

**Effective 2/16/2024**

**Renumbered 5/7/2025**

**64-13-29 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 department.
  - (d) "Probationer" means an individual on probation under the supervision of the department.
  - (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 department 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 department or the Board of Pardons and Parole in the case of parolees under the department's supervision when:
  - (a) incarceration is recommended as a sanction;
  - (b) the department 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 department:
  - (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 department 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 department shall seek the warrant or order from the court for a probationer or the Board of Pardons and Parole for a parolee.
  - (c) The department 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 department 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 individual is sentenced to incarceration.

- (6) The department may make rules as necessary to implement this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.