

Utah

Department of Corrections (<http://corrections.utah.gov/>)

The Department lists electronic monitoring as a special condition of both probation and parole. Sex offenders are supervised even more closely and held to higher standards still. Group A conditions apply to offenders who committed sex offenses against children. Group B conditions apply to offenders who committed sex offenses against adults.

Community Corrections

U.C.A. 1953 § 77-18-1. Suspension of sentence—Pleas held in abeyance—Probation—Supervision—Presentence investigation—Standards—Confidentiality—Terms and conditions—Termination, revocation, modification, or extension—Hearings—Electronic monitoring

(1) On a plea of guilty or no contest entered by a defendant in conjunction with a plea in abeyance agreement, the court may hold the plea in abeyance as provided in Title 77, Chapter 2a, Pleas in Abeyance, and under the terms of the plea in abeyance agreement.

(8) While on probation, and as a condition of probation, the court may require that the defendant:

(a) perform any or all of the following:

(vi) serve a term of home confinement, which may include the use of electronic monitoring.

(16)(a) If the court places the defendant on probation under this section, it may order the defendant to participate in home confinement through the use of electronic monitoring as described in this section until further order of the court.

(b) The electronic monitoring shall alert the department and the appropriate law enforcement unit of the defendant's whereabouts.

(c) The electronic monitoring device shall be used under conditions which require:

(i) the defendant to wear an electronic monitoring device at all times; and

(ii) that a device be placed in the home of the defendant, so that the defendant's compliance with the court's order may be monitored.

(d) If a court orders a defendant to participate in home confinement through electronic monitoring as a condition of probation under this section, it shall:

(i) place the defendant on probation under the supervision of the Department of Corrections;

(ii) order the department to place an electronic monitoring device on the defendant and install electronic monitoring equipment in the residence of the defendant; and

(iii) order the defendant to pay the costs associated with home confinement to the department or the program provider.

(e) The department shall pay the costs of home confinement through electronic monitoring only for those persons who have been determined to be indigent by the court.

(f) The department may provide the electronic monitoring described in this section either directly or by contract with a private provider.

Laws 1980, c. 15, § 2; Laws 1981, c. 59, § 2; Laws 1982, c. 9, § 1; Laws 1983, c. 47, § 1; Laws 1983, c. 68, § 1; Laws 1983, c. 85, § 2; Laws 1984, c. 20, § 1; Laws 1985, c. 212, § 17; Laws 1985, c. 229, § 1; Laws 1987, c. 114, § 1; Laws 1989, c. 226, § 1; Laws 1990, c. 134, § 2; Laws 1991, c. 66, § 5; Laws 1991, c. 206, § 6; Laws 1992, c. 14, § 3; Laws 1993, c. 82, § 7; Laws 1993, c. 220, § 3; Laws 1994, c. 13, § 24; Laws 1994, c. 198, § 1; Laws 1994, c.

See UTAH, next page

UTAH, from page 166

230, § 1; Laws 1995, c. 20, § 146, eff. May 1, 1995; Laws 1995, c. 117, § 2, eff. May 1, 1995; Laws 1995, c. 184, § 1, eff. May 1, 1995; Laws 1995, c. 301, § 3, eff. May 1, 1995; Laws 1995, c. 337, § 11, eff. May 1, 1995; Laws 1995, c. 352, § 6, eff. May 1, 1995; Laws 1996, c. 79, § 103, eff. April 29, 1996; Laws 1997, c. 390, § 2, eff. May 5, 1997; Laws 1998, c. 94, § 10, eff. May 4, 1998; Laws 1999, c. 279, § 8, eff. May 3, 1999; Laws 1999, c. 287, § 7, eff. May 3, 1999; Laws 2001, c. 137, § 1, eff. April 30, 2001; Laws 2002, c. 35, § 7, eff. May 6, 2002; Laws 2002, 5th Sp.Sess., c. 8, § 137, eff. Sept. 8, 2002; Laws 2003, c. 290, § 3, eff. May 5, 2003; Laws 2005, 1st Sp.Sess., c. 14, § 3, eff. July 1, 2005; Laws 2007, c. 218, § 3, eff. July 1, 2007; Laws 2008, c. 3, § 252, eff. Feb. 7, 2008; Laws 2008, c. 382, § 2193, eff. May 5, 2008; Laws 2009, c. 81, § 3, eff. May 12, 2009; Laws 2011, c. 366, § 176, eff. May 10, 2011; Laws 2014, c. 120, § 3, eff. May 13, 2014; Laws 2014, c. 170, § 1, eff. May 13, 2014; Laws 2015, c. 412, § 205, eff. Oct. 1, 2015; Laws 2015, c. 413, § 1, eff. May 12, 2015; Laws 2016, 3rd Sp.Sess., c. 4, § 1, eff. July 17, 2016; Laws 2017, c. 304, § 3, eff. May 9, 2017; Laws 2018, c. 334, § 9, eff. May 8, 2018; Laws 2019, c. 28, § 1, eff. May 14, 2019; Laws 2019, c. 429, § 1, eff. May 14, 2019; Laws 2020, c. 209, § 2, eff. May 12, 2020; Laws 2020, c. 299, § 1, eff. May 12, 2020; Laws 2020, c. 354, § 130, eff. May 12, 2020.

