

SENTENCING COMMISSION MINUTES – pending approval

Committee	Utah Sentencing Commission
Date	Wednesday, January 6, 2010
Time	Noon – 1:30 p.m.
Location	Utah State Capitol, Senate Bldg., Spruce Room
Members Present	Patrick Anderson, Paul Boyden, David Brickey, Judge Terry Christiansen, Rep. Lorie Fowlke, Curt Garner, Marlene Gonzalez, Judge Paul Maughan, Senator Ben McAdams, Benjamin McMurray, Mark Moffat, Judge Ric Oddone, Judge Gregory K. Orme, Tom Patterson, Sy Snarr, Doyle Talbot, Kirk Torgensen, Judge Stephen Van Dyke, Carlene Walker
Members Excused	Ron Gordon, Senator Jon Greiner, Dan Maldonado, Kathy Reimherr, Chief Ed Rhoades, Representative Jennifer Seelig, Sheriff James Winder
Staff	Jo Lynn Kruse, Dave Loden, Jacey Skinner
Visitors	Scott Carver
Agenda Item	Welcome and Approval of Minutes
Notes	The meeting was called to order by Carlene Walker. Tom Patterson made the motion to approve the minutes from the November meeting. Judge Van Dyke seconded the motion which passed unanimously .
Agenda Item	Welcome New Members
Notes	Carlene introduced new members Senator Ben McAdams (replacing Senator McCoy), Mark Moffat (replacing Scott Daniels), Benjamin McMurray (replacing Randy Kester) and Judge Frederic (Ric) M. Oddone (replacing Judge Hornak).
Agenda Item	Jail as a Condition of Probation
Notes	Jacey presented the newest draft for felony probation jail guidelines. There were a few anomalies in the previous draft that have been corrected. Tom Patterson remarked that the guidelines were well received by agents and that they would like to see a matrix for misdemeanors as well. Jacey is working on some instructions to accompany the guideline and would like to form a subcommittee to work through the details and present them for final approval at our annual meeting in April for a vote. Tom Patterson, Paul Boyden and Mark Moffat and David Brickey volunteered to serve on the subcommittee.
Agenda Item	Unified Police Department
Notes	Scott Carver reported that Salt Lake County Sheriff's Department became Unified Police Department effective January 1, 2010. The Sheriff/Chief is the CEO and remains an elected official. Scott Carver remains Undersheriff. The UPD is open to other law enforcement agencies joining them. Officers will have new uniforms and cars will be appropriately marked by April. Service will remain the same.
Agenda Item	Legislative Priorities
Notes	Jacey discussed the Utah Sentencing Commission's Legislative Philosophy Statement, which is: In supporting proposed legislation, the Utah Sentencing Commission recognizes that the primary purpose of sentencing is to punish the offender, protect and compensate the victim and society, and reduce the likelihood of future crimes by the offender through rehabilitation or incapacitation. The problem is that there are expenses in some bills that are not reflected in the fiscal notes. Discussion centered on whether or not to add language to make clear reasons why the Sentencing Commission supports or does not support certain legislation, whether the opposition be due to a financial or a policy issue. The fiscal note process was also discussed. Curt Garner made the motion that because making corrections to the fiscal notes process would not be accomplished before this legislative session, that we add the words "these factors should be considered in light of the legislation's overall fiscal impact on the criminal justice system" to the philosophy statement. Patrick Anderson seconded the motion. Judge Van Dyke stated that our philosophy statement is just fine the

	way it is, but that we should just make clear the reasons why we support or don't support bills. Kirk Torgensen agreed, saying we should just change how we report our positions to the legislature by including a short note of explanation. Carlene called for a vote on Curt's motion. The motion passed with nine in favor and seven opposed. Jacey will figure out a way to denote our position.
Agenda Item	2010 Legislation
Notes	<p>HB 21 - Expungement Revisions. Paul Boyden stated that since the Sentencing Commission last discussed this bill, Lana Taylor met with Senator Greiner and resolved his concerns enough that he will vote for it in committee. Paul Boyden made the motion to support the bill in concept. David Brickey seconded the motion which passed with two opposed.</p> <p>HB 38 - Scheduling of Controlled Substances. Mary Lou Emerson discussed this bill which creates the Controlled Substances Advisory Committee, establishes the membership of the committee and creates the role of the committee as an advisory body regarding placing substances in the statutory schedule of controlled substances, changing the schedule of a substance, or removing a substance from the schedules. It also provides guidelines for determining if a substance should be scheduled and in which schedule to place a substance. Judge Van Dyke made the motion to support this bill. David Brickey seconded the motion which passed unanimously.</p> <p>HB 195 - Homicide Penalty Amendment. This bill modifies the Criminal Code by amending specified felony penalties to maintain consistency with other sections. Paul Boyden made the motion to support this bill. David Brickey seconded the motion. The motion passed with Curt Garner abstaining.</p> <p>HB 68 – Habitual Wanton Destruction of Wildlife. This bill elevates to a third degree felony a third violation of the crime of wanton destruction of protected wildlife. The Sentencing Commission decided to wait taking a position on this bill.</p>
Agenda Item	Annual Meeting Discussion
Notes	Please email Jacey with suggestions for topics of discussion for the annual meeting in April.
Next Meeting	The next meeting will be the Annual Meeting on April 7, 2010, Utah State Capitol Bldg., Capitol Board Room

Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