

## Chapter 27 Pardons and Parole

### 77-27-1 Definitions.

As used in this chapter:

- (1) "Appearance" means any opportunity to address the board, a board member, a panel, or hearing officer, including an interview.
- (2) "Board" means the Board of Pardons and Parole.
- (3)
  - (a) "Case action plan" means a document developed by the Department of Corrections that identifies the program priorities for the treatment of the offender.
  - (b) "Case action plan" includes the criminal risk factors as determined by a risk and needs assessment conducted by the department.
- (4) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
- (5) "Commutation" is the change from a greater to a lesser punishment after conviction.
- (6) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.
- (7) "Criminal risk factors" means a person's characteristics and behaviors that:
  - (a) affect that person's risk of engaging in criminal behavior; and
  - (b) are diminished when addressed by effective treatment, supervision, and other support resources resulting in reduced risk of criminal behavior.
- (8)
  - (a) "Deliberative process" means the board or any number of the board's individual members together engaging in discussions, whether written or verbal, regarding a parole, a pardon, a commutation, termination of sentence, or fines, fees, or restitution in an individual case.
  - (b) "Deliberative process" includes the votes, mental processes, written notes, and recommendations of individual board members and staff.
  - (c) "Deliberative process" does not include:
    - (i) a hearing where the offender is present;
    - (ii) any factual record the board is considering, including records of the offender's criminal convictions, records regarding the offender's current or previous incarceration and supervision, and records regarding the offender's physical or mental health;
    - (iii) recommendations regarding the offender's incarceration or supervision from any other individual, governmental entity, or agency;
    - (iv) testimony received by the board regarding the offender, whether written or verbal; or
    - (v) the board's decision or rationale for the decision.
- (9) "Department" means the Department of Corrections.
- (10) "Expiration" means when the maximum sentence has run.
- (11) "Family" means any individual related to the victim as a spouse, child, sibling, parent, or grandparent, or the victim's legal guardian.
- (12) "Hearing" or "full hearing" means an appearance before the board, a panel, a board member or hearing examiner, at which an offender or inmate is afforded an opportunity to be present and address the board.
- (13) "Location," in reference to a hearing, means the physical location at which the board, a panel, a board member, or a hearing examiner is conducting the hearing, regardless of the location of any person participating by electronic means.

- (14) "Open session" means any hearing, before the board, a panel, a board member, or a hearing examiner, that is open to the public, regardless of the location of any person participating by electronic means.
- (15) "Panel" means members of the board assigned by the chairperson to a particular case.
- (16) "Pardon" means:
  - (a) an act of grace that forgives a criminal conviction and restores the rights and privileges forfeited by or because of the criminal conviction;
  - (b) the release of an offender from the entire punishment prescribed for a criminal offense and from disabilities that are a consequence of the criminal conviction; and
  - (c) the reinstatement of any civil rights lost as a consequence of conviction or punishment for a criminal offense.
- (17) "Parole" means a release from imprisonment on prescribed conditions which, if satisfactorily performed by the parolee, enables the parolee to obtain a termination of the parolee's sentence.
- (18) "Payment schedule" means the same as that term is defined in Section 77-32b-102.
- (19) "Pecuniary damages" means the same as that term is defined in Section 77-38b-102.
- (20) "Probation" means an act of grace by the court suspending the imposition or execution of a convicted offender's sentence upon prescribed conditions.
- (21) "Remit" or "remission" means the same as that term is defined in Section 77-32b-102.
- (22) "Reprieve" or "respite" means the temporary suspension of the execution of the sentence.
- (23) "Restitution" means the same as that term is defined in Section 77-38b-102.
- (24) "Termination" means the act of discharging from parole or concluding the sentence of imprisonment before the expiration of the sentence.
- (25) "Victim" means:
  - (a) a person against whom the defendant committed a felony or class A misdemeanor offense for which a hearing is held under this chapter; or
  - (b) the victim's family if the victim is deceased as a result of the offense for which a hearing is held under this chapter.

Amended by Chapter 21, 2021 General Session  
Amended by Chapter 260, 2021 General Session

**77-27-1.5 Appearance by inmate, offender, or witness.**

- (1) An appearance by an inmate, offender, or witness before the board, a panel, board member, or hearing officer may be in person, through videoconferencing or other electronic means. Any appearance by videoconference or other electronic means shall be recorded as provided in Section 77-27-8.
- (2) An inmate's or offender's electronic appearance by telephone is permissible with the consent of the inmate or offender, when the inmate or offender is incarcerated in a facility outside of this state.

Enacted by Chapter 110, 2010 General Session

**77-27-2 Board of Pardons and Parole -- Creation -- Compensation -- Functions.**

- (1)
  - (a) There is created the Board of Pardons and Parole.

- (b) The board shall consist of five full-time members and not more than five pro tempore members to be appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, and as provided in this section.
  - (c) The members of the board shall be resident citizens of the state.
  - (d) The governor shall establish salaries for the members of the board within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- (2)
- (a)
    - (i)
      - (A) The full-time board members shall serve terms of five years.
      - (B) The terms of the full-time members shall be staggered so one board member is appointed for a term of five years on March 1 of each year.
    - (ii)
      - (A) The pro tempore members shall serve terms of five years, beginning on March 1 of the year of appointment, with no more than one pro tempore member term beginning or expiring in the same calendar year.
      - (B) If a pro tempore member vacancy occurs, the board may submit the names of not fewer than three or more than five persons to the governor for appointment to fill the vacancy.
  - (b) All vacancies occurring on the board for any cause shall be filled by the governor with the advice and consent of the Senate in accordance with this section for the unexpired term of the vacating member.
  - (c) The governor may at any time remove any member of the board for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.
  - (d)
    - (i) A member of the board may not hold any other office in the government of the United States, this state or any other state, or of any county government or municipal corporation within a state.
    - (ii) A member may not engage in any occupation or business inconsistent with the member's duties.
  - (e)
    - (i) A majority of the board constitutes a quorum for the transaction of business, including the holding of hearings at any time or any location within or without the state, or for the purpose of exercising any duty or authority of the board.
    - (ii) An action is deemed the action of the board if the action is taken by a majority of the board regarding whether:
      - (A) parole, pardon, commutation, or termination of a sentence is granted in an offender's case;
      - (B) remission of a criminal accounts receivable, or a fines or forfeiture, is granted in an offender's case; or
      - (C) an offender's payment schedule for a criminal accounts receivable is modified.
    - (iii) A majority vote of the five full-time members of the board is required for adoption of rules or policies of general applicability as provided by statute.
    - (iv) Notwithstanding Subsection (2)(e)(iii), a vacancy on the board does not impair the right of the remaining board members to exercise any duty or authority of the board as long as a majority of the board remains.
    - (v) A board member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
  - (f)

