

1328 that assist offenders in successfully completing supervision and reduce incarceration rates from
1329 community supervision programs while ensuring public safety, including:

1330 (i) treatment and intervention completion determinations based on individualized case
1331 action plans;

1332 (ii) measured and consistent processes for addressing violations of conditions of
1333 supervision;

1334 (iii) processes that include using positive reinforcement to recognize an offender's
1335 progress in supervision;

1336 (iv) engaging with social services agencies and other stakeholders who provide
1337 services that meet the needs of an offender; and

1338 (v) identifying community violations that may not warrant revocation of probation or
1339 parole.

1340 (2) On or before October 31, 2024, the sentencing commission shall review and revise
1341 the supervision tools in the adult sentencing and supervision length guidelines to:

1342 (a) recommend appropriate sanctions for an individual who violates probation or parole
1343 by:

1344 (i) committing a felony offense, a misdemeanor offense described in Title 76, Chapter
1345 5, Offenses Against the Individual, or a misdemeanor offense for driving under the influence
1346 described in Section 41-6a-502;

1347 (ii) possessing a dangerous weapon; or

1348 (iii) willfully refusing to participate in treatment ordered by the court or the Board of
1349 Pardons and Parole; and

1350 (b) recommend appropriate incentives for an individual on probation or parole that:

1351 (i) completes all conditions of probation or parole; or

1352 (ii) maintains eligible employment as defined in Section 64-13g-101.

1353 (3) The sentencing commission shall establish guidelines in the adult sentencing and
1354 supervision length guidelines that recommend an enhanced sentence that a court or the Board
1355 of Pardons and Parole should consider when determining the period in which a habitual
1356 offender, as defined in Section 77-18-102, will be incarcerated.

1357 (4) (a) Before July 1, 2024, the sentencing commission shall ~~§~~ **→ [create guidelines in]**
1357a **review and revise** ~~←§~~ the

1358 adult sentencing and supervision length guidelines ~~§~~ **→ to reflect appropriate penalties** ~~←§~~ for the
1358a following offenses:

1359 (i) an interlock restricted driver operating a vehicle without an ignition interlock
1360 system, Section 41-6a-518.2;

1361 (ii) negligently operating a vehicle resulting in injury, Section 76-5-102.1; and

1362 (iii) negligently operating a vehicle resulting in death, Section 76-5-207.

1363 (b) The guidelines under Subsection (4)(a) shall consider the following:

1364 (i) the current sentencing requirements for driving under the influence of alcohol,
1365 drugs, or a combination of both as identified in Section 41-6a-505 when injury or death do not
1366 result;

1367 (ii) the degree of injury and the number of victims suffering injury or death as a result
1368 of the offense;

1369 (iii) the offender's number of previous convictions for driving under the influence
1370 related offenses ~~§~~ [as] including those ~~§~~ defined in Subsection 41-6a-501(2)(a); ~~§~~ and ~~§~~

1371 ~~§~~ [(iv) the offender's number of convictions for an interlock restricted driver operating a
1372 ~~vehicle without an ignition interlock system as described in Section 41-6a-518.2; and~~

1373 ———(v) (iv) ~~§~~ whether the offender had a blood or breath alcohol level of .16 or higher, had a
1374 blood or breath alcohol level of .05 or higher in addition to any measurable controlled
1375 substance, or had a combination of two or more controlled substances in the individual's body
1376 that were not recommended in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid
1377 Research and Medical Cannabis, or prescribed.

1378 (5) The sentencing commission shall modify:

1379 (a) the adult sentencing and supervision length guidelines to reduce recidivism for the
1380 purposes of protecting the public and ensuring efficient use of state funds; and

1381 (b) the criminal history score in the adult sentencing and supervision length guidelines
1382 to reduce recidivism, including factors in an offender's criminal history that are relevant to the
1383 accurate determination of an individual's risk of offending again."

1384 **Section 18. Coordinating S.B. 213 with H.B. 395 if S.B. 200 does not pass and**
1385 **become law.**

1386 If S.B. 213, Criminal Justice Modifications, and H.B. 395, DUI Offense Amendments,
1387 both pass and become law, and S.B. 200, State Commission on Criminal and Juvenile Justice
1388 Amendments, does not pass and become law, the Legislature intends that, on July 1, 2024,
1389 Section 63M-7-404 be amended to read:

- 1514 (vii) theft under Title 76, Chapter 6, Part 4, Theft;
- 1515 (viii) forgery, Section 76-6-501;
- 1516 (ix) unlawful dealing of property by a fiduciary, Section 76-6-513;
- 1517 (x) insurance fraud, Section 76-6-521;
- 1518 (xi) computer crimes, Section 76-6-703;
- 1519 (xii) mortgage fraud, Section 76-6-1203;
- 1520 (xiii) pattern of unlawful activity, Sections 76-10-1603 and 76-10-1603.5;
- 1521 (xiv) communications fraud, Section 76-10-1801;
- 1522 (xv) money laundering, Section 76-10-1904; and
- 1523 (xvi) other offenses in the discretion of the commission.

