

SENTENCING COMMISSION

MINUTES

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| Committee: | SENTENCING COMMISSION MEETING |
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| Date: | Wednesday, August 2, 2006 | Time: | 12:00pm-2:00pm | Place: | State Capitol Complex East Wing, Beehive Room |
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| Members Present | Sheriff Phil Barney, Senator Gregory Bell, Paul Boyden, David Brickey, Scott Carver, K.S. Cornaby, Scott Daniels, Senator Mike Dmitrich, Rep. Carl W. Duckworth, Marlene Gonzalez, Keith Hamilton, Judge Kimberly Hornak, Randy Kester, Jim Marchel, Judge Gregory Orme, Tom Patterson, Kathy Reimherr, Kirk Torgenson |
| Members Excused | Judge Jeffrey Burbank, Judge Terry Christiansen, John Hill, Rep. Eric Hutchings, Dan Maldonado, Judge Paul Maughan, Kathy Peterson, Chief Ed Rhoades, Sy Snarr |
| Staff | Julie Christenson, Isaac James, Jo Lynn Kruse, Tom Patterson |

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| Visitors | Cliff Butter, Chris Mitchell |
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| Agenda Item: | Welcome and Approval of Minutes |
| Notes: | Kay Cornaby called the meeting to order and welcomed everyone. Our newest member, Representative Carl W. Duckworth, was introduced. Representative Duckworth replaces Rep. Duane Bourdeaux. Scott Carver made the motion to approve the minutes from the June meeting. Paul Boyden seconded the motion and it passed unanimously . |

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| Agenda Item: | Update on Project Regarding Exhaustive Examination and Comparison of Penalties |
| Notes: | Tom Patterson introduced the Sentencing Commission's new Law Clerk, Isaac James. Isaac has been going through the Utah Criminal Code, breaking each crime into its various offenses, finding each individual penalty. He then will categorize them by code number, and categories of crimes against persons, property, death, alcohol, drug and a few general categories, noting category of felony with any mandatory imprisonment and/or fine. The target date for project completion is by our next meeting on September 6. The intent is to then present the project to Representatives Wyatt and Hutchings and hopefully address Legislator's concerns and conduct an evaluation of present penalties. Tom is acting as Executive Director of CCJJ as well as Sentencing Commission Director today, and as such will be able to vote. |

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| Agenda Item: | Position Letter Regarding Mandatory Minimums and Indeterminate Sentencing |
| Notes: | At our June meeting, we discussed the adoption of a “position letter” regarding mandatory minimums and indeterminate sentencing. We put off a vote until this meeting, for the purpose of review and any proposed changes. Lengthy discussion ensued with changes suggested. Tom will re-craft the letter and email it to the Commission. A vote will be taken at the September 6 th meeting. |

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| Agenda Item: | Review/Discussion of Representative Harper’s Proposed Drug-Free Zone Legislation |
| Notes: | The Anomalies Committee convened last year about this time and asked to look at a number of provisions that were concerning. We found that there were some issues with the drug-free zone that were problematic. We made a recommendation to the Interim Committee that the drug-free zones be looked at and reviewed to determine what the protected interests were and to address those. The Commission reviewed Representative Harper’s first draft addressing those recommendations. The main concern is about the issue of immediate presence of children. It appears what Rep. Harper is wanting to do is to take out the immediacy and look at the presence of children in a more general way to make it a little bit more expansive. He recommends taking the 1000 feet parameter entirely out. That was not the suggestion of this group. What we suggested was to taper it back. He’s added libraries and still keeping schools and a couple other areas where the sites themselves would remain drug free areas, but does not extend beyond the site property. The Committee noted that line 176 – 179 would not pass constitutionally because of vagueness and also recommend that the zone be put back in but change from 1000 feet to 500 feet and read as “any public area within 500 feet of a school”. The word “immediate” should be removed from line 174. We believe that there are some areas that are sacrosanct. Judge Orme made the motion that Tom Patterson send a letter to Rep. Harper stating the issues that the Sentencing Commission has raised, and if those changes are made, the Commission may support it. Randy Kester seconded the motion and it passed unanimously . |

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| Agenda Item: | Review of Commission’s Philosophical Approach |
| Notes: | The Commission had the following suggestions to the Philosophical Approach document: Public safety should be highlighted. Position 1(b) broaden statement to say relevant factors of each individual case. Position 2 clarify use of discretion Change title to “Adult Philosophical Approach”. Review the following at a future meeting: positions 5,6,8,9,10 and 11. |

The next meeting is scheduled for Wednesday, September 6, 2006, State Capitol Complex, Beehive Room.
Minutes prepared by Jo Lynn Kruse - Executive Secretary, CCJJ