

**Karianne Lisonbee** proposes the following substitute bill:

**Law Enforcement and Criminal Justice Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karianne Lisonbee**

Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to law enforcement and criminal justice.

**Highlighted Provisions:**

This bill:

- modifies definitions;
- provides that a pretrial examination constitutes a material change in circumstances;
- removes provisions relating to unsecured bonds;
- adds requirements for temporary pretrial status orders of detention;
- provides that a request for a pretrial release at an initial appearance does not constitute a pretrial detention hearing;
- requires a court to make findings of fact when making a determination regarding pretrial release;
- adds a financial condition schedule to aid a court in determining the amount of a fixed financial condition;
- requires a judge to appoint another judge to conduct a pretrial detention hearing if the initial judge is unable to hold a pretrial detention hearing before a certain deadline;
- provides for required procedures when a no bail hold is requested; and
- makes technical and grammatical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**77-20-102**, as last amended by Laws of Utah 2023, Chapter 408

77-20-205, as last amended by Laws of Utah 2024, Chapters 187, 434

77-20-206, as enacted by Laws of Utah 2021, Second Special Session, Chapter 4

77-20-207, as last amended by Laws of Utah 2023, Chapter 408

77-20-402, as renumbered and amended by Laws of Utah 2021, Second Special Session,  
Chapter 4

ENACTS:

77-20-205.5, Utah Code Annotated 1953

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

Section 1. Section 77-20-102 is amended to read:

**77-20-102 . Definitions.**

As used in this chapter:

- (1) "Bail" means pretrial release.
- (2) "Bail bond" means the same as that term is defined in Section 31A-35-102.
- (3) "Bail bond agency" means the same as that term is defined in Section 31A-35-102.
- (4) "Bail bond producer" means the same as that term is defined in Section 31A-35-102.
- (5) "County jail official" means a county sheriff or the county sheriff's designee.
- (6) "Exonerate" means to release and discharge a surety, or a surety's bail bond producer, from liability for a bail bond.
- (7) "Financial condition" means any monetary condition that is imposed to secure an individual's pretrial release.
- (8) "Forfeiture" means:
  - (a) to divest an individual or surety from a right to the repayment of monetary bail; or
  - (b) to enforce a pledge of assets or real or personal property from an individual or surety used to secure an individual's pretrial release.
- (9) "Magistrate" means the same as that term is defined in Section 77-1-3.
- (10)(a) "Material change in circumstances" includes:
  - (i) a preliminary examination as defined in Rule 7, Utah Rules of Civil Procedure;
  - (ii) an unreasonable delay in prosecution that is not attributable to the defendant;
  - ~~[(ii)]~~ (iii) a material change in the risk that an individual poses to a victim, a witness, or the public if released due to the passage of time or any other relevant factor;
  - ~~[(iii)]~~ (iv) a material change in the conditions of release or the services that are reasonably available to the defendant if released;
  - ~~[(iv)]~~ (v) a willful or repeated failure by the defendant to appear at required court

appearances; or

~~[(v)]~~ (vi) any other material change related to the defendant's risk of flight or danger to any other individual or to the community if released.

(b) "Material change in circumstances" does not include any fact or consideration that is known at the time that the pretrial status order is issued.

(11) "Monetary bail" means a financial condition.

(12) "No bail hold" means an order with the restrictions described in Subsection (18)(c).

~~[(12)]~~ (13) "Own recognizance" means the release of an individual without any condition of release other than the individual's promise to:

(a) appear for all required court proceedings; and

(b) not commit any criminal offense.

~~[(13)]~~ (14) "Pretrial detention hearing" means a hearing described in Section 77-20-206.

~~[(14)]~~ (15) "Pretrial release" means the release of an individual from law enforcement custody during the time the individual awaits trial or other resolution of criminal charges.

~~[(15)]~~ (16) "Pretrial risk assessment" means an objective, research-based, validated assessment tool that measures an individual's risk of flight and risk of anticipated criminal conduct while on pretrial release.

