

Representative Doug Owens proposes the following substitute bill:

INTERMITTENT SENTENCING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to alternative incarceration programs.

Highlighted Provisions:

This bill:

- ▶ provides that a county sheriff may implement a sheriff's work program in which eligible inmates participate in supervised public works projects instead of serving time in jail;

- ▶ amends the eligibility requirements for alternative incarceration programs and sheriffs' work programs;

- ▶ clarifies provisions related to credit for good behavior against a jail sentence; and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-22-5, as last amended by Laws of Utah 2004, Chapter 301



26 76-3-403, as last amended by Laws of Utah 1998, Chapter 91

27

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

29 Section 1. Section 17-22-5 is amended to read:

30 **17-22-5. Sheriff's classification of jail inmates -- Classification criteria --**
31 **Alternative incarceration programs -- Limitation.**

32 (1) Except as provided in Subsection [~~(4)~~] (6), the sheriff shall adopt and implement
33 written policies for admission of [~~prisoners~~] inmates to the county jail and the classification of
34 persons incarcerated in the jail which shall provide for the separation of [~~prisoners~~] inmates by
35 gender and by such other factors as may reasonably provide for the safety and well-being of
36 inmates and the community. To the extent authorized by law, any written admission policies
37 shall be applied equally to all entities using the county correctional facilities.

38 (2) Except as provided in Subsection [~~(4)~~] (6), each county sheriff shall assign
39 [~~prisoners~~] inmates to a facility or section of a facility based on classification criteria that the
40 sheriff develops and maintains.

41 (3) [~~(a)~~] Except as provided in Subsection [~~(4)~~] (6), a county sheriff may develop and
42 implement alternative incarceration programs that may or may not involve housing [~~a prisoner~~]
43 an inmate in a jail facility, including a sheriff's work program as described in Subsection (4).

44 (4) (a) A county sheriff may implement a sheriff's work program that allows an inmate
45 to participate in public works projects under the county sheriff's supervision and in lieu of
46 incarceration.

47 (b) If a county sheriff implements a sheriff's work program, the county sheriff shall
48 establish policies and procedures related to a sheriff's work program, including:

49 (i) notwithstanding Subsection (5), program eligibility criteria;

50 (ii) reasonable participation fees;

51 (iii) the type of work assignments;

52 (iv) the timeline within which the work assignments must be completed;

53 (v) participant dress code and code of conduct;

54 (vi) work safety protocols;

55 (vii) supervision of participants;

56 (viii) disciplinary measures for program noncompliance; and

57 (ix) criteria for successful completion or termination.

58 (c) When assigning and scheduling work under a sheriff's work program, a county
59 sheriff may consider:

60 (i) an inmate's ability to perform the work assignment; and

61 (ii) an inmate's existing employment, education, training, treatment, medical needs,
62 family care obligations, and other similar obligations.

63 (d) Eight hours of participation in a sheriff's work program shall constitute credit for
64 one day of incarceration.

65 ~~[(b) A prisoner housed under]~~

66 (5) (a) An inmate participating in an alternative incarceration program under
67 Subsection ~~[(3)(a)] (3) or a sheriff's work program under Subsection (4)~~ shall be considered to
68 be in the full custody and control of the sheriff for purposes of Section 76-8-309.

69 ~~[(c)] (b) [A prisoner]~~ An inmate may ~~[not]~~ be placed in an alternative incarceration
70 program under Subsection ~~[(3)(a) unless] (3) or a sheriff's work program under Subsection (4)~~
71 at the discretion of the county sheriff if:

72 ~~[(i) the jail facility is at maximum operating capacity, as established under Subsection~~
73 ~~17-22-5.5(2); or]~~

74 ~~[(ii) ordered by the court.]~~

75 (i) the inmate was convicted of a non-violent offense and sentenced to a jail term;

76 (ii) the inmate voluntarily agrees to participate in the program; and

77 (iii) there is not a court order prohibiting the inmate's participation in the program.

78 ~~[(4)] (6)~~ This section may not be construed to authorize a sheriff to modify provisions
79 of a contract with the Department of Corrections to house in a county jail persons sentenced to
80 the Department of Corrections.

81 Section 2. Section **76-3-403** is amended to read:

82 **76-3-403. Credit for good behavior against jail sentence for misdemeanors and**
83 **certain felonies.**

84 In any commitment for incarceration in a county jail or detention facility, other than the
85 Utah State Prison, or for participation in an alternative incarceration program or sheriff's work
86 program as described in 17-22-5, the custodial authority may in its discretion and upon good
87 behavior of the inmate allow up to 10 days credit against the sentence to be served for every 30

88 days served or up to two days credit for every 10 days served when the period to be served is
89 less than 30 days if:

90 (1) the [~~incarceration~~] punishment is for a misdemeanor offense, and the sentencing
91 judge has not entered an order to the contrary; or

92 (2) the [~~incarceration~~] punishment is part of a probation agreement for a felony offense,
93 and the sentencing district judge has not entered an order to the contrary.

94 Section 3. **Effective date.**

95 This bill takes effect on May 1, 2024.