

Tyler Clancy proposes the following substitute bill:

Offender Supervision Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses provisions related to supervision of offenders.

Highlighted Provisions:

This bill:

- ▶ allows a court to order the Division of Adult Probation and Parole to supervise individuals convicted of class B misdemeanors;
- ▶ adjusts provisions related to when and how the Board of Pardons and Parole (the board) provides notice of upcoming parole, pardon, or other hearings regarding an offender to relevant:

- law enforcement agency;
- prosecution agency; and
- victim;

- requires the board, if considering whether to parole an offender who has previously been paroled and had the offender's parole terminated due to a new criminal offense, to consider the facts and circumstances of the new criminal offense in determining whether the offender should be paroled again;

- allows the board, with certain exceptions, to only consider a pardon for an offender who committed an offense that requires the offender to register on the Sex, Kidnap, and Child Abuse Offender Registry (the registry) if:

- for a sex offender required to register on the registry for 10 years, 10 years have passed from when the sex offender entered the community after the sex offender's conviction; or

- 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

29 ▶ adds to the requirements for the board to meet before the board may parole an offender
30 before the offender's minimum term of imprisonment has been met.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **64-14-204**, as renumbered and amended by Laws of Utah 2025, Chapter 214

38 **77-18-105**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

39 **77-27-1**, as last amended by Laws of Utah 2021, Chapters 21, 260

40 **77-27-5**, as last amended by Laws of Utah 2025, Chapters 476, 526

41 **77-27-9**, as last amended by Laws of Utah 2022, Chapter 430

42 ENACTS:

43 **77-27-5.6**, Utah Code Annotated 1953

44 REPEALS:

45 **77-27-31**, as enacted by Laws of Utah 1980, Chapter 15

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

48 Section 1. Section **64-14-204** is amended to read:

49 **64-14-204 . Supervision of sentenced offenders placed in community --**

50 **Rulemaking -- POST certified parole or probation officers and peace officers -- Duties --**

51 **Supervision fee -- Coordination with local mental health authority.**

52 (1)(a) The division, except as otherwise provided by law, shall supervise a sentenced
53 offender placed in the community if the offender:

54 (i)(A) is placed on probation by a court;

55 (B) is released on parole by the Board of Pardons and Parole; or

56 (C) is accepted for supervision under the terms of the Interstate Compact for the
57 Supervision of Parolees and Probationers; and

58 (ii) has been convicted of:

59 (A) a felony;

60 (B) a class A misdemeanor when an element of the offense is the use or attempted
61 use of physical force against an individual or property;[–or]

62 (C) notwithstanding Subsection (1)(a)(ii)(B), a class A misdemeanor if the

division is ordered by a court to supervise the offender under Section 77-18-105[.] ;
or

(D) a class B misdemeanor if the division is ordered by a court to supervise the offender under Section 77-18-105.

(b) If a sentenced offender participates in substance use treatment or a residential vocational or life skills program, as defined in Section 13-53-102, while under supervision on probation or parole, the division shall monitor the offender's compliance with and completion of the treatment or program.

(c) The department shall establish standards for:

- (i) the supervision of offenders in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, giving priority, based on available resources, to felony offenders and offenders sentenced under Subsection 58-37-8 (2)(b)(ii); and
- (ii) the monitoring described in Subsection (1)(b).

(2) The division shall apply the graduated and evidence-based responses established in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to facilitate a prompt and appropriate response to an individual's violation of the terms of probation or parole, including:

- (a) sanctions to be used in response to a violation of the terms of probation or parole; and
- (b) requesting approval from the court or Board of Pardons and Parole to impose a sanction for an individual's violation of the terms of probation or parole, for a period of incarceration of not more than three consecutive days and not more than a total of six days within a period of 30 days.

(3) The division shall implement a program of graduated incentives as established in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1 to facilitate the department's prompt and appropriate response to an offender's:

- (a) compliance with the terms of probation or parole; or
- (b) positive conduct that exceeds those terms.

(4)(a) The department shall, in collaboration with the State Commission on Criminal and Juvenile Justice and the Division of Substance Use and Mental Health, create standards and procedures for the collection of information, including cost savings related to recidivism reduction and the reduction in the number of inmates, related to the use of the graduated and evidence-based responses and graduated incentives, and offenders' outcomes.

