

**Effective 5/7/2025**

**77-27-5 Board of Pardons and Parole authority.**

- (1)
  - (a) Subject to this chapter and other laws of the state, and except for a conviction for treason or impeachment, the board shall determine by majority decision when and under what conditions an offender's conviction may be pardoned or commuted.
  - (b) The board shall determine by majority decision when and under what conditions an offender committed to serve a sentence at a penal or correctional facility, which is under the jurisdiction of the department, may:
    - (i) be released upon parole;
    - (ii) have a fine or forfeiture remitted;
    - (iii) have the offender's criminal accounts receivable remitted in accordance with Section 77-32b-105 or 77-32b-106;
    - (iv) have the offender's payment schedule modified in accordance with Section 77-32b-103; or
    - (v) have the offender's sentence terminated.
  - (c) The board shall prioritize public safety when making a determination under Subsection (1)(a) or (1)(b).
  - (d)
    - (i) The board may sit together or in panels to conduct hearings.
    - (ii) The chair shall appoint members to the panels in any combination and in accordance with rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
    - (iii) The chair may participate on any panel and when doing so is chair of the panel.
    - (iv) The chair of the board may designate the chair for any other panel.
  - (e)
    - (i) Except after a hearing before the board, or the board's appointed examiner, in an open session, the board may not:
      - (A) remit a fine or forfeiture for an offender or the offender's criminal accounts receivable;
      - (B) release the offender on parole; or
      - (C) commute, pardon, or terminate an offender's sentence.
    - (ii) An action taken under this Subsection (1) other than by a majority of the board shall be affirmed by a majority of the board.
  - (f) A commutation or pardon may be granted only after a full hearing before the board.
- (2)
  - (a) In the case of a hearing, timely prior notice of the time and location of the hearing shall be given to the offender.
  - (b) The county or district attorney's office responsible for prosecution of the case, the sentencing court, and law enforcement officials responsible for the defendant's arrest and conviction shall be notified of any board hearings through the board's website.
  - (c) Whenever possible, the victim or the victim's representative, if designated, shall be notified of original hearings and any hearing after that if notification is requested and current contact information has been provided to the board.
  - (d)
    - (i) Notice to the victim or the victim's representative shall include information provided in Section 77-27-9.5, and any related rules made by the board under that section.
    - (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are reasonable for the lay person to understand.
- (3)

- (a) A decision by the board is final and not subject for judicial review if the decision is regarding:
    - (i) a pardon, parole, commutation, or termination of an offender's sentence;
    - (ii) restitution, the modification of an offender's payment schedule for restitution, or an order for costs; or
    - (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
  - (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter 4, Open and Public Meetings Act, when the board is engaged in the board's deliberative process.
  - (c) Pursuant to Subsection 63G-2-103(25)(b)(xii), records of the deliberative process are exempt from Title 63G, Chapter 2, Government Records Access and Management Act.
  - (d) Unless it will interfere with a constitutional right, deliberative processes are not subject to disclosure, including discovery.
  - (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
- (4)
- (a) This chapter may not be construed as a denial of or limitation of the governor's power to grant respite or reprieves in all cases of convictions for offenses against the state, except treason or conviction on impeachment.
  - (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the next session of the board.
  - (c) At the next session of the board, the board:
    - (i) shall continue or terminate the respite or reprieve; or
    - (ii) may commute the punishment or pardon the offense as provided.
  - (d) In the case of conviction for treason, the governor may suspend execution of the sentence until the case is reported to the Legislature at the Legislature's next session.
  - (e) The Legislature shall pardon or commute the sentence or direct the sentence's execution.
- (5)
- (a) In determining when, where, and under what conditions an offender serving a sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the offender's criminal accounts receivable remitted, or have the offender's sentence commuted or terminated, the board shall:
    - (i) consider whether the offender has made restitution ordered by the court under Section 77-38b-205, or is prepared to pay restitution as a condition of any parole, pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a commutation or termination of the offender's sentence;
    - (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for making determinations under this Subsection (5);
    - (iii) consider information provided by the department regarding an offender's individual case action plan; and
    - (iv) review an offender's status within 60 days after the day on which the board receives notice from the department that the offender has completed all of the offender's case action plan components that relate to activities that can be accomplished while the offender is imprisoned.
  - (b) The board shall determine whether to remit an offender's criminal accounts receivable under this Subsection (5) in accordance with Section 77-32b-105 or 77-32b-106.
- (6) In determining whether parole may be terminated, the board shall consider:
- (a) the offense committed by the parolee; and
  - (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.

- (7) For an offender placed on parole after December 31, 2018, the board shall terminate parole in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law.
- (8) The board may not rely solely on an algorithm or a risk assessment tool score in determining whether parole should be granted or terminated for an offender.
- (9) The board may intervene as a limited-purpose party in a judicial or administrative proceeding, including a criminal action, to seek:
  - (a) correction of an order that has or will impact the board's jurisdiction; or
  - (b) clarification regarding an order that may impact the board's jurisdiction.
- (10) A motion to intervene brought under Subsection (9)(a) shall be raised within 60 days after the day on which a court enters the order that impacts the board's jurisdiction.

Amended by Chapter 476, 2025 General Session

Amended by Chapter 526, 2025 General Session