

MISDEMEANOR SENTENCING TIMELINE

CLARIFICATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

General Description:

This bill reduces the maximum penalty for a misdemeanor conviction by one day to 364 days.

Highlighted Provisions:

This bill:

- ▶ reduces the maximum incarceration time for a misdemeanor by one day to 364 days;
- and
- ▶ exempts from the reduction, the provision for persons serving a felony sentence in the Utah Prison.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-3-204, as enacted by Laws of Utah 1973, Chapter 196

76-3-208, as last amended by Laws of Utah 2011, Chapter 56

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-3-204** is amended to read:

76-3-204. Misdemeanor conviction -- Term of imprisonment.

30 A person who has been convicted of a misdemeanor may be sentenced to imprisonment
31 as follows:

32 (1) In the case of a class A misdemeanor, for a term not exceeding [~~one year;~~] 364
33 days.

34 (2) In the case of a class B misdemeanor, for a term not exceeding six months[;].

35 (3) In the case of a class C misdemeanor, for a term not exceeding 90 days.

36 Section 2. Section **76-3-208** is amended to read:

37 **76-3-208. Imprisonment -- Custodial authorities.**

38 (1) Persons sentenced to imprisonment shall be committed to the following custodial
39 authorities:

40 (a) felony commitments shall be to the Utah State Prison;

41 (b) (i) notwithstanding Section 76-3-204, class A misdemeanor commitments shall be
42 to the jail, or other facility designated by the town, city, or county where the defendant was
43 convicted, unless the defendant is also serving a felony commitment at the Utah State Prison at
44 the commencement of the class A misdemeanor conviction, in which case, the class A
45 misdemeanor commitment shall be to the Utah State Prison for an indeterminate term not to
46 exceed one year with a credit for one day; and

47 (ii) the court may not order the imprisonment of a defendant to the Utah State Prison
48 for a fixed term or other term that is inconsistent with this section and Section 77-18-4; and

49 (c) all other misdemeanor commitments shall be to the jail or other facility designated
50 by the town, city or county where the defendant was convicted.

51 (2) Custodial authorities may place a prisoner in a facility other than the one to which
52 the prisoner was committed when:

53 (a) it does not have space to accommodate the prisoner; or

54 (b) the security of the institution or inmate requires it.