~~[(16)]~~ (17) "Pretrial services program" means a program that is established to:

(a) gather information on individuals booked into a jail facility;

(b) conduct pretrial risk assessments; and

(c) supervise individuals granted pretrial release.

~~[(17)]~~ (18) "Pretrial status order" means an order issued by a magistrate or judge that:

(a) releases the individual on the individual's own recognizance while the individual awaits trial or other resolution of criminal charges;

(b) sets the terms and conditions of the individual's pretrial release while the individual awaits trial or other resolution of criminal charges; or

(c) denies pretrial release and orders that the individual be detained while the individual awaits trial or other resolution of criminal charges.

~~[(18)]~~ (19) "Principal" means the same as that term is defined in Section 31A-35-102.

~~[(19)]~~ (20) "Surety" means a surety insurer or a bail bond agency.

~~[(20)]~~ (21) "Surety insurer" means the same as that term is defined in Section 31A-35-102.

~~[(21)]~~ (22) "Temporary pretrial status order" means an order issued by a magistrate that:

(a) releases the individual on the individual's own recognizance until a pretrial status order is issued;

(b) sets the terms and conditions of the individual's pretrial release until a pretrial status order is issued; or

(c) denies pretrial release and orders that the individual be detained until a pretrial status order is issued.

~~[(22) "Unsecured bond" means an individual's promise to pay a financial condition if the individual fails to appear for any required court appearance.]~~

Section 2. Section **77-20-205** is amended to read:

**77-20-205 . Pretrial release by a magistrate or judge.**

(1)(a) At the time that a magistrate issues a warrant of arrest, or finds there is probable cause to support the individual's arrest under Rule 9 of the Utah Rules of Criminal Procedure, the magistrate shall issue a temporary pretrial status order that:

- (i) releases the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges;
- (ii) designates a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges; or
- (iii) orders the individual be detained during the time the individual awaits trial or other resolution of criminal charges.

(b) At the time that a magistrate issues a summons, the magistrate may issue a temporary pretrial status order that:

- (i) releases the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges; or
- (ii) designates a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges.

(c) Notwithstanding Subsection (1)(a) or (b), a magistrate shall issue a temporary pretrial status order under Subsection (1) that detains an individual if the individual is arrested for a felony offense and the magistrate finds:

- (i) there is substantial evidence to support the individual's arrest for the felony offense;
- (ii) the individual committed the felony offense while:
  - (A) the individual was on parole or probation for a conviction of a felony offense;
  - or
  - (B) the individual was released and awaiting trial on a previous charge for a

- 131 felony offense; and
- 132 (iii) based on information reasonably available to the magistrate, the individual has at
- 133 least nine cases where the individual has been charged or convicted, or entered a
- 134 plea of guilty, within five years from the day on which the individual was arrested
- 135 for the felony offense described in Subsection (1)(c)(i).
- 136 (d) Subsection (1)(c) does not limit or prohibit a magistrate's authority to detain an
- 137 individual who does not meet the requirements described in Subsection (1)(c).
- 138 (2)(a) Except as provided in Subsection (2)(b), the magistrate or judge shall issue a
- 139 pretrial status order at an individual's first appearance before the court.
- 140 (b) The magistrate or judge may delay the issuance of a pretrial status order at an
- 141 individual's first appearance before the court:
- 142 (i) until a pretrial detention hearing is held if a prosecuting attorney makes a motion
- 143 for pretrial detention as described in Section 77-20-206;
- 144 (ii) if a party requests a delay; or
- 145 (iii) if there is good cause to delay the issuance.
- 146 (c) If a magistrate or judge delays the issuance of a pretrial status order under Subsection
- 147 (2)(b), the magistrate or judge shall extend the temporary pretrial status order until
- 148 the issuance of a pretrial status order.
- 149 (d) A request for a pretrial release at an initial appearance does not constitute a pretrial
- 150 detention hearing under Section 77-20-206.
- 151 (3)(a) When a magistrate or judge issues a pretrial status order, the pretrial status order
- 152 shall:
- 153 (i) release the individual on the individual's own recognizance during the time the
- 154 individual awaits trial or other resolution of criminal charges;
- 155 (ii) designate a condition, or a combination of conditions, to be imposed upon the
- 156 individual's release during the time the individual awaits trial or other resolution
- 157 of criminal charges; or
- 158 (iii) order the individual to be detained during the time that individual awaits trial or
- 159 other resolution of criminal charges.
- 160 (b) In making a determination about pretrial release in a pretrial status order, the
- 161 magistrate or judge may not give any deference to a magistrate's decision in a
- 162 temporary pretrial status order.
- 163 (4) In making a determination about pretrial release, a magistrate or judge shall impose:
- 164 (a) [-]only conditions of release that are reasonably available; and

