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) "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.

(8) "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.

(9) "Evidence-informed" means a program or practice that is based on research and the experience and expertise of the department.

(10) "Executive director" means the executive director of the Department of Corrections.

(11) "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.

(12) "Minor child" means the same as that term is defined in Section 81-1-101.

(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 456, 2026 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 53H-1-604; 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 75E-2-203;
(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;
(B) information and resources for post-incarceration housing; and
(C) 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;
(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; and
(t) within 12 months after the day on which the department implements a digital communications program for inmates, provide a secure digital portal that will facilitate attorney-client communications and document exchanges between inmates and attorneys.
(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)
(A) "Accounts receivable" means any amount owed by an offender arising from a criminal judgment that has not been paid.
(B) "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.

(C) "Accounts receivable" does not include unpaid supervision fees.

(ii) "Supervision fee" means the monthly fee collected under Subsection 64-14-204(6) from an offender on probation or parole by the Division of Adult Probation and Parole created in Section 64-14-202.

(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 291, 2026 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)(f) and (g).

Amended by Chapter 456, 2026 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) identifying and providing resources for post-incarceration housing;

(e) establishing the initial supervision procedures and strategy for the offender's parole officer; and

(f) 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 before 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 less 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(11), 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 an original class D license application under Section 53-3-205.

(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 332, 2026 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 may implement an evidence-based direct supervision system in accordance with Subsection (5).
(5) If the department chooses to implement a direct supervision system in accordance with Subsection (4), the direct supervision system shall:
  (a) meet the goals of:
    (i) reducing offender violence;
    (ii) enhancing offenders' participation in treatment, program, and work opportunities;
    (iii) managing and reducing offender risk;
    (iv) promoting pro-social offender behaviors;
    (v) providing a tiered-housing structure that:
      (A) 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
      (B) houses similarly behaving offenders together; and
    (vi) reducing departmental costs; and
  (b) include the following elements:
    (i) department staff will interact continuously with offenders to actively manage offenders' behavior and to identify problems at early stages;
    (ii) department staff will use management techniques designed to prevent and discourage negative offender behavior and encourage positive offender behavior;
    (iii) department staff will establish and maintain a professional supervisory relationship with offenders; and
    (iv) barriers separating department staff and offenders shall be removed.

Amended by Chapter 243, 2026 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 in accordance with Section 64-14-204 upon offenders who violate the adult sentencing and supervision length guidelines, as defined in Section 75E-4-101, including prosecution for escape under Section 76-8-309 or 76-8-309.1 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 291, 2026 General Session

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

(1) As used in this section:
  (a) "Offender" means an individual who committed an act of criminally injurious conduct against the victim and has been sentenced to incarceration in the custody of the department.
  (b)
    (i) "Victim" means an individual against whom an offender committed criminally injurious conduct as defined in Section 75E-5-101, and who is entitled to notice of hearings regarding the offender's parole under Section 77-27-9.5.
    (ii) "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 Section 64-13-14.5 and this section, 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 the department's 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 291, 2026 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, victim compensation, 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 291, 2026 General Session

64-13-24 Standards for staff training.

(1) 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 appropriate supervision and trauma-informed care.

(2) 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 258, 2026 General Session

64-13-25 Standards for programs.

(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 establish 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)(a) 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 Department of Criminal Justice on or before August 31.

Amended by Chapter 291, 2026 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.

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 58-37-101.
(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 Department of Criminal Justice created in Section 75E-2-102 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 this 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 female inmates that the department knows who are pregnant and currently incarcerated in a correctional facility operated by the department;
(d) 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;
(e) the number of inmates incarcerated in a correctional facility operated by the department who are the parent of a minor child;
(f) 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;
(g) 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);
(h) any report the department provides or is required to provide under federal law or regulation relating to inmate deaths; and
(i) data on financial condition incentives and incentives that may reduce sentence length that are offered to inmates, including:
(i) the types of incentives that currently exist; and
(ii) for each type of incentive described in Subsection (2)(i)(i):
(A) the number of inmates who have used each type during the previous calendar year;
(B) the number of incentives the department issued during the previous calendar year; and
(C) the methods by which the department provided information regarding each type of incentive during the previous calendar year.
(3) The Department of Criminal 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 Behavioral Health Commission before November 1 of each year.
(4) The Department of Criminal 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 291, 2026 General Session

64-13-46 Pregnant inmates.

(1) As used in this section:
  (a) "Postpartum recovery" means the period of 12 weeks after the day on which a pregnant inmate gives 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, childbirth, or postpartum recovery 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 health care provider, 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 12 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 during the entire period of postpartum recovery.
(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 456, 2026 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
Sunset by Section 63I-1-264

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 shall 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 Department of Criminal Justice created in Section 75E-2-102.

Amended by Chapter 415, 2026 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