Number 2026-63



2027 Sentencing Guidelines Package
Report to the Judiciary Interim Committee

October 15, 2026

Office of
UTAH FOR RATIONAL SEX OFFENSE LAWS

Digest of
2027 Sentencing Guidelines Package
Report to the Judiciary Interim Committee

The 2027 sentencing guidelines package before the Judiciary Interim Committee on October 21 adds an ongoing prison cost of about $21.4 million a year, landing on a system the Utah Department of Corrections projected in August 2025, before the Gunnison expansion was funded, would reach its operating limit in early 2029. The guidelines take effect May 5, 2027 and apply by offense date; with a median of about 14 months to sentencing, the first added costs land in FY2028–FY2029 (Utah's fiscal year runs July 1–June 30). The 768 beds the Legislature funded at Gunnison in 2026 roughly match the 798-bed shortfall UDC's consultant projects by 2036, before this package adds anyone.

Measure	Figure	Source
Added prison population at full effect	195–390 people	UDC/CCJJ Meeting Oct 8, 2026
Ongoing cost at full effect (about year 10)	$21.4 million a year	UDC/CCJJ Meeting Oct 8, 2026
Cost over the first decade	More than $100 million	Courts and DOCJ estimates, CCJJ, Oct 8, 2026.
Prison operating limit (96.5%) reached	Early 2029	UDC/LECJ Interim Aug 20, 2025
Sex offense treatment wait list	1,433 (up from 700–800 in 2023)	UDC records response Aug 2026

What the package does. It makes prison the presumptive sentence for several second-degree sex offenses that are now jail-recommended, and for a list of serious-injury violent offenses. For a second-degree sex offense with little or no criminal history, the recommendation moves from about 205 jail days to 40 months in prison. It takes effect by concurrent resolution, without a separate appropriation vote. Before the September 2 vote, Department of Criminal Justice Commissioner Tom Ross told the commission that legislative leadership recognized funding "would have to be part of the resolution"; no funding source has been identified.

What the cost estimate leaves out. UDC's projection assumes the guidelines apply by offense date, that the projected commitments are new rather than cases that already go to prison, and that treatment keeps pace, but it does not test any of the three. If the first or third assumption fails, the cost rises; if the second fails, part of the projected cost is already being spent today:

- **Timing.** UDC assumed the guidelines apply by offense date, but the Sentencing Commission's website describes both offense date and sentencing date. If sentencing date controls, early-year costs are higher than projected.
- **Current practice.** The estimate does not report how many cases already go to prison through judicial departure, so it cannot separate new cost from what the state spends.
- **Treatment.** Release usually depends on completing sex offense treatment, and the wait list grew to 1,433 even as graduations reached record levels. The program needed about 325 graduations in 2026 to avoid missed Board dates. If treatment falls behind, stays run longer than projected.

Where beds can be freed at lower cost. In a May 11, 2026 presentation to the Utah Prisoner Advocate Network, UDC's sex offense treatment director reported that about 60% of 2025 parole returns among people with sex offense convictions were technical violations involving no new crime, and that about 18% of those were for failure to find work. Community-based treatment for low-risk individuals would free prison treatment capacity without construction. UDC's Northern Utah Community Correctional Center in Ogden, a 154-bed men's facility, already offers sex offender treatment, and UDC told the Criminal Justice Appropriations Subcommittee on August 18, 2026 that all six of its community correctional centers have treatment components. Each agency's report is accurate within its own role, but no one is assigned to put them side by side before the Legislature votes; this committee is the one body that hears from all of them.

Asks. Because the package takes effect by concurrent resolution, not a separate appropriation, this committee is the main point at which its cost can be weighed before it takes effect:

1. **Request the missing analysis before a vote.** Ask UDC and the Sentencing Commission to confirm the timing assumption, report how many cases in the affected cells already go to prison, show whether treatment wait times were factored into projected stays, and reconcile the category breakdown to the stated total.
2. **Match funding to the policy.** If the package moves forward, fund treatment capacity alongside it, or adopt one of the lower-cost alternatives the Sentencing Commission already documented: a six-month step-down for CSAM and enticement cases, or split shading for the affected cells.
3. **Apply one standard.** Hold new corrections spending to the same test legislators have set for victim-services funding: clear metrics, an accountability mechanism, and a way to measure whether the money is working

UTRSOL does not oppose serious penalties for serious offenses. UTRSOL asks only that a decision of this size be made with full cost information and a plan to carry it out. We would welcome the chance to answer questions.

Utah for Rational Sex Offense Laws

32 W 200 S STE 302 • SALT LAKE CITY, UT 84101
(801) 871-5215 • COMMUNICATIONS@UTRSOL.ORG

Judiciary Interim Committee, Utah State Legislature
Utah for Rational Sex Offense Laws (UTRSOL)
October 15, 2026
2027 Sentencing Guidelines Package Report

Summary and Requests

The 2027 guidelines package would add an estimated $21.4 million a year in prison costs at full effect. It would land on a prison system that the Utah Department of Corrections (UDC) projected in August 2025, before the Gunnison expansion was funded, would reach its operating limit in early 2029 and run out of beds by 2030. The projection before the committee also leaves out factors that change the cost, several of which push it higher. UTRSOL asks the committee to resolve those gaps, and to decide how the cost will be paid, before the concurrent resolution moves forward.

The package makes prison the presumptive sentence for several second-degree sex offenses that are now jail-recommended, and for a list of serious-injury violent offenses. The recommendation for a second-degree sex offense with little or no criminal history moves from about 205–210 jail days to a 40-month prison term. UDC projects 195 to 390 additional inmates once the change is fully in effect, about ten years out (Spencer Turley, UDC, presentation on cost and capacity impacts of the proposed 2027 sentencing guidelines, to CCJJ, October 8, 2026). The guidelines take effect May 5, 2027 and apply by offense date, so the first added costs would land in FY2028–FY2029 (Utah's fiscal year runs July 1–June 30).

