

Title 64. State Institutions

Chapter 9b Work Programs for Prisoners

64-9b-1 Legislative findings.

- (1) The Legislature finds that it is in the best interest of the state for the department to:
 - (a) develop job opportunities to further enhance the rehabilitation of inmates of the Utah state prison;
 - (b) establish and actively work toward the goal that all inmates shall be productively involved in a treatment, education, or work program, or a combination of these programs, as appropriate, except for inmates who the department determines have a physical or mental disability, or pose a danger to the public, so that they are unable to engage in these activities; and
 - (c) submit a comprehensive management plan outlining the department's plan to meet this goal to the Legislature on or before November 1 of each even-numbered year, and the plan shall include:
 - (i) a cost-effective analysis of current inmate education, treatment, and work programs; and
 - (ii) a study of the feasibility of expanding inmate work programs, particularly in regard to programs that:
 - (A) are not capital intensive;
 - (B) do not unfairly compete with existing Utah industry; and
 - (C) are designed to increase the motivation, develop the work capabilities, and foster the cooperation of inmates.
- (2) The Legislature further finds that a proper means to accomplish this is through a liberal application of this chapter.

Amended by Chapter 366, 2011 General Session

64-9b-2 Definitions.

As used in this chapter:

- (1) "Department" means the Department of Corrections.
- (2) "Inmate" means any man or woman who is under the jurisdiction of the department and who is assigned to the Utah state prison or to a county jail.

Amended by Chapter 21, 1999 General Session

64-9b-3 Encouragement of private industry -- Types of employers to be sought.

- (1) The department is authorized to encourage private industry to locate and provide rehabilitative and job opportunities for inmates at the Utah state prison and county jails housing inmates under the jurisdiction of the department.
- (2) The department shall determine what type of employer is to be allowed to locate at the prison or county jail, taking into consideration the physical facilities and space at the prison or county jail, the abilities of the inmates, and the type of product to be produced by the employer.

Amended by Chapter 158, 1997 General Session

64-9b-4 Work to be voluntary -- Payment of prevailing wages.

- (1) Rehabilitative and job opportunities at the Utah state prison and participating county jails shall not be forced upon any inmate contrary to the Utah Constitution, Article XVI, Section 3 (2), but instead shall be on a completely voluntary basis.
- (2) Private businesses that manufacture products for sale in Utah or in interstate commerce shall pay inmates the prevailing wage for similar work in local private industry. Private businesses that provide services, agricultural products, or manufactured products for export shall pay inmates wages determined by the department, but should not displace local Utah workers as a result of their employment of inmates.

Amended by Chapter 158, 1997 General Session

64-9b-5 Use of earnings from jobs.

Inmates are encouraged to use their personal earnings from jobs created under this chapter for the following:

- (1) for restitution to the victims of the inmate's criminal offense, where applicable;
- (2) for support of the inmate's family, where applicable;
- (3) for the inmate's personal use; and
- (4) for reimbursement of security, operational, and other costs incurred by the Utah Correctional Industries Division of the department in administering these projects.

Amended by Chapter 261, 2025 General Session

64-9b-6 Rules.

The department is authorized to promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to carry out the purposes of this chapter.

Amended by Chapter 382, 2008 General Session

Chapter 13
Department of Corrections - State Prison

64-13-1 Definitions.

As used in this chapter:

- (1) "Behavioral health transition facility" means a nonsecure correctional facility operated by the department for the purpose of providing a therapeutic environment for offenders receiving mental health services.
- (2) "Case action plan" means a document developed by the Department of Corrections that identifies:
 - (a) the program priorities for the treatment of the offender, including the criminal risk factors as determined by risk, needs, and responsivity assessments conducted by the department; and
 - (b) clearly defined completion requirements.
- (3) "Community correctional center" means a nonsecure correctional facility operated by the department, but does not include a behavioral health transition facility for the purposes of Section 64-13f-103.
- (4) "Correctional facility" means any facility operated to house offenders in a secure or nonsecure setting:

- (a) by the department; or
- (b) under a contract with the department.
- (5) "Criminal risk factors" means an individual's characteristics and behaviors that:
 - (a) affect the individual's risk of engaging in criminal behavior; and
 - (b) are diminished when addressed by effective treatment, supervision, and other support resources, resulting in a reduced risk of criminal behavior.
- (6) "Department" means the Department of Corrections.
- (7) "Direct supervision" means a housing and supervision system that is designed to meet the goals described in Subsection 64-13-14(5) and has the elements described in Subsection 64-13-14(6).
- (8) "Emergency" means any riot, disturbance, homicide, inmate violence occurring in any correctional facility, or any situation that presents immediate danger to the safety, security, and control of the department.
- (9) "Evidence-based" means a program or practice that has had multiple randomized control studies or a meta-analysis demonstrating that the program or practice is effective for a specific population or has been rated as effective by a standardized program evaluation tool.
- (10) "Evidence-informed" means a program or practice that is based on research and the experience and expertise of the department.
- (11) "Executive director" means the executive director of the Department of Corrections.
- (12) "Inmate" means an individual who is:
 - (a) committed to the custody of the department; and
 - (b) housed at a correctional facility or at a county jail at the request of the department.
- (13) "Offender" means an individual who has been convicted of a crime for which the individual may be committed to the custody of the department and is at least one of the following:
 - (a) committed to the custody of the department;
 - (b) on probation; or
 - (c) on parole.
- (14) "Recidivism" means a return to criminal activity after a previous criminal conviction.
- (15) "Restitution" means the same as that term is defined in Section 77-38b-102.
- (16) "Risk and needs assessment" means an actuarial tool validated on criminal offenders that determines:
 - (a) an individual's risk of reoffending; and
 - (b) the criminal risk factors that, when addressed, reduce the individual's risk of reoffending.
- (17) "Secure correctional facility" means any prison, penitentiary, or other institution operated by the department or under contract for the confinement of offenders, where force may be used to restrain an offender if the offender attempts to leave the institution without authorization.
- (18) "Serious illness" means, as determined by the inmate's physician, an illness that substantially impairs the inmate's quality of life.
- (19) "Serious injury" means, as determined by the inmate's physician, bodily injury that involves a substantial risk of death, prolonged unconsciousness, prolonged and obvious disfigurement, or prolonged loss or impairment of the function of a bodily member, organ, or mental faculty.
- (20) "State-issued driver license" means a driver license issued in accordance with Title 53, Chapter 3, Part 2, Driver Licensing Act, or an equivalent issued by another state.
- (21) "State-issued identification card" means an identification card issued in accordance with Title 53, Chapter 3, Part 8, Identification Card Act, or an equivalent issued by another state.

Amended by Chapter 177, 2023 General Session
Amended by Chapter 322, 2023 General Session

Amended by Chapter 414, 2023 General Session

64-13-2 Creation of department.

There is created a Department of Corrections, under the general supervision of the executive director of the department. The department is the state authority for corrections.

Amended by Chapter 243, 2016 General Session

64-13-3 Executive director.

- (1) The executive director shall be appointed by the governor with the advice and consent of the Senate.
- (2) The executive director shall be experienced and knowledgeable in the field of corrections and shall have training in criminology and penology.
- (3) The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Amended by Chapter 352, 2020 General Session

64-13-6 Department duties.

- (1) The department shall:
 - (a) protect the public through institutional care and confinement, and supervision in the community of offenders where appropriate;
 - (b) implement court-ordered punishment of offenders;
 - (c) provide evidence-based and evidence-informed program opportunities for offenders designed to reduce offenders' criminogenic and recidivism risks, including behavioral, cognitive, educational, and career-readiness program opportunities;
 - (d) ensure that offender participation in all program opportunities described in Subsection (1)(c) is voluntary;
 - (e) where appropriate, utilize offender volunteers as mentors in the program opportunities described in Subsection (1)(c);
 - (f) provide treatment for sex offenders who are found to be treatable based upon criteria developed by the department;
 - (g) provide the results of ongoing clinical assessment of sex offenders and objective diagnostic testing to sentencing and release authorities;
 - (h) manage programs that take into account the needs and interests of victims, where reasonable;
 - (i) through the Division of Adult Probation and Parole created in Section 64-14-202, supervise probationers and parolees as directed by statute and implemented by the courts and the Board of Pardons and Parole;
 - (j) subject to Subsection (2), investigate criminal conduct involving offenders incarcerated in a state correctional facility;
 - (k) cooperate and exchange information with other state, local, and federal law enforcement agencies to achieve greater success in prevention and detection of crime and apprehension of criminals;
 - (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult Offender Supervision;
 - (m) establish a case action plan based on appropriate validated risk, needs, and responsivity assessments for each offender as follows:

- (i)
 - (A) if an offender is to be supervised in the community, the department shall establish a case action plan for the offender no later than 60 days after the day on which the department's community supervision of the offender begins; and
 - (B) if the offender is committed to the custody of the department, the department shall establish a case action plan for the offender no later than 90 days after the day on which the offender is committed to the custody of the department;
- (ii) each case action plan shall:
 - (A) integrate an individualized, evidence-based, and evidence-informed treatment and program plan with clearly defined completion requirements; and
 - (B) require that a case manager will:
 - (I) ensure that an assessment of the education level, occupational interests, and aptitudes of the inmate has been completed;
 - (II) refer the inmate to a higher education student advisor at an institution offering programs consistent with the inmate's interests and aptitudes for advisement on educational preferences and plans;
 - (III) incorporate the inmate's interests, aptitudes, and student advisement into an education plan consistent with the guidance provided by the Higher Education and Corrections Council created in Section 53B-35-201; and
 - (IV) refer the inmate to the student advisor at the institution called for in the case action plan for guidance and assistance with the education process;
- (iii) the department shall share each newly established case action plan with the sentencing and release authority within 30 days after the day on which the case action plan is established; and
- (iv) the department shall share any changes to a case action plan, including any change in an offender's risk assessment, with the sentencing and release authority within 30 days after the day of the change;
- (n) ensure that an inmate has reasonable access to legal research;
- (o) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:
 - (i) under this title;
 - (ii) by the department; or
 - (iii) by an agency or division within the department;
- (p) when reporting on statewide recidivism, include the metrics and requirements described in Section 63M-7-102;
- (q) create a reentry division that focuses on the successful reentry of inmates into the community, which shall include:
 - (i) screening and assessments for an inmate's risks and needs;
 - (ii) individualized plans and case management;
 - (iii) quality treatment, education, and job preparation;
 - (iv) community partnerships; and
 - (v) comprehensive release planning before the inmate's release, including:
 - (A) coordination with support services; and
 - (B) coordination with one or more family members or friends, if the inmate has given permission to contact specific individuals for this purpose;

- (r) coordinate with the Board of Pardons and Parole regarding inmate records that are necessary for the Board of Pardons and Parole to make necessary determinations regarding an inmate; and
- (s) ensure that inmate records regarding discipline, programs, and other relevant metrics are:
 - (i) complete and updated in a timely manner; and
 - (ii) when applicable, shared with the Board of Pardons and Parole in a timely manner.
- (2) In accordance with department policy, the department may conduct criminal investigations regarding an allegation that:
 - (a) an offender has committed a criminal offense; or
 - (b) an employee of the department has committed a criminal offense.
- (3)
 - (a) The executive director of the department, or the executive director's designee if the designee possesses expertise in correctional programming, shall consult at least annually with cognitive and career-readiness staff experts from the Utah system of higher education and the State Board of Education to review the department's evidence-based and evidence-informed treatment and program opportunities.
 - (b) Beginning in the 2022 interim, the department shall provide an annual report to the Law Enforcement and Criminal Justice Interim Committee regarding:
 - (i) the department's implementation of and offender participation in evidence-based and evidence-informed treatment and program opportunities designed to reduce the criminogenic and recidivism risks of offenders over time; and
 - (ii) the progress of the department's implementation of the inmate program requirements described in Section 64-13-50.
- (4)
 - (a) As used in this Subsection (4):
 - (i) "Accounts receivable" means any amount owed by an offender arising from a criminal judgment that has not been paid.
 - (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures, surcharges, costs, interest, penalties, restitution to victims, third-party claims, claims, reimbursement of a reward, and damages that an offender is ordered to pay.
 - (b) The department shall collect and disburse, with any interest and any other costs assessed under Section 64-14-204, an accounts receivable for an offender during:
 - (i) the parole period and any extension of that period in accordance with Subsection (4)(c); and
 - (ii) the probation period for which the court orders supervised probation and any extension of that period by the department in accordance with Subsection 77-18-105(7).
 - (c)
 - (i) If an offender has an unpaid balance of the offender's accounts receivable at the time that the offender's sentence expires or terminates, the department shall be referred to the sentencing court for the sentencing court to enter a civil judgment of restitution and a civil accounts receivable as described in Section 77-18-114.
 - (ii) If the board makes an order for restitution within 60 days from the day on which the offender's sentence expires or terminates, the board shall refer the order for restitution to the sentencing court to be entered as a civil judgment of restitution as described in Section 77-18-114.
 - (d) This Subsection (4) only applies to offenders sentenced before July 1, 2021.
- (5)

- (a) The department may procure or adopt technology services to facilitate the coordination of services and enhance accountability with agencies, local partners, and community-based organizations that are involved with assisting individuals on probation or parole.
- (b) If possible, the technology services described in Subsection (5)(a) shall:
 - (i) maintain a single, secure client record with a unique identifier to ensure seamless coordination and reduce duplication of services;
 - (ii) notify authorized users of incoming service requests or referrals;
 - (iii) provide secure access to information necessary to understanding and addressing the needs of an individual, including the individual's service and care history;
 - (iv) allow authorized users to exchange information with referring or collaborating organizations through a secure and live chat feature; and
 - (v) send and track individual referrals, store referral outcomes, and document services provided.

Amended by Chapter 86, 2025 General Session

Amended by Chapter 214, 2025 General Session

Amended by Chapter 299, 2025 General Session

64-13-7 Individuals in custody.

- (1) As used in this section:
 - (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.
 - (b) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
 - (c) "Criminogenic factor" means a personal trait, condition, outside influence, or societal factor that tends to increase an inmate's likelihood of committing a criminal offense.
 - (d)
 - (i) "Living area" means a location within a correctional facility where an inmate is assigned to sleep, recreate, study, or interact with other inmates.
 - (ii) "Living area" does not include a location within a correctional facility where an inmate is temporarily placed by staff of the correctional facility to facilitate transfers, visitation, medical care, or other needs of the correctional facility or inmate.
 - (e) "Transgender inmate" means an inmate whose gender identity or expression does not correspond with the inmate's biological sex at birth.
- (2) An offender committed for incarceration in a state correctional facility or for supervision on probation or parole, shall be placed in the custody of the department.
- (3) The department shall establish procedures and is responsible for the appropriate assignment or transfer of an offender to a facility or program.
- (4) Subject to Subsection (5), the department or a county jail may not:
 - (a) assign an inmate whose biological sex at birth is male to a living area where an inmate whose biological sex at birth is female is assigned; or
 - (b) assign an inmate whose biological sex at birth is female to a living area where an inmate whose biological sex at birth is male is assigned.
- (5)
 - (a) Upon a request from a transgender inmate to be assigned to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth, or if the department or a county jail seeks to assign a transgender inmate to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth, the department or a county jail shall undertake an individualized security analysis considering criminogenic and other factors including:

- (i) the transgender inmate's anatomy which may be verified through a conversation with the transgender inmate, reviewing the transgender inmate's medical records, routine protocols applicable to all inmates, or as part of a broader medical examination of the transgender inmate conducted in private by a medical professional if necessary;
 - (ii) the physical characteristics of the transgender inmate;
 - (iii) the transgender inmate's criminal history, including whether the transgender inmate has displayed predatory behavior against individuals whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth;
 - (iv) the history of the transgender inmate's behavior while in the department's or a county jail's custody;
 - (v) the likelihood of the transgender inmate causing physical or psychological harm to, or committing offenses against, inmates in the requested living area whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth;
 - (vi) the safety of correctional facility staff if the transgender inmate were to be assigned to the requested living area;
 - (vii) an analysis of whether the transgender inmate has a history or pattern of:
 - (A) anti-social attitudes or behaviors;
 - (B) interacting with peers who display anti-social attitudes or behaviors;
 - (C) negative family issues or influence;
 - (D) a lack of achievement in education and employment;
 - (E) not participating in pro-social leisure activities; or
 - (F) substance abuse;
 - (viii) whether the requested living area assignment would:
 - (A) ensure the transgender inmate's health and safety; and
 - (B) assist the transgender inmate in successfully reentering the community; and
 - (ix) any other factor determined to be relevant by the executive director or a county sheriff.
- (b) The department or a county jail may assign a transgender inmate to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth only if:
- (i) the department or a county jail determines, after undertaking the individualized security analysis described in Subsection (5)(a), that the assignment presents a low risk of causing:
 - (A) any physical or psychological harm to an inmate who resides in or will reside in the living area, the correctional facility staff that manage the living area, or the transgender inmate;
 - (B) disruption to correctional facility management; and
 - (C) overall security issues; and
 - (ii) there is no evidence that the transgender inmate is claiming a gender identity or expression that does not correspond with the inmate's biological sex at birth solely for the purpose of altering the inmate's living area assignment.
- (6) If the department or a county jail, after complying with Subsection (5), assigns a transgender inmate to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth, the department or a county jail shall:
- (a)
 - (i) undertake the security analysis described in Subsection (5)(a) after a security incident involving the transgender inmate and at regular intervals determined by the executive director or a county sheriff to ensure that the assignment continues to meet the conditions described in Subsection (5)(b); and
 - (ii) if the analysis conducted in Subsection (6)(a) demonstrates that the assignment no longer meets the conditions described in Subsection (5)(b), assign the transgender inmate to a

living area with inmates whose biological sex at birth corresponds with the transgender inmate's biological sex at birth; and

(b) comply with the reporting requirements described in Subsections 64-13-45(2)(d) and (e).

Amended by Chapter 341, 2024 General Session

64-13-7.5 Persons in need of mental health services -- Contracts.

(1) Except as provided for in Subsection (2), when the department determines that a person in its custody is in need of mental health services, the department shall contract with the Division of Substance Abuse and Mental Health, local mental health authorities, or the state hospital to provide mental health services for that person. Those services may be provided at the Utah State Hospital or in community programs provided by or under contract with the Division of Substance Abuse and Mental Health, a local mental health authority, or other public or private mental health care providers.

- (2)
- (a) If the Division of Substance Abuse and Mental Health, a local mental health authority, or the state hospital notifies the department that it is unable to provide mental health services under Subsection (1), the department may contract with other public or private mental health care providers to provide mental health services for persons in its custody.
 - (b) The standards established by rule under Section 64-13-25 apply to the public or private mental health care providers with whom the department contracts under this Subsection (2).
- (3) A person who provides mental health services for sex offender treatment as required in Section 64-13-6 shall be licensed as a mental health professional in accordance with Title 58, Chapter 60, Mental Health Professional Practice Act, or Title 58, Chapter 61, Psychologist Licensing Act, and exhibit competency to practice in the area of sex offender treatment based on education, training, and practice.

Amended by Chapter 412, 2015 General Session

64-13-8 Designation of employee powers.

The department shall designate by policy which of its employees have the authority and powers of peace officers, the power to administer oaths, and other powers the department considers appropriate, including but not limited to the responsibility to bear firearms.

Amended by Chapter 116, 1987 General Session

64-13-10 Department duties -- Rulemaking authority.

- (1) The department shall provide probation supervision programs, parole supervision programs, correctional facilities, community correctional centers, and other programs or facilities as necessary and as required to accomplish its purposes.
- (2) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this chapter.

