



Office of Utah for Rational Sex Offense Laws

PO BOX 231 • LAYTON, UT 84041-9998
(801) 871-5215 • COMMUNICATIONS@UTRSOL.ORG

February 2, 2026

Representative Tyler Clancy
Utah House of Representatives
350 North State, Suite 350
Salt Lake City, UT 84114
Via email: tclancy@le.utah.gov

Position Statement on H.B. 110 Board of Pardons and Parole Amendments

Dear Representative Clancy,

Utah for Rational Sex Offense Laws (UTRSOL) submits this position statement in opposition to H.B. 110, Board of Pardons and Parole Amendments. While we acknowledge the Legislature's interest in victims' rights and public safety, this legislation contains fundamental flaws that undermine evidence-based policy, constitutional principles, and the efficient operation of Utah's criminal justice system.

Key Concerns:

H.B. 110 proposes three distinct provisions affecting different populations: victim impact statement protections, parole release requirements for individuals charged with violent offenses while on parole, and mandatory waiting periods for pardons tied to sex offender registry categories. UTRSOL agrees with the changes needed to improve victim impact statements, it represents a vital component of the criminal justice process which must be guarded for the safety of victims. It is to provision two and three which raise serious concerns:

- The legislation lacks empirical support and is not justified by available data on Board pardon practices.
- Provision three imposes unprecedented restrictions on the Board's constitutional discretion, replacing individualized risk assessment with rigid categorical timelines.
- The parole provision will increase incarceration rates at precisely the moment Utah faces a prison capacity crisis requiring \$130 million in emergency expansion funding (H.B. 20).
- State agencies have refused to provide data that would validate or refute the bill's core premises, preventing evidence-based evaluation.

Provision 2

Utah's Prison Capacity Crisis

H.B. 110 does not operate in isolation but must be evaluated within the broader context of Utah's criminal justice system. Utah is currently requesting \$130 million for prison expansion through H.B. 20 less than four years after spending more than \$1 billion on a new prison facility. Central Utah Correctional Facility (CUCF) has long struggled to recruit and retain licensed treatment providers, particularly for substance use disorder and sex offense treatment programs. Most recently, CUCF was forced to reduce participation in several Substance Use Programs due to a shortage of available therapists. Expanding bed capacity without a corresponding ability to provide adequate treatment, education, and rehabilitative programming will not meaningfully reduce overcrowding, parole violations, or recidivism. Instead, it risks exacerbating existing systemic failures while significantly increasing long-term correctional costs.

The Staffing Paradox

During a Commission on Criminal and Juvenile Justice meeting in January 2026, Utah Department of Corrections (UDC) officials explicitly warned that Utah's prison will be "full by summer." This capacity crisis has caught many other legislators "off guard," with some expressing concern that the new facility was built too small or that recent penalty enhancements have driven population growth. However, over the past three and a half years, UDC has offered various explanations for why a completed housing unit at the facility remains unopened. The most consistent explanation has been insufficient staffing to safely operate the unit. This raises a fundamental question: If UDC lacks the staffing capacity to open an existing unit located on the densely populated Wasatch Front, why would the state invest approximately \$130 million to construct additional prison housing in rural Utah, where recruitment and retention challenges are historically more severe?

H.B. 110's Contribution to Overcrowding

H.B. 110's provision preventing parole for individuals charged—not convicted—with violent offenses while on parole will directly increase incarceration rates at precisely the moment Utah faces this capacity crisis. The bill provides no analysis of how many individuals this provision would affect or what its fiscal impact would be. Given that the provision applies to individuals who have been charged but not convicted, it raises constitutional concerns about pretrial detention and presumption of innocence while simultaneously adding to prison overcrowding, all without any demonstrated public safety benefit or empirical justification. In effect, the policy substitutes categorical detention for individualized risk assessment, undermining the Board's ability to make evidence-based decisions. This shift erodes due process protections while imposing significant and unfunded operational burdens on the correctional system.

Fragmented Policymaking

The absence of coordination between H.B. 110 and Utah's broader corrections capacity challenges suggests a policy-making process that addresses individual provisions in isolation without considering systemic impacts. Restricting the Board's discretion on pardons, preventing parole based on charges rather than convictions, and expanding mandatory incarceration all work in the same direction: increasing the prison population. Yet there is no evidence that these restrictions will enhance public safety or produce better outcomes than the current system of individualized decision-making. Absent an integrated strategy that accounts for staffing, treatment capacity, and long-term fiscal impacts, these measures risk compounding existing overcrowding and resource shortages.

