

COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

MINUTES

Committee:	CCJJ COMMISSION
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Date:	Friday, October 12, 2007	Time:	9:00am-4:00pm	Place:	Law and Justice Center 645 South 200 East
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Members Present	Dan Becker, Senator Greg Bell, Kay Cornaby, Jesse Gallegos (for Curt Garner), Representative Eric Hutchings, Judge Elizabeth Lindsley, Dan Maldonado, Richard McKelvie, Sheriff Lynn Nelson, Stan Parrish, Mark Payne, Commissioner Ed Phillips (for Commissioner Scott Duncan), Reed Richards, Kirk Torgensen (for Attorney General Mark Shurtleff)
Members Excused	Judge Judith Atherton, Gary Jorgensen, Chief Mike Larsen, Carol Lear, Holly Martak, Lohra Miller, Gregory Skordas
Guests	Scott Matheson, Esther Chelsea-McCarty, Sandy Naegle, Ronald Nehring, Craig Smith, Stewart Smith, Ron Williams
Staff	Mitch Brooks, Scott Carver, Mary Lou Emerson, Reg Garff, Jennifer Hemenway, Jo Lynn Kruse, Chris Mitchell, Ned Searle, Bri Smith, Monica Taylor, Dave Walsh, Doreen Weyland, Bob Yeates

Agenda Item:	Welcome and Approval of Minutes
Notes:	Stan Parrish welcomed all present and introductions were made. Motion: Sheriff Lynn Nelson made a motion to approve the meeting minutes of August 9, 2007. The motion was seconded by Commissioner Ed Phillips and passed unanimously.

Agenda Item:	Criminal Justice Center Report
Notes:	Scott Matheson reported the Criminal Justice Center was established in April 2006 and is based at the University of Utah. He said the center is a partnership which includes, the College of Law, College of Social Work, College of Social and Behavioral Science, and Commission on Criminal and Juvenile Justice. The idea of this partnership is to bring together key players who can provide research reports on criminal justice issues. Scott mentioned that the co-directors of the Criminal Justice Center are Russ Van Vleet and Eric Luna. He also reported that this center has been providing a great opportunity for collaboration for agencies in state government, the legislature and others who are interested in securing research for a variety of issues. Scott also reported that a lot of these studies are performed through collaboration with CCJJ and are funded through that mechanism. He reviewed some of the studies that the center is currently working on. Bob Yeates expressed his appreciation to Scott Matheson and all of the efforts that have been made at the Criminal Justice Center.

Agenda Item:	Utah Supreme Justice Court Reform Study
Notes:	Justice Ronald Nehring reported that about 18 months ago the Judicial Council created a

	<p>committee to look at justice courts. Over time this committee adopted several principles that guided their thoughts about what justice courts should look like in our state. He said the first principle is judicial independence, which is a very important component of assuring that the public has trust in the judiciary. Public trust and confidence in our justice courts is the second principle. Our citizens have to be assured that the system is fair and they are going to be treated fairly; they also need to believe that their judges are competent. The third principle is to preserve the ability of local government to maintain a local court. Justice Nehring said that justice courts have come under criticism for being driven by revenue production concerns. The selection process for justice court judges is seen as overly political. Political is a good term except when political influences reflect the improper use of power. He said what they want to try to promote is a sense that the operation of the political process results in the selection of judges based on merit rather than political affiliation. One way to honor the principles identified is to uncouple the money from the judge. This would reduce the opportunity for inappropriate political influence in the appointment and retention process, assure public confidence in the fairness and competence of all justice court judges, and attract and retain good judges.</p> <p>Justice Nehring said in order to uncouple money from the judges the committee is proposing that justice court judges be paid by the state; they would be paid a fixed salary which would be established by statute. The judge's salaries would be paid by the state and every other expense associated with the sponsorship of the justice court would be paid by the sponsoring county or municipality. They propose that justice court judges be selected by a selection committee. To make this more local there would be eight selection committees around the state that would be conterminous with the existing judicial districts. He also said they would extend the term of justice court judges to make them the same as district court judges, which would be six years. They would also require all new justice court judges to have a four-year college degree. Justice Nehring mentioned that transition is a difficult issue and would need to be phased in over a nine year period. Sixty full-time judges would be needed to manage the current case load. This proposal is still a work in progress and there are a number of issues the Committee continues to discuss. They intend to make a final report to the Judicial Council in November.</p>
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Agenda Item:	Legislative Preview
Notes:	<p>Representative Eric Hutchings reported that in their last meeting Ron Bigelow reviewed the budget numbers and said not to expect as much as last year. Representative Hutchings said that they are already working on budget items and several bills are being drafted. He suggested that if you are trying to get something done in Committee you need to lobby members individually so they will understand why you are asking for the appropriation and why it is important; then you need to get a commitment from them. Representative Hutchings also said to talk to legislators either on the phone or in person regarding any issues and don't rely on something that is handed out or mailed. He also reported that healthcare is going to be the big issue this year. Senator Greg Bell reported that the budget surplus is diminishing and there is going to be more competition for money. He said he thinks the legislature won't be as generous this year</p>

	and you probably won't see big raises. Stan Parrish expressed appreciation to Representative Hutchings and Senator Bell and all the work they do concerning criminal and juvenile justice issues in the state.
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Agenda Item:	Strategic Planning
Notes:	Chris Mitchell reported CCJJ staff members had a retreat in August and started the strategic planning process. She said that staff reviewed goals and objectives for the coming year and as a result developed a draft plan. This plan follows the format that the Governor's Office has given to all state agencies. Chris reviewed the mission, vision, and goals and objectives with the Commission. The Commission discussed the draft document and made suggestions and changes.