Amended by Chapter 382, 2008 General Session

64-13-10.4 Entry of an inmate -- Identification application requests.

- (1)

- (a) Within 15 days after the date on which an inmate enters incarceration in a state correctional facility, and, if applicable, approximately six months before the date of the inmate's anticipated release as described in Subsection 64-13-10.6(3), the department shall determine whether the inmate has:
 - (i) a certified copy of the inmate's birth certificate;
 - (ii) a copy of the inmate's social security card; and
 - (iii) a current state-issued driver license or state-issued identification card.
- (b) For any document described in Subsection (1)(a) that the inmate does not possess, the department shall:
 - (i) inform the inmate that each document listed in Subsection (1)(a) may be required to obtain employment upon release;
 - (ii) inquire whether the inmate would like to apply for and obtain any of the documents described in Subsection (1)(a); and
 - (iii)
 - (A) if the inmate accepts assistance in obtaining the documents described in Subsection (1)(a), subject to Subsection (5), provide the assistance described in Subsections (2) through (4) within 30 days after the date on which the inmate accepts assistance; or
 - (B) if the inmate refuses assistance in obtaining the documents described in Subsection (1)(a), maintain a record of the inmate's refusal in the department's electronic file management system.
- (2)
 - (a) If an inmate was born in the United States and accepts assistance in obtaining a certified copy of the inmate's birth certificate, the department shall:
 - (i) request that the inmate pay the fee for obtaining the certified copy of the inmate's birth certificate; or
 - (ii) if the department determines that the inmate is unable to pay the fee as described in Subsection (2)(a)(i), determine whether funds are available from a private donation and use the private donation to pay the fee.
 - (b) If funds are available to pay the fee for obtaining a certified copy of a birth certificate as described in Subsection (2)(a), the department shall request a certified copy of the inmate's birth certificate from the inmate's state of birth.
- (3) If an inmate accepts assistance in obtaining a copy of the inmate's social security card and does not have a copy of the inmate's social security card, the department shall coordinate with the Social Security Administration in obtaining a copy of the inmate's social security card, unless the inmate previously requested the maximum number of yearly or lifetime requests.
- (4) If an inmate accepts assistance in obtaining a state-issued identification card or driver license, the department shall follow the procedure described in Subsection 64-13-10.6(4).
- (5) The requirements of this section do not apply if the 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 414, 2023 General Session

64-13-10.6 Transition and reentry of an inmate at termination of incarceration.

- (1) The department shall evaluate the case action plan and update the case action plan as necessary to prepare for the offender's transition from incarceration to release, including:
 - (a) establishing the supervision level and program needs, based on the offender's criminal risk factors;

- (b) identifying barriers to the offender's ability to obtain housing, food, clothing, and transportation;
 - (c) identifying community-based treatment resources that are reasonably accessible to the offender;
 - (d) establishing the initial supervision procedures and strategy for the offender's parole officer; and
 - (e) ensuring that the offender has access to the web portal described in Section 35A-2-204 a minimum of 30 days before the offender's anticipated release date.
- (2) The department shall notify the Board of Pardons and Parole not fewer than 30 days prior to an offender's release of:
- (a) the offender's case action plan; and
 - (b) any specific conditions of parole necessary to better facilitate transition to the community.
- (3)
- (a) At least six months before the projected date of an inmate's release from incarceration, if practicable, the department shall follow the procedures described in Section 64-13-10.4.
 - (b) If the department is notified of the inmate's release and the remaining term of incarceration is for less than six months, the department shall follow the procedures described in Section 64-13-10.4 as soon as practicable after the department receives notification of the inmate's release date.
- (4) If the inmate's term of incarceration is for longer than six months, the department shall follow procedures described in Section 64-13-10.4:
- (a) approximately six months before the date of the inmate's anticipated release, if the inmate's term of incarceration is for longer than six months; or
 - (b) as soon as possible, upon notification of the inmate's release, if the release is in shorter than six months.
- (5)
- (a) If an inmate accepts assistance in obtaining a current state-issued identification card or driver license, as described in Subsection 64-13-10.4(4), the department shall coordinate with the Driver License Division to:
 - (i)
 - (A) obtain a duplicate of the inmate's state-issued driver license, as described in Section 53-3-215; or
 - (B) renew the inmate's state-issued driver license, if the inmate meets the criteria listed in Section 53-3-214; or
 - (ii)
 - (A) extend the inmate's state-issued regular identification card, as described in Section 53-3-807; or
 - (B) issue the inmate a temporary regular identification card as described in Subsection 53-3-805(10), unless the inmate will live outside this state immediately upon release.
 - (b)
 - (i) Subject to Subsection (5)(b)(ii), the department shall ensure that within the last seven days of the inmate's incarceration, the inmate meets with the Driver License Division to be issued a duplicate driver license, a renewed driver license, an extended regular identification card, or a temporary regular identification card, as described in Subsection (5)(a).
 - (ii) If an inmate is released from a facility other than a state correctional facility, the department shall coordinate with that correctional facility and the Driver License Division in assisting the inmate in meeting with the Driver License Division.

- (c) Before the inmate meets with the Driver License Division, as described in Subsection (5)(b)(i), the department shall ensure that the inmate is provided all required documentation and information the department possesses for the inmate to obtain a document listed in Subsection (5)(a), including:
 - (i) all personal identification documentation; and
 - (ii) a voucher for payment toward any one of the documents listed in Subsection (5)(a), up to the cost of a temporary regular identification card described in Subsection 53-3-805(10).
- (6)
 - (a) Subsections (4) and (5) do not apply to an inmate that is not:
 - (i) a citizen of the United States; or
 - (ii) a lawful resident of the United States and has legal authorization to work in the United States.
 - (b) An inmate described in Subsection (6)(a) may be subject to the department's notification requirements under Section 64-13-10.7.

Amended by Chapter 227, 2025 General Session

64-13-10.7 Release of inmates who are not lawfully present in the United States -- Notification to and coordination with federal authorities.

- (1) As soon as practicable before the day of release, but at least five business days before the day of release, the department shall notify the United States Department of Homeland Security, or other relevant federal agency in charge of handling immigration violations or deportations, when the department is preparing to release an inmate who:
 - (a) is being released after serving a term of imprisonment for a felony; and
 - (b) is unlawfully present in the United States.
- (2) The department shall coordinate with federal authorities to transfer the custody of a released inmate into federal custody as may be required under Subsection (1).

Enacted by Chapter 227, 2025 General Session

64-13-12 Assistance to sheriffs.

Where resources permit, the department may assist county sheriffs in the development of jail standards, in the review of jail facilities, and shall provide other services as requested by the sheriffs.

Amended by Chapter 100, 1988 General Session

64-13-13 Administrators.

The executive director shall appoint deputy directors, wardens, regional administrators, and other administrators as necessary to administer correctional programs. Deputy directors, wardens, and regional administrators shall have experience in corrections, related criminal justice fields, law, or criminology, and experience in administration.

Amended by Chapter 116, 1987 General Session

64-13-14 Secure correctional facilities.

- (1) The department shall maintain and operate secure correctional facilities for the incarceration of offenders.

- (2) For each compound of secure correctional facilities, as established by the executive director, wardens shall be appointed as the chief administrative officers by the executive director.
- (3) The department may transfer offenders from one correctional facility to another and may, with the consent of the sheriff, transfer any offender to a county jail.
- (4) Where new or modified facilities are designed appropriately, the department shall implement an evidence-based direct supervision system in accordance with Subsections (5) and (6).
- (5) A direct supervision system shall be designed to meet the goals of:
 - (a) reducing offender violence;
 - (b) enhancing offenders' participation in treatment, program, and work opportunities;
 - (c) managing and reducing offender risk;
 - (d) promoting pro-social offender behaviors;
 - (e) providing a tiered-housing structure that:
 - (i) rewards an offender's pro-social behaviors and progress toward the completion requirements of the offender's individual case action plan with less restrictive housing and increased privileges; and
 - (ii) houses similarly behaving offenders together; and
 - (f) reducing departmental costs.
- (6) A direct supervision system shall include the following elements:
 - (a) department staff will interact continuously with offenders to actively manage offenders' behavior and to identify problems at early stages;
 - (b) department staff will use management techniques designed to prevent and discourage negative offender behavior and encourage positive offender behavior;
 - (c) department staff will establish and maintain a professional supervisory relationship with offenders; and
 - (d) barriers separating department staff and offenders shall be removed.
- (7)
 - (a) Notwithstanding Subsection (4), the department may implement a supervision model other than the direct supervision model described in Subsection (4) if the executive director:
 - (i) determines that the direct supervision model endangers:
 - (A) the health and safety of the inmates or correctional facility staff; or
 - (B) the security of the correctional facility; and
 - (ii) creates a policy detailing what the supervision model will be and why that model will increase the health and safety of the inmates or correctional facility staff or the security of the correctional facility over a direct supervision model.
 - (b) The department shall post on the department's website:
 - (i) the executive director's determinations regarding the dangers of using a direct supervision model as described in Subsection (7)(a)(i); and
 - (ii) the policy detailing the supervision model to be used as described in Subsection (7)(a)(ii).
- (8) The department shall provide an annual report to the Law Enforcement and Criminal Justice Interim Committee regarding:
 - (a) the status of the implementation of direct supervision; and
 - (b) if applicable, the implementation of a supervision model other than the direct supervision model as described in Subsection (7).

Amended by Chapter 16, 2024 General Session

64-13-14.5 Limits of confinement place -- Release status -- Work release.

- (1) The department may extend the limits of the place of confinement of an inmate when, as established by department policies and procedures, there is cause to believe the inmate will honor the trust, by authorizing the inmate under prescribed conditions:
 - (a) to leave temporarily for purposes specified by department policies and procedures to visit specifically designated places for a period not to exceed 30 days;
 - (b) to participate in a voluntary training program in the community while housed at a correctional facility or to work at paid employment;
 - (c) to be housed in a nonsecure community correctional center operated by the department; or
 - (d) to be housed in any other facility under contract with the department.
- (2)
 - (a) The department shall establish rules governing offenders on release status.
 - (b) A copy of the rules established under Subsection (2)(a) shall be furnished to the offender and to any employer or other person participating in the offender's release program.
 - (c) Any employer or other participating person shall agree in writing to abide by the rules established under Subsection (2)(a) and to notify the department of the offender's discharge or other release from a release program activity, or of any violation of the rules governing release status.
- (3) The willful failure of an inmate to remain within the extended limits of his confinement or to return within the time prescribed to an institution or facility designated by the department is an escape from custody.
- (4) If an offender is arrested for the commission of a crime, the arresting authority shall immediately notify the department of the arrest.
- (5) The department may impose appropriate sanctions pursuant to Section 64-14-204 upon offenders who violate the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, including prosecution for escape under Section 76-8-309 or 76-8-309.3 and for absconding from supervision.
- (6) An inmate who is housed at a nonsecure correctional facility and on work release may not be required to work for less than the current federally established minimum wage, or under substandard working conditions.

Amended by Chapter 214, 2025 General Session

64-13-14.7 Victim notification of offender's release.

- (1) As used in this section:
 - (a) "Offender" means a person who committed an act of criminally injurious conduct against the victim and has been sentenced to incarceration in the custody of the department.
 - (b) "Victim" means a person against whom an offender committed criminally injurious conduct as defined in Section 63M-7-502, and who is entitled to notice of hearings regarding the offender's parole under Section 77-27-9.5. "Victim" includes the legal guardian of a victim, or the representative of the family of a victim who is deceased.
- (2)
 - (a)
 - (i) Upon submitting a signed written request of notification to the Department of Corrections, a victim shall be notified of an offender's release under Sections 64-13-14.5 and 64-13-14.7, or any other release to or from a half-way house, to a program outside of the prison such as a rehabilitation program, state hospital, community center other than a release on parole, commutation or termination for which notice is provided under Sections 77-27-9.5 and

77-27-9.7, transfer of the offender to an out-of-state facility, an offender's escape, or an offender's termination from probation or parole.

- (ii) The request shall include a current mailing address and may include current telephone numbers if the victim chooses.
 - (iii) The notice for an offender's termination from probation or parole shall notify the victim that the victim may petition the court for the appropriate continuous protective order under Subsection 78B-7-804(5) or 78B-7-805(5).
- (b)
- (i) Subject to Subsection (2)(b)(ii), the department shall advise the victim of an offender's release or escape under Subsection (2)(a), in writing.
 - (ii) If written notice is not feasible because the release is immediate or the offender escapes, the department shall make a reasonable attempt to notify the victim by telephone if the victim has provided a telephone number under Subsection (2)(a) and shall follow up with a written notice.
- (3)
- (a) Notice of victim rights under this section shall be provided to the victim in the notice of hearings regarding parole under Section 77-27-9.5.
 - (b) The department shall coordinate with the Board of Pardons and Parole to ensure the notice is implemented.
- (4) A victim's request for notification under this section and any notification to a victim under this section is private information that the department may not release:
- (a) to the offender under any circumstances; or
 - (b) to any other party without the written consent of the victim.
- (5) The department may make rules as necessary to implement this section.
- (6) The department or its employees acting within the scope of their employment are not civilly or criminally liable for failure to provide notice or improper notice under this section unless the failure or impropriety is willful or grossly negligent.

Amended by Chapter 115, 2022 General Session

64-13-15 Property of offender -- Storage and disposal.

- (1)
- (a) Offenders may retain personal property at correctional facilities only as authorized by the department. An offender's property which is retained by the department shall be inventoried and placed in storage by the department and a receipt for the property shall be issued to the offender. Offenders shall be required to arrange for disposal of property retained by the department within a reasonable time under department rules. Property retained by the department shall be returned to the offender at discharge, or in accordance with Title 75, Utah Uniform Probate Code, in the case of death prior to discharge.
 - (b) If property is not claimed within one year of discharge, or it is not disposed of by the offender within a reasonable time after the department's order to arrange for disposal, it becomes property of the state and may be used for correctional purposes or donated to a charity within the state.
 - (c) If an inmate's property is not claimed within one year of the inmate's death, it becomes the property of the state in accordance with Section 75-2-105.
 - (d) Funds which are contraband and in the physical custody of any prisoner, whether in the form of currency and coin which are legal tender in any jurisdiction or negotiable instruments drawn upon a personal or business account, shall be subject to forfeiture following a hearing

which accords with prevailing standards of due process. All such forfeited funds shall be used by the department for purposes which promote the general welfare of prisoners in the custody of the department. Money and negotiable instruments taken from offenders' mail under department rule and which are not otherwise contraband shall be placed in an account administered by the department, to the credit of the offender who owns the money or negotiable instruments.

- (2) Upon discharge from a secure correctional facility, the department may give an inmate transition funds in an amount established by the department with the approval of the director of the Division of Finance. At its discretion, the department may spend the funds directly on the purchase of necessities or transportation for the discharged inmate.

Amended by Chapter 302, 2025 General Session

64-13-16 Inmate employment.

- (1) The department may employ inmates, unless incapable of employment because of sickness or other infirmity or for security reasons, to the degree that funding and available resources allow. An offender may not be employed on work which benefits any employee or officer of the department.
- (2) An offender employed under this section is not considered an employee, worker, workman, or operative for purposes of Title 34A, Chapter 2, Workers' Compensation Act, except as required by federal statute or regulation.

Amended by Chapter 10, 1997 General Session

Amended by Chapter 375, 1997 General Session

64-13-17 Visitors to correctional facilities -- Correspondence.

- (1)
 - (a) The following persons may visit correctional facilities without the consent of the department:
 - (i) the governor;
 - (ii) the attorney general;
 - (iii) a justice or judge of the courts of record;
 - (iv) members of the Board of Pardons and Parole;
 - (v) members of the Legislature;
 - (vi) the sheriff, district attorney, and county attorney for the county in which the correctional facility is located; and
 - (vii) any other persons authorized under rules prescribed by the department or court order.
 - (b) Any person acting under a court order may visit or correspond with any inmate without the consent of the department provided the department has received notice of, and is permitted to respond to, the court order. The court shall consider department policy when making its order.
 - (c) The department may limit access to correctional facilities when the department or governor declares an emergency or when there is a riot or other disturbance.
- (2)
 - (a) A person may not visit with any offender at any correctional facility, other than under Subsection (1), without the consent of the department.
 - (b) Offenders and all visitors, including those listed in Subsection (1), may be required to submit to a search or inspection of their persons and properties as a condition of visitation.

- (3) The department shall make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing guidelines for providing written notice to visitors regarding prohibited items and regarding the fact that under state law all visitors may be required to submit to a search of their persons and properties as a condition of visitation.
- (4) Offenders housed at any correctional facility may send and receive correspondence, subject to the rules of the department. All correspondence is subject to search, consistent with department rules.

Amended by Chapter 382, 2008 General Session

64-13-18 Copy of sentence of incarceration.

The officer delivering any offender for incarceration shall deliver to the department a certified copy of the sentence received by the officer from the clerk of the court. The department shall give the officer a certificate of delivery and shall submit to the Board of Pardons and Parole a copy of the commitment order. The certified copy of sentence is conclusive evidence of the facts contained in it.

Amended by Chapter 13, 1994 General Session

64-13-19 Labor at correctional facilities.

- (1) The department shall determine the types of labor to be pursued, and what kind, quality, and quantity of goods, materials, and supplies shall be produced, manufactured, or repaired at correctional facilities. Contracts may be made for the labor of offenders, including contracts with any federal agency for a project affecting national defense. As many offenders as practicable may be employed to produce, manufacture, or repair any goods, materials, or supplies for sale to the state or its political subdivisions. Prices for all goods, materials, and supplies shall be fixed by the department.
- (2) An offender performing labor under this section is not considered an employee, worker, workman, or operative for purposes of Title 34A, Chapter 2, Workers' Compensation Act, except as required by federal statute or regulation.

Amended by Chapter 375, 1997 General Session

64-13-20 Investigative services -- Presentence investigation reports.

- (1) The department shall:
 - (a) provide investigative services and prepare reports to:
 - (i) assist the courts in sentencing;
 - (ii) assist the Board of Pardons and Parole in its decision-making responsibilities regarding offenders;
 - (iii) assist the department in managing offenders; and
 - (iv) assure the professional and accountable management of the department;
 - (b) establish standards for providing investigative services based on available resources, giving priority to felony cases; and
 - (c) employ staff for the purpose of conducting:
 - (i) thorough presentence investigations of the social, physical, and mental conditions and backgrounds of offenders; and
 - (ii) examinations when required by the court or the Board of Pardons and Parole.

- (2) The department may provide recommendations concerning appropriate measures to be taken regarding offenders.
- (3)
 - (a) An employee of the department who is trained to prepare a presentence investigation report may prepare a presentence investigation report for the courts, the department, or the Board of Pardons and Parole.
 - (b) The presentence investigation reports prepared by the department are protected as defined in Section 63G-2-305 and after sentencing may not be released except by express court order or by rule made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (c) The reports are intended only for use by:
 - (i) the courts in the sentencing process;
 - (ii) the Board of Pardons and Parole in its decision-making responsibilities; and
 - (iii) the department in the supervision, confinement, and treatment of the offender.
- (4) A presentence investigation report shall be made available upon request to another correctional program within the state if the offender who is the subject of the report has been committed or is being evaluated for commitment to the facility for treatment as a condition of probation or parole.
- (5)
 - (a) The presentence investigation reports shall include a victim impact statement in all felony cases and in misdemeanor cases if the offender caused bodily harm or death to the victim.
 - (b) Victim impact statements shall:
 - (i) identify the victim of the offense;
 - (ii) itemize any economic loss suffered by the victim as a result of the offense;
 - (iii) identify any physical, mental, or emotional injuries suffered by the victim as a result of the offense, and the seriousness and permanence;
 - (iv) describe any change in the victim's personal welfare or familial relationships as a result of the offense;
 - (v) identify any request for mental health services initiated by the victim or the victim's family as a result of the offense; and
 - (vi) contain any other information related to the impact of the offense upon the victim or the victim's family that the court requires.
- (6) If the victim is deceased, under a mental, physical, or legal disability, or otherwise unable to provide the information required under this section, the information may be obtained from the personal representative, guardian, or family members, as necessary.
- (7) The department shall employ staff necessary to pursue investigations of complaints from the public, staff, or offenders regarding the management of corrections programs.

