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# Adult Sentencing, Release, & Supervision Guidelines



This manual and interactive forms can be found at  
<https://justice.utah.gov/Sentencing/>

## Utah Sentencing Commission

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# I. Introduction - Who Wrote These Guidelines?

## THE SENTENCING COMMISSION

The Utah Sentencing Commission is a group of 17 statutorily designated and appointed members representing all facets of the state criminal justice system, including: judges, prosecutors, defense attorneys, law enforcement officials, treatment specialists, corrections officials, parole authorities, juvenile justice representatives, and other stakeholders.

## STATUTORY CHARGE

The Sentencing Commission is charged pursuant to Utah Code § 63M-7-404.3 with establishing and maintaining guidelines regarding the sentencing, release, and supervision of juvenile and adult individuals who commit delinquent or criminal offenses, in order to:

- accept public comment;
- relate sentencing practices and correctional resources;
- increase equity in criminal sentencing;
- better define responsibility in criminal sentencing;
- enhance the discretion of sentencing judges while preserving the role of the Board of Pardons and Parole and Youth Parole Authority;
- take into account an offender's risk of reoffending;
- relate the length of supervision to the amount of time an offender has remained under supervision in the community;
- incorporate appropriate evidence-based probation and parole supervision policies and services that assist offenders in successfully completing supervision and reduce incarceration rates from community supervision programs while ensuring public safety.

Beginning January 1, 2025, these guidelines have also been approved by concurrent resolution of the Utah State Legislature.



# What Do These Guidelines Do?

## PURPOSE OF GUIDELINES

The Sentencing, Release, and Supervision Guidelines are intended to help structure decision making, incorporate an evidence-based criminal justice philosophy, eliminate unwarranted disparity, and provide a tool to match resources with needs while maintaining the discretion of the sentencing, release, and supervision authority. The Guidelines do not create any right or expectation on behalf of any individual, nor do they create a liberty interest on behalf of an individual convicted of a crime. If the Guidelines conflict with any statute, the statute prevails.

## GOALS OF SENTENCING, RELEASE, AND SUPERVISION

An appropriate sentence should serve three main goals:

- 1) **Risk management** - imposing a sanction appropriate for the offense, the risk presented by the individual, and any threat to public safety
- 2) **Risk reduction** - reducing recidivism risk by targeting resources to the individual's risks and needs
- 3) **Restitution** - repayment of damages to the victim or community impacted by the offense

Although it may not always be possible to serve all three goals simultaneously or perfectly, sentencing, release, and supervision terms should be structured so that each goal is meaningfully addressed.

## RESEARCH AND DATA

The National Institute of Corrections, under the US Department of Justice, recommends "objective, balanced, and responsible use of current research and the best available data" to guide policy decisions. The Sentencing Commission works with the Commission on Criminal and Juvenile Justice to review the latest research and data and uses it to inform these guidelines whenever possible. Effective sentencing principles backed by significant research and data are incorporated throughout the guidelines and noted where relevant.

For more on the research and data underpinning these guidelines, visit [justice.utah.gov](https://justice.utah.gov).



# How Should These Guidelines Be Used?

## THREE STAGES OF SENTENCING, RELEASE, AND SUPERVISION

Sentencing, release, and supervision of criminal offenders can be broken down into three main stages: **Assessment, Behavior Management, and Termination**. The three stages do not occur sequentially—for example, individuals may be assessed when initially sentenced, assessed again when placed on supervision, and assessed again prior to termination. But every action related to the sentencing, release, and supervision of an individual can be categorized in one of these stages.

All of the **behavior management forms, behavior management tools, supervision length guidelines**, and other processes laid out in prior versions of these Guidelines are now included in the stage where they can best be used to inform decision making.

### 1) ASSESSMENT - WHO?

The purpose of the assessment stage is to understand the risk and needs of the individual being sentenced. Sentencing, release, and supervising authorities should assess the individual to determine the risk level, need level, and criminogenic risk and protective factors affecting the individual. Tools like **validated risk assessments** are invaluable during the assessment phase, but they are not a substitute for a **structured decision-making process** that accounts for all of the unique factors presented by each case.

### 2) BEHAVIOR MANAGEMENT - WHAT?

The purpose of the behavior management stage is to direct sentencing resources both to **manage the instant risk presented by the individual and meaningfully reduce that risk over time**. Behavior management may include incarceration to incapacitate high risk individuals, paired with risk reduction programming available in custody. Behavior management may also include community-based programming available during supervision. Assessment should inform behavior management, with **incarceration and intensive supervision resources directed at cases of higher risk and severity**. Low risk individuals may need less behavior management to succeed.

### 3) TERMINATION - WHEN?

The purpose of the termination stage is to determine when the purposes of sentencing, release, and supervision have been sufficiently served such that the sentence should be terminated. Terminating a sentence at the appropriate time is critical to successfully transitioning an individual back into the community. Planning for termination is a critical piece of sentencing, release, and supervision.



## II. ASSESSMENT OVERVIEW

### WHAT IS ASSESSMENT?

Assessment is the process by which the sentencing, release, and supervising authorities determine the unique risks and needs presented by the individual to help craft an appropriate behavior management plan. A validated risk and needs assessment ("RNA Tool") is an integral part of this analysis.

### WHAT ARE VALIDATED RISK ASSESSMENTS?

Validated risk and needs assessments ("RNA Tools") are actuarial tools that look at both static and dynamic factors to assess an individual's risk to re-offend and help create case plans in order to address needs and reduce that risk. Validated tools have been checked against actual results to ensure their accuracy.

**Research has consistently confirmed that using validated RNA Tools to inform decision-making is more accurate than professional judgment alone in predicting risk of recidivism.** Professional judgment guided by RNA Tools can provide for better outcomes and more effective behavior management plans. For a more in-depth history of risk assessments, visit: <https://psrac.bja.ojp.gov/basics/history>.

### HOW SHOULD I USE A VALIDATED RISK ASSESSMENT?

RNA Tools can identify the specific dynamic risk factors that influence whether a particular individual is likely to re-offend. They identify the appropriate targets for interventions which, if effective, will reduce the probability of recidivism. **Supervision and treatment resources should then be tailored based on the risk and needs assessment, as one part of a structured decision making process.**

### WHAT ARE THE LIMITS OF VALIDATED RISK ASSESSMENTS?

Sometimes incomplete information can skew the results of risk assessments. It is therefore important to make sure all relevant information is provided to the assessor. Additionally, some risk assessments work better under specific sets of circumstances. To learn more about the strengths and weaknesses of a specific risk assessment tool, go to: <https://www.rma.scot/research/rated/>

RNA tools are statistically accurate in predicting general risk across a large numbers of individuals, but no assessment tool can definitively predict a particular individual's future behavior. When someone scores low on a risk assessment, it does not mean that the individual is fine or has no need to change. On the other hand, when someone scores high-risk on an assessment, it does not mean that there is no hope for that person to change. For these same reasons, RNA tools may not capture individualized risk in case-specific situations, such as risk to a particular victim.

**RNA tools were not designed to replace the proportionality and culpability analysis in Behavior Management Forms 1 - 7.** The tools were designed to structure supervision, treatment, and programming. RNA tools are not intended to replace professional judgment, but to better inform decision-making.

For more information, go to: <https://psrac.bja.ojp.gov>





## Assessment Tools Used in Utah

The following chart summarizes some of the assessment tools currently used to help inform decision-making in sentencing, release, and supervision:

Type of Tool	RNA Tool	Description
General Risk Screening	LSI-R:SV	Screening instrument used where it may not be feasible to complete a full assessment. Predicts violent recidivism and violations while under community supervision, as well as institutional misconduct. Also indicates which offenders may require a complete assessment.  Used in jail, pretrial, or probation intake as a triage tool.
General Risk Assessment	LS/RNR	Measures risk and need factors including the “Central 8” target measures. Assesses rehabilitation needs, risk of recidivism, and other factors relevant to directing supervision and programming. Captures both general and specific risk/need factors. Informs case action plan.  General assessment tool used to help inform decision-making during the probation, prison, and parole processes. Reassessments conducted every 12 months during community supervision and every 12 months during institutional supervision or upon significant change to an assessed factor.
Sex Offense Static Risk Assessment	VASOR-2	Static risk tool used to assess risk among adult male sex offenders for most sex offenses. Assesses severity of offense and risk of re-offense. Designed for use by mental health professionals and probation and parole officers. Should be used in conjunction with a dynamic risk measure (SOTIPS).
Sex Offense Dynamic Risk Assessment	SOTIPS	Dynamic risk tool used to assess risk, treatment, supervision needs, and progress among adult male sex offenders for most sex offenses. Designed for use by mental health professionals and probation and parole officers. Should be used in conjunction with a static risk measure (VASOR-2)
Sex Offense Static Risk Assessment	Static 99	Measures static risk factors, or historical risk factors, that have been found in research to predict sexual re-offense. The score on the STATIC-99 can range from 0 to 12 and risk classifications include low, medium-low, medium-high, and high risk. Each risk level is associated with a probability of sexual re-offense for the study sample for 5, 10, and 15 years.
Sexual Exploitation of a Minor (Child Pornography) Offenses	CPORT	Static risk tool used to assess adult males convicted of Sexual Exploitation of a Minor (Child Pornography) offenses. Scores individuals from 1-5 based on validated risk factors. Used to direct treatment resources.
Adverse Childhood Experience Analyss	ACEs	A large body of research links Adverse Childhood Experiences (ACEs) to chronic health problems, mental illness, and substance misuse in adulthood. ACEs can also impact future violence victimization and perpetration. Toxic stress from ACEs can change brain development and affect things such as attention, decision-making, learning, and response to stress.  ACEs are not an aggravating factor, but are assessed at corrections intake and as part of presentence investigations to help direct resources and create a trauma-informed case action plan.

For a complete and regularly updated list of RNA Tools in Utah, visit: [justice.utah.gov/sentencing](https://justice.utah.gov/sentencing)  
To learn more about available assessment tools, visit: <https://www.rma.scot/research/rated/>



### III. BEHAVIOR MANAGEMENT – OVERVIEW

#### WHAT IS BEHAVIOR MANAGEMENT?

In the behavior management phase, the sentencing, release, and supervision authorities determine what measures, including incarceration, community supervision, risk reduction programming, or other responses, will serve the goals of **risk management, risk reduction, and restitution**.

The **Behavior Management Decision-Making Framework** can help the sentencing, release, or supervision authority determine when to use incarceration resources and when community supervision is appropriate.

#### INCARCERATION AND BEHAVIOR MANAGEMENT

Determining whether and when to use incarceration is one of the most important tasks of sentencing, release, and supervision.

Incarceration can serve to incapacitate individuals who present risk that cannot be managed in the community. Incarceration is also one tool sentencing, release, and supervision authorities have to hold individuals accountable for significant harm to a person or a community.

Incarceration on its own should not be considered a behavior management tool that reduces risk, aside from the initial period of incapacitation. **Research has shown incapacitation has minimal specific deterrence effects on the individual upon release.<sup>1</sup> Incarceration can increase risk factors for lower risk individuals. Where incarceration is ordered, it should be paired with effective risk-reduction programming.**

Incarceration terms laid out in **Forms 1-6** reflect typical sentencing and release practices for the offenses and criminal history scores at issue. **Form 7** is intended to help sentencing, release, and supervising authorities determine when to deviate upward or downward from those typical sentences.

#### COMMUNITY SUPERVISION AND BEHAVIOR MANAGEMENT

Community supervision requires monitoring individuals for compliance with the case action plan, responding to accomplishments and violations during the supervision term, reporting significant accomplishments and violations back to the sentencing or release authority, and determining when termination of supervision is appropriate.

These guidelines include a number of tools designed to help supervising authorities carry out these tasks. The **Evidence-Based Supervision Practices Tool (Tool 1)** helps structure effective supervision practices. The **Supervision Accomplishment and Violations Tools (Tools 2A and 2B)** help supervising entities recognize relevant accomplishments and violations during supervision. The **Decision-Making Authority Matrix (Tool 3)** helps supervising entities determine which behaviors can be addressed by supervising authorities and which need to be reported back to the sentencing or release authority. The **Graduated Incentives and Response Tools (Tools 4 and 5)** help determine the appropriate response to accomplishments and violations. Finally, the **Supervision Length Guidelines** dictate the length of supervision and provide guidance on when to consider termination.

1

Petrich, Damon; Pratt, Travis; Jonson, Cheryl; Cullen, Francis. "Custodial Sanctions and Reoffending: A Meta-Analytic Review." *Criminal Justice* Vol. 50. Sept. 22, 2021.



# BEHAVIOR MANAGEMENT DECISION FRAMEWORK

Risk assessments and behavior management forms serve as an anchor to help guide sentencing, release, and supervision decisions, but they are not a substitute for a complete analysis of the specific factors in each case. This decision framework can help sentencing, release, and supervision authorities ensure evidence-based factors are considered to craft the best behavior management plan to serve the goals of risk management, risk reduction, and restitution<sup>1</sup>:

**Risk Assessment** - An RNA tool helps determine an offender's likelihood of reoffending and remains the best starting point for assessment. Using validated RNA Tools to inform decision-making is more accurate than professional judgment alone in identifying risks and needs.

**Offense/Violation Severity** - The severity of the instant offense(s) is an important factor. More severe offenses generally require a more intensive response. The **Behavior Management Forms** account for risk and severity and provide an anchor point for this part of the analysis.

**Criminal History** - Past behavior is a strong predictor of future behavior - a pattern of: early onset of crime, multiple incarcerations, prior violations, and criminal versatility are all related to increased likelihood of recidivism. Individuals whose crimes increase in severity are of increased concern. Crime-free periods reflect increased stability and reduced likelihood of recidivism. The criminal history score calculated in the appropriate **Behavior Management Form** accounts for these factors and provides an anchor point for this part of the analysis.

**Institutional / Community Behavior:** Poor institutional adjustment and behavior during community supervision is related to post-release recidivism. Minor infractions, committed earlier in the offender's sentence, may be less predictive. Good institutional adjustment alone is not predictive of successful outcomes.

**Ability to Control Behavior** - Poor self-regulation is a common aspect of criminal behavior, but considerable difficulty in controlling behavior -- cognitive distortions, entitlement, callousness, and sexual deviance -- may indicate increased risk.

**Risk Reduction Programming / Responsivity** - Consider risk-reduction programming that has targeted or will target the individual's risk and needs. Programs tailored to the individual's risk, cognitive abilities, gender, learning style, and mental health are more effective.

**Evidence of Change** - Completion of risk reduction programming, significant crime-free periods, a reduction in risk score on a validated RNA tool, ability to articulate insights related to past behavior, and other evidence of change in behavior patterns is linked to improved outcomes. Change that reflects an understanding of the impact of the crime on victims and the community is particularly important.

**Community Supervision Plans** - Consider the options available to manage the individual's risk in the community. What resources--employment, pro-social relationships, effective supervision--are available to aid with success in the community? Does the individual have a concrete and realistic plan for reintegration into the community?

**Case-Specific Factors** - Consider any other factors unique to the case that warrants special consideration. Although these are not evidence-based factors, offense notoriety or severity of victim or community impact may be important considerations.

<sup>1</sup> This list was developed from Parole Board Canada's Decision Framework, 2011, Ralph C. Serin



# BEHAVIOR MANAGEMENT FORMS – INSTRUCTIONS

The Behavior Management Forms are available in an electronic format. They may be accessed through the Sentencing Commission's website at <https://justice.utah.gov/Sentencing/>.

Except for consecutive and concurrent enhancements, statutory sentencing enhancements are not included in the context of these guidelines. For example, Utah law concerning repeat and habitual sexual convictions, Utah Code § 76-3-407, or group enhancements, Utah Code § 76-3-203.1, should be considered outside of and in addition to these guidelines.

These are guidelines only. The sentencing authority retains discretion to deviate from these guidelines. **If there is any conflict between these guidelines and any statute, the statute prevails.**

## CRIMINAL HISTORY SCORING INSTRUCTIONS (ALL FORMS)

The purpose of the Criminal History Scoring is to provide a standard frame of reference to reduce or enhance the severity of the sentence based on the prior criminal history and supervision history of the individual. **Only score the single highest point option within a given category.** Do not check multiple scores in a single category and then add them. Any negative points which are deducted for the most recent post-conviction crime-free gap period may not reduce the total score below 0. The term "prior" is used throughout the criminal history scoring. When scoring the Forms, the term "prior" means a conviction or adjudication sentenced prior to the current offense regardless of date of offense.

### PRIOR FELONY CONVICTIONS

- Only prior adult felony convictions with separate adult case numbers that have already been sentenced are counted.
- Where military, federal, or other state(s)' records are available, court martial convictions or other convictions that would be equivalent to a felony offense penalty in Utah are counted.
- If multiple convictions arise from a previous single criminal episode, one felony conviction from each separate adult case number is counted.
- The current offense(s) are not counted.
- Dismissed cases, intelligence information, numerous prior arrests, etc. are not counted
- A "single criminal episode" is defined as "all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective." Utah Code § 76-1-401.

### PRIOR CLASS A MISDEMEANOR / CLASS B PERSON OR DUI CONVICTIONS

- Only prior adult Class A Misdemeanor convictions, Class B Misdemeanor person offenses (see Addendum B), or Class B Misdemeanor DUI offenses (see 41-6a-502(2)(a)), with separate adult case numbers that have already been sentenced are counted.
- Where military, federal, or other state(s)' records are available, court martial convictions or other convictions that would be equivalent to a Class A misdemeanor offense, Class B Misdemeanor person offense (see Addendum B), or Class B Misdemeanor DUI (see 41-6a-502(2)(a) offense penalty (i.e. up to 365 days in jail) in Utah are counted.
- A DUI conviction is defined the same as in 41-6a-501(2)(a), which includes prior convictions for DUI, Impaired Driving, Driving with Any Measurable Controlled Substance, Negligently Operating a Vehicle Resulting in Injury, Refusal of a Chemical Test, Alcohol-Related Reckless Driving (committed prior to July 1, 2008), and similar offenses from other jurisdictions.
- If multiple convictions arise from a previous single criminal episode, one conviction from each separate adult case num-

ber is counted.

- If multiple convictions arise from a previous single criminal episode that includes both felony and misdemeanor convictions and an adult felony conviction from that episode has already been counted under “Prior Felony Convictions,” a misdemeanor conviction from that episode is not counted unless there are separate adult case numbers.
- The current offense(s) is not counted.
- Dismissed cases, intelligence information, numerous prior arrests, etc. are not counted, but may be considered in the aggravating and mitigating circumstances section of the guidelines.
- A “single criminal episode” is defined as “all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective.” Utah Code § 76-1-401.

## SUPERVISION HISTORY

- This item includes only adult supervision history.
- Only post-adjudication or post-conviction federal, AP&P, private or county supervision is counted.
- Neither pre-trial supervision nor pre-trial jail time is counted.
- Instances of court or bench probation without a supervising entity should generally not be considered. Removal from a Problem Solving Court is the sole exception.
- Every Problem-Solving Court or “RIM” violation/sanction should not be counted in this section. An Order to Show Cause with revocation and actual removal from the Problem-Solving Court is required in order to count in this section.
- Points are given if the current offense(s) occurred while the individual was on post-adjudicated or post-conviction federal, state, county, or private supervision. This includes if the current offense occurred while the individual was in jail or prison.
- Points are also given if the current offense(s) occurred while the individual was in a Problem-Solving Court when the offense resulted in actual removal from the Problem-Solving Court.
- “Prior Revocation” includes a revocation and reinstatement of probation from the courts, a revocation of probation and imposition of jail time, a revocation of probation and sentence to prison, or a revocation of parole from the Board of Pardons and Parole. A continuation of probation or parole is not counted as a “prior revocation”.
- Supervision for traffic violations and minor regulatory offenses are not counted.
- Instances of supervision as a juvenile are not counted in this section.

## PRIOR PERSON OR FIREARM CONVICTIONS

- Only prior adult or juvenile person or firearm convictions/adjudications that have already been sentenced are counted.
- Where military, federal, or other state(s)’ records are available, court martial convictions or other convictions that would be equivalent to the Utah penalty for the specific offenses referenced in this section are counted.
- “Misdemeanor Person Offenses” include misdemeanor offenses listed in Addendum B specifically as person crimes.
- “Felony Person Offenses” include felony offenses designated in Addendum B specifically as person crimes.
- “Person Crime or Firearm Convictions” may include offenses not counted in other sections of the criminal history scoring.
- “Person Crime Convictions” may include juvenile dispositions beyond the ten (10) year limitation in the following section.
- “Firearm Offenses” include felony offenses specifically designated in Utah Code § 76-10-500 et seq. Class A misdemeanor or firearm offenses are not included here but would receive points under “Prior Class A Misdemeanor Convictions.”
- “Homicide Offenses” include offenses specifically designated in Utah Code § 76-5-201 et seq. Prior sex offenses count as person offenses for purposes of criminal history calculation if they involved a human victim.
- The current offense(s) is not counted.

## PRIOR JUVENILE ADJUDICATIONS

- In order to be counted in this section, the date of the juvenile adjudication must have occurred within ten (10) years of the current conviction date.
- Where other state(s)’ records are available, juvenile delinquency adjudications that would be equivalent to the offense

penalty in Utah are counted.

- Juvenile felony adjudications that result in a finding of delinquency are counted and should be substantiated on the record by AP&P for sentencing purposes as well as future recalculation(s) by the Board of Pardons & Parole.
- Every three (3) juvenile Class A misdemeanor adjudications which result in a finding of delinquency count the same as one (1) juvenile felony adjudication.
- If multiple adjudications arise from a previous single criminal episode, only one finding of delinquency from that episode is counted.
- Status offenses committed as a juvenile are not counted.
- A “single criminal episode” is defined as “all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective.” Utah Code § 76-1-401.
- Prior Class A misdemeanor adjudications should not be rounded up. For example, less than 3 Class A misdemeanors = 0 felonies, 3 to 5 misdemeanors = 1 felony, and 6 to 8 Class A misdemeanors = 2 felonies.
- Only those cases that resulted in a finding of delinquency should count. In other words, some adjudication of guilt in the juvenile system must be found before points are allotted here. Care must be exercised since not every entry on a juvenile record represents an adjudication.

### **MOST RECENT POST-CONVICTION CRIME-FREE GAP**

- This section replaces the previous subtraction of one point in the Supervision History section for “successful completion” of supervision.
- Both adult and juvenile offenses with either a conviction or a delinquency adjudication are considered in this section.
- For past offenses sentenced initially to probation with no jail time imposed, the calculation begins at the date of original sentencing or entry of plea in abeyance (unsuccessful PIA).
- For past offenses sentenced initially to probation with jail time imposed, the calculation begins at the end of the jail time imposed at sentencing, as indicated in the judgement and commitment.
- For past offenses committed to prison, the calculation begins at the date of release from prison.
- For juvenile offenses, the calculation begins at the date of adjudication for offenses that did not result in secure care placement; or from the secure care placement release date for offenses that did result in secure care placement. Neither detention nor community placement is considered secure care.
- The calculation ends at the earliest offense date for which the current guideline is being scored.
- Do not count any infraction, Class C, or Class B traffic and other minor regulatory offenses against the gap, consistent with Utah Code § 77-40-102(10).
- Subtract one point after 3 or more years crime-free (in the most recent post-conviction period).
- Subtract two points after 5 or more years crime-free (in the most recent post-conviction period).
- Subtract three points after 7 or more years crime-free (in the most recent post-conviction period).
- Subtract four points after 10 or more years crime-free (in the most recent post-conviction period).
- Subtract five points after 12 or more years crime-free (in the most recent post-conviction period).
- Do **not** calculate this section if an individual has no criminal history or no qualifying criminal history.
- Do not count jail time served, jail time ordered, or other jail sentences in calculating against the crime-free gap.
- Do not calculate RIM sanctions or Problem-Solving Court sanctions including jail time against the gap.

### **TOTAL SCORE**

To arrive at this score, add up the points associated with each category in the Criminal History Score. A total score with all points counted and subtracted may not result in a score below 0.

### **CRIMINAL HISTORY ROW**

Using the Total Score, identify the appropriate Criminal History row: I, II, III, IV, or V using the chart labeled “Criminal History



Row.”

## MATRIX CALCULATION - GENERAL INSTRUCTIONS (ALL FORMS)

The rows of each matrix represent differing levels of criminal history and correspond with the total score from the criminal history score. The columns represent crime categories and correspond with the most serious current offense. The columns list both an offense level and a crime category. The various levels of shading in the matrix represent suggested dispositions (before accounting for aggravating and mitigating circumstances).

The crime category columns generally flow from left to right indicating the most severe sanction to the least severe sanction. However, this does not necessarily indicate which crimes are more severe than others. Some cells recommend a more severe placement than the cell immediately to its right, but the length of stay may actually be shorter than in the cell immediately to the right.

To determine the guidelines’ recommended disposition, locate the cell where the appropriate crime category column and criminal history row intersect. The proper crime category column is based on: (1) the felony level of the most serious presenting offense; and (2) the crime category. **Addendum B, Crime Categories** identifies specific categories for offenses.

If there are multiple current offenses, refer to **Addendum A, Crime Column Severity Listing**, as a starting place to determine which offense is the most severe and which column should be used. This listing will also indicate which matrix should be used when current offenses include both sex offenses and non-sex offenses.

In calculating the total guideline time, the crime of conviction that results in the highest guideline time is considered the leading offense, regardless of rank order in **Addendum A** or column order on the matrix forms. If the crime of conviction can be scored on multiple different forms, the form resulting in the highest guideline time should be used.

As indicated earlier, to determine the proper criminal history row, calculate the total criminal history score and use the chart labeled “Criminal History Score” to identify the row that corresponds with that score.

After having identified the proper crime category column and criminal history row, locate the cell where the column and row intersect. That cell includes the guidelines’ recommendation regarding sentencing disposition and the typical length of stay if the individual is sentenced to prison. The level of shading in that box identifies the suggested or mandatory sentencing disposition.

### MANDATORY IMPRISONMENT

Utah law mandates prison or jail terms for certain offenses. The guidelines incorporate some of the most common mandatory minimum sentences in Form 2 and Form 3. However, the guidelines do not indicate all mandatory incarceration sentences that exist in statute. **If there is any conflict between these guidelines and any statute, the statute prevails.**

### TIME ENUMERATED WITHIN INDIVIDUAL CELLS

The length of time enumerated within each cell is the typical length of stay if the individual is imprisoned at the Utah State Prison. These times apply only if the individual is sentenced to prison and do not apply if the individual is sentenced to jail as an initial term of probation or to regular probation. If there is only one active sentence, the typical guideline term is determined by simply identifying the cell where the appropriate crime category column intersects with the criminal history row. The times located within cells found in the mandatory imprisonment shaded area are not mandatory minimums.

In rare cases, the statutory minimum length of stay in prison may be higher than the typical length of stay provided in an

individual cell. This will happen only when the statutory minimum for a crime is longer than the usual statutory minimum for that felony level. For example, in the case of a third degree felony punishable by three to five years in prison. It is possible that the typical prison term indicated in the matrix will be less than three years since most third degree felonies are punishable by zero to five years in prison. In cases where the statutory minimum exceeds the typical length of stay provided in the matrix, the statutory minimum prevails.

## CONSECUTIVE OR CONCURRENT

When multiple offenses are before the court, “[t]he court shall state on the record and shall indicate in the order of judgment and commitment: (a) if the sentences imposed are to run concurrently or consecutively to each other; and (b) if the sentences before the court are to run concurrently or consecutively with any other sentences the defendant is currently serving.” Utah Code § 76-3-401(1). State statute requires the court to consider the following factors in determining whether sentences shall run concurrently or consecutively:

- Gravity and circumstances of the offenses
- Number of victims
- History, character, and rehabilitative needs of the defendant.

Utah Code § 76-3-401(2).

“The court shall order that sentences for state offenses run consecutively if the later offense is committed while the defendant is imprisoned or on parole, unless the court finds and states on the record that consecutive sentencing would be inappropriate.” Utah Code § 76-3-401(3).

