

**PAROLE AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis Oda**

Senate Sponsor: Jon J. Greiner

**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 Laws of Utah 1996, Chapter 100

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

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

**77-27-10. Conditions of parole -- Inmate agreement to warrant -- Rulemaking --**

30 **Intensive early release parole 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) (a) 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.

48 (b) The board shall develop standards and conditions of parole under this Subsection  
49 (2) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

50 (c) This Subsection (2) does not apply to 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 conditions  
53 of parole which are reasonably necessary to protect the community as well as to protect the  
54 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~~] make rules in accordance with Title 63, Chapter 46a, Utah
- 60 Administrative 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 offender
- 65 into the program.
- 66 (d) The department [~~shall~~] may not consider credit for time served in a county jail
- 67 awaiting 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.