

**COUNTY JAIL - WORK RELEASE PROCESS**

**AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott L Wyatt**

Senate Sponsor: Gregory S. Bell

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**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code and the Code of Criminal Procedure regarding the release of jail inmates for work or education.

**Highlighted Provisions:**

This bill:

- ▶ clarifies that the court may order whether the inmate is allowed to be released; and
- ▶ specifies that the custodial authority of the jail determines the terms and conditions of an inmate's release.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-3-403.5**, as enacted by Chapter 204, Laws of Utah 2000

**77-19-3**, as enacted by Chapter 15, Laws of Utah 1980

**77-19-4**, as enacted by Chapter 15, Laws of Utah 1980

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



28 Section 1. Section **76-3-403.5** is amended to read:

29 **76-3-403.5. Work or school release from county jail or facility -- Conditions.**

30 When an inmate is committed for incarceration in a county jail or in a detention facility,  
31 the custodial authority may ~~[in its discretion]~~, in accordance with the release policy of the  
32 facility, allow the inmate to work outside of the jail or facility as part of a jail or facility  
33 supervised work detail, ~~to seek or work at employment, or to attend an educational institution,~~  
34 if the inmate's incarceration:

- 35 (1) is not for an offense for which release is prohibited under state law; and
- 36 ~~[(1)]~~ (2) (a) is for a misdemeanor offense, and the sentencing judge has not entered an  
37 order ~~[to the contrary;]~~ prohibiting release under this section; or
- 38 ~~[(2)]~~ (b) is part of a probation agreement for a felony offense, and the sentencing  
39 district judge has not entered an order ~~[to the contrary; or]~~ prohibiting release under this  
40 section.
- 41 ~~[(3) is in a county facility pursuant to a contract with the Department of Corrections.]~~

42 Section 2. Section **77-19-3** is amended to read:

43 **77-19-3. Special release from city or county jail -- Purposes.**

44 (1) Any person sentenced to a term in any city or county jail may, [pursuant to order of  
45 the sentencing judge;] in accordance with the release policy of the facility, be released from jail  
46 during those hours which are reasonable and necessary to accomplish any of the ~~[following]~~  
47 purposes under Subsection (2) if:

- 48 (a) the offense is not one for which release is prohibited under state law; and
- 49 (b) the judge has not entered an order prohibiting a special release.
- 50 (2) The custodial authority at the jail may release an inmate who qualifies under

51 Subsection (1) for:

- 52 ~~[(1)]~~ (a) working at his employment;
- 53 ~~[(2)]~~ (b) performing essential household duties;
- 54 ~~[(3)]~~ (c) attending an educational institution;
- 55 ~~[(4)]~~ (d) obtaining necessary medical treatment; or
- 56 ~~[(5)]~~ (e) any other [proper] reasonable purpose [the court may order] as determined by  
57 the custodial authority of the jail.

58 Section 3. Section **77-19-4** is amended to read:

59           **77-19-4. Special release from city or county jail -- Conditions and limitations.**

60           (1) All released prisoners~~[, while absent from the jail,]~~ under Section 77-19-3 are in the  
61 custody of the ~~[jailer]~~ custodial authority and are subject at any time to being returned to jail,  
62 ~~[if]~~ for good cause ~~[appears for so doing]~~.

63           (2) The judge ~~[shall specify the terms and conditions of the release time which may~~  
64 ~~include, but are not limited to the following]~~ may order that the prisoner:

65           ~~[(1) The prisoner may be required to]~~ (a) pay ~~[all]~~ monies earned from employment  
66 during the jail term to those persons he is legally responsible to support; or

67           ~~[(2) He may be required to pay a reasonable amount for the expenses of his~~  
68 ~~maintenance in the jail but may be permitted to]~~

69           (b) retain sufficient money to pay his costs of transportation, meals, and other  
70 incidental and necessary expenses related to his special release.

71           (3) The custodial authority of the jail shall establish all other conditions of special  
72 release.

73           (4) During all hours when the prisoner is not serving the function for which he is  
74 awarded release time, he shall be confined to jail.

75           (5) The prisoner shall ~~[be responsible for obtaining]~~ obtain his own transportation to  
76 and from the place where he performs the function for which he is released.

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**Legislative Review Note**  
as of 11-16-06 8:21 AM

**Office of Legislative Research and General Counsel**

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**H.B. 206 - County Jail - Work Release Process 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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*12/27/2006, 8:34:45 AM, Lead Analyst: Byrne, D.*

**Office of the Legislative Fiscal Analyst**