UTRSOL's position. UTRSOL does not oppose serious penalties for serious offenses, and supports firm, data-backed penalties for repeat CSAM and enticement offenses. Its objection is to blanket presumptive prison for first offenses, adopted without the outcome data, treatment capacity or fiscal analysis that would show the change works.

Requests to the committee
Because H.B. 274 (2026) has the Legislature authorize the guidelines by concurrent resolution, with no separate appropriation, and the 2026 recodification removed CCJJ's vote, this committee's review is the main point at which the package's cost can be weighed before it takes effect.

1. C**omplete the fiscal analysis before the vote.** Ask UDC and the Sentencing Commission to provide in writing:
    a. confirmation that the projection applies the guidelines by offense date, reconciled

with the Sentencing Commission's website, which describes both offense date and sentencing date;

b. how many cases in the affected cells already go to prison through departure, so new cost can be separated from current practice;

c. whether projected lengths of stay account for Sex Offender Treatment Program (SOTP) wait times;

d. a breakdown by guideline category, reconciled to the stated total and to UDC's actual daily cost.

2. **Own the implementation.** If the package is adopted, fund SOTP treatment capacity to match it. The SOTP wait list reached 1,433 in August 2026 according to UDC's August 2026 records response, nearly double the 700–800 the program's director estimated for 2023, and he has said the program was given "zero extra therapists" to meet that growth (Jared Hill, Director of Sex Offender Treatment, UDC, presentation to the Utah Prisoner Advocate Network, May 11, 2026).
3. **Use the commission's own alternatives if funding falls short.** The Sentencing Commission considered two lower-cost options before adopting the package on September 2, 2026, and its director described them to CCJJ on October 8: a six-month step-down for CSAM and felony enticement cases, and split shading that leaves the choice of prison or jail to the judge.
4. **Make penalty changes through bills.** If the Legislature wants a specific penalty for a specific offense, enact it in statute, where it carries a fiscal note and a recorded vote on that change alone.
5. **Free beds where it costs least.** In 2025, people with sex offense convictions returned to prison on 272 parole violations and about 60% of those returns involved no new crime (Hill, UPAN presentation, May 11, 2026). Community treatment for low-risk individuals and alternatives to prison for technical violators would free beds for less than the package costs to fill them.
6. **Apply one accountability standard.** Hold new corrections spending to the same outcome and return-on-investment questions that legislators have asked of victim services funding (Rep. Ken Ivory, remarks at the Utah Victim Services Commission annual meeting, September 30, 2026).

None of these requests asks the committee to reject the package. They ask that a commitment of this size, roughly $21 million a year once fully in effect and more than $100 million in its first decade, be approved with its full cost known and a plan in place to carry it out. The sections that follow set out the sources behind each figure and request, and UTRSOL would welcome the chance to answer questions or help committee staff test these figures before October 21.

What the 2027 package changes

H.B. 274 (2026) directed the Sentencing Commission to revise the adult guidelines for felony assault-related and sexual offenses before November 1, 2026. On September 2, 2026, the commission voted 14–3 to move two Form 3 sex offense cells from presumptive jail to presumptive prison, and 14–3 to create a Form 1 "Special 2nd" column for serious-injury violent offenses; on September 17 it added fleeing causing serious bodily injury to that list. The three no votes on September 2 came from the commission's defense-attorney seats. All of these changes are presumptive, not mandatory: judges can depart up or down. But presumptions drive most outcomes. The sentence at the center of H.R. 8 (2026) fell "squarely in the middle" of the guidelines, according to the courts' testimony, and the Legislature responded by rewriting them. UDC's projection likewise assumes the new presumptions will add 195 to 390 prisoners.

Change	Offenses covered (as presented to CCJJ, Oct 8, 2026)	Before	After	Added inmates at full effect
Form 3, second-degree sex offenses, row 1	Sexual exploitation of a minor; enticement where the enticed conduct is a first-degree felony; forcible sexual abuse; first-degree sex offenses pled down to second degree	Presumptive jail, about 205–210 days	Presumptive prison, 40-month length of stay [1]	140–285
Form 3, third-degree sex offenses, row 2 (usually one prior felony)	Unlawful sexual conduct with a 16- or 17-year-old; second-degree offenses pled down to third degree	Presumptive jail	Presumptive prison	10–20
Form 1, new "Special 2nd" column	Second-degree aggravated assault, mayhem, aggravated child abuse, fleeing causing serious bodily injury or death; aggravated burglary and robbery pled down from first degree	Presumptive jail in lower rows	Presumptive prison, same months as before	25–50 [2]
Not clearly mapped to a row above	UDC's "first-degree" category	—	—	20–40
Total				**195–390** [3]

[1] The September 2 vote was described at about 36 months; the October 8 presentation states 40 months.
[2] UDC described this category as "special second-degree felony sex offense."
[3] UDC stated the total as 195–390 and costed $21.4 million a year on 390; the high ends of its category estimates sum to 395. Source for estimates: UDC presentation to CCJJ, Oct. 8, 2026.

The package also includes a revisions package the Utah Sentencing Commission adopted September 17, 2026 by a vote of about 12–1, listed on its agenda as the "Guideline Technical Revisions Report." Although the commission described it as technical, Director Strong acknowledged that parts of it are substantive, and several items change how sentences and release dates are scored:

- **Attempted murder** moves to Form 2. A plea to second-degree attempted murder now scores presumptive prison at 36 months, rather than presumptive jail.
- **Addendum B** categorizes Aggravated Sexual Extortion and Distributing Apparent CSAM as sex offenses.
- **Form 3** gains a 25-to-life column so Board of Pardons and Parole scoring matches statutory minimums.
- **Board of Pardons and Parole** processes are written into the guidelines as guideline language.
- **Misdemeanor recommendations** in jail-shaded categories no longer start at zero days.

