

# HB 274 -- Redline

## Comparison to Original Bill to Enrolled -- Sentencing Amendments

Deletions ~~struck~~ · Insertions underlined

~~HB0274S03 Enrolled compared Copy with H.B. HB0274 [Omitted text] shows text that was in HB0274 but was omitted in HB0274S03 inserted text shows text that was not in HB0274 but was inserted into HB0274S03~~  
~~DISCLAIMER:~~

~~This 274 document Sentencing is Amendments provided GENERAL to SESSION assist STATE you OF in UTAH your Chief comparison Sponsor: of the two bills.~~

~~Sometimes Mike this Schultz automated Senate comparison Sponsor: will NOT be completely accurate.~~

~~Therefore, Michael you K. need to read the actual bills.~~

~~This automatically generated document could contain inaccuracies caused by:~~

~~limitations of the compare program;~~

~~bad input data;~~

~~or other causes.~~

~~Sentencing [Commission] Amendments GENERAL SESSION STATE OF UTAH Chief Sponsor:~~

~~Mike Schultz Senate Sponsor: Michael K.~~

~~This bill {modifies the Sentencing Commission} amends statutory provisions related to sentencing.~~

~~{and} ? requires the Sentencing Commission to give consideration to certain objectives when determining a recommended sentence or supervision length for the adult sentencing and supervision length guidelines;~~

~~H- ? addresses the factors and information that a sentencing court is required to consider when-B sentencing an individual;~~

~~and 2- ? makes technical and conforming changes.~~

~~7 HB0274 compared with HB0274S03 Money Appropriated in this Bill:~~

~~63M-7-401.1 63M-7-401.1, as enacted by Laws of Utah 2024, Chapter 208 63M-7-401.2 63M-7-401.2, as last amended by Laws of Utah 2021, Chapter 173 63M-7-404.3 63M-7-404.3, as last amended by Laws of Utah 2025, Chapter 214 63M-7-406 H.B., as last amended by Laws of Utah 2024, Chapter 208 76-3-201, as last amended by Laws of Utah 2025, First Special Session, Chapter 17 Be it enacted by the Legislature of the state of Utah:~~

274 Enrolled Copy 63M-7-406, as last amended by Laws of Utah 2024, Chapter 208 76-3-201, as last amended by Laws of Utah 2025, First Special Session, Chapter 17 Be it enacted by the Legislature of the state of Utah:

~~63M-7-401.1, 63M-7-401.1 .~~

~~(7) "Discretionary disqualification" means a penalty, a civil disability, or a disadvantage that a court in a civil proceeding, or a federal, state, or local government agency or official, may impose on -2- HB0274 compared with HB0274S03 an individual as a result of the individual's adjudication or conviction for an offense regardless of whether the penalty, the civil disability, or the disadvantage is specifically designated as a penalty, a civil disability, or a disadvantage.~~

~~and (b)- is 2 not- included Enrolled in Copy the H.B. judgment for the adjudication or conviction.~~

274 (b) is not included in the judgment for the adjudication or conviction.

~~63M-7-401.2, 63M-7-401.2 .~~

~~(1) There is created the sentencing commission, within the commission, that is composed of [15] [ 15] 17 voting members.~~

~~- 3 - HB0274 compared with HB0274S03 (c) the executive director of the commission or the executive director's designee;~~

~~[(h)] (f) (g) (g) the attorney general or the attorney general's designee;~~

~~(h)- three 3 criminal- prosecutors, H.B. appointed by the Statewide Association of Public Attorneys and Prosecutors, with at least one being a criminal prosecutor in a rural county;~~

~~{(i)} {274 (g)} Enrolled } Copy {(h) a criminal prosecutor} three criminal prosecutors, prosecutors, appointed by the Statewide Association of Public Attorneys and Prosecutors; Prosecutors, {(j)} {(h)} } {(j) a representative } three representatives } of the Utah Sheriff's Association appointed by the governor (i) two representatives of the Utah Sheriffs Association, appointed by the Utah Sheriffs Association, with at least one being a representative criminal of prosecutor a in-sheriff from a rural county;~~

[(i) a criminal prosecutor, appointed by the Statewide Association of Public Attorneys and Prosecutors;] [(i) a representative of the Utah Sheriff's Association appointed by the governor] (i) two representatives of the Utah Sheriffs Association, appointed by the Utah Sheriffs Association, with at least one being a representative of a sheriff from a rural county;

~~[(k)](k)-(i))~~ [a licensed professional] an individual, appointed by the governor, who assists in the rehabilitation of individuals convicted of an offense;

~~[(l)](j))~~ and (l) the chair of the Utah Victim Services Commission or a member of the Utah Victim Services Commission designated by the chair[;] .