97 (b) The collected information shall be provided to the State Commission on Criminal
98 and Juvenile Justice not less frequently than annually on or before August 31.

99 (5) Employees of the division who are POST certified as law enforcement officers or
100 correctional officers and who are designated as parole and probation officers by the
101 executive director have the following duties:

102 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance
103 with the conditions of the parole or probation agreement;

104 (b) investigating or apprehending any offender who has escaped from the custody of the
105 department or absconded from supervision by the division;

106 (c) supervising any offender during transportation; or

107 (d) collecting DNA specimens when the specimens are required under Section 53-10-404.

108 (6)(a)(i) A monthly supervision fee of \$30 shall be collected from each offender on
109 probation or parole.

110 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the
111 division upon a showing by the offender that imposition would create a substantial
112 hardship or if the offender owes restitution to a victim.

113 (b)(i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
114 Administrative Rulemaking Act, specifying the criteria for suspension or waiver
115 of the supervision fee and the circumstances under which an offender may request
116 a hearing.

117 (ii) In determining whether the imposition of the supervision fee would constitute a
118 substantial hardship, the division shall consider the financial resources of the
119 offender and the burden that the fee would impose, with regard to the offender's
120 other obligations.

121 (c) The division shall deposit money received from the monthly supervision fee
122 established in this Subsection (6) into the General Fund as a parole and probation
123 dedicated credit to be used to cover costs incurred in the collection of the fee and in
124 the development of offender supervision programs.

125 (7)(a) For offenders placed on probation under Section 77-18-105 or parole under
126 Subsection 76-3-202(2)(a) on or after October 1, 2015, but before January 1, 2019,
127 the division shall establish a program allowing an offender to earn a reduction credit
128 of 30 days from the offender's period of probation or parole for each month the
129 offender complies with the terms of the offender's probation or parole agreement,
130 including the case action plan.

131 (b)(i) For offenders placed on probation under Section 77-18-105 or parole under
132 Section 76-3-202 on or after July 1, 2026, the division shall establish a program,
133 consistent with the adult sentencing and supervision length guidelines, as defined
134 in Section 63M-7-401.1, to provide incentives for an offender that maintains
135 eligible employment, as defined in Section 64-13g-101.

136 (ii) The program under Subsection (7)(b)(i) may include a credit towards the
137 reduction of the length of supervision for an offender at a rate of up to 30 days for
138 each month that the offender maintains eligible employment, as defined in Section
139 64-13g-101.

140 (iii) A court, or the Board of Pardons and Parole, is not required to grant a request for
141 termination of supervision under the program described in this Subsection (7)(b) if
142 the court, or the Board of Pardons and Parole, finds that:
143 (A) the offender presents a substantial risk to public safety;
144 (B) termination would prevent the offender from completing risk reduction
145 programming or treatment; or
146 (C) the eligibility criteria for termination of supervision, as established in the adult
147 sentencing and supervision length guidelines, as defined in Section
148 63M-7-401.1, have not been met.

149 (iv) This Subsection (7)(b) does not prohibit the division, or another supervision
150 services provider, from requesting termination of supervision based on the
151 eligibility criteria in the adult sentencing and supervision length guidelines, as
152 defined in Section 63M-7-401.1.

153 (c) The division shall:
154 (i) maintain a record of credits earned by an offender under this Subsection (7); and
155 (ii) request from the court or the Board of Pardons and Parole the termination of
156 probation or parole not fewer than 30 days prior to the termination date that
157 reflects the credits earned under this Subsection (7).

158 (d) This Subsection (7) does not prohibit the division from requesting a termination date
159 earlier than the termination date established by earned credits under Subsection (7)(c).

160 (e) The court or the Board of Pardons and Parole shall terminate an offender's probation
161 or parole upon completion of the period of probation or parole accrued by time
162 served and credits earned under this Subsection (7) unless the court or the Board of
163 Pardons and Parole finds that termination would interrupt the completion of a
164 necessary treatment program, in which case the termination of probation or parole

165 shall occur when the treatment program is completed.