- (b) conditions of release that reasonably ensure:
- (i) the individual's appearance in court when required;
  - (ii) the safety of any witnesses or victims of the offense allegedly committed by the individual;
  - (iii) the safety and welfare of the public; and
  - (iv) that the individual will not obstruct, or attempt to obstruct, the criminal justice process.

(5) Except as provided in Subsection (1)(c) or (6), a magistrate or judge may impose a condition, or combination of conditions, for pretrial release that requires an individual to:

- (a) not commit a federal, state, or local offense during the period of pretrial release;
- (b) avoid contact with a victim of the alleged offense;
- (c) avoid contact with a witness who:
  - (i) may testify concerning the alleged offense; and
  - (ii) is named in the pretrial status order;
- (d) not consume alcohol or any narcotic drug or other controlled substance unless prescribed by a licensed medical practitioner;
- (e) submit to drug or alcohol testing;
- (f) complete a substance abuse evaluation and comply with any recommended treatment or release program;
- (g) submit to electronic monitoring or location device tracking;
- (h) participate in inpatient or outpatient medical, behavioral, psychological, or psychiatric treatment;
- (i) maintain employment or actively seek employment if unemployed;
- (j) maintain or commence an education program;
- (k) comply with limitations on where the individual is allowed to be located or the times that the individual shall be, or may not be, at a specified location;
- (l) comply with specified restrictions on personal associations, place of residence, or travel;
- (m) report to a law enforcement agency, pretrial services program, or other designated agency at a specified frequency or on specified dates;
- (n) comply with a specified curfew;
- (o) forfeit or refrain from possession of a firearm or other dangerous weapon;
- (p) if the individual is charged with an offense against a child, limit or prohibit access to any location or occupation where children are located, including any residence where

children are on the premises, activities where children are involved, locations where children congregate, or where a reasonable person would know that children congregate;

(q) comply with requirements for house arrest;

(r) return to custody for a specified period of time following release for employment, schooling, or other limited purposes;

(s) remain in custody of one or more designated individuals who agree to:

(i) supervise and report on the behavior and activities of the individual; and

(ii) encourage compliance with all court orders and attendance at all required court proceedings;

(t) comply with a financial condition; or

(u) comply with any other condition that is reasonably available and necessary to ensure compliance with Subsection (4).

(6)(a) If a county or municipality has established a pretrial services program, the magistrate or judge shall consider the services that the county or municipality has identified as available in determining what conditions of release to impose.

(b) The magistrate or judge may not order conditions of release that would require the county or municipality to provide services that are not currently available from the county or municipality.

(c) Notwithstanding Subsection (6)(a), the magistrate or judge may impose conditions of release not identified by the county or municipality so long as the condition does not require assistance or resources from the county or municipality.

(7)(a) If the magistrate or judge determines that a financial condition~~[, other than an unsecured bond,]~~ is necessary to impose as a condition of release, the magistrate or judge shall, when determining the amount of the financial condition, refer to the financial condition schedule in Section 77-20-205.5 and consider the individual's ability to pay~~[when determining the amount of the financial condition]~~.

(b) If the magistrate or judge determines that a financial condition is necessary to impose as a condition of release, and a county jail official fixed a financial condition for the individual under Section 77-20-204, the magistrate or judge may not give any deference to:

(i) the county jail official's action to fix a financial condition; or

(ii) the amount of the financial condition that the individual was required to pay for pretrial release.

