

Cheryl K. Acton proposes the following substitute bill:

Offender Transfer Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses provisions related to the Interstate Compact for Adult Offender Supervision.

Highlighted Provisions:

This bill:

- amends the fee for an individual on probation or parole who is applying for a transfer of supervision to another state under the Interstate Compact for Adult Offender Supervision (the compact);
- clarifies that under the compact that an individual on probation or parole in this state who seeks a transfer of supervision to another state due to a felony or qualifying misdemeanor is required to be under the supervision of the Division of Adult Probation and Parole before the individual may apply for the transfer;
- enacts requirements for a court or the Board of Pardons and Parole when issuing an arrest warrant for an individual on probation or parole who has violated the terms of the individual's supervision and is being supervised in another state under the compact;
- requires the Bureau of Criminal Identification to submit any arrest warrant for an individual on probation or parole being supervised in another state under the compact to the National Crime Information Center;
- merges the reporting requirements applicable to the Bureau of Criminal Identification under Section 53-10-214 with the reporting requirements applicable to the Bureau of Criminal Identification under Section 53-10-213 and repeals Section 53-10-214; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-10-208.1, as last amended by Laws of Utah 2025, Chapters 173, 208

53-10-213, as last amended by Laws of Utah 2023, Chapter 397

77-7-5, as last amended by Laws of Utah 2025, Chapter 314

77-28c-104, as last amended by Laws of Utah 2008, Chapter 382

ENACTS:

77-28c-106, Utah Code Annotated 1953

REPEALS:

53-10-214, as last amended by Laws of Utah 2025, Chapter 291

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

Section 1. Section **53-10-208.1** is amended to read:

53-10-208.1 . Magistrates and court clerks to supply information.

- (1) Every magistrate or clerk of a court responsible for court records in this state shall, within 30 days after the day of the disposition and on forms and in the manner provided by the division, furnish the division with information pertaining to:
- (a) all dispositions of criminal matters, including:
 - (i) guilty pleas;
 - (ii) convictions;
 - (iii) dismissals;
 - (iv) acquittals;
 - (v) pleas in abeyance;
 - (vi) judgments of not guilty by reason of insanity;
 - (vii) judgments of guilty with a mental condition;
 - (viii) finding of mental incompetence to stand trial; and
 - (ix) probations granted;
 - (b) orders of civil commitment under the terms of Section 26B-5-332;
 - (c) the issuance, recall, cancellation, or modification of all warrants of arrest or commitment as described in Rule 6, Utah Rules of Criminal Procedure~~[-and]~~ , Section 78B-6-303, and Section 77-28c-106 within one day of the action and in a manner provided by the division; and
 - (d) protective orders issued after notice and hearing, ~~[pursuant to]~~ in accordance with:

- 63 (i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act;
 64 (ii) Title 78B, Chapter 7, Part 4, Dating Violence Protective Orders;
 65 (iii) Title 78B, Chapter 7, Part 5, Sexual Violence Protective Orders;
 66 (iv) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders; or
 67 (v) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.
- 68 (2) When transmitting information on a criminal matter under Subsection (1)(a)(i), (ii), (v),
 69 or (vii) for a conviction of misdemeanor assault under Section 76-5-102, the magistrate
 70 or clerk of a court shall include available information regarding whether the conviction
 71 for assault resulted from an assault against an individual:
 72 (a) who is included in at least one of the relationship categories described in Subsection
 73 76-11-303(13); or
 74 (b) with whom none of the relationships described in Subsection 76-11-303(13) apply.
- 75 (3) The court in the county where a determination or finding was made shall transmit a
 76 record of the determination or finding to the bureau no later than 48 hours after the
 77 determination is made, excluding Saturdays, Sundays, and legal holidays, if an
 78 individual is:
 79 (a) adjudicated as a mental defective; or
 80 (b) involuntarily committed to a mental institution in accordance with Subsection
 81 26B-5-332(16).
- 82 (4) The record described in Subsection (3) shall include:
 83 (a) an agency record identifier;
 84 (b) the individual's name, sex, race, and date of birth; and
 85 (c) the individual's social security number, government issued driver license or
 86 identification number, alien registration number, government passport number, state
 87 identification number, or FBI number.
- 88 Section 2. Section **53-10-213** is amended to read:
 89 **53-10-213 . Reporting requirements.**
- 90 (1) As used in this section:
 91 (a) "Interstate compact supervised individual" means the same as that term is defined in
 92 Section 77-7-5.
 93 (b) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
- 94 [(4)] (2) [The] Subject to Subsection (3), the bureau shall submit to the National Crime
 95 Information Center the record received:
 96 (a) [~~the record received~~] from the court in accordance with Subsection 78B-7-603(5)(e)[

to the National Crime Information Center within 48 hours of receipt, excluding Saturdays, Sundays, and legal holidays.] ;

