

59 offenses are before the court pursuant to Section [78A-6-701](#), [78A-6-702](#), or [78A-6-703](#).

60 Section 2. Section **77-18-4** is amended to read:

61 **77-18-4. Sentence -- Term -- Construction.**

62 (1) Whenever a person is convicted of a crime and the judgment provides for a
63 commitment to the state prison, the court [~~shall~~] may not fix a definite term of imprisonment
64 unless otherwise provided by law.

65 (2) The sentence and judgment of imprisonment shall be for an indeterminate term [~~of~~
66 ~~not less than the minimum and not to exceed the maximum term provided by law for the~~
67 ~~particular crime.~~] that is:

68 (a) not less than the minimum provided by statute or the minimum ordered by the
69 sentencing judge under Subsection (4); and

70 (b) not greater than the maximum term provided by law for the particular crime.

71 (3) Except as provided in Subsection (4), or as otherwise expressly provided by law,
72 every sentence, regardless of [~~its~~] the form or terms[~~, which~~] of the sentence, that purports to be
73 for a shorter or different period of time, shall be construed to be a sentence for the term
74 between the minimum, as provided by statute or as ordered by the sentencing judge under
75 Subsection (4), and the maximum periods of time provided by law and shall continue until the
76 maximum period has been reached unless [~~sooner~~] earlier terminated or commuted by authority
77 of the Board of Pardons and Parole.

78 (4) (a) At the time of the imposition of ~~§~~ → **[the sentence] a prison sentence with a**
78a **minimum term to exceed one year** ← ~~§~~ , the sentencing judge may reduce
79 the minimum term by a maximum of 50% of the minimum otherwise provided in law, upon a
80 finding that:

81 (i) the reduction appropriately balances the interests of the public and the defendant;

82 and

83 (ii) justice will be served.

84 (b) The judge shall enter the reasons for the finding described in Subsection (4)(a) on
85 the record.

86 (c) Subsection (4)(a) does not restrict or modify current law regarding the authority of
87 the sentencing judge to grant probation under Section [77-18-1](#).

88 (d) Subsection (4)(a) does not apply to sentencing under:

89 (i) Section [76-5-502](#), aggravated murder;