166 (f) The department shall report annually to the State Commission on Criminal and
167 Juvenile Justice on or before August 31:
168 (i) the number of offenders who have earned probation or parole credits under this
169 Subsection (7) in one or more months of the preceding fiscal year and the
170 percentage of the offenders on probation or parole during that time that this
171 number represents;
172 (ii) the average number of credits earned by those offenders who earned credits;
173 (iii) the number of offenders who earned credits by county of residence while on
174 probation or parole;
175 (iv) the cost savings associated with sentencing reform programs and practices; and
176 (v) a description of how the savings will be invested in treatment and
177 early-intervention programs and practices at the county and state levels.

178 (8)(a) The department shall coordinate with a local mental health authority to complete
179 the requirements of this Subsection (8) for an offender who:

180 (i) is a habitual offender as that term is defined in Section 77-18-102;
181 (ii) has a mental illness as that term is defined in Section 26B-5-301; and
182 (iii) based on a risk and needs assessment:
183 (A) is at a high risk of reoffending; and
184 (B) has risk factors that may be addressed by available community-based services.

185 (b) For an offender described in Subsection (8)(a), at any time clinically appropriate or
186 at least three months before termination of an offender's parole or expiration of an
187 offender's sentence, the department shall coordinate with the Department of Health
188 and Human Services and the relevant local mental health authority to provide
189 applicable clinical assessments and transitional treatment planning and services for
190 the offender so that the offender may receive appropriate treatment and support
191 services after the termination of parole or expiration of sentence.

192 (c) The local mental health authority may determine whether the offender:
193 (i) meets the criteria for civil commitment;
194 (ii) meets the criteria for assisted outpatient treatment; or
195 (iii) would benefit from assignment to an assertive community treatment team or
196 available community-based services.

197 (d) Based on the local mental health authority's determination under Subsection (8)(c),
198 the local mental health authority shall, as appropriate:

199 (i) initiate an involuntary commitment court proceeding;
200 (ii) file a written application for assisted outpatient treatment; or
201 (iii) seek to have the offender assigned to an assertive community treatment team or
202 available community-based services.

203 (e) On or before November 1, 2025, the department shall provide a report to the Law
204 Enforcement and Criminal Justice Interim Committee regarding any proposed
205 changes to the requirements in this Subsection (8), including whether the
206 requirements of this Subsection (8) should also apply to any other category of
207 offenders.

208 Section 2. Section **77-18-105** is amended to read:

209 **77-18-105 . Pleas held in abeyance -- Suspension of a sentence -- Probation --**

210 **Supervision -- Terms and conditions of probation -- Time periods for probation -- Bench**
211 **supervision for payments on criminal accounts receivable.**

212 (1) If a defendant enters a plea of guilty or no contest in conjunction with a plea in
213 abeyance agreement, the court may hold the plea in abeyance:
214 (a) in accordance with Chapter 2a, Pleas in Abeyance; and
215 (b) under the terms of the plea in abeyance agreement.

216 (2) If a defendant is convicted, the court:
217 (a) shall impose a sentence in accordance with Section 76-3-201; and
218 (b) subject to Subsection (5), may suspend the execution of the sentence and place the
219 defendant:
220 (i) on probation under the supervision of the division;
221 (ii) on probation under the supervision of an agency of a local government or a
222 private organization; or
223 (iii) on court probation under the jurisdiction of the sentencing court.

224 (3)(a) The legal custody of all probationers under the supervision of the division is with
225 the department.
226 (b) The legal custody of all probationers under the jurisdiction of the sentencing court is
227 vested as ordered by the court.
228 (c) The court has continuing jurisdiction over all probationers.

229 (4)(a) Court probation may include an administrative level of services, including
230 notification to the sentencing court of scheduled periodic reviews of the probationer's
231 compliance with conditions.
232 (b) Supervised probation services provided by the division, an agency of a local

233 government, or a private organization shall specifically address the defendant's risk
234 of reoffending as identified by a screening or an assessment.

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

239 (5)(a) Before ordering supervised probation, the court shall consider the supervision
240 costs to the defendant for each entity that can supervise the defendant.

241 (b)(i) A court may order an agency of a local government to supervise the probation
242 for an individual convicted of any crime if:

243 (A) the agency has the capacity to supervise the individual; and
244 (B) the individual's supervision needs will be met by the agency.

