Effective 5/6/2026

77-20-102 Definitions.

As used in this chapter:

(1) "Bail" means pretrial release.

(2) "Bail bond" means the same as that term is defined in Section 31A-35-102.

(3) "Bail bond agency" means the same as that term is defined in Section 31A-35-102.

(4) "Bail bond producer" means the same as that term is defined in Section 31A-35-102.

(5) "County jail official" means a county sheriff or the county sheriff's designee.

(6) "Domestic violence offense" means the same as that term is defined in Section 77-36-1.

(7) "Exonerate" means to release and discharge a surety, or a surety's bail bond producer, from liability for a bail bond.

(8) "Financial condition" means any monetary condition that is imposed to secure an individual's pretrial release.

(9) "Forfeiture" means:

(a) to divest an individual or surety from a right to the repayment of monetary bail; or

(b) to enforce a pledge of assets or real or personal property from an individual or surety used to secure an individual's pretrial release.

(10) "Magistrate" means the same as that term is defined in Section 77-1-3.

(11)

(a) "Material change in circumstances" includes:

(i) a preliminary examination in which relevant evidence is presented that:

(A) is material to the factors or considerations provided in Section 77-20-201; and

(B) was not known to the court at the time the pretrial status order was issued;

(ii) an unreasonable delay in prosecution that is not attributable to the defendant;

(iii) a material change in the risk that an individual poses to a victim, a witness, or the public if released due to the passage of time or any other relevant factor;

(iv) a material change in the conditions of release or the services that are reasonably available to the defendant if released;

(v) a willful or repeated failure by the defendant to appear at required court appearances; or

(vi) any other material change related to the defendant's risk of flight or danger to any other individual or to the community if released.

(b) "Material change in circumstances" does not include any fact or consideration that is known at the time that the pretrial status order is issued.

(12) "Monetary bail" means a financial condition.

(13) "No bail hold" means an order with the restrictions described in Subsection (19)(c).

(14) "Own recognizance" means the release of an individual without any condition of release other than the individual's promise to:

(a) appear for all required court proceedings; and

(b) not commit any criminal offense.

(15) "Pretrial detention hearing" means a hearing described in Section 77-20-206.

(16) "Pretrial release" means the release of an individual from law enforcement custody during the time the individual awaits trial or other resolution of criminal charges.

(17) "Pretrial risk assessment" means an objective, research-based, validated assessment tool that measures an individual's risk of flight and risk of anticipated criminal conduct while on pretrial release.

(18) "Pretrial services program" means a program that is established to:

(a) gather information on individuals booked into a jail facility;

(b) conduct pretrial risk assessments; and

(c) supervise individuals granted pretrial release.

(19) "Pretrial status order" means an order issued by a magistrate or judge that:

(a) releases the individual on the individual's own recognizance while the individual awaits trial or other resolution of criminal charges;

(b) sets the terms and conditions of the individual's pretrial release while the individual awaits trial or other resolution of criminal charges; or

(c) denies pretrial release and orders that the individual be detained while the individual awaits trial or other resolution of criminal charges.

(20) "Principal" means the same as that term is defined in Section 31A-35-102.

(21) "Surety" means a surety insurer or a bail bond agency.

(22) "Surety insurer" means the same as that term is defined in Section 31A-35-102.

(23) "Temporary pretrial status order" means an order issued by a magistrate that:

(a) releases the individual on the individual's own recognizance until a pretrial status order is issued;

(b) sets the terms and conditions of the individual's pretrial release until a pretrial status order is issued; or

(c) denies pretrial release and orders that the individual be detained until a pretrial status order is issued.

(24) "Unsecured bond" means an individual's promise to pay a financial condition if the individual fails to appear for any required court appearance.

Amended by Chapter 377, 2026 General Session