

Effective 11/6/2025

Chapter 72 County Sheriff

Part 1 General Provisions

17-72-101 Definitions.

As used in this chapter:

- (1) "Commissary account" means an account from which a prisoner may withdraw money, deposited by the prisoner or another individual, to purchase discretionary items for sale by a correctional facility.
- (2) "Commissary purchase" means a transaction initiated by a prisoner by which the prisoner obtains an item or items offered for sale by the correctional facility in exchange for money withdrawn from the prisoner's commissary account.
- (3) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- (4) "County inmate" means an inmate who is sentenced to a county jail.
- (5) "Cross-sex hormone treatment" means the same as that term is defined in Section 26B-4-1001.
- (6) "Department" means the Department of Criminal Justice created in Section 75E-2-102.
- (7)
 - (a) "In-custody death" means a prisoner death that occurs while the prisoner is in the custody of a county jail.
 - (b) "In-custody death" includes a prisoner death that occurs while the prisoner is:
 - (i) being transported for health care; or
 - (ii) receiving health care outside of a county jail.
- (8) "Inmate" means a prisoner who is in the custody of a correctional facility following a criminal conviction.
- (9) "Medication assisted treatment plan" means a prescription plan to use prescribed medication approved by the federal Food and Drug Administration, such as buprenorphine, methadone, or naltrexone to treat substance use withdrawal symptoms or an opioid use disorder.
- (10) "Notice" means all papers and orders, except process, required to be served in any proceeding before any court, board, commission, or officer, or when required by law to be served independently of a court proceeding.
- (11) "Opiate" means the same as that term is defined in Section 58-37-101.
- (12) "Primary sex characteristic surgical procedure" means the same as that term is defined in Section 26B-4-1001.
- (13) "Prisoner" means an individual who is:
 - (a) in custody of a peace officer in accordance with a lawful arrest; or
 - (b) confined in a county jail.
- (14) "Police interlocal entity" means the same as that term is defined in Sections 17-76-201 and 17-76-301.
- (15) "Police special district" means the same as that term is defined in Section 17-76-201.
- (16) "Probationer" means an individual on probation under the supervision of the county sheriff.
- (17) "Process" means all writs, warrants, summonses and orders of the courts of justice or judicial officers.
- (18)

- (a) "Qualifying domestic violence offense" means, except as provided in Subsection (18)(b), the same as that term is defined in Section 77-36-1.1.
- (b) "Qualifying domestic violence offense" does not include criminal mischief as that term is defined in Section 76-6-106.
- (19) "State inmate" means an inmate who is sentenced to the Department of Corrections, created in Section 64-13-2, even if the inmate is in the custody of a county jail.
- (20) "Secondary sex characteristic surgical procedure" means the same as that term is defined in Section 26B-4-1001.
- (21) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

Amended by Chapter 291, 2026 General Session

Part 2

Qualifications and Term

17-72-201 County sheriff qualifications -- Declaring office vacant -- Term.

- (1) Each individual filing a declaration of candidacy for the office of county sheriff shall submit to the county clerk, at the time of filing a declaration of candidacy, a certificate issued by the Peace Officer Standards and Training Division created under Section 53-6-103 stating that the candidate has:
 - (a)
 - (i) successfully met the standards and training requirements established for peace officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
 - (ii) met the waiver requirements in Section 53-6-206; and
 - (b) met the qualifications to be certified as a law enforcement officer, as defined in Section 53-13-103.
- (2) In addition to the general qualifications required of county officers by Chapter 66, County Officers and Officials Generally, each county sheriff shall:
 - (a) at the time of taking office:
 - (i)
 - (A) have successfully met the standards and training requirements established for peace officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
 - (B) have met the waiver requirements in Section 53-6-206; and
 - (ii) be qualified to be certified as:
 - (A) a law enforcement officer, as defined in Section 53-13-103; and
 - (B) if the individual is elected to the office of county sheriff in any election held after the 2008 general election:
 - (I) a correctional officer, as defined in Section 53-13-104; or
 - (II) a correctional facility manager by having successfully completed a correctional facility management course that is offered by a certified academy in both an online web-based format and in a classroom format and that is approved by the Peace Officer Standards and Training Council created in Section 53-6-106;
 - (b) satisfactorily complete annual certified training as required in Section 53-13-103; and
 - (c) after certification as provided in Subsection (2)(a), remain certified during the sheriff's term of office as:
 - (i) a law enforcement officer; and

- (ii) if the person is elected to the office of county sheriff in any election held after the 2008 general election:
 - (A) a correctional officer; or
 - (B) a correctional facility manager by having completed a correctional facility management course approved by the Peace Officer Standards and Training Council.
- (3) If a sheriff resigns, retires, dies, or otherwise does not complete the term of office, the individual appointed to serve for the remainder of the term shall within 60 days after the date of appointment complete the training and exam required under Subsection (2)(a)(ii)(B).
- (4)
 - (a) The county legislative body shall declare the office of sheriff to be vacant if at any time the incumbent sheriff fails to meet the qualifications for office under Subsection (2).
 - (b) In addition to the circumstance described in Subsection (4)(a), the office of the county sheriff is considered vacant when the sheriff is committed for not paying over money received by the sheriff by virtue of the sheriff's office and remains committed for 60 or more days.
- (5) The term of office of a county sheriff is governed by Utah Constitution, Article XI, Section 10.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

Part 3

Powers and Duties

17-72-301 General duties.

- (1) The sheriff shall:
 - (a) preserve the peace;
 - (b) make all lawful arrests;
 - (c)
 - (i) attend in person or by deputy:
 - (A) the Supreme Court and the Court of Appeals when required; or
 - (B) when the court is held within the sheriff's county, all courts of record, and court commissioner and referee sessions held within the sheriff's county;
 - (ii) obey a court's lawful orders and directions; and
 - (iii) comply with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;
 - (d) upon request of the juvenile court, aid the court in maintaining order during hearings and transport a minor to and from youth corrections facilities, other institutions, or other designated places;
 - (e) attend county justice courts if the judge finds that the matter before the court requires the sheriff's attendance for security, transportation, and escort of prisoners in the sheriff's custody, or for the custody of jurors;
 - (f) command the aid of as many inhabitants of the sheriff's county as the sheriff considers necessary in the execution of duties described in this section;
 - (g) take charge of and keep the county jail and prisoners in the county jail as described in Part 4, County Jails, and Part 5, Responsibility for Prisoners;
 - (h)
 - (i) receive and safely keep all prisoners committed to the sheriff's custody;
 - (ii) file and preserve the commitments of prisoners; and
 - (iii) record the name, age, place of birth, and description of each prisoner;

