

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION MEETING
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Date:	Wednesday, August 1, 2007	Time:	12:00pm-2:30pm	Place:	State Capitol Complex East Wing, Beehive Room
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Members Present	Augustus Chin for David Brickey, Judge Terry Christiansen, K.S. Cornaby, Scott Daniels, Rep. Carl Duckworth, Senator Jon Greiner, Judge Kimberly Hornak, Rep. Eric Hutchings, Randy Kester, Dan Maldonado, Judge Gregory K. Orme, Tom Patterson, Kathy Reimherr, Sheriff Brad Slater, Doyle Talbot, Kirk Torgensen, Bob Yeates
Members Excused	Paul Boyden, Judge Jeffrey Burbank, Senator Mike Dmitrich, Marlene Gonzalez, John Hill, Jim Marchel, Judge Paul Maughan, Chief Ed Rhoades, Sy Snarr
Staff	Scott Carver, Ryan Jibson, Jo Lynn Kruse, Chris Mitchell, Ned Searle

Visitors	Cliff Butter, Julie Christenson
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Agenda Item:	Welcome and Approval of Minutes
Notes:	Kay Cornaby called the meeting to order and welcomed everyone. Tom Patterson made the motion to approve the minutes from the June meeting. Senator Greiner seconded the motion which passed unanimously .

Agenda Item:	Report on Adherence to Sentencing Guidelines
Notes:	Chris Mitchell presented findings from her report called <i>Utah Sentencing and Release Guidelines, Agreement with Guideline Recommendations</i> . The data shows that high rates of agreement on the “in/out” decision for prison are found between Utah’s Sentencing and Release Guidelines, Pre-Sentence Investigation (PSI) recommendations, and actual court sentences over the last five fiscal years. Utah’s guidelines attempt to be descriptive of current practice, rather than prescriptive in setting a sentence or prison term. The report does not take into account aggravating or mitigating circumstances for the 24,947 cases studied. The report concludes that the guidelines are working pretty well. The next step will be to study time served and see how the guidelines are working. Data will have to be collected and analyzed.

Agenda Item:	Legislative Issues
Notes:	Scott Carver asked the commission, in particular the legislative members, what we can do to improve our effectiveness this coming legislative session. Suggestions include: <ul style="list-style-type: none"> • Invite legislators of proposed legislation, with a sentencing impact, to visit one of

	<p>our meetings.</p> <ul style="list-style-type: none"> • Prepare one page flyer alerts with Sentencing Commission logo and our position on specific proposed legislation and the reasons why. Hand delivery of the flyer by a sponsor and face to face conversation makes a greater impact, as well as timeliness. • Members of the Sentencing Commission could visit legislators at interim caucus meetings and make a presentation in October. • Rather than speak out on all legislation, select just the ones considered hot issues. <p>The commission decided to keep the same legislative committee for the next legislative session.</p>
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Agenda Item:	Jessica’s Law Update
Notes:	A draft of Jessica’s Law for Utah was discussed at length and in depth. Nothing has been decided yet on this political issue. Scott Carver will relay the commission’s comments back to the subcommittee. Utah’s indeterminate sentencing has proven to be more effective than the mandatory minimums that Utah once had.

Agenda Item:	Domestic Violence Matrix Update
Notes:	Ned Searle and Marlesse Whittington gave a presentation on the possibility of creating a sentencing matrix for domestic violence cases. A small subcommittee was put together to study the idea. Ryan Jibson, CCJJ legal intern, wrote a status report to aid in our discussion. The report lists §77-36-1 Cohabitant Abuse Procedures Act, which addresses domestic violence. The definition of “cohabitant” <u>does not include</u> : a) the relationship or natural parent, adoptive parent, or step-parent to a minor; or b) the relationship between natural, adoptive, step, or foster siblings who are under 18 years of age. So, child abuse does not qualify as a domestic violence case. The conclusion of the subcommittee is that the development of a domestic violence matrix is not feasible. Our next step then is to create an aggravating factor list which could be utilized as part of the PSI to identify domestic violence factors as they present to the judge. In regard to pets, “Henry’s Law” was intended to be a domestic violence issue, not an animal rights issue. A suggestion was made to take pet custody issues before the judge at the first hearing. Scott asked the commission to review the blue handout titled <i>Dangerousness Factors to Consider for Custody/Release Status and/or Sentencing</i> , and report to Scott any duplication or add suggestions for the form.

The next meeting is scheduled for Wednesday, September 5, 2007, Utah State Capitol Complex, Beehive Room
Minutes prepared by Jo Lynn Kruse - Executive Secretary, CCJJ