

STATUTORY EXCEPTIONS AND MANDATES TO UTAH'S INDETERMINATE SENTENCES¹

Note: This chart applies only to those crimes that have a different sentence than the regular 1st degree, 2nd degree, 3rd degree felony crimes. There are many other crimes listed in the Utah Code, but they fall into the regular 1st degree, 2nd degree, 3rd degree regular sentences.

OFFENSE	CODE CITE	APPLICABLE SENTENCE
Title 76 Offenses		
Capital Aggravated Murder	76-3-206	25 to Life / Life Without Parole / Death
First Degree Aggravated Murder	76-3-207.7	25 to Life / Life Without Parole
Attempted Aggravated Murder	76-4-102	5 years to life / 15 years to life
Murder	76-5-203(3)	15 Years to Life
Attempted Murder	76-4-102(1)	3 Years to Life
Child Kidnapping	76-5-301.1	6, 10, or 15 Years to Life / Life Without Parole –Mand. Imp.
Att. Child Kidnapping	76-5-102(1)	3 Years to Life
Consp. Child Kidnapping	76-4-202(2)	3 Years to Life
Aggravated Kidnapping	76-5-302	6, 10, or 15 Years to Life / Life Without Parole – Mand. Imp.
Rape	76-5-402	5, 6, 10, or 15 Years to Life – Mandatory Imprisonment
Attempted Rape	76-4-102(1)	3 Years to Life
Consp. Rape	76-4-202(2)	3 Years to Life
Rape of a Child	76-5-402.1	25 to Life / Life Without Parole – Mandatory Imprisonment
Att. Rape of a Child	76-4-102	3, 6, 10, or 15 Years to Life
Consp. Child Rape	76-4-202(2)	3 Years to Life
Object Rape	76-5-402.2	5, 6, 10, or 15 to Life / Life Without Parole
Attempted Object Rape	76-4-102(1)	3 Years to Life
Consp. Object Rape	76-4-202(2)	3 Years to Life
Object Rape of Child	76-5-402.3	25 to Life / Life Without Parole – Mandatory Imprisonment
Att. Object Rape of Child	76-4-102	3, 6, 10, or 15 Years to Life
Consp. Object Rape Child	76-4-202(2)	3 Years to Life
Sodomy on a Child	76-5-403.1	25 Years to Life / Life Imprisonment
Attempted Child Sodomy	76-4-102	3, 6, 10, or 15 Years to Life
Consp. Child Sodomy	76-4-202	3 Years to Life
Forcible Sodomy	76-5-403	5, 6, 10, 15 Years to Life / Life Without Parole –Mand. Imp.
Att. Forcible Sodomy	76-4-102	3 Years to Life
Consp. Forcible Sodomy	76-4-202	3 Years to Life
Agg. Sex Abuse of Child	76-5-404.1	6, 10, or 15 Years to Life / Life Without Parole – Mand. Imp.
Att. Agg. Sex Abuse Child	76-4-102	3 Years to Life
Consp. Agg. Sex Abuse Child	76-4-202	3 Years to Life
Forcible Sexual Abuse ²	76-5-404	6, 10, 15 Years to Life – Mandatory Imprisonment

¹ Statutory sentencing exceptions through 2012 Legislature General Session.

Att. Forcible Sex Abuse	76-4-102	3 Years to Life
Consp. Forcible Sex Abuse	76-4-202	3 Years to Life
Agg. Sexual Assault	76-5-405	3, 6, 10, or 15 Years to Life / Life Without Parole – Mand. Imp.
Att. Agg. Sexual Assault	76-4-102	3 Years to Life
Consp. Agg. Sex. Assault	76-4-202	3 Years to Life
Assault on Police Officer	76-5-102.4	Mandatory 90 days jail, consecutive to other sentences for 2 nd conviction / Mandatory 180 days jail, consecutive to other sentences for 3 rd and subsequent convictions.
Misuse of Public Money	76-8-402	Applicable sentence + disqualification from public office
Profit from Public Monies	76-8-404	Applicable sentence + disqualification from public office
Tax Offenses	76-8-1101	Prescribes Mandatory Minimum and Max. Fines
Making a False Alarm	76-9-105	Applicable Sentence + Reimburse Cost of Response
Emergency Reporting Abuse	76-9-202	Applicable Sentence + Reimburse Cost of Response
Animal Cruelty	76-9-301	Applicable Sentence + Animal Forfeit, Restrictions, and Counseling
Dog Fighting Exhibition	76-9-301.6	Applicable Sentence + Destroy Items Used to Facilitate
Injury to Police Service Animals	76-9-306	Applicable Sentence + Restitution
Injury to Service Animal	76-9-307	Applicable Sentence + Restitution
Abuse of Personal Endorsement	76-9-407	Applicable Sentence + Mandatory Public Retraction and Apology.
Discharge of Firearm from Vehicle	76-10-508	Applicable Sentence + Possible revocation, denial, suspension, or disqualification of driver's license
Felony Discharge of a Firearm (Third Degree)	76-10-508.1	3 to 5 Years + Possible revocation, denial, suspension, or disqualification of a driver license
Felony Discharge of Firearm (Second Degree)	76-10-508.1	3 to 15 Years + Possible revocation, denial, suspension, or disqualification of a driver license
Trade & Commerce Violations	76-10-905	Mandatory Minimum and Mandatory Maximum fines for violations of Title 76, Chapter 10, Part 9
Illegal Anti-competitive Activities	76-10-920	0 to 3 Years + Fine up to \$100,000 (individuals) or Fine up to \$500,000 (entities)
Distributing Pornography	76-10-1204	Minimum \$1000 Fine & Mandatory 30 days jail
Inducing Acceptance of Pornography	76-10-1205	Minimum \$1000 Fine & Mandatory 30 days jail
Dealing Material Harmful to Minor (1 st Conviction)	76-10-1206	Minimum \$1000 Fine & Mandatory 14 days jail
Dealing Material Harmful to Minor (2 nd and Subsequent Convictions)	76-10-1206	Minimum \$5000 Fine & Mandatory 1 year jail
Pornography Conspiracy (1 st Conviction)	76-10-1214	Minimum \$1000 Fine & Mandatory 60 days jail
Pornography Conspiracy (2 nd and Subsequent Convictions)	76-10-1214	Minimum \$5000 Fine & Mandatory 1 year jail

² Applies to first degree forcible sexual abuse.

