

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Offender Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Melissa G. Ballard
Senate Sponsor: Brady Brammer

Cosponsor: Sandra Hollins Andrew Stoddard
Matthew H. Gwynn Lisa Shepherd Ryan D. Wilcox

LONG TITLE

General Description:

This bill concerns provisions relating to offenders.

Highlighted Provisions:

This bill:

- requires a county jail to assist certain county jail inmates in obtaining a current driver license or state-issued identification;
- requires a substance abuse treatment program to share the results of a participant's drug test with the participant's supervising probation or parole officer and other specified individuals under certain conditions;
- requires the Driver License Division to coordinate with a county jail in providing a county inmate with a driver license certificate or a temporary regular identification card;
- requires the Department of Corrections (department) to:
 - identify and provide information and resources regarding post-incarceration housing;
 - within 12 months after the day on which the department implements a digital communications program for inmates, provide a secure digital portal that will facilitate attorney-client communications and document exchanges between inmates and attorneys; and
 - provide annual data to the State Commission on Criminal and Juvenile Justice concerning the types of, and usage of, various incentives offered to inmates;
- requires the Division of Adult Probation and Parole to track and annually report information concerning the housing of offenders currently on parole;
- amends health information disclosure provisions for individuals who are on probation or

26 parole; and
27 ▸ makes technical and conforming changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **53-3-214**, as last amended by Laws of Utah 2023, Chapter 414
- 35 **53-3-805**, as last amended by Laws of Utah 2025, Chapter 471
- 36 **64-13-6**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9
- 37 **64-13-10.6**, as last amended by Laws of Utah 2025, Chapter 227
- 38 **64-13-45**, as last amended by Laws of Utah 2024, Chapters 245, 341
- 39 **64-14-203**, as enacted by Laws of Utah 2025, Chapter 214
- 40 **77-18-105**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17
- 41 **77-27-10**, as last amended by Laws of Utah 2025, Chapters 214, 299

42 ENACTS:

- 43 **17-72-411**, Utah Code Annotated 1953
- 44 **26B-2-136**, Utah Code Annotated 1953

45

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

47 Section 1. Section **17-72-411** is enacted to read:

48 **17-72-411 . Assistance with identification records for certain county inmates.**

49 (1) Beginning July 1, 2026, for a county inmate sentenced to serve at least six months in a
50 county jail, the county jail shall:

51 (a) determine whether the county inmate has a current state-issued driver license or
52 state-issued identification card; and

53 (b) if the county inmate does not possess a document described in Subsection (1)(a):

54 (i) inform the county inmate that a document listed in Subsection (1)(a) may be
55 required to obtain employment upon release;

56 (ii) inquire whether the county inmate would like to:

57 (A) apply to renew, or obtain a duplicate of, a state-issued driver license; or

58 (B) apply for a state-issued identification card or extend a state-issued
59 identification card; and

- 60 (iii)(A) subject to Subsection (4), if the county inmate accepts assistance in
61 obtaining a document described in Subsection (1)(a), provide the assistance
62 described in Subsection (2) as soon as practicable after the date on which the
63 inmate accepts assistance; or
64 (B) if the county inmate refuses assistance in obtaining a document described in
65 Subsection (1)(a), maintain a record of the county inmate's refusal in the
66 county jail's electronic file management system.
- 67 (2) If a county inmate accepts assistance in obtaining a current state-issued identification
68 card or to renew, or obtain a duplicate of, a state-issued driver license, as described in
69 Subsection (1)(b)(iii)(A), the county jail shall coordinate with the Driver License
70 Division to:
- 71 (a)(i) obtain a duplicate of the county inmate's state-issued driver license, as
72 described in Section 53-3-215; or
73 (ii) renew the county inmate's state-issued driver license, if the county inmate meets
74 the criteria listed in Section 53-3-214; or
- 75 (b)(i) extend the county inmate's state-issued regular identification card, as described
76 in Section 53-3-807; or
77 (ii) issue the county inmate a temporary regular identification card as described in
78 Subsection 53-3-805(11), unless the county inmate plans to live outside this state
79 immediately upon release.
- 80 (3)(a) For a county inmate receiving assistance under Subsection (2), the county jail
81 shall ensure that at least seven days before the county inmate's release, the county
82 inmate meets virtually with the Driver License Division to be issued, if eligible, a
83 duplicate driver license, a renewed driver license, an extended regular identification
84 card, or a temporary regular identification card, as described in Subsection (2).
- 85 (b) Before the county inmate meets with the Driver License Division, as described in
86 Subsection (3)(a), the county jail shall ensure that the county inmate is provided all
87 the required documentation and information that the county jail possesses for the
88 county inmate to obtain a document listed in Subsection (2), including:
- 89 (i) all personal identification documentation; and
90 (ii) a voucher for payment toward any one of the documents listed in Subsection (2),
91 up to the cost of an original class D license application under Section 53-3-205.
- 92 (4) The requirements of this section do not apply if the county inmate is not:
93 (a) a citizen of the United States; or

94 **(b) a lawful resident of the United States who has legal authorization to work in the**
95 **United States.**

96 Section 2. Section **26B-2-136** is enacted to read:

97 **26B-2-136 . Drug test result disclosure requirements for substance abuse**
98 **treatment programs.**

99 **(1) As used in this section, "eligible supervision employee" means:**

100 **(a) a participant's supervising probation or parole officer; or**

101 **(b) treatment staff employed by or working under a contract with the Department of**
102 **Corrections.**

103 **(2) A substance abuse treatment program shall provide the results of a drug test for a**
104 **participant in the substance abuse treatment program who is on probation or parole to an**
105 **eligible supervision employee if:**

106 **(a) an eligible supervision employee requests the drug test results; and**

107 **(b) the participant has signed a waiver, in compliance with federal health information**
108 **disclosure laws, that allows the substance abuse treatment program to share**
109 **information regarding the participant's drug test results with an eligible supervision**
110 **employee.**

111 Section 3. Section **53-3-214** is amended to read:

112 **53-3-214 . Renewal -- Fees required -- Extension without examination.**

113 **(1)(a) The holder of a valid license may renew the holder's license and any endorsement**
114 **to the license by applying:**

