

**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;
- requires the board, if considering whether to parole an offender who has previously been paroled and had the offender's parole revoked 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 has 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
- adds to the requirements for the board to meet before the board may parole an offender before the offender's minimum term of imprisonment has been met.

## **Money Appropriated in this Bill:**

None

## Other Special Clauses:

None

29      **Utah Code Sections Affected:**

30      AMENDS:

31      **64-14-204**, as renumbered and amended by Laws of Utah 2025, Chapter 21432      **77-18-105**, as last amended by Laws of Utah 2025, First Special Session, Chapter 1733      **77-27-5**, as last amended by Laws of Utah 2025, Chapters 476, 52634      **77-27-9**, as last amended by Laws of Utah 2022, Chapter 430

35      ENACTS:

36      **77-27-5.6**, Utah Code Annotated 1953

37      REPEALS:

38      **77-27-31**, as enacted by Laws of Utah 1980, Chapter 1540      *Be it enacted by the Legislature of the state of Utah:*41      Section 1. Section **64-14-204** is amended to read:42      **64-14-204 . Supervision of sentenced offenders placed in community --**43      **Rulemaking -- POST certified parole or probation officers and peace officers -- Duties --**44      **Supervision fee -- Coordination with local mental health authority.**45      (1)(a) The division, except as otherwise provided by law, shall supervise a sentenced  
46      offender placed in the community if the offender:

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

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

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

51          (ii) has been convicted of:

52              (A) a felony;

53              (B) a class A misdemeanor when an element of the offense is the use or attempted  
54              use of physical force against an individual or property;[or]55              (C) notwithstanding Subsection (1)(a)(ii)(B), a class A misdemeanor if the  
56              division is ordered by a court to supervise the offender under Section 77-18-105[.];  
57              or58              (D) a class B misdemeanor if the division is ordered by a court to supervise the  
59              offender under Section 77-18-105.60      (b) If a sentenced offender participates in substance use treatment or a residential  
61      vocational or life skills program, as defined in Section 13-53-102, while under  
62      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.

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

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

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

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

99 (c) supervising any offender during transportation; or

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

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

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

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

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

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

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

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

129 (ii) The program under Subsection (7)(b)(i) may include a credit towards the  
130 reduction of the length of supervision for an offender at a rate of up to 30 days for

131                   each month that the offender maintains eligible employment, as defined in Section  
132                   64-13g-101.

133                   (iii) A court, or the Board of Pardons and Parole, is not required to grant a request for  
134                   termination of supervision under the program described in this Subsection (7)(b) if  
135                   the court, or the Board of Pardons and Parole, finds that:  
136                       (A) the offender presents a substantial risk to public safety;  
137                       (B) termination would prevent the offender from completing risk reduction  
138                       programming or treatment; or  
139                       (C) the eligibility criteria for termination of supervision, as established in the adult  
140                       sentencing and supervision length guidelines, as defined in Section  
141                       63M-7-401.1, have not been met.  
142                   (iv) This Subsection (7)(b) does not prohibit the division, or another supervision  
143                       services provider, from requesting termination of supervision based on the  
144                       eligibility criteria in the adult sentencing and supervision length guidelines, as  
145                       defined in Section 63M-7-401.1.

146                   (c) The division shall:  
147                       (i) maintain a record of credits earned by an offender under this Subsection (7); and  
148                       (ii) request from the court or the Board of Pardons and Parole the termination of  
149                       probation or parole not fewer than 30 days prior to the termination date that  
150                       reflects the credits earned under this Subsection (7).  
151                   (d) This Subsection (7) does not prohibit the division from requesting a termination date  
152                       earlier than the termination date established by earned credits under Subsection (7)(c).  
153                   (e) The court or the Board of Pardons and Parole shall terminate an offender's probation  
154                       or parole upon completion of the period of probation or parole accrued by time  
155                       served and credits earned under this Subsection (7) unless the court or the Board of  
156                       Pardons and Parole finds that termination would interrupt the completion of a  
157                       necessary treatment program, in which case the termination of probation or parole  
158                       shall occur when the treatment program is completed.  
159                   (f) The department shall report annually to the State Commission on Criminal and  
160                       Juvenile Justice on or before August 31:  
161                       (i) the number of offenders who have earned probation or parole credits under this  
162                       Subsection (7) in one or more months of the preceding fiscal year and the  
163                       percentage of the offenders on probation or parole during that time that this  
164                       number represents;

- (ii) the average number of credits earned by those offenders who earned credits;
- (iii) the number of offenders who earned credits by county of residence while on probation or parole;
- (iv) the cost savings associated with sentencing reform programs and practices; and
- (v) a description of how the savings will be invested in treatment and early-intervention programs and practices at the county and state levels.

