

HB0226S04 compared with HB0226S03

~~{Omitted text}~~ shows text that was in HB0226S03 but was omitted in HB0226S04
inserted text shows text that was not in HB0226S03 but was inserted into HB0226S04

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 **Criminal Amendments**
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Candice B. Pierucci
Senate Sponsor: Daniel McCay



2
3 **LONG TITLE**

4 **General Description:**

5 This bill addresses criminal offenses and repercussions from those offenses{.}

6 **Highlighted Provisions:**

7 This bill:

- 8 **~~{requires a domestic nonprofit corporation and a foreign nonprofit corporation to disclose and pay a civil fine if the nonprofit corporation is convicted of certain criminal offenses;}~~**
- 10 **▸ requires a county sheriff to notify and coordinate with the relevant federal immigration authority when preparing to release from the county jail an individual who:**
- 12 **• is being released after serving the individual's jail sentence for certain class A misdemeanors or a felony; and**
- 14 **• is{~~, or may be,~~} unlawfully present in the United States;**
- 15 **▸ requires the Department of Corrections to notify and coordinate with the relevant federal immigration authority when preparing to release an inmate who:**
- 17 **• is being released after serving a term of imprisonment for a felony; and**
- 18 **• is{~~, or may be,~~} unlawfully present in the United States;**

HB0226S03 compared with HB0226S04

- 19 ▶ amends the sentence of imprisonment for a class A misdemeanor to one year for certain offenses;
- 21 ▶ amends certain pretrial release provisions to add a rebuttable presumption that an individual is a flight risk if the individual is not ~~{, or may no longer be, }~~ lawfully present in the United States; and
- 24 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

27 **AMENDS:**

28 **17-22-9.5** , as enacted by Laws of Utah 2008, Chapter 26 , as enacted by Laws of Utah 2008, Chapter 26

29 **64-13-10.6** , as last amended by Laws of Utah 2023, Chapters 58, 414 , as last amended by Laws of Utah 2023, Chapters 58, 414

30 **76-3-204** , as last amended by Laws of Utah 2019, Chapter 222 , as last amended by Laws of Utah 2019, Chapter 222

31 **76-3-208** , as last amended by Laws of Utah 2021, Chapter 260 , as last amended by Laws of Utah 2021, Chapter 260

32 **77-20-201** , as last amended by Laws of Utah 2024, Chapter 197 , as last amended by Laws of Utah 2024, Chapter 197

33 **77-20-202** , as last amended by Laws of Utah 2024, Chapter 181 , as last amended by Laws of Utah 2024, Chapter 181

34 **77-20-203** , as last amended by Laws of Utah 2024, Chapter 16 , as last amended by Laws of Utah 2024, Chapter 16

35 **ENACTS:**

39 ~~**16-6a-120**, Utah Code Annotated 1953, Utah Code Annotated 1953}~~

36 **64-13-10.7** , Utah Code Annotated 1953 , Utah Code Annotated 1953

37

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

43 Section 1. Section **1** is enacted to read:

44 **16-6a-120. Disclosure requirement and civil fine for a nonprofit corporation's conviction for certain offenses.**

