

HB0163S01 compared with HB0163

{Omitted text} shows text that was in HB0163 but was omitted in HB0163S01

inserted text shows text that was not in HB0163 but was inserted into HB0163S01

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Adult Probation and Parole Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

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

None

AMENDS:

13-53-106 , as enacted by Laws of Utah 2018, Chapter 252 , as enacted by Laws of Utah 2018, Chapter 252

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- 17-55-201 , as last amended by Laws of Utah 2024, Chapter 187 , as last amended by Laws of Utah 2024, Chapter 187
- 21 41-6a-507 , as last amended by Laws of Utah 2021, Chapter 342 , as last amended by Laws of Utah 2021, Chapter 342
- 22 53-10-209 , as renumbered and amended by Laws of Utah 1998, Chapter 263 , as renumbered and amended by Laws of Utah 1998, Chapter 263
- 23 53-10-404 , as last amended by Laws of Utah 2024, Chapter 234 , as last amended by Laws of Utah 2024, Chapter 234
- 24 53-13-103 , as last amended by Laws of Utah 2024, Chapter 80 , as last amended by Laws of Utah 2024, Chapter 80
- 25 53B-35-202 , as last amended by Laws of Utah 2024, Chapter 144 , as last amended by Laws of Utah 2024, Chapter 144
- 26 58-37f-301 , as last amended by Laws of Utah 2023, Chapter 329 , as last amended by Laws of Utah 2023, Chapter 329
- 27 58-50-10 , as last amended by Laws of Utah 2021, Chapter 260 , as last amended by Laws of Utah 2021, Chapter 260
- 28 59-27-105 , as last amended by Laws of Utah 2013, Chapter 400 , as last amended by Laws of Utah 2013, Chapter 400
- 29 63A-16-1002 , as last amended by Laws of Utah 2024, Chapter 467 , as last amended by Laws of Utah 2024, Chapter 467
- 30 63A-17-512 , as last amended by Laws of Utah 2024, Chapter 80 , as last amended by Laws of Utah 2024, Chapter 80
- 31 63B-12-301 , as last amended by Laws of Utah 2023, Chapter 369 , as last amended by Laws of Utah 2023, Chapter 369
- 32 63M-7-404.3 , as enacted by Laws of Utah 2024, Chapter 197 , as enacted by Laws of Utah 2024, Chapter 197
- 33 63M-7-1002 , as enacted by Laws of Utah 2024, Chapter 160 , as enacted by Laws of Utah 2024, Chapter 160
- 34 64-13-6 , as last amended by Laws of Utah 2024, Chapters 144, 208 , as last amended by Laws of Utah 2024, Chapters 144, 208

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- 36 **64-13-14.5** , as last amended by Laws of Utah 2024, Chapters 96, 187 and 208 , as last amended by
Laws of Utah 2024, Chapters 96, 187 and 208
- 37 **64-13-26** , as last amended by Laws of Utah 2022, Chapter 187 , as last amended by Laws of Utah
2022, Chapter 187
- 38 **64-13e-102** , as last amended by Laws of Utah 2024, Chapter 467 , as last amended by Laws of Utah
2024, Chapter 467
- 39 **76-3-202** , as last amended by Laws of Utah 2024, Chapter 208 , as last amended by Laws of Utah
2024, Chapter 208
- 40 **76-3-409** , as last amended by Laws of Utah 1985, Chapter 212 , as last amended by Laws of Utah
1985, Chapter 212
- 41 **77-2a-2** , as last amended by Laws of Utah 2024, Chapter 208 , as last amended by Laws of Utah
2024, Chapter 208
- 42 **77-2a-3** , as last amended by Laws of Utah 2024, Chapter 180 , as last amended by Laws of Utah
2024, Chapter 180
- 43 **77-16a-103** , as last amended by Laws of Utah 2024, Chapter 177 , as last amended by Laws of
Utah 2024, Chapter 177
- 44 **77-16a-205** , as last amended by Laws of Utah 2023, Chapter 184 , as last amended by Laws of
Utah 2023, Chapter 184
- 45 **77-18-102** , as last amended by Laws of Utah 2024, Chapters 245, 434 , as last amended by Laws of
Utah 2024, Chapters 245, 434
- 46 **77-18-105** , as last amended by Laws of Utah 2024, Chapters 187, 208 , as last amended by Laws of
Utah 2024, Chapters 187, 208
- 47 **77-18-107** , as enacted by Laws of Utah 2021, Chapter 260 , as enacted by Laws of Utah 2021,
Chapter 260
- 48 **77-18-108** , as last amended by Laws of Utah 2024, Chapter 208 , as last amended by Laws of Utah
2024, Chapter 208
- 49 **77-18-109** , as enacted by Laws of Utah 2021, Chapter 260 , as enacted by Laws of Utah 2021,
Chapter 260
- 50 **77-20-203** , as last amended by Laws of Utah 2024, Chapter 16 , as last amended by Laws of Utah
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- 77-20-204 , as last amended by Laws of Utah 2024, Chapter 16 , as last amended by Laws of Utah 2024, Chapter 16
- 51 77-27-10 , as last amended by Laws of Utah 2024, Chapter 208 , 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 , as last amended by Laws of Utah 2023, Chapter 184
- 53 77-27-11 , as last amended by Laws of Utah 2024, Chapter 208 , as last amended by Laws of Utah 2024, Chapter 208
- 54 77-32b-102 , as last amended by Laws of Utah 2024, Chapter 389 , 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 , as last amended by Laws of Utah 2021, Chapter 159
- 56 77-38-3 , as last amended by Laws of Utah 2024, Chapter 240 , as last amended by Laws of Utah 2024, Chapter 240
- 57 77-38-611 , as last amended by Laws of Utah 2023, Chapter 237 , as last amended by Laws of Utah 2023, Chapter 237
- 58 77-38b-102 , as last amended by Laws of Utah 2024, Chapter 330 , as last amended by Laws of Utah 2024, Chapter 330
- 59 77-38b-304 , as last amended by Laws of Utah 2023, Chapter 113 , 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 , as renumbered and amended by Laws of Utah 2021, Chapter 260
- 61 77-40a-205 , as enacted by Laws of Utah 2024, Chapter 180 , as enacted by Laws of Utah 2024, Chapter 180
- 62 77-40a-305 , as last amended by Laws of Utah 2024, Chapter 180 , as last amended by Laws of Utah 2024, Chapter 180
- 63 77-41-104 , as last amended by Laws of Utah 2023, Chapter 128 , as last amended by Laws of Utah 2023, Chapter 128
- 64 77-41-105 , as last amended by Laws of Utah 2024, Chapter 234 , as last amended by Laws of Utah 2024, Chapter 234
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78B-7-807 , as enacted by Laws of Utah 2020, Chapter 142 , as enacted by Laws of Utah 2020, Chapter 142

66 ENACTS:

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

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

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

70 **64-14-203** , Utah Code Annotated 1953 , 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, Chapters 208, {434} 434) , (Renumbered from 64-13-21, as last amended by Laws of Utah 2024, Chapters 208, {434} 434)

73 ~~{64-14-204 , (Renumbered from 64-13-21, as last amended by Laws of Utah 2024, Chapter 16) , (Renumbered from 64-13-21, as last amended by Laws of Utah 2024, Chapter 16)}~~

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

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

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

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

82 REPEALS:

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

84

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.**

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

91 (2) The written disclosure shall include:

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- 92 (a) a statement that the program is a registered residential, vocational and life skills program, but that
the residential, vocational and life skills program is not endorsed by the state or the division;
- 95 (b) a statement that the prospective participant's continuation in the program is voluntary and that a
participant may leave at any time;
- 97 (c) the conditions under which a participant is removed from the residential, vocational and life skills
program or required to leave a program facility;
- 99 (d) a statement that the residential, vocational and life skills program will contact the Division of Adult
Probation and Parole created in Section 64-14-202, if required by law; and
- 102 (e) a description of:
- 103 (i) the lodging, food, clothing, and other resources that are available to a participant;
- 104 (ii) the nature and scope of the residential, vocational and life skills program, including any activities or
work that a participant is required to perform;
- 106 (iii) the scope and substance of peer-led activities;
- 107 (iv) the types of vocational training available to a participant, including the limitations on availability;
- 109 (v) the nature and extent of possible exposure to profanity, accusation, confrontation, nonphysical
threats, or nonphysical corrective interaction;
- 111 (vi) the terms of any prohibition from contact with a participant's family, friends, or associates; and
- 113 (vii) any crimes committed within the previous two years at the residential, vocational and life skills
program facility or at a vocational training entity 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 -- Reporting
requirements.**

119 (1)

. (a) Beginning January 1, 2023, a county shall:

120 (i) create a criminal justice coordinating council; or

121 (ii) jointly with another county or counties, create a criminal justice coordinating council.

123 (b) The purpose of a council is to coordinate and improve components of the criminal justice system in
the county or counties.

125 (2)

. (a) A council shall include:

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- 126 (i) one county commissioner or county council member;
- 127 (ii) the county sheriff or the sheriff's designee;
- 128 (iii) one chief of police of a municipality within the county or the chief's designee;
- 129 (iv) the county attorney or the attorney's designee;
- 130 (v) one public defender or attorney who provides public defense within the county;
- 131 (vi) one district court judge;
- 132 (vii) one justice court judge;
- 133 (viii) one representative from the Division of Adult Probation and Parole [~~within the Department of~~
Corrections] created in Section 64-14-202;
- 135 (ix) one representative from the local mental health authority within the county; and
- 136 (x) one individual who is:
- 137 (A) a crime victim; or
- 138 (B) a victim advocate, as defined in Section 77-38-403.
- 139 (b) A council may include:
- 140 (i) an individual representing:
- 141 (A) local government;
- 142 (B) human services programs;
- 143 (C) higher education;
- 144 (D) peer support services;
- 145 (E) workforce services;
- 146 (F) local housing services;
- 147 (G) mental health or substance use disorder providers;
- 148 (H) a health care organization within the county;
- 149 (I) a local homeless council;
- 150 (J) family counseling and support groups; or
- 151 (K) organizations that work with families of incarcerated individuals; or
- 152 (ii) an individual with lived experiences in the criminal justice system.
- 153 (3)
- . (a) A member who is an elected county official shall serve as chair of the council.
- 154 (b) The council shall elect the member to serve as chair under Subsection (3)(a).
- 155 (4)

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- . (a) A council shall develop and implement a strategic plan for the county's or counties' criminal justice system that includes:
- 157 (i) mapping of all systems, resources, assets, and services within the county's or counties' criminal justice system;
- 159 (ii) a plan for data sharing across the county's or counties' criminal justice system;
- 160 (iii) recidivism reduction objectives; and
- 161 (iv) community reintegration goals.
- 162 (b) The commission may assist a council in the development of a strategic plan.
- 163 (5) As part of the council's duties described in Subsection (4)(a)(i), the council shall prepare a list of private probation providers for a court to provide to defendants as described in Section 77-18-105.
- 166 (6) Before November 30 of each year, a council shall provide a written report to the commission regarding:
- 168 (a) the implementation of a strategic plan described in Subsection (4); and
- 169 (b) any data on the impact of the council on the criminal justice system in the county or counties.
- 170 Section 3. Section **41-6a-507** is amended to read:
- 171 **41-6a-507. Supervised probation for certain driving under the influence violations.**
- 174 (1) If supervised probation is ordered under Section 41-6a-505 or 41-6a-517:
- 175 (a) the court shall specify the period of the probation;
- 176 (b) the person shall pay all of the costs of the probation; and
- 177 (c) the court may order any other conditions of the probation.
- 178 (2)
- . (a) Subject to Subsection (2)(b), the court shall provide the probation described in this section by contract with a probation monitoring agency or a private probation provider.
- 181 (b) If a court determines that a person is subject to supervised probation provided by the Division of Adult Probation and Parole created in Section 64-14-202 for an offense other than the offense for which probation is ordered under Section 41-6a-505 or 41-6a-517, the court may order supervised probation to be provided by the Division of Adult Probation and Parole.
- 186 (3) The probation provider described in Subsection (2) shall monitor the person's compliance with all conditions of the person's sentence, conditions of probation, and court orders received under this part and shall notify the court of any failure to comply with or complete that sentence or those conditions or orders.

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190 (4)

. (a) The court may waive all or part of the costs associated with probation if the person is determined to be indigent by the court.

192 (b) The probation provider described in Subsection (2) shall cover the costs of waivers 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.**

196 (1) The warden of the state prison, keeper of any jail or correctional institution, and superintendent of the state hospital shall forward to the division:

198 (a) the fingerprints and recent photographs of all persons confined in each institution under criminal commitment;

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

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

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

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

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

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

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

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

217 (2)

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

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- (i) the person was booked under Section 53-10-403 and is not required to reimburse the agency under Section 53-10-404.5; or
- 224 (ii) the agency determines the person lacks the ability to pay.
- 225 (b)
- . (i)
- . (A) The responsible agencies shall establish guidelines and procedures for determining if the person is able to pay the fee.
- 227 (B) An agency's implementation of Subsection (2)(b)(i) meets an agency's obligation to determine an inmate's ability to pay.
- 229 (ii) An agency's guidelines and procedures may provide for the assessment of \$150 on the inmate's county trust fund account and may allow a negative balance in the account until the \$150 is paid in full.
- 232 (3)
- . (a)
- . (i) All fees collected under Subsection (2) shall be deposited into the DNA Specimen Restricted Account created in Section 53-10-407, except that the agency collecting the fee may retain not more than \$25 per individual specimen for the costs of obtaining the saliva DNA specimen.
- 236 (ii) The agency collecting the \$150 fee may not retain from each separate fee more than \$25, and no amount of the \$150 fee may be credited to any other fee or agency obligation.
- 239 (b) The responsible agency shall determine the method of collecting the DNA specimen. Unless the responsible agency determines there are substantial reasons for using a different method of collection or the person refuses to cooperate with the collection, the preferred method of collection shall be obtaining a saliva specimen.
- 243 (c) The responsible agency may use reasonable force, as established by its guidelines and procedures, to collect the DNA sample if the person refuses to cooperate with the collection.
- 246 (d) If the judgment places the person on probation, the person shall submit to the obtaining of a DNA specimen as a condition of the probation.
- 248 (e)
- . (i) Under this section a person is required to provide one DNA specimen and pay the collection fee as required under this section.

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- (ii) The person shall provide an additional DNA specimen only if the DNA specimen previously provided is not adequate for analysis.
- 252 (iii) The collection fee is not imposed for a second or subsequent DNA specimen collected under this section.
- 254 (f) Any agency that is authorized to obtain a DNA specimen under this part may collect any outstanding amount of a fee due under this section from any person who owes any portion of the fee and deposit the amount in the DNA Specimen Restricted Account created in Section 53-10-407.
- 258 (4)
- . (a) The responsible agency shall cause a DNA specimen to be obtained as soon as possible and transferred to the Department of Public Safety:
- 260 (i) after a conviction or an adjudication by the juvenile court;
- 261 (ii) on and after January 1, 2011, through December 31, 2014, after the booking of a person for any offense under Subsection 53-10-403(1)(c); and
- 263 (iii) on and after January 1, 2015, after the booking of a person for any felony offense, as provided under Subsection 53-10-403(1)(d)(ii).
- 265 (b) On and after May 13, 2014, through December 31, 2014, the responsible agency may cause a DNA specimen to be obtained and transferred to the Department of Public Safety after the booking of a person for any felony offense, as provided under Subsection 53-10-403(1)(d)(i).
- 269 (c) If notified by the Department of Public Safety that a DNA specimen is not adequate for analysis, the agency shall, as soon as possible:
- 271 (i) obtain and transmit an additional DNA specimen; or
- 272 (ii) request that another agency that has direct access to the person and that is authorized to collect DNA specimens under this section collect the necessary second DNA specimen and transmit it to the Department of Public Safety.
- 275 (d) Each agency that is responsible for collecting DNA specimens under this section shall establish:
- 277 (i) a tracking procedure to record the handling and transfer of each DNA specimen it obtains; and
- 279 (ii) a procedure to account for the management of all fees it collects under this section.
- 281 (5)
- . (a) The Department of Corrections is the responsible agency whenever the person is committed to the custody of or is under the supervision of the [~~Department of Corrections~~] Division of Adult Probation and Parole created in Section 64-14-202.

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- 284 (b) If a minor described in Subsection 53-10-403(3) is not committed to the legal custody of the
Division of Juvenile Justice and Youth Services upon an adjudication, the juvenile court is the
responsible agency regarding the collection of a DNA specimen from the minor.
- 288 (c) If a minor described in Subsection 53-10-403(3) is committed to the legal custody of the Division
of Juvenile Justice and Youth Services upon an adjudication, the Division of Juvenile Justice and
Youth Services is the responsible agency regarding the collection of a DNA specimen from the
minor.
- 292 (d) The sheriff operating a county jail is the responsible agency regarding the collection of DNA
specimens from persons who:
- 294 (i) have pled guilty to or have been convicted of an offense listed under Subsection 53-10-403(2) but
who have not been committed to the custody of the Department of Corrections or are not under the
supervision of the [~~Department of Corrections~~] Division of Adult Probation and Parole created in
Section 64-14-202;
- 298 (ii) are incarcerated in the county jail:
- 299 (A) as a condition of probation for a felony offense; or
- 300 (B) for a misdemeanor offense for which collection of a DNA specimen is required;
- 302 (iii) on and after January 1, 2011, through May 12, 2014, are booked at the county jail for any offense
under Subsection 53-10-403(1)(c); and
- 304 (iv) are booked at the county jail:
- 305 (A) by a law enforcement agency that is obtaining a DNA specimen for any felony offense on or after
May 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b); or
- 308 (B) on or after January 1, 2015, for any felony offense.
- 309 (e) Each agency required to collect a DNA specimen under this section shall:
- 310 (i) designate employees to obtain the saliva DNA specimens required under this section; and
- 312 (ii) ensure that employees designated to collect the DNA specimens receive appropriate training and
that the specimens are obtained in accordance with generally accepted protocol.
- 315 (6)
- . (a) As used in this Subsection (6), "department" means the Department of Corrections.
- 317 (b) Priority of obtaining DNA specimens by the department is:
- 318 (i) first, to obtain DNA specimens of persons who as of July 1, 2002, are in the custody of or under
the supervision of the department before these persons are released from incarceration, parole, or

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probation, if their release date is prior to that of persons under Subsection (6)(b)(ii), but in no case later than July 1, 2004; and

- 323 (ii) second, the department shall obtain DNA specimens from persons who are committed to the
custody of the department or who are placed under the supervision of the department after July 1,
2002, within 120 days after the commitment, if possible, but not later than prior to release from
incarceration if the person is imprisoned, or prior to the termination of probation if the person is
placed on probation.
- 329 (c) The priority for obtaining DNA specimens from persons under Subsection (6)(b)(ii) is:
- 331 (i) first, persons on probation;
- 332 (ii) second, persons on parole; and
- 333 (iii) third, incarcerated persons.
- 334 (d) Implementation of the schedule of priority under Subsection (6)(c) is subject to the priority of
Subsection (6)(b)(i), to ensure that the Department of Corrections obtains DNA specimens from
persons in the custody of or under the supervision of the Department of Corrections as of July 1,
2002, prior to their release.
- 338 (7)
- . (a) As used in this Subsection (7):
- 339 (i) "Court" means the juvenile court.
- 340 (ii) "Division" means the Division of Juvenile Justice and Youth Services.
- 341 (b) Priority of obtaining DNA specimens by the court from minors under Section 53-10-403 whose
cases are under the jurisdiction of the court but who are not in the legal custody of the division shall
be:
- 344 (i) first, to obtain specimens from minors whose cases, as of July 1, 2002, are under the court's
jurisdiction, before the court's jurisdiction over the minors' cases terminates; and
- 347 (ii) second, to obtain specimens from minors whose cases are under the jurisdiction of the court after
July 1, 2002, within 120 days of the minor's case being found to be within the court's jurisdiction, if
possible, but no later than before the court's jurisdiction over the minor's case terminates.
- 351 (c) Priority of obtaining DNA specimens by the division from minors under Section 53-10-403 who are
committed to the legal custody of the division shall be:

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- (i) first, to obtain specimens from minors who as of July 1, 2002, are within the division's legal custody and who have not previously provided a DNA specimen under this section, before termination of the division's legal custody of these minors; and
- 357 (ii) second, to obtain specimens from minors who are placed in the legal custody of the division after July 1, 2002, within 120 days of the minor's being placed in the custody of the division, if possible, but no later than before the termination of the court's jurisdiction over the minor's case.
- 361 (8)
- . (a) The Department of Corrections, the juvenile court, the Division of Juvenile Justice and Youth Services, and all law enforcement agencies in the state shall by policy establish procedures for obtaining saliva DNA specimens, and shall provide training for employees designated to collect saliva DNA specimens.
- 365 (b)
- . (i) The department may designate correctional officers, including those employed by the ~~[adult probation and parole section of the department]~~ Division of Adult Probation and Parole created in Section 64-14-202, to obtain the saliva DNA specimens required under this section.
- 369 (ii) The department shall ensure that the designated employees receive appropriate training and that the specimens are obtained in accordance with accepted protocol.
- 371 (c) Blood DNA specimens shall be obtained in accordance with Section 53-10-405.
- 371 Section 6. Section **53-13-103** is amended to read:
- 372 **53-13-103. Law enforcement officer.**
- 374 (1)
- . (a) "Law enforcement officer" means a sworn and certified peace officer:
- 375 (i) who is an employee of a law enforcement agency; and
- 376 (ii) whose primary and principal duties consist of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.
- 379 (b) "Law enforcement officer" includes the following:
- 380 (i) a sheriff or deputy sheriff, chief of police, police officer, or marshal of any county, city, or town;
- 382 (ii) the commissioner of public safety and any member of the Department of Public Safety certified as a peace officer;
- 384 (iii) all individuals specified in Section 79-2-704;
- 385 (iv) a police officer employed by a state institution of higher education;

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- 386 (v) investigators for the Motor Vehicle Enforcement Division;
- 387 (vi) investigators for the Department of Insurance, Fraud Division;
- 388 (vii) special agents or investigators employed by the attorney general, district attorneys, and county attorneys;
- 390 (viii) employees of the Department of Natural Resources designated as peace officers by law;
- 392 (ix) school district police officers as designated by the board of education for the school district;
- 394 (x) the executive director of the Department of Corrections and any correctional enforcement or investigative officer designated by the executive director and approved by the commissioner of public safety and certified by the division;
- 397 (xi) correctional enforcement, investigative, or [~~adult probation and parole~~] Division of Adult Probation and Parole officers employed by the Department of Corrections serving on or before July 1, 1993;
- 400 (xii) members of a law enforcement agency established by a private college or university if the agency is certified by the commissioner under [~~Title 53,~~] Chapter 19, Certification of Private Law Enforcement Agency;
- 403 (xiii) airport police officers of any airport owned or operated by the state or any of its political subdivisions; and
- 405 (xiv) transit police officers designated under Section 17B-2a-822.
- 406 (2) Law enforcement officers may serve criminal process and arrest violators of any law of this state and have the right to require aid in executing their lawful duties.
- 408 (3)
- . (a) A law enforcement officer has statewide full-spectrum peace officer authority, but the authority extends to other counties, cities, or towns only when the officer is acting under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is employed by the state.
- 412 (b)
- . (i) A local law enforcement agency may limit the jurisdiction in which its law enforcement officers may exercise their peace officer authority to a certain geographic area.
- 415 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the limited geographic area.
- 419 (c) The authority of law enforcement officers employed by the Department of Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.

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- 422 (4) A law enforcement officer shall, prior to exercising peace officer authority:
423 (a)
424 . (i) have satisfactorily completed the requirements of Section 53-6-205; or
424 (ii) have met the waiver requirements in Section 53-6-206; and
425 (b) have satisfactorily completed annual certified training of at least 40 hours per year as directed by the
director of the division, with the advice and consent of the council.