Amended by Chapter 27, 2019 General Session

64-13-21.5 Powers of correctional officers and POST certified correctional enforcement or investigation officers.

- (1) Employees of the department who are designated by the executive director as correctional officers may exercise the powers and authority of a correctional officer as needed to properly carry out the following functions:
 - (a) performing the officer's duties within the boundaries of a correctional facility;
 - (b) supervising an offender during transportation;
 - (c) when in fresh pursuit of an offender who has escaped from the custody of the department; or

- (d) when requested to assist a local, state, or federal law enforcement agency.
- (2) Employees of the department who are POST certified as law enforcement officers or correctional officers and who are designated as correctional enforcement or investigation officers have the following duties as specified by the executive director:
 - (a) providing investigative services for the department;
 - (b) conducting criminal investigations and operations in cooperation with state, local, and federal law enforcement agencies; and
 - (c) providing security and enforcement for the department.

Amended by Chapter 10, 2022 General Session

64-13-23 Offender's income, debt, and finances -- Department responsibilities concerning offender debt and financial information.

- (1) The department may require each offender, while in the custody of the department or while on probation or parole, to place funds received or earned by the offender from any source into:
 - (a) an account administered by the department; or
 - (b) a joint account with the department at a federally insured financial institution.
- (2) The department may require each offender to maintain a minimum balance in an account under Subsection (1) for the particular offender's use upon:
 - (a) discharge from the custody of the department; or
 - (b) completion of parole or probation.
- (3) If the funds are placed in a joint account at a federally insured financial institution:
 - (a) any interest accrues to the benefit of the offender account; and
 - (b) the department may require that the signatures of both the offender and a departmental representative be submitted to the financial institution to withdraw funds from the account.
- (4) If the funds are placed in an account administered by the department, the department may by rule designate:
 - (a) a certain portion of the offender's funds as interest-bearing savings; and
 - (b) a portion of the offender's funds as noninterest-bearing to be used for day-to-day expenses.
- (5)
 - (a) The department may withhold part of the offender's funds in an account under Subsection (1) for expenses of:
 - (i) supervision or treatment;
 - (ii) restitution, reparation, fines, alimony, support payments, or similar court-ordered payments;
 - (iii) obtaining the offender's DNA specimen, if the offender is required under Section 53-10-404 to provide a specimen;
 - (iv) department-ordered repayment of a fine that is incurred under Section 64-13-33; and
 - (v) other debt to the state.
 - (b) The department shall provide or make available an account statement at least every two weeks to each inmate who has an account under Subsection (1) that contains:
 - (i) a list of the inmate's known existing debts, including debts related to the inmate's restitution, court costs, fines, tax obligations, alimony, child support, other court-ordered payments, and similar debts;
 - (ii) information regarding incentives for paying certain debts while incarcerated; and
 - (iii) information on how the inmate can access information concerning:
 - (A) the debts listed in Subsection (5)(b)(i); and
 - (B) educational resources on financial literacy and money management.

- (c) The department may provide an account statement to a former inmate through the former inmate's parole officer through the Division of Adult Probation and Parole upon request.
- (6)
- (a) An offender may not be granted free process in civil actions, including petitions for a writ of habeas corpus, if, at any time from the date the cause of action arose through the date the cause of action remains pending, there are any funds in an account under Subsection (1) that have not been withheld or are not subject to withholding under Subsection (4) or (5).
 - (b) The amount assessed for the filing fee, service of process and other fees and costs shall not exceed the total amount of funds the offender has in excess of the indigence threshold established by the department but not less than \$25 including the withholdings under Subsection (4) or (5) during the identified period of time.
 - (c) The amounts assessed shall not exceed the regular fees and costs provided by law.
- (7) The department may disclose information on offender accounts to the Office of Recovery Services and other appropriate state agencies.
- (8) The department shall publish a notice on the department's website, and any website used by an individual depositing funds into an offender's account, that the individual may request from the department a copy of a statement of the offender's financial account in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
- (9)
- (a)
 - (i) Beginning on January 1, 2027, within 15 days after an inmate has been incarcerated in a state prison for 90 consecutive days, the department shall notify the Office of State Debt Collection, the State Tax Commission, and the Office of Recovery Services about the inmate's incarceration, including:
 - (A) the relevant dates of the inmate's incarceration and identifying information concerning the inmate's identity; and
 - (B) whether the inmate's incarceration is based on criminal non-payment of a child support order or an offense against the child or custodial parent.
 - (ii) Beginning on January 1, 2027, within 15 days after the day on which an inmate is released from incarceration, the department shall notify the entities listed in Subsection (9)(a)(i) of the inmate's release date.
 - (b) The requirement described in Subsection (9)(a)(i) does not apply if a court, county jail, or other entity previously has notified the agencies listed in Subsection (9)(a)(i) about the inmate's incarceration.
- (10)
- (a) The department shall, on a periodic basis, offer educational resources to one or more individuals designated by an inmate concerning financial incentives for repaying certain debts during an inmate's incarceration.
 - (b) The department may, if the department has received an inmate's consent, provide one or more individuals designated by an inmate with information concerning the inmate's current financial account balance and existing known debts, in addition to the information provided under Subsection (10)(a).

Amended by Chapter 86, 2025 General Session

64-13-24 Standards for staff training.

To assure the safe and professional operation of correctional programs, the department shall establish policies setting minimum standards for the basic training of all staff upon employment,

and the subsequent regular training of staff, including training on direct supervision and trauma-informed care. The training standards of correctional officers who are designated as peace officers shall be not less than those established by the Peace Officer Standards and Training Council.

Amended by Chapter 246, 2021 General Session

64-13-25 Standards for programs -- Audits.

- (1)
 - (a) To promote accountability and to ensure safe and professional operation of correctional programs, the department shall establish minimum standards for the organization and operation of the department's programs, including collaborating with the Department of Health and Human Services to establish minimum standards for programs providing assistance for individuals involved in the criminal justice system.
 - (b)
 - (i) The department shall promulgate the standards according to state rulemaking provisions.
 - (ii) Those standards that apply to offenders are exempt from the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (iii) Offenders are not a class of persons under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (c) The standards shall provide for inquiring into and processing offender complaints.
 - (d)
 - (i) The department shall establish minimum standards and qualifications for treatment programs provided in county jails to which persons committed to the state prison are placed by jail contract under Section 64-13e-103.
 - (ii) In establishing the standards and qualifications for the treatment programs, the department shall:
 - (A) consult and collaborate with the county sheriffs and the Office of Substance Use and Mental Health; and
 - (B) include programs demonstrated by recognized scientific research to reduce recidivism by addressing an offender's criminal risk factors as determined by a risk and needs assessment.
 - (iii) All jails contracting to house offenders committed to the state prison shall meet the minimum standards for treatment programs as established under this Subsection (1)(d).
 - (e)
 - (i) The department shall establish minimum standards for sex offense treatment, which shall include the requirements under Subsection 64-13-7.5(3) regarding licensure and competency.
 - (ii) The standards shall require the use of evidence-based practices to address criminal risk factors as determined by validated assessments.
 - (iii) The department shall collaborate with the Office of Substance Use and Mental Health to develop and effectively distribute the standards to jails and to mental health professionals who desire to provide mental health treatment for sex offenders.
 - (iv) The department shall establish the standards by administrative rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2)
 - (a) The department shall establish a certification process for public and private providers of treatment for sex offenders on probation or parole that requires the providers' sex offense

- treatment practices meet the standards and practices established under Subsection (1)(e)(i) with the goal of reducing sex offender recidivism.
- (b) The department shall collaborate with the Office of Substance Use and Mental Health to develop, coordinate, and implement the certification process.
 - (c) The department shall base the certification process on the standards under Subsection (1)(e)(i) and require renewal of certification every two years.
 - (d) All public and private providers of sex offense treatment, including those providing treatment to offenders housed in county jails by contract under Section 64-13e-103, shall comply with the standards in order to begin receiving or continue receiving payment from the department to provide sex offense treatment.
 - (e) The department shall establish the certification program by administrative rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) The department:
- (a) shall establish performance goals and outcome measurements for all programs that are subject to the minimum standards established under this section and collect data to analyze and evaluate whether the goals and measurements are attained;
 - (b) shall collaborate with the Office of Substance Use and Mental Health to develop and coordinate the performance goals and outcome measurements, including recidivism rates and treatment success and failure rates;
 - (c) may use the data collected under Subsection (3)(b) to make decisions on the use of funds to provide treatment for which standards are established under this section;
 - (d) shall collaborate with the Office of Substance Use and Mental Health to track a subgroup of participants to determine if there is a net positive result from the use of treatment as an alternative to incarceration;
 - (e) shall collaborate with the Office of Substance Use and Mental Health to evaluate the costs, including any additional costs, and the resources needed to attain the performance goals established for the use of treatment as an alternative to incarceration; and
 - (f) shall annually provide data collected under this Subsection (3) to the State Commission on Criminal and Juvenile Justice on or before August 31.
- (4) The State Commission on Criminal and Juvenile Justice shall compile a written report of the findings based on the data collected under Subsection (3) and provide the report to the legislative Judiciary Interim Committee, the Health and Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the related appropriations subcommittees.

Amended by Chapter 16, 2024 General Session

64-13-25.1 Medication assisted treatment plan.

- (1) As used in this section, "medication assisted treatment plan" means a prescription plan to use a medication, such as buprenorphine, methadone, or naltrexone, to treat substance use withdrawal symptoms or an opioid use disorder.
- (2) In collaboration with the Department of Health and Human Services the department may cooperate with medical personnel to continue a medication assisted treatment plan for an inmate who had an active medication assisted treatment plan within the last six months before being committed to the custody of the department.
- (3) A medication used for a medication assisted treatment plan under Subsection (2):
 - (a) shall be an oral, short-acting medication unless the chief administrative officer or other medical personnel who is familiar with the inmate's medication assisted treatment plan

- determines that a long-acting, non-oral medication will provide a greater benefit to the individual receiving treatment;
 - (b) may be administered to an inmate under the direction of the chief administrative officer of the correctional facility;
 - (c) may, as funding permits, be paid for by the department or the Department of Health and Human Services; and
 - (d) may be left or stored at a correctional facility at the discretion of the chief administrative officer of the correctional facility.
- (4) Before November 30 each year, the Department of Health and Human Services shall provide a report to the Health and Human Services Interim Committee that details, for each category, the number of individuals in the custody of the department who, in the preceding 12 months:
- (a) had an active medication assisted treatment plan within the six months preceding commitment to the custody of the department;
 - (b) continued a medication assisted treatment plan following commitment to the custody of the department; and
 - (c) discontinued a medication assisted treatment plan prior to, at the time of, or after commitment to the custody of the department and, as available, the type of medication discontinued and the reason for the discontinuation.

Enacted by Chapter 266, 2024 General Session

64-13-26 Private providers of services.

- (1) Subject to Subsection 64-14-204(1)(b), the department may contract with a private provider or another agency for the provision of care, treatment, and supervision of an offender committed to the care and custody of the department.
- (2)
- (a) The department shall:
 - (i) establish standards for the operation of the programs;
 - (ii) establish standards under Section 64-13-25 regarding program standards; and
 - (iii) annually review the programs for compliance.
 - (b) The reviews described in Subsection (2)(a) shall be classified as confidential internal working papers.
 - (c) Access to records regarding the reviews is available upon the discretion of the executive director or the governor, or upon court order.

Amended by Chapter 214, 2025 General Session

64-13-27 Records -- Access.

- (1)
- (a) The Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103, county attorneys' offices, and state and local law enforcement agencies shall furnish to the department upon request a copy of records of any person arrested in this state.
 - (b) The department shall maintain centralized files on all offenders under the jurisdiction of the department and make the files available for review by other criminal justice agencies upon request in cases where offenders are the subject of active investigations.
- (2) All records maintained by programs under contract to the department providing services to public offenders are the property of the department.

- (3) The following information is not a record under Title 63A, Chapter 12, Part 1, Division of Archives and Records Service and Management of Government Records, or Title 63G, Chapter 2, Government Records Access and Management Act, and may not be disclosed by the department:
 - (a) identifying information of a person who participates in or administers the execution of a death sentence, including the on-site medical administrator, correctional facility staff, contractors, consultants, executioners, or other staff or volunteers; or
 - (b) identifying information of a person that manufactures, supplies, compounds, or prescribes drugs, medical supplies, medical equipment, or any other equipment used in the execution of a death sentence.
- (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, or any other provision of the Utah Code governing the release of information, the identifying information described in Subsection (3):
 - (a) is not subject to release through discovery or other judicial processes or orders; and
 - (b) may not be introduced as evidence in a civil proceeding, a criminal proceeding, an agency proceeding, or any other administrative or judicial proceeding.
- (5) Within 90 days after the day on which an execution of a death sentence is performed, the department shall:
 - (a) create a copy of the department's records related to an execution of a death sentence that redacts the personal identifying information listed in Subsection (3); and
 - (b) destroy the original records containing the personal identifying information.
- (6) A copy of a record created in Subsection (5)(a) shall be classified as protected under Title 63G, Chapter 2, Government Records Access and Management Act.
- (7) A violation of this section may be punished in accordance with Section 63G-2-801.
- (8)
 - (a) If any provision of this section or the application of any provision to any person or circumstance is held invalid by a final decision of a court, the remainder of this section shall be given effect without the invalid provision or application.
 - (b) The provisions of this section are severable.

Amended by Chapter 16, 2024 General Session

64-13-30 Expenses incurred by offenders -- Payment to department or county jail -- Medical care expenses and copayments.

- (1)
 - (a) The department or county jail may require an inmate to make a copayment for medical and dental services provided by the department or county jail.
 - (b) For services provided while in the custody of the department, the copayment by the inmate is \$5 for primary medical care, \$5 for dental care, and \$2 for prescription medication.
 - (c) For services provided outside of a prison facility while in the custody of the department, the offender is responsible for 10% of the costs associated with hospital care with a cap on an inmate's share of hospital care expenses not to exceed \$2,000 per fiscal year.
- (2)
 - (a) An inmate who has assets exceeding \$200,000, as determined by the department upon entry into the department's custody, is responsible to pay the costs of all medical and dental care up to 20% of the inmate's total determined asset value.
 - (b) After an inmate has received medical and dental care equal to 20% of the inmate's total asset value, the inmate is subject to the copayments provided in Subsection (1).

- (3) The department shall turn over to the Office of State Debt Collection any debt under this section that is unpaid at the time the offender is released from parole.
- (4) An inmate may not be denied medical treatment if the inmate is unable to pay for the treatment because of inadequate financial resources.
- (5) When an offender in the custody of the department receives medical care that is provided outside of a prison facility, the department shall pay the costs:
 - (a) at the contracted rate; or
 - (b)
 - (i) if there is no contract between the department and a health care facility that establishes a fee schedule for medical services rendered, expenses shall be at the noncapitated state Medicaid rate in effect at the time the service was provided; and
 - (ii) if there is no contract between the department and a health care provider that establishes a fee schedule for medical services rendered, expenses shall be 65% of the amount that would be paid under the Public Employees' Benefit and Insurance Program, created in Section 49-20-103.
- (6) Expenses described in Subsection (5) are a cost to the department only to the extent that they exceed an offender's private insurance that is in effect at the time of the service and that covers those expenses.
- (7)
 - (a) The Public Employees' Benefit and Insurance Program shall provide information to the department that enables the department to calculate the amount to be paid to a health care provider under Subsection (5)(b).
 - (b) The department shall ensure that information provided under Subsection (7)(a) is confidential.

Amended by Chapter 243, 2016 General Session

64-13-30.5 Payment by inmate for postsecondary educational tuition.

- (1)
 - (a) An inmate participating in a postsecondary education program through the department shall pay to the department at the time of enrollment 50% of the costs of the postsecondary education tuition.
 - (b) If an inmate desires to participate in the postsecondary education program but is unable to pay the costs of the education because of inadequate financial resources, the inmate may participate in a deferred tuition payment program under this section.
 - (c) The department and the Office of State Debt Collection shall coordinate a deferred postsecondary education tuition repayment program to provide inmates a reasonable payment schedule and payment amount to allow for deferred payment of the postsecondary educational tuition obligation the inmate incurred while under supervision of the department, which shall:
 - (i) account for all postsecondary education tuition costs incurred by the inmate while under the supervision of the department;
 - (ii) establish an appropriate time for the inmate to begin payment of postsecondary education tuition costs, which shall require that payments start no later than two years after termination of parole; and
 - (iii) establish a payment schedule and payment amounts, including prevailing interest rates, commensurate with student loans currently being offered by local financial institutions.
 - (d) Neither the department nor the Office of State Debt Collection may relieve an offender of the postsecondary tuition repayment responsibility.

- (e) The department shall pay costs of postsecondary education not paid by the offender at the time of participation in the program from the Prison Telephone Surcharge Account.
- (2)
 - (a) Of those tuition funds collected by the Office of State Debt Collection under this section, 10% may be used by the Office of State Debt Collection for operation of the deferred payment program.
 - (b) All other funds collected as repayment for postsecondary tuition costs shall be deposited in the Prison Telephone Surcharge Account.
- (3) Only inmates lawfully present in the United States may participate in the postsecondary educational program offered through the department.

Enacted by Chapter 258, 2009 General Session

64-13-31 Emergencies.

In the case of riots, disturbances, or other emergencies at correctional facilities, the Department of Corrections has authority to direct the resolution of the emergencies. The department may request and coordinate the assistance of other state and local agencies in responding to the emergencies.

Amended by Chapter 116, 1987 General Session

64-13-32 Discipline of offenders -- Use of force.

- (1) If an offender offers violence to an officer or other employee of the Department of Corrections, or to another offender, or to any other person; attempts to damage or damages any corrections property; attempts to escape; or resists or refuses to obey any lawful and reasonable command; the officers and other employees of the department may use all reasonable means, including the use of weapons, to defend themselves and department property and to enforce the observance of discipline and prevent escapes.
- (2) An inmate who is housed in a secure correctional facility and is in the act of escaping from that secure correctional facility or from the custody of a peace or correctional officer is presumed to pose a threat of death or serious bodily injury to an officer or others if apprehension is delayed. Notwithstanding Section 76-2-404, a peace or correctional officer is justified in using deadly force if the peace or correctional officer reasonably believes deadly force is necessary to apprehend the inmate.

Amended by Chapter 302, 2025 General Session

64-13-33 Fines for violation of department rules -- Debt collection.

- (1)
 - (a) Following an administrative hearing, the department is authorized to:
 - (i) assess a reasonable fine against the offender for expenses incurred by the department as a result of the offender's violation of department rules; and
 - (ii) require repayment from the offender for the fine under Subsection (1)(a)(i).
 - (b) The department is authorized to require payment from the offender's account or to place a hold on the offender's account to secure compliance with this section.
- (2) The department shall turn over to the Office of State Debt Collection any debt under this section that is unpaid at the time that the offender is released from parole.

