

| SENTENCING COMMISSION MINUTES – Approved | |
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| Committee | Utah Sentencing Commission |
| Date | Thursday, January 22nd, 2026 |
| Time | 12 PM – 2 PM |
| Location | Hybrid Zoom Virtual meeting – CCJJ Offices |
| Members Present | <p><u>Virtual Attendance</u>: Liliana Olvera-Arbon (for Chief Sol Oberg), Chris Yannelli, Sariah Donnahoo (JJOC), Judge Brody Keisel, Judge Vernice Trease</p> <p><u>In-Person Attendance</u>: April Graham, Tom Ross, Blake Hills, Michael Dreschel (for Neira Siaperas), David Ferguson, Richard Mauro, Stewart Young, Ryan Robinson, Sheriff Mike Smith, Christina Zidow, Pam Vickrey</p> |
| Staff & Visitors | <p><u>Staff</u>: Danica Bodley, Dan Strong, Marlesse Jones, Dr. Michele Leslie, Van Nguyen, Chyleen Richey (virtual), Elizabeth Klc, Adrienne Buhler (virtual), Ken Matthews (virtual), Erica Wood (virtual), Katie Fox, Rachelle Hill (virtual)</p> <p><u>Visitors</u>: Brett Robinson, Felix Espinoza (virtual), Albert Cramer (virtual), Ben Soiland (virtual), Brittany Karzen, MayKela Cox (virtual), RaecheL Lizon (virtual)</p> |
| Agenda Item | Welcome and Introductions – Pam Vickrey, USC Chair |
| Notes | <p>Pam Vickrey welcomes the commission to the January 22nd, 2026 Utah Sentencing Commission meeting.</p> <p>The commission reviewed the previous meeting minutes from Thursday, January 15th, 2026.</p> <p>Motion: Richard Mauro motions for the commission to approve the minutes as presented. Stewart Young seconds the motion. The motion passes.</p> |
| Agenda Item | 2026 Legislative Session Bill Review – Dan Strong, USC Director |
| Notes | <p>The meeting centered on the Commission's response to several high-profile legislative proposals that may alter the composition of the Commission itself and significantly increase penalties for various offenses.</p> <p><u>SB72 Obscene Animal Abuse Amendments</u></p> <p><i>Prohibits distributing images of animal sexual abuse and "animal crushing." 3rd Degree Felony for Adults, Class A for 16 and 17 year olds, Class B for individuals under 16 years old.</i></p> <p>Motion: Stewart Young motions for the commission to <u>support</u> Senate Bill 72. Ryan Robinson seconds the motion. The motion passed unanimously.</p> <p><u>HB274 Sentencing Commission Amendments</u></p> <p><i>Removes all defense attorneys from the Sentencing Commission, adds 4 prosecutors and 2 sheriffs.</i></p> <p>A major point of contention is a proposal to remove defense attorney positions from the Sentencing Commission. The Commission voted to "Hold" this bill, emphasizing the necessity of maintaining a balanced, multi-perspective body to ensure the credibility and robustness of sentencing guidelines.</p> <p>Motion: Richard Mauro motions to <u>oppose</u> House Bill 274. The motion was not seconded.</p> <p>Motion: Richard Mauro makes an amendment to his prior motion for the commission to <u>hold</u> on House Bill 274 for further discussion and action. The motion was not seconded.</p> <p>CCJJ has already voted on a hold on the bill for further discussion and action.</p> |

HB113 Emergency Reporting Abuse Amendments

Enhances penalty for emergency reporting abuse from an MB to a 3F if an individual has two or more priors, or causes an emergency response (or delay in other response) that results in physical injury or pecuniary loss exceeding \$5,000; Enhances to a 2F if the response results in SBI or death.

Discussion focused on "serial abusers," including one instance of an individual calling 40 times in a year. While there is a desire to address the issue—especially in rural areas where false calls tie up limited resources—members are negotiating for a "one-level reduction" in proposed penalties and a clearer link (mens rea) between the false call and any resulting injury.

Motion: Pam Vickrey motions for the commission to hold on House Bill 113 for further discussion and action. Stewart Young seconds the motion. The motion passed unanimously.

HB158 Unlawful Tracking Amendments

Expands the offense of Unlawful Tracking to include placing tracking devices on personal property or using a tracking application installed on an individual's possessions to track their movement without permission. Also expands the offense by creating a provision whereby a person can revoke previously granted consent to track. Includes exceptions for parents, guardians, and caregivers of vulnerable adults

The Commission debated the "presumption" of revocation via protective orders. Members suggested that "actual notice" is a better legal standard and raised concerns about "boilerplate" language in orders that might inadvertently criminalize parents tracking children for safety.

Motion Ryan Robinson motions for the commission to support in concept for House Bill 158 for further discussion and action. The motion was not seconded.

Motion: Ryan Robinson makes an amendment to the prior motion to hold on House Bill 158 for further discussion and action. The motion was not seconded.

CCJJ has already voted on a hold on the bill for further discussion and action.

SB99 Emergency Reporting Offense Amendments

"Expands the offense (class B misd.) of emergency reporting abuse to include conduct in which an actor contacts an emergency response service when the actor knows, or reasonably should know, that no actual or perceived emergency exists."

No vote was taken on Senate Bill 99.

HB23 Service Animal Amendments

Enhances injuring, harassing, or endangering a service animal to 3F. Does not change mens rea of intentionally, knowingly, or recklessly causing substantial injury.

Members argued that a third-degree felony for a dog "recklessly" escaping and chasing a service animal is disproportionate, noting it is "higher than the penalty for aggravated assault" on a human. The SC suggests scaling penalties: a third-degree felony for death/euthanasia and a misdemeanor for injury.

