

SENTENCING COMMISSION MINUTES – DRS approved

Committee	Utah Sentencing Commission
Date	Thursday, February 19th, 2026
Time	12 PM – 2 PM
Location	Hybrid Zoom Virtual meeting – CCJJ Offices
Members Present	<p><u>Virtual Attendance</u>: Mike Schoenfeld (for Jared Garcia), April Graham, Sheriff Mike Smith, Liliana Olvera-Arbon (for Chief Sol Oberg), Christ Yannelli, Judge Brody Keisel, Judge Vernice Trease</p> <p><u>In-Person Attendance</u>: Tom Ross, Blake Hills, Michael Dreschel (for Neira Siaperas), David Ferguson, Richard Mauro, Stewart Young, Ryan Robinson, Christina Zidow, Pam Vickrey</p>
Staff & Visitors	<p><u>Staff</u>: Danica Bodley, Dan Strong, Elizabeth Klc, Dr. Michele Lesilie, Chyleen Richey (virtual), Marlesse Jones, Katie Fox (virtual), Niyo Aimable (virtual), Matthew Barraza (virtual), Erica Wood (virtual), Kara Hetrick (virtual), Adrienne Buhler (virtual), Ken Matthews (virtual)</p> <p><u>Visitors</u>: Steve Burton, Carl Hollan, MayKela Cox (virtual), Tim Kincaid (virtual), Brittany Karzen</p>
Agenda Item	Welcome and Introductions – Pam Vickrey, USC Chair
Notes	<p>Pam Vickrey welcomes the commission to the February 19th, 2026 Utah Sentencing Commission meeting.</p> <p>The commission reviewed the previous meeting minutes from Thursday, February 12th, 2026.</p> <p>Motion: Christina Zidow motions for the commission to approve the minutes as presented. Richard Mauro seconds the motion. The motion passes.</p> <p><i>Sheriff Mike Smith has joined the meeting (approved the minutes).</i> <i>David Ferguson has joined the meeting (approved the minutes).</i></p>
Agenda Item	2026 Legislative Session Bill Review – Dan Strong, USC Director
Notes	<p><i>Mike Schoenfeld (for Jared Garcia) has joined the meeting.</i> <i>Michael Dreschel (for Neira Siaperas) has joined the meeting.</i></p> <p>The Commission evaluated several bills, reaching the following formal positions.</p> <p><u>SB0092 Prosecution Amendments</u> <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>Motion: Tom Ross motions for the commission to <u>support</u> Senate Bill 92. David Ferguson seconds the motion. The motion passed. (14-0-1)</p> <p>Support(s): Fourteen (14) Supports; Mike Schoenfeld (for Jared Garcia), April Graham, Tom Ross, Blake Hills, David Ferguson, Richard Mauro, Stewart Young, Ryan Robinson, Sheriff Mike Smith, Christina Zidow, Liliana Olvera-Arbon (for Chief Sol Oberg), Chris Yannelli, Pam Vickrey, Sariah Donnahoo (JJOC)</p> <p>Abstention(s): One (1) Abstention; Michael Dreschel (for Neira Siaperas)</p> <p><u>HB0346 Sexual Abuse of a Child Amendments</u></p>

Line 241 vs Line 314 - Amends the definition of ""position of special trust"" for the offense of aggravated sexual abuse of a child

Motion: Christina Zidow motions for the commission to support House Bill 346. Ryan Robinson seconds the motion. The motion passed unanimously.

Tom Ross has left the meeting / Dan Strong will act as his designee.

HB0331S01 Criminal Offense 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 omnibus bill sparked significant debate regarding the breadth of new criminal classifications and their potential impact on First Amendment rights.

It creates an offense for "unlawfully advancing foreign organizations and governments." Critics noted the ambiguity of "intent to benefit" a foreign interest and the potential for the state to prosecute predicate federal crimes. Expands "unlawful detention" to include preventing travel on a street or highway. Commission members expressed concern that this could criminalize protesters or even individuals double-parked or driving slowly. Creates a Class A misdemeanor for intentionally concealing identity while committing another offense in public.

The bill was held to allow for further negotiation with the sponsor, specifically regarding the "foreign organization" and "unlawful detention" language.

