CCJJ COMMISSION MINUTES – PENDING APPROVAL	
Committee	**Commission on Criminal and Juvenile Justice**
Date **Time** **Location**	Thursday, August 13th, 2026 12 PM – 2 PM Hybrid Zoom Virtual meeting – Capitol Board Room 240
Members Present	In-Person Attendance: Eric Tadehara (for Tracey Gruber), Tyler Kotter (for Commissioner Beau Mason), Craig Peterson (for Stewart Young), Sheriff Chad Jensen, Blake Hills, Chief Sol Oberg, Brett Robinson (for Carl Hollan), Mark Moffat, April Graham Virtual Attendance: Ron Gordon, Spencer Turley (for Jared Garcia), Ryan Robinson, Pam Vickrey, Dan Strong, Judge Jeremiah Humes
Staff & Visitors	Staff: Danica Bodley, Elizabeth Klc, Van Nguyen, Dale Oyler, Chyleen Richey, Tom Ross, Tiffany Nguyen (virtual), Niyo Aimable (virtual), Matthew Barraza (virtual), Morgan Williams (virtual) Visitors: Dallas Fawson (virtual), Finneran Casey (virtual), Felix Espinoza (virtual), Kim Gibb (virtual), Michael Dreschel, Steve Burton, Kyle Arcurio (virtual), Sen. Jennifer Plumb (birtual)
Agenda Item	**Welcome and Approval of Meeting Minutes – *Sheriff Chad Jensen, Commission Chair***
Notes	Sheriff Chad Jensen brings the commission meeting into session. The commission reviewed the previous meeting minutes from June 11th, 2026. **Motion**: Mark Moffat motions for the commission to approve the minutes as presented. Chief Sol Oberg seconds the motion. The motion passed unanimously. The meeting marked a significant shift in the CCJJ executive leadership. Tom Ross announced his departure as a voting member of the commission, moving into a role where he will represent the perspectives of the agency and the Governor's office. Dan Strong has been promoted to Executive Director over the commission and associated duties. Strong will now serve as the voting member, maintaining what was described as the "neutral voice" of the commission. Following legislative changes intended to reduce mandatory reporting, the Annual Offense Report is now presented directly to the CCJJ and the Sentencing Commission rather than the House Law Enforcement Committee.
Agenda Item	**Introduction of DOCJ and Agency Roles – *Tom Ross, DOCJ Commissioner* and *Dan Strong, Executive Director***
Notes	Commissioner Tom Ross introduced Dan Strong in his new capacity as Executive Director of the Department of Criminal Justice (DOCJ). Strong now officially holds the voting member seat on the commission previously occupied by Commissioner Ross. Commissioner Ross outlined that while he will maintain an agency voice as a gubernatorial appointee, Executive Director Strong will handle formal commission responsibilities, manage meetings alongside Chair Sheriff Chad Jensen, and guide consensus-building. DOCJ will continue to provide objective facilitation, legal research, and data support to ensure CCJJ remains an independent voice across state stakeholders. Elizabeth Klc will serve as the primary backup for Executive Director Strong. Executive Director Strong pledged complete transparency when testifying before the Utah State Legislature regarding CCJJ positions. In instances of divided or narrow votes (e.g., a 9-to-8 vote), Strong will present both the prevailing outcome and the substantive minority

	arguments, preserving CCJJ's standing as a consensus-driven body without exposing individual voting records to legislative pressure. Strong clarified that his personal commission vote may occasionally reflect institutional or executive branch needs, distinct from his role as a neutral reporter of the full commission's collective determinations. Strong offered 30-minute one-on-one orientation and goal-setting meetings to all commission members.
Agenda Item	**FY 2024 JAG Funding Recommendations – *Morgan Williams, Program Manager***
Notes	Morgan Williams presented a funding request under the Federal Fiscal Year (FFY) 2024 Justice Assistance Grant (JAG) program to support victim services database infrastructure. ● Grantee: Utah Coalition Against Sexual Assault (UCASA). ● Funding Amount: $15,000. ● Purpose: To supplement the FeMR database utilized by Sexual Assault Nurse Examiners (SANE) statewide. Existing state grant allocations have proven insufficient due to inflationary cost increases across technical services. **Motion**: Eric Tadehara (for Tracey Gruber) motioned for the commission to approve the funding amount proposed. Chief Sol Oberg seconded the motion. The motion passed unanimously.
Agenda Item	**FY 2027 HRT Program Recommendations – *Morgan Williams, Program Manager***
Notes	Hospital Response Team (HRT): Ongoing state grants were approved to support sexual assault forensic nurses and hospital response advocates. **Motion**: Stewart Young motioned for the commission to approve the program proposal as presented. Ryan Robinson seconded the motion. The motion passed unanimously.
Agenda Item	**Board of Pardons Vacancy Process Review and Approval – *Dan Strong, Executive Director***
Notes	Executive Director Strong presented an expedited evaluation process to fill a vacancy on the five-member Board of Pardons and Parole following the departure of Melissa Sturba, who was appointed as a Third District Court Criminal Court Commissioner (replacing Todd Olsson, who became a judge). **<u>Statutory Framework & Applicant Volume</u>** Under Utah statute, CCJJ is mandated to submit five qualified candidates to Governor Spencer Cox for full-time appointment to the Board. Applicants must be evaluated on their knowledge of: 1. The criminal justice system 2. State and federal criminal law 3. Judicial procedure 4. Corrections policies and procedures 5. Behavioral sciences Approximately 46 candidates met initial statutory eligibility requirements out of a broader applicant pool. **<u>Delegated Committee Structure</u>** To prevent operational delays at the Board of Pardons that would result from waiting for the full commission's next scheduled meeting in October, CCJJ evaluated delegating candidate selection to a dedicated sub-committee.