Amended by Chapter 260, 2021 General Session

64-13-34 Safety of offenders.

In case of disaster or acts of God that threaten the safety of inmates or the security of a secure correctional facility, inmates may be moved to a suitable place of security. Inmates shall be returned to a correctional facility as soon as it is practicable.

Amended by Chapter 116, 1987 General Session

64-13-36 Testing of prisoners for AIDS and HIV infection -- Medical care -- Department authority.

(1) As used in this section:

- (a) "Prisoner" means a person who has been adjudicated and found guilty of a criminal offense and who is in the custody of and under the jurisdiction of the department.
- (b) "Test" or "testing" means a test or tests for Acquired Immunodeficiency Syndrome or Human Immunodeficiency Virus infection in accordance with standards recommended by the state Department of Health.

(2)

- (a) Within 90 days after July 1, 1989, the effective date of this act, the department shall test or provide for testing of all prisoners who are under the jurisdiction of the department, and subsequently test or provide for testing of all prisoners who are committed to the jurisdiction of the department upon admission or within a reasonable period after admission.
- (b) At the time test results are provided to persons tested, the department shall provide education and counseling regarding Acquired Immunodeficiency Syndrome and Human Immunodeficiency Virus infection.

(3)

- (a) The results of tests conducted under Subsection (2) become part of the inmate's medical file, accessible only to persons designated by department rule and in accordance with any other legal requirement for reporting of Acquired Immunodeficiency Syndrome or Human Immunodeficiency Virus infection.
- (b) Medical and epidemiological information regarding results of tests conducted under Subsection (2) shall be provided to the state Department of Health.

(4) The department has authority to take action as medically indicated with regard to any prisoner who has tested positive for Acquired Immunodeficiency Syndrome or Human Immunodeficiency Virus infection.

(5) Prisoners who test positive for Acquired Immunodeficiency Syndrome or Human Immunodeficiency Virus infection may not be excluded from common areas of the prison that are accessible to other prisoners solely on the basis of that condition, unless medically necessary for protection of the general prison population or staff.

Amended by Chapter 12, 1994 General Session

Amended by Chapter 148, 1994 General Session

64-13-37 Department authorized to test offenders for communicable disease.

(1) As used in this section, "communicable disease" means:

- (a) an illness due to a specific infectious agent or its toxic products, which arises through transmission of that agent or its products from a reservoir to a susceptible host either directly,

as from an infected person or animal, or indirectly, through an intermediate plant or animal host, vector, or the inanimate environment; and

(b) a disease designated by the Department of Health and Human Services by rule as a communicable disease in accordance with Section 26B-7-207.

(2) The department may:

(a) test an offender for a communicable disease upon admission or within a reasonable time after admission to a correctional facility; and

(b) periodically retest the offender for a communicable disease during the time the offender is in the custody of the department.

Amended by Chapter 330, 2023 General Session

64-13-38 Emergency release due to overcrowding.

(1) Definitions:

(a) "Maximum capacity" means every physical and funded prison bed is occupied by an inmate.

(b) "Operational capacity" means 96.5% of every physical and funded bed is occupied by an inmate.

(c) "Emergency release capacity" means 98% of every physical and funded bed is occupied by an inmate.

(2) When the executive director of the department finds that either the male or female inmate population of the Utah State Prison has exceeded operational capacity for at least 45 consecutive days, the executive director shall notify the governor, the legislative leadership, and the Board of Pardons and Parole that the department is approaching an overcrowding emergency and provide them with information relevant to that determination.

(3) When the executive director of the department finds that either the male or female inmate population of the Utah State Prison has exceeded emergency release capacity for at least 45 consecutive days, the executive director shall:

(a) notify the governor and the legislative leadership that the emergency release capacity has been reached and provide them with information relevant to that determination; and

(b) notify the Board of Pardons and Parole that the emergency release capacity has been reached so that the board may commence the emergency release process pursuant to Subsection (4).

(4) Upon the department's notifying the governor and the legislative leadership of the emergency release capacity under Subsection (3), the department shall:

(a) notify the Board of Pardons and Parole of the number of inmates who need to be released in order to return the prison inmate population to operational capacity; and

(b) in cooperation and consultation with the Board of Pardons and Parole, compile a list of inmates, the release of whom would be sufficient to return the prison inmate population to operational capacity.

(5) After 45 consecutive days of emergency release capacity, the Board of Pardons and Parole may order the release of a sufficient number of inmates identified under Subsection (4) to return the prison inmate population to operational capacity.

(6) The department shall inform the governor and the legislative leadership when the emergency release has been completed.

(7) The Board of Pardons and Parole shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this section.

Amended by Chapter 21, 2012 General Session

64-13-39 Standards for health care facilities.

All health care facilities, as defined in Section 26B-2-201, owned or operated by the department shall apply for and meet the requirements for accreditation by the National Commission for Correctional Health Care. The department shall begin the application process in a timely manner to facilitate accreditation of the health care facilities of the department on or before January 1, 1996. Inspections to ensure compliance and accreditation shall be conducted by staff of the national commission.

Amended by Chapter 330, 2023 General Session

64-13-39.5 Definitions -- Health care for chronically or terminally ill offenders -- Notice to health care facility.

(1) As used in this section:

- (a) "Department or agency" means the Utah Department of Corrections or a department of corrections or government entity responsible for placing an offender in a facility located in Utah.
- (b) "Chronically ill" has the same meaning as in Section 31A-36-102.
- (c) "Facility" means an assisted living facility as defined in Section 26B-2-201 and a nursing care facility as defined in Section 26B-2-201, except that transitional care units and other long term care beds owned or operated on the premises of acute care hospitals or critical care hospitals are not facilities for the purpose of this section.
- (d) "Offender" means an inmate whom the department or agency has given an early release, pardon, or parole due to a chronic or terminal illness.
- (e) "Terminally ill" has the same meaning as in Section 31A-36-102.

(2) If an offender from Utah or any other state is admitted as a resident of a facility due to the chronic or terminal illness, the department or agency placing the offender shall:

- (a) provide written notice to the administrator of the facility no later than 15 days prior to the offender's admission as a resident of a facility, stating:
 - (i) the offense for which the offender was convicted and a description of the actual offense;
 - (ii) the offender's status with the department or agency;
 - (iii) that the information provided by the department or agency regarding the offender shall be provided to employees of the facility no later than 10 days prior to the offender's admission to the facility; and
 - (iv) the contact information for:
 - (A) the offender's parole officer and also a point of contact within the department or agency, if the offender is on parole; and
 - (B) a point of contact within the department or agency, if the offender is not under parole supervision but was given an early release or pardon due to a chronic or terminal illness;
- (b) make available to the public on the Utah Department of Corrections' website and upon request:
 - (i) the name and address of the facility where the offender resides; and
 - (ii) the date the offender was placed at the facility; and
- (c) provide a training program for employees who work in a facility where offenders reside, and if the offender is placed at the facility by:
 - (i) the Utah Department of Corrections, the department shall provide the training program for the employees; and

- (ii) by a department or agency from another state, that state's department or agency shall arrange with the Utah Department of Corrections to provide the training required by this Subsection (2), if training has not already been provided by the Utah Department of Corrections, and shall provide to the Utah Department of Corrections any necessary compensation for this service.
- (3) The administrator of the facility shall:
 - (a) provide residents of the facility or their guardians notice that a convicted felon is being admitted to the facility no later than 10 days prior to the offender's admission to the facility;
 - (b) advise potential residents or their guardians of persons under Subsection (2) who are current residents of the facility; and
 - (c) provide training, offered by the Utah Department of Corrections, in the safe management of offenders for all employees.
- (4) The Utah Department of Corrections shall make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing:
 - (a) a consistent format and procedure for providing notification to facilities and information to the public in compliance with Subsection (2); and
 - (b) a training program, in compliance with Subsection (3) for employees, who work at facilities where offenders reside to ensure the safety of facility residents and employees.

Amended by Chapter 330, 2023 General Session

64-13-39.6 Penalty.

Any person who willfully violates Subsection 64-13-39.5(3) is guilty of a class B misdemeanor.

Enacted by Chapter 343, 2007 General Session

64-13-40 Worship for native American inmates.

- (1) As used in this section:
 - (a) "Items used in religious ceremonies" includes cedar, corn husks, corn pollen, corn meal, eagle and other feathers, sage, sweet grass, tobacco, pipes, willow, drums, gourds, lava rock, medicine bundles, bags or pouches, staffs, and other traditional items and materials.
 - (b) "Native American" means an individual who is eligible for membership in a tribe recognized by the federal government.
 - (c) "Native American religion" means a religion or religious belief that is practiced by a native American, the origin and interpretation of which is from a traditional native American culture or community.
 - (d) "Native American spiritual advisor" means a person who leads, instructs, or facilitates a native American religious ceremony or service, or provides religious counseling, and includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.
 - (e) "Site of worship" means a site indoors or outdoors where a person can pray or meditate, or where a sweat lodge ceremony, talking circle, or individual prayer can be made.
- (2)
 - (a) At the request of any native American inmate, a state correctional facility shall reasonably accommodate the practice of the native American inmate's religion including a native American religion at each state correctional facility, unless the inmate is a maximum security inmate and accommodating the maximum security inmate would threaten the reasonable security of the state correctional facility.
 - (b) In accommodating a native American religion, the state correctional facility shall:

- (i) permit access on a regular basis to:
 - (A) a native American spiritual advisor; and
 - (B) a site of worship on the grounds of the correctional facility, unless the inmate is a maximum security inmate and permitting access would threaten the reasonable security of the state correctional facility;
- (ii) permit access to items used in religious ceremonies during the religious ceremonies; and
- (iii) provide a secure place at the site of worship to store the items used in religious ceremonies.
- (3) Notwithstanding Subsection (2)(b)(iii), the state correctional facility is not required to provide to the inmate any item used in religious ceremonies.
- (4) A native American spiritual advisor shall have any privilege of access to inmates and sites of worship provided to an individual functioning as a religious leader or advisor at a state correctional facility.
- (5) An inmate claiming to be a native American for purposes of this section shall bear the burden of establishing to the state correctional facility that the inmate is a native American.
- (6) The department may not require a native American inmate to cut the inmate's hair if it conflicts with the inmate's traditional native American religious beliefs.
- (7) A state correctional facility is required to comply with this section only to the extent that it does not threaten the reasonable security of the state correctional facility.
- (8) This section may not be construed as requiring a state correctional facility to permit access to peyote by a native American inmate.

Enacted by Chapter 88, 1996 General Session

64-13-41 Limitations on offender access to sexually explicit material.

- (1) As used in this section:
 - (a)
 - (i) "Commercially published information or material" means any book, booklet, pamphlet, magazine, periodical, newsletter, or similar document, including stationery and greeting cards, and video and audio tapes, disks, or other recording, that is distributed or made available through any means or media for a commercial purpose.
 - (ii) "Commercially published information or material" includes an extraction, photocopy, clipping, or electronically created copy made from any of the items under Subsection (1)(a)(i).
 - (b)
 - (i) "Features nudity" means the information or material:
 - (A) that, in the case of a one-time publication or issue, promotes itself based upon depictions of nudity or sexually explicit conduct; or
 - (B) that, in the case of information or material other than under Subsection (1)(b)(i)(A), contains depictions of nudity or sexually explicit conduct on a routine or regular basis.
 - (ii) The department may by rule, pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, exclude from the definition in Subsection (1)(b)(i) information or material containing nudity that is illustrative of medical, educational, or anthropological content.
 - (c) "Nudity" means a pictorial depiction where genitalia or female breasts are exposed.
 - (d) "Offender" means any person who has been convicted of a crime and is housed in a prison, jail, youth detention facility, or community correctional center.
 - (e) "Sexually explicit" means a pictorial depiction of actual or simulated sexual acts, including sexual intercourse, sodomy, or masturbation.
 - (f) "State funds" means state or local funding provided to the department, and includes legislative appropriations to the department, dedicated credits, grants, and money for jail reimbursement

to county correctional facilities under Title 64, Chapter 13, Department of Corrections - State Prison, private providers, and contractors.

- (2) State funds may not be used to distribute or make available any commercially published information or material to an offender when the state employee, contractor, or private provider who has the authority to expend the funds knows that the commercially published information or material is sexually explicit or features nudity.
- (3)
 - (a) When the department rejects commercially published information or material for distribution to an offender under this section, the department shall advise the publisher or sender that it may request reconsideration by the department of the decision to reject the material. However, the department need advise the publisher or sender only once in the case of information or material that on a routine or regular basis either depicts sexually explicit material or features nudity.
 - (b) The department shall make rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish an administrative reconsideration process.
 - (c) For purposes of extraordinary relief under Rule 65B, Utah Rules of Civil Procedure, this administrative reconsideration process is a plain, speedy, and adequate legal remedy that must be exhausted before extraordinary relief is available.
 - (d) There is no right to judicial review of the department's decision under this section to reject material for distribution.
- (4) This section does not apply to sexually explicit material used under Subsection 76-5c-110(1) for the assessment or treatment of an offender.

Amended by Chapter 173, 2025 General Session

64-13-42 Prison Telephone Surcharge Account -- Funding inmate and offender education and training programs.

- (1)
 - (a) There is created within the General Fund a restricted account known as the Prison Telephone Surcharge Account.
 - (b) The Prison Telephone Surcharge Account consists of:
 - (i) revenue generated by the state from pay telephone services located at any correctional facility as defined in Section 64-13-1;
 - (ii) interest on account money;
 - (iii)
 - (A) money paid by inmates participating in postsecondary education provided by the department; and
 - (B) money repaid by former inmates who have a written agreement with the department to pay for a specified portion of the tuition costs under the department's deferred tuition payment program;
 - (iv) money collected by the Office of State Debt Collection for debt described in Subsection (1)(b)(iii);
 - (v) revenue generated from offenders using department tablets or other electronic devices; and
 - (vi) money appropriated by the Legislature.
- (2) Upon appropriation by the Legislature, money from the Prison Telephone Surcharge Account shall be used by the department for education and training programs for offenders and inmates as defined in Section 64-13-1.

Amended by Chapter 299, 2025 General Session

64-13-43 Use of state vehicles by department personnel.

The executive director may authorize the use of a state vehicle for:

- (1) official and commute purposes for a department employee who:
 - (a) supervises probationers or parolees; or
 - (b) investigates the criminal activity of inmates, probationers, or parolees; and
- (2) off-duty personal use.

Amended by Chapter 16, 2024 General Session

64-13-44 Posthumous organ donations by inmates.

- (1) As used in this section:
 - (a) "Document of gift" means the same as that term is defined in Section 26B-8-301.
 - (b) "Sign" means the same as that term is defined in Section 26B-8-301.
- (2)
 - (a) The Utah Department of Corrections shall make available to each inmate a document of gift form that allows an inmate to indicate the inmate's desire to make an anatomical gift if the inmate dies while in the custody of the department.
 - (b) If the inmate chooses to make an anatomical gift after death, the inmate shall complete a document of gift in accordance with the requirements of Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act.
 - (c) The department shall maintain a record of the document of gift that an inmate provides to the department.
- (3) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the department may, upon request, release to an organ procurement organization, as defined in Section 26B-8-301, the names and addresses of all inmates who complete and sign the document of gift form indicating they intend to make an anatomical gift.
- (4) The making of an anatomical gift by an inmate under this section shall comply with Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act.
- (5) Notwithstanding anything in this section, the department shall not be considered to be an inmate's "guardian" for the purposes of Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act.

Amended by Chapter 330, 2023 General Session

64-13-45 Department reporting requirements.

- (1) As used in this section:
 - (a) "Biological sex at birth" means the same as that term is defined in Section 26B-8-101.
 - (b)
 - (i) "In-custody death" means an inmate death that occurs while the inmate is in the custody of the department.
 - (ii) "In-custody death" includes an inmate death that occurs while the inmate is:
 - (A) being transported for medical care; or
 - (B) receiving medical care outside of a correctional facility, other than a county jail.
 - (c) "Inmate" means an individual who is processed or booked into custody or housed in the department or a correctional facility other than a county jail.
 - (d) "Opiate" means the same as that term is defined in Section 58-37-2.

- (e) "Transgender inmate" means the same as that term is defined in Section 64-13-7.
- (2) The department shall submit a report to the Commission on Criminal and Juvenile Justice created in Section 63M-7-201 before June 15 of each year that includes:
 - (a) the number of in-custody deaths that occurred during the preceding calendar year, including:
 - (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(a); and
 - (ii) the department's policy for notifying an inmate's next of kin after the inmate's in-custody death;
 - (b) the department policies, procedures, and protocols:
 - (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use, including use of opiates;
 - (ii) that relate to the department's provision, or lack of provision, of medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and
 - (iii) that relate to screening, assessment, and treatment of an inmate for a substance use disorder or mental health disorder;
 - (c) the number of inmates 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 inmate, medical or corrections staff, or the public;
 - (d) the number of transgender inmates that are assigned to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth in accordance with Section 64-13-7, including:
 - (i) the results of the individualized security analysis conducted for each transgender inmate in accordance with Subsection 64-13-7(5)(a); and
 - (ii) a detailed explanation regarding how the security conditions described in Subsection 64-13-7(5)(b) are met for each transgender inmate;
 - (e) the number of transgender inmates that were:
 - (i) assigned to a living area with inmates whose biological sex at birth do not correspond with the transgender inmate's biological sex at birth; and
 - (ii) removed and assigned to a living area with inmates whose biological sex at birth corresponds with the transgender inmate's biological sex at birth in accordance with Subsection 64-13-7(6); and
 - (f) any report the department provides or is required to provide under federal law or regulation relating to inmate deaths.
- (3) The Commission on Criminal and Juvenile Justice shall:
 - (a) compile the information from the reports described in Subsection (2);
 - (b) omit or redact any identifying information of an inmate in the compilation to the extent omission or redaction is necessary to comply with state and federal law ; and
 - (c) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee and the Utah Substance Use and Mental Health Advisory Committee before November 1 of each year.
- (4) The Commission on Criminal and Juvenile Justice may not provide access to or use the department's policies, procedures, or protocols submitted under this section in a manner or for a purpose not described in this section.

Amended by Chapter 245, 2024 General Session

Amended by Chapter 341, 2024 General Session

64-13-46 Pregnant inmates.

