

ANNUAL REPORT

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[HTTPS://JUSTICE.UTAH.GOV/SENTENCING/](https://justice.utah.gov/sentencing/)

JULY 2020

THE UTAH SENTENCING COMMISSION

- **Publishes Guidelines**
- **Advises all three branches of government on sentencing policy**
- **Conducts research**
- **Reviews and makes recommendations on legislation**
- **Tracks legislative changes to sentencing statutes**
- **Tracks judicial decisions related to sentencing issues**
- **Assists the legislature in the review and study of sentencing issues**
- **Conducts training and education statewide**
- **Responds to public comment and inquiries**

GUIDELINES

This year, the Utah Commission on Criminal and Juvenile Justice approved a grant to hire an experienced design and communications agency to redesign the sentencing guidelines, the supervision length guidelines, and the juvenile disposition guidelines. The goal of this project is to make the guidelines more readable and accessible. More importantly, the adult guidelines subcommittee noted unintentional design flaws in some of the forms and tools which may have been encouraging unnecessary order-to-show-cause hearings and increasing the number of jail days used as sanctions on supervision, among other concerns.

In regards to the juvenile disposition guidelines, the last version was published in 2015. However, there were substantial changes within the juvenile justice system with the passing of HB 239 in 2017, SB 32 in 2019, and HB 384 and HB 397 this past legislative session. Therefore, the juvenile disposition guidelines were redesigned to reflect the most current laws and practices in the juvenile court. Finally, the redesign will allow for easier guideline updating and editing as the current documents are in an archaic Word format.

The revisions and redesign are in the final stages and all guidelines will be released later this year as 2021 versions.

MASTER OFFENSE LIST

The master offense list was updated and submitted to the Utah Legislature on June 16, 2020. The master offense list will be presented to the Legislature on August 18, 2020.

New offenses included:

- Four second degree felonies for illegal activities on trust lands with damages exceeding \$5,000, injury or death resulting from the criminally negligent operation of a vehicle, evading or defeating a tax fee, and a false or fraudulent tax claim.
- Thirty-five third degree felonies involving using, prescribing or dispensing medical cannabis, water facility violations, public property or trust land violations, gaming devices, violations of jail release agreements, protective orders, or stalking injunctions, bigamy, fraudulent crime victim repairation claims, chemical test refusals, and the release of information from the electronic verification system.
- Forty-one class A misdemeanors involving voting records and information, using, prescribing, or dispensing medical cannabis, water facility violations, public property violations, fraudulent crime victim repairation claims, school threats, mail theft, disorderly conduct, fringe gaming devices, violations of protective orders or jail release agreements, and out-of-state mail service pharmacies.
- Twenty-six class B misdemeanors involving the use of medical cannabis, refusing a chemical test, request of information from an information licensing system, making keys to a government facility, water facility violations, threats against schools, public property violations, disorderly conduct, tobacco and smokeless tobacco, and domestic violence jail release agreements.
- Twelve class C misdemeanors involving drain plug violations, requesting information from the licensing information system, school threats, flavored tobacco, tobacco or e-cigarettes, public property violations, medical cannabis cardholder violations, medical cannabis possession violations, and the use, transportation, or shipment of medical cannabis.
- Two infractions including the smoking of medical cannabis and possession of cigar, cigarette, e-cigarette, or tobacco by a minor.

Enhanced offenses included:

- An enhancement from a class B misdemeanor to a third-degree felony for a licensed practitioner dispensing a controlled substance to a false ID.
- An enhancement from a class A misdemeanor to a third-degree felony when intentionally providing or offering to provide online gaming.
- An enhancement from a class B misdemeanor to a third-degree felony when offering a gambling promotion.
- An enhancement from a class B misdemeanor to a class A misdemeanor for possessing a gambling device.

Expanded offenses included:

- Bigamy was expanded to include a second-degree felony offense when committed with the following acts: felony homicide; felony kidnapping, trafficking, or smuggling; a felony sexual offense; felony child abuse or child abandonment; felony abuse, neglect, or exploitation of a vulnerable adult; felony child abuse homicide; sexual battery; felony criminal nonsupport; felony violation of cohabitant abuse procedures act.
- The misuse of public money or property was expanded to include a second-degree when the value, amount, or damage, exceeds \$5,000: appropriate money for own use; loan or transfer money without authority; fail to keep money until disbursed; unlawfully depositing money, keeping false account; altering, concealing, or destroying an account; refusing to pay competent authority; omit to transfer money; refusing to pay under duty imposed; damage or dispose of public property; unlawful control of property; appropriate property for own use; loan or transfer property without authority; fail to keep property until returned, disposed of, or relinquished.