115 **(i) at any time within six months before the license expires; or**

116 **(ii) more than six months prior to the expiration date if the applicant furnishes proof**
117 **that the applicant will be absent from the state during the six-month period prior to**
118 **the expiration of the license.**

119 **(b) The application for a renewal of, extension of, or any endorsement to a license shall**
120 **be accompanied by a fee under Section 53-3-105.**

121 **(2)(a) Except as provided under Subsections (2)(b) and (3), upon application for renewal**
122 **of a regular license certificate, provisional license, and any endorsement to a regular**
123 **license certificate, the division shall reexamine each applicant as if for an original**
124 **license and endorsement to the license, if applicable.**

125 **(b) Except as provided under Subsection (2)(c), upon application for renewal of a**
126 **limited-term license certificate, limited-term provisional license certificate, and any**
127 **endorsement to a limited-term license certificate, the division shall:**

- 128 (i) reexamine each applicant as if for an original limited-term license certificate and
129 endorsement to the limited-term license certificate, if applicable; and
- 130 (ii) verify through valid documentary evidence that the status by which the individual
131 originally qualified for the limited-term license certificate has been extended by
132 the United States Citizenship and Immigration Services or other authorized
133 agency of the United States Department of Homeland Security.
- 134 (c) The division may waive any or all portions of the test designed to demonstrate the
135 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.
- 136 (3)(a)(i) Except as provided under Subsections (3)(b) and (c), the division may renew
137 or extend a regular license certificate or any endorsement to the regular license
138 certificate for eight years without examination for licensees whose driving records
139 for the eight years immediately preceding the determination of eligibility for
140 extension show:
- 141 (A) no suspensions;
142 (B) no revocations;
143 (C) no conviction for reckless driving under Section 41-6a-528; and
144 (D) no more than six reportable violations in the preceding eight years.
- 145 (ii) Except as provided under Subsections (3)(b) and (c), the division may renew or
146 extend a provisional license and any endorsement to a provisional license for eight
147 years without examination for licensees whose driving records for the five years
148 immediately preceding the determination of eligibility for extension show:
- 149 (A) no suspensions;
150 (B) no revocations;
151 (C) no conviction for reckless driving under Section 41-6a-528; and
152 (D) no more than four reportable violations in the preceding five years.
- 153 (iii) Except as provided under Subsections (3)(b) and (c), the division may renew or
154 extend a limited term license and any endorsement to a limited term license for
155 five years without examination for licensees whose driving records for the five
156 years immediately preceding the determination of eligibility for extension show:
- 157 (A) no suspensions;
158 (B) no revocations;
159 (C) no conviction for reckless driving under Section 41-6a-528; and
160 (D) no more than four reportable violations in the preceding five years.
- 161 (b) Except as provided in Subsection (3)(g), after the expiration of a regular license

- 162 certificate, a new regular license certificate and any endorsement to a regular license
 163 certificate may not be issued until the person has again passed the tests under Section
 164 53-3-206 and paid the required fee.
- 165 (c) After the expiration of a limited-term license certificate, a new limited-term license
 166 certificate and any endorsement to a limited-term license certificate may not be
 167 issued until the person has:
- 168 (i) again passed the tests under Section 53-3-206 and paid the required fee; and
 169 (ii) presented documentary evidence that the status by which the individual originally
 170 qualified for the limited-term license certificate has been extended by the United
 171 States Citizenship and Immigration Services or other authorized agency of the
 172 United States Department of Homeland Security.
- 173 (d) A person 65 years [~~of age~~] old or older shall take and pass the eye examination
 174 specified in Section 53-3-206.
- 175 (e) An extension may not be granted to any person:
- 176 (i) who is identified by the division as having a medical impairment that may
 177 represent a hazard to public safety;
- 178 (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial
 179 Driver License Act;
- 180 (iii) who is holding a limited-term license certificate; or
 181 (iv) who is holding a driving privilege card issued in accordance with Section
 182 53-3-207.
- 183 (f) The division shall allow extensions:
- 184 (i) by mail, electronic means, or other means as determined by the division at the
 185 appropriate extension fee rate under Section 53-3-105;
- 186 (ii) only if the applicant qualifies under this section; and
 187 (iii) for only one extension.
- 188 (g) The division may waive any or all portions of the test designed to demonstrate the
 189 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.
- 190 (4) In accordance with this section, the division shall coordinate with[-] :
- 191 (a) the Department of Corrections in providing an inmate with access to a driver license
 192 certificate as described in Section 64-13-10.6[-] ; and
- 193 (b) a county jail in providing a county inmate with access to a driver license certificate
 194 as described in Section 17-72-411.
- 195 Section 4. Section **53-3-805** is amended to read:

196 **53-3-805 . Identification card -- Contents -- Specifications.**

197 (1) As used in this section:

198 (a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.

199 (b) "Health care professional" means the same as that term is defined in Section 53-3-207.

200 (c) "Invisible condition" means the same as that term is defined in Section 53-3-207.

201 (d) "Invisible condition identification symbol" means the same as that term is defined in
202 Section 53-3-207.

203 (2)(a) The division shall issue an identification card that bears:

204 (i) the distinguishing number assigned to the individual by the division;

205 (ii) the name, birth date, and Utah residence address of the individual;

206 (iii) a brief description of the individual for the purpose of identification;

207 (iv) a photograph of the individual;

208 (v) a photograph or other facsimile of the individual's signature;

209 (vi) an indication whether the individual intends to make an anatomical gift under

210 Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and

211 (vii) if the individual states that the individual is a veteran of the United States

212 military on the application for an identification card in accordance with Section

213 53-3-804 and provides verification that the individual received an honorable or

214 general discharge from the United States Armed Forces, an indication that the

215 individual is a United States military veteran for a regular identification card or a

216 limited-term identification card issued on or after July 1, 2011.

217 (b) An identification card issued by the division may not bear the individual's social

218 security number or place of birth.

219 (3)(a) The card shall be of an impervious material, resistant to wear, damage, and

220 alteration.

221 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is

222 prescribed by the commissioner.

223 (4) At the applicant's request, the card may include a statement that the applicant has a

224 special medical problem or allergies to certain drugs, for the purpose of medical

225 treatment.