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

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

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

(c) The local mental health authority may determine whether the offender:

- (i) meets the criteria for civil commitment;
- (ii) meets the criteria for assisted outpatient treatment; or
- (iii) would benefit from assignment to an assertive community treatment available community-based services.

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

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

(e) On or before November 1, 2025, the department shall provide a report to the Law Enforcement and Criminal Justice Interim Committee regarding any proposed changes to the requirements in this Subsection (8), including whether the

199 requirements of this Subsection (8) should also apply to any other category of  
200 offenders.

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

202 **77-18-105 . Pleas held in abeyance -- Suspension of a sentence -- Probation --**

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

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

- 207 (a) in accordance with Chapter 2a, Pleas in Abeyance; and
- 208 (b) under the terms of the plea in abeyance agreement.

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

- 210 (a) shall impose a sentence in accordance with Section 76-3-201; and
- 211 (b) subject to Subsection (5), may suspend the execution of the sentence and place the  
212 defendant:
  - 213 (i) on probation under the supervision of the division;
  - 214 (ii) on probation under the supervision of an agency of a local government or a  
215 private organization; or
  - 216 (iii) on court probation under the jurisdiction of the sentencing court.

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

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

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

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

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

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

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

233 costs to the defendant for each entity that can supervise the defendant.

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

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

238 (ii) A court may only order:

239 (A) the division to supervise the probation for an individual convicted of a class B  
240 misdemeanor, class A misdemeanor, or any felony; or  
241 (B) a private organization to supervise the probation for an individual convicted of  
242 a class A, B, or C misdemeanor or an infraction.

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

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

248 (i) to provide for the support of persons for whose support the defendant is legally  
249 liable;

250 (ii) to participate in available treatment programs, including any treatment program in  
251 which the defendant is currently participating if the program is acceptable to the  
252 court;

253 (iii) be voluntarily admitted to the custody of the Division of Substance Use and  
254 Mental Health for treatment at the Utah State Hospital in accordance with Section  
255 77-18-106;

256 (iv) if the defendant is on probation for a felony offense, to serve a period of time as  
257 an initial condition of probation that does not exceed one year in a county jail  
258 designated by the department, after considering any recommendation by the court  
259 as to which jail the court finds most appropriate;

260 (v) to serve a term of home confinement in accordance with Section 77-18-107;

261 (vi) to participate in compensatory service programs, including the compensatory  
262 service program described in Section 76-3-410;

263 (vii) to pay for the costs of investigation, probation, or treatment services;

264 (viii) to pay restitution to a victim with interest in accordance with Chapter 38b,  
265 Crime Victims Restitution Act; or

266 (ix) to comply with other terms and conditions the court considers appropriate to

267 ensure public safety or increase a defendant's likelihood of success on probation.

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

273 (c)(i) Notwithstanding Subsection (6)(a)(iv), the court may modify the probation of a  
274 defendant to include a period of time that is served in a county jail immediately  
275 before the termination of probation as long as that period of time does not exceed  
276 one year.

277 (ii) If a defendant is ordered to serve time in a county jail as a sanction for a  
278 probation violation, the one-year limitation described in Subsection (6)(a)(iv) or  
279 (6)(c)(i) does not apply to the period of time that the court orders the defendant to  
280 serve in a county jail under this Subsection (6)(c)(ii).

281 (7)(a) Except as provided in Subsection (7)(b), probation of an individual placed on  
282 probation after December 31, 2018:

283 (i) may not exceed the individual's maximum sentence;  
284 (ii) shall be for a period of time that is in accordance with the adult sentencing and  
285 supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the  
286 guidelines are consistent with the requirements of the law; and  
287 (iii) shall be terminated in accordance with the adult sentencing and supervision  
288 length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines  
289 are consistent with the requirements of the law.

