

Melissa G. Ballard proposes the following substitute bill:

Offender Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor:

LONG TITLE

General Description:

This bill concerns provisions relating to offenders.

Highlighted Provisions:

This bill:

- requires a county jail to assist certain county jail inmates in obtaining a current driver license or state-issued identification;
- requires a substance abuse treatment program to provide the results of a participant's drug test to the participant's supervising probation or parole officer under certain conditions;
- requires the Driver License Division to coordinate with a county jail in providing a county inmate with a driver license certificate or a temporary regular identification card;
- requires the Department of Corrections (department) to:
 - identify and provide information and resources regarding post-incarceration housing;
 - within 12 months after the day on which the department implements a digital communications program for inmates, provide a secure digital portal that will facilitate attorney-client communications and document exchanges between inmates and attorneys; and
- provide annual data to the State Commission on Criminal and Juvenile Justice concerning the types of, and usage of, various incentives offered to inmates;
- requires the Division of Adult Probation and Parole to track and annually report information concerning the housing of offenders currently on parole;
- standardizes the health information disclosure provisions between the substance abuse treatment requirements and the probation and parole requirements; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****53-3-214**, as last amended by Laws of Utah 2023, Chapter 414**53-3-805**, as last amended by Laws of Utah 2025, Chapter 471**64-13-6**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9**64-13-10.6**, as last amended by Laws of Utah 2025, Chapter 227**64-13-45**, as last amended by Laws of Utah 2024, Chapters 245, 341**64-14-203**, as enacted by Laws of Utah 2025, Chapter 214**77-18-105**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17**77-27-10**, as last amended by Laws of Utah 2025, Chapters 214, 299**ENACTS:****17-72-411**, Utah Code Annotated 1953**26B-2-136**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **17-72-411** is enacted to read:**17-72-411 . Assistance with identification records for certain county inmates.**(1) For a county inmate sentenced to serve at least six months in a county jail, the county jail shall:(a) determine whether the county inmate has a current state-issued driver license or state-issued identification card; and(b) if the county inmate does not possess a document described in Subsection (1)(a):(i) inform the county inmate that a document listed in Subsection (1)(a) may be required to obtain employment upon release;(ii) inquire whether the county inmate would like to:(A) apply to renew, or obtain a duplicate of, a state-issued driver license; or(B) apply for a state-issued identification card or extend a state-issued identification card; and(iii)(A) subject to Subsection (4), if the county inmate accepts assistance in obtaining a document described in Subsection (1)(a), provide the assistance described in Subsection (2) as soon as practicable after the date on which the inmate accepts assistance; or

- (B) if the county inmate refuses assistance in obtaining a document described in Subsection (1)(a), maintain a record of the county inmate's refusal in the county jail's electronic file management system.
- (2) If a county inmate accepts assistance in obtaining a current state-issued identification card or to renew, or obtain a duplicate of, a state-issued driver license, as described in Subsection (1)(b)(iii)(A), the county jail shall coordinate with the Driver License Division to:
- (a)(i) obtain a duplicate of the county inmate's state-issued driver license, as described in Section 53-3-215; or
- (ii) renew the county inmate's state-issued driver license, if the county inmate meets the criteria listed in Section 53-3-214; or
- (b)(i) extend the county inmate's state-issued regular identification card, as described in Section 53-3-807; or
- (ii) issue the county inmate a temporary regular identification card as described in Subsection 53-3-805(11), unless the county inmate plans to live outside this state immediately upon release.
- (3)(a) For a county inmate receiving assistance under Subsection (2), the county jail shall ensure that at least seven days before the county inmate's release, the county inmate meets with the Driver License Division to be issued a duplicate driver license, a renewed driver license, an extended regular identification card, or a temporary regular identification card, as described in Subsection (2).
- (b) Before the county inmate meets with the Driver License Division, as described in Subsection (3)(a), the county jail shall ensure that the county inmate is provided all the required documentation and information that the county jail possesses for the county inmate to obtain a document listed in Subsection (2), including:
- (i) all personal identification documentation; and
- (ii) a voucher for payment toward any one of the documents listed in Subsection (2), up to the cost of a temporary regular identification card described in Subsection 53-3-805(11).
- (4) The requirements of this section do not apply if the county inmate is not:
- (a) a citizen of the United States; or
- (b) a lawful resident of the United States who has legal authorization to work in the United States.
- Section 2. Section **26B-2-136** is enacted to read:

26B-2-136 . Drug test result disclosure requirements for substance abuse treatment programs.

A substance abuse treatment program shall provide the results of a drug test for a participant in the substance abuse treatment program who is on probation or parole to the probation or parole officer assigned to supervise the participant if:

(1) the participant's supervising probation or parole officer requests the drug test results; and

(2) the participant has signed a waiver, in compliance with federal health information disclosure laws, that allows the substance abuse treatment program to notify the participant's supervising probation or parole officer regarding the participant's drug test results.

Section 3. Section **53-3-214** is amended to read:

53-3-214 . Renewal -- Fees required -- Extension without examination.