426 Section 7. Section **53B-35-202** is amended to read:

427 **53B-35-202. Council duties -- Reporting.**

- 429 (1) The council shall:
- 430 (a) coordinate, facilitate, and support higher education delivered in the state's correctional facilities,
including the county jails under contract with the Department of Corrections to house inmates, to
prepare incarcerated individuals for integration and productive employment upon release;
- 434 (b) explore and provide recommendations to the board and the Department of Corrections for the
efficient and effective delivery of higher education programs to incarcerated individuals, including:
- 437 (i) evidence-based practices and technologies;
- 438 (ii) methods of maximizing and facilitating incarcerated individuals' access to educational programs;
- 440 (iii) methods of supporting and facilitating timely completion of courses, certificates, and degrees;
- 442 (iv) methods of emphasizing educational programs that:
- 443 (A) align with current and future workforce demands of the state;
- 444 (B) lead to occupations that are accessible to released incarcerated individuals;
- 445 (C) provide sustainable wages following release; and
- 446 (D) maximize accessibility and timely completion during incarceration;
- 447 (v) use of cross-institutional application of coursework toward certificates and degrees;
- 449 (vi) use of coursework that encourages personal and civic development; and
- 450 (vii) methods of leveraging innovative course delivery, including technology resources;
- 452 (c) explore methods and make recommendations for the collection and analysis of critical data
regarding:
- 454 (i) enrollment and completion of postsecondary education courses, certificate programs, credentials, and
degree programs;
- 456 (ii) federal and state student aid awarded to incarcerated individuals;
- 457

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- (iii) costs of postsecondary education in prison, including any recommendations for continued improvement; and
- 459 (iv) outcomes of formerly incarcerated individuals who participated in postsecondary programming during incarceration if the individual is under the supervision of the [~~Department of Corrections~~] Division of Adult Probation and Parole created in Section 64-14-202, including recidivism, employment, and post-release postsecondary education engagement; and
- 464 (d) recommend requests for legislative appropriations to the board to support the purposes and objectives of the council.
- 466 (2) The council shall annually report regarding the council's plans and programs, the number of enrollees served, and the number of enrollees receiving degrees and certificates to:
- 469 (a) the board;
- 470 (b) before the committee's November interim committee meeting, the Education Interim Committee; and
- 472 (c) at least 30 days before the beginning of the annual legislative session, the Higher Education Appropriations Subcommittee.
- 473 Section 8. Section **58-37f-301** is amended to read:
- 474 **58-37f-301. Access to database.**
- 476 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
- 478 (a) effectively enforce the limitations on access to the database as described in this part; and
- 480 (b) establish standards and procedures to ensure accurate identification of individuals requesting information or receiving information without request from the database.
- 482 (2) The division shall make information in the database and information obtained from other state or federal prescription monitoring programs by means of the database available only to the following individuals, in accordance with the requirements of this chapter and division rules:
- 486 (a)
- . (i) personnel of the division specifically assigned to conduct investigations related to controlled substance laws under the jurisdiction of the division; and
- 488 (ii) the following law enforcement officers, but the division may only provide nonidentifying information, limited to gender, year of birth, and postal ZIP code, regarding individuals for whom a controlled substance has been prescribed or to whom a controlled substance has been dispensed:

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- 492 (A) a law enforcement agency officer who is engaged in a joint investigation with the division; and
494 (B) a law enforcement agency officer to whom the division has referred a suspected criminal violation
of controlled substance laws;
- 496 (b) authorized division personnel engaged in analysis of controlled substance prescription information
as a part of the assigned duties and responsibilities of their employment;
- 499 (c) a board member if:
- 500 (i) the board member is assigned to monitor a licensee on probation; and
501 (ii) the board member is limited to obtaining information from the database regarding the specific
licensee on probation;
- 503 (d) a person the division authorizes to obtain that information on behalf of the Utah Professionals
Health Program established in Subsection 58-4a-103(1) if:
- 505 (i) the person the division authorizes is limited to obtaining information from the database regarding the
person whose conduct is the subject of the division's consideration; and
508 (ii) the conduct that is the subject of the division's consideration includes a violation or a potential
violation of Chapter 37, Utah Controlled Substances Act, or another relevant violation or potential
violation under this title;
- 511 (e) in accordance with a written agreement entered into with the department, employees of the
Department of Health and Human Services:
- 513 (i) whom the director of the Department of Health and Human Services assigns to conduct scientific
studies regarding the use or abuse of controlled substances, if the identity of the individuals and
pharmacies in the database are confidential and are not disclosed in any manner to any individual
who is not directly involved in the scientific studies;
- 518 (ii) when the information is requested by the Department of Health and Human Services in relation
to a person or provider whom the Department of Health and Human Services suspects may be
improperly obtaining or providing a controlled substance; or
- 522 (iii) in the medical examiner's office;
- 523 (f) in accordance with a written agreement entered into with the department, a designee of the director
of the Department of Health and Human Services, who is not an employee of the Department of
Health and Human Services, whom the director of the Department of Health and Human Services
assigns to conduct scientific studies regarding the use or abuse of controlled substances pursuant to
an application process established in rule by the Department of Health and Human Services, if:

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- 529 (i) the designee provides explicit information to the Department of Health and Human Services regarding the purpose of the scientific studies;
- 531 (ii) the scientific studies to be conducted by the designee:
- 532 (A) fit within the responsibilities of the Department of Health and Human Services for health and welfare;
- 534 (B) are reviewed and approved by an Institutional Review Board that is approved for human subject research by the United States Department of Health and Human Services;
- 537 (C) are not conducted for profit or commercial gain; and
- 538 (D) are conducted in a research facility, as defined by division rule, that is associated with a university or college accredited by one or more regional or national accrediting agencies recognized by the United States Department of Education;
- 542 (iii) the designee protects the information as a business associate of the Department of Health and Human Services; and
- 544 (iv) the identity of the prescribers, patients, and pharmacies in the database are de-identified, confidential, and not disclosed in any manner to the designee or to any individual who is not directly involved in the scientific studies;
- 547 (g) in accordance with a written agreement entered into with the department and the Department of Health and Human Services, authorized employees of a managed care organization, as defined in 42 C.F.R. Sec. 438, if:
- 550 (i) the managed care organization contracts with the Department of Health and Human Services under the provisions of Section 26B-3-202 and the contract includes provisions that:
- 553 (A) require a managed care organization employee who will have access to information from the database to submit to a criminal background check; and
- 555 (B) limit the authorized employee of the managed care organization to requesting either the division or the Department of Health and Human Services to conduct a search of the database regarding a specific Medicaid enrollee and to report the results of the search to the authorized employee; and
- 559 (ii) the information is requested by an authorized employee of the managed care organization in relation to a person who is enrolled in the Medicaid program with the managed care organization, and the managed care organization suspects the person may be improperly obtaining or providing a controlled substance;

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- (h) a licensed practitioner having authority to prescribe controlled substances, to the extent the information:
- 565 (i)
- . (A) relates specifically to a current or prospective patient of the practitioner; and
- 567 (B) is provided to or sought by the practitioner for the purpose of:
- 568 (I) prescribing or considering prescribing any controlled substance to the current or prospective patient;
- 570 (II) diagnosing the current or prospective patient;
- 571 (III) providing medical treatment or medical advice to the current or prospective patient; or
- 573 (IV) determining whether the current or prospective patient:
- 574 (Aa) is attempting to fraudulently obtain a controlled substance from the practitioner; or
- 576 (Bb) has fraudulently obtained, or attempted to fraudulently obtain, a controlled substance from the practitioner;
- 578 (ii)
- . (A) relates specifically to a former patient of the practitioner; and
- 579 (B) is provided to or sought by the practitioner for the purpose of determining whether the former patient has fraudulently obtained, or has attempted to fraudulently obtain, a controlled substance from the practitioner;
- 582 (iii) relates specifically to an individual who has access to the practitioner's Drug Enforcement Administration identification number, and the practitioner suspects that the individual may have used the practitioner's Drug Enforcement Administration identification number to fraudulently acquire or prescribe a controlled substance;
- 587 (iv) relates to the practitioner's own prescribing practices, except when specifically prohibited by the division by administrative rule;
- 589 (v) relates to the use of the controlled substance database by an employee of the practitioner, described in Subsection (2)(i); or
- 591 (vi) relates to any use of the practitioner's Drug Enforcement Administration identification number to obtain, attempt to obtain, prescribe, or attempt to prescribe, a controlled substance;
- 594 (i) in accordance with Subsection (3)(a), an employee of a practitioner described in Subsection (2)(h), for a purpose described in Subsection (2)(h)(i) or (ii), if:
- 596 (i) the employee is designated by the practitioner as an individual authorized to access the information on behalf of the practitioner;

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- 598 (ii) the practitioner provides written notice to the division of the identity of the employee; and
600 (iii) the division:
- 601 (A) grants the employee access to the database; and
602 (B) provides the employee with a password that is unique to that employee to access the database in
order to permit the division to comply with the requirements of Subsection 58-37f-203(7) with
respect to the employee;
- 605 (j) an employee of the same business that employs a licensed practitioner under Subsection (2)(h) if:
607 (i) the employee is designated by the practitioner as an individual authorized to access the information
on behalf of the practitioner;
- 609 (ii) the practitioner and the employing business provide written notice to the division of the identity of
the designated employee; and
- 611 (iii) the division:
- 612 (A) grants the employee access to the database; and
613 (B) provides the employee with a password that is unique to that employee to access the database in
order to permit the division to comply with the requirements of Subsection 58-37f-203(7) with
respect to the employee;
- 616 (k) a licensed pharmacist having authority to dispense a controlled substance, or a licensed pharmacy
intern or pharmacy technician working under the general supervision of a licensed pharmacist, to the
extent the information is provided or sought for the purpose of:
- 620 (i) dispensing or considering dispensing any controlled substance;
621 (ii) determining whether a person:
- 622 (A) is attempting to fraudulently obtain a controlled substance from the pharmacy, practitioner, or
health care facility; or
624 (B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled substance from the
pharmacy, practitioner, or health care facility;
- 626 (iii) reporting to the controlled substance database; or
627 (iv) verifying the accuracy of the data submitted to the controlled substance database on behalf of a
pharmacy where the licensed pharmacist, pharmacy intern, or pharmacy technician is employed;
- 630 (l) pursuant to a valid search warrant, federal, state, and local law enforcement officers and state and
local prosecutors who are engaged in an investigation related to:
- 632 (i) one or more controlled substances; and

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- 633 (ii) a specific person who is a subject of the investigation;
- 634 (m) subject to Subsection (7), a probation or parole officer, employed by the [~~Department of~~
Corrections] Division of Adult Probation and Parole created in Section 64-14-202 or by a political
subdivision, to gain access to database information necessary for the officer's supervision of a
specific probationer or parolee who is under the officer's direct supervision;
- 639 (n) employees of the Office of Internal Audit within the Department of Health and Human Services
who are engaged in their specified duty of ensuring Medicaid program integrity under Section
26B-3-104;
- 642 (o) a mental health therapist, if:
- 643 (i) the information relates to a patient who is:
- 644 (A) enrolled in a licensed substance abuse treatment program; and
- 645 (B) receiving treatment from, or under the direction of, the mental health therapist as part of the
patient's participation in the licensed substance abuse treatment program described in Subsection (2)
(o)(i)(A);
- 648 (ii) the information is sought for the purpose of determining whether the patient is using a controlled
substance while the patient is enrolled in the licensed substance abuse treatment program described
in Subsection (2)(o)(i)(A); and
- 651 (iii) the licensed substance abuse treatment program described in Subsection (2)(o)(i)(A) is associated
with a practitioner who:
- 653 (A) is a physician, a physician assistant, an advance practice registered nurse, or a pharmacist; and
- 655 (B) is available to consult with the mental health therapist regarding the information obtained by the
mental health therapist, under this Subsection (2)(o), from the database;
- 658 (p) an individual who is the recipient of a controlled substance prescription entered into the database,
upon providing evidence satisfactory to the division that the individual requesting the information is
in fact the individual about whom the data entry was made;
- 662 (q) an individual under Subsection (2)(p) for the purpose of obtaining a list of the persons and entities
that have requested or received any information from the database regarding the individual, except
if the individual's record is subject to a pending or current investigation as authorized under this
Subsection (2);

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- (r) the inspector general, or a designee of the inspector general, of the Office of Inspector General of Medicaid Services, for the purpose of fulfilling the duties described in Title 63A, Chapter 13, Part 2, Office and Powers;
- 669 (s) the following licensed physicians for the purpose of reviewing and offering an opinion on an individual's request for workers' compensation benefits under Title 34A, Chapter 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act:
 - 673 (i) a member of the medical panel described in Section 34A-2-601;
 - 674 (ii) a physician employed as medical director for a licensed workers' compensation insurer or an approved self-insured employer; or
 - 676 (iii) a physician offering a second opinion regarding treatment;
 - 677 (t) members of Utah's Opioid Fatality Review Committee, for the purpose of reviewing a specific fatality due to opioid use and recommending policies to reduce the frequency of opioid use fatalities;
 - 680 (u) a licensed pharmacist who is authorized by a managed care organization as defined in Section 31A-1-301 to access the information on behalf of the managed care organization, if:
 - 683 (i) the managed care organization believes that an enrollee of the managed care organization has obtained or provided a controlled substance in violation of a medication management program contract between the enrollee and the managed care organization; and
 - 687 (ii) the managed care organization included a description of the medication management program in the enrollee's outline of coverage described in Subsection 31A-22-605(7); and
 - 690 (v) the Utah Medicaid Fraud Control Unit of the attorney general's office for the purpose of investigating active cases, in exercising the unit's authority to investigate and prosecute Medicaid fraud, abuse, neglect, or exploitation under 42 U.S.C. Sec. 1396b(q).
- 694 (3)
 - . (a) A practitioner described in Subsection (2)(h) may designate one or more employees to access information from the database under Subsection (2)(i), (2)(j), or (4)(c).
 - 697 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
 - 699 (i) establish background check procedures to determine whether an employee designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the database;

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- (ii) establish the information to be provided by an emergency department employee under Subsection (4); and
- 704 (iii) facilitate providing controlled substance prescription information to a third party under Subsection (5).
- 706 (c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or (4)(c) access to the database, unless the division determines, based on a background check, that the employee poses a security risk to the information contained in the database.
- 710 (4)
- . (a) An individual who is employed in the emergency department of a hospital may exercise access to the database under this Subsection (4) on behalf of a licensed practitioner if the individual is designated under Subsection (4)(c) and the licensed practitioner:
 - 714 (i) is employed or privileged to work in the emergency department;
 - 715 (ii) is treating an emergency department patient for an emergency medical condition; and
 - 717 (iii) requests that an individual employed in the emergency department and designated under Subsection (4)(c) obtain information regarding the patient from the database as needed in the course of treatment.
- 720 (b) The emergency department employee obtaining information from the database shall, when gaining access to the database, provide to the database the name and any additional identifiers regarding the requesting practitioner as required by division administrative rule established under Subsection (3) (b).
- 724 (c) An individual employed in the emergency department under this Subsection (4) may obtain information from the database as provided in Subsection (4)(a) if:
 - 726 (i) the employee is designated by the hospital as an individual authorized to access the information on behalf of the emergency department practitioner;
 - 728 (ii) the hospital operating the emergency department provide written notice to the division of the identity of the designated employee; and
 - 730 (iii) the division:
 - 731 (A) grants the employee access to the database; and
 - 732 (B) provides the employee with a password that is unique to that employee to access the database.
 - 734 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a practitioner who designates an employee under Subsection (2)(i), (2)(j), or (4)(c) to pay for the costs incurred by the

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division to conduct the background check and make the determination described in Subsection (3)
(b).

738 (5)

. (a)

. (i) An individual may request that the division provide the information under Subsection (5)(b) to a third party who is designated by the individual each time a controlled substance prescription for the individual is dispensed.

741 (ii) The division shall upon receipt of the request under this Subsection (5)(a) advise the individual in writing that the individual may direct the division to discontinue providing the information to a third party and that notice of the individual's direction to discontinue will be provided to the third party.

745 (b) The information the division shall provide under Subsection (5)(a) is:

746 (i) the fact a controlled substance has been dispensed to the individual, but without identifying the controlled substance; and

748 (ii) the date the controlled substance was dispensed.

749 (c)

. (i) An individual who has made a request under Subsection (5)(a) may direct that the division discontinue providing information to the third party.

751 (ii) The division shall:

752 (A) notify the third party that the individual has directed the division to no longer provide information to the third party; and

754 (B) discontinue providing information to the third party.

755 (6)

. (a) An individual who is granted access to the database based on the fact that the individual is a licensed practitioner or a mental health therapist shall be denied access to the database when the individual is no longer licensed.

758 (b) An individual who is granted access to the database based on the fact that the individual is a designated employee of a licensed practitioner shall be denied access to the database when the practitioner is no longer licensed.

761 (7) A probation or parole officer is not required to obtain a search warrant to access the database in accordance with Subsection (2)(m).

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763 (8) The division shall review and adjust the database programming which automatically logs off an individual who is granted access to the database under Subsections (2)(h), (2)(i), (2)(j), and (4)(c) to maximize the following objectives:

766 (a) to protect patient privacy;

767 (b) to reduce inappropriate access; and

768 (c) to make the database more useful and helpful to a person accessing the database under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations such as an emergency department.

771 (9) Any person who knowingly and intentionally accesses the database without express authorization under this section is guilty of a class A misdemeanor.

772 Section 9. Section **58-50-10** is amended to read:

773 **58-50-10. Exceptions from licensure.**

In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in probation supervision services subject to the stated circumstances and limitations without being licensed under this chapter:

778 (1) [employees] an employee of the [Department of Corrections] Division of Adult Probation and Parole created in Section 64-14-202 while the employee is performing probation services as part of [their] the employee's normal duties and responsibilities;

781 (2) [members] a member { [] a member } of the armed forces and [employees, agents] an employee, agent, or [representatives] representative of the federal government while acting in [their] the member's, employee's, agent's, or representative's official capacity; and

784 [(3) agencies of local government in accordance with Section 77-18-105.]

785 (3) an agency of a local government in accordance with Section 77-18-105.

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

786 **59-27-105. Sexually Explicit Business and Escort Service Fund -- Administrative charge.**

789 (1) There is created an expendable special revenue fund called the "Sexually Explicit Business and Escort Service Fund."

791 (2)

. (a) Except as provided in Subsection (3), the fund consists of all amounts collected by the commission under this chapter.

793 (b)

.

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- (i) The money in the fund shall be invested by the state treasurer pursuant to Title 51, Chapter 7, State Money Management Act.
- 795 (ii) All interest or other earnings derived from the fund money shall be deposited in the fund.
- 797 (3) Notwithstanding any other provision of this chapter, the commission shall retain and deposit an administrative charge in accordance with Section 59-1-306 from the revenues the commission collects from a tax under this chapter.
- 800 (4)
- . (a) Fund money shall be used as provided in this Subsection (4).
- 801 (b) The Department of Corrections shall use 60% of the money in the fund, in addition to existing budgets, to provide treatment services to nonworking or indigent adults who:
- 804 (i) have been convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses; and
- 806 (ii) are not currently confined or incarcerated in a jail or prison.
- 807 (c) The Division of Adult Probation and Parole [~~section of the Department of Corrections~~] created in Section 64-14-202 shall use 15% of the money in the fund to provide outpatient treatment services to individuals who:
- 810 (i) have been convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses; and
- 812 (ii) are not currently confined or incarcerated in a jail or prison.
- 813 (d) The Department of Corrections shall use 10% of the money in the fund, in addition to existing budgets, to implement treatment programs for juveniles who have been convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses.
- 816 (e) The attorney general shall use 15% of the money in the fund to provide funding for any task force:
- 818 (i) administered through the Office of the Attorney General; and
- 819 (ii) that investigates and prosecutes individuals who use the Internet to commit crimes against children.
- 820 Section 11. Section **63A-16-1002** is amended to read:
- 821 **63A-16-1002. Public safety portal.**
- 823 (1) The commission shall oversee the creation and management of a public safety portal for information and data required to be reported to the commission and accessible to all criminal justice agencies in the state.
- 826 (2) The division shall assist with the development and management of the public safety portal.
- 828 (3) The division, in collaboration with the commission, shall create:
- 829 (a) master standards and formats for information submitted to the public safety portal;

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- 830 (b) a gateway, bridge, website, or other method for reporting entities to provide the information;
- 832 (c) a master data management index or system to assist in the retrieval of information from the public safety portal;
- 834 (d) a protocol for accessing information in the public safety portal that complies with state privacy regulations; and
- 836 (e) a protocol for real-time audit capability of all data accessed from the public safety portal by participating data source, data use entities, and regulators.
- 838 (4) The public safety portal shall be the repository for the statutorily required data described in:
- 840 (a) Section 13-53-111, recidivism reporting requirements;
- 841 (b) Section 17-22-32, county jail reporting requirements;
- 842 (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;
- 843 (d) Section 26B-1-427, Alcohol Abuse Tracking Committee;
- 844 (e) Section 41-6a-511, courts to collect and maintain data;
- 845 (f) Section 53-25-301, reporting requirements for reverse-location warrants;
- 846 (g) Section 53-25-202, sexual assault offense reporting requirements for law enforcement agencies;
- 848 (h) Section 53E-3-516, school disciplinary and law enforcement action report;
- 849 (i) Section 53-25-501, reporting requirements for seized firearms;
- 850 (j) Section 63M-7-214, law enforcement agency grant reporting;
- 851 (k) Section 63M-7-216, prosecutorial data collection;
- 852 (l) Section 63M-7-220, domestic violence data collection;
- 853 (m) Section [~~64-13-21~~] 64-14-204, supervision of sentenced offenders placed in community;
- 855 (n) Section 64-13-25, standards for programs;
- 856 (o) Section 64-13-45, department reporting requirements;
- 857 (p) Section 64-13e-104, county correctional facility reimbursement program for state probationary inmates and state parole inmates;
- 859 (q) Section 77-7-8.5, use of tactical groups;
- 860 (r) Section 77-11b-404, forfeiture reporting requirements;
- 861 (s) Section 77-20-103, release data requirements;
- 862 (t) Section 77-22-2.5, court orders for criminal investigations;
- 863 (u) Section 78A-2-109.5, court data collection on criminal cases;
- 864 (v) Section 80-6-104, data collection on offenses committed by minors; and

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- 865 (w) any other statutes which require the collection of specific data and the reporting of that data to the
commission.
- 867 (5) Before October 1, 2025, the commission shall ~~report all~~ report all data collected to the Law
Enforcement and Criminal Justice Interim Committee.
- 869 (6) The commission may:
- 870 (a) enter into contracts with private or governmental entities to assist entities in complying with the data
reporting requirements of Subsection (4); and
- 872 (b) adopt, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules to
administer this section, including establishing requirements and procedures for collecting the data
described in Subsection (4).
- 874 Section 12. Section **63A-17-512** is amended to read:
- 875 **63A-17-512. Leave of absence with pay for employees with a disability who are covered
under other civil service systems.**
- 878 (1) As used in this section:
- 879 (a) "Eligible officer" means a person who qualifies for a benefit under this section.
- 880 (b)
- . (i) "Law enforcement officer" means a sworn and certified peace officer who is an employee of a law
enforcement agency that is part of or administered by the state, and whose primary and principal
duties consist of the prevention and detection of crime and the enforcement of criminal statutes of
this state.
- 884 (ii) "Law enforcement officer" specifically includes the following:
- 885 (A) the commissioner of public safety and any member of the Department of Public Safety certified as a
peace officer;
- 887 (B) investigators for the Motor Vehicle Enforcement Division;
- 888 (C) special agents or investigators employed by the attorney general;
- 889 (D) employees of the Department of Natural Resources designated as peace officers by law;
- 891 (E) the executive director of the Department of Corrections and any correctional enforcement or
investigative officer designated by the executive director and approved by the commissioner of
public safety and certified by the division; and
- 895

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- (F) correctional enforcement, investigative, or [~~adult probation and parole officers~~] Division of Adult Probation and Parole officers employed by the Department of Corrections serving on or before July 1, 1993.
- 898 (c) "State correctional officer" means a correctional officer as defined in Section 53-13-104 who is
employed by the Department of Corrections.
- 900 (2)
- . (a) A law enforcement officer or state correctional officer who is injured in the course of employment shall be given a leave of absence with 100% of the officer's regular monthly salary and benefits during the period the employee has a temporary disability.
- 904 (b) The benefit provided under Subsection (2)(a):
- 905 (i) shall be offset as provided under Subsection (4); and
- 906 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including all offsets required under Subsection (4).
- 908 (3)
- . (a) A law enforcement officer or state correctional officer who has a total disability as defined in Section 49-21-102, shall be given a leave of absence with 100% of the officer's regular monthly salary and benefits until the officer is eligible for an unreduced retirement under Title 49, Utah State Retirement and Insurance Benefit Act, or reaches the retirement age of 62 years, whichever occurs first, if:
- 913 (i) the disability is a result of an injury sustained while in the lawful discharge of the officer's duties; and
- 915 (ii) the injury is the result of:
- 916 (A) a criminal act upon the officer; or
- 917 (B) an aircraft, vehicle, or vessel accident and the officer was not negligent in causing the accident.
- 919 (b) The benefit provided under Subsection (3)(a):
- 920 (i) shall be offset as provided under Subsection (4); and
- 921 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including all offsets required under Subsection (4).
- 923 (4)
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- (a) The agency shall reduce or require the reimbursement of the monthly benefit provided under this section by any amount received by, or payable to, the eligible officer for the same period of time during which the eligible officer is entitled to receive a monthly disability benefit under this section.
- 927 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall
make rules establishing policies and procedures for the reductions required under Subsection (4)(a).
- 929 Section 13. Section **63B-12-301** is amended to read:
- 930 **63B-12-301. Other capital facilities authorizations.**
- 932 (1) It is the intent of the Legislature that:
- 933 (a) Utah State University use institutional funds to plan, design, and construct an addition to the
Laboratory Research Center under the direction of the director of the Division of Facilities
Construction and Management unless supervisory authority has been delegated;
- 937 (b) no state funds be used for any portion of this project; and
- 938 (c) the university may request state funds for operations and maintenance to the extent that the
university is able to demonstrate to the Board of Regents that the facility meets approved academic
and training purposes under Board of Regents policy R710.
- 941 (2) It is the intent of the Legislature that:
- 942 (a) Utah State University use institutional funds to plan, design, and construct an addition to the
Biology/Natural Resources Building under the direction of the director of the Division of Facilities
Construction and Management unless supervisory authority has been delegated;
- 946 (b) no state funds be used for any portion of this project; and
- 947 (c) the university may request state funds for operations and maintenance to the extent that the
university is able to demonstrate to the Board of Regents that the facility meets approved academic
and training purposes under Board of Regents policy R710.
- 950 (3) It is the intent of the Legislature that:
- 951 (a) Snow College use grants and loans from the Community Impact Board together with other
institutional funds to plan, design, and construct an addition to the Activities Center under the
direction of the director of the Division of Facilities Construction and Management unless
supervisory authority has been delegated;
- 955 (b) no state funds be used for any portion of this project;
- 956 (c) before proceeding with the project, the Board of Regents and the Division of Facilities Construction
and Management review and approve the scope and funding of the project; and

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- 959 (d) the college may request state funds for operations and maintenance to the extent that the college is
able to demonstrate to the Board of Regents that the facility meets approved academic and training
purposes under Board of Regents policy R710.
- 962 (4)
- . (a) It is the intent of the Legislature that the Division of Facilities Construction and Management sell
the state's interest in the Iron County Correction Facility to Iron County for \$2,000,000 according to
the terms specified in this Subsection (4).
- 965 (b) Iron County will pay the state \$1,550,000 in cash.
- 966 (c) To pay the \$450,000 balance of the purchase price, Iron County will:
- 967 (i) provide office space for the Department [~~of Corrections' Adult Probation and Parole~~] of Corrections
in the Iron County Correction Facility for 10 years at no cost to the state of Utah, at an estimated
value of \$45,000 per year for a total 10-year value of \$450,000; and
- 971 (ii) contract with the Department of Corrections to house 15 state prisoners in the Iron County
Correctional Facility for at least five years.
- 973 (d)
- . (i) The Department of Corrections shall select the 15 prisoners to house at the Iron County Correctional
Facility from beds currently under contract in other counties.
- 976 (ii) Nothing in this section may be construed to authorize or require the Department of Corrections to
increase the number of prisoners currently housed in county correctional facilities on state contract.
- 979 (e) If the [~~Department of Corrections'~~] Division of Adult Probation and Parole created in Section
64-14-202 chooses[, for whatever reason,] not to use the office space offered by Iron County, Iron
County is not liable for, and need not pay, the state the value of that estimated rent.
- 982 Section 14. Section **63M-7-404.3** is amended to read:
- 983 **63M-7-404.3. Adult sentencing and supervision length guidelines.**
- 985 (1) The sentencing commission shall establish and maintain adult sentencing and supervision length
guidelines regarding:
- 987 (a) the sentencing and release of offenders in order to:
- 988 (i) accept public comment;
- 989 (ii) relate sentencing practices and correctional resources;
- 990 (iii) increase equity in sentencing;
- 991 (iv) better define responsibility in sentencing; and