226 (5)(a) The division shall include or affix an invisible condition identification symbol on

227 an individual's identification card if the individual or the individual's authorized

228 guardian, on a form prescribed by the department:

229 (i) requests the division to include the invisible condition identification symbol;

- 230 (ii) provides written verification from a health care professional that the individual is
231 an individual with an invisible condition; and
- 232 (iii) submits a signed waiver of liability for the release of any medical information to:
- 233 (A) the department;
- 234 (B) any person who has access to the individual's medical information as recorded
235 on the individual's driving record or the Utah Criminal Justice Information
236 System under this chapter;
- 237 (C) any other person who may view or receive notice of the individual's medical
238 information by seeing the individual's identification card or the individual's
239 information in the Utah Criminal Justice Information System;
- 240 (D) a local law enforcement agency that receives a copy of the form described in
241 this Subsection (5)(a) and enters the contents of the form into the local law
242 enforcement agency's record management system or computer-aided dispatch
243 system; and
- 244 (E) a dispatcher who accesses the information regarding the individual's invisible
245 condition through the use of a local law enforcement agency's record
246 management system or computer-aided dispatch system.
- 247 (b) As part of the form described in Subsection (5)(a), the department shall advise the
248 individual or the individual's authorized guardian that by submitting the request and
249 signed waiver, the individual or the individual's authorized guardian consents to the
250 release of the individual's medical information to any person described in Subsection
251 (5)(a)(iii), even if the person is otherwise ineligible to access the individual's medical
252 information under state or federal law.
- 253 (c) The division may not:
- 254 (i) charge a fee to include the invisible condition identification symbol on the
255 individual's identification card; or
- 256 (ii) after including the invisible condition identification symbol on the individual's
257 previously issued identification card, require the individual to provide subsequent
258 written verification described in Subsection (5)(a)(ii) to include the invisible
259 condition identification symbol on the individual's extended identification card.
- 260 (d) The division shall confirm with the Division of Professional Licensing that the health
261 care professional described in Subsection (5)(a)(ii) holds a current state license.
- 262 (e) The inclusion of an invisible condition identification symbol on an individual's
263 identification card in accordance with Subsection (5)(a) does not confer any legal

- 264 rights or privileges on the individual, including parking privileges for individuals
265 with disabilities under Section 41-1a-414.
- 266 (f) For each individual issued an identification card under this section that includes an
267 invisible condition identification symbol, the division shall include in the division's
268 database a brief description of the nature of the individual's invisible condition in the
269 individual's record and provide the brief description to the Utah Criminal Justice
270 Information System.
- 271 (g) Except as provided in this section, the division may not release the information
272 described in Subsection (5)(f).
- 273 (h) Within 30 days after the day on which the division receives an individual's or the
274 individual's authorized guardian's written request, the division shall:
- 275 (i) remove from the individual's record in the division's database the invisible
276 condition identification symbol and the brief description described in Subsection
277 (5)(f); and
- 278 (ii) provide the individual's updated record to the Utah Criminal Justice Information
279 System.
- 280 (6)(a) If the division receives a notification from a court as provided in Section
281 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted
282 person, the division:
- 283 (i) may accept an application from the individual for an identification card that
284 includes an interdicted person identifier; and
- 285 (ii) if the individual submits an application and qualifies for an identification card,
286 may provide an identification card with the interdicted person identifier.
- 287 (b)(i) An individual may voluntarily apply for an identification card that includes an
288 interdicted person identifier.
- 289 (ii) An individual that voluntarily applies for an identification card with an
290 interdicted person identifier may not apply for another identification card without
291 the interdicted person identifier for at least 30 days after the application for the
292 identification card with the interdicted person identifier.
- 293 (c) The division may not provide to an individual an identification card without the
294 interdicted person identifier during the time period the court has designated the
295 person as an interdicted person.
- 296 (d) The division may charge an administrative fee as described in Subsection
297 53-3-105(40) to an individual to process and provide an identification card with an

- 298 interdicted person identifier.
- 299 (e) An individual who is designated as an interdicted person by a court is subject to the
300 identification card fee and other fees necessary to administer the identification card
301 with an interdicted person identifier.
- 302 (7) As provided in Section 63G-2-302, the information described in Subsection (5)(a) is a
303 private record for purposes of Title 63G, Chapter 2, Government Records Access and
304 Management Act.
- 305 (8)(a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by
306 the applicant in accordance with division rule.
- 307 (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
308 Management Act, the division may, upon request, release to an organ procurement
309 organization, as defined in Section 26B-8-301, the names and addresses of all
310 individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make
311 an anatomical gift.
- 312 (ii) An organ procurement organization may use released information only to:
313 (A) obtain additional information for an anatomical gift registry; and
314 (B) inform applicants of anatomical gift options, procedures, and benefits.
- 315 (9) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
316 Act, the division may release to the Department of Veterans and Military Affairs the
317 names and addresses of all individuals who indicate their status as a veteran under
318 Subsection 53-3-804(2)(l).
- 319 (10) The division and the division's employees are not liable, as a result of false or
320 inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or
321 indirect:
- 322 (a) loss;
323 (b) detriment; or
324 (c) injury.
- 325 (11)(a) The division may issue a temporary regular identification card to an individual
326 while the individual obtains the required documentation to establish verification of
327 the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).
- 328 (b) A temporary regular identification card issued under this Subsection (11) shall be
329 recognized and grant the individual the same privileges as a regular identification
330 card.
- 331 (c) A temporary regular identification card issued under this Subsection (11) is invalid:

- 332 (i) when the individual's regular identification card has been issued;
333 (ii) when, for good cause, an applicant's application for a regular identification card
334 has been refused; or
335 (iii) upon expiration of the temporary regular identification card.
336 (d) The division shall coordinate with[-] :
337 (i) the Department of Corrections in providing an inmate with a temporary regular
338 identification card as described in Section 64-13-10.6[-] ; and
339 (ii) a county jail in providing a county inmate with a temporary regular identification
340 card as described in Section 17-72-411.

