

# SENTENCING COMMISSION MINUTES

<b>Committee</b>	
<b>Utah Sentencing Commission</b>	
<b>Date</b>	
Wednesday, June 5, 2013	
<b>Time</b>	
Noon – 1:30 p.m.	
<b>Location</b>	
Utah State Capitol, Senate Caucus Room	
<b>Members Present</b>	
Patrick Anderson, Craig Barlow, Craig Black, David Brickey, Susan Burke, Senator Gene Davis, Deween Durrant, Judge Janice Frost, Jesse Gallegos, Ron Gordon, Rep. Richard Greenwood, Benjamin McMurray, Mark Moffat, Judge Gregory Orme, Rep. Jennifer Seelig, Sy Snarr, Senator Dan Thatcher	
<b>Members Excused</b>	
Judge Kevin Allen, Paul Boyden, Rollin Cook, Marlene Gonzalez, Judge Thomas Low, Judge Ric Oddone, Carlene Walker, Sheriff James Winder	
<b>Staff &amp; Visitors</b>	
Staff: Jo Lynn Kruse, Jacey Skinner Visitors: Susan Allred, Nathan Brady, Dr. Ben Peterson, David Walsh	
<b>Agenda Item</b>	
<b>Welcome and Approval of Minutes</b>	
<b>Notes</b>	
Patrick Anderson, in Carlene Walker and Paul Boyden's absence, called the meeting to order and welcomed everyone. Senator Davis made the <b>motion</b> to approve the April minutes. Sy Snarr <b>seconded</b> the motion which <b>passed unanimously</b> .	
<b>Agenda Item</b>	
<b>Introduction of New Members</b>	
<b>Notes</b>	
Introductions were made around the room. Our newest members are Chief Black, Rollin Cook and Senator Gene Davis.	
<b>Agenda Item</b>	
<b>Adult Sentencing and Release Guidelines</b>	
<b>Notes</b>	
<p><b>Subcommittee Recommendations –</b></p> <p>The subcommittee included Ron Gordon, Mark Moffat, Rollin Cook, Mike Haddon, Paul Boyden and Jesse Gallegos. The White Collar Fraud Subcommittee Guideline recommendations were adopted by the Commission at the annual meeting, which include the language on page 1 and additions to Form 2 and Form 4.</p> <p>The subcommittee unanimously recommend the following changes:</p> <ul style="list-style-type: none"> <li>○ Page 30 Code Citation 63G offenses Repeal of Accepting emolument and offering emolument. Added Artificially dividing a purchase and Gratuities-kickbacks-Unlawful use of position or influence as "other" offense (dealing only with procurements).</li> <li>○ Page 32 Human Trafficking and Human Smuggling Remove the word "penalties"</li> <li>○ Page 36 Patronizing a prostitute Classify as "person" offense and Sexual Solicitation, to be classified as "person" offense.</li> <li>○ Page 37 Violation of a pretrial criminal no contact order Addition as "person" crime.</li> <li>○ Page 42 Enticing a Minor Fix categorization error from matrix column E to G. Fix title of statute by removing "over the internet" from title on first and second degree felony.</li> <li>○ Page 44 Attempted Aggravated Exploitation of Prostitution Addition of additional scoring row</li> <li>○ Page 31 Attempted Aggravated Murder with serious bodily injury Creation of form 1a, Addition to instructions for <i>Crime Category</i> Listings (page 26), Addition to <i>Crime Category</i> Listings (page 31) and Addition to the Crime Column Severity Listing, cases involving multiple crimes (page 23)</li> </ul> <p>Other considerations:</p> <ul style="list-style-type: none"> <li>○ Page 4 Prior Adult Felony Convictions. Added "Do not count expunged cases" to criminal history.</li> <li>○ Page 5 Prior Juvenile Adjudications. Added "Do not count expunged adjudications".</li> <li>○ Page 4 Prior Adult Misdemeanor Convictions. Removed "and reckless driving" and added "and impaired driving".</li> <li>○ Page 5 Supervision History How should we score offenses when someone is under supervision for plea and abeyance? The subcommittee recommendation in this particular category is that if someone commits a new offense while under supervision on plea and abeyance, it should be counted as part of their criminal history score. Judge Orme suggested adding at the beginning of the second sentence "Except as noted below" or</li> </ul>	

	<p>something to that effect to remove the inconsistency between the second and third sentences. After further discussion Judge Orme made the <b>motion</b> to change the language to read:          “This item encompasses both juvenile and adult history. <b>Except as noted below, supervision associated with a plea held in abeyance should be counted. Otherwise only</b> <del>Only</del> post-adjudication or post-conviction supervision should be counted. Instances of state, private, or court supervision are to be counted.” Senator Davis <b>seconded</b> the motion which <b>passed</b>. Benjamin McMurray made the <b>motion</b> to have Jacey modify the instructions with a written amendment so that suspension for a plea in abeyance will only count for the category “act occurred while under supervision or pretrial release.” Mark Moffat <b>seconded</b> the motion which <b>passed with one no vote</b> from Craig Barlow. (The language will read: “The item entitled ‘act occurred while under current supervision or pretrial release’ refers to the situation at the time the offense occurred, and includes all forms of supervision and pretrial release, including supervision for a plea in abeyance.”)</p> <ul style="list-style-type: none"> <li>○ Page 5 Supervision Risk Strike the words “or absconding” to make the language consistent.</li> <li>○ Page 14 Sex <u>and Kidnap Offender</u> Matrix Senator Davis made the <b>motion</b> to approve all changes as amended. Judge Orme <b>seconded</b> the motion which <b>passed unanimously</b>.</li> </ul>
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<b>Next Meeting</b>	The next meeting will be on August 7, 2013, Utah State Capitol Bldg, <i>Senate Caucus Room</i>
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Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