

Alabama Sentencing Commission

Minutes of Commission Meeting May 15, 2009

The Alabama Sentencing Commission met in the Mezzanine Classroom of the Judicial Building in Montgomery on Friday, May 15, 2009. Present at the meeting were:

Hon. Joseph Colquitt, Chairman, Retired Circuit Judge, Professor, University of Alabama School of Law, Tuscaloosa
Ellen Brooks, District Attorney, 15th Judicial Circuit, Montgomery
Rosa Davis, Chief Assistant Attorney General
Cynthia Dillard, Director, Alabama Board of Pardons and Paroles, Montgomery
Lou Harris, D.P.A., Faulkner University, Montgomery
Hon. Ben McLauchlin, Presiding Circuit Judge, 33rd Judicial Circuit, Ozark
David Rains, Circuit Judge, 9th Judicial Circuit, Fort Payne

Advisory Council:

Bill Cole, Circuit Judge, 10th Judicial Circuit, Birmingham
Denis Devane, Birmingham
David Horn, Director, Shelby County Community Corrections
Kent Hunt, Associate Commission, Alabama Department of Mental Health, Montgomery

Staff:

Lynda Flynt, Executive Director
Bennet Wright, Statistician

Others Attending:

Annette Brown, AL CURE
Rosemary Collins, AL CURE
Jeff Williams, Alabama Department of Corrections, Montgomery

Welcome and Introductory Remarks

The meeting convened at 10:00 a.m. Chairman Colquitt called the meeting to order and made introductory remarks.

Chairman Colquitt noted that one of the major topics that the Commission would be discussing during the meeting was the 2009 Legislative Session. He stated that the Commission staff was also going to have a presentation on sentencing standards compliance. He also noted that the Commission's 2009 Report was printed and mailed to the Commission members and members of the Advisory Counsel a few days ago.

Presentation on Standards Compliance

Bennet Wright, ASC Statistician

Mr. Wright elaborated on the statistical information contained in the Commission's 2009 Report. He noted that, starting with the 2008 report, the Commission staff began laying the framework for compliance analysis, noting that there were three different stages of compliance. The first stage was Use Compliance, the second compliance measure was Submission Compliance, and the third was Judicial Compliance with the worksheet recommendations.

Mr. Wright discussed the refinement process and technique that the Commission staff used to obtain an accurate measurement of submission compliance. For the first time this year, the Commission introduced information about Judicial Compliance with the recommendations of the sentencing standards. The first stage of Compliance – Use Compliance, which gauged the use of the sentencing standards worksheets, the Commission was able to accomplish last year. Mr. Wright explained that this was achieved by the Commission staff contacting local jurisdictions to find out if and to what extent, the standards were being implemented in individual jurisdictions.

The next phase, Submission Compliance, the staff also reported last year. The Commission had to compare the number of properly completed valid worksheets submitted to the Sentencing Commission to the number of applicable worksheet sentencing events. Mr. Wright reminded the Commission members that worksheets were submitted to the Sentencing Commission two ways: designated worksheet preparers can either fill the worksheets out online using the e-worksheet application which was developed in the AOC by programmers, or they can use the paper worksheets. The paper worksheets themselves, along with a copy of the Sentencing Order, are then forwarded to the Sentencing Commission to be entered into SJIS by Commission staff

Noting that there were problems identified with the first report on Submission compliance, Mr. Wright explained that in some cases the number of worksheet sentencing events in which worksheets were expected to be completed, did not correspond with the number of worksheets which were actually submitted to the Sentencing Commission by e-worksheets or manually. For example, Last year Madison County had 1,000 worksheet sentencing events; however they had nearly 2,000 submitted worksheets, this was the largest example of the difference between sentencing events and worksheets.

