

2015 Smart on Crime Legislation Explained

Purpose of Reform

- From 2004 to 2013, Utah's prison population grew 18%—**six times faster than the national average**—despite a decrease in the state's crime rate.
- Absent reform, the state's prison population was projected to grow by another 37%, or 2,700 inmates, over the following 20 years at more than \$540 million.

Smart on Crime Legislation

The Utah State Legislature directed the Commission on Criminal and Juvenile Justice (CCJJ) to study criminal justice trends across the state.

- While engaging in this study, the CCJJ found that the steep growth in prison population was primarily driven by increases in the number of individuals incarcerated for low-level, nonviolent offenses and the length of time served across all offense types.
- The CCJJ also found that nonviolent offenses relating to substance use were a substantial subset of this population increase.
- **In collaboration with Utah law enforcement officers, court practitioners, community members, legislators, and corrections professionals**, CCJJ recommended policy reforms to slow the rate of the population increase, save Utah taxpayer dollars, and increase public safety.
- In 2015, these recommendations were enacted through bipartisan legislation (HB 348).

The Policies

The Smart on Crime policies prioritized resources for the most serious offenders, connected those in need of treatment with services, streamlined release for individuals better served by effective community supervision and recidivism-reduction services, improved reentry for all returning citizens, and increased public safety.

Since enacting Smart on Crime policies, Utah has **safely reduced its prison population by focusing on the most serious offenders and ensuring those who can best be served in the community have increased access to treatment.**

**See reverse for a detailed list of 2015 Smart on Crime policies.*

Reduce the Size & Cost of Corrections

- Reduced certain non-DUI traffic offenses to C misdemeanors or infractions
- Changed the penalty for 1st or 2nd conviction of possession of a controlled substance to a class A misdemeanor to encourage treatment and focus prison beds on serious offenders.
- Removed the tiers of penalties for marijuana
- Restructured the "drug-free zone" sentencing enhancement to penalize commercial drug activity within 100 feet of a facility where children are likely to be present to better target those who deal drugs close to children

Reinvest in Recidivism Reduction & Improve Reentry

- Required UDC to develop needs-based case action plans for every Utahn transitioning from incarceration to community supervision
- Allocated increased funding to substance use treatment
- Directed UDC to create pathways to earned compliance credits for those who are succeeding in reentry during their supervision period

Expand Research-based Supervision & Sentencing Practices

- Required the creation of supervision standards based on a supervisee's risk and needs assessment
- Mandated the crediting of time served in jail for a supervision violation toward someone's sentence
- Created graduated sanctions for community supervision violations to ensure swift, certain, and appropriate consequences for violating conditions of release
- Established guidelines for three-day jail stays (no more than 5 days within a 30-day period) as a sanction for supervision violations

Sources:

CCJJ Justice Reinvestment Report, November 2014