- (i) Any investigation, inquiry, or hearing that the board has authority to undertake or hold may be conducted by any board member or an examiner appointed by the board.
  - (ii) When an action under Subsection (2)(f)(i) is approved and confirmed by the board and filed in the board's office, the action is considered to be the action of the board and has the same effect as if originally made by the board.
- (g)
- (i) When a full-time board member is absent or in other extraordinary circumstances, the chair may, as dictated by public interest and efficient administration of the board, assign a pro tempore member to act in the place of a full-time member.
  - (ii) Pro tempore members shall receive a per diem rate of compensation as established by the Division of Finance and all actual and necessary expenses incurred in attending to official business.
- (h) The chair may request staff and administrative support as necessary from the department.
- (3)
- (a) Except as provided in Subsection (3)(b), the commission shall:
    - (i) recommend five applicants to the governor for a full-time member appointment to the board; and
    - (ii) consider applicants' knowledge of the criminal justice system, state and federal criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.
  - (b) The procedures and requirements of Subsection (3)(a) do not apply if the governor appoints a sitting board member to a new term of office.
- (4)
- (a)
    - (i) The board shall appoint an individual to serve as the board's mental health adviser and may appoint other staff necessary to aid the board in fulfilling the board's responsibilities under Title 77, Chapter 16a, Commitment and Treatment of Individuals with a Mental Condition.
    - (ii) The adviser shall prepare reports and recommendations to the board on all persons adjudicated as guilty with a mental condition, in accordance with Title 77, Chapter 16a, Commitment and Treatment of Individuals with a Mental Condition.
  - (b) The mental health adviser shall possess the qualifications necessary to carry out the duties imposed by the board and may not be employed by the department or the Utah State Hospital.
    - (i) The board may review outside employment by the mental health advisor.
    - (ii) The board shall develop rules governing employment with entities other than the board by the mental health advisor for the purpose of prohibiting a conflict of interest.
  - (c) The mental health adviser shall:
    - (i) act as liaison for the board with the Department of Health and Human Services and local mental health authorities;
    - (ii) educate the members of the board regarding the needs and special circumstances of persons with a mental condition in the criminal justice system;
    - (iii) in cooperation with the department, monitor the status of persons in the prison who have been found guilty with a mental condition;
    - (iv) monitor the progress of other persons under the board's jurisdiction who have a mental condition;
    - (v) conduct hearings as necessary in the preparation of reports and recommendations; and
    - (vi) perform other duties as assigned by the board.

Amended by Chapter 184, 2023 General Session

**77-27-4 Chairperson and vice chairperson.**

- (1) The governor shall select one of the members of the board to serve as chairperson and board administrator at the governor's pleasure. The chairperson may exercise the duties and powers, in addition to those established by this chapter, necessary for the administration of daily operations of the board, including personnel, budgetary matters, panel appointments, and scheduling of hearings.
- (2) The chairperson shall appoint a vice chairperson to act in the absence of the chairperson.

Amended by Chapter 195, 1990 General Session

**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

#### **77-27-5.1 Board authority to order expungement.**

- (1) Upon granting a pardon, the board shall issue an expungement order, directing any criminal justice agency to remove the recipient's identifying information relating to the expunged convictions from its records.
  - (a) When a pardon has been granted, employees of the Board of Pardons and Parole may not divulge any identifying information regarding the pardoned person to any person or agency, except for the pardoned person.
  - (b) The Bureau of Criminal Identification may not count pardoned convictions against any future expungement eligibility.
- (2) An expungement order, issued by the board, has at least the same legal effect and authority as an order of expungement issued by a court, pursuant to Title 77, Chapter 40a, Expungement of Criminal Records.
- (3) The board shall provide clear written directions to the recipient along with a list of agencies known to be affected by the expungement order.

Amended by Chapter 194, 2024 General Session

#### **77-27-5.2 Board authority to order removal from Sex, Kidnap, and Child Abuse Offender Registry.**

- (1) If the board grants a pardon for a conviction described in Section 53-29-202 that is the basis for an individual's registration on the Sex, Kidnap, and Child Abuse Offender Registry, the board shall issue an order directing the Department of Public Safety to remove the individual's name

and personal information relating to the pardoned conviction from the Sex, Kidnap, and Child Abuse Offender Registry.

- (2) An order described in Subsection (1), issued by the board, satisfies the notification requirement described in Subsection 53-29-405(1)(b).

Amended by Chapter 291, 2025 General Session

**77-27-5.3 Meritless and bad faith litigation.**

- (1) For purposes of this section:
  - (a) "Convicted" means a conviction by entry of a plea of guilty or nolo contendere, guilty with a mental condition, no contest, and conviction of any crime or offense.
  - (b) "Prisoner" means a person who has been convicted of a crime and is incarcerated for that crime or is being held in custody for trial or sentencing.
- (2) In any case filed in state or federal court in which a prisoner submits a claim that the court finds to be without merit and brought or asserted in bad faith, the Board of Pardons and Parole and any county jail administrator may consider that finding in any early release decisions concerning the prisoner.

Amended by Chapter 184, 2023 General Session

**77-27-5.4 Earned time program.**

- (1) The board shall establish an earned time program that reduces the period of incarceration for offenders who successfully complete specified programs, the purpose of which is to reduce the risk of recidivism.
- (2) The earned time program shall:
  - (a) provide not less than four months of earned time credit each for the completion of up to two programs that:
    - (i) are approved by the board in collaboration with the department; and
    - (ii) are recommended programs that are part of the offender's case action plan; and
  - (b) allow the board to grant in the board's discretion earned time credit in addition to the earned time credit provided under Subsection (2)(a).
- (3) The earned time program may not provide earned time credit for an offender:
  - (a) whose previously ordered release date does not provide enough time, including time for transition services, for the board to grant the earned time credit;
  - (b) who has been sentenced by the court to a term of life without the possibility of parole;
  - (c) who has been ordered by the board to serve until the expiration of the offender's sentence, including a life sentence;
  - (d) who does not have a current release date;
  - (e) who has not met a contingency requirement for release that has been ordered by the board; or
  - (f) who has been given a termination date by the board.
- (4) The board may order the forfeiture of earned time credits under this section if the board determines a rescission hearing is necessary.
- (5) The department shall notify the board not more than 30 days after an offender completes a program as defined in Subsection (2)(a).
- (6) The board shall collect data for the fiscal year regarding the operation of the earned time credit program, including:
  - (a) the number of offenders who have earned time credit under this section in the prior year;



- (b) the amount of time credit earned in the prior year;
  - (c) the number of offenders who forfeited earned time credit; and
  - (d) additional related information as requested by the Commission on Criminal and Juvenile Justice.
- (7) The board shall collaborate with the department in the establishment of the earned time credit program.
- (8) To the extent possible, programming and hearings shall be provided early enough in an offender's incarceration to allow the offender to earn time credit.

