



Office of Utah for Rational Sex Offense Laws

PO BOX 231 • LAYTON, UT 84041-9998
(801) 871-5215 • COMMUNICATIONS@UTRSOL.ORG

January 28, 2026

Representative Mike Schultz
Utah House of Representatives
350 North State, Suite 350
Salt Lake City, UT 84114
Via email: mikeschultz@le.utah.gov

Position Statement on H.B. 274 Sentencing Commission Amendments

Dear Speaker Schultz,

Utah for Rational Sex Offense Laws (UTRSOL) strongly opposes H.B. 274. This bill fundamentally restructures Utah's Sentencing Commission by eliminating defense attorney representation while tripling prosecutor and law enforcement membership. This dramatic shift undermines the commission's ability to develop balanced, evidence-based sentencing policy and represents a troubling departure from the collaborative stakeholder model that has guided Utah's criminal justice reforms.

Key Concerns:

Elimination of Defense Perspective

The bill removes both positions currently held by defense attorneys:

- Criminal defense attorney (appointed by Utah Association of Criminal Defense Lawyers)
- Indigent defense attorney (appointed by Indigent Defense Commission)
- Juvenile defense attorney (appointed by Utah Association of Criminal Defense Lawyers)

This completely eliminates the voice of those who represent the accused and convicted—the very population most directly impacted by sentencing policy. Defense attorneys provide critical insight into how sentencing guidelines function in practice, the real-world consequences of policy decisions, and the perspective of those navigating the system.

Disproportionate Expansion of Prosecution and Law Enforcement

While eliminating all defense representation, the bill significantly expands representation from prosecution and law enforcement:

- Criminal prosecutors: increases from 1 to 3
- Juvenile prosecutors: increases from 1 to 3
- Sheriff's Association representatives: increases from 1 to 3

This creates a 9-member voting bloc (when combined with the Attorney General's representative) focused primarily on enforcement and prosecution, versus the remaining members who represent administration, oversight, rehabilitation, and victim services.

Abandonment of Balanced Stakeholder Model

The Sentencing Commission's purpose is to develop data-driven sentencing policy that balances public safety, victim needs, rehabilitation, and fairness. This requires diverse perspectives and expertise. The current balanced composition ensures that:

- Those who prosecute crimes have a voice
- Those who defend the accused have a voice
- Those who incarcerate offenders have a voice
- Those who rehabilitate offenders have a voice
- Victims have a voice
- The judiciary has input (as non-voting members)
-

H.B. 274 destroys this balance by creating a commission dominated by one perspective while silencing another entirely.

Inconsistent With Evidence-Based Reform Principles

Utah has been recognized nationally for criminal justice reforms grounded in data and stakeholder collaboration. This bill represents a departure from that model by:

- Prioritizing the expansion of enforcement voices over diverse expertise
- Eliminating critical perspectives necessary for comprehensive policy analysis
- Creating a structure more likely to produce one-dimensional recommendations

As noted in recent legislative analysis, Utah's criminal justice system too often prioritizes public perception over evidence-based policy, with many bills driven by isolated cases rather than data or demonstrated trends. HB274 exacerbates this problem by structuring the Sentencing Commission itself to be less balanced and less capable of objective analysis.

Undermines Professional Discretion and Expertise

By removing the voice of defense attorneys—professionals who work daily within the sentencing system and observe its impacts firsthand—the commission loses access to critical on-the-ground expertise about:

- How sentencing guidelines function in practice
- Unintended consequences of sentencing policies
- Disparate impacts on different populations
- The relationship between sentencing policy and recidivism
- Constitutional and due process considerations

Creates Structural Impediment to Reform

The lopsided composition makes it structurally difficult for the commission to recommend reforms that might reduce incarceration, expand alternatives to detention, or address systemic inequities—even when data supports such changes. This defeats the purpose of having an independent commission to provide objective guidance to the Legislature.

Recommendation

Oppose HB274. If the Legislature believes the Sentencing Commission should be expanded, any expansion should maintain balance among stakeholders and should not eliminate existing perspectives entirely. A commission addressing sentencing policy must include those who understand the system from all angles—including the defense perspective that this bill eliminates.

The current commission structure, with representation from prosecution, defense, law enforcement, corrections, rehabilitation professionals, victims, and the judiciary, provides the diversity of expertise necessary for sound policy development. HB274's radical restructuring abandons this balanced approach in favor of a composition heavily weighted toward one perspective.

Sound criminal justice policy requires time, expertise, and diverse viewpoints—not the elimination of critical stakeholders in favor of expanding those who already dominate the conversation.

Sincerely

Utah for Rational Sex Offense Laws

UTRSOL/lm