- (1) As used in this section:
 - (a) "Postpartum recovery" means, as determined by the pregnant inmate's physician, the period immediately following delivery, including the entire period the inmate is in the hospital or health care facility after birth.
 - (b) "Restraints" means any physical restraint or mechanical device used to control the movement of an inmate's body or limbs, including flex cuffs, soft restraints, shackles, or a convex shield.
 - (c)
 - (i) "Shackles" means metal restraints, including leg irons, belly chains, or a security or tether chain.
 - (ii) "Shackles" does not include hard metal handcuffs.
- (2) The department shall ensure that each female inmate younger than 50 years old is offered, which the inmate may reject, a test for pregnancy upon admission, or within a reasonable time after admission, to a correctional facility.
- (3) Subject to Subsections (4) and (5), if the staff of a correctional facility knows or has reason to believe that an inmate is pregnant or is in postpartum recovery, the staff shall, when restraining the inmate at any time or location, use the least restrictive restraints necessary to ensure the safety and security of the inmate and others.
- (4) A correctional staff member may not use restraints on an inmate during the third trimester of pregnancy, labor, or childbirth unless a correctional staff member makes an individualized determination that there are compelling grounds to believe that the inmate presents:
 - (a) an immediate and serious risk of harm to the inmate, the inmate's infant, medical staff, correctional staff, or the public; or
 - (b) a substantial risk of escape that cannot reasonably be reduced by the use of other existing means.
- (5) Notwithstanding Subsection (4), under no circumstances may shackles, leg restraints, or waist restraints be used on an inmate during the third trimester of pregnancy, labor, childbirth, or postpartum recovery.
- (6) Correctional staff present during labor or childbirth shall:
 - (a) be stationed in a location that offers the maximum privacy to the inmate, while taking into consideration safety and security concerns; and
 - (b) be female, if practicable.
- (7) If a correctional staff member authorizes restraints under Subsection (3) or (4), the correctional staff member shall make a written record of the authorization and use of the restraints that includes:
 - (a) an explanation of the grounds for the correctional staff member's authorization on the use of restraints;
 - (b) the type of restraints that were used; and
 - (c) the length of time the restraints were used.
- (8) The record described in Subsection (7):
 - (a) shall be retained by the correctional facility for five years;
 - (b) shall be available for public inspection with individually identifying information redacted; and
 - (c) may not be considered a medical record under state or federal law.
- (9) For a minimum of 48 hours after an inmate has given birth, a correctional facility shall, if directed by the inmate's physician, allow the infant to remain with the inmate at the health care facility.

- (10) A correctional facility shall provide:
 - (a) an inmate who is pregnant, or who has given birth within the past six weeks, access to a social worker to help the inmate:
 - (i) arrange childcare;
 - (ii) establish a reunification plan; and
 - (iii) establish a substance abuse treatment plan, if needed; and
 - (b) an inmate in postpartum recovery access to postpartum care for up to 12 weeks as determined by the inmate's physician.
- (11) The department may not create or operate a nursery in a correctional facility to provide space for a female inmate and the inmate's child.

Amended by Chapter 397, 2025 General Session

64-13-46.1 Correctional Postnatal and Early Childhood Advisory Board -- Duties -- Rulemaking.

- (1) As used in this part:
 - (a) "Advisory board" means the Correctional Postnatal and Early Childhood Advisory Board.
 - (b) "Correctional facility" means a facility operated by the department or a county sheriff that houses inmates in a secure setting.
 - (c) "Incarcerated mother" means an inmate who:
 - (i) has recently given birth before entering a correctional facility;
 - (ii) is pregnant and incarcerated in a correctional facility; or
 - (iii) has given birth while incarcerated in a correctional facility.
- (2) The advisory board shall consist of the following members:
 - (a) two individuals from the department, appointed by the executive director;
 - (b) one individual appointed by the Board of Pardons and Parole;
 - (c) one individual appointed by the president of the Utah Sheriffs' Association;
 - (d) one individual representing the Administrative Office of the Courts appointed by the Judicial Council;
 - (e) one individual appointed by the Statewide Association of Public Attorneys and Prosecutors;
 - (f) one individual appointed by the Utah Association of Criminal Defense Lawyers; and
 - (g) four individuals appointed by the executive director of the Department of Health and Human Services, including:
 - (i) one pediatric healthcare provider;
 - (ii) one individual with expertise in early childhood development;
 - (iii) one individual employed by the Division of Child and Family Services; and
 - (iv) one individual with experience advocating for incarcerated women.
- (3) The advisory board shall annually elect a chair and co-chair of the board from among the members of the board.
- (4) The advisory board shall meet at least bi-annually, or more frequently as determined by the executive director, the chair, or three or more members of the advisory board.
- (5) A majority of the board constitutes a quorum and a vote of the majority of the members present constitutes an action of the advisory board.
- (6) A member of the advisory board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

- (7) The advisory board shall:
 - (a) review research regarding childhood development and best practices for placing infants and incarcerated mothers in a diversion program not located in a correctional facility;
 - (b) study the costs of implementing a diversion program for infants and incarcerated mothers removed from a correctional facility;
 - (c) create a provisional plan for implementing a diversion program for infants and incarcerated mothers removed from a correctional facility; and
 - (d) advise and make recommendations to the department and county sheriffs regarding rules and policies for placing an infant or incarcerated mother in a diversion program not located in a correctional facility.
- (8) On or before November 30 of each year, the advisory board shall provide a report of the advisory board's research and study under Subsections (7)(a) through (c), including any proposed legislation, to:
 - (a) the Law Enforcement and Criminal Justice Interim Committee; and
 - (b) the Criminal Justice Appropriations Subcommittee.

Amended by Chapter 271, 2025 General Session

Amended by Chapter 397, 2025 General Session

64-13-47 Prison Sexual Assault Prevention Program.

- (1) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing policies and procedures regarding sexual assaults that occur in correctional facilities.
- (2) The rules described in Subsection (1) shall:
 - (a) require education and training, including:
 - (i) providing to inmates, at intake and periodically, department-approved, easy-to-understand information developed by the department on sexual assault prevention, treatment, reporting, and counseling in consultation with community groups with expertise in sexual assault prevention, treatment, reporting, and counseling; and
 - (ii) providing sexual-assault-specific training to department mental health professionals and all employees who have direct contact with inmates regarding treatment and methods of prevention and investigation;
 - (b) require reporting of sexual assault, including:
 - (i) ensuring the confidentiality of inmate sexual assault complaints and the protection of inmates who make complaints of sexual assault; and
 - (ii) prohibiting retaliation and disincentives for reporting sexual assault;
 - (c) require safety and care for victims, including:
 - (i) providing, in situations in which there is reason to believe that a sexual assault has occurred, reasonable and appropriate measures to ensure the victim's safety by separating the victim from the assailant, if known;
 - (ii) providing acute trauma care for sexual assault victims, including treatment of injuries, HIV prophylaxis measures, and testing for sexually transmitted infections;
 - (iii) providing confidential mental health counseling for victims of sexual assault, including access to outside community groups or victim advocates that have expertise in sexual assault counseling, and enable confidential communication between inmates and those organizations and advocates; and
 - (iv) monitoring victims of sexual assault for suicidal impulses, post-traumatic stress disorder, depression, and other mental health consequences resulting from the sexual assault;

- (d) require investigations and staff discipline, including:
 - (i) requiring all employees to report any knowledge, suspicion, or information regarding an incident of sexual assault to the executive director or designee, and require disciplinary action for employees who fail to report as required;
 - (ii) requiring investigations described in Subsection (3);
 - (iii) requiring corrections investigators to submit all completed sexual assault allegations to the executive director or the executive director's designee, who must then submit any substantiated findings that may constitute a crime under state law to the district attorney with jurisdiction over the facility in which the alleged sexual assault occurred; and
 - (iv) requiring employees to be subject to disciplinary sanctions up to and including termination for violating agency sexual assault policies, with termination the presumptive disciplinary sanction for employees who have engaged in sexual assault, consistent with constitutional due process protections and state personnel laws and rules; and
 - (e) require data collection and reporting, including as provided in Subsection (4).
- (3)
- (a) An investigator trained in the investigation of sex crimes shall conduct the investigation of a sexual assault involving an inmate.
 - (b) The investigation shall include:
 - (i) using a forensic rape kit, if appropriate;
 - (ii) questioning suspects and witnesses; and
 - (iii) gathering and preserving relevant evidence.
- (4) The department shall:
- (a) collect and report data regarding all allegations of sexual assault from each correctional facility in accordance with the federal Prison Rape Elimination Act of 2003, Pub. L 108-79, as amended; and
 - (b) annually report the data described in Subsection (4)(a) to the Law Enforcement and Criminal Justice Interim Committee.

Enacted by Chapter 44, 2021 General Session

64-13-48 Educational and career-readiness programs.

- (1) The department shall, in accordance with Subsection 64-13-6(1)(c), ensure that appropriate evidence-based and evidence-informed educational or career-readiness programs are made available to an inmate as soon as practicable after the creation of the inmate's case action plan.
 - (2) The department shall provide incarcerated women with substantially equivalent educational and career-readiness opportunities as incarcerated men.
 - (3) Before an inmate begins an educational or career-readiness program, the department shall provide reasonable access to resources necessary for an inmate to apply for grants or other available financial aid that may be available to pay for the inmate's program.
- (4)
- (a) The department shall consider an inmate's current participation in an educational or career-readiness program when the department makes a decision with regard to an inmate's:
 - (i) transfer to another area or facility; or
 - (ii) appropriate disciplinary sanction.
 - (b) When possible, the department shall use best efforts to allow an inmate to continue the inmate's participation in an educational or career-readiness program while the facility is under lockdown, quarantine, or a similar status.
- (5)

- (a) The department shall maintain records on an inmate's educational progress, including completed life skills, certifications, and credit- and non-credit-bearing courses, made while the inmate is incarcerated.
- (b) The department shall facilitate the transfer of information related to the inmate's educational process upon the inmate's release, including the inmate's post-release contact information and the records described in Subsection (5)(a), to:
 - (i) the inmate; or
 - (ii) an entity that the inmate has authorized to receive the inmate's records or post-release contact information, including an institution:
 - (A) from which the inmate received educational instruction while the inmate was incarcerated; or
 - (B) at which the inmate plans to continue the inmate's post-incarceration education.
- (6) Beginning May 1, 2023, the department shall provide an annual report to the Higher Education Appropriations Subcommittee regarding educational and career-readiness programs for inmates, which shall include:
 - (a) the number of inmates who are participating in an educational or career-readiness program, including an accredited postsecondary education program;
 - (b) the percentage of inmates who are participating in an educational or career-readiness program as compared to the total inmate population;
 - (c) inmate program completion and graduation data, including the number of completions and graduations in each educational or career-readiness program;
 - (d) the potential effect of educational or career-readiness programs on recidivism, as determined by a comparison of:
 - (i) the total number of inmates who return to incarceration after a previous incarceration; and
 - (ii) the number of inmates who return to incarceration after a previous incarceration who participated in or completed an educational or career-readiness program;
 - (e) the number of inmates who were transferred to a different facility while currently participating in an educational or career-readiness program, including the number of inmates who were unable to continue a program after a transfer to a different facility; and
 - (f) the department's:
 - (i) recommendation for resources that may increase inmates' access to and participation in an educational or career-readiness program; and
 - (ii) estimate of how many additional inmates would participate in an educational or career-readiness program if the resources were provided.
- (7) The department shall:
 - (a) ensure that an inmate enrolled in an educational or career-readiness program has access to modern technology determined by the provider of the program as necessary for an inmate to participate in the program; and
 - (b) assist an inmate in applying for jobs within 30 days before the day on which the inmate is released from the department's custody.
- (8) The department may not offer training for an inmate to become a certified nursing assistant certified by the Department of Health and Human Services.
- (9) The department may make rules in accordance with Section 64-13-10 and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this section.

Amended by Chapter 310, 2024 General Session

64-13-49 Inmate medical notification.

- (1) As used in this section, "health care facility" means the same as that term is defined in Section 26B-2-201.
- (2) Upon intake of an inmate, a correctional facility shall provide the inmate with a form that allows the inmate to designate a contact to whom the correctional facility may release the inmate's medical information in compliance with applicable federal law and Title 63G, Chapter 2, Government Records Access and Management Act.
- (3) A correctional facility shall, without compromising an investigation:
 - (a) attempt to notify an inmate's designated contact that the inmate sustained a serious injury or contracted a serious illness within five days after:
 - (i) the day on which the inmate sustains the serious injury or contracts the serious illness; or
 - (ii) if the inmate is transferred to a health care facility as a result of the serious injury or serious illness, the day on which the inmate is released from the health care facility;
 - (b) attempt to notify the designated contact within 24 hours after the death of the inmate and include the manner of death in the notification, if known; or
 - (c) attempt to notify the designated contact if the inmate's physician determines notification is necessary because the inmate has a medical condition that:
 - (i) renders the inmate incapable of making health care decisions; or
 - (ii) may result in the inmate reaching end-of-life.
- (4) The notification described in Subsection (3)(a) shall, without compromising an investigation, describe:
 - (a) the serious injury or serious illness;
 - (b) the extent of the serious injury or serious illness;
 - (c) the medical treatment plan; and
 - (d) if applicable, the medical treatment recovery plan.
- (5) The department shall create a policy that a staff member provide the notification described in Subsection (3) in a compassionate and professional manner.

Enacted by Chapter 322, 2023 General Session

64-13-50 Inmate program requirements -- Records -- Reporting.

- (1) As used in this section:
 - (a) "Board" means the Board of Pardons and Parole.
 - (b) "Board hearing" means a hearing established under Subsection 77-27-7(1), which is the earliest possible point at which the board may consider an inmate's release from a correctional facility.
 - (c)
 - (i) "Program" means a part of an inmate's case action plan that is required or optional and includes:
 - (A) sex offender treatment;
 - (B) substance use treatment;
 - (C) educational programs, including literacy programs;
 - (D) career-readiness programs;
 - (E) life-skills training; and
 - (F) transition programs meant to prepare an inmate who is about to leave a correctional facility in accordance with Section 64-13-10.6.
 - (ii) "Program" includes online and in-person programs.
- (2) On or before January 1, 2026, the department shall:

- (a) use an inmate's board hearing when determining the timing of an inmate's programs to ensure that an inmate will have the ability to complete all of the inmate's programs by the inmate's board hearing;
 - (b) create an incentive plan to encourage an inmate to complete the inmate's programs by the inmate's board hearing;
 - (c) in accordance with Subsection 64-13-48(4) and Subsection (3), use the department's best efforts to ensure that when an inmate is transferred within a correctional facility or to a different correctional facility, the inmate is able to continue all programs that the inmate has already started and has not yet completed, without requiring the inmate to restart a program from the beginning or wait on a waiting list for the program, unless the program's continuation would be impossible due to the inmate's transfer to a more restrictive setting due to a behavioral or disciplinary violation;
 - (d) in accordance with Subsection (3), use the department's best efforts to ensure that if an inmate opts out of an optional program, the inmate is able to rejoin the program within six months without being required to restart the program from the beginning or wait on a waiting list;
 - (e) in accordance with Subsection (3), as soon as an inmate's case action plan is created in accordance with Subsection 64-13-6(1)(m), use the department's best efforts to start the inmate in at least two of the inmate's programs;
 - (f) in accordance with Subsection (3), use the department's best efforts to allow an inmate to participate in more than one program at a time throughout the inmate's time within the correctional facility, including, if applicable, providing technological methods for an inmate to participate in an online program;
 - (g) in accordance with Section 64-13e-103, prioritize the placement of inmates within county correctional facilities that:
 - (i) offer, allow, or facilitate department-specified programs for inmates; and
 - (ii) collect and provide inmate program completion data to the department; and
 - (h) periodically confer with an inmate and, if necessary, the board, to determine whether the inmate is on track to complete all of the inmate's programs by the inmate's board hearing.
- (3) If the department is unable to meet a requirement described in Subsection (2)(c), (2)(d), (2)(e), or (2)(f), the department shall:
- (a) include in the inmate's records the reason why the requirement was not met; and
 - (b) ensure the information described in Subsection (3)(a) is made available to the board.
- (4) The department shall provide an annual report on the department's public website that states how many inmates:
- (a) are currently participating in one or more programs; and
 - (b) have successfully completed one or more programs during the prior year.

Enacted by Chapter 144, 2024 General Session

64-13-51 Drug abuse and trafficking unit.

- (1) The department shall create a drug abuse and trafficking unit within the department.
- (2) The drug abuse and trafficking unit created in Subsection (1) shall:
 - (a) develop and implement strategies to combat drug abuse and trafficking by:
 - (i) offenders within correctional facilities and under the department's supervision; and
 - (ii) individuals working directly with, or in connection with, offenders within correctional facilities or under the department's supervision; and

- (b) enhance collaboration and information sharing between the department and law enforcement agencies throughout the state to combat drug abuse and trafficking by the individuals listed in Subsections (2)(a)(i) and (ii).

Enacted by Chapter 246, 2025 General Session

Chapter 13a Utah Correctional Industries Act

64-13a-1 Title.

This act is known as the "Utah Correctional Industries Act."

Enacted by Chapter 201, 1985 General Session

64-13a-2 Division duties.

The Division of Correctional Industries:

- (1) is a self-supporting organization;
- (2) is profit-oriented;
- (3) generates revenue for its operations and capital investment;
- (4) assumes responsibility for training offenders in general work habits, work skills, and specific training skills that increase their employment prospects when released;
- (5) shall provide an environment for the operation of correctional industries that closely resembles the environment for the business operations of a private corporate entity; and
- (6) is responsible for and accountable to the Legislature and to the governor for correctional industries programs in this state.

Amended by Chapter 261, 2025 General Session

64-13a-3 Definitions.

As used in this chapter "division" means the Division of Correctional Industries.

Amended by Chapter 36, 2003 General Session

64-13a-4 Creation of division -- Authority of director.

There is created in the Department of Corrections the Division of Correctional Industries, which shall be under the direction of the director of correctional industries, who shall be appointed by the director of the Department of Corrections. The director of correctional industries shall have considerable business operations experience, including the supervision and management of production operations, and has the authority to:

- (1) determine the personnel needs and requirements of the program;
- (2) hire all subordinate personnel in accordance with state policy and procedures; and
- (3) market and deliver correctional industry products and services.

Enacted by Chapter 201, 1985 General Session

64-13a-7 Prison industry properties belong to state.

All money received by prison industries in the administration of this chapter, except as otherwise provided, together with all property acquired, administered, possessed, or received by prison industries are the property of the state, and all expenses, debts, and liabilities incurred by prison industries in connection with the administration of this chapter shall be paid from the Utah Correctional Industries Fund.

Enacted by Chapter 201, 1985 General Session

64-13a-8 Reports to governor.

Utah correctional industries shall make reports to the governor concerning the administration of this chapter, as the governor may require.

Amended by Chapter 135, 1997 General Session

64-13a-9 Expenses to be paid from fund.

All expenditures necessary for the administration of this chapter, including the payment of all salaries, necessary overhead expenses, acquisition of assets, and raw materials shall be paid by warrants of the state drawn on the state treasurer to be paid out of the Utah Correctional Industries Fund.

Enacted by Chapter 201, 1985 General Session

64-13a-10 Payment of accounts.

All accounts payable by Utah correctional industries shall be preaudited by a person designated by the Utah Correctional Industries Division. Requisitions for payment of accounts shall be signed and countersigned by persons designated by the Utah Correctional Industries Division.

Enacted by Chapter 201, 1985 General Session

64-13a-11 Financial statements.

The financial statements of the Utah Correctional Industries Division shall be made up quarterly to the last day of September, December, March, and June in each year, and at other times as determined by the governor, and in every case Utah correctional industries shall prepare a balance sheet, income statement, and statement of changes in financial position.

Enacted by Chapter 201, 1985 General Session

64-13a-12 Audit of financial statements.

The financial statements of the fund may be audited annually by the state auditor or by another person, firm, or corporation the state auditor may appoint.

Amended by Chapter 135, 1997 General Session

Amended by Chapter 169, 1997 General Session

64-13a-13 Purchases of material -- Exemption.

(1) The Division of Correctional Industries is exempt from the provisions of Title 63G, Chapter 6a, Utah Procurement Code, in respect to goods or services purchased by or sold to the department.

- (2) The purchase of raw materials for use by the division in manufacturing or processing products for resale is exempt from the powers and duties of the state purchasing agent.

Amended by Chapter 347, 2012 General Session

64-13a-14 Hearings.