Motion: Christina Zidow motions for the commission to hold on House Bill 23 for further discussion and action. David Ferguson seconds the motion. The motion passed unanimously.

HB80 Firearm Storage Amendments

Creates Class C Misd. for adults who fails to secure a firearm resulting in a minor gaining access and using the firearm in an unlawful manner.

Motion: Ryan Robinson motions for the commission to have no position for House Bill 80. Richard Mauro seconds the motion. The motion passed unanimously.

HB226 Alternative Incarceration Program Amendments

The bill adds a new sheriff's work program that allows eligible non-violent offenders with jail sentences of 30 days or fewer to perform supervised public works projects in lieu of jail time. Sheriffs must set program rules—including eligibility, fees, assignment types, timelines, conduct standards, supervision, safety protocols, and completion criteria—and participating individuals remain in the sheriff's legal custody. Placement in the program is voluntary and at the sheriff's discretion, and assignments may take into account the participant's employment, education, treatment, medical needs, and family obligations. Participants receive one day of jail credit for every eight hours worked.

Motion: Sheriff Mike Smith motions for the commission to support House Bill 226. Ryan Robinson seconds the motion. The motion passed unanimously.

HB116 Criminal Fines Amendments

Increases the mandatory fine amount that an actor (18 and older) must pay after being convicted of: patronizing a prostituted individual who is an adult; exploitation of prostitution; aggravated exploitation of prostitution; sexual solicitation by an actor offering compensation to an adult in exchange for sexual activity; or sexual solicitation by an actor offering compensation to a child in exchange for sexual activity.

The bill targets "Johns" and illicit businesses like massage parlors. Proponents argued that hitting the "pocketbook" is a more effective deterrent than incarceration for these specific crimes. Opponents argued that mandatory fines are not "evidence-based" and disproportionately affect less affluent defendants.

Motion: David Ferguson motions for the commission to support in concept for House Bill 116 for further discussion and action. Richard Mauro seconds the motion. The motion **failed**.

Support(s): Three (3) Supports; Richard Mauro, David Ferguson, Pam Vickrey

Opposition(s): Nine (9) Oppositions; Stewart Young, Ryan Robinson, Sheriff Mike Smith, Christina Zidow, Liliana Olvera-Arbon, Chris Yannelli, Blake Hills, Tom Ross, April Graham

Abstention(s): Two (2) Abstentions; Michael Dreschel, Sariah Donnahoo

Motion: Ryan Robinson motions for the commission to support House Bill 116. Sheriff Mike Smith seconds the motion. The motion **passed**.

Support(s): Nine (9) Supports; Stewart Young, Ryan Robinson, Sheriff Mike Smith, Christina Zidow, Liliana Olvera-Arbon, Chris Yannelli, Pam Vickrey, Sariah Donna, Blake Hills, Tom Ross, April Graham

Opposition(s): Three (3) Oppositions; Richard Mauro, David Ferguson, Pam Vickrey

Abstention(s): Two (2) Abstentions; Michael Dreschel, Sariah Donnahoo

Michael Dreschel (for Neira Siaperas) left the meeting

HB289 Child Sexual Abuse Material Amendments

*"Defines the term ""apparent child sexual abuse material"" to address material created or generated by artificial intelligence that depicts realistic minors
defines the term of ""obscene child sexual abuse material""*

amends the definition of ""child sexual abuse material"" to remove artificially generated material

(line 1753) creates standalone offenses for:

- possession of apparent child sexual abuse material;*
- distribution of apparent child sexual abuse material in certain circumstances; and*
- producing, distributing, receiving, or possessing with intent to distribute, obscene child sexual abuse material*

Adds above offense to background check process or individuals who can have Direct access to children or vulnerable adults"

The "Three-Bucket" Strategy:

1. Real Child: Traditional CSAM involving actual minors (First-degree felony for distribution).
2. Obscene Material: Uses the Miller v. California standard. Requires proof of legal obscenity but does not require proof of a real child (Lesser penalty, no penalty for mere possession).
3. Apparent Child: Images that look like a real child (pre-pubescent features or appearing under age 12) where a real child's existence is "not material."

This structure is designed to preserve convictions on appeal. If one legal theory (e.g., "apparent child") is struck down by the Supreme Court, the others remain intact.

Motion: Tom Ross motions for the commission to support House Bill 289. Stewart Young seconds the motion. The motion **passed**.

Support(s): Seven (7) Supports; Sheriff Mike Smith, Christina Zidow, Chris Yannelli, Ryan Robinson, Stewart Young, Tom Ross, Blake Hills

Abstention(s): Six (6) Abstentions; Richard Mauro, Liliana Olvera-Arbon, Pam Vickrey, Sariah Donnahoo, David Ferguson, April Graham

| Agenda Item | Public Comment |
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| | <p>The meeting concluded with a call for more "upstream solutions" to criminal justice issues. Public commenter Steve Burton noted that while the Commission focuses on prosecuting the "end user" of illicit technology (like AI-generated CSAM), the overall problem requires a shift in resources toward preventing victimization and reducing access to such materials.</p> |
| Agenda Item | Adjourn |
| Notes | <p>Motion: David Ferguson motions for the commission to adjourn. The motion was unanimously agreed upon. The commission adjourns.</p> <p>Next meeting is scheduled for Thursday, January 29th, 2026 from 12 PM - 2 PM. Location: <u>Anchor Location:</u> CCJJ Conference Room, E. Senate Building Google Meet Link: https://meet.google.com/ccd-sbnq-xsj</p> |

DISCLAIMER

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.