- (1)(a) The holder of a valid license may renew the holder's license and any endorsement to the license by applying:
- (i) at any time within six months before the license expires; or
 - (ii) more than six months prior to the expiration date if the applicant furnishes proof that the applicant will be absent from the state during the six-month period prior to the expiration of the license.
- (b) The application for a renewal of, extension of, or any endorsement to a license shall be accompanied by a fee under Section 53-3-105.
- (2)(a) Except as provided under Subsections (2)(b) and (3), upon application for renewal of a regular license certificate, provisional license, and any endorsement to a regular license certificate, the division shall reexamine each applicant as if for an original license and endorsement to the license, if applicable.
- (b) Except as provided under Subsection (2)(c), upon application for renewal of a limited-term license certificate, limited-term provisional license certificate, and any endorsement to a limited-term license certificate, the division shall:
- (i) reexamine each applicant as if for an original limited-term license certificate and endorsement to the limited-term license certificate, if applicable; and
 - (ii) verify through valid documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.
- (c) The division may waive any or all portions of the test designed to demonstrate the

applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

(3)(a)(i) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a regular license certificate or any endorsement to the regular license certificate for eight years without examination for licensees whose driving records for the eight years immediately preceding the determination of eligibility for extension show:

(A) no suspensions;

(B) no revocations;

(C) no conviction for reckless driving under Section 41-6a-528; and

(D) no more than six reportable violations in the preceding eight years.

(ii) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a provisional license and any endorsement to a provisional license for eight years without examination for licensees whose driving records for the five years immediately preceding the determination of eligibility for extension show:

(A) no suspensions;

(B) no revocations;

(C) no conviction for reckless driving under Section 41-6a-528; and

(D) no more than four reportable violations in the preceding five years.

(iii) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a limited term license and any endorsement to a limited term license for five years without examination for licensees whose driving records for the five years immediately preceding the determination of eligibility for extension show:

(A) no suspensions;

(B) no revocations;

(C) no conviction for reckless driving under Section 41-6a-528; and

(D) no more than four reportable violations in the preceding five years.

(b) Except as provided in Subsection (3)(g), after the expiration of a regular license certificate, a new regular license certificate and any endorsement to a regular license certificate may not be issued until the person has again passed the tests under Section 53-3-206 and paid the required fee.

(c) After the expiration of a limited-term license certificate, a new limited-term license certificate and any endorsement to a limited-term license certificate may not be issued until the person has:

(i) again passed the tests under Section 53-3-206 and paid the required fee; and

- 165 (ii) presented documentary evidence that the status by which the individual originally
166 qualified for the limited-term license certificate has been extended by the United
167 States Citizenship and Immigration Services or other authorized agency of the
168 United States Department of Homeland Security.
- 169 (d) A person 65 years [~~of age~~] old or older shall take and pass the eye examination
170 specified in Section 53-3-206.
- 171 (e) An extension may not be granted to any person:
- 172 (i) who is identified by the division as having a medical impairment that may
173 represent a hazard to public safety;
- 174 (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial
175 Driver License Act;
- 176 (iii) who is holding a limited-term license certificate; or
- 177 (iv) who is holding a driving privilege card issued in accordance with Section
178 53-3-207.
- 179 (f) The division shall allow extensions:
- 180 (i) by mail, electronic means, or other means as determined by the division at the
181 appropriate extension fee rate under Section 53-3-105;
- 182 (ii) only if the applicant qualifies under this section; and
- 183 (iii) for only one extension.
- 184 (g) The division may waive any or all portions of the test designed to demonstrate the
185 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.
- 186 (4) In accordance with this section, the division shall coordinate with[-] :
- 187 (a) the Department of Corrections in providing an inmate with access to a driver license
188 certificate as described in Section 64-13-10.6[-] ; and
- 189 (b) a county jail in providing a county inmate with access to a driver license certificate
190 as described in Section 17-72-411.
- 191 Section 4. Section **53-3-805** is amended to read:
- 192 **53-3-805 . Identification card -- Contents -- Specifications.**
- 193 (1) As used in this section:
- 194 (a) "Authorized guardian" means the same as that term is defined in Section 53-3-207.
- 195 (b) "Health care professional" means the same as that term is defined in Section 53-3-207.
- 196 (c) "Invisible condition" means the same as that term is defined in Section 53-3-207.
- 197 (d) "Invisible condition identification symbol" means the same as that term is defined in
198 Section 53-3-207.

- 199 (2)(a) The division shall issue an identification card that bears:
- 200 (i) the distinguishing number assigned to the individual by the division;
- 201 (ii) the name, birth date, and Utah residence address of the individual;
- 202 (iii) a brief description of the individual for the purpose of identification;
- 203 (iv) a photograph of the individual;
- 204 (v) a photograph or other facsimile of the individual's signature;
- 205 (vi) an indication whether the individual intends to make an anatomical gift under
- 206 Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act; and
- 207 (vii) if the individual states that the individual is a veteran of the United States
- 208 military on the application for an identification card in accordance with Section
- 209 53-3-804 and provides verification that the individual received an honorable or
- 210 general discharge from the United States Armed Forces, an indication that the
- 211 individual is a United States military veteran for a regular identification card or a
- 212 limited-term identification card issued on or after July 1, 2011.
- 213 (b) An identification card issued by the division may not bear the individual's social
- 214 security number or place of birth.
- 215 (3)(a) The card shall be of an impervious material, resistant to wear, damage, and
- 216 alteration.
- 217 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
- 218 prescribed by the commissioner.
- 219 (4) At the applicant's request, the card may include a statement that the applicant has a
- 220 special medical problem or allergies to certain drugs, for the purpose of medical
- 221 treatment.
- 222 (5)(a) The division shall include or affix an invisible condition identification symbol on
- 223 an individual's identification card if the individual or the individual's authorized
- 224 guardian, on a form prescribed by the department:
- 225 (i) requests the division to include the invisible condition identification symbol;
- 226 (ii) provides written verification from a health care professional that the individual is
- 227 an individual with an invisible condition; and
- 228 (iii) submits a signed waiver of liability for the release of any medical information to:
- 229 (A) the department;
- 230 (B) any person who has access to the individual's medical information as recorded
- 231 on the individual's driving record or the Utah Criminal Justice Information
- 232 System under this chapter;

