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2nd Sub. H.B. 110, Offender Supervision Amendments

This analysis provides a brief summary of 2nd Substitute H.B. 110, Offender Supervision Amendments (Rep. Clancy).

Key Points

- Allows the Division of Adult Probation and Parole (AP&P) to supervise individuals convicted of class B misdemeanors.
- Adds considerations the Board of Pardons and Parole (board) must make before granting or terminating parole.
- Requires certain waiting periods before the board may consider pardons for sex offenders.

Policy Analysis

AP&P Supervision

Under existing statute, AP&P has the authority to supervise offenders who are on probation or parole for felonies or class A misdemeanors, whereas counties oversee offenders for class B misdemeanors. H.B. 110's 1st Substitute allows AP&P to supervise those on probation or parole for **class B misdemeanors if ordered to do so by a court.**

Parole Considerations

When determining whether to parole or terminate a sentence for an offender, the board currently must consider the offense itself, as well as the offender's compliance with restitution and their case action plan. H.B. 110 additionally requires the board, when considering parole for someone whose earlier parole was terminated for a new offense, to also **consider the circumstances of that new offense before deciding on parole again.**

The bill also requires that, before paroling an offender prior to the minimum term of imprisonment, the board must find **clear and convincing evidence** in its required meeting that the offender **no longer poses a threat to public safety.**

Pardons for Offenders on the Sex, Kidnap, and Child Abuse Offender Registry

Utah law currently limits when offenders on the Sex, Kidnap, and Child Abuse Offender Registry can petition for removal from the registry. For example, less serious offenses require an offender to wait five years,

whereas more serious offenses require an offender to wait for 10 or 20 years. This bill similarly **requires the board to wait 10 years before considering a pardon for an offender required to register for 10 years, and 20 years for an offender required to register for an offender's lifetime**, mirroring the registry removal petition timelines.