



Utah for Rational Sex Offense Laws

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April 1, 2026

Senator Calvin R. Musselman

Chair, Law Enforcement and Criminal Justice Interim Committee
Utah State Senate

Representative Ryan D. Wilcox

Chair, Law Enforcement and Criminal Justice Interim Committee
Utah House of Representatives

Senator Musselman and Representative Wilcox,

Enclosed is a policy memorandum from Utah for Rational Sex Offense Laws (UTRSOL) requesting that the Law Enforcement and Criminal Justice Interim Committee adopt a 2026 interim study item. The memorandum is titled *Legislative-Driven Incarceration Growth and the Evidence-Proportionality Deficit in Utah Criminal Sentencing Policy* and is submitted for distribution to the committee and co-chairs, and for consideration in developing the committee's 2026 study agenda.

The memorandum presents a single, data-grounded question for the committee's consideration: what is the relationship between the penalty enhancements the Legislature has enacted since 2015 and the state's escalating incarceration capacity crisis — in the context of a decade-long, well-documented decline in Utah crime rates? The Utah Commission on Criminal and Juvenile Justice confirmed in August 2025 that both violent and property crime rates are now below pre-pandemic levels and at generational lows. Since 2020 alone, 165 bills increasing criminal penalties have passed; 34 decreasing penalties passed in the same period.

The memorandum proposes three interrelated study questions: a cumulative impact assessment of penalty enhancements enacted since H.B. 348 (JRI, 2015); a review of the evidence base for registry and supervision restrictions against current recidivism literature; and an examination of JRI fidelity and the sentencing proportionality gap as updated through HCR2. All three are grounded in state-produced data — BCI crime statistics, CCJJ analysis, DOC projections, and the Legislature's own enactment record. We request that this memorandum be considered for placement on the proposed 2026 interim study item list prior to the April 15, 2026 Legislative Management Committee deadline.

Respectfully submitted,
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Law Enforcement and Criminal Justice Interim Committee, Utah State Legislature

Utah for Rational Sex Offense Laws (UTRSOL)

April 1, 2026

Request for 2026 Interim Study:

Legislative-Driven Incarceration Growth and the Evidence-Proportionality Deficit in Utah
Criminal Sentencing Policy

Executive Summary

This memorandum requests that the Law Enforcement and Criminal Justice Interim Committee adopt, as a 2026 interim study item, the following question: What is the relationship between legislative penalty enhancements enacted since 2015 and the state's escalating incarceration capacity crisis — in context of a decade-long, well-documented decline in Utah crime rates?

When policy imposes costs — fiscal, human, or social — disproportionate to the evidence supporting them, the Legislature has an obligation to examine the gap. The gap documented in this memorandum is substantial. Utah is simultaneously experiencing its lowest crime rates in a generation and its fastest growth in incarceration infrastructure spending. The two facts are not in tension by accident — they are related by causation. The Committee is well-positioned to examine that relationship during the 2026 interim period.

The Central Finding

Utah is not expanding its carceral infrastructure in response to rising crime. It is expanding because legislative policy choices — penalty enhancements, new criminal categories, sentencing guideline changes — have manufactured incarceration demand that the declining crime environment does not justify. The CCJJ confirmed in August 2025 that both violent and property crime rates are now below pre-pandemic levels and continuing to decline. The Department of Corrections projects capacity will be breached within three years — a projection driven by the Legislature's own enactments, not by criminal behavior in the community.

This dynamic strains the state budget, diverting resources from prevention, behavioral health, and community stabilization. It also pressures correctional operations, increasing risks of overcrowding, staffing shortages, and reduced rehabilitative outcomes. Without policy recalibration, these trends will compound, creating inefficiencies and avoidable human costs without improving public safety. An interim study would enable the Committee to assess whether current sentencing and classification frameworks are proportionate, data-driven, and fiscally sustainable. Timely review is critical to prevent further misalignment between policy and public safety needs.