~~[(m)](m) [(k))~~ the chair of the Juvenile Justice Oversight Committee or a member of the Juvenile Justice Oversight Committee designated by the chair;] [(n) ~~{and [(n)] (l)} {a juvenile prosecuting attorney[at attorney, three juvenile prosecutors],~~ appointed by the Statewide Association of Public Attorneys and ~~Prosecutors{Prosecutors;}~~;

and] [(o) ~~{a juvenile defense attorney, appointed by the Utah Association of Criminal Defense Lawyers.}~~ (4) In addition to the members described in Subsection (3), the following may serve as non-voting members:

~~[(o)) a juvenile defense attorney, appointed by the Utah Association of Criminal Defense Lawyers.] -4 -HB0274 compared with HB0274S03 (4) In addition to the members described in Subsection (3), the following may serve as non-voting members:~~

~~63M-7-404.3, 63M-7-404.3 .~~

~~(ii)- relate sentencing practices~~Enrolled and Copy correctionalH.B.-resources;

274 (ii) relate sentencing practices and correctional resources;

~~-5 -HB0274 compared with HB0274S03-~~(i) treatment and intervention completion determinations based on individualized case action plans;

~~[(2)](2)(a)-(a) Before July 1, 2024, the sentencing commission shall revise and review the adult sentencing and supervision length guidelines to reflect appropriate penalties for the following offenses:] [(i) an interlock restricted driver operating a vehicle without an ignition interlock system, Section 41-6a-518.2;] [(ii) negligently operating a vehicle resulting in injury, Section 76-5-102.1; and] [(iii) negligently operating a vehicle resulting in death, Section 76-5-207.] ~~[(b)- The5 guidelines - underH.B.- Subsection (2)(a) shall consider the following:] [(i) the current sentencing requirements for driving under the influence of alcohol, drugs, or a combination of both as identified in Section 41-6a-505 when injury or death do not result;] [(ii) the degree of injury and the number of victims suffering injury or death as a result of the offense;] [(iii) the offender's number of previous convictions for driving under the influence related offenses as defined in Subsection 41-6a-501(2)(a);~~~~

274 Enrolled Copy [(b) The guidelines under Subsection (2)(a) shall consider the following:] [(i) the current sentencing requirements for driving under the influence of alcohol, drugs, or a combination of both as identified in Section 41-6a-505 when injury or death do not result;] [(ii) the degree of injury and the number of victims suffering injury or death as a result of the offense;] [(iii) the offender's number of previous convictions for driving under the influence related offenses as defined in Subsection 41-6a-501(2)(a);

and] [(b) recommend appropriate incentives for an individual on probation or parole that:] ~~-6 -HB0274 compared with HB0274S03-~~[(i) completes all conditions of probation or parole;

~~(3)- Before6 November- 1,Enrolled 2026, Copy theH.B.-sentencing commission shall review and revise the adult sentencing and supervision length guidelines, including the scoring factors, to reflect the appropriate penalties for:~~

274 (3) Before November 1, 2026, the sentencing commission shall review and revise the adult sentencing and supervision length guidelines, including the scoring factors, to reflect the appropriate penalties for:

~~-7 -HB0274 compared with HB0274S03- Section 4.~~

~~63M-7-406, 63M-7-406 .~~

~~(1)(1)(a)-(a) On or before October 31 of each year, the sentencing commission shall submit the sentencing and supervision length guidelines and juvenile disposition guidelines created in accordance with Sections 63M-7-404.3 and 63M-7-404.5 to the Law Enforcement and Criminal Justice Interim Committee and the Judiciary Interim Committee for review, including any legislative recommendations.~~

(c) The Legislature may, by passing a concurrent resolution, authorize sentencing and ~~supervision-length7 guidelines- andH.B.- juvenile disposition guidelines that the sentencing commission submits after the deadline described in Subsection (1)(a)-~~

274 Enrolled Copy supervision length guidelines and juvenile disposition guidelines that the sentencing commission submits after the deadline described in Subsection (1)(a).

~~76-3-201, 76-3-201 .~~

~~(a)(a)(i)-(i) "Convicted" means:~~

~~-8 -HB0274 compared with HB0274S03-~~(ii) "Convicted" does not include an adjudication of an offense under Section 80-6-701.

~~(2)(2)(a)-(a) Within the limits provided by this chapter, a court may sentence an individual convicted of an offense to any one of the following sentences, or combination of the following sentences:~~

or ~~[(f)]-(vi)8 to- death.Enrolled Copy H.B.~~

274 [(f)] (vi) to death.

(c) In determining the appropriate sentence for an individual convicted of a violent felony, as defined in Section 76-3-203.5, or a sexual offense, as defined in Section 76-3-407, the sentencing court shall ~~9 - HB0274 compared with HB0274S03~~ prioritize the factors described in Subsections (2)(b)(i), (2)(b)(iii)(A), (2)(b)(iii)(B), and ~~(2)(b)(iii)(C) - (C)~~ (2)(b)(iii)(C) over any interest of the defendant.

~~(3)(3)(a) - (a)~~ This chapter does not deprive a court of authority conferred by law:

~~(4) - In addition to H.B. any other sentence that a sentencing court may impose, the court shall order an individual to:~~

274 Enrolled Copy (4) In addition to any other sentence that a sentencing court may impose, the court shall order an individual to:

and ~~(ii)(ii)(A) - (A)~~ the individual is not a state prisoner housed in the county correctional facility through a contract with the Department of Corrections;

~~10 - HB0274 compared with HB0274S03~~ (5) The cost of medical care under Subsection (4)(c) does not include expenses incurred by the county correctional facility in providing reasonable accommodation for an inmate qualifying as an individual with a disability as defined and covered by the Americans with Disabilities Act, 42 U.S.C.

~~Effective date.~~

~~2-18-26 10:29 AM - 1110 -~~