

# Form 2B - DUI Homicide / Injury - Jail Matrix

This form is used to determine jail time as part of a probation sentence for 76-5-207, Automobile Homicide or 76-5-102.1, Negligent Operation of a Vehicle Resulting in Injury. This form should not be used to calculate jail time-to-close a case. As with any sentence, the purposes of incarceration should be carefully considered, and incarceration should be paired with risk reduction programming. All numbers listed are in days, not months. The jail sentence listed above the time range available is the recommended amount of jail days as an initial period of confinement in the county jail, if jail is ordered. The low-end of the range in parentheses below is set consistent with similar mandatory minimum sentences for DUI in statute. Note, however, that jail may not be required if certain findings are made (see [DUI Statutory Overview](#) at [justice.utah.gov/sentencing](http://justice.utah.gov/sentencing)).

## CRIMINAL HISTORY SCORING

### PRIOR FELONY CONVICTIONS (Non-DUI only) (Separate adult case numbers)

2	One
4	Two
6	Three
8	Four or Five
13	Six or More

### PRIOR CLASS A MISDEMEANOR CONVICTIONS (NON-DUI ONLY) (Separate adult case numbers)

1	One or Two
2	Three to Five
3	Six or More

### SUPERVISION HISTORY (Adult only – Federal, AP&P, private, county, problem solving court removal\*)

2	Prior revocation
3	Current offense on supervision

### PRIOR DUI CONVICTIONS

(Separate adult case numbers)

4	One
8	Two or More

### PRIOR PERSON OR FIREARM CONVICTIONS (Non-DUI only) (Adult or juvenile)

2	Misdemeanor person offense (AD.B)
2	Felony firearm offense (76-10-5)
4	Felony person offense (AD.B)
6	Homicide offense (76-5-2)

### PRIOR JUVENILE ADJUDICATIONS WITHIN PAST 10 YEARS (Offenses that would have been felonies if committed by adult) (3 class A adjud. = 1 Felony)

1	One
2	Two to four
3	Five or more

### MOST RECENT POST-CONVICTION CRIME-FREE GAP Count from date of sentencing or entry of plea in abeyance (if no prison) or date of release from prison. Gap ends at new offense date. (Exclude infr, class C, class B traffic and minor regulatory offenses per § 77-40a-101(17))

-1	Three to four years
-2	Five to six years
-3	Seven to nine years
-4	Ten or eleven years
-5	Twelve years or more

INDIVIDUAL'S NAME		
SCORER'S NAME	DATE SCORED	
ACTIVE CONVICTIONS (MOST SERIOUS FIRST)	CRIME CATEGORY	TIME

TOTAL SCORE RANGES	CRIMINAL HISTORY ROW
8 or more	III
4 – 7	II
0 – 3	I

	2nd Degree Death + Ex- treme DUI	2nd Degree Death	3rd Degree Death	3rd Degree Serious Bodily injury + Extreme DUI	3rd Degree Serious Bodily Injury	3rd Degree Injury + Ex- treme DUI*	3rd Degree Injury Only*	Class A Inju- ry + Extreme DUI	Class A Injury
	A	B	C	D	E	F	G	H	I
III	180 (120-364)	180 (120-364)	180 (120-364)	180 (120-364)	180 (120-364)	180 (120-300)	120 (60-180)	100 (60-180)	90 (60-120)
II	180 (120-364)	180 (120-364)	180 (120-364)	180 (60-360)	150 (60-300)	180* (120-300)	120* (60-180)	40 (20-60)	20 (10-30)
I	180 (120-364)	180 (120-364)	180 (120-364)	120 (60-240)	105 (60-150)	180* (120-300)	120* (60-180)	10 (10-30)	5 (5-15)

\*The sentencing in these columns is the same across all rows because the elements of 3rd Degree Felony Negligent Operation of a Vehicle Resulting in Injury (not Serious Bodily Injury) require prior DUI convictions (See 76-5-102.1(3)(a)(ii) and (iii)).