

HB0593S02 compared with HB0593S01

~~{Omitted text}~~ shows text that was in HB0593S01 but was omitted in HB0593S02

inserted text shows text that was not in HB0593S01 but was inserted into HB0593S02

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

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Bail Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor:Brady Brammer

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LONG TITLE

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General Description:

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This bill addresses bail.

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Highlighted Provisions:

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This bill:

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▸ defines terms;

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▸ requires the reporting of certain information related to pretrial release;

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▸ modifies provisions related to:

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• the collection of certain pretrial information about an individual arrested without a warrant and booked at a jail facility; and

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• pretrial release by a magistrate or judge; ~~{and}~~

13

▸ makes technical and conforming changes{-} ; and

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▸ includes a coordination clause to coordinate changes between this bill and S.B. 323,

Criminal and Juvenile Justice Recodification, if both bills pass and become law.

17

Money Appropriated in this Bill:

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None

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19 **Other Special Clauses:**

20 This bill provides a special effective date.

21 This bill provides a coordination clause.

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **77-17-8** , as last amended by Laws of Utah 2021, Second Special Session, Chapter 4

25 **77-20-202** , as last amended by Laws of Utah 2025, Chapter 227

26 **77-20-203** , as last amended by Laws of Utah 2025, Chapter 243

27 **77-20-205** , as last amended by Laws of Utah 2025, Chapter 243

28 **77-20-207** , as last amended by Laws of Utah 2025, Chapter 526

29 **77-20-301** , as last amended by Laws of Utah 2023, Chapter 408

30 **77-20-302** , as last amended by Laws of Utah 2023, Chapters 113, 408

31 ENACTS:

32 **77-20-104 , Utah Code Annotated 1953**

33 **Utah Code Sections affected by Coordination Clause:**

34 **77-20-104 (05/06/26)** , as enacted in 2026 H.B. 593

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

37 Section 1. Section **77-17-8** is amended to read:

38 **77-17-8. Mistake in charging offense -- Procedure -- Witnesses.**

31 (1) If, at any time before verdict or judgment, a mistake is made in charging the proper offense, and there is probable cause to believe that the defendant is chargeable with another offense, the court may:

34 (a) release the individual on the individual's own recognizance, as defined in Section 77-20-102, during the time the individual awaits trial or other resolution of criminal charges;

37 (b) designate a condition, or a combination of conditions, described in Subsection [77-20-205(4)] 77-20-205(6), to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges; or

40 (c) order the individual be detained during the time the individual awaits trial or other resolution of criminal charges.

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(2) A court may require a witness to post monetary bail, as defined in Section 77-20-102, to ensure that the witness appears in court.

53 Section 2. Section 2 is enacted to read:

54 **77-20-104. Pretrial release data reporting.**

55 (1) On or before April 30, 2027, and each year thereafter on or before April 30, a law enforcement agency, pretrial services program, or other designated agency that supervises individuals in accordance with Subsection 77-20-205(4)(c)(iii) shall report to the Commission on Criminal and Juvenile Justice the following information for the preceding calendar year:

60 (a) the number of individuals who were supervised in accordance with Subsection 77-20-205(4)(c)(iii);

62 (b) the number of individuals who were supervised in accordance with Subsection 77-20-205(4)(c)(iii) and charged with a new offense while being supervised;

64 (c) the number of times that the agency or program made a report described in Subsections 77-20-205(4)(d)(i), (ii), (iii), (iv), and (v); and

66 (d) the number of times that a report described in Subsection 77-20-205(4)(d) resulted in revocation of the individual's pretrial release.

68 (2) On or before October 31, 2027, and each year thereafter on or before October 31:

69 (a) the Commission on Criminal and Juvenile Justice shall:

70 (i) compile the information from the reports described in Subsection (1); and

71 (ii) submit the compilation to the Judiciary Interim Committee; and

72 (b) the Administrative Office of the Courts shall report to the Judiciary Interim Committee the number of individuals released under Subsection 77-20-205(4)(g).

74 Section 3. Section **77-20-202** is amended to read:

75 **77-20-202. Collection of pretrial information.**

46 (1) ~~[When]~~ Notwithstanding any other provision of law, when an individual is arrested without a warrant for an offense and booked at a jail facility, an employee at the jail facility, or an employee of a pretrial services program, shall submit the following information to the court with the probable cause statement:

50 (a) identification information for the individual, including:

51 (i) the individual's legal name and any known aliases;

52 (ii) the individual's date of birth;

53 (iii) the individual's state identification number;