Amended by Chapter 145, 2024 General Session

**77-27-5.5 Review procedure -- Commutation.**

- (1) The Board of Pardons and Parole may consider the commutation of a death sentence only to life without parole.
- (2) Only the person who has been sentenced to death or the sentenced person's counsel may petition the Board of Pardons and Parole for commutation.
- (3) The petition shall be in writing, signed personally by the person sentenced to death, and shall include a statement of the grounds upon which the petitioner seeks review.
- (4) The state shall be permitted to respond in writing to the petition as may be established by board rules.
- (5) The board shall review the petition and determine whether the petition presents a substantial issue which has not been reviewed in the judicial process.
- (6) The board shall not consider legal issues, including constitutional issues, which:
  - (a) have been reviewed previously by the courts;
  - (b) should have been raised during the judicial process; or
  - (c) if based on new information, are subject to judicial review.
- (7)
  - (a) If the board does not find a substantial issue, the board shall deny the hearing to the petitioner.
  - (b) If the board finds a substantial issue, the board shall conduct a hearing in which the petitioner and the state may present evidence and argument as may be provided by board rules.

Amended by Chapter 302, 2025 General Session

**77-27-6.1 Payment of a criminal accounts receivable -- Failure to enter an order for restitution or create a criminal accounts receivable -- Modification of a criminal accounts receivable -- Order for recovery of costs or pecuniary damages.**

- (1) For an offender sentenced on or after July 1, 2021:
  - (a) when an offender is committed to prison, the board may require the offender to pay the offender's criminal accounts receivable ordered by the court during the period of incarceration or parole supervision;
  - (b) if the board orders the release of an offender on parole and there is an unpaid balance on the offender's criminal accounts receivable, the board may modify the payment schedule entered by the court for the offender's criminal accounts receivable in accordance with Section 77-32b-105;
  - (c)
    - (i) if the sentencing court has not entered an order of restitution for an offender who is under the jurisdiction of the board, the board shall refer the offender's case to the sentencing court,

- within the time periods described in Section 77-38b-205, to enter an order for restitution for the offender in accordance with Section 77-38b-205; and
- (ii) if the sentencing court has not entered an order to establish a criminal accounts receivable for an offender who is under the jurisdiction of the board, the board shall refer the offender's case to the sentencing court, within the time periods described in Section 77-38b-205, to enter an order to establish a criminal accounts receivable for the offender in accordance with Section 77-32b-103; and
- (d)
- (i) if there is a challenge to an offender's criminal accounts receivable, the board shall refer the offender's case to the sentencing court, within the time periods described in Section 77-38b-205, to resolve the challenge to the criminal accounts receivable; and
  - (ii) if a sentencing court modifies a criminal accounts receivable after the offender is committed to prison, the sentencing court shall provide notice to the board of the modification.
- (2) For an offender sentenced before July 1, 2021:
- (a) the board may impose any court order for restitution;
  - (b) the board may order that a defendant make restitution for pecuniary damages that were not determined by the court, unless the board determines that restitution is inappropriate based upon application of the following criteria:
    - (i) if the offense resulted in damage to or loss or destruction of property of a victim of the offense, the cost of the damage or loss;
    - (ii) the cost of necessary medical and related professional services and devices relating to physical or mental health care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;
    - (iii) the cost of necessary physical and occupational therapy and rehabilitation;
    - (iv) the income lost by the victim as a result of the offense;
    - (v) the individual victim's reasonable determinable wages lost due to theft of or damage to tools or equipment items of a trade that were owned by the victim and were essential to the victim's current employment at the time of the offense;
    - (vi) the cost of necessary funeral and related services if the offense resulted in the death of a victim; and
    - (vii) expenses incurred by a victim in implementing reasonable security measures in response to the offense;
  - (c) except as provided in Subsection (2)(d), the board shall make all orders of restitution within 60 days after the termination or expiration of the defendant's sentence;
  - (d) if, upon termination or expiration of a defendant's sentence, the board has continuing jurisdiction over the defendant for a separate criminal offense, the board may defer making an order of restitution until 60 days after termination or expiration of all sentences for that defendant;
  - (e) if, upon termination or expiration of a defendant's sentence, the defendant owes outstanding fines, restitution, or other assessed costs, or if the board makes an order of restitution within 60 days after the termination or expiration of the defendant's sentence:
    - (i) the matter shall be referred to the district court for civil collection remedies;
    - (ii) the Board of Pardons and Parole shall forward a restitution order to the sentencing court to be entered on the judgment docket as a civil judgment of restitution; and
    - (iii) the judgment docket entry shall constitute a lien and is subject to the same rules as a judgment for money in a civil judgment; and

- (f) if the board makes an order of restitution within 60 days after termination or expiration of the defendant's sentence, a defendant shall have 90 days after the board makes the order to file a petition for remittance in accordance with Section 77-32b-106;
  - (i) if a defendant timely files a petition for remittance, the board shall forward any unpaid amount of the restitution to the trial court to be entered on the judgment docket as a civil judgment of restitution within 30 days of resolving the defendant's petition; and
  - (ii) if the defendant does not timely file a petition for remittance, the board shall forward the unpaid amount of restitution to the trial court to be entered on the judgment docket as a civil judgment of restitution within 30 days of the expiration of the time for the defendant to file the petition.
- (3) The board may enter an order to recover any cost or fee incurred by the department, or the state or any other agency, arising out of the offender's needs or conduct.