Tampering/Escape

U.C.A. 1953 § 41-6a-518.1. Tampering with an ignition interlock system

- (2)(a) A person may not:
 - (i) circumvent or tamper with the operation of an ignition interlock system;
 - (ii) knowingly furnish an interlock restricted driver a motor vehicle without an ignition interlock system unless authorized under Subsection 41-6a-518(7);
 - (iii) blow into an ignition interlock system or start a motor vehicle equipped with an ignition interlock system for the purpose of allowing an interlock restricted driver to operate a motor vehicle; or
- (b) An interlock restricted driver may not:
 - (i) rent, lease, or borrow a motor vehicle without an ignition interlock system; or
 - (ii) request another person to blow into an ignition interlock system in order to

allow the interlock restricted driver to operate the motor vehicle.

(c) A violation of any provision under this Subsection (2) is a class B misdemeanor.

Laws 2006, c. 341, § 2, eff. May 1, 2006.

Pretrial Release

U.C.A. 1953 § 77-20-1 Right to bail—Pretrial status order—Denial of bail—Detention hearing—Motion to modify

(4)(b) The court shall impose additional release conditions if the court finds that additional release conditions are necessary to reasonably ensure compliance with Subsection (3)(b). The conditions imposed may include that the individual:

- (vii) submit to electronic monitoring or location device tracking.

Domestic violence / Protective Order

U.C.A. 1953 § 77-36-5. Sentencing—Restricting contact with victim—Electronic monitoring—Counseling—Cost assessed against defendant—Sentencing protective order

(1) When a defendant is found guilty of a crime involving domestic violence and a condition of the sentence restricts the defendant’s contact with the victim, a sentencing protective order may be issued under Section 78B-7-804 for the length of the defendant’s probation or a continuous protective order may be issued under Section 78B-7-804.

(2) In determining the court’s sentence the court, in addition to penalties otherwise provided by law, may require the defendant to participate in an electronic or other type of monitoring program.

(3) The court may also require the defendant to pay all or part of the costs of counseling incurred by the victim and any children affected by or exposed to the domestic violence offense, as well as the costs for the defendant’s own counseling.

(4) The court shall:

- (a) assess against the defendant, as restitution, any costs for services or treatment provided to the victim and affected children of the victim or the defendant by

the Division of Child and Family Services under Section 62A-4a-106; and

(b) order those costs to be paid directly to the division or its contracted provider.

(5) The court may order the defendant to obtain and satisfactorily complete treatment or therapy in a domestic violence treatment program, as defined in Section 62A-2-101, that is licensed by the Department of Human Services.

Laws 1983, c. 114, § 1; Laws 1987, c. 113, § 2; Laws 1989, c. 32, § 6; Laws 1990, c. 256, § 7; Laws 1994, c. 260, § 81; Laws 1995, c. 252, § 4, eff. May 1, 1995; Laws 1995, c. 300, § 25, eff. July 1, 1995; Laws 1996, c. 318, § 34, eff. April 29, 1996; Laws 2002, c. 47, § 1, eff. May 6, 2002; Laws 2003, c. 68, § 12, eff. May 5, 2003; Laws 2010, c. 384, § 6, eff. May 11, 2010; Laws 2016, c. 422, § 3, eff. May 10, 2016; Laws 2017, c. 332, § 6, eff. May 9, 2017; Laws 2020, c. 142, § 16, eff. July 1, 2020.

U.C.A. 1953 § 78B-7-802 Conditions for release after arrest for domestic violence and other offenses—Jail release agreements—Jail release court orders

(1) Upon arrest for a qualifying offense and before the individual is released on bail, recognizance, or otherwise, the individual may not personally contact the alleged victim.

(2)(a) After an individual is arrested for a qualifying offense, the individual may not be released before:

- (i) the matter is submitted to a magistrate in accordance with Section 77-7-23; or
- (ii) the individual signs a jail release agreement.

(b) The arresting officer shall ensure that the information presented to the magistrate includes whether the alleged victim has made a waiver described in Subsection (5)(a).

(c)(i) If the magistrate determines there is probable cause to support the charge or charges of one or more qualifying offenses, the magistrate shall determine whether the arrested individual may be held without bail, in accordance with Section 77-20-1.