I. What the Crime Data Shows

A. Ten Years of Documented Decline

The Utah Bureau of Criminal Identification publishes annual crime rate data for every law enforcement jurisdiction in the state. The Utah Commission on Criminal and Juvenile Justice synthesized that data through 2024 in its August 2025 issue brief. Both sources tell the same story. The table below reflects the decade-long record:

Utah Crime Rates per 100,000 Residents, 2015–2024

Year	Violent/100K	Property/100K	Combined/100K	Legislative / Contextual Note
2015	~255	~3,050	~3,305	JRI enacted (H.B. 348)
2016	~243	~3,000	~3,243	Penalty creep begins
2017	~240	~2,780	~3,020	Property crime decline accelerates
2018	~233	~2,500	~2,733	Violent crime near 23-yr avg (232)
2019	237	~2,100	~2,337	Pre-pandemic low; property at 25-yr low
2020	261	2,464	2,725	COVID + civil unrest anomaly; 10-yr high
2021	259	~2,000	~2,259	Full NIBRS transition (new methodology)
2022	242	1,904	2,146	1st yr below national avg; historic low
2023	232	1,631	1,863	3rd consecutive record low
2024	230	1,409	1,639	4th consecutive record low – CCJJ Aug. 2025

Sources: Utah BCI Crime in Utah Annual Reports 2015–2024; CCJJ Issue Brief Aug. 2025; FBI UCR/NIBRS. Note: 2015–2020 use Legacy Summary methodology; 2021–2024 use NIBRS. Tilde (~) denotes interpolated values. Methodology transition does not alter the direction of trend.

The direction of the trend is unambiguous and survives the 2021 methodology transition. Utah's combined crime rate fell in eight of the ten years shown, with the single interruption — 2020 — attributable to documented external factors rather than any structural shift in criminal behavior. The 2024 combined rate of 1,639 per 100,000 is less than half the 2015 figure and represents the fourth consecutive year in which Utah set a new historic low. By 2022, Utah's property crime rate fell below the national average for the first time in the modern reporting era; by 2024, Utah outperforms the national average on both violent and property crime measures. The Legislature has enacted over 165 penalty-increasing bills since 2020 — the same period in which crime continued its descent to generational lows. The policy trajectory and the crime trajectory are moving in opposite directions, and the gap between them is the subject of this memorandum.

B. Utah Crime Is at Generational Lows

The Utah Bureau of Criminal Identification (BCI) and the Utah Commission on Criminal and Juvenile Justice (CCJJ) have both confirmed a sustained, decade-long decline in Utah crime rates. The following figures are drawn from BCI's annual Crime in Utah reports (2015–2024) and the CCJJ's August 2025 issue brief on post-2020 crime rate trends.

Metric	2019 (Pre-COVID)	2020 (Spike)	2024 (Latest)	Change: 2019→2024
Violent Crime (per 100K)	237	261	230	-3%
Property Crime (per 100K)	~2,100	2,464	1,409	-33%
Combined Rate (per 100K)	~2,337	~2,725	1,639	-30%
Motor Vehicle Theft (per 100K)	210	317	117	-44%

The 2024 property crime rate of 1,409 per 100,000 is the fourth consecutive record low and 43 percent below the 2020 spike year. Utah's violent crime rate of 230 per 100,000 is the lowest since 2014 — below the pre-pandemic baseline. On both measures, Utah now outperforms the national average. The CCJJ confirms that the decline is not a methodological artifact of the 2021 NIBRS transition but is consistent with FBI national estimates normalized across the methodology boundary.

C. The JRI Framework and Its Systematic Erosion

The 2026 General Session alone added materially to the incarceration-demand pressure the prior five years had built. UTRSOL's review of the session identified 24 bills with direct criminal justice policy consequences — a significant proportion of which increased offense classifications, extended supervision requirements, or created new criminal categories. HCR2, the concurrent resolution ratifying updated adult sentencing and supervision length guidelines, is the session's most direct population driver: it extends the length of time probationers serve incarcerated and takes effect May 2026. Its population effect is not prospective — it begins accruing in the current fiscal year, against a prison system the Department of Corrections already projects will reach capacity within three years.