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- 54 (iv) the individual's mobile phone number;
- 55 (v) the individual's email address; and
- 56 (vi) the individual's immigration status, if the individual is not a United States citizen or national;
- 58 (b) the individual's residential address;
- 59 (c) any pending criminal charge or warrant for the individual, including the offense tracking number of
the current offense for which the individual is booked;
- 61 (d) the individual's probation or parole supervision status;
- 62 (e) whether the individual was on pretrial release for another criminal offense [~~prior to~~] before the
booking of the individual for the current criminal offense if the employee knows that the individual
was on pretrial release for a prior criminal offense;
- 65 (f) the individual's financial circumstances to the best of the individual's knowledge at the time of
booking, including:
- 67 (i) the individual's current employer;
- 68 (ii) the individual's monthly income, including any alimony or child support that contributes to the
individual's monthly income;
- 70 (iii) the individual's monthly expenses, including any alimony or child support obligation that the
individual is responsible for paying;
- 72 (iv) the individual's ownership of, or any interest in, personal or real property, including any savings or
checking accounts or cash;
- 74 (v) the number, ages, and relationships of any dependents;
- 75 (vi) any financial support or benefit that the individual receives from a state or federal government; and
- 77 (vii) any other information about the individual's financial circumstances that may be relevant;
- 79 (g) any ties the individual has to the community, including:
- 80 (i) the length of time that the individual has been at the individual's residential address;
- 82 (ii) any enrollment in a local college, university, or trade school; and
- 83 (iii) the name and contact information for any family member or friend that the individual believes
would be willing to provide supervision of the individual;
- 85 (h) the results of a lethality assessment completed in accordance with Section 77-36-2.1, if any; and
- 87 (i) whether the individual is under the influence of alcohol or a controlled substance to a degree that
would endanger the individual or another individual if the individual is released.

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(2) ~~Upon~~ Notwithstanding any other provision of law, upon request, the jail facility, or the pretrial services program, shall provide the information described in Subsection (1) to the individual, the individual's attorney, or the prosecuting attorney.

93 (3) Any information collected from an individual under Subsection (1) is inadmissible in any court proceeding other than:

95 (a) a criminal proceeding addressing the individual's pretrial release or indigency for the offense, or offenses, for which the individual was arrested or charged with; or

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

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

131 Section 4. Section **77-20-203** is amended to read:

132 **77-20-203. County sheriff authority to release an individual from jail on own recognizance.**

104 (1) As used in this section:

105 (a) "Division" means the Division of Adult Probation and Parole created in Section 64-14-202.

107 (b)

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

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

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

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

113 (2) Except as provided in Subsection (3), a county jail official may release an individual from a jail facility on the individual's own recognizance if:

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

116 (b) the individual was not:

117 (i) arrested for a violent criminal offense as defined in Section ~~[76-3-201.10]~~ 76-3-203.10;

119 (ii) arrested for a qualifying offense;

120 (iii) arrested for the offense of driving under the influence or driving with a measurable controlled substance in the body if the offense results in death or serious bodily injury to an individual;

123 (iv) arrested for an offense described in Subsection 76-9-101(3)(b);

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- 124 (v) arrested for possession of any composition or mixture, including pills, that contains 100 grams or
more of fentanyl or a fentanyl-related substance; or
- 126 (vi) previously booked into the same jail within the immediately preceding 12-month period;
- 128 (c) law enforcement has not submitted a probable cause statement to a court or magistrate;
- 130 (d) the individual agrees in writing to appear for any future criminal proceedings related to the arrest;
and
- 132 (e) the individual qualifies for release under the written policy described in Subsection (4) for the
county.
- 134 (3) A county jail official may not release an individual from a jail facility if the individual is subject to
a 72-hour hold placed on the individual by the Department of Corrections as described in Section
64-14-205.
- 137 (4)
- (a) A county sheriff shall create and approve a written policy for the county that governs the release of
an individual on the individual's own recognizance.
- 139 (b) The written policy shall describe the criteria an individual shall meet to be released on the
individual's own recognizance.
- 141 (c) A county sheriff may include in the written policy the criteria for release relating to:
- 142 (i) criminal history;
- 143 (ii) prior instances of failing to appear for a mandatory court appearance;
- 144 (iii) current employment;
- 145 (iv) residency, including immigration status;
- 146 (v) ties to the community;
- 147 (vi) an offense for which the individual was arrested;
- 148 (vii) any potential criminal charges that have not yet been filed;
- 149 (viii) the individual's health condition;
- 150 (ix) any potential risks to a victim, a witness, or the public; and
- 151 (x) any other similar factor a sheriff determines is relevant.
- 152 (5)
- (a)

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(i) Except as provided in Subsection [~~(5)(b)(ii)~~] (5)(a)(ii), a jail facility shall detain an individual for no fewer than eight hours and up to 24 hours from booking if the individual is on supervised probation or parole and that information is reasonably available.

156 (ii) Notwithstanding Subsection (5)(a)(i), an individual may be released earlier than eight hours if:

158 (A) the entity supervising the individual on probation or parole informs the jail that the supervising entity does not intend to place a hold on the individual; and

160 (B) a court or magistrate has ordered a release.

161 (b) Before any release, a jail facility shall:

162 (i) notify the entity supervising the individual's probation or parole that the individual is being detained and provide that entity an opportunity to place a hold on the individual; and

165 (ii) only release the individual:

166 (A) to the division if the division supervises the individual and requests the individual's release; or

168 (B) if a court or magistrate orders release.