Motion: Richard Mauro motions for the commission to hold on House Bill 331 Substitute 01 for further discussion and action. David Ferguson seconds the motion. The motion passed unanimously.

HB0539S02 Public Safety Modifications

Omnibus bill

- ▶ *modifies the venue for a criminal action;*
- ▶ *clarifies the definition of cohabitant for the battered person mitigation statute;*
- ▶ *defines and modifies terms related to domestic violence, including expanding the definition of a domestic violence offense;*
- ▶ *addresses the right to bail for a domestic violence offense;*

- ▶ *clarifies a term regarding a predominant aggressor when a law enforcement officer is responding to multiple incidents of domestic violence;*
- ▶ *clarifies and amends definitions for protective order statutes, including the definition of cohabitant;*
- ▶ *provides that a jail release agreement may not prohibit an individual arrested or cited for the commission of domestic violence in the presence of a child from communicating with a minor child in certain circumstances;*
- ▶ *prohibits a parent from waiving the conditions of a jail release agreement when the minor child is the alleged victim and the parent was arrested or cited for the qualifying offense*

Motion: Ryan Robinson motions for the commission to support House Bill 539 Substitute 02. Christina Zidow seconds the motion. The motion passed. (14-1-0)

Support(s): Fourteen (14) Supports; Mike Schoenfeld (for Jared Garcia), April Graham, Dan Strong (for Tom Ross), Blake Hills, Michael Dreschel (for Neira Siaperas), Richard Mauro, Stewart Young, Ryan Robinson, Sheriff Mike Smith, Christina Zidow, Liliana Olvera-Arbon (for Chief Sol Oberg), Chris Yannelli, Pam Vickrey, Sariah Donnahoo (JJOC)

Opposition(s): One (1) Opposition; David Ferguson

HB0295 Overdose Amendments

amends the affirmative defense based on reporting an overdose event, including to clarify that the affirmative defense may apply to an individual who remains with the individual experiencing the overdose event; and the individual experiencing the overdose event;

creates an option for a court or a prosecutor to dismiss a first offense for certain drug offenses under circumstances applicable to the overdose affirmative defense if the individual demonstrates an intent to engage with substance abuse treatment;

Amends the sentencing mitigating factor based on reporting an overdose event, including to clarify that the mitigating factor may apply to: an individual who remains with the individual experiencing the overdose event; and the individual experiencing the overdose event

Motion: Richard Mauro motions for the commission to support House Bill 295. Ryan Robinson seconds the motion. The motion passed unanimously.

HB0495S01 Capitol Felony Case Amendments

2/19 House LECJ: Adopted sub 1, technical change.

The sponsor explained that Utah's death penalty applies only to aggravated murder with statutory aggravators and that the bill focuses on improving process rather than debating capital punishment. It requires early prescreening for intellectual disability in capital cases—using IQ testing and follow-up hearings when warranted—to resolve eligibility upfront and avoid unnecessary trials and appeals. The bill also streamlines appeals by limiting automatic review, moving ineffective assistance claims to post-conviction proceedings, expanding and expediting appointment of qualified post-conviction counsel, and positioning Utah for expedited federal habeas review. It updates competency-to-be-executed standards to align with U.S. Supreme Court precedent, tightens timelines for competency challenges, and narrows execution stays. Overall, the reforms aim

to reduce lengthy death row timelines—currently averaging over 30 years—while preserving constitutional protections and improving efficiency.

*Lots of committee discussion and public comments.
Passed 8-2.*

This bill proposes a significant rewrite of death penalty procedures, focusing on efficiency and the "intellectual disability" bar. It requires early IQ testing (within 30 days of notice of death) to resolve intellectual disability eligibility upfront, aiming to reduce the 30-year average timeline for death row cases.

Defense representatives argued the bill undermines the complex process of proving intellectual disability (which requires assessing both IQ and adaptive functioning) and may violate the Eighth Amendment under *Atkins v. Virginia*. The Commission moved to hold the bill to further analyze the impact of these procedural barriers on appeals.

Motion: Richard Mauro motions for the commission to hold House Bill 495 Substitute 01 for further discussion and action. Stewart Young seconds the motion. The motion passed unanimously.