- (C) any other person who may view or receive notice of the individual's medical information by seeing the individual's identification card or the individual's information in the Utah Criminal Justice Information System;
- (D) a local law enforcement agency that receives a copy of the form described in this Subsection (5)(a) and enters the contents of the form into the local law enforcement agency's record management system or computer-aided dispatch system; and
- (E) a dispatcher who accesses the information regarding the individual's invisible condition through the use of a local law enforcement agency's record management system or computer-aided dispatch system.
- (b) As part of the form described in Subsection (5)(a), the department shall advise the individual or the individual's authorized guardian that by submitting the request and signed waiver, the individual or the individual's authorized guardian consents to the release of the individual's medical information to any person described in Subsection (5)(a)(iii), even if the person is otherwise ineligible to access the individual's medical information under state or federal law.
- (c) The division may not:
- (i) charge a fee to include the invisible condition identification symbol on the individual's identification card; or
 - (ii) after including the invisible condition identification symbol on the individual's previously issued identification card, require the individual to provide subsequent written verification described in Subsection (5)(a)(ii) to include the invisible condition identification symbol on the individual's extended identification card.
- (d) The division shall confirm with the Division of Professional Licensing that the health care professional described in Subsection (5)(a)(ii) holds a current state license.
- (e) The inclusion of an invisible condition identification symbol on an individual's identification card in accordance with Subsection (5)(a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.
- (f) For each individual issued an identification card under this section that includes an invisible condition identification symbol, the division shall include in the division's database a brief description of the nature of the individual's invisible condition in the individual's record and provide the brief description to the Utah Criminal Justice Information System.

- (g) Except as provided in this section, the division may not release the information described in Subsection (5)(f).
- (h) Within 30 days after the day on which the division receives an individual's or the individual's authorized guardian's written request, the division shall:
- (i) remove from the individual's record in the division's database the invisible condition identification symbol and the brief description described in Subsection (5)(f); and
 - (ii) provide the individual's updated record to the Utah Criminal Justice Information System.
- (6)(a) If the division receives a notification from a court as provided in Section 41-6a-505, 41-6a-509, 76-5-102.1, or 76-5-207, that an individual is an interdicted person, the division:
- (i) may accept an application from the individual for an identification card that includes an interdicted person identifier; and
 - (ii) if the individual submits an application and qualifies for an identification card, may provide an identification card with the interdicted person identifier.
- (b)(i) An individual may voluntarily apply for an identification card that includes an interdicted person identifier.
- (ii) An individual that voluntarily applies for an identification card with an interdicted person identifier may not apply for another identification card without the interdicted person identifier for at least 30 days after the application for the identification card with the interdicted person identifier.
- (c) The division may not provide to an individual an identification card without the interdicted person identifier during the time period the court has designated the person as an interdicted person.
- (d) The division may charge an administrative fee as described in Subsection 53-3-105(40) to an individual to process and provide an identification card with an interdicted person identifier.
- (e) An individual who is designated as an interdicted person by a court is subject to the identification card fee and other fees necessary to administer the identification card with an interdicted person identifier.
- (7) As provided in Section 63G-2-302, the information described in Subsection (5)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

- (8)(a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated by the applicant in accordance with division rule.
- (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26B-8-301, the names and addresses of all individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.
- (ii) An organ procurement organization may use released information only to:
- (A) obtain additional information for an anatomical gift registry; and
 - (B) inform applicants of anatomical gift options, procedures, and benefits.
- (9) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans and Military Affairs the names and addresses of all individuals who indicate their status as a veteran under Subsection 53-3-804(2)(l).
- (10) The division and the division's employees are not liable, as a result of false or inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:
- (a) loss;
 - (b) detriment; or
 - (c) injury.
- (11)(a) The division may issue a temporary regular identification card to an individual while the individual obtains the required documentation to establish verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).
- (b) A temporary regular identification card issued under this Subsection (11) shall be recognized and grant the individual the same privileges as a regular identification card.
- (c) A temporary regular identification card issued under this Subsection (11) is invalid:
- (i) when the individual's regular identification card has been issued;
 - (ii) when, for good cause, an applicant's application for a regular identification card has been refused; or
 - (iii) upon expiration of the temporary regular identification card.
- (d) The division shall coordinate with[-] :
- (i) the Department of Corrections in providing an inmate with a temporary regular identification card as described in Section 64-13-10.6[-] ; and

(ii) a county jail in providing a county inmate with a temporary regular identification card as described in Section 17-72-411.