HCR2 requires no new criminal conduct to produce new incarceration demand. It operates on individuals already under supervision, extending their time served through administrative guideline change rather than legislative debate over a specific offense. That mechanism — sentencing guideline revision by concurrent resolution — receives less public scrutiny than a bill creating a new felony, but its population effect is equivalent. The Committee approved HCR002 during the session.

D. The 2020 Spike Was an Externally-Caused Anomaly

The single-year increase in 2020 — which has been used implicitly and explicitly as political justification for the Legislature's post-2020 posture — is well-documented in origin. The CCJJ identified the COVID-19 pandemic, associated economic disruption including housing and food insecurity, and social unrest following the death of George Floyd as the primary contributing factors. The spike was nationally shared: every neighboring state experienced similar increases. It was not a structural shift in Utah's crime landscape. The CCJJ's August 2025 brief confirms that both violent and property crime have recovered to below pre-pandemic levels and continue to decline. The 2024 violent crime rate of 230 per 100,000 is lower than the 237 recorded in 2019.

E. Utah Now Outperforms National Averages on Both Measures

Utah's property crime rate fell below the national average for the first time in 2022 and continues to widen that gap — now 20 percent below the national rate as of 2024. Utah's violent crime rate runs approximately one-third below the national average and is more consistent with neighboring Idaho and Wyoming than with higher-rate regional peers. Motor vehicle theft — which drove significant alarm in 2020 — dropped to a historic low in 2024, down 53 percent from the 2020 peak and 55 percent below the current national rate.

F. The Clearance Rate Problem — What Is Actually Unsolved

The crime data reveals a specific performance failure that the current legislative posture is not addressing: Utah's violent crime clearance rate has hovered around 53 percent since 2019 — meaning nearly half of violent crimes go unsolved. The Violent Crime Clearance Rate Fund established this session (H.B. 137) acknowledges this failure directly. The \$430 million in new incarceration infrastructure does not address it. A system that incarcerates more people while leaving half of violent crimes uncleared is not optimizing for public safety — it is optimizing for other outputs. Without investments in investigative capacity, forensic resources, and community-based crime prevention, increasing prison beds alone will have little impact on actual public safety outcomes.

II. The Policy-Manufactured Capacity Crisis

A. The Justice Reinvestment Initiative and Its Reversal

In 2015, the Legislature passed H.B. 348 — the Justice Reinvestment Initiative (JRI) — in direct response to a finding that Utah's prison population had grown 18 percent in the prior decade despite a declining crime rate, and was projected to grow another 37 percent over the following twenty years at a cost exceeding \$500 million. The premise was explicit: the state would reduce incarceration demand by investing in treatment, diversion, and community supervision alternatives calibrated to actuarial risk — and it would build its next prison accordingly. The Utah State Correctional Facility opened with approximately 1,000 fewer beds than the Draper facility it replaced, premised on JRI reducing the population that would otherwise fill them. That bed reduction was not a design oversight — it was a policy commitment, and it is now the source of the capacity crisis the Legislature is spending \$125 million to address.

That premise was never tested, because JRI was never fully implemented. A 2020 legislative audit found that although sentencing guideline changes produced an initial drop in the prison population, the community infrastructure JRI required — treatment capacity, supervision resources, behavioral health alternatives — was not built. Medicaid expansion funding that was to support that infrastructure was delayed for years. The state enacted the decarceration half of JRI and declined to fund the reinvestment half. Salt Lake County District Attorney Sim Gill, who helped author JRI, identified the failure directly: "The initiative was called Justice Reinvestment Initiative, right? And what we forgot about was the reinvestment part of that."

