

Effective 5/6/2026

76-3-201 Sentences or combination of sentences allowed -- Restitution and other costs -- Civil penalties.

(1) As used in this section:

(a)

(i) "Convicted" means:

(A) having entered a plea of guilty, a plea of no contest, or a plea of guilty with a mental condition; or

(B) having received a judgment of guilty or a judgment of guilty with a mental condition.

(ii) "Convicted" does not include an adjudication of an offense under Section 80-6-701.

(b) "Restitution" means the same as that term is defined in Section 77-38b-102.

(2)

(a) Within the limits provided by this chapter, a court may sentence an individual convicted of an offense to any one of the following sentences, or combination of the following sentences:

(i) to pay a fine;

(ii) to removal or disqualification from public or private office;

(iii) except as otherwise provided by law, to probation in accordance with Section 77-18-105;

(iv) in accordance with Subsection 77-18-111(4), to imprisonment;

(v) on or after April 27, 1992, to life in prison without parole; or

(vi) to death.

(b) In determining the appropriate sentence for an individual convicted of an offense, the court shall consider:

(i) the nature and circumstances of the offense, including the nature and gravity of the harm caused by the individual's criminal conduct;

(ii) the history and characteristics of the individual, including the acceptance or lack of acceptance of accountability by the individual;

(iii) whether the sentence to be imposed:

(A) reflects the seriousness of the offense, promotes respect for the law, and provides just punishment for the offense;

(B) affords adequate deterrence of criminal conduct;

(C) protects the public from future offenses by the individual; and

(D) provides for the rehabilitative needs of the individual;

(iv) the adult sentencing and supervision length guidelines as defined in Section 75E-4-101;

(v) the presentence investigation report described in Section 77-18-103 if a presentence investigation report has been prepared for the individual;

(vi) any aggravating factor that the court may, or is required to, consider by law for the offense;

(vii) any aggravating or mitigating circumstances; and

(viii) the desires and interests of any victim of the offense.

(c) In determining the appropriate sentence for an individual convicted of a violent felony, as defined in Section 76-3-203.5, or a sexual offense, as defined in Section 76-3-407, the sentencing court shall prioritize the factors described in Subsections (2)(b)(i), (2)(b)(iii)(A), (2)(b)(iii)(B), and (2)(b)(iii)(C) over any interest of the defendant.

(3)

(a) This chapter does not deprive a court of authority conferred by law:

(i) to forfeit property;

(ii) to dissolve a corporation;

(iii) to suspend or cancel a license;

(iv) to permit removal of an individual from office;

- (v) to cite for contempt; or
- (vi) to impose any other civil penalty.
- (b) A court may include a civil penalty in a sentence.
- (4) In addition to any other sentence that a sentencing court may impose, the court shall order an individual to:
 - (a) pay restitution in accordance with Title 77, Chapter 38b, Crime Victims Restitution Act;
 - (b) subject to Section 77-32b-104, pay the cost expended by an appropriate governmental entity under Section 77-30-24 for the extradition of the individual if the individual:
 - (i) was extradited to this state, under Title 77, Chapter 30, Extradition, to resolve pending criminal charges; and
 - (ii) is convicted of an offense in the county for which the individual is returned;
 - (c) subject to Subsection (5) and Subsections 77-32b-104(2), (3), and (4), pay the cost of medical care, treatment, hospitalization, and related transportation, as described in Section 17-63-706, that is provided by a county to the individual while the individual is in a county correctional facility before and after sentencing if:
 - (i) the individual is convicted of an offense that results in incarceration in the county correctional facility; and
 - (ii)
 - (A) the individual is not a state prisoner housed in the county correctional facility through a contract with the Department of Corrections; or
 - (B) the reimbursement does not duplicate the reimbursement under Section 64-13e-104 if the individual is a state probationary inmate or a state parole inmate; and
 - (d) pay any other cost that the court determines is appropriate under Section 77-32b-104.
- (5) The cost of medical care under Subsection (4)(c) does not include expenses incurred by the county correctional facility in providing reasonable accommodation for an inmate qualifying as an individual with a disability as defined and covered by the Americans with Disabilities Act, 42 U.S.C. Secs. 12101 through 12213, including medical and mental health treatment for the inmate's disability.

Amended by Chapter 350, 2026 General Session