Section 5. Section **64-13-6** is amended to read:

64-13-6 . Department duties.

(1) The department shall:

- (a) protect the public through institutional care and confinement, and supervision in the community of offenders where appropriate;
- (b) implement court-ordered punishment of offenders;
- (c) provide evidence-based and evidence-informed program opportunities for offenders designed to reduce offenders' criminogenic and recidivism risks, including behavioral, cognitive, educational, and career-readiness program opportunities;
- (d) ensure that offender participation in all program opportunities described in Subsection (1)(c) is voluntary;
- (e) where appropriate, utilize offender volunteers as mentors in the program opportunities described in Subsection (1)(c);
- (f) provide treatment for sex offenders who are found to be treatable based upon criteria developed by the department;
- (g) provide the results of ongoing clinical assessment of sex offenders and objective diagnostic testing to sentencing and release authorities;
- (h) manage programs that take into account the needs and interests of victims, where reasonable;
- (i) through the Division of Adult Probation and Parole created in Section 64-14-202, supervise probationers and parolees as directed by statute and implemented by the courts and the Board of Pardons and Parole;
- (j) subject to Subsection (2), investigate criminal conduct involving offenders incarcerated in a state correctional facility;
- (k) cooperate and exchange information with other state, local, and federal law enforcement agencies to achieve greater success in prevention and detection of crime and apprehension of criminals;
- (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult Offender Supervision;
- (m) establish a case action plan based on appropriate validated risk, needs, and responsivity assessments for each offender as follows:
 - (i)(A) if an offender is to be supervised in the community, the department shall

- 369 establish a case action plan for the offender no later than 60 days after the day
370 on which the department's community supervision of the offender begins; and
371 (B) if the offender is committed to the custody of the department, the department
372 shall establish a case action plan for the offender no later than 90 days after the
373 day on which the offender is committed to the custody of the department;
- 374 (ii) each case action plan shall:
- 375 (A) integrate an individualized, evidence-based, and evidence-informed treatment
376 and program plan with clearly defined completion requirements; and
377 (B) require that a case manager will:
- 378 (I) ensure that an assessment of the education level, occupational interests, and
379 aptitudes of the inmate has been completed;
- 380 (II) refer the inmate to a higher education student advisor at an institution
381 offering programs consistent with the inmate's interests and aptitudes for
382 advisement on educational preferences and plans;
- 383 (III) incorporate the inmate's interests, aptitudes, and student advisement into
384 an education plan consistent with the guidance provided by the Higher
385 Education and Corrections Council created in Section 53H-1-604; and
386 (IV) refer the inmate to the student advisor at the institution called for in the
387 case action plan for guidance and assistance with the education process;
- 388 (iii) the department shall share each newly established case action plan with the
389 sentencing and release authority within 30 days after the day on which the case
390 action plan is established; and
- 391 (iv) the department shall share any changes to a case action plan, including any
392 change in an offender's risk assessment, with the sentencing and release authority
393 within 30 days after the day of the change;
- 394 (n) ensure that an inmate has reasonable access to legal research;
- 395 (o) ensure that any training or certification required of a public official or public
396 employee, as those terms are defined in Section 63G-22-102, complies with Title
397 63G, Chapter 22, State Training and Certification Requirements, if the training or
398 certification is required:
- 399 (i) under this title;
- 400 (ii) by the department; or
- 401 (iii) by an agency or division within the department;
- 402 (p) when reporting on statewide recidivism, include the metrics and requirements

described in Section 63M-7-102;

(q) create a reentry division that focuses on the successful reentry of inmates into the community, which shall include:

(i) screening and assessments for an inmate's risks and needs;

(ii) individualized plans and case management;

(iii) quality treatment, education, and job preparation;

(iv) community partnerships; and

(v) comprehensive release planning before the inmate's release, including:

(A) coordination with support services;

(B) information and resources for post-incarceration housing; and

~~[(B)]~~ (C) coordination with one or more family members or friends, if the inmate has given permission to contact specific individuals for this purpose;

(r) coordinate with the Board of Pardons and Parole regarding inmate records that are necessary for the Board of Pardons and Parole to make necessary determinations regarding an inmate; ~~[and]~~

(s) ensure that inmate records regarding discipline, programs, and other relevant metrics are:

(i) complete and updated in a timely manner; and

(ii) when applicable, shared with the Board of Pardons and Parole in a timely manner~~[-]~~
; and

(t) within 12 months after the day on which the department implements a digital communications program for inmates, provide a secure digital portal that will facilitate attorney-client communications and document exchanges between inmates and attorneys.

(2) In accordance with department policy, the department may conduct criminal investigations regarding an allegation that:

(a) an offender has committed a criminal offense; or

(b) an employee of the department has committed a criminal offense.

(3)(a) The executive director of the department, or the executive director's designee if the designee possesses expertise in correctional programming, shall consult at least annually with cognitive and career-readiness staff experts from the Utah system of higher education and the State Board of Education to review the department's evidence-based and evidence-informed treatment and program opportunities.