245 (ii) A court may only order:

246 (A) the division to supervise the probation for an individual convicted of a class B
247 misdemeanor, class A misdemeanor, or any felony; or
248 (B) a private organization to supervise the probation for an individual convicted of
249 a class A, B, or C misdemeanor or an infraction.

250 (c) A court may not order a specific private organization to supervise an individual
251 unless there is only one private organization that can provide the specific supervision
252 services required to meet the individual's supervision needs.

253 (6)(a) If a defendant is placed on probation, the court may order the defendant as a
254 condition of the defendant's probation:

255 (i) to provide for the support of persons for whose support the defendant is legally
256 liable;
257 (ii) to participate in available treatment programs, including any treatment program in
258 which the defendant is currently participating if the program is acceptable to the
259 court;
260 (iii) be voluntarily admitted to the custody of the Division of Substance Use and
261 Mental Health for treatment at the Utah State Hospital in accordance with Section
262 77-18-106;
263 (iv) if the defendant is on probation for a felony offense, to serve a period of time as
264 an initial condition of probation that does not exceed one year in a county jail
265 designated by the department, after considering any recommendation by the court
266 as to which jail the court finds most appropriate;

267 (v) to serve a term of home confinement in accordance with Section 77-18-107;
268 (vi) to participate in compensatory service programs, including the compensatory
269 service program described in Section 76-3-410;
270 (vii) to pay for the costs of investigation, probation, or treatment services;
271 (viii) to pay restitution to a victim with interest in accordance with Chapter 38b,
272 Crime Victims Restitution Act; or
273 (ix) to comply with other terms and conditions the court considers appropriate to
274 ensure public safety or increase a defendant's likelihood of success on probation.

275 (b) If a defendant is placed on probation and a condition of the defendant's probation is
276 routine or random drug testing, the defendant shall sign a waiver consistent with the
277 Health Insurance Portability and Accountability Act, 42 U.S.C. Sec. 1320d et seq.,
278 allowing the treatment provider conducting the drug testing to notify the defendant's
279 supervising probation officer regarding the results of the defendant's drug testing.

280 (c)(i) Notwithstanding Subsection (6)(a)(iv), the court may modify the probation of a
281 defendant to include a period of time that is served in a county jail immediately
282 before the termination of probation as long as that period of time does not exceed
283 one year.
284 (ii) If a defendant is ordered to serve time in a county jail as a sanction for a
285 probation violation, the one-year limitation described in Subsection (6)(a)(iv) or
286 (6)(c)(i) does not apply to the period of time that the court orders the defendant to
287 serve in a county jail under this Subsection (6)(c)(ii).

288 (7)(a) Except as provided in Subsection (7)(b), probation of an individual placed on
289 probation after December 31, 2018:
290 (i) may not exceed the individual's maximum sentence;
291 (ii) shall be for a period of time that is in accordance with the adult sentencing and
292 supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the
293 guidelines are consistent with the requirements of the law; and
294 (iii) shall be terminated in accordance with the adult sentencing and supervision
295 length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines
296 are consistent with the requirements of the law.

297 (b) Probation of an individual placed on probation after December 31, 2018, whose
298 maximum sentence is one year or less, may not exceed 36 months.
299 (c) Probation of an individual placed on probation on or after October 1, 2015, but
300 before January 1, 2019, may be terminated at any time at the discretion of the court

301 or upon completion without violation of 36 months probation in felony or class A
302 misdemeanor cases, 12 months in cases of class B or C misdemeanors or infractions,
303 or as allowed in accordance with Section 64-13-21 regarding earned credits.

304 (d) This Subsection (7) does not apply to the probation of an individual convicted of an
305 offense for criminal nonsupport under Section 76-7-201.

306 (8)(a) Notwithstanding Subsection (7), if there is an unpaid balance of the criminal
307 accounts receivable for the defendant upon termination of the probation period for
308 the defendant under Subsection (7), the court may require the defendant to continue
309 to make payments towards the criminal accounts receivable in accordance with the
310 payment schedule established by the court under Section 77-32b-103.

311 (b) A court may not require the defendant to make payments as described in Subsection
312 (8)(a) beyond the expiration of the defendant's sentence.

