

<b>SENTENCING COMMISSION MINUTES – pending approval</b>	
<b>Committee</b>	<b>Utah Sentencing Commission</b>
<b>Date</b>	Thursday, February 5th, 2026
<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>: Chief Sol Oberg, Chris Yannelli, Monica Maio (JJOC)</p> <p><u>In-Person Attendance</u>: Tim Kincaid (for Jared Garcia), April Graham, Tom Ross, Blake Hills, Michael Dreschel (for Neira Siaperas), David Ferguson, Richard Mauro, Stewart Young, Carl Hollan (for Ryan Robinson), Sheriff Mike Smith, Christina Zidow, Pam Vickrey</p>
<b>Staff &amp; Visitors</b>	<p><u>Staff</u>: Danica Bodley, Dan Strong, Marlesse Jones, Van Nguyen, Elizabeth Klc, Dr. Michele Leslie, Chyleen Richey (virtual), Matthew Barraza, Bud Powell</p> <p><u>Visitors</u>: Brett Robinson, Mark Moffat, Brittany Karzen, Felix Espinoza (virtual), Joshua Draper (virtual), Steve Burton</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 February 5th, 2026 Utah Sentencing Commission meeting.</p> <p>The commission reviewed the previous meeting minutes from Thursday, January 29th, 2026.</p> <p><b>Motion:</b> Richard Mauro motions for the commission to approve the minutes as presented. Carl Hollan (for Ryan Robinson) seconds the motion. The motion passes.</p>
<b>Agenda Item</b>	<b>2026 Legislative Session Bill Review – Dan Strong, USC Director</b>
<b>Notes</b>	<p>The Commission evaluated several bills, reaching the following formal positions.</p> <p><b><u>SB92 Prosecution Amendments</u></b>  <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>This legislation, motivated by a specific case in Cache County, addresses scenarios where a victim is injured, the perpetrator is prosecuted for a non-homicide offense, and the victim subsequently dies as a proximate result of those injuries.</p> <p>The Commission reached a consensus that any time served on the initial conviction must be credited toward the subsequent homicide sentence. This is intended to address potential double jeopardy concerns and ensure sentencing fairness. Senator Wilson has indicated a willingness to refine the language to ensure those who self-report or stay at the scene are not unfairly penalized compared to those who flee.</p> <p><b>Motion:</b> Tom Ross motions for the commission to <u>support in concept</u> on Senate Bill 92 for further discussion and action. Richard Mauro seconds the motion. The motion passed unanimously.</p> <p><b><u>HB0253S1 Marijuana Use or Possession Penalty Amendments</u></b></p>

*Sub 1 requires a prosecuting attorney to offer a plea in abeyance for a first offense for use or possession of 14 grams or less of marijuana; provides requirements for a plea in abeyance agreement for a first offense for use or possession of 14 grams or less of marijuana*

Representative Miller's bill proposed a "plea in abeyance" for first-time marijuana possession of 14 grams or less. However, implementation is currently unfeasible due to data limitations. State Identification (SID) numbers are generated upon booking into jail. Because many misdemeanor marijuana offenses result in citations rather than bookings, approximately 50% of misdemeanants lack an SID.

Without an SID, the court cannot definitively confirm if an individual is a "first-time" offender. Furthermore, the court system is currently unequipped to manage a deferral system that relies on driver's license numbers, which are not captured for non-traffic offenses.

**Motion:** Christina Zidow motions for the commission to hold on House Bill 253 Sub 01. For further discussion and action. Stewart Young seconds the motion. The motion passed unanimously.

#### **HB354 Rescue Tracking Equipment Offense Amendments**

*creates a class B misd. for when an actor commits destroying, tampering with, or unlawfully interacting with rescue tracking equipment if the actor: destroys rescue tracking equipment; damages, disables, removes, or tampers with rescue tracking equipment; and the conduct described in Subsection (2)(b)(i) inhibits or impedes the proper use or functioning of the rescue tracking equipment; or interacts with a piece of rescue tracking equipment knowing that the action will result in a false report to a law enforcement agency of an individual who is in need of emergency assistance.*

**Motion:** Christina Zidow motions for the commission to hold on House Bill 354 for further discussion and action. Richard Mauro seconds the motion. The motion passed unanimously.

#### **HB0123S1 Sex , Kidnap, and Child Abuse Offender Registration Amendments**

*Sub 1 changes bill name*

Clarifies requirements for out-of-state registrants moving to Utah. If they were required to register in their home state (e.g., Florida's lifetime registry), they must register in Utah unless they obtain a removal order from the original state.

