

1 **Rule 22. Sentence, judgment and commitment.**

2 (a) Upon the entry of a plea or verdict of guilty or plea of no contest, the court shall set a time for
3 imposing sentence which may be not less than two nor more than 45 days after the verdict or
4 plea, unless the court, with the concurrence of the defendant, otherwise orders. Pending sentence,
5 the court may commit the defendant or may continue or alter bail or recognizance.

6 Before imposing sentence the court shall afford the defendant an opportunity to make a statement
7 and to present any information in mitigation of punishment, or to show any legal cause why
8 sentence should not be imposed. The prosecuting attorney shall also be given an opportunity to
9 present any information material to the imposition of sentence.

10 (b) On the same grounds that a defendant may be tried in defendant's absence, defendant may
11 likewise be sentenced in defendant's absence. If a defendant fails to appear for sentence, a
12 warrant for defendant's arrest may be issued by the court.

13 (c)(1) Upon a verdict or plea of guilty or plea of no contest, the court shall impose sentence and
14 shall enter a judgment of conviction which shall include the plea or the verdict, if any, and the
15 sentence. Following imposition of sentence, the court shall advise the defendant of defendant's
16 right to appeal and the time within which any appeal shall be filed.

17 (c)(2) If the defendant is convicted of a misdemeanor crime of domestic violence, as defined in
18 Utah Code ~~Section~~ § 77-36-1, the court shall advise the defendant orally or in writing that, ~~as a~~
19 ~~result of the conviction~~ if the current case meets the criteria of 18 U.S.C. § 921(a)(33), then
20 pursuant to federal law, it is unlawful for the defendant to possess, receive or transport any
21 firearm or ammunition. The failure to advise does not render the plea invalid or form the basis
22 for withdrawal of the plea.

23 (d) When a jail or prison sentence is imposed, the court shall issue its commitment setting forth
24 the sentence. The officer delivering ~~an illegal~~ the defendant to the jail or prison shall deliver a
25 true copy of the commitment to the jail or prison and shall make the officer's return on the
26 commitment and file it with the court.

27 (e) ~~The court may correct a sentence or a sentence imposed in an illegal manner, at any time~~
28 when the sentence imposed:

29 (e)(1) exceeds the statutorily authorized maximums;

30 (e)(2) is less than statutorily required minimums;

31 (e)(3) violates Double Jeopardy;

32 (e)(4) is ambiguous as to the time and manner in which it is to be served;
33 (e)(5) is internally contradictory; or
34 (e)(6) omits a condition required by statute or includes a condition prohibited by statute.
35 (f) A motion under (e)(3), (e)(4), or (e)(5) shall be filed no later than one year from the date the
36 facts supporting the claim could have been discovered through the exercise of due diligence. A
37 motion under the other provisions may be filed at any time.
38 ~~(f)~~(g) Upon a verdict or plea of guilty and mentally ill, the court shall impose sentence in
39 accordance with Title 77, Chapter 16a, Utah Code. If the court retains jurisdiction over a
40 mentally ill offender committed to the Department of Human Services as provided by Utah Code
41 ~~Ann.~~ § 77-16a-202(1)(b), the court shall so specify in the sentencing order.

Effective May 1, 2017