

<b>SENTENCING COMMISSION MINUTES – pending approval</b>	
<b>Committee</b>	<b>Utah Sentencing Commission</b>
<b>Date</b>	Wednesday, December 17th, 2025
<b>Time</b>	12 PM – 2 PM
<b>Location</b>	Hybrid Zoom Virtual meeting – CCJJ Offices
<b>Members Present</b>	<p><u>Virtual Attendance</u>: Judge Brody Keisel, Richard Mauro, Allison Heffernan, Lena Gustafson (for Christina Zidow), Alissa Black, Neira Siaperas, Tim Kincaid (for Jared Garcia)</p> <p><u>In-Person Attendance</u>: Ryan Robinson, Blake Hills, Tom Ross, April Graham, Erin Jemison (JJOC), Pam Vickrey, Craig Peterson (for Stewart Young)</p>
<b>Staff &amp; Visitors</b>	<p><u>Staff</u>: Danica Bodley, Dan Strong, Marlesse Jones, Dr. Michele Leslie, Erica Wood (virtual), Adrienne Buhler (virtual)</p> <p><u>Visitors</u>: Glendon Mitchell, Brittany Karzen, Brett Robinson, Steve Burton, Robert Steed (virtual), Taylor Calabrese (virtual), Jacob Glenn (virtual), Bethany Warr (virtual), Stacie Russell (virtual), Trent Dessen (virtual), Raechel Lizon (virtual)</p>
<b>Agenda Item</b>	<b>Welcome and Introductions – Pam Vickrey, USC Chair</b>
<b>Notes</b>	<p>Pam Vickrey welcomes the commission to the December 17th, 2025 Utah Sentencing Commission meeting.</p> <p>The commission reviewed the previous meeting minutes from Wednesday, October 8th, 2025.</p> <p><b>Motion</b>: Tom Ross motions for the commission to approve the minutes as presented. April Graham seconds the motion. The motion passes.</p>
<b>Agenda Item</b>	<b>2025 OPMA Training – Assistant Attorney General, Robert Steed</b>
<b>Notes</b>	<p>Assistant Attorney General Robert Steed conducted the commission's required annual OPMA training.</p> <p><b><u>MEETINGS MUST BE OPEN TO THE PUBLIC</u></b></p> <p>“Meeting” means a gathering of a public body with a quorum present that is convened:</p> <ul style="list-style-type: none"> <li>● by an individual: <ul style="list-style-type: none"> <li>○ with authority to convene the public body; and</li> <li>○ following the process provided by law for convening the public body; and</li> </ul> </li> <li>● for the express purpose of acting as a public body to: <ul style="list-style-type: none"> <li>○ receive public comment about a relevant matter;</li> <li>○ deliberate about a relevant matter; or</li> <li>○ take action upon a relevant matter.</li> </ul> </li> </ul> <p><b><u>“RELEVANT MATTER”</u></b></p> <ul style="list-style-type: none"> <li>● A matter that is within the scope of the authority of a public body. <ul style="list-style-type: none"> <li>○ "Relevant matter" does not include, for a public body with both executive and legislative responsibilities, a managerial or operational matter.</li> </ul> </li> </ul> <p><b><u>SUBCOMMITTEES</u></b></p> <ul style="list-style-type: none"> <li>● The OPMA does not apply to a subcommittee or working group created by a public body. <ul style="list-style-type: none"> <li>○ A subcommittee may not make final decisions regarding the public’s business.</li> <li>○ A subcommittee may only make recommendations to the public body.</li> </ul> </li> <li>● A subcommittee that is created by statute or rule and has authority to make decisions regarding the public’s business is subject to the requirements of the OPMA.</li> </ul>

### **ELECTRONIC MEETINGS\***

- All members of the public body may attend the meeting remotely through an electronic video, audio, or both video and audio connection.
  - An anchor location is not required unless the public body receives a request for an anchor location where members of the public may attend in person.
  - The request must be in writing and be submitted at least 12 hours before the scheduled meeting time.

### **ANCHOR LOCATION**

- The physical location where the public body conducting an electronic meeting normally conducts meetings of the public body or another location that is reasonably as accessible to the public.

### **CCJJ RULE 357-6**

- At the beginning of the meeting the chair must identify on the record each member/designee/representative who is appearing electronically.
- A member/designee/representative who appears electronically may fully participate and vote on any matter.
- Votes by members/designees/representatives who are appearing electronically must be confirmed by the chair.

### **CCJJ RULE 357-7**

- A member or representative may appoint a proxy to attend a specific meeting on their behalf.
- The proxy must appear in person at the meeting.
  - A proxy may not appear electronically.
  - A designee or representative may appear electronically.