341 Section 5. Section **64-13-6** is amended to read:

342 **64-13-6 . Department duties.**

- 343 (1) The department shall:
- 344 (a) protect the public through institutional care and confinement, and supervision in the
345 community of offenders where appropriate;
- 346 (b) implement court-ordered punishment of offenders;
- 347 (c) provide evidence-based and evidence-informed program opportunities for offenders
348 designed to reduce offenders' criminogenic and recidivism risks, including
349 behavioral, cognitive, educational, and career-readiness program opportunities;
- 350 (d) ensure that offender participation in all program opportunities described in
351 Subsection (1)(c) is voluntary;
- 352 (e) where appropriate, utilize offender volunteers as mentors in the program
353 opportunities described in Subsection (1)(c);
- 354 (f) provide treatment for sex offenders who are found to be treatable based upon criteria
355 developed by the department;
- 356 (g) provide the results of ongoing clinical assessment of sex offenders and objective
357 diagnostic testing to sentencing and release authorities;
- 358 (h) manage programs that take into account the needs and interests of victims, where
359 reasonable;
- 360 (i) through the Division of Adult Probation and Parole created in Section 64-14-202,
361 supervise probationers and parolees as directed by statute and implemented by the
362 courts and the Board of Pardons and Parole;
- 363 (j) subject to Subsection (2), investigate criminal conduct involving offenders
364 incarcerated in a state correctional facility;
- 365 (k) cooperate and exchange information with other state, local, and federal law

- 366 enforcement agencies to achieve greater success in prevention and detection of crime
367 and apprehension of criminals;
- 368 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
369 Offender Supervision;
- 370 (m) establish a case action plan based on appropriate validated risk, needs, and
371 responsivity assessments for each offender as follows:
- 372 (i)(A) if an offender is to be supervised in the community, the department shall
373 establish a case action plan for the offender no later than 60 days after the day
374 on which the department's community supervision of the offender begins; and
375 (B) if the offender is committed to the custody of the department, the department
376 shall establish a case action plan for the offender no later than 90 days after the
377 day on which the offender is committed to the custody of the department;
- 378 (ii) each case action plan shall:
- 379 (A) integrate an individualized, evidence-based, and evidence-informed treatment
380 and program plan with clearly defined completion requirements; and
381 (B) require that a case manager will:
- 382 (I) ensure that an assessment of the education level, occupational interests, and
383 aptitudes of the inmate has been completed;
- 384 (II) refer the inmate to a higher education student advisor at an institution
385 offering programs consistent with the inmate's interests and aptitudes for
386 advisement on educational preferences and plans;
- 387 (III) incorporate the inmate's interests, aptitudes, and student advisement into
388 an education plan consistent with the guidance provided by the Higher
389 Education and Corrections Council created in Section 53H-1-604; and
390 (IV) refer the inmate to the student advisor at the institution called for in the
391 case action plan for guidance and assistance with the education process;
- 392 (iii) the department shall share each newly established case action plan with the
393 sentencing and release authority within 30 days after the day on which the case
394 action plan is established; and
- 395 (iv) the department shall share any changes to a case action plan, including any
396 change in an offender's risk assessment, with the sentencing and release authority
397 within 30 days after the day of the change;
- 398 (n) ensure that an inmate has reasonable access to legal research;
- 399 (o) ensure that any training or certification required of a public official or public

- 400 employee, as those terms are defined in Section 63G-22-102, complies with Title
401 63G, Chapter 22, State Training and Certification Requirements, if the training or
402 certification is required:
- 403 (i) under this title;
 - 404 (ii) by the department; or
 - 405 (iii) by an agency or division within the department;
- 406 (p) when reporting on statewide recidivism, include the metrics and requirements
407 described in Section 63M-7-102;
- 408 (q) create a reentry division that focuses on the successful reentry of inmates into the
409 community, which shall include:
- 410 (i) screening and assessments for an inmate's risks and needs;
 - 411 (ii) individualized plans and case management;
 - 412 (iii) quality treatment, education, and job preparation;
 - 413 (iv) community partnerships; and
 - 414 (v) comprehensive release planning before the inmate's release, including:
 - 415 (A) coordination with support services;
 - 416 (B) information and resources for post-incarceration housing; and
 - 417 [~~B~~] (C) coordination with one or more family members or friends, if the inmate
418 has given permission to contact specific individuals for this purpose;
- 419 (r) coordinate with the Board of Pardons and Parole regarding inmate records that are
420 necessary for the Board of Pardons and Parole to make necessary determinations
421 regarding an inmate;[~~and~~]
- 422 (s) ensure that inmate records regarding discipline, programs, and other relevant metrics
423 are:
- 424 (i) complete and updated in a timely manner; and
 - 425 (ii) when applicable, shared with the Board of Pardons and Parole in a timely manner[~~]~~
426 ; and
- 427 (t) within 12 months after the day on which the department implements a digital
428 communications program for inmates, provide a secure digital portal that will
429 facilitate attorney-client communications and document exchanges between inmates
430 and attorneys.
- 431 (2) In accordance with department policy, the department may conduct criminal
432 investigations regarding an allegation that:
- 433 (a) an offender has committed a criminal offense; or

- 434 (b) an employee of the department has committed a criminal offense.
- 435 (3)(a) The executive director of the department, or the executive director's designee if
436 the designee possesses expertise in correctional programming, shall consult at least
437 annually with cognitive and career-readiness staff experts from the Utah system of
438 higher education and the State Board of Education to review the department's
439 evidence-based and evidence-informed treatment and program opportunities.
- 440 (b) Beginning in the 2022 interim, the department shall provide an annual report to the
441 Law Enforcement and Criminal Justice Interim Committee regarding:
- 442 (i) the department's implementation of and offender participation in evidence-based
443 and evidence-informed treatment and program opportunities designed to reduce
444 the criminogenic and recidivism risks of offenders over time; and
- 445 (ii) the progress of the department's implementation of the inmate program
446 requirements described in Section 64-13-50.
- 447 (4)(a) As used in this Subsection (4):
- 448 (i) "Accounts receivable" means any amount owed by an offender arising from a
449 criminal judgment that has not been paid.
- 450 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,
451 surcharges, costs, interest, penalties, restitution to victims, third-party claims,
452 claims, reimbursement of a reward, and damages that an offender is ordered to
453 pay.
- 454 (b) The department shall collect and disburse, with any interest and any other costs
455 assessed under Section 64-14-204, an accounts receivable for an offender during:
- 456 (i) the parole period and any extension of that period in accordance with Subsection
457 (4)(c); and
- 458 (ii) the probation period for which the court orders supervised probation and any
459 extension of that period by the department in accordance with Subsection
460 77-18-105(7).
- 461 (c)(i) If an offender has an unpaid balance of the offender's accounts receivable at the
462 time that the offender's sentence expires or terminates, the department shall be
463 referred to the sentencing court for the sentencing court to enter a civil judgment
464 of restitution and a civil accounts receivable as described in Section 77-18-114.
- 465 (ii) If the board makes an order for restitution within 60 days from the day on which
466 the offender's sentence expires or terminates, the board shall refer the order for
467 restitution to the sentencing court to be entered as a civil judgment of restitution as

468 described in Section 77-18-114.

