

Effective 10/1/2015

77-27-10 Conditions of parole -- Inmate agreement to warrant -- Rulemaking -- Intensive early release parole program.

- (1)
 - (a) When the Board of Pardons and Parole releases an offender on parole, it shall issue to the parolee a certificate setting forth the conditions of parole, including the use of graduated sanctions pursuant to Section 64-13-21, which the offender shall accept and agree to as evidenced by the offender's signature affixed to the agreement.
 - (b) The parole agreement shall require that the inmate agree in writing that the board may issue a warrant and conduct a parole revocation hearing if:
 - (i) the board determines after the grant of parole that the inmate willfully provided to the board false or inaccurate information that the board finds was significant in the board's determination to grant parole; or
 - (ii)
 - (A) the inmate has engaged in criminal conduct prior to the granting of parole; and
 - (B) the board did not have information regarding the conduct at the time parole was granted.
 - (c) A copy of the agreement shall be delivered to the Department of Corrections and a copy shall be given to the parolee. The original shall remain with the board's file.
- (2)
 - (a) If an offender convicted of violating or attempting to violate Section 76-5-301.1, Subsection 76-5-302(1), Section 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404, 76-5-404.1, or 76-5-405, is released on parole, the board shall order outpatient mental health counseling and treatment as a condition of parole.
 - (b) The board shall develop standards and conditions of parole under this Subsection (2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (c) This Subsection (2) does not apply to intensive early release parole.
- (3)
 - (a) In addition to the conditions set out in Subsection (1), the board may place offenders in an intensive early release parole program. The board shall determine the conditions of parole which are reasonably necessary to protect the community as well as to protect the interests of the offender and to assist the offender to lead a law-abiding life.
 - (b) The offender is eligible for this program only if the offender:
 - (i) has not been convicted of a sexual offense; or
 - (ii) has not been sentenced pursuant to Section 76-3-406.
 - (c) The department shall:
 - (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for operation of the program;
 - (ii) adopt and implement internal management policies for operation of the program;
 - (iii) determine whether or not to refer an offender into this program within 120 days from the date the offender is committed to prison by the sentencing court; and
 - (iv) make the final recommendation to the board regarding the placement of an offender into the program.
 - (d) The department may not consider credit for time served in a county jail awaiting trial or sentencing when calculating the 120-day period.
 - (e) The prosecuting attorney or sentencing court may refer an offender for consideration by the department for participation in the program.
 - (f) The board shall determine whether or not to place an offender into this program within 30 days of receiving the department's recommendation.

- (4) This program shall be implemented by the department within the existing budget.
- (5) During the time the offender is on parole, the department shall collect from the offender the monthly supervision fee authorized by Section 64-13-21.
- (6) When a parolee commits a violation of the parole agreement, the department may:
 - (a) impose a graduated sanction pursuant to Section 64-13-21; or
 - (b) when the graduated sanctions matrix under Subsection 63M-7-404(6) indicates, refer the parolee to the Board of Pardons and Parole for revocation of parole.

Amended by Chapter 412, 2015 General Session