	Motion: Craig Peterson (for Stewart Young) motioned for the commission to empower the sub-committee to conduct interviews and directly submit the final five candidate names to Governor Cox. Mark Moffat seconded the motion. The motion passed unanimously. In response to member inquiries regarding expanding the number of board members to manage increasing workloads, DOCJ leadership noted that the core size and structure of the Board of Pardons and Parole are governed by the Utah State Constitution, requiring a statewide constitutional amendment to alter. ***Spencer Turley (for Jared Garcia) joined the meeting.***
Agenda Item	**Annual Offense Report – *Dan Strong, Executive Director***
Notes	The report detailed the legislative creation and modification of criminal offenses during the previous session. ● **Stability in Growth**: The addition of 44 new offenses is consistent with the 2024 (42) and 2025 (45) reports. ● **Offense Levels**: The majority of new offenses are lower-level misdemeanors or regulatory offenses (e.g., DNR/wildlife amendments). There were no new first or second-degree felonies added. ● **Enhancements**: Only two offenses were enhanced this year, a significant decrease from the 11 enhancements reported in 2025.
Agenda Item	**2027 Legislative Session – Early Bill Review - HB 274 Process Update – *Dan Strong, Executive Director***
Notes	Executive Director Strong and invited presenters introduced four draft legislative proposals authorized by their respective legislative sponsors for early stakeholder feedback. **<u>1. Fraud Amendments (Sponsor: Rep. Owens)</u>** **Scope**: Exclusively civil; contains no criminal penalty or criminal element modifications. Statutory Expansion: Expands the existing civil cause of action currently restricted to identity fraud and communications fraud to cover all statutory fraud offenses, including attempts, conspiracies, and solicitations. **Damage Framework**: Establishes statutory civil damages at $1,000 or three times the actual financial loss, whichever is greater. For attempts and conspiracies, damages are set at $1,000 or three times the intended loss. **<u>Criminal/Civil Intersect:</u>** ● Acquittal or non-filing of criminal charges does not bar a civil suit due to the lower preponderance of evidence standard in civil proceedings. ● A criminal conviction or guilty plea establishes civil liability. Strong confirmed with legislative drafting attorney Shad Larson that the draft phrase "at a criminal trial" will be corrected to "in a criminal proceeding" to explicitly encompass guilty pleas. ● Criminal restitution orders must be deducted from any final civil damage awards to prevent double recovery. **<u>Stakeholder Feedback & Concerns:</u>** ● Defense Bar (Mark Moffat): Expressed deep concern regarding civil monetary recovery in cases involving attempted fraud where no actual loss occurred. Moffat warned that creating civil remedies for non-realized losses would incentivize a "cottage industry" of private attorneys tracking active criminal dockets to file concurrent civil litigation, complicating criminal proceedings.

- Next Steps: Strong will investigate the legislative intent and origins of the bill and formally transmit the defense bar's civil liability concerns to Representative Owens.

2. Plea in Abeyance Restitution Amendments (Presenters: Chyleen Richie & Bethany Ward, Utah Office for Victims of Crime)

Problem Statement: Existing statutes (Utah Code 77-38b-202/205 and 77-2a-3(6)) create procedural ambiguities regarding the exact timeframe within which victims or the Utah Office for Victims of Crime (UOVC) must submit restitution claims in plea in abeyance (PIA) cases.

UOVC Rationale: Bethany Ward noted that in fast-moving cases (especially in Justice Courts or domestic violence matters), full restitution amounts—such as ongoing medical care, dental repair, or mental health therapy—are frequently unknown at the time the PIA agreement is executed. Victims may also delay filing claims due to trauma or the cycle of violence. UOVC proposed clarifying that restitution can be ordered up until final case dismissal.

