

90 77-20-3.2. Sheriff and bail commissioner's authority to release an individual from
 91 jail.

92 (1) As used in this section:

93 (a) "County bail commissioner" means a bail commissioner appointed in accordance
 94 with Section 17-32-1.

95 (b) "Qualifying offense" means the same as that term is defined in Section 78B-7-801.

95a ~~H→~~ (c) "Violent felony" means the same as that term is defined in Subsection
 95b 76-3-203.5(1)(c)(i). ←H

96 (2) A county sheriff or a county bail commissioner may release an individual from a
 97 jail facility on the individual's own recognizance if:

98 (a) the individual was arrested without a warrant;

99 (b) the individual was not arrested for H→ : ←H

99a ~~H→~~ (i) ←H a H→ violent ←H felony H→ ; [or] ←H

99b ~~H→~~ (ii) ←H a qualifying offense;

99c ~~H→~~ (iii) the offense of driving under the influence or driving with a measurable
 99d controlled substance in the body if the offense results in death or serious bodily injury to an
 99e individual; or

99f (iv) an offense described in Subsection 76-9-101(4); ←H

100 (c) H→ [the arresting agency] law enforcement ←H has not submitted a probable cause
 100a statement to a court or
 101 magistrate;

102 (d) the individual agrees in writing to appear for pending criminal charges; and

103 (e) the individual qualifies for release under the written policy described in Subsection
 104 (3) for the county.

105 (3) (a) A county sheriff shall create and approve a written policy for the county that
 106 governs the release of an individual on the individual's own recognizance.

107 (b) The written policy shall describe the criteria an individual shall meet to be released
 108 on the individual's own recognizance.

109 (c) A county sheriff may include in the written policy the criteria for release relating to:

110 (i) criminal history;

111 (ii) prior instances of failing to appear for a mandatory court appearance;

112 (iii) current employment;

113 (iv) residency;

114 (v) ties to the community;

- 115 (vi) an offense for which the individual was arrested;
- 116 (vii) any potential criminal charges that have not yet been filed;
- 117 (viii) the individual's health condition;
- 118 (ix) any potential risks to a victim, a witness, or the public; and
- 119 (x) any other similar factor a sheriff determines is relevant.

119a **Ĥ→ (4) Nothing in this section prohibits a district court and a county from entering**
119b **into an agreement regarding release. ←Ĥ**

120 Section 4. **Effective date.**