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- 992 (v) enhance the discretion of the sentencing court while preserving the role of the Board of Pardons and Parole;
- 994 (b) the length of supervision of offenders on probation or parole in order to:
- 995 (i) accept public comment;
- 996 (ii) increase equity in criminal supervision lengths;
- 997 (iii) relate the length of supervision to an offender's progress;
- 998 (iv) take into account an offender's risk of offending again;
- 999 (v) relate the length of supervision to the amount of time an offender has remained under supervision in the community; and
- 1001 (vi) enhance the discretion of the sentencing court while preserving the role of the Board of Pardons and Parole; and
- 1003 (c) appropriate, evidence-based probation and parole supervision policies and services that assist offenders in successfully completing supervision and reduce incarceration rates from community supervision programs while ensuring public safety, including:
- 1006 (i) treatment and intervention completion determinations based on individualized case action plans;
- 1008 (ii) measured and consistent processes for addressing violations of conditions of supervision;
- 1010 (iii) processes that include using positive reinforcement to recognize an offender's progress in supervision;
- 1012 (iv) engaging with social services agencies and other stakeholders who provide services that meet the needs of an offender; and
- 1014 (v) identifying community violations that may not warrant revocation of probation or parole.
- 1016 (2)
- . (a) Before July 1, 2024, the sentencing commission shall revise and review the adult sentencing and supervision length guidelines to reflect appropriate penalties for the following offenses:
- 1019 (i) an interlock restricted driver operating a vehicle without an ignition interlock system, Section 41-6a-518.2[?];
- 1021 (ii) negligently operating a vehicle resulting in injury, Section 76-5-102.1; and
- 1022 (iii) negligently operating a vehicle resulting in death, Section 76-5-207.
- 1023 (b) The guidelines under Subsection (2)(a) shall consider the following:
- 1024 (i) the current sentencing requirements for driving under the influence of alcohol, drugs, or a combination of both as identified in Section 41-6a-505 when injury or death do not result;

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- 1027 (ii) the degree of injury and the number of victims suffering injury or death as a result of the offense;
- 1029 (iii) the offender's number of previous convictions for driving under the influence related offenses as defined in Subsection 41-6a-501(2)(a); and
- 1031 (iv) whether the offense amounts to extreme DUI, as that term is defined in Section 41-6a-501.
- 1033 (3) On or before October 31, 2024, the sentencing commission shall review and revise the supervision tools in the adult sentencing and supervision length guidelines to:
- 1035 (a) recommend appropriate sanctions for an individual who violates probation or parole by:
- 1037 (i) committing a felony offense, a misdemeanor offense described in Title 76, Chapter 5, Offenses Against the Individual, or a misdemeanor offense for driving under the influence described in Section 41-6a-502;
- 1040 (ii) possessing a dangerous weapon; or
- 1041 (iii) willfully refusing to participate in treatment ordered by the court or the Board of Pardons and Parole; and
- 1043 (b) recommend appropriate incentives for an individual on probation or parole that:
- 1044 (i) completes all conditions of probation or parole; or
- 1045 (ii) maintains eligible employment as defined in Section ~~[64-13g-101]~~ 64-14-301.
- 1046 (4) The sentencing commission shall establish guidelines in the adult sentencing and supervision length guidelines that recommend an enhanced sentence that a court or the Board of Pardons and Parole should consider when determining the period in which a habitual offender, as defined in Section 77-18-102, will be incarcerated.
- 1050 (5) The sentencing commission shall modify:
- 1051 (a) the adult sentencing and supervision length guidelines to reduce recidivism for the purposes of protecting the public and ensuring efficient use of state funds; and
- 1053 (b) the criminal history score in the adult sentencing and supervision length guidelines to reduce recidivism, including factors in an offender's criminal history that are relevant to the accurate determination of an individual's risk of offending again.
- 1055 Section 15. Section **63M-7-1002** is amended to read:
- 1056 **63M-7-1002. Victim rights committee for each judicial district -- Members -- Terms.**
- 1059 (1) There is created a victim rights committee in each judicial district of this state.
- 1060 (2) The Victim Services Commission shall appoint a chair to serve on each committee.
- 1061

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- (3) The chair shall appoint, with the Victim Services Commission's consent, the following individuals to serve on each committee:
- 1063 (a) a county or district attorney within the judicial district, or the county or district attorney's designee;
- 1065 (b) a municipal attorney within the judicial district, or the municipal attorney's designee;
- 1066 (c) a sheriff within the judicial district, or the sheriff's designee;
- 1067 (d) a chief of police within the judicial district, or the chief of police's designee;
- 1068 (e) a representative of the Division of Adult Probation and Parole [~~within the Department of~~
Corrections] created in Section 64-14-202;
- 1070 (f) a victim advocate; and
- 1071 (g) any other representative as appropriate.
- 1072 (4) A member is:
- 1073 (a) appointed to serve a four-year term; and
- 1074 (b) eligible for reappointment.
- 1075 (5) When a vacancy occurs in the membership of a committee for any reason, the replacement shall be appointed for the remainder of the unexpired term.
- 1077 (6) A member may not receive compensation or benefits for the member's service, but a member may receive per diem and travel expenses in accordance with:
- 1079 (a) Section 63A-3-106;
- 1080 (b) Section 63A-3-107; and
- 1081 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 1082 Section 16. Section ~~64-13-6~~ is amended to read:
- 1083 **64-13-6. Department duties.**
- 1085 (1) The department shall:
- 1086 (a) protect the public through institutional care and confinement, and supervision in the community of offenders where appropriate;
- 1088 (b) implement court-ordered punishment of offenders;
- 1089 (c) provide evidence-based and evidence-informed program opportunities for offenders designed to reduce offenders' criminogenic and recidivism risks, including behavioral, cognitive, educational, and career-readiness program opportunities;
- 1092 (d) ensure that offender participation in all program opportunities described in Subsection (1)(c) is voluntary;

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- 1094 (e) where appropriate, utilize offender volunteers as mentors in the program opportunities described in Subsection (1)(c);
- 1096 (f) provide treatment for sex offenders who are found to be treatable based upon criteria developed by the department;
- 1098 (g) provide the results of ongoing clinical assessment of sex offenders and objective diagnostic testing to sentencing and release authorities;
- 1100 (h) manage programs that take into account the needs and interests of victims, where reasonable;
- 1102 (i) through the Division of Adult Probation and Parole created in Section 64-14-202, supervise probationers and parolees as directed by statute and implemented by the courts and the Board of Pardons and Parole;
- 1105 (j) subject to Subsection [~~(3)~~] (2), investigate criminal conduct involving offenders incarcerated in a state correctional facility;
- 1107 (k) cooperate and exchange information with other state, local, and federal law enforcement agencies to achieve greater success in prevention and detection of crime and apprehension of criminals;
- 1110 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult Offender Supervision;
- 1112 (m) establish a case action plan based on appropriate validated risk, needs, and responsivity assessments for each offender as follows:
- 1114 (i)
- . (A) if an offender is to be supervised in the community, the department shall establish a case action plan for the offender no later than 60 days after the day on which the department's community supervision of the offender begins; and
- 1117 (B) if the offender is committed to the custody of the department, the department shall establish a case action plan for the offender no later than 90 days after the day on which the offender is committed to the custody of the department;
- 1120 (ii) each case action plan shall:
- 1121 (A) integrate an individualized, evidence-based, and evidence-informed treatment and program plan with clearly defined completion requirements; and
- 1123 (B) require that a case manager will:
- 1124 (I) ensure that an assessment of the education level, occupational interests, and aptitudes of the inmate has been completed;

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- 1126 (II) refer the inmate to a higher education student advisor at an institution offering programs consistent with the inmate's interests and aptitudes for advisement on educational preferences and plans;
- 1129 (III) incorporate the inmate's interests, aptitudes, and student advisement into an education plan consistent with the guidance provided by the Higher Education and Corrections Council created in Section 53B-35-201; and
- 1132 (IV) refer the inmate to the student advisor at the institution called for in the case action plan for guidance and assistance with the education process;
- 1134 (iii) the department shall share each newly established case action plan with the sentencing and release authority within 30 days after the day on which the case action plan is established; and
- 1137 (iv) the department shall share any changes to a case action plan, including any change in an offender's risk assessment, with the sentencing and release authority within 30 days after the day of the change;
- 1140 (n) ensure that an inmate has reasonable access to legal research;
- 1141 (o) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:
- 1145 (i) under this title;
- 1146 (ii) by the department; or
- 1147 (iii) by an agency or division within the department;
- 1148 (p) when reporting on statewide recidivism, include the metrics and requirements described in Section 63M-7-102;
- 1150 (q) create a reentry division that focuses on the successful reentry of inmates into the community;
- 1152 (r) coordinate with the Board of Pardons and Parole regarding inmate records that are necessary for the Board of Pardons and Parole to make necessary determinations regarding an inmate; and
- 1155 (s) ensure that inmate records regarding discipline, programs, and other relevant metrics are:
- 1157 (i) complete and updated in a timely manner; and
- 1158 (ii) when applicable, shared with the Board of Pardons and Parole in a timely manner.
- 1159 [~~(2) The department may in the course of supervising probationers and parolees:~~]
- 1160 [~~(a) respond to an individual's violation of one or more terms of the probation or parole in accordance with the graduated and evidence-based processes established by the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and~~]

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- 1163 ~~[(b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction for an~~
individual's violation of the terms of probation or parole a period of incarceration of not more than
three consecutive days and not more than a total of five days within a period of 30 days.]
- 1167 ~~[(3)]~~ (2)
- . (a) By following the procedures in Subsection ~~[(3)(b)]~~ (2)(b), the department may investigate the
following occurrences at state correctional facilities:
- 1169 (i) criminal conduct of departmental employees;
- 1170 (ii) felony crimes resulting in serious bodily injury;
- 1171 (iii) death of any person; or
- 1172 (iv) aggravated kidnaping.
- 1173 (b) Before investigating any occurrence specified in Subsection ~~[(3)(a)]~~ (2)(a), the department shall:
- 1175 (i) notify the sheriff or other appropriate law enforcement agency promptly after ascertaining facts
sufficient to believe an occurrence specified in Subsection ~~[(3)(a)]~~ (2)(a) has occurred; and
- 1178 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to conduct an
investigation involving an occurrence specified in Subsection ~~[(3)(a)]~~ (2)(a).
- 1181 ~~[(4)]~~ (3) Upon request, the department shall provide copies of investigative reports of criminal conduct
to the sheriff or other appropriate law enforcement agencies.
- 1183 ~~[(5)]~~ (4)
- . (a) The executive director of the department, or the executive director's designee if the designee
possesses expertise in correctional programming, shall consult at least annually with cognitive and
career-readiness staff experts from the Utah system of higher education and the State Board of
Education to review the department's evidence-based and evidence-informed treatment and program
opportunities.
- 1188 (b) Beginning in the 2022 interim, the department shall provide an annual report to the Law
Enforcement and Criminal Justice Interim Committee regarding:
- 1190 (i) the department's implementation of and offender participation in evidence-based and evidence-
informed treatment and program opportunities designed to reduce the criminogenic and recidivism
risks of offenders over time; and
- 1193 (ii) the progress of the department's implementation of the inmate program requirements described in
Section 64-13-50.
- 1195 ~~[(6)]~~ (5)

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- . (a) As used in this Subsection [~~(6)~~] (5):
- 1196 (i) "Accounts receivable" means any amount owed by an offender arising from a criminal judgment
that has not been paid.
- 1198 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures, surcharges, costs,
interest, penalties, restitution to victims, third-party claims, claims, reimbursement of a reward,
and damages that an offender is ordered to pay.
- 1202 (b) The department shall collect and disburse, with any interest and any other costs assessed under
Section [~~64-13-21~~] 64-14-204, an accounts receivable for an offender during:
- 1205 (i) the parole period and any extension of that period in accordance with Subsection [~~(6)(e)~~] (5)(c); and
- 1207 (ii) the probation period for which the court orders supervised probation and any extension of that
period by the department in accordance with Subsection 77-18-105(7).
- 1210 (c)
- . (i) If an offender has an unpaid balance of the offender's accounts receivable at the time that the
offender's sentence expires or terminates, the department shall be referred to the sentencing court
for the sentencing court to enter a civil judgment of restitution and a civil accounts receivable as
described in Section 77-18-114.
- 1214 (ii) If the board makes an order for restitution within 60 days from the day on which the offender's
sentence expires or terminates, the board shall refer the order for restitution to the sentencing court
to be entered as a civil judgment of restitution as described in Section 77-18-114.
- 1218 (d) This Subsection [~~(6)~~] (5) only applies to offenders sentenced before July 1, 2021.
- 1219 Section 17. Section **64-13-14.5** is amended to read:
- 1220 **64-13-14.5. Limits of confinement place -- Release status -- Work release.**
- 1221 (1) The department may extend the limits of the place of confinement of an inmate when, as established
by department policies and procedures, there is cause to believe the inmate will honor the trust, by
authorizing the inmate under prescribed conditions:
- 1224 (a) to leave temporarily for purposes specified by department policies and procedures to visit
specifically designated places for a period not to exceed 30 days;
- 1226 (b) to participate in a voluntary training program in the community while housed at a correctional
facility or to work at paid employment;
- 1228 (c) to be housed in a nonsecure community correctional center operated by the department; or
- 1230 (d) to be housed in any other facility under contract with the department.

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- 1231 (2)
. (a) The department shall establish rules governing offenders on release status.
- 1232 (b) A copy of the rules established under Subsection (2)(a) shall be furnished to the offender and to any employer or other person participating in the offender's release program.
- 1235 (c) Any employer or other participating person shall agree in writing to abide by the rules established under Subsection (2)(a) and to notify the department of the offender's discharge or other release from a release program activity, or of any violation of the rules governing release status.
- 1239 (3) The willful failure of an inmate to remain within the extended limits of his confinement or to return within the time prescribed to an institution or facility designated by the department is an escape from custody.
- 1242 (4) If an offender is arrested for the commission of a crime, the arresting authority shall immediately notify the department of the arrest.
- 1244 (5) The department may impose appropriate sanctions pursuant to Section ~~[64-13-21]~~ 64-14-204 upon offenders who violate the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, including prosecution for escape under Section 76-8-309 or 76-8-309.3 and for ~~[unauthorized absence]~~ absconding from supervision.
- 1249 (6) An inmate who is housed at a nonsecure correctional facility and on work release may not be required to work for less than the current federally established minimum wage, or under substandard working conditions.
- 1252 Section 18. Section **64-13-26** is amended to read:
- 1253 **64-13-26. Private providers of services.**
- 1379 (1) Subject to Subsection ~~[64-13-21(1)(b)]~~ 64-14-204(1)(b), the department may contract with a private provider or another agency for the provision of care, treatment, and supervision of an offender committed to the care and custody of the department.
- 1382 (2)
. (a) The department shall:
- 1383 (i) establish standards for the operation of the programs;
- 1384 (ii) establish standards under Section 64-13-25 regarding program standards; and
- 1385 (iii) annually review the programs for compliance.
- 1386 (b) The reviews described in Subsection (2)(a) shall be classified as confidential internal working papers.

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- 1388 (c) Access to records regarding the reviews is available upon the discretion of the executive director or
the governor, or upon court order.
- 1265 Section 19. Section **64-13e-102** is amended to read:
- 1266 **64-13e-102. Definitions.**
As used in this chapter:
- 1393 (1) "Alternative treatment program" means:
- 1394 (a) an evidence-based cognitive behavioral therapy program; or
- 1395 (b) a certificate-based program provided by:
- 1396 (i) an institution of higher education described in Subsection 53B-1-102(1)(b); or
- 1397 (ii) a degree-granting institution acting in the degree-granting institution's technical education role
described in Section 53B-2a-201.
- 1399 (2) "Board" means the Board of Pardons and Parole.
- 1400 (3) "Commission" means the State Commission on Criminal and Juvenile Justice, created in Section
63M-7-201.
- 1402 (4)
- . (a) "Condition of probation day" means a day spent by a state probationary inmate in a county
correctional facility as a condition of probation.
- 1404 (b) "Condition of probation day" includes a day spent by a state probationary inmate in a county
correctional facility:
- 1406 (i) after the date of sentencing;
- 1407 (ii) before the date of sentencing, if a court orders that the state probationary inmate shall receive credit
for time served in a county correctional facility before the date of sentencing;
- 1410 (iii) as a condition of an original order of probation; and
- 1411 (iv) as a condition of a new order of probation after a prior revocation of probation.
- 1412 (c) "Condition of probation day" does not include a day spent by a state probationary inmate in a county
correctional facility:
- 1414 (i) as a probation sanction day;
- 1415 (ii) after the state probationary inmate has spent 365 consecutive days in a county correctional facility
for a single order of probation;
- 1417 (iii) as a condition of a plea in abeyance agreement if a conviction has not been entered;
- 1419

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- (iv) on a hold instituted by the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security; or
- 1421 (v) after the termination of probation if the state probationary inmate is:
 - 1422 (A) sentenced to prison; or
 - 1423 (B) eligible for release.
- 1424 (5) "Department" means the Department of Corrections, created in Section 64-13-2.
- 1425 (6) "Division" means the Division of Finance, created in Section 63A-3-101.
- 1426 (7)
 - . (a) "Eligible bed day" means a day spent by a state probationary inmate or a state parole inmate in a county correctional facility that is eligible for reimbursement under Section 64-13e-104.
- 1429 (b) "Eligible bed day" includes:
 - 1430 (i) a condition of probation day;
 - 1431 (ii) a parole hold day;
 - 1432 (iii) a parole sanction day; and
 - 1433 (iv) a probation sanction day.
- 1434 (8)
 - . (a) "Parole hold day" means a day spent in a county correctional facility by a state parole inmate under Subsection 64-13-29(3) based on a suspected violation of the state parole inmate's terms of parole.
- 1437 (b) "Parole hold day" does not include a day spent in a county correctional facility by a state parole inmate:
 - 1439 (i) after the state parole inmate has spent 72 hours, excluding weekends and holidays, for a single suspected violation of the state parole inmate's terms of parole; or
 - 1441 (ii) as a parole sanction day.
- 1442 (9)
 - . (a) "Parole sanction day" means a day spent in a county correctional facility by a state parole inmate as a sanction under Subsection 64-13-6(2) for a violation of the state parole inmate's terms of parole.
- 1445 (b) "Parole sanction day" includes not more than three consecutive days and not more than a total of ~~five~~ six days within a period of 30 days for each sanction.
- 1447 (c) "Parole sanction day" does not include a parole hold day.
- 1448 (10)
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- (a) "Probation sanction day" means a day spent in a county correctional facility by a state probationary inmate as a sanction under Subsection 64-13-6(2) based on a violation of the state probationary inmate's terms of probation.
- 1451 (b) "Probation sanction day" includes not more than three consecutive days and not more than a total of [~~five~~] six days within a period of 30 days for each sanction.
- 1453 (c) "Probation sanction day" does not include:
- 1454 (i) a condition of probation day; or
- 1455 (ii) a day spent in a county correctional facility by a state probationary inmate under Subsection [~~64-13-29(3)~~] 64-14-205(3) based on a suspected violation of the state probationary inmate's terms of probation.
- 1458 (11) "State daily incarceration rate" means the average daily incarceration rate, calculated by the department based on the previous three fiscal years, that reflects the following expenses incurred by the department for housing an inmate:
- 1461 (a) executive overhead;
- 1462 (b) administrative overhead;
- 1463 (c) transportation overhead;
- 1464 (d) division overhead; and
- 1465 (e) motor pool expenses.
- 1466 (12) "State inmate" means an individual, other than a state probationary inmate or state parole inmate, who is committed to the custody of the department.
- 1468 (13) "State parole inmate" means an individual who is:
- 1469 (a) on parole, as defined in Section 77-27-1; and
- 1470 (b) housed in a county correctional facility for a reason related to the individual's parole.
- 1471 (14) "State probationary inmate" means a felony probationer sentenced to time in a county correctional facility under Subsection 77-18-105(6).
- 1473 (15) "Treatment program" means:
- 1474 (a) an alcohol treatment program;
- 1475 (b) a substance abuse treatment program;
- 1476 (c) a sex offender treatment program; or
- 1477 (d) an alternative treatment program.
- 1353 Section **20** is enacted to read:

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CHAPTER 14. ADULT PROBATION AND PAROLE

Part 1. General Provisions

64-14-101. Definitions.

As used in this chapter:

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

Section **21** is enacted to read:

Part 2. Division of Adult Probation and Parole

64-14-201. Definitions.

Reserved.

Section **22** is enacted to read:

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

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

Section **23** is enacted to read:

64-14-203. Duties of division.

- (1) The division shall:
 - (a) assist the department in fulfilling the department's duty to supervise, as described in Subsection 64-13-6(1)(i), probationers and parolees as directed by statute and implemented by the courts and the Board of Pardons and Parole;
 - (b) comply with the requirements described in this part;
 - (c) supply the information described in Section 53-10-209 that is required to be submitted to the Criminal Investigations and Technical Services Division created in Subsection 53-10-103(2);

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- (d) comply with the use of funds requirement for outpatient treatment services for those convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, as described in Subsection 59-27-105(4)
(c):
- 1513 (e) monitor the status of an offender with a mental condition who has been placed on parole as described in Subsection 77-16a-205(4);
- 1515 (f) comply with the requirements described in Title 77, Chapter 18, The Judgment;
- 1516 (g) in accordance with the adult sentencing and supervision length guidelines described in Section 63M-7-404.3, notify the Board of Pardons and Parole of ~~any alleged violation of a Board of Pardons and Parole's order to an individual on~~ parole ~~as described in Subsection 77-27-10.5(5)~~ violations;
- 1519 (h) for an individual who is on probation for a domestic violence offense that the division is supervising, report to the court and notify the victim of the domestic violence offense if the individual fails to comply with any condition imposed by the court or commits a violation of a sentencing protective order as required by Subsection 77-36-5.1(4);
- 1524 (i) comply with the notice requirement to a prosecuting agency described in Subsection 77-38-3(6) if the division is the moving party on a motion for modification of any determination made at any of the criminal justice hearings provided in Subsections 77-38-2(5)(a) through (g);
- 1528 (j) collect restitution information in preparing a presentence investigation report as described in Section 77-38b-203;
- 1530 (k) for an individual under supervision by the division who violates a sentencing protective order issued under Title 78B, Chapter 7, Part 8, Criminal Protective Orders, report the violation to the court and notify the victim protected by the order of the violation as required by Section 78B-7-807; and
- 1534 (l) comply with any other requirement established by applicable statute or regulation or a directive from the executive director.
- 1536 (2) The division may, in the course of supervising individuals on probation and parole:
- 1537 (a) respond to an individual's violation of one or more terms of the probation or parole in accordance with the graduated and evidence-based processes established by the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and
- 1540 (b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction for an individual's violation of the terms of probation or parole a period of incarceration of not more than three consecutive days and not more than a total of six days within a period of 30 days.

