**R671. Pardons (Board of), Administration.
R671-301. Personal Appearance.**

**R671-301-1. Personal Appearance.**

[~~A.~~](1) By statute, the Board or its designee is required to convene at least one public hearing for all offenders except those serving life without parole or a death sentence. In rehearings, the offender is afforded all the rights and considerations afforded in the initial hearing except as provided by other Board rules because the setting of a parole date is still at issue.

[~~B.~~](2) An offender has the right to be present [~~at a parole grant, rehearing, or parole violation hearing~~] if the offender is housed in the state (UCA 77-27-7). The offender may speak, present documents, ask questions of the hearing official, and answer questions. In the event an offender waives this right to appear, or refuses to personally attend the hearing, the Board may proceed with the hearing and issue a decision.

[~~C.~~](3) If an offender is housed out of state:[~~, the Board may proceed as follows:~~]

~~[1.~~](a) The offender may waive the right to be present, and the Board may then conduct the hearing in absentia.

[~~2.~~](b) The Board may request the Department of Corrections to return the offender to the state for the hearing.

[~~3.~~](c) The Board may [~~seek~~]request that a courtesy hearing be conducted by the appropriate paroling authority of the custodial jurisdiction[~~state~~]. A request along with a complete copy of Utah's record shall be forwarded for the hearing. All reports, a record of the hearing, and a recommendation shall be returned to the Utah Board for final action.

[~~4.~~](d) An individual Board member or designee may travel to the custodial facility and conduct the hearing, record the proceeding, and make a recommendation for the Board's final decision.

[~~5.~~](e) A hearing may be conducted by videoconference or conference telephone call.

**KEY: inmates, parole**

**Date of Enactment or Last Substantive Amendment: October 4, 2012**

**Notice of Continuation: January 30, 2017**

**Authorizing, and Implemented or Interpreted Law: 63G-3-201(2) and (3); 77-27-7(2); 77-27-9([~~4~~]5)~~(a)~~**