(b) Beginning in the 2022 interim, the department shall provide an annual report to the

437 Law Enforcement and Criminal Justice Interim Committee regarding:

- 438 (i) the department's implementation of and offender participation in evidence-based
439 and evidence-informed treatment and program opportunities designed to reduce
440 the criminogenic and recidivism risks of offenders over time; and
441 (ii) the progress of the department's implementation of the inmate program
442 requirements described in Section 64-13-50.

443 (4)(a) As used in this Subsection (4):

- 444 (i) "Accounts receivable" means any amount owed by an offender arising from a
445 criminal judgment that has not been paid.
446 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,
447 surcharges, costs, interest, penalties, restitution to victims, third-party claims,
448 claims, reimbursement of a reward, and damages that an offender is ordered to
449 pay.

450 (b) The department shall collect and disburse, with any interest and any other costs
451 assessed under Section 64-14-204, an accounts receivable for an offender during:

- 452 (i) the parole period and any extension of that period in accordance with Subsection
453 (4)(c); and
454 (ii) the probation period for which the court orders supervised probation and any
455 extension of that period by the department in accordance with Subsection
456 77-18-105(7).

457 (c)(i) If an offender has an unpaid balance of the offender's accounts receivable at the
458 time that the offender's sentence expires or terminates, the department shall be
459 referred to the sentencing court for the sentencing court to enter a civil judgment
460 of restitution and a civil accounts receivable as described in Section 77-18-114.

- 461 (ii) If the board makes an order for restitution within 60 days from the day on which
462 the offender's sentence expires or terminates, the board shall refer the order for
463 restitution to the sentencing court to be entered as a civil judgment of restitution as
464 described in Section 77-18-114.

465 (d) This Subsection (4) only applies to offenders sentenced before July 1, 2021.

466 (5)(a) The department may procure or adopt technology services to facilitate the
467 coordination of services and enhance accountability with agencies, local partners, and
468 community-based organizations that are involved with assisting individuals on
469 probation or parole.

470 (b) If possible, the technology services described in Subsection (5)(a) shall:

- (i) maintain a single, secure client record with a unique identifier to ensure seamless coordination and reduce duplication of services;
- (ii) notify authorized users of incoming service requests or referrals;
- (iii) provide secure access to information necessary to understanding and addressing the needs of an individual, including the individual's service and care history;
- (iv) allow authorized users to exchange information with referring or collaborating organizations through a secure and live chat feature; and
- (v) send and track individual referrals, store referral outcomes, and document services provided.

Section 6. Section **64-13-10.6** is amended to read:

64-13-10.6 . Transition and reentry of an inmate at termination of incarceration.

- (1) The department shall evaluate the case action plan and update the case action plan as necessary to prepare for the offender's transition from incarceration to release, including:
 - (a) establishing the supervision level and program needs, based on the offender's criminal risk factors;
 - (b) identifying barriers to the offender's ability to obtain housing, food, clothing, and transportation;
 - (c) identifying community-based treatment resources that are reasonably accessible to the offender;
 - (d) identifying and providing resources for post-incarceration housing;
 - ~~[(d)]~~ (e) establishing the initial supervision procedures and strategy for the offender's parole officer; and
 - ~~[(e)]~~ (f) ensuring that the offender has access to the web portal described in Section 35A-2-204 a minimum of 30 days before the offender's anticipated release date.
- (2) The department shall notify the Board of Pardons and Parole not fewer than 30 days [~~prior to~~] before an offender's release of:
 - (a) the offender's case action plan; and
 - (b) any specific conditions of parole necessary to better facilitate transition to the community.
- (3)(a) At least six months before the projected date of an inmate's release from incarceration, if practicable, the department shall follow the procedures described in Section 64-13-10.4.
- (b) If the department is notified of the inmate's release and the remaining term of incarceration is for less than six months, the department shall follow the procedures

described in Section 64-13-10.4 as soon as practicable after the department receives notification of the inmate's release date.

(4) If the inmate's term of incarceration is for longer than six months, the department shall follow procedures described in Section 64-13-10.4:

(a) approximately six months before the date of the inmate's anticipated release, if the inmate's term of incarceration is for longer than six months; or

(b) as soon as possible, upon notification of the inmate's release, if the release is in [shorter] less than six months.

(5)(a) If an inmate accepts assistance in obtaining a current state-issued identification card or driver license, as described in Subsection 64-13-10.4(4), the department shall coordinate with the Driver License Division to:

(i)(A) obtain a duplicate of the inmate's state-issued driver license, as described in Section 53-3-215; or

(B) renew the inmate's state-issued driver license, if the inmate meets the criteria listed in Section 53-3-214; or

(ii)(A) extend the inmate's state-issued regular identification card, as described in Section 53-3-807; or

(B) issue the inmate a temporary regular identification card as described in Subsection [53-3-805(10)] 53-3-805(11), unless the inmate will live outside this state immediately upon release.

(b)(i) Subject to Subsection (5)(b)(ii), the department shall ensure that within the last seven days of the inmate's incarceration, the inmate meets with the Driver License Division to be issued a duplicate driver license, a renewed driver license, an extended regular identification card, or a temporary regular identification card, as described in Subsection (5)(a).

(ii) If an inmate is released from a facility other than a state correctional facility, the department shall coordinate with that correctional facility and the Driver License Division in assisting the inmate in meeting with the Driver License Division.