Current practice already sends many of these cases to prison: Sentencing Commission data presented June 18, 2026 show the share of second-degree sex offense cases sentenced directly to prison rose from about 28% to about 37% between the years ending May 31, 2025 and May 31, 2026, before any of these changes. Without a count of how many cases in the affected cells already go to prison, the projection cannot separate new cost from what the state already spends.

Cost: what the projection shows and what it leaves out

UDC projects an ongoing cost of about $21.4 million a year once the package is fully in effect, reached around year 10 (Turley, UDC, to CCJJ, October 8, 2026). Because the guidelines remain in force until the Legislature changes them, that cost would recur each year. At the October 8, 2026 CCJJ meeting, the Courts representative, Michael Drechsel, estimated the first decade's cost at more than $100 million, and Commissioner Tom Ross agreed the state "may spend 100 million over 10 years," warning that the money "could very well come out of programs that currently exist." UDC confirmed the ongoing cost but said it would check the cumulative figure with its analyst. The concurrent resolution that would put this cost in place carries no appropriation to pay for it.

Fiscal Year	Period	Year of effect	Added inmates (UDC)	Annual cost at $150/day
FY2027	Jul 2026–Jun 2027	Takes effect May 5, 2027	~0	~$0
FY2028	Jul 2027–Jun 2028	1	43	$2.35 million

Fiscal Year	Period	Year of effect	Added inmates (UDC)	Annual cost at $150/day
FY2029	Jul 2028–Jun 2029	2	111	$6.08 million
FY2030	Jul 2029–Jun 2030	3	182	$9.96 million
FY2037	Jul 2036–Jun 2037	About 10 (full effect)	390	$21.35 million

UDC gave the year 1, 2, 3 and 10 figures (Turley, UDC, to CCJJ, Oct. 8, 2026). Utah's fiscal year runs July 1 to June 30; year 1 is shown as FY2028 because the guidelines take effect May 5, 2027 and apply by offense date, with a median of about 14 months to sentencing. On these assumptions the first decade costs about $134 million, or about $13 million a year on average, and the cost continues at about $21.4 million a year from FY2038 on.

Why "about $10 million a year" understates the cost. One member averaged the decade at $10 million a year, while noting that this was "not likely the case because it starts slow and builds up." The average understates the cost in two ways. Within the decade, UTRSOL's estimate puts the total at about $134 million, or about $13 million a year. And a ten-year average leaves out every year after year 10, when the full $21.4 million recurs each year.

What the projection does not account for

UDC presented its projection to CCJJ on October 8, 2026 as a summary of totals and year-by-year figures. That summary leaves five questions open, some of which could raise the cost and others lower it:

- **Which date controls.** The Sentencing Commission's website says the guidelines apply to offenses committed on or after the effective date. The page says calculations follow the guidelines in force on the date of sentencing. If the sentencing date controls, the early-year cost is higher than $2.4 million.
- **The departure baseline.** Commission staff described the Form 1 change as partly "reflecting reality," because judges already depart to prison in serious cases. Second-degree sex offense prison sentences already rose about 9 points in one year (Sentencing Commission, June 18, 2026). If many projected commitments would happen anyway, the projection overstates new cost; if not, the change is a larger escalation than presented. The committee should know which before voting on the resolution.
- **Treatment capacity.** The projection assumes treatment keeps pace. UDC currently times treatment to finish just before each Board hearing; if added commitments outrun treatment capacity, release dates begin to slip and stays and costs run higher (see the next section).

- **Gross, not net.** The $150/day figure (Turley, UDC, to CCJJ, Oct. 8, 2026) is an average daily cost, consistent with UDC's actual FY2025 rate of $153.28 (UDC presentation to the Law Enforcement and Criminal Justice Interim Committee, Aug. 20, 2025). It does not subtract county jail days no longer served, and it does not price new beds if the added population pushes facilities past capacity. The projection also excludes the Board of Pardons and Parole's own added cost, which the Board estimated on September 2 at "probably 2% to 4%" of its budget for added hearings and processing.
- **The category totals.** The component estimates presented add to 195–395, not the stated 195–390 on which the $21.4 million was costed. Two labels did not match the package: UDC described a "special second-degree felony sex offense" category, although the Form 1 Special 2nd column covers violent offenses, and a "first-degree" category (20–40) that corresponds to no change presented (Turley, UDC, to CCJJ, Oct. 8, 2026).

Capacity context. UDC's own figures, presented to the Law Enforcement and Criminal Justice Interim Committee on August 20, 2025, frame the problem:

Measure	UDC figure
Physical capacity (100%)	7,220 beds
Population, August 2025	About 6,500 (90%)
Operational limit (96.5%) reached	First quarter of 2029 (projected before Gunnison funding)
Emergency-release threshold (98%) reached	Fourth quarter of 2029
Projected shortfall by 2036 (outside consultant)	798 more people than beds
Annual population growth	About 2%
Added commitments from 2024–2025 legislation	177
Actual cost per bed, FY2025	$153.28 a day ($55,947 a year)

UDC updated that timeline at the September 2 meeting where the commission adopted the package. Deputy Commissioner Spencer Turley said the system is "projected to run out of prison beds and get to a one for one, one in one out kind of state in roughly 2028, maybe 2029," and that UDC's estimates of added inmates "have not been overlaid to the current projection" (Sentencing Commission, Sept. 2, 2026).