Agenda Item:	Title II Grant Applications
Notes:	Reg Garff reported the Executive Committee approved the recommendations from the Utah Board of Juvenile Justice to fund the Title II Grants as they are listed in the handout. He said they anticipate that next year they will be able to release an RFP for new projects. Reg also reported that the Board of Juvenile Justice will be having their annual meeting on November 2 nd and will be reviewing statewide statistics. They will have reports from Juvenile Court, Juvenile Justice Services, and the Division of Child and Family Services. He mentioned that next year there will be a full analysis of the state and a new plan will be submitted for the following three years. Motion: Dan Becker made a motion to approve the funding recommendations for the Title II grants as listed. The motion was seconded by Judge Elizabeth Lindsley and passed unanimously.

Agenda Item:	JAG Project Proposals
Notes:	Richard Ziebarth reviewed the recommendations for spending the JAG surplus funds. Motion: Sheriff Lynn Nielson made a motion to approve the recommendations for spending the JAG surplus funds. The motion was seconded by Dan Becker and passed unanimously. Richard reported CCJJ is now the agency responsible for the Sexual Exploitation of Children Prevention grant program. He said this was a one-time program which was started last year through the legislature. Richard mentioned that they ran five projects last year, which are now closed and are being evaluated by Rod Hopkins who is giving a final review on the projects. He said there is now on-going funding for this grant program and an RFP was released. Richard reported that four of the five entities who received funding last year chose to re-apply; no additional projects applied. He reviewed the recommendations for funding. The Commission discussed the recommendations and Kirk Torgensen said he would like to see the feedback from the evaluation of the projects before voting. Motion: Kirk Torgensen made a motion to have a presentation showing the finds of the evaluation of these projects at the December meeting. The motion was seconded by Reed Richards and passed unanimously.

Agenda Item:	By-Law Review
Notes:	The Commission reviewed, discussed and made changes to the by-laws. These changes will be made and a new copy will be emailed to Commission members for their review, before the December meeting.

Agenda Item:	Budget Update
Notes:	Dave Walsh reported the executive branch process has started and all agencies in the state have turned in their budgets. In the next month or so different agencies will meet with the Governor's Office of Planning and Budget to go over priorities. He said they are looking at legislation as well as the individual priorities that have been submitted by the agencies. A week before Thanksgiving the final revenue figures will be available; these figures will be part of the Governor's budget, which will be released around December 10 th . Dave also said that even though we have a surplus this year revenue is not going to be as good as the last two years. There are tough issues to face. He reviewed the budget documents that were included in the packets.

Agenda Item:	Legislative Update
Notes:	<p>Jessica's Law – Scott Carver reported last year at the beginning of the session there were two bills that were Jessica's Law versions. These two bills were combined and discussed by CCJJ, Sentencing Commission, and the sponsors of the bills. The results of this discussion included substantially increased penalties for sex offenders and many people were hopeful this would solve the Jessica's Law issue. Unfortunately, the laws passed last year did not solve this issue. He said a bill has been drafted which will be sponsored by Representative Wimmer. This bill will change the attempt and solicitation penalty for the offenses of, rape of a child, object rape of a child, and sodomy of a child to 15 to life, 10, 6 or 3 to life. Currently it carries a three to life penalty. Scott also mentioned that there is a provision written in that if the judge feels that fifteen to life is overly harsh it can be reduced. The bill provides for a 25 to life penalty for rape of a child, object rape of a child and sodomy of a child.</p> <p>DUI Amendments – Mary Lou Emerson reported this bill will be sponsored by Senator Carlene Walker. Jacey Skinner reported the reason for this particular bill is the plea and abeyance option, which is currently allowed, will be sunset in July 2008. She said the bill will create an impaired driving violation, a class B misdemeanor. An individual can't be charged for impaired driving; they would be charged with driving under the influence, which could be plead down to impaired driving. Then, if someone is charged with driving under the influence successfully completes probation, their conviction would be entered as impaired driving and not as DUI. Jacey said it has all the same effects of a conviction for a DUI; however, it doesn't have a mandatory sentence or require interlock restriction.</p> <p>Office of Crime Victim Reparations – Ron Gordon reviewed the list of bill requests from the Office of Crime Victim Reparations, which was included in the packets.</p> <p>Adam Walsh – Mike Haddon reported that the Adam Walsh Act was passed into</p>

<p>federal law December 2006. He said that this law breaks sex offenders into three different tiers and each tier will have implications on registration requirements. Sex offenders who are in tier one will have to register for 15 years and will need to register once a year. Those who are in tier two will have to register for 25 years and will need to register twice a year and those who are in tier three will have to register for the rest of their life and will need to register every 90 days. These tiers are based purely on the offense of the offender and are not based on risk. Mike mentioned that most of Utah's sex offenders would fall into tier three. He also said that this federal law applies to juveniles as well as adults and have decided not to address the juvenile issue during the 2008 session but will look at this issue in 2009. Mike reported that they have been focusing on overhauling the sex offender registry statute to come into compliance with the adult portion of the Adam Walsh Act. They are looking at reviewing the current sex offender registry statute in the State of Utah and putting into its place the new Adam Walsh provisions. He mentioned that they will be presenting the general concepts of the Adam Walsh Act to the Law Enforcement and Criminal Justice Interim Committee next Wednesday and will also be giving them a broad outline of the funding requirements.</p>

The next Commission Meeting is scheduled for Thursday, December 13, 2007 from 12:00 p.m. to 2:00 p.m., in the East Capitol Building, Governor's Board Room, #210.