



2017 Legislative Session Sentencing Update

Bill #	Title	Sponsor	USC	Description	Penalty Changes	New Fine or Fees	New Prison Admissions	Fiscal Impact
House Bills								
HB 17	Offenses Against the Person Amendments	Rep. Snow	OPP	Amends aggravated assault offense to include act of impeding breathing/blood circulation of another by use of unlawful force likely to result in loss of consciousness. Aggravated assault offense of impeding breathing/blood circulation is 2 nd degree felony offense of strangulation if loss of consciousness results. Also amends child abuse offense to include act of impeding breathing/blood circulation by applying pressure to neck/throat/obstructing nose/mouth/airway in manner likely to cause unconsciousness.	(2) New 2 nd Degree Felonies		3	\$90,800
HB 48	Wildlife Species Introduction Amendments	Rep. Albrecht	N/P	Expands elements of current class A to prohibits release or transplantation of live terrestrial or aquatic wildlife without a certificate issued by DWR.				
HB 77	Fifth District Court Judge	Rep. Snow	SUP	Add a judge to the 5 th Judicial District (6 total).				\$433,000
HB 82 S01	Street-legal All-terrain Vehicle Amendments	Rep. Noel	N/P	Amends current Traffic Code Infraction for street-legal all-terrain vehicles; restricts use on highways/ highway in county of 1 st class/ posted speed limit over 50 mph. Signage costs (\$3,900) to be absorbed.				
HB 96	Petroleum Vapor Recovery Amendments	Rep Eliason	N/P	Creates penalties for tankers with >1,000-gallon capacity. Requires properly installed and maintained vapor collection & control systems limiting vapor emissions to .64 pounds/1,000 gallons.	New Class C on 3 rd + violation	\$1,000-1 st ; \$2,000-2 nd offense		

HB 99 S01	Bigamy Offense Amendments	Rep. Noel	N/P	Amends elements of current 3 rd degree felony offense of bigamy to require both purporting to be married and cohabitation. Amends elements of current 2 nd degree felony offense of child bigamy to require both purporting to be married and cohabitation. Creates new 2 nd degree felony if convicted of inducing marriage under false pretenses/fraud/domestic abuse/child abuse/ sexual abuse/ human trafficking/ human smuggling during same prosecution.	New 2nd Degree Felony			
HB 110 S01	Controlled Substance Amendments	Rep. Ray	SUP	Adds "Pink" and Fentanyl substances to schedule I; adds ADB-CHMINACA, ADB-FUBINACA, and FUB-AMB to listed controlled substances.				
HB 123 S03	Juvenile Offenses Amendments	Rep. Roberts	PRI	Limits offense of unlawful sexual activity with minor to offenders 18+. Creates new penalties for unlawful adolescent sexual activity between 12-17. Graduated penalties dependent upon age and age difference; prohibits non-judicial adjustment & referral to peer court; ineligible for sex offender registry. Extends diversion eligibility for offenders <16 from 2 to 3 years age difference (12-15 eligible). Allows district court judge to impose any sentence(s) which would have been available in juvenile court but for delayed reporting filing/reporting of offenses committed <18.	Eliminates 9 Class B's; 10 Alternate Penalties to 1st Degrees: (3) 3^{rds}; (3) A's; (1) B; (5) C's			
HB 124 S02	Assault on a Peace Officer Amendments	Rep. Maloy	SUP	Expands current class A offense of assault against peace officer to include correctional officers, special function officers, and federal officers.				
HB 138	Public Safety Amendments	Rep. Redd	SUP	Actors subject to prosecution for custodial sexual relations or custodial sexual misconduct include special function officers.				
HB 149S02	Child Abuse Offender Registry	Rep. Owens	OPP	Creates Child Abuse Offender Registry within DOC. Specifies requirements for registration & sets penalties for failure to register. Prohibits conviction of lower degree of offense for specified offenses. Establishes mandatory penalties for failure to register.	New 3rd Degree Felony	\$125 fee		\$106,200
HB 155 S02	Driving Under the Influence and Public Safety Revisions	Rep. Thurston	OPP	Reduces blood alcohol content limit from .08 to .05. Law enforcement agencies shall ensure officers receive training on NHTSA current standard field sobriety testing guidelines. Effective date 12/30/2018. Anticipate 285 new district & 855 justice court cases.		<i>\$1729 fines</i>	<i>16</i>	<i>\$553,900 [FY2019]</i>