- 233 (c) If a magistrate or judge orders a financial condition as a condition of release, the  
234 judge or magistrate shall set the financial condition at a single amount per case.
- 235 (8) In making a determination about pretrial release, the magistrate or judge may:
- 236 (a) rely upon information contained in:
- 237 (i) the indictment or information;
- 238 (ii) any sworn or probable cause statement or other information provided by law  
239 enforcement;
- 240 (iii) a pretrial risk assessment;
- 241 (iv) an affidavit of indigency described in Section 78B-22-201.5;
- 242 (v) witness statements or testimony;
- 243 (vi) the results of a lethality assessment completed in accordance with Section  
244 77-36-2.1; or
- 245 (vii) any other reliable record or source, including proffered evidence; and
- 246 (b) consider:
- 247 (i) the nature and circumstances of the offense, or offenses, that the individual was  
248 arrested for, or charged with, including:
- 249 (A) whether the offense is a violent offense; and
- 250 (B) the vulnerability of a witness or alleged victim;
- 251 (ii) the nature and circumstances of the individual, including the individual's:
- 252 (A) character;
- 253 (B) physical and mental health;
- 254 (C) family and community ties;
- 255 (D) employment status or history;
- 256 (E) financial resources;
- 257 (F) past criminal conduct;
- 258 (G) history of drug or alcohol abuse; and
- 259 (H) history of timely appearances at required court proceedings;
- 260 (iii) the potential danger to another individual, or individuals, posed by the release of  
261 the individual;
- 262 (iv) whether the individual was on probation, parole, or release pending an upcoming  
263 court proceeding at the time the individual allegedly committed the offense or  
264 offenses;
- 265 (v) the availability of:
- 266 (A) other individuals who agree to assist the individual in attending court when



- 267 required; or
- 268 (B) supervision of the individual in the individual's community;
- 269 (vi) the eligibility and willingness of the individual to participate in various treatment
- 270 programs, including drug treatment; or
- 271 (vii) other evidence relevant to the individual's likelihood of fleeing or violating the
- 272 law if released.
- 273 (9) The magistrate or judge may not base a determination about pretrial release solely:
- 274 (a) on the seriousness or type of offense that the individual is arrested for or charged
- 275 with, unless the individual is arrested for or charged with a capital felony; or
- 276 (b) on an algorithm or a risk assessment tool score.
- 277 (10) The magistrate or judge shall make sufficiently detailed findings of fact on the risk of
- 278 substantial dangerousness or flight from the court's jurisdiction to enable a reviewing
- 279 court to ensure that the magistrate's or judge's determination reasonably considered all of
- 280 the evidence presented to the court.
- 281 ~~[(10)]~~ (11) An individual arrested for violation of a jail release agreement, or a jail release
- 282 court order, issued in accordance with Section 78B-7-802:
- 283 (a) may not be released before the individual's first appearance before a magistrate or
- 284 judge; and
- 285 (b) may be denied pretrial release by the magistrate or judge.
- 286 Section 3. Section **77-20-205.5** is enacted to read:
- 287 **77-20-205.5 . Financial condition schedule.**
- 288 (1) For a felony, the default amount for a financial condition is:
- 289 (a) \$25,000 for a first degree felony with a minimum mandatory sentence;
- 290 (b) \$20,000 for a first degree felony without a minimum mandatory sentence;
- 291 (c) \$10,000 for a second degree felony; and
- 292 (d) \$5,000 for a third degree felony.
- 293 (2) For a misdemeanor or infraction other than a local ordinance, the default amount for a
- 294 financial condition is:
- 295 (a) \$1,960 for a class A misdemeanor;
- 296 (b) \$690 for a class B misdemeanor;
- 297 (c) \$350 for a class C misdemeanor; and
- 298 (d) \$110 for an infraction.
- 299 (3) For a violation of a local ordinance, the default amount for a financial condition is:
- 300 (a) \$150 for a class B violation;

(b) \$80 for a class C violation; and

(c) \$25 for an infraction.