If multiple convictions are ordered to run concurrently, the guidelines add 10% of the recommended length of stay for each of the shorter sentence to the full recommended length of the longer sentence. For example, consider an individual convicted of aggravated robbery with a recommended length of stay of 7 years (84 months) and also convicted of aggravated assault with a recommendation of 20 months. If the court orders the sentences to run concurrently, the guidelines recommend a length of stay of 86 months (10% of 20 mos = 2 mos + 84 mos = 86 mos).

If multiple convictions are ordered to run consecutively, the guidelines add 40% of the recommended length of stay of the shorter sentence to the full recommended length of the longer sentence. Using the same example above, if the sentences were consecutive, the guidelines would recommend a length of stay of 92 months (40% of 20 mos = 8 mos + 84 mos = 92 mos). This same approach applies even if there are three or more sentences being considered.

If there are a string of multiple offenses that are running consecutively or concurrently, add the applicable percentage of all of the shorter sentences to the longest sentence. For example, consider an individual convicted of 1) aggravated assault with a recommendation of 24 months, 2) a drug offense with a recommendation of 20 months, and 3) forgery with a recommendation of 10 months. If the judge orders the sentences to run concurrently, add 10% of both the drug offense and the forgery to the 24 months for the aggravated assault. The guideline recommendation would total 27 months (10% of 20 mos = 2 mos; 10% of 10 mos = 1 mos; 2 mos + 1 mos = 3 mos; 3 mos + 24 mos = 27 mos).

Occasionally, the longer sentence may not be from the most “severe” offense as indicated by the Crime Column Listing (by severity) as explained above. In these exceptional cases, use the longest sentence for purposes of calculating concurrent and consecutive sentences. This is done to preserve consistency in guidelines application.

All guidelines considerations of concurrent and consecutive sentencing should be consistent with the limitations in Utah Code § 76-3-401.



## SCORING BEHAVIOR MANAGEMENT FORMS FOR PLEAS IN ABEYANCE

In a plea in abeyance, the court accepts a plea of guilty or no contest by the defendant but does not enter judgment of conviction or impose sentence on the condition that the defendant comply with certain conditions set forth in a plea in abeyance agreement. The parties and the court may refer to these guidelines to inform plea in abeyance agreements, but they will not be formally scored since the case is not being sentenced.

If the plea in abeyance agreement is violated and the court imposes the sentence, the guidelines should be scored as they would at any sentencing hearing.

In rare cases where a presentence report is being written for a case or cases involving some counts resolved by plea in abeyance and others resolved by conviction, the matrix calculation should be run for offenses of conviction only, unless otherwise ordered by the court.

## CREDIT FOR TIME SERVED IN JAIL PRIOR TO SENTENCING

The sentencing authority should give credit for time served in jail prior to sentencing against any incarceration term imposed under these guidelines, if the jail time was served for the same offense for which sentencing is being imposed. See *State v. Richards*, 740 P.2d 1314 (1987). The sentencing authority has discretion to award credit for time served in other circumstances.

The Board of Pardons and Parole does not grant credit for time served when an offense is committed while an individual is incarcerated in prison. For more details on when the Board will award credit for time served against a prison sentence, see Utah Administrative Rule R671-205-2.

## CREDIT FOR TIME SERVED IN HOME CONFINEMENT, ANKLE MONITORING, OR OTHER ALTERNATIVES TO INCARCERATION

The Board of Pardons does not award credit against a prison sentence for time served on home confinement, house arrest, in a community correctional center, or in any other treatment facility while under court supervision. See R671-205-2. Utah courts may award full, partial, or no credit for home confinement, ankle monitoring, or other alternatives to incarceration against a jail sentence at their discretion. Certain statutes may also allow special forms of monitoring as alternatives to incarceration. See 41-6a-515.5; 41-6a-505(2) (24/7 Sobriety Program for DUI).

## GRIEVOUS SEXUAL OFFENSES

Utah law now identifies and defines "Grievous Sexual Offenses" as:

Rape-§ 76-5-402

Rape of a Child-§ 76-5-402.1

Object Rape-§ 76-5-402.2

Object Rape of a Child-§ 76-5-402.3

Forcible Sodomy-§ 76-5-403(2)

Sodomy on a Child-§ 76-5-403.1

Aggravated Sexual Abuse of a Child-§ 76-5-404.1

Aggravated Sexual Assault-§ 76-5-405

Any felony conviction for an attempt to commit one of the above or an offense committed in another state, territory or district of the U.S. that if committed in Utah would also constitute an offense described above.

Grievous Sexual Offenses are used in the calculation and consideration of enhanced penalties. If during the course of the trial, the trier of fact finds that the defendant has a prior conviction for a Grievous Sexual Offense, the penalty may be life without the possibility of parole ("LWOP").

## OFFENSES WITH ALTERNATIVE MINIMUM SENTENCES

For some offenses that carry a potential sentence of 15 years to life, the court may reduce the sentence to 10 to life or 6 to life if it is in the interest of justice and states reasons for the departure on the record. The offenses to which these provisions apply are:

- Child Kidnapping-§ 76-5-301.1
- Aggravated Kidnapping-§ 76-5-302
- Rape of a Child-§ 76-5-402.1
- Object Rape of a Child-§ 76-5-402.3
- Sodomy on a Child-§ 76-5-403.1
- Aggravated Sexual Abuse of a Child-§ 76-5-404.1
- Aggravated Sexual Assault-§ 76-5-405

The following sexual offenses are first degree felonies and carry a 5 years to life sentence:

- Rape-§ 76-5-402
- Object Rape-§ 76-5-402.2
- Forcible Sodomy-§ 76-5-403

However, if the trier of fact finds that during the course of the commission of the crime the defendant caused serious bodily injury to another (not necessarily the victim), the court may sentence the defendant to a term of 15 years to life.

Additionally, if the court finds that it is in the interest of justice and states the reasons for this finding on the record, the court may reduce the sentence to 10 years to life or 6 years to life.

Forcible Sexual Abuse Utah Code § 76-5-404 is a second degree felony with a 1 to 15 year sentence. If the trier of fact finds that during the commission of the crime the defendant caused serious bodily injury, the crime is a first degree felony and the court may sentence the defendant to a term of 15 years to life. If it is found that it is in the interest of justice and the court states the reasons for this finding on the record, the court may reduce the sentence to 10 years to life or 6 years to life.

## CRIMES FOR WHICH PROBATION, SUSPENSION OF SENTENCE, LOWER CATEGORY OF OFFENSE, OR HOSPITALIZATION MAY NOT BE GRANTED UTAH CODE § 76-3-406

Utah Code § 76-3-406 lists offenses for which "a court generally may not grant probation, suspend the execution or imposition of a sentence, enter a judgement for a lower category offense, or order hospitalization, if the effect would in any way shorten the prison sentence." These offenses are:

- Aggravated Child Abuse - § 76-5-109.2
- Child Torture - §76-5-109.4
- Aggravated Murder - §76-5-202
- Murder - §76-5-203
- Child Kidnapping - §76-5-301.1
- Aggravated Kidnaping - §76-5-302(3)(b)

Rape-§ 76-5-402(3)(b), (3)(c), (3)(d), or (4)  
 Rape of a Child-§ 76-5-402.1 (including attempts)  
 Object Rape-§ 76-5-402.2(3)(b), (3)(c), (3)(d), or (4)  
 Object Rape of a Child-§ 76-5-402.3 (including attempts)  
 Forcible Sodomy-§ 76-5-403(3)(b), (3)(c), (3)(d), or (4)  
 Sodomy on a Child-§ 76-5-403.1 (including attempts)  
 Forcible Sexual Abuse-§ 76-5-404(3)(b)(i) or (ii)  
 Aggravated Sexual Abuse of a Child-§ 76-5-404.3, and  
 Aggravated Sexual Assault-§ 76-5-405

A court may nonetheless suspend the imposition of a prison sentence and impose probation for these offenses if it makes a finding on the record detailing why it is in the interest of justice not to execute or impose the prison sentence and that the actor does not pose a significant risk to the victim or the general public.

### UTAH'S "JESSICA'S LAW" 25 YEARS TO LIFE

"Jessica's Law," adopted in 2008, created mandatory imprisonments terms of a presumptive 25 years to life for the following offenses:

Rape of a Child-§ 76-5-402.1  
 Object Rape of a Child-§ 76-5-402.3  
 Sodomy on a Child-§ 76-5-403.1

However, the court may impose a lesser prison term of six, 10, or 15 years to life if it is a first time offense of this type, the defendant was younger than 21 years old at the time of the offense, and the court finds that one of these lesser terms is in the interest of justice and states its reasons on the record.

**Because of these mandatory statutory provisions governing sentencing for these offenses, they are not listed on Form 3 Sex & Kidnap Offense Matrix.**

A conviction for an Attempt to Commit Utah Code § 76-4-102 or Solicitation to Commit Utah Code § 76-4-204 any of the above "Jessica's Law" offenses is punishable as a 1st Degree Felony under column A and a minimum sentence of 15 years to life. If the court finds that a lesser sentence is in the interests of justice and states the reasons for this finding on the record it may reduce the sentence to 10 years to life, 6 years to life, or 3 years to life.

### SEXUAL EXPLOITATION OF A CHILD - SPECIAL AGGRAVATION AND MITIGATION INSTRUCTIONS - FORM 7A

During the 2022 Legislative Session, Senate Bill 167 instructed the Sentencing Commission to review its guidelines as they apply to Sexual Exploitation of a Minor or Aggravated Sexual Exploitation of a Minor offenses (Utah Code § 76-5b-201; 76-5b-201.1(3)(b) and (c)) and provide specific instructions for how to consider aggravating and mitigating factors in these cases.

The Sentencing Commission identified four **special aggravating factors** that increase the seriousness of this offense and may suggest greater risk to reoffend. Those aggravating factors are:

- Possession of sexual abuse imagery depicting infant and toddler victims
- Any contact or attempted contact with a victim (including a law enforcement officer posing as a victim)
- Offense behavior, including possession or distribution of images, continued for over two years;
- Possession of over 10,000 images

If any one of those aggravating factors is identified in the present offense, the presentence investigator shall specifically list them in the report and indicate to the sentencing or release authority that special aggravation is present. If special aggravation is present, **the presentence investigator, sentencing, or release authority should consider an upward deviation. A prison sentence should be considered in cases with special aggravation, even if the matrix box is shaded for probation.**

Additionally, the Sentencing Commission recognized that younger individuals possessing imagery of victims closer to their peer age group may not present the same level of risk to reoffend as older individuals. Therefore, it is a **special mitigating factor** if the individual was younger than 25 at the time of the offense and only possessed images of victims 14 years or older or post-pubescent. **In those cases, the presentence investigator must specifically note that special mitigation is present. The presentence investigator, sentencing, or release authority should consider deviating downward.**

Special aggravation and mitigation factors in this section may be considered along with other aggravating and mitigating factors not listed here, using the same processes described in the instructions for **Form 7**.

## SEXUAL EXPLOITATION OF A CHILD - SPECIAL TIME CALCULATION INSTRUCTIONS

As part of its analysis under SB 167, the Sentencing Commission also noticed great disparity in sentencing outcomes for this offense, even when the underlying conduct was similar. Sentencing data revealed that the main factor driving differences in prison terms in these cases was not the behavior or risk of the individual, but the number of charges of conviction. Because most individuals charged with this offense possess multiple images—each one potentially giving rise to a charge—the number of charges is largely a product of prosecutorial discretion. Presented with the same facts, one prosecutor may choose to charge 100 offenses while another may choose to charge only 10 offenses.

While the Sentencing Commission recognizes and values the discretion afforded to each stakeholder in the justice system, rigid application of typical time calculation practices in this category creates unwarranted disparity. To mitigate this, the Sentencing Commission recommends that the Board of Pardons and Parole only apply its typical guideline calculation practices (adding 10% to length of stay for each concurrent offense and 40% for each consecutive offense) to the first five offenses of conviction for Sexual Exploitation of a Child. After the first five offenses, each additional offense of conviction should be calculated as if they were running concurrently with the other offenses (adding 10% to the length of stay).

## DUI Homicide / Injury Matrix Instructions – Forms 2A and 2B

Forms 2A and 2B are used to score 3rd Degree Felony and 2nd Degree Felony violations of 76-5-207, Automobile Homicide; and Class A Misdemeanor and 3rd Degree Felony Violations of 76-5-102.1, Negligently Operating a Vehicle Resulting in Injury.

## DUI HOMICIDE / INJURY CRIMINAL HISTORY INSTRUCTIONS

Criminal history is scored similarly to the other forms, except that there is a special category for **prior DUI convictions**. A DUI conviction is defined the same as in 41-6a-501(2)(a), which includes prior convictions for DUI, Impaired Driving, Driving with Any Measurable Controlled Substance, Negligently Operating a Vehicle Resulting in Injury, Refusal of a Chemical Test, Alcohol-Related Reckless Driving (committed prior to July 1, 2008), and similar offenses from other jurisdictions.

Apply four points for a prior DUI conviction and eight points for two or more prior DUI convictions. As with other criminal history scoring, score only the highest applicable number in this category. Do not add them together.

As with other criminal history scoring for prior convictions:

- Only prior adult convictions with separate adult case numbers that have already been sentenced are counted.

- If multiple convictions arise from a previous single criminal episode, one conviction from each separate adult case number is counted.
- The current offense(s) are not counted.
- Dismissed cases, intelligence information, numerous prior arrests, etc. are not counted
- A "single criminal episode" is defined as "all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective." Utah Code § 76-1-401.

Since prior DUI's are being counted in this category, they should not be counted in other categories. For example, if the defendant has a prior DUI that was a Class A Misdemeanor or 3rd Degree Felony, it should count only in the prior DUI category - not the other prior conviction categories.

## INJURY VS. SERIOUS BODILY INJURY

Bodily injury and serious bodily injury are defined in § 76-1-101.5 and incorporated into § 76-5-102.1. Typically, negligent operation of a vehicle (DUI) resulting in bodily injury to a victim is a Class A Misdemeanor, while DUI resulting in serious bodily injury is a 3rd Degree Felony (see 76-5-102.1(3)(a)(i) and (3)(a)(iv)). However, it is also possible to be convicted of a 3rd Degree Felony for causing only injury if the person has a prior felony DUI conviction or multiple prior misdemeanor DUI convictions (see 76-5-102(3)(a)(ii) and (iii)). The columns in Forms 2A and 2B refer to these various scenarios as follows:

- Columns H and I - Class A Injury Cases (76-5-102.1(3)(a)(i))
- Columns F and G - 3rd Degree Felony Injury Cases (76-5-102.1(3)(a)(ii) and (iii))
- Columns D and E - 3rd Degree Felony Serious Bodily Injury Cases (76-5-102.1(3)(a)(iv))

## EXTREME DUI COLUMNS

Forms 2A and 2B include columns both for a standard DUI conviction at each classification level, and for a DUI conviction "+ Extreme DUI." **Extreme DUI** applies to the case being sentenced/scored and is defined the same as in 41-6a-501(1)(f), to mean either: 1) a DUI with a BAC of .16 or higher; 2) a DUI with a BAC of .05 or higher and any measurable controlled substance not prescribed; or 3) a DUI with multiple unprescribed controlled substances.

## INTERACTION OF FORMS 2A AND 2B

**Form 2A** is used at sentencing to determine whether probation, probation + jail, or prison is appropriate. Form 2A is also used by the Board of Pardons and Parole to inform length of stay determinations for individuals sentenced to prison. If shading indicates probation + jail, then Form 2B should be used to determine the appropriate jail sentence.

The jail lengths on **Form 2B** include a range of jail days in parentheses and a top line number of jail days above. The low-end recommendation in the parentheses is set to be consistent with statutory jail minimums for DUI at the same classification levels.

Neither the number of days, nor the shading of cells on these forms, should be considered mandatory, except to the extent that they reflect statutory mandatory minimums (see **DUI Statutory Overview** at [justice.utah.gov/sentencing](https://justice.utah.gov/sentencing)). The maximum should not be presumed to be the starting point in formulating a recommendation to the court. Completed risk and needs assessment(s), scores from validated tool(s), compliance with court orders prior to sentencing, aggravating and mitigating factors on Form 7, as well as the impact of incarceration upon risk to re-offend should all be considered in determining the final recommendation to the court at sentencing. The use of jail time for behavior modification purposes (risk reduction as opposed to risk management) is addressed in Structured Decision Making Tool 5. **The Behavior Management Decisions Framework** on page 11 may also be helpful in determining whether, when, and how much incarceration is appropriate.

## FORM 2A AND 2B'S INTERACTION WITH FORM 7

As with the other matrices, Form 7 should still be used as a final step to consider other aggravating and mitigating factors that may suggest a deviation from the presumptive sentence found in Forms 2A and 2B. If a special aggravator is counted on Form 2A or 2B, it should not be counted again on Form 7.

## FORM 2A AND 2B'S INTERACTION WITH STATUTORY MINIMUM SENTENCES

In 2024, the legislature modified penalties for Automobile Homicide, 76-5-207 to create a presumptive 5 - 15 year prison term. Courts can impose a lesser sentence of 3 - 15 years by making certain findings. Courts can also impose probation by making certain findings.

As with other statutory provisions, any minimum prison term ordered pursuant to this statute would prevail over the guideline score. In contrast, if the guideline score exceeds the statutory minimum, the guideline would be instructive in determining the presumptive length of incarceration, as with any other offense.

## THESE OFFENSES AS PERSON AND DEATH OFFENSES

Although these offenses are scored on Forms 2A and 2B when sentencing a new offense, they are still considered person or death offenses (See **Addendum B**) for purposes of **criminal history scoring** and the **supervision length guidelines**.

## OTHER FORMS OF DUI DEATH / INJURY NOT SCORED ON THIS FORM

Due to plea negotiations or other factors, it may be possible for an individual to be convicted of Automobile Homicide or Negligently Operating a Vehicle Resulting in Injury at offense levels not covered on this form. In such cases, follow the following instructions:

A Class A Misdemeanor violation of 76-5-207, Automobile Homicide, should be scored as a Class A Death offense on Form 6 (initial sentencing) or Form 2 (for cases sentenced to prison under 76-3-208(1)(b)).

A Class B Misdemeanor violation of 76-5-102.1, Negligently Operating a Vehicle Resulting in Injury, should be scored as a Class B Person offense on Form 6.

For any other classifications of offenses not mentioned above, score any injury case as a persons offense and any homicide cases as a death offense on the applicable form.

## Sex and Kidnapping Offense Instructions – Form 3

Form 3 should be used for all registerable sex, kidnap, and child abuse offenses listed in Utah Code § 53-29-202(1)(a)) and other offenses listed in Addendum C. Non-registerable forms of kidnapping are scored on Form 1. See § 76-5-301.

Sex Offenses also count as person offenses for purposes of criminal history scoring in other forms. This is why Addendum B lists certain offenses both as "Person" and "Sex" offenses.

For more information see Addendums B and C.

## SEX OFFENSES CRIMINAL HISTORY SCORING INSTRUCTIONS

The Criminal History Scoring for Form 3 is slightly different than that used under Forms 1, 2, 4, 5 & 6 for other individuals



convicted of a crime. One additional category exists on the Criminal History Scoring for individuals who commit sexual offenses: Prior Sex/Kidnap Convictions. This section is based upon the degree of the offense and is specific to those offenses listed in Addendum C. Other than this category, the Criminal History Score for Form 3 should be scored identical to Forms 1, 2, 4, 5 & 6. In addition, there are only three criminal history rows on the sex offense matrix. This provides the Board of Pardons and Parole with more discretion concerning individuals convicted of sexual offenses.

Form 3 reflects most of the amended laws mandating imprisonment for certain sex and kidnap offenses in conjunction with differing indeterminate lengths of stay ranges. Neither Life Without Parole nor a 25 to life sentence are addressed in Form 3, but are fully delineated in statute. In rare cases, Utah law does allow for an alternative sentence to prison for otherwise mandatory imprisonment sex offenses. However, an arduous list of circumstances must be met before such a deviation is allowed. These circumstances are enumerated under Utah Code § 76-5-406.5.

## Financial Offense with Serious Loss Matrix Instructions - Form 4

**Form 4** is intended to ensure accountability for financial offenses with high loss amounts. All of the cells on Form 4 are shaded for imprisonment, with escalating prison terms based on increased criminal history scores or higher financial loss thresholds.

### APPLYING FORM 4

Use Form 4 for specific 2nd Degree Felony Financial Offenses (listed in Addendum B) where financial loss (pecuniary damage) to the victim(s) exceeds \$50,000.

Do not use Form 4 for:

- 1st Degree Felony, 3rd Degree Felony, or Misdemeanor offenses
- Financial offenses with loss amounts that do not exceed \$50,000
- Offenses with damages exceeding \$50,000 that are not among the listed financial offenses in Addendum B.
- Offenses where the pecuniary damage at issue was suffered by corporate entities such as insurance companies.<sup>1</sup>

There may be circumstances where an offense would qualify for scoring under both Form 4 and another form. In those circumstances, use the form reflecting the higher length of stay calculation.

### DETERMINING THE LOSS AMOUNT

When preparing presentence investigation reports (PSI's) before a J&C is finalized, the PSI writer should apply Form 4 where the evidence, plea agreement, or stipulations from the parties, indicates a loss amount for an offense of conviction that exceeds \$50,000. If the state is recommending a sentence under Form 4, it is incumbent on the prosecutor to provide clear evidence of the loss amount to the supervising agency prior to sentencing.

If new evidence emerges or restitution is paid before sentencing, the recommended sentence should be recalculated based on the reduced amount (See Restitution Paid Before Sentencing for guidance)..

As with all sentencing guidelines, Form 4 applies to offenses of conviction, on a per-count basis. Therefore, the financial loss threshold should be calculated based on an offense of conviction, not aggregated across several counts. In cases where a plea agreement results in the dismissal of some charges, but the parties stipulate to restitution exceeding \$50,000 on a remaining offense of conviction, the PSI writer should score that offense on Form 4.

For individuals sentenced to prison on a case, the Board of Pardons and Parole will apply Form 4 only when the J&C indicates

<sup>1</sup> Although financial loss to corporate entities is real and has its own impact on the community, the Commission determined the other applicable forms appropriately account for the impact of crimes involving losses to corporate entities..

pecuniary damages or restitution owed for an offense of conviction exceeds \$50,000. See Utah Code 77-38b-102.

## RESTITUTION PAID BEFORE SENTENCING

To incentivize timely payment of restitution, any restitution paid to a victim before the sentencing date should be subtracted from the financial loss calculation. This should be reflected in the J&C for the new loss amount to be applied for sentencing guideline calculations. If the restitution payment results in a loss amount below a threshold use the lower-tiered column reflecting the reduced loss amount. If restitution payments result in a loss amount that falls below \$50,000, score the offense should be scored on another applicable form.

## CRIMINAL HISTORY SCORING - FORM 4

Criminal history scoring on Form 4 works the same as on Form 1. However, there are only three criminal history categories instead of five, and it takes fewer points to arrive at the highest category. This is because the impact of even a small number of serious financial offenses will often be much greater than several less serious offenses on Form 1.

## INTERACTION WITH FORM 7 - AGGRAVATING AND MITIGATING CIRCUMSTANCES

Aggravating and mitigating circumstances (**Form 7**) should also be considered, and sentencing authorities maintain their discretion to deviate from guideline recommendations. Since serious financial loss is a prerequisite for using Form 4, substantial monetary loss to the victim(s) should not be considered as a separate aggravating factor when applying Form 7. Substantial monetary loss may be considered as an aggravating factor by the Board of Pardons and Parole if the pecuniary damage or restitution amount is not stated on the J&C or the offense is not scored on Form 4.

## Jail as a Condition of Felony Probation Matrix Instructions – Form 5

**Form 5, Jail as a Condition of Felony Probation Matrix**, should only be used to determine jail time as part of a probation sentence, either because an earlier behavior management form's shading directed to "Jail as a Condition of Probation" or because jail with probation is being considered as a deviation from the recommendation of an earlier form. Columns from earlier forms that require Mandatory Imprisonment are not included on Form 5.

This form should not be used to calculate jail time to close a case, but only to calculate jail time as a condition of probation.

**All cells:** The number of days in the individual cells includes the mid-point as the recommended time period at the top and the range available in parentheses below. Neither the number of days, nor the shading of cells, should be considered mandatory. The maximum should not be presumed to be the starting point in formulating a recommendation to the court. Completed risk and needs assessment(s), scores from validated tool(s), compliance with court orders prior to sentencing, aggravating and mitigating factors on Form 7, as well as the impact of incarceration upon risk to re-offend should all be considered in determining the final recommendation to the court at sentencing. The use of the jail time for behavior modification purposes (risk reduction as opposed to risk management) is addressed in Structured Decision Making Tool 5.

## Misdemeanor Matrix Instructions - Form 6

**Form 6 - Misdemeanor Matrix** is for scoring misdemeanor offenses that are not tied to a prison case (see 76-3-208(1)(c)).<sup>23</sup> Form 6 is not solely intended for Justice Courts, but for any court sentencing misdemeanor offenses. Criminal History Scoring for Form 6 is the same as Criminal History Scoring for **Form 1**, which is intended to provide greater consistency in Criminal History Scoring between individuals committing felony and misdemeanor offenses statewide. Form 6 also reflects

<sup>2</sup> For misdemeanor offenses tied to a prison sentence, use the corresponding column on Forms 1, 2, 3, and 5.

<sup>3</sup> Class A Negligent Operation of a Vehicle Resulting in Injury should be scored on Form 2A, not Form 6.



the ranking of severity of misdemeanor offenses, decreasing from left to right.

Matrix grid boxes with asterisks(\*) indicate presumptive probation with no jail suspended or imposed. Boxes shaded grey that include a number of days indicate presumptive probation, but the number of days is the recommended jail time if jail is imposed. Boxes shaded white indicate presumptive jail time imposed at sentencing.

“Class B Person Crime” includes domestic violence offenses involving spouses and/or intimate partners. “Class B DV Other” includes domestic violence offenses involving other cohabitants, property offenses, and other non-person crimes.

The Sentencing Commission recommends that the court impose the fine appropriate for the most serious offense for which the defendant is convicted. If there are multiple counts, and the court believes a more serious financial penalty is appropriate, the Commission recommends the court impose at most 10% of the recommended fines for each additional count. The Commission does not recommend the imposition of any suspended amount of fine, as violations should be addressed with behavior modification sanctions as identified in Structured Decision-Making Tool 5, not financial ones. The Commission encourages courts to allow defendants credits or offsets against ordered fines for completed counseling and other achieved goals (UA's, etc.).

Generally, the Commission recommends that misdemeanor courts faced with sentencing a defendant who is already being supervised for a more serious offense (whether that be recently sentenced, or an earlier grant of probation) consider allowing that grant of probation to provide the programming. However, given the specific safety concerns for identifiable victim(s) in person crimes such as domestic violence offenses, the Commission recognizes the appropriateness of probation terms tailored by each court to maximize victim safety. The protection of victim(s) in such cases is of prime importance. Consider recommendations for sentencing protective orders, but recognize that protective orders issued by civil courts are broader and offer permanent protections.

Jail days indicated should not be considered “mandatory minimums” and should not be presumed to ensure the safety of a particular victim. The Commission recognizes that courts must weigh many factors in each case, balancing the core principles of sentencing as outlined previously.

## **Aggravating and Mitigating Circumstances Instructions – Form 7**

Forms 1-6 are only a starting point to help structure decision-making and promote consistency in sentencing. They are not a substitute for a structured decision-making process that accounts for all of the unique factors presented by each case. Form 7 lays out a non-exhaustive list of aggravating and mitigating factors that may suggest deviations from the typical sentence. Other reasons, as they occur, can be specified.

