

SENTENCING COMMISSION MINUTES – pending approval																																			
Committee	Utah Sentencing Commission																																		
Date	Thursday, January 11th, 2023																																		
Time	12 PM – 2 PM																																		
Location	Hybrid Zoom Virtual meeting – Capitol Board Room 240, East Senate Building																																		
Members Present	<p><u>Virtual Attendance:</u> Judge Brody Keisel, Christina Zidow, Craig Barlow, Chief Craig Black, Mark Moffat (for Skye Lazaro), Rep. Stephanie Pitcher, Beatriz Herrera, Rep. Marsha Judkins, MayKela Cox, Rob VanDyke (Will Carlson will proxy @ 1:00 PM), Judge Sharon Sipes, Judge Vernice Trease, Liliana Olvera-Arbon, John Mejia, Rep. Andrew Stoddard</p> <p><u>In-Person Attendance:</u> Brett Peterson, Brian Redd, Scott Stephenson, Pam Vickrey, Richard Mauro, Dennis Martinez, Ryan Robinson, Tom Ross</p>																																		
Staff & Visitors	<p><u>Staff:</u> Dan Strong, Tiffany Nguyen, Van Nguyen (virtual), Michele Leslie (virtual), Kayley Richards (virtual), Ken Matthews (virtual)</p> <p><u>Visitors:</u> Raechel Lizon (virtual), Alex Garcia (virtual), Erich Hutchings (virtual), Daniel Burton (virtual), Jennifer Yim (virtual)</p>																																		
Agenda Item	Welcome and Introductions – Pam Vickrey, Chair																																		
Notes	<p>Chair Pam Vickrey brings the commission meeting into session.</p> <p>The commission reviewed the previous meeting minutes from Tuesday, December 12th, 2023.</p> <p>Motion: Liliana Olvera-Arbon motions for the commission to accept the minutes as presented. Brett Peterson seconds the motion. The motion passes unanimously.</p>																																		
Agenda Item	Review, Discussion, and Vote on 2023 Legislative Session Bills – Dan Strong																																		
Notes	<p>***ALL JUDGES ON THE COMMISSION WILL BE ABSTAINING FROM VOTING ON BILLS.</p> <ul style="list-style-type: none"> ● Judge Sharon Sipes ● Judge Brody Keisel ● Judge Vernice Trease <p>Dan Strong presents the consent list for week one to the commission. These bills are considered beyond the scope of the Sentencing Commission.</p> <table> <tbody> <tr> <td>HB0036</td><td>Open and Public Meeting Act</td></tr> <tr> <td>HB0055</td><td>Employment Confidentiality Amendments</td></tr> <tr> <td>HB0067</td><td>First Responder Mental Health Services Grant Program Amendments</td></tr> <tr> <td>HB0069</td><td>DUI Testing Amendments</td></tr> <tr> <td>HB0072</td><td>State Boards and Commissions Amendments</td></tr> <tr> <td>HB0086</td><td>Public Safety Data Amendments</td></tr> <tr> <td>HB0094</td><td>Civil Commitment Examiner Requirements Bill Text</td></tr> <tr> <td>HB0101</td><td>Firearm Reporting Requirements</td></tr> <tr> <td>HB0102</td><td>Peace Officer Standards and Training Council Amendments</td></tr> <tr> <td>HB0114</td><td>Rape Crisis and Services Center Amendments</td></tr> <tr> <td>HB0119</td><td>School Employee Firearm Possession Amendments</td></tr> <tr> <td>HB0127</td><td>Bias Incident Reporting</td></tr> <tr> <td>HB0128</td><td>Tobacco Cessation Amendments</td></tr> <tr> <td>HB0131</td><td>Clergy Child Abuse Reporting Requirements</td></tr> <tr> <td>HB0139</td><td>Mental Health Treatment Study</td></tr> <tr> <td>HB0146</td><td>Human Trafficking Amendments</td></tr> <tr> <td>HB0177</td><td>Forcible Entry Warrant Amendments</td></tr> </tbody> </table>	HB0036	Open and Public Meeting Act	HB0055	Employment Confidentiality Amendments	HB0067	First Responder Mental Health Services Grant Program Amendments	HB0069	DUI Testing Amendments	HB0072	State Boards and Commissions Amendments	HB0086	Public Safety Data Amendments	HB0094	Civil Commitment Examiner Requirements Bill Text	HB0101	Firearm Reporting Requirements	HB0102	Peace Officer Standards and Training Council Amendments	HB0114	Rape Crisis and Services Center Amendments	HB0119	School Employee Firearm Possession Amendments	HB0127	Bias Incident Reporting	HB0128	Tobacco Cessation Amendments	HB0131	Clergy Child Abuse Reporting Requirements	HB0139	Mental Health Treatment Study	HB0146	Human Trafficking Amendments	HB0177	Forcible Entry Warrant Amendments
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HB0178	Correction Officer Amendments
HB0190	Forensic Funding Amendments

Motion: Richard Mauro motions for the commission to adopt the consent list as presented. Tom Ross seconds the motion. The motion passes unanimously.

