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for a sex offender required to register on the registry for the sex offender's lifetime, 20 years have passed from when the sex offender entered the community after the sex offender's conviction; {and}

- 22 ▶ does not allow an offender who has committed an offense that requires the offender to register on the registry at the time the offender is sentenced to receive a certificate of eligibility of expungement from the Bureau of Criminal Identification; and
- 21 ▶ adds to the requirements for the board to meet before the board may parole an offender before the offender's minimum term of imprisonment has been met.

27 Money Appropriated in this Bill:

28 None

29 Other Special Clauses:

30 None

31 Utah Code Sections Affected:

32 AMENDS:

33 **77-27-5** , as last amended by Laws of Utah 2025, Chapters 476, 526

34 **77-27-9** , as last amended by Laws of Utah 2022, Chapter 430

35 **77-40a-303** , as last amended by Laws of Utah 2025, Chapters 239, 277 and 291

36 ENACTS:

37 **77-27-5.6** , Utah Code Annotated 1953

38 REPEALS:

39 **77-27-31** , as enacted by Laws of Utah 1980, Chapter 15

40

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

42 Section 1. Section **77-27-5** is amended to read:

43 **77-27-5. Board of Pardons and Parole authority.**

39 (1)

- (a) Subject to this chapter and other laws of the state, and except for a conviction for treason or impeachment, the board shall determine by majority decision when and under what conditions an offender's conviction may be pardoned or commuted.

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(b) The board shall determine by majority decision when and under what conditions an offender committed to serve a sentence at a penal or correctional facility, which is under the jurisdiction of the department, may:

45 (i) be released upon parole;

46 (ii) have a fine or forfeiture remitted;

47 (iii) have the offender's criminal accounts receivable remitted in accordance with Section 77-32b-105 or
77-32b-106;

49 (iv) have the offender's payment schedule modified in accordance with Section 77-32b-103; or

51 (v) have the offender's sentence terminated.

52 (c) The board shall prioritize public safety when making a determination under Subsection (1)(a) or (1)
(b).

54 (d)

(i) The board may sit together or in panels to conduct hearings.

55 (ii) The chair shall appoint members to the panels in any combination and in accordance with rules
made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

58 (iii) The chair may participate on any panel and when doing so is chair of the panel.

59 (iv) The chair of the board may designate the chair for any other panel.

60 (e)

(i) Except after a hearing before the board, or the board's appointed examiner, in an open session, the
board may not:

62 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts receivable;

64 (B) release the offender on parole; or

65 (C) commute, pardon, or terminate an offender's sentence.

66 (ii) An action taken under this Subsection (1) other than by a majority of the board shall be affirmed by
a majority of the board.

68 (f) A commutation or pardon may be granted only after a full hearing before the board.

69 (2)

(a) In the case of a hearing, timely prior notice of the time and location of the hearing shall be given to
the offender.

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- (b) The county or district attorney's office responsible for prosecution of the case, the sentencing court, and law enforcement officials responsible for the defendant's arrest and conviction shall be notified of any board hearings through the board's website.
- 74 (c) Whenever possible, the victim or the victim's representative, if designated, shall be notified of original hearings and any hearing after that if notification is requested and current contact information has been provided to the board.
- 77 (d)
- (i) Notice to the victim or the victim's representative shall include information provided in Section 77-27-9.5, and any related rules made by the board under that section.
- 80 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are reasonable for the lay person to understand.
- 82 (3)
- (a) A decision by the board is final and not subject for judicial review if the decision is regarding:
- 84 (i) a pardon, parole, commutation, or termination of an offender's sentence;
- 85 (ii) restitution, the modification of an offender's payment schedule for restitution, or an order for costs; or
- 87 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
- 88 (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter 4, Open and Public Meetings Act, when the board is engaged in the board's deliberative process.
- 91 (c) ~~[Pursuant to]~~ In accordance with Subsection 63G-2-103(25)(b)(xii), records of the deliberative process are exempt from Title 63G, Chapter 2, Government Records Access and Management Act.
- 94 (d) Unless it will interfere with a constitutional right, deliberative processes are not subject to disclosure, including discovery.
- 96 (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
- 97 (4)
- (a) This chapter ~~[may not be construed as a denial of or limitation of]~~ does not deny or limit the governor's power to grant respite or reprieves in all cases of convictions for offenses against the state, except treason or conviction on impeachment.
- 100 (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the next session of the board.
- 102 (c) At the next session of the board, the board:

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- 103 (i) shall continue or terminate the respite or reprieve; or
104 (ii) may commute the punishment or pardon the offense as provided.
- 105 (d) In the case of conviction for treason, the governor may suspend execution of the sentence until the
case is reported to the Legislature at the Legislature's next session.
- 107 (e) The Legislature shall pardon or commute the sentence or direct the sentence's execution.
- 109 (5)
- (a) In determining when, where, and under what conditions an offender serving a sentence may be
paroled or pardoned, have a fine or forfeiture remitted, have the offender's criminal accounts
receivable remitted, or have the offender's sentence commuted or terminated, the board shall:
- 113 (i) consider whether the offender has made restitution ordered by the court under Section
77-38b-205, or is prepared to pay restitution as a condition of any parole, pardon, remission of
a criminal accounts receivable or a fine or forfeiture, or a commutation or termination of the
offender's sentence;
- 117 (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for making
determinations under this Subsection (5);
- 119 (iii) consider information provided by the department regarding an offender's individual case action
plan;[-and]
- 121 (iv) review an offender's status within 60 days after the day on which the board receives
notice from the department that the offender has completed all of the offender's case action
plan components that relate to activities that can be accomplished while the offender is
imprisoned[-] ; and
- 125 (v) if considering whether to parole an offender who has previously been paroled and had the parole
revoked due to the commission of a new criminal offense by the offender, consider the facts and
circumstances of the new criminal offense when determining whether the offender should be
paroled again.
- 129 (b) The board shall determine whether to remit an offender's criminal accounts receivable under this
Subsection (5) in accordance with Section 77-32b-105 or 77-32b-106.
- 132 (6) In determining whether parole may be terminated, the board shall consider:
- 133 (a) the offense committed by the parolee; and
- 134 (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.
- 135

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(7) For an offender placed on parole after December 31, 2018, the board shall terminate parole in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law.

139 (8) The board may not rely solely on an algorithm or a risk assessment tool score in determining whether parole should be granted or terminated for an offender.

141 (9) The board may intervene as a limited-purpose party in a judicial or administrative proceeding, including a criminal action, to seek:

143 (a) correction of an order that has or will impact the board's jurisdiction; or

144 (b) clarification regarding an order that may impact the board's jurisdiction.

145 (10) A motion to intervene brought under Subsection (9)(a) shall be raised within 60 days after the day on which a court enters the order that impacts the board's jurisdiction.

152 Section 2. Section 2 is enacted to read:

153 **77-27-5.6. Pardon timelines for an offender on the Sex, Kidnap, and Child Abuse Offender Registry.**

150 (1) As used in this section:

151 (a) "Division" means the Division of Juvenile Justice and Youth Services.

152 (b) "Minor" means the same as that term is defined in Section 80-1-102.

153 (c) "Registry" means the Sex, Kidnap, and Child Abuse Offender Registry created in Section 53-29-102.

155 (d) "Sex offender" means the same as that term is defined in Section 53-29-101.

156 (2) The board may only consider issuing a pardon to an offender for an offense that requires the offender to register as a sex offender on the registry if:

158 (a) for an offender who is required to register for 10 years under Subsection 53-29-203(1)(a), 10 years have passed after the later of:

160 (i) the day on which the offender was placed on probation;

161 (ii) the day on which the offender was released from incarceration to parole;

162 (iii) the day on which the offender's sentence was terminated without parole;

163 (iv) the day on which the offender entered a community-based residential program; or

164 (v) for a minor, the day on which the division's custody of the offender was terminated; or

166 (b) for an offender who is required to register for the offender's lifetime under Subsection 53-29-203(1)(b), 20 years have passed after the later of:

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- 168 (i) the day on which the offender was placed on probation;
169 (ii) the day on which the offender was released from incarceration to parole;
170 (iii) the day on which the offender's sentence was terminated without parole;
171 (iv) the day on which the offender entered a community-based residential program; or
172 (v) for a minor, the day on which the division's custody of the offender was terminated.

