

Sentencing and Penalty Changes



Utah Sentencing Commission

Penalties §76-3-103, §76-3-104, §76-3-105

- ∅ Capital felonies
- ∅ 1st Degree felony
- ∅ 2nd Degree felony
- ∅ 3rd Degree felony
- ∅ Class A Misdemeanor
- ∅ Class B Misdemeanor
- ∅ Class C Misdemeanor
- ∅ Infraction



Incarceration §76-2-203, §76-2-204, §76-2-205

- ∅ Capital felonies
- ∅ 1st Degree felony 5 years to life
- ∅ 2nd Degree felony 1 to 15 years
- ∅ 3rd Degree felony 0 to 5 years
- ∅ Class A Misdemeanor Up to 1 year
- ∅ Class B Misdemeanor Up to 6 months
- ∅ Class C Misdemeanor Up to 90 days
- ∅ Infraction



Statutory Fines §76-3-301

Unless otherwise specified in statute

∅ Capital felonies	
∅ 1 st Degree felony	Up to \$10,000
∅ 2 nd Degree felony	Up to \$10,000
∅ 3 rd Degree felony	Up to \$5,000
∅ Class A Misdemeanor	Up to \$2,500
∅ Class B Misdemeanor	Up to \$1,000
∅ Class C Misdemeanor	Up to \$750
∅ Infraction	Up to \$750

∅ Plus the additional surcharge and security fees §51-9-401



Enhancement Types

- ⌘ Repeat offenses- DUI, theft, domestic violence
- ⌘ Special Conditions- prostitution, theft
- ⌘ Locations- drug offenses
- ⌘ Relationships- securities act
- ⌘ Status of victim- assault



Adding elements

- ↳ Creates a new offense for each penalty level
 - ↳ graffiti paraphernalia
 - ↳ new controlled substance



New crime

- ⌘ Prohibition or sale of certain software programs
- ⌘ Boating revisions



Sentencing Matrix

CRIME CATEGORY

		A	B	C	D	E	F	G	H	I	J	K	L
		1st Degree Murder	1st Degree Death	2nd Degree Death	1st Degree Person	3rd Degree Death	1st Degree Other	2nd Degree Person	3rd Degree Person	2nd Degree Other	2nd Degree Possession	3rd Degree Other	3rd Degree Possession
CRIMINAL HISTORY	V	24 YRS	10 YRS	*	10 YRS	48 MOS	84 MOS	60 MOS	36 MOS	30 MOS	20 MOS	20 MOS	18 MOS
	IV	22 YRS	9 YRS	*	9 YRS	42 MOS	78 MOS	48 MOS	30 MOS	24 MOS	18 MOS	18 MOS	16 MOS
	III	20 YRS	8 YRS	*	8 YRS	36 MOS	72 MOS	36 MOS	24 MOS	20 MOS	16 MOS	12 MOS	12 MOS
	II	20 YRS	7 YRS	*	7 YRS	24 MOS	66 MOS	30 MOS	20 MOS	18 MOS	14 MOS	10 MOS	10 MOS
	I	20 YRS	6 YRS	*	6 YRS	20 MOS	60 MOS	24 MOS	18 MOS	16 MOS	12 MOS	9 MOS	8 MOS

