

The Sentencing Commission is a legislatively created body (established in 1993) of 17 members representing all facets of the adult and juvenile criminal justice system including prosecutors, defense attorneys, law enforcement, judges, victim representatives, treatment professionals, corrections officials, the Board of Pardons and Parole.

HOW ARE THE GUIDELINES CREATED AND APPROVED?

The Sentencing Commission is directed by statute to create guidelines laying out recommendations for sentencing and supervision for all criminal offenses to:

- Accept public comment;
- Relate sentencing practices and correctional resources;
- Increase equity in sentencing;
- Better define responsibility in sentencing; and
- Enhance the discretion of the sentencing court while preserving the role of the Board of Pardons and Parole.

The Sentencing Commission and its subcommittees meet regularly to review current guidelines, respond to stakeholder input on needed changes, respond to legislative directives, study recent research, and make updates to its guidelines as needed. Any recommended changes are discussed and voted on by the entire commission.

The Commission on Criminal and Juvenile Justice also reviews the updated guidelines prior to presenting them to the legislature.

Beginning January 1, 2025, the legislature “shall authorize, by passing a concurrent resolution” the guidelines. The existing guidelines remain in effect until the legislature authorizes the new guidelines.

WHAT ARE THE ADULT SENTENCING, RELEASE, AND SUPERVISION GUIDELINES?

Policy Document

Laying out recommended sentence for all criminal offenses based on:

- Offense Type;
- Criminal History; and
- Aggravating and Mitigating Factors.

Organized Around the Three Phases of:

- Risk Assessment - understanding the criminogenic risks and needs of the individual being sentenced;
- Behavior Management - creating a plan to manage the risks and respond to the needs of the individual being sentenced; and
- Termination - laying out the length of supervision and requirements the individual must meet in order to complete the behavior management plan.

Includes Guidance

On how to consider sentencing and supervision, directing the sentencing authority to prioritize:

- Risk management,
- Risk Reduction; and
- Restitution.

Guideline recommendations are not mandatory. Sentencing authority retains discretion to deviate from guidelines in appropriate circumstances.

WHAT'S NEW FOR 2025- JUVENILE DISPOSITION GUIDELINES

Juvenile Disposition Guidelines have been updated to incorporate changes in statute since 2020 and better reflect current practice and procedures, including:

- Updated language to reflect change from JJS to JJYS
- Updated **Nonjudicial Adjustment Tables** to reflect eligibility changes for school-based violations (2023's HB 304);
- Updated **jurisdiction instructions** and adult transfer requirements to reflect changes to 78A-5-102.5 and 53G-8-8211; and
- Simplified **Table 3** (Nonjudicial Adjustments) to improve readability.

WHAT'S NEW FOR 2025 - ADULT SENTENCING, SUPERVISION, AND RELEASE GUIDELINES

Adult Sentencing, Supervision, and Release Guidelines have been updated to include:

- Changes to criminal history scoring intended to target **high-frequency offenders** for more intensive interventions;
- Removal of **incarceration caps** for repeat parole and probation violations (4th or subsequent)
- New **DUI Injury and Death** guidelines which increase severity of punishment for DUI defendants who cause injury or death, and include aggravating factors for prior DUI's and extreme DUI (2024's HB 395);
- New **supervision sanctions** for individuals who willfully refuse to participate in ordered treatment - penalized at the highest level (2024's SB 213);
- New **supervision incentives** for individuals who maintain stable employment (2024's SB 213);
- Added **jail matrices** for Class A Death and Class A Sex Offenses;
- New **crime categorizations** for offenses created in 2023 and 2024;
- New guidance on **combining supervision terms** for defendants sentenced in multiple cases at the same time (requested by AP&P);
- New guidance on how to consider **Pleas in Abeyance** in relation to the guidelines; and
- Various clarifications in instructions, glossary, and addenda.