- (i) release on the record all attachments of real property when the attachment the sheriff receives has been released or discharged;
 - (j) endorse on all process and notices the year, month, day, hour, and minute of reception, and, upon payment of fees, issue a certificate to the individual delivering process or notice showing the names of the parties, title of paper, and the time of receipt;
 - (k) serve all process and notices as prescribed by Part 7, Process Service and Duty to the Court, or any other provision of law;
 - (l)
 - (i) if the sheriff makes service of process or notice, certify on the process or notices the manner, time, and place of service; or
 - (ii) if the sheriff fails to make service, certify the reason upon the process or notice, and return them without delay;
 - (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public land within the sheriff's county;
 - (n) perform as required by any contracts between the county and private contractors for management, maintenance, operation, and construction of county jails entered into under the authority of Section 17-65-405;
 - (o) manage and direct search and rescue services in the sheriff's county, including emergency medical responders and other related incident response activities;
 - (p) obtain saliva DNA specimens as required under Section 53-10-404;
 - (q) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender;
 - (r) as applicable, select a representative of law enforcement to serve as a member of a child protection team, as defined in Section 80-1-102;
 - (s) appoint a county security chief in accordance with Section 53-22-103 and ensure the county security chief fulfills the county security chief's duties;
 - (t) ensure that a prisoner who is awaiting trial, sentencing, or disposition of criminal charges has:
 - (i) a private and confidential space to review discovery and other evidence or documents related to the prisoner's criminal case with the prisoner's counsel; and
 - (ii) the means to access and review discovery and other evidence or documents related to the prisoner's criminal case, with or without the prisoner's counsel, including the means to access and review digital, audio, video, or other technological evidence or documents; and
 - (u) perform any other duties that are required by law.
- (2)
- (a) Violation of Subsection (1)(j) is a class C misdemeanor.
 - (b) Violation of any other subsection under Subsection (1) is a class A misdemeanor.
- (3)
- (a) A prisoner may access or review discovery, evidence, or other documents under Subsection (1)(t) with:
 - (i) technology provided by the jail; or
 - (ii) technology, including a computer, that is approved by the jail and is provided by the prisoner's counsel.
 - (b) If a prisoner's counsel leaves discovery, evidence, or other documents with the prisoner at the jail, the prisoner's counsel shall ensure that the discovery, evidence, or other documents does not include:
 - (i) any visual depiction of an individual who is younger than 18 years old;
 - (ii) any personal identifying information of an individual other than the prisoner;

- (iii) any financial information of a person other than the prisoner;
 - (iv) any child sexual abuse material as defined in Section 76-5b-103;
 - (v) any apparent child sexual abuse material as defined in Section 76-5b-103;
 - (vi) any obscene child sexual abuse material as defined in Section 76-5b-103;
 - (vii) any intimate image as defined in Section 76-5b-203; or
 - (viii) any visual depiction or information for which possession is prohibited, by policy, at the jail.
- (4) A sheriff shall comply with the requirements described in Section 53-29-308 for specific registered sex offenders.

Amended by Chapter 331, 2026 General Session

17-72-302 Primary law enforcement authority.

The sheriff is the primary law enforcement authority of state law on federal land except as otherwise assigned by law to the authority of a state or municipal law enforcement agency.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-303 Duty to respond to county legislative body, county executive.

The county sheriff shall respond to a request for assistance made by the county legislative body or county executive in accordance with Section 17-66-506.

Enacted by Chapter 13, 2025 Special Session 1

17-72-304 Fees.

- (1)
- (a) The legislative body of a county may set a fee for a service described in this section and charged by the county sheriff:
 - (i) in an ordinance adopted under Section 17-64-501; and
 - (ii) in an amount reasonably related to, but not exceeding, the actual cost of providing the service.
 - (b) If the legislative body of a county does not under Subsection (1)(a) set a fee charged by the county sheriff, the sheriff shall charge a fee in accordance with Subsections (2) through (7).
- (2) Unless under Subsection (1) the legislative body of a county sets a fee amount for a fee described in this Subsection (2), the sheriff shall charge the following fees:
- (a) for serving a notice, rule, order, subpoena, garnishment, summons, or summons and complaint, or garnishee execution, or other process by which an action or proceeding is commenced, on each defendant, including copies when furnished by plaintiff, \$20;
 - (b) for taking or approving a bond or undertaking in any case in which he is authorized to take or approve a bond or undertaking, including justification, \$5;
 - (c) for a copy of any writ, process or other paper when demanded or required by law, for each folio, 50 cents;
 - (d) for serving an attachment on property, or levying an execution, or executing an order of arrest or an order for the delivery of personal property, including copies when furnished by plaintiff, \$50;
 - (e) for taking and keeping possession of and preserving property under attachment or execution or other process, the amount the court orders to a maximum of \$15 per day;
 - (f) for advertising property for sale on execution, or any judgment, or order of sale, exclusive of the cost of publication, \$15;

- (g) for drawing and executing a sheriff's deed or a certificate of redemption, exclusive of acknowledgment, \$15, to be paid by the grantee;
 - (h) for recording each deed, conveyance, or other instrument affecting real estate, exclusive of the cost of recording, \$10, to be paid by the grantee;
 - (i) for serving a writ of possession or restitution, and putting any person entitled to possession into possession of premises, and removing occupant, \$50;
 - (j) for holding each trial of right of property, to include all services in the matter, except mileage, \$35;
 - (k) for conducting, postponing, or canceling a sale of property, \$15;
 - (l) for transporting a prisoner to and from prison to attend court proceedings in a civil case, \$2.50 for each mile necessarily traveled, up to a maximum of 100 miles;
 - (m) for receiving and paying over money on execution or other process, as follows:
 - (i) if the amount collected does not exceed \$1,000, 2% of this amount, with a minimum of \$1; and
 - (ii) if the amount collected exceeds \$1,000, 2% on the first \$1,000 and 1-1/2% on the balance; and
 - (n) for executing in duplicate a certificate of sale, exclusive of filing it, \$10.
- (3) The fees allowed by Subsection (2)(f) for the levy of execution and for advertising shall be collected from the judgment debtor as part of the execution in the same manner as the sum directed to be made.
- (4) When serving an attachment on property, an order of arrest, or an order for the delivery of personal property, the sheriff may only collect traveling fees for the distance actually traveled beyond the distance required to serve the summons if the attachment or those orders:
- (a) accompany the summons in the action; and
 - (b) may be executed at the time of the service of the summons.
- (5)
- (a)
 - (i) When traveling generally to serve notices, orders, process, or other papers, the sheriff may receive, except as otherwise provided under Subsection (1)(a), \$2.50 for each mile necessarily traveled, in going only, computed from the courthouse for each person served, to a maximum of 100 miles.
 - (ii) When transmitting notices, orders, process, or other papers by mail, the sheriff may receive, except as otherwise provided under Subsection (1)(a), \$2.50 for each mile necessarily traveled, in going only, computed from the post office where received for each person served, to a maximum of 100 miles.
 - (b) The sheriff may only charge one mileage fee if any two or more papers are required to be served in the same action or proceeding at the same time and at the same address.
 - (c) If it is necessary to make more than one trip to serve any notice, order, process, or other paper, the sheriff may not collect more than two additional mileage charges.
- (6)
- (a) For transporting a patient to the Utah State Hospital or to or from a hospital or a mental health facility, as defined in Section 26B-5-301, when the cost of transportation is payable by private individuals, the sheriff may collect, except as otherwise provided under Subsection (1)(a), \$2.50 for each mile necessarily traveled, in going only, to a maximum of 100 miles.
 - (b) If the sheriff requires assistance to transport the person, the sheriff may also charge the actual and necessary cost of that assistance.
- (7)