[(2)] (b) [The bureau shall submit the record received] from the court in accordance with

Subsection 53-10-208.1(3)[to the National Instant Criminal Background Check

System within 48 hours of receipt, excluding Saturdays, Sundays, and legal holidays.] ;

(c) in accordance with Section 53-10-208.1 for a nonextraditable warrant issued for a violent felony;

(d) for a nonextraditable warrant issued for knowingly failing to register under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, for a sexual offense under Section 53-29-305; and

(e) from the court or the Board of Pardons and Parole for an extraditable warrant issued for an interstate compact supervised individual in accordance with Section 77-28c-106.

(3) The bureau shall submit a record received under Subsection (2) to the National Crime Information Center within 48 hours of receipt, excluding Saturdays, Sundays, and legal holidays.

Section 3. Section **77-7-5** is amended to read:

77-7-5 . Issuance of summons or warrant -- Time and place arrests may be made -- Contents of warrant or summons -- Responsibility for transporting prisoners.

(1) As used in this section:

(a) "Daytime hours" means the hours after 6 a.m. and before 10 p.m.

(b) "Interstate compact supervised individual" means the same as that term is defined in Section 77-28c-106.

[(b)] (c) "Nighttime hours" means the hours after 10 p.m. and before 6 a.m.

(2) A magistrate may issue a warrant for arrest in lieu of a summons for the appearance of the accused only upon finding:

(a) probable cause to believe that the person to be arrested has committed a public offense; and

(b) under Rule 6 of the Utah Rules of Criminal Procedure and this section that a warrant is necessary to:

(i) prevent risk of injury to a person or property;

(ii) secure the appearance of the accused; or

(iii) protect the public safety and welfare of the community or an individual.

(3) There is a presumption against the issuance of a warrant in lieu of a summons if:

- 131 (a) after being booked into jail on conduct that would constitute an offense, the accused
132 was released from jail because the prosecuting attorney did not file an information
133 within the time period required under Rule 9 of the Utah Rules of Criminal
134 Procedure; and
- 135 (b) the prosecuting attorney filed an information more than 60 days after the day on
136 which the accused was released from jail.
- 137 (4) The presumption described in Subsection (3) may be overcome if:
- 138 (a) the accused fails to appear on a served summons;
- 139 (b) a summons is unable to be served after good faith efforts; or
- 140 (c) the prosecuting attorney establishes good cause for issuing a warrant in lieu of a
141 summons to:
- 142 (i) prevent risk of injury to a person or property; or
- 143 (ii) protect the public safety and welfare of the community or an individual.
- 144 (5) If the offense charged is:
- 145 (a) a felony, the arrest upon a warrant may be made at any time of the day or night; or
- 146 (b) a misdemeanor, the arrest upon a warrant may be made during nighttime hours only
147 if:
- 148 (i) the magistrate has endorsed authorization to do so on the warrant;
- 149 (ii) the person to be arrested is upon a public highway, in a public place, or in a place
150 open to or accessible to the public; or
- 151 (iii) the person to be arrested is encountered by a peace officer in the regular course
152 of that peace officer's investigation of a criminal offense unrelated to the
153 misdemeanor warrant for arrest.
- 154 (6)(a) If the magistrate determines that the accused [~~must~~] shall appear in court, the
155 magistrate shall include in the arrest warrant the name of the law enforcement agency
156 in the county or municipality with jurisdiction over the offense charged.
- 157 (b)(i) The law enforcement agency identified by the magistrate under Subsection
158 (6)(a) is responsible for providing inter-county transportation of the defendant, if
159 necessary, from the arresting law enforcement agency to the court site.
- 160 (ii) The law enforcement agency named on the warrant may contract with another
161 law enforcement agency to have a defendant transported.
- 162 (7) The law enforcement agency identified by the magistrate under Subsection (6)(a) shall
163 indicate to the court within 48 hours of the issuance, excluding Saturdays, Sundays, and
164 legal holidays if a warrant issued in accordance with this section is an extradition

warrant.