Amended by Chapter 526, 2025 General Session

**77-27-7 Parole or hearing dates -- Interview -- Hearings -- Report of alienists -- Mental competency.licensed mental health professional -- Mental competency -- Rulemaking authority.**

- (1)
- (a) For an offender serving a sentence upon conviction of a felony or class A misdemeanor offense, the board shall:
    - (i) within six months after the day on which the offender is committed to the custody of the department, set a hearing date to establish the offender's release date or date for rehearing; and
    - (ii) promptly notify the offender of the date described in Subsection (1)(a)(i).
  - (b)
    - (i) The board may delay setting the hearing date described in Subsection (1)(a)(i) if the offender has an additional pending criminal case at the time of the offender's commitment to the custody of the department.
    - (ii) For purposes of Subsection (1)(b)(i), a pending criminal case includes:
      - (A) uncharged conduct that is being screened for prosecution, unless one year has passed since the day on which the board was notified of the screening and no charge has been filed within that time period; and
      - (B) charged conduct that has not reached resolution.
  - (c) If the board delays setting the hearing date as described in Subsection (1)(b), the board shall set a hearing date no later than six months after the day on which the final criminal case described in Subsection (1)(b) has been resolved.
  - (d)
    - (i) If the board delays setting the hearing date as described in Subsection (1)(b), the board shall establish and use a process to monitor the progress of the pending criminal action by seeking or obtaining updates no less frequently than every six months.
    - (ii) The board shall establish the process described in Subsection (1)(d)(i) by creating rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
  - (e) When determining the hearing date under Subsection (1)(a), the board shall consider:
    - (i) the type and severity of offenses;
    - (ii) prior criminal history;
    - (iii) criminogenic risk factors; and
    - (iv) evidence-based assessments.

- (2)
  - (a) Before reaching a final decision to release an offender under this chapter, the chair shall cause the offender to appear before the board, the board's panel, or an appointed hearing officer, who shall personally interview the offender to consider the offender's fitness for release and verify as far as possible information furnished from other sources.
  - (b) An offender may waive a personal appearance before the board.
  - (c)
    - (i) An offender outside of the state shall, if ordered by the board, submit to a courtesy hearing to be held by the appropriate authority in the jurisdiction in which the offender is housed in lieu of an appearance before the board.
    - (ii) The offender shall be promptly notified in writing of the board's decision.
- (3)
  - (a) In the case of an offender convicted of violating or attempting to violate any of the provisions of Section 76-5-301.1, Subsection 76-5-302(2)(b)(vi), 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, 76-5-404.3, or 76-5-405, the chair may appoint one or more licensed mental health professionals who shall examine the offender within six months prior to a hearing at which an original parole date is granted on any offense listed in this Subsection (3).
  - (b)
    - (i) The licensed mental health professional shall report in writing the results of the examination to the board prior to the hearing.
    - (ii) The report of the appointed licensed mental health professional shall specifically address the question of the offender's current mental condition and attitudes as they relate to any danger the offender may pose to children or others if the offender is released on parole.
- (4) A parolee may petition the board for termination of lifetime parole as provided in Section 76-3-202 in the case of a parolee convicted of a first degree felony violation, or convicted of attempting to violate Section 76-5-301.1, Subsection 76-5-302(2)(b)(vi), Section 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404.1, 76-5-404.3, or 76-5-405, and released on parole before January 1, 2019.
- (5) In a case in which an offender's mental competency is questioned by the board, the chair may appoint one or more licensed mental health professionals to examine the offender and report in writing to the board, specifically addressing the issue of competency.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules governing:
  - (a) the hearing process;
  - (b) licensed mental health professional examinations; and
  - (c) parolee petitions for termination of parole.

Amended by Chapter 144, 2024 General Session

Amended by Chapter 145, 2024 General Session

**77-27-7.1 Appointment of counsel or lay representative -- Procedures.**

- (1) If the board in the board's discretion determines that an offender within the board's jurisdiction is unable, due to physical, mental, or other circumstances, to meaningfully participate in a board hearing or other board proceeding, the board may appoint, at the board's own expense, legal counsel or a lay representative to assist the offender.
- (2) The board shall determine the scope of the representation described in Subsection (1) based on a review of the totality of the circumstances.

- (3) This section does not prevent the board from:
- (a) appointing a licensed mental health professional in accordance with Section 77-27-7; or
  - (b) otherwise seeking information concerning the offender from the department or another entity.

Enacted by Chapter 145, 2024 General Session

**77-27-8 Record of hearing.**

- (1) A verbatim record of proceedings before the Board of Pardons and Parole shall be maintained by a suitable electronic recording device, except when the board dispenses with a record in a particular hearing or a portion of the proceedings.
- (2) When the hearing involves the commutation of a death sentence, a certified shorthand reporter, in addition to electronic means, shall record all proceedings except when the board dispenses with a record for the purpose of deliberations in executive session. The compensation of the reporter shall be determined by the board. The reporter shall immediately file with the board the original record and when requested shall with reasonable diligence furnish a transcription or copy of the record upon payment of reasonable fees as determined by the board.
- (3) When an inmate or offender affirms by affidavit that he is unable to pay for a copy of the record, the board may furnish a copy of the record, at the expense of the state, to the inmate or offender.

Amended by Chapter 110, 2010 General Session

**77-27-9 Parole proceedings.**

- (1)
  - (a) The Board of Pardons and Parole may parole any offender or terminate the sentence of any offender committed to a penal or correctional facility under the jurisdiction of the Department of Corrections except as provided in Subsection (2).
  - (b) The board may not release any offender before the minimum term has been served unless the board finds mitigating circumstances which justify the release and unless the board has granted a full hearing, in open session, after previous notice of the time and location of the hearing, and recorded the proceedings and decisions of the board.
  - (c) The board may not parole any offender or terminate the sentence of any offender unless the board has granted a full hearing, in open session, after previous notice of the time and location of the hearing, and recorded the proceedings and decisions of the board.
  - (d) The release of an offender shall be at the initiative of the board, which shall consider each case as the offender becomes eligible. However, a prisoner may submit the prisoner's own application, subject to the rules of the board promulgated in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2)
  - (a) An individual sentenced to prison prior to April 29, 1996, for a first degree felony involving child kidnapping, a violation of Section 76-5-301.1; aggravated kidnapping, a violation of Section 76-5-302; rape of a child, a violation of Section 76-5-402.1; object rape of a child, a violation of Section 76-5-402.3; sodomy upon a child, a violation of Section 76-5-403.1; aggravated sexual abuse of a child, a violation of Section 76-5-404.3; aggravated sexual assault, a violation of Section 76-5-405; or a prior offense as described in Section 76-3-407, may not be eligible for release on parole by the Board of Pardons and Parole until the offender has fully completed serving the minimum mandatory sentence imposed by the court. This Subsection (2)(a) supersedes any other provision of law.