UDC says it needs vacant beds so people can be placed by security level and treatment need: "An ideal number is probably 10%, but we can make it work with 5%," or about 361 beds (UDC to LECJ, Aug. 20, 2025). The 2027 package would add 195 to 390 people at full effect,

up to the entire 5% buffer and more than the 177 commitments already expected from the last two years of legislation. UDC noted at the time that about 40% of the prison population, "maybe even a little bit higher," has a sex offense conviction (UDC to LECJ, Aug. 20, 2025). These projections predate the 2026 Gunnison funding. But the 768 planned beds roughly match the consultant's projected 2036 shortfall of 798, leaving no room for the 2027 package's 195 to 390 additional people or the 5% operating buffer.

In 2026 the Legislature set aside $125 million toward 768 beds at the Central Utah Correctional Facility in Gunnison through its end-of-session budget, and passed H.B. 20 to create a restricted account for future prison expansion. UDC spokesperson Richard Piatt said that sum would not cover the full cost, which had yet to be determined (Utah News Dispatch, Mar. 24, 2026). The 2026 increase in county-jail contract beds was one-time money; the Legislature's fiscal analyst told the Criminal Justice Appropriations Subcommittee on August 18, 2026 that keeping those beds would require new funding in the 2027 session.

No appropriation. H.B. 274 appropriated no money, and guideline changes take effect by concurrent resolution, so an ongoing operating cost can begin without a separate appropriation vote.

Treatment capacity and the SOTP wait list

The package sends more people to prison in offense categories that most often require sex offender treatment before release, while the treatment wait list keeps growing even as graduations reach record levels. The guidelines state that "where incarceration is ordered, it should be paired with effective risk-reduction programming" (Adult Sentencing and Release Guidelines, p. 10), yet UDC's cost estimate includes no programming.

Date	SOTP wait list	Source
About 2023	700–800	UDC SOTP director, May 11, 2026
Aug 2025	About 1,200	UDC SOTP director, August 11, 2025
May 2026	1,367	UDC SOTP director, May 11, 2026
Aug 2026	1,433 (243 in treatment) via Utah Corrections Watch	UDC records response, August 2026

Graduations rose from 163 in 2023 (Hill, UPAN presentation, May 11, 2026) to 176 in 2024 and 283 in 2025 (UDC programmatic report under Utah Code § 64-13-6(3)(b), 2026). Part of the list's growth reflects the Board's shift to one-hearing "smart scheduling," which orders treatment at intake, so people now join the list years before their hearings (Hill, Aug. 11,

2025). The constraint that matters is whether graduations keep pace with hearing dates: the program's director said it needed about 325 graduations in 2026, or "people are going to miss their board dates." That target is about 15% above 2025's record, reached without any new funded therapist positions, and it does not yet include anyone sentenced under the 2027 package.

What the program's director has said. UDC's SOTP director, Jared Hill, described the program's capacity in public presentations to the Utah Prisoner Advocate Network on August 11, 2025 and May 11, 2026:

- The program was given "zero extra therapists" while the wait list nearly doubled; the director has added interns and moved positions to keep up. He attributes much of the list's growth to the Board's shift to one-hearing "smart scheduling," which put two groups of treatment orders on the list at once.
- In August 2025 he said he "could use four more therapists today." He said the program received no new money after a 2017 audit, and that substance-use treatment has seven times SOTP's resources.
- To keep pace in 2026 the program needed about 325 graduations, using interns, a few new hires and expansion into county jails. Gunnison has had difficulty filling therapist positions.
- Caseloads run about 21–24 people per therapist, in groups of 8–10.

Release dates are being met, but at the limit. UDC now schedules treatment to finish shortly before each Board hearing. The Board reported to the Criminal Justice Appropriations Subcommittee on August 18, 2026 that only one person's release date was rescinded last year for incomplete programming, down from 67. The SOTP director said in May 2026 that if graduations fall short, "people are going to miss their board dates." The 2027 package adds commitments to a system that is meeting its dates only by running at full capacity.

Release already depends on treatment by Board practice. As introduced, H.B. 110 (2026) would have barred the Board of Pardons from paroling anyone who had not completed ordered treatment; that provision was removed before passage (H.B. 110, introduced and enrolled versions). The Board told UDC it would not release low-risk men without in-prison treatment, so SOTP built a shortened low-risk track of about six to nine months to satisfy the Board. That uses prison treatment capacity on people UDC's own treatment director says the research would treat in the community (Hill, UPAN presentations, Aug. 11, 2025 and May 11, 2026).

Community treatment infrastructure already exists. UDC's Northern Utah Community Correctional Center in Ogden, a 154-bed men's facility, offers sex offender treatment (UDC), and UDC told the Criminal Justice Appropriations Subcommittee on August 18, 2026 that all six of its community correctional centers have treatment components, including sex

offender treatment. Paroling low-risk men to community treatment, rather than holding them for prison treatment, would free prison treatment slots without new construction. UDC's own treatment program recommended exactly this for lower-risk men until the Board said it would not release anyone without treatment (Hill, UPAN presentation, Aug. 11, 2025).

The program's outcome data show a low baseline, especially for low-risk men. Of 483 people released from prison in 2021, 7 (about 1.5%) returned for a new sex crime within three years. Across cohorts, UDC's SOTP director expects "between 2% and 4%" to come back for new sex crimes in three years, and about 3% in the very-low-risk group. He has noted that this measure is narrow, and that counting "concerning behaviors" caught by parole agents could add about five percentage points. By contrast, about 45% of the 2021 cohort returned to prison on parole violations (Hill, UPAN presentations, Aug. 11, 2025 and May 11, 2026).