Aggravating and mitigating factors should be documented whether or not the guideline sentence is recommended. Reasons should always be specified when the guideline sentence is not recommended. These aggravating and mitigating circumstances should be considered for Forms 1 - 6. Presentence investigators have limited access to facts that could support aggravating or mitigating factors. Therefore, defense counsel and prosecutors are strongly urged to make any relevant aggravating or mitigating factors known to the sentencing authority before sentencing.

In considering all aggravating and mitigating factors in a particular case, the number of each should not merely be added up or otherwise mechanically applied in the balancing process. Rather, the totality of the mitigating factors should be compared against the totality of the aggravating factors. Any one mitigating factor, standing alone, could outweigh some or all of the aggravating circumstances in the case. On the other hand, one aggravating factor, standing alone, could outweigh some or all of the mitigating circumstances in the case.

Do not include an aggravating factor if: (1) it is already included as an element of the offense (do not double count) or (2) it

is an element of the offense but has not been pled to or otherwise proven beyond a reasonable doubt as required by statute and/or case law.

Some aggravating and mitigating factors should be used with caution. They include:

- (1) Factors that have already been considered in a risk assessment. This could result in an unintentional double counting.
- (2) Factors that reflect socio-economic status more than risk. An individual's relative abundance of resources or a lack of resources including access to treatment, financial stability, or ability to pay fines and fees, should not unduly affect the individual's sentence.
- (3) Factors dealing specifically with sex offenses that may not have a statistical correlation with increased risk to re-offend. These factors could include:
  - Neglect or abuse during childhood
  - Sexual abuse during childhood

In line with trauma-informed practices, presentence investigation reports and low-risk memos may include results from an Adverse Childhood Experiences questionnaire (ACEs). The ACEs questionnaire is helpful in understanding and responding to an individual's circumstances and needs. The ACEs questionnaire, however, is not validated for risk assessment and should not be used as an aggravating factor. If factors in an ACEs questionnaire overlap with factors considered in a validated risk assessment, using the ACEs questionnaire as an aggravating factor would double count what has already been presented through the risk assessment.

## STATUTORY AGGRAVATING FACTORS

The legislature has specified certain additional aggravating factors in statute. These include:

- Use of artificial intelligence to commit any offense - See § 76-3-203.18
- Hate crime likely to incite community unrest or cause community fear - See §76-3-203.4
- Commission of a violent crime in the presence of a child - See §76-3-203.9
- A defendant traveling more than 45 miles to commit a child sexual offense - See §76-3-203.19
- Performance of a ritual during certain offenses against children - See §76-3-203.19

If any of these statutory aggravating factors are present, they should be listed when scoring Form 7, noted in the judgement and commitment, and considered by the sentencing authority.

## BIAS AS A MITIGATING FACTOR

Evidence of improper bias impacting a specific case may be a mitigating factor at sentencing.

## AVOIDING UNWARRANTED DISPARITIES

One purpose of the sentencing guidelines is to avoid unwarranted sentencing disparities between defendants with similar criminal records who have been convicted of similar offenses. Therefore, a court may consider whether a sentence would create such an unwarranted disparity as an aggravating or mitigating factor.

## SPECIAL AGGRAVATION AND MITIGATION: SEXUAL EXPLOITATION OF A MINOR – FORM 7A

See **Form 3** instructions (p. 19).

## PRESENTENCE REPORT RECOMMENDATIONS

The Presentence Investigator should ensure that Presentence Reports are fully completed, including:

- **Guidelines Recommendations**  
The guideline sentence without regard to aggravating or mitigating circumstances should be included in the presentence report.
- **AP&P Recommendations**  
The recommendation of Adult Probation and Parole should be included in the presentence report.
- **Reason for Departure**  
Any reasons for departure should be documented by the presentence investigator in every case in which the guideline recommendation is not followed.

According to Utah Admin. R671-205-1, time incarcerated under the following circumstances is counted as time served against the maximum sentence: (1) a conviction is set aside and there is a subsequent commitment for the same criminal conduct; (2) a commitment is made to the Utah State Hospital pursuant to a guilty and mentally ill conviction; (3) a commitment is made to the Utah State Hospital or comparable non-prison psychiatric facility for competency determination or restoration; (4) time is spent in custody outside the State of Utah based solely on the Utah warrant; (5) the Board of Pardons and Parole deems such credit just under the circumstances; or (6) credit is otherwise required by law.

## EXAMPLE BEHAVIOR MANAGEMENT FORM TREE

The following fictional example of a possible presumed sentence decision tree represents an effort to help guideline users familiarize themselves with the process undertaken by presentence investigators and judges. A sentencing decision reflects considerations regarding criminal history and charge categories that are evaluated through a series of steps with corresponding rules. In the example, there are a couple details that highlight how these rules affect a potential presumed sentence. However, the example represents a relatively normal decision-making course without sentencing enhancements or many other potential sentencing departures. In any attempt to determine a real presumed sentence, be sure to consult with attorneys or to direct your questions to experienced sentencing guideline users or the Utah Sentencing Commission itself.

### SCENARIO OVERVIEW

Carl Magnusson - 23 year-old man arrested after a pawn shop owner reports he has suspicions that the set of auto-mechanic tools valued at \$6,000 Magnusson attempted to sell were stolen.

During the course of investigation, detectives discover that Magnusson's co-worker reports the theft of the same auto mechanic tools from his personal vehicle parked on a public street outside his place of business. Magnusson is charged with 2nd Degree Felony theft, and Class A Misdemeanor burglary of a vehicle.

### CRIMINAL HISTORY

Magnusson has three class A misdemeanor thefts as an adult, a conviction for one prior felony person offense and a class A misdemeanor stalking charge, and two felony theft charges from before he was 18.

**The diagram on the following page is how the sentencing authority should use the behavior management forms for this offense.**

## STEP 1

### Determining The Criminal History

- + 2 pts for prior felony conviction
- + 2 pts for 3 misdemeanor thefts
- + 4 pts for prior felony person offense\*
- + 2 pts for juvenile felony theft

10 Points = Criminal History Row III

TOTAL SCORE RANGES CRIMINAL HISTORY ROW

16+	→	V
12 – 15	→	IV
8 – 11	→	III
4 – 7	→	II
0 – 3	→	I

\* In prior person convictions category, Magnusson has a felony and a misdemeanor stalking charge from one prior conviction. Count the 4 points for the felony in this category. The felony person offense also counts as a prior felony conviction in the first section.



## MOST SERIOUS CHARGE

### 2nd Degree Felony, Other Category

Determine felony as "other" category (Not a "possession" or "person" crime) with help of Sentencing Guidelines Addendum B Crime categories.

## STEP 2

Determine most serious crime and crime category

## SECONDARY CHARGE

Class A misdemeanor, Other category



FORM 1 (abbreviated matrix)

	3rd Degree Person D	2nd Other Specific 3rds E	2nd Poss 3rd Other F
V	32 MOS	26 MOS	16 MOS
IV	26 MOS	20 MOS JAIL AS CONDITION OF PROBATION	14 MOS
III	20 MOS	16 MOS	12 MOS
II	16 MOS	14 MOS PRESUMPTIVE PROBATION	10 MOS
I	14 MOS	12 MOS	8 MOS

Category and history lead to box III E on Form 1 - General Matrix

## STEP 3

Find sentencing box for all charged crimes based on crime category and criminal history score

FORM 5 (abbreviated matrix)

	Class A Other C	Class B DV Other D	Class A POCS E
V	75 (0-150)	60 (0-120)	45 (0-90)
IV	60 (0-120)	45 (0-90)	37 (0-75)
III	45 (0-90)	37 (0-75)	22 (0-45) PRESUMPTIVE PROI
II	30 (0-60)	22 (0-45)	15 (0-30)

Category and history lead to box III C on Form 6 - Misdemeanor Matrix



FORM 5 (abbreviated matrix)

	3rd Person D	2nd Other E	2nd Poss. F	3rd Other* G
V	150 (0-300)	150 (0-300)	150 (0-300)	135 (0-270)
IV	150 (0-300)	150 (0-300)	135 (0-270)	105 (0-210)
III	90 (0-180)	90 (0-180)	90 (0-180)	75 (0-150)
II	75 (0-150)	60 (0-120)	60 (0-120)	45 (0-90)

Box is shaded Jail as a Condition of Probation. For presumptive sentence, disregard listed prison months and move to Form 5.

## STEP 4

Determine whether Presumed Imprisonment or Jail as an Initial Condition of Probation or Presumed Probation

Box is shaded Presumptive Probation.

Use same criminal history score and crime category to find box that indicates presumptive jail time in form 5.

Determine if Consecutive Sentence or Concurrent Sentence.



Total range is 0-180 jail days with 90 days as the median incarceration time as presumed sentence in Form 1.

## STEP 5

Calculate Presumed Sentence and Time and Level of Incarceration and Supervision.

**For Consecutive Sentence,** add 40% of presumed sentence to the presumed sentence for the more serious charge. If 45 days is the presumed median sentence that means the consecutive sentence should presume 18 additional days of incarceration.

**For Concurrent Sentence,** add 10% of presumed sentence to the presumed sentence for the more serious charge. If 45 days is presumed median sentence that means concurrent sentence should assume 5 additional days of incarceration.

## STEP 6

Consider whether mitigating or aggravating conditions (See Forms 7 and 7A) could lead to departures from Presumed Sentence. If, for example, the judge determines that aggravating circumstances justify a departure, Magnusson could be sentenced to a prison term based on the prison-time box on Form 1. In this case, the presumed sentence would amount to 16 months of prison time.

# Form 1 – General Matrix

Only score the single highest point option within a given category. Do not check multiple scores in a single category and then add them. Any negative points which are deducted for the most recent post conviction crime-free gap period may not reduce the total score below 0.

## CRIMINAL HISTORY SCORING

These guidelines do not create any rights or expectations. Matrix time frames refer to imprisonment only. Refer to the categorization of offenses with the exception of "Specific 3rds," which are the 3rd Degree Offenses of: DUI, Category II Restricted Person Firearm Offenses, and Failure to Respond to Officer's Signal to Stop, and "Specific 2nd," which refers to the 2nd Degree Felony Category I Restricted Person Firearm Offenses (See Addendum B).

<b>PRIOR FELONY CONVICTIONS</b> (Separate adult case numbers)	2	One
	4	Two
	6	Three
	8	Four or Five
	13	Six or more

<b>PRIOR CLASS A MISDEMEANOR / CLASS B PERSON OR DUI CONVICTIONS</b> (Separate adult case numbers)	1	One or two
	2	Three to five
	3	Six or more

<b>SUPERVISION HISTORY</b> (Adult only – Federal, AP&P, private, county, problem solving court removal*)	2	Prior revocation
	3	Current offense on supervision

<b>PRIOR PERSON OR FIREARM CONVICTIONS / ADJUDICATIONS</b> (Adult or juvenile)	2	Misdemeanor person offense (AD.B)
	2	Felony firearm offense (76-10-5)
	4	Felony person offense (AD.B)
	6	Homicide offense (76-5-2)

<b>PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS</b> (Offenses that would have been felonies if committed by adult) (3 class a adjud. = 1 Felony)	1	One
	2	Two to four
	3	Five or more

<b>MOST RECENT POST-CONVICTION CRIME-FREE GAP</b> Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (Exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))	-1	Three to four years
	-2	Five to six years
	-3	Seven to nine years
	-4	Ten or eleven years
	-5	Twelve years or more

### TOTAL SCORE

INDIVIDUAL'S NAME	
SCORER'S NAME	DATE SCORED

ACTIVE CONVICTIONS (MOST SERIOUS FIRST)	CRIME CATEGORY	TIME
		TOTAL

TOTAL SCORE RANGES	CRIMINAL HISTORY ROW
16+	V
12 – 15	IV
8 – 11	III
4 – 7	II
0 – 3	I

## CRIME CATEGORY

	1st Degree Attempted Murder	1st Degree Person	1st Degree Other	2nd Degree Person	3rd Degree Person / Specific 2nd	2nd Other / Specific 3rds	2nd Poss / 3rd Other	3rd Poss / Class A**
	A	B	C	D	E	F	G	H
V	120 MOS	120 MOS	84 MOS	54 MOS	32 MOS	26 MOS	16 MOS	12 MOS
IV	108 MOS	108 MOS	78 MOS	42 MOS	26 MOS	20 MOS	14 MOS	10 MOS
III	96 MOS	96 MOS	72 MOS	30 MOS	20 MOS	16 MOS	12 MOS	8 MOS
II	84 MOS	84 MOS	66 MOS	24 MOS	16 MOS	14 MOS	10 MOS	6 MOS
I	72 MOS	72 MOS	60 MOS	18 MOS	14 MOS	12 MOS	8 MOS	4 MOS

\* A problem-solving court is a specialized court designated by the Utah Administrative Office of the Court. Every problem-solving court or RIM violation/sanction should not be counted as a revocation. An Order to Show Cause with revocation and actual removal from the problem-solving court is required in order to count as prior revocation of supervised probation. An Order to Show Cause with revocation and actual removal is required to count current offense on supervision.

\*\*Time periods only apply to Class A offenses sentenced to prison under § 76-3-208(1)(b). Form 6 applies to sentencing of misdemeanor offenses under § 76-3-208 (1)(c).

**Consecutive Enhancements (served one after another):** 40% of the shorter sentence added to the full length of the longer sentence.

**Concurrent Enhancements (served at the same time):** 10% of the shorter sentence added to full length of the longer sentence.

# Form 2 – Homicide/Death Offense Matrix

These are guidelines only. They do not create any right or expectation on behalf of the individual. Matrix time frames refer to imprisonment only. Refer to the categorization of offenses. Guidelines do not apply to sentences of death. Guidelines in effect at the time of original sentencing are to be used.

## CRIMINAL HISTORY SCORING

Statutes with more specific sentence lengths preempt guideline recommendations. The Homicide/Death Matrix includes:

Aggravated Murder, Murder, Attempted Aggravated Murder, Manslaughter, Child Abuse Homicide, Homicide by Assault, Automobile Homicide, and other offenses listed in Addendum B.

<b>PRIOR FELONY CONVICTIONS</b> (Separate adult case numbers)	2	One
	4	Two
	6	Three
	8	Four or Five
	13	Six or More

<b>PRIOR CLASS A MISDEMEANOR CONVICTIONS / CLASS B PERSON OR DUI CONVICTIONS</b> (Separate adult case numbers)	1	One or two
	2	Three to five
	3	Six or more

<b>SUPERVISION HISTORY</b> (Adult only – Federal, AP&P, private, county, problem solving court removal*)	2	Prior revocation
	3	Current offense on supervision

<b>PRIOR PERSON OR FIREARM CONVICTIONS / ADJUDICATIONS</b> (Adult or juvenile)	2	Misdemeanor person offense (AD.B)
	2	Felony firearm offense (76-10-5)
	4	Felony person offense (AD.B)
	6	Homicide offense (76-5-2)

<b>PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS</b> (Offenses that would have been felonies if committed by adult) (3 class A adjud. = 1 Felony)	1	One
	2	Two to four
	3	Five or more

<b>MOST RECENT POST-CONVICTION CRIME-FREE GAP</b> Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (Exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))	-1	Three to four years
	-2	Five to six years
	-3	Seven to nine years
	-4	Ten or eleven years
	-5	Twelve years or more

## TOTAL SCORE

INDIVIDUAL'S NAME		
SCORER'S NAME	DATE SCORED	
ACTIVE CONVICTIONS (MOST SERIOUS FIRST)	CRIME CATEGORY	TIME
		TOTAL

TOTAL SCORE RANGES	CRIMINAL HISTORY ROW
16+	V
12 – 15	IV
8 – 11	III
4 – 7	II
0 – 3	I

## CRIMINAL HOMICIDE MATRIX

	1st Degree Aggravated Murder	1st Degree Murder	Attempted Aggravated Murder*	1st Degree Death	2nd Degree Death	2nd Degree Auto Homicide Hand-held Device	3rd Degree Death	Class A Death**
	A	B	C	D	E	F	G	H
V	444 MOS	288 MOS	240 MOS	180 MOS	156 MOS	84 MOS	48 MOS	12 MOS
IV	408 MOS	276 MOS	228 MOS	168 MOS	144 MOS	72 MOS	42 MOS	12 MOS
III	372 MOS	264 MOS	216 MOS	156 MOS	132 MOS	60 MOS	36 MOS	12 MOS
II	336 MOS	252 MOS	204 MOS	144 MOS	120 MOS	48 MOS	30 MOS	12 MOS
I	300 MOS	240 MOS	192 MOS	132 MOS	108 MOS	36 MOS	24 MOS	12 MOS

\*Attempted Aggravated Murder can have a wide range of prison minimums (5, 6, or 15 years) depending on whether it involves serious bodily injury and whether mitigating factors are found. The Board of Pardons & Parole will take into consideration the minimum applicable prison term as well as the guideline range in Column C.

\*\*Time periods only apply to Class A offenses sentenced to prison under § 76-3-208(1)(b). Form 6 applies to sentencing of misdemeanor offenses under § 76-3-208 (1)(c).

**Consecutive Enhancements (served one after another):** 40% of the shorter sentence added to the full length of the longer sentence.

**Concurrent Enhancements (served at the same time):** 10% of the shorter sentence added to full length of the longer sentence.



# Form 2A - DUI Homicide / Injury - Prison Matrix

This matrix applies to violations of 76-5-207, Automobile Homicide, and 76-5-102.1, Negligently Operating a Vehicle Resulting in Injury.

## CRIMINAL HISTORY SCORING

### PRIOR FELONY CONVICTIONS (Non-DUI only) (Separate adult case numbers)

2	One
4	Two
6	Three
8	Four or Five
13	Six or More

### PRIOR CLASS A MISDEMEANOR / CLASS B PERSON CONVICTIONS (NON-DUI ONLY) (Separate adult case numbers)

1	One or Two
2	Three to Five
3	Six or More

### SUPERVISION HISTORY

(Adult only – Federal, AP&P, private, county, problem solving court removal\*)

2	Prior revocation
3	Current offense on supervision

### PRIOR DUI CONVICTIONS

(Separate adult case numbers)

4	One
8	Two or More

### PRIOR PERSON OR FIREARM CONVICTIONS (Non-DUI only) / ADJUDICATIONS (Adult or juvenile)

2	Misdemeanor person offense (AD.B)
2	Felony firearm offense (76-10-5)
4	Felony person offense (AD.B)
6	Homicide offense (76-5-2)

### PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS (Offenses that would have been felonies if committed by adult) (3 class A adjud. = 1 Felony)

1	One
2	Two to four
3	Five or more

### MOST RECENT POST-CONVICTION CRIME-FREE GAP Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (Exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))

-1	Three to four years
-2	Five to six years
-3	Seven to nine years
-4	Ten or eleven years
-5	Twelve years or more

INDIVIDUAL'S NAME		
SCORER'S NAME	DATE SCORED	
ACTIVE CONVICTIONS (MOST SERIOUS FIRST)	CRIME CATEGORY	TIME
		TOTAL

### TOTAL SCORE RANGES

### CRIMINAL HISTORY ROW

8 or more	→	III
4 – 7	→	II
0 – 3	→	I

## CRIME CATEGORY & PRISON MATRIX

	2nd Degree Death + Extreme DUI	2nd Degree Death	3rd Degree Death	3rd Degree Serious Bodily Injury + Extreme DUI	3rd Degree Serious Bodily Injury	3rd Degree Injury Only + Extreme DUI	3rd Degree Injury Only	Class A Injury + Extreme DUI	Class A Injury**
	A	B	C	D	E	F	G	H	I
III	120 MOS	96 MOS IMPRISONMENT	48 MOS	36 MOS	24 MOS	16 MOS	14 MOS JAIL AS COND.	14 MOS	12 MOS
II	96 MOS	70 MOS	36 MOS	30 MOS	18 MOS	14 MOS	12 MOS	12 MOS	6 MOS
I	70 MOS	60 MOS***	24 MOS	24 MOS	14 MOS	12 MOS	8 MOS	6 MOS	4 MOS

\*Consecutive Enhancements (served one after another): 40% of the shorter sentence added to the full length of the longer sentence.

\*Concurrent Enhancements (served at the same time): 10% of the shorter sentence added to full length of the longer sentence.

\*\*Time periods only apply to Class A offenses sentenced to prison under § 76-3-208(1)(b).

\*\*\*The presumptive statutory sentence for this offense is 5 - 15 years (76-5-207(3)(a)). If a judge issues a reduced sentence pursuant to 76-5-207(7), the Board of Pardons & Parole will take into consideration the minimum applicable prison term as well as the guideline score.



# Form 2B - DUI Homicide / Injury - Jail Matrix

This form is used to determine jail time as part of a probation sentence for 76-5-207, Automobile Homicide or 76-5-102.1, Negligent Operation of a Vehicle Resulting in Injury. This form should not be used to calculate jail time-to-close a case. As with any sentence, the purposes of incarceration should be carefully considered, and incarceration should be paired with risk reduction programming. All numbers listed are in days, not months. The jail sentence listed above the time range available is the recommended amount of jail days as an initial period of confinement in the county jail, if jail is ordered. The low-end of the range in parentheses below is set consistent with similar mandatory minimum sentences for DUI in statute. Note, however, that jail may not be required if certain findings are made (see [DUI Statutory Overview](#) at [justice.utah.gov/sentencing](http://justice.utah.gov/sentencing)).

## CRIMINAL HISTORY SCORING

### PRIOR FELONY CONVICTIONS (Non-DUI only) (Separate adult case numbers)

2	One
4	Two
6	Three
8	Four or Five
13	Six or More

### PRIOR CLASS A MISDEMEANOR / CLASS B PERSON CONVICTIONS (NON-DUI ONLY)(Separate adult case numbers)

1	One or Two
2	Three to Five
3	Six or More

### SUPERVISION HISTORY (Adult only - Federal, AP&P, private, county, problem solving court removal\*)

2	Prior revocation
3	Current offense on supervision

### PRIOR DUI CONVICTIONS

(Separate adult case numbers)

4	One
8	Two or More

### PRIOR PERSON OR FIREARM CONVICTIONS / ADJUDICATIONS (Non-DUI only) (Adult or juvenile)

2	Misdemeanor person offense (AD.B)
2	Felony firearm offense (76-10-5)
4	Felony person offense (AD.B)
6	Homicide offense (76-5-2)

### PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS (Offenses that would have been felonies if committed by adult) (3 class A adjud. = 1 Felony)

1	One
2	Two to four
3	Five or more

### MOST RECENT POST-CONVICTION CRIME-FREE GAP Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (Exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))

-1	Three to four years
-2	Five to six years
-3	Seven to nine years
-4	Ten or eleven years
-5	Twelve years or more

INDIVIDUAL'S NAME		
SCORER'S NAME	DATE SCORED	
ACTIVE CONVICTIONS (MOST SERIOUS FIRST)	CRIME CATEGORY	TIME

TOTAL SCORE RANGES	CRIMINAL HISTORY ROW
8 or more	III
4 - 7	II
0 - 3	I

	2nd Degree Death + Ex- treme DUI	2nd Degree Death	3rd Degree Death	3rd Degree Serious Bodily injury + Extreme DUI	3rd Degree Serious Bodily Injury	3rd Degree Injury + Ex- treme DUI*	3rd Degree Injury Only*	Class A Inju- ry + Extreme DUI	Class A Injury
	A	B	C	D	E	F	G	H	I
III	180 (120-364)	180 (120-364)	180 (120-364)	180 (120-364)	180 (120-364)	180 (120-300)	120 (60-180)	100 (60-180)	90 (60-120)
II	180 (120-364)	180 (120-364)	180 (120-364)	180 (60-360)	150 (60-300)	180* (120-300)	120* (60-180)	40 (20-60)	20 (10-30)
I	180 (120-364)	180 (120-364)	180 (120-364)	120 (60-240)	105 (60-150)	180* (120-300)	120* (60-180)	10 (10-30)	5 (5-15)

\*The sentencing in these columns is the same across all rows because the elements of 3rd Degree Felony Negligent Operation of a Vehicle Resulting in Injury (not Serious Bodily Injury) require prior DUI convictions (See 76-5-102.1(3)(a)(ii) and (iii)).

# Form 3 – Sex and Kidnapping Offense Matrix

These are guidelines only. They do not create any right or expectation on behalf of the individual convicted of a crime. Matrix time frames refer to imprisonment only. Refer to the categorization of offenses.

## CRIMINAL HISTORY SCORING

### PRIOR FELONY CONVICTIONS (Separate adult case numbers)

- 2 One
- 4 Two
- 6 Three
- 8 Four or Five
- 13 Six or more

### PRIOR CLASS A MISDEMEANOR / CLASS B PERSON OR DUI CONVICTIONS (Separate adult case numbers)

- 1 One or two
- 2 Three to five
- 3 Six or more

### SUPERVISION HISTORY (Adult only – Federal, AP&P, private, county, problem solving court removal\*)

- 2 Prior revocation
- 3 Current offense on supervision

### DEGREE OF PRIOR SEX/KIDNAP CONVICTION / ADJUDICATION (offenses listed in addendum C)

- 2 Misd. or 3rd degree
- 4 1st or 2nd degree

### PRIOR PERSON OR FIREARM CONVICTIONS / ADJUDICATIONS (Adult or juvenile)

- 2 Misdemeanor person offense (AD.B)
- 2 Felony firearm offense (76-10-5)
- 4 Felony person offense (AD.B)
- 6 Homicide offense (76-5-2)

### PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS (Offenses that would have been felonies if committed by adult) (3 class A adjud. = 1 Felony)

- 1 One
- 2 Two to four
- 3 Five or more

### MOST RECENT POST-CONVICTION CRIME-FREE GAP Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (Exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))

- 1 Three to four years
- 2 Five to six years
- 3 Seven to nine years
- 4 Ten or eleven years
- 5 Twelve years or more

## TOTAL SCORE

INDIVIDUAL'S NAME		
SCORER'S NAME	DATE SCORED	
ACTIVE CONVICTIONS (MOST SERIOUS FIRST)	CRIME CATEGORY	TIME
		TOTAL

TOTAL SCORE RANGES	CRIMINAL HISTORY ROW
7 or more	III
4 – 6	II
0 – 3	I

## CRIME CATEGORY & PRISON MATRIX

	1st Degree Mandatory Prison (15+)	1st Degree Mandatory Prison (10+)	1st Degree Mandatory Prison (6+)	1st Degree Mandatory Prison (5+)	1st Degree Mandatory Prison (3+)	1st Degree (5+)	1st Degree*** (3+)	2nd Degree*** (1-15)	3rd Degree*** (0-5)	Class A Misd.** (0-1)
	A	B	C	D	E	F	G	H	I	J
III	252 MOS	168 MOS	100 MOS	75 MOS	75 MOS	75 MOS	75 MOS	64 MOS	42 MOS	12 MOS
II	216 MOS	MANDATORY IMPRISONMENT			64 MOS	66 MOS	IMPRISONMENT		36 MOS	10 MOS
I	192 MOS	132 MOS	80 MOS	60 MOS	42 MOS	60 MOS	42 MOS	40 MOS	JAIL AS COND.	

\* A problem-solving court is a specialized court designated by the Utah Administrative Office of the Court. An Order to Show Cause with revocation and actual removal from the problem-solving court is required in order to count as prior revocation of supervised probation or current offense on supervision.

\*\*Time periods only apply to Class A offenses sentenced to prison under § 76-3-208(1)(b). Form 6 applies to sentencing of misdemeanor offenses under § 76-3-208(1)(c).

\*\*\* When scoring **Sexual Exploitation of a Child** offenses under this section, refer to **special instructions for aggravation, mitigation, and time calculation**.

**Consecutive Enhancements (served one after another):** 40% of the shorter sentence added to the full length of the longer sentence.\*\*\*

**Concurrent Enhancements (served at the same time):** 10% of the shorter sentence added to full length of the longer sentence.\*\*\*

# Form 4 – Financial Offense with Serious Loss Matrix

This matrix applies to specific financial offenses (See Application notes and Addendum B) where a victim sustained over \$50,000 in financial loss. Due to the serious nature of these offenses, the entire matrix is shaded for a presumptive prison sentence. Refer to the Application Notes and Instructions for specific direction on how to apply this form. If this matrix does not apply, use Form 1 or another appropriate form.

