



2015 Legislative Sentencing Update Utah Sentencing Commission

Bill #	Title	Sponsor	Position	Description	Penalty Changes	Fine/ Fee Change	Anticipated Prison Admissions	Anticipated Fiscal Impact ^a
House Bills								
HB11	Death Penalty Procedure Amendments	Rep. Ray	N/P	Specifies the firing squad as the method for execution if the sentencing court determines the substances for lethal injection cannot lawfully be obtained 30 or more days prior to the date specified in the warrant of death.				
HB13	Jail Reimbursement Amendments	Rep. Ray	--	Transfers responsibility from DOC to CCJJ to report to interim committee regarding number of probation and parole inmates housed by counties.				
HB17 S01	Motor Vehicle Emissions	Rep. Perry	N/P	Amends the visible contaminant emission standards for diesel engine manufactured before January 1, 2008 to 20% obscurity for more than 5 consecutive seconds except while the engine is being warned, under heavy tow, or in excess of 26,000 pounds GVW.		\$50; \$100		
HB24 S03	Insurance Modifications	Rep. Dunnigan	N/P	149 page bill modifying the Insurance Code. Insurer or any director, officer, employee or agent of the insurer may be fined not more than \$100,000 and subject to a 3 rd degree penalty for willful violations of this chapter or for false statement, reports, or filings with the intent to deceive the commissioner in the performance of his/her duties.	Two new 3 rd Degree Felonies			\$6,000

HB26	Amendments to Driver License Records	Rep. Hutchings	N/P	Authorizes DLD to disclose portions of a driving record to an employer for purposes of monitoring the driving record and status of current employees who drive as a responsibility of their employment, with the written consent of the employee.				
HB48	Powdered Alcohol Amendments	Rep. Eliason	N/P	Powdered alcohol is unlawful to use, offer to use, purchase, offer to purchase, sell, offer to sell, furnish, or possess. Also unlawful for holder of a retail license to use it as an alcoholic product. Exceptions for bona fide research purposes.	New Class B			
HB72 S01	Ballot Publishing Amendments	Rep. Knotwell	N/P	Creates an exemption from the Class C misdemeanor for taking a photograph of one's own ballot and publishing it for viewing by another.				
HB74	Consent Definition for Sexual Offenses	Rep. Romero	S/C	Section detailing circumstances that are "without consent" amended to strike duplicative language in subsection (5) leaving "the actor knows the victim is unconscious" and inserting in subsection (6) that the actor knows as a result of mental disease or defect "or for any other reason" that the victim is at the time of the act incapable of appraising the nature of the act or of resisting it.				
HB79 S01	Safety Belt Law Amendments	Rep. Perry	N/P	Safety belt violations are a primary offense, but officers must issue a warning prior to citation. Expires July 1, 2018.	New Inf			
HB83	Crimes Against Health Care Providers in Correctional System	Rep. Daw	SUP	Employees, volunteers, and health care providers included in statutory definition for propelling a substance or object at a peace officer or correctional officer.	New Class A			
HB85	Peace Officer Training Amendments	Rep. Roberts	SUP	Up to \$500,000 annually may be appropriated from UMIRA for POST law enforcement training through 7/2020.				
HB131 S03	Tobacco Shop Amendments	Rep. Powell	OPP	Individual under 19 cannot be present in tobacco specialty shop unless accompanied by a parent or guardian; for bona fide commercial purpose; or active duty service member over 18. Retailer, parent and minor subject to Class C, then B & A.	3 New Class A, B & C			

HB140 S04	Sovereign Lands Around Bear Lake	Rep. Webb	N/P	Creates exemption from current class B with a permit to launch or retrieve motorboat on state lands surrounding Bear Lake. Adds starting a campfire or camping on the bed of a navigable lake or river to Class B trespass violations.	New Class B			
HB 146	DUI Revisions	Rep. Eliason	SUP	All prior convictions subject to 10 years from date of conviction or offense.				
HB158	Drill Status Travel Amendments	Rep. Peterson	N/P	Clarifies situations when National Guard members privileged from arrest or citation: during military formations, exercises, mobilizations, or other duty when exigent; emergency circumstances; and while traveling to and from military duty locations when emergency circumstances require presence.				
HB184	Victim Restitution Amendments	Rep. Wilson	SUP	Allows Office of Victims of Crime to pursue restitution from a criminal offender by filing a claim directly with the sentencing court.				
HB212	Wildland Fire Liability Amendments	Rep. Wheatley	S/C	Exempts the firing of tracer ammunition from current class B misdemeanor with written permit issued pursuant to this title and applicable rules.				
HB214	Misrepresent- ation of Telephone and Text ID	Rep. Lifferth	N/P	Prohibits providing false or inaccurate caller or text message identification information with the intent to harm. Internet service provider and hosting companies exempted	New Class B & C	\$160		
HB215	Sex Offender Registry Amendments	Rep. Draxler	PRI	Jurisdiction of original conviction follows offender for registration requirements. Registration required in person; required to provide phone number for employers; and signed copy of order.				
HB252	Human Trafficking Amendments	Rep. King	N/P	Adds human trafficking of a child to definitions and penalty as a first degree felony. Removes forced labor or forced sexual exploitation from aggravated human trafficking definition.	New 1 st Degree Felony			
HB254 S01	Livestock Branding Amendments	Rep. Noel	N/P	Website maintained within the state marketing sale of livestock shall include legal requirements statement for sale and purchase of livestock. Subject to criminal and administrative penalties.	New Class B	\$1,000		