- (a) Subject to Subsection (7)(b), for obtaining a saliva DNA specimen under Section 53-10-404, the sheriff shall collect the fee of \$150 in accordance with Section 53-10-404.
- (b) The fee amount described in Subsection (7)(a) may not be changed by a county legislative body under Subsection (1).

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-305 Certain liability.

The sheriff is liable for the rescue of an individual arrested in a civil action equally as for an escape.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

Part 4 County Jails

17-72-401 County jails -- Sheriff as keeper -- Contracting with private contractor.

- (1) The county jail shall be kept by the sheriff and shall be used for:
 - (a) the detention of an individual committed to jail to secure the individual's attendance as a witness in a criminal case;
 - (b) the detention of prisoners charged with crime and committed for trial;
 - (c) the confinement of prisoners committed for contempt, or upon civil process, or by other authority of law; and
 - (d) the confinement of inmates sentenced to imprisonment upon conviction of crime.
- (2) If the county executive contracts with a private contractor to manage, maintain, operate, or construct county jail facilities, the sheriff shall perform whatever obligations are imposed upon the sheriff by that contract.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-402 Sheriff's classification of jail facilities -- Maximum operating capacity of jail facilities -- Limitations on contracting -- Transfer or release of prisoners -- Limitation -- Records regarding release.

- (1)
 - (a) Except as provided in Subsection (5), a county sheriff shall determine:
 - (i) subject to Subsection (1)(b), the classification of each county jail facility or section of a county jail facility under the sheriff's control;
 - (ii) the nature of each program conducted at a county jail facility under the sheriff's control; and
 - (iii) the internal operation of a county jail facility under the sheriff's control.
 - (b) A classification under Subsection (1)(a)(i) of a jail facility may not violate any applicable zoning ordinance or conditional use permit of the county or municipality.
- (2) Except as provided in Subsection (5), each county sheriff shall:
 - (a) with the approval of the county legislative body, establish a maximum operating capacity for each county jail facility under the sheriff's control, based on facility design and staffing; and
 - (b) upon a county jail facility reaching the county jail facility's maximum operating capacity:
 - (i) transfer prisoners to another appropriate facility:

- (A) under the sheriff's control; or
 - (B) available to the sheriff by contract;
 - (ii) subject to the requirements of Subsection (4), release prisoners:
 - (A) to a supervised release program, according to release criteria established by the sheriff; or
 - (B) to another alternative incarceration program developed by the sheriff; or
 - (iii) admit prisoners in accordance with law and a uniform admissions policy imposed equally upon all entities using the county jail.
- (3)
- (a) The sheriff shall keep records of the release status and the type of release program or alternative incarceration program for any prisoner released under Subsection (2)(b)(ii).
 - (b) The sheriff shall make records described in Subsection (3)(a) available upon request to the Department of Corrections, the judiciary, and the department.
- (4) A sheriff may not release an individual due to overcrowding who, based on information that is reasonably available to the sheriff:
- (a) is arrested or convicted of a violent criminal offense as defined in Section 76-3-203.10;
 - (b) is arrested or convicted of a drug offense that is a felony;
 - (c) is arrested or convicted of possession of any composition or mixture, including pills, that contains 100 grams or more of fentanyl or a fentanyl-related substance;
 - (d) is arrested or convicted of an offense of driving under the influence or driving with a measurable controlled substance in the body, if the offense results in death or serious bodily injury to an individual;
 - (e) has been previously booked into the same jail within the 12-month period immediately before the individual's current incarceration began; or
 - (f) has an outstanding warrant for failing to appear in a case:
 - (i) involving any charge described in Subsections (4)(a) through (4)(d); or
 - (ii) where the individual classifies as a habitual offender as defined in Section 77-18-102.
- (5)
- (a) 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 a state inmate sentenced to the Department of Corrections.
 - (b) A county contracting with another county to house a county inmate due to capacity issues:
 - (i) shall contract with a county that:
 - (A) has available capacity in the county's county jail; and
 - (B) agrees to contract to house the county inmate;
 - (ii) shall, subject to the agreement of the parties to the contract, pay to the county contracting to receive the transferred county inmate a day per capita rate that does not exceed the higher of:
 - (A) the current average cost of housing a county inmate in the transferring county jail; or
 - (B) the daily incarceration rates described in Section 64-13e-103.1; and
 - (iii) if the county is a county of the first class, and if the county or a sheriff in the county has released a prisoner due to overcrowding during the lookback period described in Subsection (5)(c), the county:
 - (A) may not enter into a new contract with a federal agency for the purpose of housing federal detainees;
 - (B) may not house federal detainees in a number that exceeds the number of beds that the county has contracted for with a federal agency in the current fiscal year; and
 - (C) shall publish daily totals on the public data dashboard showing:

- (I) the total number of federal detainees held;
 - (II) the total number of beds under contract with a federal agency; and
 - (III) the total number of beds that are currently under contract with another county for the purpose of housing federal detainees.
- (c) The lookback period described in Subsection (5)(b)(iii) is:
- (i) beginning on September 1, 2025, the period that begins on September 1, 2025, and ends on August 31, 2026; and
 - (ii) for September 1, 2026, forward, the period that begins on September 1 of the previous calendar year and ends on August 31 of the current calendar year.
- (6) Regardless of whether a county jail facility has reached the county jail facility's maximum operating capacity under Subsection (2), a sheriff may release an individual from a county jail facility in accordance with:
- (a) Section 17-72-804 and Section 77-20-203; or
 - (b) Section 77-20-204.
- (7) The sheriff of a county of the first class is encouraged to open and operate all sections of a county jail facility within the county that are not being used to full capacity.

