A-3-502.

- 3190 ~~[(17)]~~ (18) "Payment schedule" means the same as that term is defined in Section  
3191 77-32b-102.
- 3192 ~~[(18)]~~ (19)(a) "Pecuniary damages" means all demonstrable economic injury, losses, and  
3193 expenses regardless of whether the economic injury, losses, and expenses have yet  
3194 been incurred.
- 3195 (b) "Pecuniary damages" does not include punitive damages or pain and suffering  
3196 damages.
- 3197 ~~[(19)]~~ (20) "Permanently impaired victim" means an incapacitated individual whose  
3198 incapacitation is proximately caused by the criminal conduct of the defendant.
- 3199 ~~[(20)]~~ (21) "Plea agreement" means an agreement entered between the prosecuting attorney  
3200 and the defendant setting forth the special terms and conditions and criminal charges  
3201 upon which the defendant will enter a plea of guilty or no contest.
- 3202 ~~[(21)]~~ (22) "Plea disposition" means an agreement entered into between the prosecuting  
3203 attorney and the defendant including a diversion agreement, a plea agreement, a plea in  
3204 abeyance agreement, or any agreement by which the defendant may enter a plea in any  
3205 other jurisdiction or where charges are dismissed without a plea.
- 3206 ~~[(22)]~~ (23) "Plea in abeyance" means an order by a court, upon motion of the prosecuting  
3207 attorney and the defendant, accepting a plea of guilty or of no contest from the defendant  
3208 but not, at that time, entering judgment of conviction against the defendant nor imposing  
3209 sentence upon the defendant on condition that the defendant comply with specific  
3210 conditions as set forth in a plea in abeyance agreement.
- 3211 ~~[(23)]~~ (24) "Plea in abeyance agreement" means an agreement entered into between the  
3212 prosecuting attorney and the defendant setting forth the specific terms and conditions  
3213 upon which, following acceptance of the agreement by the court, a plea may be held in  
3214 abeyance.
- 3215 ~~[(24)]~~ (25) "Restitution" means the payment of pecuniary damages to a victim.
- 3216 ~~[(25)]~~ (26) "Unborn child" means a human fetus or embryo in any stage of gestation from  
3217 fertilization until birth.
- 3218 ~~[(26)]~~ (27)(a) "Victim" means any person who has suffered pecuniary damages that are  
3219 proximately caused by the criminal conduct of the defendant.
- 3220 (b) "Victim" includes:
- 3221 (i) the Utah Office for Victims of Crime if the Utah Office for Victims of Crime  
3222 makes a payment to, or on behalf of, a victim under Section 63M-7-519;
- 3223 (ii) the estate of a deceased victim;

- 3224 (iii) a dependent; or  
3225 (iv) a parent, spouse, intimate partner as defined in 18 U.S.C. Sec. 921, child, or  
3226 sibling of a victim.
- 3227 (c) "Victim" does not include a codefendant or accomplice.
- 3228 Section 50. Section **77-38b-304** is amended to read:
- 3229 **77-38b-304 . Priority of payment disbursement.**
- 3230 (1) The court, or the office, shall disburse a payment for restitution within 60 days after the  
3231 day on which the payment is received from the defendant if:
- 3232 (a) the victim has complied with Subsection 77-38b-203(2);  
3233 (b) if the defendant has tendered a negotiable instrument, funds from the financial  
3234 institution are actually received;  
3235 (c) the payment to the victim is at least \$25, unless the payment is the final payment; and  
3236 (d) there is no pending legal issue that would affect an order for restitution or the  
3237 distribution of restitution.
- 3238 (2) The court shall disburse money collected from a defendant for a criminal accounts  
3239 receivable in the following order of priority:
- 3240 (a) first, and except as provided in Subsection (4)(b), to restitution owed by the  
3241 defendant in accordance with Subsection (4);  
3242 (b) second, to the cost of obtaining a DNA specimen from the defendant as described in  
3243 Subsection (4)(b);  
3244 (c) third, to any criminal fine or surcharge owed by the defendant;  
3245 (d) fourth, to the cost owed by the defendant for a reward described in Section  
3246 77-32b-104;  
3247 (e) fifth, to the cost owed by the defendant for medical care, treatment, hospitalization,  
3248 and related transportation paid by a county correctional facility under Section  
3249 17-50-319; and  
3250 (f) sixth, to any other amount owed by the defendant.
- 3251 (3) When the office collects money from a defendant for a criminal accounts receivable, a  
3252 civil accounts receivable, or a civil judgment of restitution, the office shall disburse the  
3253 money in the following order of priority:
- 3254 (a) first, to any past due amount owed to the department for the monthly supervision fee  
3255 under Subsection [~~64-13-21(6)(a)~~] 64-14-204(6);  
3256 (b) second, and except as provided in Subsection (4)(b), to restitution owed by the  
3257 defendant in accordance with Subsection (4);