HB 156 S01	State Job Application Process	Rep. Hollins	SUP	Prohibits public employer from requiring applicant to disclose past criminal conviction before initial interview. Exempts public employers in juvenile & criminal justice system/ nonemployee volunteer/ law enforcement agencies/ work with children & vulnerable adults/ DABC/ State Tax Commission/ others whose primary function is financial/fiduciary.				
HB 161	Pedestrian Safety Amendments	Rep. Eliason	OPP	Prohibits transfer of money or property between a pedestrian and occupant of motor vehicle within certain roadways. Includes conduct which “may” impede or block traffic. Creates infraction and class C for 3+ violations within 1 year.	New Class C and Infraction	\$800 fine		
HB 162 S02	Driving Under the Influence Classification & Sentencing Revisions	Rep. Eliason	OPP	1 st DUI: removes home confinement from sentencing options. 2 nd offense <10 years: 240 hours in jail need not be “consecutive;” compensatory service option eliminated; added 120 hours jail & 720 consecutive hours home confinement with electronic monitoring.				
HB 178	Good Landlord Amendments	Rep. King	OPP	Prohibits municipality from requiring a residential landlord to deny tenancy to an individual based on individual’s criminal history. Exempts municipalities with halfway house (Ogden, West Valley, Salt Lake).				
HB 198	Concealed Carry Amendments	Rep. Lisonbee	HOLD	Establishes provisional permit to carry a concealed firearm for 18, 19, & 20 year olds. \$141,400 fiscal note not funded.		\$37 fee		
HB 202 S01	Trespass Amendments	Rep. Greene	OPP	Creates crime of criminal trespass by long-term guest. Requires personal communication to the guest and law enforcement to provide reasonable time for person to collect belongings before being escorted from residence. Anticipate 61 new district court cases.	New Class B	\$200 fine		\$10,600
HB 206 S01	Domestic Violence – Weapons Restrictions	Rep. King	S/C	Expands scope of Category II restricted persons to include person subject to protective order/ child protective order/ convicted of assault or aggravated assault against cohabitant. Expands existing class A & 3 rd degree felony. Anticipate 40 new offenders. \$3,100 fiscal note to BOPP not funded.		\$1045 fines	3	\$146,600

HB 208 S01	Jail Release Orders Amendments	Rep. Ivory	OPP	Expands jail release agreements to “qualifying offenses,” which include domestic violence/ offenses against child or vulnerable adult/ sexual offenses. Jail release agreements expire at midnight after scheduled initial appearance. Pretrial/ sentencing protective orders supersede jail release orders. Dismissal of charges dismiss jail release orders. Establishes class B for contacting victim before release from jail; class A for violating jail release agreement on misdemeanor offense; 3 rd degree felony on felony offense. Anticipate 1315 qualifying cases & 30 violators.	(2) New 3rd Degree Felonies, (2) A’s; (2) B’s			\$98,200
HB 209 S01	Administration of Medication to Students Amendment	Rep. McKell	SUP	Allows for administration of glucagon/ seizure rescue medication/ opiate antagonists to student in accordance with corresponding Code sections.				
HB 217 S03	Livestock Harassment	Rep. Chew	SUP	Prohibits person from intentional/ knowing/ reckless chasing/disturbing/harming of livestock through use of vehicle/ ATV/ dog/ unmanned aircraft. Establishes class B for 1 st offense if no livestock seriously injured/ killed/ livestock displaced; class A for 2 nd if livestock seriously injured/ killed/ damage >\$1,000.	New Class A & Class B			
HB 222 S02	Criminal Offenses Modifications	Rep. Handy	SUP	On 1 st offense <21, court may enter findings that lesser term is in interests of justice & impose 15/10/6 years for Rape/ Object Rape/ Sodomy on Child (current mandatory 25 - life). Removes mandatory lifetime registration for 1 st offense if no coercion or force used. Requires 10-year registration. AG anticipates annual registry review of 320 eligible offenders; fiscal note of \$49,500 not funded.				
HB 235 S02	Automated Traffic Enforcement Safety Devices	Rep. McKell	SUP	Authorizes use of automated traffic safety device on a school bus to capture photographic or video image of possible violation of certain traffic laws. Provides for allocations from district & juvenile court violations: 20% school district/ 80% to General Fund; justice court violations: 20% school district/ 40% to local government/ 40% to prosecuting agency.		\$135-\$165 fines		\$20,000