## CRIMINAL HISTORY SCORING

<b>PRIOR FELONY CONVICTIONS</b> (Separate adult case numbers)	2	One
	4	Two
	6	Three
	8	Four or Five
	13	Six or More

<b>PRIOR CLASS A MISDEMEANOR / CLASS B PERSON OR DUI CONVICTIONS</b> (Separate adult case numbers)	1	One or two
	2	Three to five
	3	Six or more

<b>SUPERVISION HISTORY</b> (Adult only – Federal, AP&P, private, county, problem solving court removal*)	2	Prior revocation
	3	Current offense on supervision

<b>PRIOR PERSON OR FIREARM CONVICTIONS / ADJUDICATIONS</b> (Adult or juvenile)	2	Misdemeanor person offense (AD.B)
	2	Felony firearm offense (76-10-5)
	4	Felony person offense (AD.B)
	6	Homicide offense (76-5-2)

<b>PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS</b> (Offenses that would have been felonies if committed by adult) (3 class A adjud. = 1 Felony)	1	One
	2	Two to four
	3	Five or more

<b>MOST RECENT POST-CONVICTION CRIME-FREE GAP</b> Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))	-1	Three to four years
	-2	Five to six years
	-3	Seven to nine years
	-4	Ten or eleven years
	-5	Twelve years or more

## TOTAL SCORE

INDIVIDUAL'S NAME		
SCORER'S NAME	DATE SCORED	
ACTIVE CONVICTIONS (MOST SERIOUS FIRST)	CRIME CATEGORY	TIME
		TOTAL

TOTAL SCORE RANGES	CRIMINAL HISTORY ROW
12 or more	III
6 - 11	II
0 - 5	I

## CRIME CATEGORY & PRISON MATRIX

	2nd Degree - > \$1 Million financial loss	2nd Degree - \$200,000 - \$999,999 financial loss	2nd Degree - \$50,000 - \$199,999 financial loss
III	96 mos	72 mos	40 mos
II	84 mos	60 mos	32 mos
I	72 mos	48 mos	24 mos

### IMPRISONMENT

## Application Notes

1) Form 4 applies to certain 2nd Degree Felony financial offenses listed in Addendum B where financial loss (pecuniary damage) to the victim(s) exceed the matrix thresholds. Form 4 does not apply to 1st felony, 3rd degree felony, or misdemeanor offenses; financial offenses with loss amounts that do not exceed the thresholds; or offenses with damages above the thresholds that are not among the listed financial offenses. For those offenses, the standard applicable forms should be used.

2) Because loss may be calculated differently at different stages of criminal proceedings, Form 4 should only be applied when the sentence, judgment and commitment record (J&C) reflects damage to a victim for a crime of conviction that exceeds the thresholds. Restitution paid prior to sentencing should be subtracted from the loss amount and reflected on the J&C.

3) Supervising agencies preparing presentence investigation reports (PSI's) prior to finalization of a J&C should apply this form where the evidence submitted by the parties clearly indicates a loss amount exceeding the thresholds. If new evidence emerges or restitution is paid before sentencing that results in reduced pecuniary damages below the thresholds, the recommended sentence should be recalculated based on the reduced amount, using a lower threshold category or another Form as applicable.

\*Consecutive Enhancements (served one after another): 40% of the shorter sentence added to the full length of the longer sentence.

\*Concurrent Enhancements (served at the same time): 10% of the shorter sentence added to full length of the longer sentence.

## Form 5 – Jail as Initial Condition of Probation Matrices

This form should only be used to determine jail time as part of a probation sentence, either because an earlier behavior management form directed to “Jail as Condition of Probation” or because jail is being considered as a deviation from the sentence recommended by an earlier form. This form should not be used to calculate jail time-to-close a case. As with any sentence, the purposes of incarceration should be carefully considered, and incarceration should be paired with risk reduction programming. The mid-point is listed above the time range available is listed as an initial period of confinement in the county jail. All numbers listed are in days, not months. Jail days listed should not be considered mandatory sentences.

CRIMINAL HISTORY ROW

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### GENERAL MATRIX

	2nd Death	1st Person	3rd Death	1st Other	2nd Person	3rd Person	2nd Other	2nd Poss.	3rd Other*	3rd Poss. / Class A**
V	180 (0-364)	180 (0-364)	180 (0-364)	180 (0-364)	180 (0-364)	150 (0-300)	150 (0-300)	150 (0-300)	135 (0-270)	75 (0-150)
IV	180 (0-364)	180 (0-364)	160 (0-320)	160 (0-320)	160 (0-320)	150 (0-300)	150 (0-300)	135 (0-270)	105 (0-210)	60 (0-120)
III	180 (0-364)	150 (0-300)	135 (0-270)	135 (0-270)	135 (0-270)	90 (0-180)	90 (0-180)	90 (0-180)	75 (0-150)	45 (0-90)
II	180 (0-364)	135 (0-270)	120 (0-240)	120 (0-240)	120 (0-240)	75 (0-150)	60 (0-120)	60 (0-120)	45 (0-90)	30 (0-60)
I	180 (0-364)	120 (0-240)	105 (0-210)	105 (0-210)	105 (0-210)	60 (0-120)	45 (0-90)	30 (0-60)	30 (0-60)	15 (0-30)

### SEX & KIDNAP OFFENSE MATRIX (To be used with Form 3)

	1st Degree Felony	2nd Degree Felony	3rd Degree Felony	Class A Misdemeanor**
III	180 (0-365)	160 (0-320)	135 (0-270)	105 (0-210)
II	180 (0-365)	125 (0-250)	90 (0-180)	75 (0-145)
I	160 (0-320)	105 (0-210)	60 (0-120)	45 (0-90)

### Financial Offense w/ Serious Loss Matrix (To be used with Form 4)

	2nd Degree - > \$1 Million financial loss	2nd Degree - \$200,000 - \$999,999 financial loss	2nd Degree - \$50,000 - \$199,999 financial loss
III	180 (0-364)	160 (0-320)	135 (0-270)
II	180 (0-364)	135 (0-270)	90 (0-180)
I	180 (0-364)	105 (0-210)	60 (0-120)

\*While the General Matrix in Form 1 was revised to include a category of specific 3rd and 2nd degree felonies, this should not be viewed as changing the categorization in Form 5. Therefore, what is now categorized as a “Specific 3rd” and “Specific 2nd” in Form 1, i.e., DUI, Possession of Firearm by Restricted Person, should still be categorized as a “3rd Other” or “2nd Other,” respectively in Form 5.

\*\*Form 5 only applies to sex offenses where the prison sentence has been suspended. Form 6 applies to sentencing of misdemeanor offenses under § 76-3-208 (1)(c).

# Form 6 – Misdemeanor Matrix

These are guidelines only. They do not create any right or expectation on behalf of the individual convicted of a crime. Matrix time frames refer to jail days served in the county jail. Recommended times should not be considered mandatory. This matrix does not incorporate statutory sentencing requirements for DUI offenses.

## CRIMINAL HISTORY SCORING

\*If no mid-point is listed the presumption is that jail time should NOT be recommended.

Class B Person Crime includes domestic violence offenses involving spouses and/or intimate partners. Class B DV Other includes domestic violence offenses involving other cohabitants, property offenses, and other non-person crimes.

### PRIOR FELONY CONVICTIONS

(Separate adult case numbers)

- 2 One
- 4 Two
- 6 Three
- 8 Four or Five
- 13 Six or More

### PRIOR CLASS A MISDEMEANOR / CLASS B PERSON OR DUI CONVICTIONS

(Separate adult case numbers)

- 1 One or two
- 2 Three to five
- 3 Six or more

**SUPERVISION HISTORY** (Adult only – Federal, AP&P, private, county, problem solving court removal\*)

- 2 Prior revocation
- 3 Current offense on supervision

### PRIOR PERSON OR FIREARM CONVICTIONS / ADJUDICATIONS

(Adult or juvenile)

- 2 Misdemeanor person offense (AD.B)
- 2 Felony firearm offense (76-10-5)
- 4 Felony person offense (AD.B)
- 6 Homicide offense (76-5-2)

### PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS

(Offenses that would have been felonies if committed by adult) (3 class A adjud. = 1 Felony)

- 1 One
- 2 Two to four
- 3 Five or more

### MOST RECENT POST-CONVICTION CRIME-FREE GAP

Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (Exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))

- 1 Three to four years
- 2 Five to six years
- 3 Seven to nine years
- 4 Ten or eleven years
- 5 Twelve years or more

## TOTAL SCORE

INDIVIDUAL'S NAME	
SCORER'S NAME	DATE SCORED

ACTIVE CONVICTIONS (MOST SERIOUS FIRST)	CRIME CATEGORY	TIME
		TOTAL

### TOTAL SCORE RANGES

### CRIMINAL HISTORY ROW

16+	→	V
12 – 15	→	IV
8 – 11	→	III
4 – 7	→	II
0 – 3	→	I

## CRIME CATEGORY

	Class A Death	Class A Sex	Class A Person	Class B Person	Class A Other	Class B DV Other	Class A POCS	Class B	Class C and below
	A	B	C	D	E	F	G	H	I
V	160 (0-320)	105 (0-210)	105 (0-210)	90 (0-180)	75 (0-150)	60 (0-120)	45 (0-90)	30 (0-60)	15 (0-30)
IV	135 (0-270)	90 (0-180)	90 (0-180)	75 (0-150)	60 (0-120)	45 (0-90)	37 (0-75)	22 (0-45)	15 (0-30)
III	120 (0-240)	75 (0-150)	75 (0-150)	60 (0-120)	45 (0-90)	37 (0-75)	22 (0-45)	15 (0-30)	* (0-15)
II	105 (0-210)	60 (0-120)	60 (0-120)	45 (0-90)	30 (0-60)	22 (0-45)	15 (0-30)	* (0-15)	* (0-7)
I	90 (0-180)	45 (0-90)	45 (0-90)	30 (0-60)	15 (0-30)	15 (0-30)	* (0-15)	* (0-15)	* (0-7)

\* A problem-solving court is a specialized court designated by the Utah Administrative Office of the Court. An Order to Show Cause with revocation and actual removal from the problem-solving court is required in order to count as prior revocation of supervised probation or current offense on supervision.

**Consecutive Enhancements (served one after another):** 40% of the shorter sentence added to the full length of the longer sentence.

**Concurrent Enhancements (served at the same time):** 10% of the shorter sentence added to full length of the longer sentence.

## Form 7 – Aggravating and Mitigating Circumstances

Note any aggravating or mitigating circumstances that may justify departure from the guidelines by entering the page number of the presentence report where the court can find supporting information. This list of aggravating and mitigating factors is illustrative. The weight given to each factor by the sentencing, release, or supervision authority will vary in each case. Any one factor could outweigh some or all other factors. If aggravating factors are used to increase the length of stay beyond the guideline range, the sentencing, release, or supervision authority should consider all relevant case law.

Presentence investigators have limited access to facts that could support aggravating or mitigating factors. Therefore, defense counsel and prosecutors are strongly urged to make any relevant aggravating and mitigating factors known to the sentencing, release, or supervision authority before sentencing or release.

### PSI Page # AGGRAVATING CIRCUMSTANCES

- Pg#  Offense caused substantial monetary loss.
- Pg#  Offense caused substantial physical or psychological injury to the victim.
- Pg#  Offense caused a death.
- Pg#  Offense characterized by extreme cruelty or depravity.
- Pg#  Offense involved two or more victims.
- Pg#  Offense involved activity that continued over a significant period of time.
- Pg#  Other (Specify) (Include any Statutory Aggravating Factors, see p. 26)

### PSI Page # MITIGATING CIRCUMSTANCES

- Pg#  Individual was engaged in the voluntary screening process in the county jail (LSI:SV, TCUD & MHS).
- Pg#  Individual has paid restitution and/or made good faith effort to begin repayment of restitution to the victim.
- Pg#  Individual has demonstrated compliance with all pre-trial conditions.
- Pg#  Individual is engaged in community-based supervision and/or treatment services consistent with a validated risk and needs assessment.
- Pg#  Individual's current living environment is stable and supportive of offense-specific interventions that do not enable continued criminal or unlawful conduct.
- Pg#  Other (Specify)

#### DAYS OF JAIL CREDIT

#### GUIDELINES PLACEMENT RECOMMENDATION

#### AP&P RECOMMENDATIONS

#### REASONS FOR DEPARTURE

#### INDIVIDUAL'S NAME

#### SCORER'S NAME

#### DATE SCORED

## Form 7A – Special Aggravation and Mitigation: Sexual Exploitation of a Minor

This form is only to be used when scoring the **Sexual Exploitation of a Minor (Utah Code 76-5b-201)** or **Aggravated Sexual Exploitation of a Minor (Utah Code 76-5b-201.1)** offenses. For those offenses, list any of the following special aggravating or special mitigating circumstances by entering the page number of the presentence report where the sentencing or release authority can find supporting information.

The sentencing or release authority should consider deviating upward in cases with one or more special aggravating circumstances. The sentencing or release authority should consider deviating downward in cases with special mitigation.

Presentence investigators have limited access to facts that could support aggravating or mitigating factors. Therefore, defense counsel and prosecutors are strongly urged to make any relevant aggravating and mitigating factors known to the sentencing, release, or supervision authority before sentencing or release.

### PSI Page # SPECIAL AGGRAVATING FACTORS

- Pg# ☐ Possession of sexual abuse imagery depicting infant or toddler victims.
- Pg# ☐ Contact or attempted contact with a victim (including a law enforcement officer posing as a victim).
- Pg# ☐ Offense behavior, including possession or distribution of images, continued for over two years.
- Pg# ☐ Possession of over 10,000 images

### PSI Page # MITIGATING CIRCUMSTANCES

- Pg# ☐ Individual was younger than 25 years old at the time of the offense and only possessed images of victim(s) 14 years or older (or post-pubescent).

DAYS OF JAIL CREDIT

GUIDELINES PLACEMENT RECOMMENDATION

AP&P RECOMMENDATIONS

REASONS FOR DEPARTURE

INDIVIDUAL'S NAME

SCORER'S NAME

DATE SCORED





## BEHAVIOR MANAGEMENT TOOLS - INSTRUCTIONS

Tools 1 through 6 are relevant to supervision and are interconnected. Tools 1 through 6, as well as referenced Addenda, should be used in the context of the structured decision-making process to determine an appropriate response to both accomplishments and violations while on supervision.

### Tool 1 – Evidence-Based Practices Tool

Tool 1 emphasizes the most important evidence-based principles for effective supervision. It recommends targeting supervision resources to high-, intensive-, and moderate-risk individuals, while avoiding placing low-risk individuals into intensive programming. It also recommends using validated risk assessments to help target programming based on an objective measurement of criminogenic need and risk.

Tool 1 also provides important guidance on how to supervise individuals, including emphasizing swift, certain, consistent, proportionate, and fundamentally fair responses. All material behaviors should be met with a response during supervision. Positive reinforcement should be given at a ratio of 4:1 compared to sanctions.

Finally, Tool 1 includes six “never events” that supervising agents should try to avoid during supervision.

### Tool 2A – Supervision Accomplishments Table

### Tool 2B – Supervision Violations Table

As explained in Tool 1, a key principle of effective supervision practice is that no accomplishment or violation should go without a response. Tools 2A and 2B list a number of supervision accomplishments and violations and categorize them as either low, medium, or high level. The purpose of these tools are to aid supervising authorities in identifying relevant accomplishments and violations, and also to help determine what type of response is warranted.

Once the level of the accomplishment or violation has been identified, Tool 3 can be used to determine which entity should respond.

Responses to accomplishments at the various levels are laid out in Tool 4 - Graduated Incentives. Responses to violations at the various levels are laid out in Tool 5 - Graduated Responses and Sanctions.

### Tool 3 - Decision-Making Authority Matrix

Tool 3 designates the appropriate responding entity dependent upon the risk level of the individual and the level of the violation or accomplishment laid out in Tools 2A and 2B.

Where “Court/BOPP” is designated as the responding entity on Tool 3, notice must be provided to the Court or Board of Pardons and Parole of the conduct. The supervising agency may or may not request incarceration as a recommended response.

Where “Probation or Parole Officer” is designated as the responding entity on Tool 3, the Probation or Parole Officer may select from the available responses contained within the corresponding heading on Tool 4 or Tool 5.

Where “P.O. w/ Supervisor Approval” is designated as the responding entity on Tool 3, the Probation or Parole Officer must



obtain supervisor approval prior to imposing a response contained within the corresponding heading on Tool 4 or Tool 5.

## Tool 4 - Graduated Incentives

## Tool 5 - Graduated Responses & Sanctions

These two tools identify a range of potentially available incentives, responses and sanctions at both the administrative and Court/Board of Pardons and Parole level. The incentives and sanctions listed with “Probation Officer” or “P.O. With Supervisor Approval” on either Tool 4 or Tool 5 were developed in coordination with AP&P in a pilot project and are subject to change. County or private probation agencies may or may not have the same available options. All options are dependent upon available resources and do not create a right on behalf of the individual.

In the area designated above the solid black line on either Tool 4 or Tool 5, the standard hearing process is anticipated. The supervising agency may still make a recommendation, but the ultimate decision rests with the Court or the Board of Pardons and Parole.

Tool 5 includes incarceration caps for supervision violations brought before the Court or Board of Pardons and Parole. The caps list the highest number of incarceration days within the cap at the top and the range of incarceration days within the cap in parentheses below it. The incarceration caps were created to establish more consistency and promote equitable sentencing, release, and supervision practices across the state. Exceptions to the caps are laid out in Tool 6, as well as U.C.A. 77-18-108(4)(b) (Courts) and 77-27-11(6)(a) (Board of Pardons and Parole).

In 2022, these caps were modified from a graduated series of increasing incarceration ranges to just one broader range for any violation. This change is intended to facilitate the sentencing, release, and supervision authority’s discretion to issue an appropriate sanction that fits the violation at issue. A first violation may be severe enough to warrant an incarceration term, while a second, third, or subsequent violation of a less serious nature might well be addressed without incarceration.

If incarceration is ordered, the sentencing, release, or supervision authority should think carefully about the purpose incarceration is serving. Incarceration should be paired with evidence-based risk-reduction programming whenever possible. The factors listed in the **Behavior Management Decision Framework** can help inform this decision.

In the area designated just below the solid black line on Tool 5, the standard hearing process is NOT anticipated. An expedited written process for approval is available and should be utilized to impose a maximum of 5 days every 30 days as a sanction. The “72-hour hold” process should not be utilized in place of the expedited sanction process. Any booking of an individual on probation or parole into the county jail should clearly designate whether the individual is being booked on a “hold” or a “sanction” and include supporting documentation. Specifically, if an individual is booked into jail on an expedited sanction, the signed order of the Court or BOPP authorizing the imposition of the sanction should be provided to jail staff upon booking and recorded by jail staff accordingly.

## Tool 6 – Exceptions to Incarceration Caps

This tool lays out what circumstances suggest an exception to the incarceration caps laid out in Tool 5. Violations suggesting a substantial risk to public safety are of particular concern.

In addition to these enumerated exceptions, House Bill 28 of the 2022 legislative session also authorized courts and the Board of Pardons and Parole to deviate from these guidelines as long as an explanation is provided on the record.

The various measures broadening practices around incarceration caps and their exceptions are intended to increase the sentencing, release, or supervision authority’s flexibility to respond appropriately in individual cases, while still promoting a level of consistency and equity across the system.

## Tool 1 – Evidence-Based Supervision Practices

### Who to Supervise?

#### Target Resources to Risk:

Supervision and treatment resources should be prioritized for those individuals who are moderate-, high-, or intensive-risk levels.

#### Use Risk Assessments:

Use a validated risk-assessment like the LS/RNR (See **RNA Tools Used in Utah** for more) to target supervision resources. In the absence of a validated risk assessment, the Central Eight Criminal Risk Factors and Responsivity Factors in **Addendum G** can help direct treatment to criminogenic need.

#### Avoid Placing Low-Risk Individuals in Intensive Programming

Placing low-risk and low-need individuals in programming with higher-risk individuals is an inefficient use of resources and can have the unintended consequence of increasing a low-risk individual's risk factors.

### How to Supervise?

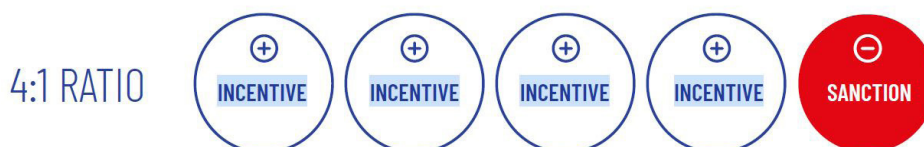
#### Be Responsive

The effectiveness of supervision depends on the individual's knowledge that their compliance or deviation from the behavior management plan will be met with a response. If a material behavior occurs without a response, compliance will decrease.

#### Responses Should be Swift, Certain, Consistent, Proportionate, Fair

- The effectiveness of a reward or a sanction decreases as more time passes following the behavior.
- Certainty of responses following behavior creates persistent deterrents and incentives.
- Responses that are proportionate and fair build trust in the process and increase compliance.
- Moderate responses are generally best.

### Incentives vs. Sanctions



Behavioral research indicates positive reinforcement should be provided at a rate of 4:1 compared with negative reinforcement.

## Tool 2A – Supervision Accomplishments Table

Accomplishment/Compliance	Level	Nature of Accomplishment
Platinum Success Risk Reduction (20% Improvement)	High	<b>Reduction of Criminal Risk Factors</b>
Gold Success Risk Reduction (15% Improvement)	High	
Silver Success Risk Reduction (10% Improvement)	High	
Bronze Success Risk Reduction (5% Improvement)	High	
Completion of All Special Conditions of Probation/Parole	High	
Completion of All Special and Standard Conditions of Probation/Parole	High	
Maintain Eligible Employment for 12 months or more	High	
Earned Compliance Credits	High	
Active Participation in Programming/Aftercare for “big four” 90 days+	Medium	<b>Evidence-Based Programming Targets</b>
Active Participation in Programming/Aftercare for “big four” for 60 days	Medium	
Active Participation in Programming/Aftercare for “big four” for 30 days	Medium	
Active Participation in Programming/Aftercare for “mod four” for 90 days+	Medium	
Active Participation in Programming/Aftercare for “mod four” for 60 days	Medium	
Active Participation in Programming/Aftercare for “mod four” for 30 days	Medium	
Negative Test Result for 90+ days (controlled substance/alcohol)	Medium	
Negative Test Result for 60 days (controlled substance/alcohol)	Medium	
Negative Test Result for 30 days (controlled substance/alcohol)	Medium	
Enrollment in Programming/Aftercare for identified Criminal Risk Factors	Medium	
Progress on Dynamic Responsivity Factors	Medium	
Compliant with Medical Orders/Medication	Medium	
Compliant with Structured Living, Residence, Travel or Reporting	Medium	
Compliant with Testing Requirements	Medium	
Maintain Eligible Employment for 180+ days	Medium	
Responsive to PO Contacts Despite Lack of Full Compliance	Medium	
Prioritization of short and long term goals (maximum of 3 short term goals)	Low	<b>Accountability Targets</b>
Development of Case Action Plan/Success Plan	Low	
No Violations/Compliant with standard conditions for 90+ days	Low	
No Violations/Compliant with standard conditions for 60 days	Low	
No Violations/Compliant with standard conditions for 30 days	Low	
Compliance with Community Service	Low	
Compliance with Financial Conditions	Low	
Being Truthful or Cooperative	Low	
Maintain Eligible Employment for 30 days, 60 days, or 90 days	Low	

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## Tool 2B – Supervision Violations Table

Violation	Severity	Nature of Violation
Felony Conduct	High	<b>Public Safety Conditions Violations</b>
Misdemeanor Person Conduct or DUI Conduct	High	
Unauthorized Contact or Location	High	
Fail to Report for Commitment	High	
Absconding: Residence, Travel or Reporting – PO Contact Unsuccessful	High	
Special Conditions Violations: Sex, Gang, DV, DUI, ICE	High	
Possession of Dangerous Weapon or ammunition.	High	
Willful Refusal to Participate in Treatment Ordered by Sentencing Authority	High	
Damaging/Tampering/Removing GPS	High	
Misdemeanor Conduct (Non-Person / Non DUI)	Medium	<b>Risk Reduction Conditions Violations</b>
Tampering with Device or Testing (controlled substance/alcohol)	Medium	
Fail to Comply during Field Visit	Medium	
Unauthorized Electronic Access	Medium	
Fail to Enroll or Participate in Treatment	Medium	
Fail to Submit to Testing (controlled substance/alcohol)	Medium	
Positive Test Result (controlled substance / alcohol)	Medium	
Repeated Accountability Conditions Violations (2+ of same condition)	Medium	
Cumulative Accountability Conditions Violations (2+ of any conditions)	Medium	
Fail to Comply with Employment Conditions	Low	<b>Accountability Conditions Violations</b>
Fail to Comply with Financial Conditions	Low	
Fail to Comply with Residence, Travel or Reporting (with PO Contact)	Low	
Fail to Comply with Structured Living	Low	
Non-compliant with Medical Orders/Medication	Low	
Infraction Conduct	Low	
Fail to Comply with Curfew	Low	
Fail to Notify of Police Contact	Low	
Fail to Participate in CAB	Low	
Fail to Pay Criminal Accounts Receivable	Low	
Fail to Complete Community Service	Low	

## Tool 3 – Decision-Making Authority Matrix

Tool 3 designates the appropriate responding entity for violations of supervised probation and/or parole.

Once the appropriate entity is determined from Tool 2, Tool 3 should then be used in determining the magnitude or proportionality of the response. Tools 4 & 5 should then be used to select from the range of available sanctions and incentives. Supervisor approval is not necessary in order to impose a lower level sanction, response or incentive if indicated by Tool 3.

	Accomplishment or Violation Level		
Individual Risk Level	High	Medium	Low
High/Intensive	Court/BOPP	P.O. w/Supervisor Approval	P.O. w/Supervisor Approval
Moderate	Court/BOPP	P.O. w/Supervisor Approval	Probation or Parole Officer
Low	Court/BOPP	Probation or Parole Officer	Probation or Parole Officer

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**Individual Risk Level** is determined from the results of a validated screening and assessment.

**Accomplishment Level** is listed in Tool 2A.

**Violation Level** is listed in Tool 2B.

**Court/BOPP** designates that notice must be provided to the Court/BOPP of the behavior. Lower level responses are always available to the Court/BOPP. Given the nature of public safety conditions violations, notification to the Court/BOPP is always required.

**P.O. w/Supervisor Approval** designates that the Probation or Parole Officer must obtain supervisor approval prior to imposing a response to the behavior. Potentially available responses are listed under corresponding headings on Tools 4 & 5. However, supervisor approval is not necessary in order to impose a lower level sanction, response or incentive if indicated by Tool 3.

**Probation or Parole Officer** designates the Probation or Parole Officer may select from available responses listed under corresponding headings on Tools 4 & 5.

## Tool 4 – Graduated Incentives

These are guidelines only. They do not create any right or expectation on behalf of the individual convicted of a crime. This is a non-exhaustive list of options which may or may not be available dependent upon resources. Available incentives below the solid black line are cumulative maximum total incentives which may be awarded without Court or BOPP approval. Specifically, Court/BOPP approval should be obtained for community service reductions exceeding 50% of the total amount ordered.