(c) Before the inmate meets with the Driver License Division, as described in Subsection (5)(b)(i), the department shall ensure that the inmate is provided all required documentation and information the department possesses for the inmate to obtain a document listed in Subsection (5)(a), including:

(i) all personal identification documentation; and

(ii) a voucher for payment toward any one of the documents listed in Subsection

- 539 (5)(a), up to the cost of a temporary regular identification card described in
540 Subsection [53-3-805(10)] 53-3-805(11).
- 541 (6)(a) Subsections (4) and (5) do not apply to an inmate that is not:
542 (i) a citizen of the United States; or
543 (ii) a lawful resident of the United States and has legal authorization to work in the
544 United States.
- 545 (b) An inmate described in Subsection (6)(a) may be subject to the department's
546 notification requirements under Section 64-13-10.7.
- 547 Section 7. Section **64-13-45** is amended to read:
548 **64-13-45 . Department reporting requirements.**
- 549 (1) As used in this section:
550 (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.
551 (b)(i) "In-custody death" means an inmate death that occurs while the inmate is in the
552 custody of the department.
553 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:
554 (A) being transported for medical care; or
555 (B) receiving medical care outside of a correctional facility, other than a county
556 jail.
- 557 (c) "Inmate" means an individual who is processed or booked into custody or housed in
558 the department or a correctional facility other than a county jail.
- 559 (d) "Opiate" means the same as that term is defined in Section 58-37-2.
- 560 (e) "Transgender inmate" means the same as that term is defined in Section 64-13-7.
- 561 (2) The department shall submit a report to the Commission on Criminal and Juvenile
562 Justice created in Section 63M-7-201 before June 15 of each year that includes:
563 (a) the number of in-custody deaths that occurred during the preceding calendar year,
564 including:
565 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors
566 of each of the in-custody deaths described in Subsection (2)(a); and
567 (ii) the department's policy for notifying an inmate's next of kin after the inmate's
568 in-custody death;
- 569 (b) the department policies, procedures, and protocols:
570 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
571 including use of opiates;
572 (ii) that relate to the department's provision, or lack of provision, of medications used

- 573 to treat, mitigate, or address an inmate's symptoms of withdrawal, including
574 methadone and all forms of buprenorphine and naltrexone; and
575 (iii) that relate to screening, assessment, and treatment of an inmate for a substance
576 use disorder or mental health disorder;
- 577 (c) the number of inmates who gave birth and were restrained in accordance with
578 Section 64-13-46, including:
579 (i) the types of restraints used; and
580 (ii) whether the use of restraints was to prevent escape or to ensure the safety of the
581 inmate, medical or corrections staff, or the public;
- 582 (d) the number of transgender inmates that are assigned to a living area with inmates
583 whose biological sex at birth do not correspond with the transgender inmate's
584 biological sex at birth in accordance with Section 64-13-7, including:
585 (i) the results of the individualized security analysis conducted for each transgender
586 inmate in accordance with Subsection 64-13-7(5)(a); and
587 (ii) a detailed explanation regarding how the security conditions described in
588 Subsection 64-13-7(5)(b) are met for each transgender inmate;
- 589 (e) the number of transgender inmates that were:
590 (i) assigned to a living area with inmates whose biological sex at birth do not
591 correspond with the transgender inmate's biological sex at birth; and
592 (ii) removed and assigned to a living area with inmates whose biological sex at birth
593 corresponds with the transgender inmate's biological sex at birth in accordance
594 with Subsection 64-13-7(6); [and]
- 595 (f) any report the department provides or is required to provide under federal law or
596 regulation relating to inmate deaths[-] ; and
- 597 (g) data on financial condition incentives and incentives that may reduce sentence length
598 that are offered to inmates, including:
599 (i) the types of incentives that currently exist; and
600 (ii) for each type of incentive described in Subsection (2)(g)(i):
601 (A) the number of inmates who have used each type during the previous calendar
602 year;
603 (B) the number of incentives the department issued during the previous calendar
604 year; and
605 (C) the methods by which the department provided information regarding each
606 type of incentive during the previous calendar year.

- 607 (3) The Commission on Criminal and Juvenile Justice shall:
- 608 (a) compile the information from the reports described in Subsection (2);
- 609 (b) omit or redact any identifying information of an inmate in the compilation to the
- 610 extent omission or redaction is necessary to comply with state and federal law[-]; and
- 611 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
- 612 Committee and the Utah Substance Use and Mental Health Advisory Committee
- 613 before November 1 of each year.
- 614 (4) The Commission on Criminal and Juvenile Justice may not provide access to or use the
- 615 department's policies, procedures, or protocols submitted under this section in a manner
- 616 or for a purpose not described in this section.