- 3258 (c) third, to the cost of obtaining a DNA specimen from the defendant in accordance  
3259 with Subsection (4)(b);
- 3260 (d) fourth, to any criminal fine or surcharge owed by the defendant;
- 3261 (e) fifth, to the cost owed by the defendant for a reward described in Section 77-32b-104;
- 3262 (f) sixth, to the cost owed by the defendant for medical care, treatment, hospitalization  
3263 and related transportation paid by a county correctional facility under Section  
3264 17-50-319; and
- 3265 (g) seventh, to any other amount owed by the defendant.
- 3266 (4)(a) If a defendant owes restitution to more than one person or government agency at  
3267 the same time, the court, or the office, shall disburse a payment for restitution in the  
3268 following order of priority:
- 3269 (i) first, to the victim of the offense;
- 3270 (ii) second, to the Utah Office for Victims of Crime;
- 3271 (iii) third, any other government agency that has provided reimbursement to the  
3272 victim as a result of the defendant's criminal conduct; and
- 3273 (iv) fourth, any insurance company that has provided reimbursement to the victim as  
3274 a result of the defendant's criminal conduct.
- 3275 (b) If a defendant is required under Section 53-10-404 to reimburse the department for  
3276 the cost of obtaining the defendant's DNA specimen, the reimbursement for the cost  
3277 of obtaining the defendant's DNA specimen is the next priority after restitution to the  
3278 victim of the offense under Subsection (4)(a)(i).
- 3279 (c) If a defendant is required to pay restitution to more than one victim, the court or the  
3280 office shall disburse a payment for restitution proportionally to each victim.
- 3281 (5) Notwithstanding the requirements for the disbursement of a payment under Subsection  
3282 (3) or (4), the office shall disburse money collected from a defendant to a debt that is a  
3283 part of a civil accounts receivable or civil judgment of restitution if:
- 3284 (a) a defendant has provided a written request to the office to apply the payment to the  
3285 debt; and
- 3286 (b)(i) the payment will eliminate the entire balance of the debt, including any interest;  
3287 or
- 3288 (ii) after reaching a settlement, the payment amount will eliminate the entire agreed  
3289 upon balance of the debt, including any interest.
- 3290 (6) For a criminal accounts receivable, the department shall collect the current and past due  
3291 amount owed by a defendant for the monthly supervision fee under Subsection [

3292 ~~64-13-21(6)(a)]~~ 64-14-204(6)(a) until the court enters a civil accounts receivable on the  
 3293 civil judgment docket under Section 77-18-114.

3294 (7) Notwithstanding any other provision of this section:

3295 (a) the office may collect a fee, as described in Subsection 63A-3-502(4), from each  
 3296 payment for a criminal accounts receivable, a civil accounts receivable, or a civil  
 3297 judgment of restitution before disbursing the payment as described in this section; and

3298 (b) the office shall apply any payment collected through garnishment to the case for  
 3299 which the garnishment was issued.

3300 Section 51. Section ~~77-38b-401~~ is amended to read:

3301 **77-38b-401 . Collection from inmate offenders.**

3302 Upon written request of the prosecuting attorney, the victim, or [~~the parole or probation~~]  
 3303 a division agent [for] supervising the defendant, the department shall collect restitution from  
 3304 offender funds held by the department under Section 64-13-23.

3305 Section 52. Section ~~77-40a-205~~ is amended to read:

3306 **77-40a-205 . Automatic expungement of state records for a clean slate case.**

3307 (1) A court shall issue an order of expungement, without the filing of a petition, for all  
 3308 records of the case that are held by the court and the bureau if:

3309 (a) on and after October 1, 2024, but before January 1, 2026, the individual submitted a  
 3310 form requesting expungement of a case as described in Section 77-40a-204;

3311 (b) the case is eligible for expungement under this section; and

3312 (c) the prosecuting agency does not object to the expungement of the case as described  
 3313 in Subsection (6).

