

Form 3
Aggravating and Mitigating Circumstances Associated with
Offenses with Three Alternative Minimum Lengths of Stay

(Use Form 4 also for All Sex Offenses.)

Utah law provides three alternative indeterminate lengths of stay (6 years to life, 10 years to life, or 15 years to life) for sex offenses represented by columns A, B, and C on Form 2 – Sex Offender Matrix. The court shall order the term of middle severity, 10 years to life, for offenders convicted of one of these offenses unless aggravating and mitigating circumstances justify departure. Aggravating circumstances may exist which justify an upward departure to an indeterminate term of 15 years to life. Similarly, mitigating circumstances may justify a downward departure to an indeterminate term of six years to life. The responsibility to weigh aggravating and mitigating circumstances in each case rests with the court. The pre-sentence investigator should note any aggravating or mitigating circumstance that merits consideration by the court by entering the page number of the presentence report where the court can find supporting information.

This list of aggravating and mitigating factors is non-exhaustive and illustrative only.

Aggravating Circumstances

The following aggravating circumstances should only be considered if they are not an element of the offense.

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- _____ 1. The victim suffered substantial bodily injury.
- _____ 2. The offender has an extensive prior history of such offenses. Extensive history could be dependent on number of victims, length of involvement, number of incidents, or continued involvement subsequent to arrest.
- _____ 3. The offense was characterized by extreme cruelty or depravity.
- _____ 4. The victim was unusually vulnerable.
- _____ 5. There existed a relationship of special trust or offender was in position of authority over victim(s).
- _____ 6. Offender has previously failed to complete treatment or has completed treatment and reoffended.
- _____ 7. Other (Specify) _____

Mitigating Circumstances

- _____ 1. The offense represents a single incident with the offender having no prior history of such offenses.
- _____ 2. The offender was exceptionally cooperative with law enforcement.
- _____ 3. Incest offender has strong, supportive family relationships.
- _____ 4. Offender is a good candidate for a recognized treatment program. Substance abuse treatment may be appropriate if the offense was specifically substance related.
- _____ 5. Developmental disabilities of the offender may be considered in mitigation if highly structured alternatives can be utilized to control the offender's criminal behavior.
- _____ 6. Other (Specify) _____

OFFENDER NAME: _____ DATE SCORED: _____

SCORER'S NAME: _____