

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION
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Date:	Wednesday, Feb. 7, 2001	Time:	12:00 PM	Place:	Matheson Courthouse Conference Room A
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Members Present	Judge Judith M. Billings, Blake Chard, Sam Dawson, Dr. Judy Engen, Steven B. Kelly, G. Fred Metos, Joel Millard, Judge Sterling Sainsbury, Michael Sibbett, Kirk Torgenson, Russ Van Vleet, Judge Robert S. Yeates, Ron Gordon (for Camille Anthony), Ed McConkie (for John T. Nielsen)
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Members Absent	Camille Anthony, David Bateman, Paul Boyden, Michael P. Chabries, Mary S. Corporon, Rep. Greg Curtis, Rep. Neal Hendrickson, John Hill, Julie Holbrook, Judge David Mower, John T. Nielsen, Sen. Pete Suazo, Sen. John Valentine
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Staff	Gary Franchina, Ron Gordon, Mike Haddon, Jo Lynn Kruse, Ed McConkie
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Agenda Item:	Welcome and Approval of Minutes
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Notes:	Ed McConkie welcomed all and excused our lawmakers on Capitol Hill at the present time during the legislative session. Recognition and thanks were given to departing member Judge Tyrone Medley and a welcome to Kirk Torgenson, who is the newest member of the commission and represents the Attorney General's Office. Mike Sibbett motioned to accept the December minutes. Sam Dawson seconded and it passed unanimously .
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Agenda Item:	Future Meetings
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Notes:	Meetings will continue to be the first Wednesday of each month. There will be no meeting in March. Future meetings will be April 4, May 2, and June 6, 2001. Location will be announced as those dates approach.
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Agenda Item:	2001 Legislative Matters – Ron Gordon
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Notes:	<p>SB 10 passed the Senate and House of Representatives, thus renewing the sentencing commission for another ten years.</p> <p>The main bill for this year is our HB 258 <i>Criminal Sentencing Amendments</i> which remedies a constitutional problem with the crime of aggravated assault by a prisoner by creating a new sentencing enhancement for certain violent crimes committed by prisoners. The enhanced penalty is life in prison without parole or, at the judge's discretion, a prison term of 20 years to life. It changes the penalty "life imprisonment" to a prison term of 20 years to life. Because it specifies no minimum prison term, life imprisonment currently is a prison term of zero years to life. This change is recommended for the sake of proportionality and to be more descriptive of the length of time these offenders actually spend in prison. It also specifies prior convictions that allows murder to be charged as aggravated murder and removes redundant language. Finally, it clarifies the indeterminate range for the gang enhancement and makes other technical changes. This bill sponsored by Rep. Scott Daniels, passed unanimously in the House yesterday and now moves on to the Senate.</p>
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	<p>HB 215 <i>Forgery Amendments</i>, sponsored by Rep. Neal Hendrickson, passed the House unanimously and should pass the Senate as well.</p> <p>SB 37 <i>Hate Crimes Amendments</i> which was studied by an ad hoc subcommittee of the Sentencing Commission in depth two years ago and which we sponsored last year is up again and is being sponsored by Sen. Pete Suazo. The text of the bill is identical to the bill that was sponsored last year. Its outcome is uncertain at this point.</p> <p>Other important sentencing bills not originating from the Sentencing Commission were discussed:</p> <p>HB 72 <i>Penalties for Misuse of Securities</i> - A violation involving less than \$10,000 would be a second degree felony if the money unlawfully obtained represents equity in a persons home, a withdrawal from an IRA or withdrawal from any qualified retirement plan. A violation involving \$10,000 or more, is a second degree felony punishable by a term of three to fifteen years, if the money obtained fits any of the before mentioned categories. The Sentencing Commission neither opposes nor supports it at this point.</p> <p>HB 181 <i>Penalties for Soliciting Minors</i> - Creates the crime of enticing a minor over the Internet to engage in sexual activity. A violation is one degree less than the completed criminal offense. Adds this crime to the sex offender registry. Sentencing Commission supports this bill.</p> <p>HB 201 <i>Revisions to Driving Under the Influence</i> – This bill came out of the Governor’s DUI Council. Expands the time period for enhancing a DUI charge based on two or more prior DUI convictions from six years to ten years. Changes the penalty for a DUI offense to a third degree felony if the driver has ever been convicted of a prior felony DUI offense or a prior automobile homicide offense. Limits the information able to be reported on a person's driving record to a period of six years. Sentencing Commission supports this bill.</p> <p>A legislative tracking document can be found on our web page: www.sentencing.state.ut.us</p>
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Agenda Item:	Discussion on 2001 Sentencing Commission Tentative Agenda
Notes:	<p>One of the conditions of having the Sentencing Commission renewed for an additional 10 years was to have an added emphasis on research and evaluation. Mike Haddon, Director of our Research Division gave a brief report on a potential sentencing guidelines tracking and a scanning system to collect data on criminal history. If we start to track this electronically, we will be able to perform our statutory duty to relate sentencing practices in correctional resources.</p> <p>The following tentative agenda items were discussed for 2001 for the Sentencing Commission:</p> <p>General Items - Membership Renewal; tracking & Release of Information Policy; Race & Ethnic Fairness Task Force Recommendations;</p> <p>Guidelines Revision Subcommittee – Begin to Review and Revise 1998 Sentencing & Release Guidelines; Update for Legislative Changes; Follow up on Feedback Sessions; Descriptive Shading & Numbers; Sentencing Enhancements; Misdemeanors & Fines; Address Recommendations from Race & Ethnic Fairness Task Force; Explore Possible Substance</p>

	<p>Abuse & DUI Matrices.</p> <p>Juvenile Justice Subcommittee - Respond to Social Research Institute's Evaluation of Juvenile Sentencing Guidelines, Early Intervention, and Intermediate Sanctions; Address Recommendations from Race & Ethnic Fairness Task Force; Coordinate with Current Risk Assessment Efforts of Juvenile Court & DYC; Juvenile Expungement; Serious Youth Offender Law Review and Possible Revision; Placement of Mentally Ill Offenders.</p> <p>Other - Anomalies Subcommittee; Intermediate Sanctions Subcommittee; Parallel Commissions, Task Forces, and Councils; Credit for Time Served for Pre-Adjudicated Mentally Ill Offenders (BOPP Issue)</p>
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Agenda Item:	Next Meeting
Notes:	The next meeting is scheduled for Wednesday, April 4, at noon, Governor's Board Room.

Minutes prepared by Jo Lynn Kruse
Executive Secretary CCJJ