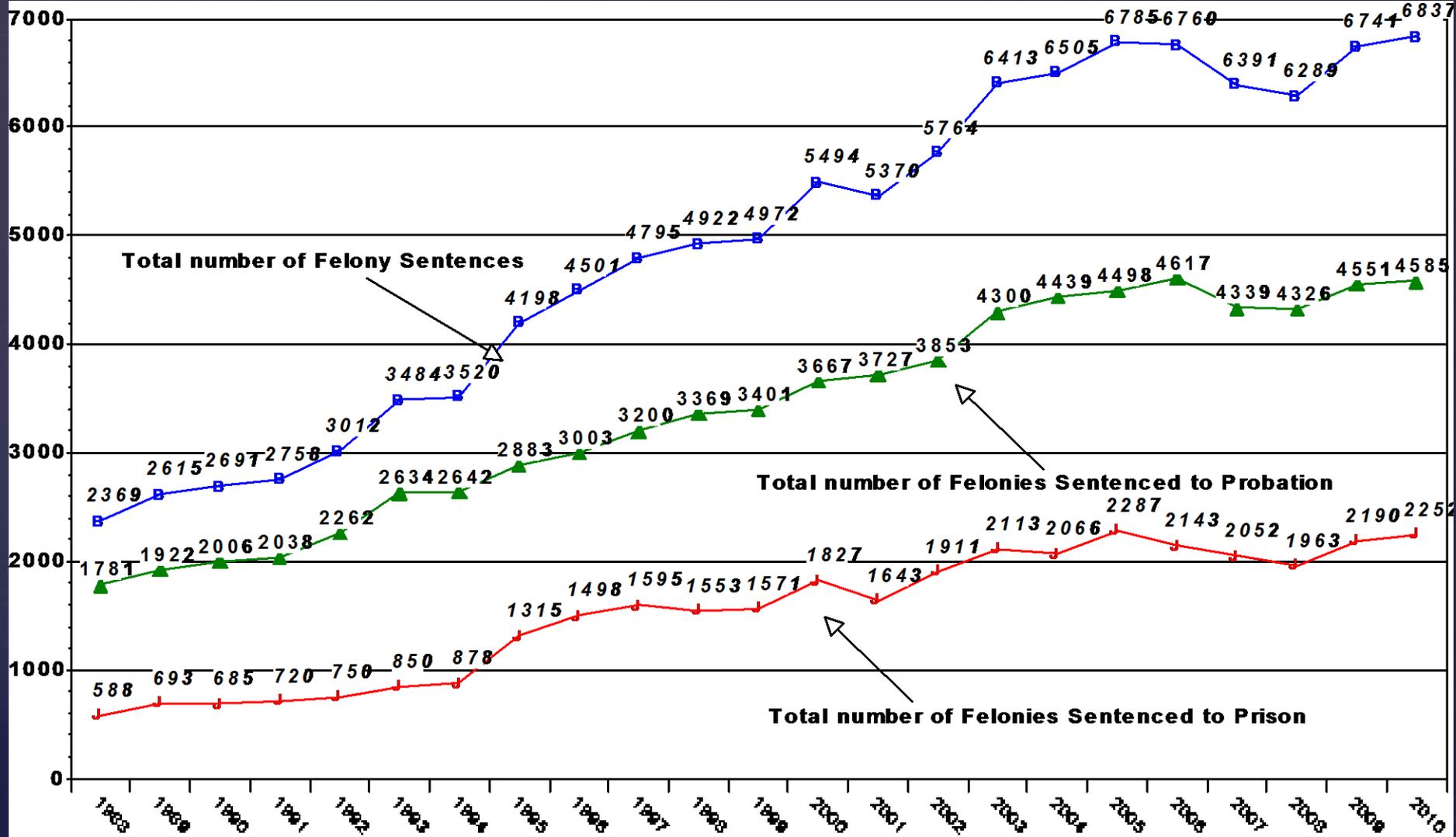
IMPRISONMENT

INTERMEDIATE SANCTION

REGULAR PROBATION

* The statutory range for this category is 1 to 15 years. The Board of Pardons and Parole will consider all aggravating and mitigating factors in determining length of stay. Because the facts of the cases in this crime category are widely divergent, and criminal history is less determinative than in other categories, a single guideline recommendation, in this category, is not helpful in determining length of stay of an offender.

Felony Sentencing



Sentencing Matrix

CRIME CATEGORY

		A	B	C	D	E	F	G	H	I	J	K	L
		1st Degree Murder	1st Degree Death	2nd Degree Death	1st Degree Person	3rd Degree Death	1st Degree Other	2nd Degree Person	3rd Degree Person	2nd Degree Other	2nd Degree Possession	3rd Degree Other	3rd Degree Possession
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	I	20 YRS	6 YRS	*	6 YRS	20 MOS	60 MOS	24 MOS	18 MOS	16 MOS	12 MOS	9 MOS	8 MOS

IMPRISONMENT

INTERMEDIATE
SANCTION

REGULAR PROBATION

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Average Length of Stay

2011

3rd Degree Other LOS- 16.25 Months

2nd Degree Other LOS- 29.26 Months



Sentencing Matrix

CRIME CATEGORY

		A	B	C	D	E	F	G	H	I	J	K	L
		1st Degree Murder	1st Degree Death	2nd Degree Death	1st Degree Person	3rd Degree Death	1st Degree Other	2nd Degree Person	3rd Degree Person	2nd Degree Other	2nd Dgree Possession	3rd Degree Other	3rd Degree Possession
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IMPRISONMENT