- (1) Pursuant to Section 64-13a-2, the Department of Corrections shall provide an opportunity for persons or organizations affected by the establishment of new industry programs or product lines to appear and present testimony concerning the plans and activities of the Division of Correctional Industries.
- (2) No new industrial, agricultural, or service enterprise which involves gross annual sales of more than \$100,000 may be established unless and until a hearing concerning the enterprise has been held by the department.
- (3) The department shall take into consideration the effect of a proposed enterprise on Utah industry and may not approve the establishment of the enterprise if it would have a comprehensive and substantial adverse impact on a particular Utah business, enterprise, or industry.

Amended by Chapter 224, 1989 General Session

Chapter 13d
Private Correctional Facilities Act

64-13d-101 Title.

This chapter is known as the "Private Correctional Facilities Act."

Enacted by Chapter 288, 1999 General Session

64-13d-102 Definitions.

- (1) As used in this chapter:
 - (a) "Contractor" means a private entity seeking to contract with or currently contracting with the department to establish or operate a private correctional facility.
 - (b) "Correctional services" means those services necessary for the operation of a correctional facility, including the provision of food, clothing, security, programs, and health care.
 - (c) "Facility" means a private correctional facility established or operated under a contract with the department.
- (2) The definitions used under Section 64-13-1 apply to this chapter.

Enacted by Chapter 288, 1999 General Session

Superseded 9/1/2025

64-13d-103 Private contracts.

- (1) The department may contract with a contractor to finance, acquire, construct, lease, or provide full or partial correctional services.
- (2) Before entering into a contract, the department shall:

- (a) hold a public hearing within the county or municipality where the facility is to be sited for the purpose of obtaining public comment;
 - (b) give consideration to the input received at the public hearing when making decisions regarding the awarding of a contract and the contract process; and
 - (c) have received written notification from the legislative body of the municipality or county where the proposed facility is to be sited, stating that the legislative body has agreed to the establishment of the facility within its boundaries.
- (3) Before entering into a contract, the department shall require that the contractor proposing to provide the services demonstrate that it has:
- (a) management personnel with the qualifications and experience necessary to carry out the terms of the contract;
 - (b) sufficient financial resources to:
 - (i) complete and operate the facility;
 - (ii) provide indemnification for liability arising from the operation of the facility; and
 - (iii) provide reimbursement as required under Section 64-13d-105;
 - (c) the ability and resources to meet applicable court orders, correctional standards as defined by the department, and constitutional requirements; and
 - (d) liability insurance adequate to protect the state, the political subdivision where the facility is located, and the officers and employees of the facility from all claims and losses incurred as a result of action or inaction by the contractor or its employees.
- (4) A contract awarded for the operation of a facility shall be consistent with commonly accepted correctional practices as defined by the department and shall include:
- (a) adequate internal and perimeter security to protect the public, employees, and inmates, based on the security level of the inmate population;
 - (b) work, training, educational, and treatment programs for inmates;
 - (c) a minimum correctional officer to inmate ratio;
 - (d) imposition of inmate discipline in accordance with applicable state law and department policy; and
 - (e) adequate food, clothing, housing, and medical care for inmates.

Enacted by Chapter 288, 1999 General Session

Effective 9/1/2025

64-13d-103 Private contracts -- Limitations on purpose -- Requirements before entering into contract -- Required terms.

- (1)
- (a) The department may contract with a contractor to finance, acquire, construct, lease, or provide full or partial correctional services.
 - (b) A contractor may only house an inmate for federal immigration detention or civil detention. The department may not contract with a contractor to house an inmate for any other purpose.
- (2) Before entering into a contract, the department shall:
- (a) hold a public hearing within the county or municipality where the facility is to be sited for the purpose of obtaining public comment;
 - (b) give consideration to the input received at the public hearing when making decisions regarding the awarding of a contract and the contract process; and
 - (c) have received written notification from the legislative body of the municipality or county where the proposed facility is to be sited, stating that the legislative body has agreed to the establishment of the facility within its boundaries.

- (3) Before entering into a contract, the department shall require that the contractor proposing to provide the services demonstrate that it has:
 - (a) management personnel with the qualifications and experience necessary to carry out the terms of the contract;
 - (b) sufficient financial resources to:
 - (i) complete and operate the facility;
 - (ii) provide indemnification for liability arising from the operation of the facility; and
 - (iii) provide reimbursement as required under Section 64-13d-105;
 - (c) the ability and resources to meet applicable court orders, correctional standards as defined by the department, and constitutional requirements; and
 - (d) liability insurance adequate to protect the state, the political subdivision where the facility is located, and the officers and employees of the facility from all claims and losses incurred as a result of action or inaction by the contractor or its employees.
- (4) A contract awarded for the operation of a facility shall be consistent with commonly accepted correctional practices as defined by the department and shall include:
 - (a) adequate internal and perimeter security to protect the public, employees, and inmates, based on the security level of the inmate population;
 - (b) work, training, educational, and treatment programs for inmates;
 - (c) a minimum correctional officer to inmate ratio;
 - (d) imposition of inmate discipline in accordance with applicable state law and department policy; and
 - (e) adequate food, clothing, housing, and medical care for inmates.

Amended by Chapter 243, 2025 General Session

64-13d-104 Use of force -- Private prison employees.

- (1) Employees of a facility contractor may use reasonable force to the extent allowed by state law. The use of force, power, and authority shall be limited to:
 - (a) the grounds of a facility operated in whole or in part by their employer;
 - (b) when transporting inmates; and
 - (c) when pursuing escapees from the facility.
- (2) Training standards for employees of a contractor shall be in accordance with the standards in Section 64-13-24.
- (3) Subsection (2) does not confer peace officer status on the contractor or its employees.

Enacted by Chapter 288, 1999 General Session

64-13d-105 Restricted powers and duties of contractors.

- (1) A contract for correctional services may not authorize a contractor to perform the following:
 - (a) calculate or establish inmate release and parole eligibility dates;
 - (b) grant, deny, or revoke sentence credit;
 - (c) approve inmates for furlough, work release, or parole; or
 - (d) approve the types of work inmates may perform.
- (2) A contractor shall reimburse amounts incurred by local and state agencies for providing assistance with riots, escapes, transportation, medical services, and legal services regarding the operation of the facility.
- (3) A contractor shall have in place a written plan approved by the department regarding the reporting and management of escapes, riots, and other emergency situations.

Enacted by Chapter 288, 1999 General Session

64-13d-106 Monitoring contracts.

- (1) The executive director or the executive director's designee shall monitor the performance of all facilities incarcerating inmates under the jurisdiction of the department.
- (2) The executive director or the executive director's designee shall have unlimited access to all facilities, records, and staff for monitoring purposes.
- (3) The executive director may appoint a monitor to inspect a facility. The monitor shall have unlimited access to all facilities, records, and staff for monitoring purposes.
- (4) The department shall be reimbursed by the entity operating the facility for that portion of the salary and expenses of the monitor attributable to monitoring the particular facility.
- (5) Monitoring consists of ensuring that:
 - (a) all state laws, department rules, and contractual obligations applicable to the facility are being met; and
 - (b) all operations are effective, efficient, and economical.

Amended by Chapter 302, 2025 General Session

64-13d-107 Facility construction -- Housing out-of-state inmates.

- (1) A contractor may not expand its original housing capacity without the approval of the:
 - (a) Legislature; and
 - (b) county or municipal legislative body within whose jurisdiction the facility is located.
- (2) A contractor may not incarcerate out-of-state inmates in a facility operated in the state, except in accordance with any interstate compact of which Utah is a party.

Enacted by Chapter 288, 1999 General Session

64-13d-108 Private entity must contract with department.

An entity may not establish a facility in the state without a contract with the department.

Enacted by Chapter 288, 1999 General Session

Chapter 13e
County Correctional Facility Contracting and Reimbursement

Superseded 9/1/2025

64-13e-102 Definitions.

As used in this chapter:

- (1) "Alternative treatment program" means:
 - (a) an evidence-based cognitive behavioral therapy program; or
 - (b) a certificate-based program provided by:
 - (i) an institution of higher education described in Subsection 53B-1-102(1)(b); or
 - (ii) a degree-granting institution acting in the degree-granting institution's technical education role described in Section 53B-2a-201.
- (2) "Board" means the Board of Pardons and Parole.

- (3) "Commission" means the State Commission on Criminal and Juvenile Justice, created in Section 63M-7-201.
- (4)
- (a) "Condition of probation day" means a day spent by a state probationary inmate in a county correctional facility as a condition of probation.
 - (b) "Condition of probation day" includes a day spent by a state probationary inmate in a county correctional facility:
 - (i) after the date of sentencing;
 - (ii) before the date of sentencing, if a court orders that the state probationary inmate shall receive credit for time served in a county correctional facility before the date of sentencing;
 - (iii) as a condition of an original order of probation; and
 - (iv) as a condition of a new order of probation after a prior revocation of probation.
 - (c) "Condition of probation day" does not include a day spent by a state probationary inmate in a county correctional facility:
 - (i) as a probation sanction day;
 - (ii) after the state probationary inmate has spent 365 consecutive days in a county correctional facility for a single order of probation;
 - (iii) as a condition of a plea in abeyance agreement if a conviction has not been entered;
 - (iv) on a hold instituted by the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security; or
 - (v) after the termination of probation if the state probationary inmate is:
 - (A) sentenced to prison; or
 - (B) eligible for release.
- (5) "Department" means the Department of Corrections, created in Section 64-13-2.
- (6) "Division" means the Division of Finance, created in Section 63A-3-101.
- (7)
- (a) "Eligible bed day" means a day spent by a state probationary inmate or a state parole inmate in a county correctional facility that is eligible for reimbursement under Section 64-13e-104.
 - (b) "Eligible bed day" includes:
 - (i) a condition of probation day;
 - (ii) a parole hold day;
 - (iii) a parole sanction day; and
 - (iv) a probation sanction day.
- (8)
- (a) "Parole hold day" means a day spent in a county correctional facility by a state parole inmate under Subsection 64-13-29(3) based on a suspected violation of the state parole inmate's terms of parole.
 - (b) "Parole hold day" does not include a day spent in a county correctional facility by a state parole inmate:
 - (i) after the state parole inmate has spent 72 hours, excluding weekends and holidays, for a single suspected violation of the state parole inmate's terms of parole; or
 - (ii) as a parole sanction day.
- (9)
- (a) "Parole sanction day" means a day spent in a county correctional facility by a state parole inmate as a sanction under Subsection 64-13-6(2) for a violation of the state parole inmate's terms of parole.
 - (b) "Parole sanction day" includes not more than three consecutive days and not more than a total of six days within a period of 30 days for each sanction.

- (c) "Parole sanction day" does not include a parole hold day.
- (10)
- (a) "Probation sanction day" means a day spent in a county correctional facility by a state probationary inmate as a sanction under Subsection 64-13-6(2) based on a violation of the state probationary inmate's terms of probation.
 - (b) "Probation sanction day" includes not more than three consecutive days and not more than a total of six days within a period of 30 days for each sanction.
 - (c) "Probation sanction day" does not include:
 - (i) a condition of probation day; or
 - (ii) a day spent in a county correctional facility by a state probationary inmate under Subsection 64-14-205(3) based on a suspected violation of the state probationary inmate's terms of probation.
- (11) "State daily incarceration rate" means the average daily incarceration rate, calculated by the department based on the previous three fiscal years, that reflects the following expenses incurred by the department for housing an inmate:
- (a) executive overhead;
 - (b) administrative overhead;
 - (c) transportation overhead;
 - (d) division overhead; and
 - (e) motor pool expenses.
- (12) "State inmate" means an individual, other than a state probationary inmate or state parole inmate, who is committed to the custody of the department.
- (13) "State parole inmate" means an individual who is:
- (a) on parole, as defined in Section 77-27-1; and
 - (b) housed in a county correctional facility for a reason related to the individual's parole.
- (14) "State probationary inmate" means a felony probationer sentenced to time in a county correctional facility under Subsection 77-18-105(6).
- (15) "Treatment program" means:
- (a) an alcohol treatment program;
 - (b) a substance abuse treatment program;
 - (c) a sex offender treatment program; or
 - (d) an alternative treatment program.

Amended by Chapter 214, 2025 General Session

Effective 9/1/2025

64-13e-102 Definitions.

As used in this chapter:

- (1) "Alternative treatment program" means:
 - (a) an evidence-based cognitive behavioral therapy program; or
 - (b) a certificate-based program provided by:
 - (i) an institution of higher education described in Subsection 53B-1-102(1)(b); or
 - (ii) a degree-granting institution acting in the degree-granting institution's technical education role described in Section 53B-2a-201.
- (2) "Average state daily incarceration cost" means the average cost incurred by the department per bed day over the previous three fiscal years, that reflects the following expenses incurred by the department for housing an inmate:
 - (a) executive overhead;

- (b) administrative overhead;
 - (c) transportation overhead;
 - (d) division overhead; and
 - (e) motor pool expenses.
- (3) "Board" means the Board of Pardons and Parole.
- (4) "Commission" means the State Commission on Criminal and Juvenile Justice, created in Section 63M-7-201.
- (5)
- (a) "Condition of probation day" means a day spent by a state probationary inmate in a county correctional facility as a condition of probation.
 - (b) "Condition of probation day" includes a day spent by a state probationary inmate in a county correctional facility:
 - (i) after the date of sentencing;
 - (ii) before the date of sentencing, if a court orders that the state probationary inmate shall receive credit for time served in a county correctional facility before the date of sentencing;
 - (iii) as a condition of an original order of probation; and
 - (iv) as a condition of a new order of probation after a prior revocation of probation.
 - (c) "Condition of probation day" does not include a day spent by a state probationary inmate in a county correctional facility:
 - (i) as a probation sanction day;
 - (ii) after the state probationary inmate has spent 365 consecutive days in a county correctional facility for a single order of probation;
 - (iii) as a condition of a plea in abeyance agreement if a conviction has not been entered;
 - (iv) on a hold instituted by the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security; or
 - (v) after the termination of probation if the state probationary inmate is:
 - (A) sentenced to prison; or
 - (B) eligible for release.
- (6) "Department" means the Department of Corrections, created in Section 64-13-2.
- (7) "Division" means the Division of Finance, created in Section 63A-3-101.
- (8)
- (a) "Eligible bed day" means a day spent by a state probationary inmate or a state parole inmate in a county correctional facility that is eligible for reimbursement under Section 64-13e-104.
 - (b) "Eligible bed day" includes:
 - (i) a condition of probation day;
 - (ii) a parole hold day;
 - (iii) a parole sanction day; and
 - (iv) a probation sanction day.
- (9)
- (a) "Parole hold day" means a day spent in a county correctional facility by a state parole inmate under Subsection 64-13-29(3) based on a suspected violation of the state parole inmate's terms of parole.
 - (b) "Parole hold day" does not include a day spent in a county correctional facility by a state parole inmate:
 - (i) after the state parole inmate has spent 72 hours, excluding weekends and holidays, for a single suspected violation of the state parole inmate's terms of parole; or
 - (ii) as a parole sanction day.
- (10)

- (a) "Parole sanction day" means a day spent in a county correctional facility by a state parole inmate as a sanction under Subsection 64-13-6(2) for a violation of the state parole inmate's terms of parole.
 - (b) "Parole sanction day" includes not more than three consecutive days and not more than a total of six days within a period of 30 days for each sanction.
 - (c) "Parole sanction day" does not include a parole hold day.
- (11)
- (a) "Probation sanction day" means a day spent in a county correctional facility by a state probationary inmate as a sanction under Subsection 64-13-6(2) based on a violation of the state probationary inmate's terms of probation.
 - (b) "Probation sanction day" includes not more than three consecutive days and not more than a total of six days within a period of 30 days for each sanction.
 - (c) "Probation sanction day" does not include:
 - (i) a condition of probation day; or
 - (ii) a day spent in a county correctional facility by a state probationary inmate under Subsection 64-14-205(3) based on a suspected violation of the state probationary inmate's terms of probation.
- (12) "Rate surplus" means the dollar amount by which the average state daily incarceration cost for a given year exceeds 105% of the prior year's state daily incarceration rate.
- (13) "State daily incarceration rate" means the daily per bed dollar basis upon which the department will calculate payments to other parties for housing state inmates and state probationary inmates.
- (14) "State inmate" means an individual, other than a state probationary inmate or state parole inmate, who is committed to the custody of the department.
- (15) "State parole inmate" means an individual who is:
 - (a) on parole, as defined in Section 77-27-1; and
 - (b) housed in a county correctional facility for a reason related to the individual's parole.
- (16) "State probationary inmate" means a felony probationer sentenced to time in a county correctional facility under Subsection 77-18-105(6).
- (17) "Treatment program" means:
 - (a) an alcohol treatment program;
 - (b) a substance abuse treatment program;
 - (c) a sex offender treatment program; or
 - (d) an alternative treatment program.

Amended by Chapter 243, 2025 General Session

Superseded 7/1/2025

64-13e-103 County correctional facility contracting program for state inmates -- Payments -- Reporting -- Contracts.

- (1) Subject to Subsection (6), the department may contract with a county to house state inmates in a county correctional facility.
- (2) The department shall give preference for placement of state inmates, over private entities, to county correctional facility bed spaces for which the department has contracted under Subsection (1).
- (3)
 - (a) The compensation rate for housing state inmates pursuant to a contract described in Subsection (1) shall be:

- (i) except as provided in Subsection (3)(a)(ii), 84% of the state daily incarceration rate for a county correctional facility bed space in a county that, pursuant to the contract, is dedicated to a treatment program for state inmates, if the treatment program is approved by the department under Subsection (3)(c);
 - (ii) 75% of the state daily incarceration rate for a county correctional facility bed space in a county that, pursuant to the contract, is dedicated to an alternative treatment program for state inmates, if the alternative treatment program is approved by the department under Subsection (3)(c); and
 - (iii) 70% of the state daily incarceration rate for a county correctional facility bed space in a county other than the bed spaces described in Subsections (3)(a)(i) and (ii).
- (b) The department shall:
- (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish standards that a treatment program is required to meet before the treatment program is considered for approval for the purpose of a county receiving payment based on the rate described in Subsection (3)(a)(i) or (ii); and
 - (ii) determine on an annual basis, based on appropriations made by the Legislature for the contracts described in this section, whether to approve a treatment program that meets the standards established under Subsection (3)(b)(i), for the purpose of a county receiving payment based on the rate described in Subsection (3)(a)(i) or (ii).
- (c) The department may not approve a treatment program for the purpose of a county receiving payment based on the rate described in Subsection (3)(a)(i) or (ii), unless:
- (i) the program meets the standards established under Subsection (3)(b)(i); and
 - (ii) the department determines that the treatment program is needed by the department at the location where the treatment program will be provided.
- (d)
- (i) The department shall annually:
 - (A) collect information from each county described in Subsection (1) regarding the treatment programs for state inmates offered by the county;
 - (B) evaluate, review, and audit the results of each treatment program on state inmate recidivism and other relevant metrics; and
 - (C) on or before November 30, report the results of the information described in Subsection (3)(d)(i)(B) to the Criminal Justice Appropriations Subcommittee.
 - (ii) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection (3)(d)(i).
- (4)
- (a) Compensation to a county for state inmates incarcerated under this section shall be made by the department.
 - (b) Funds from the County Correctional Facility Contracting Reserve Program may be used only once existing annual appropriated funds for the fiscal year have been exhausted.
- (5) Counties that contract with the department under Subsection (1) shall, on or before June 30 of each year, submit a report to the department that includes:
- (a) the number of state inmates the county housed under this section;
 - (b) the total number of state inmate days of incarceration that were provided by the county; and
 - (c) the information required under Subsection (3)(d)(i)(A).
- (6) Except as provided under Subsection (7), the department may not enter into a contract with a county as described under Subsection (1), unless:
- (a) beginning July 1, 2023, the county correctional facility within the county is in compliance with the reporting requirements described in Subsection 17-22-32(2); and

- (b) the Legislature has previously passed a joint resolution that includes the following information regarding the proposed contract:
 - (i) the approximate number of beds to be contracted;
 - (ii) the approximate amount of the county's long-term debt; and
 - (iii) the repayment time of the debt for the facility where the inmates are to be housed.
- (7) The department may enter into a contract with a county government to house inmates without complying with the approval process described in Subsection (6) only if the county facility was under construction, or already in existence, on March 16, 2001.
- (8) Any resolution passed by the Legislature under Subsection (6) does not bind or obligate the Legislature or the department regarding the proposed contract.