Mr. Wright stated that he would go through a general step-by-step description to explain how the Commission staff arrived at the number of worksheets used to report compliance. He then explained that, as of February 2009, the Sentencing Commission had received almost 31,000 worksheets. Mr. Wright noted that the Sentencing Commission staff did not pull the information down until February 2009, and it covered the reporting period from January 1, 2007 thru September 2008, which is roughly a 21 month time period. The Commission staff decided not to use the first quarter of fY07 (Oct. – Dec. 2006; the Standards were implemented effective October 1, 2006) because a large number of jurisdictions delayed implementation of the standards, and there was

some initial confusion in the first three months. Some of the most common reasons that worksheets that were submitted were not included in those analyzed were: 1) They included crimes that were sentenced after FY08 (September 30, 2008), which is a large number of worksheets that will be included in the Commission's compliance report next year; 2) some worksheets had no case disposition entered in SJIS. For example, the Sentencing Commission received a worksheet, but the SJIS electronic information did not show a disposition for that case, therefore, the Sentencing Commission did not know whether the worksheet submitted resulted in a guilty plea or conviction. A large portion of submitted worksheets were not used to report compliance because the case disposition did not result in a conviction. Many submitted worksheets resulted in cases that were nol prossed, dismissed, pled down to a non-worksheet felony, pled down to a misdemeanor, or were granted pre-trial dispositions (including drug court, specialty courts, and pre-trial diversion programs). 3) A large number, approximately 1,700 submitted worksheets, were excluded because the conviction offense selected on the worksheet was not consistent with the conviction offense found using SJIS. 4) Some submitted worksheets were not used because multiple worksheets were submitted for a defendant that was sentenced at one time for multiple counts or cases. If more than one worksheet is completed in this scenario, only the worksheet completed for the most serious conviction offense is used.

From the almost 31,000 submitted worksheets, 11,485 were used to report compliance. The 11,485 worksheets used reflect the number of valid worksheets for cases sentenced from January 1, 2007 through September 30, 2008.

Mr. Wright then explained how Commission staff determines the number of worksheet applicable sentencing events each year. Commission staff reviews all case numbers resulting in felony convictions each year and "wraps" cases into sentencing events to determine the number of applicable worksheet sentencing events in a given year. He advised that submission compliance was defined as the number of valid worksheets received by ASC. Mr. Wright provided members with a handout that shows that submission compliance varies widely, with some circuits having relatively high submission compliance and other having relatively low to zero submission compliance.

Mr. Wright reiterated that there are numerous reasons that worksheets are not submitted to ASC. These include the fact that after implementation of the standards, some court clerks' offices were not forwarding completed worksheets to the Commission as statutorily required. In most cases this was simply due to lack of sufficient notice about the correct procedures to follow.

Mr. Wright presented information on the number of valid submitted worksheets for each quarter of the compliance reporting period. The number of valid submitted worksheets remained relatively constant over the 21-month reporting period. Mr. Wright indicated that this evidence appears to show use of the worksheets has remained stable, neither increasing nor decreasing. All court information, including submitted worksheets, decreases during the summer months and the low numbers in the final reporting quarter do not indicate worksheet usage is declining.

Mr. Wright explained where Commission staff receives sentencing information from to determine compliance with the worksheet recommendations. There are two sources of sentencing data – SJIS & Court Orders. The source of sentencing information used is dependent upon the source of worksheet received. If an electronic worksheet is submitted using E-Worksheets, sentencing information is pulled from SJIS. If a paper worksheet is sent in the mail, a paper court order is generally attached to the worksheet and is then used to review sentencing information. ASC staff created a manual to assist court specialists in the proper manner to enter criminal sentencing information, after it was discovered that data entry was inconsistent across the state and limited training had been conducted.

A flowchart was shown displaying the distribution of sentencing events pertaining to the In/Out recommendation and the actual imposed disposition. The majority of the recommendations from the In/Out valid worksheets were “Non-Prison” (almost 7,000) and approximately 4,500 had a “Prison” recommendation. Of the events recommended for a Prison sentence, there was an “IN” disposition in nearly 79% of the events. Of the events recommended for a Non-Prison sentence, there was an “OUT” disposition in 72% of the events.

