



MASTER OFFENSE LIST REPORT 2022

Utah Sentencing Commission

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OVERVIEW

2022 legislative session added twelve offenses, enhanced seven offenses, expanded two offenses, reduced four offenses, and removed no offenses.

Added offenses:

- 1 first degree felony;
- 1 second degree felony;
- 1 third degree felony;
- 2 class A misdemeanors;
- 3 class B misdemeanors;
- No Class C Misdemeanors;
- 1 infraction.

Total offenses:

- 48 first degree felonies;
- 203 second degree felonies;
- 407 third degree felonies;
- 430 class A misdemeanors;
- 803 class B misdemeanors;
- 112 class C misdemeanors;
- 288 infractions.

HB 29 Increase penalties for certain forms of DUI causing death from Third Degree to Second Degree felony; Reduced penalties for some forms of Driving with Measurable Controlled Substance causing injury from Second Degree felony to Third Degree felony (more consistency in both categories).

HB 38 Regulates purchasing of catalytic converters and establishes new misdemeanor penalties for failure to maintain records; also expands Third Degree Felony theft to include theft of a catalytic converter to a Third Degree felony.

HB 76 Creates an infraction for failure to “zipper merge.”

HB 81 Distinguishes between selling and purchasing of sex / sexual conduct in the Prostitution and Sex Solicitation statutes; Reduces penalties for selling behaviors while maintaining previously escalated penalties for purchasing behaviors.

HB137 Increases penalties for refusal of a chemical test in some circumstances, so that refusal penalty escalates at the same rate as DUI penalty.

HB 143	Enhances a second DUI within ten years from a Class B to a Class A misdemeanor.
HB 219	Prohibits unregulated custody transfers and creates Class B Misdemeanor penalty.
HB 229	Increased penalty for providing a false statement on a financial declaration from a Class B misdemeanor to a Third Degree Felony
HB 353	Creates a new Second Degree Felony for making a false report with the intent to ambush the responder.
SB 53	Expands reckless driving to include speeds of 105+ MPH; Enhances Speed Contest from Class B to Class A misdemeanor.
SB 156	Expands Sexual Extortion and Aggravated Sexual Extortion code sections to include reduced penalties for children who violate.
SB 167	Creates new offense of Aggravated Sexual Exploitation of a Minor, including a new First Degree Felony for producing and distributing images of children under 14 by adults over 18.

New Offenses

- First Degree Felony
 - 76-5b-201.1(3)(a) - Aggravated Sexual Exploitation of a Minor - 1st Degree Felony for Distributing/Producing
- Second Degree Felony
 - 76-9-202(3)(d)(ii)(B) - Making False Report - Intent To Ambush Responder
- Third Degree Felony
 - 76-5b-204(3)(b)(ii) - Aggravated Sexual Extortion - Child Actor
- Class A Misdemeanor
 - 41-6a-503(2)(d) - DUI - 2nd DUI within 10 years.
 - 76-5b-204(3)(b)(i) - Sexual Extortion - Child Actor
- Class B Misdemeanor
 - 13-32a-104.7(6) - Catalytic Converter Database Violation
 - 78B-24-203(4) - Prohibited Custody transfer
 - 78B-24-205(2) - Prohibited Soliciting or Advertising - Child Custody
- Class C Misdemeanor
 - None
- Infraction
 - 76-41-6a-903.1 - Right-of-way - Zipper merge

Enhanced Offenses

- Second Degree Felony
 - 76-10-1303(5) - Patronizing Prostitution Involving a Child (Previously 3rd Degree Felony)
 - 76-5-207 - Increased Some Forms of DUI Causing Death (Previously 3rd Degree Felony)
 - 76-10-1313(5) - Sexual Solicitation of a Child (Previously A 3rd Degree Felony)
- Third Degree Felony
 - 76-8-504(2)(b) - False Statement on Financial Declaration (Previously Class B)
- Class A Misdemeanor
 - 41-6a-606(3)(a) - Speed Contest or Exhibition on Highway (Previously Class B)
 - 41-6a-520(8) - Refusal of Chemical Test - Creates a Class A misdemeanor or felony depending on circumstances for refusal cases that would be a Class A DUI (formerly it was only Class B or Felony). Regular violation starts at Class B Misdemeanor.

Expanded Offense

- Third Degree Felony
 - 76-6-412(1)(b)(ii) - Expands Third Degree Felony Theft to include theft of a catalytic converter
- Class B Misdemeanor
 - 13-32a-116.5(2) - Adds Catalytic Converter Purchasers to List of Eligible Defendants for Contested Disposition of Property (Still Class B)
 - 41-6a-528(2) - Expands Reckless Driving to include speeding at over 105 MPH.

Reduced Offenses

- Third Degree Felony
 - 76-5-207 and 76-5-102.1 - Reduced Driving with Measurable Amount of Controlled Substance And Causing Injury From 2nd Degree Felony to 3rd (if no impairment)
- Class A Misdemeanor
 - 76-10-1313(3)(B) - Sex solicitation involving selling behaviors for 3rd and subsequent offenses reduced from 3rd Degree Felony to Class A Misdemeanor. Penalties for purchasing behaviors remain elevated.
- Class B Misdemeanor
 - 76-10-1303(3) - Sex solicitation selling behaviors for first and second offenses reduced from Class A to Class B Misdemeanor. Penalties for purchasing behaviors remain elevated.

Repealed Offenses - None