

SENTENCING COMMISSION MINUTES – pending approval																																									
Committee	Utah Sentencing Commission																																								
Date	Thursday, February 1st, 2024																																								
Time	12 PM – 2 PM																																								
Location	Hybrid Zoom Virtual meeting – CCJJ Large Conference Room, CCJJ Offices																																								
Members Present	<p><u>Virtual Attendance:</u> Judge Brody Keisel, Craig Barlow, Judge Ryan Tenney, Skye Lazaro, Beatriz Herrera, Rob VanDyke, Judge Sharon Sipes, Liliana Olvera-Arbon, Sheriff Michael Smith</p> <p><u>In-Person Attendance:</u> Brett Peterson, Alex Garcia (for Brian Redd), Scott Stephenson, Christina Zidow, Chief Craig Black, Pam Vickrey, Richard Mauro, Dennis Martinez, Ryan Robinson, Tom Ross, John Mejia</p>																																								
Staff & Visitors	<p><u>Staff:</u> Danica Bodley, Tiffany Nguyen, Daniel Strong, Marlesse Jones, Van Nguyen (virtual), Kayley Richards (virtual), Michele Leslie (virtual), Ken Matthews (virtual)</p> <p><u>Visitors:</u> Mark Moffat, Will Carlson, Melissa Stirba (virtual), Raechel Lizon (virtual), Savannah Pike (virtual), Art Brown, Glendon Mitchell, Steve Burton, Dan 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 25th, 2024. Brett Peterson seconds the motion. The motion passes unanimously.</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 Ryan Tenney <p>Dan Strong presents the consent list for week four to the commission. These bills are considered beyond the scope of the Sentencing Commission.</p> <table> <tbody> <tr> <td>HB0033S1</td><td>Cigarette and Tobacco Amendments</td></tr> <tr> <td>HB0044</td><td>Social Work Licensure Compact</td></tr> <tr> <td>HB0044S1</td><td>Social Work Licensure Compact</td></tr> <tr> <td>HB0045</td><td>SafeUT and School Safety Commission Amendments</td></tr> <tr> <td>HB0049</td><td>Justice Court Reform Task Force Sunset Extension</td></tr> <tr> <td>HB0049S1</td><td>Justice Court Reform Task Force Sunset Extension</td></tr> <tr> <td>HB0055S1</td><td>Employment Confidentiality Amendments</td></tr> <tr> <td>HB0055S2</td><td>Employment Confidentiality Amendments</td></tr> <tr> <td>HB0059S1</td><td>Federal Funds Contingency Planning</td></tr> <tr> <td>HB0069S1</td><td>DUI Testing Amendments</td></tr> <tr> <td>HB0071</td><td>Behavioral Health Crisis Response Modifications</td></tr> <tr> <td>HB0102S1</td><td>Peace Officer Standards and Training Council Amendments</td></tr> <tr> <td>HB0119S1</td><td>School Employee Firearm Possession Amendments</td></tr> <tr> <td>HB0127S1</td><td>Bias Incident Reporting</td></tr> <tr> <td>HB0132S1</td><td>Pharmacy Amendments</td></tr> <tr> <td>HB0213S1</td><td>Crime Victim Records Amendments</td></tr> <tr> <td>HB0251</td><td>Postretirement Reemployment Restrictions Amendments</td></tr> <tr> <td>HB0272S1</td><td>Child Custody Proceedings Amendments</td></tr> <tr> <td>HB0276S1</td><td>Crime Victims Reparations Amendments</td></tr> <tr> <td>HB0300S1</td><td>Court Amendments</td></tr> </tbody> </table>	HB0033S1	Cigarette and Tobacco Amendments	HB0044	Social Work Licensure Compact	HB0044S1	Social Work Licensure Compact	HB0045	SafeUT and School Safety Commission Amendments	HB0049	Justice Court Reform Task Force Sunset Extension	HB0049S1	Justice Court Reform Task Force Sunset Extension	HB0055S1	Employment Confidentiality Amendments	HB0055S2	Employment Confidentiality Amendments	HB0059S1	Federal Funds Contingency Planning	HB0069S1	DUI Testing Amendments	HB0071	Behavioral Health Crisis Response Modifications	HB0102S1	Peace Officer Standards and Training Council Amendments	HB0119S1	School Employee Firearm Possession Amendments	HB0127S1	Bias Incident Reporting	HB0132S1	Pharmacy Amendments	HB0213S1	Crime Victim Records Amendments	HB0251	Postretirement Reemployment Restrictions Amendments	HB0272S1	Child Custody Proceedings Amendments	HB0276S1	Crime Victims Reparations Amendments	HB0300S1	Court Amendments
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HB0328S1	Victims of Sexual Offenses Amendments
HB0328S2	Victims of Sexual Offenses Amendments
HB0378	First Responder Mental Health Services Amendments
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HB0381	Concealed Firearm Instructor Amendments
HB0390	Newborn Safe Haven Amendments
HB0406	Firearms Financial Transaction Amendments
HB0418	Student Offender Reintegration Amendments
HB0420	School Code of Conduct Protections
HB0432	Child Abuse and Neglect Reporting Amendments
HJR001	Joint Resolution Supporting Justice Court Reform
HJR015	Proposal to Amend Utah Constitution - Legislative Power Relating to Revival of Expired Civil Action
SB0015	Concealed Firearm Review Board Amendments
SB0046S1	Health and Human Services Amendments
SB0046S2	Health and Human Services Amendments
SB0063S2	Board of Pardons and Parole Amendments
SB0130	Overdose Outreach Provider Amendments
SB0139S1	Competency Amendments
SB0159	Public School Discipline and Conduct Plans Amendments
SB0167	Court Transcript Fee Amendments
SB0174	Safe Leave Amendments

Richard Mauro requests that ***HJR13 Joint Resolution Amending Court Rules of Procedure and Evidence Regarding Preliminary Hearings*** be taken off the consent list for review and discussion.