SB0259S01 Evidence Declaration Amendments

- ▶ *requires a government official who obtains or provides evidence in a criminal case to sign a statement that the evidence was obtained or provided in compliance with state and federal law;*
- ▶ *requires a prosecuting attorney to sign a statement in a criminal case with regard to disclosures; and*
- ▶ *creates a class A misd for a government official or a prosecuting attorney to fail to comply with the requirements of a signed statement*

Members criticized the bill as redundant, noting that Discovery Rule 16 already provides courts with the power to sanction discovery violations. Critics also pointed to the lack of mens rea (intent) in the bill, which could lead to criminal charges for minor procedural errors.

Motion: Stewart Young motions for the commission to hold on Senate Bill 259 Substitute 01 for further discussion and action. Richard Mauro seconds the motion. The motion passed unanimously.

SB0105S01 Force in Defense of Person or Property

Amends the defense of justification when using force in defense of person or property to remove the actor's ability to claim the defense if the actor is charged with recklessly, or with criminal negligence, causing an injury to, or the death of, an innocent individual while using force that would otherwise be justified against a different individual;

Amends the pretrial justification hearing procedures to deny the hearing to defendant who is charged with recklessly, or with criminal negligence, causing an injury to, or the death of, another individual while using force the defendant alleges was justified against a different individual

Motion: Pam Vickrey motions for the commission to hold on Senate Bill 105 Substitute 01 for further discussion and action. Richard Mauro seconds the motion. The motion passed unanimously.

HB0465 Juvenile Court Amendments

Allows a juvenile court to conditionally suspend a minor's order for detention for up to five days

Motion: Pam Vickrey motions for the commission to hold House Bill 465 for further discussion and action. Christina Zidow seconds the motion. The motion passed unanimously.

HB0370S01 Sex Offender Oversight Amendments

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;

creates 3F for a sex offender's failure to comply with the monitoring program;

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

Dr. Michele Leslie presented data showing that 283 of Utah's 11,500 registrants are currently "location unknown." Research from the DOJ SMART office indicates that GPS monitoring alone does not decrease recidivism. It is only effective when paired with treatment and risk assessment. Similar programs in Massachusetts have faced significant legal challenges regarding privacy, costs, and false arrests due to equipment malfunctions.

Members suggested the bill might be more effective if targeted toward "top-tier" offenders rather than all unhoused registrants regardless of risk level.

Motion: Richard Mauro motions for the commission to hold on House Bill 370 Substitute 01 for further discussion and action. David Ferguson seconds the motion. The motion passed unanimously.

Tom Ross has joined the meeting / Dan Strong no longer acting as designee

HB0094S03 Criminal Accounts Receivable Amendments

Sub 3 provides a defendant with the opportunity to satisfy a portion of the defendant's criminal accounts receivable through compensatory service and to satisfy another portion by completing a court-ordered treatment or course. Sub 3 removes the court's discretion to deny a defendant the ability to satisfy or reduce criminal accounts receivable through compensatory service or court-ordered treatment or courses granted in sub 2

	<p>Motion: Ryan Robinson motions for the commission to <u>support in concept</u> for House Bill 94 Substitute 03 for further discussion and action. David Ferguson seconds the motion. The motion passed unanimously.</p> <p><u>HB0423S01 DUI Offenses</u> <i>Allows the Driver License Division to request a peace officer's presence for a driver license suspension hearing and adds that a Driver License Division hearing for a driving under the influence arrest cannot be dismissed solely due to a peace officer's failure to appear</i></p> <p><i>1st sub: Looks like HB 421 was merged into HB 423</i></p> <p>Motion: Ryan Robinson motions for the commission to <u>support in concept</u> for House Bill 423 Substitute 01 for further discussion and action. Stewart Young seconds the motion. The motion passed unanimously.</p>
Agenda Item	Public Comment
	Public comment time was given but none was spoken.
Agenda Item	Adjourn
Notes	<p>Motion: Richard Mauro motions for the commission to adjourn. Stewart Young seconds the motion. The motion was unanimously agreed upon. The commission adjourns.</p> <p>Next meeting is scheduled for Thursday, February 26th, 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.