Section 4. Section **77-20-206** is amended to read:

**77-20-206 . Motion for pretrial detention -- Pretrial detention hearing --**

**Requirements for no bail holds.**

(1)(a) If the criminal charges filed against an individual include one or more offenses eligible for detention under Subsection 77-20-201(1) or Utah Constitution, Article I, Section 8, the prosecuting attorney may make a motion for pretrial detention.

(b) A prosecuting attorney shall include in the motion all information known to the prosecuting attorney that may be favorable to the individual subject to the criminal charge.

(c) The motion for pretrial detention may include proposed factual findings for the court to adopt.

~~[(b)]~~ (d) Upon receiving a motion for pretrial detention under Subsection (1)(a), the judge shall set a pretrial detention hearing in accordance with Subsection (2).

(2)(a) If a pretrial status order is not issued at an individual's first appearance and the individual remains detained, a pretrial detention hearing shall be held at the next available court hearing that is:

~~[(a)]~~ (i) no sooner than seven days from the day on which the defendant was arrested; and

~~[(b)]~~ (ii) no later than fourteen days from the day on which the defendant was arrested.

(b) A judge who is unable to hold a detention hearing within 14 days of the date of an individual's first appearance shall appoint another judge to conduct the detention hearing within 21 days of the date of the individual's first appearance.

(3)(a) An individual, who is the subject of a pretrial detention hearing, has the right to be represented by counsel at the pretrial detention hearing.

(b) If a judge finds the individual is indigent under Section 78B-22-202, the judge shall appoint counsel to represent the individual in accordance with Section 78B-22-203.

(4) At the pretrial detention hearing:

(a) the judge shall give both parties the opportunity to make arguments and to present relevant evidence or information;

(b) the prosecuting attorney and the defendant have a right to subpoena witnesses to testify; and

(c) the judge shall issue a pretrial status order in accordance with Subsection (5) and

## Section 77-20-205.

- (5) After hearing evidence on a motion for pretrial detention, and based on the totality of the circumstances, a judge may order detention if:
- (a) the individual is accused of committing an offense that qualifies for detention of the individual under Subsection 77-20-201(1) or Utah Constitution, Article I, Section 8; and
  - (b) the prosecuting attorney demonstrates substantial evidence to support the charge, and meets all additional evidentiary burdens required under Subsection 77-20-201(1) or Utah Constitution, Article I, Section 8.
- (6) An alleged victim has the right to be heard at a pretrial detention hearing on a motion for pretrial detention.
- (7) If a defendant seeks to subpoena an alleged victim who did not willingly testify at the pretrial detention hearing, a defendant may issue a subpoena, at the conclusion of the pretrial detention hearing, compelling the alleged victim to testify at a subsequent hearing only if the judge finds that the testimony sought by the subpoena:
- (a) is material to the substantial evidence or clear and convincing evidence determinations described in Section 77-20-201 in light of all information presented to the court; and
  - (b) would not unnecessarily intrude on the rights of the victim or place an undue burden on the victim.

Section 5. Section **77-20-207** is amended to read:

**77-20-207 . Modification of pretrial status order -- Failure to appear.**

- (1) A party may move to modify a pretrial status order:
- (a) at any time after a pretrial status order is issued; and
  - (b) only upon a showing that there has been a material change in circumstances.
- (2)(a) Notwithstanding Subsection (1), a defendant may move to modify a pretrial status order if:
- (i) the magistrate or judge imposed a financial condition as a condition of release in the pretrial status order; and
  - (ii) the defendant is unable to pay the financial condition within seven days after the day on which the pretrial status order is issued.
- (b) For a motion under Subsection (2)(a), there is a rebuttable presumption that the defendant does not have the ability to pay the financial condition.
- (3)(a) If a party makes a motion to modify the pretrial status order, the party shall

provide notice to the opposing party sufficient to permit the opposing party to prepare for a hearing and to permit each alleged victim to be notified and be present.