<p>HB 239 S03</p>	<p>Juvenile Justice Amendments</p>	<p>Rep. Snow</p>	<p>S/C</p>	<p>Transfer of funds authorized & CCJJ tasked with oversight 5/9/17. Effective 8/1/17: may not order DCFS custody on delinquency; no detention admission for multiple status offenses/misd/ infr's; good behavior credit allowed; direct file not dependent upon prior secure care; DLD suspension for 16+ only if minor in actual physical control; habitual disruptive student & habitual truant eliminated; JJS programs required to be evidence-based; NJA's shall be offered for misdemeanor/infr/status; <3 prior adjud & <3 prior unsuccessful NJA's; cannot be predicated on admission of guilt; failure cannot be based on fine/fee only; O&A is nonresidential; schools to utilize peer court & restorative justice programs for school-based offenses; state supervision eliminated; work programs required to be nonresidential. Effective 7/1/18: sliding scale; cases no longer referred to collections; JJS to use detention risk assessment for admission; 72-hour limit on detention post disposition; 30-day limit per adjudication; pre-adjudication time counts; detention may not be suspended; no detention for probation viol/ failure to pay/ community service/ infr/ status. Pres. probation & secure care time/ fine/ community service hours set. Home detention services required in every district. Restitution for material loss. Prosecutor shall submit restitution at disposition or w/in 3 months. Restitution to be prioritized. Risk screening upon adjudication & within 7 days of termination from court jurisdiction. USC shall establish guidelines including sanctions & incentives for juveniles.</p>				<p>\$1,178,200</p> <p>AG: \$178,200 Jud: \$1,000,000 DHS reallocation: \$3,636,000 FY2018</p> <p>CCJJ: \$221,500 [FY2019]</p>
<p>HB 248 S01</p>	<p>Domestic Violence Related Amendments</p>	<p>Rep. Christensen</p>	<p>OPP</p>	<p>Creates 'continuous protective order.' New class A & DV offense subject to enhanced penalties. Victim may designate representative. Requires notice to victim prior to release. Anticipate 2,450 potential cases. \$251,500 note not funded.</p>	<p>New Class A & DV Enhancement</p>	<p>\$1,140 fine</p>	<p>5</p>	
<p>HB 250 S02</p>	<p>Driving Under the Influence Program Amendments</p>	<p>Rep. Fawson</p>	<p>N/P</p>	<p>Authorizes appropriation & court order to participate in DUI 24/7 sobriety program. Requires DLD to shorten license suspension periods if participating. Requires DPS to administer pilot program & grants rulemaking authority. \$100,000 note funded in 2017.</p>		<p>\$3/Test 2x/Day</p>		

HB 274 S04	Human Trafficking Modifications	Rep. Romero	N/P	Expands definition of human trafficking to include creating/exploiting relationship where person is dependent upon actor. Authorizes court to vacate conviction for specified offenses if convicted individual is found to have acted under force, fraud or coercion. Dissemination prohibitions same as SB12.		\$50 fee		
HB 354	Digital Piracy Amendments	Rep. Gardiner	N/P	Defines amount of recordings in existing offenses to include commercially equivalent amount.				
HB 369 S04	Criminal Penalty Enhancements for Sexual Offenses	Rep. Fawson	OPP	1-degree penalty enhancement for sexual offenses if infected with HIV/Acquired Immunodeficiency Virus/ Hep B/ Hep C and offender knew of infection at time of offense. 1 st degree not subject to enhancement.	Penalty Enhancement	\$1,330 fine		
HB 379	Classification of Theft Amendments	Rep. King	PRI	Removes element of “armed with dangerous weapon” from 2 nd degree felony theft statute. 3+ thefts in 10 years with 1 class A requires threshold value of \$500+. Eliminates a 2 nd degree felony & potentially reduces >20 felony offenses to misdemeanors.				
HB 380 S01	Sex Offender Registry Amendments	Rep. Hall	S/C	Requires notification to Corrections in 3 days if conviction is modified/withdrawn/set aside/ vacated/ altered. Allows DOC to intervene in registry actions.				
HB 398 S02	Procurement Code Amendments	Rep. Froerer	B/S	Creates greater transparency in procurement process. Establishes it is unlawful to knowingly subdivide in order to avoid standard process: 2 nd degree felony >\$1,000,000; 3 rd degree felony >\$250,000; class A >\$100,000; class B <\$100,000. Creates class A for threatening public officer.	(1) New 2nd Degree Felony; (1) 3rd; (2) A’s; (1) B			
HB443 S02	Penalty for Targeting Law Enforcement Officer	Rep. Ray	OPP	Targeting law enforcement officer means committing offense involving unlawful use of force & violence against officer, causing serious bodily injury/death in furtherance of political/social objectives to intimidate/coerce civilian population, influence/affect conduct of government/ unit. Aggravated assault targeting officer resulting in serious bodily injury is 1 st degree felony. Targeting officer added to list of aggravating factors eligible for aggravated murder.	New 1st Degree Felony & Penalty Enhancement			
HB 446	Sentencing Guidelines Amendments	Rep. Ivory	SUP	Requires Board of Pardons/Parole to develop and use list of criteria in any decisions regarding parole/ pardon/restitution/fines/commutation/termination.				