290 (b) Probation of an individual placed on probation after December 31, 2018, whose  
291 maximum sentence is one year or less, may not exceed 36 months.

292 (c) Probation of an individual placed on probation on or after October 1, 2015, but  
293 before January 1, 2019, may be terminated at any time at the discretion of the court  
294 or upon completion without violation of 36 months probation in felony or class A  
295 misdemeanor cases, 12 months in cases of class B or C misdemeanors or infractions,  
296 or as allowed in accordance with Section 64-13-21 regarding earned credits.

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

299 (8)(a) Notwithstanding Subsection (7), if there is an unpaid balance of the criminal  
300 accounts receivable for the defendant upon termination of the probation period for

301 the defendant under Subsection (7), the court may require the defendant to continue  
302 to make payments towards the criminal accounts receivable in accordance with the  
303 payment schedule established by the court under Section 77-32b-103.

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

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

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

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

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

320 (9) When making any decision regarding probation:

321 (a) the court shall consider information provided by the Department of Corrections  
322 regarding a defendant's individual case action plan, including any progress the  
323 defendant has made in satisfying the case action plan's completion requirements; and  
324 (b) the court may not rely solely on an algorithm or a risk assessment tool score.

325 Section 3. Section **77-27-5** is amended to read:

326 **77-27-5 . Board of Pardons and Parole authority.**

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

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

333 (i) be released upon parole;  
334 (ii) have a fine or forfeiture remitted;

- (iii) have the offender's criminal accounts receivable remitted in accordance with Section 77-32b-105 or 77-32b-106;
- (iv) have the offender's payment schedule modified in accordance with Section 77-32b-103; or
- (v) have the offender's sentence terminated.

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

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

- (ii) The chair shall appoint members to the panels in any combination and in accordance with rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (iii) The chair may participate on any panel and when doing so is chair of the panel.
- (iv) The chair of the board may designate the chair for any other panel.

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

- (A) remit a fine or forfeiture for an offender or the offender's criminal accounts receivable;
- (B) release the offender on parole; or
- (C) commute, pardon, or terminate an offender's sentence.

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

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

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

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

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

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

- (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are

reasonable for the lay person to understand.

(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 execution.

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

(i) consider whether the offender has made restitution ordered by the court under Section 77-38b-205, or is prepared to pay restitution as a condition of any parole.

pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a commutation or termination of the offender's sentence;

- (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for making determinations under this Subsection (5);
- (iii) consider information provided by the department regarding an offender's individual case action plan;[-and]
- (iv) review an offender's status within 60 days after the day on which the board receives notice from the department that the offender has completed all of the offender's case action plan components that relate to activities that can be accomplished while the offender is imprisoned[.] ; and
- (v) if considering whether to parole an offender who has previously been paroled and had the parole revoked due to the commission of a new criminal offense by the offender, consider the facts and circumstances of the new criminal offense when determining whether the offender should be paroled again.

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

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

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

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

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

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

- (a) correction of an order that has or will impact the board's jurisdiction; or
- (b) clarification regarding an order that may impact the board's jurisdiction.

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

Section 4. Section **77-27-5.6** is enacted to read:

## **77-27-5.6 . Pardon timelines for an offender on the Sex, Kidnap, and Child**

437      **Abuse Offender Registry.**

438      (1) As used in this section:

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

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

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

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

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

446        (a) for an offender who is required to register for 10 years under Subsection

447            53-29-203(1)(a), 10 years have passed after the later of:

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

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

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

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

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

454        (b) for an offender who is required to register for the offender's lifetime under

455            Subsection 53-29-203(1)(b), 20 years have passed after the later of:

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

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

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

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

460            (v) for a minor, the day on which the division's custody of the offender was  
461                    terminated.

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

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

464        (b) an individual who was found to be factually innocent by a court after filing a petition  
465            for:

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

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

468      Section 5. Section **77-27-9** is amended to read:

469      **77-27-9 . Parole proceedings.**

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

471 sentence of any offender committed to a penal or correctional facility under the  
472 jurisdiction of the Department of Corrections except as provided in Subsection (2).