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- 1418 Section **64-14-204** is renumbered and amended to read:
- 1420 **[64-13-21] 64-14-204. Supervision of sentenced offenders placed in community --**
Rulemaking -- POST certified parole or probation officers and peace officers -- Duties --
Supervision fee.
- 1256 (1)
- . (a) The [department] division, except as otherwise provided by law, shall supervise a sentenced offender placed in the community if the offender:
- 1258 (i)
- . (A) is placed on probation by a court;
- 1259 (B) is released on parole by the Board of Pardons and Parole; or
- 1260 (C) is accepted for supervision under the terms of the Interstate Compact for the Supervision of Parolees and Probationers; and
- 1262 (ii) has been convicted of:
- 1263 (A) a felony;
- 1264 (B) a class A misdemeanor when an element of the offense is the use or attempted use of physical force against an individual or property; or
- 1266 (C) notwithstanding Subsection (1)(a)(ii)(B), a class A misdemeanor if the [department] division is ordered by a court to supervise the offender under Section 77-18-105.
- 1269 (b) If a sentenced offender participates in substance use treatment or a residential, vocational and life skills program, as defined in Section 13-53-102, while under supervision on probation or parole, the [department] division shall monitor the offender's compliance with and completion of the treatment or program.
- 1273 (c) The department shall establish standards for:
- 1274 (i) the supervision of offenders in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, giving priority, based on available resources, to felony offenders and offenders sentenced under Subsection 58-37-8 (2)(b)(ii); and
- 1278 (ii) the monitoring described in Subsection (1)(b).
- 1279 (2) The [department] division shall apply the graduated and evidence-based responses established in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to facilitate a prompt and appropriate response to an individual's violation of the terms of probation or parole, including:

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- 1283 (a) sanctions to be used in response to a violation of the terms of probation or parole; and
- 1284 (b) requesting approval from the court or Board of Pardons and Parole to impose a sanction for an individual's violation of the terms of probation or parole, for a period of incarceration of not more than three consecutive days and not more than a total of six days within a period of 30 days.
- 1288 (3) The [department] division shall implement a program of graduated incentives as established in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1 to facilitate the department's prompt and appropriate response to an offender's:
- 1291 (a) compliance with the terms of probation or parole; or
- 1292 (b) positive conduct that exceeds those terms.
- 1293 (4)
- . (a) The department shall, in collaboration with the State Commission on Criminal and Juvenile Justice and the Division of Substance Abuse and Mental Health, create standards and procedures for the collection of information, including cost savings related to recidivism reduction and the reduction in the number of inmates, related to the use of the graduated and evidence-based responses and graduated incentives, and offenders' outcomes.
- 1299 (b) The collected information shall be provided to the State Commission on Criminal and Juvenile Justice not less frequently than annually on or before August 31.
- 1301 (5) Employees of the [department] division who are POST certified as law enforcement officers or correctional officers and who are designated as parole and probation officers by the executive director have the following duties:
- 1304 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance with the conditions of the parole or probation agreement;
- 1306 (b) investigating or apprehending any offender who has escaped from the custody of the department or absconded from supervision by the division;
- 1308 (c) supervising any offender during transportation; or
- 1309 (d) collecting DNA specimens when the specimens are required under Section 53-10-404.
- 1310 (6)
- . (a)
- . (i) A monthly supervision fee of \$30 shall be collected from each offender on probation or parole.
- 1312

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- (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the [department] division upon a showing by the offender that imposition would create a substantial hardship or if the offender owes restitution to a victim.
- 1315 (b)
- . (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the supervision fee and the circumstances under which an offender may request a hearing.
- 1319 (ii) In determining whether the imposition of the supervision fee would constitute a substantial hardship, the [department] division shall consider the financial resources of the offender and the burden that the fee would impose, with regard to the offender's other obligations.
- 1491 (c) The division shall deposit money received from the monthly supervision fee established in this Subsection (6) into the General Fund as a parole and probation dedicated credit to be used to cover costs incurred in the collection of the fee and in the development of offender supervision programs.
- 1323 (7)
- . (a) For offenders placed on probation under Section 77-18-105 or parole under Subsection 76-3-202(2) (a) on or after October 1, 2015, but before January 1, 2019, the [department] division shall establish a program allowing an offender to earn a reduction credit of 30 days from the offender's period of probation or parole for each month the offender complies with the terms of the offender's probation or parole agreement, including the case action plan.
- 1329 (b)
- . (i) For offenders placed on probation under Section 77-18-105 or parole under Section 76-3-202 on or after July 1, 2026, the [department] division shall establish a program, consistent with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to provide incentives for an offender that maintains eligible employment, as defined in Section ~~[[64-13g-101] 64-14-301]~~.
- 1334 (ii) The program under Subsection (7)(b)(i) may include a credit towards the reduction of the length of supervision for an offender at a rate of up to 30 days for each month that the offender maintains eligible employment, as defined in Section ~~[[64-13g-101] 64-14-301]~~.
- 1338 (iii) A court, or the Board of Pardons and Parole, is not required to grant a request for termination of supervision under the program described in this Subsection (7)(b) if the court, or the Board of Pardons and Parole, finds that:

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- 1341 (A) the offender presents a substantial risk to public safety;
- 1342 (B) termination would prevent the offender from completing risk reduction programming or treatment;
or
- 1344 (C) the eligibility criteria for termination of supervision, as established in the adult sentencing and
supervision length guidelines, as defined in Section 63M-7-401.1, have not been met.
- 1347 (iv) This Subsection (7)(b) does not prohibit the [department] division, or another supervision services
provider, from requesting termination of supervision based on the eligibility criteria in the adult
sentencing and supervision length guidelines, as defined in Section 63M-7-401.1.
- 1351 (c) The [department] division shall:
- 1352 (i) maintain a record of credits earned by an offender under this Subsection (7); and
- 1353 (ii) request from the court or the Board of Pardons and Parole the termination of probation or parole not
fewer than 30 days prior to the termination date that reflects the credits earned under this Subsection
(7).
- 1356 (d) This Subsection (7) does not prohibit the [department] division from requesting a termination date
earlier than the termination date established by earned credits under Subsection (7)(c).
- 1359 (e) The court or the Board of Pardons and Parole shall terminate an offender's probation or parole
upon completion of the period of probation or parole accrued by time served and credits earned
under this Subsection (7) unless the court or the Board of Pardons and Parole finds that termination
would interrupt the completion of a necessary treatment program, in which case the termination of
probation or parole shall occur when the treatment program is completed.
- 1365 (f) The department shall report annually to the State Commission on Criminal and Juvenile Justice on or
before August 31:
- 1367 (i) the number of offenders who have earned probation or parole credits under this Subsection (7) in
one or more months of the preceding fiscal year and the percentage of the offenders on probation or
parole during that time that this number represents;
- 1371 (ii) the average number of credits earned by those offenders who earned credits;
- 1372 (iii) the number of offenders who earned credits by county of residence while on probation or parole;
- 1374 (iv) the cost savings associated with sentencing reform programs and practices; and
- 1375 (v) a description of how the savings will be invested in treatment and early-intervention programs and
practices at the county and state levels.
- 1544 Section **64-14-204** is renumbered and amended to read:

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- 1546 ~~[64-13-21]~~, **Supervision of sentenced offenders placed in community -- Rulemaking -- POST**
1547 **certified parole or probation officers and peace officers -- Duties -- Supervision fee.**
- 1549 (1)
- 1550 . (a) The [department] division, except as otherwise provided by law, shall supervise a sentenced
1551 offender placed in the community if the offender:
- 1552 (i)
- 1553 . (A) is placed on probation by a court;
- 1554 (B) is released on parole by the Board of Pardons and Parole; or
- 1555 (C) is accepted for supervision under the terms of the Interstate Compact for the Supervision of
1556 Parolees and Probationers; and
- 1557 (ii) has been convicted of:
- 1558 (A) a felony;
- 1559 (B) a class A misdemeanor when an element of the offense is the use or attempted use of physical force
1560 against an individual or property; or
- 1561 (C) notwithstanding Subsection (1)(a)(ii)(B), a class A misdemeanor if the [department] division is
1562 ordered by a court to supervise the offender under Section 77-18-105.
- 1563 (b) If a sentenced offender participates in substance use treatment or a residential, vocational and life
1564 skills program, as defined in Section 13-53-102, while under supervision on probation or parole, the
1565 [department] division shall monitor the offender's compliance with and completion of the treatment
1566 or program.
- 1567 (c) The department shall establish standards for:
- 1568 (i) the supervision of offenders in accordance with sentencing guidelines and supervision length
1569 guidelines, including the graduated and evidence-based responses, established by the Utah
1570 Sentencing Commission, giving priority, based on available resources, to felony offenders and
1571 offenders sentenced under Subsection 58-37-8 (2)(b)(ii); and
- 1572 (ii) the monitoring described in Subsection (1)(b).
- 1573 (2) The [department] division shall apply the graduated and evidence-based responses established by
1574 the Utah Sentencing Commission to facilitate a prompt and appropriate response to an individual's
1575 violation of the terms of probation or parole, including:
- 1576 (a) sanctions to be used in response to a violation of the terms of probation or parole; and
- 1577

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- (b) requesting approval from the court or Board of Pardons and Parole to impose a sanction for an individual's violation of the terms of probation or parole, for a period of incarceration of not more than three consecutive days and not more than a total of six days within a period of 30 days.
- 1581 (3) The [department] division shall implement a program of graduated incentives as established by the Utah Sentencing Commission to facilitate the department's prompt and appropriate response to an offender's:
- 1584 (a) compliance with the terms of probation or parole; or
- 1585 (b) positive conduct that exceeds those terms.
- 1586 (4)
- . (a) The department shall, in collaboration with the State Commission on Criminal and Juvenile Justice and the Division of Substance Abuse and Mental Health, create standards and procedures for the collection of information, including cost savings related to recidivism reduction and the reduction in the number of inmates, related to the use of the graduated and evidence-based responses and graduated incentives, and offenders' outcomes.
- 1592 (b) The collected information shall be provided to the State Commission on Criminal and Juvenile Justice not less frequently than annually on or before August 31.
- 1594 (5) Employees of the [department] division who are POST certified as law enforcement officers or correctional officers and who are designated as parole and probation officers by the executive director have the following duties:
- 1597 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance with the conditions of the parole or probation agreement;
- 1599 (b) investigating or apprehending any offender who has escaped from the custody of the department or absconded from supervision by the division;
- 1601 (c) supervising any offender during transportation; or
- 1602 (d) collecting DNA specimens when the specimens are required under Section 53-10-404.
- 1603 (6)
- . (a)
- . (i) A monthly supervision fee of \$30 shall be collected from each offender on probation or parole.
- 1605 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the [department] division upon a showing by the offender that imposition would create a substantial hardship or if the offender owes restitution to a victim.

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- 1608 (b)
- . (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the supervision fee and the circumstances under which an offender may request a hearing.
- 1612 (ii) In determining whether the imposition of the supervision fee would constitute a substantial hardship, the [department] division shall consider the financial resources of the offender and the burden that the fee would impose, with regard to the offender's other obligations.
- 1616 (c) The division shall deposit money received from the monthly supervision fee established in this Subsection (6) in the General Fund as a parole and probation dedicated credit to be used to cover costs incurred in the collection of the fee and in the development of offender supervision programs.
- 1620 (7)
- . (a) For offenders placed on probation under Section 77-18-105 or parole under Subsection 76-3-202(2) (a) on or after October 1, 2015, but before January 1, 2019, the [department] division shall establish a program allowing an offender to earn credits for the offender's compliance with the terms of the offender's probation or parole, which shall be applied to reducing the period of probation or parole as provided in this Subsection (7).
- 1626 (b) The program shall provide that an offender earns a reduction credit of 30 days from the offender's period of probation or parole for each month the offender completes without any violation of the terms of the offender's probation or parole agreement, including the case action plan.
- 1630 (c) The [department] division shall maintain a record of credits earned by an offender under this Subsection (7) and shall request from the court or the Board of Pardons and Parole the termination of probation or parole not fewer than 30 days prior to the termination date that reflects the credits earned under this Subsection (7).
- 1634 (d) This Subsection (7) does not prohibit the [department] division from requesting a termination date earlier than the termination date established by earned credits under Subsection (7)(c).
- 1637 (e) The court or the Board of Pardons and Parole shall terminate an offender's probation or parole upon completion of the period of probation or parole accrued by time served and credits earned under this Subsection (7) unless the court or the Board of Pardons and Parole finds that termination would interrupt the completion of a necessary treatment program, in which case the termination of probation or parole shall occur when the treatment program is completed.

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- (f) The department shall report annually to the State Commission on Criminal and Juvenile Justice on or before August 31:
- 1645 (i) the number of offenders who have earned probation or parole credits under this Subsection (7) in one or more months of the preceding fiscal year and the percentage of the offenders on probation or parole during that time that this number represents;
- 1649 (ii) the average number of credits earned by those offenders who earned credits;
- 1650 (iii) the number of offenders who earned credits by county of residence while on probation or parole;
- 1652 (iv) the cost savings associated with sentencing reform programs and practices; and
- 1653 (v) a description of how the savings will be invested in treatment and early-intervention programs and practices at the county and state levels.
- 1549 Section **64-14-205** is renumbered and amended to read:
- 1551 **~~[64-13-29]~~ 64-14-205. Violation of parole or probation -- Detention -- Hearing.**
- 1658 (1) As used in this section:
- 1659 (a) "72-hour hold" means a directive from the department:
- 1660 (i) prohibiting the release of a parolee or probationer from correctional custody who has entered correctional custody due to a violation of a condition of parole or probation; and
- 1663 (ii) lasting for a maximum of 72 hours, excluding weekends or holidays, from the time the parolee or probationer entered correctional custody.
- 1665 (b) "Correctional custody" means when a parolee or probationer is physically detained in a county jail or a correctional facility operated by the department.
- 1667 (c) "Parolee" means an individual on parole under the supervision of the [department] division.
- 1669 (d) "Probationer" means an individual on probation under the supervision of the [department] division.
- 1671 (e)
- . (i) "Qualifying domestic violence offense" means the same as that term is defined in Subsection 77-36-1.1(4).
- 1673 (ii) "Qualifying domestic violence offense" does not include criminal mischief as described in Section 76-6-106.
- 1675 (f) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
- 1676 (2) The [department] division shall ensure that the court is notified of violations of the terms and conditions of probation in the case of probationers under the supervision of the

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[department] division or the Board of Pardons and Parole in the case of parolees under the [department's] division's supervision when:

- 1680 (a) incarceration is ~~recommended~~ recommended as a sanction;
- 1681 (b) the [department] division determines that a graduated and evidence-based response is not an appropriate response to the violation and recommends revocation of probation or parole; or
- 1684 (c) there is probable cause that the conduct that led to a violation of parole or probation is:
- 1686 (i) a violent felony; or
- 1687 (ii) a qualifying domestic violence offense.
- 1688 (3) The [department] division:
- 1689 (a) may place a 72-hour hold on a parolee or probationer if there is probable cause to believe that the parolee or probationer has committed a violation other than a violent felony or qualifying domestic violence offense; and
- 1692 (b) shall place a 72-hour hold on a parolee or probationer if there is probable cause to believe that the parolee or probationer has committed a violent felony or qualifying domestic violence offense.
- 1695 (4)
- . (a) The [department] division may not detain, or have a county jail detain, a probationer or parolee for longer than 72 hours without a warrant or order issued by the court or Board of Pardons and Parole.
- 1698 (b) To obtain a warrant or order to detain a probationer or parolee for longer than 72 hours, the [department] division shall seek the warrant or order from the court for a probationer or the Board of Pardons and Parole for a parolee.
- 1701 (c) The [department] division may decline to seek a warrant or order under Subsection (4)(b) for a probationer or parolee subject to a 72-hour hold and remove the 72-hour hold.
- 1704 (5) This section does not require the [department] division to release a probationer or parolee who is being held for something other than a probation or parole violation, including a warrant issued for new criminal conduct or a new conviction where the [individual] probationer or parolee is sentenced to incarceration.
- 1708 (6) The department may make rules as necessary, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the division to implement this section~~[in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~.

1605 Section **64-14-301** is renumbered and amended to read:

1713

Part 3. Adult Probation and Parole Employment Incentive Program

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1608 ~~[64-13g-101]~~ **64-14-301. Definitions.**

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

- 1716 (1) "Average daily population" means the average daily number of individuals on parole or felony probation in the region during the applicable fiscal year.
- 1718 (2) "Baseline parole employment rate" means the average of the parole employment rates for fiscal years 2023, 2024, and 2025.
- 1720 (3) "Baseline probation employment rate" means the average of the probation employment rates for fiscal years 2023, 2024, and 2025.
- 1722 ~~[(4) "Department" means the Department of Corrections.]~~
- 1723 ~~[(5)]~~ (4) "Eligible employment" means an occupation, or combined occupations, that:
- 1724 (a) consist of at least 130 hours in a 30-day period; and
- 1725 (b) are verified via paystubs, employment letters, contracts, or other reliable methods, as determined by the department.
- 1727 ~~[(6)]~~ (5) "Evidence-based" means a supervision policy, procedure, program, or practice demonstrated by scientific research to reduce recidivism of individuals on parole or felony probation.
- 1730 ~~[(7)]~~ (6) "Marginal cost of incarceration" means the total costs of incarceration, per inmate, that fluctuate based on inmate population.
- 1732 ~~[(8)]~~ (7) "Office" means the Governor's Office of Planning and Budget.
- 1733 ~~[(9)]~~ (8) "Parole employment rate" means the percentage of individuals on parole who held eligible employment for at least nine months in a one-year period, if at least a portion of the nine-months was during the preceding fiscal year.
- 1736 ~~[(10)]~~ (9) "Probation employment rate" means the percentage of individuals on felony probation who held eligible employment for at least nine months in a one-year period, if at least a portion of the nine-months was during the preceding fiscal year.
- 1739 ~~[(11)]~~ (10) "Program" means the Adult Probation and Parole Employment Incentive Program, created in Section ~~[64-13g-102]~~ 64-14-302.
- 1741 ~~[(12)]~~ (11) "Region" means one of the geographic regions into which the ~~[Department of Corrections]~~ department has divided the state for purposes of supervising adult probation and parole.
- 1744 ~~[(13)]~~ (12) "Restricted account" means the Employment Incentive Restricted Account created in Section ~~[64-13g-103]~~ 64-14-303.
- 1640 Section **64-14-302** is renumbered and amended to read:

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- 1642 ~~[64-13g-102]~~ **64-14-302. Adult Probation and Parole Employment Incentive Program.**
- 1750 (1) There is created the Adult Probation and Parole Employment Incentive Program.
- 1751 (2) The department and the office shall implement the program in accordance with the requirements of
this chapter.
- 1753 (3) Beginning July 2026, and each July after 2026, the department shall calculate and report to the
office, for the preceding fiscal year, for each region and statewide:
- 1755 (a) the parole employment rate and the average length of employment of individuals on parole;
- 1757 (b) the probation employment rate and average length of employment of individuals on felony
probation;
- 1759 (c) the recidivism percentage, using applicable recidivism metrics described in Subsections
63M-7-102(1) and (3);
- 1761 (d) the number and percentage of individuals who successfully complete parole or felony probation;
- 1763 (e) if the recidivism percentage described in Subsection (3)(c) represents a decrease in the recidivism
percentage when compared to the fiscal year immediately preceding the fiscal year to which the
recidivism percentage described in Subsection (3)(c) relates, the estimated costs of incarceration
savings to the state, based on the marginal cost of incarceration;
- 1768 (f) the number of individuals who successfully complete parole and, during the entire six months before
the day on which the individuals' parole ends, held eligible employment; and
- 1771 (g) the number of individuals who successfully complete felony probation and, during the entire six
months before the day on which the individuals' parole ended, held eligible employment.
- 1774 (4) In addition to the information described in Subsection (3), the department shall report, for each
region, the number and types of parole or probation programs that were created, replaced, or
discontinued during the preceding fiscal year.
- 1777 (5) After receiving the information described in Subsections (3) and (4), the office, in consultation with
the department, shall, for each region:
- 1779 (a) add the region's baseline parole employment rate and the region's baseline probation employment
rate;
- 1781 (b) add the region's parole employment rate and the region's probation employment rate;
- 1782 (c) subtract the sum described in Subsection (5)(a) from the sum described in Subsection (5)(b); and
- 1784 (d)

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- (i) if the rate difference described in Subsection (5)(c) is zero or less than zero, assign an employment incentive payment of zero to the region; or
- 1786 (ii) except as provided in Subsection (7), if the rate difference described in Subsection (5)(c) is greater than zero, assign an employment incentive payment to the region by:
- 1789 (A) multiplying the rate difference by the average daily population for that region; and
- 1791 (B) multiplying the product of the calculation described in Subsection (5)(d)(ii)(A) by \$2,500.
- 1793 (6) In addition to the employment incentive payment described in Subsection (5), after receiving the information described in Subsections (3) and (4), the office, in consultation with the department, shall, for each region, multiply the sum of the numbers described in Subsections (3)(f) and (g) for the region by \$2,500 to determine the end-of-supervision employment incentive payment for the region.
- 1798 (7) The employment incentive payment, or end-of-supervision employment supervision payment, for a region is zero if the recidivism percentage for the region, described in Subsection (3)(c), represents an increase in the recidivism percentage when compared to the fiscal year immediately preceding the fiscal year to which the recidivism percentage for the region, described in Subsection (3)(c), relates.
- 1803 (8) Upon determining an employment incentive payment for a region in accordance with Subsections (5)(d)(ii), (6), and (7), the office shall authorize distribution, from the restricted account, of the incentive payment as follows:
- 1806 (a) 15% of the payment may be used by the department for expenses related to administering the program; and
- 1808 (b) 85% of the payment shall be used by the region to improve and expand supervision and rehabilitative services to individuals on parole or adult probation, including by:
- 1810 (i) implementing and expanding evidence-based practices for risk and needs assessments for individuals;
- 1812 (ii) implementing and expanding intermediate sanctions, including mandatory community service, home detention, day reporting, restorative justice programs, and furlough programs;
- 1815 (iii) expanding the availability of evidence-based practices for rehabilitation programs, including drug and alcohol treatment, mental health treatment, anger management, cognitive behavior programs, and job training and other employment services;
- 1819

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- (iv) hiring additional officers, contractors, or other personnel to implement evidence-based practices for rehabilitative and vocational programing;
- 1821 (v) purchasing and adopting new technologies or equipment that are relevant to, and enhance, supervision, rehabilitation, or vocational training; or
- 1823 (vi) evaluating the effectiveness of rehabilitation and supervision programs and ensuring program fidelity.
- 1825 (9)
- . (a) The report described in Subsections (3) and (4) is a public record.
- 1826 (b) The department shall maintain a complete and accurate accounting of the payment and use of funds under this section.
- 1828 (c) If the money in the restricted account is insufficient to make the full employment incentive payments or the full end-of-supervision employment incentive payments, the office shall authorize the payments on a prorated basis.
- 1724 Section **64-14-303** is renumbered and amended to read:
- 1726 **~~[64-13g-103]~~ 64-14-303. Employment Incentive Restricted Account.**
- 1834 (1) There is created within the General Fund a restricted account known as the "Employment Incentive Restricted Account."
- 1836 (2) The account consists of appropriations made by the Legislature.
- 1837 (3) The office shall authorize expenditures from the account in accordance with Section ~~[64-13g-102]~~ 64-14-302.
- 1839 (4) Subject to legislative appropriations, the department and each region shall expend money from the restricted account only in accordance with Subsection ~~[64-13g-102(8)]~~ 64-14-302(8).
- 1735 Section 29. Section **76-3-202** is amended to read:
- 1736 **76-3-202. Paroled individuals -- Termination or discharge from sentence -- Time served on parole -- Discretion of Board of Pardons and Parole.**
- 1845 (1) As described in Subsection ~~77-27-5(7)~~, every individual committed to the state prison to serve an indeterminate term and, after December 31, 2018, released on parole shall complete a term of parole that extends through the expiration of the individual's maximum sentence unless the parole is earlier terminated by the Board of Pardons and Parole in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law.

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- 1852 (2)
- . (a) Except as provided in Subsection (2)(b), an individual committed to the state prison to serve an indeterminate term and released on parole on or after October 1, 2015, but before January 1, 2019, shall, upon completion of three years on parole outside of confinement and without violation, be terminated from the individual's sentence unless the parole is earlier terminated by the Board of Pardons and Parole or is terminated pursuant to Section [~~64-13-21~~] 64-14-204.
- 1858 (b) An individual committed to the state prison to serve an indeterminate term and later released on parole on or after July 1, 2008, but before January 1, 2019, and who was convicted of a felony offense under Chapter 5, Offenses Against the Individual, or an attempt, conspiracy, or solicitation to commit the offense, shall complete a term of parole that extends through the expiration of the individual's maximum sentence, unless the parole is earlier terminated by the Board of Pardons and Parole.
- 1864 (3) An individual convicted of a second degree felony for violating Section 76-5-404, forcible sexual abuse; Section 76-5-404.1, sexual abuse of a child; or Section 76-5-404.3, aggravated sexual abuse of a child; or attempting, conspiring, or soliciting the commission of a violation of any of those sections, and who is paroled before July 1, 2008, shall, upon completion of 10 years parole outside of confinement and without violation, be terminated from the sentence unless the individual is earlier terminated by the Board of Pardons and Parole.
- 1871 (4) An individual who violates the terms of parole, while serving parole, for any offense under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and Parole be recommitted to prison to serve the portion of the balance of the term as determined by the Board of Pardons and Parole, but not to exceed the maximum term.
- 1875 (5) An individual paroled following a former parole revocation may not be discharged from the individual's sentence until:
- 1877 (a) the individual has served the applicable period of parole under this section outside of confinement;
- 1879 (b) the individual's maximum sentence has expired; or
- 1880 (c) the Board of Pardons and Parole orders the individual to be discharged from the sentence.
- 1882 (6)
- . (a) All time served on parole, outside of confinement and without violation, constitutes service toward the total sentence.

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- (b) Any time an individual spends outside of confinement after commission of a parole violation does not constitute service toward the total sentence unless the individual is exonerated at a parole revocation hearing.
- 1887 (c)
- . (i) Any time an individual spends in confinement awaiting a hearing before the Board of Pardons and Parole or a decision by the board concerning revocation of parole constitutes service toward the total sentence.
- 1890 (ii) In the case of exoneration by the board, the time spent is included in computing the total parole term.
- 1892 (7) When a parolee causes the parolee's absence from the state without authority from the Board of Pardons and Parole or avoids or evades parole supervision, the period of absence, avoidance, or evasion tolls the parole period.
- 1895 (8)
- . (a) While on parole, time spent in confinement outside the state may not be credited toward the service of any Utah sentence.
- 1897 (b) Time in confinement outside the state or in the custody of any tribal authority or the United States government for a conviction obtained in another jurisdiction tolls the expiration of the Utah sentence.
- 1900 (9) This section does not preclude the Board of Pardons and Parole from paroling or discharging an inmate at any time within the discretion of the Board of Pardons and Parole unless otherwise specifically provided by law.
- 1903 (10) A parolee sentenced to lifetime parole may petition the Board of Pardons and Parole for termination of lifetime parole.
- 1798 Section 30. Section **76-3-409** is amended to read:
- 1799 **76-3-409. Child abuse or sex offense against child -- Treatment of offender or victim --**
- Payment of costs.**
- 1908 (1) Any person convicted in the district court of child abuse, or a sexual offense if the victim is under 18 years [~~of age~~] old, may be ordered to participate in treatment or therapy under the supervision of the [~~adult probation and parole section of the Department of Corrections~~] Division of Adult Probation and Parole created in Section 64-14-202, in cooperation with the division of children, youth, and families until the court is satisfied that such treatment or therapy has been successful or that no

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further benefit to the convicted offender would result if such treatment or therapy were continued. The court may also order treatment of the victim if it believes the same would be beneficial under the circumstances. Nothing in this section shall preclude the court from imposing any additional sentence as provided by law.

1918 (2) The convicted offender shall be ordered to pay, to the extent that he or she is able, the costs of his or her treatment, together with treatment costs incurred by the victim and any administrative costs incurred by the appropriate state agency in the supervision of such treatment. If the convicted offender is unable to pay all or part of the costs of treatment, the court may order the appropriate state agency to pay such costs to the extent funding is provided by the Legislature for such purpose and shall order the convicted offender to perform public service work as compensation for the cost of treatment.

1819 Section 31. Section **77-2a-2** is amended to read:

1820 **77-2a-2. Plea in abeyance agreement -- Negotiation -- Contents -- Terms of agreement -- Waiver of time for sentencing.**

1929 (1) At any time after acceptance of a plea of guilty or no contest but before entry of judgment of conviction and imposition of sentence, the court may, upon motion of both the prosecuting attorney and the defendant, hold the plea in abeyance and not enter judgment of conviction against the defendant nor impose sentence upon the defendant within the time periods contained in Rule 22(a), Utah Rules of Criminal Procedure.

1934 (2) A defendant shall be represented by counsel during negotiations for a plea in abeyance and at the time of acknowledgment and affirmation of any plea in abeyance agreement unless the defendant knowingly and intelligently waives the defendant's right to counsel.

1937 (3) A defendant has the right to be represented by counsel at any court hearing relating to a plea in abeyance agreement.

1939 (4)

. (a) Any plea in abeyance agreement entered into between the prosecution and the defendant and approved by the court shall include a full, detailed recitation of the requirements and conditions agreed to by the defendant and the reason for requesting the court to hold the plea in abeyance.

1943 (b) If the plea is to a felony or any combination of misdemeanors and felonies, the agreement shall be in writing and shall, before acceptance by the court, be executed by the prosecuting attorney, the defendant, and the defendant's counsel in the presence of the court.