The guidelines do not connect risk to sentence. At the October 8, 2026 CCJJ meeting, Sentencing Commission Director Dan Strong said risk assessments "inform the analysis, but there's no like, you know, if this person's low risk, then they get X sentence. That does not exist in the guidelines." The state has standardized its risk instruments: since March 2026, more than 170 staff have been retrained on the Static/Stable risk assessment tools to ensure consistent scoring (SOMAC minutes, June 24, 2026). The 2027 package raises recommended sentences without using them.

This problem has been documented before. A 2017 legislative audit of SOTP found that wait-list delays cost an estimated $678,000 in fiscal year 2016 and warned that "these costs and delays will likely continue to grow if SOTP does not address program deficiencies" (Office of the Legislative Auditor General, Report No. 2017-04). According to the program's director, that audit "recommended not giving us any extra money" (Hill, UPAN presentation, Aug. 11, 2025). A 2016 audit of the Board of Pardons and Parole found that board members decided parole "using their professional judgment and experience" rather than a structured process that assesses risk and need (Report No. 2016-01). The SOTP wait list has roughly doubled since 2023.

Reporting is at risk of shrinking. UDC has asked the Legislature to sunset its statutory program report under Utah Code § 64-13-6(3)(b), citing "robust internal data management" (UDC letter requesting sunset). Yet according to UDC records released to Utah Corrections Watch in August 2026, the average wait between referral and admission for several substance-use programs was "unknown," and the longest wait for the Achieve and Elevate programs was "not tracked." When legislators asked about wait lists at the Criminal Justice Appropriations Subcommittee on August 18, 2026, UDC said its lists include people identified as needing treatment years in the future, "not actually wait listed individuals," a distinction its public numbers do not show. The Legislative Fiscal Analyst's review of the

reentry and rehabilitation division, presented the same day, recommends new performance measures but none on wait lists or time to treatment. Ending the report now would remove the one statutory window onto the constraint this package tightens.

Parole returns: the larger driver of prison beds

For people with sex offense convictions, returns on parole violations are a large and recurring source of prison admissions, and most of those returns involve no new crime. Of 483 people released in 2021, about 45% returned to prison on parole violations within three years, while about 2% returned for a new sex crime (Jared Hill, Director of Sex Offender Treatment, Utah Department of Corrections, presentations to the Utah Prisoner Advocate Network, August 11, 2025 and May 11, 2026).

Across the whole prison population, parole violators filled 57% of prison beds in 2025, and UDC described them as "filling our prison beds faster than any population." UDC's August 20, 2025 presentation to LECJ showed about 60–65% of parolees returning within three years, mostly for technical violations. To see what drives these returns for people with sex offense convictions, the SOTP director's team reviewed every parole violation that sent someone in this group back to prison in 2025, 272 in all (Hill, May 11, 2026).

Reason for return (2025)	Share
Technical violations (no new crime)	About 60%
New non-sex crime	About 16%
"Concerning behaviors" without a new charge	About 10%
New domestic violence	About 5%
New sex offense	About 5%

Shares as reported; they do not sum to 100%.

Within the technical violations, about 20% involved unapproved contact with minors where staff "didn't think that there was anything going on untoward," and about 18% were failure to find employment (Hill, May 11, 2026). Read as a share of the technical violations, that is roughly 30 people returned to prison in 2025 because they could not find work (about 49 if read as a share of all 272 returns). If each served six months, that would cost about $0.8 million to $1.4 million a year at UDC's actual daily rate.

UDC and its SOTP director have both proposed alternatives for technical violators. UDC told the interim committee in August 2025 that a dedicated parole-violator center "will be cheaper and it will reduce that number coming back to prison," and the SOTP director is developing a halfway-house program in place of a return to prison. Either would reduce demand for beds at lower cost than the new prison commitments the 2027 package adds.

Effects on plea agreements, courts and victims

The package reaches plea agreements directly, which is likely to mean fewer pleas, more trials and more victims testifying. No cost estimate covers that effect. At the October 8 CCJJ meeting, Sentencing Commission Director Dan Strong said the commission was "surprised, frankly, by the number of cases where… a first degree felony sex offense has been pled down to a second, even in some categories where the statute says the court cannot enter such a finding." First-degree sex offenses pled down to second degree are now among the cases moved to presumptive prison.

Moving these pleas to presumptive prison changes the incentives for everyone in the case, not just the defendant. Three consequences follow:

1. **The plea lowers the degree but not the presumption.** Under Addendum C, a plea to a lower degree is still scored at the degree of conviction. But the second-degree cells these pleas land in now carry presumptive prison, so a plea that reduces the charge no longer changes the presumptive outcome.
2. **Less reason to plead.** If a second-degree plea no longer avoids prison, defendants have less reason to accept it. That means more trials and more court time, a cost the Courts representative raised at the same meeting ("we need judges every year in order to adjudicate cases"). In 2026 the courts asked for eight more district judges and the Legislature funded three (KSL, July 28, 2026).
3. **More victims on the stand.** Each case that goes to trial instead of a plea asks the victim to testify and be cross-examined.

CCJJ's own presenters treat avoiding trials as good for victims. At the same October 8 meeting, the Utah Domestic Violence Coalition reported on felony strangulation cases from 2024–2025. Of 36 completed cases with a forensic exam, 56% ended in a felony plea and 19% were dismissed. None went to a jury trial, "which I think is a benefit for victims," the coalition's presenter said, "they're not having to go through that process."

The guidelines change pushes the other way for second-degree sex cases: when a plea no longer avoids prison, more cases are likely to go to trial. The committee should ask the Sentencing Commission and the Statewide Association of Public Attorneys and Prosecutors whether they expect plea rates in these categories to change, and what that would mean for court and victim-services workloads. Neither question was addressed in the Sentencing Commission's or UDC's presentations to CCJJ on October 8, 2026.