Amended by Chapter 271, 2025 General Session

Effective 7/1/2025

64-13e-103 County correctional facility contracting program for state inmates -- Payments -- Reporting -- Contracts.

- (1) Subject to Subsection (7), the department may only contract with a county to house state inmates in a county correctional facility.
- (2)
 - (a) The compensation rate for housing state inmates pursuant to a contract described in Subsection (1) shall be:
 - (i) except as provided in Subsection (2)(a)(ii), 84% of the state daily incarceration rate for a county correctional facility bed space in a county that, pursuant to the contract, is dedicated to a treatment program for state inmates, if the treatment program is approved by the department under Subsection (2)(c);
 - (ii) 75% of the state daily incarceration rate for a county correctional facility bed space in a county that, pursuant to the contract, is dedicated to an alternative treatment program for state inmates, if the alternative treatment program is approved by the department under Subsection (2)(c); and
 - (iii) 70% of the state daily incarceration rate for a county correctional facility bed space in a county other than the bed spaces described in Subsections (2)(a)(i) and (ii).
 - (b) The department shall:
 - (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish standards that a treatment program is required to meet before the treatment program is considered for approval for the purpose of a county receiving payment based on the rate described in Subsection (2)(a)(i) or (ii); and
 - (ii) determine on an annual basis, based on appropriations made by the Legislature for the contracts described in this section, whether to approve a treatment program that meets the standards established under Subsection (2)(b)(i), for the purpose of a county receiving payment based on the rate described in Subsection (2)(a)(i) or (ii).
 - (c) The department may not approve a treatment program for the purpose of a county receiving payment based on the rate described in Subsection (2)(a)(i) or (ii), unless:
 - (i) the program meets the standards established under Subsection (2)(b)(i); and
 - (ii) the department determines that the treatment program is needed by the department at the location where the treatment program will be provided.
 - (d)
 - (i) The department shall annually:

- (A) collect information from each county described in Subsection (1) regarding the treatment programs for state inmates offered by the county;
 - (B) evaluate, review, and audit the results of each treatment program on state inmate recidivism and other relevant metrics; and
 - (C) on or before November 30, report the results of the information described in Subsection (2)(d)(i)(B) to the Criminal Justice Appropriations Subcommittee.
- (ii) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection (2)(d)(i).
- (3)
- (a) Compensation to a county for state inmates incarcerated under this section shall be made by the department.
 - (b) Funds from the County Correctional Facility Contracting Reserve Program may be used only once existing annual appropriated funds for the fiscal year have been exhausted.
- (4) Counties that contract with the department under Subsection (1) shall, on or before June 30 of each year, submit a report to the department that includes:
- (a) the number of state inmates the county housed under this section;
 - (b) the total number of state inmate days of incarceration that were provided by the county; and
 - (c) the information required under Subsection (2)(d)(i)(A).
- (5) Except as provided under Subsection (6), the department may not enter into a contract with a county as described under Subsection (1), unless:
- (a) beginning July 1, 2023, the county correctional facility within the county is in compliance with the reporting requirements described in Subsection 17-22-32(2); and
 - (b) the Legislature has previously passed a joint resolution that includes the following information regarding the proposed contract:
 - (i) the approximate number of beds to be contracted;
 - (ii) the approximate amount of the county's long-term debt; and
 - (iii) the repayment time of the debt for the facility where the inmates are to be housed.
- (6) The department may enter into a contract with a county government to house inmates without complying with the approval process described in Subsection (5) only if the county facility was under construction, or already in existence, on March 16, 2001.
- (7) Any resolution passed by the Legislature under Subsection (5) does not bind or obligate the Legislature or the department regarding the proposed contract.

Amended by Chapter 243, 2025 General Session

Superseded 7/1/2025

64-13e-103.1 Calculating the state incarceration rate.

- (1) Before September 15 of each year, the department shall:
 - (a) calculate the state daily incarceration rate; and
 - (b) inform each county and the commission of the state daily incarceration rate.
- (2) The state daily incarceration rate may not be less than the rate presented to the Executive Appropriations Committee of the Legislature for purposes of setting the appropriation for the department's budget.

Amended by Chapter 467, 2024 General Session

Effective 7/1/2025

64-13e-103.1 Calculating the average state daily incarceration cost and the state incarceration rate.

- (1) Before September 15 of each year, the department shall:
 - (a) calculate the average state daily incarceration cost; and:
 - (i) if the average state daily incarceration cost equals more than 105% of the previous year's state daily incarceration rate:
 - (A) set the state daily incarceration rate at 105% of the prior year's state daily incarceration rate; and
 - (B) record that year's rate surplus; or
 - (ii) if the average state daily incarceration cost is less than 105% of the previous year's state daily incarceration rate:
 - (A) set the state daily incarceration rate at the state daily incarceration cost; or
 - (B) if in any one or more of the prior three years there existed a rate surplus, and that rate surplus has not been used to augment the state daily incarceration cost in another year, add the rate surplus or surpluses to the state daily incarceration cost and set the state daily incarceration rate to that combined amount, up to 105% of the previous year's state daily incarceration rate; and
 - (b) inform each county and the commission of the state daily incarceration rate.
- (2) Except as provided in Subsections (3) and (4), the state daily incarceration rate may not be less than the rate presented to the Executive Appropriations Committee of the Legislature for purposes of setting the appropriation for the department's budget.
- (3) Notwithstanding any other provision in this section, in a fiscal year where General Fund revenue growth is not sufficient to fund the state daily incarceration rate presented to the Executive Appropriations Committee, the state daily incarceration rate shall be reset by the Executive Appropriations Committee in an appropriations act.
- (4) For the fiscal year beginning July 1, 2025, only, the state daily incarceration rate is \$120.75.

Amended by Chapter 243, 2025 General Session

Superseded 9/1/2025

64-13e-103.3 Estimating the annual number of county correctional facility bed spaces required for state inmates.

- (1)
 - (a) Before September 15 of each year, the department shall estimate the total number of annual county correctional facility bed spaces that are required for state inmates in the upcoming fiscal year, including the annual number of bed spaces that shall be dedicated to:
 - (i) a treatment program for state inmates under Subsection 64-13e-103(3)(a)(i); and
 - (ii) an alternative treatment program for state inmates under Subsection 64-13e-103(3)(a)(ii).
 - (b) The department's estimates described in Subsection (1)(a) shall be based upon:
 - (i) a review of the annual numbers of county correctional facility bed spaces used for state inmates during the preceding years; and
 - (ii) any other information relevant to the department.
- (2) The department shall inform each county of the estimates described in Subsection (1)(a).

Enacted by Chapter 246, 2023 General Session

Effective 9/1/2025

64-13e-103.3 Estimating the annual number of county correctional facility bed spaces required for state inmates.

- (1)
 - (a) Before September 15 of each year, the department shall estimate the total number of annual county correctional facility bed spaces that are required for state inmates in the upcoming fiscal year, including the annual number of bed spaces that shall be dedicated to:
 - (i) a treatment program for state inmates under Subsection 64-13e-103(2)(a)(i); and
 - (ii) an alternative treatment program for state inmates under Subsection 64-13e-103(2)(a)(ii).
 - (b) The department's estimates described in Subsection (1)(a) shall be based upon:
 - (i) a review of the annual numbers of county correctional facility bed spaces used for state inmates during the preceding years; and
 - (ii) any other information relevant to the department.
- (2) The department shall inform each county of the estimates described in Subsection (1)(a).

Amended by Chapter 243, 2025 General Session

64-13e-104 County correctional facility reimbursement program for state probationary inmates and state parole inmates -- Payments.

- (1) A county may receive reimbursement from the state for the county's eligible bed days as described in this section.
- (2) Within funds appropriated by the Legislature for the purpose described in Subsection (1), the division shall:
 - (a) pay a county for the county's eligible bed days at a rate of 50% of the state daily incarceration rate; and
 - (b) administer the payments under this section.
- (3) Funds appropriated by the Legislature under Subsection (2):
 - (a) are nonlapsing;
 - (b) may only be used for the purposes described in Subsection (2) ; and
 - (c) may not be used for:
 - (i) the costs of administering the payment described in this section; or
 - (ii) payment of county correctional facility contract costs for state inmates under Section 64-13e-103.
- (4) The costs described in Subsection (3)(c)(i) shall be funded by legislative appropriation.
- (5) The commission may adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules to administer this section, including establishing requirements and procedures for collecting data from counties for the purpose of completing the calculations described in this section.
- (6) Each county that receives the payment described in Subsection (2) shall submit a report to the commission in accordance with the requirements established by the commission.
- (7)
 - (a) On or before September 30 of each year, the commission shall:
 - (i) compile the information from the reports described in Subsection (6) that relate to the preceding state fiscal year and provide a copy of the compilation to each county that submitted a report; and
 - (ii) calculate:
 - (A) the eligible bed days for each county; and
 - (B) the amount owed to each county based on the county's eligible bed days in accordance with Subsection (2).

- (b) On or before October 15 of each year, the commission shall inform the division and each county of the exact amount of the payment described in this section that shall be made to each county.
- (8)
 - (a) On or before December 15 of each year, the division shall distribute the payment described in Subsection (7)(b) in a single payment to each county.
 - (b) Funds from the Jail Reimbursement Reserve Program may be used only once existing annual appropriated funds for the fiscal year have been exhausted.

Amended by Chapter 467, 2024 General Session

Repealed 9/1/2025

64-13e-105 Subcommittee on County Correctional Facility Contracting and Reimbursement -- Purpose -- Responsibilities -- Membership.

- (1) There is created within the commission, the Subcommittee on County Correctional Facility Contracting and Reimbursement consisting of the individuals listed in Subsection (3).
- (2) The subcommittee shall meet at least annually to review, discuss, and make recommendations for:
 - (a) the state daily incarceration rate, described in Section 64-13e-103.1;
 - (b) county correctional facility contracting and reimbursement processes and goals, including the creation of a comprehensive statewide system of county correctional facility contracting and reimbursement;
 - (c) developing a partnership between the state and counties to create common goals for housing state inmates;
 - (d) calculations for the projected number of bed spaces needed;
 - (e) programming for inmates while incarcerated;
 - (f) proposals to reduce recidivism;
 - (g) enhancing partnerships to improve law enforcement and incarceration programs;
 - (h) inmate transportation costs; and
 - (i) the compilation described in Subsection 64-13e-104(7).
- (3) The membership of the subcommittee shall consist of the following nine members:
 - (a) as designated by the Utah Sheriffs' Association:
 - (i) one sheriff of a county that is currently under contract with the department to house state inmates; and
 - (ii) one sheriff of a county that is currently receiving reimbursement from the department for housing state probationary inmates or state parole inmates;
 - (b) the executive director of the department or the executive director's designee;
 - (c) as designated by the Utah Association of Counties:
 - (i) one member of the legislative body of one county that is currently under contract with the department to house state inmates; and
 - (ii) one member of the legislative body of one county that is currently receiving reimbursement for housing state probationary inmates or state parole inmates;
 - (d) the executive director of the commission or the executive director's designee;
 - (e) one member of the House of Representatives, appointed by the speaker of the House of Representatives;
 - (f) one member of the Senate, appointed by the president of the Senate; and
 - (g) the executive director of the Governor's Office of Planning and Budget or the executive director's designee.

- (4) The subcommittee shall report to the Law Enforcement and Criminal Justice Interim Committee in November of each year on the status of the comprehensive statewide county correctional facility reimbursement and contracting system.
- (5) The subcommittee shall report to the Criminal Justice Appropriations Subcommittee not later than October 31 of each year on costs associated with the comprehensive statewide county correctional facility reimbursement and contracting system established in this chapter.
- (6)
 - (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the division according to Sections 63A-3-106 and 63A-3-107.
 - (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Amended by Chapter 271, 2025 General Session

Chapter 13f

Community Correctional Centers

64-13f-101 Title.

This chapter is known as "Community Correctional Centers."

Enacted by Chapter 194, 2018 General Session

64-13f-102 Definitions.

As used in this chapter:

- (1) "Cap" means no more than 20% above the community supervision percentage multiplied by the community correctional center projection.
- (2) "Community correctional center" means the same as that term is defined in Section 64-13-1.
- (3) "Community correctional center projection" means the daily average number of offenders projected to be supervised in the community by the department in the next calendar year multiplied by the daily average percentage of offenders supervised in the community that are also housed in a community correctional center for the previous calendar year.
- (4) "Community supervision percentage" means the percentage calculated by dividing the total number of offenders supervised in the community by the department in each county or county zone by the total number of offenders supervised in the community by the department.
- (5) "County zone" means the eastern zone, northern zone, or western zone.
- (6) "Department" means the Department of Corrections.
- (7)
 - (a) "Eastern zone" means, except as provided in Subsection (7)(b), Carbon, Daggett, Duchesne, Emery, Grand, San Juan, and Uintah counties.
 - (b) A county with a population of 250,000 or more on the date the community supervision percentage is determined is not part of the eastern zone.
- (8)

- (a) "Northern zone" means, except as provided in Subsection (8)(b), Box Elder, Cache, Morgan, Rich, Summit, and Wasatch counties.
- (b) A county with a population of 250,000 or more on the date the community supervision percentage is determined is not part of the northern zone.
- (9) "Offender" means the same as that term is defined in Section 64-13-1.
- (10)
 - (a) "Western zone" means, except as provided in Subsection (10)(b), Beaver, Garfield, Tooele, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, Washington, and Wayne counties.
 - (b) A county with a population of 250,000 or more on the date the community supervision percentage is determined is not part of the western zone.

Amended by Chapter 139, 2022 General Session

64-13f-102.5 Calculation of the community supervision percentage.

In calculating the community supervision percentage, the department shall:

- (1) determine the county or county zone in which an offender is supervised by identifying the location of the offender's primary offense;
- (2) have sole discretion in identifying the offender's primary offense under Subsection (1), taking into account the severity of the crimes for which the offender has been convicted and sentenced; and
- (3) only include an offender on probation or parole supervision with the department in the community supervision percentage calculation.

Enacted by Chapter 85, 2021 General Session

64-13f-103 Establishment of community correctional centers -- Cap -- Rulemaking -- Procedures.

- (1) Subject to appropriation by the Legislature, the department may:
 - (a) establish community correctional centers throughout the state in accordance with this section;
 - (b) project the number of offenders that may be released to community correctional centers throughout the state; and
 - (c) establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a procedure to allocate offenders to community correctional centers consistent with Subsections (2), (3), and (4) and based on the number of offenders projected by the department to be released to community correctional centers under Subsection (1)(b).
- (2)
 - (a) Except as provided in Subsection (2)(b) or (3), the department shall transfer offenders from a community correctional center in a county or county zone that is exceeding the county's or county zone's cap to a community correctional center in another county or county zone that is not meeting or exceeding the county's or county zone's cap.
 - (b) A transfer under Subsection (2)(a) may occur only between community correctional centers that are currently existing and fully operational.
 - (c) After a county or county zone transfers offenders under Subsection (2)(a), the department shall permanently reduce the total number of available beds within the county or county zone according to the number of offenders transferred to a different community correctional center under Subsection (2)(a), unless the reduction places the county or county zone below the county's or county zone's cap.

- (3) The department may not transfer an offender under Subsection (2)(a) unless the department determines that the transfer is in the best interest of the offender's successful re-entry into the community.
- (4) When opening a new community correctional center, the department shall:
 - (a) determine which counties or county zones are operating in excess of the counties' or county zones' respective caps;
 - (b) compare the percentages at which the counties or county zones identified in Subsection (4) (a) are operating above the counties' or county zones' respective caps;
 - (c) use the comparison described in Subsection (4)(b) to determine the number of offenders who may be transferred from each county or county zone to the new community correctional center, giving priority to offender transfers from counties or county zones that have the highest percentages; and
 - (d) limit the offenders who will be placed in the new community correctional center to:
 - (i) offenders who are residents of the county or county zone within which the new community correctional center is located; or
 - (ii) offenders for whom the placement would be in the best interest of successful re-entry into the community, as determined by the department.
- (5) The department shall consider the proximity of the following services to the new community correctional center when determining the placement of a new community correctional center within a county or county zone:
 - (a) treatment services;
 - (b) healthcare services;
 - (c) employment services;
 - (d) housing services;
 - (e) transportation services; and
 - (f) other services that contribute to an offender's successful community reintegration.

Amended by Chapter 139, 2022 General Session

Chapter 13g Probation and Parole Employment Incentive Program

Chapter 13h Rehabilitation and Reentry Services

64-13h-101 Definitions.

As used in this chapter:

- (1) "Department" means the Department of Corrections.
- (2) "Fund" means the Rehabilitation and Reentry Services Special Revenue Fund created in Section 64-13h-102.
- (3) "Offender" means the same as that term is defined in Section 64-13-1.

Enacted by Chapter 138, 2025 General Session

64-13h-102 Creation of Rehabilitation and Reentry Services Special Revenue Fund.

- (1) There is created a special revenue fund known as the Rehabilitation and Reentry Services Special Revenue Fund.
- (2) The fund includes:
 - (a) private donations, grants, gifts, bequests, or money made available from any other source to implement this section and Section 64-13h-103; and
 - (b) any interest earned on the fund.
- (3) The department shall administer the fund for the purposes described in Section 64-13h-103.
- (4) Upon appropriation by the Legislature, the department shall use money in the fund as described in Section 64-13h-103.

Enacted by Chapter 138, 2025 General Session

64-13h-103 Uses of Rehabilitation and Reentry Services Special Revenue Fund.

- (1) Money in the fund shall be used to provide direct services to offenders that will increase the likelihood of successful reintegration into the general public and decrease the likelihood of recidivism, which may include:
 - (a) educational services;
 - (b) job skills training;
 - (c) life skills training;
 - (d) apprenticeships;
 - (e) job placement assistance;
 - (f) assistance with affordable housing or supervised or transitional housing services;
 - (g) substance use treatment, mental health services, or physical health services; or
 - (h) case worker access, before or after leaving incarceration.
- (2) The department may expend money from the fund to offset actual department expenses related to administering this section.

Enacted by Chapter 138, 2025 General Session

**Chapter 14
Adult Probation and Parole**

**Part 1
General Provisions**

64-14-101 Definitions.

As used in this chapter:

- (1) "Department" means the same as that term is defined in Section 64-13-1.
- (2) "Division" means the Division of Adult Probation and Parole created in Section 64-14-202.
- (3) "Executive director" means the same as that term is defined in Section 64-13-1.
- (4) "Inmate" means the same as that term is defined in Section 64-13-1.
- (5) "Offender" means the same as that term is defined in Section 64-13-1.
- (6) "Recidivism" means the same as that term is defined in Section 64-13-1.

Enacted by Chapter 214, 2025 General Session

Part 2
Division of Adult Probation and Parole

64-14-201 Definitions.