HB261	Horse Tripping Amendments	Rep. Ivory	N/P	Requires a venue holding a horse event to report information to the Dept of Agriculture and Food. DAF to provide educational information on negative effects; promote policies regarding the safety and welfare of horses involved.		\$500		
HB277	Statute of Limitations for Civil Actions	Rep. Ivory	N/P	Civil actions for sexual abuse may be brought against a perpetrator at any time; against a non-perpetrator within 4 years after discovery or 18 years of age, whichever period expires later.				
HB284 S02	Minor Alcohol or Drug Related Offenses and Driving Privileges	Rep. Redd	SUP	Authorizes screening and assessment for 1st violation of alcohol or drug related offenses by minors. Requires screening and assessment and an educational series or treatment as determined by the assessment on subsequent violations. Authorizes court to reduce a driver license suspension period.				
HB300	Firearm and Dangerous Weapons Amendments	Rep. Greene	N/P	Eliminates the definition of concealed dangerous weapon. Clarifies an unloaded securely encased firearm is not a concealed firearm. Class A for possession of dangerous weapon modified from intent to unlawfully assault to intent to “use it to commit a criminal offense.”				
HB317	Destruction of Livestock	Rep. Nelson	N/P	Establishes a guideline for a court to determine restitution when ordering a person convicted of wanton destruction of livestock.				
HB319	Jail Contracting Treatment Rate Amendments	Rep. Noel	N/P	Increases to 84% of the calculated final state daily incarceration rate at which the state reimburses counties for housing state inmates and providing treatment programs.				\$733,300
HB340	Voter Preregistration Amendments	Rep. Cox	OPP	Allows 16 and 17 year olds to preregister to vote in an election after age 18. Minors subject to a Class A for willfully preregistering or allowing themselves to be preregistered, knowing they are not eligible to preregister; or causing, advising, encouraging, or assisting someone to preregister, knowing or believing the person is not eligible to preregister.	New Class A			

HB348	Criminal Justice Programs and Amendments	Rep. Hutchings	PRI	<p>Reclassifies 290 misdemeanor traffic offenses (most 1 step reductions). 2nd Degree distribution of controlled substance penalty reduced from 1-15 to 0-15. Felony possession of controlled substances reduced to Class A on 1st and 2nd conviction; 3rd degree upon 3rd. Marijuana possession all Class B on 1st and 2nd conviction; Class A upon 3rd. Manufacturing or distributing with false license; falsely obtaining prescription; forging prescription reduced to Class A on 1st and 2nd conviction; 3rd degree upon 3rd. Drug free zone enhancement narrowed from 1000 feet to 100 feet and subject to time constraints to only target areas where children likely to be present. Penalty enhancements require a separate criminal episode. Directs Sentencing Commission to adjust criminal history scoring; reduce lower guideline ranges; and establish graduated incentives and sanctions for probation and parole violators. Directs BOP to establish earned time credits and to impose incarceration consistent with SC guidelines. Directs DOC to implement graduated sanctions established by SC; develop CAP; update CAP; establish earned time credits for compliance; establish standards for treatment programs in county jails. Directs DHS to establish standards, certification, performance goals and outcome measurements for providers. Establishes county incentive funding for recidivism reduction programs. Drug Court admission to be determined by risk and need assessment, not offense level. Charges CCJJ with tracking, evaluation, and reporting of all programs and outcomes. *See full handout for further description & appendix.</p>	4 New Class A; 2 New Class B; 33 New Class C; 256 New Inf's			\$13,980,000 (\$7,098,700 pass through to counties)
HB353	Probation Amendments	Rep. Schultz	SUP	DOC shall notify sentencing court, OSDC, and prosecuting attorney in writing in advance when termination of supervised probation "is being requested by the department" or will occur by law.				

