

Utah considers early release for eligible incarcerated individuals who have a medical condition or who are older through its **Compassionate Release** program.<sup>1</sup>

## **COMPASSIONATE RELEASE**

### **I. ELIGIBILITY**

**Medical Condition or Age** – An incarcerated individual may be eligible for Compassionate Release if they pose a “significantly reduced” risk to public safety due to any of the following.

- A medical infirmity, disease, or disability.
- A mental health disease or disability.
- Effects of advancing age.<sup>2</sup>

In addition, individuals with a “serious and persistent” medical condition that requires extensive medical attention, nursing home care, palliative care, or that “cannot be adequately” treated by the Department of Corrections (Department) are eligible for Compassionate Release.<sup>3</sup>

**Exclusions** – There are no exclusions for Compassionate Release consideration.

### **II. APPLICATION OR REFERRAL**

To start the process for Compassionate Release, the Department, an incarcerated individual, the individual’s attorney, or a family member of the individual submits a written request to the Utah Board of Pardons and Parole (Board) detailing how an incarcerated individual meets the required medical or age eligibility criteria.<sup>4</sup>

If the request is not made by the Department, the Board may have the Department review the request and make a recommendation.<sup>5</sup> Requests must include a report by the Department detailing the following information:

- The individual’s specific conditions, health effects, or symptoms.
- Treatments available for the conditions.
- The individual’s prognosis, when possible.
- If and how the individual’s physical or mental capacity has been reduced by their conditions.

- A recommendation for the time necessary to arrange placement in a care center, nursing home, or home care, if necessary.<sup>6</sup>

### **III. DOCUMENTATION AND ASSESSMENT**

Compassionate Release requests must have “corroborating documentation” certified by a licensed medical professional.<sup>7</sup> Additionally, the Board may request the Department provide institutional or other reports.<sup>8</sup> An Individual Service Provider is required to prepare a “Special Attention” memo for individuals being considered for Compassionate Release; however, no information is available on what is included in this memo.<sup>9</sup>

### **IV. DECISION-MAKING PROCESS**

**Decision-Maker** – The Utah Board of Pardons and Parole is responsible for making all Compassionate Release decisions.<sup>10</sup>

**Decision** – The Board must give its decision as a written order with a brief rationale on why it granted Compassionate Release.<sup>11</sup>

**Hearing** – If the incarcerated individual previously had a hearing before the Board to determine release, the Board may decide on Compassionate Release with or without a hearing.<sup>12</sup> If the individual has not yet had a hearing, the Board will hold a hearing on Compassionate Release.<sup>13</sup>

Generally, individuals must be notified of the date, time, place, and purpose of any hearing before the Board at least seven days in advance of the hearing.<sup>14</sup> Individuals have the right to speak, present documents, ask questions, and answer questions at hearings before the Board.<sup>15</sup> Media representatives may attend Board hearings and use audiovisual equipment to record.<sup>16</sup>

If the Board determines an individual is unable to “meaningfully participate in a Board hearing” because of physical or mental conditions or other circumstances, the Board may appoint a legal counsel or other representative for the individual.<sup>17</sup> Otherwise, individuals have no right to legal representation at hearings; only the individual, Board-appointed assistant, or a victim may testify.<sup>18</sup>

**Victims** – Before granting Compassionate Release without a hearing, the Board must make a “reasonable effort” to contact, inform, and consider the input of any victim of record in the case who has requested notice.<sup>19</sup> Generally, victims have the right to notice for hearings related to release.<sup>20</sup> Victims also have the right to attend and testify during Board hearings<sup>21</sup> and may have a representative speak on their behalf if they do not testify.<sup>22</sup>

If restitution is required for a victim, the Board may order restitution as needed.<sup>23</sup>

**Factors** – There is no information given on specific factors the Board uses to decide Compassionate Release. Examples of factors considered for release generally include the following.

- Minimum, maximum, concurrent, and consecutive sentences imposed by the court.
- Facts of the crime and criminal behavior.
- Reports and recommendations from the sentencing court and Department.
- Risk level.
- Victim impact.
- Criminal history, supervision history, and institutional behavior.
- Completion of the individual’s Case Action Plan or required programming and treatment.<sup>24</sup>

**Pre-Release Planning** – There is nothing in Utah law or agency policy that details what type of pre-release planning is done for Compassionate Release. The Board’s order for Compassionate Release may be contingent on a placement for community-based care, but no information is provided on how incarcerated individuals find appropriate placement.<sup>25</sup>

Generally, an Individual Service Provider is responsible for developing a reentry plan for an individual.<sup>26</sup> For paroles and other releases, Correctional Health Services provides enough medication to meet the individual’s needs until outside care is established and discusses community resources and needed follow-ups.<sup>27</sup> The Department is also required to assist individuals with obtaining a birth certificate, Social Security card, and driver license or state ID card before release.<sup>28</sup> However, it is not clear if these policies apply to individuals on Compassionate Release.