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

171 (6) This section does not prohibit a court and a county from entering into an agreement regarding release, except that any such agreement shall apply only to an individual who meets the criteria in an agreement as those criteria existed as of January 1, 2025.

204 Section 4. Section **77-20-205** is amended to read:

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

176 (1)

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

179 (i) except as provided in Subsection {~~(4)(b)~~ } ~~(4)~~, releases the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges;

182 (ii) subject to Subsection (4)(c), designates a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges; or

185 (iii) orders the individual be detained during the time the individual awaits trial or other resolution of criminal charges, subject to the requirements of Subsection (1)(c).

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- 188 (b) At the time that a magistrate issues a summons, the magistrate may issue a temporary pretrial status
order that:
- 190 (i) except as provided in Subsection ~~(4)(b)~~ (4), releases the individual on the individual's own
recognizance during the time the individual awaits trial or other resolution of criminal charges; or
- 193 (ii) subject to Subsection (4)(c), designates a condition, or a combination of conditions, to be imposed
upon the individual's release during the time the individual awaits trial or other resolution of
criminal charges, subject to the requirements of Subsection (1)(c).
- 197 (c)
- [~~(i)~~] Notwithstanding [~~Subsection (1)(a) or (b)~~] Subsections (1)(a), (1)(b), and (4)(c), a magistrate shall
issue a temporary pretrial status order of detention under Subsection (1)(a)(iii) if the individual is
arrested for a felony offense and the magistrate finds:
- 201 [~~(A)~~] (i) there is substantial evidence to support the individual's arrest for the felony offense;
- 203 [~~(B)~~] (ii) the individual committed the felony offense while:
- 204 [~~(A)~~] (A) the individual was on parole or probation for a conviction of a felony offense; or
- 206 [~~(B)~~] (B) the individual was released and awaiting trial on a previous charge for a felony offense; and
- 208 [~~(C)~~] (iii) based on information reasonably available to the magistrate, the individual:
- 209 [~~(A)~~] (A) is a habitual offender as defined in Section 77-18-102; or
- 210 [~~(B)~~] (B) will be a habitual offender as defined in Section 77-18-102 if the individual is convicted of the
felony offense.
- 212 [~~(i)~~] (d) [~~This~~] Subsection (1)(c) does not limit or prohibit a magistrate's authority to detain an
individual who does not meet the requirements described in [~~this~~] Subsection (1)(c).
- 215 (2)
- (a) Except as provided in Subsection (2)(b), the magistrate or judge shall issue a pretrial status order at
an individual's first appearance before the court.
- 217 (b) The magistrate or judge may delay the issuance of a pretrial status order at an individual's first
appearance before the court:
- 219 (i) until a pretrial detention hearing is held if a prosecuting attorney makes a motion for pretrial
detention as described in Section 77-20-206;
- 221 (ii) if a party requests a delay; or
- 222 (iii) if there is good cause to delay the issuance.
- 223

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- (c) If a magistrate or judge delays the issuance of a pretrial status order under Subsection (2)(b), the magistrate or judge shall extend the temporary pretrial status order until the issuance of a pretrial status order.
- 226 (d) A request for a pretrial release that has not been fully presented to and ruled upon by the magistrate or judge at an initial appearance does not constitute a pretrial detention hearing under Section 77-20-206.
- 229 (3)
- (a) When a magistrate or judge issues a pretrial status order, the pretrial status order shall:
- 231 (i) except as provided in Subsection ~~{(4)(b)}~~ (4), release the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges;
- 234 (ii) subject to Subsection (4)(c), designate a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges; or
- 237 (iii) subject to the requirements of Subsection ~~[(10)]~~ (11), order the individual to be detained during the time that individual awaits trial or other resolution of criminal charges.
- 240 (b) In making a determination about pretrial release in a pretrial status order, the magistrate or judge may not give any deference to a magistrate's decision in a temporary pretrial status order.
- 243 (4)
- (a) As used in this Subsection (4), "traffic offense" means the same as that term is defined in Section 77-40a-101.
- 245 (b) {A} Except as provided in Subsection (4)(g), a magistrate or judge may not release an individual arrested for or charged with an offense on the individual's own recognizance if the magistrate or judge finds that:
- 247 (i) there is substantial evidence to support the offense; and
- 248 (ii) based on information reasonably available to the magistrate or judge, within three years before the day on which the individual was arrested for the offense, the individual was:
- 282 (A) charged with a misdemeanor or felony offense that was not a traffic offense at least five times; and
- 284 (B) convicted of at least two misdemeanor offenses or one felony offense.
- 285 (c) A magistrate or judge may release an individual described in Subsection (4)(b) if the magistrate or judge imposes one or more of the following conditions:
- 287 (i) a condition described in Subsection (6)(g), (h), (r), (s), (t), or (v);