HB378 S02	White Collar Crime Registry	Rep. McKell	N/P	Authorizes the AG to develop, operate, and maintain a White Collar Crime Registry website. Limited to 2 nd Degree felony offenses of securities fraud, theft by deception, unlawful dealing of property by fiduciary, fraudulent insurance, mortgage fraud, communications fraud, and money laundering. 10 year placement for 1 st and 2 nd conviction; lifetime for 3 rd conviction. Offenses registerable after December 31, 2005 unless offender has complied with all court orders at time of sentencing, paid all court ordered restitution, and has not been convicted of any other offense for which registration would be required.				\$89,500
HB395 S01	Controlled Substance Database Amendments	Rep. Redd	N/P	Requires DOPL to implement options for real-time submission of data into the controlled substance database and 24 hour daily or next business day batch submission of data, beginning 1/01/2016.				\$46,000
HB415 S05	Regulation of Electronic Cigarettes	Rep. Ray	S/C	Requires a person to obtain license to sell or distribute an e-cigarette product. Class B for selling e-cigarette without a license. Health Dept to determine product quality, nicotine content, packaging, and labeling standards.	New Class B			
HB454 S02	Prison Development Amendments	Rep. Wilson	SUP	Modifies the duties and authority of the PRC. Provides local option sales and use tax for a city or town that has a new state correctional facility. Provides a process for the choice of a new prison site which includes legislative approval of the site.				

Senate Bills

Bill #	Title	Sponsor	Position	Description	Penalty Changes	Fine/ Fee Change	Anticipated Prison Admissions	Anticipated Fiscal Impact ^a
SB24	Department of Financial Institutions Amendments	Sen. Bramble	S/C	Enacts the Money Transmitter Act including criminal and civil penalties for filing materially false information with a license application.	New Class B	\$1,000		
SB39	Conditions of Probation	Sen. Jenkins	N/P	County jails may release state probation inmates if sufficient funds are not appropriated, not parolees.				

SB52 S01	Asset Forfeiture Amendments	Sen. Steph- enson	N/P	Establishes detailed requirements for law enforcement agencies to prepare reports providing information regarding any forfeiture actions the agencies have taken. Establishes a procedure for the compilation of the annual agency reports, reports by CCJJ and distribution to the Legislature, AG, and law enforcement.				\$36,000
SB59	Domestic Violence Amendments	Sen. Weiler	PRI	May no longer plead and sentence the same day without prosecutor agreement after review of criminal history for prior conviction or pending charge in past 5 years (same as DUI standard).				\$9,100
SB66	Unauthorized Activity on State Land	Sen. Dayton	N/P	Prohibits campfires on the bed of a navigable lake or river; posting a sign claiming state land as private property; or obstructing public entry.	New Class B			
SB79	Impeachment Amendments	Sen. Adams	--	Justices of the Peace now subject to impeachment for high crimes, misdemeanors, or malfeasance.				
SB82 S01	Forcible Entry Amendments	Sen. Urquhart	OPP	Requires law enforcement officer to wear identification as a peace officer; body camera requirements added; officer must wait a reasonable period of time; forcible entry may not be made solely for possession of controlled substances or paraphernalia; POST Council to recommend guidelines; probable cause required that object of search being destroyed or reasonable suspicion that physical harm may result if notice given.				
SB93 S02	Uniform Commercial Code Filing Amendments	Sen. Hillyard	N/P	Provides for termination of wrongfully filed financing statement. Creates a Class B, then A for knowing or intentional filing to harass; 3 rd Degree for knowing or intentional filing to defraud.	New 3 rd Degree; Class A & Class B	\$680; \$1,950		
SB109	Removal from Database Amendments	Sen. Thatcher	SUP	Allows a court to take evidence regarding a person's reputation and character to the provisions for removal from the National Instant Check System Database.				
SB113	Sex Offender Testing Amendments	Sen. Millner	--	Sex offender testing may be ordered where judge has found probable cause to believe that the alleged victim has been exposed to "conduct or activities that may result in an" HIV infection as a result of the alleged offense.				

