

INCARCERATION AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding the disposition of a person convicted of a class A misdemeanor.

Highlighted Provisions:

This bill:

► provides that if a person is serving a felony commitment at the Utah State Prison at the commencement of a class A misdemeanor conviction, the class A misdemeanor commitment shall be to the Utah State Prison.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-3-208, as last amended by Laws of Utah 1995, Chapter 249

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

Section 1. Section **76-3-208** is amended to read:

76-3-208. Imprisonment -- Custodial authorities.

(1) Persons sentenced to imprisonment shall be committed to the following custodial



28 authorities:

29 (a) felony commitments shall be to the Utah State Prison;

30 (b) (i) class A misdemeanor commitments shall be to the jail, or other facility
31 designated by the town, city, or county where the defendant was convicted, unless the
32 defendant ~~[consents to commitment to the Utah State Prison]~~ is also serving a felony
33 commitment at the Utah State Prison at the commencement of the class A misdemeanor
34 conviction, in which case, the class A misdemeanor commitment shall be to the Utah State
35 Prison for an indeterminate term not to exceed one year; and

36 (ii) ~~[if the defendant consents to commitment to the Utah State Prison for an~~
37 ~~indeterminate term not to exceed one year, the court may impose the sentence. The]~~ the court
38 may not order the imprisonment of a defendant to the Utah State Prison for a fixed term or
39 other term that is inconsistent with this section and Section 77-18-4; and

40 (c) all other misdemeanor commitments shall be to the jail or other facility designated
41 by the town, city or county where the defendant was convicted.

42 (2) Custodial authorities may place a prisoner in a facility other than the one to which
43 ~~[he]~~ the prisoner was committed when:

44 (a) it does not have space to accommodate ~~[him]~~ the prisoner; or

45 (b) the security of the institution or inmate requires it.

Legislative Review Note
as of 1-17-11 6:59 AM

Office of Legislative Research and General Counsel