<b>Court/BOPP</b>	<ul style="list-style-type: none"> <li>• 402 Reduction</li> <li>• Early Termination</li> <li>• Fine Reduction</li> <li>• Transfer to Court/Lower Probation</li> <li>• Any Lower Level Incentive</li> <li>• 30 day reduction in supervision for eligible employment</li> </ul>
<b>P.O. with Supervisor Approval</b>	<ul style="list-style-type: none"> <li>• Up to 50% Community Service Reduction</li> <li>• Voucher</li> <li>• Recommend Fine Reduction</li> <li>• Approval to Serve as Peer Mentor</li> <li>• Reduce Substance/Alc. Screening</li> <li>• Any Lower Level Incentive</li> </ul>
<b>Probation/Parole Officer Incentives</b>	<ul style="list-style-type: none"> <li>• Up to 30% Community Service Reduction</li> <li>• Eliminate Curfew</li> <li>• Accomplishment Certificate</li> <li>• Voucher</li> <li>• Awards</li> <li>• Reduce Curfew Length</li> <li>• Redeem 5 Success Chips</li> <li>• Public Recognition</li> <li>• Positive Reports</li> <li>• 2 Success Chips</li> <li>• 1 Success Chip</li> <li>• Written Recognition</li> <li>• Verbal Recognition</li> </ul>

## Tool 5 – Graduated Responses & Sanctions

These are guidelines only. Except as provided in Utah Code § 77-18-105(7) and 77-27-11(6), they do not create any right or expectation on behalf of any individual. This is a non-exhaustive list of options which may or may not be available dependent upon resources. Any lower response is always available to the Court or BOPP. A behavioral intervention response targeting an individual's non-compliant behavior should be administered where appropriate.

**Prior versions of the guidelines included graduated incarceration caps for first, second, third and subsequent revocations. These graduated steps have been removed in order to grant the sentencing, release, and supervision authorities more flexibility in tailoring a response to fit the individual case.** A first revocation may require a more intensive response, or a third revocation a less intensive response, depending on the risk and response dynamics involved. The sentencing, release, or supervision authority should focus on the goals for correcting the behavior and whether the response serves those goals. Maximum incarceration caps for any single revocation, subject to exceptions outlined in Tool 6, were left in place to promote consistent and equitable sentencing, release, and supervision practices statewide.

Tool 3 may be used to increase or decrease the magnitude of the response within the guideline range, for the indicated decision making authority (court/ BOPP, P.O. w/Supervisor, or P.O.), and should be reviewed for each violation. Tool 6 should be used for any time period imposed beyond the caps listed herein. 72 hour holds are not to be used as a means to avoid the sanction process listed herein. Any booking into the county jail for sanction days should be clearly designated as such and should include the signed order of the Court/BOPP approving the sanction days.

INCARCERATION CAPS	
PROBATION REVOCATION	PAROLE REVOCATION
90* (0-90)	180* (0-180)
<b>P.O. with Superv. &amp; Court / BOPP Approval</b>	<ul style="list-style-type: none"> <li>Hearing Before Court/BOPP</li> <li>Community Correctional Center</li> <li>1-3 Days Jail Per Sanction (Maximum of 5 days/30 Days)</li> <li>90+ Days GPS/EM or at individual's cost</li> </ul>
<b>P.O. with Supervisor Approval</b>	<ul style="list-style-type: none"> <li>Any Lower Level Response</li> <li>Request Court/BOPP Sanction</li> <li>&lt;90 day Curfew</li> <li>&lt;90 Day GPS/EM or no individual cost</li> <li>&lt;72 Hours Home Restriction</li> <li>Treatment Resource Center</li> <li>&lt;16 Hours Community Service</li> </ul>
<b>Probation/Parole Officer Sanctions &amp; Responses</b>	<ul style="list-style-type: none"> <li>Up to 60 Day Curfew</li> <li>Travel Restriction</li> <li>Structured Living</li> <li>Increased Supervision</li> <li>Require Change in Residence</li> <li>Revision of Case Action Plan</li> <li>Increased Reporting/Testing</li> <li>Community Accountability Board</li> <li>Workshops</li> <li>Assignments</li> <li>Family Meeting</li> <li>Intervention Assignment</li> <li>Mentoring Program</li> <li>Develop Risk Avoidance Plan</li> <li>Letter of Apology</li> <li>Verbal Warning</li> </ul>

*\*Parole and probation caps do not apply to fourth and subsequent revocations.*



## Tool 6 – Exemptions from Incarceration Caps

To be exercised by the Court or BOPP only with a hearing and upon entry of appropriate findings. The use of exemptions are dependent upon the nature of each violation, not the number of hearings. **In addition to these exemptions, courts and the Board of Pardons and Parole may also deviate from the guidelines as long as an explanation is provided on the record.** See U.C.A. 77-18-108(4)(b) and 77-27-11(6)(c).

PROBATION	PAROLE
<p><b>Finding that conduct presents a substantial risk to public safety that cannot be addressed through behavior modification sanctions. Substantial risks to public safety include, but are not limited to:</b></p> <p><b>A. “Per Se” Violations:</b> e.g. dangerous weapons, fleeing via high speed chase, violent arrest behavior, new person crime allegations, high priority CCC walkways;</p> <p><b>B. “Crime of Commitment Dependent” Violations:</b> e.g. sex offense in cycle, repeat DUI violations, person crime absconder, mental health instability that negatively impacts a criminogenic risk factor, repeat domestic violence offenses, serious financial crimes.</p> <p><b>Repeat violations: after three or more probation or parole revocations, subsequent violations are exempted from the incarceration caps.</b></p> <p><b>Jurisdiction over new criminal conviction with new guideline recommendations from Forms 1-5 attached.</b></p>	
<p><b>Finding that execution of sentence previously imposed is warranted pursuant to 77-18-108(4)(b)(iv)</b></p>	<p><b>Revocation of parole for lying or engaging in criminal conduct prior to parole pursuant to 77-27-10(1)(b),</b></p> <p>Including when individual engaged in criminal conduct prior to release and BOPP was unaware of conduct at the time it made decision to release; or individual lied prior to release and that lie led to BOPP decision to release.</p>
	<p><b>Guilty and Mentally Ill compliance pursuant to 77-16a-205,</b></p> <p>Including when the BOPP is required by statute to conduct a formal review of an individual who plead guilty and mentally ill before considering release. The time required to conduct this review could exceed the caps.</p>
	<p><b>Parole Violation Hearing continued pursuant to Admin. Rule R671-204,</b></p> <p>Including when new charges are pending; an evidentiary hearing is required; competency or mental illness needs of the individual; to allow victim participation; or individual requests continuance.</p>
	<p><b>Rescission pursuant to Administrative Rule R671-310,</b></p> <p>Including when the BOPP decides to rescind a parole date that was previously granted because individual engaged in major misconduct in prison or was convicted of further criminal conduct.</p>



## IV. TERMINATION OVERVIEW

### WHAT IS TERMINATION?

Termination is the “when” of criminal sentencing. When the goals of sentencing have been met such that supervision, incarceration, or other involvement with the criminal justice system is no longer needed, that sentence should terminate.

### WHY IS TERMINATION IMPORTANT?

By definition, no one can succeed without criteria for success. A crucial part of sentencing, therefore, is considering when and by what criteria the sentence should end. **The Supervision Length Guidelines create goals and benchmarks to measure the progress of individuals under supervision.**

Open-ended, overly intensive, or unnecessarily lengthy supervision terms can do more harm than good,<sup>1</sup> and extending supervision resources beyond the length necessary to measure progress is not an effective use of resources.

### HOW IS TERMINATION DETERMINED?

The **supervision length guidelines** lay out the process for termination evaluation of criminal supervision<sup>2</sup>. The sentencing authority should set review dates at both the early termination and mandatory termination deadlines. The supervising authority should track progress towards those deadlines and request termination when the goals of sentencing have been met.

### ARE THE SUPERVISION LENGTH GUIDELINES MANDATORY?

In contrast to most of the rest of these guidelines, **many aspects of the supervision length guidelines are mandatory**. Although the sentencing authority retains substantial discretion to craft and modify supervision in a way that best fits the case, the legislature has established certain mandatory guardrails to ensure that the processes around ordering and terminating supervision is equitable statewide.

Mandatory Process	Discretionary Decision
<b>Initial lengths of supervision shall be set consistent with the supervision length guidelines.</b> See U.C.A. §77-18-105(7)(a)(ii); See also U.C.A. §76-3-202(1) (dealing with parole).	Supervision may be extended, subject to appropriate findings at the review hearings, up to the statutory limits.
<b>Early termination and mandatory termination reviews shall be held in accordance with the supervision length guidelines.</b> The supervising authority shall submit reports prior to the deadlines See U.C.A. §77-18-105(7)(a)(iii); See also U.C.A. §76-3-202(1) (dealing with parole).	Early termination requests may be denied, subject to appropriate findings.
<b>Supervision terms may not extend past the maximum prison sentence for the offense at issue, or 36 months for any misdemeanor (statutory limits).</b> See U.C.A. §77-18-105(7)(a)(i) and (7)(b).	Supervision may be terminated earlier than the deadlines, subject to appropriate findings.

<sup>1</sup> Lowenkamp, C. and Latessa, E. (2004). Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low Risk Offenders. Topics in Community Corrections. 3-8.  
<sup>2</sup> The supervision length guidelines are not retroactive and do not apply to individuals while they are incarcerated in prison, or individuals paroled prior to January 1, 2019.



## IX. SUPERVISION LENGTH GUIDELINES

The Court and the Board of Pardons and Parole shall use the following charts to set the initial length of supervision unless a statute requires a shorter length of supervision.<sup>1</sup> Whether early termination is warranted or whether supervision must be continued will ultimately be based on the behavior of the person under supervision and the discretion of the Court or the Board of Pardons and Parole according to these guidelines. The same charts apply to both probation and parole.<sup>2</sup> The first number in each box represents the number of months for the initial length of supervision and identifies a mandatory review date. The second number in each box is the number of months for the early termination review date. For purposes of parole, or when considering probation for multiple convictions sentenced at the same time, the supervision length guideline category shall be based on the offense of conviction with the longest supervision period.<sup>3</sup> Crime categories are listed in Addendum B of the Adult Sentencing & Release Guidelines.

### GENERAL

1st Degree Person	2nd Degree Person / DUI Injury	1st Degree Other	3rd Degree Person / DUI Injury	2nd Other Specific 3rds	2nd Poss 3rd Other	3rd Poss Class A (prison)
48 / 24	48 / 24	36 / 18	36 / 18	36 / 18	36 / 18	24 / 12

### HOMICIDE

1st Degree Aggravated Murder	1st Degree Murder	Attempted Aggravated Murder	1st Degree Death	2nd Degree Death / Auto-mobile (DUI) Homicide	3rd Degree Death	Class A Death
168 / 84	168 / 84	168 / 84	168 / 84	60 / 30	60 / 30	36 / 18

### SEX AND KIDNAP

1st Degree Mandatory Prison	1st Degree	2nd Degree	3rd Degree	Class A
120 / 60	120 / 60	48 / 24	48 / 24	36 / 18

### FINANCIAL OFFENSE WITH SERIOUS LOSS

2nd Degree - > \$1 Million financial loss	2nd Degree - \$200,000 - \$999,999 financial loss	2nd Degree - \$50,000 - \$199,999 financial loss
60 / 30	48 / 24	36 / 18

<sup>1</sup> If a statutory limit requires a period of supervision that is shorter than the early termination review, then early termination will not be available.

<sup>2</sup> The General, Sex and Kidnap, Financial Crimes with Serious Loss, and Homicide charts apply to both probation and parole. The Misdemeanor chart applies only to probation. The Class A column on the General chart applies only to Class A misdemeanors sentenced to prison.

<sup>3</sup> If the offense with the longest supervision period expires during the parole period, the supervision guideline length does not change.

**MISDEMEANOR (PROBATION)**

Class A Person / DUI	Class B Person / DUI	Class A Other	Class B DV Other	Class A POCS	Class B	Class C
24 / 12	24 / 12	24 / 12	24 / 12	24 / 12	12 / 6	6 / 0

## Early Termination Review Process

A person under supervision is eligible for early termination at the early termination review date if the following three requirements are met:

### 1. TREATMENT

- Completion of ordered assessments and any recommended treatment or programming by a licensed provider.
- For the purposes of this section, persons voluntarily engaged in ongoing care after having completing ordered treatment shall be considered as having completed treatment.
- If no treatment is ordered, then this requirement has been met.

### 2. RISK REDUCTION

#### a. General Criminogenic Risk

- i. Risk reduction as indicated by **ANY** of the following:
  1. Overall reduction of 5 percent or more on LS/RNR or other validated risk assessment.
  2. Reduction by one level on LS/RNR or other validated risk assessment (e.g., high to moderate).
  3. Maintaining an overall risk level of moderate or low on LS/RNR or other validated risk assessment.

#### b. Sex Offender Specific Risk<sup>1</sup>

- i. Risk reduction as indicated by an average or below overall score on a validated sex-offender risk assessment or a risk assessment designated by the Utah Department of Corrections Sex Offender Task Force; and
- ii. If ordered by the Court or the Board of Pardons and Parole, completion of an exit polygraph.

If the Treatment and Risk Reduction requirements are met, Adult Probation and Parole or the relevant supervising authority shall submit notice to the Court for probationers or the Board of Pardons for parolees with supporting rationale for early termination based on the Compliance and Stability requirement not fewer than 30 days prior to the early termination review date. If either of the first two requirements are not met, the supervising authority is not required to submit an early termination report. However, once treatment is completed and risk reduction is achieved the supervising authority shall submit notice to the Court or Board of Pardons with the supporting rationale for termination. Notice shall be submitted within 30 days of meeting both requirements.

### 3. COMPLIANCE AND STABILITY

#### a. The supervising authority shall submit a report with an articulation of whether the person under supervision is stable and compliant that shall include:

- i. Risk assessment history;
- ii. Case Action Plan (CAP) or risk reduction progress;

<sup>1</sup>This requirement applies only to individuals convicted of a sexual offense as defined in Addendum C of the Adult & Sentencing & Release Guidelines or individuals ordered to comply with sex offender specific conditions. Sex offenders must also meet the Risk Reduction requirement outlined in 2A.

- iii. Treatment or programming progress;
  - iv. Response and Incentive Matrix (RIM) History, including both responses and incentives;
  - v. Information on any new criminal conduct;
  - vi. Restitution payment history;
  - vii. Employment history, residence, any other relevant factors;
  - viii. A recommendation on the termination of supervision;
- b. The Court or the Board of Pardons and Parole, taking into consideration the recommendation of the supervising authority, shall determine whether the person under supervision has been compliant and stable. Compliance and stability may be found based on success in any one or more of the compliance and stability sub-categories. If a person is denied early termination based on a failure to meet the compliance and stability requirement, the supervising authority shall submit a new report within 30 days of the time the person meets the compliance and stability requirement as articulated by the Court or the Board of Pardons and Parole.

If all three criteria are met, the Court or the Board of Pardons and Parole shall terminate supervision unless:

1. There is a new criminal conviction or new criminal conduct;
2. The supervising authority has submitted a notice of violations or an order or warrant has been issued<sup>2</sup> for violation proceedings in the present case; or
3. The person poses a substantial risk to public safety. Substantial risks to public safety include, but are not limited to:
  - i. Per Se Violation of Supervision Conditions: e.g., dangerous weapons, fleeing via high speed chase, violent arrest behavior, new person crime allegations, high priority CCC walkaways; or
  - ii. Criminal History Dependent: e.g., sex offender in cycle, repeat DUI violations, person crime absconder, mental health instability that negatively impacts a criminogenic risk factor, repeat domestic violence offender, serious financial crimes, including crimes with serious financial loss exceeding \$50,000.

If the Court or the Board of Pardons and Parole denies early termination of supervision under these circumstances, it shall articulate its reasons in writing or on the record and may explain what is required to be eligible for the next termination request.

## Requests for Termination Before the Early Termination Date

Adult Probation and Parole or the relevant supervising authority may submit for termination of supervision at any time, even if it is before the early termination review date indicated in the guidelines. The Court or the Board of Pardons and Parole may set individual criteria for a termination that is earlier than the guidelines at the time of probation sentencing or granting of parole. However, because the early-termination dates are based on evidence of recidivism risks, the Court and the Board of Pardons and Parole is not required to provide reasons for denying early termination requests submitted more than 90 days prior to the Early Termination Date.

## Mandatory Review Process

Within 30 days of the mandatory review date according to the guidelines, the supervising authority shall submit a report that documents current progress on the three criteria areas of Treatment, Risk Reduction, and Compliance and Stability and provides a recommendation about the termination of supervision or other action. Upon receiving the mandatory review report, the Court or the Board of Pardons and Parole shall terminate supervision if the individual has met the three requirements for early termination (Treatment, Risk Reduction, and Compliance and Stability) unless:

<sup>2</sup> If prior notice of violations or a warrant has been issued, the supervising authority is not required to submit a separate termination report.

1. There is a new criminal conviction or new criminal conduct;
2. The supervising authority has submitted a notice of violations or an order or warrant has been issued<sup>3</sup> for violation proceedings in the present case; or
3. The person poses a substantial risk to public safety. Substantial risks to public safety include, but are not limited to:
  - i. Per Se Violation of Supervision Conditions: e.g., dangerous weapons, fleeing via high speed chase, violent arrest behavior, new person crime allegations, high priority CCC walkaways; or
  - ii. Criminal History Dependent: e.g., sex offender in cycle, repeat DUI violations, person crime absconder, mental health instability that negatively impacts a criminogenic risk factor, repeat domestic violence offender, serious financial crimes, including crimes with serious financial loss exceeding \$50,000.

When a person under supervision has reached the initial length of supervision according to the guidelines, but has not met the three requirements for early termination (Treatment, Risk Reduction, and Compliance and Stability), the Court or the Board of Pardons and Parole may either terminate supervision or continue supervision to allow the person under supervision more time to meet all the criteria.<sup>4</sup> The total length of supervision may not extend beyond the length of the person's maximum sentence in the case of felonies or beyond three years in the case of misdemeanors.

If the Court or the Board of Pardons and Parole denies termination of supervision under these circumstances, it shall articulate its reasons in writing or on the record and explain what is required to be eligible for the next termination request. The supervising authority shall submit a new report within 30 days of the time the person has met all the criteria.

If the Court fails to issue an order or decision about the termination of supervision before the mandatory review date, then supervision shall be terminated on that date.

If the Board of Pardons and Parole has received a mandatory review report and fails to issue a decision about the termination of parole within 30 calendar days of receipt of the report, parole shall be terminated. If the Board of Pardons and Parole must return a report to AP&P for additional or corrected information, the Board of Pardons has 30 calendar days from receipt of the updated or corrected report to issue the decision about the termination of the parole.

## Other Supervision Length Guideline Instructions

### Restitution

If the person under supervision has the ability to pay restitution and fails, Adult Probation and Parole or the relevant supervising authority shall respond appropriately according to the Response and Incentive Matrix and may submit a violation report as warranted. The Court may deny termination of probation due to lack of restitution payment only if it makes a finding of contempt according to Utah Code section 78B-6-317(4). The Board of Pardons and Parole may deny termination of parole due to lack of restitution payment only if the person under supervision has a clear ability to pay and is not paying a reasonable amount of restitution. If the Court terminates probation according to the guidelines, but restitution remains unpaid, the Court may order court supervision for the sole purpose of collecting unpaid restitution. Non-payment of fines or fees may not be considered for termination of supervision.

<sup>3</sup> If prior notice of violations or a warrant has been issued, the supervising authority is not required to submit a separate termination report.

<sup>4</sup> All modifications of probation shall conform with the requirements of Utah Code section 77-18-105. Consistent with Utah Code section 77-18-108(2)(b)(i), the Court may not extend probation beyond the initial length of supervision "except upon waiver of a hearing by the probationer or upon a hearing and a finding in court that the probationer has violated the conditions of probation." And, consistent with Utah Code Section 77-18-108(2)(b)(ii), the Court may not revoke probation "except upon a hearing in court and a finding that the conditions of probation have been violated."

## Financial Offenses with Serious Loss

In 2022, the Sentencing and Release Guidelines were updated to include a new Form 4, reflecting more substantial sentencing recommendations for financial offenses where pecuniary damage to the victim(s) exceeds \$50,000. Supervision lengths for these offenses have been comparably increased in the new Financial Offense table above. As with Form 4, this table should only be used where pecuniary damage reflected in the J&C exceeds the \$50,000 financial loss threshold.

For financial offenses pre-dating these new forms, where J&C's may not clearly reflect the financial loss amount, serious financial loss should still be considered as part of the public safety analysis at termination hearings.

Supervision practices for these offenses should emphasize collection of restitution as a primary goal of supervision, and supervision may be extended for the purpose of collecting restitution.

## The Controlling Version of the Supervision Length Guidelines

The version of the Supervision Length Guidelines that was effective at the time of sentencing shall govern for probation. If probation is revoked and reinstated in a manner that is consistent with the guidelines and does not exceed the maximum length of a person's sentence in the case of felonies or three years in the case of misdemeanors, the version of the Supervision Length Guidelines that was effective at the time of the revoking and reinstating shall govern.

The version of the Supervision Length Guidelines that was effective at the time of release from prison to parole shall govern for parole. If a person returns to prison because parole is revoked, and the individual is released again on parole, the version of the guidelines that was effective at the time of the subsequent release shall govern.

If a period of probation is served before a prison sentence, it does not limit the length of time for parole supervision. The controlling version of the Supervision Length Guidelines for parole following a prison sentence that resulted from a probation revocation shall be the version that was in effect at the time of release from prison to parole.

Because the guidelines can change, defendants and their counsel should use caution in relying on the guidelines when determining whether to pursue or accept a plea agreement. The guidelines are not retroactive. The initial length of supervision is not binding and is subject to change based on the behavior of the person under supervision and the discretion of the Court or the Board of Pardons and Parole according to these guidelines.

## Archaic or Unlisted Offenses

Not all offenses sentenced to prison will be listed in Addendum B or C of the Adult Sentencing & Release Guidelines or otherwise directly addressed in the Supervision Length Guidelines. For individuals on parole, the Board of Pardons and Parole shall have the authority to determine the category of offenses that are not listed in the current guidelines. This determination, however, may not have any impact on the individual's maximum sentence length.

## Scope of the Supervision Length Guidelines

The guidelines apply whenever the Court or the Board of Pardons and Parole orders supervision. This specifically includes when Adult Probation and Parole, county, or private probation is ordered. The guidelines, however, do not apply to supervision



of a person who is participating in a specialty court, problem-solving court, or court probation.

## Single Supervision Term

The Court or the Board of Pardons and Parole may not impose consecutive probation or parole terms in a single case where there are multiple criminal charges. The supervision length guideline category shall be based on the offense of conviction with the longest supervision period.

Consecutive sentences may increase an individual's maximum sentence length, which could increase the maximum statutory limit on probation length, but the initial supervision length guideline calculation would not change. For parole, the supervision length shall be consolidated under the longest supervision period according to the guidelines.

When determining probation length for multiple convictions sentenced at the same time, the defendant should be ordered to probation for the longest applicable supervision period, except to the extent that this would violate applicable statutory maximums. For example, if a misdemeanor case and serious felony case are being supervised together, the misdemeanor probation term could not exceed 36 months, even if the felony supervision term is longer.

## Applicable Risk Assessment

For determining whether a person on supervision has reduced risk or maintained a low or moderate risk level, the most current risk assessment shall be compared to the risk assessment nearest to the time when supervision began. An administrative or judicial override of a supervision level may not be considered for the purposes of risk reduction.

## Mental Health Issues Alone Not a Threat to Public Safety

Mental health issues or concerns alone shall not be sufficient cause to identify a public safety risk. However, if mental health issues are creating circumstances or exacerbating risk factors that do pose a public safety risk, the Court or the Board of Pardons and Parole may consider mental health issues to the extent they affect those specific criminogenic factors.

## Tracking Results

The Sentencing Commission shall request that the Courts and the Board of Pardons and Parole provide data and information regarding any deviations from the Supervision Length Guidelines based on the articulated exceptions. The Sentencing Commission shall also request that the Utah Department of Corrections provide data on the length of probation and parole supervision and timelines for submission. The Sentencing Commission shall issue reports as it deems necessary to ensure that the Supervision Length Guidelines are achieving the statutorily defined goals.



## Addenda - Addendum A: Crime Column Severity Listing

This chart lists the columns of the matrices in order of severity for purposes of identifying the correct column to use to intersect with the criminal history row in order to arrive at a guidelines recommendation. **This is a reference only. If an offense could be scored in multiple different columns or matrices, the highest applicable score applies.**

Rank	Crime Category	Matrix
1	1st Degree Aggravated Murder	Homicide
2	1st Degree Murder	Homicide
3	1st Degree Mandatory Prison 25 to Life	Sex Offense
4	1st Degree Mandatory Prison 15 to Life	Sex Offense
5	Attempted Aggravated Murder	Homicide
6	1st Degree Mandatory Prison 10 to Life	Sex Offense
7	1st Degree Mandatory Prison 6 to Life	Sex Offense
8	1st Degree Mandatory Prison 5 to Life	Sex Offense
9	1st Degree Mandatory Prison 3 to Life	Sex Offense
10	1st Degree 5 to Life	Sex Offense
11	1st Degree Death	Homicide
12	2nd Degree Death	Homicide
13	1st Degree Person	General
14	2nd Degree DUI Death + Extreme DUI	DUI Homicide
15	2nd Degree DUI Death	DUI Homicide
16	1st Degree Sex - 3 to Life	Sex Offense
17	1st Degree Other	General
18	2nd Degree Sex - 1 to 15	Sex Offense
19	2nd Degree Financial Offense With Serious Loss	Financial Offense w/ Serious Loss
20	3rd Degree Sex - 0 to 5	Sex Offense
21	2nd Degree Person	General
22	3rd Degree Death / 3rd Degree DUI Death	Homicide / DUI Homicide
23	3rd Degree DUI w/ Serious Injury and/or Extreme DUI	DUI Injury
24	3rd Degree Person / 3rd Degree DUI Injury and Extreme DUI	General / DUI Injury
25	3rd Degree DUI Injury	DUI Injury
26	2nd Degree Other	General
27	2nd Degree Possession	General
28	3rd Degree Other	General
29	Class A Misdemeanor Sex - 0 to 1	Sex Offense
30	Class A DUI Injury	DUI Injury
31	3rd Degree Possession	General



## Addendum B: Categorization of Offenses

This section categorizes criminal offenses to help the user identify the appropriate Behavior Management Form and, where applicable, the appropriate column within that form. These categories may also be used for criminal history scoring on Forms 1-6, but the scorer may need to refer to prior versions of the guidelines for historical offenses.

The Offense Categories and their corresponding Forms are as follows:

Offense Category	Description
<b>Person Offenses</b>	Offenses involving physical injury, threat, or other non-financial harm to persons.
<b>Death Offenses</b>	Offenses resulting in death of a person, but not amounting to murder.
<b>Murder Offenses</b>	Offenses involving murder (or Attempted Aggravated Murder) of another person.
<b>DUI Death / Injury Offenses</b>	Offenses involving DUI resulting in Death or Injury, specifically Automobile Homicide, 76-5-207, and Negligently Operating a Vehicle Resulting in Injury, 76-5-102.1.
<b>Financial Offenses with Serious Loss</b>	Certain specific financial offenses, including major fraud offenses, that result in pecuniary losses to victim(s) of over \$50,000.
<b>Specific 2nd</b>	2nd Degree Felony Possession of a Firearm by a Restricted Person
<b>Specific 3rd</b>	Certain third-degree felony offenses considered more dangerous than offenses in the "other" category
<b>Possession Only</b>	Offenses involving only possession of controlled substances.
<b>Other</b>	Offenses that do not fit into the above categories, including drug offenses that are not "possession only," property/financial offenses that do not result in serious financial loss, offenses against the public order, etc.  Also includes offenses not specified in these Addenda, unless the sentencing, release, or supervision authority finds they fit into another category.

**\*Sex Offenses are categorized separately in Addendum C.**

Where there is ambiguity in these categorizations, the sentencing, release, or supervision authority may determine the category to which the offense belongs upon entering findings consistent with relevant caselaw, including *State v. Waterfield*, 2014 UT App 67 and *State v. Sandridge*, 2015 UT App 297. If an offense is not listed in Addendum B and the sentencing, release, or supervision authority makes no finding that it qualifies as another category of offense, it is then categorized as an Other Offense.