Judges already depart upward in serious cases. Sentencing Commission data presented in January 2026, covering 2022–2024 cases, showed about 50% of first-degree aggravated CSAM cases sentenced directly to prison, and about 30% of lower-degree CSAM cases, the category this package moves to presumptive prison. After the first-degree offense was created around 2023, the commission also added a CSAM-specific aggravating factor. Prosecutors and judges can already reach prison in serious cases without removing the plea option for the rest.

How the package was developed

The Sentencing Commission adopted this package after the Legislature directed it to revise these guidelines, and its own record shows the cost and outcome questions were passed to this committee rather than resolved. This is not a criticism of the commission's staff, who were open about these limits. It is the reason the committee now holds the decision.

Date	What happened
Before H.B. 274 (reported Jan. 29, 2026)	The commission voted 12–3 against making CSAM offenses presumptive prison, citing fiscal impact and seeking legislative input.
2026 session	H.B. 274 restructured the commission and required revised assault-related and sexual offense guidelines before Nov. 1, 2026. It passed the House 69–0.
Jun 18, 2026	Sentencing outcome data showed second-degree sex offense prison sentences already rising.
Sep 2, 2026	Form 3 and Form 1 changes adopted 14–3. Commissioner Pam Vickrey, voting no, said: "we were told that this was the directive, this is what was happening. We didn't really dive into that. We didn't dive into which programs are successful in prison, which programs are successful out of prison. We didn't talk about deterrence."
Sep 17, 2026	Further changes adopted, including the attempted-murder rescoring, under a technical-revisions vote.
Oct 6, 2026	The House Speaker told KUTV the Legislature "directed the Sentencing Commission to take a closer look at the sentencing guidelines."
Oct 8, 2026	Director Strong briefed CCJJ. He said cost "wasn't where we started from" and that the commission does not appropriate funds; CCJJ no longer votes on the guidelines, and the Legislature approves them directly. The Courts representative raised the $100 million-plus decade cost.

The same commission reached the opposite result on the same question once the Legislature directed it to revise these guidelines. Before H.B. 274, the commission had voted 12–3 against making CSAM possession presumptive prison; members were not comfortable making that change "without legislative input on the costs and appropriations it would require" (Sentencing Commission, Jan. 29, 2026). After H.B. 274, it adopted presumptive prison 14–3 on September 2, 2026, and left the cost question to the Legislature: "we don't appropriate funds," Director Strong told CCJJ on October 8, so the commission wanted to make sure the cost "is communicated to folks who do make decisions on that being the legislature." Before the vote, DOCJ Commissioner Tom Ross told the commission legislative leadership recognized "funding would have to be part of the resolution of being able to move this forward," and that "if there isn't sufficient funding, then this could change." He raised the cost again on October 8, saying the state "may spend 100 million over 10 years" and that the money "could very well come out of programs that currently exist." The October 8 presentations did not identify a funding source.

The evidence base was acknowledged as incomplete. At the October 8 meeting, Department of Criminal Justice Commissioner Tom Ross said that although some believe longer incapacitation reduces crime, "there's data that doesn't always say that's right," and that "I don't think we've ever had a good way of really projecting" offsetting savings. Sentencing Commission Director Dan Strong said more structured aggravating and mitigating factors were something "we aren't really there yet as a state to adopt." For the juvenile guidelines, presenters said the tight turnaround this year allowed "only… non-substantial changes" (CCJJ, Oct. 8, 2026).

No independent seats remain. S.B. 200 (2024) reduced the Sentencing Commission from 28 to 15 voting members and removed its independent public seats: two for members sensitive to the concerns of crime victims, one for a member of the public, and one for a civil-liberties organization. H.B. 274 (2026) grew the commission to 17 and tripled its prosecutor seats; it kept three defense seats but replaced the designated indigent- and juvenile-defense seats. Director Strong said on October 8 that the 2024 change "removed most of the people who are not agency or system actors." Every remaining seat represents an agency, a profession or an association.

This is now an annual cycle. Since 2024, the commission has submitted guidelines each year and the Legislature has approved them by concurrent resolution, S.C.R. 1 in 2025 and H.C.R. 2 in 2026 (Utah Code § 75E-4-206, formerly § 63M-7-406, as amended by H.B. 274, 2026). Each cycle's cost can add to the last, and no single resolution shows the running total. The 2027 package is the first under H.B. 274's mandate to revise the sex and violent offense guidelines, and it will not be the last. A cumulative cost table attached to each year's resolution would let every future committee see what it is adding to enact it in statute. The Legislature already tracks the delayed corrections costs of criminal justice bills to fund H.B. 20's prison expansion account, and guideline resolutions could be counted the same way.

Consistency with victim-services funding

Victim-services programs must show outcomes to receive or grow their funding: on October 8, the strangulation exam program reported back to CCJJ on how it spent more than $220,000 the commission had awarded, with outcome data for the cases it served. This package would add about $21.4 million a year in corrections costs with no comparable test. That is nearly 100 times the program's cost, with no measure of whether it reduces reoffending or makes victims safer. UTRSOL asks the committee to apply the same standard to both, not to trade one against the other. Both serve public safety, and both should prove it.

Victim-services money is unstable. The Victim Services Commission's 2026 study shows Utah's federal VOCA awards fell from about $21.4 million in FY2023 to just under $13 million in FY2025, a 39% drop. The Legislature stepped in, raising state funding 151%, but the study calls current funding a baseline that "will require continued state investment to maintain" (2026 Victim Services Study, Economic Report, p. 11). At the commission's September 30, 2026 meeting, Rep. Ken Ivory said more state victim-services funding will require metrics and "the accountability mechanism… That's going to be a requirement to ask for more funding." The package's projected ongoing cost, about $21.4 million a year, is roughly what Utah received in federal victim-services awards in FY2023.