SB115	Assault Offenses Amendments	Sen. Thatcher	PRI	Misdemeanor assault elements narrowed to the use of force or attempted use of force against victim. Transfers threat element from the misdemeanor assault statute to the misdemeanor threat statute. Elements of aggravated assault remain unchanged.				
SB119 S01	Prescription Database Revisions	Sen. Weiler	OPP	Requires law enforcement to obtain a search warrant in order to access the controlled substance database. Creates Class C for negligently or recklessly releasing database information.	New Class C			\$56,300
SB134 S03	Game Fowl Fighting Amendments	Sen. Davis	N/P	Creates a Class B; then Class A; then 3 rd Degree Felony for intentionally causing or promoting game fowl fighting for entertainment, sport, or contest.	New 3 rd Degree; Class A & Class B			
SB136	Statute of Limitations for Criminal Fines, Fees, Restitution	Sen. Hillyard	SUP	Criminal judgments administered by the OSDC are not subject to civil statutes of limitations and expire only upon payment in full. Applies to all criminal judgments not paid in full by 5/12/2015.				
SB141 S01	Judiciary Amendments	Sen. Hillyard	SUP	Provides for magistrate to set bail when making pc determination; bail commissioner to set bail in misdemeanors; increases court security surcharge; increases names from 2 to 3 to submit to nominating commission for justice court judges.		\$43 (was \$33)		
SB146	Driving Privilege Amendments	Sen. Millner	SUP	Exemption from Class C for operating a road roller, machinery, or farm tractor on highway without driver's license only applies if in conjunction with construction or agricultural activity.				
SB150	DUI Sentencing Revisions	Sen. Jenkins	OPP	Impaired Driving plea now only available on 1 st DUI. Ignition interlock required for conviction within 10 years of prior. Screening/assessment required for felony (now compliant with NHTSA).				\$37,200
SB163	Wildlife Modifications	Sen. Dayton	N/P	Creates 3 rd Degree Felony for knowingly importing, transporting, or releasing wildlife listed as threatened or endangered under ESA with intent to establish its presence in an area not currently known to be occupied by a reproducing population of the species.	New 3 rd Degree Felony			

SB167	Juvenile Offender Amendments	Sen. Osmond	S/C	Establishes presumption against shackling subject to adoption of rules by Judicial Council considering welfare of juvenile and safety of court. Minor may not waive counsel for felony offenses without meaningful opportunity to consult and findings the waiver is knowing, voluntary, and consequences understood. Limits direct files from any felony post secure care commitment to the same list of violent felonies in SYO. SYO filings discretionary; limited to principal actor; consider whether resources of adult or juvenile system more likely to assist in rehabilitating (as retention factor); reduced burden of proof for retention from clear and convincing to preponderance. Creates process for District Court Judge to consider JJS recommendation for placement of juvenile in JJS facility upon prison commitment.				\$57,600
SB169	Contact Lens Consumer Protection Act	Sen. Henderson	N/P	Prohibits price fixing by contact lens manufacturer or distributor.				
SB181	Driver License Modifications	Sen. Bramble	SUP	Court is not required to forward to DLD the record of the conviction for certain drug violations and DLD is not required to suspend if the person was not the operator of motor vehicle.				
SB207 S06	Political Activity Amendments	Sen. Bramble	N/P	Creates Class B misdemeanor for corporations failing to comply with reporting requirements and for person who knowingly or intentionally provide or conspire to provide false information.	2 New Class B's			
SB214	Veterans Court	Sen. Knudson	SUP	Authorizes Judicial Council to create veterans courts in each judicial district based on veteran geographic populations.				
SB238	Prostitution Amendments	Sen. Millner	N/P	Prostitution now defined as sexual activity for a fee "or the functional equivalent of a fee."				
SB265 S01	Abuse Deterrent Opioid Analgesic Drug Products	Sen. Stevenson	SUP	Requires Public Employees Benefit and Insurance Program to study the barriers to and efficacy of use of abuse-deterrent opioid analgesic drug products.				

2015 Totals *									
1st New Degree Felonies	2nd New Degree Felonies	3rd New Degree Felonies	New Class A Misdemeanors	New Class B Misdemeanors	New Class C Misdemeanors	New Infractions	New Fines or Fees	Anticipated Prison Admissions	Anticipated Fiscal Impact^a
1		5	11	16	38	257	9		\$15,051,000
2014 Totals									
		4	5	7	1		5		\$105,600
2013 Totals									
3	10	4	2	11	1			7.3	\$6,663,850
2012 Totals									
1	12	16	13	26	6	1	4		\$1,780,400
2011 Totals									
	10	4	2	11	1			7.3	\$6,663,850
2010 Totals									
1	3	4	6	14	4		4		\$918,000

* New Crime totals include penalties increased or decreased from a previously existing penalty.

^a The anticipated fiscal impact predicts costs to state agencies in only the fiscal year indicated and does not include ongoing costs or the costs to county or local governments.

^o Information regarding new fines or fees to offenders was not tracked in these years.