

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION
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Date:	Wednesday, Nov. 7, 2001	Time:	12:00 PM	Place:	Governor's Board Room
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Members Present	Paul Boyden, David Bateman, Blake Chard, Rep. Neal Hendrickson, Julie Holbrook, Elizabeth Lindsley, G. Fred Metos, Judge David Mower, John T. Nielsen, Judge Sterling Sainsbury, Mark Shurtleff, Michael Sibbett, Russ Van Vleet, Judge Robert S. Yeates
Members Absent	Camille Anthony, Judge Judith Billings, Michael P. Chabries, Judge Terry Christiansen, Mary S. Corporon, Rep. Greg Curtis, Dr. Judy Engen, John Hill, Steven B. Kelly, Joel Millard, Sen. Terry R. Spencer
Staff	Marvin Dodge, Ron Gordon, Jo Lynn Kruse, Ed McConkie, Chris Mitchell

Agenda Item:	Welcome and Approval of Minutes
Notes:	John T. Nielsen welcomed everyone. Mike Sibbett motioned to accept the October minutes. Neal Hendrickson seconded and it passed unanimously .

Agenda Item:	Recognition and Gratitude to the late Senator Pete Suazo
Notes:	The Commission has a gift of recognition to present to Alicia Suazo, but she was not present at the meeting. It will be presented to her at a later date.

Agenda Item:	Future Meetings
Notes:	The subcommittees have been meeting regularly with success, resulting in fewer full commission meetings. We anticipate having four to six full commission meetings in 2002. There will be no meeting in December. The legislative session will be adjusted to run a portion before the Olympics and a portion after. The next meeting Sentencing Commission will be on January 30 th and the next after that will be April 3 rd . Future meetings will be decided upon then.

Agenda Item:	Length of Stay Report (Chris Mitchell – Mike Sibbett)
Notes:	Chris Mitchell presented statistics on length of stay for inmates with the Utah Department of Corrections. Most statistics are available from 1985 through the present. Mike Sibbett addressed the last page of the handout on the technical violations. One of the reasons he believes that the length of stay per technical violators has started to creep up is because we are doing a better job finding alternative events in the community as opposed to issuing arrest warrants. Another reason is that repeat parole violators are being kept the entire time rather than have them repeatedly breaking parole.

Agenda Item	Serious Youth Offender Legislative Proposal (Paul Boyden)
Notes:	Pursuant to motion during the October meeting, this issue was readdressed. The Court of Appeals decision of <u>State v. Tunsj</u> held that when a juvenile offender is acquitted of the serious youth offender offenses in the district court, that any remaining convictions should be sentenced back in juvenile court. This is problematic for a number of reasons and the Sentencing Commission agrees that it was not the original intent of the serious youth offender law. The proposed legislation absolutely clarifies that once transferred as a serious youth offender, the defendant is then always treated as an adult. In essence, this legislation fixes <u>Tunsj</u> and is supported by the juvenile court. Blake Chard motioned to keep the wording the same and support it as it is written, Mark Shurtleff seconded and it passed unanimously .

The next meeting is scheduled for Wednesday, January 30th at noon at the Matheson Courthouse, Conference Room A (1st Floor –west wing)

Minutes prepared by Jo Lynn Kruse - Executive Secretary CCJJ