Mr. Wright then explained the difference between In/Out Compliance, Sentence Length Compliance, and Overall Compliance. In/Out Compliance is following the Prison vs Non-Prison recommendation, Sentence Length Compliance is measured only for cases with Prison recommendations who also received an “IN” disposition. Overall compliance is measured as complying with the In/Out & Sentence Length recommendations (when the Sentence Length recommendation is applicable).

The overall compliance rate was 59%. Nine percent of the events were mitigated, meaning either the judge imposed a Non-Prison Sentence when there was a Prison recommendation or the judge imposed a sentence that fell below the sentence length recommendation(s). Twenty-seven percent of the events were aggravated, meaning either a judge imposed a Prison sentence when there was a Non-Prison recommendation or the judge imposed a sentence that fell above the sentence length recommendation(s). The final 5 percent of events were categorized as “Mixed”.

The “Mixed” category is exclusive to split sentences. Sentences in this category consist of instances when the different portions of the split sentence – split and total – are not consistent with one another. If the split and total portions are both within, above, or below the sentence length recommendations, they are categorized as such, if they are not, they then fall into the “Mixed” category. The majority of sentences in the “Mixed” category were instances when the split portion was within the recommendations, but the total sentence exceeded the recommendation.

In/Out and Overall Compliance figures were presented for race using black and white categories. A small number of events were excluded (40) because the offenders were listed as having a race of “other” in court records. The compliance figures for whites and

blacks were similar. The compliance figures for gender showed some larger differences. Mr. Wright explained that this does not necessarily mean that females are treated more leniently than males. The majority of crimes committed by females is concentrated in a small number of offenses. He advised that more analysis was needed, looking at compliance with specific offenses and worksheet factors by gender, before reliable results can be garnered.

Mr. Wright then displayed the percent of individual worksheet offenses where the recommendation was “In” and then the percent of individual worksheet offenses where the recommendation was “Out”. Following these slides, he provided information showing compliance with the individual offenses – with both the “In” and the “Out” recommendations. As expected, “In” compliance was higher with Personal crimes and “Out” compliance was higher with drug and property crimes.

Mr. Wright cautioned that Sentence Length compliance only pertains to those 3,500 cases in Box E of the In/Out compliance flowchart. He noted that with the low valid worksheet submission rate, the 3,500 cases are difficult to draw any statewide conclusions on at this time. Certain offenses also have a small number of events included in Box E, making it difficult to draw meaningful results at the offense level. He advised that work will continue on sentence length compliance leading up to the Summer Judges Conference where additional analysis will be presented.

Report on Legislative Session – Budget and Crime Bills

Lynda Flynt, ASC Director

Ms. Flynt stated that the Sentencing Commission has had its budget approved by the Legislature and that it went to the Governor the day before. She explained that the Commission had requested \$608,000 but was approved for only \$557,903. While the Legislature did add more money for the Department of Corrections through a supplemental appropriation, appropriations were reduced for the Unified Judicial System, the Supreme Court, the Sentencing Commission, the DAs, as well as other agencies and departments. She noted that although \$557,903 is less than the amount requested, it was actually an increase from last year. She advised that while our appropriation is small in comparison to other agencies, very few agencies received increases. Ms. Flynt advised that the Sentencing Commission still has a problem because it is \$46,850.00 short of what is needed to cover salaries and nondiscretionary items. To enable the Commission to meet operating costs, we are changing some of the line items in the budget, such as travel. She advised that the Commission’s budget has a little over \$20,000 for in-state and out-of-state travel, which we will transfer to another budget item, since travel has now been curtailed.