3314 (2) Except as otherwise provided in Subsection (3), a case is eligible for expungement  
 3315 under this section if:

3316 (a)(i) each conviction within the case is a conviction for:

3317 (A) a misdemeanor offense for possession of a controlled substance in violation of  
 3318 Subsection 58-37-8(2)(a)(i);

3319 (B) a class B misdemeanor offense;

3320 (C) a class C misdemeanor offense; or

3321 (D) an infraction; and

3322 (ii) the following time periods have passed after the day on which the individual is  
 3323 adjudicated:

3324 (A) at least five years for the conviction of a class C misdemeanor offense or an  
 3325 infraction;

- 3326 (B) at least six years for the conviction of a class B misdemeanor offense; or  
3327 (C) at least seven years for the conviction of a class A misdemeanor offense for  
3328 possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i);  
3329 or
- 3330 (b)(i) the case is dismissed as a result of a successful completion of a plea in  
3331 abeyance agreement governed by Subsection 77-2a-3(2)(b) or the case is  
3332 dismissed without prejudice;
- 3333 (ii) each charge within the case is:
- 3334 (A) a misdemeanor offense for possession of a controlled substance in violation of  
3335 Subsection 58-37-8(2)(a)(i);
- 3336 (B) a class B misdemeanor offense;
- 3337 (C) a class C misdemeanor offense; or
- 3338 (D) an infraction; and
- 3339 (iii) the following time periods have passed after the day on which the case is  
3340 dismissed:
- 3341 (A) at least five years for a charge in the case for a class C misdemeanor offense  
3342 or an infraction;
- 3343 (B) at least six years for a charge in the case for a class B misdemeanor offense; or
- 3344 (C) at least seven years for a charge in the case for a class A misdemeanor offense  
3345 for possession of a controlled substance in violation of Subsection 58-37-8  
3346 (2)(a)(i).
- 3347 (3) A case is not eligible for expungement under this section if:
- 3348 (a) the individual has a total number of convictions in courts of this state that exceed the  
3349 limits under Subsection 77-40a-303(4) or (5) without taking into consideration:
- 3350 (i) the exception in Subsection 77-40a-303(7); or
- 3351 (ii) any infraction, traffic offense, or minor regulatory offense;
- 3352 (b) there is a criminal proceeding for a misdemeanor or felony offense pending in a  
3353 court of this state against the individual, unless the proceeding is for a traffic offense;
- 3354 (c) for an individual seeking an automatic expungement on and after January 1, 2025,  
3355 the individual is incarcerated in the state prison or on probation or parole that is  
3356 supervised by the [~~Department of Corrections~~] Division of Adult Probation and Parole  
3357 created in Section 64-14-202;
- 3358 (d) the case resulted in the individual being found not guilty by reason of insanity;
- 3359 (e) the case establishes a criminal accounts receivable that:

- 3360 (i) has been entered as a civil accounts receivable or a civil judgment of restitution  
3361 and transferred to the Office of State Debt Collection under Section 77-18-114; or  
3362 (ii) has not been satisfied according to court records; or
- 3363 (f) the case resulted in a plea held in abeyance or a conviction for the following offenses:  
3364 (i) any of the offenses listed in Subsection 77-40a-303(2)(a);  
3365 (ii) an offense against the person in violation of Title 76, Chapter 5, Offenses Against  
3366 the Individual;  
3367 (iii) a weapons offense in violation of Title 76, Chapter 10, Part 5, Weapons;  
3368 (iv) sexual battery in violation of Section 76-9-702.1;  
3369 (v) an act of lewdness in violation of Section 76-9-702 or 76-9-702.5;  
3370 (vi) an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the  
3371 Influence and Reckless Driving;  
3372 (vii) damage to or interruption of a communication device in violation of Section  
3373 76-6-108;  
3374 (viii) a domestic violence offense as defined in Section 77-36-1; or  
3375 (ix) any other offense classified in the Utah Code as a felony or a class A  
3376 misdemeanor other than a class A misdemeanor conviction for possession of a  
3377 controlled substance in violation of Subsection 58-37-8(2)(a)(i).
- 3378 (4) A prosecuting agency that has complied with Rule 42 of the Utah Rules of Criminal  
3379 Procedure shall receive notice on a monthly basis for any case prosecuted by that agency  
3380 that appears to be eligible for automatic expungement under this section.
- 3381 (5) Within 35 days after the day on which the notice described in Subsection (4) is sent, the  
3382 prosecuting agency shall provide written notice in accordance with Rule 42 of the Utah  
3383 Rules of Criminal Procedure if the prosecuting agency objects to an automatic  
3384 expungement for any of the following reasons:  
3385 (a) the prosecuting agency believes that the case is not eligible for expungement under  
3386 this section after reviewing the agency record;  
3387 (b) the individual has not paid restitution to the victim as ordered by the court; or  
3388 (c) the prosecuting agency has a reasonable belief, grounded in supporting facts, that an  
3389 individual involved in the case is continuing to engage in criminal activity within or  
3390 outside of the state.
- 3391 (6) If a prosecuting agency provides written notice of an objection for a reason described in  
3392 Subsection (5) within 35 days after the day on which the notice under Subsection (4) is  
3393 sent, the court may not proceed with automatic expungement of the case.