617 Section 8. Section **64-14-203** is amended to read:

618 **64-14-203 . Duties of division.**

- 619 (1) The division shall:
- 620 (a) assist the department in fulfilling the department's duty to supervise, as described in
- 621 Subsection 64-13-6(1)(i), probationers and parolees as directed by statute and
- 622 implemented by the courts and the Board of Pardons and Parole;
- 623 (b) comply with the requirements described in this part;
- 624 (c) supply the information described in Section 53-10-209 that is required to be
- 625 submitted to the Criminal Investigations and Technical Services Division created in
- 626 Subsection 53-10-103(2);
- 627 (d) comply with the use of funds requirement for outpatient treatment services for those
- 628 convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, as
- 629 described in Subsection 59-27-105(4)(c);
- 630 (e) monitor the status of an offender with a mental condition who has been placed on
- 631 parole as described in Subsection 77-16a-205(4);
- 632 (f) comply with the requirements described in Title 77, Chapter 18, The Judgment;
- 633 (g) in accordance with the adult sentencing and supervision length guidelines described
- 634 in Section 63M-7-404.3, notify the Board of Pardons and Parole of parole violations;
- 635 (h) for an individual who is on probation for a domestic violence offense that the
- 636 division is supervising, report to the court and notify the victim of the domestic
- 637 violence offense if the individual fails to comply with any condition imposed by the
- 638 court or commits a violation of a sentencing protective order as required by
- 639 Subsection 77-36-5.1(4);
- 640 (i) comply with the notice requirement to a prosecuting agency described in Subsection

- 641 77-38-3(6) if the division is the moving party on a motion for modification of any
642 determination made at any of the criminal justice hearings provided in Subsections
643 77-38-2(5)(a) through (g);
- 644 (j) collect restitution information in preparing a presentence investigation report as
645 described in Section 77-38b-203;
- 646 (k) for an individual under supervision by the division who violates a sentencing
647 protective order issued under Title 78B, Chapter 7, Part 8, Criminal Protective
648 Orders, report the violation to the court and notify the victim protected by the order
649 of the violation as required by Section 78B-7-807; [and]
- 650 (l) track and report annually, on or before August 31, to the State Commission on
651 Criminal and Juvenile Justice, the following housing data as of July 1 of each year
652 for individuals who are currently under parole supervision:
- 653 (i) the number of individuals who are living in a residential treatment center;
654 (ii) the number of individuals who report not having any residence;
655 (iii) the number of individuals who are living in a homeless shelter;
656 (iv) the number of individuals who are living in a private residence; and
657 (v) the number of individuals for whom the division does not have current housing
658 information; and
- 659 [(4)] (m) comply with any other requirement established by applicable statute or
660 regulation or a directive from the executive director.
- 661 (2) The division may, in the course of supervising individuals on probation and parole:
- 662 (a) respond to an individual's violation of one or more terms of the probation or parole in
663 accordance with the graduated and evidence-based processes established by the adult
664 sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and
- 665 (b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction
666 for an individual's violation of the terms of probation or parole a period of
667 incarceration of not more than three consecutive days and not more than a total of six
668 days within a period of 30 days.
- 669 Section 9. Section **77-18-105** is amended to read:
- 670 **77-18-105 . Pleas held in abeyance -- Suspension of a sentence -- Probation --**
671 **Supervision -- Terms and conditions of probation -- Time periods for probation -- Bench**
672 **supervision for payments on criminal accounts receivable.**
- 673 (1) If a defendant enters a plea of guilty or no contest in conjunction with a plea in
674 abeyance agreement, the court may hold the plea in abeyance:

675 (a) in accordance with Chapter 2a, Pleas in Abeyance; and

676 (b) under the terms of the plea in abeyance agreement.

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

678 (a) shall impose a sentence in accordance with Section 76-3-201; and

679 (b) subject to Subsection (5), may suspend the execution of the sentence and place the
680 defendant:

681 (i) on probation under the supervision of the division;

682 (ii) on probation under the supervision of an agency of a local government or a
683 private organization; or

684 (iii) on court probation under the jurisdiction of the sentencing court.

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

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

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

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

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

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

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

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

704 (A) the agency has the capacity to supervise the individual; and

705 (B) the individual's supervision needs will be met by the agency.

706 (ii) A court may only order:

707 (A) the division to supervise the probation for an individual convicted of a class A
708 misdemeanor or any felony; or

- 709 (B) a private organization to supervise the probation for an individual convicted of
710 a class A, B, or C misdemeanor or an infraction.
- 711 (c) A court may not order a specific private organization to supervise an individual
712 unless there is only one private organization that can provide the specific supervision
713 services required to meet the individual's supervision needs.
- 714 (6)(a) If a defendant is placed on probation, the court may order the defendant as a
715 condition of the defendant's probation:
- 716 (i) to provide for the support of persons for whose support the defendant is legally
717 liable;
 - 718 (ii) to participate in available treatment programs, including any treatment program in
719 which the defendant is currently participating if the program is acceptable to the
720 court;
 - 721 (iii) be voluntarily admitted to the custody of the Division of Substance Use and
722 Mental Health for treatment at the Utah State Hospital in accordance with Section
723 77-18-106;
 - 724 (iv) if the defendant is on probation for a felony offense, to serve a period of time as
725 an initial condition of probation that does not exceed one year in a county jail
726 designated by the department, after considering any recommendation by the court
727 as to which jail the court finds most appropriate;
 - 728 (v) to serve a term of home confinement in accordance with Section 77-18-107;
 - 729 (vi) to participate in compensatory service programs, including the compensatory
730 service program described in Section 76-3-410;
 - 731 (vii) to pay for the costs of investigation, probation, or treatment services;
 - 732 (viii) to pay restitution to a victim with interest in accordance with Chapter 38b,
733 Crime Victims Restitution Act; or
 - 734 (ix) to comply with other terms and conditions the court considers appropriate to
735 ensure public safety or increase a defendant's likelihood of success on probation.
- 736 (b) If a defendant is placed on probation and a condition of the defendant's probation is
737 routine or random drug testing, the defendant shall sign a waiver~~[consistent with the~~
738 ~~Health Insurance Portability and Accountability Act, 42 U.S.C. Sec. 1320d et seq.,~~
739 allowing], in compliance with federal health information disclosure laws, that allows
740 the treatment provider conducting the drug testing to notify the defendant's
741 supervising probation officer regarding the results of the defendant's drug testing.
- 742 (c)(i) Notwithstanding Subsection (6)(a)(iv), the court may modify the probation of a