She advised that she believes that this is enough to continue to pay the travel expenses of the Commission members, and is certainly justified since the Commission is statutorily required to hold quarterly meetings. Continuing to review the budget, Ms. Flynt explained that although we have \$2,000 budgeted for rental and leases, we have not yet had to pay rental because we were given our office space by the Court of Criminal Appeals. There is also \$6,000 appropriated for utilities, but the Commission will

probably only expend \$1,500 to \$2,000. She further explained that there was \$8,375 budgeted for professional services which were must use, since this is for vital services provided by Applied Research Services, Inc. – Dr. Tammy Meredith and Dr. John Speir. Ms. Flynt advised that the Commission has contracted to spend this amount and more; however, she stated that they have been told not to do any more work on the contract until money is found. She noted that the first project for the Commission staff after finishing the annual report is to get with Drs. Meredith and Speir and determine what it will take for them to start developing truth and sentencing standards. Ms. Flynt announced that ADOC has a new classification system that we would like Dr. Speir to look at and hopefully put into the Sentencing Commission's simulation model so not only can he start projecting for beds but what type of beds are needed.

Continuing her review of the Sentencing Commission's budget she explained that the large amount, \$40,000 appropriated for supplies and materials, included costs that are expected to be incurred when the Alabama Sentencing Commission hosts the National Association of Sentencing Commissions next year. Ms. Flynt stated that while she had originally budgeted \$30,000 for this purpose, depending on the financial situation for next year, it may be that the Commission will have to tell the NASC Board that the Conference will have to be financed based only on sponsorships and registration fees and the fees. She explained that the other states that have always hosted the NASC Conference have depended heavily on their law schools and the universities to sponsor the conference. If we were to transfer all the money originally appropriated for supplies and materials to Professional Services, that would provide almost \$37,000 more that we could apply toward our contract.

Ms. Flynt explained that most of the expenses of the Sentencing Commission are salaries and fringe benefits. She noted that we are also going to loose our legal research assistant, Christina VanderHust, which we will be unable to replace. Ms. Flynt stated that the Commission staff is trying to look for grant money and thanked Becky Goggins for her help drafting a grant request for the Commission, primarily for risk and needs assessment. She also noted that the Chief had indicated to Rosa that she could find some money to help on the risk needs assessment project.

2009 Legislation

Ms. Flynt noted that this was the last day of the 2009 Legislative Session and explained that the Sentencing Commission's bill postponing truth-in-sentencing to 2011 had passed. She reminded the members that she had previously sent them a copy of the law review article that Judge Colquitt wrote on truth-in-sentencing. She said that in this article he discusses the meaning of truth in sentencing and that the truth in sentencing systems that states have implemented vary greatly.

She indicated that she was concerned about going to truth-in-sentencing when all the other states seem to be moving away from these type systems, but did note that the Commission has been charged by the Legislature to develop these standards and present them to the Legislature for approval. Ms. Flynt advised that the Commission did need to

postpone the scheduled development and implementation. She stated that postponement was needed for several reasons: the lack of money, the lack of alternative sentencing options, the lack of adequate information to tell us how we are doing as far as compliance with the existing sentencing standards and the lack of adequate and continuous training on the initial standards. She advised that the Commission decided to ask the Legislature to postpone truth in sentencing until 2011, and that bill passed the Legislature the day before. All other bills virtually died.

She explained that among the bills that have failed to pass were the standards modification and split sentencing bills. The modifications bill would have included attempts, conspiracy, or solicitations for murder and for certain drug offenses to the existing sentencing standards and worksheets. The community corrections bill which would have authorized offenders convicted of selling controlled substances from participating in community corrections programs and the bill amending the split sentencing statute.