Note that there is a high degree of variability in the specific code sections and subsections used in conviction records statewide. The citations and offense names below may not correspond exactly with those used in the conviction record. The sentencing, release, or supervision authority should strive to match the offense of conviction with its appropriate category, using the below tables as a reference point.

Some offenses may fall into more than one category. For example, an offense can be both a Person and Murder offense, depending on whether it resulted in a death. In those instances, **the highest scoring applicable category and form should be used**, based on the crime of conviction and underlying factual basis.

Crime categorizations may change or new crimes may be added by legislation between guideline editions. Check [justice.utah.gov/sentencing](https://justice.utah.gov/sentencing) for updates to the crime categorization addendums, or categorize using the descriptions above.

## ADDENDUM B – CRIME CATEGORIZATIONS:

Code Citation	Description	Category
4-32-116(1)	Bribery Offenses, Meat/Poultry Chapter - Agricultural Code	Other
4-32-116(2)	Interference, Meat/Poultry Chapter – Agricultural Code	Person, Murder
4-38-303	Bribery, Utah Horse Regulation Act	Other
7-1-318(3)	False Statement or Entry by Financial Institution	Other
7-1-803(4)	Conflicts of Interest, Financial Institution	Other
7-5-10	Lending Trust Funds to Trust Company, Off., Dir., Empl.	Other
9-9-404	Illegal Trafficking Native American Remains	Other
10-3-1310	Municipal Officers’ & Employees’ Ethics Act Violation	Other
13-2-6(2)	Violation of Cease & Desist Order – Div. Consumer Prot.	Other
13-10-8(3)	Failure to Disclose Origin of a Recording	Other
13-23-7(2)	Violation of Health Spa Services Protection Act	Other
13-26-8(1)	Violation of Telephone Fraud Prevention Act	Other
17-43-308(1) and (2)	Prohibited Treatments	Other
19-2-115	Violation of Air Quality Act	Other
19-3-110	Violation of Radiation Control Act	Other
19-5-115	Violation of Water Quality Act	Other
19-6-113	Violation of Solid & Hazardous Waste Act	Other
19-6-822	Violation of Waste Tire Recycling Act	Other
20A-1-601	Bribery in Elections	Other
20A-1-602	Receiving Bribe in Elections	Other
20A-1-603	Voting Fraud, Tampering with Ballots or Records	Other
20A-1-606	Wagering on Elections	Other
20A-1-607	Inducing Attendance at Polls	Other
20A-1-608	Promises of Appointment to Office	Other
20A-1-609	Omnibus Election Penalties	Other
20A-1-610	Abetting Election Violation	Other
23-13-14(3)	Unlawful Release of Wildlife	Other
23-20-4	Wanton Destruction of Protected Wildlife	Other
23-20-4.7	Habitual Wanton Destruction of Protected Wildlife	Other
26-18-4	Performing Abortion Under Auspices of Medicaid Program	Other
26-20-5	False Statements Relating to Qualification of Health Inst.	Other
26-20-9	Violations of False Claims Act	Other
26-23-5.5	Illegal Use of Birth Certificate	Other
26-28-116	Sale or Use of Body Parts Prohibited	Other
26-28-117	Falsification of Documents Related to Organ Donation	Other
26B-5-322	Escape From / Leave State Hospital After Confinement	Other

Code Citation	Description	Category
30-1-9.1	Providing Consent for Child to Enter Prohibited Marriage	Other
30-1-13	Solemnization of Marriage Without License	Other
30-1-14	Acting Without Authority to Perf. Marriage; Impersonation	Other
30-1-15(1)	Solemnization of Prohibited Marriage of Minor	Other
31A-16-111	Insurance Holding Companies Violation	Other
31A-16-112(4)	Willful Violation of Insurance Code	Other
31A-16-112(5)	False Filing - Intent to Deceive Insurance Commissioner	Other
32B-4-401	Unlawful Sale or Furnishing of Alcohol	Other
32B-4-503	Tampering With Records of ABC Commission	Other
32B-4-504	Making False Material Statement Before ABC Commission	Other
32B-4-505	Obstructing Official Proceed./Investig. Under ABC Act	Other
32B-4-508	Offering or Soliciting Bribes or Gifts Under ABC Act	Other
32B-4-509	Forgery Under ABC Act	Other
34-23-402	Child Labor Violation	Other
34A-2-110	Workers' Compensation Insurance Fraud	Other
35A-8-410	Housing Assistance Fraud	Other
41-1a-1313	Poss. of Vehicle or Parts Without Identification Number	Other
41-1a-1314	Unauthorized Control of Vehicle for Extended Time	Other
41-1a-1315	False Evidences of Title and Registration	Other
41-1a-1316	Possession of, Receiving, Transferring Stolen Vehicle	Other
41-1a-1317	Selling or Buying Vehicle Without Identification Number	Other
41-1a-1318	Fraudulent Alteration of Identification Number	Other
41-1a-1319	Odometer Violation	Other
41-1a-1320(3)	Failure to Obtain Tax Clearance to Move Manufactured or Mobile Home	Other
41-3-413	Alteration of Disclosure Statement	Other
41-4-9	Financing Dealers and Purchasers Violation	Other
41-6a-210	Fail to Respond to Officer's Signal to Stop	Specific 3rd
41-6a-210(2)	Fail to Respond Causing Ser. Bodily Injury or Death	Person, Death
41-6a-401.3	Fail to Stop - Accident Involving Injury	Person
41-6a-401.5	Fail to Stop - Accident Involving Death	Death
41-6a-502.5	Impaired Driving	Other
41-6a-502(2)	Driving Under the Influence	Other
41-6a-502(2)(b)(i)	DUI Passenger Under 16	Person
41-6a-502(2)(b)(ii)	DUI Passenger Under 18, Driver Over 21	Person
41-6a-502(2)(c)	Driving Under the Influence – 3rd or Subsequent Conv.	Specific 3rd
41-6a-503(2)(c)	Driving Under the Infl. – Post Auto Homicide or Felony DUI	Specific 3rd
41-6a-520.1(2)(a)	Refusal of Chemical Test	Other
41-6a-520.1(2)(b)(i)	Refusal of Chemical Test - Passenger Under 16	Person
41-6a-520.1(2)(b)(ii)	Refusal of Chemical Test - Passenger Under 18, Driver over 21	Person

Code Citation	Description	Category
41-6a-520.1(2)(c)	Refusal of Chemical Test - Felony DUI Conduct	Specific 3rd
41-6a-1716(4)(b)	Inflict Ser. Bod. Injury – Driving & Using Handh. Wirel. Dev.	Person
41-12a-805	Unauth. Rel. of Info. From Uninsured Motorist ID Database	Other
52-1-13(3)	Public Officer Making False Material Stmt. to Secure Bond	Other
53-5A-303(15)	Providing False Info on Concealed Carry Permit Application	Other
53-5A-602	Dealer Violation of Criminal Background Check Requirements	Other
53-5A-604	Firearm Dealer/Purchaser Violations	Other
53-29-207	Provide False Information on Sex Offender Registration	Other
53-29-305	Failure to Register – Sex or Kidnap Offenses	Other
53-29-306	Sex Offender Location Violation	Other
53-29-307	Sex Offender in Presence of a Child	Person, Sex Offense
58-5a-501	Unlawful Conduct – Podiatric Physician Licensing Act	Other
58-16a-503	Unlawful Conduct – Utah Optometry Practice Act	Other
58-17b-504(1)	Unlawful Conduct – Pharmacy Practice Act	Other
58-31b-503	Unlawful Conduct – Nurse Practice Act	Other
58-37-8	Controlled Substance Violation - <i>Not Designated as Possession Herein</i>	Other
58-37-8.1	Trafficking Fentanyl or Related Substance	Other
58-37-8(2)(a)(i)	Felony Possession/Use of Controlled Substance	Possession
58-37-8(2)(a)(ii)	Allow Possession/Use of Contr. Substance on Premises	Possession
58-37-8(2)(a)(iii)	Felony Possession of Altered or Forged Prescription	Possession
58-37-8(2)(b)(i)	Possession of Marijuana > 100 lbs	Other
58-37-8(2)(b)(ii)	Felony Possession Schedule I or II	Possession
58-37-8(2)(b)(ii)	Possession of Marijuana, Less than 16 oz	Possession
58-37-8(2)(d)	Felony Possession/Use of Other Controlled Substance	Possession
58-37-8(2)(e)	Possession/Use of Controlled Subst. in Correctional Facility	Possession
58-37-8(3)(a)(i)	Felony Fictitious Use of License to Obtain Contr. Subst.	Other
58-37-8(3)(a)(ii)	Felony Obtaining/Dispensing False Prescription	Other
58-37-8(3)(a)(iii)	Felony Making/Uttering/Altering False or Forged Prescrip.	Other
58-37a-5(1)	Possessing Drug Paraphernalia	Possession
58-37a-5(2)	Delivering Drug Paraphernalia	Other
58-37a-5(3)	Delivering Drug Paraphernalia to Person Under 18	Other
58-37a-5(4)	Advertising or Promoting Sale of Drug Paraphernalia	Other
58-37c-11	Unlawful Conduct – Controlled Substances Precursor Act	Other
58-37d-4	Violation of Clandestine Drug Lab Act	Other
58-37d-5	Violation of Clandestine Drug Lab Act	Other
58-37f-601	Unlawful Release/Obtain. Info. - Contr. Subst. Database	Other
58-44a-503	Unlawful Conduct – Nurse Midwife Practice Act	Other
58-55-501(13)	Misuse of Funds Received by Contractor	Other
58-60-111	Unlawful Conduct – Mental Health Professional Pract. Act	Other

Code Citation	Description	Category
58-61-503	Unlawful Conduct – Psychologist Licensing Act	Other
58-68-503	Unlawful Conduct – Utah Osteopathic Medical Pract. Act	Other
58-69-503	Unlawful Conduct – Dentist & Dental Hygienist Pract. Act	Other
58-70a-504	Unlawful Conduct – Physician Assistant Act	Other
58-71-503	Unlawful Conduct – Naturopathic Physician Pract. Act	Other
58-72-502	Unlawful Conduct – Acupuncture Licensing Act	Other
58-73-502	Unlawful Conduct – Chiropractic Physician Pract. Act	Other
59-10-541	Failure to File Tax Return; False Info.; Evading Tax	Other
59-14-209	Violation of Cigarette Tax Stamp	Other
61-1-21(1)	Violation of Utah Uniform Securities Act	Other
61-1-21(2)(a)	Violation of Utah Uniform Securities Act Under \$10,000	Other
61-1-21(2)(b)	Securities Fraud above \$10,000	Other, Financial Offense
61-1-21(3)	Securities Fraud under \$10,000 with Equity/Investment Account Depletion	Other
61-1-21(4)	Securities Fraud above \$10,000 with Equity/Investment Account Depletion	Other, Financial Offense
61-2c-405	Division of Real Estate Violation	Other
62A-4a-709	False/Fraudulent Claim for Medical Assist. Identification	Other
62A-6-116	Unauthorized Sterilization	Other
62A-7-402	Harboring/Concealing Youth Offense	Other
63E-1-404	Unlawful Benefit From Privatization of Independent Entity	Other
63G-6a-2404	Unlawful Conduct – Utah Procurement Code	Other
63M-7-510	Filing False Claim with Crime Victims Reparations	Other
65A-3-2.5(3)(c)	Reckl. Op. Unmanned Aircr.- Direct Physical Contact	Person
65A-3-2.5(3)(d)	Reckl. Op. Unmanned Aircr.- Prox. Cause Collision	Person
67-1a-7	Unlawful Use of State Seal	Other
67-16-12	Violation of Ethics Act	Other
73-18-7.1	Fraudulent Application – Register Motorboat	Other
73-18-7.2	Altering/Forging Registration or Certificate- Motorboat Title	Other
73-18-13.2(3)(b)	Fail to Stop – Boating Accident Involving Ser. Bodily Injury	Person
73-18-13.3	Fail to Stop – Boating Accident Involving Death	Death
73-18-20.3	Falsified Hull Identification	Other
73-18-20.7	Unlawful Control Over Vessel	Other
76-5-102	Assault	Person
76-5-102.1(3)(a)(i)	Negligent Operation of a Vehicle Resulting in Injury (MA)	Person, DUI Injury
76-5-102.1(3)(a)(ii)/(iii)	Negligent Operation of a Vehicle Resulting in Injury (3F)	Person, DUI Injury
76-5-102.1(3)(a)(iv)	Negligent Operation of a Vehicle Resulting in Serious Bodily Injury (3F)	Person, DUI Injury
76-5-102.3	Assault Against School Employees	Person
76-5-102.4	Assault Against a Peace Off./Military Serv. Memb. -Uniform	Person
76-5-102.5	Assault by a Prisoner	Person
76-5-102.6	Propelling Substance/Object at Correct. or Peace Officer	Person



Code Citation	Description	Category
76-5-102.7	Assault Against Health Care Prov./Emer. Med. Serv. Prov.	Person
76-5-102.8	Disarming Peace Officer	Person
76-5-102.9	Propelling Bodily Substance	Person
76-5-103	Aggravated Assault	Person
76-5-103.5	Aggravated Assault by Prisoner	Person
76-5-105	Mayhem	Person
76-5-106	Harassment	Person
76-5-106.5	Stalking	Person
76-5-107.1	Threat Against School	Person
76-5-107.3	Threat of Terrorism	Person
76-5-107.5	Hazing	Person
76-5-108	Violation of Protective Order	Person
76-5-109	Child Abuse	Person
76-5-109.2	Aggravated Child Abuse	Person
76-5-109.3	Child Abandonment	Person
76-5-109.4	Child Torture	Person
76-5-110	Abuse or Neglect of Child with a Disability	Person
76-5-111	Abuse of a Vulnerable Adult	Person
76-5-111.2	Aggravated Abuse of a Vulnerable Adult	Person
76-5-111.3	Personal Dignity Exploitation of a Vulnerable Adult	Person
76-5-111.4	Financial Exploitation of a Vulnerable Adult	Other; Financial Offense
76-5-112	Reckless Endangerment	Person
76-5-112.5	Endangerment of Child or Elder Adult	Person, Death
76-5-113	Surreptitious Administration of a Substance	Person
76-5-114	Commission of Domestic Violence in Presence of a Child	Person
76-5-115	Leaving Child Unattended in Motor Vehicle	Other
76-5-202(3)(b),(e)	Aggravated Murder (Non-Capital)	Murder
76-5-202	Attempted Aggravated Murder (punishable under 76-4-102(1)(a) or (2))	Murder
76-5-203	Murder	Murder
76-5-203	Attempted Murder	Person (Column A if 1st Deg.)
76-5-205	Manslaughter	Death
76-5-206	Negligent Homicide	Death
76-5-207	Negligent Operation of Vehicle Resulting in Death	Death, DUI Death
76-5-207.5	Automobile Homicide Involving Text Messaging/Elect. Mail	Death
76-5-208	Child Abuse Homicide	Death
76-5-209	Homicide by Assault	Death
76-5-301	Kidnapping	Person
76-5-301.1	Child Kidnapping	Person
76-5-303	Custodial Interference	Person

Code Citation	Description	Category
76-5-304	Unlawful Detention or Unlawful Detention of a Minor	Person
76-5-308	Human Trafficking for Labor	Person
76-5-308.1	Human Trafficking for Sexual Exploitation	Person, Sex Offense
76-5-308.3	Human Smuggling	Person
76-5-308.5	Human Trafficking of a Child	Person
76-5-309	Benefitting from Human Trafficking / Smuggling	Person
76-5-310	Aggravated Human Trafficking	Person, Sex Offense, Death
76-5-310.1	Aggravated Human Smuggling	Person
76-5-311	Human Trafficking of a Vulnerable Adult	Person, Sex Offense
76-5-401	Unlawful Sexual Activity with a Minor	Person, Sex Offense
76-5-401.1	Sexual Abuse of a Minor	Person, Sex Offense
76-5-401.2	Unlawful Sexual Conduct with 16 or 17 year old	Person, Sex Offense
76-5-401.3	Unlawful Adolescent Sexual Activity	Person, Sex Offense
76-5-402	Rape	Person, Sex Offense
76-5-402.1	Rape of a Child	Person, Sex Offense
76-5-402.2	Object Rape	Person, Sex Offense
76-5-402.3	Object Rape of a Child	Person, Sex Offense
76-5-403	Forcible Sodomy	Person, Sex Offense
76-5-403.1	Sodomy on a Child	Person, Sex Offense
76-5-404	Forcible Sexual Abuse	Person, Sex Offense
76-5-404.1	Sexual Abuse of a Child	Person, Sex Offense
76-5-405	Aggravated Sexual Assault	Person, Sex Offense
76-5-412	Custodial Sexual Relations	Person, Sex Offense
76-5-412.4	Soliciting Sexually Explicit Conduct from Person in Custody	Person, Sex Offense
76-5-413	Custodial Sexual Relations-Youth Receiving State Services	Person, Sex Offense
76-5-416.2	Unlawful Kissing of a Child	Person
76-5-416.4	Unlawful Kissing of a Minor	Person
76-5-417	Enticing a Minor	Person, Sex Offense
76-5-419(3)(a)	Lewdness - Class B Misdemeanor	Person
76-5-419(3)(b)	Lewdness - 3rd Degree Felony	Person, Sex Offense
76-5-418	Sexual Battery	Person, Sex Offense
76-5-420(3)	Lewdness Involving a Child	Person, Sex Offense
76-5-421(3)(a) or (b)	Indecent Exposure of Another	Person
76-5-421(3)(c)	Indecent Exposure of Another in Presence of Individual <14 years old	Person
76-5-422	Sexual Relations with Adult High School Student	Person, Sex Offense
76-5-423	Unlawful Sexual Exploitation of a Child Using Virtual Reality	Person, Sex Offense
76-5-702	Prohibition on Female Genital Mutilation	Person
76-5-802	Abuse or Desecration of Dead Human Body	Other
76-5-803	Failure to Report Finding a Dead Human Body	Other
76-5b-201	Sexual Exploitation of a Minor	Person, Sex Offense

Code Citation	Description	Category
76-5b-201.1	Aggravated Sexual Exploitation of a Minor	Person, Sex Offense
76-5b-202	Sexual Exploitation of a Vulnerable Adult	Person, Sex Offense
76-5b-203	Distribution of an Intimate Image	Person
76-5b-203.5	Misuse of Intimate Image During Criminal Action	Person
76-5b-204	Sexual Extortion / Aggravated Sexual Extortion	Person, Sex Offense
76-5b-205	Unlawful Distribution of Counterfeit Image	Person
76-5b-206	Failure to Report Child Sex Abuse by Computer Technician	Other
76-5c-202	Disributing Pornographic Material	Other
76-5c-203	Aiding/Abetting Minor in Distributing Pornographic Material	Person
76-5c-204	Inducing Acceptance of Harmful Material	Other
76-5c-205(3)(a),(b)	Dealing in Material Harmful to a Minor - Felony	Person, Sex Offense
76-5c-205(3)(c),(d),(e)	Dealing in Material Harmful to a Minor - Misdemeanor	Person
76-5c-206	Aiding and Abetting Minor in Dist. Material Harmful to Minor	Person, Sex Offense
76-5c-207	Indecent Public Display in Presence of a Minor	Person
76-5c-208	Pornographic/Indecent Material at School	Other
76-5c-209	Possession of a Child Sex Doll	Other
76-5c-210	Distributing a Child Sex Doll	Other
76-5c-211	Pornography Filter Violation	Other
76-5c-212	Property Used for Pornographic Purpose - Owner/Lessor Allow	Other
76-5c-213	Property Used for Pornographic Purpose - Tenant Fail to Exist	Other
76-5c-214	Conspiracy - Pornographic/Harmful Materials Violation	Other
76-5c-305	Distributing Pornographic Film for Exhibition	Other
76-5d-202	Engaging in Prostitution	Other
76-5d-203	Patronizing a Prostituted Individual Who is an Adult	Other
76-5d-204	Patronizing a Prostituted Individual Who is a Child	Person, Sex Offense
76-5d-205	Entering or Remaining in a Place of Prostitution	Other
76-5d-206	Aiding Prostitution	Person
76-5d-207	Exploiting Prostitution	Person
76-5d-208	Aggravated Exploitation of Prostitution	Person, Sex Offense
76-5d-209	Sexual Solicitation of an Adult	Other
76-5d-210	Sexual Solicitation of an Adult	Other
76-5d-211	Sexual Solicitation of a Child	Person, Sex Offense
76-5d-212	Prostitution Offense by HIV Positive Individual	Person
76-6-102	Arson	Other
76-6-103	Aggravated Arson	Person
76-6-105	Causing a Catastrophe	Person
76-6-106	Criminal Mischief	Other
76-6-106	Domestic Violence Criminal Mischief (77-36-1(4)(m))	Person
76-6-106.1	Property Damage or Destruction	Other
76-6-106.1	Domestic Violence Property Damage or Destruction	Person
76-6-106.2	Property Damage or Destruction by Trespasser on Real Property	Other

Code Citation	Description	Category
76-6-106.3	Destruction or tampering with critical infrastructure facility	Other
76-6-107	Graffiti	Other
76-6-109	Offenses Against Timber, Mining, Agricultural Industries	Other
76-6-110	Offenses Committed Against Animal Enterprise	Other
76-6-111	Wanton Destruction of Livestock	Other
76-6-202	Burglary of a Dwelling	Person
76-6-202	Burglary of a Non-Dwelling	Other
76-6-202.2	Interruption of a Connected Service in Commission of Burglary	Other
76-6-203	Aggravated burglary	Person
76-6-204.5	Burglary of a Railroad Car	Other
76-6-206	Criminal Trespass	Other
76-6-206	Domestic Violence Criminal Trespass (77-36-1(4)(m))	Person
76-6-207	Burglary / Interference with Operation of Research Facility	Other
76-6-301	Robbery	Person
76-6-302	Aggravated robbery	Person
76-6-404	Theft	Other
76-6-404.5	Wrongful Appropriation	Other
76-6-404.7	Theft of Motor Vehicle Fuel	Other
76-6-405	Theft by Deception	Other; Financial Offense
76-6-406	Theft by Extortion	Other; Financial Offense
76-6-406(2)(a)	Theft by Extortion Causing Harm	Person; Financial Offense
76-6-406(2)(b)	Theft by Extortion Involving Physical Restraint	Person; Financial Offense
76-6-407	Theft of Lost or Misdelayed Property	Other
76-6-408	Theft by Receiving Stolen Property	Other; Financial Offense
76-6-409	Theft of Services	Other; Financial Offense
76-6-409.3	Theft of Utility or Cable Television Services	Other
76-6-409.6	Telecommunications Fraud	Other
76-6-409.7	Possession of Unlawful Telecommunication Device	Other
76-6-409.8	Sale of Unlawful Telecommunication Device	Other
76-6-409.9	Manufacture of Unlawful Telecommunication Device	Other
76-6-410(1)	Theft by Executory Use	Other
76-6-410(2)	Theft Pursuant to a Rental Agreement	Other
76-6-410.5	Theft of a Rental Vehicle	Other
76-6-413	Release of Fur-Bearing Animals	Other
76-6-414	Theft Causing Economic Interruption	Other
76-6-415	Metal Theft	Other
76-6-501	Forgery	Other
76-6-502	Possession of a Forged Writing or Forged Device	Other
76-6-503.5	Fraudulent Handling or Recordable Writings	Other

Code Citation	Description	Category
76-6-503.7(2)(b)	Filing a Record With Intent to Defraud	Other
76-6-504	Tampering with Records	Other
76-6-505	Issuing a Bad Check or Draft	Other
76-6-506.2	Unlawful Use of a Financial Transaction Card	Other
76-6-506.3	Unlawful Acquisition, Possession or Transfer of FTC	Other
76-6-506.6	Unauthorized Factoring of Credit Card Sales Drafts	Other
76-6-506.7	Obtaining Encoded Info. on FTC With Intent to Defraud	Other
76-10-508	Bribery of or Receiving Bribe by Person in Appraisal Business	Other
76-6-509	Bribery of a Labor Official	Other
76-6-510	Bribe Received by a Labor Official	Other
76-6-511	Defrauding Creditors	Other
76-6-512	Acceptance of Deposit by Insolvent Financial Institution	Other
76-6-513	Unlawful Dealing of Property by a Fiduciary	Other; Financial Offense
76-6-514	Bribery or Threat to Influence Contest	Other
76-6-516	Convey Real Estate by Married Man w/o Wife's Consent	Other
76-6-518	Criminal Simulation	Other
76-6-520	Criminal Usury	Other
76-6-521	False or Fraudulent Insurance Act	Other; Financial Offense
76-6-522	Equity Skimming of a Vehicle	Other
76-6-523	Obstructing Leasing Real Property for Nat. Res. Production	Other
76-6-525	Communications Fraud	Other; Financial Offense
76-6-526	Fraudulent Advertisement, Sale, Lease, etc of Real Property	Other
76-6-602	Retail Theft	Other
76-6-703	Computer Crime	Other; Financial Offense
76-6-903	Cultural Sites Protection Violation	Other
76-6-1002	Damage to a Mail Receptacle	Other
76-6-1003	Mail Theft	Other
76-6-1102	Identity Fraud	Other
76-6-1105	Obtaining An Identifying Document of Another	Other
76-6-1204	Mortgage Fraud	Other; Financial Offense
76-6-1303	Unlawful Poss/Sale/Use of Autom. Sales Suppress. Device	Other
76-6a-4	Pyramid Scheme	Other
76-7-101	Bigamy	Other
76-7-101.5	Child Bigamy	Person
76-7-201	Criminal Nonsupport	Other
76-7-203	Sale of a Child	Person
76-7-310.5	Performing Abortion Using Prohibited Procedures	Other
76-7-314	Performing Unlawful Abortion	Other
76-8-103	Bribery to Influence Official or Political Actions	Other

Code Citation	Description	Category
76-8-105	Receiving or Soliciting a Bribe	Other
76-8-107	Alteration of Proposed Legislative Bill or Resolution	Other
76-8-108	Alteration of Enrolled Legislative Bill or Resolution	Other
76-8-303	Prevention of Legislature or Public Servants from Meeting	Other
76-8-305	Interference with Peace Officer	Other
76-8-305.5	Failure to Stop at the Command of a Peace Officer	Other
76-8-306	Obstruction of Justice	Other
76-8-306.5	Obstructing Service of BOPP Warrant or OSC	Other
76-8-309	Escape	Other
76-8-309.1	Aggravated Escape	Person
76-8-309.2	Harboring or concealing an offender who has escaped	Other
76-8-309.3	Aggravated Escape	Person
76-8-311.1	Transp. Firearm, Ammun., Dang. Weapon in Secure Area	Other
76-8-311.3	Items Prohibited in Correctional & Mental Health Facilities	Other
76-8-312	Bail Jumping	Other
76-8-315	Assault on Elected Official – Attempt/Cause Bodily Injury	Person
76-8-316	Influence/Impede/Retaliate Against Judge or BOPP Memb.	Person
76-8-318	Assault or Threat of Violence Against Child Welfare Worker	Person
76-8-318.5	Threat of Violence Against Child Welfare Worker / Family Member	Person
76-8-402	Misusing Public Monies	Other
76-8-403	Failure to Keep and Pay Over Public Monies	Other
76-8-404	Making Profit Public Monies	Other
76-8-412	Stealing/Destroying/Mutilating Public Records	Other
76-8-414	Recording False or Forged Instruments	Other
76-8-418	Damaging a Jail	Other
76-8-502	Making False/Inconsistent Material Statement	Other
76-8-507	False Personal Information with Intent to Be Another Actual Person	Other
76-8-508	Tampering with a Witness	Other
76-8-508.3	Retaliation Against a Witness, Victim or Informant	Person
76-8-508.5	Tampering with a Juror	Other
76-8-508.5(2)(c)	Tampering with a Juror – Threat to Injure Person or Prop.	Person
76-8-509	Bribery to Dismiss Criminal Proceeding	Other
76-8-509	Extortion to Dismiss Criminal Proceeding – Force or Threat	Person
76-8-510.5	Tampering with Evidence	Other
76-8-802	Destruction of Prop.- Interfere Prep. for Defense/War	Other
76-8-803	Causing/Omitting to Note Defects- Articles for Defense/War	Other
76-8-902	Advocating Criminal Syndicalism or Sabotage	Other
76-8-903	Assemble Advocating Criminal Syndicalism or Sabotage	Other
76-8-1101	Failure to File Tax Return False Info; Evading Tax	Other