174 (3) The timelines described in Subsection (2) do not apply to:

- 175 (a) an individual whose conviction was vacated, reversed, or otherwise set aside; or
176 (b) an individual who was found to be factually innocent by a court after filing a petition for:
178 (i) postconviction relief under Title 78B, Chapter 9, Postconviction Remedies Act; or
179 (ii) a writ of habeas corpus under 28 U.S.C. Sec. 2254.

185 Section 3. Section **77-27-9** is amended to read:

186 **77-27-9. Parole proceedings.**

182 (1)

- (a) The Board of Pardons and Parole may parole any offender or terminate the sentence of any offender committed to a penal or correctional facility under the jurisdiction of the Department of Corrections except as provided in Subsection (2).
- 185 (b) The board may not release any offender before the minimum term has been served unless the board:
- 187 (i) finds mitigating circumstances which justify the release;
- 188 (ii) finds by clear and convincing evidence that the offender is no longer a threat to public safety; and
- 190 (iii) ~~[-unless the board has granted]~~ holds a full hearing, in open session, after previous notice of the time and location of the hearing, and recorded the proceedings and decisions of the board.
- 193 (c) The board may not parole any offender or terminate the sentence of any offender unless the board has granted a full hearing, in open session, after previous notice of the time and location of the hearing, and recorded the proceedings and decisions of the board.
- 197 (d) The release of an offender shall be at the initiative of the board, which shall consider each case as the offender becomes eligible. However, a prisoner may submit the prisoner's own application, subject to the rules of the board promulgated in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

201 (2)

- (a) An individual sentenced to prison ~~[prior to]~~ before April 29, 1996, for a first degree felony involving child kidnapping, a violation of Section 76-5-301.1; aggravated kidnapping, a violation of Section

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76-5-302; rape of a child, a violation of Section 76-5-402.1; object rape of a child, a violation of Section 76-5-402.3; sodomy upon a child, a violation of Section 76-5-403.1; aggravated sexual abuse of a child, a violation of Section 76-5-404.3; aggravated sexual assault, a violation of Section 76-5-405; or a prior offense as described in Section 76-3-407, may not be eligible for release on parole by the Board of Pardons and Parole until the offender has fully completed serving the minimum mandatory sentence imposed by the court. [-]This Subsection (2)(a) supersedes any other provision of law.

- 211 (b) The board may not parole any offender or commute or terminate the sentence of any offender before
the offender has served the minimum term for the offense, if the offender was sentenced [~~prior~~
to] before April 29, 1996, and if:
- 214 (i) the offender was convicted of forcible sexual abuse, forcible sodomy, rape, aggravated assault,
kidnapping, aggravated kidnapping, or aggravated sexual assault as defined in Title 76, Chapter 5,
Offenses Against the Individual; and
- 217 (ii) the victim of the offense was under 18 years old at the time the offense was committed.
- 219 (c) For a crime committed on or after April 29, 1996, but before January 1, 2019, the board may parole
any offender under Subsections (2)(b)(i) and (ii) for lifetime parole as provided in this section.
- 222 (d) The board may not pardon or parole any offender or commute or terminate the sentence of any
offender who is sentenced to life in prison without parole except as provided in Subsection (7).
- 225 (e) [~~On or after April 27, 1992, the~~] The board may commute a sentence of death only to a sentence of
life in prison without parole.
- 227 (f) The restrictions imposed in Subsections (2)(d) and (e) apply to all cases that come before the Board
of Pardons and Parole on or after April 27, 1992.
- 229 (g) The board may not parole any offender convicted of a homicide unless:
- 230 (i) the remains of the victim have been recovered; or
- 231 (ii) the offender can demonstrate by a preponderance of the evidence that the offender has cooperated in
good faith in efforts to locate the remains.
- 233 (h) Subsection (2)(g) applies to any offender convicted of a homicide after February 25, 2021, or
any offender who was incarcerated in a correctional facility on or after February 25, 2021, for a
homicide offense.
- 236 (3) The board may rescind:
- 237 (a) an inmate's prison release date [~~prior to~~] before the inmate being released from custody; or