313 (c) If the court requires a defendant to continue to pay in accordance with the payment
314 schedule for the criminal accounts receivable under this Subsection (8) and the
315 defendant defaults on the criminal accounts receivable, the court shall proceed with
316 an order for a civil judgment of restitution and a civil accounts receivable for the
317 defendant as described in Section 77-18-114.

318 (d)(i) Upon a motion from the prosecuting attorney, the victim, or upon the court's
319 own motion, the court may require a defendant to show cause as to why the
320 defendant's failure to pay in accordance with the payment schedule should not be
321 treated as contempt of court.

322 (ii) A court may hold a defendant in contempt for failure to make payments for a
323 criminal accounts receivable in accordance with Title 78B, Chapter 6, Part 3,
324 Contempt.

325 (e) This Subsection (8) does not apply to the probation of an individual convicted of an
326 offense for criminal nonsupport under Section 76-7-201.

327 (9) When making any decision regarding probation:

328 (a) the court shall consider information provided by the Department of Corrections
329 regarding a defendant's individual case action plan, including any progress the
330 defendant has made in satisfying the case action plan's completion requirements; and

331 (b) the court may not rely solely on an algorithm or a risk assessment tool score.

332 Section 3. Section **77-27-1** is amended to read:

333 **77-27-1 . Definitions.**

334 As used in this chapter:

335 (1) "Appearance" means any opportunity to address the board, a board member, a panel, or
336 hearing officer, including an interview.

337 (2) "Board" means the Board of Pardons and Parole.

338 (3)(a) "Case action plan" means a document developed by the Department of
339 Corrections that identifies the program priorities for the treatment of the offender.

340 (b) "Case action plan" includes the criminal risk factors as determined by a risk and
341 needs assessment conducted by the department.

342 (4) "Commission" means the State Commission on Criminal and Juvenile Justice created in
343 Section 63M-7-201.

344 (5) "Commutation" is the change from a greater to a lesser punishment after conviction.

345 (6) "Criminal accounts receivable" means the same as that term is defined in Section
346 77-32b-102.

347 (7) "Criminal risk factors" means a person's characteristics and behaviors that:
348 (a) affect that person's risk of engaging in criminal behavior; and
349 (b) are diminished when addressed by effective treatment, supervision, and other support
350 resources resulting in reduced risk of criminal behavior.

351 (8)(a) "Deliberative process" means the board or any number of the board's individual
352 members together engaging in discussions, whether written or verbal, regarding a
353 parole, a pardon, a commutation, termination of sentence, or fines, fees, or restitution
354 in an individual case.

355 (b) "Deliberative process" includes the votes, mental processes, written notes, and
356 recommendations of individual board members and staff.

357 (c) "Deliberative process" does not include:
358 (i) a hearing where the offender is present;
359 (ii) any factual record the board is considering, including records of the offender's
360 criminal convictions, records regarding the offender's current or previous
361 incarceration and supervision, and records regarding the offender's physical or
362 mental health;
363 (iii) recommendations regarding the offender's incarceration or supervision from any
364 other individual, governmental entity, or agency;
365 (iv) testimony received by the board regarding the offender, whether written or
366 verbal; or
367 (v) the board's decision or rationale for the decision.

368 (9) "Department" means the Department of Corrections.

369 (10) "Expiration" means when the maximum sentence has run.

370 (11) "Family" means any individual related to the victim as a spouse, child, sibling, parent,
371 or grandparent, or the victim's legal guardian.

372 (12) "Hearing" or "full hearing" means an appearance before the board, a panel, a board
373 member or hearing examiner, at which an offender or inmate is afforded an opportunity
374 to be present and address the board.

375 (13) "Location," in reference to a hearing, means the physical location at which the board, a
376 panel, a board member, or a hearing examiner is conducting the hearing, regardless of
377 the location of any person participating by electronic means.

378 (14) "Open session" means any hearing, before the board, a panel, a board member, or a
379 hearing examiner, that is open to the public, regardless of the location of any person
380 participating by electronic means.

381 (15) "Panel" means members of the board assigned by the chairperson to a particular case.

382 (16) "Pardon" means:

383 (a) an act of grace that forgives a criminal conviction and restores the rights and
384 privileges forfeited by or because of the criminal conviction;

385 (b) the release of an offender from the entire punishment prescribed for a criminal
386 offense and from disabilities that are a consequence of the criminal conviction; and

387 (c) the reinstatement of any civil rights lost as a consequence of conviction or
388 punishment for a criminal offense.

