



Utah Sentencing Commission

2010 ANNUAL REPORT

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Utah Sentencing Commission

The Utah Sentencing Commission is responsible for developing sentencing guidelines for adult and juvenile offenders and for proposing recommendations to all three branches of government regarding the sentencing and release of adult and juvenile offenders. The following policy statement guides the Sentencing Commission in these efforts: The primary purposes of sentencing are 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.

Adult Sentencing Guidelines Amendments

In 2010, significant modifications were made to the Adult Sentencing and Release Guidelines and instructions. The Sentencing Commission is charged by statute with the responsibility of publishing guidelines that are used by Sentencing Judges as a guide in their decisions regarding sentencing offenders. The Guidelines are also used by the Utah Board of Pardons and Parole as a tool in their decisions regarding the length of stay of offenders at the prison. The 2010 Guidelines include several significant changes to the Guidelines. They are the addition of a new crime category, First Degree Death, for the General Crime Matrix and the changed recommendations for the

Second Degree Death column. Additionally, the Guidelines now include a new set of guidelines, Form 5- Jail as a Condition of Felony Probation Guidelines, discussed below. While adjustments to the Guidelines and their instructions are made each year, these are the first significant changes to the Guideline's matrix since the addition of the "Possession Only" columns in 2005.

As the Legislature has increased penalties for certain crimes in recent years, the degree of several non-murder death crimes has been increased from a second degree felony to a first degree felony. To ensure the Guidelines are able to accurately reflect the category and level of offense, the Commission added a new column, First Degree Death, to the General Matrix. Additionally,

the Commission made significant changes to the Second Degree Death column of the matrix, removing specific time recommendations in this category only.

In an effort to improve the understanding of the Adult Sentencing and Release Guidelines and increase uniformity in the use of the Guidelines, the Commission conducted training on the Guidelines and their instructions with AP&P, the Judiciary, and the Legislature.

A copy of the Adult Sentencing and Release Guidelines and these changes can all be found on the Sentencing website: www.sentencing.utah.gov.

Jail as a Condition of Felony Probation Guidelines

The Sentencing Commission has studied the use of jail as a condition of felony probation for the past several years. With the input of other agencies and the counties, the Commission created a new set of guidelines to be used together with the Adult Sentencing and Release Guidelines in sentencing felony offenders to jail as a condition of their probation. These Guidelines were officially adopted and effective as of July 2010.

The intent of these Guidelines is to increase uniformity in the use of Jail

as a Condition of Felony Probation throughout Utah's judicial districts and in the recommendations made by Adult Probation and Parole. Additionally, the Guidelines are intended to promote the use of graduated and evidence based sanctions. The Commission will study the use and effectiveness of these new guidelines. The Jail as a Condition of Felony Probation sentencing guidelines are included as part of the 2010 Adult Sentencing and Release Guidelines as Form 5 and can be found on the Commission's website.

Evidence Based Sentencing

In 2010, the Commission continued its work with the Board of District Judges in an effort to more effectively use evidence based practices in all areas of our sentencing system. The Commission is currently working to increase the use of risk and needs assessments in the sentencing of offenders. The intent is to ensure that the conditions of an offender's sentence will address the specific risks and the specific needs of that offender in an effort to reduce the likelihood that they will reoffend in the future. This is a cooperative effort between the Commission, the Courts and Adult Probation and Parole, who conducts the assessments and makes

recommendations to the Courts regarding sentencing.

Additionally, the Commission is studying various aspects of probation in an effort to use probation resources, and supervise offenders as effectively as possible. Part of this effort includes the study of a pilot probation program currently being implemented in Utah County. This program is intended to increase Adult Probation and Parole's ability to respond quickly to both the positive and negative behavior of offenders under their supervision as well decrease the amount of court time probation violation hearings require. Utah's Adult Probation and Parole has been a leader in the nation in implementing evidence based practices into their policies and practices, and continues to work with the Commission in this effort. This effort will continue in 2011.

Sentencing Commission Priorities

As the Sentencing Commission studies and considers various issues and challenges in our criminal justice system, it identifies many areas that could benefit from legislative changes, general policy changes, or funding to develop. As a result of its work in 2010, the Commission established a list of priorities and recommendations for the

Utah State Legislature to consider when making policy and budget decisions. The recommendations for the 2011 Legislature are: first, additional funding for sex offender treatment; second, an increase in funding for jail contracting; and third, funding for a Parole Violator Center.

The Commission has determined that as an independent commission charged with making policy recommendations to all three branches of government that it has a responsibility to make these recommendations independent of the individual agencies. The Commission will continue this effort to evaluate needs and priorities

and will make recommendations each year.

Legislative Action and Initiatives

During the 2010 legislative session, the Utah Sentencing Commission reviewed and made recommendations on all proposed legislation related to sentencing policy. The Commission expanded its efforts to work more closely with members of the legislature to assist them in making policy decisions that are effective in punishing offenders and reducing recidivism, while prioritizing public safety and the wise use of the ever decreasing resources of the criminal justice system.

During the 2010 legislative session, the Utah Legislature created 8 new felonies, 24 new misdemeanors, and 4 new fines or fees for offenders. The Commission's report summarizing all off the new 2010 sentencing related laws and their penalties is available on the Sentencing Commission's website. Among other issues, significant changes were made to various homicide statutes, the Sex and Kidnap Offender Registry, and penalties for theft related offenses.

2010 Penalty Change Totals*									
New 1 st Degree Felonies	New 2 nd Degree Felonies	New 3 rd Degree Felonies	New Class A Misdemeanors	New Class B Misdemeanors	New Class C Misdemeanors	New Infractions	New Fines or Fees	Anticipated Prison Admissions	Anticipated Fiscal Impact ^a
1	3	4	6	14	4		4		\$918,000
2009 Totals									
	1	7	9	10	4	2	°	1	\$301,700
2008 Totals									
1	3	11	6	2			°	15	\$360,000
2007 Totals									
1(Capital)	1	2	3	4	1		°	9	\$216,000

* New Crime totals include penalties increased or decreased from a previously existing penalty.

^a The anticipated fiscal impact predicts costs to state agencies in the fiscal year FY11 or the year indicated only and does not include ongoing costs or the costs to county or local governments.

° Information regarding new fines or fees to offenders was not tracked in these years.

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District Court Judge

Patrick Anderson
Director, Salt Lake Legal Defenders

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Executive Director, Statewide Association of Prosecutors

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