

What to Expect From the Legislature in 2025



2024's HJR 13 and Preliminary Hearings

- Modified Evidence Rule 1102 and Criminal Procedure Rule 7B
- Intent was to prevent compulsory victim testimony and to eliminate “paper prelims”
- Are there continuing issues?

Known Legislation for 2025 (1 of 4)

- Brady/Giglio
 - Provide some due process for officers prior to placement on a prosecutor's list
 - Prevent disclosure of a prosecutor's list to anyone
- Prosecutorial Discretion and Attempts
 - Require prosecutors, on the record, to disclose why certain charges are being reduced as part of a plea
 - Mandate imprisonment for certain attempt offenses
- Incapacitated Adults and Sex Crimes
 - Create a new category under rape, object rape and forcible sodomy for incapacitated adults with a presumptive 15-life sentence

Known Legislation for 2025 (2 of 4)

- Adult Sentencing Guidelines
 - DUI with injury or death matrices
- Organized Crime, Gangs and Retail Theft
 - Modifies 76-3-203.1 for offenses committed in concert with three or more persons to **two** or more persons
 - Increases penalties for involving minors and children
 - Clarifies that for retail theft the value at issue is the **retail** value
 - Enhances penalties for theft offenses if dangerous weapon possessed
 - Allows for theft enhancements use of out of state convictions

Known Legislation for 2025 (3 of 4)

- Fentanyl Trafficking
 - Defines “fentanoids” and creates a trafficking definition (e.g., more than 500 pills or 200 grams of powder)
 - Creates an enhanced sentencing scheme
- Prostitution
 - Clarifies terms and offenses
 - Creates new penalties for child offenders
- Ritualistic Abuse of a Child/Minor
 - Creates a new second degree felony offense
 - Adds penalties to child sex crimes if they involve ritualistic abuse

Possible Legislation for 2025 (4 of 4)

- Prosecutor initiated resentencing
- Justice court reform
- Custodial interference
- Sex offender registry
- DV offenses
- Criminal data sharing
- Prosecutorial discretion

2024 Session

- 940 bills
- SWAP worked on ~130 of them