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- 288 (ii) a financial condition described in Subsection (6)(u) other than an unsecured bond; or
290 (iii) a condition described in Subsection (6)(n) if the law enforcement agency, pretrial services program,
or other designated agency:
- 292 (A) conducts a public safety assessment or risk and needs assessment of the individual;
294 (B) conducts in-person pretrial meetings with the individual;
295 (C) monitors the individual for contact with law enforcement, criminal behavior, violations of pretrial
release conditions, and new arrests; and
- 297 (D) conducts random drug testing of the individual if the magistrate or judge orders the individual to
submit to random drug testing.
- 299 (d) If a magistrate or judge imposes a condition described in Subsection (4)(c)(iii), the law enforcement
agency, pretrial services program, or other designated agency shall report to the magistrate or judge,
the prosecuting attorney, and the defense attorney if the individual:
- 303 (i) fails to report for supervision within seven days after being ordered to report;
304 (ii) fails to comply with a condition of pretrial release imposed by the magistrate or judge;
306 (iii) refuses to submit or appear for a random drug test;
307 (iv) is removed from a substance abuse or mental health treatment program that the magistrate or judge
ordered as a condition of pretrial release; or
- 309 (v) is arrested for or charged with a new misdemeanor or felony offense.
- 310 (e) A law enforcement agency, pretrial services program, or other designated agency may supervise
an individual in accordance with Subsection (4)(c)(iii) while the individual receives a service from
another agency or program.
- 313 (f) Subsection (4)(c) does not prevent a magistrate or judge from imposing any condition described in
Subsection (6) in addition to a condition described in Subsection (4)(c).
- 315 (g) A judge or magistrate may release an individual described in Subsection (4)(b) on the individual's
own recognizance if the judge or magistrate finds that:
- 317 (i)
- (A) the conditions described in Subsection (4)(c) are not available for the individual; or
319 (B) the imposition of a condition in Subsection (4)(c) would result in the individual being held in
custody;
- 321 (ii) there is insufficient capacity to hold the individual in custody without releasing another individual
from custody; and

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- 323 (iii) releasing the individual on the individual's own recognizance is not a significant threat to public
324 safety.
- 325 ~~[(4)] (5)~~ { ~~H~~→ } { ~~based on information reasonably available to the magistrate or judge;~~ } { ~~{~~ } { ~~within~~
326 ~~three years before the day on which the individual was arrested for the offense}~~ In making a
327 determination about pretrial release, a magistrate or judge shall impose: }
- 328 (a) { ←~~H~~ } the individual was { ~~H~~→ } { ~~;~~ within three years before the day on which the individual was
329 arrested for the offense } { } ←~~H~~ } ;
- 330 { (A) } { ~~H~~→ } { } { ~~{~~ } { ~~arrested~~ } only conditions of release that are reasonably available; and { } }
331 charged }
- 332 (b) { ←~~H~~ } for a misdemeanor or felony offense that was not a traffic offense at least five times; and
333 { (B) convicted of a misdemeanor or felony offense that was not a traffic offense at least one time. }
- 334 { (e)
- 335 { (i) } { ~~A magistrate or judge may release an individual described in Subsection (4)(b) if the magistrate~~
336 ~~or judge imposes one or more of the following conditions:~~ }
- 337 (A) { ~~a condition described in Subsection (6)(g), (h), (r), (s), or (t); or~~ }
- 338 (B) { ~~a financial condition described in Subsection (6)(u) other than an unsecured bond.~~ }
- 339 { (ii) } { ~~Subsection (4)(c)(i) does not prevent a magistrate or judge from imposing any condition~~
340 ~~described in Subsection (6) in addition to a condition described in Subsection (4)(c)(i)(A) or (4)(c)~~
341 ~~(i)(B).~~ }
- 342 { ~~[(4)] (5)~~ } In making a determination about pretrial release, a magistrate or judge shall impose
343 conditions of release that reasonably ensure:
- 344 { (a) } (i) { ~~only conditions of release that are reasonably available~~ } the individual's appearance in court
345 when required; { and }
- 346 { (b) } (ii) { ~~conditions~~ } the safety of any witnesses or victims of { ~~release that reasonably ensure:~~ } the
347 offense allegedly committed by the individual;
- 348 { (i) } (iii) the { ~~safety and welfare of the public; and~~ } individual's appearance in court when required;
- 349 { (ii) } (iv) that the { ~~safety of any witnesses or victims of~~ } individual will not obstruct, or attempt to
350 obstruct, the { ~~offense allegedly committed by the individual;~~ } criminal justice process.
- 351 ~~[(iii)] (5)] (6)~~ { ~~the safety and welfare of the public; and~~ } Except as provided in Subsection (1)(c) or
352 { (iv) } [{ ~~that the individual will not obstruct, or attempt to obstruct, the criminal justice process.~~ } (6)
- 353

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{(5)}{(6)}] (7){Except as provided in Subsection (1)(c)} , a magistrate or judge may impose a condition, or combination of conditions, for pretrial release that requires an individual to:

337 (a) ~~{(6)}~~ not commit a federal, state, or local offense during the period of pretrial release;{(7)}

338 (b) ~~{-}~~ avoid contact with a {magistrate or judge may impose a condition, or combination-} victim of
{conditions, for pretrial release that requires an individual to:} the alleged offense;

