

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Wednesday, July 16, 2014 – 9:30 a.m. – Room 215 Senate Building

Members Present:

Sen. Mark B. Madsen, Senate Chair
Rep. Kay L. McIff, House Chair
Sen. Stephen H. Urquhart
Rep. Patrice M. Arent
Rep. LaVar Christensen
Rep. Brian M. Greene
Rep. Craig Hall
Rep. Brian S. King
Rep. Lee B. Perry
Rep. Jeremy A. Peterson

Members Absent:

Sen. Lyle W. Hillyard
Sen. Luz Robles
Rep. V. Lowry Snow

Staff Present:

Ms. Melinda Boulter, Policy Analyst
Mr. Jerry Howe, Managing Policy Analyst
Ms. Esther Chelsea-McCarty, Associate General Counsel
Ms. Kristen C. Ricks, Legislative Secretary

Note: A list of other present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair McIff called the meeting to order at 9:37 a.m. Sen. Hillyard and Rep. Snow were excused from the meeting.

MOTION: Rep. Arent moved to approve the minutes of the June 18, 2014, meeting. The motion passed unanimously with Sen. Urquhart absent for the vote.

2. Draft Legislation – Jury Duty Amendments

Rep. Hall gave a brief history of draft legislation "Jury Duty Amendments" (2015FL-0240/002) and said the bill would provide relief to rural Utah counties by permitting citizens a two-year break from jury duty selection only if they served on a jury. Currently, he said, citizens are given a two-year break if they respond to a summons to serve, even if the case does not go to trial. He expressed interest in making this a committee bill and responded to questions from the committee regarding civic duty.

Rep. McIff informed the committee that the Utah Association of Counties has expressed concern to him about jury pools conflicting out entirely in less populated areas.

Rep. King said he believes jury duty is a privilege and hopes the Legislature is not sending a message that being a part of a jury is onerous.

MOTION: Rep. Peterson moved to make draft legislation "Jury Duty Amendments" a committee bill. The motion passed unanimously with Sen. Urquhart absent for the vote.

3. Sentencing Discussion

Rep. McIff expressed a need to discuss the growing trend of fewer state prisoners but longer prison sentences. He said he would like to see the system move in a direction where retribution is not the guiding factor. He referenced "Chair's Letter to Presenters" and said it contains topics the chairs have asked the presenters to address.

Mr. Dave Walsh, Deputy Director, Commission on Criminal and Juvenile Justice, outlined the review of Utah's criminal justice system that the commission will conduct. He said the commission is concerned with how to best aid prisoners in finding programs that help with the readjustment process. The goal is to reduce recidivism and not make the prison door a revolving one, he said.

Ms. Jennifer Valencia, Director, Utah Sentencing Commission, presented "Judiciary Interim Committee Sentencing Discussion" and highlighted select statistics regarding Utah's prisons and crime rates. She gave a brief background of the current sentencing structure and presented information about when and how the state should intervene with the management of prisoners. She also offered recidivism reduction techniques and said that criminogenic needs must be addressed, because they contribute to the likelihood of repetition. She pointed out amendments that have been made to the sentencing guidelines and responded to questions from the committee.

Rep. Greene and Rep. King both expressed concern of being overly tough on crime. They agreed there is a need to move past creating crimes.

Mr. Leonard W. Engel, Managing Associate, Policy, Crime, and Justice Institute, Pew Charitable Trusts, presented "Improving Public Safety and Controlling Corrections Costs in Utah Key Findings." Mr. Engel presented key findings in Utah's prison system, related it to the national landscape, and provided the next steps Pew will take to undergo further studies.

Ms. Felicity Rose, Senior Associate, Pew Charitable Trusts, informed the committee that in the last three years Utah's prison population has increased by 6% despite the national decline of 4%. She discussed Utah's prison population trends as well as the demographic of offenders. She said Pew's research shows it is important to front load community reentry options to aid exiting offenders. She also discussed the unmet mental health treatment needs in Utah. She responded to questions from the committee regarding recidivism and data methodology.

Ms. Angela Micklos, Vice Chair, Board of Pardons and Parole, distributed and discussed "Board of Pardons and Parole" and "Decision Factors Used by the Board" and listed factors the board uses to fulfill its role of determining if and when to parole people who are sentenced to prison. She discussed the matrix used in determining the minimum and maximum sentences for sex crimes. She said revamping the entire sentencing system would be unnecessary, but investigating why sentencing terms are increasing would be beneficial. She responded to questions from the committee.

Mr. Jesse Gallegos, Member, Board of Pardons and Parole, talked about the makeup of the board and said he believes it contains a good cross section of people who judge fairly. When a person is sent to prison, he said, there is an expectation they are both punished and rehabilitated. He said the board tries to be thorough and act as a good backdrop to the judicial system. He noted that prison is not the correct environment to treat people with mental health disorders but has become the default facility to send such offenders.

Mr. Paul Boyden, Executive Director, Statewide Association of Public Attorneys, expressed concerns with dual mode sentencing because it goes against the strengths of the current system by taking away risk and rehabilitation from courts, and is not based on any sound science he is aware of.

Mr. Glen Collett, Resident, Sandy City, discussed "Dual Mode Sentencing in a Nutshell" and said it is a plan for adjusting the framework of the criminal justice process by looking at the two societal motivations for imprisonment. He said dual mode sentencing controls recidivism by using the right reasoning at the

right time. He gave a brief background of dual mode sentencing and said he believes recidivism is tied directly to incapacitation. He responded to questions from the committee.

4. Other Items / Adjourn

MOTION: Rep. Perry moved to adjourn the meeting. The motion passed unanimously with Sen. Urquhart, Rep. Arent, and Rep. Hall absent for the vote.

Chair McIff adjourned the meeting at 12:13 p.m.