**R356. Governor, Criminal and Juvenile Justice (State Commission on).**

**R356-11. Sentencing Commission.**

**R356-11-1. Authority.**

This rule is authorized by Subsection 63M-7-401.2(2)(a).

**R356-11-2. Purpose.**

The purpose of this rule is to describe the process by which the sentencing commission shall establish and maintain the:

(1) guidelines;

(2) master offense list; and

(3) collateral consequences guide.

**R356-11-3. Definitions.**

(1) Terms used in this rule are defined in Sections 63M-7-101.5 and 63M-7-401.1.

(2) In addition:

(a) "collateral consequences guide" means the list of collateral consequences described in Subsection 63M-7-405(2);

(b) "director" means the director of the sentencing commission created in Subsection 63M-7-401.2(5); and

(c) "guidelines" means the adult sentencing and supervision length guidelines described in Section 63M-7-404.3 and the juvenile disposition guidelines described in Section 63M-7-404.5.

**R356-11-4. Subcommittees.**

(1) The sentencing commission may create subcommittees to assist the sentencing commission in carrying out any of the sentencing commission's duties outlined in Title 63M, Chapter 7, Part 4 Sentencing Commission.

(2) Subcommittees created under this rule may include sentencing commission members and members of the public as determined by the sentencing commission.

(3) Any discussions or recommendations of a subcommittee shall be presented to the full sentencing commission for the sentencing commission's review and final action.

**R356-11-5. Guidelines.**

(1) The sentencing commission may receive comments or recommendations regarding changes to the guidelines and legislation regarding the sentencing, release, or supervision of individuals convicted of crimes submitted by:

(a) members of the sentencing commission;

(b) subcommittees created by the sentencing commission; or

(c) members of the public.

(2) The sentencing commission shall:

(a) review any proposed changes to the guidelines;

(b) consider any proposed legislative recommendations;

(c) approve any proposed changes to the guidelines or legislative recommendations; and

(d) forward any proposed changes to the guidelines or legislative recommendations to the commission with sufficient time for the commission to:

(i) review any proposed changes to the guidelines or legislative recommendations; and

(ii) submit any proposed changes to the guidelines or legislative recommendations to the Law Enforcement and Criminal Justice Interim Committee and the Judiciary Interim Committee before October 31 as required by Subsection 63M-7-406(1).

(3)(a) Any proposed changes to the guidelines approved by the sentencing commission shall be posted on the sentencing commission's website.

(b) The sentencing commission shall accept comments from the public for a period of 30 days after any proposed changes to the guidelines are posted on the sentencing commission's website.

(c) Any comments received from the public regarding any proposed changes to the guidelines shall be compiled by the director for further consideration.

**R356-11-6. Master Offense List.**

(1) At the conclusion of each legislative session, the director shall:

(a) update the master offense list; and

(b) present any proposed changes to the master offense list to the sentencing commission.

(2) The sentencing commission shall:

(a) review any proposed changes to the master offense list;

(b) approve any proposed changes to the master offense list; and

(c) present any proposed changes to the master offense list to the Law Enforcement and Criminal Justice Interim Committee before June 30th as required by Subsection 63M-7-405(1).

**R356-11-7. Collateral Consequences Guide.**

(1) Each year, the director shall:

(a) review the collateral consequences guide to determine if changes to the collateral consequences guide are warranted; and

(b) present any proposed changes to the collateral consequences guide to the sentencing commission.

(2) The sentencing commission shall:

(a) review any proposed changes to the collateral consequences guide;

(b) approve any proposed changes to the collateral consequences guide;

(c) consider whether to recommend legislation regarding collateral consequences; and

(d) present any proposed changes to the collateral consequences guide and any recommended legislation regarding collateral consequences to the Law Enforcement and Criminal Justice Interim Committee as required by Subsection 63M-7-405(2).

**KEY: sentencing commission policies**

**Date of Last Change: December 10, 2024**

**Authorizing, and Implemented or Interpreted Law: 401.2(2)(a)**