

SENTENCING COMMISSION MINUTES – pending approval	
<b>Committee</b>	<b>Utah Sentencing Commission</b>
<b>Date</b>	Wednesday, October 8th, 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, Matt Pennington (JJOC), Chris Yannelli, Alissa Black, Neira Siaperas, Jared Garcia</p> <p><u>In-Person Attendance</u>: Chief Craig Black (for Sheriff Michael Smith), Ryan Robinson, Blake Hills, Tom Ross, Richard Mauro, Mark Moffat (for David Ferguson), April Graham, Christina Zidow, Pam Vickrey, Stewart Young</p>
<b>Staff &amp; Visitors</b>	<p><u>Staff</u>: Danica Bodley, Dan Strong, Dr. Michele Leslie, Elizabeth Klc, Van Nguyen, Erica Wood (virtual), Adrienne Buhler (virtual), Marlesse Jones</p> <p><u>Visitors</u>: Brett Robinson, Brittany Karzen, Michael Dreschel, Erin Jemison (virtual), Albert Cramer (virtual), Stacie Russell (virtual)</p>
<b>Agenda Item</b>	<b>Welcome and Introductions – Dan Strong, USC Director</b>
<b>Notes</b>	<p>Dan Strong welcomes the commission to the October 8th, 2025 Utah Sentencing Commission meeting.</p> <p>The commission reviewed the previous meeting minutes from Thursday, August 21st, 2025.</p> <p><b>Motion</b>: Richard Mauro motions for the commission to approve the minutes as presented. Tom Ross seconds the motion. The motion passes.</p> <p><b>Abstention(s)</b>: One (1) Abstention; Chief Craig Black</p>
<b>Agenda Item</b>	<b>2026 Sentencing Guidelines – Dan Strong, USC Director</b>
<b>Notes</b>	<p>The primary objective of the meeting was the review and final approval of the 2026 Adult and Juvenile Sentencing Guidelines. The approval process is a critical annual function of the commission, with a strict timeline for legislative review.</p> <p><b>Procedural Context and Timeline</b></p> <p>As outlined in the meeting, the approval process follows a multi-stage path mandated by statute. The commission debates and approves a final version of the guidelines. This meeting represented the final opportunity for changes. The approved guidelines are presented to the Commission on Criminal and Juvenile Justice (CCJJ), which is statutorily tasked with submitting them to the legislature. The guidelines must be submitted to the Law Enforcement and Judiciary Interim Committees by October 31. The committees will review the guidelines in their October and November meetings. Following committee approval, the guidelines are presented to the full legislature during the general session in the form of a concurrent resolution for final adoption.</p> <p><b>Key Debates and Resolutions</b></p> <p>Before final approval, the commission debated and voted on three significant revisions to the adult guidelines.</p> <p><b>Removal of Addenda and "Evidence-Based" Terminology</b></p> <p>A proposal was brought forward to remove 14 pages of academic and philosophical material from the guidelines' addenda (specifically D, E, F, G, H, I, L, and M) and to modify the introductory language. The motion was to remove the addenda, which contained detailed explanations of evidence-based principles, research summaries, charts, and graphs originally added during the 2015 Justice Reinvestment Initiative (JRI) reforms. The content would be moved to the</p>

commission's website. Concurrently, the introductory language would be changed from "Evidence-Based Practices" to "Research and Data," framing the guidelines as incorporating "effective sentencing principles backed by significant research and data."

Proponents argued that the core principles from the addenda are already integrated into the functional parts of the guidelines. They noted that the cited research is dated (nothing newer than 2015) and that the term "evidence-based" has become politically loaded. The change was presented as a way to make the document more practice-oriented and less confusing for practitioners.

Opponents voiced significant concerns. Richard Mauro stated that practitioners in his office actively use the addenda (specifically E and F) and the term "evidence-based practice" in their arguments. Mark Moffat argued that removing the language was a concession to political pressure. He and others defended "evidence-based practice" as a nationally understood term of art to which the commission, as an expert body, should maintain fidelity.

**Motion:** Ryan Robinson motions to remove the specified addenda and adopt the new introductory language (approving the proposal of option 1). Christina Zidow seconds the motion. The motion passed.

**Oppositions:** Three (3) Oppositions; Pam Vickrey, Mark Moffat, Richard Mauro

**Bias and Unwarranted Disparities as Mitigating Factors**

The commission considered a proposal from SWAP to eliminate the existing mitigating factor: "Evidence of improper bias impacting a specific case may be a mitigating factor at sentencing."

A new proposal, based on federal guidelines, was introduced to replace the "improper bias" language. The new text stated that a purpose of the guidelines is "to avoid unwarranted disparities" and that a court "may consider whether a sentence would create an unwarranted disparity as an aggravating or mitigating factor." A significant discussion emerged on the distinction between the two concepts. Participants argued that "unwarranted disparity" focuses on comparing sentences between similarly situated defendants, while "improper bias" can address the foundational reasons for a prosecution, such as targeting based on race, origin, or political belief. Members cited current national events to argue for the importance of retaining the explicit "bias" language.

**Motion:** Ryan Robinson motions to simply replace the old language with the new "unwarranted disparity" language (adopting the new bias proposal; option 2). Stewart Young seconds the motion. The motion failed.