Additionally, Utah secured a Medicaid waiver in 2024 to provide Medicaid coverage for incarcerated individuals up to 90 days before their release date, but no information is publicly available on this program.<sup>29</sup>

## **V. POST-DECISION**

**Denials and Appeals** – There is no information available on an appeal process for Compassionate Release. Compassionate Release requests that are “repetitive, frivolous, or lacking in substantial merit” may be denied outright, without a formal action or response from the Board.<sup>30</sup>

**Effect on Other Eligibility** – A Compassionate Release request does not “limit or

preclude other requests for special attention or redetermination consideration.”<sup>31</sup>

**Facility Notice** – When an individual is placed in a nursing care facility or assisted living facility after release due to a chronic or terminal illness, the Department is required to provide written notice to the facility administrator no later than 15 days before the individual is admitted to the facility.<sup>32</sup> The notice must include convictions with descriptions, the individual’s status with the Department, and contact information for a Department point of contact.<sup>33</sup> The Department must also make the notice publicly available on its website and provide the name, address, and placement date of the facility if requested.<sup>34</sup> The administrator of the facility must notify the facility’s residents or their guardians notice of the individual’s placement in the facility at least 10 days before and notify future residents of the individual’s residency in the facility.<sup>35</sup>

**Supervision** – There is no information available about supervision for Compassionate Release.<sup>36</sup>

**Revocation** – There is no information available about Compassionate Release revocation or termination.<sup>37</sup>

## **VI. REPORTING AND STATISTICS**

Utah law does not require reporting for Compassionate Release cases, and there are no publicly available statistics on the number of individuals who have been granted Compassionate Release by the Board. The Board does provide searchable information about all the hearings it holds on its website, including if a hearing is for Compassionate Release.<sup>38</sup>

## **UTAH COMPASSIONATE RELEASE**

### **PRIMARY LEGAL SOURCE**

#### **COMPASSIONATE RELEASE**

##### **Rules**

Utah Administrative Code, Rule 671-314-1(1) (2026), available through the Utah Office of Administrative Rules, <https://adminrules.utah.gov/public/rule/R671-314/Current%20Rules> (start at source link <https://adminrules.utah.gov/public/search//Current%20Rules> and search “compassionate release” in the search bar).

## NOTES

---

\* *Id.* means see prior note. *Supra* means refer to specified note for full citation.

<sup>1</sup> Utah Admin. Code r. 671-314-1 (2026).

See also Utah Const. art. VII, § 12 (2026) on the power of the Board of Pardons and Paroles generally.

Utah law also provides for furlough for medical services under the interstate furlough compact and for individuals in county jail; however, due to their limitations these policies are outside the scope of this memo (Utah Code Ann. §§ 77-19-3 (2026), 77-34-3 (2026)).

<sup>2</sup> Utah Admin. Code r. 671-314-1(4)(a).

Note there is no specific information on what “symptoms and effects of advancing age” qualify for Compassionate Release (*Id.*).

<sup>3</sup> Utah Admin. Code r. 671-314-1(4)(b).

<sup>4</sup> Utah Admin. Code r. 671-314-1(3)-(4).

<sup>5</sup> Utah Admin. Code r. 671-314-1(5).

<sup>6</sup> Utah Admin. Code r. 671-314-1(8)(a)(i)-(v).

<sup>7</sup> Utah Admin. Code r. 671-314-1(4)(d).

<sup>8</sup> Utah Admin. Code r. 671-314-1(9)(c).

<sup>9</sup> Utah Department of Corrections, DF01, *Individual Service Providers (ISPs)* 8 (Dec. 1, 2025) [hereinafter *ISPs*], <https://public.powerdms.com/UtahDOC/documents/3172311> (start at source link <https://public.powerdms.com/UtahDOC/tree> then click drop-down menu on left hand side “Utah Department of Corrections Policies” and then the drop-down menu for “D Manual-R&R” then “Institutions” then link “DF01-Individual Service...”).

Individual Service Providers are Department staff members who provide comprehensive case management to incarcerated individuals.

<sup>10</sup> Utah Admin. Code r. 671-314-1(1).

<sup>11</sup> Utah Admin. Code r. 671-305-1 (2026).

<sup>12</sup> Utah Admin. Code r. 671-314-1(7), (10).

Note the rule states requests will be processed administratively based on reports given to the Board, without the individual appearing before the Board, unless the Board otherwise requires an individual to appear (Utah Admin. Code r. 671-314-1(7)).

<sup>13</sup> Utah Admin. Code r. 671-314-1(10)(a).