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- 239 (b) an offender's termination date from parole [~~prior to~~] before the offender being terminated from
parole.
- 241 (4)
- (a) The board may issue subpoenas to compel the attendance of witnesses and the production of
evidence, to administer oaths, and to take testimony for the purpose of any investigation by the
board or any of the board's members or by a designated hearing examiner in the performance of the
board's duties.
- 245 (b) A person who willfully disobeys a properly served subpoena issued by the board is guilty of a class
B misdemeanor.
- 247 (5)
- (a) The board may adopt rules consistent with law for the board's government, meetings and hearings,
the conduct of proceedings before the board, the parole and pardon of offenders, the commutation
and termination of sentences, and the general conditions under which parole may be granted and
revoked.
- 251 (b) The rules shall ensure an adequate opportunity for victims to participate at hearings held under this
chapter, as provided in Section 77-27-9.5.
- 253 (c) The rules may allow the board to establish reasonable and equitable time limits on the presentations
by all participants in hearings held under this chapter.
- 255 (6) The board does not provide counseling or therapy for victims as a part of their participation in any
hearing under this chapter.
- 257 (7) The board may parole a person sentenced to life in prison without parole if the board finds by clear
and convincing evidence that the person is permanently incapable of being a threat to the safety of
society.

265 Section 4. Section 77-40a-303 is amended to read:

266 **77-40a-303. Requirements for a certificate of eligibility to expunge records of a conviction.**

- 268 (1) Except as otherwise provided by this section, a petitioner is eligible to receive a certificate of
eligibility from the bureau to expunge the records of a conviction if:
- 270 (a) the petitioner has paid in full all fines and interest ordered by the court related to the conviction for
which expungement is sought;
- 272 (b) the petitioner has paid in full all restitution ordered by the court under Section 77-38b-205; and
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(c) the following time periods have passed after the day on which the petitioner was convicted or released from incarceration, parole, or probation, whichever occurred last, for the conviction that the petitioner seeks to expunge:

277 (i) 10 years for the conviction of a misdemeanor under Subsection 41-6a-501(2);

278 (ii) 10 years for the conviction of a felony for operating a motor vehicle with any amount of a controlled substance in an individual's body and causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021,

281 Chapter 236, Section 1, Subsection 58-37-8(2)(g);

282 (iii) seven years for the conviction of a felony;

283 (iv) five years for the conviction of a drug possession offense that is a felony;

284 (v) five years for the conviction of a class A misdemeanor;

285 (vi) four years for the conviction of a class B misdemeanor; or

286 (vii) three years for the conviction of a class C misdemeanor or infraction.

287 (2) A petitioner is not eligible to receive a certificate of eligibility from the bureau to expunge the records of a conviction under Subsection (1) if:

289 (a) except as provided in Subsection (3), the conviction for which expungement is sought is:

291 (i) a capital felony;

292 (ii) a first degree felony;

293 (iii) a felony conviction of a violent felony as defined in Subsection 76-3-203.5(1)(c)(i);

295 (iv) a felony conviction described in Subsection 41-6a-501(2); or

296 (v) an offense, or a combination of offenses, that require registration as a sex offender, kidnap offender, or child abuse offender under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Registry, at the time of sentencing or at the time of the application for the certificate of eligibility;

300 (b) there is a criminal proceeding for a misdemeanor or felony offense pending against the petitioner, unless the criminal proceeding is for a traffic offense;

302 (c) there is a plea in abeyance for a misdemeanor or felony offense pending against the petitioner, unless the plea in abeyance is for a traffic offense;