Beginning in 2020, rather than correcting the implementation failure, the Legislature reversed course on decarceration as well. Between 2020 and 2026, 165 bills increasing criminal penalties passed; 34 decreasing penalties passed in the same period. The one-way ratchet is documented in the Legislature's own record. The prison population JRI was designed to reduce has grown back toward the capacity threshold the new facility was built below — not because crime increased, but because the Legislature systematically rebuilt the demand JRI was designed to eliminate, without rebuilding the facility capacity that demand now requires.

The Legislative Record: 2020–2026

- 165 bills increasing criminal penalties passed since 2020 (KUER analysis, Oct. 2025)
- 34 bills decreasing penalties passed in the same period
- 102 bills specifically targeting crimes against persons, property, or society (2020–2025)
- HCR002 (2026): sentencing guideline updates extending probation-based incarceration, effective May 2026
- Multiple bills in 2026 session creating new criminal categories or mandatory minimums

B. Incarceration Infrastructure Is Expanding Rapidly

Even as crime has fallen to generational lows, the Legislature has approved or is moving forward with several expansions of carceral capacity, signaling a continued policy emphasis on growing the state’s correctional infrastructure:

Project	Cost	Status	Driver
Gunnison Prison Expansion (CUCF)	\$125 million	Appropriated, 2026	DOC projects capacity in <3 years
Salt Lake County Jail Expansion	~\$200M est.	Bond failed Nov. 2024; revisited March 2026	Overcrowding; HB 312 ended release valve
Iron County Jail, Cedar City	\$105 million	Under construction	County sales tax bond
HCR002 Sentencing Guidelines	Ongoing ops cost	Effective May 2026	Extends probation incarceration length

The Department of Corrections' projection that the Utah State Correctional Facility will reach capacity within three years does not follow from crime trend data. It follows from the Legislature's own sentencing and penalty enhancement record. As one legislative leader acknowledged during the 2026 session, this capacity crisis is a foreseeable consequence of policy choices, not an exogenous public safety emergency.

C. The Foreseeable Consequence

The Department of Corrections projects the Utah State Correctional Facility will reach capacity within three years. That projection is not a crime-data outcome. It is the predictable administrative consequence of 165 penalty enhancement bills imposed on a prison system that was already operating with 1,000 fewer beds than its predecessor. As defense attorney and legislative commentator Mark Moffat stated directly in March 2026 coverage: the uptick in the state's prison population is, in his assessment, "a foreseeable consequence" of the Legislature's choices since 2020. Salt Lake County District Attorney Sim Gill — who helped author JRI — identified the same dynamic: "The initiative was called Justice Reinvestment Initiative, right? And what we forgot about was the reinvestment part of that."

The Legislature's response to the capacity pressure it created is to appropriate \$125 million for Gunnison expansion — on top of the more than \$1 billion spent less than four years ago constructing the Utah State Correctional Facility. Corrections officials did not request the Gunnison appropriation. It was initiated legislatively, by the same body whose enactments produced the pressure.

D. The Local Infrastructure Cascade

The state-level pattern is replicated at the county level simultaneously:

Concurrent Carceral Infrastructure Expansion, 2024–2026

Expansion Item	Public Cost	Status	Notes
Gunnison Prison Expansion	\$125 million	2026 Approp.	DOC did not request; legislature-initiated; DOC projects capacity breach within 3 yrs
Salt Lake County Jail	~\$200M est.	Bond failed 2024; county revisiting via lease revenue bond	2,247 inmates 3/30/26; 32.6% homeless; voter bond rejected Nov. 2024
Iron County (Cedar City) Jail	\$105 million	Under construction	0.3% sales tax bond; opens July 2027; 40-yr-old facility replaced; no crime spike in Iron Co.
HCR002 Sentencing Guidelines	Ongoing operating cost	Effective May 2026	Extends time served for probation-based incarceration; direct population driver

Sources: KSL News Radio (3/30/26); Utah News Dispatch (3/24/26); KUTV (3/26/26); Utah Legislature HCR002 (2026).

