



CRIMINAL PUNISHMENT CODE TASK FORCE Minutes

June 12, 2020 at 1:00 P.M.

Conference Call

I. Members Present:

The Honorable Michelle Sisco
Professor John Stinneford
The Honorable Michael Andrews
Senator Jason Pizzo
The Honorable Donna McIntosh
Kathryn Horst
Professor Michael Morley
The Honorable Bernie McCabe
The Honorable Charles E. Williams
Sheriff William Snyder
The Honorable Larry Eger
Chief Melanie Bevan
Sheriff Christopher Nocco
Secretary Simone Marsteller

Absent:

The Honorable Melissa Nelson
Sheriff William Snyder

II. Task Force

The Honorable Michelle Sisco, Chair Designee, welcomed the Task Force.

Senator Pizzo presented on SS-7a which increases the number of offense levels on the offense severity ranking chart. The subcommittee proposes 16 levels with the provision to allow for 4 additional enhanced levels for multiplied offenses. The intent is to remove multipliers from the scoresheet that the subcommittee believes have been subject to discretion abuse.

Judge Sisco inquired as to how would additional offenses and prior record points be accommodated since the multiplier is usually applied on the backend. Senator Pizzo agreed that additional offenses and prior record points would need to be amended in light to reflect the 16 levels proposed.

The Task Force walked through the proposed chart reflecting 16 severity levels, with opportunities for feedback and comment after each level. Judge Sisco expressed a standing objection to the dictas included within the spreadsheet, save for two:

- Cell #9, Level 8 detailing “New charge to be added: Grand theft, 3rd degree; GTA with 3 or more prior convictions for GTA (To remove the multiplier)” and
- Cell #9, Level 9 detailing: “Felony battery; domestic battery by strangulation -in presence of a child under 16 who is a family/household member **Add subsection for x1.5 Multi”

A motion was made by Judge Sisco to:

- Accept the chart with the removal of the dictas;
- Accept the chart as is; or
- Vote the chart down

The motion to accept the chart with the removal of the dictas passed with 7 members voting to accept the amended chart and 6 voting to accept the chart as is.

(See the attached offense severity ranking chart with final edits.)

The Task Force discussed the removal of the Domestic Violence multiplier. Senator Pizzo said they are able to capture almost all of the offenses this multiplier would apply to but would need to employ levels 17-20. Judge Sisco expressed concern that not all offenses are accounted for, especially some of the more serious offenses. Senator Pizzo clarified that with regard to violent crimes and crimes of predation, the subcommittee moved those offenses up within the chart.

A motion was made by Judge McIntosh to adopt and approve SS1 5(a) which would do away with the Domestic Violence multiplier. The motion did not pass, 5-8, with Judge Sisco, Professor Stinneford, Judge Andrews, Ms. Horst, Mr. McCabe, Secretary Marsteller, Chief Bevan and Sheriff Nocco voting no.

III. Adjourn

This meeting adjourned at approximately 2:09 P.M.