Senate Bills

Bill	Title	Sponsor	USC Pos.	Description	Penalty Changes	Increased Fine or Fees	Anticipated Prison Admissions	Anticipated Fiscal Impact
SB 12 S01	Expungement Amendments	Sen. Thatcher	PRI	Court shall consider as factor in favor of 402 reduction that level of offense has been reduced by law since conviction. Pardons/infractions/traffic/minor regulatory offenses/ substantially similar local ordinance violations do not count toward expungement eligibility. Current certificate of eligibility limits increase by 1 at 10+ years from date of last conviction/ release/ parole/ probation. BCI may deny certificate to anyone who “knowingly provides” false information. A pardon has “at least” the same legal effect as expungement. BOPP may not divulge identifying information other than to pardoned person. BCI records may be provided to federal authorities “only as required” by federal law. Expungement does not prevent an agency from maintaining/ sharing/ distributing record as required by law. Current class A limited to knowing/intentional prohibited dissemination by employee/agent of agency. Anticipate 200 additional applicants.				\$70,600
SB 31 S01	Protection of Law Enforcement Officers’ Personal Information	Sen. Ipson	S/C	Creates class B for knowingly posting law enforcement officer or immediate family members’ personal information on Internet. Creates class A if serious bodily injury results. Civil damages of up to \$4,000 if solicit/ sell/ trade personal information if dissemination poses imminent & serious threat to safety and person knows or reasonably should know of threat to safety.	New Class A & Class B	\$1,000 fine & <\$4,000 damages		
SB 37	Statewide Crisis Line	Sen. Thatcher	SUP	Creates Mental Health Crisis Line Commission; modifies membership & reporting requirements. Duties include identifying method to integrate existing local crisis lines to ensure access/connection to qualified professional; study implementation of statewide line; staffing; funding; coordination with local authorities.				\$4,500