469 (d) This Subsection (4) only applies to offenders sentenced before July 1, 2021.

470 (5)(a) The department may procure or adopt technology services to facilitate the
471 coordination of services and enhance accountability with agencies, local partners, and
472 community-based organizations that are involved with assisting individuals on
473 probation or parole.

474 (b) If possible, the technology services described in Subsection (5)(a) shall:

475 (i) maintain a single, secure client record with a unique identifier to ensure seamless
476 coordination and reduce duplication of services;

477 (ii) notify authorized users of incoming service requests or referrals;

478 (iii) provide secure access to information necessary to understanding and addressing
479 the needs of an individual, including the individual's service and care history;

480 (iv) allow authorized users to exchange information with referring or collaborating
481 organizations through a secure and live chat feature; and

482 (v) send and track individual referrals, store referral outcomes, and document
483 services provided.

484 Section 6. Section **64-13-10.6** is amended to read:

485 **64-13-10.6 . Transition and reentry of an inmate at termination of incarceration.**

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

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

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

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

494 (d) identifying and providing resources for post-incarceration housing;

495 [~~(d)~~] (e) establishing the initial supervision procedures and strategy for the offender's
496 parole officer; and

497 [~~(e)~~] (f) ensuring that the offender has access to the web portal described in Section
498 35A-2-204 a minimum of 30 days before the offender's anticipated release date.

499 (2) The department shall notify the Board of Pardons and Parole not fewer than 30 days [
500 ~~prior to~~] before an offender's release of:

501 (a) the offender's case action plan; and

- 502 (b) any specific conditions of parole necessary to better facilitate transition to the
503 community.
- 504 (3)(a) At least six months before the projected date of an inmate's release from
505 incarceration, if practicable, the department shall follow the procedures described in
506 Section 64-13-10.4.
- 507 (b) If the department is notified of the inmate's release and the remaining term of
508 incarceration is for less than six months, the department shall follow the procedures
509 described in Section 64-13-10.4 as soon as practicable after the department receives
510 notification of the inmate's release date.
- 511 (4) If the inmate's term of incarceration is for longer than six months, the department shall
512 follow procedures described in Section 64-13-10.4:
- 513 (a) approximately six months before the date of the inmate's anticipated release, if the
514 inmate's term of incarceration is for longer than six months; or
- 515 (b) as soon as possible, upon notification of the inmate's release, if the release is in [
516 ~~shorter~~] less than six months.
- 517 (5)(a) If an inmate accepts assistance in obtaining a current state-issued identification
518 card or driver license, as described in Subsection 64-13-10.4(4), the department shall
519 coordinate with the Driver License Division to:
- 520 (i)(A) obtain a duplicate of the inmate's state-issued driver license, as described in
521 Section 53-3-215; or
- 522 (B) renew the inmate's state-issued driver license, if the inmate meets the criteria
523 listed in Section 53-3-214; or
- 524 (ii)(A) extend the inmate's state-issued regular identification card, as described in
525 Section 53-3-807; or
- 526 (B) issue the inmate a temporary regular identification card as described in
527 Subsection [~~53-3-805(10)~~] 53-3-805(11), unless the inmate will live outside this
528 state immediately upon release.
- 529 (b)(i) Subject to Subsection (5)(b)(ii), the department shall ensure that within the last
530 seven days of the inmate's incarceration, the inmate meets with the Driver License
531 Division to be issued a duplicate driver license, a renewed driver license, an
532 extended regular identification card, or a temporary regular identification card, as
533 described in Subsection (5)(a).
- 534 (ii) If an inmate is released from a facility other than a state correctional facility, the
535 department shall coordinate with that correctional facility and the Driver License

- 536 Division in assisting the inmate in meeting with the Driver License Division.
- 537 (c) Before the inmate meets with the Driver License Division, as described in Subsection
- 538 (5)(b)(i), the department shall ensure that the inmate is provided all required
- 539 documentation and information the department possesses for the inmate to obtain a
- 540 document listed in Subsection (5)(a), including:
- 541 (i) all personal identification documentation; and
- 542 (ii) a voucher for payment toward any one of the documents listed in Subsection
- 543 (5)(a), up to the cost of [~~a temporary regular identification card described in~~
- 544 ~~Subsection 53-3-805(10)] an original class D license application under Section~~
- 545 53-3-205.
- 546 (6)(a) Subsections (4) and (5) do not apply to an inmate that is not:
- 547 (i) a citizen of the United States; or
- 548 (ii) a lawful resident of the United States and has legal authorization to work in the
- 549 United States.
- 550 (b) An inmate described in Subsection (6)(a) may be subject to the department's
- 551 notification requirements under Section 64-13-10.7.
- 552 Section 7. Section ~~64-13-45~~ is amended to read:
- 553 **64-13-45 . Department reporting requirements.**
- 554 (1) As used in this section:
- 555 (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.
- 556 (b)(i) "In-custody death" means an inmate death that occurs while the inmate is in the
- 557 custody of the department.
- 558 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:
- 559 (A) being transported for medical care; or
- 560 (B) receiving medical care outside of a correctional facility, other than a county
- 561 jail.
- 562 (c) "Inmate" means an individual who is processed or booked into custody or housed in
- 563 the department or a correctional facility other than a county jail.
- 564 (d) "Opiate" means the same as that term is defined in Section 58-37-2.
- 565 (e) "Transgender inmate" means the same as that term is defined in Section 64-13-7.
- 566 (2) The department shall submit a report to the Commission on Criminal and Juvenile
- 567 Justice created in Section 63M-7-201 before June 15 of each year that includes:
- 568 (a) the number of in-custody deaths that occurred during the preceding calendar year,
- 569 including:

- 570 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors
571 of each of the in-custody deaths described in Subsection (2)(a); and
- 572 (ii) the department's policy for notifying an inmate's next of kin after the inmate's
573 in-custody death;
- 574 (b) the department policies, procedures, and protocols:
- 575 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
576 including use of opiates;
- 577 (ii) that relate to the department's provision, or lack of provision, of medications used
578 to treat, mitigate, or address an inmate's symptoms of withdrawal, including
579 methadone and all forms of buprenorphine and naltrexone; and
- 580 (iii) that relate to screening, assessment, and treatment of an inmate for a substance
581 use disorder or mental health disorder;
- 582 (c) the number of inmates who gave birth and were restrained in accordance with
583 Section 64-13-46, including:
- 584 (i) the types of restraints used; and
- 585 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the
586 inmate, medical or corrections staff, or the public;
- 587 (d) the number of transgender inmates that are assigned to a living area with inmates
588 whose biological sex at birth do not correspond with the transgender inmate's
589 biological sex at birth in accordance with Section 64-13-7, including:
- 590 (i) the results of the individualized security analysis conducted for each transgender
591 inmate in accordance with Subsection 64-13-7(5)(a); and
- 592 (ii) a detailed explanation regarding how the security conditions described in
593 Subsection 64-13-7(5)(b) are met for each transgender inmate;
- 594 (e) the number of transgender inmates that were:
- 595 (i) assigned to a living area with inmates whose biological sex at birth do not
596 correspond with the transgender inmate's biological sex at birth; and
- 597 (ii) removed and assigned to a living area with inmates whose biological sex at birth
598 corresponds with the transgender inmate's biological sex at birth in accordance
599 with Subsection 64-13-7(6);~~and~~
- 600 (f) any report the department provides or is required to provide under federal law or
601 regulation relating to inmate deaths~~[-]~~ ; and
- 602 (g) data on financial condition incentives and incentives that may reduce sentence length
603 that are offered to inmates, including:

- 604 (i) the types of incentives that currently exist; and
605 (ii) for each type of incentive described in Subsection (2)(g)(i):
606 (A) the number of inmates who have used each type during the previous calendar
607 year;
608 (B) the number of incentives the department issued during the previous calendar
609 year; and
610 (C) the methods by which the department provided information regarding each
611 type of incentive during the previous calendar year.

- 612 (3) The Commission on Criminal and Juvenile Justice shall:
613 (a) compile the information from the reports described in Subsection (2);
614 (b) omit or redact any identifying information of an inmate in the compilation to the
615 extent omission or redaction is necessary to comply with state and federal law[-]; and
616 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
617 Committee and the Utah Substance Use and Mental Health Advisory Committee
618 before November 1 of each year.

- 619 (4) The Commission on Criminal and Juvenile Justice may not provide access to or use the
620 department's policies, procedures, or protocols submitted under this section in a manner
621 or for a purpose not described in this section.

622 Section 8. Section **64-14-203** is amended to read:

623 **64-14-203 . Duties of division.**

- 624 (1) The division shall:
625 (a) assist the department in fulfilling the department's duty to supervise, as described in
626 Subsection 64-13-6(1)(i), probationers and parolees as directed by statute and
627 implemented by the courts and the Board of Pardons and Parole;
628 (b) comply with the requirements described in this part;
629 (c) supply the information described in Section 53-10-209 that is required to be
630 submitted to the Criminal Investigations and Technical Services Division created in
631 Subsection 53-10-103(2);
632 (d) comply with the use of funds requirement for outpatient treatment services for those
633 convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, as
634 described in Subsection 59-27-105(4)(c);
635 (e) monitor the status of an offender with a mental condition who has been placed on
636 parole as described in Subsection 77-16a-205(4);
637 (f) comply with the requirements described in Title 77, Chapter 18, The Judgment;

- 638 (g) in accordance with the adult sentencing and supervision length guidelines described
 639 in Section 63M-7-404.3, notify the Board of Pardons and Parole of parole violations;
- 640 (h) for an individual who is on probation for a domestic violence offense that the
 641 division is supervising, report to the court and notify the victim of the domestic
 642 violence offense if the individual fails to comply with any condition imposed by the
 643 court or commits a violation of a sentencing protective order as required by
 644 Subsection 77-36-5.1(4);
- 645 (i) comply with the notice requirement to a prosecuting agency described in Subsection
 646 77-38-3(6) if the division is the moving party on a motion for modification of any
 647 determination made at any of the criminal justice hearings provided in Subsections
 648 77-38-2(5)(a) through (g);
- 649 (j) collect restitution information in preparing a presentence investigation report as
 650 described in Section 77-38b-203;
- 651 (k) for an individual under supervision by the division who violates a sentencing
 652 protective order issued under Title 78B, Chapter 7, Part 8, Criminal Protective
 653 Orders, report the violation to the court and notify the victim protected by the order
 654 of the violation as required by Section 78B-7-807;[-and]
- 655 (l) track and report annually, on or before August 31, to the State Commission on
 656 Criminal and Juvenile Justice, the following housing data as of July 1 of each year
 657 for individuals who are currently under parole supervision:
- 658 (i) the number of individuals who are living in a residential treatment center;
 659 (ii) the number of individuals who report not having any residence;
 660 (iii) the number of individuals who are living in a homeless shelter;
 661 (iv) the number of individuals who are living in a private residence; and
 662 (v) the number of individuals for whom the division does not have current housing
 663 information; and
- 664 ~~(m)~~ (m) comply with any other requirement established by applicable statute or
 665 regulation or a directive from the executive director.
- 666 (2) The division may, in the course of supervising individuals on probation and parole:
- 667 (a) respond to an individual's violation of one or more terms of the probation or parole in
 668 accordance with the graduated and evidence-based processes established by the adult
 669 sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and
- 670 (b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction
 671 for an individual's violation of the terms of probation or parole a period of

672 incarceration of not more than three consecutive days and not more than a total of six
673 days within a period of 30 days.