274 {(a)} (c) ~~{not commit}~~ avoid contact with a {federal, state, or local offense during the period of pretrial
release;} witness who:

275 {(b)} (i) ~~{avoid contact with a victim of}~~ may testify concerning the alleged offense;and

276 {(e)} (ii) ~~{avoid contact with a witness who:}~~ is named in the pretrial status order;

277 {(i)} (d) ~~{may testify concerning the alleged offense}~~ not consume alcohol or any narcotic drug or other
controlled substance unless prescribed by a licensed medical practitioner; {and}

278 {(ii)} (e) ~~{is named in the pretrial status order}~~ submit to drug or alcohol testing;

279 {(d)} (f) ~~{not consume alcohol or}~~ complete a substance abuse evaluation and comply with any
{narcotic drug-} recommended treatment or {other controlled substance unless prescribed by a
licensed medical practitioner} release program;

281 {(e)} (g) submit to {drug-} electronic monitoring or {alcohol testing} location device tracking;

282 {(f)} (h) ~~{complete a substance abuse evaluation and comply with any recommended treatment or
release program;}~~ participate in inpatient

284 {(g)} [~~{submit to electronic monitoring-}~~ or {location device tracking;} outpatient

285 {(h)}]~~{participate in inpatient-}~~ medical, behavioral, psychological, or psychiatric treatment;

350 (i) participate in outpatient medical, behavioral, psychological, or psychiatric treatment;

351 [(i)] (j) ~~{or outpatient-}~~ maintain employment or actively seek employment if unemployed;}

352 [(j)] (k) ~~{medical, behavioral, psychological,}~~ maintain or {psychiatric treatment} commence an
education program;

287 {(i)} ~~participate in outpatient medical, behavioral, psychological, or psychiatric treatment;}~~

288 ~~{(i)-(k)}~~ (j){(l) ~~maintain employment-}~~ comply with limitations on where the individual is allowed to
be located or {actively seek employment if unemployed} the times that the individual shall be, or
may not be, at a specified location;

289 ~~{(j)-(l)}~~ (k){(m) ~~maintain or commence an education program}~~ comply with specified restrictions on
personal associations, place of residence, or travel;

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292 ~~[(k)](m)~~ (l) ~~(n) comply with limitations on where the individual is allowed~~ } report to { ~~be located or~~
the times that the individual shall be } a law enforcement agency, pretrial services program, or { ~~may~~
~~not be,~~ } other designated agency at a specified { ~~location~~ } frequency or on specified dates;

294 ~~[(h)](n)~~ (m) ~~(o)~~ comply with a specified { ~~restrictions on personal associations, place of residence,~~
or travel } curfew;

296 ~~[(m)](o)~~ (n) ~~(p) report to~~ } forfeit or refrain from possession of a { ~~law enforcement agency, pretrial~~
services program, } firearm or other { ~~designated agency at a specified frequency or on specified~~
dates } dangerous weapon;

297 ~~[(n)](p)~~ (o) ~~(q) comply with a specified curfew~~ } if the individual is charged with an offense against
a child, limit or prohibit access to any location or occupation where children are located, including
any residence where children are on the premises, activities where children are involved, locations
where children congregate, or where a reasonable person would know that children congregate;

298 ~~[(o)](q)~~ (p) ~~(r) forfeit or refrain from possession of a firearm or other dangerous weapon~~ } comply
with requirements for house arrest;

299 ~~[(p)](r)~~ (q) ~~(s) if the individual is charged with an offense against a child~~ } return to custody for
a specified period of time following release for employment, { ~~limit or prohibit access to any~~
location or occupation where children are located, including any residence where children are on the
premises, activities where children are involved } schooling, { ~~locations where children congregate,~~ }
or { ~~where a reasonable person would know that children congregate~~ } other limited purposes;

303 ~~[(q)](s)~~ (r) ~~(t) comply with requirements for house arrest;~~ } remain in custody of one or more
designated individuals who agree to:

304 ~~[(r)](i)~~ (j) { ~~(s)~~ } return to custody for a specified period } supervise and report on the behavior
and activities of { ~~time following release for employment, schooling, or other limited purposes~~ } the
individual; and

305 ~~[(s)](ii)~~ (j) { ~~(t)~~ } remain in custody of one or more designated individuals who agree to:
encourage compliance with all court orders and attendance at all required court proceedings;

306 [(i) (t) (u) { supervise and report on the behavior and activities of the individual; and } comply with a
financial condition;

307 { (ii) [encourage compliance with all court orders and attendance at all required court proceedings; }
or

308 { (t) (u)]