Amended by Chapter 291, 2026 General Session

17-72-403 Special guards for county jail.

- (1) The sheriff when necessary may with the assent of the county executive employ a temporary guard for the protection of the county jail, or for the safekeeping of prisoners.
- (2) The expenses of a temporary guard employed under Subsection (1) shall be a county charge.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-404 County jails authorized to hold federal prisoners.

An individual convicted of crime in any of the courts of the United States in the state of Utah and prisoners held to answer before a federal court for a violation of any of the laws of the United States shall be received and held:

- (1) in the jail of any county under the same regulations and laws governing prisoners held under the authority of this state; and
- (2) upon the terms as to compensation as may be agreed upon by the county and the United States.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-405 Commissary account disclosure requirements.

- (1) A correctional facility may implement a policy governing when the correctional facility withdraws money from a prisoner's commissary account for a purpose other than a commissary purchase.
- (2) A correctional facility may only withdraw money from a prisoner's commissary account for a purpose other than a commissary purchase in accordance with a policy implemented under Subsection (1).
- (3) Before a correctional facility withdraws money from a prisoner's commissary account for a purpose other than a commissary purchase, the correctional facility shall disclose the policy implemented under Subsection (1) to the prisoner or any other individual seeking to make a deposit of money into the prisoner's commissary account before the correctional facility may accept and deposit the money into the prisoner's commissary account.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-406 Maintaining order in the county jail -- Imposing restitution.

- (1) If a prisoner commits an act of violence against another individual, attempts to damage jail property, attempts to escape, or refuses to obey a lawful order and reasonable command, an officer or jail employee may use all reasonable means under the circumstances, including the use of a weapon:
 - (a) in self-defense;
 - (b) to defend another;
 - (c) to protect jail property;
 - (d) to prevent escape; or
 - (e) to enforce compliance with a lawful order and reasonable command.
- (2)
 - (a) A jail may request restitution from a prisoner for damaging jail property as part of an administrative disciplinary hearing.
 - (b) To enforce ordered or agreed upon restitution, a jail may withdraw money from or place a hold on a prisoner's commissary account.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-407 Notice to county jail facilities.

- (1) Before an order is entered granting visitation or correspondence between an individual and a prisoner, the moving party shall provide notice to the county jail facility administrator.
- (2) The court shall:
 - (a) provide an opportunity to the facility representative to respond before the order is granted; and
 - (b) consider facility policy.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-408 County jail reporting requirements.

- (1) Each county jail shall submit a report to the department before June 15 of each year that includes, for the preceding calendar year:
 - (a) the average daily prisoner population each month;
 - (b) the number of prisoners in the county jail on the last day of each month who identify as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity published by the United States Federal Bureau of Investigation;
 - (c) the number of prisoners booked into the county jail;
 - (d) the number of prisoners held in the county jail each month on behalf of each of the following entities:
 - (i) the Bureau of Indian Affairs;
 - (ii) a state prison;
 - (iii) a federal prison;
 - (iv) the United States Immigration and Customs Enforcement; and
 - (v) any other entity with which a county jail has entered a contract to house inmates on the entity's behalf;

- (e) the number of prisoners that are denied pretrial release and held in the custody of the county jail while the prisoner awaited final disposition of the prisoner's criminal charges;
- (f) for each prisoner booked into the county jail:
 - (i) the name of the agency that arrested the prisoner;
 - (ii) the date and time the prisoner was booked into and released from the custody of the county jail;
 - (iii) if the prisoner was released from the custody of the county jail, the reason the inmate was released from the custody of the county jail;
 - (iv) if the prisoner was released from the custody of the county jail on a financial condition, whether the financial condition was set by a county sheriff or a court;
 - (v) the number of days the prisoner was held in the custody of the county jail before disposition of the prisoner's criminal charges;
 - (vi) whether the prisoner was released from the custody of the county jail before final disposition of the prisoner's criminal charges; and
 - (vii) the prisoner's state identification number;
- (g) the number of in-custody deaths that occurred at the county jail;
- (h) for each in-custody death:
 - (i) the deceased's name, gender, race, ethnicity, age, and known or suspected medical diagnosis or disability, if any;
 - (ii) the date, time, and location of death;
 - (iii) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and
 - (iv) a brief description of the circumstances surrounding the death;
- (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(g);
- (j) the county jail's policy for notifying an inmate's next of kin after the prisoner's in-custody death;
- (k) the county jail policies, procedures, and protocols:
 - (i) for treatment of a prisoner experiencing withdrawal from alcohol or substance use, including use of opiates;
 - (ii) that relate to the county jail's provision, or lack of provision, of medications used to treat, mitigate, or address a prisoner's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and
 - (iii) that relate to screening, assessment, and treatment of a prisoner for a substance use or mental health disorder, including the policies, procedures, and protocols that implement the requirements described in Section 17-72-501;
- (l)
 - (i) the number of prisoners whose screening described in Section 17-72-501 indicated the presence of a substance use disorder; and
 - (ii) of the prisoners whose screening indicated the presence of a substance use disorder, the number of prisoners who received medication under a medication assisted treatment plan;
- (m) the number of female prisoners that the county jail knows were pregnant while incarcerated in the county jail;
- (n) the number of prisoners who gave birth and were restrained in accordance with Section 64-13-46, including:
 - (i) the types of restraints used; and
 - (ii) whether the use of restraints was to prevent escape or to ensure the safety of the prisoner, medical or corrections staff, or the public;

- (o) the number of female prisoners incarcerated in the county jail who are the parent of a minor child as that term is defined in Section 81-1-101; and
 - (p) any report the county jail provides or is required to provide under federal law or regulation relating to prisoner deaths.
- (2)
- (a) Subsection (1) does not apply to a county jail if the county jail:
 - (i) collects and stores the data described in Subsection (1); and
 - (ii) enters into a memorandum of understanding with the department that allows the department to access the data described in Subsection (1).
 - (b) The memorandum of understanding described in Subsection (2)(a)(ii) shall include a provision to protect any information related to an ongoing investigation and comply with all applicable federal and state laws.
 - (c) If the department accesses data from a county jail in accordance with Subsection (2)(a), the department may not release a report prepared from that data, unless:
 - (i) the department provides the report for review to:
 - (A) the county jail; and
 - (B) any arresting agency that is named in the report; and
 - (ii)
 - (A) the county jail approves the report for release;
 - (B) the county jail reviews the report and prepares a response to the report to be published with the report; or
 - (C) the county jail fails to provide a response to the report within four weeks after the day on which the department provides the report to the county jail.
 - (3) The department may not provide access to or use a county jail's policies, procedures, or protocols submitted under this section in a manner or for a purpose not described in this section.
 - (4) Upon request, a county jail shall make a report, including only the names and causes of death of deceased inmates and the facility in which the deceased inmates were being held in custody, available to the public.