389 (17) "Parole" means a release from imprisonment on prescribed conditions which, if
390 satisfactorily performed by the parolee, enables the parolee to obtain a termination of the
391 parolee's sentence.

392 (18) "Payment schedule" means the same as that term is defined in Section 77-32b-102.

393 (19) "Pecuniary damages" means the same as that term is defined in Section 77-38b-102.

394 (20) "Probation" means an act of grace by the court suspending the imposition or execution
395 of a convicted offender's sentence upon prescribed conditions.

396 (21) "Remit" or "remission" means the same as that term is defined in Section 77-32b-102.

397 (22) "Reprieve" or "respite" means the temporary suspension of the execution of the
398 sentence.

399 (23) "Restitution" means the same as that term is defined in Section 77-38b-102.

400 (24) "Termination" means the act of discharging from parole or concluding the sentence of
401 imprisonment before the expiration of the sentence.

402 (25) "Victim" means:

403 (a) a person against whom the defendant committed a felony or class A misdemeanor
404 offense for which a hearing is held under this chapter; or
405 (b) the victim's family if the victim is deceased as a result of the offense for which a
406 hearing is held under this chapter.

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

408 Section 4. Section **77-27-5** is amended to read:

409 **77-27-5 . Board of Pardons and Parole authority.**

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

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

416 (i) be released upon parole;

417 (ii) have a fine or forfeiture remitted;

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

420 (iv) have the offender's payment schedule modified in accordance with Section
421 77-32b-103; or

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

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

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

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

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

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

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

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

435 (B) release the offender on parole; or

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

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

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

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

442 [(b) The county or district attorney's office responsible for prosecution of the case, the
443 sentencing court, and law enforcement officials responsible for the defendant's arrest
444 and conviction shall be notified of any board hearings through the board's website.]

445 [(e) Whenever possible, the victim or the victim's representative, if designated, shall be
446 notified of original hearings and any hearing after that if notification is requested and
447 current contact information has been provided to the board.]

448 [(d)(i) Notice to the victim or the victim's representative shall include information
449 provided in Section 77-27-9.5, and any related rules made by the board under that
450 section.]

451 [(ii) The information under Subsection (2)(d)(i) shall be provided in terms that are
452 reasonable for the lay person to understand.]

453 (2)(a) If a hearing is held in accordance with Subsection (1), the board shall provide:

454 (i) timely notice of the time and location of the upcoming hearing to the offender;

455 (ii) timely notice as described in Subsection (2)(b) of an upcoming hearing related to
456 an offender to:

457 (A) the county or district attorney's office responsible for prosecution of the
458 offender's case; and

459 (B) the law enforcement agency that initially arrested the offender; and

460 (iii) timely notice to the victim or the victim's representative of the time and location
461 of the upcoming hearing that meets the requirements described in Section
462 77-27-9.5 unless the victim or the victim's representative have requested to not be
463 contacted by the board.

464 (b)(i) Except as provided in Subsection (2)(b)(ii), the board shall provide the
465 notification described in Subsection (2)(a)(ii) at least 30 days before the day on
466 which the hearing will be held to the county or district attorney's office and the
467 law enforcement agency by:

468 (A) publishing the notification on the board's website; and

469 (B) emailing a notification to the applicable attorney's office and law enforcement
470 agency.

(ii) If the board determines that circumstances require an expedited hearing resulting in the board being unable to comply with the 30-day requirement described in Subsection (2)(b)(i), the board:

(A) is not required to comply with the 30-day notification requirement; and

(B) shall, in addition to the requirements of Subsections (2)(b)(i)(A) and (B), verbally notify the applicable attorney's office and law enforcement agency as soon as practicable to inform the attorney's office and law enforcement agency of the upcoming hearing.

(3)(a) A decision by the board is final and not subject for judicial review if the decision is regarding:

- (i) a pardon, parole, commutation, or termination of an offender's sentence;
- (ii) restitution, the modification of an offender's payment schedule for restitution, or an order for costs; or
- (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.

(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.

(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.

(d) Unless it will interfere with a constitutional right, deliberative processes are not subject to disclosure, including discovery.

