

17-22-5 Sheriff's classification of jail inmates -- Classification criteria -- Alternative incarceration programs -- Limitation.

- (1) Except as provided in Subsection (4), the sheriff shall adopt and implement written policies for admission of prisoners to the county jail and the classification of persons incarcerated in the jail which shall provide for the separation of prisoners by gender and by such other factors as may reasonably provide for the safety and well-being of inmates and the community. To the extent authorized by law, any written admission policies shall be applied equally to all entities using the county correctional facilities.
- (2) Except as provided in Subsection (4), each county sheriff shall assign prisoners to a facility or section of a facility based on classification criteria that the sheriff develops and maintains.
- (3)
 - (a) Except as provided in Subsection (4), a county sheriff may develop and implement alternative incarceration programs that may or may not involve housing a prisoner in a jail facility.
 - (b) A prisoner housed under an alternative incarceration program under Subsection (3)(a) shall be considered to be in the full custody and control of the sheriff for purposes of Section 76-8-309.
 - (c) A prisoner may not be placed in an alternative incarceration program under Subsection (3)(a) unless:
 - (i) the jail facility is at maximum operating capacity, as established under Subsection 17-22-5.5(2); or
 - (ii) ordered by the court.
- (4) This section may not be construed to authorize a sheriff to modify provisions of a contract with the Department of Corrections to house in a county jail persons sentenced to the Department of Corrections.

Amended by Chapter 301, 2004 General Session