Amended by Chapter 291, 2026 General Session

17-72-409 Suicide Deterrence Grant application.

A county sheriff, on behalf of a county jail, may apply for a Suicide Deterrence Grant as described in Section 17E-6-201.

Enacted by Chapter 13, 2025 Special Session 1

17-72-410 Correctional facility telephone service.

A county sheriff shall comply with Section 17E-6-301.

Enacted by Chapter 13, 2025 Special Session 1

17-72-411 Assistance with identification records for certain county inmates.

- (1) Beginning July 1, 2026, 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 virtually with the Driver License Division to be issued, if eligible, 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 an original class D license application under Section 53-3-205.
- (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.

Enacted by Chapter 332, 2026 General Session

Part 5

Responsibility for Prisoners

17-72-501 Disclosure of prisoner medical clearance -- Care and health care of prisoners -- Funding of services -- Private contractor.

- (1)
 - (a) A health care provider, as defined in Section 78B-3-403, who provides health care to an individual before the individual is booked into a county jail by a competent authority, is authorized to disclose to the competent authority whether the individual is medically cleared for incarceration.
 - (b) The disclosure under Subsection (1)(a) shall be made in writing if requested by the competent authority.
- (2) Except as provided in Subsection (8), a sheriff shall:
 - (a) receive each prisoner committed to jail by competent authority;
 - (b) provide each prisoner with necessary food, clothing, and bedding in the manner prescribed by the county legislative body;
 - (c) subject to Subsection (7), provide each prisoner health care when:
 - (i) the prisoner's symptoms evidence a serious disease or injury;
 - (ii) the prisoner's disease or injury is curable or may be substantially alleviated; and
 - (iii) the potential for harm to the prisoner by reason of delay or the denial of health care would be substantial;
 - (d) provide each prisoner, as part of the intake process, with the option of continuing any of the following medically prescribed methods of contraception:
 - (i) an oral contraceptive;
 - (ii) an injectable contraceptive;
 - (iii) a patch;
 - (iv) a vaginal ring; or
 - (v) an intrauterine device, if the prisoner was prescribed the intrauterine device because the prisoner experiences serious and persistent adverse effects when using the methods of contraception described in Subsections (2)(d)(i) and (ii);
 - (e)
 - (i) within 30 days after a prisoner is committed to jail, use an evidence-based screening tool to screen each inmate for substance use disorders; and
 - (ii) use the results of the screening to assist with providing programming and treatment options for the prisoner;
 - (f) cooperate with health care personnel to continue a medication assisted treatment plan for a prisoner if the prisoner was an active client before arrest and commitment; and
 - (g) ensure that each female prisoner younger than 50 years old who has been incarcerated for longer than 72 hours on a state or local criminal offense is offered, which the prisoner may reject, a test for pregnancy.
- (3) A sheriff may provide the generic form of a contraceptive described in Subsection (2)(d)(i) or (ii).
- (4) A sheriff shall follow the provisions of Section 64-13-46 if a prisoner is pregnant or in postpartum recovery, as that term is defined in Section 64-13-46, including the reporting requirements described in Subsections 17-22-32(2)(m) and (n).
- (5)

- (a) Except as provided in Section 17-72-506 and Subsection (5)(b), the expense incurred in providing the services required by this section to prisoners shall be paid from the county treasury.
- (b) The expense incurred in providing the services described in Subsection (2)(d) to prisoners shall be paid by the Department of Health and Human Services.
- (6) A medication used for a medication assisted treatment plan under Subsection (2)(f):
 - (a) shall be administered to a prisoner in accordance with the prisoner's prescription under the direction of the sheriff;
 - (b) may be paid for by a county; and
 - (c) may be left or stored at a jail at the discretion of the sheriff.
- (7)
 - (a) A sheriff may not initiate any of the following procedures or treatments for a prisoner:
 - (i) a cross-sex hormone treatment;
 - (ii) a primary sex characteristic surgical procedure; or
 - (iii) a secondary sex characteristic surgical procedure.
 - (b) Subject to Subsection (7)(a) and Section 17-72-503, a sheriff may provide psychotherapy, mental health care, or any other necessary and appropriate treatment to treat a prisoner's gender dysphoria and any co-occurring mental health disorder.
- (8) If the county executive contracts with a private contractor to provide the services required by this section, the sheriff shall provide only those services required of the sheriff by the contract between the county and the private contractor.

Amended by Chapter 456, 2026 General Session

17-72-502 Transfer of inmates to state prison.

The sheriff of the county in which an individual is sentenced to confinement in the state prison, or is sentenced to death, shall cause the inmate to be removed from the county jail within five days after the day on which the inmate is sentenced and transferred to the state prison.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-503 Sheriff's classification of prisoners -- Classification criteria -- Alternative incarceration programs -- Limitation.

- (1) As used in this section, "living area" means the same as that term is defined in Section 64-13-7.
- (2)
 - (a) Except as provided in Subsections (5) and (6), the sheriff shall adopt and implement written policies:
 - (i) for admission of prisoners to the county jail; and
 - (ii) for the classification of prisoners that provide for the separation of prisoners by gender and by other factors as may reasonably provide for the safety and well-being of prisoners and the community.
 - (b) To the extent authorized by law, any written admission policies adopted and implemented under this Subsection (2) shall be applied equally to all entities using the county correctional facilities.
- (3) Except as provided in Subsections (5) and (6), each county sheriff shall assign prisoners to a facility or section of a facility based on classification criteria that the sheriff develops and maintains.
- (4)

- (a) Except as provided in Subsection (6), a county sheriff may develop and implement alternative incarceration programs that may involve housing a prisoner in a jail facility.
- (b) A prisoner housed under an alternative incarceration program under Subsection (4)(a) shall be considered to be in the full custody and control of the sheriff for purposes of Sections 76-8-309 and 76-8-309.1.
- (c) A prisoner may not be placed in an alternative incarceration program under Subsection (4)(a) unless:
 - (i) the county jail is at maximum operating capacity, as established under Section 17-72-402; or
 - (ii) ordered by the court.
- (5) A jail facility shall comply with the same requirements as the Department of Corrections described in Subsections 64-13-7(4), (5), and (6) when assigning a prisoner to a living area, including the reporting requirements in Subsections 64-13-45(2)(f) and (g).
- (6) This section does not authorize a sheriff to modify provisions of a contract with the Department of Corrections to house state inmates in a county jail.