Reduced offenses included:

- A reduction from a second-degree felony to a third-degree felony for inducing bigamy under fraudulent or false pretenses.
- A reduction from a third-degree felony to an infraction for the offense of bigamy.

The Master Offense List can be accessed at

<https://justice.utah.gov/Sentencing/Handouts/2020%20Master%20Offense%20List.pdf>.

If you notice any errors or omissions in the Master Offense List, please e-mail monicadiaz@utah.gov.

TRAINING AND EDUCATION

The Utah Sentencing Commission is dedicated to training and educating AP&P agents, county probation agents, Board of Pardons, judges, juvenile probation officers, Juvenile Justice case managers, prosecutors, and defense attorneys across the state regarding the sentencing guidelines, supervision length guidelines, and the juvenile disposition guidelines.



If you would like to schedule training on any of these guidelines, please contact Monica Diaz at monicadiaz@utah.gov.

EXECUTIVE COMMITTEE

We would like to thank the members of the Executive Committee who dedicated so much time and energy during the legislative session: Pam Vickrey, Chair, Trish Cassell, Vice Chair, Judge Camille Neider, Judge Vernice Trease, Ryan Robison, Chyleen Richey, Bryan Nielson, Christina Zidow, Rich Mauro, Brett Peterson, Craig Barlow, and Wendi Davis-Cox.

2020 LEGISLATIVE SUMMARY

798 bills filed in 2020, a 5 percent decrease from 2019.

510 bills passed in 2020, a 4 percent decrease from 2019.

64 percent of the bills introduced in 2020 passed. In 2019, 68 percent of the bills introduced passed.

335 bills tracked by CCJJ, consistent with tracked bills from 2019.

70 substantive positions taken by the executive committee of the Sentencing Commission. 75 substantive positions in 2019.

Positions:

Oppose: 6

Support in Concept: 15

Support: 45

Priority: 4

Passed: 3, 50 percent

Passed: 10, 66 percent

Passed: 37, 82 percent

Passed: 4, 100 percent

MEMBERS

The Utah Sentencing Commission consists of twenty-seven statutorily delegated and appointed members representing all facets of the criminal and juvenile justice system including: judges, prosecutors, defense attorneys, legislators, victim advocates, law enforcement, treatment specialists, ethnic minorities, corrections, parole authorities, juvenile justice representatives, citizen representatives and others.

Currently, the Commission is seeking to fill the victim representative position. If interested please contact Monica Diaz at 801-953-7042 or monicadiaz@utah.gov.

2019-2020 SENTENCING COMMISSION MEMBERS

Pamela L. Vickrey, Chair

Juvenile Defense Attorney, Utah State Bar

Patricia Cassell, Vice Chair

Juvenile Prosecutor

MayKela Cox

Citizen Representative

Carrie Cochran

Utah Board of Pardons and Parole

Kim Cordova

Executive Director,
Commission on Criminal & Juvenile Justice

Representative Kim Coleman

Utah House of Representatives

Christina Zidow

Juvenile Treatment Provider, Odyssey House

Chief Craig S. Black

Utah Chiefs of Police Association

Craig Barlow

Utah Attorney General's Office

Ryan Robison

Prosecutor, State Wide Association of Prosecutors

Mike Haddon

Executive Director,
Utah Department of Corrections

Sheriff Brian Nielson

Utah Sheriff's Association

Judge Diana Hagen
Utah Court of Appeals

Judge Vernice Trease
District Court Judge, Third District

Judge Camille Neider
District Court Judge, Second District

Judge Brody Keisel
Juvenile Court Judge, Sixth District

Judge Sharon Sipes
Juvenile Court Judge, Second District

Brett Peterson
Director, Utah Juvenile Justice Services

Rick Westmoreland
Utah Youth Parole Authority

John Kwarm
Equity and Inclusion Representative

Edward Brass
Defense Attorney, Utah State Bar

Senator Daniel Thatcher
Utah State Senate

Rich Mauro
Director, Salt Lake Legal Defenders

Senator Gene Davis
Utah State Senate

Representative Andrew Stoddard
Utah House of Representatives

Wendi Davis-Cox
Adult Treatment Provider, Weber Human Services

The Sentencing Commission would like to thank Judge Thomas Low, Judge Angela Fonnesbeck, Judge Julie Lund, Representative Brian King, and Rachelle Hill for their service on the commission.