INTERMEDIATE SANCTION

REGULAR PROBATION

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2011

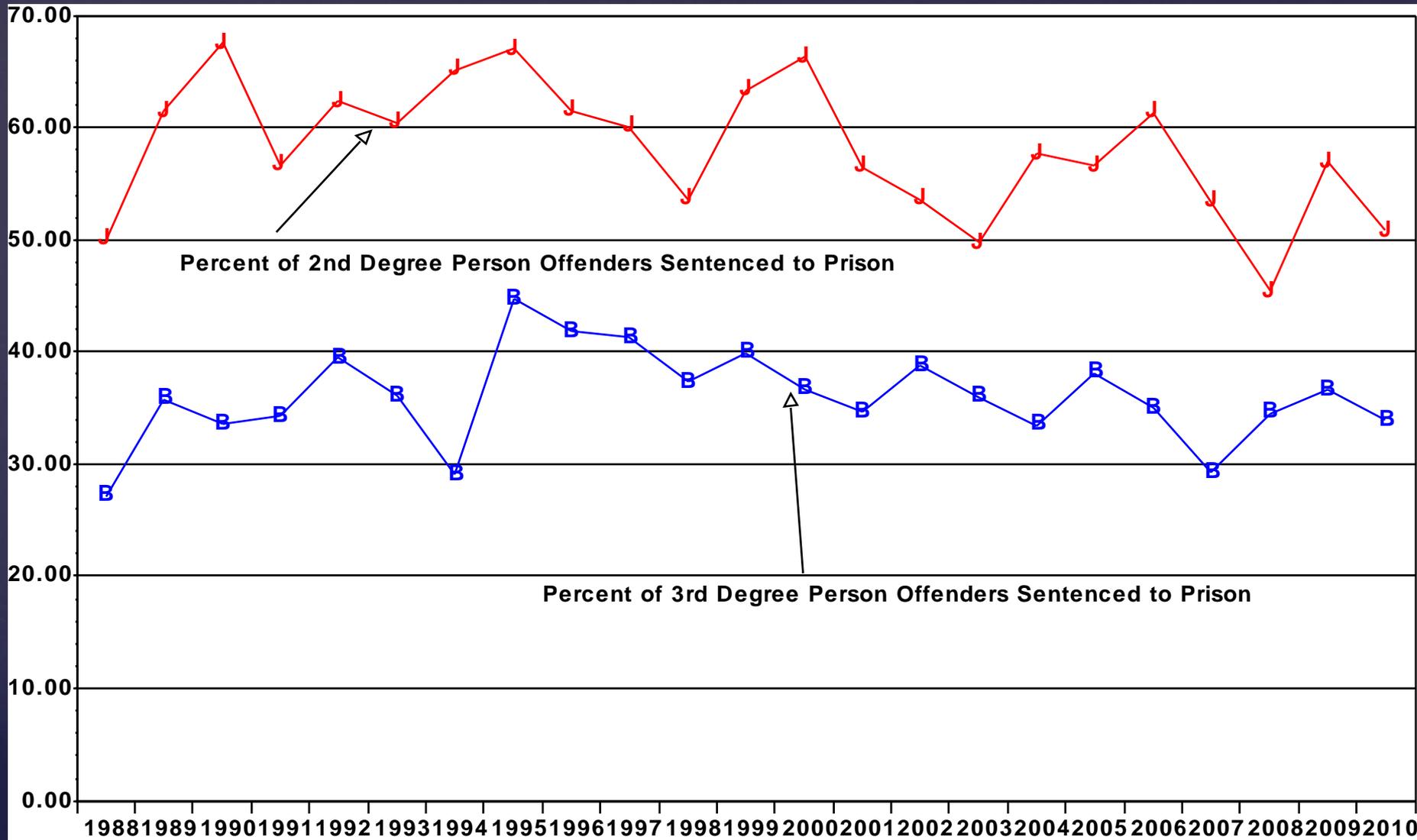
3rd Degree Person LOS- 27.5 Months

2nd Degree Person LOS- 57.19 Months

1st Degree Person LOS- 98.54 Months



Percent 2nd and 3rd Person to Prison



2012 Totals *									
New 1 st Degree Felonies	New 2 nd Degree Felonies	New 3 rd Degree Felonies	New Class A Misdemeanors	New Class B Misdemeanors	New Class C Misdemeanors	New Infractions	New Fines or Fees	Anticipated Prison Admissions per year	Anticipated Fiscal Impact ^a
1	12	16	13	24	6	1	4		\$1,780,400
2011 Totals									
	10	4	2	11	1			7.3	\$6,663,850
2010 Totals									
1	3	4	6	14	4		4		\$918,000
2009 Totals									
	1	7	9	10	4	2	°	1	\$301,700
2008 Totals									
1	3	11	6	2			°	15	\$360,000

* New Crime totals include penalties increased or decreased from a previously existing penalty.

^a The anticipated fiscal impact predicts costs to state agencies in only the fiscal year indicated and does not include ongoing costs or the costs to county or local governments.

[°] Information regarding new fines or fees to offenders was not tracked in these years.



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