

Representative Glenn A. Donnelson proposes the following substitute bill:

**DEPORTATION OF ELIGIBLE
UNDOCUMENTED IMMIGRANT PRISONERS**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Glenn A. Donnelson

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill enacts a provision in the Utah Criminal Code related to the incarceration of convicted felons who are illegally in the United States.

Highlighted Provisions:

This bill:

- ▶ provides that the Board of Pardons and Parole may release a prisoner who is illegally in the United States and has not completed the indeterminate sentence imposed by the court to the United States Immigration and Customs Enforcement for deportation;
- ▶ provides qualifying criteria for the release; and
- ▶ provides for revocation of the release if the prisoner returns illegally to the United States.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 ENACTS:

27 **64-13-38.5**, Utah Code Annotated 1953



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

30 Section 1. Section **64-13-38.5** is enacted to read:

31 **64-13-38.5. Release of prisoner with detainer -- Eligibility -- Revocation of release.**

32 (1) Notwithstanding any law to the contrary, the Board of Pardons and Parole, hereafter
33 referred to in this section as "the board," shall, prior to the parole release of an illegal
34 immigrant prisoner, ensure that:

35 (a) there is a detainer in place lodged by the United States Immigration and Customs
36 Enforcement for deportation of the prisoner; and

37 (b) the prisoner has served at least a minimum amount of time of the sentence imposed
38 by the court as determined by the board.

39 (2) (a) If a prisoner who is released to the United States Immigration and Customs
40 Enforcement under Subsection (1) returns illegally to the United States, on notification from a
41 federal or state law enforcement agency that the prisoner is in custody, the board may revoke
42 the prisoner's release.

43 (b) The prisoner is not eligible for parole or any other release from confinement until
44 the remainder of the sentence of imprisonment is served or as determined by the board.

Fiscal Note

**H.B. 395 1st Sub. (Buff) - Deportation of Eligible Undocumented Immigrant
Prisoners**

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