HB0226S03 compared with HB0226S04

- 46 (1) A domestic nonprofit corporation or a foreign nonprofit corporation, in order to continue to operate
in the state, shall:
- 48 (a) disclose to the division a conviction for an offense described in Subsection (2) within 90 days of the
conviction; and
- 50 (b) pay a \$10,000 civil fine to the division within 90 days of the conviction.
- 51 (2) A conviction referred to in Subsection (1) is a conviction of the domestic nonprofit corporation or
the foreign nonprofit corporation under federal or state law for illegally committing, or attempting,
soliciting, or conspiring to commit, an offense under:
- 54 (a) 8 U.S.C. Chapter 12, Subchapter II, Part VIII; or
- 55 (b) Section 76-5-308.3, Human smuggling.
- 39 Section 1. Section **17-22-9.5** is amended to read:
- 40 **17-22-9.5. Citizenship determination of incarcerated persons -- Notification to and**
coordination with federal authorities when releasing certain individuals.
- 59 (1) The sheriff shall make a reasonable effort to determine the citizenship status of [~~a person~~] an
individual charged with a felony or driving under the influence under Section 41-6a-502 when the
[~~person~~] individual is confined to the county jail for a period of time.
- 62 (2) If the confined [~~person~~] individual is a foreign national, the sheriff shall make a reasonable effort to
verify that [~~the person~~]:
- 64 (a) the individual has been lawfully admitted into the United States; and
- 65 (b) the [~~person's~~] individual's lawful status has not expired.
- 66 (3)
- (a) If the sheriff cannot verify the confined [~~person's~~] individual's lawful status from documents in the
[~~person's~~] individual's possession, the sheriff shall attempt to verify that status within 48 hours of the
[~~person's~~] individual's confinement at the jail through contacting:
- 70 (i) the Law Enforcement Support Center of the United States Department of Homeland Security; or
- 72 (ii) an office or agency designated for citizenship status verification by the United States
Department of Homeland Security.
- 74 (b) The sheriff shall notify the United States Department of Homeland Security of [~~a person~~] an
individual whose lawful citizenship status cannot be verified under Subsection (2) or (3)(a).
- 77 (4) [~~It~~] In accordance with Title 77, Chapter 20, Bail, it is a rebuttable presumption for the purpose of
determining [~~the grant or issuance of a bond that a person~~] whether to grant pretrial release that an

HB0226S03 compared with HB0226S04

individual who is verified under this section as a foreign national not lawfully admitted into the United States is at risk of flight.

81 (5)

(a) As soon as practicable before the day of release, the sheriff shall notify the United States Department of Homeland Security, or other relevant federal agency in charge of handling immigration violations or deportations, when the sheriff is preparing to release an individual from the county jail who:

85 (i) is being released after serving the individual's jail sentence for:

86 (A) a class A misdemeanor described under Subsection {~~76-3-204(1)(b)~~ 76-3-204(1)(b)(i); or

87 (B) a felony; and

88 {~~(ii)~~ }

{~~(A)~~ } (ii) is unlawfully present in the United States{~~;-or~~};

89 {~~(B) {is lawfully present in the United States but has been charged with, or arrested for, a criminal offense that could affect the individual's lawful presence status.}~~ }

91 (b) The sheriff shall coordinate with federal authorities to transfer the custody of a released individual into federal custody as may be required under Subsection (5)(a).

93 (c) The requirements described in Subsection (5)(a) do not prohibit a sheriff from notifying or working with the United States Department of Homeland Security, or other relevant federal agency in charge of handling immigration violations or deportations, at any time with regard to an individual who is at the county jail or otherwise in the sheriff's custody.

79 Section 2. Section **64-13-10.6** is amended to read:

80 **64-13-10.6. Transition and reentry of an inmate at termination of incarceration.**

100 (1) The department shall evaluate the case action plan and update the case action plan as necessary to prepare for the offender's transition from incarceration to release, including:

102 (a) establishing the supervision level and program needs, based on the offender's criminal risk factors;

104 (b) identifying barriers to the offender's ability to obtain housing, food, clothing, and transportation;

106 (c) identifying community-based treatment resources that are reasonably accessible to the offender;

108 (d) establishing the initial supervision procedures and strategy for the offender's parole officer[-]; and

110 (e) ensuring that the offender has access to the web portal described in Section 35A-2-204 a minimum of 30 days before the offender's anticipated release date.

