

Effective 7/1/2026

75E-4-203 Adult sentencing and supervision length guidelines.

- (1) Subject to Subsection (2), the sentencing commission shall establish and maintain adult sentencing and supervision length guidelines regarding:
 - (a) the sentencing and release of offenders in order to:
 - (i) accept public comment;
 - (ii) relate sentencing practices and correctional resources;
 - (iii) increase consistency in sentencing;
 - (iv) better define responsibility in sentencing; and
 - (v) enhance the discretion of the sentencing court while preserving the role of the Board of Pardons and Parole;
 - (b) the length of supervision of offenders on probation or parole in order to:
 - (i) accept public comment;
 - (ii) increase consistency in criminal supervision lengths;
 - (iii) relate the length of supervision to an offender's progress;
 - (iv) take into account an offender's risk of offending again;
 - (v) relate the length of supervision to the amount of time an offender has remained under supervision in the community; and
 - (vi) enhance the discretion of the sentencing court while preserving the role of the Board of Pardons and Parole; and
 - (c) appropriate, evidence-based probation and parole supervision policies and services that assist offenders in successfully completing supervision and reduce incarceration rates from community supervision programs while ensuring public safety, including:
 - (i) treatment and intervention completion determinations based on individualized case action plans;
 - (ii) measured and consistent processes for addressing violations of conditions of supervision;
 - (iii) processes that include using positive reinforcement to recognize an offender's progress in supervision;
 - (iv) engaging with social services agencies and other stakeholders who provide services that meet the needs of an offender; and
 - (v) identifying community violations that may not warrant revocation of probation or parole.
- (2) When determining a recommended sentence or supervision length for the adult sentencing and supervision length guidelines described in Subsection (1), the sentencing commission shall give:
 - (a) primary consideration to the protection of society; and
 - (b) secondary consideration to:
 - (i) the possibility of risk reduction through rehabilitation;
 - (ii) prevention of future harm;
 - (iii) deterrence of the individual and the public generally from committing the offense;
 - (iv) punishment or retribution for committing the offense; and
 - (v) the impact on any victim of the offense.
- (3) Before November 1, 2026, the sentencing commission shall review and revise the adult sentencing and supervision length guidelines, including the scoring factors, to reflect the appropriate penalties for:
 - (a) a felony offense described in Title 76, Chapter 5, Part 1, Assault and Related Offenses, Part 2, Criminal Homicide, and Part 3, Kidnapping, Trafficking, and Smuggling, when the felony offense is committed against an individual who is 18 years old or older;

- (b) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, Title 76, Chapter 5b, Sexual Exploitation Act, Title 76, Chapter 5c, Pornographic and Harmful Materials and Performances, and Title 76, Chapter 5d, Prostitution, and Section 76-7-102; and
- (c) any other offense as determined appropriate by the sentencing commission.

Renumbered and Amended by Chapter 291, 2026 General Session