

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION MEETING
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Date:	Wednesday, June 4, 2003	Time:	12pm-2pm	Place:	Matheson Courthouse Conf. Room A
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Members Present	Sheriff Phil Barney, Senator Gregory Bell, Paul Boyden, Blake Chard, Judge Terry Christiansen, K.S. Cornaby, Mary S. Corporon, Senator Mike Dmitrich, Judge Paul Maughan, Ed McConkie, G. Fred Metos, Brian Namba, Judge Gregory K. Orme, Chief Ed Rhoades, Sy Snarr, Rep. Mike Thompson, Kirk Torgenson, Russ Van Vleet, Judge Robert S. Yeates
Members Excused	Judge Jeffrey Burbank, Calvin Clegg, Marlene Gonzalez, John Hill, Chris Mitchell, Michael Sibbett
Staff	Cliff Butter, Gary Franchina, Ron Gordon, Jo Lynn Kruse

Agenda Item:	Welcome and Approval of Minutes
Notes:	Kay Cornaby welcomed everyone and introduced two new members of the commission, Judge Paul Maughan and Senator Mike Demitrich. Motion to approve the April minutes was made by Judge Christiansen and was seconded by Judge Yeates. Passed unanimously.

Agenda Item:	DUI Best Sentencing Practices Guidebook – Ron Gordon
Notes:	<p>The Sentencing Commission was asked to develop Best Practices for DUI offenders. The Subcommittee was established last June. The guidebook was prepared for judges, probation officers, prosecutors and law enforcement officers.</p> <p>The Guidebook makes no mention of defendants convicted of alcohol-related reckless driving even though those offenders will be sentenced similar to DUI defendants. Motion by Brian Namba to add the term <i>offender</i> to the glossary of terms, which will be defined as someone convicted of DUI or alcohol-related reckless driving. Kirk Torgenson seconded, motion passed unanimously.</p> <p>The Commission reviewed each of the Best Practices in the Guidebook.</p> <ol style="list-style-type: none"> 1. Using this guidebook: No changes. 2. Law Enforcement: No changes. 3. General Sentencing: No changes. 4. Incarceration: <ol style="list-style-type: none"> a. When a judge chooses to impose a jail sentence of 48 hours, the order should specifically state “48 hours” in jail rather than two days in jail. Additionally, ordering that this jail time be served when the jails are less crowded will increase the chances of the defendant serving the entire 48 hours. No changes. b. Judges should strongly consider jail sentences of six months for chronic offenders who are not sentenced to prison. Fred Metos made the motion to insert the following sentence in the text: “the definition of chronic offender is one who has multiple DUI’s within a short period of time.” Senator Bell seconded. Fred Metos made an amended motion to say “factors in determining whether the offender is chronic include the number of DUI offenses and the time period in which the

	<p>offenses occurred. Ed McConkie seconded, passed unanimously.</p> <ol style="list-style-type: none"> 5. Probation: No changes. 6. Electronic Monitoring: No changes. 7. Ignition Interlock: No changes. 8. Fines: No changes. 9. Compensatory Work Service: Mary Corporon motioned to include a reference to service that helps reduce the instances of driving under the influence by the offender or by others. Paul Boyden seconded the motion and it passed unanimously. 10. Screening and Assessment: No changes. 11. Education and Treatment: No changes. 12. License and Vehicle Actions: Ed McConkie motioned to note the consistency between Utah's mandatory license suspension periods and the applicable research. Judge Christiansen seconded and it passed unanimously. Fred Metos motioned to strike the best practice and accompanying text regarding impoundments. Rep. Mike Thompson seconded it. Passed unanimously. 13. Victim Impact Panels: No changes. <p>Ed McConkie motioned to accept the DUI manual with the changes made during the meeting, subject to the Commission's final review of the changes. Fred Metos seconded, passed unanimously.</p>
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The next meeting is scheduled for Wednesday, August 6, 2003 at noon, Matheson Courthouse, Conference Room A
 Minutes prepared by Jo Lynn Kruse - Executive Secretary CCJJ