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Recidivism Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Michael K. McKell
House Sponsor: Tyler Clancy

LONG TITLE

General Description:

This bill amends the Adult Probation and Parole Employment Incentive Program.

Highlighted Provisions:

This bill:

- defines terms;
- modifies distribution of Adult Probation and Parole Employment Incentive Program funds; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 64-14-301**, as renumbered and amended by Laws of Utah 2025, Chapter 214
- 64-14-302**, as renumbered and amended by Laws of Utah 2025, Chapter 214
- 64-14-303**, as renumbered and amended by Laws of Utah 2025, Chapter 214

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

Section 1. Section **64-14-301** is amended to read:

64-14-301 . Definitions.

As used in this part:

- (1) "Average daily population" means the average daily number of individuals on parole or felony probation in the region during the applicable fiscal year.
- (2) "Baseline parole employment rate" means the average of the parole employment rates

- 29 for fiscal years 2023, 2024, and 2025.
- 30 (3) "Baseline probation employment rate" means the average of the probation employment
31 rates for fiscal years 2023, 2024, and 2025.
- 32 (4) "Eligible employment" means an occupation, or combined occupations, that:
33 (a) consist of at least 130 hours in a 30-day period; and
34 (b) are verified via paystubs, employment letters, contracts, or other reliable methods, as
35 determined by the department.
- 36 (5) "Evidence-based" means a supervision policy, procedure, program, or practice
37 demonstrated by scientific research to reduce recidivism of individuals on parole or
38 felony probation.
- 39 (6) "Felony probation" means probation for a felony offense.
- 40 ~~[(6)]~~ (7) "Marginal cost of incarceration" means the total costs of incarceration, per inmate,
41 that fluctuate based on inmate population.
- 42 ~~[(7)]~~ (8) "Office" means the Governor's Office of Planning and Budget.
- 43 ~~[(8)]~~ (9) "Parole employment rate" means the percentage obtained by dividing the number of
44 individuals on parole in a region who held eligible employment for at least nine months
45 in a one-year period, if at least a portion of the ~~[nine-months]~~ nine months was during the
46 preceding fiscal year, by the total annual population on parole in that region for the
47 preceding fiscal year.
- 48 ~~[(9)]~~ (10) "Probation employment rate" means the percentage obtained by dividing the
49 number of individuals on felony probation in a region who held eligible employment for
50 at least nine months in a one-year period, if at least a portion of the ~~[nine-months]~~ nine
51 months was during the preceding fiscal year, by the total annual population on felony
52 probation in that region for the preceding fiscal year.
- 53 ~~[(10)]~~ (11) "Program" means the Adult Probation and Parole Employment Incentive
54 Program, created in Section 64-14-302.
- 55 (12) "Recidivism percentage" means the percentage of individuals on parole or felony
56 probation who are convicted of a crime that was committed on or after the day on which
57 the individual began parole or probation.
- 58 ~~[(11)]~~ (13) "Region" means one of the geographic regions into which the department has
59 divided the state for purposes of supervising adult probation and parole.
- 60 ~~[(12)]~~ (14) "Restricted account" means the Employment Incentive Restricted Account
61 created in Section 64-14-303.
- 62 (15) "Total annual population on felony probation" means the sum of:

- 63 (a) individuals on felony probation in a region on the last day of the fiscal year; and
64 (b) individuals whose last day on felony probation occurred in the region during the
65 fiscal year.

66 (16) "Total annual population on parole" means the sum of:

- 67 (a) individuals on parole in a region on the last day of the fiscal year; and
68 (b) individuals whose last day on parole occurred in the region during the fiscal year.

69 Section 2. Section **64-14-302** is amended to read:

70 **64-14-302 . Adult Probation and Parole Employment Incentive Program.**

- 71 (1) There is created the Adult Probation and Parole Employment Incentive Program.
72 (2) The department and the office shall implement the program in accordance with the
73 requirements of this chapter.
74 (3) Beginning July 2026, and each July after 2026, the department shall calculate and report
75 to the office, for the preceding fiscal year, for each region and statewide:
76 (a) the parole employment rate and the average length of employment of individuals on
77 parole;
78 (b) the probation employment rate and average length of employment of individuals on
79 felony probation;
80 (c) the recidivism percentage~~[, using applicable recidivism metrics described in~~
81 ~~Subsections 63M-7-102(1) and (3)]~~;
82 (d) the number and percentage of individuals who successfully complete parole or
83 felony probation;
84 (e) if the recidivism percentage ~~[described in Subsection (3)(e)]~~ represents a decrease in
85 the recidivism percentage when compared to the fiscal year immediately preceding
86 the fiscal year to which the recidivism percentage~~[described in Subsection (3)(e)]~~
87 relates, the estimated costs of incarceration savings to the state, based on the marginal
88 cost of incarceration;
89 (f) the number of individuals who successfully complete parole and, during the entire six
90 months before the day on which the individuals' parole ends, held eligible
91 employment; and
92 (g) the number of individuals who successfully complete felony probation and, during
93 the entire six months before the day on which the individuals' parole ended, held
94 eligible employment.
95 (4) In addition to the information described in Subsection (3), the department shall report,
96 for each region, the number and types of parole or probation programs that were created,

