

BAIL AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill amends provisions related to bail and pretrial release.

Highlighted Provisions:

This bill:

▶ amends the requirements for collecting pretrial information when an individual is arrested without a warrant and is booked at a jail facility; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-20-202, as last amended by Laws of Utah 2023, Chapter 447

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

Section 1. Section **77-20-202** is amended to read:

77-20-202. Collection of pretrial information.

(1) [~~On or after May 4, 2022, when~~] When an individual is arrested without a warrant for an offense and booked at a jail facility, an employee at the jail facility, or an employee of a



28 pretrial services program, shall submit the following information to the court with the probable
29 cause statement [~~to the extent that the information is reasonably available to the employee~~]:

- 30 (a) identification information for the individual, including:
 - 31 (i) the individual's legal name and any known aliases;
 - 32 (ii) the individual's date of birth;
 - 33 (iii) the individual's state identification number;
 - 34 (iv) the individual's mobile phone number; and
 - 35 (v) the individual's email address;
- 36 (b) the individual's residential address;
- 37 (c) any pending criminal charge or warrant for the individual, including the offense
38 tracking number of the current offense for which the individual is booked;
- 39 (d) the individual's probation or parole supervision status;
- 40 (e) whether the individual was on pretrial release for another criminal offense prior to
41 the booking of the individual for the current criminal offense if the employee knows that the
42 individual was on pretrial release for a prior criminal offense;
- 43 (f) the individual's financial circumstances to the best of the individual's knowledge at
44 the time of booking, including:
 - 45 (i) the individual's current employer;
 - 46 (ii) the individual's monthly income, including any alimony or child support that
47 contributes to the individual's monthly income;
 - 48 (iii) the individual's monthly expenses, including any alimony or child support
49 obligation that the individual is responsible for paying;
 - 50 (iv) the individual's ownership of, or any interest in, personal or real property,
51 including any savings or checking accounts or cash;
 - 52 (v) the number, ages, and relationships of any dependents;
 - 53 (vi) any financial support or benefit that the individual receives from a state or federal
54 government; and
 - 55 (vii) any other information about the individual's financial circumstances that may be
56 relevant;
- 57 (g) any ties the individual has to the community, including:
 - 58 (i) the length of time that the individual has been at the individual's residential address;

59 (ii) any enrollment in a local college, university, or trade school; and
60 (iii) the name and contact information for any family member or friend that the
61 individual believes would be willing to provide supervision of the individual; ~~and~~
62 (h) the results of a lethality assessment completed in accordance with Section
63 [77-36-2.1](#), if any~~[-]~~; and
64 (i) whether the individual is under the influence of alcohol or a controlled substance to
65 a degree that would endanger the individual or another individual if the individual is released.
66 (2) Upon request, the jail facility, or the pretrial services program, shall provide the
67 information described in Subsection (1) to the individual, the individual's attorney, or the
68 prosecuting attorney.
69 (3) Any information collected from an individual under Subsection (1) is inadmissible
70 in any court proceeding other than:
71 (a) a criminal proceeding addressing the individual's pretrial release or indigency for
72 the offense, or offenses, for which the individual was arrested or charged with; or
73 (b) another criminal proceeding regarding prosecution for providing a false statement
74 under Subsection (1).
75 (4) Nothing in this section prohibits a court and a county from entering into an
76 agreement regarding information to be submitted to the court with a probable cause statement.
77 Section 2. **Effective date.**
78 This bill takes effect on May 1, 2024.