Code Citation	Description	Category
76-8-1203	Public Assistance Fraud	Other
76-8-1204	Public Assistance Fraud	Other
76-8-1205	Public Assistance Fraud	Other
76-8-1301	False Statements – Unemployment Compensation	Other
76-9-101	Riot	Other
76-9-101(3)	Felony Riot	Person
76-9-102	Disorderly Conduct	Other
76-9-102.9	Propelling bodily substance or material	Person
76-9-102.1	Aggravated Disorderly Conduct on Street or Highway	Other
76-9-105	Making False Alarm	Other
76-9-105.5	Emergency Reporting Abuse	Other
76-9-106	Disrupting the Operation of a School	Other
76-9-107	Unauthorized Entry onto a School Bus	Other
76-9-108	Disrupting A Funeral or Memorial Service	Other
76-9-109	Targeted Residential Picketing	Person
76-9-111	Public Urination	Other
76-9-112	Participation in Ultimate Fighting Match	Other
76-9-113	Commercial Obstruction	Other
76-9-114	Aggravated Commercial Obstruction	Other
76-9-803	Soliciting, Recruiting, Enticing, or Intimidating a Minor to Join a Gang	Other
76-9-803.1	Aggravated Soliciting, Recruiting, Enticing, or Intimidating Minor to Join a Gang	Person
76-9-803.2	Intimidating a Minor to Remain in a Criminal Street Gang	Other
76-9-803.4	Aggravated Intimidating a Minor to Remain in a Criminal Street Gang	Person
76-9-805	Failure to Disperse from Gang Loitering Area	Other
76-9-110	Public Intoxication	Other
76-9-111	Public Urination	Other
76-9-1205	Damaging Bridge, Dam, Canal, or Water-Related Structure	Other
76-9-1309	Maintenance of Drug-Involved Premises	Other
76-9-1402	Participating in Gambling	Other
76-9-1403	Permitting Gambling	Other
76-9-1404	Online Gambling Promotion	Other
76-9-1405	Gambling Promotion	Other
76-9-1406	Gambling Fraud	Other, Financial Offense
76-9-1407	Possessing Gambling Device	Other
76-9-1408	Fringe Gaming Device Violations	Other
76-9-1409	Lottery Violations	Other
76-9-1410	Confidence Game Violations	Other
76-9-1502	Bus Hijacking	Person



Code Citation	Description	Category
76-9-1503	Assault w/ Intent to Commit Bus Hijacking	Person
76-9-1504	Discharge Firearm / Hurling Missile Into Bus Terminal	Person
76-9-1505 - 1510	Bus Conduct Violations	Other
76-9-1508	Theft of Baggage or Cargo	Other
76-9-1602	Money Laundering	Other, Financial Offense
76-9-1603	Accepting Proceeds of Unlawful Activity	Other
76-9-1604	Failure to Report Financial Transaction	Other
76-9-1702 - 1704	Using Laser Pointer Against Vehicle, Aircraft, Etc	Person
76-9-1902 - 1903	Vehicle Compartment for Contraband	Other
76-11-202	Poss. Concealed Firearm by <21 - Other	Other
76-11-202(3)(c)	Poss. Concealed Firearm by <21 - Commission of Violent Felony	Person
76-11-203	Poss. Short Barrel Rifle	Other
76-11-204	Carrying Loaded Firearm in Vehicle or on Street	Other
76-11-205	Possession of a Dangerous Weapon, etc, on or about School Premises	Other
76-11-206	Carrying Dangerous Weapon at a Daycare	Other
76-11-207	Threatening/Using Dangerous Weapon in a Fight/Quarrel	Person
76-11-208	Possession of a Dangerous Weapon with Criminal Intent	Other
76-11-209	Discharge of Firearm From Vehicle, Near Highway, Etc	Person
76-11-210	Felony Discharge of a Firearm	Person
76-11-211	Poss. of Dangerous Weapon by a Minor	Other
76-11-212	Providing Handgun, Short Barrelled Rifle, etc to Minor	Other
76-11-213	Parent or Guardian Providing Firearm to Violent Minor	Other
76-11-214	Parent or Guardian Knowing a Minor is in Possession of Dangerous Weapon	Other
76-11-215	Sale of Firearm to Juvenile	Other
76-11-216	Prohibited Conduct in Sale of Dangerous Weapon	Other
76-11-217	Carrying Dangerous Weapon While Under the Influence	Other
76-11-305(3)(a)	Category I Res. Pers. Partic. in Dangerous Weapons Conduct (3F Non-Firearm)	Other
76-11-305(3)(b)	Category I Res. Pers. Partic. in Dangerous Weapons Conduct (2F Firearm)	Specific 2nd
76-11-306(3)(a)	Category II Res. Pers. Partic. in Dangerous Weapons Conduct (MA Non-Firearm)	Other
76-11-306(3)(b)	Category II Res. Pers. Partic. in Dangerous Weapons Conduct (3F - Firearm)	Specific 3rd
76-11-307	Selling a Dangerous Weapon to a Category I Restrict Person	Other
76-11-308	Selling a Dangerous Weapon to a Category II Restrict Person	Other
76-12-202	Electronic Communication Harassment	Person
76-12-305	Unlawful Installation of Tracking Device	Person
76-12-306	Voyeurism - Viewing	Person, Sex Offense
76-12-307	Voyeurism - Recording	Person, Sex Offense
76-12-308	Voyeurism - Distributing of Images Obtained Through Voyeurism	Person, Sex Offense
76-12-309(3)(a)	Loitering in a Privacy Space (Class B Conduct)	Other

Code Citation	Description	Category
76-12-309(3)(b)	Loitering in a Privacy Space + Other Sex Offense Violation (Class A Conduct)	Person, Sex Offense
76-13-203	Animal Cruelty	Other
76-13-204	Torturing a Companion Animal	Other
76-13-205	Dog Fighting	Other
76-13-206	Attending a Dog Fight or Related Activity	Other
76-13-207	Game Fowl Fighting	Other
76-13-208	Attending an Organized Animal Fighting Exhibition	Other
76-13-209	Causing Injury or Death to Police Service Animal	Other
76-13-210	Interference with Police Service Canine	Other
76-13-211	Fail to Control Animal	Other
76-13-212(3)(a)	Allowing a Vicious Animal to Go At Large	Other
76-13-212(3)(b)	Human Death by Vicious Animal	Death
76-13-213	Bestiality	Other
76-13-214	Livestock Harassment	Other
76-14-209	Transporting or Harboring Aliens	Other
76-15-209	Unlawful Delivery of Explosive Device to Common Carrier	Other
76-15-210	Explosives Violation	Other
76-15-210(2)(b)	First Degree Explosives Violation	Person
76-15-211	Explosive/Chemical/Incendiary - Possessing Parts	Other
76-15-302	Manufacture, Poss., Sale, Use of Weapon Mass Destr.	Other
76-15-303	Manufacture, Poss., Sale, Use of Hoax Weapon Mass Des.	Other
76-16-206	Fraudulent Documents – Organization/Incr. Capital Stock	Other
76-16-209	Unlawful Acts by Director, Officer or Agent	Other
76-16-510	Illegal Anticompetitive Activities	Other
76-17-407	Pattern of Unlawful Activity	Other
77-23a-4	Interception of Communication	Other
77-23a-5	Traffic in Intercepting Devices	Other
77-23b-2	Interference with Access to Stored Communication	Other
77-36-1(4)(m)	Domestic Violence Criminal Trespass (77-6-206)	Person
78A-2-203	Poss. Dang. Weap. in Secure Area est. by Jud. Council	Other
78B-1-125	Certifying Excessive Witness or Juror Fees	Other
78B-7-802	Violation of Condition for Release After Domestic Violence	Person
78B-7-803	Violation of Pretrial Protective Order	Person
78B-7-804	Violation of a Protective Order (Domestic Violence)	Person



## Addendum C: Categorization of Sex Offenses

Sex offenses are categorized by a letter, A through J, which corresponds with the appropriate crime category column on the sex offense matrix (Form 3). To find the appropriate crime category column on the sex offense matrix, simply find the column letter matching the letter indicated on this list. Unlike the categorization listing for general offenses, the sex offense category listing provides the specific column on the matrix, not simply the general category (murder, death, person, possession only). Therefore, the sex offense category listing is more specific than the general listing and includes inchoate offenses: attempt, conspiracy, and solicitation.

Ordinarily, inchoate offenses are penalized at one level lower than the completed offense, e.g., 2nd degree felony Forcible Sexual Abuse is lowered to 3rd degree felony Attempted Forcible Sexual Abuse. See Utah Code § 76-4-102. However, within the sex offenses there are a number of exceptions to this general rule. For example, Rape of a Child is a 1st degree felony with mandatory prison of 25 years to life. Attempted Rape of a Child is not a 2nd degree felony; rather it is a 1st degree felony with mandatory prison and an indeterminate range of 15 years to life. Conspiracy to Commit Rape of a Child, on the other hand, is a 1st degree felony with no mandatory prison and indeterminate range of 3 years to life while Solicitation to Commit Rape of a Child is a 1st degree felony with mandatory prison and an indeterminate range of 15 years to life. Due to these distinctions between some sex offenses, regularly refer to the following listing to assure that the correct crime category column is used when calculating the guidelines recommendation.

Code Citation	Description	Matrix Column
53-29-307	Sex Offender in Presence of a Child	J
76-5-417	Enticing a minor – first degree felony	E
76-5-417	Enticing a minor – second degree felony	H
76-5-417	Enticing a minor – third degree felony	I
76-5-417	Enticing a minor – class A misdemeanor	J
76-5-301.1	Child kidnapping	A, B, or C
76-5-301.1 <sup>1</sup>	Attempted child kidnapping	G
76-5-301.1 <sup>3</sup>	Conspiracy to commit child kidnapping	G
76-5-301.1	Solicitation to commit child kidnapping	H
76-5-302	Aggravated kidnapping	A, B, or C
76-5-302	Attempt, conspiracy, or solicitation to commit aggravated kidnapping	H
76-5-308.1	Human Trafficking for Sexual Exploitation	F
76-5-310	Aggravated Human Trafficking for Sexual Exploitation	F
76-5-311	Human Trafficking for Sexual Exploitation of a Vulnerable Adult	F
76-5-401	Unlawful sexual activity with a minor	I
76-5-401	Attempt, conspiracy, or solicitation to commit unlawful sexual activity with a minor	J
76-5-401.1	Sexual abuse of a minor	J
76-5-401.1(3)(b)	Sexual abuse of a minor student	I
76-5-401.2	Unlawful sexual conduct with a 16 or 17 year old	I

Code Citation	Description	Matrix Column
76-5-401.2	Attempt, conspiracy, or solicitation to commit unlawful sexual conduct with a 16 or 17 year old	J
76-5-401.2(3)(a)	Unlawful sexual conduct with a 16 or 17 year old student	I
76-5-401.3	Unlawful Adolescent Sexual Activity (Third Degree Felony)	I
76-5-402	Rape	F (A, B, or C)
76-5-402 <sup>1</sup>	Attempted rape	G
76-5-402 <sup>3</sup>	Conspiracy to commit rape	G
76-5-402	Solicitation to commit rape	H
76-5-402.1	Rape of a child	25 Years- Life
76-5-402.1 <sup>1,2</sup>	Attempted rape of a child	A, B, C or E
76-5-402.1 <sup>3</sup>	Conspiracy to commit rape of a child	G
76-5-402.1	Solicitation to commit rape of a child	A, B, C, or E
76-5-402.2	Object rape	F (A, B, or C)
76-5-402.2 <sup>1</sup>	Attempted object rape	G
76-5-402.2 <sup>3</sup>	Conspiracy to commit object rape	G
76-5-402.2	Solicitation to commit object rape	H
76-5-402.3	Object rape of a child	25 Years- Life
76-5-402.3 <sup>1,2</sup>	Attempted rape of a child	A, B, C, or E
76-5-402.3 <sup>3</sup>	Conspiracy to commit rape of a child	G
76-5-402.3	Solicitation to commit rape of a child	A, B, C, or E
76-5-403(3)	Forcible sodomy	F (A, B, or C)
76-5-403(3) <sup>1</sup>	Attempted forcible sodomy	G
76-5-403(3) <sup>3</sup>	Conspiracy to commit forcible sodomy	G
76-5-403(3)	Solicitation to commit forcible sodomy	H
76-5-403.1	Sodomy on a child	25 Years- Life
76-5-403.1 <sup>1,2</sup>	Attempted sodomy on a child	A, B, C, or E
76-5-403.1 <sup>3</sup>	Conspiracy to commit sodomy on a child	G
76-5-403.1	Solicitation to commit sodomy on a child	A, B, C, or E
76-5-404	Forcible sexual abuse	A, H
76-5-404	Attempt, conspiracy, or solicitation to commit forcible sex. abuse	I
76-5-404.1	Aggravated sexual abuse of a child	A, B, or C
76-5-404.1 <sup>1</sup>	Attempted aggravated sexual abuse of a child	G
76-5-404.1 <sup>3</sup>	Conspiracy to commit aggravated sexual abuse of a child	G
76-5-404.1	Solicitation to commit aggravated sexual abuse of a child	H
76-5-404.1	Sexual abuse of a child	H
76-5-404.1	Attempt, conspiracy, or solicitation to commit sex. abuse of child	I
76-5-405	Aggravated sexual assault	A, B, or C
76-5-405 1	Attempted aggravated sexual assault	G
76-5-405 3	Conspiracy to commit aggravated sexual assault	G

Code Citation	Description	Matrix Column
76-5-405	Solicitation to commit aggravated sexual assault	H
76-5-412(2)	Custodial sexual relations (victim is 18 or older)	I
76-5-412(2)	Attempt, conspiracy, or solicitation to commit custodial sexual relations (victim is 18 or older)	J
76-5-412(2)	Custodial sexual relations (victim is younger than 18)	H
76-5-412(2)	Attempt, conspiracy, or solicitation to commit custodial sexual relations (victim is younger than 18)	I
76-5-412(4)	Custodial sexual misconduct (victim is 18 or older)	J
76-5-412(4)	Custodial sexual misconduct (victim is younger than 18)	I
76-5-412(4)	Attempt, conspiracy, or solicitation to commit custodial sexual misconduct (victim is younger than 18)	J
76-5-413(2)	Custodial sexual relations with a youth receiving state services (victim is 18 or older)	I
76-5-412.4	Soliciting Sexually Explicit Conduct from Person in Custody	J
76-5-413(2)	Attempt, conspiracy, or solicitation to commit custodial sexual relations with a youth receiving state services (victim is 18 or older)	J
76-5-413(2)	Custodial sexual relations with a youth receiving state services (victim is younger than 18)	H
76-5-413(2)	Attempt, conspiracy, or solicitation to commit custodial sexual relations with a youth receiving state services (victim is younger than 18)	I
76-5-413(4)	Custodial sexual misconduct with a youth receiving state services (victim is 18 or older)	J
76-5-413(4)	Custodial sexual misconduct with a youth receiving state services (victim is younger than 18)	I
76-5-413(4)	Attempt, conspiracy, or solicitation to commit custodial sexual misconduct with a youth receiving state services (victim is younger than 18)	J
76-5-418	Sexual battery	J
76-5-419(3)(b)	Lewdness - 3rd Degree Felony	I
76-5-420	Lewdness involving a child	I or J
76-5-423	Unlawful Sexual Exploitation of a Child Using Virtual Reality	H or J
76-5b-201	Sexual exploitation of a minor	H
76-5b-201	Attempt, conspiracy, or solicitation to commit sexual exploitation of a minor	I
76-5b-201.1	Attempt, conspiracy, or solicitation to commit sexual exploitation of a minor	F
76-5b-202	Sexual exploitation of a vulnerable adult	I
76-5b-204(3)(i)	Sexual Extortion / Aggravated Sexual Extortion	H, I, or J
76-5c-205(3)(a),(b)	Dealing in Materials Harmful to Minor - Felony	H, I, or J
76-5c-206	Aiding and Abetting Minor in Distributing Material Harmful to Minor	J
76-5d-204	Patronizing a Prostituted Individual Who is a Child	H, I, or J
76-5d-208	Aggravated exploitation of prostitution	F or H
76-5d-208	Attempt, conspiracy, or solicitation to commit aggravated exploitation prostitution	I or H
76-5d-211	Sexual Solicitation of a Child	H, I, or J
76-7-102	Incest	I
76-7-102	Attempt, conspiracy, or solicitation to commit incest	J
76-9-702	Third degree lewdness <sup>4</sup>	I
76-12-306	Voyeurism - Viewing	J or Form 6

Code Citation	Description	Matrix Column
76-12-307	Voyeurism - Recorded or Photographed	I or J
76-12-308	Distributing of Images Obtained Through Voyeurism	H or I
76-12-309(3)(b)	Loitering in a Privacy Space + Other Sex Offense Violation (Class A)	J

<sup>1</sup> See Utah Code § 76-4-102(2)    <sup>2</sup> See Utah Code § 76-3-406(10)    <sup>3</sup> See Utah Code § 76-4-202(2)

<sup>4</sup> If an individual is convicted for a class B misdemeanor sex offense, Form 6 - The Misdemeanor Matrix should be used.



## Addendum D: Stakeholder Policy Considerations

### A. Prosecution

Prosecutors may use the guidelines to determine the implications of charging and plea negotiations. The guidelines are intended to make the system predictable by making explicit the sentence an individual with a given background is likely to receive. Prosecutors should make it a policy to explain to the victim the effect of charging and plea negotiations in each individual case.

### B. Presentence Investigations

The Department of Corrections determines supervision and presentence investigation standards pursuant to Utah Code § 77-18-109(1) and may consider type of offense, risk and needs assessment, demand for service, the availability of agency resources, public safety, and other criteria established by the department.

The Department of Corrections provides the following types of presentence reports:

1. **Full-version:** felony offenses for moderate- or higher-risk individuals; all sex offenses class A and higher regardless of risk level; includes applicable guideline forms
2. **Short-version:** felony offenses for low-risk individuals; class A offenses for moderate- or higher-risk individuals; includes applicable guideline forms
3. **Low-risk report:** class A offenses for low-risk individuals; excluding sex offenses; guideline forms NOT included; a low-risk report is not a presentence investigation report

Presentence investigations by AP&P are conducted on individuals convicted of a felony level offense or Class A offense and identified as moderate- or high-risk to re-offend by a validated screening or assessment tool. The presentence investigation should include a summary of the validated risk and needs assessment tool and other assessment(s) as appropriate to assist in structuring supervision and treatment accordingly.

All individuals who are identified as moderate- or high-risk to re-offend on a validated screening tool receive more comprehensive assessment(s). If a validated screening tool has identified an individual convicted of a Class B misdemeanor offender as moderate- or high-risk to re-offend who is not eligible for supervision by AP&P, courts may request additional assessments from county or private agencies. All recommendations included in these guidelines with specific reference to AP&P apply equally to state, county or private probation agencies.

Presentence investigations should have the applicable guidelines Forms 1 – 7 attached when they are sent to the sentencing judge, the prosecutor, and the individual convicted of a crime in accordance with Utah Code § 77-18-109 and Utah Code Jud. Admin. Rule 4-203. The recommendations made to the judge should conform to the guidelines unless aggravating or mitigating circumstances are documented, or in cases where a mandatory sentence exceeds the guideline recommendation.

Presentence Reports and Progress/Violation Reports may contain the results of additional assessments and/or tools utilized by AP&P in developing and updating an individual's Case Action Plan. The concepts outlined in Behavior Management Tools



1 - 6 may be incorporated into future Presentence Reports and Progress/Violation Reports as appropriate. Tools 2 - 6 are not anticipated to be presented at the time of sentencing, but may be included in Progress/Violation Reports.

## **C. Sentencing Judges**

Sentencing judges may require that Behavior Management Forms 1 - 7 be attached to all district court presentence investigations. Judges are encouraged to sentence within the guidelines unless they find aggravating or mitigating circumstances justifying departure from Behavior Management Forms 1 - 7. These circumstances should be stated in open court and may be included on the judgment and commitment order.

Sentencing of misdemeanor offenses should consider the seriousness and proportionality of misdemeanor offenses in relation to felony offenses. Generally, a sentence for a misdemeanor offense should be less severe than that which is recommended for a felony offense. Supervision and treatment resources should then be prioritized based upon the results of a validated criminogenic risk and needs assessment, not the presenting offense.

The Commission recommends that future resources appropriated for supervision and treatment be allocated using a data-driven, evidence-based, and comprehensive approach.

## **D. Board of Pardons and Parole**

The Board of Pardons and Parole Board requires an updated guidelines form to be completed on each individual appearing for an original hearing. In many cases, additional events have occurred between the time of the court's first sentencing decision and the first appearance before the Board (e.g., new convictions, program successes or failures, escapes, etc.). Except where there are aggravating or mitigating factors, the Board is encouraged to make decisions compatible with the guidelines.

A statement of general rationale for Board decisions is provided to the individual and made available to the public at [www.bop.utah.gov](http://www.bop.utah.gov). The Board is currently in the process of developing a structured decision making tool and adopting the ten practice targets identified by the National Parole Resource Center. As Board practices are further developed and delineated, the guidelines should be updated to reflect practices accordingly.

If an individual was sentenced prior to October 1, 2015, the 2014 Utah Sentencing Guideline matrix will be used. If an individual was sentenced on or after October 1, 2015, the guideline calculation will be based on the version of the Utah Sentencing Guidelines in effect on the original court sentencing date.

An individual's guideline calculations will be based on the version of the sentencing guidelines that govern on the date the individual was sentenced. If multiple sentencing dates are associated with the Judgment and Commitment(s) (J&C) received by the Board on the same day, the last case sentencing date associated with the J&C will be used. This calculation will remain in force unless or until a new J&C is received for an offense under Board jurisdiction.

An original court sentencing date is either the date an individual is initially sentenced directly to prison or the date an individual receives a suspended sentence to prison and is granted probation.

For those who have a hearing on or after January 1, 2017, the Board will use the guideline based on the protocol outlined above. If multiple Judgment & Commitments are associated with the prison commitment, the most recent sentencing date will govern for all offenses associated with the current prison commitment unless the offense was committed while the individual was in prison.

If the individual committed the offense while in prison, a new, separate guideline is calculated for the new prison commitment. The new offense is classified as an additional primary offense without changing the adjusted commitment date.

The new offense guideline is added to the individual's prior guideline, resulting in a single, combined guideline.

If the individual's guideline from the prior offense has passed, the new offense guideline will start on the date the new sentence occurred.

## **E. Alternate Probation Providers**

In addition to AP&P, county and private probation providers also provide supervision services through the courts. Neither county nor private probation services should be utilized to provide more intensive supervision than is recommended for AP&P. For instance, where "court" supervision is recommended for a low-risk/low-need individual, county or private probation should not provide supervision services. "Court" supervision refers to a minimal level of administrative supervision services, which generally involves the setting of a review hearing on a compliance calendar. Where "supervised" probation is indicated, the supervision services may be provided by AP&P, county or private probation providers.

The recommendations for AP&P specifically referenced in the guidelines apply equally regardless of the agency providing supervision services. See § 77-18-1 (2)(b)(iv) and (c).

## Addendum E: PSI Process for Low-Risk Individuals

AP&P will provide a full presentence investigation report to the court for low-risk individuals prior to sentencing in the following circumstances:

1. Class A Person Offenses (See Addendum B);
2. All sex offenses (See Addendum C);
3. Felony or Class A DUI offenses that involve a victim;
4. When the court determines a PSI is warranted for reasons stated on the record, taking into account that low risk individuals are generally not appropriate for supervised probation.

AP&P may provide a modified PSI (Low Risk Report) to the court for certain low-risk individuals prior to sentencing in the following circumstances:

1. Class A "Other" offenses (See Addendum B);
2. Class A DUI offenses not involving a victim.

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### PROCEDURE

1. If the individual is screened or assessed as low AND meets one of the above criteria AP&P will prepare the Sentencing Memorandum.
2. If AP&P recommends that a PSI or supervision is not warranted because of a low risk screen that does not meet one of the above criteria, it should notify the court promptly after the screen is administered.
3. If the court determines that a PSI is needed, it will notify AP&P.
4. If a judge has a concern regarding a PSI report prepared by AP&P based on either the judge's review of the report or a concern raised by the prosecution or defense, the court should notify AP&P of the concern. AP&P should promptly provide a response.
5. If AP&P determines that the original report is correct and complies with the guidelines, AP&P will explain its reasons to the judge and no further reports will be provided.

# Addendum F: Blank Copies of Behavior Management Forms

Sentencing Commission stakeholders have requested blank copies of the Behavior Management forms to be printed or used as templates for digital forms within their agencies. Forms 1 - 7A are duplicated below for these purposes. They include some formatting changes requested by stakeholders but do not include any substantive changes or different policy implications from those found in the main document.

A sentencing authority or administrative agency using the guidelines may reformat the forms as necessary to suit their function, as long as the substantive recommendations in the guidelines do not change.

# Form 1 – General Matrix

Only score the single highest point option within a given category. Do not check multiple scores in a single category and then add them. Any negative points which are deducted for the most recent post conviction crime-free gap period may not reduce the total score below 0.

## CRIMINAL HISTORY SCORING

These guidelines do not create any rights or expectations. Matrix time frames refer to imprisonment only. Refer to the categorization of offenses with the exception of "Specific 3rds," which are the 3rd Degree Offenses of: DUI, Possession of Firearm by Restricted Person, and Failure to Respond to Officer's Signal to Stop, and "Specific 2nd," which refers to 2nd Degree Felony Possession of a Firearm by a Restricted Person.

<b>PRIOR FELONY CONVICTIONS</b> (Separate adult case numbers)	2 One 4 Two 6 Three 8 Four or Five 13 Six or more	<b>PRIOR PERSON OR FIREARM CONVICTIONS</b> (Adult or juvenile)	2 Misdemeanor person offense (AD,B) 2 Felony firearm offense (76-10-5) 4 Felony person offense (AD,B) 6 Homicide offense (76-5-2)
<b>PRIOR CLASS A MISDEMEANOR / CLASS B PERSON OR DUI CONVICTIONS</b> (Separate adult case numbers)	1 One or two 2 Three to five 3 Six or more	<b>PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS</b> (Offenses that would have been felonies if committed by adult) (3 class a adjud. = 1 Felony)	1 One 2 Two to four 3 Five or more
<b>SUPERVISION HISTORY</b> (Adult only – Federal, AP&P, private, county, problem solving court removal*)	2 Prior revocation 3 Current offense on supervision	<b>MOST RECENT POST-CONVICTION CRIME-FREE GAP</b> Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))	-1 Three to four years -2 Five to six years -3 Seven to nine years -4 Ten or eleven years -5 Twelve years or more

## CRIMINAL HISTORY ROW

<b>Row I</b> 0 - 3 Points	<b>Row II</b> 4 - 7 Points	<b>Row III</b> 8 - 11 Points	<b>Row IV</b> 12 - 15 Points	<b>Row V</b> 16+ Points
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## CRIME CATEGORY

	1st Degree Att. Murder A	1st Degree Person B	1st Degree Other C	2nd Degree Person D	3rd Degree Person Specific 2nd E	2nd Other Specific 3rds F	2nd Poss 3rd Other G	3rd Poss Class A** H
<b>V</b>	120 MOS	120 MOS	84 MOS	54 MOS	32 MOS	26 MOS	16 MOS	12 MOS
<b>IV</b>	108 MOS	108 MOS	78 MOS	42 MOS	26 MOS	20 MOS	14 MOS	10 MOS
<b>III</b>	96 MOS	96 MOS	72 MOS	30 MOS	20 MOS	16 MOS	12 MOS	8 MOS
<b>II</b>	84 MOS	84 MOS	66 MOS	24 MOS	16 MOS	14 MOS	10 MOS	6 MOS
<b>I</b>	72 MOS	72 MOS	60 MOS	18 MOS	14 MOS	12 MOS	8 MOS	4 MOS

\* A problem-solving court is a specialized court designated by the Utah Administrative Office of the Court. Every problem-solving court or RIM violation/sanction should not be counted as a revocation. An Order to Show Cause with revocation and actual removal from the problem-solving court is required in order to count as prior revocation of supervised probation. An Order to Show Cause with revocation and actual removal is required to count current offense on supervision.