HB15 Criminal Code Recodification and Cross References

Motion: Brett Peterson motions for the commission to support HB15. Tom Ross seconds the motion. The motion passes unanimously.

HB21 Criminal Accounts Receivable Amendments

Motion: Richard Mauro motions for the commission to support HB21. Ryan Robinson seconds the motion. The motion passes unanimously.

HB68 Firearm Modifications

The commission agrees this is dangerous conduct requiring intensive intervention. Some commission members raised concerns related to 1) mandatory provisions removing discretion from courts; 2) value of sentencing increase as a deterrent.

Motion: Chief Craig Black motions for the commission to support HB68. Craig Barlow seconds the motion. The motion passes.

Oppositions: (4) Four; Mark Moffat (Skye Lazaro), Pam Vickrey, Richard Mauro, John Mejia

Abstentions: (5) Five; Rep. Stephanie Pitcher, MayKela Cox, Liliana Olvera-Arbon, Judge Sharon Sipes, Judge Brody Keisel

HB110 Sex and Kidnap Offender Registry Amendments

Motion: Richard Mauro motions for the commission to support HB110. Mark Moffat (for Skye Lazaro) seconds the motion. The motion passes unanimously.

HB181 Criminal Offense Amendments

Discussion around judicial discretion. Judge Trease mentioned that these used to all be mandatory prison (for sex offenses at least) and changes were made to give more discretion. Dan Strong mentioned that we (the commission) are trying to get more info about the 27 cases last year where probation was given on these cases to see how the commission feels about the appropriateness of it.

Motion: Tom Ross motions for the commission to hold HB181. Mark Moffat (for Skye Lazaro) seconds the motion. The motion passes unanimously.

SB63 Board of Pardons and Parole Amendments

BOPP-driven bill. The Sentencing Commission helped forward this to Sen. Pitcher at the beginning of the 2023 legislative session. Intended to clarify the board's role and processes in areas of ambiguity. There is some concern about the standing issue.

Motion: Scott Stephenson motions for the commission to hold SB63. Richard Mauro seconds the motion. The motion passes unanimously.

HB14 School Threat Penalty Amendments

Rep. Wilcox gave the background on this bill. A massive school threat hoax came in and impacted counties across the state. (It turned out it came in from overseas.) We are also seeing an increase

in school threats across the state committed by students. The intent is to recognize the level of impact of this offense and have the penalty match that. On the suspension/expulsion point, Rep. Wilcox explained that this opens up the possibility of suspension/expulsion, but those decisions are reviewed by a board that considers a list of factors. Rep. Wilcox said the penalty increase was meant to reflect the serious impact of these offenses, not necessarily to deter conduct. He indicated the suspension/expulsion provisions may serve as more of a deterrent. The commission discussed some concerns that the penalty increases (and expulsion) will impact children--many of whom are first time offenders--rather than adults who may be more culpable.

Motion: Will Carlson (for Rob VanDyke) motions for the commission to support HB14. Brian Redd seconds the motion. The motion passes unanimously.

Oppositions: (3) Three; Richard Mauro, John Mejia, MayKela Cox

Abstentions: (4) Four; Judge Brody Keisel, Rep. Marsha Judkins, Judge Vernice Trease, Judge Sharon Sipes

Vote totals and other information about the Sentencing Commission's legislative meetings can be reviewed on our legislative tracker [here](#).

Agenda Item	Public Comment
	No public comment was made.
Agenda Item	Adjourn
Notes	<p>Motion: Richard Mauro motions for the commission to adjourn. Mark Moffat (for Skye Lazaro) seconds the motion. The motion was unanimously agreed upon.</p> <p>The commission adjourns.</p> <p>Next meeting is scheduled for Thursday, January 18th, 2023 from Noon-2 PM.</p> <p>Location: <u>Anchor Location:</u> CCJJ Offices, East Senate Building</p> <p>Zoom link: https://us02web.zoom.us/j/83054112282?pwd=WlpXbktWNnRSRmh6RGdGclcyYjBSdz09</p>