

BOARD OF PARDONS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses proceedings and records of the Board of Pardons and Parole.

Highlighted Provisions:

This bill:

- ▶ defines "deliberative process" for the Board of Pardons and Parole;
- ▶ exempts the deliberative process ~~H→ [and day-to-day operations] ←H~~ of the Board of

Pardons

and Parole from Open and Public Meetings Act requirements; and

- ▶ addresses records of the Board of Pardons and Parole that are exempt from disclosure and discovery provisions.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-27-1, as last amended by Laws of Utah 2015, Chapter 412

77-27-5, as last amended by Laws of Utah 2019, Chapter 148

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

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



28 **77-27-1. Definitions.**

29 As used in this chapter:

30 (1) "Appearance" means any opportunity to address the board, a board member, a
31 panel, or hearing officer, including an interview.

32 (2) "Board" means the Board of Pardons and Parole.

33 (3) "Case action plan" means a document developed by the Department of Corrections
34 that identifies the program priorities for the treatment of the offender, including the criminal
35 risk factors as determined by a risk and needs assessment conducted by the department.

36 (4) "Commission" means the Commission on Criminal and Juvenile Justice.

37 (5) "Commutation" is the change from a greater to a lesser punishment after
38 conviction.

39 (6) "Criminal risk factors" means a person's characteristics and behaviors that:

40 (a) affect that person's risk of engaging in criminal behavior; and

41 (b) are diminished when addressed by effective treatment, supervision, and other
42 support resources resulting in reduced risk of criminal behavior.43 (7) (a) "Deliberative process" means the board or any number of the board's individual
44 members together engaging in discussions, whether written or verbal, regarding a parole, a
45 pardon, a commutation, termination of sentence, or ~~H~~→ [remission-of] ←~~H~~ fines, fees, or restitution
45a in an
46 individual case.47 (b) "Deliberative process" includes the votes, mental processes, written notes, and
48 recommendations of individual board members and staff.49 (c) "Deliberative process" does not include:50 (i) a hearing where the offender is present;51 (ii) any factual record the board is considering, including records of the offender's
52 criminal convictions, records regarding the offender's current or previous incarceration and
53 supervision, and records regarding the offender's physical or mental health;54 (iii) recommendations regarding the offender's incarceration or supervision from any
55 other individual, governmental entity, or agency;56 (iv) testimony received by the board regarding the offender, whether written or verbal;57 or58 (v) the board's decision or rationale for the decision.

152 condition of any parole, pardon, remission of fines or forfeitures, or commutation or
153 termination of sentence; and

154 (b) develop and use a list of criteria for making determinations under this Subsection
155 (5).

156 (6) In determining whether parole may be terminated, the board shall consider:

157 (a) the offense committed by the parolee; and

158 (b) the parole period as provided in Section 76-3-202, and in accordance with Section
159 77-27-13.

160 (7) For offenders placed on parole after December 31, 2018, the board shall terminate
161 parole in accordance with the supervision length guidelines established by the Utah Sentencing
162 Commission under Section 63M-7-404, to the extent the guidelines are consistent with the
163 requirements of the law.

164 ~~H→ [(8) Discussions of the Board of Pardons and Parole or the board's members that pertain~~
165 ~~only to day-to-day management and operation of the board are not a meeting as defined in~~
166 ~~Section 52-4-103.] ←H~~