



UTAH SENTENCING COMMISSION BY-LAWS

Article I – Name

The name of this body shall be the Utah Sentencing Commission.

Article II – Purpose and Scope

1. The purpose, duties, power, responsibilities, authority and organization of the Sentencing Commission shall be in accordance with Utah Code Annotated Title 63M, Chapter 7, Part 4 and other applicable Utah law.
2. These by-laws supplement applicable law and where inconsistent with Utah law, Utah law shall take precedence.

Article III – Leadership

1. The Commission shall elect a chairperson and a vice-chairperson from its membership. They shall be elected by a majority of those present at the annual meeting and shall serve for a term of one year (renewable).
2. A vacancy in the office of chairperson or vice-chairperson shall be filled for the remainder of the unexpired term by a member of the Commission elected by a majority of the Commission members presents at the next Commission meeting.

Article IV – Duties of Leadership

1. The chairperson shall preside at and conduct all meetings of the Commission.
2. The vice-chairperson shall act as assistant to the chairperson and perform such duties as may be assigned by the chairperson and shall possess all the powers and perform all the duties of the chairperson in the absence or disability of that officer to act.
3. Both officers shall perform the duties prescribed in the parliamentary authority in addition to those outlined in these by-laws.
4. The chairperson shall have power to direct activities of staff and to make emergency decisions on behalf of the Commission. Such decisions shall be subject to review at the next Commission meeting.

Article V – Memberships

1. In the event a member of the Commission, who does not hold an ex-officio position, misses three consecutive meetings, the Commission shall report non-attendance and request the appointing authority that the member be replaced.
2. If an appointed member ceases to meet the qualifications of the appointed or accepts another position which creates a conflict of interest, his or her membership will terminate immediately and the appointing authority shall appoint a replacement to fill the unexpired term

Article VI – Meetings

1. The Commission shall meet 6 times a year, or as the chairperson deems necessary, or upon the request of any member of the Commission. Reasonable notice of the agenda, date, time, and place of such meetings shall be given.

2. All regular meetings of the Commission are open to the public unless closed pursuant to the provisions of the Open and Public Meeting act, Title 52, Chapter 4, Part 2 Utah Code Annotated, .
3. The rules promulgated in Utah Administrative Code R356-3, as applicable to matters of CCJJ, shall also apply to electronic meetings of the Commission.

Article VII – Quorum and Voting

1. A majority of the members of the Commission constitutes a quorum for the transaction of business by the Commission. A quorum must be present at a regular meeting for Commission business to be voted upon. Commission business may be transacted by a majority vote.
2. Each member present at any meeting of the Commission shall be entitled to one vote.
3. If a Commission member must miss a meeting, the member may participate and vote by means of telephone conference, electronic participation, or a delegate may be sent. Delegates must represent the same interest group as the Commission member and notice must be provided to the chair or director prior the beginning of the meeting. Delegates may act as a commission member, including by making motions and voting. Delegates also count toward establishing a quorum.
4. Members of the Commission may take a personal position contrary to a vote or position taken by the Commission and may communicate that position as needed. A member may not represent their personal position as the position of the Commission or as representative/member of the Commission.
5. Abstentions:
 - a. Abstaining is a refusal to vote. Therefore, it is not counted as support or opposition to the motion. Instead, a majority of the non-abstaining members carries a motion, subject to the exception in (4)(b).
 - b. If the abstaining votes outnumber the votes in support of any motion, the motion fails. The commission should consider an alternate motion that may garner more support.
 - c. Abstentions do not impact the count for a quorum.

Article VIII – Committees

1. The Commission may create an executive committee as deemed necessary.
2. Special ad hoc committees may be created by the Commission to serve for a specified period of time. Non-Commission members may serve on these committees as deemed appropriate.
3. Advisory committees related to any aspect of sentencing may be established within the Commission. Non-Commission members may serve on these committees as deemed appropriate.

Article VIII – Parliamentary Authority

Simple parliamentary procedures adopted by the Commission shall govern the Commission and its committees in all cases in which they are applicable and in which they are not in conflict with these by-laws.

Article IX – Amendments

Proposed changes to the by-laws may be presented at any regular meeting of the Commission and must be approved by the majority vote of the members present at such a meeting. Formal, proposed amendments to the by-laws must be submitted in writing to all members of the Commission not less than seven (7) days in advance of the next regular meeting, at which time a two-thirds vote of the members present is required for the adoption of the amendment. Amendments become effective immediately upon ratification.