- 3394 (7) If 35 days pass after the day on which the notice described in Subsection (4) is sent  
3395 without the prosecuting agency providing written notice of an objection under  
3396 Subsection (5), the court shall proceed with automatic expungement of the case.
- 3397 (8) If a court issues an order of expungement under Subsection (1), the court shall:  
3398 (a) expunge all records of the case held by the court in accordance with Section  
3399 77-40a-401; and  
3400 (b) notify the bureau and the prosecuting agency identified in the case, based on  
3401 information available to the court, of the order of expungement.
- 3402 Section 53. Section **77-40a-305** is amended to read:  
3403 **77-40a-305 . Petition for expungement -- Prosecutorial responsibility -- Hearing.**
- 3404 (1)(a) The petitioner shall file a petition for expungement in accordance with Rule 42 of  
3405 the Utah Rules of Criminal Procedure.  
3406 (b) A petitioner shall include the identification number for the certificate of eligibility or  
3407 special certificate described in Subsection 77-40a-304(2)(b)(ii) in the petition for  
3408 expungement, unless the petitioner is not required to obtain a certificate of eligibility  
3409 under Subsection (3) or (4).  
3410 (c) Information on a certificate of eligibility is incorporated into a petition by reference  
3411 to the identification number for the certificate of eligibility.  
3412 (d) A petitioner shall bring a petition for expungement:  
3413 (i) in the court where the criminal case was filed; or  
3414 (ii) if charges were never filed, in the district court in the county in which the arrest  
3415 occurred or the citation is issued.
- 3416 (2)(a) If a petition for expungement is filed under Subsection (1)(a), the court shall  
3417 obtain a certificate of eligibility or special certificate from the bureau.  
3418 (b) A court may not accept a petition for expungement if the certificate of eligibility or  
3419 special certificate is no longer valid as described in Subsection 77-40a-304(2)(b)(i).
- 3420 (3) Notwithstanding Subsection (2), the petitioner may file a petition for expungement of a  
3421 traffic offense case without obtaining a certificate of eligibility if:  
3422 (a)(i) for a traffic offense case with a class C misdemeanor or infraction, at least three  
3423 years have passed after the day on which the case was adjudicated or dismissed; or  
3424 (ii) for a traffic offense case with a class B misdemeanor, at least four years have  
3425 passed after the day on which the case was adjudicated or dismissed;  
3426 (b) there is no traffic offense case pending against the petitioner;  
3427 (c) there is no plea in abeyance for a traffic offense case pending against the petitioner;