- 97 replaced, or discontinued during the preceding fiscal year.
- 98 (5) After receiving the information described in Subsections (3) and (4), the office, in
99 consultation with the department, shall, for each region:
- 100 (a) add the region's baseline parole employment rate and the region's baseline probation
101 employment rate;
- 102 (b) add the region's parole employment rate and the region's probation employment rate;
- 103 (c) subtract the sum described in Subsection (5)(a) from the sum described in Subsection
104 (5)(b); and
- 105 (d)(i) if the rate difference described in Subsection (5)(c) is zero or less than zero,
106 assign an employment incentive payment of zero to the region; or
- 107 (ii) except as provided in Subsection (7), if the rate difference described in
108 Subsection (5)(c) is greater than zero, assign an employment incentive payment to
109 the region by:
- 110 (A) multiplying the rate difference by the average daily population for that region;
111 and
- 112 (B) multiplying the product of the calculation described in Subsection (5)(d)(ii)(A)
113 by \$2,500.
- 114 (6) In addition to the employment incentive payment described in Subsection (5), after
115 receiving the information described in Subsections (3) and (4), the office, in consultation
116 with the department, shall, for each region, multiply the sum of the numbers described in
117 Subsections (3)(f) and (g) for the region by \$2,500 to determine the end-of-supervision
118 employment incentive payment for the region.
- 119 (7) The employment incentive payment, or end-of-supervision employment supervision
120 payment, for a region is zero if the recidivism percentage for the region~~[, described in~~
121 ~~Subsection (3)(e),]~~ represents an increase in the recidivism percentage when compared
122 to the fiscal year immediately preceding the fiscal year to which the recidivism
123 percentage for the region~~[, described in Subsection (3)(e),]~~ relates.
- 124 (8)(a) Upon determining an employment incentive payment for a region in accordance
125 with Subsections (5)(d)(ii), (6), and (7), the office shall authorize distribution, from
126 the restricted account, of the incentive payment~~[as follows:]~~ to the department.
- 127 (b) After receiving an employment incentive payment described in Subsection (8)(a), the
128 department:
- 129 [(a)] (i) may use 15% of the payment ~~[may be used by the department]~~ for expenses
130 related to administering the program; and

- 131 ~~[(b)]~~ (ii) shall use 85% of the payment ~~[shall be used by the region]~~ to improve and
- 132 expand supervision and rehabilitative services to individuals on parole or adult
- 133 probation in the region, including by:
- 134 ~~[(i)]~~ (A) implementing and expanding evidence-based practices for risk and needs
- 135 assessments for individuals;
- 136 ~~[(ii)]~~ (B) implementing and expanding intermediate sanctions, including
- 137 mandatory community service, home detention, day reporting, restorative
- 138 justice programs, and furlough programs;
- 139 ~~[(iii)]~~ (C) expanding the availability of evidence-based practices for rehabilitation
- 140 programs, including drug and alcohol treatment, mental health treatment, anger
- 141 management, cognitive behavior programs, and job training and other
- 142 employment services;
- 143 ~~[(iv)]~~ (D) hiring additional officers, contractors, or other personnel to implement
- 144 evidence-based practices for rehabilitative and vocational ~~[programming]~~
- 145 programming;
- 146 ~~[(v)]~~ (E) purchasing and adopting new technologies or equipment that are relevant
- 147 to, and enhance, supervision, rehabilitation, or vocational training; or
- 148 ~~[(vi)]~~ (F) evaluating the effectiveness of rehabilitation and supervision programs
- 149 and ensuring program fidelity.

- 150 (9)(a) The report described in Subsections (3) and (4) is a public record.
- 151 (b) The department shall maintain a complete and accurate accounting of the payment
- 152 and use of funds under this section.
- 153 (c) If the money in the restricted account is insufficient to make the full employment
- 154 incentive payments or the full end-of-supervision employment incentive payments,
- 155 the office shall authorize the payments on a prorated basis.

156 Section 3. Section **64-14-303** is amended to read:

157 **64-14-303 . Employment Incentive Restricted Account.**

- 158 (1) There is created within the General Fund a restricted account known as the
- 159 "Employment Incentive Restricted Account."
- 160 (2) The account consists of appropriations made by the Legislature.
- 161 (3) The office shall authorize expenditures from the account in accordance with Section
- 162 64-14-302.
- 163 (4) Subject to legislative appropriations, the department ~~[and each region]~~ shall expend
- 164 money from the restricted account only in accordance with Subsection 64-14-302(8).

165 Section 4. **Effective Date.**
166 This bill takes effect on May 6, 2026.