<p>SB 71 S01</p>	<p>Criminal Accounts Receivable Amendments</p>	<p>Sen. Thatcher</p>	<p>PRI</p>	<p>Repeals/replaces/enacts Criminal Accounts Receivable & Defense Costs. Criminal activity is misdemeanor or felony; includes no contest pleas. Requires court to determine if costs appropriate. Fines and defense costs removed from condition of probation. <1-year jail limited to felony probation. Court may impose other terms to ensure public safety or increase likelihood of success on probation. 28<90 days past due=delinquent; >90 days=default. Allows court to modify amounts and payment schedules to avoid default. Court may transfer debt collection to OSDC >30 days; shall transfer >90. Transfer does not affect court monitoring of probation conditions. Prosecutor/court/judgment creditor/OSDC may motion contempt for delinquency. Moving party or court clerk shall provide declaration of nature of debt & delinquency. Indigent defendant entitled to appointed counsel if court considering incarceration as potential sanction. Contempt is proof beyond reasonable doubt that aware of obligation; had capacity to pay in manner ordered by court & did not make good faith effort. Contempt sanctions limited to 1 day/\$100 owed, <5 days for class B/C & <30 days for class A/felony. \$100 per day credit excludes restitution. May proceed with contempt or probation violation proceedings if restitution is term of probation.</p>				<p>\$74,000</p>
<p>SB 76 S01</p>	<p>Post-conviction DNA Testing Amendments</p>	<p>Sen. Hillyard</p>	<p>SUP</p>	<p>Person convicted of felony offense may at any time file petition for post-conviction DNA testing by alleging factual innocence under oath & reasonable probability would not have been convicted or would have received lesser sentence if evidence presented at original trial.</p>				<p>\$44,600</p>
<p>SB 87 S04</p>	<p>Civil Asset Forfeiture Revisions</p>	<p>Sen. Thatcher</p>	<p>B/S</p>	<p>Upon seizure of property, police to issue receipt with time periods in forfeiture process/ what occurs if convicted/ acquitted/ how to make claim for return. If <\$10,000 and no criminal information filed <60 days of service of forfeiture complaint/ dismissed/ not refiled/ no extension granted, property shall be returned. Defines innocent owner & recovery process. Prevailing party may recover attorney fees/costs <50% of value of property (prev.20%). Potential reduction of \$1.7M annual pass-through from restricted account.</p>				

SB 96	Unsecured Load Amendments	Sen. Harper	B/S	Defines unsecured load and creates penalties. Warning; Infraction if safety hazard; class B if motor vehicle accident; class A if serious bodily injury/ death results.	New Class A & B			
SB 111 S03	Unmanned Aircraft Amendments	Sen. Harper	N/P	Exempts unmanned aircrafts from state registration requirements & preempts local ordinances. Warning, Infraction & class B for unsafe operation of unmanned aircraft; class B for unmanned aircraft equipped with weapon/ trespass/ privacy violation/ voyeurism; class A for trespass of dwelling/ voyeurism of child <14. Exempts activities consistent with FAA rules.	(2) New Class A's; (5) B's & Infraction	\$4,450 fine Class A; \$1680 fine Class B		
SB 118 S01	Criminal Law Amendments	Sen. Thatcher	S/C	Defines computer technology & critical infrastructure. Adds "economic loss or other loss" to amount listed for current penalties. 3 rd degree for intentional/ knowing interference; 3 rd for false alarm alleging ongoing act/ imminent threat to cause bodily harm/serious bodily injury/ death; 3 rd for making false report to dispatch of emergency involving threat of serious bodily injury/ death; 2 nd if responders cause physical injury.	(1) New 2nd Degree Felony; (3) 3rd's			
SB134 S01	Indigent Defense Commission Amendments	Sen. Weiler	SUP	Expands Indigent Defense Commission to include 2 juvenile defense attorneys: delinquency & child welfare experience preferred. Prohibits prosecutor solely employed as such from membership. Creates assistant director position. Service providers shall separately account for criminal, parental & juvenile delinquency defense. Counsel shall be provided at all stages to indigent parties in juvenile delinquency & child welfare. Amends grant application provisions.				\$157,700
SB 167	Bail Amendments	Sen. Adams	B/S	Allows release by written undertaking or an equal amount of cash bail.				
SB 169	Judiciary Amendments	Sen. Hillyard	SUP	Requires mayor of city/town/county to fill vacancy of justice court judge & allows contract with another jurisdiction for judicial services until position filled. District court & parties may agree to retain jurisdiction on hearing de novo from pretrial order.				
SB 215	Master Offense List	Sen. Thatcher	HOLD	Requires Sentencing Commission to create master offense list: document of all offenses in statute and associated penalty. Shall be created by May 1, 2017; updated annually by June 30; and presented to Law Enforcement & Criminal Justice Interim Committee.				