- 3428           and
- 3429           (d) the petitioner is not currently on probation for a traffic offense case.
- 3430 (4) Notwithstanding Subsection (2), a petitioner may file a petition for expungement of a
- 3431 record for a conviction related to cannabis possession without a certificate of eligibility
- 3432 if the petition demonstrates that:
- 3433           (a) the petitioner had, at the time of the relevant arrest or citation leading to the
- 3434 conviction, a qualifying condition, as that term is defined in Section 26B-4-201; and
- 3435           (b) the possession of cannabis in question was in a form and an amount to medicinally
- 3436 treat the qualifying condition described in Subsection (4)(a).
- 3437 (5)(a) The court shall provide notice of a filing of a petition and certificate of eligibility
- 3438 or special certificate to the prosecutorial office that handled the court proceedings
- 3439 within three days after the day on which the petitioner's filing fee is paid or waived.
- 3440           (b) If there were no court proceedings, the court shall provide notice of a filing of a
- 3441 petition and certificate of eligibility or special certificate to the county attorney's
- 3442 office in the jurisdiction where the arrest occurred.
- 3443           (c) If the prosecuting agency with jurisdiction over the arrest, investigation, detention, or
- 3444 conviction, was a city attorney's office, the county attorney's office in the jurisdiction
- 3445 where the arrest occurred shall immediately notify the city attorney's office that the
- 3446 county attorney's office has received a notice of a filing of a petition for expungement.
- 3447 (6)(a) Upon receipt of a notice of a filing of a petition for expungement of a conviction
- 3448 or a charge dismissed in accordance with a plea in abeyance, the prosecuting attorney
- 3449 shall make a reasonable effort to provide notice to any victim of the conviction or
- 3450 charge.
- 3451           (b) The notice under Subsection (6)(a) shall:
- 3452               (i) include a copy of the petition, certificate of eligibility or special certificate,
- 3453               statutes, and rules applicable to the petition;
- 3454               (ii) state that the victim has a right to object to the expungement; and
- 3455               (iii) provide instructions for registering an objection with the court.
- 3456 (7)(a) The prosecuting attorney may respond to the petition by filing a recommendation
- 3457 or objection with the court within 35 days after the day on which the notice of the
- 3458 filing of the petition is sent by the court to the prosecuting attorney.
- 3459           (b) If there is a victim of the offense for which expungement is sought, the victim may
- 3460 respond to the petition by filing a recommendation or objection with the court within
- 3461 60 days after the day on which the petition for expungement was filed with the court.

- 3462 (8)(a) The court may request a written response to the petition from the Division of  
3463 Adult Probation and Parole [~~within the Department of Corrections~~] created in Section  
3464 64-14-202.
- 3465 (b) If requested, the response prepared by the Division of Adult Probation and Parole  
3466 shall include:
- 3467 (i) the reasons probation was terminated; and  
3468 (ii) certification that the petitioner has completed all requirements of sentencing and  
3469 probation or parole.
- 3470 (c) The Division of Adult Probation and Parole shall provide a copy of the response to  
3471 the petitioner and the prosecuting attorney.
- 3472 (9) The petitioner may respond in writing to any objections filed by the prosecuting  
3473 attorney or the victim and the response prepared by the Division of Adult Probation and  
3474 Parole within 14 days after the day on which the objection or response is received.
- 3475 (10)(a) If the court receives an objection concerning the petition from any party, the  
3476 court shall set a date for a hearing and notify the petitioner and the prosecuting  
3477 attorney of the date set for the hearing.
- 3478 (b) The prosecuting attorney shall notify the victim of the date set for the hearing.
- 3479 (c) The petitioner, the prosecuting attorney, the victim, and any other person who has  
3480 relevant information about the petitioner may testify at the hearing.
- 3481 (d) The court shall review the petition, the certificate of eligibility or special certificate,  
3482 and any written responses submitted regarding the petition.
- 3483 (11) If no objection is received within 60 days from the day on which the petition for  
3484 expungement is filed with the court, the expungement may be granted without a hearing.
- 3485 (12)(a) If the petitioner seeks a waiver of the fee required for a petition for expungement  
3486 in accordance with Section 78A-2-302, the court shall consider the total number of  
3487 cases for which the petitioner has received a certificate of eligibility and is seeking  
3488 expungement in determining whether the petitioner is indigent under Subsection  
3489 78A-2-302(3)(e) even if the court does not have jurisdiction over a case for which the  
3490 petitioner is seeking expungement.
- 3491 (b) If a court grants a waiver of the fee required for a petition for expungement in  
3492 accordance with Section 78A-2-302, and only upon a request from the petitioner, a  
3493 subsequent court shall grant a waiver of a fee for a petition for expungement if the  
3494 prior court waived the fee for a petition for expungement within 180 days before the  
3495 day on which the petitioner filed the petition for expungement with the subsequent

3496 court.