- (b) The board may not parole any offender or commute or terminate the sentence of any offender before the offender has served the minimum term for the offense, if the offender was sentenced prior to April 29, 1996, and if:
  - (i) the offender was convicted of forcible sexual abuse, forcible sodomy, rape, aggravated assault, kidnapping, aggravated kidnapping, or aggravated sexual assault as defined in Title 76, Chapter 5, Offenses Against the Individual; and
  - (ii) the victim of the offense was under 18 years old at the time the offense was committed.
- (c) For a crime committed on or after April 29, 1996, but before January 1, 2019, the board may parole any offender under Subsections (2)(b)(i) and (ii) for lifetime parole as provided in this section.
- (d) The board may not pardon or parole any offender or commute or terminate the sentence of any offender who is sentenced to life in prison without parole except as provided in Subsection (7).
- (e) On or after April 27, 1992, the board may commute a sentence of death only to a sentence of life in prison without parole.
- (f) The restrictions imposed in Subsections (2)(d) and (e) apply to all cases that come before the Board of Pardons and Parole on or after April 27, 1992.
- (g) The board may not parole any offender convicted of a homicide unless:
  - (i) the remains of the victim have been recovered; or
  - (ii) the offender can demonstrate by a preponderance of the evidence that the offender has cooperated in good faith in efforts to locate the remains.
- (h) Subsection (2)(g) applies to any offender convicted of a homicide after February 25, 2021, or any offender who was incarcerated in a correctional facility on or after February 25, 2021, for a homicide offense.
- (3) The board may rescind:
  - (a) an inmate's prison release date prior to the inmate being released from custody; or
  - (b) an offender's termination date from parole prior to the offender being terminated from parole.
- (4)
  - (a) The board may issue subpoenas to compel the attendance of witnesses and the production of evidence, to administer oaths, and to take testimony for the purpose of any investigation by the board or any of the board's members or by a designated hearing examiner in the performance of the board's duties.
  - (b) A person who willfully disobeys a properly served subpoena issued by the board is guilty of a class B misdemeanor.
- (5)
  - (a) The board may adopt rules consistent with law for the board's government, meetings and hearings, the conduct of proceedings before the board, the parole and pardon of offenders, the commutation and termination of sentences, and the general conditions under which parole may be granted and revoked.
  - (b) The rules shall ensure an adequate opportunity for victims to participate at hearings held under this chapter, as provided in Section 77-27-9.5.
  - (c) The rules may allow the board to establish reasonable and equitable time limits on the presentations by all participants in hearings held under this chapter.
- (6) The board does not provide counseling or therapy for victims as a part of their participation in any hearing under this chapter.
- (7) The board may parole a person sentenced to life in prison without parole if the board finds by clear and convincing evidence that the person is permanently incapable of being a threat to the safety of society.

Amended by Chapter 430, 2022 General Session

**77-27-9.5 Victim may attend hearings.**

- (1) As used in this section, "hearing" means a hearing for a parole grant or revocation, or a rehearing of either of these if the offender is present.
- (2)
  - (a) Except as provided in Subsection (2)(b), when a hearing is held regarding any offense committed by the defendant that involved the victim, the victim may attend the hearing to present the victim's views concerning the decisions to be made regarding the defendant.
  - (b)
    - (i) The victim may not attend a redetermination or special attention hearing if the offender is not present.
    - (ii) At that redetermination or special attention hearing, the board shall give consideration to any presentation previously given by the victim regarding that offender.
- (3)
  - (a) The board shall send timely notice of the hearing to the victim as provided in Subsection (3)(c).
  - (b) The notice shall include:
    - (i) the date, time, and location of the hearing;
    - (ii) a clear statement of the reason for the hearing, including all offenses involved;
    - (iii) the statutes and rules applicable to the victim's participation in the hearing;
    - (iv) the address and telephone number of an office or person the victim may contact for further explanation of the procedure regarding victim participation in the hearing; and
    - (v) specific information about how, when, and where the victim may obtain the results of the hearing.
  - (c) The board may notify a victim through the board's website or through the mail or other electronic means available to the board.
  - (d) If the victim requests that a notification occur using a specific method offered by the board, the board shall make reasonable efforts to accommodate that request.
  - (e) If the victim is deceased, or the board is otherwise unable to contact the victim, the board shall make reasonable efforts to notify the victim's immediate family of the hearing.
  - (f) The victim may communicate with the board for consideration of continuance of the hearing if travel or other significant conflict prohibits the victim's attendance at the hearing.
- (4) The victim, or family members if the victim is deceased or unable to attend due to physical incapacity, may:
  - (a) attend the hearing to observe;
  - (b) make a statement to the board, or the board's appointed examiner, in person or through a representative appointed by the victim or the victim's family; and
  - (c) remain present for the hearing if the victim appoints another to make a statement on the victim's behalf.
- (5) The statement may be presented:
  - (a) as a written statement, which may also be read aloud, if the presenter desires; or
  - (b) as an oral statement presented by the person selected under Subsection (4).
- (6) The victim may be accompanied by a member of his family or another individual, present to provide emotional support to the victim.
- (7) The victim may, upon request, testify outside the presence of the defendant but a separate hearing may not be held for this purpose.

- (8)
  - (a) If a victim does not attend a hearing, the victim may provide a written statement that complies with board rules.
  - (b) If the victim does not offer a verbal or written statement at the time of the hearing, the board shall consider any statement from the victim that was previously provided to the board.
  - (c) The board may not afford a written statement provided by a victim less weight than a verbal statement solely because the statement is written.

Amended by Chapter 434, 2024 General Session

**77-27-9.7 Victim right to notification of release -- Notice by board.**

- (1)
  - (a) In accordance with Subsection 77-38-104(1)(p), the board shall notify a victim of the victim's right to be informed, upon request, of other releases of the offender under Section 64-13-14.7.
  - (b) The board may provide the notification to the victim as described in Subsection 77-27-9.5(3)
    - (c).
- (2) The board may include the notification under Subsection (1) with the notification sent under Subsection 77-27-9.5(3).
- (3) The board shall coordinate with the Department of Corrections to ensure notice under this section is provided to a victim.

