

MEETING MINUTES

Committee	COMMISSION ON CRIMINAL & JUVENILE JUSTICE
Date	Thursday, February 12, 2009
Time	12:00 noon – 2:00 p.m.
Location	Senate Building – Copper Room
Members Present	Dan Becker, Commissioner Lance Davenport, Adam Cohen (for Maria Garcia), Kay Cornaby, Clark Harms, Dan Maldonado, Lohra Miller, Sheriff Lynn Nelson, Stan Parrish, Reed Richards, Attorney General Mark Shurtleff, Tom Patterson, Mark Payne, Greg Skordas
Members Excused	Judge Judith Atherton, Senator Greg Bell, Representative Eric Hutchings, Gary Jorgensen, Chief Mike Larsen, Carol Lear, Judge Elizabeth Lindsley, Richard McKelvie
Guests	Patrick Anderson, Paul Boyden, Scott Daniels, Representative Lorie Fowlke, Marlene Gonzalez, Senator Jon Greiner, Kent Hart, Judge Paul Maughan, Daniel Medwed, Debra Moore, Gary Olsesen, Judge Gregory Orme, Chief Ed Rhoades, Kelly Schaeffer-Bullock, Brandon Simmons, Sy Snarr, Doyle Talbot, Kirk Torgensen, Russ Van Vleet, Fred Varros
Staff	Mary Lou Emerson, Ron Gordon, Chris Mitchell, Cuong Nguyen, Ben Peterson, Jacey Skinner, Monica Taylor, Dave Walsh, Doreen Weyland, Bob Yeates, Richard Ziebarth
Agenda Item	Welcome & Approval of Minutes
Notes	Stan Parrish welcomed all present. Motion: Adam Cohen made a motion to approve the meeting minutes of December 11, 2008. The motion was seconded by Greg Skordas and passed unanimously.
Agenda Item	Symposium on Evidence-Based Practices
Notes	Debra Moore reported she is here on behalf of the Board of District Court Judges to request the Commissions sponsorship of a symposium on the topic of programs that work to reduce recidivism. This would be a one-day training in the Spring or Summer, which would be attended by treatment providers and all of the different partners in the criminal justice system. Debra said there would be a \$20.00 registration fee for attendees and asked the Commission for permission to use \$35,000 in JAG grant funding to pay for the remaining costs. The symposium will cost a total of \$38,000. Motion: Attorney General Mark Shurtleff made a motion recommending that the Commission fully support the Symposium on Evidence-Based Practices and also to approve the use of JAG grant money to help fund the Symposium. The motion was seconded by Greg Skordas and passed unanimously.
Agenda Item	JAG Funding
Notes	Richard Ziebarth reviewed the 2008 JAG grant budget recommendations, which includes funding four programs. Motion: Attorney General Mark Shurtleff made a motion to approve the JAG grant budget recommendations. The motion was seconded by Clark Harms and passed unanimously.

	<p>Richard reported a compromise has been reached and there is a stimulus bill in place. He said no details have been forwarded on what the stimulus program will look like or what the total dollar amount will be. The Senate would like to give a \$1.2 billion appropriation and the House would like to give a \$3 billion appropriation. Richard reviewed how these funds would be distributed based on the two dollar amounts. Forty percent of the funds would be given by the U.S. Department of Justice to the local government and sixty percent would be given to CCJJ to distribute to state and local governments. He asked the Commission to consider pre-authorizing the Executive Committee to serve as a guiding body to help CCJJ staff create any pre-conditions they may want to place on this funding and also to assist in creating a funding mechanism for the local government. Final approval for projects that will be funded with stimulus money will be made by the Commission.</p> <p>Motion: Sheriff Lynn Nelson made a motion to pre-authorize the Executive Committee to assist CCJJ staff with the creation of pre-conditions and a funding mechanism for the local government. The motion was seconded by Attorney General Mark Shurtleff and passed unanimously.</p> <p>Motion: Sheriff Lynn Nelson made a motion to approve the JAG stimulus funding plan. The motion was seconded by Commissioner Lance Davenport and passed unanimously.</p> <p>Richard also reported he is putting together the RFP for the FY10 State Asset Forfeiture grant. He said some of the discussion that arose from the competitive grants last year was inclusion of some agencies that may not be doing forfeiture on their own, but are doing it. These agencies were interested in receiving some form of additional points for their participation in drug task forces. Richard said 15 additional points are given to agencies that contribute a check during the 12 month collection period, prior to allocating the funds. Smaller agencies often defer their state forfeitures to their task forces. When a check is contributed by a task force they are not taken into consideration as part of the competitive funding. Richard proposes giving these agencies who contribute through their drug task forces an additional 10 points for participating indirectly.</p> <p>Motion: Clark Harms made a motion to approve giving 10 additional points to agencies who participate in forfeitures indirectly through their drug task forces. The motion was seconded by Lohra Miller and passed unanimously.</p>
<p>Agenda Item</p>	<p>Discussion and Vote on Proposed Constitutional Amendment Regarding Post Conviction Appeals</p>
<p>Notes</p>	<p>Commission members heard the opinions of persons in support and in opposition of the proposed constitutional amendment.</p> <p>Motion: Dan Becker made a motion to table taking action on the proposed constitutional amendment until it can be examined by the Constitutional Revision Commission. The motion was seconded by Greg Skordas and failed with 4 in favor, 7 opposed, and 1 abstention.</p> <p>Motion: Lohra Miller made a motion to support the proposed constitutional</p>

	<p>amendment regarding post conviction appeals. The motion was seconded by Sheriff Lynn Nelson and passed with 7 in favor, 4 opposed and 1 abstention.</p> <p>Sentencing Commission Motion: Senator Jon Greiner made a motion to support the proposed constitutional amendment regarding post conviction appeals. The motion was seconded by Ed Rhoades and passed with 8 in favor, 5 opposed and 3 abstentions.</p>
Agenda Item	Creation of a Statewide Appellate Criminal Defense Office
Notes	<p>Kent Hart reported that last year a study group was formed under the Judicial Council to research indigent criminal defense services among Utah counties. The Utah Association of Counties recommended conducting a survey to assess the merits of Utah counties' indigent defense delivery systems on appeal. Because this group lacks the expertise and resources to conduct a statewide survey, they have asked CCJJ for assistance. He said that CCJJ has agreed to assist the group in developing this survey and collecting information.</p>
Agenda Item	Other Business
Notes	<p>Bob Yeates thanked the Commission for all of their hard work and told them that he has enjoyed working with them.</p>
Next Meeting	The next meeting is scheduled for Thursday, April 2, 2009 from 12:00 p.m. to 2:00 p.m. in the Senate Building, Spruce Room.