(e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.

(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.

(b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the next session of the board.

(c) At the next session of the board, the board:

- (i) shall continue or terminate the respite or reprieve; or
- (ii) may commute the punishment or pardon the offense as provided.

(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.

(e) The Legislature shall pardon or commute the sentence or direct the sentence's

505 execution.

506 (5)(a) In determining when, where, and under what conditions an offender serving a
507 sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the
508 offender's criminal accounts receivable remitted, or have the offender's sentence
509 commuted or terminated, the board shall:

510 (i) consider whether the offender has made restitution ordered by the court under
511 Section 77-38b-205, or is prepared to pay restitution as a condition of any parole,
512 pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a
513 commutation or termination of the offender's sentence;

514 (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for
515 making determinations under this Subsection (5);

516 (iii) consider information provided by the department regarding an offender's
517 individual case action plan;[-and]

518 (iv) review an offender's status within 60 days after the day on which the board
519 receives notice from the department that the offender has completed all of the
520 offender's case action plan components that relate to activities that can be
521 accomplished while the offender is imprisoned[.] ;and

522 (v) if considering whether to parole an offender who has previously been paroled and
523 had the parole terminated due to the commission of a new criminal offense by the
524 offender, consider the facts and circumstances of the new criminal offense when
525 determining whether the offender should be paroled again.

526 (b) The board shall determine whether to remit an offender's criminal accounts
527 receivable under this Subsection (5) in accordance with Section 77-32b-105 or
528 77-32b-106.

529 (6) In determining whether parole may be terminated, the board shall consider:

530 (a) the offense committed by the parolee; and
531 (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.

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

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

538 (9) The board may intervene as a limited-purpose party in a judicial or administrative

539 proceeding, including a criminal action, to seek:

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

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

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

544 Section 5. Section **77-27-5.6** is enacted to read:

545 **77-27-5.6 . Pardon timelines for an offender on the Sex, Kidnap, and Child**
546 **Abuse Offender Registry.**

547 (1) As used in this section:

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

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

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

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

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

555 (a) for an offender who is required to register for 10 years under Subsection
556 53-29-203(1)(a), 10 years have passed after the later of:
557 (i) the day on which the offender was placed on probation;
558 (ii) the day on which the offender was released from incarceration to parole;
559 (iii) the day on which the offender's sentence was terminated without parole;
560 (iv) the day on which the offender entered a community-based residential program; or
561 (v) for a minor, the day on which the division's custody of the offender was
562 terminated; or

563 (b) for an offender who is required to register for the offender's lifetime under
564 Subsection 53-29-203(1)(b), 20 years have passed after the later of:
565 (i) the day on which the offender was placed on probation;
566 (ii) the day on which the offender was released from incarceration to parole;
567 (iii) the day on which the offender's sentence was terminated without parole;
568 (iv) the day on which the offender entered a community-based residential program; or
569 (v) for a minor, the day on which the division's custody of the offender was
570 terminated.

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

572 (a) an individual whose conviction was vacated, reversed, or otherwise set aside; or

573 (b) an individual who was found to be factually innocent by a court after filing a petition

574 for:

575 (i) postconviction relief under Title 78B, Chapter 9, Postconviction Remedies Act; or

576 (ii) a writ of habeas corpus under 28 U.S.C. Sec. 2254.

577 Section 6. Section **77-27-9** is amended to read:

578 **77-27-9 . Parole proceedings.**

579 (1)(a) The Board of Pardons and Parole may parole any offender or terminate the

580 sentence of any offender committed to a penal or correctional facility under the

581 jurisdiction of the Department of Corrections except as provided in Subsection (2).

582 (b) The board may not release any offender before the minimum term has been served

583 unless the board:

584 (i) finds mitigating circumstances which justify the release;

585 (ii) finds by clear and convincing evidence that the offender is no longer a threat to
586 public safety; and

587 (iii) [-unless the board has granted] holds a full hearing, in open session, after

588 previous notice of the time and location of the hearing, and recorded the

589 proceedings and decisions of the board.

590 (c) The board may not parole any offender or terminate the sentence of any offender

591 unless the board has granted a full hearing, in open session, after previous notice of

592 the time and location of the hearing, and recorded the proceedings and decisions of

593 the board.