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- 374 (v) comply with an order of involuntary commitment issued by a court under Section 26B-5-332; or
376 [(u)] (w) comply with a{-financial-} y other condition{;-or} that is reasonably available and necessary
to ensure compliance with Subsection
- 311 ~~[(u)] (v)~~ [(v)] [{comply with any other condition that is reasonably available and necessary to ensure
compliance with Subsection-} (4)] (5){[(4)] .{}} (5)}
- 378 [(6)] (7)
- (a) If a county or municipality has established a pretrial services program, the magistrate or judge shall
consider the services that the county or municipality has identified as available in determining what
conditions of release to impose.
- 313 ~~[(6)] (b){}~~ ~~{(7)}~~
- (a) If a county or municipality has established a pretrial services program, the } The magistrate
or judge ~~{shall consider-}~~ may not order conditions of release that would require the county or
municipality to provide services that are not currently available from the county or municipality
~~{has identified as available in determining what conditions of release to impose} .~~
- 316 ~~(b)~~ (c) ~~{The magistrate or judge may not order conditions of release that would require the county or~~
~~municipality to provide services that are not currently available from the county or municipality.}~~
- Notwithstanding Subsection
- 319 ~~(e)~~ [(e)] ~~[{Notwithstanding Subsection-} (6)(a)] (7)(a){[(6)(a)]}~~, the magistrate or judge may impose
conditions of release not identified by the county or municipality {} (7)(a)[{-the magistrate
or judge may impose conditions of release not identified by the county or municipality-} so long
as] if{[so long as]} the condition does not require assistance or resources from the county or
municipality.{} ~~{}~~ ~~if}~~
- 387 [(7)] (8)
- (a) {-the condition does not require assistance-} If the magistrate or judge determines that a financial
condition, other than an unsecured bond, is necessary to impose as a condition of release, the
magistrate or {resources from-} judge shall, when determining the amount of the financial
condition, refer to the {county or municipality} financial condition schedule in Section 77-20-205.5
and consider the individual's risk of failing to appear and ability to pay.
- 322 ~~[(7)] (b){}~~ ~~{(8)}~~
- (a) If the magistrate or judge determines that a financial condition{-, other than an unsecured bond,-}
is necessary to impose as a condition of release, {the magistrate or judge shall, when determining

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~~the amount of the~~ and a county jail official fixed a financial condition ~~{, refer to}~~ for the ~~{financial condition schedule in Section 77-20-205.5 and consider the individual's risk of failing}~~ individual under Section 77-20-204, the magistrate or judge may not give any deference to ~~{appear and ability to pay.}~~ :

- 327 ~~{(b)}~~ (i) ~~{If the magistrate or judge determines that a financial condition is necessary to impose as a condition of release, and a}~~ the county jail ~~{official fixed}~~ official's action to fix a financial condition ~~{for the individual under Section 77-20-204, the magistrate}~~ ; ~~or {judge may not give any deference to:}~~
- 331 ~~{(i)}~~ (ii) the ~~{amount of the}~~ county jail official's action to fix a financial condition ~~{that the individual was required to pay for pretrial release.}~~ ; ~~or~~
- 332 ~~{(ii)}~~ (c) ~~{the amount}~~ If a magistrate or judge orders a financial condition as a condition of release, the judge or magistrate shall set the financial condition ~~{that the individual was required to pay for pretrial release}~~ at a single amount per case.
- 334 ~~[{(e)}~~ (8) (9) ~~{If a magistrate or judge orders a financial condition as}~~ In making a ~~{condition of}~~ determination about pretrial release, the ~~{judge or magistrate shall set the financial condition at a single amount per case.}~~ magistrate or judge may:
- 336 ~~{[(8)] (a) {}}~~ ~~{(9)}~~ In making a determination about pretrial release, the magistrate or judge may rely upon information contained in:
- 337 ~~{(a)}~~ (i) ~~{rely upon}~~ the indictment or information ~~{contained in:}~~ ;
- 338 ~~{(i)}~~ (ii) ~~{the indictment}~~ any sworn or probable cause statement or other information provided by law enforcement;
- 339 ~~{(ii)}~~ (iii) a ~~{y sworn or probable cause statement or other information provided by law enforcement}~~ pretrial risk assessment;
- 341 ~~{(iii)}~~ (iv) a ~~{pretrial risk assessment}~~ affidavit of indigency described in Section 78B-22-201.5;
- 342 ~~{(iv)}~~ (v) ~~{an affidavit of indigency described in Section 78B-22-201.5}~~ witness statements or testimony;
- 343 ~~{(v)}~~ (vi) ~~{witness statements or testimony;}~~ the results of a lethality assessment completed in accordance with Section 77-36-2.1; or
- 344 ~~{(vi)}~~ (vii) ~~{the results of a lethality assessment completed in accordance with Section 77-36-2.1; or}~~ any other reliable record or source, including proffered evidence; and
- 346 ~~{(vii)}~~ (b) ~~{any other reliable record or source, including proffered evidence; and}~~ consider:

