

HOUSE BILL 206

**BAIL AND
PRETRIAL
RELEASE
AMENDMENTS**



Sen. Todd Weiler



Rep. Stephanie Pitcher

BILL SPONSORS

SUPPORTED BY:

Statewide Association of
Prosecutors

Utah Judicial Council

Utah Chiefs of Police

Utah State Bar

Utah Sheriffs' Association

Utah Association of Criminal
Defense Attorneys

Utah Association of Counties

Commission on Criminal and
Juvenile Justice

Libertas

Americans for Prosperity

ACLU of Utah



NOT SUPPORTED BY:

HB 206 IS NOT:

Cook County Bail Reform



New York bail reform



EFFECTIVE DATE

OCTOBER 1, 2020

An individual charged with or arrested for a criminal offense shall be admitted to bail as a matter of right, except if the individual is charged with:

- Capital felony
- Felony while on probation or parole, or while free on bail for a felony
- Felony and substantial danger, or likely to flee jurisdiction
- Felony and violated a material condition of release
- Domestic Violence and substantial danger to alleged victim of DV

Upon a finding of substantial evidence to support the charge



RIGHT TO BAIL
UCA 77-20-1(2)
:

PRETRIAL STATUS ORDER

A court shall issue a pretrial order designating the conditions to be imposed upon release, or ordering that the individual be detained.

UCA 77-7-20(3)



A court granting pretrial release shall impose the **least restrictive reasonably available** conditions of release that the court determines will reasonably ensure:

- The individual's appearance
- The safety of any witnesses or victims
- The safety and welfare of the public
- That the individual will not obstruct the criminal justice process



**THE COURT SHALL ISSUE THE
PRETRIAL STATUS ORDER WITHOUT
UNNECESSARY DELAY**



UCA 77-20-1(3)(c)(i)

**IF THE PROSECUTOR FILES A MOTION FOR DETENTION,
THE COURT MAY DELAY ISSUING THE PRETRIAL STATUS
ORDER UNTIL AFTER A HEARING IF THE COURT FINDS:**

- The motion states a reasonable case for detention; and
- Detaining the defendant until after the hearing is in the interests of justice



OWN RECOGNIZANCE RELEASE

The court shall order OR release unless it finds that other conditions are necessary to ensure compliance with Subsection (3)(b).

HOW DOES COURT DETERMINE CONDITIONS FOR RELEASE?

- Pretrial services assessment
- Nature and circumstances of the offense
- Nature and circumstances of the individual
- Potential danger posed by release
- Probation, parole or pretrial release at the time of the offense
- Support
- Eligibility/willingness to participate in treatment

RELEASE WITH CONDITIONS

- Not commit an offense
- No contact with victim or witness
- No alcohol or controlled substance - submit to drug or alcohol testing
- Substance abuse evaluation
- Electronic monitoring
- Inpatient or outpatient medical, behavioral, psychological, psychiatric treatment
- Maintain employment, or actively seek employment
- Education program
- Limitations on where the individual is allowed to be
- Restrictions on personal associations, place of residence, or travel

RELEASE WITH CONDITIONS

- pretrial services program
- curfew
- no firearm or other dangerous weapon
- limited or denied access to children
- house arrest
- return to custody for a specified period of time following release for employment, schooling, or other limited purposes
- remain in the custody of a designated individual who agrees to supervise
- **comply with a financial condition**

FINANCIAL CONDITION

The court shall consider the individual's **ability to pay** when determining the amount of a financial condition.

UCA 77-20-1(4)(c)

REBUTTABLE PRESUMPTION FOR DETENTION

- Homicide
- Any offense for which the term of imprisonment may include life

WARRANTS FOR ARREST

The court issuing a pretrial warrant of arrest shall issue the initial pretrial status order.

CHANGES TO BOND FORFEITURE

- Changes to times for surety to get defendant to court (77-20b-101)
- 15% of the forfeited bond shall be paid to the prosecuting agency (77-20-9)
- Notice of failure to appear can be delivered by email to the surety (77-20b-101)

FUNDING FOR PRETRIAL RELEASE PROGRAMS

The fund shall consist of:

- Money collected and remitted to the fund under Section 77-20-9 (Bail Forfeitures)
- Appropriations from the legislature
- Interest earned on money in the fund
- Contributions from other public or private sources



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