112

HB0226S03 compared with HB0226S04

- (2) The department shall notify the Board of Pardons and Parole not fewer than 30 days prior to an offender's release of:
- 114 (a) the offender's case action plan; and
- 115 (b) any specific conditions of parole necessary to better facilitate transition to the community.
- 117 (3)
- (a) At least six months before the projected date of an inmate's release from incarceration, if practicable, the department shall follow the procedures described in Section 64-13-10.4.
- 120 (b) If the department is notified of the inmate's release and the remaining term of incarceration is for less than six months, the department shall follow the procedures described in Section 64-13-10.4 as soon as practicable after the department receives notification of the inmate's release date.
- 124 (4) If the inmate's term of incarceration is for longer than six months, the department shall follow procedures described in Section 64-13-10.4:
- 126 (a) approximately six months before the date of the inmate's anticipated release, if the inmate's term of incarceration is for longer than six months; or
- 128 (b) as soon as possible, upon notification of the inmate's release, if the release is in shorter than six months.
- 130 (5)
- (a) If an inmate accepts assistance in obtaining a current state-issued identification card or driver license, as described in Subsection 64-13-10.4(4), the department shall coordinate with the Driver License Division to:
- 133 (i)
- (A) obtain a duplicate of the inmate's state-issued driver license, as described in Section 53-3-215; or
- 135 (B) renew the inmate's state-issued driver license, if the inmate meets the criteria listed in Section 53-3-214; or
- 137 (ii)
- (A) extend the inmate's state-issued regular identification card, as described in Section 53-3-807; or
- 139 (B) issue the inmate a temporary regular identification card as described in Subsection 53-3-805(10), unless the inmate will live outside this state immediately upon release.
- 142 (b)
- (i) Subject to Subsection (5)(b)(ii), the department shall ensure that within the last seven days of the inmate's incarceration, the inmate meets with the Driver License Division to be issued a duplicate

HB0226S03 compared with HB0226S04

driver license, a renewed driver license, an extended regular identification card, or a temporary regular identification card, as described in Subsection (5)(a).

- 147 (ii) If an inmate is released from a facility other than a state correctional facility, the department shall
coordinate with that correctional facility and the Driver License Division in assisting the inmate in
meeting with the Driver License Division.
- 150 (c) Before the inmate meets with the Driver License Division, as described in Subsection (5)(b)(i), the
department shall ensure that the inmate is provided all required documentation and information the
department possesses for the inmate to obtain a document listed in Subsection (5)(a), including:
- 154 (i) all personal identification documentation; and
- 155 (ii) a voucher for payment toward any one of the documents listed in Subsection (5)(a), up to the cost of
a temporary regular identification card described in Subsection 53-3-805(10).

158 (6)

(a) Subsections (4) and (5) do not apply to an inmate that is not:

159 [(a)] (i) a citizen of the United States; or

160 [(b)] (ii) a lawful resident of the United States and has legal authorization to work in the United
States.

162 (b) An inmate described in Subsection (6)(a) may be subject to the department's notification
requirements under Section 64-13-10.7.

145 Section 3. Section 3 is enacted to read:

146 **64-13-10.7. Release of inmates who are not lawfully present in the United States --**

Notification to and coordination with federal authorities.

167 (1) As soon as practicable before the day of release, but at least five business days before the day of
release, the department shall notify the United States Department of Homeland Security, or other
relevant federal agency in charge of handling immigration violations or deportations, when the
department is preparing to release an inmate who:

171 (a) is being released after serving a term of imprisonment for a felony; and

172 { (b) }

{ (i) } (b) is unlawfully present in the United States { : or } .

173 { (ii) } { is lawfully present in the United States, but due to the inmate's criminal conduct or offense, may
no longer be considered lawfully present in the United States under federal law. }

176

HB0226S03 compared with HB0226S04

(2) The department shall coordinate with federal authorities to transfer the custody of a released inmate into federal custody as may be required under Subsection (1).

156 Section 4. Section **76-3-204** is amended to read:

157 **76-3-204. Misdemeanor conviction -- Term of imprisonment.**

A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

182 (1)

(a) [~~In~~] ~~{Expect}~~ Except as provided in Subsection (1)(b), in the case of a class A misdemeanor, for a term not exceeding 364 days.