The Salt Lake County jail case illustrates how state sentencing policy generates consequences that cascade downward past democratic accountability mechanisms. County jail overcrowding is not an autonomous local phenomenon — it is a direct function of state supervision policy, including HB 312's elimination of the Oxbow bed release valve and the cumulative effect of penalty enhancements that extend pretrial and post-conviction detention at the county level. When the state increases incarceration demand without expanding state capacity to absorb it, counties bear the overflow. Salt Lake County voters, asked in November 2024 to fund the infrastructure that state policy made necessary, rejected the bond. The county is now pursuing lease revenue bonds — instruments that require no voter approval — routing around that public rejection through executive financing backed by property taxes. That is not a local governance failure. It is the foreseeable endpoint of a state sentencing trajectory that generates incarceration demand it does not fully fund.

III. The TOPS Program: What the City's Own Data Reveals About Scale

On March 26, 2026 — the same week as the Gunnison expansion announcement — Salt Lake City unveiled its Targeted Offender Partnership Strategy (TOPS), the "focused deterrence" component of the city's three-track violent crime reduction plan. The program warrants particular attention from this Committee because of what its methodology implies about the actual scale of the violent crime driver in Salt Lake City.

SLCPD Chief Brian Redd described the selection methodology directly: the department analyzed three years of its own arrest data for shootings and assaults — the most serious categories of violent crime — and identified the most violent and prolific repeat offenders in the city. The resulting list contains 114 names.

In a city of approximately 210,000 residents, that is the data-justified scope of concentrated violent crime as measured by SLC's own three-year record. TOPS also embeds a deliberate bifurcation: a services track for misdemeanor high-utilizers with behavioral health needs, and a deterrence and incarceration track for felony violent recidivists — an explicit, data-driven separation of population by risk profile rather than offense category alone.

The Committee is in a position to examine what that methodology implies alongside the scale of the infrastructure investment being built simultaneously: \$125 million at Gunnison, \$200 million under renewed discussion in Salt Lake County, \$105 million under construction in Cedar City, and HCR002 taking effect in May. The city's own data-driven analysis produced 114 names. The capital commitment does not make that distinction.

IV. The Interim Study UTRSOL Is Requesting

UTRSOL requests that the Committee approve an interim study item examining the following three interrelated questions, each aimed at assessing the alignment between legislative policy, correctional capacity, and public safety outcomes:

Study Question 1: Penalty Enhancement Cumulative Impact Assessment

Has the Utah Legislature conducted a systematic cumulative review of the incarceration-demand effects of penalty enhancements enacted since H.B. 348 (JRI, 2015)? If not, the interim period provides an appropriate venue for the Committee to commission or review such analysis through the Office of Legislative Research and General Counsel (OLRGC) or the CCJJ. To UTRSOL's knowledge, no such review has been conducted — meaning the Legislature has never formally asked whether what it has built since 2015 is proportionate to the problem it set out to solve.

- A. Identify all statutes enacted 2015–2026 that increased offense classification, mandatory minimum or mandatory supervision length, or created new registrable or supervisable offenses.
- B. Estimate per-statute incarceration-demand contribution in bed-days and annualized cost.
- C. Compare cumulative legislative-driven demand growth against projected JRI demand reduction baseline.
- D. Assess whether any individual enactments or classes of enactments are candidates for proportionality review.

Study Question 2: Registry and Supervision Restriction Evidence Review

Utah's sex offense registry and associated residency, employment, and supervision restrictions represent one of the most expansive — and least periodically reviewed — criminal regulatory frameworks in state law. UTRSOL maintains a direct-service housing assistance dataset covering 121 active cases, 197 individuals, and 10 counties, which documents in granular detail the housing instability and employment barriers that registry-status individuals face as a direct consequence of these restrictions.