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- 1947 (5)
- . (a) Except as provided in Subsection (5)(b), a plea may not be held in abeyance for a period longer than 18 months if the plea is to any class of misdemeanor or longer than three years if the plea is to any degree of felony or to any combination of misdemeanors and felonies.
- 1951 (b)
- . (i) For a plea in abeyance agreement that the [~~Department of Corrections~~] Division of Adult Probation and Parole created in Section 64-14-202 supervises, the plea may not be held in abeyance for a period longer than the initial term of probation required under the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, if the initial term of probation is shorter than the period required under Subsection (5)(a).
- 1957 (ii) Subsection (5)(b)(i) does not:
- 1958 (A) apply to a plea that is held in abeyance in a drug court created under Title 78A, Chapter 5, Part 2, Drug Court, or a problem solving court approved by the Judicial Council; or
- 1961 (B) prohibit court supervision of a plea in abeyance agreement after the day on which the [~~Department of Corrections~~] Division of Adult Probation and Parole supervision described in Subsection (5)(b)(i) ends and before the day on which the plea in abeyance agreement ends.
- 1965 (6) Notwithstanding Subsection (5), a plea may be held in abeyance for up to two years if the plea is to any class of misdemeanor and the plea in abeyance agreement includes a condition that the defendant participate in a problem solving court approved by the Judicial Council.
- 1969 (7) A plea in abeyance agreement may not be approved unless the defendant, before the court, and any written agreement, knowingly and intelligently waives time for sentencing as designated in Rule 22(a), Utah Rules of Criminal Procedure.
- 1865 Section 32. Section **77-2a-3** is amended to read:
- 1866 **77-2a-3. Manner of entry of plea -- Powers of court -- Expungement.**
- 1974 (1)
- . (a) Acceptance of any plea in anticipation of a plea in abeyance agreement shall be done in full compliance with the Utah Rules of Criminal Procedure, Rule 11.
- 1976 (b) In cases charging offenses for which bail may be forfeited, a plea in abeyance agreement may be entered into without a personal appearance before a magistrate.
- 1978 (2) A plea in abeyance agreement may provide that the court may, upon finding that the defendant has successfully completed the terms of the agreement:

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- 1980 (a) reduce the degree of the offense, enter a judgment of conviction for the lower degree of the offense,
and impose a sentence for the lower degree of the offense;
- 1982 (b) allow withdrawal of the defendant's plea and order the dismissal of the case; or
- 1983 (c) issue an order of expungement for all records of the offense if:
- 1984 (i) the defendant successfully completes a problem solving court program that is certified by the
Judicial Council; and
- 1986 (ii) the court allows the withdrawal of the defendant's plea and orders the dismissal of the case.
- 1988 (3)
- . (a) Upon finding that a defendant has successfully completed the terms of a plea in abeyance agreement
and only as provided in the plea in abeyance agreement or as agreed to by all parties, the court may :
- 1991 (i) reduce the degree of the offense, enter a judgment of conviction for the lower degree of the
offense, and impose a sentence for the lower degree of the offense;
- 1993 (ii) allow withdrawal of the defendant's plea and order the dismissal of the case; or
- 1994 (iii) issue an order of expungement for all records of the offense if:
- 1995 (A) the defendant successfully completes a problem solving court program that is certified by the
Judicial Council; and
- 1997 (B) the court allows the withdrawal of the defendant's plea and orders the dismissal of the case.
- 1999 (b) Upon sentencing a defendant for any lesser offense in accordance with a plea in abeyance
agreement, the court may not invoke Section 76-3-402 to further reduce the degree of the offense.
- 2002 (4) The court may require the [~~Department of Corrections~~] Division of Adult Probation and Parole
created in Section 64-14-202 to assist in the administration of the plea in abeyance agreement as if
the defendant [~~were on probation to the court~~] were placed on probation under Section 77-18-105.
- 2006 (5) The terms of a plea in abeyance agreement may include:
- 2007 (a) an order that the defendant pay a nonrefundable plea in abeyance fee, with a surcharge based on
the amount of the plea in abeyance fee, both of which shall be allocated in the same manner as if
paid as a fine for a criminal conviction under Section 78A-5-110 and a surcharge under Title 51,
Chapter 9, Part 4, Criminal Conviction Surcharge Allocation, and which may not exceed in amount
the maximum fine and surcharge which could have been imposed upon conviction and sentencing
for the same offense;
- 2014 (b) an order that the defendant pay the costs of any remedial or rehabilitative program required by the
terms of the agreement; and

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- 2016 (c) an order that the defendant comply with any other conditions that could have been imposed as
conditions of probation upon conviction and sentencing for the same offense.
- 2019 (6)
- . (a) The terms of a plea in abeyance shall include:
- 2020 (i) a specific amount of restitution that the defendant will pay, as agreed to by the defendant and the
prosecuting attorney;
- 2022 (ii) a certification from the prosecuting attorney that:
- 2023 (A) the prosecuting attorney has consulted with all victims, including the Utah Office for Victims of
Crime; and
- 2025 (B) all victims, including the Utah Office for Victims of Crime, are not seeking restitution; or
- 2027 (iii) an agreement between the parties that restitution will be determined by the court at a
subsequent hearing in accordance with Section 77-38b-205.
- 2029 (b) At a subsequent hearing described in Subsection (6)(a)(iii), the court shall order the defendant, as
a modified term of the plea in abeyance, to pay restitution to all victims for the entire amount of
pecuniary damages that are proximately caused by the criminal conduct of the defendant.
- 2033 (c) The court shall collect, receive, process, and distribute payments for restitution to the victim, unless
otherwise provided by law or by the plea in abeyance agreement.
- 2035 (d) If the defendant does not successfully complete the terms of the plea in abeyance, the court shall
enter an order for restitution, in accordance with Chapter 38b, Crime Victims Restitution Act, upon
entering a sentence for the defendant.
- 2038 (7)
- . (a) A court may not hold a plea in abeyance without the consent of both the prosecuting attorney and
the defendant.
- 2040 (b) A decision by a prosecuting attorney not to agree to a plea in abeyance is final.
- 2041 (8) No plea may be held in abeyance in any case involving:
- 2042 (a) a sexual offense against an individual who is under 14 years old; or
- 2043 (b) a driving under the influence violation under Section 41-6a-502, 41-6a-502.5, 41-6a-517, 41-6a-520,
41-6a-520.1, 41-6a-521.1, 76-5-102.1, or 76-5-207.
- 2045 (9)
- .

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- (a) If the terms of a plea in abeyance agreement allow a court to issue an order of expungement as described in Subsection (2)(c), the prosecuting attorney shall make a reasonable effort to provide notice to any victim of the offense of the terms of the plea in abeyance agreement.
- 2049 (b) The notice under Subsection (9)(a) shall:
- 2050 (i) state that the victim has a right to object to the expungement; and
- 2051 (ii) provide instructions for registering an objection with the court.
- 2052 (c) If there is a victim of the offense, the victim may file an objection with the court before the court makes a finding as to whether the defendant successfully completed the terms of the plea in abeyance agreement as described in Subsection (3).
- 2055 (d) The defendant may respond, in writing, to any objection filed by the victim within 14 days after the day on which the objection is received by the court.
- 2057 (10) If the court issues an order of expungement under Subsection (3)(a)(iii), the court shall:
- 2058 (a) expunge all records of the case as described in Section 77-40a-401; and
- 2059 (b) notify the Bureau of Criminal Identification of the order of expungement.
- 2060 (11)
- . (a) Upon receiving notice from the court of an expungement order as described in Subsection (10), the Bureau of Criminal Identification shall notify any agency, as defined in Section 77-40a-101, affected by the expungement order.
- 2063 (b) For purposes of Subsection (11)(a), the Bureau of Criminal Identification may not notify the Board of Pardons and Parole of an expungement order if the individual has never been:
- 2066 (i) sentenced to prison in this state; or
- 2067 (ii) under the jurisdiction of the Board of Pardons and Parole.
- 2068 (c) The Bureau of Criminal Identification shall forward a copy of the expungement order to the Federal Bureau of Investigation.
- 2070 (12) The defendant may deliver copies of the expungement to any agency, as defined in Section 77-40a-101, affected by the order of expungement.
- 2072 (13) If an agency receives an expungement order under this part, the agency shall expunge all records for the case in accordance with Section 77-40a-401.
- 1967 Section 33. Section **77-16a-103** is amended to read:
- 1968 **77-16a-103. Plea of guilty with a mental condition-- Procedures -- Sentencing -- Reduction -- Costs.**

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- 2077 (1)
. (a)
. (i) If a defendant wishes to enter a plea of guilty with a mental condition, the parties may stipulate as to:
- 2079 (A) whether the defendant had a mental condition at the time of the commission of the offense;
and
- 2081 (B) whether the defendant could benefit from supervision or treatment.
- 2082 (ii) If the parties stipulate as described in Subsection (1)(a)(i), the court shall enter findings consistent with the parties' stipulation if the stipulation is supported by sufficient evidence.
- 2085 (b) If the parties do not stipulate to Subsection (1)(a)(i), the court shall hold a hearing and determine, by clear and convincing evidence:
- 2087 (i) whether the defendant had a mental condition at the time of the commission of the offense; and
- 2089 (ii) whether the defendant could benefit from supervision or treatment.
- 2090 (c) After reviewing the stipulation described in Subsection (1)(a)(i) or conducting a hearing under Subsection (1)(b):
- 2092 (i) if the court finds that the defendant had a mental condition at the time of the offense, the court shall accept the defendant's plea of guilty with a mental condition; or
- 2095 (ii) if the court finds that the defendant did not have a mental condition at the time of the offense, the court may not accept the defendant's plea of guilty with a mental condition.
- 2098 (2)
. (a) If a defendant wishes to enter a plea of guilty with a mental condition for a felony offense and the parties do not stipulate to Subsection (1)(a)(i), before holding the hearing described in Subsection (1)(b), the court may order the defendant to submit to an examination, which may be conducted only by a forensic evaluator appointed by the department, to determine:
- 2103 (i) whether the defendant had a mental condition at the time of the commission of the offense;
- 2105 (ii) whether the defendant could benefit from supervision or treatment; or
- 2106 (iii) whether the defendant currently is competent to enter a plea.
- 2107 (b)
. (i) If a defendant wishes to enter a plea of guilty with a mental condition for a misdemeanor offense and the parties do not stipulate to Subsection (1)(a)(i), before holding the hearing described in

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Subsection (1)(b), the court may order the defendant to submit to an examination by a forensic evaluator.

- 2111 (ii) The examination shall determine:
- 2112 (A) whether the defendant had a mental condition at the time of the commission of the offense;
- 2114 (B) whether the defendant could benefit from supervision or treatment; or
- 2115 (C) whether the defendant currently is competent to enter a plea.
- 2116 (c) Before an examination is conducted pursuant to Subsection (1)(b) or this Subsection (2):
- 2118 (i) the petitioner or other party, as directed by the court or requested by the department, shall provide to the forensic evaluation provider nonmedical information and materials relevant to a treatment assessment, including the charging document, arrest or incident reports pertaining to the charged offense, known criminal history information, and known prior mental health evaluations and treatments; and
- 2124 (ii) for purposes of a guilty with a mental condition evaluation, a custodian of mental health records pertaining to the defendant, including the defendant's prior mental health evaluations or records relating to the defendant's substance use disorder, may provide the records to:
- 2128 (A) with the defendant's consent, a forensic evaluation provider or the department on the department's request; or
- 2130 (B) pursuant to an order of the court, a forensic evaluation provider.
- 2131 (3)
- . (a) If a defendant relies on a private mental health evaluation in support of the defendant's plea of guilty with a mental condition and the parties do not stipulate to Subsection (1)(a)(i), upon the request of the prosecutor before the hearing described in Subsection (1)(b), the court shall order the defendant to submit to an examination by:
- 2136 (i) the department if the offense is a felony; or
- 2137 (ii) the department or a forensic evaluator if the offense is a misdemeanor.
- 2138 (b) The petitioner or other party, as directed by the court or requested by the department, shall provide to the private mental health evaluation provider nonmedical information and materials relevant to a treatment assessment, including the charging document, arrest or incident reports pertaining to the charged offense, known criminal history information, and known prior mental health evaluations and treatments.

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- (c) For purposes of a guilty with a mental condition evaluation, a custodian of mental health records pertaining to the defendant, including the defendant's prior mental health evaluations or records relating to the defendant's substance use disorder, may provide the records to:
- 2147 (i) with the defendant's consent, a private mental health evaluation provider or the department on the department's request; or
- 2149 (ii) pursuant to an order of the court, a private mental health evaluation provider.
- 2150 (4) If a court finds that a defendant was guilty with a mental condition at the time of the offense in accordance with Subsection (1)(c)(i) but would not benefit from available supervision or treatment, the court shall hold a sentencing hearing within 45 days of the entry of the defendant's plea of guilty with a mental condition.
- 2154 (5)
- . (a) If a court finds that a defendant had a mental condition at the time of the commission of the offense, the defendant could benefit from supervision or treatment, and has entered a plea of guilty with a mental condition in accordance with Subsection (1)(c)(i), the court:
- 2158 (i) shall order:
- 2159 (A) the department to provide a treatment assessment of the defendant and to submit to the court treatment recommendations for the defendant; or
- 2161 (B) the defendant to arrange for a treatment assessment of the defendant with a private provider and for the private provider to submit to the court treatment recommendations for the defendant;
- 2164 (ii) shall schedule a treatment review hearing within 30 days after the day on which the court entered the plea of guilty with a mental condition; and
- 2166 (iii) may defer sentencing for up to one year in accordance with Subsection (6), if the defendant consents to a deferred sentence.
- 2168 (b) The petitioner or other party, as directed by the court or requested by the department, shall provide to the treatment assessment provider nonmedical information and materials relevant to a treatment assessment, including the charging document, arrest or incident reports pertaining to the charged offense, known criminal history information, and known prior mental health evaluations and treatments.
- 2173 (c) For purposes of a guilty with a mental condition treatment assessment, a custodian of mental health records pertaining to the defendant, including the defendant's prior mental health evaluations or records relating to the defendant's substance use disorder, may provide the records to:

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- 2177 (i) with the defendant's consent, a treatment assessment provider or the department on the department's request; or
- 2179 (ii) pursuant to an order of the court, a treatment assessment provider.
- 2180 (d) At the treatment review hearing described in Subsection (5)(a)(ii), the court shall:
- 2181 (i) consider all available diagnosis, treatment, and supervision recommendations;
- 2182 (ii) if a party does not agree with treatment recommendations issued by the department under Subsection (5)(a)(i)(A), hold a hearing on the issue of the department's recommendations and make appropriate modifications to the recommendations if necessary; and
- 2186 (iii) order the defendant to comply with all treatment and supervision recommendations that are in the best interest of the defendant and public safety.
- 2188 (e)
- . (i) In determining treatment and supervision recommendations under Subsection (5)(d), the court may order the defendant to be placed in a secure setting as described in Subsections (5)(e)(ii) and (iii) if the court finds that the placement would be in the best interest of the defendant, a victim of the defendant, or public safety.
- 2193 (ii)
- . (A) If the offense is a class C misdemeanor, the court may not place the defendant in a secure setting for more than 90 days.
- 2195 (B) If the offense is a class B misdemeanor, the court may not place the defendant in a secure setting for more than six months.
- 2197 (C) If the offense is a class A misdemeanor or a felony, the court may place the defendant in a secure setting for up to one year.
- 2199 (iii) The court shall, before making a determination as to a secure setting placement, notify the executive director of the proposed placement and provide the department with an opportunity to:
- 2202 (A) evaluate the defendant; and
- 2203 (B) make a recommendation regarding placement to the court.
- 2204 (f) If the court determines that the defendant is eligible for supervised release as part of the defendant's treatment and supervision recommendations under Subsection (5)(d), except as provided in Section 76-3-406, the court may order:
- 2207 (i) if the offense is a felony:
- 2208

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- (A) supervision by the Division of Adult Probation and Parole created in Section 64-14-202, or a third party that is approved by the Division of Adult Probation and Parole, for a period of up to one year in accordance with the applicable supervision provisions described in Title 64, Chapter 13, Department of Corrections - State Prison, and Title 64, Chapter 14, Adult Probation and Parole; and
- 2214 (B) mental health supervision by:
- 2215 (I) the department or a local mental health authority; or
- 2216 (II) if the court determines that it is appropriate, a public or private entity that provides mental or behavioral health services and is approved by the; or
- 2218 (ii) if the offense is a misdemeanor, mental health supervision by:
- 2219 (A) a local mental health authority; or
- 2220 (B) if the court determines that it is appropriate, a public or private entity that provides mental or behavioral health services and is approved by the department.
- 2223 (g)
- . (i) After the initial review hearing described in Subsection (5)(a), the court shall hold periodic review hearings approximately every 90 days, the frequency of which may be modified by the court.
- 2226 (ii) At a review hearing described in Subsection (5)(g)(i):
- 2227 (A) the department or the department's designee shall report on the progress of the defendant, provide recommendations for the defendant's future care, treatment, and secure or unsecure placement, and advise the court on the medical necessity of treatments for the defendant;
- 2231 (B) the court shall review the status of the defendant and determine whether any changes are needed to the defendant's supervision or treatment plan; and
- 2233 (C) a party may request, if the party has a good faith basis, that the court review or change the defendant's placement within a secure or non-secure setting.
- 2235 (h) If a defendant is willfully non-compliant with the treatment or supervision ordered by the court under this Subsection (5), the court shall hold an order to show cause hearing to determine whether the court should:
- 2238 (i) proceed with sentencing under Subsection (6);
- 2239 (ii) change the defendant's placement to a secure setting;
- 2240 (iii) impose another sanction; or
- 2241 (iv) take no action.
- 2242 (6)

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- . (a) The court shall defer sentencing for a defendant who has pleaded guilty with a mental condition as described in Subsection (5) until:
- 2244 (i) the court determines, after an order to show cause hearing or a review hearing as described in Subsection (5), that:
- 2246 (A) the defendant is willfully non-compliant with treatment or supervision and is unlikely to become compliant with further ordered treatment or supervision; or
- 2248 (B) the defendant has reached the maximum benefit of treatment and supervision; or
- 2250 (ii) one year has elapsed after the day on which the court entered the defendant's plea of guilty with a mental condition.
- 2252 (b) At the sentencing hearing, the court shall:
- 2253 (i) consider all treatment and supervision that has occurred before the sentencing hearing in the defendant's case;
- 2255 (ii) credit any time the defendant has spent in a mental health facility or other residential treatment facility or a secure facility against the defendant's sentence;
- 2257 (iii) consider victim input;
- 2258 (iv) consider the best interests of the defendant, including which sentence will help prevent the defendant:
- 2260 (A) from losing the defendant's ability to control the defendant's state of mental health; and
- 2262 (B) from committing additional criminal conduct related to the defendant's mental condition;
- 2264 (v) consider the best interest of public safety; and
- 2265 (vi) consider any other relevant factor or circumstance.
- 2266 (7)
- . (a) Except as provided in Subsection (7)(b), after a defendant who has been sentenced under Subsection (6) has completed the defendant's sentence and any probation or parole:
- 2269 (i) notwithstanding the contrary provisions in Subsection 76-3-402(4) or 76-3-406(1), the court has jurisdiction to enter a judgment of conviction and shall reduce the judgment of conviction for the offense by two degrees from the original offense; and
- 2273 (ii) notwithstanding the contrary provisions in Subsection 76-3-402(4) or 76-3-406(1), if the prosecuting attorney specifically agrees in writing or on the court record at any time, the court has jurisdiction to consider and enter a judgment of conviction and may enter a judgment of conviction for the offense that is reduced by up to three degrees from the original offense.

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- 2278 (b) If a defendant's probation is revoked and any suspended sentence is imposed, the defendant may not receive a reduction under this Subsection (7).
- 2280 (8)
- . (a)
- . (i) Except as provided in Subsection (8)(a)(iv), when the offense is a state offense, expenses of examination, observation, and treatment for the defendant shall be paid by the department when not paid for by the defendant's insurance.
- 2283 (ii) Travel expenses shall be paid by the county where prosecution is commenced.
- 2284 (iii) Expenses of examination for a defendant charged with a violation of a municipal or county ordinance shall be paid by the municipality or county that commenced the prosecution.
- 2287 (iv) The department is not responsible for payment for an evaluation described in Subsection (3)(a)(ii) that is conducted by a forensic evaluator who is privately retained by a party.
- 2290 (b)
- . (i) Provisions in this part for the support at public expense of a defendant with a mental condition do not release an insurer of a defendant with a mental condition from liability for the care or treatment of the defendant with a mental condition.
- 2293 (ii) The department is authorized to collect amounts spent on a defendant with a mental condition from an insurer of the defendant with a mental condition.
- 2295 (iii) A health insurance company may not deny coverage for court-ordered treatment or supervision of a defendant with a mental condition solely based on the fact that the treatment or supervision is ordered by a court if the treatment or supervision is medically necessary and would otherwise be a covered benefit under the defendant's insurance plan.
- 2300 (9) A guilty with a mental condition evaluation conducted under this section is also subject to the procedural requirements of Subsections 77-15-5(8) through (11) and 77-15-6(4)(a).
- 2195 Section 34. Section **77-16a-205** is amended to read:
- 2196 **77-16a-205. Parole.**
- 2304 (1) When an offender with a mental condition who has been committed to the department becomes eligible to be considered for parole, the board shall request a recommendation from the executive director and from UDC before placing the offender on parole.
- 2307 (2) Before setting a parole date, the board shall request that its mental health adviser prepare a report regarding the offender with a mental condition, including:

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- 2309 (a) all available clinical facts;
- 2310 (b) the diagnosis;
- 2311 (c) the course of treatment received at the mental health facility;
- 2312 (d) the prognosis for remission of symptoms;
- 2313 (e) potential for recidivism;
- 2314 (f) an estimation of the dangerousness of the offender with a mental condition either to self or others;
and
- 2316 (g) recommendations for future treatment.
- 2317 (3) Based on the report described in Subsection (2), the board may place the offender with a mental condition on parole. The board may require mental health treatment as a condition of parole. If treatment is ordered, failure to continue treatment, except by agreement with the treatment provider, and the board, is a basis for initiation of parole violation hearings by the board.
- 2322 (4)
- . (a) [~~UDC, through Adult Probation and Parole,~~] The Division of Adult Probation and Parole created in Section 64-14-202 shall monitor the status of an offender with a mental condition who has been placed on parole.[-]
- 2325 (b) UDC may provide treatment by contracting with the department, a local mental health authority, any other public or private provider, or in-house staff.
- 2327 (5) The board may not subsequently reduce the period of parole without considering an updated report on the offender's current mental condition.
- 2222 Section 35. Section **77-18-102** is amended to read:
- 2223 **77-18-102. Definitions.**
- As used in this chapter:
- 2332 (1) "Assessment" means the same as the term "risk and needs assessment" in Section 77-1-3.
- 2333 (2) "Board" means the Board of Pardons and Parole.
- 2334 (3) "Civil accounts receivable" means the same as that term is defined in Section 77-32b-102.
- 2336 (4) "Civil judgment of restitution" means the same as that term is defined in Section 77-32b-102.
- 2338 (5) "Convicted" means the same as that term is defined in Section 76-3-201.
- 2339 (6) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.
- 2341 (7) "Default" means the same as that term is defined in Section 77-32b-102.
- 2342 (8) "Delinquent" means the same as that term is defined in Section 77-32b-102.

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- 2343 (9) "Department" means the Department of Corrections created in Section 64-13-2.
- 2344 (10) "Division" means the Division of Adult Probation and Parole created in Section 64-14-202.
- 2346 ~~[(10)]~~ (11) "Habitual offender" means an individual who has been convicted in:
- 2347 (a) at least six cases for one or more felony offenses in each case; and
- 2348 (b) each case described in Subsection ~~[(10)(a)]~~ (11)(a) within five years before the day on which the defendant is convicted of the felony offense before the court.
- 2350 ~~[(11)]~~ (12) "Payment schedule" means the same as that term is defined in Section 77-32b-102.
- 2352 ~~[(12)]~~ (13) "Restitution" means the same as that term is defined in Section 77-38b-102.
- 2353 ~~[(13)]~~ (14) "Screening" means a tool or questionnaire that is designed to determine whether an individual needs further assessment or any additional resource or referral for treatment.
- 2356 ~~[(14)]~~ (15) "Substance use disorder treatment" means treatment obtained through a substance use disorder program that is licensed by the Office of Licensing within the Department of Health and Human Services.
- 2252 Section 36. Section **77-18-105** is amended to read:
- 2253 **77-18-105. Pleas held in abeyance -- Suspension of a sentence -- Probation -- Supervision -- Terms and conditions of probation -- Time periods for probation -- Bench supervision for payments on criminal accounts receivable.**
- 2363 (1) If a defendant enters a plea of guilty or no contest in conjunction with a plea in abeyance agreement, the court may hold the plea in abeyance:
- 2365 (a) in accordance with Chapter 2a, Pleas in Abeyance; and
- 2366 (b) under the terms of the plea in abeyance agreement.
- 2367 (2) If a defendant is convicted, the court:
- 2368 (a) shall impose a sentence in accordance with Section 76-3-201; and
- 2369 (b) subject to Subsection (5), may suspend the execution of the sentence and place the defendant:
- 2371 (i) on probation under the supervision of the ~~[department]~~ division;
- 2372 (ii) on probation under the supervision of an agency of a local government or a private organization; or
- 2374 (iii) on court probation under the jurisdiction of the sentencing court.
- 2375 (3)
- . (a) The legal custody of all probationers under the supervision of the ~~[department]~~ division is with the department.
- 2377

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- (b) The legal custody of all probationers under the jurisdiction of the sentencing court is vested as ordered by the court.
- 2379 (c) The court has continuing jurisdiction over all probationers.
- 2380 (4)
- . (a) Court probation may include an administrative level of services, including notification to the sentencing court of scheduled periodic reviews of the probationer's compliance with conditions.
- 2383 (b) Supervised probation services provided by the [~~department~~] division, an agency of a local government, or a private organization shall specifically address the defendant's risk of reoffending as identified by a screening or an assessment.
- 2386 (c) If a court orders supervised probation and determines that a public probation provider is unavailable or inappropriate to supervise the defendant, the court shall make available to the defendant the list of private probation providers prepared by a criminal justice coordinating council under Section 17-55-201.
- 2390 (5)
- . (a) Before ordering supervised probation, the court shall consider the supervision costs to the defendant for each entity that can supervise the defendant.
- 2392 (b)
- . (i) A court may order an agency of a local government to supervise the probation for an individual convicted of any crime if:
- 2394 (A) the agency has the capacity to supervise the individual; and
- 2395 (B) the individual's supervision needs will be met by the agency.
- 2396 (ii) A court may only order:
- 2397 (A) the [~~department~~] division to supervise the probation for an individual convicted of a class A misdemeanor or any felony; or
- 2399 (B) a private organization to supervise the probation for an individual convicted of a class A, B, or C misdemeanor or an infraction.
- 2401 (c) A court may not order a specific private organization to supervise an individual unless there is only one private organization that can provide the specific supervision services required to meet the individual's supervision needs.
- 2404 (6)
- .