594 (d) The release of an offender shall be at the initiative of the board, which shall consider

595 each case as the offender becomes eligible. However, a prisoner may submit the

596 prisoner's own application, subject to the rules of the board promulgated in

597 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

598 (2)(a) An individual sentenced to prison [prior to] before April 29, 1996, for a first

599 degree felony involving child kidnapping, a violation of Section 76-5-301.1;

600 aggravated kidnapping, a violation of Section 76-5-302; rape of a child, a violation of

601 Section 76-5-402.1; object rape of a child, a violation of Section 76-5-402.3; sodomy

602 upon a child, a violation of Section 76-5-403.1; aggravated sexual abuse of a child, a

603 violation of Section 76-5-404.3; aggravated sexual assault, a violation of Section

604 76-5-405; or a prior offense as described in Section 76-3-407, may not be eligible for

605 release on parole by the Board of Pardons and Parole until the offender has fully

606 completed serving the minimum mandatory sentence imposed by the court. [-]This

607 Subsection (2)(a) supersedes any other provision of law.

608 (b) The board may not parole any offender or commute or terminate the sentence of any

609 offender before the offender has served the minimum term for the offense, if the

610 offender was sentenced [prior to] before April 29, 1996, and if:

611 (i) the offender was convicted of forcible sexual abuse, forcible sodomy, rape,

612 aggravated assault, kidnapping, aggravated kidnapping, or aggravated sexual

613 assault as defined in Title 76, Chapter 5, Offenses Against the Individual; and

614 (ii) the victim of the offense was under 18 years old at the time the offense was

615 committed.

616 (c) For a crime committed on or after April 29, 1996, but before January 1, 2019, the

617 board may parole any offender under Subsections (2)(b)(i) and (ii) for lifetime parole

618 as provided in this section.

619 (d) The board may not pardon or parole any offender or commute or terminate the

620 sentence of any offender who is sentenced to life in prison without parole except as

621 provided in Subsection (7).

622 (e) [On or after April 27, 1992, the] The board may commute a sentence of death only to

623 a sentence of life in prison without parole.

624 (f) The restrictions imposed in Subsections (2)(d) and (e) apply to all cases that come

625 before the Board of Pardons and Parole on or after April 27, 1992.

626 (g) The board may not parole any offender convicted of a homicide unless:

627 (i) the remains of the victim have been recovered; or

628 (ii) the offender can demonstrate by a preponderance of the evidence that the

629 offender has cooperated in good faith in efforts to locate the remains.

630 (h) Subsection (2)(g) applies to any offender convicted of a homicide after February 25,

631 2021, or any offender who was incarcerated in a correctional facility on or after

632 February 25, 2021, for a homicide offense.

633 (3) The board may rescind:

634 (a) an inmate's prison release date [prior to] before the inmate being released from

635 custody; or

636 (b) an offender's termination date from parole [prior to] before the offender being

637 terminated from parole.

638 (4)(a) The board may issue subpoenas to compel the attendance of witnesses and the

639 production of evidence, to administer oaths, and to take testimony for the purpose of

640 any investigation by the board or any of the board's members or by a designated

641 hearing examiner in the performance of the board's duties.

642 (b) A person who willfully disobeys a properly served subpoena issued by the board is
643 guilty of a class B misdemeanor.

644 (5)(a) The board may adopt rules consistent with law for the board's government,
645 meetings and hearings, the conduct of proceedings before the board, the parole and
646 pardon of offenders, the commutation and termination of sentences, and the general
647 conditions under which parole may be granted and revoked.

648 (b) The rules shall ensure an adequate opportunity for victims to participate at hearings
649 held under this chapter, as provided in Section 77-27-9.5.

650 (c) The rules may allow the board to establish reasonable and equitable time limits on
651 the presentations by all participants in hearings held under this chapter.

652 (6) The board does not provide counseling or therapy for victims as a part of their
653 participation in any hearing under this chapter.

654 (7) The board may parole a person sentenced to life in prison without parole if the board
655 finds by clear and convincing evidence that the person is permanently incapable of being
656 a threat to the safety of society.

657 **Section 7. Repealer.**

658 This bill repeals:

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

660 **Section 8. Effective Date.**

661 This bill takes effect on May 6, 2026.