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347 { (b) } (i) { consider } the nature and circumstances of the offense, or offenses, that the individual was
348 arrested for, or charged with, including:
{ (ii) } (A) whether the { nature- } offense is a violent offense; and { circumstances of the offense, or
350 offenses, that the individual was arrested for, or charged with, including:
{ (A) } (B) { whether the offense is- } the vulnerability of a { violent offense } witness or alleged victim;
351 { and }
{ (B) } (ii) the { nature and circumstances- } vulnerability of { the individual, including the individual's: } a
352 witness or alleged victim;
{ (ii) } (A) { the nature and circumstances of the individual, including the individual's: } character;
353 { (A) } (B) { character } physical and mental health;
354 { (B) } (C) { physical- } family and { mental health } community ties;
355 { (C) } (D) { family and community ties } employment status or history;
356 { (D) } (E) { employment status or history } financial resources;
357 { (E) } (F) { financial resources } past criminal conduct;
358 { (F) } (G) { past criminal conduct; } history of drug or alcohol abuse; and
359 { (G) } (H) history of { drug or alcohol abuse; and } timely appearances at required court proceedings;
360 { (H) } (iii) { history- } the potential danger to another individual, or individuals, posed by the release of
361 { timely appearances at required court proceedings } the individual;
{ (iii) } (iv) whether the { potential danger to another- } individual was on probation, { or individuals,
362 posed by the- } parole, or release { of- } pending an upcoming court proceeding at the time the
individual allegedly committed the offense or offenses;
363 { (iv) } (v) { whether the individual was on probation, parole, or release pending an upcoming court
proceeding at the time the individual allegedly committed the offense or offenses; } the availability
364 of:
{ (v) } (A) { the availability of: } other individuals who agree to assist the individual in attending court
365 when required; or
366 { (A) } (B) { other individuals who agree to assist- } supervision of the individual in { attending court
when required } the individual's community; { or }
367 { (B) } (vi) { supervision- } the eligibility and willingness of the individual to participate in { the
368 individual's community; } various treatment programs, including drug treatment; or
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{(vi)} (vii) other evidence relevant to the {eligibility and willingness} individual's likelihood of fleeing or violating the {individual to participate in various treatment programs, including drug treatment; or} law if released.

372 [(vii) (9)] (10) {other evidence relevant to the individual's likelihood of fleeing} The magistrate or
{violating the law if released.} judge may not base a determination about pretrial release solely:

374 [[{(9)} (a)]] [(10)] The magistrate or judge may not base} on the seriousness or type of offense
that the individual is arrested for or charged with, unless the individual is arrested for or charged
with a {determination about pretrial release solely:} capital felony; or

375 {(a)} (b) on {an algorithm} the seriousness or type of offense that the individual is arrested for or
charged with, unless the individual is arrested for or {a risk assessment tool score:} charged with a
capital felony; or

377 [(b) (10)] (11) {on an algorithm} If the magistrate or {a risk assessment tool score:} judge issues an
order

378 [(10)] (11) [If the magistrate or judge issues an order} pursuant to] in accordance with {[[pursuant
to} Subsection]} in accordance with [Subsection} 77-20-205(3)(a)(iii)] (3)(a)
(iii) [77-20-205(3)(a)(iii)] , the magistrate or judge shall make sufficiently detailed findings of fact
on the risk of substantial danger or flight from the court's jurisdiction to enable a reviewing court
to ensure that the magistrate's or judge's determination reasonably considered all of the evidence
presented to the court.}] (3)(a)(iii)}

448 [(11)] (12) An individual arrested for violation of a jail release agreement, {the magistrate or judge shall
make sufficiently detailed findings of fact on the risk of substantial danger or flight from the court's
jurisdiction to enable a reviewing court to ensure that the magistrate's or judge's determination
reasonably considered all of the evidence presented to the} or a jail release court{:} order, issued in
accordance with Section 78B-7-802:

383 [[{(11)} (a)]] [(12)] An individual arrested for violation of a jail release agreement, or a jail
release court order, issued in accordance with Section 78B-7-802:} may not be released before the
individual's first appearance before a magistrate or judge; and

385 {(a)} (b) may not be {denied pretrial release by the} released before the individual's first appearance
before a magistrate or judge{:} ; and

387 {(b)} may be denied pretrial release by the magistrate or judge.}

453 Section 6. Section 77-20-207 is amended to read:

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- 454 **77-20-207. Modification of pretrial status order -- Failure to appear.**
- 390 (1) A party may move to modify a pretrial status order:
- 391 (a) at any time after a pretrial status order is issued; and
- 392 (b) only upon a showing that there has been a material change in circumstances.
- 393 (2)
- (a) Notwithstanding Subsection (1), a defendant may move to modify a pretrial status order if:
- 395 (i) the magistrate or judge imposed a financial condition as a condition of release in the pretrial
 status order; and
- 397 (ii) the defendant is unable to pay the financial condition within seven days after the day on which
 the pretrial status order is issued.
- 399 (b) For a motion under Subsection (2)(a), there is a rebuttable presumption that the defendant does not
 have the ability to pay the financial condition.
- 401 (3)
- (a) If a party makes a motion to modify the pretrial status order, the party shall provide notice to the
 opposing party sufficient to permit the opposing party to prepare for a hearing and to permit each
 alleged victim to be notified and be present.
- 404 (b) A hearing on a motion to modify a pretrial status order may be held in conjunction with a
 preliminary hearing or any other pretrial hearing.
- 406 (4) In ruling upon a motion to modify a pretrial status order, the judge may:
- 407 (a) rely on information as provided in Subsection [~~77-20-205(8)~~] 77-20-205(9);
- 408 (b) base the judge's ruling on evidence provided at the hearing [~~so long as~~] if each party is provided an
 opportunity to present additional evidence or information relevant to pretrial release; and
- 411 (c)
- (i) for a motion to modify a pretrial status order under Subsection (1), modify the pretrial status
 order, including the conditions of release, upon a finding that there has been a material change in
 circumstances; or
- 414 (ii) for a motion to modify a pretrial status order under Subsection (2), modify the pretrial status order
 by reducing the amount of the financial condition or imposing nonfinancial conditions of release
 upon a finding that the defendant is unable to pay the amount of the financial condition in the
 pretrial status order.

