***Effective 5/6/2026***

**77-20-204 County jail authority to release an individual from jail on monetary bail.**

(1) As used in this section, "eligible felony offense" means a third degree felony violation under:
- (a) Section 23A-4-501 or 23A-4-502;
- (b) Section 23A-5-311;
- (c) Section 23A-5-313;
- (d) Title 76, Chapter 6, Part 4, Theft;
- (e) Title 76, Chapter 6, Part 5, Fraud;
- (f) Title 76, Chapter 6, Part 6, Retail Theft;
- (g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;
- (h) Title 76, Chapter 6, Part 8, Library Theft;
- (i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;
- (j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;
- (k) Title 76, Chapter 6, Part 11, Identity Fraud Act;
- (l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;
- (m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;
- (n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;
- (o) Title 76, Chapter 7, Offenses Against the Family;
- (p) Title 76, Chapter 7a, Abortion Prohibition;
- (q) Title 76, Chapter 12, Part 2, Electronic Communication Abuse;
- (r) Title 76, Chapter 12, Part 3, Privacy Offenses;
- (s) Title 76, Chapter 13, Offenses Involving Cruelty to Animals; or
- (t) Title 76, Chapter 17, Part 3, Offenses Concerning Pyramid Schemes.

(2) Except as provided in Subsection (7)(a), a county jail official may fix a financial condition for an individual if:
- (a)
  - (i) the individual is ineligible to be released on the individual's own recognizance under Section 77-20-203;
  - (ii) the individual is arrested for, or charged with:
    - (A) a misdemeanor offense under state law, excluding a misdemeanor offense:
      - (I) for a domestic violence offense, as defined in Section 77-36-1; or
      - (II) for driving under the influence under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving, or Section 76-5-102.1; or
    - (B) a violation of a city or county ordinance that is classified as a class B or C misdemeanor offense;
  - (iii) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
  - (iv) law enforcement has not submitted a probable cause statement to a magistrate; or
- (b)
  - (i) the individual is arrested for, or charged with, an eligible felony offense;
  - (ii) the individual is not on pretrial release for a separate criminal offense;
  - (iii) the individual is not on probation or parole;
  - (iv) the primary risk posed by the individual is the risk of failure to appear;
  - (v) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
  - (vi) law enforcement has not submitted a probable cause statement to a magistrate.

(3) A county jail official may not fix a financial condition at a monetary amount that exceeds:
- (a) $5,000 for an eligible felony offense;

(b) $1,950 for a class A misdemeanor offense;
(c) $680 for a class B misdemeanor offense;
(d) $340 for a class C misdemeanor offense;
(e) $150 for a violation of a city or county ordinance that is classified as a class B misdemeanor; or
(f) $80 for a violation of a city or county ordinance that is classified as a class C misdemeanor.

(4) If an individual is arrested for more than one offense, and the county jail official fixes a financial condition for release:
(a) the county jail official shall fix the financial condition at a single monetary amount; and
(b) the single monetary amount may not exceed the monetary amount under Subsection (3) for the highest level of offense for which the individual is arrested.

(5) Except as provided in Subsection (7)(b), an individual shall be released if the individual posts a financial condition fixed by a county jail official in accordance with this section.

(6) If a county jail official fixes a financial condition for an individual, law enforcement shall submit a probable cause statement in accordance with Rule 9 of the Utah Rules of Criminal Procedure after the county jail official fixes the financial condition.

(7) Once a magistrate begins a review of an individual's case under Rule 9 of the Utah Rules of Criminal Procedure:
(a) a county jail official may not fix or modify a financial condition for an individual; and
(b) if a county jail official fixed a financial condition for the individual before the magistrate's review, the individual may no longer be released on the financial condition.

(8) A jail facility may not release an individual subject to a 72-hour hold placed on the individual by the Department of Corrections as described in Section 64-14-205.

(9) This section does not prohibit a court and a county from entering into an agreement regarding release, except that any such agreement shall apply only to an individual who meets the criteria in an agreement as those criteria existed as of January 1, 2025.

Amended by Chapter 377, 2026 General Session