674 Section 9. Section **77-18-105** is amended to read:

675 **77-18-105 . Pleas held in abeyance -- Suspension of a sentence -- Probation --**
676 **Supervision -- Terms and conditions of probation -- Time periods for probation -- Bench**
677 **supervision for payments on criminal accounts receivable.**

678 (1) If a defendant enters a plea of guilty or no contest in conjunction with a plea in
679 abeyance agreement, the court may hold the plea in abeyance:

680 (a) in accordance with Chapter 2a, Pleas in Abeyance; and

681 (b) under the terms of the plea in abeyance agreement.

682 (2) If a defendant is convicted, the court:

683 (a) shall impose a sentence in accordance with Section 76-3-201; and

684 (b) subject to Subsection (5), may suspend the execution of the sentence and place the
685 defendant:

686 (i) on probation under the supervision of the division;

687 (ii) on probation under the supervision of an agency of a local government or a
688 private organization; or

689 (iii) on court probation under the jurisdiction of the sentencing court.

690 (3)(a) The legal custody of all probationers under the supervision of the division is with
691 the department.

692 (b) The legal custody of all probationers under the jurisdiction of the sentencing court is
693 vested as ordered by the court.

694 (c) The court has continuing jurisdiction over all probationers.

695 (4)(a) Court probation may include an administrative level of services, including
696 notification to the sentencing court of scheduled periodic reviews of the probationer's
697 compliance with conditions.

698 (b) Supervised probation services provided by the division, an agency of a local
699 government, or a private organization shall specifically address the defendant's risk
700 of reoffending as identified by a screening or an assessment.

701 (c) If a court orders supervised probation and determines that a public probation
702 provider is unavailable or inappropriate to supervise the defendant, the court shall
703 make available to the defendant the list of private probation providers prepared by a
704 criminal justice coordinating council under Section 17E-2-201.

705 (5)(a) Before ordering supervised probation, the court shall consider the supervision

- 706 costs to the defendant for each entity that can supervise the defendant.
- 707 (b)(i) A court may order an agency of a local government to supervise the probation
708 for an individual convicted of any crime if:
- 709 (A) the agency has the capacity to supervise the individual; and
710 (B) the individual's supervision needs will be met by the agency.
- 711 (ii) A court may only order:
- 712 (A) the division to supervise the probation for an individual convicted of a class A
713 misdemeanor or any felony; or
714 (B) a private organization to supervise the probation for an individual convicted of
715 a class A, B, or C misdemeanor or an infraction.
- 716 (c) A court may not order a specific private organization to supervise an individual
717 unless there is only one private organization that can provide the specific supervision
718 services required to meet the individual's supervision needs.
- 719 (6)(a) If a defendant is placed on probation, the court may order the defendant as a
720 condition of the defendant's probation:
- 721 (i) to provide for the support of persons for whose support the defendant is legally
722 liable;
- 723 (ii) to participate in available treatment programs, including any treatment program in
724 which the defendant is currently participating if the program is acceptable to the
725 court;
- 726 (iii) be voluntarily admitted to the custody of the Division of Substance Use and
727 Mental Health for treatment at the Utah State Hospital in accordance with Section
728 77-18-106;
- 729 (iv) if the defendant is on probation for a felony offense, to serve a period of time as
730 an initial condition of probation that does not exceed one year in a county jail
731 designated by the department, after considering any recommendation by the court
732 as to which jail the court finds most appropriate;
- 733 (v) to serve a term of home confinement in accordance with Section 77-18-107;
- 734 (vi) to participate in compensatory service programs, including the compensatory
735 service program described in Section 76-3-410;
- 736 (vii) to pay for the costs of investigation, probation, or treatment services;
- 737 (viii) to pay restitution to a victim with interest in accordance with Chapter 38b,
738 Crime Victims Restitution Act; or
- 739 (ix) to comply with other terms and conditions the court considers appropriate to

- 740 ensure public safety or increase a defendant's likelihood of success on probation.
- 741 (b) If a defendant is placed on probation and a condition of the defendant's probation is
- 742 routine or random drug testing, the defendant shall sign a waiver~~[consistent with the~~
- 743 ~~Health Insurance Portability and Accountability Act, 42 U.S.C. Sec. 1320d et seq.,~~
- 744 ~~allowing]~~, in compliance with federal health information disclosure laws, that allows
- 745 the treatment provider conducting the drug testing to [notify the defendant's
- 746 supervising probation officer regarding] share the results of the defendant's drug
- 747 testing with:
- 748 (i) the defendant's supervising probation officer; and
- 749 (ii) treatment staff employed by or working under a contract with the department.
- 750 (c)(i) Notwithstanding Subsection (6)(a)(iv), the court may modify the probation of a
- 751 defendant to include a period of time that is served in a county jail immediately
- 752 before the termination of probation as long as that period of time does not exceed
- 753 one year.
- 754 (ii) If a defendant is ordered to serve time in a county jail as a sanction for a
- 755 probation violation, the one-year limitation described in Subsection (6)(a)(iv) or
- 756 (6)(c)(i) does not apply to the period of time that the court orders the defendant to
- 757 serve in a county jail under this Subsection (6)(c)(ii).
- 758 (7)(a) Except as provided in Subsection (7)(b), probation of an individual placed on
- 759 probation after December 31, 2018:
- 760 (i) may not exceed the individual's maximum sentence;
- 761 (ii) shall be for a period of time that is in accordance with the adult sentencing and
- 762 supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the
- 763 guidelines are consistent with the requirements of the law; and
- 764 (iii) shall be terminated in accordance with the adult sentencing and supervision
- 765 length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines
- 766 are consistent with the requirements of the law.
- 767 (b) Probation of an individual placed on probation after December 31, 2018, whose
- 768 maximum sentence is one year or less, may not exceed 36 months.
- 769 (c) Probation of an individual placed on probation on or after October 1, 2015, but
- 770 before January 1, 2019, may be terminated at any time at the discretion of the court
- 771 or upon completion without violation of 36 months probation in felony or class A
- 772 misdemeanor cases, 12 months in cases of class B or C misdemeanors or infractions,
- 773 or as allowed in accordance with Section 64-13-21 regarding earned credits.

