

Utah legislators back a plan to drop jail sentences for some crimes by one day to help immigrants avoid deportation

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Utah legislators have approved a bill that would lower the maximum penalty for some crimes by a single day — a change that would help immigrants avoid the risk of automatic deportation.

HB244 alters the maximum sentence for a class A misdemeanor, dropping it from one year to 364 days.

This comes in response to a federal law that says a conviction that carries a penalty of a year or more in jail is considered an "aggravated felony" that can trigger deportation proceedings, even for those who entered the country legally. That law has been on the books for years, but hadn't been used much until President Donald Trump has taken a hard-line immigration stance.

Rep. Eric Hutchings, R-Kearns, said that lowering the penalty by one day will help Utahns convicted of low-level crimes — marijuana possession, theft or criminal mischief, for example — avoid automatic deportation.

Hutchings' bill got a final, unanimous vote Tuesday on the Senate floor. It now moves to Gov. Gary Herbert for his consideration.

Utah would join states like California, Washington and Nevada that have taken similar action in recent years. Other states have avoided the penalty altogether because the maximum penalty for their misdemeanors is already less than a year. The bill had support from the Refugee Justice League and the Utah Sentencing Commission. Some prosecutors initially expressed concern about the bill, saying the proposal downplays the seriousness of some misdemeanors — but the proposed change sailed through legislative hearings with no opposition.