473 (b) The board may not release any offender before the minimum term has been served  
474 unless the board:

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

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

478 (iii) [unless the board has granted] holds a full hearing, in open session, after  
479 previous notice of the time and location of the hearing, and recorded the  
480 proceedings and decisions of the board.

481 (c) The board may not parole any offender or terminate the sentence of any offender  
482 unless the board has granted a full hearing, in open session, after previous notice of  
483 the time and location of the hearing, and recorded the proceedings and decisions of  
484 the board.

485 (d) The release of an offender shall be at the initiative of the board, which shall consider  
486 each case as the offender becomes eligible. However, a prisoner may submit the  
487 prisoner's own application, subject to the rules of the board promulgated in  
488 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

489 (2)(a) An individual sentenced to prison [prior to] before April 29, 1996, for a first  
490 degree felony involving child kidnapping, a violation of Section 76-5-301.1;  
491 aggravated kidnapping, a violation of Section 76-5-302; rape of a child, a violation of  
492 Section 76-5-402.1; object rape of a child, a violation of Section 76-5-402.3; sodomy  
493 upon a child, a violation of Section 76-5-403.1; aggravated sexual abuse of a child, a  
494 violation of Section 76-5-404.3; aggravated sexual assault, a violation of Section  
495 76-5-405; or a prior offense as described in Section 76-3-407, may not be eligible for  
496 release on parole by the Board of Pardons and Parole until the offender has fully  
497 completed serving the minimum mandatory sentence imposed by the court. [-]This  
498 Subsection (2)(a) supersedes any other provision of law.

499 (b) The board may not parole any offender or commute or terminate the sentence of any  
500 offender before the offender has served the minimum term for the offense, if the  
501 offender was sentenced [prior to] before April 29, 1996, and if:

502 (i) the offender was convicted of forcible sexual abuse, forcible sodomy, rape,  
503 aggravated assault, kidnapping, aggravated kidnapping, or aggravated sexual  
504 assault as defined in Title 76, Chapter 5, Offenses Against the Individual; and

- (ii) the victim of the offense was under 18 years old at the time the offense was committed.
- (c) For a crime committed on or after April 29, 1996, but before January 1, 2019, the board may parole any offender under Subsections (2)(b)(i) and (ii) for lifetime parole as provided in this section.
- (d) The board may not pardon or parole any offender or commute or terminate the sentence of any offender who is sentenced to life in prison without parole except as provided in Subsection (7).
- (e) [On or after April 27, 1992, the] The board may commute a sentence of death only to a sentence of life in prison without parole.
- (f) The restrictions imposed in Subsections (2)(d) and (e) apply to all cases that come before the Board of Pardons and Parole on or after April 27, 1992.
- (g) The board may not parole any offender convicted of a homicide unless:
  - (i) the remains of the victim have been recovered; or
  - (ii) the offender can demonstrate by a preponderance of the evidence that the offender has cooperated in good faith in efforts to locate the remains.
- (h) Subsection (2)(g) applies to any offender convicted of a homicide after February 25, 2021, or any offender who was incarcerated in a correctional facility on or after February 25, 2021, for a homicide offense.

The board may rescind:

- (a) an inmate's prison release date [prior to] before the inmate being released from custody; or
- (b) an offender's termination date from parole [prior to] before the offender being terminated from parole.
- (a) The board may issue subpoenas to compel the attendance of witnesses and the production of evidence, to administer oaths, and to take testimony for the purpose of any investigation by the board or any of the board's members or by a designated hearing examiner in the performance of the board's duties.
- (b) A person who willfully disobeys a properly served subpoena issued by the board is guilty of a class B misdemeanor.
- (a) The board may adopt rules consistent with law for the board's government, meetings and hearings, the conduct of proceedings before the board, the parole and pardon of offenders, the commutation and termination of sentences, and the general conditions under which parole may be granted and revoked.

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

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

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

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

548 **Section 6. Repealer.**

549 This bill repeals:

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

551 **Section 7. Effective Date.**

552 This bill takes effect on May 6, 2026.