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- (a) If a defendant is placed on probation, the court may order the defendant as a condition of the defendant's probation:
- 2406 (i) to provide for the support of persons for whose support the defendant is legally liable;
- 2408 (ii) to participate in available treatment programs, including any treatment program in which the defendant is currently participating if the program is acceptable to the court;
- 2411 (iii) be voluntarily admitted to the custody of the Division of Substance ~~[Abuse]~~ Use and Mental Health for treatment at the Utah State Hospital in accordance with Section 77-18-106;
- 2414 (iv) if the defendant is on probation for a felony offense, to serve a period of time as an initial condition of probation that does not exceed one year in a county jail designated by the department, after considering any recommendation by the court as to which jail the court finds most appropriate;
- 2418 (v) to serve a term of home confinement in accordance with Section 77-18-107;
- 2419 (vi) to participate in compensatory service programs, including the compensatory service program described in Section 76-3-410;
- 2421 (vii) to pay for the costs of investigation, probation, or treatment services;
- 2422 (viii) to pay restitution to a victim with interest in accordance with Chapter 38b, Crime Victims Restitution Act; or
- 2424 (ix) to comply with other terms and conditions the court considers appropriate to ensure public safety or increase a defendant's likelihood of success on probation.
- 2426 (b)
- . (i) Notwithstanding Subsection (6)(a)(iv), the court may modify the probation of a defendant to include a period of time that is served in a county jail immediately before the termination of probation as long as that period of time does not exceed one year.
- 2430 (ii) If a defendant is ordered to serve time in a county jail as a sanction for a probation violation, the one-year limitation described in Subsection (6)(a)(iv) or (6)(b)(i) does not apply to the period of time that the court orders the defendant to serve in a county jail under this Subsection (6)(b)(ii).
- 2434 (7)
- . (a) Except as provided in Subsection (7)(b), probation of an individual placed on probation after December 31, 2018:
- 2436 (i) may not exceed the individual's maximum sentence;
- 2437

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- (ii) shall be for a period of time that is in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law; and
- 2440 (iii) shall be terminated in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law.
- 2443 (b) Probation of an individual placed on probation after December 31, 2018, whose maximum sentence is one year or less, may not exceed 36 months.
- 2445 (c) Probation of an individual placed on probation on or after October 1, 2015, but before January 1, 2019, may be terminated at any time at the discretion of the court or upon completion without violation of 36 months probation in felony or class A misdemeanor cases, 12 months in cases of class B or C misdemeanors or infractions, or as allowed in accordance with Section 64-13-21 regarding earned credits.
- 2450 (d) This Subsection (7) does not apply to the probation of an individual convicted of an offense for criminal nonsupport under Section 76-7-201.
- 2452 (8)
- . (a) Notwithstanding Subsection (7), if there is an unpaid balance of the criminal accounts receivable for the defendant upon termination of the probation period for the defendant under Subsection (7), the court may require the defendant to continue to make payments towards the criminal accounts receivable in accordance with the payment schedule established by the court under Section 77-32b-103.
- 2457 (b) A court may not require the defendant to make payments as described in Subsection (8)(a) beyond the expiration of the defendant's sentence.
- 2459 (c) If the court requires a defendant to continue to pay in accordance with the payment schedule for the criminal accounts receivable under this Subsection (8) and the defendant defaults on the criminal accounts receivable, the court shall proceed with an order for a civil judgment of restitution and a civil accounts receivable for the defendant as described in Section 77-18-114.
- 2464 (d)
- . (i) Upon a motion from the prosecuting attorney, the victim, or upon the court's own motion, the court may require a defendant to show cause as to why the defendant's failure to pay in accordance with the payment schedule should not be treated as contempt of court.

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- 2468 (ii) A court may hold a defendant in contempt for failure to make payments for a criminal accounts
receivable in accordance with Title 78B, Chapter 6, Part 3, Contempt.
- 2471 (e) This Subsection (8) does not apply to the probation of an individual convicted of an offense for
criminal nonsupport under Section 76-7-201.
- 2473 (9) When making any decision regarding probation:
- 2474 (a) the court shall consider information provided by the Department of Corrections regarding a
defendant's individual case action plan, including any progress the defendant has made in satisfying
the case action plan's completion requirements; and
- 2477 (b) the court may not rely solely on an algorithm or a risk assessment tool score.
- 2371 Section 37. Section **77-18-107** is amended to read:
- 2372 **77-18-107. Home confinement -- Electronic monitoring for home confinement.**
- 2480 (1) The court may order home confinement as a condition of probation under the supervision of the
[department] division, except as provided in Sections 76-3-406 and 76-5-406.5.
- 2483 (2) The department shall establish procedures and standards for home confinement for all defendants
supervised by the [department] division for home confinement.
- 2485 (3) If the court places the defendant on probation and orders the defendant to participate in home
confinement under Subsection (1), the court may order the defendant to participate in home
confinement through the use of electronic monitoring until further order of the court.
- 2489 (4) The electronic monitoring of a defendant shall alert the [department] division and the appropriate
law enforcement agency of the defendant's whereabouts.
- 2491 (5) An electronic monitoring device shall be used under conditions that require:
- 2492 (a) the defendant to wear an electronic monitoring device at all times; and
- 2493 (b) the device be placed in the home of the defendant to monitor the defendant's compliance with the
court's order.
- 2495 (6) If a court orders a defendant to participate in home confinement through electronic monitoring as a
condition of probation under Subsection (3), the court shall:
- 2497 (a) place the defendant on probation under the supervision of the [department] division;
- 2498 (b) order the [department] division to place an electronic monitoring device on the defendant and install
electronic monitoring equipment in the residence of the defendant; and
- 2501 (c) order the defendant to pay the costs associated with home confinement to the department or the
program provider.

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- 2503 (7) The department shall pay the costs of home confinement through electronic monitoring only for an individual who is determined to be indigent by the court.
- 2505 (8) The department may provide the electronic monitoring described in this section directly or by contract with a private provider.
- 2400 Section 38. Section **77-18-108** is amended to read:
- 2401 **77-18-108. Termination, revocation, modification, or extension of probation -- Violation of probation -- Hearing on violation.**
- 2510 (1)
- . (a) The [~~department~~] division shall send a written notice to the court:
- 2511 (i) when the [~~department~~] division is recommending termination of supervision for a defendant; or
- 2513 (ii) before a defendant's supervision will be terminated by law.
- 2514 (b) The written notice under this Subsection (1) shall include:
- 2515 (i) a probation progress report; and
- 2516 (ii) if the department is responsible for the collection of the defendant's criminal accounts receivable, a summary of the criminal accounts receivable, including the amount of restitution ordered and the amount of restitution that has been paid.
- 2519 (c)
- . (i) Upon receipt of the written notice under Subsection (1)(a), the court shall:
- 2520 (A) file the written notice on the docket; and
- 2521 (B) provide notice to all parties in the criminal case.
- 2522 (ii) A party shall have a reasonable opportunity to respond to the written notice under Subsection (1)(a).
- 2524 (d) If a defendant's probation is being terminated, and the defendant's criminal accounts receivable has an unpaid balance or there is any outstanding debt with the department, the department shall send a written notice to the Office of State Debt Collection with a summary of the defendant's criminal accounts receivable, including the amount of restitution ordered and the amount of restitution that has been paid.
- 2529 (2)
- . (a) The court may modify the defendant's probation in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1.
- 2531 (b) The court may not:
- 2532 (i) extend the length of a defendant's probation, except upon:

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- 2533 (A) waiver of a hearing by the defendant; or
- 2534 (B) a hearing and a finding by the court that the defendant has violated the terms of probation;
- 2536 (ii) revoke a defendant's probation, except upon a hearing and a finding by the court that the terms of probation have been violated; or
- 2538 (iii) terminate a defendant's probation before expiration of the probation period until the court:
- 2540 (A) reviews the docket to determine whether the defendant owes a balance on the defendant's criminal accounts receivable; and
- 2542 (B) enters a finding of whether the defendant owes restitution under Section 77-38b-205.
- 2544 (c) The court may find under Subsection (2)(b)(iii)(B) that the defendant does not owe restitution if no request for restitution has been filed with the court.
- 2546 (3)
- . (a) Upon the filing of an affidavit, or an unsworn written declaration executed in substantial compliance with Title 78B, Chapter 18a, Uniform Unsworn Declarations Act, alleging with particularity facts asserted to constitute violation of the terms of a defendant's probation, the court shall determine if the affidavit or unsworn written declaration establishes probable cause to believe that revocation, modification, or extension of the defendant's probation is justified.
- 2552 (b)
- . (i) If the court determines there is probable cause, the court shall order that the defendant be served with:
- 2554 (A) a warrant for the defendant's arrest or a copy of the affidavit or unsworn written declaration; and
- 2556 (B) an order to show cause as to why the defendant's probation should not be revoked, modified, or extended.
- 2558 (ii) The order under Subsection (3)(b)(i)(B) shall:
- 2559 (A) be served upon the defendant at least five days before the day on which the hearing is held;
- 2561 (B) specify the time and place of the hearing; and
- 2562 (C) inform the defendant of the right to be represented by counsel at the hearing, the right to have counsel appointed if the defendant is indigent, and the right to present evidence at the hearing.
- 2565 (iii) The defendant shall show good cause for a continuance of the hearing.
- 2566 (c) At the hearing, the defendant shall admit or deny the allegations of the affidavit or unsworn written declaration.

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- 2568 (d)
- . (i) If the defendant denies the allegations of the affidavit or unsworn written declaration, the prosecuting attorney shall present evidence on the allegations.
- 2570 (ii) If the affidavit, or unsworn written declaration, alleges that a defendant is delinquent, or in default, on a criminal accounts receivable, the prosecuting attorney shall present evidence to establish, by a preponderance of the evidence, that the defendant:
- 2574 (A) was aware of the defendant's obligation to pay the balance of the criminal accounts receivable;
- 2576 (B) failed to pay on the balance of the criminal accounts receivable as ordered by the court; and
- 2578 (C) had the ability to make a payment on the balance of the criminal accounts receivable if the defendant opposes an order to show cause, in writing, and presents evidence that the defendant was unable to make a payment on the balance of the criminal accounts receivable.
- 2582 (e) The persons who have given adverse information on which the allegations are based shall be presented as witnesses subject to questioning by the defendant, unless the court for good cause otherwise orders.
- 2585 (f) At the hearing, the defendant may:
- 2586 (i) call witnesses;
- 2587 (ii) appear and speak in the defendant's own behalf; and
- 2588 (iii) present evidence.
- 2589 (g)
- . (i) After the hearing, the court shall make findings of fact.
- 2590 (ii) Upon a finding that the defendant violated the terms of the defendant's probation, the court may order the defendant's probation terminated, revoked, modified, continued, or reinstated for all or a portion of the original term of probation.
- 2593 (4)
- . (a)
- . (i) Except as provided in Subsection 77-18-105(7), the court may not require a defendant to remain on probation for a period of time that exceeds the length of the defendant's maximum sentence.
- 2596 (ii) Except as provided in Subsection 77-18-105(7), if a defendant's probation is revoked and later reinstated, the total time of all periods of probation that the defendant serves, in relation to the same sentence, may not exceed the defendant's maximum sentence.
- 2600 (b) If the court orders a sanction for a defendant who violated terms of probation, the court may:

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- 2602 (i) order a period of incarceration that is consistent with the adult sentencing and supervision length
guidelines, as defined in Section 63M-7-401.1;
- 2604 (ii) order a period of incarceration that deviates from the guidelines with an explanation for the
deviation on the record;
- 2606 (iii) order treatment services that are immediately available in the community for a defendant that needs
substance abuse or mental health treatment, as determined by a screening and assessment;
- 2609 (iv) execute the sentence previously imposed; or
- 2610 (v) order any other appropriate sanction.
- 2611 (c) If the defendant had, before the imposition of a term of incarceration or the execution of the
previously imposed sentence under this section, served time in jail as a term of probation or due to
a violation of probation, the time that the defendant served in jail constitutes service of time toward
the sentence previously imposed.
- 2615 (5)
- . (a) Any time served by a defendant:
- 2616 (i) outside of confinement after having been charged with a probation violation, and before a
hearing to revoke probation, does not constitute service of time toward the total probation term,
unless the defendant is exonerated at a hearing to revoke the defendant's probation;
- 2620 (ii) in confinement awaiting a hearing or a decision concerning revocation of the defendant's
probation does not constitute service of time toward the total probation term, unless the
defendant is exonerated at the hearing to revoke probation; or
- 2624 (iii) in confinement awaiting a hearing or a decision concerning revocation of the defendant's
probation constitutes service of time toward a term of incarceration imposed as a result of the
revocation of probation or a graduated and evidence-based response imposed under the adult
sentencing and supervision length guidelines, as defined in Section 63M-7-401.1.
- 2629 (b) The running of the probation period is tolled upon:
- 2630 (i) the filing of a report with the court alleging a violation of the terms of the defendant's probation; or
- 2632 (ii) the issuance of an order or a warrant under Subsection (3).
- 2526 Section 39. Section **77-18-109** is amended to read:
- 2527 **77-18-109. Standards for supervision and presentence investigation.**
- 2635 (1) The department shall establish supervision and presentence investigation standards for all
individuals referred to the [department] division based on:

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- 2637 (a) the type of offense;
- 2638 (b) the results of a screening and an assessment;
- 2639 (c) the demand for services;
- 2640 (d) the availability of agency resources;
- 2641 (e) public safety; and
- 2642 (f) other criteria established by the department to determine what level of services shall be provided.
- 2644 (2) The department shall submit proposed supervision and presentence investigation standards annually to the Judicial Council and the board for review and comment before the department adopts the standards.
- 2647 (3) The Judicial Council and the department shall establish procedures for the division to implement the supervision and presentence investigation standards.
- 2649 (4) The Judicial Council and the department shall annually consider modifications to the standards based upon criteria in Subsection (1) and other criteria as the Judicial Council and the department consider appropriate.
- 2652 (5) The Judicial Council and the department shall:
- 2653 (a) annually prepare an impact report; and
- 2654 (b) submit the impact report to the appropriate legislative appropriations subcommittee.
- 2548 Section 40. Section **77-20-203** is amended to read:
- 2549 **77-20-203. County sheriff authority to release an individual from jail on own recognizance.**
- 2658 (1) As used in this section:
- 2659 (a) "Division" means the Division of Adult Probation and Parole created in Section 64-14-202.
- 2661 [~~(a)~~] (b)
- . (i) "Qualifying domestic violence offense" means the same as that term is defined in Subsection 77-36-1.1(4).
- 2663 (ii) "Qualifying domestic violence offense" does not include criminal mischief as described in Section 76-6-106.
- 2665 [~~(b)~~] (c) "Qualifying offense" means the same as that term is defined in Section 78B-7-801.
- 2667 [~~(e)~~] (d) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
- 2668 (2) Except as provided in Subsection (3), a county jail official may release an individual from a jail facility on the individual's own recognizance if:
- 2670 (a) the individual was arrested without a warrant;

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- 2671 (b) the individual was not arrested for:
- 2672 (i) a violent felony;
- 2673 (ii) a qualifying offense;
- 2674 (iii) the offense of driving under the influence or driving with a measurable controlled substance in the
body if the offense results in death or serious bodily injury to an individual; or
- 2677 (iv) an offense described in Subsection 76-9-101(4);
- 2678 (c) law enforcement has not submitted a probable cause statement to a court or magistrate;
- 2680 (d) the individual agrees in writing to appear for any future criminal proceedings related to the arrest;
and
- 2682 (e) the individual qualifies for release under the written policy described in Subsection (4) for the
county.
- 2684 (3) A county jail official may not release an individual from a jail facility if the individual is subject to
a 72-hour hold placed on the individual by the Department of Corrections as described in Section
[~~64-13-29~~] 64-14-205.
- 2687 (4)
- . (a) A county sheriff shall create and approve a written policy for the county that governs the release of
an individual on the individual's own recognizance.
- 2689 (b) The written policy shall describe the criteria an individual shall meet to be released on the
individual's own recognizance.
- 2691 (c) A county sheriff may include in the written policy the criteria for release relating to:
- 2692 (i) criminal history;
- 2693 (ii) prior instances of failing to appear for a mandatory court appearance;
- 2694 (iii) current employment;
- 2695 (iv) residency;
- 2696 (v) ties to the community;
- 2697 (vi) an offense for which the individual was arrested;
- 2698 (vii) any potential criminal charges that have not yet been filed;
- 2699 (viii) the individual's health condition;
- 2700 (ix) any potential risks to a victim, a witness, or the public; and
- 2701 (x) any other similar factor a sheriff determines is relevant.
- 2702 (5)

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- . (a) Except as provided in Subsection (5)(b)(ii), a jail facility shall detain an individual for up to 24 hours from booking if:
- 2704 (i) the individual is on supervised probation or parole and that information is reasonably available;
and
- 2706 (ii) the individual was arrested for:
- 2707 (A) a violent felony; or
- 2708 (B) a qualifying domestic violence offense.
- 2709 (b) The jail facility shall:
- 2710 (i) notify the entity supervising the individual's probation or parole that the individual is being detained;
and
- 2712 (ii) release the individual:
- 2713 (A) to the [~~Department of Corrections if the Department of Corrections~~] division if the division
supervises the individual and requests the individual's release; or
- 2715 (B) if a court or magistrate orders release.
- 2716 (c) This Subsection (5) does not prohibit a jail facility from holding the individual in accordance with
this chapter for a new criminal offense.
- 2718 (6) This section does not prohibit a court and a county from entering into an agreement regarding
release.
- 2613 Section 41. Section **77-20-204** is amended to read:
- 2614 **77-20-204. County jail authority to release an individual from jail on monetary bail.**
- 2723 (1) As used in this section, "eligible felony offense" means a third degree felony violation under:
- 2725 (a) Section 23A-4-501 or 23A-4-502;
- 2726 (b) Section 23A-5-311;
- 2727 (c) Section 23A-5-313;
- 2728 (d) Title 76, Chapter 6, Part 4, Theft;
- 2729 (e) Title 76, Chapter 6, Part 5, Fraud;
- 2730 (f) Title 76, Chapter 6, Part 6, Retail Theft;
- 2731 (g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;
- 2732 (h) Title 76, Chapter 6, Part 8, Library Theft;
- 2733 (i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;
- 2734 (j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;

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- 2735 (k) Title 76, Chapter 6, Part 11, Identity Fraud Act;
- 2736 (l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;
- 2737 (m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;
- 2738 (n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;
- 2739 (o) Title 76, Chapter 6a, Pyramid Scheme Act;
- 2740 (p) Title 76, Chapter 7, Offenses Against the Family;
- 2741 (q) Title 76, Chapter 7a, Abortion Prohibition;
- 2742 (r) Title 76, Chapter 9, Part 2, Electronic Communication and Telephone Abuse;
- 2743 (s) Title 76, Chapter 9, Part 3, Cruelty to Animals;
- 2744 (t) Title 76, Chapter 9, Part 4, Offenses Against Privacy;
- 2745 (u) Title 76, Chapter 9, Part 5, Libel; or
- 2746 (v) Title 76, Chapter 9, Part 6, Offenses Against the Flag.
- 2747 (2) Except as provided in Subsection (7)(a), a county jail official may fix a financial condition for an individual if:
- 2749 (a)
- . (i) the individual is ineligible to be released on the individual's own recognizance under Section 77-20-203;
- 2751 (ii) the individual is arrested for, or charged with:
- 2752 (A) a misdemeanor offense under state law; or
- 2753 (B) a violation of a city or county ordinance that is classified as a class B or C misdemeanor offense;
- 2755 (iii) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
- 2757 (iv) law enforcement has not submitted a probable cause statement to a magistrate; or
- 2758 (b)
- . (i) the individual is arrested for, or charged with, an eligible felony offense;
- 2759 (ii) the individual is not on pretrial release for a separate criminal offense;
- 2760 (iii) the individual is not on probation or parole;
- 2761 (iv) the primary risk posed by the individual is the risk of failure to appear;
- 2762 (v) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
- 2764 (vi) law enforcement has not submitted a probable cause statement to a magistrate.

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- 2765 (3) A county jail official may not fix a financial condition at a monetary amount that exceeds:
2767 (a) \$5,000 for an eligible felony offense;
2768 (b) \$1,950 for a class A misdemeanor offense;
2769 (c) \$680 for a class B misdemeanor offense;
2770 (d) \$340 for a class C misdemeanor offense;
2771 (e) \$150 for a violation of a city or county ordinance that is classified as a class B misdemeanor; or
2773 (f) \$80 for a violation of a city or county ordinance that is classified as a class C misdemeanor.
- 2775 (4) If an individual is arrested for more than one offense, and the county jail official fixes a financial condition for release:
2777 (a) the county jail official shall fix the financial condition at a single monetary amount; and
2779 (b) the single monetary amount may not exceed the monetary amount under Subsection (3) for the highest level of offense for which the individual is arrested.
- 2781 (5) Except as provided in Subsection (7)(b), an individual shall be released if the individual posts a financial condition fixed by a county jail official in accordance with this section.
- 2783 (6) If a county jail official fixes a financial condition for an individual, law enforcement shall submit a probable cause statement in accordance with Rule 9 of the Utah Rules of Criminal Procedure after the county jail official fixes the financial condition.
- 2786 (7) Once a magistrate begins a review of an individual's case under Rule 9 of the Utah Rules of Criminal Procedure:
2788 (a) a county jail official may not fix or modify a financial condition for an individual; and
2790 (b) if a county jail official fixed a financial condition for the individual before the magistrate's review, the individual may no longer be released on the financial condition.
- 2793 (8) A jail facility may not release an individual subject to a 72-hour hold placed on the individual by the Department of Corrections as described in Section ~~[64-13-29]~~ 64-14-205.
- 2796 (9) This section does not prohibit a court and a county from entering into an agreement regarding release.
- 2691 Section 42. Section **77-27-10** is amended to read:
2692 **77-27-10. Conditions of parole -- Inmate agreement to warrant -- Rulemaking -- Intensive early release parole program.**
- 2801 (1)

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- (a) When the Board of Pardons and Parole releases an offender on parole, it shall, in accordance with Section [~~64-13-21~~] 64-14-204, issue to the parolee a certificate setting forth the conditions of parole, including the graduated and evidence-based responses to a violation of a condition of parole established in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, which the offender shall accept and agree to as evidenced by the offender's signature affixed to the agreement.
- 2808 (b) The parole agreement shall require that the inmate agree in writing that the board may issue a warrant and conduct a parole revocation hearing if:
- 2810 (i) the board determines after the grant of parole that the inmate willfully provided to the board false or inaccurate information that the board finds was significant in the board's determination to grant parole; or
- 2813 (ii)
- . (A) the inmate has engaged in criminal conduct prior to the granting of parole; and
- 2815 (B) the board did not have information regarding the conduct at the time parole was granted.
- 2817 (c)
- . (i) A copy of the agreement shall be delivered to the Department of Corrections and a copy shall be given to the parolee.
- 2819 (ii) The original agreement shall remain with the board's file.
- 2820 (2)
- . (a) If an offender convicted of violating or attempting to violate Section 76-5-301.1, 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, 76-5-404, 76-5-404.1, 76-5-404.3, or 76-5-405, is released on parole, the board shall order outpatient mental health counseling and treatment as a condition of parole.
- 2824 (b) The board shall develop standards and conditions of parole under this Subsection (2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2826 (c) This Subsection (2) does not apply to intensive early release parole.
- 2827 (3)
- . (a)
- . (i) In addition to the conditions set out in Subsection (1), the board may place offenders in an intensive early release parole program.
- 2829

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- (ii) The board shall determine the conditions of parole which are reasonably necessary to protect the community as well as to protect the interests of the offender and to assist the offender to lead a law-abiding life.
- 2832 (b) The offender is eligible for this program only if the offender:
- 2833 (i) has not been convicted of a sexual offense; or
- 2834 (ii) has not been sentenced pursuant to Section 76-3-406.
- 2835 (c) The department shall:
- 2836 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for operation of the program;
- 2838 (ii) adopt and implement internal management policies for operation of the program;
- 2839 (iii) determine whether or not to refer an offender into this program within 120 days from the date the offender is committed to prison by the sentencing court; and
- 2841 (iv) make the final recommendation to the board regarding the placement of an offender into the program.
- 2843 (d) The department may not consider credit for time served in a county jail awaiting trial or sentencing when calculating the 120-day period.
- 2845 (e) The prosecuting attorney or sentencing court may refer an offender for consideration by the department for participation in the program.
- 2847 (f) The board shall determine whether or not to place an offender into this program within 30 days of receiving the department's recommendation.
- 2849 (4) This program shall be implemented by the department within the existing budget.
- 2850 (5) During the time the offender is on parole, the department shall collect from the offender the monthly supervision fee authorized by Section ~~[64-13-21]~~ 64-14-204.
- 2852 (6) When a parolee commits a violation of the parole agreement, the department may:
- 2853 (a) respond in accordance with the graduated and evidence-based responses established in accordance with Section ~~[64-13-21]~~ 64-14-204; or
- 2855 (b) when the graduated and evidence-based responses established in accordance with Section ~~[64-13-21]~~ 64-14-204 indicate, refer the parolee to the Board of Pardons and Parole for revocation of parole.
- 2751 Section 43. Section **77-27-10.5** is amended to read:
- 2752 **77-27-10.5. Special condition of parole -- Penalty.**

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- 2860 (1) In accordance with Section 77-27-5, the Board of Pardons and Parole may release the defendant on parole and as a condition of parole, the board may order the defendant to be prohibited from directly or indirectly engaging in any profit or benefit generating activity relating to the publication of facts or circumstances pertaining to the defendant's involvement in the criminal act for which the defendant is convicted.
- 2865 (2) The order may prohibit the defendant from contracting with any person, firm, corporation, partnership, association, or other legal entity with respect to the commission and reenactment of the defendant's criminal conduct, by way of a movie, book, magazine article, tape recording, phonograph record, radio, or television presentations, live entertainment of any kind, or from the expression of the defendant's thoughts, feelings, opinions, or emotions regarding the criminal conduct.
- 2871 (3) The board may order that the prohibition includes any event undertaken and experienced by the defendant while avoiding apprehension from the authorities or while facing criminal charges.
- 2874 (4) The board may order that any action taken by the defendant by way of execution of power of attorney, creation of corporate entities, or other action to avoid compliance with the board's order shall be grounds for revocation of parole as provided in Section 77-27-11.
- 2878 (5) The Division of Adult Probation and Parole created in Section 64-14-202 shall notify the board of any alleged violation of the board's order under this section.
- 2880 (6) The violation of the board's order shall be considered a violation of parole.
- 2881 (7) For purposes of this section:
- 2882 (a) "convicted" means a conviction by entry of a plea of guilty or nolo contendere, guilty with a mental condition, no contest, and conviction of any crime or offense; and
- 2884 (b) "defendant" means the convicted defendant, the defendant's assignees, and representatives acting on the defendant's authority.
- 2779 Section 44. Section **77-27-11** is amended to read:
- 2780 **77-27-11. Revocation of parole.**
- 2888 (1) The board may revoke the parole of any individual who is found to have violated any condition of the individual's parole.
- 2890 (2)
- . (a) If a parolee is confined by the department or any law enforcement official for a suspected violation of parole, the department:

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- 2892 (i) shall immediately report the alleged violation to the board, by means of an incident report; and
2894 (ii) make any recommendation regarding the incident.
- 2895 (b) A parolee may not be held for a period longer than 72 hours, excluding weekends and holidays,
without first obtaining a warrant.
- 2897 (c) The board shall expeditiously consider warrant requests from the department under Section
[~~64-13-29~~] 64-14-205.
- 2899 (3) Any member of the board may:
- 2900 (a) issue a warrant based upon a certified warrant request to a peace officer or other persons authorized
to arrest, detain, and return to actual custody a parolee; and
- 2902 (b) upon arrest of the parolee, determine, or direct the department to determine, if there is probable
cause to believe that the parolee has violated the conditions of the parolee's parole.
- 2905 (4) Upon a finding of probable cause, a parolee may be further detained or imprisoned again pending a
hearing by the board or the board's appointed examiner.
- 2907 (5)
- . (a) The board or the board's appointed examiner shall conduct a hearing on the alleged violation, and
the parolee shall have written notice of the time and location of the hearing, the alleged violation of
parole, and a statement of the evidence against the parolee.
- 2911 (b) The board or the board's appointed examiner shall provide the parolee the opportunity:
- 2913 (i) to be present;
- 2914 (ii) to be heard;
- 2915 (iii) to present witnesses and documentary evidence;
- 2916 (iv) to confront and cross-examine adverse witnesses, absent a showing of good cause for not allowing
the confrontation; and
- 2918 (v) to be represented by counsel when the parolee is mentally incompetent or pleading not guilty.
- 2920 (c)
- . (i) If heard by an appointed examiner, the examiner shall make a written decision which shall include
a statement of the facts relied upon by the examiner in determining the guilt or innocence of the
parolee on the alleged violation and a conclusion as to whether the alleged violation occurred.
- 2924 (ii) The appointed examiner shall then refer the case to the board for disposition.
- 2925 (d)
- . (i) A final decision shall be reached by a majority vote of the sitting members of the board.

