

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION MEETING
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Date:	Wednesday, August 6, 2003	Time:	12pm-2pm	Place:	Matheson Courthouse Conf. Room A
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Members Present	Sheriff Phil Barney, Senator Gregory Bell, Paul Boyden, Judge Jeffrey Burbank, Cliff Butter, Scott Carver, Blake Chard, Judge Terry Christiansen, Calvin Clegg, K.S. Cornaby, Senator Mike Dmitrich, Marlene Gonzalez, Rep. Ty McCartney, Ed McConkie, Brian Namba, Judge Gregory K. Orme, Chief Ed Rhoades, Michael Sibbett , Kirk Torgenson, Judge Robert S. Yeates
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Members Excused	Mary S. Corporon, John Hill, Judge Paul Maughan, G. Fred Metos, Chris Mitchell, Kathy Reimherr, Sy Snarr, Rep. Mike Thompson,
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Staff	Gary Franchina, Ron Gordon, Mike Haddon, Jo Lynn Kruse and Visitor Rep. Sheryl Allen
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Agenda Item:	Welcome and Approval of Minutes
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Notes:	Kay Cornaby welcomed the commission and visitors. He introduced new members, Scott Carver, designee for Mike Chabries and Rep. Ty McCartney. Ron Gordon displayed the new DUI Best Sentencing Practices guidebook, which is also available on the sentencing commission website. Motion to approve the June minutes was made by Judge Christiansen and was seconded by Brian Namba. Passed unanimously.
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Agenda Item:	Methods of Execution – Ron Gordon
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Notes:	<p>Ron welcomed Rep. Sheryl Allen who may help with the legislation. One item brought up at our annual meeting in April was the possibility of eliminating death by firing squad. This led to a study of methods across the U.S.A. That research was discussed, but there is no extensive research study that has been conducted. Utah is the only state that actually uses the firing squad, and Idaho and Oklahoma retain it as an option if other methods are not viable. The methods of execution are: Lethal Injection (37 states plus the federal government) Electrocutation (9 states) Lethal gas (4 states) Hanging (3 states) Firing Squad (3 states)</p> <p>Discussion ensued regarding the shifting of the focus from the victim to the method by which the criminal will be executed. Also the use of the firing squad brings negative attention to Utah. Discussion included possible medical and/or legal issues that might arise from the use of lethal injection, i.e. An offender that has been a longtime user of intravenous drugs may have damaged veins. If an alternate method of execution should be needed, who would decide what that method should be and when it should be used. Some states leave that decision to the legislature and others leave it to judges or the department of corrections. Concern was raised about having any new law be retroactive and offender’s filing an appeal. If the new law is not applied retroactively, it could extend the use of firing squads for another ten years or more.</p> <p>Chief Rhoades motioned to eliminate the firing squad method entirely and have lethal injection the only method. Judge Orme seconded and it passed unanimously. Rep. Allen said she will sponsor a repeal bill during the next legislative session.</p>
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Agenda Item:	Forfeiture – Kirk Torgensen
Notes:	Kirk Torgensen stated that outside groups (meaning outside of Utah) got initiative B passed. The whole idea behind Initiative B was to protect innocent people’s property. Over six million dollars sits in a bank account now and cannot be used. Byrne grant money is being depleted because of Homeland Security, so law enforcement could really use these funds. Kirk suggested upping the level of proof in the initiative so that it will pass. The proposed idea is that if the government goes after someone’s property and does not succeed, then they can go after attorney fees. Kirk has a bill in draft form which he will bring to the next meeting and asks the sentencing commission to support it.

The next meeting is scheduled for Wednesday, Sept. 3, 2003 at noon, Matheson Courthouse, Conference Room A
Minutes prepared by Jo Lynn Kruse - Executive Secretary CCJJ