

2015 Potential Study Items

Utah Sentencing Commission

Suggestions from Master Study Resolution:

- Good Landlord Revisions
- Campaign Contribution Disclosure Laws
- Election Laws Technical Cleanup (consistency)
- Capital Punishment (comprehensive review & methods)
- Domestic Violence (court data connecting to divorce, child custody, protective orders and falsification of information)
- Medical Marijuana
- Requirement for administrative law judges and justice court judges to be attorneys
- Child Trafficking/Human Trafficking
- Incarceration Costs (Pay for Stay)
- Sex Offender Sentencing and Treatment (based on risk and need assessments, options in jails, prisons, community settings)
- Reduction in Natural Resources Criminal Code

Suggestions from members, legislators, public comment:

- Diagnostic Unit at Prison (how to reinstitute without abuse)
- Preliminary screening tool for risk and need
- How to inform offenders of collateral consequences of convictions
- Reduce 25 to life sentence for sex offenses
- "Mandatory minimums"/"Minimum terms" conflict with indeterminate sentencing structure
- Regulation of private probation providers/use by courts
- Utilizing an evidence based approach to sentencing DV offenders
- Develop DV Sentencing Guidelines
- Update philosophical approach consistent with evidence based practices & better explanation of sex offenses philosophy
- Include sentencing recommendations for controlled substance cases (misdemeanor and felony) in Guidelines
- Include recommendations for all misdemeanors in Guidelines
- Categorize misdemeanors by nature of offense &/or provide link to bail schedule on website
- Revise Form 5 - Adult Guidelines
- Revise Juvenile Disposition Guidelines Matrix
- Add graduated sanctions and incentives to Juvenile Guidelines

2015 Subcommittees Update

Utah Sentencing Commission

Juvenile Subcommittee

- Members: David Brickey, Pam Vickrey, Patrick Anderson, Chris Roach, Christina Zidow, Darin Carver, Ron Gordon, Judge Frost, Judge Johansen, Jennifer Valencia and Reg Garff. *Chris Roach chair
- Goals: 1) Revise Juvenile Sentencing Guidelines (prefatory language, consideration of aggravating and mitigating factors more appropriately within the matrix, and incorporation of sex offenses specifically); 2) Alternatives for sentencing youthful offenders up to age 25 (including blended sentences or other alternatives).
- Update: 2015 Juvenile Disposition Guidelines were published; addressed revisions to prefatory language; revisions to the matrix itself still pending; incorporation of sex offenses also still pending. SB167 addressed multiple issues characterized as addressing “overly aggressive prosecution” of juvenile offenders, stopping the “school to prison pipeline,” and comprehensive reform referred to as “Juvenile Justice Reinvestment.” JJS currently engaged with CSG in comprehensive reform efforts.

Justice Courts Subcommittee

- Members: Judge McCullagh, Senator Thatcher, Judge Orme, Rick Schwermer, Rich Mauro, Rachele Hill, Brent Kelsey, Patty Fox, Carlene Walker, Christina Zidow, David Walsh (SLCo), Judge Fuchs, Jennifer Oxborrow, Judge Marx; Kelly Lundberg, MaryLou Emerson, Judge Renstrom, Ron Gordon, Valerie Paul, Santiago Cortez, and Jennifer Valencia. *Senator Thatcher and Judge McCullagh co-chairs
- Goals: 1) Incorporation of evidence-based practices into the development of misdemeanor sentencing guidelines & 2) Accreditation and/or licensing requirements for treatment providers operating in justice courts.
- Update: Have begun development of misdemeanor sentencing guidelines; identifying nature of misdemeanor offenses warranting specific identification for imposition of jail time; developing recommendations for limited use of jail time for all others. HB348 addressed treatment provider certification and standards as well as less serious traffic offense re-categorization. SB115 & SB59 originated from this subcommittee.

Anomalies Subcommittee

- Members: Patrick Anderson, Senator Thatcher, Mike Haddon, Ron Gordon, Jesse Gallegos, Paul Boyden, James Swink and Jennifer Valencia. *Patrick Anderson & Paul Boyden co-chairs
- Goals: 1) Identify and address anomalies in statutes & 2) Address statutes which may provide penalties which are inconsistent with evidence based practices, including double enhanced drug crimes, significant expansion of

drug free zones, collateral consequences of convictions, human trafficking, rape kit processing, stolen property database.

- Update: Coordinated with CCJJ on HB348, which addressed drug free zone enhancements, drug penalties, and evidence based practices generally. Met with Senator Hillyard and AOC, but could not reach agreement on collateral consequences of convictions notice. HB252 addressed human trafficking. Subcommittee also met with Rep. Ray regarding HB11, but could not reach agreement on death penalty legislation.

Guidelines Subcommittee

- Members: Jesse Gallegos, Ron Gordon, Rich Mauro, Rollin Cook, Darin Carver, Christina Zidow.
- Goals: 1) To address revision of the Sentencing Guidelines' philosophical approach; 2) Incorporation of evidence-based practices into the Guidelines; and 3) To incorporate 2014 Legislative amendments.
- Update: Coordinated with CCJJ on HB348 on incorporation of evidence-based practices generally and revisions to the Guidelines. Philosophical approach statement has not been updated. Prefatory language to include evidence based practices updated with brief statement, needs further elaboration consistent with HB348. Significant revisions anticipated consistent with HB348.

AP&P Guidelines/Matrix Subcommittee

- Members: Ron Gordon, Judge Low, Debra Moore, Geri Miller-Fox, Ben Peterson, Audrey Hickert, Judge Maughan, Christina Zidow, Clark Harms, Kort Prince, London Stromberg, Christian Sarver, Jennifer Valencia. *Geri Miller-Fox & Debra Moore chairs
- Goals: To develop a Guideline and/or Matrix for use by AP&P in order to implement an evidence-based approach to probation violations, rewards, and sanctions.
- Update: HB348 addressed this issue in detail. Implementation pilot in 2nd District April 1 – June 30; feedback to Board of District Court Judges expected at July meeting. *Time-sensitive deadlines in HB348 for implementation.