

**R671-201. Original [~~Parole Grant~~] Hearing Schedule and Notice.**

**[~~R671-201-1. Schedule and Notice.~~]**

(1) **(a)** Within six months of an offender's commitment to prison the Board shall give notice of the month and year in which the inmate's original hearing will be conducted.

**(b)** A minimum of seven days prior notice should be given regarding the specific day and approximate time of such hearing.

(2) (a) Homicide offense commitment, for purposes of this rule, means a prison commitment to serve a sentence for a conviction of aggravated murder (if the sentence includes the possibility of parole), murder, felony murder, manslaughter, child abuse homicide, negligent homicide, automobile homicide, homicide by assault, [~~or~~] any attempt, conspiracy or solicitation to commit any of these offenses, **and any other offense, regardless of title, description or severity, when it is known at the time of sentencing that the offense conduct resulted in the death of any person.**

(b) Sexual offense commitment, for purposes of this rule, means a prison commitment to serve a sentence for a conviction of any crime for which an offender is defined as a kidnap offender pursuant to Utah Code Ann. Subsection 77-41-102(9); or for which an offender is defined as a sex offender pursuant to Utah Code Ann. Subsection 77-41-102(16); or any attempt, conspiracy or solicitation to commit any of the offenses listed in those sections.

(3) (a) All homicide offense commitments eligible for parole

shall be routed to the Board as soon as practicable for the determination of the month and year for an original hearing.

**(b) The Board shall determine, by majority vote, the month and year of an original hearing for an offender serving a homicide offense commitment.**

**(c)** In setting an original hearing for a homicide offense commitment, the Board shall only consider information available to the court or offender at the time of sentencing.

**(d)** Homicide offense commitments not eligible for parole (including sentences of life without parole or death) shall not be scheduled for original hearings.

(4) If the offender is less than 18 years of age at the time of commitment and the offense is eligible for parole, the case shall be routed to the Board as soon as practicable for the determination, **by majority vote,** of the month and year for an original hearing.

(5) When an offender's prison commitment does not include a homicide offense commitment, an offender is eligible to have an original hearing before the Board as follows:

(a) After the service of fifteen years for first degree felony commitments when the most severe sentence imposed and being served is a sentence greater than 15 years to life, excluding enhancements.

(b) After the service of seven years for first degree felony commitments when the most severe sentence imposed and being served is a sentence of 10 years to life, or 15 years to life, excluding

enhancements.

(c) After the service of three years for all other first degree felony commitments.

(d) After the service of eighteen months if the most serious offense of incarceration is a second degree felony sexual offense commitment.

(e) After the service of six months for all other second degree felony commitments.

(f) After the service of [~~twelve~~] **six** months if the most serious offense of incarceration is a third degree felony sexual offense commitment.

(g) After the service of three months for all other third degree felony and class A misdemeanor commitments.

(6) (a) An offender may request that their original appearance and hearing before the Board be scheduled other than as provided by this rule. An offender's request shall specify the extraordinary circumstances or reasons which give rise to the request. The Board may grant or deny the offender's request in its sole discretion.

(b) The Board may, in its discretion, depart from the schedule as provided by this rule [~~based upon~~] **if:**

**(i)** an offender[~~s~~] requests **a continuance** due to extraordinary circumstances;~~;~~[~~when~~]

**(ii)** an offender has unadjudicated criminal charges pending at the time a hearing would normally be scheduled[~~;~~];

(iii) a Class A misdemeanor commitment has expired prior to an original hearing; or

(iv) the Board determines that other unusual or extraordinary circumstances impact the setting of an original hearing [~~that other upon its own motion~~].

KEY: parole, inmates, hearings

Date of Enactment or Last Substantive Amendment: March 24, 2015

Notice of Continuation: September 22, 2014

Authorizing, and Implemented or Interpreted Law: Utah Const. Art.

VII, Sec. 12; Utah Code Ann. §§ 77-27-5, 77-27-7, 77-27-9