(b) A hearing on a motion to modify a pretrial status order may be held in conjunction with a preliminary hearing or any other pretrial hearing.

(4) In ruling upon a motion to modify a pretrial status order, the judge may:

(a) rely on information as provided in Subsection 77-20-205(8);

(b) base the judge's ruling on evidence provided at the hearing so long as each party is provided an opportunity to present additional evidence or information relevant to pretrial release; and

(c)(i) for a motion to modify a pretrial status order under Subsection (1), modify the pretrial status order, including the conditions of release, upon a finding that there has been a material change in circumstances; or

(ii) for a motion to modify a pretrial status order under Subsection (2), modify the pretrial status order by reducing the amount of the financial condition or imposing nonfinancial conditions of release upon a finding that the defendant is unable to pay the amount of the financial condition in the pretrial status order.

(5) In modifying a pretrial status order upon a motion by a party or on the court's own motion, the court shall consider whether imposing a bail bond as a condition of release in a modified pretrial status order will increase the likelihood of the defendant's appearance when:

(a) the defendant was previously released on the defendant's own recognizance or on nonfinancial conditions;

(b) the defendant willfully failed to appear at a required court appearance or has failed to appear at a required court appearance more than once; and

(c) a bench warrant was issued.

(6) A court may not modify a pretrial status order to a no bail hold solely on the basis of a failure to appear.

~~[(6)]~~ (7) Subsections 77-20-205(3) through ~~[(10)]~~ (11) apply to a determination about pretrial release in a modified pretrial status order.

Section 6. Section **77-20-402** is amended to read:

**77-20-402 . Payment of monetary bail to court -- Specific payment methods -- Refund of monetary bail.**

(1) Subject to Subsection (2), a defendant may choose to post the amount of monetary bail imposed by a judge or magistrate by any of the following methods:

- 403 (a) in cash;  
404 (b) by a bail bond with a surety; or  
405 [~~(c) by an unsecured bond, at the discretion of the judge or magistrate; or~~]  
406 [~~(d)~~] (c) by credit or debit card, at the discretion of the judge or magistrate.
- 407 (2) A judge or magistrate may limit a defendant to a specific method of posting monetary  
408 bail described in Subsection (1):
- 409 (a) if, after charges are filed, the defendant fails to appear in the case on a bail bond and  
410 the case involves a violent offense;
- 411 (b) in order to allow the defendant to voluntarily remit the fine in accordance with  
412 Section 77-7-21 and the offense with which the defendant is charged is listed in the  
413 shared master offense table as one for which an appearance is not mandatory;
- 414 (c) if the defendant has failed to respond to a citation or summons and the offense with  
415 which the defendant is charged is listed in the shared master offense table as one for  
416 which an appearance is not mandatory;
- 417 (d) if a warrant is issued for the defendant solely for failure to pay a criminal accounts  
418 receivable, as defined in Section 77-32b-102, and the defendant's monetary bail is  
419 limited to the amount owed; or
- 420 (e) if a court has entered a judgment of bail bond forfeiture under Section 77-20-505 in  
421 any case involving the defendant.
- 422 (3) Monetary bail may not be accepted without receiving in writing at the time the bail is  
423 posted the current mailing address, telephone number, and email address of the surety.
- 424 (4) Monetary bail posted by debit or credit card, less the fee charged by the financial  
425 institution, shall be tendered to the courts.
- 426 (5)(a) Monetary bail refunded by the court may be refunded by credit to the debit or  
427 credit card or in cash.
- 428 (b) The amount refunded shall be the full amount received by the court under Subsection  
429 (4), which may be less than the full amount of the monetary bail set by the judge or  
430 magistrate.
- 431 (c) Before refunding monetary bail that is posted by the defendant in cash, by credit  
432 card, or by debit card, the court may apply the amount posted toward a criminal  
433 accounts receivable, as defined in Section 77-32b-102, that is owed by the defendant  
434 in the priority set forth in Section 77-38b-304.

435 **Section 7. Effective Date.**

436 This bill takes effect on May 7, 2025.