**Oppositions:** Nine (9) Oppositions; Tom Ross, Blake Hills, Neira Siaperas, Mark Moffat, Richard Mauro, Christina Zidow, Matt Pennington, Pam Vickrey, April Graham

A substitute motion, proposed by Brett Robinson (**representing SL County DA's office, but not a voting member of the commission**), was then introduced to adopt a fourth option: retain the current "improper bias" language and add the new "unwarranted disparity" language.

**Motion:** Christina Zidow proposes a substitute motion to include both sets of language (adopting the new bias proposal (option 4)). Richard Mauro seconds the motion. The motion passed unanimously.

	<p><b><u>Sentencing Conflict Between Felony and Misdemeanor Offenses</u></b></p> <p>The commission addressed a perceived conflict between Form 1 (Felonies) and Form 6 (Misdemeanors). The guidelines recommended "presumptive probation" (zero initial jail days) for a third-degree felony person's offense with a criminal history category of 2. In contrast, they recommended 60 days of jail for a less serious Class A misdemeanor person's offense.</p> <p>Ryan Robinson argued it was "absurd" and "nonsensical" for serious felonies involving intentional injury to have a zero-jail recommendation. Conversely, other members pointed out that the felony offender faces a potential 0-to-5-year prison term upon probation failure, a far greater back-end penalty. Concerns were also raised by Tom Ross and Jared Garcia (UDC) about the state's limited jail and prison capacity and the systemic impact of recommending more incarceration. Data presented showed that a significant portion of offenders in these categories currently receive probation without jail, meaning the change would recommend a sentence higher than current practice for many.</p> <p><b>Motion:</b> Richard Mauro motions for the commission to approve of Proposal #1 – changing the 2<sup>nd</sup> row shading on Form 1 from presumptive probation to presumptive probation plus jail. Tom Ross seconds the motion. The motion passed.</p> <p><b>Oppositions:</b> Five (5) Oppositions; Ryan Robinson, Chief Craig Black, Alissa Black, Matt Pennington, Chris Yannelli</p> <p>This changes the shading for the third-degree felony person's offense at criminal history category 2, making the presumptive sentence a jail term of 75 days as a condition of probation. This resolves the direct conflict by making the felony recommendation more stringent than the misdemeanor one.</p> <p><b>Motion:</b> Stewart Young motions to make a broader review of sentencing recommendations for other low-criminal-history felony person's offenses an interim study item. Ryan Robinson seconds the motion. The motion passed unanimously.</p> <p><b><u>Final Approval of Guideline Packages</u></b></p> <p>Following the resolution of these key issues, the commission took final action:</p> <p><b>Motion:</b> Christina Zidow motions to approve the entire 2026 Adult Sentencing Guidelines package, as drafted and amended during the meeting. Blake Hills seconds the motion. The motion passes unanimously.</p> <p><b>Motion:</b> Pam Vickrey motions to approve the 2026 Juvenile Sentencing Guidelines, with the understanding that the language on bias and unwarranted disparity would be mirrored from the adult guidelines. Stewart Young seconds the motion. The motion passed unanimously.</p>
<b>Agenda Item</b>	<p><b><u>Collateral Consequence Guide Presentation – Dan Strong, USC Director</u></b></p> <p><b>Notes</b></p> <p>Dan Strong presented the annual update to the Collateral Consequences Guide, which tracks legislative changes that affect the rights and privileges of individuals with criminal convictions.</p> <p>In the 2025 session, 15 bills were enacted that imposed or expanded collateral consequences, while 8 bills limited or reduced them. These numbers were identical to the previous year.</p> <p>New consequences include a notation for "interdicted persons" on driver's licenses for DUI offenses, new requirements for removal from the sex offense registry, and license suspension for certain motorcycle violations.</p>

	<p>Changes that reduce consequences include an extension of liability protections for employers who hire individuals with criminal records (extended to 2029) and allowing Veterans Court participation to shorten DUI-related license suspensions.</p> <p>The guide will be presented to a legislative interim committee on October 15, 2025. The commission will hold a formal vote to adopt the guide at its next meeting.</p>
<b>Agenda Item</b>	<b>Other Bills for Review - Dan Strong, USC Director</b>
<b>Notes</b>	<p>The commission held a brief, preliminary discussion on several bills sent for review. Key topics included:</p> <ul style="list-style-type: none"> <li>• CSAM Restitution: A bill that would impose mandatory minimum restitution (\$3,000, or \$7,000 if aggravated) in Child Sexual Abuse Material (CSAM) cases. The funds would be paid into a state-administered fund to compensate victims.</li> <li>• Human Trafficking: A bill making numerous changes to the elements of trafficking, with some concern raised about overlap with existing statutes for soliciting a child.</li> <li>• Theft of Services: A bill that increases the value thresholds for misdemeanor-level theft, a change intended to prevent individuals like homeless rail riders from being charged with a felony for the cost of a ride.</li> <li>• Emergency Abuse: A bill targeting false 911 calls, which prompted discussion about the need for nuance to avoid criminalizing individuals experiencing psychotic or mental health crises.</li> </ul>
<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> Stewart Young motions for the commission to adjourn. Christina Zidow seconds the motion. The motion was unanimously agreed upon.</p> <p><b>The commission adjourns.</b></p> <p>Next meeting is scheduled for Wednesday, December 17th, 2025 from 12 PM - 2 PM.</p> <p>Location: <u>Anchor Location</u>: CCJJ Conference Room, E. Senate Building</p> <p>Google Meet Link: <a href="https://meet.google.com/aqa-itsx-jrz">https://meet.google.com/aqa-itsx-jrz</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>