Carl Hollan (for Ryan Robinson) suggests for the commission to remain at a support in concept while the language is working to be changed in the bill.

**Motion:** No formal motion was taken. The commission remains at a support in concept for House Bill 123 Sub 01 for further discussion and action.

***David Ferguson has joined the meeting.***

#### **HB0023S1 Service Animal Amendments**

*1st sub removes the criminal penalty.*

CCJJ has already taken a motion of support. Language regarding penalties and sentencing guidelines has been taken out of the bill.

**Motion:** Tom Ross motions for the commission to take no position on House Bill 23 Sub 01. David Ferguson seconds the motion. The motion passed unanimously.

#### **HB113S1 Emergency Reporting Abuse Amendments**

*Sub 1 adds a coordination clause to coordinate changes in the criminal offense of emergency reporting abuse made in S.B. 99, Emergency Reporting Offense Amendments, if this bill and S.B. 99 both pass and become law*

CCJJ has taken a motion of support on the bill. The commission moves on to the next bill.

#### **HB188S1 Juvenile Justice Amendments**

*1st sub: Language updates to search and seizure, confidentiality, diversion and school based definitions, removes expungement, leaves NJ section, adds school based reporting on drug offenses*

The Commission noted that the sponsor has accepted several recommendations, including updates to recidivism definitions and the removal of controversial expungement provisions.

A primary sticking point is the removal of the "two bites at the apple" rule for NJ interventions regarding school drug possession. Evidence from the Tooele School District showed that out of 105 drug-related offenses, only 11 involved repeat offenders, and only three of those were for repeated NJS. The Commission argues this data does not warrant removing school discretion.

Commission members expressed that mandatory court referrals (the "shall refer" language) might overwhelm the system and ignore the effectiveness of school interventions.

**Motion:** Pam Vickrey motions for the commission to support in concept on House Bill 188 Sub 01 for further discussion and action. Christina Zidow seconds the motion. The motion passed unanimously.

#### **SB0023 Airborne Chemicals Amendments**

*Creates 3F when owner or operator of an aircraft use or authorize the use of the aircraft in the state with the intent to cause solar geoengineering*

**Motion:** Christina Zidow motions for the commission to remain at a hold on Senate Bill 23 for further discussion and action. Carl Hollan (for Ryan Robinson) seconds the motion. The motion passed unanimously.

#### **HB387 Kratom Modifications**

*Expands and enhance criminal penalties related to unlawful preparation, possession distribute, sell, or offer for sale a kratom product*

*Expands and enhance criminal penalties related to sale of kratom by a processor or retailer to an individual under 21*

The Commission addressed the dangers of adulterated Kratom, specifically "hydroxy 7," which was described as "gas station meth" due to its high addictive potential and availability to children. The bill focuses on retailers who mix Kratom with non-Kratom substances or sell to individuals under 21.

The legislation provides a tool to penalize business owners financially, preventing them from simply hiring new staff to continue illegal distributions after an employee is arrested.

**Motion:** David Ferguson motions for the commission to support in concept on House Bill 387 for further discussion and action. Christina Zidow seconds the motion. The motion passed unanimously.

#### **HB421 Hit and Run Amendments**

*Line 204 and 271: Increases penalties for convictions of leaving the scene of an accident with property damage or injury if the operator has been previously convicted of the same offense driving under the influence.*

*Line 361: Sentencing requirements*

Currently, a driver under the influence who kills someone faces a second-degree felony with a mandatory five-year minimum (automobile homicide). If that same driver flees the scene and the victim dies, they may only face a third-degree felony for leaving the scene.

The bill seeks to elevate a hit-and-run involving death to a second-degree felony to match automobile homicide, thereby removing the incentive to flee the scene to wait for drugs or alcohol to clear the system.

A "safe harbor" of six hours for self-reporting and submitting to chemical testing is being considered as an affirmative defense against sentencing enhancements.

***Sheriff Mike Smith has joined the meeting.***

**Motion:** Richard Mauro motions for the commission to hold on House Bill 421 for further discussion and action. David Ferguson seconds the motion. The motion passed unanimously.

#### **HB200 Human Trafficking, Transporting, and Harboring Amendments**

*Adds an increased penalty (3F to 2F, class A to 3F) to the offense of transporting or harboring an alien if a victim of the offense is younger than 13 years old;*

*Adds aggravated exploitation of prostitution involving a child to the list of human trafficking offenses for which a victim may bring a right of action;*

*Provides that the attorney general may bring an action against a person if the attorney general has reason to believe that the person is committing, has committed, or is about to commit a human trafficking offense*

Dan Strong noted that the bill hasn't had movement since January 20th so it may not move forward.