The Community Treatment Gap

Utah continues to under-fund prison and jail diversion, residential substance use treatment, forensic mental health programs, and supportive housing in the community. Many individuals entering prison could be more effectively treated in community-based settings, including those with co-occurring mental health and substance use disorders and those who have committed lower level sexual offenses and are actively working toward risk reduction.

Rethinking the Role of Incarceration

Expanding prison capacity without addressing underlying systemic issues risks focusing on containment rather than promoting safety, rehabilitation, accountability, and positive change. As a state, it is important to consider the broader system and the role prisons are intended to serve. Many individuals involved in the justice system would benefit greatly from access to mental health treatment, stable housing, support for recovery, assistance leaving gangs, and opportunities to build productive, pro-social lives.

Rather than prioritizing costly prison expansion, these funds would be more effective if directed toward diversion programs, community-based treatment, and prevention efforts. Significant investment is also needed to expand in-prison mental health services, as current staffing levels leave many individuals in the general population without access to consistent, clinically appropriate care.

Expanding prison capacity without strengthening community supports and rehabilitative services risks locking in cycles of incarceration rather than breaking them. True public safety requires addressing underlying needs—mental health, substance use, housing, and social reintegration—so that individuals can return to their communities prepared to live law-abiding, productive lives.

Provision 3

The Data Contradicts the Legislative Premise

Representative Clancy has asserted that the Board’s pardon process has become an “expedited way for individuals to leave the registry early” and that the board is functioning as an “alternative route, bypassing state law.” However, the available empirical evidence directly contradicts these claims.

According to data presented to the Legislature’s Judiciary Interim Committee in August 2019, between 2015 and 2019, BOPP received 83 petitions for early termination from the sex offender registry. Of these 83 petitions, only 12 were approved—a 14.5% approval rate. This represents strict scrutiny, not expedited processing. The Board already exercises its discretion conservatively, granting removal only in cases of “extraordinary circumstances.”

Despite the gravity of the proposed restrictions in H.B. 110, no updated data for the years 2020-2025 has been provided to demonstrate any change in Board’s approval patterns. UTRSOL has made extensive efforts to obtain this information, submitting requests to:

- The Board of Pardons and Parole (which claims it does not track this data)
- The Bureau of Criminal Identification (which declined our GRAMA request)
- The Commission on Criminal and Juvenile Justice (which declined to submit inquiries on our behalf)
- The Office of Legislative Research and General Counsel (which stated they only serve legislators)

The bill’s sponsor has not requested this data despite making significant policy claims about the Board’s practices. The absence of empirical support is particularly troubling given that H.B. 110 would fundamentally restructure a constitutional body’s discretionary authority.

Institutional Opacity Prevents Evidence-Based Policy

The limited availability of basic data from state agencies makes it difficult to fully assess the impact of proposed legislation. When laws affecting constitutional rights and thousands of Utah residents cannot be evaluated using publicly accessible information, it challenges the effectiveness and transparency of the policy-making process, regardless of the bill’s merits.

The Board claimed that it “does not track” information about pardons tied to registry removal is particularly concerning. If the Board cannot provide data on its own decision-making patterns, how can the Legislature—or the public—assess whether statutory restrictions are necessary or appropriate? The lack of this basic information suggests inadequate administrative transparency surrounding a bill that further limits already narrow pathways to rehabilitation.

Erosion of Board Discretion

Under current Utah law, the Board operates with broad authority to consider petitions for pardons after a general five-year period, with the flexibility to advance petitions in extraordinary circumstances or for compelling good cause. This discretionary framework reflects the Board's constitutional role in making individualized, post-conviction decisions based on rehabilitation, risk assessment, and public safety considerations.

H.B. 110, Section 3 (§77-27-5.6) fundamentally alters this framework by establishing mandatory 10-year and 20-year waiting periods for pardons tied to sex offender registry categories. These rigid timelines effectively remove the Board's ability to:

- Evaluate individual rehabilitation and behavioral change
- Assess actual risk to public safety on a case-by-case basis
- Consider exceptional circumstances warranting earlier review
- Exercise expertise in post-conviction decision-making consistent with rehabilitation goals

By codifying rigid waiting periods based solely on registry tier classification, the Legislature intrudes on the Board's discretion and potentially undermines the expertise of a body specifically designed to make nuanced judgments about individual cases. Such a one-size-fits-all approach risks imposing unnecessarily punitive restrictions on individuals who may no longer pose a significant risk to public safety.

Process Conflation and Legal Confusion

The proposed mandatory waiting periods in H.B. 110 precisely mirror the petition periods for registry removal under Utah Code §§ 53-29-205 and 53-29-206. This alignment creates problematic conflation between two legally distinct processes: pardon consideration by the Board and registry relief through direct petition.