### **OPERATION OF MEETINGS**

- Individuals who are not members of the public body may only provide testimony or comments after being recognized by the chair.
- The OPMA does not prohibit the removal of any person from a meeting if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.

### **CONFLICTS OF INTEREST**

- A conflict arises if a member's conduct would violate the:
  - Utah Public Officers' and Employees' Ethics Act; or
  - due process requirements of the Utah or US Constitution.
- A member of a public body may have a conflict if the member:
  - has a pecuniary interest in the outcome of the proceeding; or
  - may gain or lose some benefit depending on how the matter is resolved.
- A conflict may arise if a matter before the public body relates to a:
  - personal interest of a member; or
  - person or entity closely associated with the member.

### **CCJJ R356-10**

	<ul style="list-style-type: none"> <li>• A member, who has a potential conflict of interest with respect to a matter before the public body shall: <ul style="list-style-type: none"> <li>◦ disclose the conflict of interest when the matter is raised; and</li> <li>◦ refrain from voting on the matter.</li> </ul> </li> <li>• A member who has disclosed a conflict of interest may participate in the discussion of the matter to the same extent that any other member of the public is allowed to participate.</li> </ul>
<b>Agenda Item</b>	<b>Guidelines Reformat, Early Concept Presentation – <i>Dan Strong and Brittany Karzen</i></b>
<b>Notes</b>	<p>Presented by Dan Strong and Brittany Karzen, this proposal outlines a fundamental restructuring of the adult sentencing guidelines to address growing complexity and inconsistencies.</p> <p>The current system, which has expanded to include nine distinct sentencing matrices, was identified as unwieldy and potentially confusing. The impetus for the reformat is driven by three primary goals:</p> <ol style="list-style-type: none"> <li>1. <b>Increase Transparency:</b> The proposal seeks to incorporate statutory sentence enhancements and mandatory minimums directly into the guideline calculation. Currently, these factors are not reflected, which can create an "unrealistic expectation of a lower sentence" for offenders and victims. The new system would ensure the initial guideline more accurately reflects the sentence an individual will likely serve.</li> <li>2. <b>Simplify the System:</b> By consolidating nine forms down to a proposed three or four, the guidelines would become easier for practitioners, judges, offenders, and the public to use and understand.</li> <li>3. <b>Be More Responsive to Stakeholders:</b> The proposed structure creates a new mechanism—policy specific scoring—that would allow for more targeted adjustments to sentencing guidelines in response to legislative and community priorities, providing an alternative to simply changing an offense's felony level.</li> </ol> <p>The central concept is to move from multiple specialized matrices to a single, unified matrix for general offenses, with additional matrices for homicide and sex/kidnap offenses. Instead of using a separate form for distinct offense types, the new model introduces "Policy Specific Scoring."</p> <p>Under this system, circumstances like a DUI-related injury or a financial crime would no longer trigger a move to a different matrix. Instead, the offender would receive additional points applied to their criminal history score, moving them to a higher row on the single, consolidated matrix. The proposal adds scoring for statutory enhancements and aggravating/mitigating factors that are currently enacted in law but not reflected in the guidelines. This would give a concrete scoring impact to certain statutory enhancements, such as adding a year to a sentence for using a weapon near a school.</p> <p>A key change proposed is that "if the minimum sentence exceeds the guideline, the minimum sentence becomes the guideline." This directly addresses cases, particularly in sex offenses, where calculated guideline dates fall years below a statutory mandatory minimum, creating false expectations. To accommodate the new policy scores, the matrices would be expanded. Two options were presented: a modest two-row increase (for a total of seven rows on the general matrix) and a more expansive five-row increase (for a total of ten rows). The new, higher rows would only be accessible via policy scores, meaning criminal history alone could not place an offender in them.</p> <p>The proposal generated substantive feedback from commission members, highlighting both its potential benefits and areas for careful consideration.</p>