Distrib. Pornographic Film	76-10-1222	Minimum \$1000 Fine & Mandatory 60 days jail
Indecent Public Display	76-10-1228	Minimum \$500 Fine & Mandatory 30 days jail
Pattern of Unlawful Activity (Racketeering)	76-10-1603	Applicable Sentence + Costs of investigation & prosecution + Fine = 2x amount of \$\$ gained by activity
Other Offenses		
Wanton Destruction of Protected Wildlife	23-20-4	Mandatory consecutive 20 days jail
Failure to Stop (Peace Officer)	41-6a-210	Applicable Sentence + Mandatory Minimum Fine of \$1000 / \$5000 if death or serious bodily injury resulted
DUI (1 st Conviction)	41-6a-505	Mandatory 2 days jail; or 48 hours comm. serv.; or home confinement; & screening, assessment, educational series, \$700 fine, and probation
DUI (2 nd Conviction)	41-6a-505	Mandatory 10 days jail; or 10 days comm. serv.; or home confinement; and screening, assessment, educational series, \$800 fine, and probation
DUI (3 rd and Subsequent Convictions)	41-6a-505	Prison; or supervised probation with mandatory \$1,500 fine, 1500 hours jail, supervised probation, and 240 hour treatment program
DUI (BAC > .16)	41-6a-505	Treatment or ignition interlock system and/or home confinement
No Evidence of M.V. Insurance	41-12a-303.2	Minimum Fine = \$400 (1 st Offense); \$1000 (2 nd and Subsequent Offenses)
Continuing Criminal Enterprise (Drug Kingpin)	58-37-8(1)(a)(iv)	7 Years to Life – Mandatory Imprisonment
Clandestine Lab (2 or more aggravating factors)	58-37d-5	1 st Degree Felony & Mandatory Prison
Sex Offender Registration	77-41-107	Applicable Sentence + Mandatory 90 Days Jail
Enhancements		
Group Enhancement	76-3-203.1	1 level enhancement / 1 st Deg. Felony = Applicable Sentence + 5 Years to Life
Weapon Used (at School)	76-3-203.2	1 level enhancement / 1 st Deg. Felony = Applicable Sentence + 5 Years to Life
Habitual Violent Offender	76-3-203.5	2 nd Felony and 3 rd Felony become 1 st Felonies / 1 st Felony = Applicable Sentence + Mandatory Imprisonment
Prisoner Enhancement ³	76-3-203.6	Life Without Parole or 20 Years to Life
Body Armor ⁴	76-3-203.7	1 st Felony = 6 Years to Life, 2 nd Felony = 2 to 20 Years, 3 rd Felony = 1 to 10 Years
Dangerous Weapon	76-3-203.8	Applicable Sentence + mandatory 1 year + discretionary 0 to 5 years

³ Applies to prisoners convicted of capital or first degree felonies and whose new offense is on a list set forth in the statute.

⁴ Applies to use of body armor during violent felony with a dangerous weapon.

2 nd Dangerous Weapon	76-3-203.8(4)	Mandatory Consec. 5 to 10 Year Sentence
Repeat Sexual Offender	76-3-407	Maximum penalty increased by 5 years for each prior conviction, to run consecutively
Property Crimes (Impede Agric. Timber or Mining)	76-6-109	1 Level Enhancement + Mandatory Maximum Fine
Property Crime (Impede Animal Enterprises)	76-6-110	1 Level Enhancement + Mandatory Maximum Fine
Theft with 2 Prior Convictions	76-6-412	Third Degree Felony regardless of value (less than \$5000)
2 nd Cruelty to Animals	76-9-301.7	1 Level Enhancement
Gambling (2 priors)	76-10-1102	Class A Misdemeanor
Gambling Promotion (2 priors)	76-10-1104	Third Degree Felony
Dealing Material Harmful to Minor (1+ priors)	76-10-1206	1 Level Enhancement + Minimum \$5000 Fine + Mandatory 1 Year in Jail
Pornography Conspiracy (2 nd + Convictions)	76-10-1214	1 Level enhancement + Minimum \$5000 Fine + Mandatory 1 Year in Jail
Distrib. Pornographic Film (2 nd + Convictions)	76-10-1222	1 Level enhancement + Minimum \$5000 Fine + Mandatory 6 Months in Jail
Drug Distrib. w/ gun ⁵	58-37-8(1)(c)	Applicable Sentence + Mand. 1 Year + Discret. 0 to 5 Years
Drug Distribution (2 nd or Subsequent Convictions) ⁶	58-37-8(1)(b)	1 Level Enhancement
Poss. Controlled Substance (2 nd and Subsequent Convictions)	58-37-8(2)	One or Two Level Enhancement
Drug-Free Zone	58-37-8(4)	Mandatory prison if underlying offense was a 1 st Degree Felony; One Level Enhancement otherwise.
Drug Free Zone (Inmate or Correctional Facility)	58-37-8(4)(d)	Applicable Sentence from 58-37-8(4) + mandatory consecutive 1 year + discretionary 0 to 5 years

⁵ Applies to Distribution of a Controlled Substance and Possession with Intent to Distribute a Controlled Substance.

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