These are separate legal mechanisms serving different purposes. Pardons by the Board is a discretionary act of executive clemency that may restore rights and remove collateral consequences. Registry removal is a separate administrative process with its own statutory criteria and procedural requirements. By imposing identical timelines for both processes, H.B. 110 applies a "one-size-fits-all" standard that fails to recognize the distinct nature and purposes of each pathway.

This conflation may create confusion for registrants, attorneys, and even Board members about which process applies in a given case and whether the timelines operate independently or cumulatively. Without clear guidance, it increases the risk of administrative errors and inconsistent application of the law. Ultimately, this undermines both fairness and public confidence in the system's ability to manage risk effectively.

Deviation from National Best Practices

While several states have structured processes for pardon or registry relief, explicit statutory waiting periods tied directly to registry tier categories are rare and represent an unusually rigid approach to post-conviction relief. States such as Georgia and South Carolina, which have developed frameworks for registry relief, incorporate flexibility and risk-based assessments rather than categorical exclusions.

The broader criminal justice reform movement, supported by organizations such as the Pew Charitable Trusts which conducted significant research in Utah, primarily focusing criminal justice reform in 2014, emphasizes individualized, risk-based evaluation over fixed timelines. These evidence-based approaches recognize that rehabilitation occurs at different rates for different individuals and that categorical restrictions often bear little relationship to actual public safety outcomes.

Utah has historically been a leader in criminal justice reform through initiatives such as Justice Reinvestment (JRI). H.B. 110 represents a departure from this evidence-based approach by prioritizing predetermined punitive timelines over actual assessment of rehabilitation and risk.

Procedural Concerns and Public Participation

Multiple stakeholders, including Commission on Criminal and Juvenile Justice, the Board of Pardons and Parole, victim service coordinators, and advocacy organizations, have been repeatedly told that a “Substitute 1” would be forth-coming that would substantially revise the bill’s language, yet no substitute has been released for public review before the committee session.

Communications from stakeholders suggest that portions of the bill—including the parole provision affecting individuals charged with violent offenses—may be dropped entirely. If the legislation under consideration differs substantially from the bill as introduced, the public has a right to review and comment on the actual language before committee action. The procedural approach taken with H.B. 110 raises questions about whether the legislative process is designed to facilitate or frustrate informed public participation.

Transparent and inclusive legislative processes are essential for ensuring that policy decisions reflect both public input and evidence-based practices. When substantial changes to a bill occur without providing stakeholders and the public an opportunity to review and comment, it diminishes accountability and erodes trust in the system. Ensuring adequate notice and access to the final legislative language allows affected communities, experts, and oversight bodies to meaningfully contribute to the discussion, ultimately resulting in more effective and equitable policy outcomes.

Recommendations

UTRSOL respectfully urges the House Judiciary Committee to:

- Reject H.B. 110 in its current form due to absence of empirical justification, constitutional concerns, and lack of systemic impact analysis.
- Request comprehensive data from relevant state agencies on Board of Pardons and Parole's pardon practices for the years 2020-2025 before considering any restrictions on Board discretion.
- Require a fiscal note and corrections impact analysis that addresses how the bill's provisions will affect prison capacity, overcrowding, and the need for facility expansion.
- Delay committee action until a substitute bill (if one exists) is made publicly available with sufficient time for stakeholder review and comment.
- Preserve the Board's constitutional discretion to make individualized, risk-based decisions about pardons rather than imposing rigid categorical timelines.
- Ensure that any future legislation in this area is grounded in evidence, aligned with best practices in criminal justice reform, and developed through transparent processes that allow for meaningful public participation.

Conclusion

H.B. 110 represents policy-making driven by anecdote rather than evidence. The legislation proposes significant restrictions on constitutional authority, imposes rigid timelines that contradict best practices in criminal justice reform, and will exacerbate Utah's prison capacity crisis—all without empirical justification or systemic impact analysis.

UTRSOL supports efforts to ensure victim safety and would welcome the opportunity to work with the sponsor on amendments that achieve public safety goals while preserving evidence-based practices.

UTRSOL urges the House Judiciary Committee to reject H.B. 110 and instead pursue evidence-based approaches to public safety that preserve individualized decision-making, promote rehabilitation, and align with Utah's tradition of thoughtful criminal justice reform.

We appreciate your consideration of these concerns and remain available to provide additional information or answer questions.

Sincerely

Utah for Rational Sex Offense Laws

UTRSOL/lm