**Motion:** Christina Zidow motions for the commission to hold on House Bill 200 for further discussion and action. Carl Hollan (for Ryan Robinson) seconds the motion. The motion passed unanimously.

### **HB331 Criminal Offenses Modifications**

*amends the offense of threat of terrorism by: renaming the offense to terrorism; and clarifying that the offense applies to certain completed acts in addition to threatened acts*

- ▶ *creates the offense of unlawfully advancing foreign organizations and governments;*
- ▶ *amends the offense of aggravated disorderly conduct on a street or highway to include obstructing any street or highway if the actor does so in concert with two or more individuals;*
- ▶ *creates the offense of intentional concealment of identity while committing an offense in public;*
- ▶ *creates the offense of unlawful deprivation of civil rights with a corresponding civil right of action by a victim that may be brought against the actor;*
- ▶ *amends the definition of unlawful activity applicable to include the offense of prohibited conduct concerning a pattern of unlawful activity to include the offenses of aggravated disorderly conduct on a street or highway and unlawfully advancing foreign organizations and governments*

This broad bill introduces several new offenses related to public demonstrations and the concealment of identity. The bill would criminalize wearing masks or disguises (described colloquially in the meeting as "animal costumes" or "ICE masks") while committing an offense in public.

It creates an aggravated disorderly conduct charge for two or more individuals blocking a street to prevent free movement. Commission members noted the bill's high fiscal note (\$2.5 million) and expressed concerns regarding its breadth and potential impact on First Amendment rights, despite a clause stating it does not apply to the exercise of such rights.

**Motion:** Richard Mauro motions for the commission to hold House Bill 331 for further discussion and action. Carl Hollan (for Ryan Robinson) seconds the motion. The motion passed unanimously.

### **HB341 Animal Fighting Penalties**

*Amends the crimes of dog fighting, attending a dog fight or related activity, and game fowl fighting;*

*Creates the offense of attending a game fowl fight or related activity (class B misd.)*

**Motion:** David Ferguson motions for the commission to support House Bill 341. Stewart Young seconds the motion. The motion passed unanimously.

	<p><b><u>HB447 Tobacco Amendments</u></b>  <i>Creates a class B misd. for failing to comply with the licensing, bonding, and tax collection requirements</i></p> <p><b>Motion:</b> Tom Ross motions for the commission to take <u>no position</u> on House Bill 447. David Ferguson seconds the motion. The motion passed unanimously.</p> <p><b><u>HB454 Public Assistance Fraud Amendments</u></b>  <i>creates the offense of public assistance fraud by a person facilitating an inaccurate public assistance application; adds the newly created offense to the list of predicate offenses for a pattern of unlawful activity</i></p> <p><b>Motion:</b> Christina Zidow motions for the commission to <u>support</u> House Bill 454. Chief Sol Oberg seconds the motion. The motion passed unanimously.</p> <p><b><u>HB370 Sex Offender Oversight Amendments</u></b>  <i>Requires UDC to create a monitoring program for sex offenders who are unable to provide a required residential address to the registry, establish an automated system for requesting an arrest warrant from a court for a sex offender if the sex offender violates certain registry registration requirements; verify the residential address provided to the registry by a sex offender within a specific time period and, if the department determines that the sex offender does not reside at the provided address, request an arrest warrant from a court; and develop and provide an online training program for certain individuals who work with sex offenders;</i></p> <p><i>creates 3F for a sex offender's failure to comply with the monitoring program;</i></p> <p><i>requires a court to consider and, if the court finds probable cause, issue an arrest warrant for a sex offender if the sex offender violates certain registry registration requirements</i></p> <p>Proposes a monitoring program for offenders without a fixed residential address. The bill carries a \$2.9 million fiscal note, largely due to the costs of GPS monitoring and warrant processing.</p> <p><b>Motion:</b> Michael Dreschel (for Neira Siaperas) motions for the commission to <u>hold</u> on House Bill 370 for further discussion and action. Tom Ross seconds the motion. The motion passed unanimously.</p>
<b>Agenda Item</b>	<b>Public Comment</b>
	Public comment time was given but none was spoken.
<b>Agenda Item</b>	<b>Adjourn</b>
<b>Notes</b>	<p><b>Motion:</b> Pam Vickrey motions for the commission to adjourn. Stewart Young seconds the motion. The motion was unanimously agreed upon.</p> <p><b>The commission adjourns.</b></p> <p>Next meeting is scheduled for Thursday, February 12th, 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>