(8) The law enforcement agency identified by the magistrate under Subsection (6)(a) shall report any changes to the status of a warrant issued in accordance with this section to the Bureau of Criminal Identification.

(9) This section does not apply to an arrest warrant issued under Section 77-28c-106 for an interstate compact supervised individual who is alleged to have violated the terms of the individual's supervision.

Section 4. Section **77-28c-104** is amended to read:

77-28c-104 . Compact transfer procedures and requirements.

(1) As used in this section:

(a) "Department" means the Department of Corrections.

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

(c) "Interstate compact" means the Interstate Compact for Adult Offender Supervision described in Section 77-28c-103.

~~[(b)]~~ (d) "Offender" [has the same meaning as provided] means the same as that term is defined in Section 77-28c-103, Article II(a)(9).

(e) "Supervision" means the oversight exercised by authorities over an offender for a period of time determined by a court or releasing authority, during which time the offender is required to:

(i) report to, or be monitored by, supervising authorities; and

(ii) comply with regulations and conditions, other than monetary conditions, imposed on the offender at the time of the offender's release into the community or during the period of the offender's supervision in the community.

(2)(a) ~~[(Offenders)]~~ Subject to Subsections (2)(b) and (c), an offender desiring a transfer of supervision to another state under the ~~[(Interstate Compact for Adult Offender Supervision)]~~ interstate compact shall apply to the department for a transfer.

(b) Before an offender may apply for a transfer under Subsection (2)(a), the offender is required to be under the supervision of the division.

~~[(b)]~~ (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the transfer of supervision of an offender.

(3) The department shall collect a fee of ~~[\$50]~~ \$90 from each offender applying for transfer of supervision to another state under the ~~[(Interstate Compact for Adult Offender Supervision)]~~ interstate compact.

Section 5. Section **77-28c-106** is enacted to read:

77-28c-106 . Warrants for offenders under the compact.

(1) As used in this section:

(a) "Board" means the Board of Pardons and Parole established under Section 77-27-2.

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

(c) "Interstate compact" means the Interstate Compact for Adult Offender Supervision described in Section 77-28c-103.

(d) "Interstate compact supervised individual" means an offender who is being supervised in another state under the interstate compact after requesting, and receiving authorization for, a transfer of supervision in accordance with Section 77-28c-104.

(e) "Offender" means the same as that term is defined in Section 77-28c-103, Article II(a)(9).

(2) If there is probable cause to believe that an interstate compact supervised individual has violated the terms of the individual's supervision, a court, in the case of an interstate compact supervised individual whose supervision is probation, or the board, in the case of an interstate compact supervised individual whose supervision is parole, shall issue an arrest warrant for the interstate compact supervised individual.

(3) An arrest warrant issued under Subsection (2) shall:

(a)(i) be an extradition warrant;

(ii) authorize a nationwide pick-up radius; and

(iii) prohibit the release of the interstate compact supervised individual on a bail bond until the individual is returned to Utah and appears before a court or the board; and

(b)(i) if the interstate compact supervised individual is on probation, include the name of the law enforcement agency in the county or municipality that had jurisdiction over the offense that resulted in the individual's conviction and subsequent probationary status; or

(ii) if the interstate compact supervised individual's supervision is parole, include the division.

(4) The law enforcement agency or the division identified by the court or the board under Subsection (3)(b) is responsible for ensuring that the interstate compact supervised individual is transported from the government agency of the other state with custody over the interstate compact supervised individual to the applicable court site or board

233 site.

234 (5) The law enforcement agency or the division identified by the court or the board under
235 Subsection (3)(b) shall report any changes to the status of a warrant issued in accordance
236 with this section to the Bureau of Criminal Identification.

237 (6)(a) If a court issues a warrant under this section, the court shall furnish any
238 information pertaining to the issuance, recall, cancellation, or modification of the
239 warrant to the Criminal Investigations and Technical Services Division created in
240 Section 53-10-103 to be submitted to the National Crime Information Center in
241 accordance with Section 53-10-208.1.

242 (b) If the board issues a warrant under this section, the division shall furnish any
243 information pertaining to the issuance, recall, cancellation, or modification of the
244 warrant to the Criminal Investigations and Technical Services Division created in
245 Section 53-10-103 to be submitted to the National Crime Information Center in
246 accordance with Section 53-10-208.1.

247 **Section 6. Repealer.**

248 This bill repeals:

249 Section **53-10-214, Reporting requirements.**

250 **Section 7. Effective Date.**

251 This bill takes effect on May 6, 2026.