The October 8 agenda showed the difference in one meeting.

Item on the Oct 8, 2026 CCJJ agenda	Ongoing cost	Outcome evidence presented
Sentencing guidelines package	About $21.4 million a year at full effect	None on recidivism or public safety
Strangulation exam reimbursement program	$260,000 a year in state funds, covering about 60% of participating counties' need	Fewer dismissals and more felony pleas in cases with an exam

The exam program reimburses just over $1,200 per exam and served 190 victims in the year ending June 2026. More than 4,000 people disclosed strangulation by a partner to law enforcement in 2025, eight counties have no exam access, nine more are waiting to join, and the 12 participating counties are funded at 40–60% of need (Utah Domestic Violence Coalition, CCJJ, Oct. 8, 2026). At UDC's $150 a day, the program's entire spending last year, about $220,000, equals the cost of about four prison beds.

Victim services and the 2027 package will compete for the same ongoing dollars in the same budget cycles, whether or not anyone frames it that way. Holding both to the same test of cost and results is the fairest way to decide between them, and it does not require taking money from either to fund the other.

What the record shows

The information in this report was not hidden. Each piece was presented in a public meeting by the agency responsible for it: the Sentencing Commission described the guideline changes, UDC presented the cost and the capacity forecast, the SOTP director described treatment capacity, the Board reported on release dates, and the Legislative Fiscal Analyst reviewed performance measures. But these presentations took place before different bodies over fourteen months, from August 2025 to October 2026, and none was asked to account for the others. Read together, the public record supports six findings. Each one rests on an agency's own statements, cited in the sections above.

1. **The program is meeting release dates by running at capacity.** UDC and the Board reported to the Criminal Justice Appropriations Subcommittee that release dates rescinded for incomplete programming fell from hundreds, to 67, to one last year (Aug. 18, 2026). Its SOTP director has said the program received "zero extra therapists" as the wait list grew, and needed about 325 graduations in 2026 to keep meeting Board dates (Hill, UPAN presentations, Aug. 11, 2025 and May 11, 2026). Both are accurate: the dates are being met because the program is running at full capacity.

2. **The cost projection covers prison beds only. U**DC's October 8 projection gave added inmates and a daily cost. It did not address treatment capacity, how many of these cases already go to prison, or UDC's own forecast that the system reaches its operating limit in 2029 and runs out of beds by 2030 (UDC to CCJJ, Oct. 8, 2026; UDC to LECJ, Aug. 20, 2025).

3. **The package adds load where the system is tightest.** Release depends on completing treatment by Board practice, and treatment is scheduled to finish just before each hearing. The package sends more people into the offense categories that require treatment before release. No projection models what happens if graduations fall behind.

4. **Lower-cost options have been identified but are not part of the package.** Parole violators fill 57% of prison beds, and most returns in this population involve no new crime. UDC has proposed a parole-violator center that "will be cheaper," and its SOTP director is developing a halfway-house alternative (UDC to LECJ, Aug. 20, 2025; Hill, May 11, 2026). The 768 beds funded at Gunnison roughly match the consultant's projected 2036 shortfall before this package adds anyone.

5. **Current reporting would not show a treatment backlog early.** UDC's public wait-list figures do not separate current waits from future needs; some programs do not track time from referral to admission UDC records response, Aug. 2026; UDC has asked to end its statutory program report; and the Legislative Fiscal Analyst's new performance measures do not include wait times (CJAS, Aug. 18, 2026; UDC letter requesting sunset).

6. **The Sentencing Commission acted on the information it had and said so.** The commission relies on UDC for cost, has no rule linking assessed risk to sentence, and left the cost question to the Legislature. Its director and the Commissioner of the Department of Criminal Justice each acknowledged on October 8 that the evidence base is incomplete.

Each agency's report is accurate within its own role. No one has assembled them, and the package's cost estimate covers only one step, the prison bed. That is not a failure of any agency; it is how the process is built. The Sentencing Commission recommends, UDC estimates beds, the Board decides release, and SOTP absorbs the treatment load, but no one is assigned to bring their reports together before the Legislature votes. This committee is the body that hears from all of them. The recommendations that follow ask it to do what the process does not: put the pieces side by side before the resolution moves forward.

Recommendations

UTRSOL recommends the committee take these steps before and alongside any vote on the 2027 concurrent resolution. Most can be done through a request to UDC or the Sentencing Commission, a performance measure, or language in the resolution itself, without new legislation. The rest are offered for the 2027 session, so that this cycle's cost and next cycle's do not pass without a test.

#	Recommendation	Why	Venue
1	Request a written fiscal supplement before the November interim hearing: offense-date or sentencing-date assumption, departure baseline, treatment-driven length of stay, and an itemized breakdown	The current projection omits factors that could raise the cost	Judiciary Interim Committee; Sentencing Commission and UDC
2	If treatment funding is not committed. If treatment funding is not committed, adopt the six-month step-down for CSAM and enticement cases, or split shading for the affected cells	Both options were developed and documented by the commission itself, and cost less	Concurrent resolution
3	Fund SOTP capacity in proportion to the added commitments	Release often depends on treatment, and the program needed about 325 graduations in 2026 to avoid missed Board dates.	Criminal Justice Appropriations Subcommittee, or a bill with its own fiscal note

