

**SENTENCING COMMISSION**

**MINUTES**

<b>Committee:</b>	<b>SENTENCING COMMISSION</b>
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<b>Date:</b>	Wednesday, Aug. 1, 2001	<b>Time:</b>	12:00 PM	<b>Place:</b>	Governor's Board Room
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<b>Members Present</b>	David Bateman, Paul Boyden, Michael P. Chabries, Mary S. Corporon, Judge Terry Christiansen, Rep. Neal Hendrickson, John Hill, Julie Holbrook, Steven B. Kelly, Elizabeth Lindsley, G. Fred Metos, Judge Sterling Sainsbury, Michael Sibbett, Sen. Pete Suazo, Kirk Torgenson, Judge Robert S. Yeates
<b>Members Absent</b>	Camille Anthony, Judge Judith Billings, Blake Chard, Rep. Greg Curtis, Dr. Judy Engen, Joel Millard, Judge David Mower, John T. Nielsen, Sen. Terry R. Spencer, Russ Van Vleet
<b>Staff</b>	Cliff Butter, Gary Franchina, Ron Gordon, Mike Haddon, Jo Lynn Kruse, Ed McConkie, Chris Mitchell

<b>Agenda Item:</b>	<b>Welcome and Approval of Minutes</b>
Notes:	Ed McConkie welcomed all and excused Chair John T. Nielsen who is out of town. Mike Sibbett <b>motioned</b> to accept the April minutes. Mary Corporon <b>seconded</b> and it <b>passed unanimously</b> .

<b>Agenda Item:</b>	<b>New Members</b>
Notes:	Ed introduced the newest members of the Sentencing Commission, two of which are present. Judge Terry Christiansen has been appointed by the Judicial Council to replace Judge Tyrone Medley. Judge Christiansen is a Third District Court Judge and is also on the Guidelines Revision Subcommittee. He worked in the Summit County Attorney's Office for over twenty years. Beth Lindsley has been appointed by the Statewide Association of Prosecutors to replace Pat Nolan as a Juvenile Prosecutor on the Commission. She has worked with the District Attorney's Office for 10 years and she is serving on the Juvenile Justice Subcommittee. The third new member who is not present is Senator Terry R. Spencer, with the Utah State Senate. He replaces Senator John Valentine.

<b>Agenda Item:</b>	<b>Former Members</b>
Notes:	Senator John Valentine is recognized for his service on the Sentencing Commission. Even before being appointed to the Commission, Sen. Valentine was an ally and sponsored key legislation. Ed specifically recognized former Sandy Police Chief and Sentencing Commission member Sam Dawson. Chief Dawson passed away in a tragic motorcycle accident last month. He served on the commission for over two years and was a great advocate for law enforcement, justice and fairness. The Governor had a large certificate of appointment framed and delivered to Chief Dawson's widow. It was sent on behalf of the Governor and the Sentencing Commission.

<b>Agenda Item:</b>	<b>Sex Offender Sentencing – Discussion of Lifetime Maximum Sentences Enacted in 1996 (SB 26)</b> Ed McConkie & Mike Haddon
Notes:	<p>SB 26 was a law passed in 1996 that was studied, drafted, and recommended by the Sentencing Commission in response to a special legislative session. SB 26 repealed mandatory minimum sentences for a number of sex offenses but preserved mandatory prison, lifetime maximums, and built in a number of options intended to maintain first degree felony status (e.g., attempted aggravated sexual abuse of a child - 3 years to life). SB 26 was also accompanied by lifetime parole and treatment resources.</p> <p>SB 26 needs to be reviewed. The Sentencing Commission should see if that law is being implemented in the way that it was intended, to set our research capabilities in motion so that we fulfill our task of analyzing it. Having been renewed for ten more years, we want to make sure that not only the new policies we are now considering are effective, but we also should review past policies and give them the attention they deserve.</p> <p>The history of the unusual events that led up to SB 26 was reviewed. A handout was distributed which illustrated the possible charges, convictions, and sentencing ranges in a typical sex offense case, demonstrating that 1<sup>st</sup> degree felony charges with lifetime tops are often pled down to lesser crimes without lifetime maximums. The reasons for such decisions are complex and often involve difficult evidentiary issues and reluctance of victims and families to testify. Difficult prosecutor decisions are often misunderstood by the public and legislature.</p> <p>Research needs to be pursued to determine whether sexually violent predators are receiving these lifetime maximums and if not, why not? We want to increase the ability to hang onto the most violent predators through the plea negotiation process. What kind of data do we need to gather? The Commission had a discussion on these and surrounding issues. Certainly the hope is to maximize the intent of SB 26 so that we can have the most dangerous offenders on lifetime maximums without having to resort to civil commitment like other jurisdiction have. However, it may not be possible to determine up front, at plea negotiation, when most sentences are, in essence, determined, which offenders are true predators.</p> <p>The Commission’s Research Division in partnership with the Department of Corrections will begin an extensive research effort on these and other pertinent issues.</p>

<b>Agenda Item</b>	<b>Updates from Subcommittees</b>
Notes:	<p>Russ Van Vleet, Chair of the Juvenile Justice Subcommittee, was excused. That Subcommittee is meeting monthly and focusing on the <i>Serious Youth Offender Law</i> and an evaluation that the Social Research Institute has completed.</p> <p>Chris Mitchell, Chair of the Guidelines Revision Subcommittee gave an update. Their first meeting was last month. They are reviewing the adult sentencing guidelines and gathering information and initial feedback from various sources. This Subcommittee has a research component as well. Chris invited anyone on the commission that has specific issues relating to the sentencing and release guidelines to contact the Subcommittee.</p>

**The next meeting is scheduled for Wednesday, October 3 in the Matheson Courthouse, Executive Dining Room (1<sup>st</sup> Floor, west end) Noon.**

Minutes prepared by Jo Lynn Kruse - Executive Secretary CCJJ