304 (d) the petitioner is currently incarcerated, on parole, or on probation, unless the petitioner is on probation or parole for an infraction, a traffic offense, or a minor regulatory offense;

307 (e) the petitioner intentionally or knowingly provides false or misleading information on the application for a certificate of eligibility;

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- 309 (f) there is a civil protective order, a criminal protective order, or a criminal stalking injunction against
the petitioner that is in effect; or
- 311 (g) the bureau determines that the petitioner's criminal history makes the petitioner ineligible for a
certificate of eligibility under Subsection (4) or (5).
- 313 (3) Subsection (2)(a) does not apply to a conviction for a qualifying sexual offense, as defined in
Section 76-3-209, if, at the time of the offense, a petitioner who committed the offense was at least
14 years old but under 18 years old, unless the petitioner was convicted by a district court as an
adult in accordance with Title 80, Chapter 6, Part 5, Minor Tried as an Adult.
- 318 (4) Subject to Subsections (6), (7), and (8), a petitioner is not eligible to receive a certificate of
eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau determines that
the petitioner's criminal history, including previously expunged convictions, contains any of the
following:
- 322 (a) two or more felony convictions other than for drug possession offenses, each of which is contained
in a separate criminal episode;
- 324 (b) any combination of three or more convictions other than for drug possession offenses that include
two class A misdemeanor convictions, each of which is contained in a separate criminal episode;
- 327 (c) any combination of four or more convictions other than for drug possession offenses that include
three class B misdemeanor convictions, each of which is contained in a separate criminal episode; or
- 330 (d) five or more convictions other than for drug possession offenses of any degree whether
misdemeanor or felony, each of which is contained in a separate criminal episode.
- 333 (5) Subject to Subsections (7) and (8), a petitioner is not eligible to receive a certificate of eligibility
if, at the time the petitioner seeks the certificate of eligibility, the bureau determines that the
petitioner's criminal history, including previously expunged convictions, contains any of the
following:
- 337 (a) three or more felony convictions for drug possession offenses, each of which is contained in a
separate criminal episode; or
- 339 (b) any combination of five or more convictions for drug possession offenses, each of which is
contained in a separate criminal episode.
- 341 (6) If the petitioner's criminal history contains convictions for both a drug possession offense and a non-
drug possession offense arising from the same criminal episode, the bureau shall count that criminal
episode as a conviction under Subsection (4) if any non-drug possession offense in that episode:

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- 345 (a) is a felony or class A misdemeanor; or
346 (b) has the same or a longer waiting period under Subsection (1)(c) than any drug possession offense in
that episode.
- 348 (7) Except as provided in Subsection (8), if at least 10 years have passed after the day on which the
petitioner was convicted or released from incarceration, parole, or probation, whichever occurred
last, for all convictions:
- 351 (a) each numerical eligibility limit under Subsections (4)(a) and (b) shall be increased by one; and
353 (b) each numerical eligibility limit under Subsections (4)(c) and (d) is not applicable if the highest level
of convicted offense in the criminal episode is:
- 355 (i) a class B misdemeanor;
356 (ii) a class C misdemeanor;
357 (iii) a drug possession offense if none of the non-drug possession offenses in the criminal episode are a
felony or a class A misdemeanor; or
359 (iv) an infraction.
- 360 (8) When determining whether a petitioner is eligible for a certificate of eligibility under Subsection (4),
(5), or (7), the bureau may not consider a petitioner's pending case or prior conviction for:
- 363 (a) an infraction;
364 (b) a traffic offense;
365 (c) a minor regulatory offense; or
366 (d) a clean slate eligible case that was automatically expunged.
- 367 (9) If the petitioner received a pardon before May 14, 2013, from the Board of Pardons and Parole, the
petitioner is entitled to an expungement order for all pardoned crimes in accordance with Section
77-27-5.1.

370 Section 5. **Repealer.**

This Bill Repeals:

371 This bill repeals:

372 Section **77-27-31, Short title.**

373 Section 6. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-25-26 4:06 PM