1524 (b) The guidelines described in Subsection [~~(10)(a)~~] (11)(a) shall include a sentencing
 1525 matrix with proportionate escalating sanctions based on the amount of a victim's loss.

1526 (c) On or before August 1, 2022, the commission shall publish for public comment the
 1527 guidelines described in Subsection [~~(10)(a)~~] (11)(a).

1528 [~~(H)~~] (12) (a) Before January 1, 2023, the commission shall study the offenses of
 1529 sexual exploitation of a minor and aggravated sexual exploitation of a minor under Sections
 1530 76-5b-201 and 76-5b-201.1.

1531 (b) The commission shall update sentencing and release guidelines and juvenile
 1532 disposition guidelines to reflect appropriate sanctions for an offense listed in Subsection
 1533 [~~(H)(a)~~] (12)(a), including the application of aggravating and mitigating factors specific to the
 1534 offense.

1535 (13) The commission shall establish guidelines that recommend an enhanced sentence
 1536 that a court or the Board of Pardons and Parole should consider when determining the period in
 1537 which a habitual offender, as defined in Section 77-18-102, will be incarcerated.

1538 (14) (a) Before July 1, 2024, the sentencing commission shall ~~§~~→ **[create guidelines in the**
 1539 **adult] review and revise the commission's** ←~~§~~ sentencing and supervision length guidelines ~~§~~→
 1539a **to reflect appropriate penalties** ←~~§~~ for the following offenses:

1540 (i) an interlock restricted driver operating a vehicle without an ignition interlock
 1541 system, Section 41-6a-518.2;

1542 (ii) negligently operating a vehicle resulting in death, Section 76-5-207; and

1543 (iii) negligently operating a vehicle resulting in death, Section 76-5-207.

1544 (b) The guidelines under Subsection (14)(a) shall consider the following:

1545 (i) the current sentencing requirements for driving under the influence of alcohol,
 1546 drugs, or a combination of both as identified in Section 41-6a-505 when injury or death do not
 1547 result;

1548 (ii) the degree of injury and the number of victims suffering injury or death as a result
 1549 of the offense;

1550 (iii) the offender's number of previous convictions for driving under the influence
 1551 related offenses ~~§~~ → [as] including those ← ~~§~~ defined in Subsection 41-6a-501(2)(a);

1552 ~~§~~ → [(iv) the offender's number of convictions for an interlock restricted driver operating a
 1553 ~~vehicle without an ignition interlock system as described in Section 41-6a-518.2; and~~

1554 ——— (v) (iv) ← ~~§~~ whether the offender had a blood or breath alcohol level of .16 or higher, had a
 1555 blood or breath alcohol level of .05 or higher in addition to any measurable controlled
 1556 substance, or had a combination of two or more controlled substances in the individual's body
 1557 that were not recommended in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid
 1558 Research and Medical Cannabis, or prescribed."

1559 Section 19. **Coordinating S.B. 213 with S.B. 200 if H.B. 395 does not pass and**
 1560 **become law.**

1561 If S.B. 213, Criminal Justice Modifications, and S.B. 200, State Commission on
 1562 Criminal and Juvenile Justice Amendments, both pass and become law, and H.B. 395, DUI
 1563 Offense Amendments, does not pass and become law, the Legislature intends that, on May 1,
 1564 2024;

1565 (1) Section 63M-7-404.3 enacted in S.B. 200 be amended to read:

1566 "63M-7-404.3. **Adult sentencing and supervision length guidelines.**

1567 (1) The sentencing commission shall establish and maintain adult sentencing and
 1568 supervision length guidelines regarding:

1569 (a) the sentencing and release of offenders in order to:

1570 (i) respond to public comment;

1571 (ii) relate sentencing practices and correctional resources;

1572 (iii) increase equity in sentencing;

1573 (iv) better define responsibility in sentencing; and

1574 (v) enhance the discretion of the sentencing court while preserving the role of the
 1575 Board of Pardons and Parole;