



Office of Utah for Rational Sex Offense Laws

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February 5, 2026

Representative Cheryl K. Acton
Utah House of Representatives
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Via email: cacton@le.utah.gov

Position Statement on H.B. 134 Substitute #1 Offender Transfer Amendments

Representative Acton,

Utah for Rational Sex Offense Laws (UTRSOL) opposes H.B. 134, Offender Transfer Amendments, because it expands punitive enforcement mechanisms without demonstrating measurable public safety benefits. The bill mandates nationwide, no-bail warrants for all supervision violations under the Interstate Compact for Adult Offender Supervision (ICAOS), treating technical noncompliance as severely as new criminal conduct. This approach destabilizes compliant individuals, disrupts successful reintegration, and diverts resources from evidence-based supervision practices.

1. Mandatory No-Bail Detention for Technical Violations

Section 77-28c-106(3)(a)(iii) requires that individuals arrested on interstate compact warrants be held without bail until returned to Utah. This applies to any alleged supervision violation—whether a new offense or a technical infraction such as missing a check-in, changing employment without prior approval, or traveling outside permitted boundaries.

This treats all supervision violations equally, regardless of severity or risk. Technical violations do not indicate dangerousness and rarely predict reoffense. Mandatory detention without individualized assessment violates principles of proportionality and due process, and may result in job loss, housing instability, and family separation for individuals who pose no public safety threat.

2. Nationwide Extradition for All Violations

The bill mandates that all warrants issued under Section 77-28c-106 be extraditable nationwide (Section 77-28c-106(3)(a)(i-ii)). Combined with mandatory NCIC entry (Section 53-10-213(2)(e)), this ensures that any individual—even those who have relocated for legitimate reasons like employment or family—will be arrested and detained anywhere in the country.

This creates disproportionate consequences for individuals who may have stable lives, employment, and family ties in their new state. The inability to post bail means prolonged detention during interstate transfer, causing collateral damage that undermines successful reentry and community stability.

3. Lack of Discretion and Proportionality

The bill's mandatory language (“shall issue,” “shall be an extradition warrant,” “prohibit the release”) eliminates judicial or administrative discretion to tailor responses to individual circumstances or violation severity.

Effective supervision balances accountability with rehabilitation. Research shows that swift, certain, and proportionate sanctions are more effective than severe, delayed consequences. By removing discretion, H.B. 134 prevents supervisors and courts from applying evidence-based graduated sanctions that maintain compliance without destabilizing individuals.

4. Increased Financial Burdens on Supervised Individuals

Section 77-28c-104(3) increases the interstate transfer application fee for supervised individuals from \$50 to \$90, an 80% jump. While the statute does not explicitly explain the rationale, the increase appears intended to offset administrative costs associated with processing transfers and to fund Utah’s participation in the Interstate Compact for Adult Offender Supervision, including the state’s annual assessment to the national commission. All fee revenue is deposited into a restricted account designated for these purposes. However, the legislation provides no data or fiscal analysis demonstrating that the higher fee is proportionate to actual costs, meaning supervised individuals bear a substantially higher financial burden—often for employment, housing, or family reasons—without clear evidence that the increase is necessary or directly tied to administrative expenses.

5. No Evidence of Public Safety Benefit

The bill provides no data demonstrating that current ICAOS warrant practices are inadequate or that mandatory nationwide extradition and no-bail detention reduce recidivism or absconding. Problem: Without evidence, this legislation represents punitive expansion for its own sake. Studies consistently show that incarceration for technical violations does not improve outcomes and may increase recidivism by disrupting employment, housing, and family stability—protective factors that reduce reoffense.

6. Resource Misallocation

Mandatory nationwide extradition and detention require substantial resources: interstate transportation, extended jail stays, administrative processing, and court appearances. These costs are borne by counties, law enforcement, and the Division of Adult Probation and Parole. Problem: These resources would be better invested in evidence-based supervision strategies—cognitive behavioral interventions, employment assistance, housing support, and substance abuse treatment—that demonstrably reduce recidivism and promote public safety.

Conclusion

H.B. 134 represents a significant expansion of punitive authority without corresponding public safety justification. By mandating nationwide extradition and no-bail detention for all supervision violations—including minor, technical infractions—this bill will destabilize compliant individuals, undermine successful reentry, and waste limited resources on enforcement rather than rehabilitation.

Effective supervision requires proportionality, discretion, and evidence-based practice. H.B. 134 provides none of these. For these reasons, Utah for Rational Sex Offense Laws urges lawmakers to oppose this legislation and pursue data-driven reforms that balance accountability with the ultimate goal of community safety through successful reintegration.

Sincerely

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