

**SENTENCING COMMISSION**

**MINUTES**

<b>Committee:</b>	<b>SENTENCING COMMISSION MEETING</b>
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<b>Date:</b>	Wednesday, Sept. 6, 2006	<b>Time:</b>	12:00pm- 2:00pm	<b>Place:</b>	State Capitol Complex East Wing, Beehive Room
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<b>Members Present</b>	Sheriff Phil Barney, Senator Gregory Bell, David Brickey, Judge Jeffrey Burbank, K.S. Cornaby, Scott Daniels, Curt Garner for Keith Hamilton, Judge Kimberly Hornak, Rep. Eric Hutchings, Gaby Anderson for Dan Maldonado, Jim Marchel, Judge Paul Maughan, Judge Gregory Orme, Tom Patterson, Kathy Peterson, Chief Ed Rhoades, Sy Snarr, Kirk Torgenson
<b>Members Excused</b>	Paul Boyden, Scott Carver, Judge Terry Christiansen, Senator Mike Dmitrich, Rep. Carl W. Duckworth, Marlene Gonzalez, John Hill, Randy Kester, Kathy Reimherr
<b>Staff</b>	Mike Haddon, Jo Lynn Kruse, Tom Patterson

<b>Visitors</b>	
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<b>Agenda Item:</b>	<b>Welcome and Approval of Minutes</b>
Notes:	Kay Cornaby welcomed everyone and called the meeting to order. Senator Bell made the <b>motion</b> to approve the August minutes. Judge Orme <b>seconded</b> the motion and it <b>passed unanimously</b> .

<b>Agenda Item:</b>	<b>Position Letter Regarding Mandatory Minimums and Indeterminate Sentencing</b>
Notes:	The final document will appear on the Sentencing Commission website when adopted. A few changes were suggested and noted. Tom Patterson will re-draft the document and present it at the next meeting. Representative Eric Hutchings made the <b>motion</b> to approve the document with changes that were discussed. Curt Garner <b>seconded</b> the motion and it <b>passed unanimously</b> .

<b>Agenda Item:</b>	<b>Review of Commission's Philosophical Approach</b>
Notes:	Many changes and suggestions were offered regarding the Commission's philosophical approach document. Tom Patterson will note those changes and prepare another draft.

<b>Agenda Item:</b>	<b>Report Regarding Sexual Violence Council and Related Sentencing Issues</b>
Notes:	About a year ago, Governor Huntsman created the Utah Sexual Violence Council, a subcommittee of CCJJ, to focus on sexual violence issues. The governor asked Michele Christiansen to be the Chair of that group. The Council consists of several subcommittees: Prevention, Law Enforcement Prosecution, Sentencing, Registration, and Treatment.

The Prosecution Subcommittee is putting together prosecution training in the Fall. The Law Enforcement Committee has put together a quick guide for law enforcement for distribution to agencies. The Registration Subcommittee is working on several items that may be of interest to the Sentencing Commission. The first being a re-codification of the entire Utah Sex Offender Registry provision. The Adam Walsh Act passed Congress and was signed by President Bush a few months ago. There are new requirements on what our Sex Offender Registry should look like. If we don't come into compliance with the Adam Walsh Act, we will lose Federal Funding. However, if we do come into compliance, we will receive financial incentives from the Federal Government. We are striving for the incentive for a number of reasons. Reason one being the financial aid, but moreover to better track our sex offenders. If we don't comply, Utah would become a magnet for sex offenders. The Adam Walsh act breaks offenders into three tiers, which Utah currently does not do. Tier three is the highest or most dangerous and level one is the least. Tier three offenders have to register in person every three months. Our current statute is every year. Tier two will register every six months and tier one will be every year. If they change residency or job or educational institutions, they have to re-register within three business days. Failure to register will probably be a second degree felony. We will have to create some new statutes to cover these new regulations. Mike Haddon will be going to Orlando, Florida the end of the month to receive in-depth training.

The second item the Registration Subcommittee is addressing is "sex-offender zones". We are concerned about this and doing broad research on this to see what other states are doing. The bottom line is that many urban offenders would have to move to more rural areas, where little or no supervision and treatment is available. We will keep you posted on potential legislation regarding that.

**The next meeting is scheduled for Wednesday, November 1, 2006, State Capitol Complex, Beehive Room.  
Minutes prepared by Jo Lynn Kruse - Executive Secretary, CCJJ**