



ANNUAL REPORT 2020-2021

Utah Sentencing Commission

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STATUTORY CHARGE

- 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

The Sentencing Commission promotes evidence-based sentencing policies that effectively address three separate goals of criminal sentencing: Risk Management, Risk Reduction, and Restitution.

GUIDELINES

The 2021 Sentencing & Release Guidelines and the 2021 Supervision Release Guidelines were released on April 15, 2021. Both guidelines underwent substantial redesigns to provide greater readability and accessibility.

In addition to the redesign the following changes were made to the Sentencing & Release Guidelines:

Sections Impacted	Located on Page(s):	Functional Revisions	Substantive Revisions
User Guide	5, 6, 7, 8, 9, 10	<ul style="list-style-type: none"> Added to clarify how each participant within the criminal justice system can utilize the guidelines. 	
Example Sentencing Decision Tree	11, 12	<ul style="list-style-type: none"> Designed to give an example of how a standard decision would be made using the General Matrix. 	
Risk Management Forms Instructions, Risk Management Forms, Risk Reduction Structured Decision-Making Tools Instructions, and Risk Reduction Structured Decision-Making Tools	13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40	<ul style="list-style-type: none"> Moved to the beginning of the Sentencing & Released Guidelines to create ease of access. 	
Risk Management Forms Instructions	13	<ul style="list-style-type: none"> Removed non-instructive content and placed it in Guideline Philosophy 	
Criminal History Scoring Instructions – Forms 1, 2, & 5	13		<ul style="list-style-type: none"> Defined the term “prior” in order to clarify conviction that should be scored within the guidelines

Form 1-5	24, 25, 26, 27, 28	<ul style="list-style-type: none"> Reformatted so that shaded boxes are not associated with incarceration and unshaded boxes are associated with most serious sentencing decisions. Reformatted to align numbers and explanations within individual categories. 	
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The following changes were made to the Supervision Length Guidelines:

Sections Impacted	Located on Pages:	Functional Revisions	Substantive Revisions
Mandatory Sections of the Guidelines	3, fn 6, fn 7, fn 8, fn 9	<ul style="list-style-type: none"> Added information to clarify mandatory provisions of supervision vs. voluntary provisions. 	
Instructions	4, fn 10	<ul style="list-style-type: none"> Added clarifying information that the Court and the Board of Pardons and Parole must use the charts to set the initial length of supervision unless a statute requires a shorter length of supervision. 	
Early Termination Review/Risk Reduction	5		<ul style="list-style-type: none"> Removed earned compliance credit as an indication of risk reduction. Added time frame for request of termination after completion of treatment and risk reduction.
Early Termination/Compliance and Stability	5	<ul style="list-style-type: none"> Reorganized compliance and stability list 	
Single Supervision Term	8	<ul style="list-style-type: none"> Clarified that consecutive sentences may increase a limit on probation length 	

On December 1, 2020, the updated Juvenile Disposition Guidelines were released. The Juvenile Disposition Guidelines also underwent a functional redesign. In addition to the redesign, the guidelines were updated to reflect statutory changes and the most current practices in the juvenile justice system. Additional changes to the Dispositional Guidelines include:

Sections Impacted	Location on Page(s)	Functional Revisions	Substantive Revisions
Background	4, 5	<ul style="list-style-type: none"> Updated legislative information to reflect the most recent juvenile justice reforms. 	
Utilizing the Guidelines	5, 6	<ul style="list-style-type: none"> Moved from end of the guidelines to the beginning for ease of use. 	<ul style="list-style-type: none"> Updated to clarify how each participant within the juvenile justice system can utilize the guidelines Added categories for additional participants that may have contact with the juvenile justice system.
Philosophy of the Juvenile Justice System The Balanced and Restorative Justice Model	7, 8	<ul style="list-style-type: none"> Moved placement within the guidelines to increase overall comprehension and purpose of the guidelines 	
Supporting Evidence-Based Practices	7, 8		<ul style="list-style-type: none"> Updated to reflect the most current evidence-based practices.
Criminogenic Assessment	8, 9		<ul style="list-style-type: none"> Updated to reflect the most current criminogenic assessments used in the Utah juvenile justice system.
Adolescent Brain Development	9		<ul style="list-style-type: none"> Added to inform participants about how the adolescent brain differs from the adult brain to add understanding about youth, their behaviors, and why practices in juvenile court differ from other justice systems.
Trauma	9, 10		<ul style="list-style-type: none"> Added to inform participants about trauma affects individuals and their behaviors and why trauma may need be taken in consideration in disposition.
Juvenile Court Jurisdiction	10, 11		<ul style="list-style-type: none"> Updated to reflect the most current laws governing juvenile court jurisdiction.

All current and previous publications of the guidelines can be found at justice.utah.gov/Sentencing or by contacting the Utah Sentencing Commission.

MASTER OFFENSE LIST

The master offense list was updated and submitted to the Utah Legislature on May 14, 2021 and presented to the Legislature on May 18, 2021.