defendant to include a period of time that is served in a county jail immediately before the termination of probation as long as that period of time does not exceed one year.

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

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

(i) may not exceed the individual's maximum sentence;

(ii) shall be for a period of time that is 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; and

(iii) shall be terminated 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.

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

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

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

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

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

(c) If the court requires a defendant to continue to pay in accordance with the payment schedule for the criminal accounts receivable under this Subsection (8) and the

defendant defaults on the criminal accounts receivable, the court shall proceed with an order for a civil judgment of restitution and a civil accounts receivable for the defendant as described in Section 77-18-114.

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

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

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

(9) When making any decision regarding probation:

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

Section 10. Section **77-27-10** is amended to read:

77-27-10 . Conditions of parole -- Inmate agreement to warrant -- Rulemaking -- Intensive early release parole program.

(1)(a) When the Board of Pardons and Parole releases an offender on parole, it shall, in accordance with Section 64-14-204, issue to the parolee a certificate setting forth the conditions of parole, including the graduated and evidence-based responses to a violation of a condition of parole established in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, which the offender shall accept and agree to as evidenced by the offender's signature affixed to the agreement.

(b) The parole agreement shall require that the inmate agree in writing that the board may issue a warrant and conduct a parole revocation hearing if:

(i) the board determines after the grant of parole that the inmate willfully provided to the board false or inaccurate information that the board finds was significant in the board's determination to grant parole; or

(ii)(A) the inmate has engaged in criminal conduct prior to the granting of parole; and

(B) the board did not have information regarding the conduct at the time parole

- 811 was granted.
- 812 (c)(i) A copy of the agreement shall be delivered to the Department of Corrections
813 and a copy shall be given to the parolee.
- 814 (ii) The original agreement shall remain with the board's file.
- 815 (2)(a) If an offender convicted of violating or attempting to violate Section 76-5-301.1,
816 76-5-302, 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1,
817 76-5-404, 76-5-404.1, 76-5-404.3, or 76-5-405, is released on parole, the board shall
818 order outpatient mental health counseling and treatment as a condition of parole.
- 819 (b) The board shall develop standards and conditions of parole under this Subsection (2)
820 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 821 (c) This Subsection (2) does not apply to intensive early release parole.
- 822 (3)(a)(i) In addition to the conditions set out in Subsection (1), the board may place
823 offenders in an intensive early release parole program.
- 824 (ii) The board shall determine the conditions of parole which are reasonably
825 necessary to protect the community as well as to protect the interests of the
826 offender and to assist the offender to lead a law-abiding life.
- 827 (b) The offender is eligible for this program only if the offender:
828 (i) has not been convicted of a sexual offense; or
829 (ii) has not been sentenced [~~pursuant to~~] in accordance with Section 76-3-406.
- 830 (c) The department shall:
831 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
832 Rulemaking Act, for operation of the program;
833 (ii) adopt and implement internal management policies for operation of the program;
834 (iii) determine whether [~~or not~~] to refer an offender into this program within 120 days
835 from the date the offender is committed to prison by the sentencing court; and
836 (iv) make the final recommendation to the board regarding the placement of an
837 offender into the program.
- 838 (d) The department may not consider credit for time served in a county jail awaiting trial
839 or sentencing when calculating the 120-day period.
- 840 (e) The prosecuting attorney or sentencing court may refer an offender for consideration
841 by the department for participation in the program.
- 842 (f) The board shall determine whether [~~or not~~] to place an offender into this program
843 within 30 days of receiving the department's recommendation.
- 844 (4) This program shall be implemented by the department within the existing budget.

(5) In addition to the conditions of parole described in this section, and if a condition of the offender's parole is routine or random drug testing, the board shall order the offender to sign a waiver~~[-consistent with the Health Insurance Portability and Accountability Act, 42 U.S.C. Sec. 1320d et seq., allowing]~~ , in compliance with federal health information disclosure laws, that allows the treatment provider conducting the drug testing to notify the offender's supervising parole officer regarding the results of the offender's drug testing.

(6) During the time the offender is on parole, the department shall collect from the offender the monthly supervision fee authorized by Section 64-14-204.

(7) When a parolee commits a violation of the parole agreement, the department may:

(a) respond in accordance with the graduated and evidence-based responses established in accordance with Section 64-14-204; or

(b) when the graduated and evidence-based responses established in accordance with Section 64-14-204 indicate, refer the parolee to the Board of Pardons and Parole for revocation of parole.

Section 11. Effective Date.

This bill takes effect on May 6, 2026.