

SENTENCING COMMISSION MINUTES

Committee	Utah Sentencing Commission
Date	Wednesday, November 2, 2011
Time	Noon – 1:30 p.m.
Location	Utah State Capitol Complex, Senate Bldg., Copper Room
Members Present	Judge Kevin Allen, Paul Boyden, David Brickey, Susan Burke, Judge Janice Frost, Ron Gordon, Judge Thomas Low, Benjamin McMurray, Mark Moffat, Judge Ric Oddone, Judge Gregory Orme, Mike Haddon for Tom Patterson, Sy Snarr, Scott Reed for Kirk Torgensen, Carlene Walker, Sheriff James Winder
Members Excused	Patrick Anderson, Curt Garner, Marlene Gonzalez, Rep. Richard Greenwood, Senator Ben McAdams, Chief Ed Rhoades, Rep. Jennifer Seelig, Doyle Talbot, Senator Dan Thatcher
Staff & Visitors	Staff: Mary Lou Emerson, Jo Lynn Kruse, Dr. Ben Peterson, Jacey Skinner, David Walsh Visitors: Senator Aaron Osmond, Taylor Snarr
Agenda Item	Welcome and Approval of Minutes
Notes	Carlene Walker called the meeting to order and welcomed everyone. Judge Oddone made the motion to approve the October minutes. Mark Moffat seconded the motion, which passed unanimously .
Agenda Item	DUI Report
Notes	<p>Mary Lou Emerson, of the Utah Substance Abuse Advisory Council, reviewed the 2011 DUI Report to the Utah Legislature. The good news is that the number of DUI-related fatalities in Utah decreased from 31 in calendar year 2009 to 25 in calendar year 2010. Mary Lou discussed the following 2011 DUI-related legislation:</p> <ul style="list-style-type: none"> • SB28 Amends the administrative suspension periods for certain alcohol related offenses, amends the driver license suspension period for a person convicted of certain alcohol or drug related offenses and provides that a court may shorten a person’s driver license suspension period for certain alcohol or drug related offenses prior to the completion of the suspension period if the person completes certain requirements. • SB77 This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions relating to ignition interlock systems. • HB23 Referred to as the “Spice and Bath Salts” bill. This bill will no doubt be amended each year to keep up with new drug trends. <p>Chapter two of the report covers law enforcement data on DUI arrests. FY2010 had 15,285 DUI arrests, compared to 13,816 in FY2011, down nearly ten percent. According to Highway Patrol and municipal officers, this decrease is merely because there are not enough resources to enforce the DUI laws. 73.2 % of arrestees were male, with females at 26.5%. The trend for the number of women arrested for DUI has increased slowly each year.</p> <p>The final pages of the report are the Utah DUI Sentencing Matrix. Mary Lou thanked Jacey Skinner and Paul Boyden for their input in development of the matrix. The matrix appears on the CCJJ website at: http://www.usaav.utah.gov/Alcohol/2011%20DUI%20Annual%20Report.pdf. Jo Lynn will email an updated matrix to the Commission.</p>
Agenda Item	Youth Parole Authority
Notes	<p>Susan Burke, director of Juvenile Justice Services, gave an overview of the Youth Parole Authority. Youths committed to the Division by Juvenile Court for secure care come under the jurisdiction of the Youth Parole Authority (UCA 62A-7-502(1)). The Authority provides an objective hearing process for youthful offenders to ensure fairness to the juvenile and provide protection for the community.</p> <p>There are quite a few differences between the Youth Parole Authority and the Board of Pardons. The YPA determines how long the juvenile will stay in a secure facility. The average length of stay is 295 days in secure care and the minimum stay is six months. For FY10, 70% of the youth were felony-free</p>

	<p>one year after release and 94% were crime-free while confined or on parole. There were 705 hearings held in FY10 for 393 different youths.</p> <p>The parole board members work part-time and do not receive compensation. Members are appointed by the governor. Three YPA members attend each hearing. Victims are very much a part of the process if they so choose and may attend parole hearings.</p> <p>As discussed at the last Sentencing Commission meeting, Carlene passed around a sign-up sheet for commissioners who would like to attend a hearing. The hearing rooms are small and can only accommodate a few visitors at a time.</p>
Agenda Item	Aggravated Assault
Notes	<p>Senator Aaron Osmond (in collaboration with Rep. Bird) presented draft amendments to Utah Code 76-5-102.4 and 103, Assault against peace officer or a military service member in uniform—penalty. Senator Osmond asked Director Skinner and the Commission to review the draft and provide suggestions on the draft.</p> <p>Jacey pointed out that the bill as sponsored last year by Rep. Bird, took any assault against a police officer or military personnel or emergency worker and if it was a Class B assault or any kind of assault, bumped it up to a third degree felony. The bill had a significant fiscal note and included significant policy and penalty changes as well. The executive committee discussed this during the last legislative session and feels a more proportionate and reasonable response would be to follow the pattern we have with a Class B assault, if it is against a police officer, enhanced one degree. We don't have that in the situation of an aggravated assault, regardless of the level. So we felt it made sense to continue that one enhancement throughout. Those changes are reflected in the present draft.</p> <p>Discussion ensued about ambiguous language. Paul Boyden made the motion to support the draft in concept. Judge Oddone seconded the motion which passed unanimously.</p>
Agenda Item	Discussion Items
Notes	<p>Consecutive Misdemeanor Sentences – There is a perception that misdemeanor sentences in justice courts often stacked so that the people are spending multiple years in jail on Class B misdemeanors. The Commission would like to discuss this as well as other justice court related issues in the near future.</p> <p>White Collar Crimes – Recently there was an article in the paper on penalties for white collar crimes regarding a Morgan County Administrator. There was a lot of discussion in the paper about what would happen in the state system and what the penalties would be. The Sentencing Commission has received a request to discuss the matter and to see if we think the penalties are where they should be for those offenses. This topic will appear on next month's agenda.</p>
Next Meeting	The next meeting will be on December 7, 2011, Utah State Capitol Complex, Senate Bldg., Copper Room.

Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