3497 Section 54. Section **77-41-104** is amended to read:

3498 **77-41-104 . Registration of offenders -- Department and agency requirements.**

3499 (1) The Department of Corrections shall register an offender in the custody of the

3500 Department of Corrections as required under this chapter upon:

3501 (a) placement on probation;

3502 (b) commitment to a secure correctional facility operated by or under contract to the  
3503 Department of Corrections;

3504 (c) release from confinement to parole status, termination or expiration of sentence, or  
3505 escape;

3506 (d) entrance to and release from any community-based residential program operated by  
3507 or under contract to the Department of Corrections; or

3508 (e) termination of probation or parole.

3509 (2) The sheriff of the county in which an offender is confined shall register an offender with

3510 the department, as required under this chapter, if the offender is not in the custody of the

3511 Department of Corrections and is confined in a correctional facility not operated by or

3512 under contract to the Department of Corrections upon:

3513 (a) commitment to the correctional facility; and

3514 (b) release from confinement.

3515 (3) The division shall register an offender in the custody of the division with the

3516 department, as required under this chapter, before the offender's release from custody of  
3517 the division.

3518 (4) A state mental hospital shall register an offender committed to the state mental hospital

3519 with the department, as required under this chapter, upon the offender's admission and

3520 upon the offender's discharge.

3521 (5)(a)(i) A municipal or county law enforcement agency shall register an offender

3522 who resides within the agency's jurisdiction and is not under the supervision of the

3523 Division of Adult Probation and Parole [~~within the Department of Corrections~~]

3524 created in Section 64-14-202.

3525 (ii) In order to conduct offender registration under this chapter, the agency shall

3526 ensure the agency staff responsible for registration:

3527 (A) has received initial training by the department and has been certified by the

3528 department as qualified and authorized to conduct registrations and enter

3529 offender registration information into the registry database; and

- 3530 (B) certify annually with the department.
- 3531 (b)(i) When the department receives offender registration information regarding a  
3532 change of an offender's primary residence location, the department shall within  
3533 five days after the day on which the department receives the information  
3534 electronically notify the law enforcement agencies that have jurisdiction over the  
3535 area where:
- 3536 (A) the residence that the offender is leaving is located; and  
3537 (B) the residence to which the offender is moving is located.
- 3538 (ii) The department shall provide notification under this Subsection (5)(b) if the  
3539 offender's change of address is between law enforcement agency jurisdictions, or  
3540 is within one jurisdiction.
- 3541 (c) The department shall make available to offenders required to register under this  
3542 chapter the name of the agency, whether the agency is a local law enforcement  
3543 agency or the department, that the offender should contact to register, the location for  
3544 registering, and the requirements of registration.
- 3545 (6) An agency in the state that registers an offender on probation, an offender who has been  
3546 released from confinement to parole status or termination, or an offender whose  
3547 sentence has expired shall inform the offender of the duty to comply with the continuing  
3548 registration requirements of this chapter during the period of registration required in  
3549 Subsection 77-41-105(3), including:
- 3550 (a) notification to the state agencies in the states where the registrant presently resides  
3551 and plans to reside when moving across state lines;
- 3552 (b) verification of address at least every 60 days pursuant to a parole agreement for  
3553 lifetime parolees; and
- 3554 (c) notification to the out-of-state agency where the offender is living, regardless of  
3555 whether the offender is a resident of that state.
- 3556 (7) The department may make administrative rules necessary to implement this chapter,  
3557 including:
- 3558 (a) the method for dissemination of the information; and  
3559 (b) instructions to the public regarding the use of the information.
- 3560 (8) The department shall redact information regarding the identity or location of a victim  
3561 from information provided under Subsections 77-41-103(4) and 77-41-105(7).
- 3562 (9) This chapter does not create or impose any duty on any person to request or obtain  
3563 information regarding any offender from the department.

3564 Section 55. Section **77-41-105** is amended to read:

3565 **77-41-105 . Registration of offenders -- Offender responsibilities.**

3566 (1)(a) An offender who enters this state from another jurisdiction is required to register  
3567 under Subsection (3) and Subsection 77-41-102(1), (11), or (19).

3568 (b) The offender shall register with the department within 10 days after the day on which  
3569 the offender enters the state, regardless of the offender's length of stay.

3570 (2)(a) An offender required to register under Subsection 77-41-102(1), (11), or (19) who  
3571 is under supervision by the [department] Division of Adult Probation and Parole  
3572 created in Section 64-14-202 shall register in person with the Division of Adult  
3573 Probation and Parole.