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- 2927 (ii) A parolee shall be promptly notified in writing of the board's findings and decision.
2929 (6)
- . (a) If a parolee is found to have violated the terms of parole, the board, at the board's discretion, may:
- 2931 (i) return the parolee to parole;
- 2932 (ii) modify the payment schedule for the parolee's criminal accounts receivable in accordance with
Section 77-32b-105;
- 2934 (iii) order the parolee to pay pecuniary damages that are proximately caused by a defendant's
violation of the terms of the defendant's parole;
- 2936 (iv) order the parolee to be imprisoned, but not to exceed the maximum term of imprisonment for
the parolee's sentence; or
- 2938 (v) order any other conditions for the parolee.
- 2939 (b) If the board returns the parolee to parole, the length of parole may not be for a period of time that
exceeds the length of the parolee's maximum sentence.
- 2941 (c) If the board revokes parole for a violation and orders incarceration, the board may impose a period
of incarceration:
- 2943 (i) consistent with the adult sentencing and supervision length guidelines, as defined in Section
63M-7-401.1; or
- 2945 (ii) subject to Subsection (6)(a)(iv), impose a period of incarceration that differs from the guidelines.
- 2947 (d) The following periods of time constitute service of time toward the period of incarceration imposed
under Subsection (6)(c):
- 2949 (i) time served in jail by a parolee awaiting a hearing or decision concerning revocation of parole; and
- 2951 (ii) time served in jail by a parolee due to a violation of parole under Subsection 64-13-6(2).
- 2846 Section 45. Section **77-32b-102** is amended to read:
- 2847 **77-32b-102. Definitions.**
As used in this chapter:
- 2956 (1) "Board" means the Board of Pardons and Parole.
- 2957 (2)
- . (a) "Civil accounts receivable" means any amount of the criminal accounts receivable that is owed by
the defendant that has not been paid on or before the day on which:
- 2960 (i) the defendant's sentence is terminated; or
- 2961 (ii) the court enters an order for a civil accounts receivable under Subsection 77-18-114(1) or (2).

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- 2963 (b) "Civil accounts receivable" does not include any amount of the criminal accounts receivable that is
owed by the defendant for restitution.
- 2965 (3) "Civil judgment of restitution" means any amount of the criminal accounts receivable that is owed
by the defendant for restitution that has not been paid on or before the day on which the defendant's
sentence is terminated.
- 2968 (4)
- . (a) "Criminal accounts receivable" means any amount owed by a defendant that arises from a criminal
judgment until:
- 2970 (i) the defendant's sentence terminates;
- 2971 (ii) the court enters an order for a civil accounts receivable under Subsection 77-18-114(1) or (2); or
- 2973 (iii) if the court requires the defendant, upon termination of the probation period for the
defendant, to continue to make payments on the criminal accounts as described in Subsection
77-18-105(8), the defendant's sentence expires.
- 2976 (b) "Criminal accounts receivable" includes any unpaid:
- 2977 (i) fee, including the monthly supervision fee described in Subsection [~~64-13-21(6)~~] 64-14-204(6);
- 2979 (ii) forfeiture;
- 2980 (iii) surcharge;
- 2981 (iv) cost;
- 2982 (v) interest;
- 2983 (vi) penalty;
- 2984 (vii) restitution;
- 2985 (viii) third party claim;
- 2986 (ix) reimbursement of a reward; and
- 2987 (x) damages.
- 2988 (5) "Default" means a civil accounts receivable, a civil judgment of restitution, or a criminal accounts
receivable that is overdue by at least 90 days.
- 2990 (6) "Delinquent" means a civil accounts receivable, a civil judgment of restitution, or a criminal account
receivable that is overdue by more than 28 days but less than 90 days.
- 2992 (7) "Payment schedule" means the amount that is be paid by a defendant in installments, or by a certain
date, to satisfy a criminal accounts receivable for the defendant.
- 2994

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- (8) "Remit" or "remission" means to forgive or to excuse, in whole or in part, any unpaid amount of a criminal accounts receivable.
- 2996 (9) "Restitution" means the same as that term is defined in Section 77-38b-102.
- 2890 Section 46. Section **77-36-5.1** is amended to read:
- 2891 **77-36-5.1. Conditions of probation for domestic violence offense.**
- 2999 (1) Before a perpetrator who is convicted or adjudicated of a domestic violence offense may be placed on probation, the court shall consider the safety and protection of the victim and any member of the victim's family or household.
- 3002 (2) The court may condition probation or a plea in abeyance on the perpetrator's compliance with one or more orders of the court, which may include:
- 3004 (a) a sentencing protective order issued under Section 78B-7-804;
- 3005 (b) prohibiting the perpetrator from possessing or consuming alcohol or controlled substances;
- 3007 (c) prohibiting the perpetrator from purchasing, using, or possessing a firearm or other specified weapon;
- 3009 (d) directing the perpetrator to surrender any weapons the perpetrator owns or possesses;
- 3010 (e) directing the perpetrator to participate in and complete, to the satisfaction of the court, a program of intervention for perpetrators, treatment for alcohol or substance abuse, or psychiatric or psychological treatment;
- 3013 (f) directing the perpetrator to pay restitution to the victim, enforcement of which shall be in accordance with Chapter 38b, Crime Victims Restitution Act; and
- 3015 (g) imposing any other condition necessary to protect the victim and any other designated family or household member or to rehabilitate the perpetrator.
- 3017 (3) The perpetrator is responsible for the costs of any condition of probation, according to the perpetrator's ability to pay.
- 3019 (4)
- . (a) The Division of Adult Probation and Parole created in Section 64-14-202, or other provider, shall immediately report to the court and notify the victim of any offense involving domestic violence committed by the perpetrator, the perpetrator's failure to comply with any condition imposed by the court, and any violation of a sentencing protective order issued by the court under Section 78B-7-804.

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(b) Notification of the victim under Subsection (4)(a) shall consist of a good faith reasonable effort to provide prompt notification, including mailing a copy of the notification to the last-known address of the victim.

3027 (5) In addition to a protective order issued under this section, the court may issue a separate order relating to the transfer of a wireless telephone number in accordance with Section 78B-7-117.

2923 Section 47. Section **77-38-3** is amended to read:

2924 **77-38-3. Notification to victims -- Initial notice, election to receive subsequent notices --
Form of notice -- Protected victim information -- Pretrial criminal no contact order.**

3034 (1) Within seven days after the day on which felony criminal charges are filed against a defendant, the prosecuting agency shall provide an initial notice to reasonably identifiable and locatable victims of the crime contained in the charges, except as otherwise provided in this chapter.

3038 (2) The initial notice to the victim of a crime shall provide information about electing to receive notice of subsequent important criminal justice hearings listed in Subsections 77-38-2(5)(a) through (g) and rights under this chapter.

3041 (3) The prosecuting agency shall provide notice to a victim of a crime:

3042 (a) for the important criminal justice hearings, provided in Subsections 77-38-2(5)(a) through (g), which the victim has requested; and

3044 (b) for a restitution request to be submitted in accordance with Section 77-38b-202.

3045 (4)

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

3048 (b) In the event of an unforeseen important criminal justice hearing, described in Subsections 77-38-2(5)(a) through (g) for which a victim has requested notice, a good faith attempt to contact the victim by telephone shall be considered sufficient notice, provided that the prosecuting agency subsequently notifies the victim of the result of the proceeding.

3053 (5)

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

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- (b) The court shall consider whether any notification system that the court might use to provide notice of judicial proceedings to defendants could be used to provide notice of judicial proceedings to victims of crimes.
- 3059 (6) A defendant or, if it is the moving party, the Division of Adult Probation and Parole created in Section 64-14-202, shall give notice to the responsible prosecuting agency of any motion for modification of any determination made at any of the important criminal justice hearings provided in Subsections 77-38-2(5)(a) through (g) in advance of any requested court hearing or action so that the prosecuting agency may comply with the prosecuting agency's notification obligation.
- 3065 (7)
- . (a) Notice to a victim of a crime shall be provided by the Board of Pardons and Parole for the important criminal justice hearing under Subsection 77-38-2(5)(h).
- 3067 (b) The board may provide notice in any reasonable manner, including telephonically, electronically, orally, or by means of a letter or form prepared for this purpose.
- 3069 (8) Prosecuting agencies and the Board of Pardons and Parole are required to give notice to a victim of a crime for the proceedings provided in Subsections 77-38-2(5)(a) through (g) only where the victim has responded to the initial notice, requested notice of subsequent proceedings, and provided a current address and telephone number if applicable.
- 3074 (9) To facilitate the payment of restitution and the notice of hearings regarding restitution, a victim who seeks restitution and notice of restitution hearings shall provide the court with the victim's current address and telephone number.
- 3077 (10)
- . (a) Law enforcement and criminal justice agencies shall refer any requests for notice or information about crime victim rights from victims to the responsible prosecuting agency.
- 3080 (b) In a case in which the Board of Pardons and Parole is involved, the responsible prosecuting agency shall forward any request for notice the prosecuting agency has received from a victim to the Board of Pardons and Parole.
- 3083 (11) In all cases where the number of victims exceeds 10, the responsible prosecuting agency may send any notices required under this chapter in the prosecuting agency's discretion to a representative sample of the victims.
- 3086 (12)
- .

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- (a) A victim's address, telephone number, and victim impact statement maintained by a peace officer, prosecuting agency, Youth Parole Authority, Division of Juvenile Justice and Youth Services, Department of Corrections, Utah State Courts, and Board of Pardons and Parole, for purposes of providing notice under this section, are classified as protected under Subsection 63G-2-305(10).
- 3091 (b) The victim's address, telephone number, and victim impact statement is available only to the following persons or entities in the performance of their duties:
- 3093 (i) a law enforcement agency, including the prosecuting agency;
- 3094 (ii) a victims' right committee as provided in Section 77-37-5;
- 3095 (iii) a governmentally sponsored victim or witness program;
- 3096 (iv) the Department of Corrections;
- 3097 (v) the Utah Office for Victims of Crime;
- 3098 (vi) the Commission on Criminal and Juvenile Justice;
- 3099 (vii) the Utah State Courts; and
- 3100 (viii) the Board of Pardons and Parole.
- 3101 (13) The notice provisions as provided in this section do not apply to misdemeanors as provided in Section 77-38-5 and to important juvenile justice hearings as provided in Section 77-38-2.
- 3104 (14)
- . (a) When a defendant is charged with a felony crime under Sections 76-5-301 through 76-5-310.1 regarding kidnapping, human trafficking, and human smuggling; Sections 76-5-401 through 76-5-413.2 regarding sexual offenses; or Section 76-10-1306 regarding aggravated exploitation of prostitution, the court may, during any court hearing where the defendant is present, issue a pretrial criminal no contact order:
- 3110 (i) prohibiting the defendant from harassing, telephoning, contacting, or otherwise communicating with the victim directly or through a third party;
- 3112 (ii) ordering the defendant to stay away from the residence, school, place of employment of the victim, and the premises of any of these, or any specified place frequented by the victim or any designated family member of the victim directly or through a third party; and
- 3116 (iii) ordering any other relief that the court considers necessary to protect and provide for the safety of the victim and any designated family or household member of the victim.
- 3119 (b) Violation of a pretrial criminal no contact order issued pursuant to this section is a third degree felony.

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- 3121 (c)
- . (i) The court shall provide to the victim a certified copy of any pretrial criminal no contact order that has been issued if the victim can be located with reasonable effort.
- 3124 (ii) The court shall also transmit the pretrial criminal no contact order to the statewide domestic violence network in accordance with Section 78B-7-113.
- 3126 (15)
- . (a) When a case involving a victim may resolve before trial with a plea deal, the prosecutor shall notify the victim of that possibility as soon as practicable.
- 3128 (b) Upon the request of a victim described in Subsection (15)(a), the prosecutor shall explain the available details of an anticipated plea deal.
- 3023 Section 48. Section **77-38-611** is amended to read:
- 3024 **77-38-611. Address use by state or local government entities.**
- 3132 (1) Except as otherwise provided in Subsection (7), a program participant is responsible for requesting that a state or local government entity use the program participant's assigned address as the program participant's residential address.
- 3135 (2) Except as otherwise provided in this part, if a program participant submits a valid authorization card, or a notification form, to a state or local government entity, the state or local government entity shall accept the assigned address listed on the authorization card or notification form as the program participant's address to be used as the program participant's residential address when creating a record.
- 3140 (3) The program participant's assigned address shall be listed as the last known address if any last known address requirement is needed by the state or local government entity.
- 3142 (4) The state or local government entity may photocopy a program participant's authorization card for a record for the state or local government entity, but the state or local government entity shall immediately return the authorization card to the program participant.
- 3146 (5)
- . (a) An election official, as defined in Section 20A-1-102, shall:
- 3147 (i) use a program participant's actual address for precinct designation and all official election-related purposes;
- 3149 (ii) classify the program participant's actual address as concealed; and
- 3150 (iii) keep the program participant's actual address confidential from the public.

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- 3151 (b) A program participant may not use the program participant's assigned address for voter registration.
- 3153 (c) An election official shall use the assigned address for all correspondence and mail for the program participant placed in the United States mail.
- 3155 (d) A state or local government entity's access to a program participant's voter registration is subject to the request for disclosure process under Section 77-38-612.
- 3157 (e) This Subsection (5) applies only to a program participant who submits a valid authorization card or a notification form when registering to vote.
- 3159 (6)
- . (a) A state or local government entity may not use a program participant's assigned address for the purposes of listing, or appraising a property, or assessing property taxes.
- 3162 (b) Except as provided by Subsection (6)(c), all property assessments and tax notices, property tax collection notices, and all property related correspondence placed in the United States mail for the program participant shall be addressed to the assigned address.
- 3166 (c) The State Tax Commission shall use the actual address of a program participant, unless the commission provides the following information to the State Tax Commission:
- 3169 (i) the full name of the program participant; and
- 3170 (ii) the program participant's social security number, federal employee identification number, and any other identification number related to a tax, fee, charge, or license administered by the State Tax Commission.
- 3173 (7)
- . (a) A state or local government entity may not use a program participant's assigned address for purposes of assessing any taxes or fees on a motor vehicle or a watercraft for titling or registering a motor vehicle or a watercraft.
- 3176 (b) Except as provided by Subsection (7)(c), all motor vehicle and watercraft assessments and tax notices, title registration notices, and all related correspondence placed in the United States mail for the program participant is required to be addressed to the assigned address.
- 3180 (c) The Motor Vehicle Division shall use the actual address of a program participant, unless the commission provides the following information to the Motor Vehicle Division:
- 3183 (i) the full name of the program participant;
- 3184 (ii) the assigned address of the program participant;
- 3185

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- (iii) the motor vehicle or hull identification number for each motor vehicle or watercraft that is owned or leased by the program participant;
- 3187 (iv) the license plate or registration number for each motor vehicle or watercraft that is owned or leased
by the program participant; and
- 3189 (v) the physical address where each motor vehicle or watercraft that is owned or leased by the program
participant.
- 3191 (d) Notwithstanding any other provision of this part, the Motor Vehicle Division may disclose to
another state or local government entity all information that is necessary for the state or local
government entity to distribute any taxes or fees collected for titling or registering a motor vehicle
or a watercraft.
- 3195 (e) Notwithstanding Section 41-1a-116 or any other provision of this part, the Motor Vehicle Division
may not disclose the actual address of a program participant described in Subsection 77-38-605(3)
(m)(ii) to:
- 3198 (i) the Utah Criminal Justice Information System; or
- 3199 (ii) the title, lien, and registration system that is provided to the Motor Vehicle Division by a third party
contractor and is accessed in accordance with Subsection 41-1a-116(4).
- 3202 (8)
- . (a) [~~The Department of Corrections~~] The Division of Adult Probation and Parole created in Section
64-14-202, or any other entity responsible for supervising a program participant who is on
probation or parole as a result of a criminal conviction or an adjudication, may not use the program
participant's assigned address if the program participant's actual address is necessary for supervising
the program participant.
- 3208 (b) All written communication delivered through the United States mail to the program participant by
the Department of Corrections, or the other entity described in Subsection (8)(a), shall be addressed
to the program participant's assigned address.
- 3211 (9) If a program participant is required by law to swear or affirm to the program participant's address,
the program participant may use the program participant's assigned address.
- 3214 (10)
- . (a) A school district shall:
- 3215 (i) accept the assigned address as the address of record; and
- 3216 (ii) verify student enrollment eligibility with the commission.

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- 3217 (b) The commission shall help facilitate the transfer of student records as needed.
- 3218 (11)
- . (a) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, a record containing a program participant's address is confidential and, regardless of the record's classification under Title 63G, Chapter 2, Part 3, Classification, may not be disclosed by a state or local government entity, unless otherwise provided under this part.
- 3223 (b) A program participant's actual address may not be disclosed to a third party by a state or local government entity, except:
- 3225 (i) in a record created more than 90 days before the date on which the program participant applied for enrollment in the program; or
- 3227 (ii) if a program participant voluntarily requests, in writing, that the program participant's actual address be disclosed to the third party.
- 3229 (c) For a record created within 90 days before the date that a program participant applied for enrollment in the program, a state or local government entity shall redact the actual address from the record or change the actual address to the assigned address in the public record if the program participant presents a valid authorization card or a notification form and requests that the state or local government entity use the assigned address instead of the actual address on the record.
- 3128 Section 49. Section **77-38b-102** is amended to read:
- 3129 **77-38b-102. Definitions.**
- As used in this chapter:
- 3238 (1) "Civil accounts receivable" means the same as that term is defined in Section 77-32b-102.
- 3240 (2) "Civil judgment of restitution" means the same as that term is defined in Section 77-32b-102.
- 3242 (3)
- . (a) "Conviction" means:
- 3243 (i) a plea of:
- 3244 (A) guilty;
- 3245 (B) guilty with a mental condition; or
- 3246 (C) no contest; or
- 3247 (ii) a judgment of:
- 3248 (A) guilty; or
- 3249 (B) guilty with a mental condition.

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- 3250 (b) "Conviction" does not include:
- 3251 (i) a plea in abeyance until a conviction is entered for the plea in abeyance;
- 3252 (ii) a diversion agreement; or
- 3253 (iii) an adjudication of a minor for an offense under Section 80-6-701.
- 3254 (4) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.
- 3256 (5) "Criminal conduct" means:
- 3257 (a) any misdemeanor or felony offense of which the defendant is convicted; or
- 3258 (b) any other criminal behavior for which the defendant admits responsibility to the court with or without an admission of committing the criminal behavior.
- 3260 (6) "Deceased victim" means an individual whose death is proximately caused by the criminal conduct of the defendant.
- 3262 (7)
- . (a) "Defendant" means an individual who has been convicted of, or entered into a plea disposition for, criminal conduct.
- 3264 (b) "Defendant" does not include a minor, as defined in Section 80-1-102, who is adjudicated, or enters into a nonjudicial adjustment, for any offense under Title 80, Chapter 6, Juvenile Justice.
- 3267 (8) "Department" means the Department of Corrections.
- 3268 (9)
- . (a) "Dependent" means an individual for whom a deceased victim, or a permanently impaired victim, had a legal obligation to provide dependent support at the time of the criminal conduct by the defendant.
- 3271 (b) "Dependent" includes:
- 3272 (i) a child:
- 3273 (A) who is younger than 18 years old; and
- 3274 (B) for whom a deceased victim, or a permanently impaired victim, is the adoptive or biological parent or legal guardian;
- 3276 (ii) an unborn child who has a parent-child relationship with a deceased victim, or a permanently impaired victim, in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act; or
- 3279 (iii) an incapacitated individual for whom a deceased victim, or a permanently impaired victim, is the adoptive or biological parent or the legal guardian.
- 3281

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- (10) "Dependent support" means the financial obligation of an individual to provide for the routine needs of a dependent, including food, clothing, health care, safety, or shelter.
- 3283 (11) "Diversion agreement" means an agreement entered into by the prosecuting attorney and the defendant that suspends criminal proceedings before conviction on the condition that a defendant agree to participate in a rehabilitation program, pay restitution to the victim, or fulfill some other condition.
- 3287 (12) "Division" means the Division of Adult Probation and Parole created in Section 64-14-202.
- 3289 [~~(12)~~] (13) "Incapacitated" or "incapacitation" means the individual is:
- 3290 (a) mentally or physically impaired to the extent that the individual is permanently unable to gain employment and provide basic necessities, including food, clothing, health care, safety, or shelter; and
- 3293 (b) reliant on a parent, legal guardian, or other relative or person to provide basic necessities for the individual.
- 3295 [~~(13)~~] (14) "Incapacitated individual" means an individual who is incapacitated.
- 3296 [~~(14)~~] (15) "Legal guardian" means an individual appointed by a court to make decisions regarding a child or an incapacitated individual.
- 3298 [~~(15)~~] (16) "Life expectancy" means the number of months an individual is or was expected to live considering medical records and experiential data for the individual.
- 3300 [~~(16)~~] (17) "Office" means the Office of State Debt Collection created in Section 63A-3-502.
- 3301 [~~(17)~~] (18) "Payment schedule" means the same as that term is defined in Section 77-32b-102.
- 3303 [~~(18)~~] (19)
- . (a) "Pecuniary damages" means all demonstrable economic injury, losses, and expenses regardless of whether the economic injury, losses, and expenses have yet been incurred.
- 3306 (b) "Pecuniary damages" does not include punitive damages or pain and suffering damages.
- 3308 [~~(19)~~] (20) "Permanently impaired victim" means an incapacitated individual whose incapacitation is proximately caused by the criminal conduct of the defendant.
- 3310 [~~(20)~~] (21) "Plea agreement" means an agreement entered between the prosecuting attorney and the defendant setting forth the special terms and conditions and criminal charges upon which the defendant will enter a plea of guilty or no contest.
- 3313 [~~(21)~~] (22) "Plea disposition" means an agreement entered into between the prosecuting attorney and the defendant including a diversion agreement, a plea agreement, a plea in abeyance agreement, or

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any agreement by which the defendant may enter a plea in any other jurisdiction or where charges are dismissed without a plea.

3317 [~~(22)~~] (23) "Plea in abeyance" means an order by a court, upon motion of the prosecuting attorney and the defendant, accepting a plea of guilty or of no contest from the defendant but not, at that time, entering judgment of conviction against the defendant nor imposing sentence upon the defendant on condition that the defendant comply with specific conditions as set forth in a plea in abeyance agreement.

3322 [~~(23)~~] (24) "Plea in abeyance agreement" means an agreement entered into between the prosecuting attorney and the defendant setting forth the specific terms and conditions upon which, following acceptance of the agreement by the court, a plea may be held in abeyance.

3326 [~~(24)~~] (25) "Restitution" means the payment of pecuniary damages to a victim.

3327 [~~(25)~~] (26) "Unborn child" means a human fetus or embryo in any stage of gestation from fertilization until birth.

3329 [~~(26)~~] (27)

(a) "Victim" means any person who has suffered pecuniary damages that are proximately caused by the criminal conduct of the defendant.

3331 (b) "Victim" includes:

3332 (i) the Utah Office for Victims of Crime if the Utah Office for Victims of Crime makes a payment to, or on behalf of, a victim under Section 63M-7-519;

3334 (ii) the estate of a deceased victim;

3335 (iii) a dependent; or

3336 (iv) a parent, spouse, intimate partner as defined in 18 U.S.C. Sec. 921, child, or sibling of a victim.

3338 (c) "Victim" does not include a codefendant or accomplice.