\*\*Time periods only apply to Class A offenses sentenced to prison under § 76-3-208(1)(b). Form 6 applies to sentencing of misdemeanor offenses under § 76-3-208 (1)(c).

**Consecutive Enhancements (served one after another):** 40% of the shorter sentence added to the full length of the longer sentence.

**Concurrent Enhancements (served at the same time):** 10% of the shorter sentence added to full length of the longer sentence.

## Form 2 – Homicide/Death Offense Matrix

These are guidelines only. They do not create any right or expectation on behalf of the individual. Matrix time frames refer to imprisonment only. Refer to the categorization of offenses. Guidelines do not apply to sentences of death. Guidelines in effect at the time of original sentencing are to be used.

### CRIMINAL HISTORY SCORING

Statutes with more specific sentence lengths preempt guideline recommendations. The Homicide/Death Matrix includes:

Aggravated Murder, Murder, Attempted Aggravated Murder, Manslaughter, Child Abuse Homicide, Homicide by Assault, Negligent Homicide, Automobile Homicide, and other offenses listed in Addendum B.

#### PRIOR FELONY CONVICTIONS (Separate adult case numbers)

- 2 One
- 4 Two
- 6 Three
- 8 Four or Five
- 13 Six or More

#### PRIOR CLASS A MISDEMEANOR / CLASS B PERSON OR DUI CONVICTIONS (Separate adult case numbers)

- 1 One or two
- 2 Three to five
- 3 Six or more

#### SUPERVISION HISTORY

(Adult only – Federal, AP&P,  
private, county, problem solving  
court removal\*)

- 2 Prior revocation
- 3 Current offense  
on supervision

#### PRIOR PERSON OR FIREARM CONVICTIONS / ADJUDICATIONS (Adult or juvenile)

- 2 Misdemeanor person offense (AD.B)
- 2 Felony firearm offense (76-10-5)
- 4 Felony person offense (AD.B)
- 6 Homicide offense (76-5-2)

#### PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS (Offenses that would have been felonies if committed by adult) (3 class A adjud. = 1 Felony)

- 1 One
- 2 Two to four
- 3 Five or more

#### MOST RECENT POST-CONVICTION CRIME-FREE GAP Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (Exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))

- 1 Three to four years
- 2 Five to six years
- 3 Seven to nine years
- 4 Ten or eleven years
- 5 Twelve years or more

### CRIMINAL HISTORY ROW

Row I 0 - 3 Points	Row II 4 - 7 Points		Row III 8 - 11 Points		Row IV 12 - 15 Points		Row V 16+ Points	
	1st Degree Aggravated Murder  A	1st Degree Murder  B	Attempted Aggravated Murder*  C	1st Degree Death  D	2nd Degree Death  E	2nd Degree Auto Homicide Hand-held Device F	3rd Degree Death  G	Class A Death  H
V	444 MOS	288 MOS	240 MOS	180 MOS	156 MOS	84 MOS	48 MOS	12 MOS
IV	408 MOS	276 MOS	228 MOS	168 MOS	144 MOS	72 MOS	42 MOS	12 MOS
III	MANDATORY IMPRISONMENT 372 MOS	264 MOS	216 MOS	156 MOS	132 MOS	60 MOS	36 MOS	12 MOS
II	336 MOS	252 MOS	204 MOS	144 MOS	120 MOS	48 MOS	30 MOS	12 MOS
I	300 MOS	240 MOS	192 MOS	132 MOS	108 MOS	36 MOS	JAIL AS COND. 24 MOS	12 MOS

\*Attempted Aggravated Murder can have a wide range of prison minimums (5, 6, or 15 years) depending on whether it involves serious bodily injury and whether mitigating factors are found. The Board of Pardons & Parole will take into consideration the minimum applicable prison term as well as the guideline range in Column C.

**Consecutive Enhancements (served one after another):** 40% of the shorter sentence added to the full length of the longer sentence.

**Concurrent Enhancements (served at the same time):** 10% of the shorter sentence added to full length of the longer sentence.

# Form 2A - DUI Homicide / Injury Matrix - Prison Matrix

This matrix applies to violations of 76-5-207, Automobile Homicide, and 76-5-102.1, Negligently Operating a Vehicle Resulting in Injury.

## CRIMINAL HISTORY SCORING

<b>PRIOR FELONY CONVICTIONS (Non-DUI only)</b> (Separate adult case numbers)	2 One 4 Two 6 Three 8 Four or Five 13 Six or More	<b>PRIOR DUI CONVICTIONS</b> (Separate adult case numbers)	4 One 8 Two or More
<b>PRIOR CLASS A MISDEMEANOR / CLASS B PERSON CONVICTIONS (NON-DUI ONLY)</b> (Separate adult case numbers)	1 One or Two 2 Three to Five 3 Six or More	<b>PRIOR PERSON OR FIREARM CONVICTIONS (Non-DUI only)</b> (Adult or juvenile)	2 Misdemeanor person offense (AD.B) 2 Felony firearm offense (76-10-5) 4 Felony person offense (AD.B) 6 Homicide offense (76-5-2)
<b>SUPERVISION HISTORY</b> (Adult only – Federal, AP&P, private, county, problem solving court removal*)	2 Prior revocation 3 Current offense on supervision	<b>PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS</b> (Offenses that would have been felonies if committed by adult) (3 class A adjud. = 1 Felony)	1 One 2 Two to four 3 Five or more
		<b>MOST RECENT POST-CONVICTION CRIME-FREE GAP</b> Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (Exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))	-1 Three to four years -2 Five to six years -3 Seven to nine years -4 Ten or eleven years -5 Twelve years or more

## CRIMINAL HISTORY ROW

<b>Row I</b> 0 - 3 Points	<b>Row II</b> 4 - 7 Points	<b>Row III</b> 8 or More Points
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## CRIME CATEGORY & PRISON MATRIX

	2nd Degree Death + Extreme DUI	2nd Degree Death	3rd Degree Death	3rd Degree Serious Bodily Injury + Extreme DUI	3rd Degree Serious Bodily Injury	3rd Degree Injury Only + Extreme DUI	3rd Degree Injury Only	Class A Injury + Extreme DUI	Class A Injury
	A	B	C	D	E	F	G	H	I
III	120 MOS	96 MOS	48 MOS	36 MOS	24 MOS	16 MOS	14 MOS	14 MOS	12 MOS
	IMPRISONMENT						JAIL AS COND.		
II	96 MOS	70 MOS	36 MOS	30 MOS	18 MOS	14 MOS	12 MOS	12 MOS	6 MOS
I	70 MOS	60 MOS***	24 MOS	24 MOS	14 MOS	12 MOS	8 MOS	6 MOS	4 MOS

\*Consecutive Enhancements (served one after another): 40% of the shorter sentence added to the full length of the longer sentence.

\*Concurrent Enhancements (served at the same time): 10% of the shorter sentence added to full length of the longer sentence.

\*\*Time periods only apply to Class A offenses sentenced to prison under § 76-3-208(1)(b).

\*\*\*The presumptive statutory sentence for this offense is 5 - 15 years (76-5-207(3)(a)). If a judge issues a reduced sentence pursuant to 76-5-207(7), the Board of Pardons & Parole will take into consideration the minimum applicable prison term as well as the guideline score.



## Form 2B – DUI Homicide / Injury - Jail Matrix

This form is used to determine jail time as part of a probation sentence for 76-5-207, Automobile Homicide or 76-5-102.1, Negligent Operation of a Vehicle Resulting in Injury. This form should not be used to calculate jail time-to-close a case. As with any sentence, the purposes of incarceration should be carefully considered, and incarceration should be paired with risk reduction programming. All numbers listed are in days, not months. The jail sentence listed above the time range available is the recommended amount of jail days as an initial period of confinement in the county jail, if jail is ordered. The low-end of the range in parentheses below is set consistent with similar mandatory minimum sentences for DUI in statute. Note, however, that jail may not be required if certain findings are made (see [DUI Statutory Overview](#) at [justice.utah.gov/sentencing](http://justice.utah.gov/sentencing)).

### CRIMINAL HISTORY ROW

	2nd Degree Death + Extreme DUI	2nd Degree Death	3rd Degree Death	3rd Degree Serious Bodily injury + Extreme DUI	3rd Degree Serious Bodily Injury	3rd Degree Injury + Extreme DUI*	3rd Degree Injury Only*	Class A Injury + Extreme DUI	Class A Injury
	A	B	C	D	E	F	G	H	I
III	180 (120-364)	180 (120-364)	180 (120-364)	180 (120-364)	180 (120-364)	180 (120-300)	120 (60-180)	100 (60-180)	90 (60-120)
II	180 (120-364)	180 (120-364)	180 (120-364)	180 (60-360)	150 (60-300)	180* (120-300)	120* (60-180)	40 (20-60)	20 (10-30)
I	180 (120-364)	180 (120-364)	180 (120-364)	120 (60-240)	105 (60-150)	180* (120-300)	120* (60-180)	10 (10-30)	5 (5-15)

\*The sentencing in these columns is the same across all rows because the elements of 3rd Degree Felony Negligent Operation of a Vehicle Resulting in Injury (not Serious Bodily Injury) require prior DUI convictions (See 76-5-102.1(3)(a)(ii) and (iii)).

# Form 3 – Sex & Kidnap Offense Matrix

These are guidelines only. They do not create any right or expectation on behalf of the individual convicted of a crime. Matrix time frames refer to imprisonment only. Refer to the categorization of offenses.

## CRIMINAL HISTORY SCORING

<b>PRIOR FELONY CONVICTIONS</b> (Separate adult case numbers)	2 One 4 Two 6 Three 8 Four or Five 13 Six or more	<b>PRIOR PERSON OR FIREARM CONVICTIONS / ADJUDICATIONS</b> (Adult or juvenile)	2 Misdemeanor person offense (AD.B) 2 Felony firearm offense (76-10-5) 4 Felony person offense (AD.B) 6 Homicide offense (76-5-2)
<b>PRIOR CLASS A MISDEMEANOR / CLASS B PERSON OR DUI CONVICTIONS</b> (Separate adult case numbers)	1 One or two 2 Three to five 3 Six or more	<b>PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS</b> (Offenses that would have been felonies if committed by adult) (3 class A adjud. = 1 Felony)	1 One 2 Two to four 3 Five or more
<b>SUPERVISION HISTORY</b> (Adult only – Federal, AP&P, private, county, problem solving court removal*)	2 Prior revocation 3 Current offense on supervision	<b>MOST RECENT POST-CONVICTION CRIME-FREE GAP</b> Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))	-1 Three to four years -2 Five to six years -3 Seven to nine years -4 Ten or eleven years -5 Twelve years or more
<b>DEGREE OF PRIOR SEX/KIDNAP CONVICTION</b> (offenses listed in addendum C)	2 Misd. or 3rd degree 4 1st or 2nd degree		

## CRIMINAL HISTORY ROW

<b>Row I</b> 0 - 3 Points	<b>Row II</b> 4 - 6 Points	<b>Row III</b> 7 or More Points
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## CRIME CATEGORY & PRISON MATRIX

	1st Degree Mandatory Prison (15+)	1st Degree Mandatory Prison (10+)	1st Degree Mandatory Prison (6+)	1st Degree Mandatory Prison (5+)	1st Degree Mandatory Prison (3+)	1st Degree (5+)	1st Degree*** (3+)	2nd Degree*** (1-15)	3rd Degree*** (0-5)	Class A Misd. (0-1)
	A	B	C	D	E	F	G	H	I	J
<b>III</b>	252 MOS	168 MOS	100 MOS	75 MOS	75 MOS	75 MOS	75 MOS	64 MOS	42 MOS	12 MOS
	<b>MANDATORY IMPRISONMENT</b>					<b>IMPRISONMENT</b>				
<b>II</b>	216 MOS	144 MOS	90 MOS	66 MOS	64 MOS	66 MOS	62 MOS	48 MOS	36 MOS	10 MOS
<b>I</b>	192 MOS	132 MOS	80 MOS	60 MOS	42 MOS	60 MOS	42 MOS	40 MOS	32 MOS	8 MOS
						<b>JAIL AS AN INITIAL COND. OF PROBATION</b>				

\* A problem-solving court is a specialized court designated by the Utah Administrative Office of the Court. An Order to Show Cause with revocation and actual removal from the problem-solving court is required in order to count as prior revocation of supervised probation or current offense on supervision.

\*\*Time periods only apply to Class A offenses sentenced to prison under § 76-3-208(1)(b). Form 6 applies to sentencing of misdemeanor offenses under § 76-3-208(1)(c).

\*\*\* When scoring **Sexual Exploitation of a Child** offenses under this section, refer to **special instructions for aggravation, mitigation, and time calculation**.

**Consecutive Enhancements (served one after another):** 40% of the shorter sentence added to the full length of the longer sentence.\*\*\*

**Concurrent Enhancements (served at the same time):** 10% of the shorter sentence added to full length of the longer sentence.\*\*\*

# Form 4 – Financial Offense with Serious Loss Matrix

This matrix applies to specific financial offenses (See Application notes and Addendum B) where a victim sustained over \$50,000 in financial loss. Due to the serious nature of these offenses, the entire matrix is shaded for a presumptive prison sentence. Refer to the Application Notes and Instructions for specific direction on how to apply this form. If this matrix does not apply, use Form 1 or another appropriate form.

## CRIMINAL HISTORY SCORING

<b>PRIOR FELONY CONVICTIONS</b> (Separate adult case numbers)	2	One	<b>PRIOR PERSON OR FIREARM CONVICTIONS / ADJUDICATIONS</b> (Adult or juvenile)	2	Misdemeanor person offense (AD.B)
	4	Two		2	Felony firearm offense (76-10-5)
	6	Three		4	Felony person offense (AD.B)
	8	Four or Five		6	Homicide offense (76-5-2)
	13	Six or More			
<b>PRIOR CLASS A MISDEMEANOR / CLASS B PERSON OR DUI CONVICTIONS</b> (Separate adult case numbers)	1	One or two	<b>PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS</b> (Offenses that would have been felonies if committed by adult) (3 class A adjud. = 1 Felony)	1	One
	2	Three to five		2	Two to four
	3	Six or more		3	Five or more
<b>SUPERVISION HISTORY</b> (Adult only – Federal, AP&P, private, county, problem solving court removal*)	2	Prior revocation	<b>MOST RECENT POST-CONVICTION CRIME-FREE GAP</b> Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))	-1	Three to four years
	3	Current offense on supervision		-2	Five to six years
				-3	Seven to nine years
				-4	Ten or eleven years
				-5	Twelve years or more

## CRIMINAL HISTORY ROW

<b>Row I</b> 0 - 5 Points	<b>Row II</b> 6 - 11 Points	<b>Row III</b> 12 or More Points
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## CRIME CATEGORY & PRISON MATRIX

	2nd Degree - > \$1 Million financial loss	2nd Degree - \$200,000 - \$999,999 financial loss	2nd Degree - \$50,000 - \$199,999 financial loss
<b>III</b>	96 mos	72 mos	40 mos
	<b>IMPRISONMENT</b>		
<b>II</b>	84 mos	60 mos	32 mos
<b>I</b>	72 mos	48 mos	24 mos

### Application Notes

- 1) Form 4 applies to certain 2nd Degree Felony financial offenses listed in Addendum B where financial loss (pecuniary damage) to the victim(s) exceed the matrix thresholds. Form 4 does not apply to 1st degree felony, 3rd degree felony, or misdemeanor offenses; financial offenses with loss amounts that do not exceed the thresholds; or offenses with damages above the thresholds that are not among the listed financial offenses. For those offenses, the standard applicable forms should be used.
- 2) Because loss may be calculated differently at different stages of criminal proceedings, Form 4 should only be applied when the sentence, judgment and commitment record (J&C) reflects damage to a victim for a crime of conviction that exceeds the thresholds. Restitution paid prior to sentencing should be subtracted from the loss amount and reflected on the J&C.
- 3) Supervising agencies preparing presentence investigation reports (PSI's) prior to finalization of a J&C should apply this form where the evidence submitted by the parties clearly indicates a loss amount exceeding the thresholds. If new evidence emerges or restitution is paid before sentencing that results in reduced pecuniary damages below the thresholds, the recommended sentence should be recalculated based on the reduced amount, using a lower threshold category or another Form as applicable.

\***Consecutive Enhancements (served one after another):** 40% of the shorter sentence added to the full length of the longer sentence.

\***Concurrent Enhancements (served at the same time):** 10% of the shorter sentence added to full length of the longer sentence.

# Form 5 – Jail as Initial Condition of Probation of Felony Probation Matrices

This form should only be used to determine jail time as part of a probation sentence, either because an earlier behavior management form directed to “Jail as Condition of Probation” or because jail is being considered as a deviation from the sentence recommended by an earlier form. This form should not be used to calculate jail time-to-close a case. As with any sentence, the purposes of incarceration should be carefully considered, and incarceration should be paired with risk reduction programming. The mid-point is listed above the time range available is listed as an initial period of confinement in the county jail. All numbers listed are in days, not months. Jail days listed should not be considered mandatory sentences.

CRIMINAL HISTORY ROW

Rev. 10/2022

## GENERAL MATRIX

	2nd Death	1st Person	3rd Death	1st Other	2nd Person	3rd Person	2nd Other	2nd Poss.	3rd Other*	3rd Poss. / Class A**
V	180 (0-365)	180 (0-365)	180 (0-365)	180 (0-365)	180 (0-365)	150 (0-300)	150 (0-300)	150 (0-300)	135 (0-270)	75 (0-150)
IV	180 (0-365)	180 (0-365)	160 (0-320)	160 (0-320)	160 (0-320)	150 (0-300)	150 (0-300)	135 (0-270)	105 (0-210)	60 (0-120)
III	180 (0-365)	150 (0-300)	135 (0-270)	135 (0-270)	135 (0-270)	90 (0-180)	90 (0-180)	90 (0-180)	75 (0-150)	45 (0-90)
II	180 (0-365)	135 (0-270)	120 (0-240)	120 (0-240)	120 (0-240)	75 (0-150)	60 (0-120)	60 (0-120)	45 (0-90)	30 (0-60)
I	180 (0-365)	120 (0-240)	105 (0-210)	105 (0-210)	105 (0-210)	60 (0-120)	45 (0-90)	30 (0-60)	30 (0-60)	15 (0-30)

## SEX & KIDNAP OFFENSE MATRIX (To be used with Form 3)

	1st	2nd	3rd	Class A
III	180 (0-365)	160 (0-320)	135 (0-270)	105 (0-210)
II	180 (0-365)	125 (0-250)	90 (0-180)	75 (0-180)
I	160 (0-320)	105 (0-210)	60 (0-120)	45 (0-90)

## Financial Offense w/ Serious Loss Matrix (To be used with Form 4)

	2nd Degree - > \$1 Million financial loss	2nd Degree - \$200,000 - \$999,999 financial loss	2nd Degree - \$50,000 - \$199,999 financial loss
III	180 (0-364)	160 (0-320)	135 (0-270)
II	180 (0-364)	135 (0-270)	90 (0-180)
I	180 (0-364)	105 (0-210)	60 (0-120)

\*While the General Matrix in Form 1 was revised to include a category of specific 3rd and 2nd degree felonies, this should not be viewed as changing the categorization in Form 5. Therefore, what is now categorized as a “Specific 3rd” and “Specific 2nd” in Form 1, i.e., DUI, Possession of Firearm by Restricted Person, should still be categorized as a “3rd Other” or “2nd Other,” respectively in Form 5.

\*\*Form 5 only applies to sex offenses where the prison sentence has been suspended. Form 6 applies to sentencing of misdemeanor offenses under § 76-3-208 (1)(c).

## Form 6 – Misdemeanor Matrix

These are guidelines only. They do not create any right or expectation on behalf of the individual convicted of a crime. Matrix time frames refer to jail days served in the county jail. Recommended times should not be considered mandatory. This matrix does not incorporate statutory sentencing requirements for DUI offenses.

### CRIMINAL HISTORY SCORING

\*If no mid-point is listed the presumption is that jail time should NOT be recommended.

Class B Person Crime includes domestic violence offenses involving spouses and/or intimate partners. Class B DV Other includes domestic violence offenses involving other cohabitants, property offenses, and other non-person crimes.

#### PRIOR FELONY CONVICTIONS (Separate adult case numbers)

- 2 One
- 4 Two
- 6 Three
- 8 Four or Five
- 13 Six or More

#### PRIOR CLASS A MISDEMEANOR / CLASS B PERSON OR DUI CONVICTIONS (Separate adult case numbers)

- 1 One or two
- 2 Three to five
- 3 Six or more

#### SUPERVISION HISTORY (Adult only – Federal, AP&P, private, county, problem solving court removal\*)

- 2 Prior revocation
- 3 Current offense  
on supervision

#### PRIOR PERSON OR FIREARM CONVICTIONS / ADJUDICATIONS (Adult or juvenile)

- 2 Misdemeanor person offense (AD.B)
- 2 Felony firearm offense (76-10-5)
- 4 Felony person offense (AD.B)
- 6 Homicide offense (76-5-2)

#### PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS (Offenses that would have been felonies if committed by adult) (3 class A adjud. = 1 Felony)

- 1 One
- 2 Two to four
- 3 Five or more

#### MOST RECENT POST-CONVICTION CRIME-FREE GAP Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))

- 1 Three to four years
- 2 Five to six years
- 3 Seven to nine years
- 4 Ten or eleven years
- 5 Twelve years or more

### CRIMINAL HISTORY ROW

Row I 0 - 3 Points	Row II 4 - 7 Points	Row III 8 - 11 Points	Row IV 12 - 15 Points	Row V 16+ Points
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### CRIME CATEGORY

	Class A Death	Class A Sex	Class A Person	Class B Person	Class A Other	Class B DV Other	Class A POCS	Class B	Class C and below
	A	B	C	D	E	F	G	H	I
V	160 (0-320)	105 (0-210)	105 (0-210)	90 (0-180)	75 (0-150)	60 (0-120)	45 (0-90)	30 (0-60)	15 (0-30)
IV	135 (0-270)	90 (0-180)	90 (0-180)	75 (0-150)	60 (0-120)	45 (0-90)	37 (0-75)	22 (0-45)	15 (0-30)
III	120 (0-240)	75 (0-150)	75 (0-150)	60 (0-120)	45 (0-90)	37 (0-75)	22 (0-45)	15 (0-30)	* (0-15)
II	105 (0-210)	60 (0-120)	60 (0-120)	45 (0-90)	30 (0-60)	22 (0-45)	15 (0-30)	* (0-15)	* (0-7)
I	90 (0-180)	45 (0-90)	45 (0-90)	30 (0-60)	15 (0-30)	15 (0-30)	* (0-15)	* (0-15)	* (0-7)

\* A problem-solving court is a specialized court designated by the Utah Administrative Office of the Court. An Order to Show Cause with revocation and actual removal from the problem-solving court is required in order to count as prior revocation of supervised probation or current offense on supervision.

**Consecutive Enhancements (served one after another):** 40% of the shorter sentence added to the full length of the longer sentence.

**Concurrent Enhancements (served at the same time):** 10% of the shorter sentence added to full length of the longer sentence.

# Form 7 – Aggravating and Mitigating Circumstances

Note any aggravating or mitigating circumstances that may justify departure from the guidelines by entering the page number of the presentence report where the court can find supporting information. This list of aggravating and mitigating factors is illustrative. The weight given to each factor by the sentencing, release, or supervision authority will vary in each case. Any one factor could outweigh some or all other factors. If aggravating factors are used to increase the length of stay beyond the guideline range, the sentencing, release, or supervision authority should consider all relevant case law.

Presentence investigators have limited access to facts that could support aggravating or mitigating factors. Therefore, defense counsel and prosecutors are strongly urged to make any relevant aggravating and mitigating factors known to the sentencing, release, or supervision authority before sentencing or release.

## PSI Page # AGGRAVATING CIRCUMSTANCES

Pg# <input type="text"/>	Offense caused substantial monetary loss.
Pg# <input type="text"/>	Offense caused substantial physical or psychological injury to the victim.
Pg# <input type="text"/>	Offense caused a death.
Pg# <input type="text"/>	Offense characterized by extreme cruelty or depravity.
Pg# <input type="text"/>	Offense involved two or more victims.
Pg# <input type="text"/>	Offense involved activity that continued over a significant period of time.
Pg# <input type="text"/>	Other (Specify) (Include any Statutory Aggravating Factors, see p. 26)

## PSI Page # MITIGATING CIRCUMSTANCES

Pg# <input type="text"/>	Individual was engaged in the voluntary screening process in the county jail (LSI:SV, TCUD & MHS).
Pg# <input type="text"/>	Individual has paid restitution and/or made good faith effort to begin repayment of restitution to the victim.
Pg# <input type="text"/>	Individual has demonstrated compliance with all pre-trial conditions.
Pg# <input type="text"/>	Individual is engaged in community-based supervision and/or treatment services consistent with a validated risk and needs assessment.
Pg# <input type="text"/>	Individual's current living environment is stable and supportive of offense-specific interventions that do not enable continued criminal or unlawful conduct.
Pg# <input type="text"/>	Other (Specify)

DAYS OF JAIL CREDIT
GUIDELINES PLACEMENT RECOMMENDATION
AP&P RECOMMENDATIONS
REASONS FOR DEPARTURE

INDIVIDUAL'S NAME	
SCORER'S NAME	DATE SCORED

## Form 7A – Special Aggravation and Mitigation: Sexual Exploitation of a Minor

This form is only to be used when scoring the **Sexual Exploitation of a Minor (Utah Code 76-5b-201)** or **Aggravated Sexual Exploitation of a Minor (Utah Code 76-5b-201.1)** offenses. For those offenses, list any of the following special aggravating or special mitigating circumstances by entering the page number of the presentence report where the sentencing or release authority can find supporting information.

The sentencing or release authority should consider deviating upward in cases with one or more special aggravating circumstances. The sentencing or release authority should consider deviating downward in cases with special mitigation.

Presentence investigators have limited access to facts that could support aggravating or mitigating factors. Therefore, defense counsel and prosecutors are strongly urged to make any relevant aggravating and mitigating factors known to the sentencing, release, or supervision authority before sentencing or release.

### PSI Page # SPECIAL AGGRAVATING FACTORS

- Pg# ☐ Possession of sexual abuse imagery depicting infant or toddler victims.
- Pg# ☐ Contact or attempted contact with a victim (including a law enforcement officer posing as a victim).
- Pg# ☐ Offense behavior, including possession or distribution of images, continued for over two years.
- Pg# ☐ Possession of over 10,000 images

### PSI Page # MITIGATING CIRCUMSTANCES

- Pg# ☐ Individual was younger than 25 years old at the time of the offense and only possessed images of victim(s) 14 years or older (or post-pubescent).

DAYS OF JAIL CREDIT

GUIDELINES PLACEMENT RECOMMENDATION

AP&P RECOMMENDATIONS

REASONS FOR DEPARTURE

INDIVIDUAL'S NAME

SCORER'S NAME

DATE SCORED