3574 (b) An offender required to register under Subsection 77-41-102(1), (11), or (19) who is  
3575 no longer under supervision by the [department] Division of Adult Probation and  
3576 Parole created in Section 64-14-202 shall register in person with the police  
3577 department or sheriff's office that has jurisdiction over the area where the offender  
3578 resides.

3579 (3)(a) Except as provided in Subsections (3)(b), (3)(c), and (4), an offender shall, for the  
3580 duration of the sentence and for 10 years after termination of sentence or custody of  
3581 the division, register each year during the month of the offender's date of birth,  
3582 during the month that is the sixth month after the offender's birth month, and within  
3583 three business days after the day on which there is a change of the offender's primary  
3584 residence, any secondary residences, place of employment, vehicle information, or  
3585 educational information required to be submitted under Subsection (7).

3586 (b) Except as provided in Subsections (3)(c)(iii), (4), and (5), an offender who is  
3587 convicted in another jurisdiction of an offense listed in Subsection 77-41-102(1),  
3588 (11), or (19), a substantially similar offense, another offense that requires registration  
3589 in the jurisdiction of conviction, or an offender who is ordered by a court of another  
3590 jurisdiction to register as an offender shall register for the time period required by the  
3591 jurisdiction where the offender was convicted or ordered to register.

3592 (c)(i) An offender convicted as an adult of an offense listed in Section 77-41-106  
3593 shall, for the offender's lifetime, register each year during the month of the  
3594 offender's birth, during the month that is the sixth month after the offender's birth  
3595 month, and also within three business days after the day on which there is a  
3596 change of the offender's primary residence, any secondary residences, place of  
3597 employment, vehicle information, or educational information required to be

- 3598 submitted under Subsection (7).
- 3599 (ii) Except as provided in Subsection (3)(c)(iii), the registration requirement  
3600 described in Subsection (3)(c)(i) is not subject to exemptions and may not be  
3601 terminated or altered during the offender's lifetime, unless a petition is granted  
3602 under Section 77-41-112.
- 3603 (iii)(A) If the sentencing court at any time after conviction determines that the  
3604 offense does not involve force or coercion, lifetime registration under  
3605 Subsection (3)(c)(i) does not apply to an offender who commits the offense  
3606 when the offender is under 21 years old.
- 3607 (B) For an offense listed in Section 77-41-106, an offender who commits the  
3608 offense when the offender is under 21 years old shall register for the  
3609 registration period required under Subsection (3)(a), unless a petition is granted  
3610 under Section 77-41-112.
- 3611 (d) For the purpose of establishing venue for a violation of this Subsection (3), the  
3612 violation is considered to be committed:
- 3613 (i) at the most recent registered primary residence of the offender or at the location of  
3614 the offender, if the actual location of the offender at the time of the violation is not  
3615 known; or
- 3616 (ii) at the location of the offender at the time the offender is apprehended.
- 3617 (4) Notwithstanding Subsection (3) and Section 77-41-106, an offender who is confined in  
3618 a secure facility or in a state mental hospital is not required to register during the period  
3619 of confinement.
- 3620 (5)(a) Except as provided in Subsection (5)(b), in the case of an offender adjudicated in  
3621 another jurisdiction as a juvenile and required to register under this chapter, the  
3622 offender shall register in the time period and in the frequency consistent with the  
3623 requirements of Subsection (3).
- 3624 (b) If the jurisdiction of the offender's adjudication does not publish the offender's  
3625 information on a public website, the department shall maintain, but not publish the  
3626 offender's information on the registration website.
- 3627 (6) A sex offender who violates Section 77-27-21.8 regarding being in the presence of a  
3628 child while required to register under this chapter shall register for an additional five  
3629 years subsequent to the registration period otherwise required under this chapter.
- 3630 (7) An offender shall provide the department or the registering entity with the following  
3631 information:

- 3632 (a) all names and aliases by which the offender is or has been known;  
3633 (b) the addresses of the offender's primary and secondary residences;  
3634 (c) a physical description, including the offender's date of birth, height, weight, eye and  
3635 hair color;  
3636 (d) the make, model, color, year, plate number, and vehicle identification number of a  
3637 vehicle or vehicles the offender owns or drives more than 12 times per year;  
3638 (e) a current photograph of the offender;  
3639 (f) a set of fingerprints, if one has not already been provided;  
3640 (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not already  
3641 been provided;  
3642 (h) telephone numbers and any other designations used by the offender for routing or  
3643 self-identification in telephonic communications from fixed locations or cellular  
3644 telephones;  
3645 (i) Internet identifiers and the addresses the offender uses for routing or  
3646 self-identification in Internet communications or postings;  
3647 (j) the name and Internet address of all websites on which the offender is registered  
3648 using an online identifier, including all online identifiers used to access those  
3649 websites;  
3650 (k) a copy of the offender's passport, if a passport has been issued to the offender;  
3651 (l) if the offender is an alien, all documents establishing the offender's immigration  
3652 status;  
3653 (m) all professional licenses that authorize the offender to engage in an occupation or  
3654 carry out a trade or business, including any identifiers, such as numbers;  
3655 (n) each educational institution in Utah at which the offender is employed, carries on a  
3656 vocation, or is a student, and a change of enrollment or employment status of the  
3657 offender at an educational institution;  
3658 (o) the name, the telephone number, and the address of a place where the offender is  
3659 employed or will be employed;  
3660 (p) the name, the telephone number, and the address of a place where the offender works  
3661 as a volunteer or will work as a volunteer; and  
3662 (q) the offender's social security number.
- 3663 (8)(a) An offender may change the offender's name in accordance with Title 42, Chapter  
3664 1, Change of Name, if the name change is not contrary to the interests of the public.  
3665 (b) Notwithstanding Section 42-1-2, an offender shall provide notice to the department

- 3666 at least 30 days before the day on which the hearing for the name change is held.
- 3667 (c) The court shall provide a copy of the order granting the offender's name change to  
3668 the department within 10 days after the day on which the court issues the order.
- 3669 (d) If the court orders an offender's name changed, the department shall publish on the  
3670 registration website the offender's former name, and the offender's changed name as  
3671 an alias.
- 3672 (9) Notwithstanding Subsections (7)(i) and (j) and 77-41-103(1)(c), an offender is not  
3673 required to provide the department with:
- 3674 (a) the offender's online identifier and password used exclusively for the offender's  
3675 employment on equipment provided by an employer and used to access the  
3676 employer's private network; or
- 3677 (b) online identifiers for the offender's financial accounts, including a bank, retirement,  
3678 or investment account.

3679 Section 56. Section **78B-7-807** is amended to read:

3680 **78B-7-807 . Notice to victims.**

- 3681 (1)(a) The court shall provide the victim with a certified copy of any pretrial protective  
3682 order that has been issued if the victim can be located with reasonable effort.
- 3683 (b) If the court is unable to locate the victim, the court shall provide the victim's certified  
3684 copy to the prosecutor.
- 3685 (c) A sentencing protective order or continuous protective order issued under this part  
3686 shall be in writing, and the prosecutor shall provide a certified copy of that order to  
3687 the victim.
- 3688 (2)(a) The Division of Adult Probation and Parole created in Section 64-14-202, or  
3689 another provider, shall immediately report to the court and notify the victim of any  
3690 violation of any sentencing protective order issued under this part.
- 3691 (b) Notification of the victim under Subsection (2)(a) shall consist of a good faith  
3692 reasonable effort to provide prompt notification, including mailing a copy of the  
3693 notification to the last-known address of the victim.
- 3694 (3)(a) Before release of an individual who is subject to a continuous protective order  
3695 issued under this part, the victim shall receive notice of the imminent release by the  
3696 law enforcement agency that is releasing the individual who is subject to the  
3697 continuous protective order:
- 3698 (i) if the victim has provided the law enforcement agency contact information; and  
3699 (ii) in accordance with Section 64-13-14.7, if applicable.

3700 (b) Before release, the law enforcement agency shall notify in writing the individual  
3701 being released that a violation of the continuous protective order issued at the time of  
3702 conviction or sentencing continues to apply, and that a violation of the continuous  
3703 protective order is punishable as described in Section 78B-7-806.

3704 (4) The court shall transmit a dismissal, termination, and expiration of a pretrial protective  
3705 order, sentencing protective order, or a continuous protective order to the statewide  
3706 domestic violence network described in Section 78B-7-113.

3707 Section 57. **Repealer.**

3708 This bill repeals:

3709 Section **64-13-21.2, Offender supervision dedicated credits.**

3710 Section 58. **Effective Date.**

3711 This bill takes effect on May 7, 2025.