	<ul style="list-style-type: none"> <li>• Board of Pardons and Parole: Voiced strong support, noting the change would provide "really realistic guidelines both for victims and offenders." By aligning the initial guideline with the likely outcome, it would reduce the "false expectations on both sides" that occur when a hearing is held at a guideline date that is significantly lower than the time the person will actually serve due to enhancements.</li> <li>• Victim Impact: Members noted that the current system creates significant stress for victims and their families, who feel compelled to attend every hearing, even those held early in a sentence where release is improbable. A more realistic guideline would alleviate this pressure.</li> <li>• Defense Concerns: While acknowledging the benefits of transparency, defense representatives expressed concern that vertically expanding the matrices creates a "perception that we can keep moving things up." This could feed a propensity to continually increase penalties, especially if the most serious current offenses appear to be in the "middle row" of a new, larger matrix.</li> <li>• Prosecution Perspective: Prosecutors supported the idea of elevating the importance of aggravating and mitigating factors, making it easier to explain sentencing impacts to victims.</li> <li>• It was noted that the proposal represents "a shift slightly away from indeterminate sentences into a more determinant type sentencing," as it gives the legislature more direct control over discrete sentence lengths through scorable factors.</li> </ul> <p>This presentation was intended as an early concept for discussion. The commission plans to revisit the proposal for more detailed analysis after the 2026 legislative session.</p>
<b>Agenda Item</b>	<b>2026 Bills for Review – Pam Vickrey and Dan Strong</b>
<b>Notes</b>	<p><b><u>Prosecution Amendments</u></b></p> <p><i>"Amends the prohibition on a subsequent prosecution, creating an exception allowing a subsequent homicide prosecution if an individual was previously prosecuted for an offense resulting in bodily injury to an individual and the individual later died as a proximate result of the injury, if the death occurred after the original prosecution resulted in a conviction, dismissal, or acquittal."</i></p> <p>Sponsored by Senator Wilson, this bill seeks to create an exception to the prohibition on subsequent prosecution. It would allow a new homicide prosecution if an individual, previously prosecuted for an offense causing bodily injury, later dies as a proximate result of that injury. This would apply even if the original prosecution resulted in a conviction, dismissal, or acquittal.</p> <p>This proposal elicited significant concerns from members.</p> <p>The language allowing for a new trial after an acquittal was viewed as particularly problematic and unlikely to pass constitutional muster. Broad due process and double jeopardy issues were raised. Members noted the difficulty in advising clients, as a resolution would not be final. This could make cases "more difficult to resolve." Concerns were also raised about causation if a death occurs years later.</p> <p>Recommendations: The commission suggested the bill must include language to vacate the original sentence to avoid stacking penalties. Other recommendations included adding a time limit for bringing the subsequent prosecution and clarifying how evidence from the first proceeding could be used in the second.</p>

	<p><b><u>Traffic Offense Reclassification</u></b>  <i>"Does three things related to the traffic code: 1) reduces the offense of speeding in a school zone from a Class C to an infraction, if the person is going 9 mph or less over the limit; 2) reduces the offense of careless driving from a Class C to an infraction; 3) combines the driving without insurance and driving without proof of insurance statutes into one Class C Misdemeanor, with an affirmative defense if the person can prove they had insurance."</i></p> <p>The proposal was presented to law enforcement groups without objection. It had broad support from the commission.</p> <p><b><u>Drug Code Recodification</u></b>  A large, technical bill sponsored by Representative Ivory that moves drug-related criminal offenses from Title 58 to Title 76 of the Utah Code.</p> <p>The primary goal is organizational, placing criminal offenses in the criminal code. Given the bill's complexity, members strongly encouraged all stakeholders who use the drug code to review it meticulously to ensure no unintended substantive changes were made during the recodification.</p> <p><b><u>Adult-oriented Performance and Material Amendments</u></b>  <i>"Recodifies and clarifies provisions in several statutes related to adult-oriented and pornographic performances."</i></p> <p>This bill is the product of collaborative work between the sponsor, Representative Jack, and the commission. It aims to clarify existing law for law enforcement rather than create new offenses.</p> <p><b><u>Stalking Amendments</u></b>  An update was provided on a bill to create a second-degree felony enhancement for the crime of stalking when the conduct involves unlawfully entering a person's residence.</p> <p>Discussion is ongoing regarding the definition of "residence," with a suggestion to use the existing statutory definition of "dwelling" to potentially include structures like motor homes. Members also discussed the need to contemplate defenses, such as a defendant claiming they were invited into the residence, a common fact pattern in domestic violence cases.</p>
<b>Agenda Item</b>	<b>Public Comment</b>
	Time for public comment was given but no comment was addressed.
<b>Agenda Item</b>	<b>Adjourn</b>
<b>Notes</b>	<p><b>Motion:</b> Craig Peterson (for Stewart Young) motions for the commission to adjourn. Tom Ross seconds the motion. The motion was unanimously agreed upon.  <b>The commission adjourns.</b></p> <p>Next meeting is scheduled for Thursday, January 15th, 2026 from 12 PM - 2 PM.  Location: <u>Anchor Location:</u> CCJJ Conference Room, E. Senate Building  Google Meet Link: <a href="https://meet.google.com/ccd-sbnq-xsj">https://meet.google.com/ccd-sbnq-xsj</a></p>
<b>DISCLAIMER</b>	<b>Please note that these meeting minutes have been primarily generated or assisted by an artificial intelligence (AI) tool. These notes have been edited by staff to ensure accuracy and completeness.</b>