Amended by Chapter 434, 2024 General Session

**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, in accordance with Section 64-14-204, issue to the parolee a certificate setting forth the conditions of parole, including the graduated and evidence-based responses to a violation of a condition of parole established in the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, 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)
    - (i) A copy of the agreement shall be delivered to the Department of Corrections and a copy shall be given to the parolee.
    - (ii) The original agreement shall remain with the board's file.
- (2)



- (a) If an offender convicted of violating or attempting to violate Section 76-5-301.1, 76-5-302, 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, 76-5-404.3, 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)
    - (i) In addition to the conditions set out in Subsection (1), the board may place offenders in an intensive early release parole program.
    - (ii) 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) In addition to the conditions of parole described in this section, and if a condition of the offender's parole is routine or random drug testing, the board shall order the offender to sign a waiver consistent with the Health Insurance Portability and Accountability Act, 42 U.S.C. Sec. 1320d et seq., allowing the treatment provider conducting the drug testing to notify the offender's supervising parole officer regarding the results of the offender's drug testing.
- (6) During the time the offender is on parole, the department shall collect from the offender the monthly supervision fee authorized by Section 64-14-204.
- (7) When a parolee commits a violation of the parole agreement, the department may:
- (a) respond in accordance with the graduated and evidence-based responses established in accordance with Section 64-14-204; or
  - (b) when the graduated and evidence-based responses established in accordance with Section 64-14-204 indicate, refer the parolee to the Board of Pardons and Parole for revocation of parole.

Amended by Chapter 214, 2025 General Session  
Amended by Chapter 299, 2025 General Session

**77-27-10.5 Special condition of parole -- Penalty.**

- (1) In accordance with Section 77-27-5, the Board of Pardons and Parole may release the defendant on parole and as a condition of parole, the board may order the defendant to be prohibited from directly or indirectly engaging in any profit or benefit generating activity relating to the publication of facts or circumstances pertaining to the defendant's involvement in the criminal act for which the defendant is convicted.
- (2) The order may prohibit the defendant from contracting with any person, firm, corporation, partnership, association, or other legal entity with respect to the commission and reenactment of the defendant's criminal conduct, by way of a movie, book, magazine article, tape recording, phonograph record, radio, or television presentations, live entertainment of any kind, or from the expression of the defendant's thoughts, feelings, opinions, or emotions regarding the criminal conduct.
- (3) The board may order that the prohibition includes any event undertaken and experienced by the defendant while avoiding apprehension from the authorities or while facing criminal charges.
- (4) The board may order that any action taken by the defendant by way of execution of power of attorney, creation of corporate entities, or other action to avoid compliance with the board's order shall be grounds for revocation of parole as provided in Section 77-27-11.
- (5) The Division of Adult Probation and Parole created in Section 64-14-202 shall notify the board of any alleged violation of the board's order under this section.
- (6) The violation of the board's order shall be considered a violation of parole.
- (7) For purposes of this section:
  - (a) "convicted" means a conviction by entry of a plea of guilty or nolo contendere, guilty with a mental condition, no contest, and conviction of any crime or offense; and
  - (b) "defendant" means the convicted defendant, the defendant's assignees, and representatives acting on the defendant's authority.

Amended by Chapter 214, 2025 General Session

**77-27-11 Revocation of parole.**

- (1) The board may revoke the parole of any individual who is found to have violated any condition of the individual's parole.
- (2)
  - (a) If a parolee is confined by the department or any law enforcement official for a suspected violation of parole, the department:
    - (i) shall immediately report the alleged violation to the board, by means of an incident report; and
    - (ii) make any recommendation regarding the incident.
  - (b) A parolee may not be held for a period longer than 72 hours, excluding weekends and holidays, without first obtaining a warrant.
  - (c) The board shall expeditiously consider warrant requests from the department under Section 64-14-205.
- (3) Any member of the board may:
  - (a) issue a warrant based upon a certified warrant request to a peace officer or other persons authorized to arrest, detain, and return to actual custody a parolee; and
  - (b) upon arrest of the parolee, determine, or direct the department to determine, if there is probable cause to believe that the parolee has violated the conditions of the parolee's parole.

- (4) Upon a finding of probable cause, a parolee may be further detained or imprisoned again pending a hearing by the board or the board's appointed examiner.
- (5)
- (a) The board or the board's appointed examiner shall conduct a hearing on the alleged violation, and the parolee shall have written notice of the time and location of the hearing, the alleged violation of parole, and a statement of the evidence against the parolee.
  - (b) The board or the board's appointed examiner shall provide the parolee the opportunity:
    - (i) to be present;
    - (ii) to be heard;
    - (iii) to present witnesses and documentary evidence;
    - (iv) to confront and cross-examine adverse witnesses, absent a showing of good cause for not allowing the confrontation; and
    - (v) to be represented by counsel when the parolee is mentally incompetent or pleading not guilty.
  - (c)
    - (i) If heard by an appointed examiner, the examiner shall make a written decision which shall include a statement of the facts relied upon by the examiner in determining the guilt or innocence of the parolee on the alleged violation and a conclusion as to whether the alleged violation occurred.
    - (ii) The appointed examiner shall then refer the case to the board for disposition.
  - (d)
    - (i) A final decision shall be reached by a majority vote of the sitting members of the board.
    - (ii) A parolee shall be promptly notified in writing of the board's findings and decision.
- (6)
- (a) If a parolee is found to have violated the terms of parole, the board, at the board's discretion, may:
    - (i) return the parolee to parole;
    - (ii) modify the payment schedule for the parolee's criminal accounts receivable in accordance with Section 77-32b-105;
    - (iii) order the parolee to pay pecuniary damages that are proximately caused by a defendant's violation of the terms of the defendant's parole;
    - (iv) order the parolee to be imprisoned, but not to exceed the maximum term of imprisonment for the parolee's sentence; or
    - (v) order any other conditions for the parolee.
  - (b) If the board returns the parolee to parole, the length of parole may not be for a period of time that exceeds the length of the parolee's maximum sentence.
  - (c) If the board revokes parole for a violation and orders incarceration, the board may impose a period of incarceration:
    - (i) consistent with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; or
    - (ii) subject to Subsection (6)(a)(iv), impose a period of incarceration that differs from the guidelines.
  - (d) The following periods of time constitute service of time toward the period of incarceration imposed under Subsection (6)(c):
    - (i) time served in jail by a parolee awaiting a hearing or decision concerning revocation of parole; and
    - (ii) time served in jail by a parolee due to a violation of parole under Subsection 64-13-6(2).

Amended by Chapter 214, 2025 General Session

**77-27-12 Parole discharge--Sentence termination.**

Any person released on parole shall be discharged from parole or have the person's sentence terminated subject to the conditions and limitations contained in Section 76-3-202.

