

| SENTENCING COMMISSION MINUTES – pending approval | | | | | | | | | | | | | | | | | | | |
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| Committee | Utah Sentencing Commission | | | | | | | | | | | | | | | | | | |
| Date | Thursday, January 18th, 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, Skye Lazaro, Beatriz Herrera, Rob VanDyke, Judge Sharon Sipes, Judge Vernice Trease, Melissa Stirba (for Scott Stephenson)</p> <p><u>In-Person Attendance</u>: Brett Peterson, Brian Redd, Pam Vickrey, Richard Mauro, Dennis Martinez, Will Carlson (for Ryan Robinson @ 1 PM), Tom Ross, John Mejia</p> | | | | | | | | | | | | | | | | | | |
| Staff & Visitors | <p><u>Staff</u>: Dan Strong, Tiffany Nguyen, Danica Bodley, Michele Leslie, Van Nguyen (virtual), Elizabeth Klc (virtual), Marlesse Jones</p> <p><u>Visitors</u>: Mark Moffat, Raechel Lizon (virtual), Tyson Skeen (virtual), Spencer Shields (virtual), Savannah Pike (virtual), Steve Burton, Albert Cramer (virtual), Daniel Burton (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 Thursday, January 11th, 2024.</p> <p>Motion: Tom Ross motions for the commission to accept the minutes as presented. Richard Mauro seconds the motion. The motion passes unanimously.</p> | | | | | | | | | | | | | | | | | | |
| Agenda Item | Sentencing Commission Statutory Mandate / Evaluative Criteria – Dan Strong | | | | | | | | | | | | | | | | | | |
| | <p>Dan Strong reviewed the statute governing the sentencing commission's work, as well as an "evaluative criteria" document the commission created in 2022 to outline its values when analyzing policy. Dan also reminded the group about voting procedures and the available positions to adopt, including support, oppose, hold, support in concept, and no position. The goal of the presentation was to bring newer commission members up to speed on details of our process, as well as to remind longtime members.</p> | | | | | | | | | | | | | | | | | | |
| Agenda Item | Review, Discussion, and Vote on 2024 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 two to the commission. These bills are considered beyond the scope of the Sentencing Commission.</p> <table> <tbody> <tr> <td>HB0201</td><td>Traffic Enforcement Amendments</td></tr> <tr> <td>HB0213</td><td>Crime Victim Records Amendments</td></tr> <tr> <td>HB0244</td><td>State Agency Audit Compliance Requirements</td></tr> <tr> <td>HB0300</td><td>Court Amendments</td></tr> <tr> <td>HCR003</td><td>Concurrent Resolution Regarding Child Pornography</td></tr> <tr> <td>SB0070</td><td>Judiciary Amendments</td></tr> <tr> <td>SB0076</td><td>Evidence Retention Amendments</td></tr> <tr> <td>SB0093</td><td>School Climate Data Amendments</td></tr> <tr> <td>SR0001</td><td>Senate Judicial Confirmation Committee</td></tr> </tbody> </table> | HB0201 | Traffic Enforcement Amendments | HB0213 | Crime Victim Records Amendments | HB0244 | State Agency Audit Compliance Requirements | HB0300 | Court Amendments | HCR003 | Concurrent Resolution Regarding Child Pornography | SB0070 | Judiciary Amendments | SB0076 | Evidence Retention Amendments | SB0093 | School Climate Data Amendments | SR0001 | Senate Judicial Confirmation Committee |
| HB0201 | Traffic Enforcement Amendments | | | | | | | | | | | | | | | | | | |
| HB0213 | Crime Victim Records Amendments | | | | | | | | | | | | | | | | | | |
| HB0244 | State Agency Audit Compliance Requirements | | | | | | | | | | | | | | | | | | |
| HB0300 | Court Amendments | | | | | | | | | | | | | | | | | | |
| HCR003 | Concurrent Resolution Regarding Child Pornography | | | | | | | | | | | | | | | | | | |
| SB0070 | Judiciary Amendments | | | | | | | | | | | | | | | | | | |
| SB0076 | Evidence Retention Amendments | | | | | | | | | | | | | | | | | | |
| SB0093 | School Climate Data Amendments | | | | | | | | | | | | | | | | | | |
| SR0001 | Senate Judicial Confirmation Committee | | | | | | | | | | | | | | | | | | |

John Mejia requests that HB261 be removed from the consent list so that it may be discussed for further action and vote.

