

1 **Detention Facility Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill concerns detention facilities.

5 **Highlighted Provisions:**

6 This bill:

- 7
- 8 ▶ defines terms;
 - 9 ▶ requires the Department of Health and Human Services (department) to:
 - 10 • adopt rules for private detention facilities;
 - 11 • inspect private detention facilities; and
 - 12 • provide enforcement;
 - 13 ▶ requires a civil detention facility to comply with the department's rules for private
 - 14 detention facilities; and
 - 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **26B-1-244**, Utah Code Annotated 1953

23 **63G-34-101**, Utah Code Annotated 1953

24 **63G-34-102**, Utah Code Annotated 1953

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

26 Section 1. Section **26B-1-244** is enacted to read:

27 **26B-1-244 . Private civil detention facility requirements.**

28 (1) As used in this section:

29 (a) "Detained individual" means an individual confined in a private detention facility.

- 31 (b)(i) "Detention facility" means a facility in which an individual is involuntarily
32 confined.
- 33 (ii) "Detention facility" does not include a prison, jail, or other location in which an
34 individual is involuntarily held as a consequence of, or based on a charge of
35 committing, a criminal offense.
- 36 (c) "Private detention facility" means a detention facility that is operated:
37 (i) by a private, nongovernmental entity; and
38 (ii) under a contract or agreement with a federal, state, or local government entity.
- 39 (2) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
40 Administrative Rulemaking Act, to establish requirements for private detention facilities
41 regarding:
- 42 (a) sanitary, hygienic, and safe conditions for detained individuals;
43 (b) inspections; and
44 (c) enforcement of this section and the rules created under this section.
- 45 (3) The rules described in Subsection (2) shall include rules to ensure that a private
46 detention facility provides:
- 47 (a) a safe, clean, and comfortable environment for a detained individual;
48 (b) living areas, including areas used for sleeping, recreation, dining,
49 telecommunications, visitation, and bathrooms, that are cleaned and sanitized
50 regularly;
- 51 (c) basic personal hygiene items at no cost;
52 (d) a nutritious and balanced diet, including fresh fruits and vegetables and provisions
53 for special dietary restrictions;
54 (e) proper food handling and hygiene practices;
55 (f) at least three meals per day, at no cost, and at reasonable hours;
56 (g) an infection control program that prevents the transmission of infections and
57 communicable disease among detained individuals, staff, and visitors;
58 (h) ready access and equipment to accommodate detained individuals with physical and
59 mental disabilities;
- 60 (i) adequate lighting in all areas;
61 (j) an adequate supply of hot and cold running water at all plumbing fixtures used by
62 detained individuals;
63 (k) a readily available telephone for detained individuals to make and receive
64 confidential calls;

- 65 (l) a nonpay telephone or equivalent communication device readily accessible on each
66 floor occupied by a detained individual for emergency use;
- 67 (m) a visiting area allowing privacy for detained individuals and visitors;
- 68 (n) written policies and procedures consistent with:
- 69 (i) assuring the rights of detained individuals;
70 (ii) protecting against abuse and neglect; and
71 (iii) reporting suspected incidents;
- 72 (o) sufficient, qualified staff to:
- 73 (i) provide adequate services to detained individuals;
74 (ii) maintain the facility free of safety hazards; and
75 (iii) implement fire, earthquake, and other disaster plans; and
- 76 (p) orientation and appropriate training for all staff, including:
- 77 (i) fire and disaster plans;
78 (ii) infection control;
79 (iii) rights of detained individuals; and
80 (iv) protecting against abuse and neglect.
- 81 (4) The department:
- 82 (a) may at any time inspect a private detention facility to determine whether the private
83 detention facility is in compliance with the requirements of this section, the rules
84 adopted under this section, or other applicable state or federal statutes or rules
85 regulating the private detention center; and
- 86 (b) shall:
- 87 (i) conduct routine, unannounced inspections of private detention facilities, including
88 inspection of:
- 89 (A) food service and food handling;
90 (B) sanitation and hygiene; and
91 (C) the safety of detained individuals;
- 92 (ii) conduct investigations of complaints received relating to a private detention
93 facility located within the state; and
- 94 (iii) post inspection results:
- 95 (A) on the department's website and in a conspicuous place viewable by detained
96 individuals and visitors to a private detention facility; and
97 (B) in English and, to the extent practicable, in the languages spoken by the
98 detained individuals at the private detention facility.

99 (5)(a) If the department conducts an inspection of a private detention facility and finds
100 that the private detention facility is in violation of this section or a rule adopted under
101 this section, the department may, in accordance with Title 63G, Chapter 4,
102 Administrative Procedures Act:

103 (i) impose reasonable conditions on the private detention facility, which may include:

104 (A) correction within a specified amount of time;

105 (B) training; or

106 (C) hiring a consultant approved by the department if the private detention facility
107 cannot demonstrate that the private detention facility has access to sufficient
108 internal expertise; or

109 (ii) assess a civil fine of up to \$10,000 per violation, not to exceed a total fine of
110 \$1,000,000, on a private detention facility if the private detention facility:

111 (A) has previously been subject to an enforcement action for the same or similar
112 type of violation;

113 (B) has been given any previous statement of deficiency that included the same or
114 similar type of violation; or

115 (C) has failed to correct noncompliance with a violation by a date established or
116 agreed to by the department.

117 (b) A private detention facility may appeal a determination under Subsection (5)(a) in
118 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

119 (6) This section does not apply to a private detention facility that is licensed or regulated
120 under another provision of this title.

121 Section 2. Section **63G-34-101** is enacted to read:

122 **CHAPTER 34. Requirements for Private Civil Detention Facilities**

123 **63G-34-101 . Definitions.**

124 (1)(a) "Civil detention facility" means a facility in which an individual is involuntarily
125 held while awaiting:

126 (i) a legal proceeding concerning a civil immigration violation;

127 (ii) a civil immigration enforcement proceeding; or

128 (iii) a transfer to a different civil detention facility.

129 (b) "Civil detention facility" does not include a prison, jail, or other location in which an
130 individual is involuntarily held:

131 (i) as a consequence of, or based on a charge of committing, a criminal offense; or

132 (ii) as part of an involuntary commitment.

- 133 (2) "Private civil detention facility" means a civil detention facility that is operated:
134 (a) by a private, nongovernmental entity; and
135 (b) under a contract or agreement with a federal, state, or local government entity.

136 Section 3. Section **63G-34-102** is enacted to read:

137 **63G-34-102 . Requirements for private civil detention facilities.**

138 A private civil detention facility shall comply with:

- 139 (1) Section 26B-1-244; and
140 (2) administrative rules adopted in accordance with Section 26B-1-244.

141 Section 4. **Effective Date.**

142 This bill takes effect on May 6, 2026.