Amended by Chapter 302, 2025 General Session

**77-27-13 Board of Pardons and Parole -- Duties of the judiciary, the Department of Corrections, and law enforcement -- Removal of material from files.**

- (1) The chief executive officer and employees of each penal or correctional institution shall cooperate fully with the board, permit board members free access to offenders, and furnish the board with pertinent information regarding an offender's physical, mental, and social history and his institutional record of behavior, discipline, work, efforts of self-improvement, and attitude toward society.
- (2)
  - (a) The department shall:
    - (i) furnish any pertinent information , within the department's possession, to the board; and
    - (ii) provide a copy of the presentence report, any available information within the department's possession concerning the impact a crime may have had upon the victim or the victim's family, and any other investigative reports to the board.
  - (b) In all cases where a presentence report has not been completed, the department shall:
    - (i) make a postsentence report ; and
    - (ii) provide a copy of the postsentence report to the board as soon as possible.
  - (c) The department shall provide the board, upon request, any additional investigations or information needed by the board to reach a decision or conduct a hearing.
- (3) The department shall make the department's facilities available to the board to carry out the board's functions.
- (4) Law enforcement officials responsible for the offender's arrest, conviction, and sentence shall furnish all pertinent data requested by the board.
- (5)
  - (a) If an indeterminate sentence is imposed in a case, the court shall forward, within 30 days after the day on which the sentence was imposed, to the board:
    - (i) a record of the judgment and commitment;
    - (ii) if available and in the court's possession, a victim impact statement referring to any loss suffered by a victim; and
    - (iii) any other record that the court believes will be relevant to the board, including a statement:
      - (A) proposing the term for which, in the court's opinion, the offender should be imprisoned;
      - (B) any information the court may have regarding the character of the offender; and
      - (C) any mitigating or aggravating circumstances connected with the offense for which the offender has been convicted.
  - (b) If the court amends an order for a judgment and commitment, the court shall forward the amended order to the board within 30 days after the day on which the amended order is entered.
- (6) If an indeterminate sentence is imposed in a case and the offender is committed to prison, the prosecuting attorney shall forward, in writing and within 30 days after the day on which the sentence was imposed, to the board:
  - (a) a victim impact statement referring to any loss suffered by a victim; and

- (b) any other information the prosecuting attorney believes will be relevant to the board, including a summary and recommendations related to the case.
- (7) Notwithstanding Subsection (5) or (6), the board may remove from the board's files any:
  - (a) statement that the board is not going to rely on in the board's decision-making process;
  - (b) information found to be incorrect by a court, the board, or an administrative agency; or
  - (c) duplicative materials.
- (8) The chief executive officer of any penal or correctional institution shall permit offenders to send mail to the board without censorship.

Amended by Chapter 434, 2024 General Session

***Repealed 9/1/2025***

**77-27-21.9 Sex offender assessment.**

- (1) As used in this section:
  - (a) "Dynamic factors" means a person's individual characteristics, issues, resources, or circumstances that:
    - (i) can change or be influenced; and
    - (ii) affect the risk of recidivism or the risk of violating conditions of probation or parole.
  - (b) "Multi-domain assessment" means an evaluation process or tool which reports in quantitative and qualitative terms an offender's condition, stability, needs, resources, and dynamic factors affecting the offender's transition into the community and compliance with conditions of probation or parole, such as the following:
    - (i) alcohol and other drug use;
    - (ii) mental health status;
    - (iii) physical health;
    - (iv) criminal behavior;
    - (v) education;
    - (vi) emotional health and barriers;
    - (vii) employment;
    - (viii) family dynamics;
    - (ix) housing;
    - (x) physical health and nutrition;
    - (xi) spirituality;
    - (xii) social support systems;
    - (xiii) special population needs, including:
      - (A) co-existing disorders;
      - (B) domestic violence;
      - (C) drug of choice;
      - (D) gender, ethnic, and cultural considerations;
      - (E) other health issues;
      - (F) sexual abuse; and
      - (G) sexual orientation;
    - (xiv) transportation; and
    - (xv) treatment involvement.
  - (c) "Qualitative terms" means written summaries used to describe meaning, enrich, or explain significant quantitative indicators or benchmarks within the areas defined in Subsection (1)(b).
  - (d) "Quantitative terms" means numerical distinctions or benchmarks used to describe conditions within the areas defined in Subsection (1)(b).

- (2) The department shall issue a request for proposals to provide a periodic multi-domain assessment tool, as defined in Subsection (1)(b) and implement the tool for a three-year trial period in the management of sex offenders being supervised in the community in the department's Region 3.
- (3) The request for proposals shall include a requirement that the multi-domain assessment tool be designed to be administered:
  - (a) every 16 weeks during the first year a sex offender is supervised in the community; and
  - (b) every 12 to 26 weeks during the second and subsequent years a sex offender is supervised in the community, as determined appropriate by the department's supervisory personnel and the sex offender's treatment team.
- (4) The department shall promptly make results of the multi-domain assessment available to:
  - (a) the sex offender's treatment team; and
  - (b) the corrections personnel responsible for supervising the offender.
- (5) The department shall provide to the legislative Law Enforcement and Criminal Justice Interim Committee at the conclusion of the trial period a written report of the results of the use of the multi-domain assessments, including:
  - (a) the impact on recidivism;
  - (b) other indicators of the effect of the use of the assessments;
  - (c) the number of assessments administered annually;
  - (d) the number of individuals who were assessed during the year; and
  - (e) any recommended legislative or policy changes.

Repealed by Chapter 243, 2025 General Session

Enacted by Chapter 309, 2008 General Session

#### **77-27-24 Out-of-state supervision of probationers and parolees -- Compacts.**

The governor of this state is authorized to execute a compact on behalf of the State of Utah with any other state legally joining therein. "State," as used in this section, includes any state, territory or possession of the United States, and the District of Columbia. The compact shall be in substantially the following form:

- (1) A compact entered into by and among the contracting states, signatories thereto, with the consent of the Congress of the United States of America, granted by an act entitled An Act Granting the Consent of Congress to any two or more States to enter into Agreements or Compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes.
- (2) The contracting states solemnly agree:
  - (a) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called sending state) to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called receiving state) while on probation or parole, if:
    - (i) such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there; or
    - (ii) though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.
      - (A) Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.
      - (B) A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming

to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

- (b) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.
- (c) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole from such sending state. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are expressly waived on the part of states party hereto as to such persons. The decision of the sending state to retake a person on probation (or parole) shall be conclusive upon and not reviewable within the receiving state; provided if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.
- (d) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact without interference.
- (e) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.
- (f) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.
- (g) That this compact shall continue in force and remain binding upon each executing state until renounced by it. That duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, on sending six months' notice in writing of intention to withdraw from the compact to the other states party thereto.