3232 Section 50. Section **77-38b-304** is amended to read:

3233 **77-38b-304. Priority of payment disbursement.**

3341 (1) The court, or the office, shall disburse a payment for restitution within 60 days after the day on which the payment is received from the defendant if:

3343 (a) the victim has complied with Subsection 77-38b-203(2);

3344 (b) if the defendant has tendered a negotiable instrument, funds from the financial institution are actually received;

3346 (c) the payment to the victim is at least \$25, unless the payment is the final payment; and

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- 3347 (d) there is no pending legal issue that would affect an order for restitution or the distribution of
restitution.
- 3349 (2) The court shall disburse money collected from a defendant for a criminal accounts receivable in the
following order of priority:
- 3351 (a) first, and except as provided in Subsection (4)(b), to restitution owed by the defendant in accordance
with Subsection (4);
- 3353 (b) second, to the cost of obtaining a DNA specimen from the defendant as described in Subsection (4)
(b);
- 3355 (c) third, to any criminal fine or surcharge owed by the defendant;
- 3356 (d) fourth, to the cost owed by the defendant for a reward described in Section 77-32b-104;
- 3358 (e) fifth, to the cost owed by the defendant for medical care, treatment, hospitalization, and related
transportation paid by a county correctional facility under Section 17-50-319; and
- 3361 (f) sixth, to any other amount owed by the defendant.
- 3362 (3) When the office collects money from a defendant for a criminal accounts receivable, a civil accounts
receivable, or a civil judgment of restitution, the office shall disburse the money in the following
order of priority:
- 3365 (a) first, to any past due amount owed to the department for the monthly supervision fee under
Subsection [~~64-13-21(6)(a)~~] 64-14-204(6);
- 3367 (b) second, and except as provided in Subsection (4)(b), to restitution owed by the defendant in
accordance with Subsection (4);
- 3369 (c) third, to the cost of obtaining a DNA specimen from the defendant in accordance with Subsection
(4)(b);
- 3371 (d) fourth, to any criminal fine or surcharge owed by the defendant;
- 3372 (e) fifth, to the cost owed by the defendant for a reward described in Section 77-32b-104;
- 3373 (f) sixth, to the cost owed by the defendant for medical care, treatment, hospitalization and related
transportation paid by a county correctional facility under Section 17-50-319; and
- 3376 (g) seventh, to any other amount owed by the defendant.
- 3377 (4)
- . (a) If a defendant owes restitution to more than one person or government agency at the same time, the
court, or the office, shall disburse a payment for restitution in the following order of priority:
- 3380 (i) first, to the victim of the offense;

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- 3381 (ii) second, to the Utah Office for Victims of Crime;
- 3382 (iii) third, any other government agency that has provided reimbursement to the victim as a result of
the defendant's criminal conduct; and
- 3384 (iv) fourth, any insurance company that has provided reimbursement to the victim as a result of the
defendant's criminal conduct.
- 3386 (b) If a defendant is required under Section 53-10-404 to reimburse the department for the cost
of obtaining the defendant's DNA specimen, the reimbursement for the cost of obtaining the
defendant's DNA specimen is the next priority after restitution to the victim of the offense under
Subsection (4)(a)(i).
- 3390 (c) If a defendant is required to pay restitution to more than one victim, the court or the office shall
disburse a payment for restitution proportionally to each victim.
- 3392 (5) Notwithstanding the requirements for the disbursement of a payment under Subsection (3) or (4),
the office shall disburse money collected from a defendant to a debt that is a part of a civil accounts
receivable or civil judgment of restitution if:
- 3395 (a) a defendant has provided a written request to the office to apply the payment to the debt; and
- 3397 (b)
- . (i) the payment will eliminate the entire balance of the debt, including any interest; or
- 3399 (ii) after reaching a settlement, the payment amount will eliminate the entire agreed upon balance of the
debt, including any interest.
- 3401 (6) For a criminal accounts receivable, the department shall collect the current and past due
amount owed by a defendant for the monthly supervision fee under Subsection [~~64-13-21(6)~~
(a)] 64-14-204(6)(a) until the court enters a civil accounts receivable on the civil judgment docket
under Section 77-18-114.
- 3405 (7) Notwithstanding any other provision of this section:
- 3406 (a) the office may collect a fee, as described in Subsection 63A-3-502(4), from each payment for a
criminal accounts receivable, a civil accounts receivable, or a civil judgment of restitution before
disbursing the payment as described in this section; and
- 3409 (b) the office shall apply any payment collected through garnishment to the case for which the
garnishment was issued.
- 3304 Section 51. Section **77-38b-401** is amended to read:
- 3305 **77-38b-401. Collection from inmate offenders.**

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a division

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

3309 Section 52. Section **77-40a-205** is amended to read:

3310 **77-40a-205. Automatic expungement of state records for a clean slate case.**

3418 (1) A court shall issue an order of expungement, without the filing of a petition, for all records of the case that are held by the court and the bureau if:

3420 (a) on and after October 1, 2024, but before January 1, 2026, the individual submitted a form requesting expungement of a case as described in Section 77-40a-204;

3422 (b) the case is eligible for expungement under this section; and

3423 (c) the prosecuting agency does not object to the expungement of the case as described in Subsection (6).

3425 (2) Except as otherwise provided in Subsection (3), a case is eligible for expungement under this section if:

3427 (a)

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

3428 (A) a misdemeanor offense for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i);

3430 (B) a class B misdemeanor offense;

3431 (C) a class C misdemeanor offense; or

3432 (D) an infraction; and

3433 (ii) the following time periods have passed after the day on which the individual is adjudicated:

3435 (A) at least five years for the conviction of a class C misdemeanor offense or an infraction;

3437 (B) at least six years for the conviction of a class B misdemeanor offense; or

3438 (C) at least seven years for the conviction of a class A misdemeanor offense for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i); or

3441 (b)

(i) the case is dismissed as a result of a successful completion of a plea in abeyance agreement governed by Subsection 77-2a-3(2)(b) or the case is dismissed without prejudice;

3444 (ii) each charge within the case is:

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- 3445 (A) a misdemeanor offense for possession of a controlled substance in violation of Subsection
58-37-8(2)(a)(i);
- 3447 (B) a class B misdemeanor offense;
- 3448 (C) a class C misdemeanor offense; or
- 3449 (D) an infraction; and
- 3450 (iii) the following time periods have passed after the day on which the case is dismissed:
- 3452 (A) at least five years for a charge in the case for a class C misdemeanor offense or an infraction;
- 3454 (B) at least six years for a charge in the case for a class B misdemeanor offense; or
- 3455 (C) at least seven years for a charge in the case for a class A misdemeanor offense for possession of a
controlled substance in violation of Subsection 58-37-8(2)(a)(i).
- 3458 (3) A case is not eligible for expungement under this section if:
- 3459 (a) the individual has a total number of convictions in courts of this state that exceed the limits under
Subsection 77-40a-303(4) or (5) without taking into consideration:
- 3461 (i) the exception in Subsection 77-40a-303(7); or
- 3462 (ii) any infraction, traffic offense, or minor regulatory offense;
- 3463 (b) there is a criminal proceeding for a misdemeanor or felony offense pending in a court of this state
against the individual, unless the proceeding is for a traffic offense;
- 3465 (c) for an individual seeking an automatic expungement on and after January 1, 2025, the individual is
incarcerated in the state prison or on probation or parole that is supervised by the [~~Department of
Corrections~~] Division of Adult Probation and Parole created in Section 64-14-202;
- 3469 (d) the case resulted in the individual being found not guilty by reason of insanity;
- 3470 (e) the case establishes a criminal accounts receivable that:
- 3471 (i) has been entered as a civil accounts receivable or a civil judgment of restitution and transferred to
the Office of State Debt Collection under Section 77-18-114; or
- 3473 (ii) has not been satisfied according to court records; or
- 3474 (f) the case resulted in a plea held in abeyance or a conviction for the following offenses:
- 3475 (i) any of the offenses listed in Subsection 77-40a-303(2)(a);
- 3476 (ii) an offense against the person in violation of Title 76, Chapter 5, Offenses Against the Individual;
- 3478 (iii) a weapons offense in violation of Title 76, Chapter 10, Part 5, Weapons;
- 3479 (iv) sexual battery in violation of Section 76-9-702.1;
- 3480 (v) an act of lewdness in violation of Section 76-9-702 or 76-9-702.5;

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- 3481 (vi) an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless
Driving;
- 3483 (vii) damage to or interruption of a communication device in violation of Section 76-6-108;
- 3485 (viii) a domestic violence offense as defined in Section 77-36-1; or
- 3486 (ix) any other offense classified in the Utah Code as a felony or a class A misdemeanor other than a
class A misdemeanor conviction for possession of a controlled substance in violation of Subsection
58-37-8(2)(a)(i).
- 3489 (4) A prosecuting agency that has complied with Rule 42 of the Utah Rules of Criminal Procedure shall
receive notice on a monthly basis for any case prosecuted by that agency that appears to be eligible
for automatic expungement under this section.
- 3492 (5) Within 35 days after the day on which the notice described in Subsection (4) is sent, the prosecuting
agency shall provide written notice in accordance with Rule 42 of the Utah Rules of Criminal
Procedure if the prosecuting agency objects to an automatic expungement for any of the following
reasons:
- 3496 (a) the prosecuting agency believes that the case is not eligible for expungement under this section after
reviewing the agency record;
- 3498 (b) the individual has not paid restitution to the victim as ordered by the court; or
- 3499 (c) the prosecuting agency has a reasonable belief, grounded in supporting facts, that an individual
involved in the case is continuing to engage in criminal activity within or outside of the state.
- 3502 (6) If a prosecuting agency provides written notice of an objection for a reason described in Subsection
(5) within 35 days after the day on which the notice under Subsection (4) is sent, the court may not
proceed with automatic expungement of the case.
- 3505 (7) If 35 days pass after the day on which the notice described in Subsection (4) is sent without the
prosecuting agency providing written notice of an objection under Subsection (5), the court shall
proceed with automatic expungement of the case.
- 3508 (8) If a court issues an order of expungement under Subsection (1), the court shall:
- 3509 (a) expunge all records of the case held by the court in accordance with Section 77-40a-401; and
- 3511 (b) notify the bureau and the prosecuting agency identified in the case, based on information available
to the court, of the order of expungement.
- 3406 Section 53. Section **77-40a-305** is amended to read:
- 3407 **77-40a-305. Petition for expungement -- Prosecutorial responsibility -- Hearing.**

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- 3515 (1)
- . (a) The petitioner shall file a petition for expungement in accordance with Rule 42 of the Utah Rules of Criminal Procedure.
- 3517 (b) A petitioner shall include the identification number for the certificate of eligibility or special certificate described in Subsection 77-40a-304(2)(b)(ii) in the petition for expungement, unless the petitioner is not required to obtain a certificate of eligibility under Subsection (3) or (4).
- 3521 (c) Information on a certificate of eligibility is incorporated into a petition by reference to the identification number for the certificate of eligibility.
- 3523 (d) A petitioner shall bring a petition for expungement:
- 3524 (i) in the court where the criminal case was filed; or
- 3525 (ii) if charges were never filed, in the district court in the county in which the arrest occurred or the citation is issued.
- 3527 (2)
- . (a) If a petition for expungement is filed under Subsection (1)(a), the court shall obtain a certificate of eligibility or special certificate from the bureau.
- 3529 (b) A court may not accept a petition for expungement if the certificate of eligibility or special certificate is no longer valid as described in Subsection 77-40a-304(2)(b)(i).
- 3531 (3) Notwithstanding Subsection (2), the petitioner may file a petition for expungement of a traffic offense case without obtaining a certificate of eligibility if:
- 3533 (a)
- . (i) for a traffic offense case with a class C misdemeanor or infraction, at least three years have passed after the day on which the case was adjudicated or dismissed; or
- 3536 (ii) for a traffic offense case with a class B misdemeanor, at least four years have passed after the day on which the case was adjudicated or dismissed;
- 3538 (b) there is no traffic offense case pending against the petitioner;
- 3539 (c) there is no plea in abeyance for a traffic offense case pending against the petitioner; and
- 3541 (d) the petitioner is not currently on probation for a traffic offense case.
- 3542 (4) Notwithstanding Subsection (2), a petitioner may file a petition for expungement of a record for a conviction related to cannabis possession without a certificate of eligibility if the petition demonstrates that:
- 3545

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- (a) the petitioner had, at the time of the relevant arrest or citation leading to the conviction, a qualifying condition, as that term is defined in Section 26B-4-201; and
- 3547 (b) the possession of cannabis in question was in a form and an amount to medicinally treat the qualifying condition described in Subsection (4)(a).
- 3549 (5)
- . (a) The court shall provide notice of a filing of a petition and certificate of eligibility or special certificate to the prosecutorial office that handled the court proceedings within three days after the day on which the petitioner's filing fee is paid or waived.
- 3552 (b) If there were no court proceedings, the court shall provide notice of a filing of a petition and certificate of eligibility or special certificate to the county attorney's office in the jurisdiction where the arrest occurred.
- 3555 (c) If the prosecuting agency with jurisdiction over the arrest, investigation, detention, or conviction, was a city attorney's office, the county attorney's office in the jurisdiction where the arrest occurred shall immediately notify the city attorney's office that the county attorney's office has received a notice of a filing of a petition for expungement.
- 3559 (6)
- . (a) Upon receipt of a notice of a filing of a petition for expungement of a conviction or a charge dismissed in accordance with a plea in abeyance, the prosecuting attorney shall make a reasonable effort to provide notice to any victim of the conviction or charge.
- 3563 (b) The notice under Subsection (6)(a) shall:
- 3564 (i) include a copy of the petition, certificate of eligibility or special certificate, statutes, and rules applicable to the petition;
- 3566 (ii) state that the victim has a right to object to the expungement; and
- 3567 (iii) provide instructions for registering an objection with the court.
- 3568 (7)
- . (a) The prosecuting attorney may respond to the petition by filing a recommendation or objection with the court within 35 days after the day on which the notice of the filing of the petition is sent by the court to the prosecuting attorney.
- 3571 (b) If there is a victim of the offense for which expungement is sought, the victim may respond to the petition by filing a recommendation or objection with the court within 60 days after the day on which the petition for expungement was filed with the court.

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- 3574 (8)
- . (a) The court may request a written response to the petition from the Division of Adult Probation and Parole [~~within the Department of Corrections~~] created in Section 64-14-202.
- 3577 (b) If requested, the response prepared by the Division of Adult Probation and Parole shall include:
- 3579 (i) the reasons probation was terminated; and
- 3580 (ii) certification that the petitioner has completed all requirements of sentencing and probation or parole.
- 3582 (c) The Division of Adult Probation and Parole shall provide a copy of the response to the petitioner and the prosecuting attorney.
- 3584 (9) The petitioner may respond in writing to any objections filed by the prosecuting attorney or the victim and the response prepared by the Division of Adult Probation and Parole within 14 days after the day on which the objection or response is received.
- 3587 (10)
- . (a) If the court receives an objection concerning the petition from any party, the court shall set a date for a hearing and notify the petitioner and the prosecuting attorney of the date set for the hearing.
- 3590 (b) The prosecuting attorney shall notify the victim of the date set for the hearing.
- 3591 (c) The petitioner, the prosecuting attorney, the victim, and any other person who has relevant information about the petitioner may testify at the hearing.
- 3593 (d) The court shall review the petition, the certificate of eligibility or special certificate, and any written responses submitted regarding the petition.
- 3595 (11) If no objection is received within 60 days from the day on which the petition for expungement is filed with the court, the expungement may be granted without a hearing.
- 3597 (12)
- . (a) If the petitioner seeks a waiver of the fee required for a petition for expungement in accordance with Section 78A-2-302, the court shall consider the total number of cases for which the petitioner has received a certificate of eligibility and is seeking expungement in determining whether the petitioner is indigent under Subsection 78A-2-302(3)(e) even if the court does not have jurisdiction over a case for which the petitioner is seeking expungement.
- 3603 (b) If a court grants a waiver of the fee required for a petition for expungement in accordance with Section 78A-2-302, and only upon a request from the petitioner, a subsequent court shall grant a waiver of a fee for a petition for expungement if the prior court waived the fee for a petition

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for expungement within 180 days before the day on which the petitioner filed the petition for expungement with the subsequent court.

3502 Section 54. Section **77-41-104** is amended to read:

3503 **77-41-104. Registration of offenders -- Department and agency requirements.**

3611 (1) The Department of Corrections shall register an offender in the custody of the Department of Corrections as required under this chapter upon:

3613 (a) placement on probation;

3614 (b) commitment to a secure correctional facility operated by or under contract to the Department of Corrections;

3616 (c) release from confinement to parole status, termination or expiration of sentence, or escape;

3618 (d) entrance to and release from any community-based residential program operated by or under contract to the Department of Corrections; or

3620 (e) termination of probation or parole.

3621 (2) The sheriff of the county in which an offender is confined shall register an offender with the department, as required under this chapter, if the offender is not in the custody of the Department of Corrections and is confined in a correctional facility not operated by or under contract to the Department of Corrections upon:

3625 (a) commitment to the correctional facility; and

3626 (b) release from confinement.

3627 (3) The division shall register an offender in the custody of the division with the department, as required under this chapter, before the offender's release from custody of the division.

3630 (4) A state mental hospital shall register an offender committed to the state mental hospital with the department, as required under this chapter, upon the offender's admission and upon the offender's discharge.

3633 (5)

. (a)

. (i) A municipal or county law enforcement agency shall register an offender who resides within the agency's jurisdiction and is not under the supervision of the Division of Adult Probation and Parole [~~within the Department of Corrections~~] created in Section 64-14-202.

3637 (ii) In order to conduct offender registration under this chapter, the agency shall ensure the agency staff responsible for registration:

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- 3639 (A) has received initial training by the department and has been certified by the department as qualified and authorized to conduct registrations and enter offender registration information into the registry database; and
- 3642 (B) certify annually with the department.
- 3643 (b)
- . (i) When the department receives offender registration information regarding a change of an offender's primary residence location, the department shall within five days after the day on which the department receives the information electronically notify the law enforcement agencies that have jurisdiction over the area where:
- 3648 (A) the residence that the offender is leaving is located; and
- 3649 (B) the residence to which the offender is moving is located.
- 3650 (ii) The department shall provide notification under this Subsection (5)(b) if the offender's change of address is between law enforcement agency jurisdictions, or is within one jurisdiction.
- 3653 (c) The department shall make available to offenders required to register under this chapter the name of the agency, whether the agency is a local law enforcement agency or the department, that the offender should contact to register, the location for registering, and the requirements of registration.
- 3657 (6) An agency in the state that registers an offender on probation, an offender who has been released from confinement to parole status or termination, or an offender whose sentence has expired shall inform the offender of the duty to comply with the continuing registration requirements of this chapter during the period of registration required in Subsection 77-41-105(3), including:
- 3662 (a) notification to the state agencies in the states where the registrant presently resides and plans to reside when moving across state lines;
- 3664 (b) verification of address at least every 60 days pursuant to a parole agreement for lifetime parolees; and
- 3666 (c) notification to the out-of-state agency where the offender is living, regardless of whether the offender is a resident of that state.
- 3668 (7) The department may make administrative rules necessary to implement this chapter, including:
- 3670 (a) the method for dissemination of the information; and
- 3671 (b) instructions to the public regarding the use of the information.
- 3672 (8) The department shall redact information regarding the identity or location of a victim from information provided under Subsections 77-41-103(4) and 77-41-105(7).

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- 3674 (9) This chapter does not create or impose any duty on any person to request or obtain information regarding any offender from the department.
- 3569 Section 55. Section **77-41-105** is amended to read:
- 3570 **77-41-105. Registration of offenders -- Offender responsibilities.**
- 3678 (1)
- . (a) An offender who enters this state from another jurisdiction is required to register under Subsection (3) and Subsection 77-41-102(1), (11), or (19).
- 3680 (b) The offender shall register with the department within 10 days after the day on which the offender enters the state, regardless of the offender's length of stay.
- 3682 (2)
- . (a) An offender required to register under Subsection 77-41-102(1), (11), or (19) who is under supervision by the [department] Division of Adult Probation and Parole created in Section 64-14-202 shall register in person with the Division of Adult Probation and Parole.
- 3686 (b) An offender required to register under Subsection 77-41-102(1), (11), or (19) who is no longer under supervision by the [department] Division of Adult Probation and Parole created in Section 64-14-202 shall register in person with the police department or sheriff's office that has jurisdiction over the area where the offender resides.
- 3691 (3)
- . (a) Except as provided in Subsections (3)(b), (3)(c), and (4), an offender shall, for the duration of the sentence and for 10 years after termination of sentence or custody of the division, register each year during the month of the offender's date of birth, during the month that is the sixth month after the offender's birth month, and within three business days after the day on which there is a change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information required to be submitted under Subsection (7).
- 3698 (b) Except as provided in Subsections (3)(c)(iii), (4), and (5), an offender who is convicted in another jurisdiction of an offense listed in Subsection 77-41-102(1), (11), or (19), a substantially similar offense, another offense that requires registration in the jurisdiction of conviction, or an offender who is ordered by a court of another jurisdiction to register as an offender shall register for the time period required by the jurisdiction where the offender was convicted or ordered to register.
- 3704 (c)
- .

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- (i) An offender convicted as an adult of an offense listed in Section 77-41-106 shall, for the offender's lifetime, register each year during the month of the offender's birth, during the month that is the sixth month after the offender's birth month, and also within three business days after the day on which there is a change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information required to be submitted under Subsection (7).
- 3711 (ii) Except as provided in Subsection (3)(c)(iii), the registration requirement described in Subsection (3)(c)(i) is not subject to exemptions and may not be terminated or altered during the offender's lifetime, unless a petition is granted under Section 77-41-112.
- 3715 (iii)
- . (A) If the sentencing court at any time after conviction determines that the offense does not involve force or coercion, lifetime registration under Subsection (3)(c)(i) does not apply to an offender who commits the offense when the offender is under 21 years old.
- 3719 (B) For an offense listed in Section 77-41-106, an offender who commits the offense when the offender is under 21 years old shall register for the registration period required under Subsection (3)(a), unless a petition is granted under Section 77-41-112.
- 3723 (d) For the purpose of establishing venue for a violation of this Subsection (3), the violation is considered to be committed:
- 3725 (i) at the most recent registered primary residence of the offender or at the location of the offender, if the actual location of the offender at the time of the violation is not known; or
- 3728 (ii) at the location of the offender at the time the offender is apprehended.
- 3729 (4) Notwithstanding Subsection (3) and Section 77-41-106, an offender who is confined in a secure facility or in a state mental hospital is not required to register during the period of confinement.
- 3732 (5)
- . (a) Except as provided in Subsection (5)(b), in the case of an offender adjudicated in another jurisdiction as a juvenile and required to register under this chapter, the offender shall register in the time period and in the frequency consistent with the requirements of Subsection (3).
- 3736 (b) If the jurisdiction of the offender's adjudication does not publish the offender's information on a public website, the department shall maintain, but not publish the offender's information on the registration website.
- 3739

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- (6) A sex offender who violates Section 77-27-21.8 regarding being in the presence of a child while required to register under this chapter shall register for an additional five years subsequent to the registration period otherwise required under this chapter.
- 3742 (7) An offender shall provide the department or the registering entity with the following information:
- 3744 (a) all names and aliases by which the offender is or has been known;
- 3745 (b) the addresses of the offender's primary and secondary residences;
- 3746 (c) a physical description, including the offender's date of birth, height, weight, eye and hair color;
- 3748 (d) the make, model, color, year, plate number, and vehicle identification number of a vehicle or vehicles the offender owns or drives more than 12 times per year;
- 3750 (e) a current photograph of the offender;
- 3751 (f) a set of fingerprints, if one has not already been provided;
- 3752 (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not already been provided;
- 3754 (h) telephone numbers and any other designations used by the offender for routing or self-identification in telephonic communications from fixed locations or cellular telephones;
- 3757 (i) Internet identifiers and the addresses the offender uses for routing or self-identification in Internet communications or postings;
- 3759 (j) the name and Internet address of all websites on which the offender is registered using an online identifier, including all online identifiers used to access those websites;
- 3762 (k) a copy of the offender's passport, if a passport has been issued to the offender;
- 3763 (l) if the offender is an alien, all documents establishing the offender's immigration status;
- 3765 (m) all professional licenses that authorize the offender to engage in an occupation or carry out a trade or business, including any identifiers, such as numbers;
- 3767 (n) each educational institution in Utah at which the offender is employed, carries on a vocation, or is a student, and a change of enrollment or employment status of the offender at an educational institution;
- 3770 (o) the name, the telephone number, and the address of a place where the offender is employed or will be employed;
- 3772 (p) the name, the telephone number, and the address of a place where the offender works as a volunteer or will work as a volunteer; and
- 3774 (q) the offender's social security number.

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- 3775 (8)
- . (a) An offender may change the offender's name in accordance with Title 42, Chapter 1, Change of Name, if the name change is not contrary to the interests of the public.
- 3778 (b) Notwithstanding Section 42-1-2, an offender shall provide notice to the department at least 30 days before the day on which the hearing for the name change is held.
- 3780 (c) The court shall provide a copy of the order granting the offender's name change to the department within 10 days after the day on which the court issues the order.
- 3782 (d) If the court orders an offender's name changed, the department shall publish on the registration website the offender's former name, and the offender's changed name as an alias.
- 3785 (9) Notwithstanding Subsections (7)(i) and (j) and 77-41-103(1)(c), an offender is not required to provide the department with:
- 3787 (a) the offender's online identifier and password used exclusively for the offender's employment on equipment provided by an employer and used to access the employer's private network; or
- 3790 (b) online identifiers for the offender's financial accounts, including a bank, retirement, or investment account.
- 3685 Section 56. Section **78B-7-807** is amended to read:
- 3686 **78B-7-807. Notice to victims.**
- 3794 (1)
- . (a) The court shall provide the victim with a certified copy of any pretrial protective order that has been issued if the victim can be located with reasonable effort.
- 3796 (b) If the court is unable to locate the victim, the court shall provide the victim's certified copy to the prosecutor.
- 3798 (c) A sentencing protective order or continuous protective order issued under this part shall be in writing, and the prosecutor shall provide a certified copy of that order to the victim.
- 3801 (2)
- . (a) The Division of Adult Probation and Parole created in Section 64-14-202, or another provider, shall immediately report to the court and notify the victim of any violation of any sentencing protective order issued under this part.
- 3804 (b) Notification of the victim under Subsection (2)(a) shall consist of a good faith reasonable effort to provide prompt notification, including mailing a copy of the notification to the last-known address of the victim.

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3807 (3)

(a) Before release of an individual who is subject to a continuous protective order issued under this part, the victim shall receive notice of the imminent release by the law enforcement agency that is releasing the individual who is subject to the continuous protective order:

3811 (i) if the victim has provided the law enforcement agency contact information; and

3812 (ii) in accordance with Section 64-13-14.7, if applicable.

3813 (b) Before release, the law enforcement agency shall notify in writing the individual being released that a violation of the continuous protective order issued at the time of conviction or sentencing continues to apply, and that a violation of the continuous protective order is punishable as described in Section 78B-7-806.

3817 (4) The court shall transmit a dismissal, termination, and expiration of a pretrial protective order, sentencing protective order, or a continuous protective order to the statewide domestic violence network described in Section 78B-7-113.

3713 Section 57. **Repealer.**

This Bill Repeals:

3714 This bill repeals:

3715 Section **64-13-21.2, Offender supervision dedicated credits.**

3716 Section 58. **Effective date.**

This bill takes effect on May 7, 2025.

1-16-25 12:53 PM