Critically, the empirical literature on the effectiveness of these restrictions in reducing recidivism or protecting public safety is largely negative. Studies consistently find that residency restrictions do not reduce recidivism and may increase housing instability in ways that are themselves associated with elevated risk. Utah has not conducted a legislative review of these restrictions against current evidence since their initial enactment.

- A. Review current peer-reviewed evidence on the recidivism-reduction efficacy of residency restrictions, employment bars, and lifetime or extended supervision requirements.
- B. Examine whether Utah's registry designation criteria are calibrated to actuarial risk or reflect offense-of-conviction categorization without individualized risk assessment.
- C. Evaluate the housing and employment instability pipeline documented in UTRSOL's dataset and its fiscal implications for homeless services, emergency shelter, and crisis response systems.
- D. Consider whether a tiered registry review mechanism — similar to those adopted in **California, Michigan, and Maryland** — is appropriate for Utah, allowing removal of low-risk individuals from public registry access upon petition and judicial review.

Study Question 3: JRI Fidelity and the Sentencing Proportionality Gap

The JRI framework committed Utah to evidence-based sentencing proportionality. The Committee should examine whether current sentencing guidelines, as updated through HCR002 and prior concurrent resolutions, remain consistent with the actuarial risk foundations of JRI — or whether they have drifted toward punitive extension disconnected from recidivism evidence.

- A. Examine net change in avg time-served under current guidelines vs the 2015 JRI baseline.
- B. Review whether the Sentencing Commission's annual guideline update process includes explicit evidence-proportionality review, or whether it operates primarily to ratify legislative preferences.
- C. Assess the fiscal cost differential between the current sentencing guideline trajectory and a return to JRI's evidence-based proportionality baseline.
- D. Review whether post-release supervision lengths are calibrated to actuarial recidivism risk windows or to categorical offense classifications that do not vary by individual risk profile.

V. Requested Actions

UTRSOL requests that the Law Enforcement and Criminal Justice Interim Committee take the following actions during the 2026 interim period:

1. Approve a Committee study item examining the cumulative incarceration-demand impact of penalty enhancements enacted since H.B. 348 (JRI, 2015), with staff analysis commissioned through OLRGC or CCJJ.
2. Invite the Utah Sentencing Commission to present to the Committee on whether current guideline update procedures incorporate evidence-proportionality review, and on the projected fiscal impact of HCR002's effective-date changes.
3. Invite the Department of Corrections to present on the evidence base for current supervision length standards and registry classification criteria — specifically, whether those standards are calibrated to actuarial risk instruments or to categorical offense classification.
4. Consider requesting a joint briefing with the Health and Human Services Interim Committee on the intersection of housing instability, behavioral health, and criminal recidivism — specifically the degree to which registry-based restrictions contribute to the high-utilizer populations addressed by both Project Connect and TOPS.

VI. Conclusion

Utah is simultaneously achieving historic crime rate lows and committing historic sums to incarceration infrastructure. Those two facts occupy the same budget cycle, the same legislative session, and the same committee jurisdiction — and they have not been examined together. The longer that examination is deferred, the more expensive the correction becomes. This Committee has both the jurisdiction and the analytical resources to close that gap. UTRSOL's request is that the Law Enforcement and Criminal Justice Interim Committee conduct that examination.

The crime data is state-produced and unambiguous. The infrastructure commitments are public record. The causal mechanism connecting legislative enactment to population pressure is documented by the Legislature's own analysts. What does not yet exist is a formal legislative record asking whether those three things are proportionate to each other. This Committee is the appropriate body to create that record, because the mechanism is criminal supervision, the cost is borne by the criminal justice system, and the reform pathway operates within or adjacent to the state's existing authority. Establishing this record would provide the Legislature with a clear, evidence-based foundation for evaluating whether current policies are achieving intended public safety outcomes efficiently. It would also create accountability by linking legislative action, correctional demand, and fiscal impact in a single, transparent review.

Respectfully submitted,
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Cited Sources and Supporting Publications

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