- 774 (d) This Subsection (7) does not apply to the probation of an individual convicted of an
 775 offense for criminal nonsupport under Section 76-7-201.
- 776 (8)(a) Notwithstanding Subsection (7), if there is an unpaid balance of the criminal
 777 accounts receivable for the defendant upon termination of the probation period for
 778 the defendant under Subsection (7), the court may require the defendant to continue
 779 to make payments towards the criminal accounts receivable in accordance with the
 780 payment schedule established by the court under Section 77-32b-103.
- 781 (b) A court may not require the defendant to make payments as described in Subsection
 782 (8)(a) beyond the expiration of the defendant's sentence.
- 783 (c) If the court requires a defendant to continue to pay in accordance with the payment
 784 schedule for the criminal accounts receivable under this Subsection (8) and the
 785 defendant defaults on the criminal accounts receivable, the court shall proceed with
 786 an order for a civil judgment of restitution and a civil accounts receivable for the
 787 defendant as described in Section 77-18-114.
- 788 (d)(i) Upon a motion from the prosecuting attorney, the victim, or upon the court's
 789 own motion, the court may require a defendant to show cause as to why the
 790 defendant's failure to pay in accordance with the payment schedule should not be
 791 treated as contempt of court.
- 792 (ii) A court may hold a defendant in contempt for failure to make payments for a
 793 criminal accounts receivable in accordance with Title 78B, Chapter 6, Part 3,
 794 Contempt.
- 795 (e) This Subsection (8) does not apply to the probation of an individual convicted of an
 796 offense for criminal nonsupport under Section 76-7-201.
- 797 (9) When making any decision regarding probation:
- 798 (a) the court shall consider information provided by the Department of Corrections
 799 regarding a defendant's individual case action plan, including any progress the
 800 defendant has made in satisfying the case action plan's completion requirements; and
- 801 (b) the court may not rely solely on an algorithm or a risk assessment tool score.
- 802 Section 10. Section **77-27-10** is amended to read:
- 803 **77-27-10 . Conditions of parole -- Inmate agreement to warrant -- Rulemaking --**
 804 **Intensive early release parole program.**
- 805 (1)(a) When the Board of Pardons and Parole releases an offender on parole, it shall, in
 806 accordance with Section 64-14-204, issue to the parolee a certificate setting forth the
 807 conditions of parole, including the graduated and evidence-based responses to a

- 808 violation of a condition of parole established in the adult sentencing and supervision
809 length guidelines, as defined in Section 63M-7-401.1, which the offender shall accept
810 and agree to as evidenced by the offender's signature affixed to the agreement.
- 811 (b) The parole agreement shall require that the inmate agree in writing that the board
812 may issue a warrant and conduct a parole revocation hearing if:
- 813 (i) the board determines after the grant of parole that the inmate willfully provided to
814 the board false or inaccurate information that the board finds was significant in the
815 board's determination to grant parole; or
- 816 (ii)(A) the inmate has engaged in criminal conduct prior to the granting of parole;
817 and
818 (B) the board did not have information regarding the conduct at the time parole
819 was granted.
- 820 (c)(i) A copy of the agreement shall be delivered to the Department of Corrections
821 and a copy shall be given to the parolee.
- 822 (ii) The original agreement shall remain with the board's file.
- 823 (2)(a) If an offender convicted of violating or attempting to violate Section 76-5-301.1,
824 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,
825 76-5-404, 76-5-404.1, 76-5-404.3, or 76-5-405, is released on parole, the board shall
826 order outpatient mental health counseling and treatment as a condition of parole.
- 827 (b) The board shall develop standards and conditions of parole under this Subsection (2)
828 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 829 (c) This Subsection (2) does not apply to intensive early release parole.
- 830 (3)(a)(i) In addition to the conditions set out in Subsection (1), the board may place
831 offenders in an intensive early release parole program.
- 832 (ii) The board shall determine the conditions of parole which are reasonably
833 necessary to protect the community as well as to protect the interests of the
834 offender and to assist the offender to lead a law-abiding life.
- 835 (b) The offender is eligible for this program only if the offender:
- 836 (i) has not been convicted of a sexual offense; or
837 (ii) has not been sentenced [~~pursuant to~~] in accordance with Section 76-3-406.
- 838 (c) The department shall:
- 839 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
840 Rulemaking Act, for operation of the program;
- 841 (ii) adopt and implement internal management policies for operation of the program;

- 842 (iii) determine whether ~~[or not]~~ to refer an offender into this program within 120 days
843 from the date the offender is committed to prison by the sentencing court; and
844 (iv) make the final recommendation to the board regarding the placement of an
845 offender into the program.
- 846 (d) The department may not consider credit for time served in a county jail awaiting trial
847 or sentencing when calculating the 120-day period.
- 848 (e) The prosecuting attorney or sentencing court may refer an offender for consideration
849 by the department for participation in the program.
- 850 (f) The board shall determine whether ~~[or not]~~ to place an offender into this program
851 within 30 days of receiving the department's recommendation.
- 852 (4) This program shall be implemented by the department within the existing budget.
- 853 (5) In addition to the conditions of parole described in this section, and if a condition of the
854 offender's parole is routine or random drug testing, the board shall order the offender to
855 sign a waiver~~[-consistent with the Health Insurance Portability and Accountability Act,~~
856 ~~42 U.S.C. Sec. 1320d et seq., allowing]~~ , in compliance with federal health information
857 disclosure laws, that allows the treatment provider conducting the drug testing to ~~[notify~~
858 ~~the offender's supervising parole officer regarding]~~ share the results of the offender's
859 drug testing with:
- 860 (a) the defendant's supervising parole officer; and
861 (b) treatment staff employed by or working under a contract with the department.
- 862 (6) During the time the offender is on parole, the department shall collect from the offender
863 the monthly supervision fee authorized by Section 64-14-204.
- 864 (7) When a parolee commits a violation of the parole agreement, the department may:
865 (a) respond in accordance with the graduated and evidence-based responses established
866 in accordance with Section 64-14-204; or
867 (b) when the graduated and evidence-based responses established in accordance with
868 Section 64-14-204 indicate, refer the parolee to the Board of Pardons and Parole for
869 revocation of parole.

870 Section 11. **Effective Date.**

871 This bill takes effect on May 6, 2026.