Ms. Flynt then went over some of the bills that may be in a position to pass. She advised that SB10 passed the House Judiciary Committee yesterday and is pending its third reading in the House. She explained that this bill amends the DUI statute and may cause the court system problems and cause confusion in the future. Although the amendment proposes to eliminate the five year cap that now applies to prior convictions counted for enhancement purposes, it retains the language relating to the use of prior convictions occurring within 5 years in the section pertaining to the penalty for second convictions. There is also a problem with the proposed provision that is suppose to clarify that convictions from in state or out of state may be used for enhancement purposes. Based on the language used, it could be interpreted as not allowing the use of prior in-state municipal convictions, but allowing out-of-state convictions from municipal and state courts. Ms. Flynt advised that she pointed these problems out to the Legislative Fiscal Office and hoped that they would get cleared up or referred to the Legislative Reference Service.

In this same bill another matter causes concern. There is a provision in the amended bill that provides that anyone registering .15 BAC 4 hours within the time they were driving would have their punishment doubled, creating mandatory minimum punishments. Ms. Flynt explained that this would mean you would have a year maximum incarceration increased to 2 years which turns the first conviction into a felony. The fine would double from and it is unclear if the suspension period would increase from 90 to 180 days. The second conviction would go to 1 year minimum and up to 2 years felony punishment in jail. Third within 5 years would now will have no time limit and would have a 120 day mandatory minimum period of incarceration that is not subject to a suspension where there is right now a 60 day mandatory minimum period of incarceration. Punishment for a fourth and subsequent conviction would increase incarceration of no less than 2 years and 2 days to 20 years incarceration with 240 days or 8 months mandatory incarceration in the county jail. Ms. Flynt noted that if this bill passes it will definitely increase both jail and prison populations. She noted that (as included in the Commissions Report) since the 5 year limitation on use of prior convictions was included in Alabama's DUI

statute, there has been a drastic decrease in the felony DUI convictions and admissions to the prison population. Felony DUI convictions dropped 85% from FY06. Admissions to prison fell 72% since the year 06 as well. She stated that although we cannot say this was the only reason for the decreases.

The other bills that Ms. Flynt indicated might have a chance of passage were:

Expungement of Records

Probation and Parole Bill. This bill was not a Commission bill and the Commission was not asked to support it. The commission is not taking a position one way or the other. This bill would amend the split sentencing statute and provide for automatic termination of the probation portion of the split if an offender complies with the conditions of probation, including payment of fines, costs and restitution, for 24 consecutive months.

Other provisions of the bill may cause problems for the Board of Pardon and Paroles, specifically the requirement that requires the Board to conduct a parole revocation hearing within 30 days. It also provides that technical parole violators can only be required to serve up to 90 days in prison or a jail-like or treatment institution. For new offense revocations, parolees can be required to serve the entire time or a portion of the original sentence imposed.

The bill also amends § 15-33-23 to change the parole term and § 15-22-54, the general probation statute, to provide that even for a split sentence the 5 year (for felonies) and 2 year probation limitation periods would apply. Ms. Flynt advised that this bill is being voted on today.

Ms. Flynt stated that the court bills that have passed this session were mostly ones dealing with court costs and assessments. She mentioned that there were a lot of solicitor fee bills that have passed which assess an additional \$21 in each civil, criminal and traffic case. Referencing the bills listed in her handout, she noted that it appears to be getting close to having every county in the state authorized to assess a solicitor's fee except Montgomery. Ms. Brooks commented that Montgomery did get a pretrial diversion bill passed but that there was no application fee imposed. And no fee for which the district attorney gets money.

Judge McLauchlin stated that when the Commission started out with the truth-in-sentencing that they were looking basically at changing the effect of ADOC's good time law, i.e. if an offender was sentenced to 5 years, they would have to serve some of that sentence before they would be eligible for release. He noted that truth in sentencing could also apply to changing the rules on split sentences and probation and community corrections and everything else. Even though the Commission may not be able to provide truth in sentencing as far as the ADOC good time law, it may be that we will have to be a more careful about that when bills like this are introduced.