Motion: Richard Mauro motions for the commission to adopt the consent list as presented and with the removal of HB261. Brian Redd seconds the motion. The motion passes unanimously.

HB181 Criminal Offense Amendments

- The commission reviewed HB181 and it remains at a hold.

SB63 Board of Pardons and Parole Amendments

- The commission reviewed SB63 and it remains at a hold.

SB88 Juvenile Justice Amendments (Sub 1)

Motion: Tom Ross motions for the commission to support SB88S01. Brett Peterson seconds the motion. The motion passes unanimously.

HB83 Criminal Threat or Interference Amendments

Concerns were brought up on the definition of harm, but that's existing language and not the focus of this bill.

Motion: Richard Mauro motions for the commission to support-in-concept for HB83. Rob VanDyke seconds the motion. The motion passes unanimously.

HB27 Criminal Code Amendments

Lengthy discussion about the pantsing / depantsing issue. There was talk about creating a reduced penalty for adults on a first offense. Others felt that would be going too lenient on a serious offense. SOMB Director Dr. Leslie also provided input from her board that they would hope to see clarity on what a "warning" means for juveniles. Also concern about criminally punishing juveniles and young adults in depantsing. There would be more support if intent to sexually driven intent element. Many commission members expressed support for the idea of an intent or mental state element on the pantsing offense. Rob Van Dyke suggested importing "likely to cause affront or alarm" language.

Motion: Brett Peterson motions for the commission to hold HB27 for further discussion and action. Richard Mauro seconds the motion fails.

Oppositions: Seven (7); Brian Redd, Craig Barlow, Beatriz Herrera, Rob Van Dyke, Will Carlson (for Ryan Robinson), Tom Ross, Chief Craig Black

Abstentions: Four (4); Judge Brody Keisel, Melissa Stirba (for Scott Stephenson), Judge Vernice Trease, Judge Sharon Sipes

Motion: Brett Peterson motions for the commission to support-in-concept for HB27 for further discussion and action. Richard Mauro seconds the motion passes.

Oppositions: Three (3); Skye Lazaro, Richard Mauro, John Mejia

Abstentions: Four (4); Judge Brody Keisel, Melissa Stirba (for Scott Stephenson), Judge Vernice Trease, Judge Sharon Sipes

HB26 Correctional Facility Amendments (Sub 1)

Brian Redd clarified that there would need to be intent to provide an inmate for the 3F. But it would still be a Class A to knowingly bring one in, even just to the parking lot. There was support

for switching "at" to "in" in line 152. Brian clarified what it would mean after you have gone through screening.

Motion: Will Carlson (for Ryan Robinson) motions for the commission to support-in-concept for HB26. Brett Peterson seconds the motion. The motion passes unanimously.

HB16 Sexual Offense Amendments

Dr. Leslie presented on behalf of the SOMB. On the mental health / treatment side, people sent to prison for this offense typically get into treatment 2-3 years prior to the end of their sentence (so that the information/skills they learn are fresh). Some SOMB members were concerned that expanding these 25-year offenses may delay treatment further. Some SOMB members appreciated the clarification in definitions, but are concerned that some behaviors are being elevated to a higher severity. Will moved to support the bill. Craig seconded. Tom made a substitute motion to support in concept. We lost a quorum at that point due to the meeting coming up at 2 PM.

Motion: Will Carlson (for Ryan Robinson) motions for the commission to support HB16. Craig Barlow seconds the motion. **The motion did not pass as the commission fell out of quorum.**

Vote totals and individual vote records for all of the above motions can be found on the [Sentencing Commission bill tracker](#).

| Agenda Item | Public Comment |
|-------------|--|
| | No public comment was addressed at this time. |
| Agenda Item | Adjourn |
| Notes | <p>Motion: Richard Mauro motions for the commission to adjourn. Brett Peterson seconds the motion. The motion was unanimously agreed upon.</p> <p>The commission adjourns.</p> <p>Next meeting is scheduled for Thursday, January 25th, 2024 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=WlpXbktWNnRSRmh6RGdGlcYjBSdz09</p> |