Amended by Chapter 456, 2026 General Session

17-72-504 Service of process on prisoners -- Penalty.

- (1) A sheriff who receives a paper in a judicial proceeding directed to a prisoner in the sheriff's custody shall forthwith deliver the paper to the prisoner, with a note of the time of the paper's service.
- (2) A sheriff who neglects to comply with Subsection (1) is liable to the prisoner for all damages occasioned by that neglect.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-505 Citizenship determination of prisoners -- Notification to and coordination with federal authorities when releasing certain individuals.

- (1) The sheriff shall make a reasonable effort to determine the citizenship status of a prisoner charged with a felony or driving under the influence under Section 41-6a-502.
- (2) If a prisoner described in Subsection (1) is a foreign national, the sheriff shall make a reasonable effort to verify that:
 - (a) the individual has been lawfully admitted into the United States; and
 - (b) the individual's lawful status has not expired.
- (3)
 - (a) If the sheriff cannot verify the lawful status of a prisoner described in Subsection (1) from documents in the prisoner's possession, the sheriff shall attempt to verify that status within 48 hours of the prisoner's confinement at the jail through contacting:
 - (i) the Law Enforcement Support Center of the United States Department of Homeland Security; or
 - (ii) an office or agency designated for citizenship status verification by the United States Department of Homeland Security.
 - (b) The sheriff shall notify the United States Department of Homeland Security of a prisoner whose lawful citizenship status cannot be verified under Subsection (2) or (3)(a).
- (4) In accordance with Title 77, Chapter 20, Bail, it is a rebuttable presumption for the purpose of determining whether to grant pretrial release that an individual who is verified under this section as a foreign national not lawfully admitted into the United States is at risk of flight.
- (5)

- (a) As soon as practicable before the day of release, the sheriff shall notify the United States Department of Homeland Security, or other relevant federal agency in charge of handling immigration violations or deportations, when the sheriff is preparing to release an individual from the county jail who:
 - (i) is being released after serving the individual's jail sentence for:
 - (A) a class A misdemeanor described under Subsection 76-3-204(1)(b)(i); or
 - (B) a felony; and
 - (ii) is unlawfully present in the United States.
- (b) The sheriff shall coordinate with federal authorities to transfer the custody of a released individual into federal custody as may be required under Subsection (5)(a).
- (c) The requirements described in Subsection (5)(a) do not prohibit a sheriff from notifying or working with the United States Department of Homeland Security, or other relevant federal agency in charge of handling immigration violations or deportations, at any time with regard to an individual who is at the county jail or otherwise in the sheriff's custody.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-506 Prisoners under civil process.

- (1) Whenever an individual is committed upon process in a civil action or proceeding, except when the state is a party thereto, the sheriff is not bound:
 - (a) to receive the individual unless security is given on the part of the party at whose instance the process is issued, by deposit of money, to meet the expenses of necessary food, clothing, and bedding for the committed person; or
 - (b) to detain the individual for any longer than the expenses described in Subsection (1)(a) are provided for.
- (2) This section does not apply to cases where a party is committed as a punishment for disobedience to the mandates, process, writs or orders of court.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-507 Escapes -- Sheriff's liability -- Defenses.

- (1) A sheriff who suffers the escape of an individual arrested in a civil action, without the consent or connivance of the party in whose behalf the arrest or imprisonment is made, may be liable as follows:
 - (a) when the arrest is upon an order to hold to bail or upon a surrender in exoneration of bail before judgment, the sheriff is liable to the plaintiff as bail;
 - (b) when the arrest is on an execution or commitment to enforce the payment of money, the sheriff is liable for the amount expressed in the execution or commitment; and
 - (c) when the arrest is on an execution or commitment other than to enforce the payment of money, the sheriff is liable for the actual damages sustained.
- (2) Upon being sued for damages for an escape or rescue, the sheriff may introduce evidence in mitigation and exculpation.
- (3) A person cannot maintain an action against the sheriff for a rescue or for an escape of a prisoner arrested upon an execution or commitment, if after that prisoner's rescue or escape and before the commencement of the action, the prisoner returns to the jail or is retaken by the sheriff or by any other person.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-508 Recovery housing pod authorized.

- (1) As used in this section:
 - (a) "Local substance abuse authority" means a local substance abuse authority described in Section 17-77-201.
 - (b) "Qualifying individual" means an individual who:
 - (i) is incarcerated in the county jail; and
 - (ii) has a substance use disorder as determined by a screening administered in accordance with Subsection 17-72-501(2)(e).
 - (c) "Recovery housing pod" means a designated unit or number of beds within a county jail dedicated to qualifying individuals who participate in a structured substance use treatment program.
- (2) A sheriff may establish a recovery housing pod in a county jail.
- (3) Subject to the provisions of Subsection (5):
 - (a) the local substance abuse authority shall approve a recovery housing pod; and
 - (b) before approving a recovery housing pod, the local substance abuse authority shall make a determination that the structured substance use treatment program is based on best practices.
- (4) A recovery housing pod that is established on or before May 5, 2026, is not subject to the requirements of this section until July 1, 2029.
- (5)
 - (a) A local substance abuse authority may develop model standards and operational guidelines for a structured substance use treatment program in a recovery housing pod in a county jail based on best practices.
 - (b) A structured substance use treatment program that follows model standards and operational guidelines that a local substance abuse authority develops as described in Subsection (5)(a), is presumed to be based on best practices for purposes of the determination described in Subsection (3)(b).
- (6) A structured substance use treatment program may include:
 - (a) a structured daily routine including requiring qualifying individuals to:
 - (i) have assigned responsibilities;
 - (ii) attend group meetings;
 - (iii) complete work assignments;
 - (iv) attend educational programs; and
 - (v) participate in recovery-oriented programming;
 - (b) peer programming, including requiring qualifying participants to help lead, manage, and maintain the culture and physical space of the recovery housing pod with the guidance of staff;
 - (c) behavioral accountability where positive behavior is rewarded and negative behavior is addressed through corrective feedback from peers and staff;
 - (d) promotion of self-discipline and mutual support where qualifying participants uphold standards of conduct and support one another in personal development;
 - (e) phased progress in which qualifying participants advance through levels of responsibility and opportunity based on merit and demonstrated behavioral growth; and
 - (f) practical skill building, which may include:
 - (i) job training;
 - (ii) personal finance skill training;
 - (iii) interpersonal communication education; and

- (iv) reentry planning.
- (7)
 - (a) Participation in a recovery housing pod is voluntary.
 - (b) A qualifying individual who participates in a recovery pod shall sign a written agreement acknowledging the qualifying individual's commitment to the recovery housing pod's structured substance use treatment program.
- (8) A local substance abuse authority may contract with a third party to deliver the substance use treatment program approved under this section.