Ms. Flynt stated that this was the same bill that had been introduced for the past two years, which she brought to the Commission's attention. One or two members even asked why we were looking at this bill and I explained that very fact, that I wanted the Commission members to review it and be aware of its provisions. This bill, both the house and the senate version, did not even get introduced until near the end of the session, after our Commission meeting. This bill is basically the same, with a few minor changes, from the bills introduced the other two years.

Judge Rains stated that he would have thought that the legislators would be interested in finding out what the effect that these bills would have on Alabama's criminal justice agencies, institutions, groups and individuals before they supported it. Ms. Flynt stated that she had heard that rumors were out that this was a Sentencing Commission bill but she let it be known that it was not. She did note that there were some provisions from the Commission's former bills, some of which the Commission decided not to pursue in subsequent years. Someone reading those provisions could have remembered it from one of our bills and I could understand that they assume this was our bill.

Ms. Flynt concluded by quickly reviewing the provisions of SB383, noting that it was pending before the Governor for his signature. According to the bill's provisions, it requires mandatory restitution for any capital offense. The court is required to order not less than \$50,000 restitution for Rape 1st if the defendant has a subsequent conviction for Rape 1st. Restitution has to be a condition of parole and it is provided that the judge can include in his restitution order the seizure of property. There is also a provision requiring ADOC to seize mail, where there is reasonable belief that an inmate is mailing anything that has monetary value, and send it to the judge. The judge must then decide the value of the property and if it is determined that it does not have any value, the judge is required to mail it back to the prison.

DNA Samples. This bill allows any person serving time incarcerated in prison to file post-conviction petitions for DNA samples. For indigents, the Department of Forensic Science performs the DNA test. If passed there will be a mass of petitions being filed for DNA samples and judges will have to hold DNA hearings. The bill may not pass because it is not expected to bring as much money to DFS since an amendment was put on limiting its applicability to only certain felons.

Working Lunch

CCASP (Cooperative Community Alternative Sentencing Project) – Rosa Davis, Co-Chair

Mrs. Davis explained the goals and objectives of the project as follows:

The primary goal of CCASP is to establish a model continuum of sanctions in each pilot site, to serve as a model for other jurisdictions in Alabama. The project is directed by a State Steering committee which has drafted an outline of a comprehensive plan that each community can use to develop a coordinated community punishment and supervision system. The plan outline was developed, with input from work groups provided to the state steering committee, after reviewing needed programs and services and data needed

to evaluate a number of different areas and establish a system of evidence-based practices. The project reviewed data services, health and mental health services and program services that should be included in community supervision. A risk and needs assessment group looked at the feasibility of providing risk and needs assessment and evaluated various instruments for possible use in Alabama.

The comprehensive plan outline incorporates the products of the work group. CCASP invited every jurisdiction in Alabama to apply to participate in the project as a pilot site. Four pilot sites were selected from those that applied. These sites will receive technical assistance from the Crime and Justice Institute (CJI) and Vera Institute of Justice. Each site has agreed to serve as a mentor for other jurisdictions after the site has established its own continuum of sanctions in community supervision. The selected sites are Lawrence, Montgomery, Jefferson, and Marshall Counties. Work has begun in the first of these four pilot sites.

When CCASP begins work in each pilot site, it is first necessary for the technical advisors to establish a relationship in the community and that the community forms a strong local steering committee made up of people who are stakeholders in the local criminal justice system. The local steering committee will do the work for that jurisdiction. A local steering committee was established in Lawrence County the first of this year. Vera and CJI did a small data diagnostic and services diagnostic for Lawrence County, identifying who is sentenced and what services are available in the area. The diagnostic also identified problem areas and the technical advisors made suggestions for improving community supervision in Lawrence County. The results were presented to Lawrence County at the meeting that was held last month.

