

SENTENCING COMMISSION MINUTES

Committee	
Utah Sentencing Commission	
Date	
Wednesday, January 7, 2015	
Time	
Noon – 2 p.m.	
Location	
Utah State Capitol, Senate Caucus Room	
Members Present	
Patrick Anderson, Shima Baradaran, Craig Barlow, Paul Boyden, David Brickey, Darin Carver, Mike Haddon for Rollin Cook, Sen. Gene Davis, Al Emery, Jesse Gallegos, Ron Gordon, Rachele Hill, Judge Scott Johansen, Judge Thomas Low, Judge Julie Lund, Richard Mauro, Chris Roach, Senator Dan Thatcher, Judge Vernice Trease, Pam Vickrey, Carlene Walker, Christina Zidow	
Members Excused	
Chief Craig Black, Susan Burke, Judge Gregory Orme, Sheriff Tracy	
Staff & Visitors	
Staff: Jo Lynn Kruse, Dr. Ben Peterson, David Walsh Visitors:	
Agenda Item	
Welcome - Approval of Minutes	
Notes	
<p>Carlene Walker called the meeting to order and welcomed everyone. Jennifer could not attend today's meeting so Ron Gordon stands in for her. Judge Low made the motion to approve the December minutes. Craig Barlow seconded the motion which passed unanimously.</p> <p>Carlene recognized and thanked David Brickey for his many years of service to the Commission, 2006-2014.</p>	
Agenda Item	
Review of 2015 Juvenile Disposition Guidelines for Approval/Publication (tape 22:00)	
Notes	
<p>Ron Gordon briefly reviewed the juvenile guidelines. The guidelines were emailed to the Commission after the last meeting for review. The idea behind the revisions is to make sure the guidelines mirror current statute and policy. The last publication was in 2004 and the Juvenile Subcommittee previously determined that three areas of the guidelines were in need of significant revision to reflect current statute and policy: the prefatory language, the use of aggravating and mitigating factors in the matrix itself, and sex offenses specifically within the matrix. Discussions are still ongoing regarding the adoption of a new matrix to address both aggravating and mitigating factors as well as sex offenses more appropriately. The prefatory language has been agreed upon by the subcommittee and includes an updated philosophy statement, a comprehensive explanation of evidence based principles, an addendum, additional links, and the removal of outdated addenda.</p> <p>Ron asked the Commission if there are any plans to change form 1 (the matrix) and whether we should postpone publication until the matrix is redone also. Commission members noted that the matrix is the next item to address, but the discussions are still ongoing. There was general consensus that there is value moving the publication forward with the understanding that additional modification of the form(s) and the specific instructions for use of the new forms will occur in the coming year. Pam Vickrey made the motion to move forward with the publication noting it is a work in progress. Chris Roach seconded the motion which passed unanimously.</p>	
Agenda Item	
Review 2014 Annual Report (tape 41:00)	
Notes	
<p>Ron briefly reviewed the Sentencing Commission 2014 annual report. Projects worked on in 2014 include:</p> <ul style="list-style-type: none"> • Updating the Adult Sentencing and Release Guidelines • Several members and staff of the Sentencing Commission devoted a great amount of time in coordination with CCJJ in developing a comprehensive set of recommendations intended to address significant reforms to the criminal justice system as a whole. • The Juvenile Subcommittee of the Sentencing Commission undertook the task of revising the Juvenile Sentencing Guidelines, last published in 2004. • The Justice Courts Subcommittee of the Sentencing Commission continued discussion on seeking to establish state-wide accreditation standards for all treatment professionals providing treatment to offenders in relation to a court-imposed sentencing order. • 2015 recommendations include the Justice Reinvestment Initiative, Assault Re-Categorization, Sex Offender Registry Anomalies and Domestic Violence Pleading and Sentencing • 2014 Penalty and Sentencing Policy Changes 	
Agenda Item	
Discussion of SC Position on Additional Anticipated Legislation	
Notes	
<p>Paul Boyden discussed a legislative draft of <i>Driving Under The Influence Sentencing Revisions</i>. The bill modifies provisions relating to sentencing requirements for driving under the influence violations. Highlighted provisions of the bill:</p> <ul style="list-style-type: none"> • Provides that an impaired driving plea is not available to a person who has certain prior convictions; • Requires the court to impose, for a felony driving under the influence violation, an order requiring the person to obtain a screening and assessment for alcohol and substance abuse and treatment as 	

	<p>appropriate;</p> <ul style="list-style-type: none"> • Requires the court to order the installation of the ignition interlock system, at the person's expense, for all motor vehicles registered to that person and all motor vehicles operated by that person if a person is convicted of a driving under the influence violation within 10 years of a prior conviction; • Provides that a person who operates a motor vehicle without an ignition interlock system; and • Makes technical corrections <p>The bill originates from a DUI subcommittee of USAAV at the request of UDOT. The issue for UDOT is that NHTSA (National Highway Traffic Safety Administration) has been looking at Utah's statute to make sure our state complies with federal law. Our statute does not currently comply, meaning that Utah is not receiving its portion of federal highway safety funds. No vote was taken on the bill.</p> <p>Pam Vickrey mentioned that Senator Osmond is likely to run legislation specific to a number of juvenile justice issues. His concern stems largely from a case from Ogden involving 16 year-old Cooper Van Huizen, that was bound over to the adult system under the SYO (Serious Youth Offender) statute. The case raised issues as to our transfer laws in Utah. Van Huizen was sentenced to two 1-15 year prison terms, while the adults involved in the crime received probation. Carlene asked Pam to provide information to the Commission for the upcoming Monday Legislative Meetings.</p>
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Next Meeting	The next meeting will be the Annual Meeting on April 1, 2015, Utah State Capitol Bldg, Senate Caucus Room
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Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