



Select Utah Mandatory Minimum Laws

IMPORTANT NOTE: This is not necessarily a complete list. Laws frequently change, and these sentences may no longer be accurate or up to date. Talk with a lawyer in your state if you have questions.

Drug Offenses*

Code Section	Offense	Mandatory Minimum Sentence
§ 58-37-8(1)(a)(iv), (d)	Engaging in a continuing criminal enterprise (two or more drug offenses on separate occasions that are undertaken in concert with five or more people with whom the defendant is in a position of management).	7 Years
§ 58-37-8(4)(a), (b)(i)	Committing a first degree drug felony (1) at a public or private elementary, secondary, vocational, or postsecondary school or on their grounds, or within any area that is within 1,000 feet of any of those; (2) within the portions of any building, park, stadium, or other structure or grounds which are, at the time of the crime, being used for an activity sponsored by or through a school or institution listed above; (3) in or on the grounds of a preschool or child-care facility, or within any area that is within 1,000 feet of any of those; (4) in a public park, amusement park, arcade, or recreation center; (5) in or on the grounds of a house of worship, or within any area that is within 1,000 feet of a house of worship; (6) in a shopping mall, sports facility, stadium, arena, theater, movie house, playhouse, or parking lots or structures next to them; (7) in or on the grounds of a library, or within any area that is within 1,000 feet of a library; (8) in the presence of a person younger than 18 years of age, regardless of where the act occurs; or (9) for the purpose of facilitating, arranging, or causing the transport, delivery, or distribution of an illegal drug to an inmate or on the grounds of any correctional facility.	5 Years
§ 58-37-8(2)(b), (e)(i)	Knowingly and intentionally possessing or using more than 1 oz. of marijuana, a Schedule I or II substance**, or a controlled substance analog in the exterior boundaries of a correctional facility, public jail, or other place of confinement.	1 Year, added to the sentence for the underlying crime



Drug Offenses, cont.*

Code Section	Offense	Mandatory Minimum Sentence
§ 58-37d-4(2)	<p>Doing any of the following:</p> <ul style="list-style-type: none"> (1) possessing a controlled substance precursor with the intent to engage in a clandestine laboratory operation; (2) possessing laboratory equipment or supplies with the intent to engage in a clandestine laboratory operation; (3) selling, distributing, or otherwise supplying a precursor chemical, laboratory equipment, or laboratory supplies, knowing or having reasonable cause to believe any of these items will be used for a clandestine laboratory operation; (4) evading the recordkeeping provisions of § 58-37c, knowing or having reasonable cause to believe that the material distributed or received will be used for a clandestine laboratory operation; (5) conspiring with or aiding another to engage in a clandestine laboratory operation; (6) producing, manufacturing, or possessing with intent to produce or manufacture a controlled or counterfeit substance except as authorized under § 58-37; (7) transporting or conveying a controlled or counterfeit substance with the intent to distribute or to be distributed by the person transporting or conveying the controlled or counterfeit substance or by any other person, regardless of whether the final destination for the distribution is in Utah; or (8) engaging in compounding, synthesis, concentration, purification, separation, extraction, or other physical or chemical processing of any substance, including a controlled substance precursor, or the packaging, repackaging, labeling, or relabeling of a container holding a substance that is a product of any of these activities, while knowing or having reasonable cause to believe that the substance is a product of any of these activities and will be used in the illegal manufacture of specified controlled substances. 	3 Years

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Drug Offenses, cont.*

Code Section	Offense	Mandatory Minimum Sentence
§ 58-37-8(2)(d), (e)(ii)	Knowingly and intentionally possessing or using less than 1 oz. of marijuana or a Schedule III, IV, or V substance** in the exterior boundaries of a correctional facility, public jail, or other place of confinement.	6 Months, added to the sentence for the underlying crime

*Most Utah drug offenses are sentenced on a punishment grid (e.g., Class A, B, and C misdemeanors). Subsequent convictions for drug offenses result in mandatory enhancement of one penalty degree (e.g., from Class B to Class A).

**For a complete list of the Schedule I-V classifications for substances, please see § 58-37-4. This list is available at http://le.utah.gov/~code/TITLE58/htm/58_37_000400.htm.

Weapons Offenses

Code Section	Offense	Mandatory Minimum Sentence
§ 58-37-8(1)(c)	Using, carrying, or possessing a firearm during the commission of an offense for distributing a controlled substance or possessing a controlled substance with intent to distribute.	1 Year, added to the sentence for the underlying crime
§ 76-10-508.1(1)(a)	Discharging a firearm in the direction of any person, knowing or having reason to know that they may be endangered by the firearm.	3 Years†
§ 76-10-508.1(1)(b)	Discharging a firearm in the direction of any person or habitable structure with intent to harass or intimidate or with intent to damage the habitable structure.	3 Years†
§ 76-10-508.1(1)(c)	Discharging a firearm in the direction of any vehicle with intent to harass or intimidate.	3 Years†

† The same three-year mandatory minimum applies if bodily injury results to any person.