

Alternative Incarceration Program Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor:

LONG TITLE**General Description:**

This bill amends provisions related to alternative incarceration programs and sheriff's work programs.

Highlighted Provisions:

This bill:

- provides that a county sheriff may implement a sheriff's work program for prisoners to participate in supervised public works projects instead of serving time in jail;
- amends and establishes eligibility requirements for alternative incarceration programs and sheriff's work programs;
- clarifies provisions related to credit for good behavior against a jail sentence; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-72-503, as renumbered and amended by Laws of Utah 2025, First Special Session,
Chapter 13

76-3-403, as last amended by Laws of Utah 1998, Chapter 91

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

Section 1. Section **17-72-503** is amended to read:

**17-72-503 . Sheriff's classification of prisoners -- Classification criteria --
Alternative incarceration programs -- Sheriff's work programs -- Limitations.**

(1) As used in this section, "living area" means the same as that term is defined in Section 64-13-7.

- (2)(a) Except as provided in Subsections ~~[(5) and (6)]~~ (6) and (7), the sheriff shall adopt and implement written policies:
- (i) for admission of prisoners to the county jail; and
 - (ii) for the classification of prisoners that provide for the separation of prisoners by gender and by other factors as may reasonably provide for the safety and well-being of prisoners and the community.
- (b) To the extent authorized by law, any written admission policies adopted and implemented under this Subsection (2) shall be applied equally to all entities using the county correctional facilities.
- (3) ~~[Except as provided in Subsections (5) and (6)]~~ Subject to the requirements of this section, each county sheriff shall assign prisoners to a facility or section of a facility based on classification criteria that the sheriff develops and maintains.
- (4)(a) ~~[Except as provided in Subsection (6)]~~ Subject to the requirements of this section, a county sheriff may develop and implement alternative incarceration programs that may involve housing a prisoner in a jail facility.
- (b) A prisoner ~~[housed under]~~ participating in an alternative incarceration program ~~[under Subsection (4)(a)]~~ shall be considered to be in the ~~[full custody and control]~~ official custody of the sheriff for purposes of Sections 76-8-309, 76-8-309.1, and 76-8-309.3.
- (c) A prisoner may ~~[not]~~ be placed in an alternative incarceration program ~~[under Subsection (4)(a) unless]~~ at the discretion of the county sheriff if:
- (i) the county jail is at maximum operating capacity, as established under Section 17-72-402; or
 - (ii) ordered by the court.
- (5)(a) In addition to an alternative incarceration program described in Subsection (4), a county sheriff may implement a sheriff's work program that allows a prisoner to participate in public works projects under the county sheriff's supervision and in lieu of incarceration in a jail facility.
- (b) If a county sheriff implements a sheriff's work program, the county sheriff shall establish policies and procedures related to the program, including:
- (i) notwithstanding Subsection (6), program eligibility criteria;
 - (ii) reasonable participation fees;
 - (iii) work assignment types;
 - (iv) a timeline within which work assignments must be completed;

(v) participant dress code and code of conduct;

(vi) work safety protocols;

(vii) supervision of participants;

(viii) disciplinary measures for program noncompliance; and

(ix) criteria for successful completion or termination.

(c) A prisoner participating in a sheriff's work program shall be considered to be in the official custody of the sheriff for purposes of Sections 76-8-309, 76-8-309.1, and 76-8-309.3.

(d) A prisoner may be placed in a sheriff's work program at the discretion of the county sheriff if:

(i) the prisoner was convicted of a non-violent offense and sentenced to a jail term of no more than 30 days;

(ii) the prisoner voluntarily agrees to participate in the program;

(iii) the prisoner's participation in the program is not prohibited by a court order; and

(iv) the prisoner is not serving a sentence resulting from a second or subsequent conviction for offenses described in Subsection 41-6a-501(2).

(e) When assigning and scheduling work under a sheriff's work program, a county sheriff may consider:

(i) a prisoner's ability to perform the work assignment; and

(ii) a prisoner's existing employment, education, training, treatment, medical needs, family care obligations, and other similar obligations.

(f) A prisoner receives credit for one day of incarceration for eight hours of participation in a sheriff's work program.

[(5)] (6) A jail facility shall comply with the same requirements as the Department of Corrections described in Subsections 64-13-7(4), (5), and (6) when assigning a prisoner to a living area, including the reporting requirements in Subsections 64-13-45(2)(d) and (e).

[(6)] (7) This section does not authorize a sheriff to modify provisions of a contract with the Department of Corrections to house state inmates in a county jail.

Section 2. Section **76-3-403** is amended to read:

76-3-403 . Credit for good behavior against jail sentence for misdemeanors and certain felonies.

In any commitment for incarceration in a county jail or detention facility, other than the Utah State Prison, or for participation in an alternative incarceration program or sheriff's work

99 program as described in Section 17-72-503, the custodial authority may in [its] the custodial
100 authority's discretion and upon good behavior of the inmate allow up to 10 days credit against
101 the sentence to be served for every 30 days served or up to two days credit for every 10 days
102 served when the period to be served is less than 30 days if:

103 (1) the incarceration is for a misdemeanor offense, and the sentencing judge has not entered
104 an order to the contrary; or

105 (2) the incarceration is part of a probation agreement for a felony offense, and the
106 sentencing district judge has not entered an order to the contrary.

107 Section 3. **Effective Date.**

108 This bill takes effect on May 6, 2026.