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

HB16 Sexual Offense Amendments S01

Motion: Brett Peterson motions for the commission to support HB16 with the third sub that is coming soon. Chief Craig Black seconds the motion. The motion passes unanimously.

HB68 Firearm Modifications (Amended)

Motion: Richard Mauro motions for the commission to place a hold for further discussion and action of HB68. The motion is not seconded.

Motion: Brett Peterson motions for the commission to remain at a support for HB68. Alex Garcia (for Brian Redd) seconds the motion. The motion passes.

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

Abstentions: Three (3); Judge Sharon Sipes, Judge Ryan Tenney, Judge Brody Keisel

HB211 Penalty for False Statement During Drug Arrest S01

Motion: Rob VanDyke motions for the commission to support HB211S01. Sheriff Michael Smith seconds the motion. The motion passes.

Oppositions: One (1); John Mejia

Abstentions: Three (3); Judge Sharon Sipes, Judge Ryan Tenney, Judge Brody Keisel

HB369 Defensive Force Amendments

Concern from prosecutors that it would swallow road rage as a concept since any response could be viewed as self defense. They recommend the language at line 32 be amended to remove "or attack on" as applied to vehicles.

Motion: John Mejia motions for the commission to oppose HB369. The motion is not seconded.

Motion: Tom Ross motions for the commission to place a hold on HB369 for further discussion and action. Chief Craig Black seconds the motion. The motion passes.

Oppositions: One (1); John Mejia

Abstentions: Three (3); Judge Sharon Sipes, Judge Ryan Tenney, Judge Brody Keisel

HB362 Juvenile Justice Revisions

Enhances possession of firearms from MB to a 3F (supported by JJ stakeholders). Also creates a Secure Care mandate for 2nd or subsequent firearm offense. This coupled with the 3F enhancement creates capacity issue. Rep. Lisonbee has indicated she will remove the mandatory secure care portion. Also enhances penalties for soliciting a minor to commit an offense (one level above soliciting an adult). Doesn't distinguish minors soliciting each other. Also changes dangerous weapons from an "or" to an "and" - may need more cleanup.

Motion: Brett Peterson motions for the commission to place a hold on HB362 for further discussion and action. Richard Mauro seconds the motion. The motion passes unanimously.

HB218 Restitution Revisions

Discussion at commission focused on additional complexity this adds to the criminal court system, which may be ill equipped to handle this type of litigation. Also that current code likely allows for this type of restitution, since we have moved away from an enumerated list of restitution categories. But policymakers believe this hasn't been ordered by courts and would be more likely to be contemplated if it is established in statute. Some discussion about whether this would ever likely be paid or if it is an illusory promise to victims. Also logistical concerns raised about establishing any kind of payment formula / life expectancy of incapacitated children (too much complexity).

Motion: Richard Mauro motions for the commission to oppose HB218. John Mejia seconds the motion. The motion passes.

Oppositions: Seven (7); Alex Garcia (Brian Redd), Scott Stephenson, Chief Craig Black, Beatriz Herrera, Rob Van Dyke, Ryan Robinson, Sheriff Michael Smith

Abstentions: Three (3); Judge Sharon Sipes, Judge Ryan Tenney, Judge Brody Keisel

SB128 Criminal Monetary Threshold Amendments S01

Motion: Richard Mauro motions for the commission to support SB128S01. Christina Zidow seconds the motion. The motion passes unanimously.

- ***Liliana Olvera-Arbon has left the meeting***

HB395 DUI Offense Amendments

Discussion at Sentencing Commission: concerns raise that this penalty ratcheting was not discussed over interim. We would like more time to consider how some of this could be done in

guidelines or without overly restraining judicial discretion. Mark said there is no area of the law less predictable or less stable than DUI law. Changes every year. This bill is a "radical overhaul" of DUI sentencing structure without sufficient groundwork. No evidence before us that these are the "right" sentences or would work to reduce DUI's. On the other side, Will pointed out that a lot of what this bill does is close loopholes, etc, and the mandatory sentencing scheme is only part of it. Prosecutors said judges and the guidelines aren't currently doing enough to distinguish between DUI cases with injury / extreme intox and otherwise.

Motion: Brett Peterson motions for the commission to place a hold on HB395 for further discussion and action. Richard Mauro seconds the motion. The motion passes.

Oppositions: Five (5); Craig Barlow, Chief Craig Black, Rob Van Dyke, Ryan Robinson, Sheriff Michael Smith

Abstentions: Three (3); Judge Sharon Sipes, Judge Ryan Tenney, Judge Brody Keisel

● ***Christina Zidow has left the meeting***

HB352 Amendments to Expungement

Prohibits expungements of DV offenses for ten years; Tries to fix issues related to auto expungement.

Motion: Tom Ross motions for the commission to place a hold on HB352 for further discussion and action. Richard Mauro seconds the motion. The motion passes unanimously.

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. Tom Ross seconds the motion. The motion was unanimously agreed upon.</p> <p>The commission adjourns.</p> <p>Next meeting is scheduled for Thursday, February 8th, 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=WlpXbktWNnRSRmh6RGdGclcyYjBSdz09</p>