#	Recommendation	Why	Venue
4	Authorize community-based treatment for men assessed as low risk, using the existing treatment beds in UDC's Ogden center	Frees prison treatment slots without construction; the Board has said direction on releases must come from the Legislature	Statute or intent language
5	Fund alternatives to prison for technical parole violations, including the parole-violator programs UDC has proposed	About 60% of parole returns in this population involve no new crime; about 18% of technical returns are for failure to find work	Criminal Justice Appropriations Subcommittee
6	Keep UDC's statutory program report and add measures: SOTP wait list, time from referral to admission, share finishing treatment before the Board date, Board dates missed for incomplete treatment, and graduations by risk level and location	UDC reports that several wait-time measures are not tracked; the subcommittee sets performance measures in October without new legislation	Criminal Justice Appropriations Subcommittee
7	Request a follow-up audit of SOTP by the Office of the Legislative Auditor General	The 2017 audit's findings shaped funding decisions; a follow-up would show what has changed	Legislative Audit Subcommittee
8	Require annual reporting on departure rates, plea rates, actual versus presumptive length of stay, and reoffense by assessed risk	Next year's guidelines cycle needs outcome data the commission says it lacks	Statute or intent language

#	Recommendation	Why	Venue
9	Where a fixed penalty is intended, enact it in statute	Statute is where a specific penalty is debated, costed and owned. UTRSOL supports firm, data-backed penalties for repeat CSAM and enticement offenses	General session
10	Attach a cumulative cost table to each year's guidelines resolution	Annual resolutions add ongoing costs that no single vote shows	Legislative Fiscal Analyst
11	Restore at least one independent public seat on the Sentencing Commission	The 2024 restructure removed the seats not tied to an agency or profession	Statute

The first step matters most before the committee acts: it asks only for information UDC and the Sentencing Commission already hold or can produce, and it can be answered by the November interim hearing. Steps 2 through 6 belong with any vote on the resolution; steps 7 through 11 can follow through the 2027 session and the annual guideline cycle.

Sources and record notes

Public meeting records relied on

- CCJJ Commission meeting, October 8, 2026: Sentencing Commission guidelines presentation, Department of Corrections cost projection, Utah Domestic Violence Coalition strangulation exam report, public comment.
- Utah Sentencing Commission meetings: September 17, 2026; September 2, 2026; June 18, 2026; January 2026 general-session meetings.
- CCJJ Commission meeting, August 13, 2026.
- Sex Offense Management Advisory Committee (SOMAC), June 24, 2026.
- Victim Services Commission annual meeting, September 30, 2026, and its 2026 Victim Services Study economic report.
- UDC SOTP director's presentations to the Utah Prisoner Advocate Network, August 11, 2025 and May 11, 2026; UDC executive director's presentation to the same group, November 10, 2025.
- Law Enforcement and Criminal Justice Interim Committee, August 20, 2025: UDC presentation "Prison Capacity."
- Criminal Justice Appropriations Subcommittee, August 18, 2026: Legislative Fiscal Analyst reviews of Reentry and Rehabilitation and Utah Correctional Industries; UDC community correctional centers update; Board of Pardons and Parole report.
- UDC response to a public-records request (GRAMA R035583-061126) on program capacity, wait lists and staffing, August 2026, as reported by Utah Corrections Watch.
- UDC letter requesting sunset of the program report under Utah Code 64-13-6(3)(b).
- Office of the Legislative Auditor General: 2016 audit of the Board of Pardons and Parole; 2017 audit of the Sex Offender Treatment Program.

Documents and coverage

- Utah Sentencing Commission, guidelines page (effective-date language)
- Utah News Dispatch, Gunnison expansion, March 24, 2026
- UPR, prison expansion request, February 12, 2026
- KUTV 2News coverage of the September 2, 2026 Sentencing Commission vote, including statements from the House Speaker and Department of Criminal Justice.
- UDC, "Prison Capacity," August 20, 2025
- Legislative Fiscal Analyst and UDC presentations, Criminal Justice Appropriations Subcommittee, August 18, 2026 (also 00003064 and 00003073)
- Libertas Institute, Utah's per-prisoner cost, August 4, 2026

Record notes

- Meeting quotations come from auto-generated transcripts of public recordings and were checked for meaning. Speakers are named where the recording identifies them; the September 2 funding statement is attributed to Commissioner Ross based on the meeting audio.
- Year-1, -2, -3 and -10 cost figures are UDC's own. The first-decade total of about $134 million and the 20-year figure are UTRSOL estimates based on those figures and a straight-line ramp.
- The 40-month presumptive length is as presented on October 8. Earlier summaries of the September 2 vote cited about 36 months; the final Form 3 controls.
- Forcible sexual abuse appears in the second-degree category on the October 8 slides.
- The SOTP wait list of 1,433 comes from UDC's August 2026 records response. UDC told the Criminal Justice Appropriations Subcommittee that its lists include people identified as needing treatment years in the future; for SOTP, its director refers to the list as a wait list.
- The share of the prison population with sex offense convictions is given as "nearly 40%" in UDC's August 2025 capacity presentation, 33–36% by the SOTP director, and about one-third by the Legislative Fiscal Analyst; this report uses the range.
- SOTP graduation counts (176 in 2024, 283 in 2025) are from UDC's letter to the Legislature.
- Statements attributed to the SOTP director come from public presentations to an advocacy organization, not formal testimony, and are not presented as UDC policy.
- The cost of parole returns for unemployment is a UTRSOL estimate assuming a six-month stay at UDC's FY2025 daily rate.
- The pre-2026 12–3 vote is as reported in Sentencing Commission records presented in January 2026.

Disclosure. UTRSOL is a Utah policy research and advocacy organization 501(c)(4). Its chairman gave public comment at the September 2 Sentencing Commission meeting and the October 8 CCJJ meeting.

Contact: Utah for Rational Sex Offense Laws · (801) 871-5215 · communications@utrsol.org