

**PAROLE AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis Oda**

Senate Sponsor: Dan R. Eastman

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**LONG TITLE**

**General Description:**

This bill modifies the Code of Criminal Procedure regarding procedures required in order for the Board of Pardons and Parole to grant parole to an inmate.

**Highlighted Provisions:**

This bill:

► requires that an inmate must agree, prior to being granted parole, that the Board of Pardons may issue a warrant for the inmate and conduct a parole revocation hearing if the inmate:

- provided false information at the parole hearing; or
- had committed a criminal offense the board was not aware of at the time of granting the parole.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**77-27-10**, as last amended by Chapter 100, Laws of Utah 1996

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*Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section 77-27-10 is amended to read:

29 **77-27-10. Conditions of parole -- Rulemaking -- Intensive early release parole**  
30 **program.**

31 (1) (a) When the Board of Pardons and Parole releases an offender on parole, it shall  
32 issue to the parolee a certificate setting forth the conditions of parole which he shall accept and  
33 agree to as evidenced by his signature affixed to the agreement.

34 (b) The parole agreement shall require that the inmate agree in writing that the board  
35 may issue a warrant and conduct a parole revocation hearing if:

36 (i) the board determines after the grant of parole that the inmate willfully provided to  
37 the board false or inaccurate information that the board finds was significant in the board's  
38 determination to grant parole; or

39 (ii) (A) the inmate has engaged in criminal conduct prior to the granting of parole; and

40 (B) the board did not have information regarding the conduct at the time parole was  
41 granted.

42 ~~(b)~~ (c) A copy of the agreement shall be delivered to the Department of Corrections  
43 and a copy shall be given to the parolee. The original shall remain with the board's file.

44 (2) If an offender convicted of violating or attempting to violate Section 76-5-301.1,  
45 Subsection 76-5-302(1), Section 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403,  
46 76-5-403.1, 76-5-404, 76-5-404.1, or 76-5-405, is released on parole, the board shall order  
47 outpatient mental health counseling and treatment as a condition of parole. The board shall  
48 develop standards and conditions of parole under this subsection in accordance with Title 63,  
49 Chapter 46a, Utah Administrative Rulemaking Act. This Subsection (2) does not apply to  
50 intensive early release parole.

51 (3) (a) In addition to the conditions set out in Subsection (1), the board may place  
52 offenders in an intensive early release parole program. The board shall determine the  
53 conditions of parole which are reasonably necessary to protect the community as well as to  
54 protect the interests of the offender and to assist the offender to lead a law-abiding life.

55 (b) The offender is eligible for this program only if he:

56 (i) has not been convicted of a sexual offense; or

57 (ii) has not been sentenced pursuant to Section 76-3-406.

58 (c) The department shall:

- 59 (i) promulgate rules in accordance with Title 63, Chapter 46a, Utah Administrative  
60 Rulemaking Act, for operation of the program;
- 61 (ii) adopt and implement internal management policies for operation of the program;
- 62 (iii) determine whether or not to refer an offender into this program within 120 days  
63 from the date the offender is committed to prison by the sentencing court; and
- 64 (iv) make the final recommendation to the board regarding the placement of an  
65 offender into the program.
- 66 (d) The department shall not consider credit for time served in a county jail awaiting  
67 trial or sentencing when calculating the 120-day period.
- 68 (e) The prosecuting attorney or sentencing court may refer an offender for  
69 consideration by the department for participation in the program.
- 70 (f) The board shall determine whether or not to place an offender into this program  
71 within 30 days of receiving the department's recommendation.
- 72 (4) This program shall be implemented by the department within the existing budget.
- 73 (5) During the time the offender is on parole, the department shall collect from the  
74 offender the monthly supervision fee authorized by Section 64-13-21.

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**Legislative Review Note**  
as of 1-24-07 5:12 PM

**Office of Legislative Research and General Counsel**

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**H.B. 180 - Parole Amendments**

**Fiscal Note**

2007 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/30/2007, 10:36:34 AM, Lead Analyst: Byrne, D.*

**Office of the Legislative Fiscal Analyst**