Enacted by Chapter 113, 2026 General Session

Part 6

Responsibility for Individuals on Probation

17-72-601 Probation supervision -- Violation of probation -- Detention -- Hearing.

- (1) In a county that offers probation services, the county sheriff shall adopt probation standards and practices that are established by the Utah Sheriffs' Association.
- (2) A county sheriff shall ensure that the court is notified of violations of the terms and conditions of a probationer's probation when the county sheriff determines that:
 - (a) incarceration is recommended as a sanction;
 - (b) a graduated and evidence-based response is not an appropriate response to the offender's violation and recommends revocation of probation; or
 - (c) there is probable cause that the conduct that led to a violation of probation is:
 - (i) a violent felony; or
 - (ii) a qualifying domestic violence offense.
- (3) A county sheriff may take custody of, and detain, a probationer for a maximum of 72 hours, excluding weekends and holidays, if there is probable cause to believe that the probationer has committed a violation of probation.
- (4) A county sheriff may not detain a probationer or parolee for longer than 72 hours without obtaining a warrant issued by the court.
- (5) If the county sheriff detains a probationer under Subsection (3), the county sheriff shall ensure the proper court is notified.
- (6) A written order from the county sheriff is sufficient authorization for a peace officer to incarcerate a probationer if the county sheriff has determined that there is probable cause to believe that the probationer has violated the conditions of probation.
- (7) If a probationer commits a violation outside of the jurisdiction of the county sheriff supervising the probationer, the arresting law enforcement agency is not required to hold or transport the probationer to the county sheriff.
- (8) This section does not require the county sheriff to release a probationer who is being held for something other than a probation violation, including a warrant issued for new criminal conduct or a new conviction where the individual is sentenced to incarceration.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

Part 7

Process Service and Duty to the Court

17-72-701 Process on behalf of state -- Fees.

- (1) Except as specifically otherwise provided by law, the sheriff shall, without fee, serve and return all process in criminal cases to which the state is a party and that are lawfully issued by any court of the state.
- (2)
 - (a) If the process issues from a court outside of the sheriff's county, the sheriff is entitled to the sheriff's actual expenses necessarily incurred.
 - (b) The expenses shall be paid by the county where the process was issued.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-702 Process justifies sheriff's action -- Process to be exhibited.

- (1) A sheriff is justified in the execution of, and shall execute, all process, writs, and orders issued by a competent authority.
- (2) The officer executing process shall then, and at all times subsequent as long as the officer retains it, upon request show the document for which the officer is executing process, with all papers attached, to any interested person.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-703 Return of process -- Prima facie evidence.

- (1) When process or notice is returnable, the sheriff may enclose such process or notice in an envelope addressed to the officer or person from whom the same emanated, and deposit it in the post office, prepaying the postage.
- (2) The return of the sheriff upon process or notice is prima facie evidence of the facts in such return stated.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-704 Failure or delay in making return on process -- Failure to levy execution -- Penalty.

- (1) If a sheriff does not return without delay a process or notice in the sheriff's possession with the necessary endorsement thereon, the sheriff is liable to the party aggrieved for all damages sustained by the aggrieved party.
- (2) If the sheriff to whom a writ of execution is delivered neglects or refuses, after being required by the creditor or the creditor's attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ which is liable to be levied upon and sold, the sheriff shall be liable to the creditor for the value of the property.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-705 Only written directions to sheriff binding.

No direction by a party or the party's attorney to the sheriff in respect to the execution of process or the return thereof or to any act or omission relating thereto is available to discharge or excuse the

sheriff from liability for neglect or misconduct, unless the direction is contained in a writing, signed by the attorney of the party or by the party if the party has no attorney.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-706 Service of papers, other than process, on sheriff -- Powers of successor.

- (1) Service upon the sheriff of a paper other than process may be made by delivering it or a copy thereof to the sheriff or to one of the sheriff's deputies or to an individual in charge of the sheriff's office during office hours, or, if no such individual is there, by leaving it in a conspicuous place in the office.
- (2) When any process remains with the sheriff unexecuted, in whole or in part, at the time of the sheriff's death, resignation of office, or at the expiration of the sheriff's term, process shall be executed by the sheriff's successor in office.
- (3) When the sheriff sells real estate under and by virtue of an execution or order of court, the sheriff or the sheriff's successor in office shall execute and deliver to the purchaser all deeds and conveyances that are required by law and necessary for that purpose, and the deeds and conveyances shall be as valid in law as if they had been executed by the sheriff who made the sale.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-707 Crier of court.

The sheriff in attendance upon court shall, if required by the court:

- (1) act as crier for the court;
- (2) call the parties and witnesses and other persons bound to appear at the court; and
- (3) make proclamation of the opening and adjournment of court and of any other matter under the court's direction.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-708 Sheriff -- Assignment of court bailiffs -- Contract and costs.

- (1) The sheriff shall assign law enforcement officers or special function officers, as defined under Sections 53-13-103 and 53-13-105, to serve as court bailiffs and security officers in the courts of record and county justice courts as required by the rules of the Judicial Council.
- (2)
 - (a) The state court administrator shall enter into a contract with the county sheriff for bailiffs and building security officers for the district and juvenile courts within the county.
 - (b) A contract described in Subsection (2)(a) shall specify agreed upon services, service costs, and payment terms.
 - (c) A contract described in Subsection (2)(a) may not exceed amounts appropriated by the Legislature for the purpose described in Subsection (2)(a).
 - (d) The county shall assume costs related to security administration, supervision, travel, equipment, and training of bailiffs.
- (3)
 - (a) If the court is located in the same facility as a state or local law enforcement agency and the county sheriff's office is not in close proximity to the court, the state court administrator, in consultation with the sheriff, may enter into a contract with the state or local law enforcement

agency for bailiff and security services if the contract meets all other requirements of this section.

- (b) If bailiff and security services are provided by an agency other than the county sheriff's office, the county sheriff shall have no responsibility for the services under this section.

Amended by Chapter 284, 2026 General Session

Part 8

Responsibility for Assets, Records, and Information

17-72-801 Neglect or refusal to pay over money -- Penalty.