See also Utah Admin. Code r. 671-301-1(1) (2026), stating an individual’s right to at least one public hearing.

<sup>14</sup> Utah Admin. Code r. 671-204-1(1)(a) (2026).

Under extraordinary circumstances, a hearing may be held without the seven-day notification; an individual may also waive notice (Utah Admin. Code r. 671-204-1(1)(b)-(c)). Hearings are also publicly announced one week in advance on the Board’s website (Utah Admin. Code r. 671-204-1(2)).

<sup>15</sup> Utah Admin. Code r. 671-301-1(2) (2026).

<sup>16</sup> Utah Admin. Code r. 671-302-4(1)-(2) (2026).

See also Utah Admin. Code r. 671-302-1 to 302-6 (2026) for policies on media and public access to hearings.

<sup>17</sup> Utah Admin. Code r. 671-314-1(10)(a)(i).

The Board determines the scope of representation based on all circumstances present (Utah Admin. Code r. 671-314-1(10)(a)(ii)). See Utah Admin Code r. 671-204-1 (2026), 671-206-1 to 206-4 (2026) for more information on hearing continuances and incompetency for Board hearings.

<sup>18</sup> Utah Admin. Code r. 671-308-3(1)-(2) (2026).

<sup>19</sup> Utah Admin. Code r. 671-314-1(10)(b), referencing Utah Code Ann. § 77-38-3(8) (2026).

<sup>20</sup> Utah Code Ann. § 77-8-3(7)(a) (2026).

See also Utah Admin. Code r. 671-203-3 (2026) for more information on Board notification to victims.

<sup>21</sup> Utah Admin. Code r. 671-203-4(1)-(2) (2026).

<sup>22</sup> Utah Admin. Code r. 671-203-2(1) (2026).

See Utah Const. art. 1, § 28 (2026); Utah Code Ann. §§ 77-37-3 (2026), 77-38-4 (2026); and Utah Admin. Code r. 671-203-1 to 203-6 (2026) for more information on victim rights and participation in hearings.

<sup>23</sup> See Utah Admin. Code r. 671-403-1 (2026), 671-404-1 (2026), providing the Board's power to order restitution and processes for doing so. See also Utah Admin. Code r. 671-403-2 to 403-10 (2026), 671-404-2 to 404-6 (2026) for more information.

<sup>24</sup> Utah Board of Pardons and Parole, Hearings and Decisions, *Decision Factors*, <https://bop.utah.gov/hearings-decisions/decision-factors/> (last accessed Feb. 12, 2026).

<sup>25</sup> Utah Admin. Code r. 671-314-1(8)(b).

<sup>26</sup> See *ISPs*, *supra* note 9, at 8-9.

<sup>27</sup> Utah Department of Corrections, FD18, *Medical Custody Interface* (June 14, 2024), <https://public.powerdms.com/UtahDOC/documents/2010212> (start at source link <https://public.powerdms.com/UtahDOC/tree> then click drop-down menu on left hand side "Utah Department of Corrections Policies" and then the drop-down menu for "F Manual-DPO" then click second link for "FD18-Medical Custody Interface" (dated June 14, 2024)).

<sup>28</sup> Utah Code Ann. §§ 64-13-10.4 (2026), 64-13-10.6 (2026).

<sup>29</sup> See Utah Code Ann. § 26B-3-217 (2026); Utah Department of Health & Human Services, *Justice-Involved Program*, <https://medicaid.utah.gov/programs-and-services/justiceinvolved/> (last accessed January 5, 2026).

<sup>30</sup> Utah Admin. Code r. 671-314-1(6).

<sup>31</sup> Utah Admin. Code r. 671-314-1(2).

<sup>32</sup> Utah Code Ann. § 64-13-39.5(2) (2026).

See also Utah Admin. Code r. 251-114-2 to 114-3 (2026) for the rules related to this policy, which are generally the same as the statute.

<sup>33</sup> *Id.* § 64-13-39.5(2)(a).

<sup>34</sup> *Id.* § 64-13-39.5(2)(b).

<sup>35</sup> *Id.* § 64-13-39.5(3).

<sup>36</sup> Utah requires individuals released on supervision to pay a supervision fee; however, it is not clear if this applies to Compassionate Release. See Utah Admin. Code r. 251-401-3 (2026).

<sup>37</sup> See Utah Admin. Code r. 671-310-1 (2026) for information on rescissions of Board decisions before release.

<sup>38</sup> Utah Board of Pardons and Paroles, Hearings and Decisions, *Search Hearings & Decisions*, <https://bop.utah.gov/hearings-decisions/search-hearings-decisions/> (last accessed Feb. 12, 2026).

The search function allows you to search by name, Department number, and calendar week. Compassionate Release hearings are classified as "Special Attention" hearings.