



2022 Annual Report / Guidelines Update

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Commission**
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Statutory Reporting Requirements

- ▶ 63M-7-405(2): The sentencing commission shall submit:
 - at least 60 days before the annual general session . . . the commission's reports and recommendations for sentencing guidelines and supervision length guidelines



Statutory Reporting Requirements

- ▶ 63M-7-405(5): The sentencing commission shall:
 - prepare and compile a [collateral consequences guide], and
 - Present the guide annually to the Law Enforcement and Criminal Justice Interim Committee



2022 Guidelines Update

Review of Recommended Changes



New Format

Now titled **Sentencing, Release, and Supervision Guidelines**

- ▶ Three Stages of Sentencing:
 - Assessment
 - Behavior Management
 - Termination

- ▶ Preamble is less academic / historical, more direct and process-oriented
 - Old academic sections are maintained in addenda



New Tools / Forms

- ▶ Assessment Section:
 - Overview of Risk Assessments
 - Risk Assessments used in Utah

- ▶ Behavior Management Section:
 - Behavior Management Decision Tool
 - Emphasizes role of assessment in combination with a structured review of other factors
 - Financial Offenses with Serious Loss (Form 4)



New Tools / Forms

- ▶ Behavior Management Tools:
 - New Tool 1 - focuses on evidence-based principles in Supervision

- ▶ Termination Section:
 - Supervision Length Guidelines
 - Emphasis on considering / planning for the termination process as a part of sentencing, release, and supervision



2022 Legislative Session Changes

- ▶ Incarceration caps expanded - Behavior Management Tool 5 (HB 28)
- ▶ Financial Offenses (HB 227) designated for new Form 4
- ▶ Recodification changes in Addendum B and C
- ▶ Aggravated Sexual Exploitation of a Child (1F) added to Addendum C as a sex offense (Column F)
- ▶ Other SB 167 Changes in progress...



2022 Legislative Session Changes

- ▷ Recodification changes in Addendum B and C
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- ▷ Other SB 167 Changes in the works



Collateral Consequence Guide



Collateral Consequence Guide:

“... any provision of state law, including the Utah Constitution, and any administrative rule that imposes a collateral consequence.”



II. COLLATERAL CONSEQUENCE TABLE

COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS:

Category	Subcategory	Authority	Consequence
Business Licensing	Alcohol Business License	UT § 32B-4-305	Convictions of an alcohol-related offense will subject the business entity to fines and discretionary revocation of business license
Business Licensing	Cigarette Business License	UT § 59-14-202	Conviction for selling, receiving, or being involved in smuggling of counterfeit cigarettes will result in denial or revocation of business license.
Civil Fines	Nurse Practice Act	U.A.C. R156-31b-402	Permits fines to be imposed in accordance with a violation of the Nurse Practice Act.
Civil Fines	Nurse Midwife Practice Act	U.A.C. R156-44a-402	Permits fines to be imposed in accordance with a violation of the Nurse Midwife Practice Act.
Civil Fines	Pharmacy Practice Act	U.A.C. R156-17b-402	Permits fines to be imposed in accordance with a violation of the Pharmacy Practice Act.
Civil Fines	Utah Medical Practice Act	U.A.C. R156-67-503	Permits fines to be imposed in accordance with a violation of the Utah Medical Practice Act.
Civil Fines	Utah Osteopathic Medical Practice Act	U.A.C. R156-68-503	Permits fines to be imposed in accordance with a violation of the Utah Osteopathic Medical Practice Act.
Civil Fines	Utah Health Code Violations	UT § 36-23-6(2), (3)	Allows the imposition of a civil penalty for violation of the Utah Health Code enforcement provisions in addition to any penalties resulting from a criminal conviction.
Civil Fines	Insurance Sales	UT § 31A-16-111	Violation of any insurance statute can result in fines up to \$20,000 per violation and revocation of license
Civil Rights	Voting	UT § 20A-2-101, 101.3, 101.5	Rights terminated for a felony or misdemeanor offense that violates Title 20A of the election code. For felony offenses, rights may be restored if sentenced to probation, granted parole, or upon a completed term of incarceration.
Driver's License	Driver's License Suspension - Discretionary	UT § 41-6a-1715, 41-6a-1716, 53-3-218, 62A-11-603, UT § 76-6-404.7	A violation of the following offenses may result in suspension or revocation of a driver's license (discretionary): <ul style="list-style-type: none"> Careless Driving (41-6a-1715) Use of a Wireless Communication Device (41-6a-1716)

CC Guide Format

- ▷ Introduction
 - Overview of collateral consequences
 - What are they?
 - How to use the guide
 - Disclaimer:
 - Not legal advice
 - No rights bestowed by document
 - May not contain local or federal consequences



CC Guide Format

- ▷ List of Collateral Consequences
 - 17 pages
 - 53 consequence categories
 - Listed by type of consequence (i.e. “Civil Fines,” “Civil Rights,” “Education/Employment,” “Licensing,” “Public Assistance,” etc.
 - Most are discretionary, some are mandatory



CC Guide Format

- ▷ Chapters on Special Topics
 - Sex and Kidnap Offense Registry
 - Registry requirements
 - Location restrictions
 - Fines/Fees
 - Juvenile Consequences
 - Education:
 - School suspension
 - Student loans / Pell grants
 - College admission
 - Military service
 - Extracurricular activities
 - Employment



CC Guide Format

- ▷ Chapters on Special Topics
 - Immigration?
 - Need advice on this



Timeline

- ▷ Running behind
- ▷ Still hoping to publish this month



Any Questions?