New offenses included:

- One second degree felony for aggravated distribution of a counterfeit image.
- Nine third degree felonies involving waste tires, misuse of an intimate image during a criminal action, distribution of a counterfeit image, gamete use without permission by a health care provider, and online impersonation.
- Seven class A misdemeanors involving access to the controlled substance database, misuse of an intimate image during a criminal action, distribution of a counterfeit image, and online impersonation.
- Ten class B misdemeanors involving automated recycling kiosk violations, pay for signature gatherers, information given to medical examiners, vulnerable adult protective orders, targeted residential picketing, and intimidation of a child witness.
- Three infractions involving driver assistance technology repairs, motor vehicle glass repairs, and obstruction of view while operating a motor vehicle.

Enhanced offenses included:

- One first degree involving aggravated human smuggling.
- One second degree felony involving human smuggling.

Reduced offenses included:

- One class A misdemeanor involving electronic communications harassment.

Repealed offenses included:

- One third degree felony involving electronic communication harassment of a minor.
- One class A misdemeanor involving electronic communication harassment of a minor.

For more specific information see the Master Offense List Report. The Master Offense List can be found at <https://justice.utah.gov/wp-content/uploads/2020-Master-Offense-List.pdf>.

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.

Over the last year the Sentencing Commission has provided training to:

- Adult Probation & Parole (Brigham, Farmington, Hurricane, Logan, Ogden, Price, Provo, Roosevelt, and Salt Lake);
- Davis County Practitioners;
- Defense attorneys through the Indigent Defense Commission;
- Juvenile Justice Services;
- Salt Lake County Pretrial Services;
- Salt Lake County Probation Services;
- Statewide Media Outlets;
- Utah Association of Criminal Defense Lawyers;
- Utah Juvenile Courts (2nd, 3rd, 4th, 5th, 6th, 7th, and 8th districts);
- Utah Juvenile Defender Attorneys; and
- Weber County Indigent Defenders.

If you would like to schedule training on any of the guidelines, please contact the Utah Sentencing Commission at sentencingcommission@utah.gov.



2021 LEGISLATIVE SUMMARY

774 bills filed in 2021, a 3 percent decrease from 2020.

502 bills passed in 2021, a 1 percent increase from 2020.

65 percent of the bills introduced in 2021 passed.

198 bills tracked by CCJJ, a 41 percent decrease from bills tracked in 2020.

173 bills tracked by Utah Sentencing Commission.

10 substantive positions taken by the full Commission.

70 substantive positions taken by the executive committee of the Sentencing Commission, consistent with the number of positions taken in 2020.

Full Commission Positions:

Oppose: 2	Passed: 1, 50 percent
Support: 2	Passed: 1, 50 percent
Priority: 6	Passed: 5, 83 percent

Executive Committee Positions:

Oppose: 13	Passed: 7, 46 percent
Support: 51	Passed: 37, 73 percent
Support in concept: 6	Passed: 4, 67 percent

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), Craig Barlow, Carrie Cochran, MayKela Cox, Wendi Davis-Cox, Rich Mauro, Judge Camille Neider, Bryan Nielson, Brett Peterson, Chyleen Richey, Ryan Robinson, Judge Vernice Trease, and Christina Zidow.



2020 - 2021 SENTENCING COMMISSION MEMBERS

Pamela L. Vickrey, Chair
Juvenile Defense Attorney,
Utah State Bar

Patricia Cassell, Vice Chair
Juvenile Prosecutor
Statewide Association of Prosecutors

Representative Marsha Judkins
House of Representatives

Representative Andrew Stoddard
House of Representatives

Senator Gene Davis
Utah State Senate

Senator Daniel Thatcher
Utah State Senate

Brian Nielson
Executive Director,
Utah Department of Corrections

Brett Peterson
Director, Utah Juvenile Justice Services

Tom Ross
Executive Director,
Commission on Criminal & Juvenile Justice

Carrie Cochran
Chair, Utah Board of Pardons and Parole

Rick Westmoreland
Chair, Utah Youth Parole Authority

Judge Diana Hagen
Utah Court of Appeals

Judge Camille Neider
District Court Judge, Second District

Judge Vernice Trease
District Court Judge, Third District

Judge Brody Keisel
Juvenile Court Judge, Sixth District

Judge Sharon Sipes
Juvenile Court Judge, Second District

Edward Brass
Defense Attorney, Utah State Bar

Rich Mauro
Director, Salt Lake Legal Defenders

Craig Barlow
Utah Attorney General's Office

Ryan Robinson
Criminal Prosecutor
State Wide Association of Prosecutors

Michael Smith
Utah Sheriff's Association

Chief Craig S. Black
Utah Chiefs of Police Association

Wendi Davis-Cox
Adult Treatment Provider, Weber Human
Services

Christina Zidow
Juvenile Treatment Provider, Odyssey
House

MayKela Cox
Citizen Representative

John Kwarm
Equity and Inclusion Representative

Liliana Olvera-Arbon
Victim Representative

The Sentencing Commission would like to thank Representative Kim Coleman, Kim Cordova, and Sheriff Brian Nielson for their service on the commission.