Amended by Chapter 306, 2007 General Session

**77-27-25 Amendments to interstate compact -- Transfer of prisoners -- Costs -- Supplementary agreements.**

The governor is authorized, on behalf of the state, to execute amendments to the compacts provided for in Section 77-27-24, with any other state legally joined therein. "State," as used in this section, includes any state, territory or possession of the United States and the District of Columbia. The amendments to the compact shall be in form substantially as follows:

- (a) Whenever the duly constituted judicial and administrative authorities in a sending state shall determine incarceration of a probationer or reincarceration of a parolee is necessary or desirable, said officials may direct that the incarceration or reincarceration be in a prison or other correctional institution within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

(b) As used in this amendment, the term "receiving state" shall be construed to mean any state, other than the sending state, in which a parolee or probationer may be found, provided that said state is a party to this amendment.

(c) Every state which adopts this amendment shall designate at least one of its correctional institutions as a "Compact Institution" and shall incarcerate persons therein as provided in (a) hereof unless the sending and receiving state in question shall make specific contractual arrangements to the contrary. All states party to this amendment shall have access to "Compact Institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of said state's prisoners as may be confined in the institution.

(d) Persons confined in "Compact Institutions" pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from said "Compact Institution" for transfer to a prison or other correctional institution within the sending state, for return to probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state.

(e) All persons who may be confined in a "Compact Institution" pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of incarceration or reincarceration in a receiving state shall not deprive any person so incarcerated or reincarcerated of any rights which said person would have had if incarcerated or reincarcerated in an appropriate institution of the sending state; nor shall any agreement to submit to incarceration or reincarceration pursuant to the terms of this amendment be construed as a waiver of any rights which the prisoner would have had if he had been incarcerated or reincarcerated in an appropriate institution of the sending state, except that the hearing or hearings, if any, to which a parolee or probationer may be entitled, (prior to incarceration or reincarceration) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(f) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(g) This amendment shall take effect when ratified by any two or more states party to the compact and shall be effective as to those states which have specifically ratified this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have ratified this amendment.

Enacted by Chapter 15, 1980 General Session

**77-27-26 Deputization of agents to effect return of parole and probation violators.**

- (1)
- (a) The official administrator of the interstate compact for the supervision of parolees and probationers is authorized and empowered to deputize any person to act as an officer and agent of this state in carrying out the return of any person who has violated the terms and conditions of parole or probation as granted by this state.
  - (b) In any matter relating to the return of a violator described in Subsection (1)(a), any deputized agent shall have all the powers of a peace officer of this state.
- (2) Any deputization of any person pursuant to this section shall be in writing and the deputized agent shall:



- (a) carry formal evidence of deputation; and
  - (b) produce the evidence of deputation upon demand.
- (3) The official administrator of the interstate compact is authorized, subject to the approval of the governor, to enter into contracts with similar officials of any other state or states for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state.

Amended by Chapter 302, 2025 General Session

**77-27-27 Retaking or reincarceration for parole or probation violations -- Hearing and notice to sending state -- Detention of parolee or probationer.**

Where supervision of a parolee or probationer is being administered pursuant to the interstate compact for the supervision of parolees and probationers, the appropriate judicial or administrative authorities in this state shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. Prior to the giving of any such notification, a hearing shall be held in accordance with this act within a reasonable time, unless such hearing is waived by the parolee or probationer. The appropriate officer or officers of this state shall as soon as practicable, following termination of any hearing, report to the sending state, furnish a copy of the hearing record, and make recommendations regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this section, the appropriate officers of this state may take custody of and detain the parolee or probationer involved for a period not to exceed 15 days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

Enacted by Chapter 15, 1980 General Session

**77-27-28 Hearing officer.**

Any hearing pursuant to this act shall be heard by the administrator of the interstate compact for the supervision of parolees and probationers, a deputy of the administrator, or any other person authorized pursuant to the laws of this state to hear cases of alleged parole or probation violation, except that no hearing officer shall be the person making the allegation of violation.

Enacted by Chapter 15, 1980 General Session

**77-27-29 Rights of parolee or probationer -- Record of proceedings.**

- (1) With respect to any hearing pursuant to the Uniform Act for Out-of-State Supervision, the parolee or probationer shall have the following rights:
- (a) reasonable notice in writing of the nature and content of the allegations to be made, including notice that its purpose is to determine whether there is probable cause to believe that he has committed a violation that may lead to a revocation of parole or probation;
  - (b) be permitted to advise with any persons whose assistance he reasonably desires, prior to the hearing;
  - (c) to confront and examine any persons who have made allegations against him, unless the hearing officer determines that such confrontation would present a substantial present or subsequent danger of harm to such person or persons; and

- (d) may admit, deny, or explain the violation alleged and may present proof, including affidavits and other evidence, in support of his contentions.
- (2) A record of the proceedings shall be made and preserved.

Amended by Chapter 306, 2007 General Session

**77-27-30 Violation by parolee or probationer supervised in another state -- Hearing in other state -- Procedure upon receipt of record from other state.**

In any case of alleged parole or probation violation by a person being supervised in another state pursuant to the interstate compact for the supervision of parolees and probationers, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this act, the record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers in this state, and any recommendations contained in or accompanying the record shall be fully considered by the appropriate officer or officers of this state in making disposition of the matter.

Enacted by Chapter 15, 1980 General Session

**77-27-31 Short title.**

Sections 77-27-24 through 77-27-30 of this chapter may be cited as the "Uniform Act for Out-of-State Supervision."

Enacted by Chapter 15, 1980 General Session

**77-27-32 Reporting requirements.**

- (1) The board shall publicly display metrics on the board's website, including:
  - (a) a measure of recidivism;
  - (b) a measure of time under board jurisdiction;
  - (c) a measure of prison releases by category;
  - (d) a measure of parole revocations;
  - (e) a measure of alignment of board decisions with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and
  - (f) a measure of the aggregate reasons for departing from the guidelines described in Subsection (1)(e).
- (2) On or before September 30 of each year, the board shall submit to the commission and the Law Enforcement and Criminal Justice Interim Committee a report for the previous fiscal year that summarizes the metrics in Subsection (1).

Amended by Chapter 208, 2024 General Session