Reserved.

Enacted by Chapter 214, 2025 General Session

64-14-202 Creation of division -- Appointment of director.

- (1) There is created within the department the Division of Adult Probation and Parole.
- (2) The executive director shall appoint a director of the Division of Adult Probation and Parole who shall manage, direct, and supervise the Division of Adult Probation and Parole.

Enacted by Chapter 214, 2025 General Session

64-14-203 Duties of division.

- (1) The division shall:
 - (a) assist the department in fulfilling the department's duty to supervise, as described in Subsection 64-13-6(1)(i), probationers and parolees as directed by statute and implemented by the courts and the Board of Pardons and Parole;
 - (b) comply with the requirements described in this part;
 - (c) supply the information described in Section 53-10-209 that is required to be submitted to the Criminal Investigations and Technical Services Division created in Subsection 53-10-103(2);
 - (d) comply with the use of funds requirement for outpatient treatment services for those convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, as described in Subsection 59-27-105(4)(c);
 - (e) monitor the status of an offender with a mental condition who has been placed on parole as described in Subsection 77-16a-205(4);
 - (f) comply with the requirements described in Title 77, Chapter 18, The Judgment;
 - (g) in accordance with the adult sentencing and supervision length guidelines described in Section 63M-7-404.3, notify the Board of Pardons and Parole of parole violations;
 - (h) for an individual who is on probation for a domestic violence offense that the division is supervising, report to the court and notify the victim of the domestic violence offense if the individual fails to comply with any condition imposed by the court or commits a violation of a sentencing protective order as required by Subsection 77-36-5.1(4);
 - (i) comply with the notice requirement to a prosecuting agency described in Subsection 77-38-3(6) if the division is the moving party on a motion for modification of any determination made at any of the criminal justice hearings provided in Subsections 77-38-2(5)(a) through (g);
 - (j) collect restitution information in preparing a presentence investigation report as described in Section 77-38b-203;
 - (k) for an individual under supervision by the division who violates a sentencing protective order issued under Title 78B, Chapter 7, Part 8, Criminal Protective Orders, report the violation to the court and notify the victim protected by the order of the violation as required by Section 78B-7-807; and

- (l) comply with any other requirement established by applicable statute or regulation or a directive from the executive director.
- (2) The division may, in the course of supervising individuals on probation and parole:
 - (a) respond to an individual's violation of one or more terms of the probation or parole in accordance with the graduated and evidence-based processes established by the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and
 - (b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction for an individual's violation of the terms of probation or parole a period of incarceration of not more than three consecutive days and not more than a total of six days within a period of 30 days.

Enacted by Chapter 214, 2025 General Session

64-14-204 Supervision of sentenced offenders placed in community -- Rulemaking -- POST certified parole or probation officers and peace officers -- Duties -- Supervision fee -- Coordination with local mental health authority.

- (1)
 - (a) The division, except as otherwise provided by law, shall supervise a sentenced offender placed in the community if the offender:
 - (i)
 - (A) is placed on probation by a court;
 - (B) is released on parole by the Board of Pardons and Parole; or
 - (C) is accepted for supervision under the terms of the Interstate Compact for the Supervision of Parolees and Probationers; and
 - (ii) has been convicted of:
 - (A) a felony;
 - (B) a class A misdemeanor when an element of the offense is the use or attempted use of physical force against an individual or property; or
 - (C) notwithstanding Subsection (1)(a)(ii)(B), a class A misdemeanor if the division is ordered by a court to supervise the offender under Section 77-18-105.
 - (b) If a sentenced offender participates in substance use treatment or a residential vocational or life skills program, as defined in Section 13-53-102, while under supervision on probation or parole, the division shall monitor the offender's compliance with and completion of the treatment or program.
 - (c) The department shall establish standards for:
 - (i) the supervision of offenders in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, giving priority, based on available resources, to felony offenders and offenders sentenced under Subsection 58-37-8 (2)(b)(ii); and
 - (ii) the monitoring described in Subsection (1)(b).
- (2) The division shall apply the graduated and evidence-based responses established in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to facilitate a prompt and appropriate response to an individual's violation of the terms of probation or parole, including:
 - (a) sanctions to be used in response to a violation of the terms of probation or parole; and
 - (b) requesting approval from the court or Board of Pardons and Parole to impose a sanction for an individual's violation of the terms of probation or parole, for a period of incarceration of not more than three consecutive days and not more than a total of six days within a period of 30 days.

- (3) The division shall implement a program of graduated incentives as established in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1 to facilitate the department's prompt and appropriate response to an offender's:
 - (a) compliance with the terms of probation or parole; or
 - (b) positive conduct that exceeds those terms.
- (4)
 - (a) The department shall, in collaboration with the State Commission on Criminal and Juvenile Justice and the Division of Substance Use and Mental Health, create standards and procedures for the collection of information, including cost savings related to recidivism reduction and the reduction in the number of inmates, related to the use of the graduated and evidence-based responses and graduated incentives, and offenders' outcomes.
 - (b) The collected information shall be provided to the State Commission on Criminal and Juvenile Justice not less frequently than annually on or before August 31.
- (5) Employees of the division who are POST certified as law enforcement officers or correctional officers and who are designated as parole and probation officers by the executive director have the following duties:
 - (a) monitoring, investigating, and supervising a parolee's or probationer's compliance with the conditions of the parole or probation agreement;
 - (b) investigating or apprehending any offender who has escaped from the custody of the department or absconded from supervision by the division;
 - (c) supervising any offender during transportation; or
 - (d) collecting DNA specimens when the specimens are required under Section 53-10-404.
- (6)
 - (a)
 - (i) A monthly supervision fee of \$30 shall be collected from each offender on probation or parole.
 - (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the division upon a showing by the offender that imposition would create a substantial hardship or if the offender owes restitution to a victim.
 - (b)
 - (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the supervision fee and the circumstances under which an offender may request a hearing.
 - (ii) In determining whether the imposition of the supervision fee would constitute a substantial hardship, the division shall consider the financial resources of the offender and the burden that the fee would impose, with regard to the offender's other obligations.
 - (c) The division shall deposit money received from the monthly supervision fee established in this Subsection (6) into the General Fund as a parole and probation dedicated credit to be used to cover costs incurred in the collection of the fee and in the development of offender supervision programs.
- (7)
 - (a) For offenders placed on probation under Section 77-18-105 or parole under Subsection 76-3-202(2)(a) on or after October 1, 2015, but before January 1, 2019, the division shall establish a program allowing an offender to earn a reduction credit of 30 days from the offender's period of probation or parole for each month the offender complies with the terms of the offender's probation or parole agreement, including the case action plan.
 - (b)

- (i) For offenders placed on probation under Section 77-18-105 or parole under Section 76-3-202 on or after July 1, 2026, the division shall establish a program, consistent with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to provide incentives for an offender that maintains eligible employment, as defined in Section 64-13g-101.
- (ii) The program under Subsection (7)(b)(i) may include a credit towards the reduction of the length of supervision for an offender at a rate of up to 30 days for each month that the offender maintains eligible employment, as defined in Section 64-13g-101.
- (iii) A court, or the Board of Pardons and Parole, is not required to grant a request for termination of supervision under the program described in this Subsection (7)(b) if the court, or the Board of Pardons and Parole, finds that:
 - (A) the offender presents a substantial risk to public safety;
 - (B) termination would prevent the offender from completing risk reduction programming or treatment; or
 - (C) the eligibility criteria for termination of supervision, as established in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, have not been met.
- (iv) This Subsection (7)(b) does not prohibit the division, or another supervision services provider, from requesting termination of supervision based on the eligibility criteria in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1.
- (c) The division shall:
 - (i) maintain a record of credits earned by an offender under this Subsection (7); and
 - (ii) request from the court or the Board of Pardons and Parole the termination of probation or parole not fewer than 30 days prior to the termination date that reflects the credits earned under this Subsection (7).
- (d) This Subsection (7) does not prohibit the division from requesting a termination date earlier than the termination date established by earned credits under Subsection (7)(c).
- (e) The court or the Board of Pardons and Parole shall terminate an offender's probation or parole upon completion of the period of probation or parole accrued by time served and credits earned under this Subsection (7) unless the court or the Board of Pardons and Parole finds that termination would interrupt the completion of a necessary treatment program, in which case the termination of probation or parole shall occur when the treatment program is completed.
- (f) The department shall report annually to the State Commission on Criminal and Juvenile Justice on or before August 31:
 - (i) the number of offenders who have earned probation or parole credits under this Subsection (7) in one or more months of the preceding fiscal year and the percentage of the offenders on probation or parole during that time that this number represents;
 - (ii) the average number of credits earned by those offenders who earned credits;
 - (iii) the number of offenders who earned credits by county of residence while on probation or parole;
 - (iv) the cost savings associated with sentencing reform programs and practices; and
 - (v) a description of how the savings will be invested in treatment and early-intervention programs and practices at the county and state levels.
- (8)
 - (a) The department shall coordinate with a local mental health authority to complete the requirements of this Subsection (8) for an offender who:
 - (i) is a habitual offender as that term is defined in Section 77-18-102;
 - (ii) has a mental illness as that term is defined in Section 26B-5-301; and

- (iii) based on a risk and needs assessment:
 - (A) is at a high risk of reoffending; and
 - (B) has risk factors that may be addressed by available community-based services.
- (b) For an offender described in Subsection (8)(a), at any time clinically appropriate or at least three months before termination of an offender's parole or expiration of an offender's sentence, the department shall coordinate with the Department of Health and Human Services and the relevant local mental health authority to provide applicable clinical assessments and transitional treatment planning and services for the offender so that the offender may receive appropriate treatment and support services after the termination of parole or expiration of sentence.
- (c) The local mental health authority may determine whether the offender:
 - (i) meets the criteria for civil commitment;
 - (ii) meets the criteria for assisted outpatient treatment; or
 - (iii) would benefit from assignment to an assertive community treatment team or available community-based services.
- (d) Based on the local mental health authority's determination under Subsection (8)(c), the local mental health authority shall, as appropriate:
 - (i) initiate an involuntary commitment court proceeding;
 - (ii) file a written application for assisted outpatient treatment; or
 - (iii) seek to have the offender assigned to an assertive community treatment team or available community-based services.
- (e) On or before November 1, 2025, the department shall provide a report to the Law Enforcement and Criminal Justice Interim Committee regarding any proposed changes to the requirements in this Subsection (8), including whether the requirements of this Subsection (8) should also apply to any other category of offenders.

Renumbered and Amended by Chapter 214, 2025 General Session

64-14-205 Violation of parole or probation -- Detention -- Hearing.

- (1) As used in this section:
 - (a) "72-hour hold" means a directive from the department:
 - (i) prohibiting the release of a parolee or probationer from correctional custody who has entered correctional custody due to a violation of a condition of parole or probation; and
 - (ii) lasting for a maximum of 72 hours, excluding weekends or holidays, from the time the parolee or probationer entered correctional custody.
 - (b) "Correctional custody" means when a parolee or probationer is physically detained in a county jail or a correctional facility operated by the department.
 - (c) "Parolee" means an individual on parole under the supervision of the division.
 - (d) "Probationer" means an individual on probation under the supervision of the division.
 - (e)
 - (i) "Qualifying domestic violence offense" means the same as that term is defined in Subsection 77-36-1.1(4).
 - (ii) "Qualifying domestic violence offense" does not include criminal mischief as described in Section 76-6-106.
 - (f) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
- (2) The division shall ensure that the court is notified of violations of the terms and conditions of probation in the case of probationers under the supervision of the division or the Board of Pardons and Parole in the case of parolees under the division's supervision when:

- (a) incarceration is recommended as a sanction;
 - (b) the division determines that a graduated and evidence-based response is not an appropriate response to the violation and recommends revocation of probation or parole; or
 - (c) there is probable cause that the conduct that led to a violation of parole or probation is:
 - (i) a violent felony; or
 - (ii) a qualifying domestic violence offense.
- (3) The division:
- (a) may place a 72-hour hold on a parolee or probationer if there is probable cause to believe that the parolee or probationer has committed a violation other than a violent felony or qualifying domestic violence offense; and
 - (b) shall place a 72-hour hold on a parolee or probationer if there is probable cause to believe that the parolee or probationer has committed a violent felony or qualifying domestic violence offense.
- (4)
- (a) The division may not detain, or have a county jail detain, a probationer or parolee for longer than 72 hours without a warrant or order issued by the court or Board of Pardons and Parole.
 - (b) To obtain a warrant or order to detain a probationer or parolee for longer than 72 hours, the division shall seek the warrant or order from the court for a probationer or the Board of Pardons and Parole for a parolee.
 - (c) The division may decline to seek a warrant or order under Subsection (4)(b) for a probationer or parolee subject to a 72-hour hold and remove the 72-hour hold.
- (5) This section does not require the division to release a probationer or parolee who is being held for something other than a probation or parole violation, including a warrant issued for new criminal conduct or a new conviction where the probationer or parolee is sentenced to incarceration.
- (6) The department may make rules as necessary, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the division to implement this section.

Renumbered and Amended by Chapter 214, 2025 General Session

Part 3

Adult Probation and Parole Employment Incentive Program

64-14-301 Definitions.

As used in this part:

- (1) "Average daily population" means the average daily number of individuals on parole or felony probation in the region during the applicable fiscal year.
- (2) "Baseline parole employment rate" means the average of the parole employment rates for fiscal years 2023, 2024, and 2025.
- (3) "Baseline probation employment rate" means the average of the probation employment rates for fiscal years 2023, 2024, and 2025.
- (4) "Eligible employment" means an occupation, or combined occupations, that:
 - (a) consist of at least 130 hours in a 30-day period; and
 - (b) are verified via paystubs, employment letters, contracts, or other reliable methods, as determined by the department.

- (5) "Evidence-based" means a supervision policy, procedure, program, or practice demonstrated by scientific research to reduce recidivism of individuals on parole or felony probation.
- (6) "Marginal cost of incarceration" means the total costs of incarceration, per inmate, that fluctuate based on inmate population.
- (7) "Office" means the Governor's Office of Planning and Budget.
- (8) "Parole employment rate" means the percentage of individuals on parole who held eligible employment for at least nine months in a one-year period, if at least a portion of the nine-months was during the preceding fiscal year.
- (9) "Probation employment rate" means the percentage of individuals on felony probation who held eligible employment for at least nine months in a one-year period, if at least a portion of the nine-months was during the preceding fiscal year.
- (10) "Program" means the Adult Probation and Parole Employment Incentive Program, created in Section 64-14-302.
- (11) "Region" means one of the geographic regions into which the department has divided the state for purposes of supervising adult probation and parole.
- (12) "Restricted account" means the Employment Incentive Restricted Account created in Section 64-14-303.

Renumbered and Amended by Chapter 214, 2025 General Session

64-14-302 Adult Probation and Parole Employment Incentive Program.

- (1) There is created the Adult Probation and Parole Employment Incentive Program.
- (2) The department and the office shall implement the program in accordance with the requirements of this chapter.
- (3) Beginning July 2026, and each July after 2026, the department shall calculate and report to the office, for the preceding fiscal year, for each region and statewide:
 - (a) the parole employment rate and the average length of employment of individuals on parole;
 - (b) the probation employment rate and average length of employment of individuals on felony probation;
 - (c) the recidivism percentage, using applicable recidivism metrics described in Subsections 63M-7-102(1) and (3);
 - (d) the number and percentage of individuals who successfully complete parole or felony probation;
 - (e) if the recidivism percentage described in Subsection (3)(c) represents a decrease in the recidivism percentage when compared to the fiscal year immediately preceding the fiscal year to which the recidivism percentage described in Subsection (3)(c) relates, the estimated costs of incarceration savings to the state, based on the marginal cost of incarceration;
 - (f) the number of individuals who successfully complete parole and, during the entire six months before the day on which the individuals' parole ends, held eligible employment; and
 - (g) the number of individuals who successfully complete felony probation and, during the entire six months before the day on which the individuals' parole ended, held eligible employment.
- (4) In addition to the information described in Subsection (3), the department shall report, for each region, the number and types of parole or probation programs that were created, replaced, or discontinued during the preceding fiscal year.
- (5) After receiving the information described in Subsections (3) and (4), the office, in consultation with the department, shall, for each region:
 - (a) add the region's baseline parole employment rate and the region's baseline probation employment rate;

- (b) add the region's parole employment rate and the region's probation employment rate;
- (c) subtract the sum described in Subsection (5)(a) from the sum described in Subsection (5)(b);
and
- (d)
 - (i) if the rate difference described in Subsection (5)(c) is zero or less than zero, assign an employment incentive payment of zero to the region; or
 - (ii) except as provided in Subsection (7), if the rate difference described in Subsection (5)(c) is greater than zero, assign an employment incentive payment to the region by:
 - (A) multiplying the rate difference by the average daily population for that region; and
 - (B) multiplying the product of the calculation described in Subsection (5)(d)(ii)(A) by \$2,500.
- (6) In addition to the employment incentive payment described in Subsection (5), after receiving the information described in Subsections (3) and (4), the office, in consultation with the department, shall, for each region, multiply the sum of the numbers described in Subsections (3)(f) and (g) for the region by \$2,500 to determine the end-of-supervision employment incentive payment for the region.
- (7) The employment incentive payment, or end-of-supervision employment supervision payment, for a region is zero if the recidivism percentage for the region, described in Subsection (3)(c), represents an increase in the recidivism percentage when compared to the fiscal year immediately preceding the fiscal year to which the recidivism percentage for the region, described in Subsection (3)(c), relates.
- (8) Upon determining an employment incentive payment for a region in accordance with Subsections (5)(d)(ii), (6), and (7), the office shall authorize distribution, from the restricted account, of the incentive payment as follows:
 - (a) 15% of the payment may be used by the department for expenses related to administering the program; and
 - (b) 85% of the payment shall be used by the region to improve and expand supervision and rehabilitative services to individuals on parole or adult probation, including by:
 - (i) implementing and expanding evidence-based practices for risk and needs assessments for individuals;
 - (ii) implementing and expanding intermediate sanctions, including mandatory community service, home detention, day reporting, restorative justice programs, and furlough programs;
 - (iii) expanding the availability of evidence-based practices for rehabilitation programs, including drug and alcohol treatment, mental health treatment, anger management, cognitive behavior programs, and job training and other employment services;
 - (iv) hiring additional officers, contractors, or other personnel to implement evidence-based practices for rehabilitative and vocational programing;
 - (v) purchasing and adopting new technologies or equipment that are relevant to, and enhance, supervision, rehabilitation, or vocational training; or
 - (vi) evaluating the effectiveness of rehabilitation and supervision programs and ensuring program fidelity.
- (9)
 - (a) The report described in Subsections (3) and (4) is a public record.
 - (b) The department shall maintain a complete and accurate accounting of the payment and use of funds under this section.
 - (c) If the money in the restricted account is insufficient to make the full employment incentive payments or the full end-of-supervision employment incentive payments, the office shall authorize the payments on a prorated basis.

Renumbered and Amended by Chapter 214, 2025 General Session

64-14-303 Employment Incentive Restricted Account.

- (1) There is created within the General Fund a restricted account known as the "Employment Incentive Restricted Account."
- (2) The account consists of appropriations made by the Legislature.
- (3) The office shall authorize expenditures from the account in accordance with Section 64-14-302.
- (4) Subject to legislative appropriations, the department and each region shall expend money from the restricted account only in accordance with Subsection 64-14-302(8).

Renumbered and Amended by Chapter 214, 2025 General Session