



Utah Sentencing Commission Adult Sentencing and Release Guidelines

Jail as a Condition of Felony Probation Matrix- Form 5 Instructions

(Effective as of July 1, 2010)

Form 5 is to be used in addition to **Form 1** and **Form 3** of the Adult Sentencing Guidelines and should only be used when the recommendation resulting from **Form 1** or **Form 3** is to suspend the prison sentence. When the guidelines indicate that an offender's prison sentence should be suspended, **Form 5** should be used to assist in the determination of whether an offender should serve some time in jail as a condition of that probation and if so, the length of the jail sentence.

The shaded areas of **Form 5** correspond with the shading of the **Form 1** and **Form 3**. Columns that require Mandatory Imprisonment are not included on **Form 5**.

Dark shaded cells: This area corresponds with the "Imprisonment" recommendation of **Form 1** and **Form 3**. If an offender falls into one of these areas and does not receive a prison recommendation, jail time should be recommended for these offenses.

Light shaded cells: This area corresponds with the "Intermediate Sanctions" area of **Form 1** and **Form 3**. If an offender falls into one of these areas, a recommendation of jail may likely be recommended as a condition of the offender's probation.

Unshaded cells: This area corresponds with the "Regular Probation" area of **Form 1**. If an offender falls into this area, a typical recommendation would not include jail as a condition of probation. However, these guidelines are not intended to limit judicial discretion: while jail as a condition of probation should not typically be recommended in these cases, the court may sentence an offender to jail as a condition of probation if there are aggravating factors or other circumstances that warrant a jail sentence.

The number of days recommended in the individual cells represents a typical sentence and should be used as a starting point in determining the length of the recommended jail sentence. The offender's risk to the community, LSI score, compliance with court orders prior to sentencing, the aggravating and mitigating factors on **Form 2** and **Form 4**, as well as other specific needs should be considered in determining the final recommendation.

FORM 5

Jail as a Condition of Felony Probation Matrix

General Guideline (To be used with Form 1)

	2 nd Death	1 st Person	3 rd Death	1 st Other	2 nd Person	3 rd Person	2 nd Other	2 nd Poss	3 rd Other	3 rd Poss
V	365	365	365	365	365	300	300	300	270	180
IV	365	365	320	320	320	300	300	270	210	180
III	365	300	270	270	270	180	180	180	150	120
II	365	270	240	240	240	120	120	120	90	60
I	365	240	210	210	210	90	90	60	60	30

Sex Offense Guideline (To be used with Form 3)

	1 st sex	2 nd sex	3 rd sex
III	365	320	180
II	365	250	180
I	320	210	120