(ii) If the magistrate determines that the arrested individual has the right to be admitted to bail, the magistrate shall

See UTAH, next page

UTAH, from page 167

determine:

(A) whether any release conditions, including electronic monitoring, are necessary to protect the alleged victim; and

(B) any bail that is required to guarantee the arrested individual's subsequent appearance in court.

Laws 2020, c. 142, § 62, eff. July 1, 2020.

U.C.A. 1953 § 78B-7-803 Pretrial protective orders

(1)(a) When a defendant is charged with a crime involving a qualifying offense, the court shall, at the time of the defendant's court appearance under Section 77-36-2.6:

(i) determine the necessity of imposing a pretrial protective order or other condition of pretrial release; and

(ii) state the court's findings and determination in writing.

(b) In any criminal case, the court may, during any court hearing where the defendant is present, issue a pretrial protective order, pending trial.

(2) A court may include any of the following provisions in a pretrial protective order:

(g) an order requiring the defendant to participate in an electronic or other type of monitoring program;

Laws 2020, c. 142, § 63, eff. July 1, 2020.

DUI

U.C.A. 1953 § 41-6a-505. Sentencing requirements for driving under the influence of alcohol, drugs, or a combination of both violations

(2) If an individual has a prior conviction as defined in Subsection 41-6a-501(2) that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction is based:

(a) the court shall:

(i)(A) impose a jail sentence of not less than 240 hours; or

(B) impose a jail sentence of not less

than 120 hours in addition to home confinement of not fewer than 720 consecutive hours through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506;

(6) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible evidence that the individual had a blood alcohol level of .16 or higher, the court shall order the following, or describe on record why the order or orders are not appropriate:

(a) treatment as described under Subsection (1)(b), (2)(b), or (4); and

(b) one or more of the following:

(i) the installation of an ignition interlock system as a condition of probation for the individual in accordance with Section 41-6a-518;

(ii) the imposition of an ankle attached continuous transdermal alcohol monitoring device as a condition of probation for the individual; or

(iii) the imposition of home confinement through the use of electronic monitoring in accordance with Section 41-6a-506.

Laws 2005, c. 2, § 61, eff. Feb. 2, 2005; Laws 2013, c. 71, § 1, eff. May 14, 2013; Laws 2015, c. 116, § 1, eff. May 12, 2015; Laws 2015, c. 438, § 2, eff. May 12, 2015; Laws 2016, c. 148, § 1, eff. May 10, 2016; Laws 2017, c. 445, § 1, eff. May 9, 2017; Laws 2017, c. 446, § 1, eff. July 1, 2017; Laws 2018, c. 334, § 1, eff. May 8, 2018; Laws 2019, c. 136, § 49, eff. May 14, 2019.

U.C.A. 1953 § 41-6a-506. Electronic monitoring requirements for certain driving under the influence violations

(1) If the court orders a person to participate in home confinement through the use of electronic monitoring, the electronic monitoring shall alert the appropriate corrections, probation monitoring agency, law enforcement units, or contract provider of the defendant's whereabouts.

(2) The electronic monitoring device shall be used under conditions which require:

(a) the person to wear an electronic monitoring device at all times;

(b) that a device be placed in the home

or other specified location of the person, so that the person's compliance with the court's order may be monitored; and

(c) the person to pay the costs of the electronic monitoring.

(3) The court shall order the appropriate entity described in Subsection (5) to place an electronic monitoring device on the person and install electronic monitoring equipment in the residence of the person or other specified location.

(4) The court may:

(a) require the person's electronic home monitoring device to include a substance abuse testing instrument;

(b) restrict the amount of alcohol the person may consume during the time the person is subject to home confinement;

(c) set specific time and location conditions that allow the person to attend school educational classes, or employment and to travel directly between those activities and the person's home; and

(d) waive all or part of the costs associated with home confinement if the person is determined to be indigent by the court.

(5) The electronic monitoring described in this section may either be administered directly by the appropriate corrections agency, probation monitoring agency, or by contract with a private provider.

(6) The electronic monitoring provider shall cover the costs of waivers by the court under Subsection (4)(d).

Laws 2005, c. 2, § 62, eff. Feb. 2, 2005.

U.C.A. 1953 § 41-6a-518.2. Interlock restricted driver—Penalties for operation without ignition interlock system

(4) An interlock restricted driver who operates or is in actual physical control of a vehicle in the state without an ignition interlock system is guilty of a class B misdemeanor.

Laws 2006, c. 341, § 3, eff. May 1, 2006; Laws 2008, c. 226, § 5, eff. July 1, 2008; Laws 2009, c. 390, § 5, eff. July 1, 2009; Laws 2016, c. 149, § 2, eff. May 10, 2016; Laws 2018, c. 41, § 2, eff. May 8, 2018; Laws 2019, c. 271, § 1, eff. May 14, 2019; Laws 2020, c. 177, § 5, eff. July 1, 2020.