184 (b)

(i) [~~In~~] ~~Except as provided in Subsection (1)(b)(ii), in~~ the case of a class A misdemeanor under Title 76, Chapter 5, Offenses Against the Individual{~~, or a driving under the influence offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving~~}, for a term not exceeding one year.

165 (ii) For a class A misdemeanor for one of following offenses, for a term not exceeding 364 days:

167 (A) Section 76-5-102.9, propelling a bodily substance or material as described in Section 76-5-102.9;

169 (B) Section 76-5-107.5, prohibition of "hazing";

170 (C) Section 76-5-113, surreptitious administration of certain substances; or

171 (D) Section 76-5-303, custodial interference.

187 (2) In the case of a class B misdemeanor, for a term not exceeding six months.

188 (3) In the case of a class C misdemeanor, for a term not exceeding 90 days.

174 Section 5. Section **76-3-208** is amended to read:

175 **76-3-208. Imprisonment -- Custodial authorities.**

191 (1) Persons sentenced to imprisonment shall be committed to the following custodial authorities:

193 (a) felony commitments shall be to the Utah State Prison;

194 (b)

(i) [~~notwithstanding Section 76-3-204,~~]class A misdemeanor commitments shall be to the jail, or other facility designated by the town, city, or county where the defendant was convicted, unless the defendant is also serving a felony commitment at the Utah State Prison at the commencement of the class A misdemeanor conviction, in which case, the class A misdemeanor commitment shall be to the Utah State Prison for an indeterminate term not to exceed one year with a credit for one

HB0226S03 compared with HB0226S04

day, unless the offense is an offense described in Subsection ~~{76-3-204(1)(b)}~~ 76-3-204(1)(b)(i), in which case there is no credit for one day; and

- 202 (ii) the court may not order the imprisonment of a defendant to the Utah State Prison for a fixed term or
other term that is inconsistent with this section and Section 77-18-111; and
- 205 (c) all other misdemeanor commitments shall be to the jail or other facility designated by the town, city
or county where the defendant was convicted.

207 (2) A custodial authority may place a prisoner in a facility other than the one to which the prisoner was
committed when:

209 (a) the custodial authority does not have space to accommodate the prisoner; or

210 (b) the security of the institution or prisoner requires the prisoner to be placed in a facility other than the
one to which the prisoner was committed.

197 Section 6. Section **77-20-201** is amended to read:

198 **77-20-201. Right to bail -- Capital felony.**

214 (1) An individual charged with, or arrested for, a criminal offense shall be admitted to bail as a matter
of right, except if the individual is charged with:

216 (a) a capital felony when there is substantial evidence to support the charge;

217 (b) a felony committed while on parole or on probation for a felony conviction, or while free on bail
awaiting trial on a previous felony charge, when there is substantial evidence to support the current
felony charge;

220 (c) a felony when there is substantial evidence to support the charge and the court finds, by clear and
convincing evidence, that:

222 (i) the individual would constitute a substantial danger to any other individual or to the community after
considering available conditions of release that the court may impose if the individual is released on
bail; or

225 (ii) the individual is likely to flee the jurisdiction of the court if the individual is released on bail;

227 (d) a felony when there is substantial evidence to support the charge and the court finds, by clear and
convincing evidence, that the individual violated a material condition of release while previously on
bail;

230 (e) a domestic violence offense if:

231 (i) there is substantial evidence to support the charge; and

232

HB0226S03 compared with HB0226S04

- (ii) the court finds, by clear and convincing evidence, that the individual would constitute a substantial danger to an alleged victim of domestic violence after considering available conditions of release that the court may impose if the individual is released on bail;
- 236 (f) the offense of driving under the influence or driving with a measurable controlled substance in the body if:
- 238 (i) the offense results in death or serious bodily injury to an individual;
- 239 (ii) there is substantial evidence to support the charge; and
- 240 (iii) the court finds, by clear and convincing evidence, that the individual would constitute a substantial danger to the community after considering available conditions of release that the court may impose if the individual is released on bail;
- 244 (g) a felony violation of Section 76-9-101 if:
- 245 (i) there is substantial evidence to support the charge; and
- 246 (ii) the court finds, by clear and convincing evidence, that the individual is not likely to appear for a subsequent court appearance; or
- 248 (h) except as provided in Subsection (4), the offense of driving under the influence or driving with a measurable controlled substance in the body:
- 250 (i) if committed while on parole or on probation for a driving under the influence or driving with a measurable controlled substance in the body conviction; or
- 252 (ii) while the individual is out of custody awaiting trial on a previous driving under the influence or driving with a measurable controlled substance in the body charge, when the court finds there is substantial evidence to support the current charge.
- 256 (2) Notwithstanding any other provision of this section, there is a rebuttable presumption that an individual is a substantial danger to the community under Subsection (1)(f)(iii):
- 258 (a) as long as the individual has a blood or breath alcohol concentration of .05 grams or greater if the individual is arrested for, or charged with, the offense of driving under the influence and the offense resulted in death or serious bodily injury to an individual; or
- 262 (b) if the individual has a measurable amount of controlled substance in the individual's body, the individual is arrested for, or charged with, the offense of driving with a measurable controlled substance in the body and the offense resulted in death or serious bodily injury to an individual.
- 266 (3) For purposes of Subsection (1)(a), any arrest or charge for a violation of Section 76-5-202, aggravated murder, is a capital felony unless:

HB0226S03 compared with HB0226S04

- 268 (a) the prosecuting attorney files a notice of intent to not seek the death penalty; or
269 (b) the time for filing a notice to seek the death penalty has expired and the prosecuting attorney has not
filed a notice to seek the death penalty.
- 271 (4) For purposes of Subsection (1)(h), there is a rebuttable presumption that an individual would not
constitute a substantial danger to any other person or the community if:
- 273 (a) the court orders the person to participate in an inpatient drug and alcohol treatment program; or
275 (b) the court orders the person to participate in home confinement through the use of electronic
monitoring as described in Section 41-6a-506.
- 277 (5) For purposes of a determination under Subsection (1)(c)(ii), there is a rebuttable presumption that
an individual is at risk of fleeing the jurisdiction if the individual{ : } is not lawfully present in the
United States.
- 279 {~~(a)~~} {~~{is not lawfully present in the United States; or}~~}
280 {~~(b)~~}
{~~(i)~~} {~~{is lawfully present in the United States; and}~~}
281 {~~(ii)~~} {~~{has been charged with, or arrested for, a criminal offense that could affect the individual's lawful
presence status.}~~} }
- 265 Section 7. Section **77-20-202** is amended to read:
266 **77-20-202. Collection of pretrial information.**
- 285 (1) When an individual is arrested without a warrant for an offense and booked at a jail facility,
an employee at the jail facility, or an employee of a pretrial services program, shall submit the
following information to the court with the probable cause statement:
- 288 (a) identification information for the individual, including:
289 (i) the individual's legal name and any known aliases;
290 (ii) the individual's date of birth;
291 (iii) the individual's state identification number;
292 (iv) the individual's mobile phone number;~~and~~
293 (v) the individual's email address; and
294 (vi) the individual's immigration status, if the individual is not a United States citizen or national;
296 (b) the individual's residential address;
297 (c) any pending criminal charge or warrant for the individual, including the offense tracking number of
the current offense for which the individual is booked;

