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1st Sub. H.B. 593, Bail Amendments

This document provides background information and an analysis of 2026 General Session 1st Sub. H.B. 593, [Bail Amendments](#). This bill passed the House on March 3rd but was not read in the Senate.

Key Points

- Stakeholders have expressed public safety concerns with defendants who cycle quickly through arrest and release without strong conditions, especially when judges must make rapid decisions with incomplete information.
- The bill would prohibit judges from releasing frequent defendants (one conviction + five charges in three years) on their own recognizance without at least one supervisory or financial condition.
- The bill would explicitly allow jail officers to share criminal history and other relevant information with courts to ensure judges have complete data when making pretrial decisions.

Background

Types of Pretrial Release

Bail, otherwise known as pretrial release in the Utah Code, is the decision a judge or magistrate makes to release a criminal defendant who is awaiting trial from jail. In Utah, a judge has a few options to impose on a defendant for pretrial release: **cash bail** (paid by the defendant), a **commercial surety or bond** (paid by a bondsman), an **unsecured bond** (a defendant's promise to pay if they fail to appear in court), or **release on own recognizance** (ROR, or the defendant's promise to appear in court and not commit another crime). If a judge chooses ROR, that often requires the defendant to follow other conditions, such as taking drug tests or avoiding contact with the victim. See Figure 1 at the end of the background section for a visual depiction of the pretrial release process.

Judicial Considerations for Pretrial Release

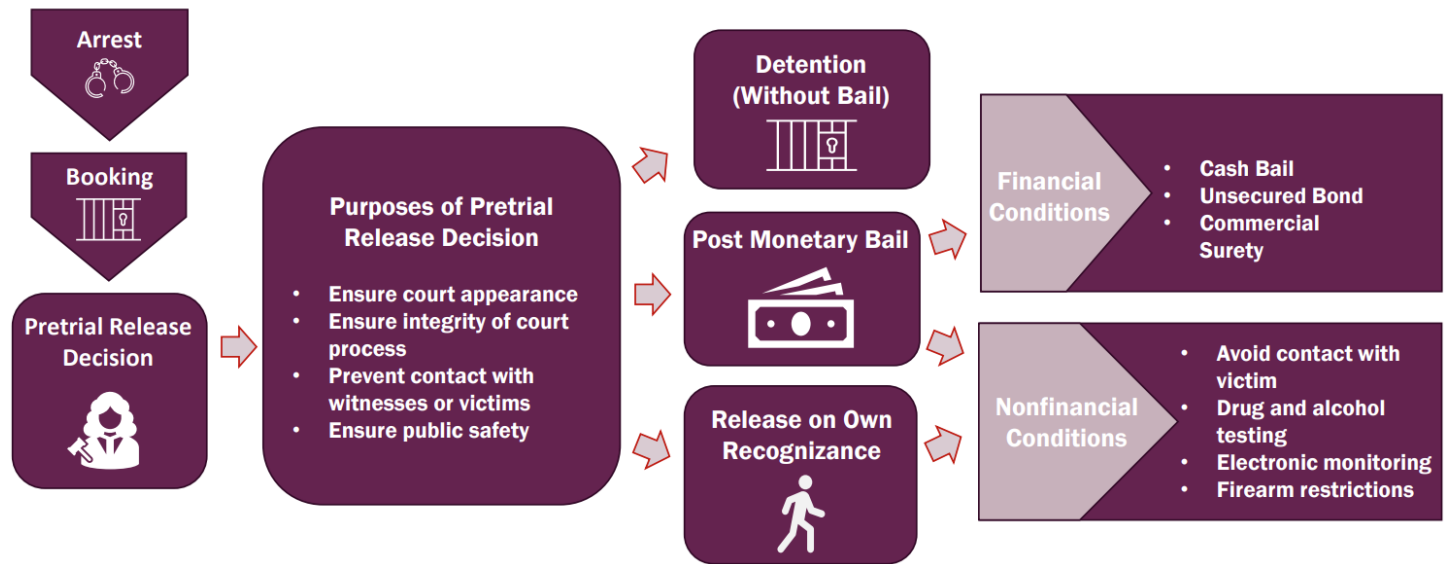
According to the [Utah State Courts](#), after a defendant is arrested, the defendant's court date "could be several days to weeks into the future," but a judge "must make an immediate decision about custody of that defendant." When making these decisions, state law requires judges to only impose conditions of release that are "reasonably available"—including the consideration of a defendant's ability to pay if imposing a financial condition—and that reasonably ensure the individual's appearance in court, the safety of witnesses or victims, the safety of the public, and the prevention of obstruction of justice.