The Lawrence County Steering Committee immediately identified one problem - lack of communication between local supervision agencies - and adopted as its first goal to establish direct communication concerning offenders among the local agencies. The local steering committee members agreed to the following: probation agreed to give PSIs to community corrections. They are already doing PSIs in all of their cases. If someone is convicted and sentenced to community corrections, the PSI is already done. The PSI follows the offender to community corrections. Community corrections agreed to give information to probation, if someone goes from community corrections to probation and the two agencies agreed to establish a protocol for transferring offenders between agencies. Both Community Corrections and Probation agreed to send information to ADOC when an inmate is transferred from a local entity to the ADOC. Protocol will include a check list of information that will be provided on the transfer of an offender from one agency to another.

Lawrence County is meeting again on June 2nd to formalize what they have done so far. The local steering committee has also agreed to come up with a uniform form for clients to sign consenting to the release of certain information by a treatment agency.

The State Steering Committee has adopted a risk and needs assessment instrument for piloting in Alabama. Lawrence County will be one of the first counties trained to use the

risk and needs assessment instrument. That assessment will be automated through MIDAS so that any one who has access to MIDAS will be able to use the automated form. The automated format will also be made available to Pardons and Paroles which is developing a system very similar to MIDAS. The risk and needs assessment instrument will be another piece of information that follows the offender. The use of a needs assessment instrument along with the risk assessment will allow the pilot jurisdictions to identify and gather evidence of services needed for offenders in the community.

The steering committee adopted the Ohio risk needs assessment instruments to use in Alabama. The committee adopted the Ohio instruments because: (1) they are free (that was not the entire motivating factor. The training will be expensive, but the instruments are free); (2) They were developed by Ed Latessa and Chris Lowencamp, two of the leaders in the field of risk and needs assessments in the United States; (3) They are subject to automation that can be implemented through MIDAS. The Ohio Risk and Needs assessment is made up of a number of different instruments including a pre-screening instrument, a pre-trial, a community supervision, a prison entry and a pre-release instrument.

Judge Reese and Judge Price are going to chair the committee in Montgomery County. Judge Price will chair the local steering committee and Judge Reese will work with him as co-chair. Community Corrections, Pardons and Paroles, and the District Attorney's Office will all be represented on the local steering committee along with other local stakeholders.

The Chief Justice has offered to attempt to find the \$50,000 it would take to train the initial 25 people in the use of the risk and needs assessment, which includes three days of training. The people who are trained will then implement the use of the community supervision and pre-trial portions of the instruments. Their use of the instrument will be video taped and sent to the trainers for critiques. From that initial 25 we will select Alabama trainers who will then be trained to teach the use of the instrument to the remaining pilot site participants.

New Business

Rosa Davis announced that there was a vacancy on the Advisory Council since Buddy Sharpless who represented the County Commissions has now retired. Ms. Davis nominated Mary Pons to become a member to replace Mr. Sharpless, explaining that Ms. Pons works with the Association of County Commissions and was Mr. Sharpless' recommendation for replacement. It was noted that Ms. Pons has worked with the Sentencing Commission and has attended conferences on various sentencing issues.

Chairman Colquitt called for a second to the motion which he received, there being no discussion, the members present voted and the motion was unanimously approved.

Ms. Davis also nominated Jeff Williams from the Community Corrections Division of the Department of Corrections to serve on the Sentencing Commission's Advisory Council.

The members present unanimously approved Jeff Williams as an Advisory Council member.

It was brought to the Commission's attention that Chief James Henderson, a member of the Advisory Council, has retired. Ms Flynt indicated that she will contact the appointing authority to fill that vacancy and provide the members with an updated roster.

Ms. Davis stated that she will send a notice to the Standards Committee to set a date and agenda for the next Standards Committee meeting. She asked Bennet Wright and Melisa Morrison to present to the Standards Committee the information presented today plus any other compliance data they may have.

The next Commission meeting was set for September 11, 2009. Chairman Colquitt asked members to let Lynda Flynt know if they have conflict with that date, otherwise the Commission will plan to meet on Sept. 11th.

Adjourn

There being no further business the meeting was adjourned.