HB0226S03 compared with HB0226S04

- 299 (d) the individual's probation or parole supervision status;
- 300 (e) whether the individual was on pretrial release for another criminal offense prior to the booking of
the individual for the current criminal offense if the employee knows that the individual was on
pretrial release for a prior criminal offense;
- 303 (f) the individual's financial circumstances to the best of the individual's knowledge at the time of
booking, including:
- 305 (i) the individual's current employer;
- 306 (ii) the individual's monthly income, including any alimony or child support that contributes to the
individual's monthly income;
- 308 (iii) the individual's monthly expenses, including any alimony or child support obligation that the
individual is responsible for paying;
- 310 (iv) the individual's ownership of, or any interest in, personal or real property, including any savings or
checking accounts or cash;
- 312 (v) the number, ages, and relationships of any dependents;
- 313 (vi) any financial support or benefit that the individual receives from a state or federal government; and
- 315 (vii) any other information about the individual's financial circumstances that may be relevant;
- 317 (g) any ties the individual has to the community, including:
- 318 (i) the length of time that the individual has been at the individual's residential address;
- 320 (ii) any enrollment in a local college, university, or trade school; and
- 321 (iii) the name and contact information for any family member or friend that the individual believes
would be willing to provide supervision of the individual;
- 323 (h) the results of a lethality assessment completed in accordance with Section 77-36-2.1, if any; and
- 325 (i) whether the individual is under the influence of alcohol or a controlled substance to a degree that
would endanger the individual or another individual if the individual is released.
- 328 (2) Upon request, the jail facility, or the pretrial services program, shall provide the information
described in Subsection (1) to the individual, the individual's attorney, or the prosecuting attorney.
- 331 (3) Any information collected from an individual under Subsection (1) is inadmissible in any court
proceeding other than:
- 333 (a) a criminal proceeding addressing the individual's pretrial release or indigency for the offense, or
offenses, for which the individual was arrested or charged with; or
- 335

HB0226S03 compared with HB0226S04

(b) another criminal proceeding regarding prosecution for providing a false statement under Subsection (1).

337 (4) Nothing in this section prohibits a court and a county from entering into an agreement regarding
information to be submitted to the court with a probable cause statement.

321 Section 8. Section **77-20-203** is amended to read:

322 **77-20-203. County sheriff authority to release an individual from jail on own recognizance.**

342 (1) As used in this section:

343 (a)

(i) "Qualifying domestic violence offense" means the same as that term is defined in Subsection
77-36-1.1(4).

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

347 (b) "Qualifying offense" means the same as that term is defined in Section 78B-7-801.

348 (c) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

349 (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:

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

352 (b) the individual was not arrested for:

353 (i) a violent felony;

354 (ii) a qualifying offense;

355 (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

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

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

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

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

365 (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.

HB0226S03 compared with HB0226S04

- 368 (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.
- 370 (b) The written policy shall describe the criteria an individual shall meet to be released on the individual's own recognizance.
- 372 (c) A county sheriff may include in the written policy the criteria for release relating to:
- 373 (i) criminal history;
- 374 (ii) prior instances of failing to appear for a mandatory court appearance;
- 375 (iii) current employment;
- 376 (iv) residency, including immigration status;
- 377 (v) ties to the community;
- 378 (vi) an offense for which the individual was arrested;
- 379 (vii) any potential criminal charges that have not yet been filed;
- 380 (viii) the individual's health condition;
- 381 (ix) any potential risks to a victim, a witness, or the public; and
- 382 (x) any other similar factor a sheriff determines is relevant.
- 383 (5)
- (a) Except as provided in Subsection (5)(b)(ii), a jail facility shall detain an individual for up to 24 hours from booking if:
- 385 (i) the individual is on supervised probation or parole and that information is reasonably available;
- and
- 387 (ii) the individual was arrested for:
- 388 (A) a violent felony; or
- 389 (B) a qualifying domestic violence offense.
- 390 (b) The jail facility shall:
- 391 (i) notify the entity supervising the individual's probation or parole that the individual is being detained;
- and
- 393 (ii) release the individual:
- 394 (A) to the Department of Corrections if the Department of Corrections supervises the individual and requests the individual's release; or
- 396 (B) if a court or magistrate orders release.

HB0226S03 compared with HB0226S04

397 (c) This Subsection (5) does not prohibit a jail facility from holding the individual in accordance with
this chapter for a new criminal offense.

399 (6) This section does not prohibit a court and a county from entering into an agreement regarding
release.

383 Section 9. **Effective date.**

This bill takes effect on May 7, 2025.

2-27-25 11:00 AM