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

- 422 (a) the defendant was previously released on the defendant's own recognizance or on nonfinancial
conditions;
- 424 (b) the defendant willfully failed to appear at a required court appearance or has failed to appear at a
required court appearance more than once; and
- 426 (c) a bench warrant was issued.
- 427 (6) A court may not modify a pretrial status order to a no bail hold solely on the basis of a failure to
appear.
- 429 (7) Subsections 77-20-205(3) through [~~(11)~~] (12) apply to a determination about pretrial release in a
modified pretrial status order.

496 Section 7. Section **77-20-301** is amended to read:

497 **77-20-301. Grounds for detaining or releasing defendant on conviction and before sentence.**

- 434 (1) Upon conviction, by plea or trial, the court shall order that the convicted defendant who is waiting
imposition or execution of sentence be detained, unless the court finds, by clear and convincing
evidence, presented by the defendant that the defendant:
- 437 (a) is not likely to flee the jurisdiction of the court if released; and
- 438 (b) will not pose a danger to the physical, psychological, or financial and economic safety or well-being
of any other person or the community if released.
- 440 (2) If the court finds the defendant does not need to be detained, the court shall order the release of
the defendant on suitable conditions, including conditions of release described in Subsection
[~~77-20-205(5)~~] 77-20-205(6).

508 Section 8. Section **77-20-302** is amended to read:

509 **77-20-302. Grounds for detaining defendant while appealing the defendant's conviction --
Conditions for release while on appeal.**

- 446 (1) The court shall order that a defendant who has been found guilty of an offense in a court of record
and sentenced to a term of imprisonment in jail or prison, and who has filed an appeal or a petition
for a writ of certiorari, be detained, unless the court finds:
- 449 (a) the appeal raises a substantial question of law or fact likely to result in:
- 450 (i) reversal;

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- 451 (ii) an order for a new trial; or
452 (iii) a sentence that does not include a term of imprisonment in jail or prison;
453 (b) the appeal is not for the purpose of delay; and
454 (c) by clear and convincing evidence presented by the defendant, that the defendant:
455 (i) is not likely to flee the jurisdiction of the court if released; and
456 (ii) will not pose a danger to the physical, psychological, or financial and economic safety or well-being
of any other person or the community if released.
- 458 (2)
(a) If the court makes a finding under Subsection (1) that justifies not detaining the defendant, the court
shall order the release of the defendant, subject ~~[to]~~ only to conditions of release that are reasonably
available and necessary to reasonably ensure the appearance of the defendant as required and the
safety of any other individual, property, and the community.
- 463 (b) The conditions under Subsection (2)(a) may include conditions described in Subsection
~~[77-20-205(5)]~~ 77-20-205(6).
- 465 (c) The court may, in the court's discretion, amend an order granting release to impose additional or
different conditions of release.
- 467 (3) If the defendant is found guilty of an offense in a court not of record and files a timely notice of
appeal in accordance with Subsection 78A-7-118(2) for a trial de novo, the court shall stay all terms
of a sentence, unless at the time of sentencing the judge finds by a preponderance of the evidence
that the defendant poses a danger to another person or the community.
- 472 (4) If a stay is ordered, the court may order postconviction restrictions on the defendant's conduct as
appropriate, including:
474 (a) continuation of any pretrial restrictions or orders;
475 (b) sentencing protective orders under Section 78B-7-804;
476 (c) drug and alcohol use;
477 (d) use of an ignition interlock; and
478 (e) posting appropriate monetary bail.
- 479 (5) The provisions of Subsections (3) and (4) do not apply to convictions for an offense under Title 41,
Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.
- 481 (6) Any stay authorized by Subsection (3) is lifted upon the dismissal of the appeal by the district court.
548 Section 9. **Effective date.**

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Effective Date.

This bill takes effect on {~~May 6,~~ September 1, 2026.

550

Section 10. Coordinating H.B. 593 with S.B. 323.

If H.B. 593, Bail Amendments, and S.B. 323, Criminal and Juvenile Justice

Recodification, both pass and become law, the Legislature intends that, on September 1, 2026,

all occurrences of the term "Commission on Criminal and Juvenile Justice" in Section

77-20-104 enacted in H.B. 593 be replaced with "Department of Criminal Justice".

3-6-26 5:46 PM