- (1) If the sheriff neglects or refuses to pay over on demand to the person entitled thereto any money which may come into the sheriff's hands by virtue of the sheriff's office, after deducting all legal fees, the amount thereof with 25% damages and interest at the rate of 1% per month from the time of demand may be recovered by such person.
- (2) A sheriff may pay the money described in Subsection (1) into the court or to the clerk thereof issuing the writ or process upon which the money is collected or received and from the time of such payment the sheriff shall be relieved of all liability therefor, unless the detention is shown to have been wrongful.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-802 Prohibition on providing copy of booking photograph -- Statement required -- Victim access -- Criminal liability for false statement -- Remedy for failure to remove or delete.

- (1) As used in this section:
 - (a) "Booking photograph" means a photograph or image of an individual that is generated:
 - (i) for identification purposes; and
 - (ii) when the individual is booked into a county jail.
 - (b) "Publish-for-pay publication" or "publish-for-pay website" means a publication or website that requires the payment of a fee or other consideration in order to remove or delete a booking photograph from the publication or website.
- (2)
 - (a) A sheriff may not provide a copy of a booking photograph in any format to a person requesting a copy of the booking photograph if:
 - (i) the booking photograph will be placed in a publish-for-pay publication or posted to a publish-for-pay website; or
 - (ii) the booking photograph is a protected record under Subsection 63G-2-305(80).
 - (b)
 - (i) A sheriff shall display a copy of a booking photograph to a person requesting to view the booking photograph if:
 - (A)
 - (I) the person making the request is an alleged victim of a crime that resulted in the creation of the booking photograph; and

- (II) subject to Utah Rules of Evidence, Rule 617, the prosecuting agency with jurisdiction consents to the request; or
- (B) if an alleged victim is deceased or incapacitated, the person making the request is an immediate family member, guardian, or conservator of an alleged victim of the crime that resulted in the creation of the booking photograph.
- (ii) A person entitled to view a booking photograph under Subsection (2)(b)(i) is not permitted to:
 - (A) retain the booking photograph;
 - (B) make a copy, take a picture of, or otherwise reproduce the booking photograph; or
 - (C) disseminate or distribute the booking photograph.
- (3)
 - (a) A person who requests a copy of a booking photograph from a sheriff shall, at the time of making the request, submit a statement signed by the person affirming that the booking photograph will not be placed in a publish-for-pay publication or posted to a publish-for-pay website.
 - (b) A person who submits a false statement under Subsection (3)(a) is subject to criminal liability as provided in Section 76-8-504.
- (4)
 - (a) Except as provided in Subsection (5), a publish-for-pay publication or a publish-for-pay website shall remove and destroy a booking photograph of an individual who submits a request for removal and destruction within 30 calendar days after the day on which the individual makes the request.
 - (b) A publish-for-pay publication or publish-for-pay website described in Subsection (4)(a) may not condition removal or destruction of the booking photograph on the payment of a fee in an amount greater than \$50.
 - (c) If the publish-for-pay publication or publish-for-pay website described in Subsection (4)(a) does not remove and destroy the booking photograph in accordance with Subsection (4)(a), the publish-for-pay publication or publish-for-pay website is liable for:
 - (i) all costs, including reasonable attorney fees, resulting from any legal action the individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay website to remove and destroy the booking photograph; and
 - (ii) a civil penalty of \$50 per day for each day after the 30-day deadline described in Subsection (4)(a) on which the booking photograph is visible or publicly accessible in the publish-for-pay publication or on the publish-for-pay website.
- (5)
 - (a) A publish-for-pay publication or a publish-for-pay website shall remove and destroy a booking photograph of an individual who submits a request for removal and destruction within seven calendar days after the day on which the individual makes the request if:
 - (i) the booking photograph relates to a criminal charge:
 - (A) on which the individual was acquitted or not prosecuted; or
 - (B) that was expunged, vacated, or pardoned; and
 - (ii) the individual submits, in relation to the request, evidence of a disposition described in Subsection (5)(a)(i).
 - (b) If the publish-for-pay publication or publish-for-pay website described in Subsection (5)(a) does not remove and destroy the booking photograph in accordance with Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable for:

- (i) all costs, including reasonable attorney fees, resulting from any legal action that the individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay website to remove and destroy the booking photograph; and
 - (ii) a civil penalty of \$100 per day for each day after the seven-day deadline described in Subsection (5)(a) on which the booking photograph is visible or publicly accessible in the publish-for-pay publication or on the publish-for-pay website.
- (c) An act of a publish-for-pay publication or publish-for-pay website described in Subsection (5)(a) that seeks to condition removal or destruction of the booking photograph on the payment of any fee or amount constitutes theft by extortion under Section 76-6-406.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-803 Notification requirements to state agencies concerning potential inmate debts.

- (1) Beginning on January 1, 2027, a county jail is required to notify the Office of State Debt Collection, the State Tax Commission, and the Office of Recovery Services:
- (a) within five business days after the day on which a prisoner has been incarcerated in the county jail for 90 consecutive days; and
 - (b) if a prisoner has been incarcerated in the county jail for more than 90 consecutive days, within five business days after the day on which a prisoner is released from the county jail.
- (2) The notification described in Subsection (1) shall include:
- (a) the relevant dates of the prisoner's incarceration and identifying information concerning the prisoner's identity; and
 - (b) whether the prisoner's incarceration is based on:
 - (i) criminal non-payment of a child support order; or
 - (ii) an offense against the prisoner's child or custodial parent of the prisoner's child.
- (3) The requirement described in Subsection (1)(a) does not apply if a court, another county jail, the Department of Corrections, or another entity already has notified the Office of State Debt Collection, the State Tax Commission, and the Office of Recovery Services as described in Subsection (1) about the inmate's incarceration.
- (4) The requirement described in Subsection (1)(b) does not apply if an inmate is transferred to a different county jail or another incarcerated setting for the purpose of continued incarceration.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-72-804 State identification numbers and biometric and other personal information.

- (1) As used in this section, "state identification number" means the number issued by the Bureau of Criminal Identification within the Department of Public Safety that corresponds to a certain individual.
- (2) If an individual is brought to a county jail for processing or booking into custody, the county jail shall, regardless of whether the county jail retains custody of the individual or releases the individual due to capacity issues or another reason:
- (a) collect the individual's biometric and other personal information required by law; and
 - (b)
 - (i) to the extent possible, connect the individual with the individual's state identification number; and
 - (ii) if identified, use the individual's state identification number in association with any records created or accessed by the county jail concerning the individual.

Renumbered and Amended by Chapter 13, 2025 Special Session 1