SB 226	Permanent Criminal Stalking Injunction Amendments	Sen. Weiler	N/P	Conviction for stalking/attempt to commit stalking/plea in abeyance serves as application for permanent criminal stalking injunction limiting contact.				
SB 227	Doxing Prohibition Amendments	Sen. Stephenson	OPP	Prohibits disclosure/dissemination of identifying information with intent/knowledge information will be disseminated. Class B if electronic communication results against adult; class A on 2 nd ; 3 rd on 3 rd . Class A if against minor & 3 rd degree on 2 nd .	(2) New 3rd Degree Felonies; (2) New A's; New B			
SB 230	Solicitation Amendments	Sen. Weiler	OPP	Renames 'house' to 'place' of prostitution. Sexual activity includes 'offers or agrees to engage' & 'takes steps in arranging a meeting through any form of advertising.' Extends 'functional equivalent of a fee' to solicitation offenses. Patronizing prostitution penalty increased to class A; 3 rd is a 3 rd . Aiding prostitution penalty increased to class A; 2 nd is a 3 rd . For new penalties/ exploitation/ aggravated exploitation maximum fine shall be ordered, may not be waived.	(2) New 3rd Degree Felonies; (2) A's			
SB 232	Cyber Exploitation Amendments	Sen. Bramble	N/P	Creates crimes of sexual extortion & aggravated sexual extortion. Prohibits person 18+ from threatening distribution of intimate image with intent to coerce sexual contact or recording. Sexual extortion is a 3 rd degree felony; aggravated sexual extortion is 2 nd ; aggravated sexual extortion of child is 1 st . Crimes are registerable. \$400 BOPP fiscal note not funded.	(1) New 1st Degree Felony; 2nd & 3rd	\$5,800 fine/fee	1	\$32,600
SB 235	Assault & Threat of Violence Amendments	Sen. Thatcher	SUP	Enhanced penalty for assault against school employee/ peace officer/ military service member in uniform/ health care provider/ emergency medical service worker includes both assaults and threats of violence.		\$3,700 fine/fee		
SB 239	Interfering with a Peace Officer	Sen. Weiler	SUP	Interfering with peace officer applies to any person, not just person being detained. Recording actions with camera/ mobile phone does not by itself constitute interference/ resistance/ disorderly/ obstruction.				
SB 242 S01	Government Records Access & Management Act Amendments	Sen. Bramble	S/C	Governmental entity is not required to respond to record request submitted by person confined in correctional facility following conviction. Does not apply to first 5 requests per calendar year for record containing specific reference to individual or attorney.				
SB251	Local Government Criminal Penalty Amendments	Sen. Thatcher	N/P	Effective May 1, 2018, a municipal officer who is not a law enforcement officer may not issue a criminal citation for a misdemeanor violation.				

SB 261 S01	Substance Use Disorder Programs	Sen. Mayne	B/S	Requires USUMHAC to convene a workgroup to study recovery residence issues. Committee created to establish competitive application process for funding local plans. Committee to include Sheriffs, SWAP, DSAMH & UAC. Distribution of \$6 Million appropriation & ongoing to be used for prevention/ treatment/ recovery support services that reduce recidivism or per capita number of incarcerated offenders with SU/MH disorder. \$20,400,000 appropriations direct to counties under SB2 Item 91.				
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2017 Penalty Impact Totals *									
New 1 st Degree Felonies	New 2 nd Degree Felonies	New 3 rd Degree Felonies	New Class A Misdemeanors	New Class B Misdemeanors	New Class C Misdemeanors	New Infractions	New Fines or Fees	Anticipated Prison Admissions per year	Anticipated Fiscal Impact ^a
2	6	16	17	14	7	2	18	12	\$2,467,600
2016 Totals									
	2	6	3	5	2	41	9	1	\$74,542,000
2015 Totals									
1		5	11	16	38	257	9		\$15,051,000
2014 Totals									
		4	5	7	1		5		\$105,600

* New Crime Penalty Totals for 2017 include new penalties which did not exist previously; does not include eliminated penalties.

^a Anticipated fiscal impacts predict costs to state agencies projected for FY2018. Does not include line item expenditures, ongoing costs, costs to local govts. or savings. *FY2019 in italics.*

2017 Bill Summary - Totals			
Total Number of Bill Files Opened:	1,272		
Total Number of Bills Passed:	535		
Total Number of Bills Vetoed:	1		
Bills on CCJJ Legislative Tracking Report:			
	160		
Substantive Number of Positions Taken by USC:	130		
Sentencing Commission Positions:			
Beyond Scope (--) :	62		
No Position (N/P):	12		
Hold (H):	2		
Oppose (OPP):	25	* 13 Still Passed	52%
Support Concept (S/C)	9	* 7 Passed	78%
Support (SUP)	23	* 17 Passed	74%
Priority (PRI)	4	* 4 Passed	100%