

MEETING MINUTES

Committee	COMMISSION ON CRIMINAL & JUVENILE JUSTICE
Date	Thursday, August 11, 2011
Time	12:00 p.m. – 2:00 p.m.
Location	State Capitol Complex, Senate Building, Copper Room
Members Present	Judge Judith Atherton, Susan Burke, Adam Cohen, Commissioner Lance Davenport, Sim Gill, Clark Harms, Judge Elizabeth Lindsley, Stan Parrish, Tom Patterson, Reed Richards, Greg Skordas, Lana Stohl, Kirk Torgensen (for Attorney General Mark Shurtleff), Ray Wahl (for Dan Becker), Sheriff Jim Winder
Members Excused	Senator Stuart Adams, Camille Anthony, Paul Boyden, Kathleen Christy, Representative Eric Hutchings, Chief Mike Larsen, Richard McKelvie, Carlene Walker
Guests	Representative Jack Draxler, Mike Postma, Gary Syphus, Tenielle Young
Staff	Mary Lou Emerson, Ron Gordon, Jennifer Hemenway, Monica Taylor, Dave Walsh, Clair Webster, Doreen Weyland
Agenda Item	Welcome and Approval of Minutes
Notes	<p>Stan Parrish welcomed all present and introduced Susan Burke who is replacing Dan Maldonado as the Juvenile Justice Services representative on the Commission.</p> <p>Motion: Clark Harms made a motion to approve the meeting minutes of April 14, 2011. The motion was seconded by Greg Skordas and passed unanimously.</p> <p>Motion: Judge Elizabeth Lindsley made a motion to approve the meeting minutes of June 9, 2011. The motion was seconded by Sim Gill and passed unanimously.</p>
Agenda Item	ECR Status Report
Notes	<p>Sim Gill reported Salt Lake County has begun a pilot program known as Early Case Resolution (ECR). ECR is intended to identify easily resolvable cases to be handled as quickly as possible. At arraignment, prosecutors provide defendants with a plea offer, as well as a sentencing recommendation that is part of the offer. Pleas are taken under Rule 11, which means the terms of the plea, including the sentence, are presented to, approved by, and binding to the judge accepting the plea. As a result sentencing determinations are based solely upon the plea agreement, outside of Adult Sentencing and Release Guidelines and without a risk and needs assessment. The pilot program is funded by federal stimulus money administered by CCJJ and began in February of 2011 at the Matheson Courthouse where two 3rd District judges are assigned to handle the designated cases.</p>
Agenda Item	Civil Commitment Legislation
Notes	<p>Ron Gordon reported at the annual meeting in April the Commission approved the creation of a study group to study civil commitment issues and draft legislation is the outcome of this group. He reviewed the proposed legislation which amends Title 62A, Chapter 15, Substance Abuse and Mental Health Act, by including harmful sexual conduct as grounds for a civil commitment. The bill also defines the term "harmful sexual conduct," amends the definition of "substantial danger," and amends the process for civil commitment. Discussion followed. Issues the Commission raised will be taken back to Representative Daw for discussion. These include 1)</p>

	reconsideration of all of subsection (d) beginning on line 53, whether it ought to be included, 2) issue of whether or not line 92 can in and in itself lead to civil commitment, its information that's helpful for the court to consider during the civil commitment proceeding, 3) line 214, includes or excludes "of physical injury" idea is make sure their not making a substantive change to the standard. Paul Boyden noted if "of physical injury" is left in line 214 then they need to insert "or harmful sexual conduct," and 4) what impact will this legislation have on the Department of Human Services and the local Mental Health Authorities.
Agenda Item	Sex Offender Registry Legislation
Notes	<p>Representative Jack Draxler reported the Sex Offender Registry bill allows a person on the Sex Offender and Kidnap Offender Registry to petition the court for removal after five years for certain offenses. Ron Gordon reviewed proposed amendments to this legislation which include 1) changing line 451 to state "(iii) a misdemeanor violation of Section 76-9-702.7, voyeurism," 2) change line 453(c) to state "the offender has successfully completed all treatment ordered by the court or the Board of Pardons and Parole," and 3) change the language that starts on line 469 to state "(34) The court shall review all documents submitted with the petition and may hold a hearing. The court shall consider whether the petitioner has paid al restitution ordered by the court or the Board of Pardons and Parole. If the court determines that it is in the interests of justice to do so, it may grant the petition and order removal." He noted the Utah Sentencing Commission recommends the addition of a section regarding application for certificate of eligibility modeled after 77-40-106. Discussion followed. Reed Richards suggested adding Section 76-5-401.1 sexual abuse of a minor to the offenses that are listed starting on line 449. Clark Harms said this policy discussion is one that hasn't taken place, he suggested they look at adding this offense another year.</p> <p>Motion: Sheriff Jim Winder made a motion to support in concept the Sex Offender Registry legislation. The motion was seconded by Clark Harms and passed unanimously.</p>
Agenda Item	DORA Oversight Committee
Notes	<p>Mary Lou Emerson reported the Commission needs to select a new representative to serve on the DORA Oversight Committee. She said Lohra Miller was the representative but is no longer on the Commission. Discussion followed.</p> <p>Motion: Tom Patterson made a motion to have Ron Gordon serve as the Commissions representative on the DORA Oversight Committee. The motion was seconded by Commissioner Lance Davenport and passed unanimously.</p>
Agenda Item	September 29th Conference Call to Review Title II Grants
Notes	A conference call meeting was scheduled for Thursday, September 29 th at 8:30 a.m. to review and approve Title II grants.
Next Meeting	The next meeting is scheduled for Thursday, September 29, 2011 at 8:30 a.m. at the State Capitol Complex, Senate Building, in the CCJJ Conference Room. Commission members will participate by phone.