Defense & Systemic Concerns:

- Defense Bar (Mark Moffat, Steve Burton): Defense counsel argued that introducing unexpected, multi-thousand-dollar restitution demands late in a 12-month PIA term (e.g., at month 11) alters the fundamental plea agreement, potentially triggering a failure of terms, extending the agreement length, or forcing a criminal conviction.
- Judicial Context (Judge Jeremiah Humes): Noted that Utah Code 77-2a-3(6) already mandates that a PIA agreement shall contain a provision determining restitution, declaring zero restitution, or explicitly reserving restitution for later determination. Judge Humes suggested increased judicial education on existing statutory mandates.

Proposed Policy Solutions & Next Steps:

- **90-Day Pre-Dismissal Buffer**: Establishing a procedural rule requiring restitution hearings to be scheduled at least 90 days prior to the expiration of a PIA term.
- **Mitigating Debt Collection Escalation**: Address situations where restitution exceeds a defendant's immediate ability to pay. Transferring unpaid criminal restitution to the Office of State Debt Collection (OSDC) incurs severe interest, penalties, and credit damage.
- **Extended Payment Timelines**: Extending the timeframe courts can retain a civil account receivable beyond the standard 90-day post-termination window, allowing defendants to pay restitution under the original plea schedule without triggering OSDC penalties.
- **Consensus Action**: The defense bar, UOVC, and prosecution stakeholders agreed to convene separately to draft a compromise legislative solution.

3. Electronic Communications Harassment Amendments (Sponsor: Sen. Jen Plumb)

- Technical Clarifications: Striking the archaic term "telephone abuse" from state code (e.g., Utah Code 76-3-203.3) to explicitly clarify that harassment statutes apply across all modern digital, instant messaging, and social media platforms. Clarifies citations regarding doxing and intent to terrorize.
- Penalty Enhancement: Enhances electronic communications harassment from a Class B misdemeanor to a Class A misdemeanor if:

1. The actor is 18 years of age or older;
2. The actor is not enrolled in high school;
3. The victim is under 18 years of age; and
4. The actor knowingly harasses a minor.

Sponsor & Medical Rationale: Senator Jen Plumb (pediatric emergency medicine physician) testified that digital harassment, stalking, and doxing cause severe, documented psychological trauma and mental health crises among minors treated in emergency settings.

	Systemic Impact & Court Venue Debates: ● **Venue Shift (Steve Burton, Mark Moffat)**: Elevating an offense from a Class B to a Class A misdemeanor shifts court jurisdiction from Justice Court to District Court. In District Court, a Class A misdemeanor is the least severe offense on a docket dominated by high-level felonies, potentially leading judges and prosecutors to treat the offense with lower priority or resulting in demand for preliminary hearings. ● **Supervision Options (Ryan Robinson)**: Highlighted that District Court jurisdiction grants access to Adult Probation and Parole (AP&P) supervision, providing structured accountability for stalking behavior that Justice Courts (which typically issue $690 fines or basic classes) cannot offer. ● **Legislative History**: Michael Drechsel noted that this offense was originally a Class A misdemeanor until 2021, when House Bill 239 rolled it back to a Class B misdemeanor. ● **Next Steps**: Executive Director Strong and CCJJ staff will clarify specific bill language and conduct research into the systemic outcome differences between Justice Court and District Court venue processing. **4. Unlawful Materials or Performances Amendments (Sponsor: Rep. Colin W. Jack)** **Statutory Recodification**: Consolidates four separate, scattered statutes regarding obscene or pornographic performances into a single, stand-alone criminal offense. **Scope**: Non-expansionary. Leadership confirmed the bill does not expand the legal definition or scope of prohibited conduct, but serves as a structural recodification to assist law enforcement and prosecutors in identifying applicable statutes. **Mens Rea Standard Update**: Updates the mental state requirement for engaging in a performance harmful to minors from a complex standard ("knowing or believing / negligent failure to determine age") to a standard of recklessness. **Legislative History**: The bill passed legislative committees in a prior session but failed to pass on the final day due to public confusion over its intent. Major civil rights organizations, including the ACLU and Equality Utah, reviewed the text and did not formally oppose it upon confirming it was a recodification. **Next Steps**: DOCJ staff suggested evaluating whether the updated "recklessness" mental state standard should also be harmonized across related existing statutes.
Agenda Item	**Public Comment**
Notes	Justin Elbert introduced himself as the Public Relations Director for Rational Sex Events Laws (also referenced as Rational Sex Offenses Laws), a newly established non-profit organization, attending to introduce the group to the Commission.
Agenda Item	**Adjourn**
Notes	**Motion:** Craig Peterson (for Stewart Young) motions for the commission to adjourn. Mark Moffat seconds the motion. The motion passed unanimously. **The commission adjourns.** The next meeting is scheduled for Thursday, October 8th, 2026 from Noon-2 PM. Location: Anchor Location: Capitol Board Room 240 Zoom link: meet.google.com/www-ficc-nnz
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.