Judges may consider multiple pieces of information to assist in their decision making, such as the circumstances of the offense or the results of a public safety assessment (PSA). A PSA is an algorithmic risk

assessment tool that calculates a score for a defendant's estimated risk of failing to appear and risk of engaging in new criminal activity. The PSA calculates these scores by analyzing various details about the defendant, including their criminal history and prior failures to appear. Utah law prohibits a judge from solely relying on a PSA score when deciding on release, but some counties provide specific release recommendations depending on an individual's score. For example, the [standard decision-making matrix](#) that most counties use recommends a judge release an individual on ROR without conditions if they receive low PSA scores (no higher than two out of five total for the risks of failure to appear and new criminal activity). Ultimately, the decision is up to the judge's discretion.

However, some stakeholders have expressed concerns about the ability to enforce compliance with bail conditions when individuals have not yet been convicted. While almost every state criminalizes failure to appear, relatively few states criminalize violations of a pretrial release order.¹ Additionally, while a PSA may help judge quickly estimate a defendant's risk of fleeing or reoffending, it may not capture a defendant's entire criminal history or safety risk. Rep. MacPherson, H.B. 593's sponsor, engaged with the judiciary, prosecutors, defense counsel, and other relevant stakeholders during the 2026 General Session to discuss these concerns.

Figure 1. Pretrial release process.



Policy Analysis

Policy Goal

H.B. 593's primary policy goal was to reduce outstanding warrants and recidivism for defendants who are arrested, jailed, released, and rearrested within a short period of time.

Release on Own Recognizance Limitations

H.B. 593 would prohibit a judge from releasing certain individuals from jail on ROR without any supervisory or monetary conditions. Specifically, the bill would create a new classification of frequent defendants separate

¹ National Conference of State Legislatures. (2022, February 25). *Statutory responses for failure to appear*. <https://www.ncsl.org/civil-and-criminal-justice/statutory-responses-for-failure-to-appear>

from the code's narrower definition of "habitual offender."² Based on information reasonably available to the judge, these new ROR restrictions would apply to individuals with at least one felony or misdemeanor *conviction*, plus five misdemeanor or felony *charges*, within the last three years, excluding traffic offenses. The judge would also have to find substantial evidence to support the offense for which the individual was arrested.

A judge could only release an individual who meets the criteria above on ROR with one or more of the following conditions:

- electronic monitoring or location device tracking;
- inpatient medical, behavioral, psychological, or psychiatric treatment;
- house arrest;
- return to custody for a specified period of time following release for employment, schooling, or other limited purposes;
- remain in custody of one or more designated individual who agrees to supervise the individual; or
- comply with a financial condition other than an unsecured bond (e.g., pay \$100 cash bail).

Pretrial Information Sharing

The bill would clarify that jail officers are allowed to share criminal history and other defendant information with the courts, notwithstanding any other provision of law. This clarification aimed to improve communication between the jails and the courts so that judges could receive as much information about a defendant as possible before deciding on release.

Pretrial Release Working Group

1st Sub. H.B. 593 removed the proposed pretrial release statutory working group included in the first version of H.B. 593, with the intention that the group would meet informally during the 2026 interim. The group will study topics such as risk assessments, pretrial supervision, use of forfeited bail funds, information sharing, and pretrial decision making, and include stakeholders who will represent multiple areas in the criminal justice system and social services.

² Current Utah law defines a "habitual offender" as someone who meets specified repeat-offense thresholds: at least five prior felony convictions within five years, nine felony charges cases within five years, nine prior misdemeanor convictions within three years, or 19 misdemeanor charges within three years.