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**Policy Critique of H.B. 274 Supplement 2
2026 General Session of the
67th Legislature**

February 2026

Office of
UTAH FOR RATIONAL SEX OFFENSE LAWS

Digest of Policy Critique of H.B. 274 Supplement 2 2 2026 General Session of the 67th Legislature

OVERVIEW

H.B. 274 (Sentencing Commission Amendments) proposed removing all defense attorneys from the Sentencing Commission while adding prosecutors and sheriffs. After negotiations, defense representation was restored but law enforcement presence expanded from 2 to 6 positions. During the fourth week of the 2026 legislative session, four commission meetings (Feb 9-13, 2026) provided documented evidence of how commissions responded when their own structure was threatened.

KEY ISSUES

CCJJ Commission (Feb 9)

- Members articulated serious concerns about imbalanced composition undermining policy legitimacy
- Voted to "hold" rather than oppose to "show good faith" and maintain access to negotiations
- Fear that opposition would "foreclose" future influence
- One member warned: "The product will suffer as a result... and [this] could undermine the legitimacy of the whole system" when sentencing guidelines come from an imbalanced commission

Sentencing Commission (Feb 12)

- Voted to increase jail recommendations the same morning the Senate would hear H.B. 274
- Voted to support the bill with expressions of gratitude toward Speaker Schultz
- Director testified about commission's responsiveness to "what the legislature has been very clearly telling us"
- The guideline changes eliminated zero-day jail floors and restored pre-JRI recommendation levels—directly addressing the Speaker's stated concerns

Victim Services Commission (Feb 13)

- Acknowledged the bill contained "nothing good in it for victims"
- Voted to support anyway "to avoid getting punished in other ways, not only through the Sentencing Commission, but in our own commission"
- Explicit quote: "We've got to maybe play nice in the sandbox if we want any opportunity at continuing to get better things or risk getting punished"
- Chair framed supporting the bill as relationship-building that "will give us a bigger voice as a commission in the future"

WHY THIS MATTERS

1. Commissions Exist to Provide Independent Expert Advice. When members explicitly state they're voting to avoid "punishment," they're not functioning as independent advisors—they're managing political survival.
2. Manufactured Consensus Has No Value. If commission "support" is driven by fear rather than policy agreement, legislative decisions lose the benefit of genuine expert evaluation.
3. Legitimacy Concerns. Commission members predicted that guidelines from an imbalanced commission would "undermine the legitimacy of the whole system" when applied in individual cases.
4. Symbolic Legislative Policy. Utah invests millions in these advisory structures. If they primarily legitimize predetermined legislative preferences rather than provide critical analysis, what's the return on investment?

WHAT YOU SHOULD KNOW

This is a structural problem, not about individual bad actors:

- Commissions created by statute, appointed by legislature, subject to restructuring at will cannot effectively oppose that legislature
- The UDC representative noted commissions are restructured "every year based on whims of various legislators"
- Pattern of routine restructuring creates ambient fear even without explicit threats

Principal-Agent Problem:

- Legislature (principal) created commissions (agents) to provide advice
- But agents whose survival depends on pleasing the principal can't provide honest advice when it's unwelcome
- Result: Legislature receives confirmation of preferences, not independent evaluation

The Evidence is Unusually Direct:

- Most structural dependence must be inferred; these meetings document it explicitly
- Commission members state on record they're voting strategically to avoid retaliation
- This is rare documentary proof of dynamics usually understood only through implication

BOTTOM LINE

Can a body threatened with restructuring for providing unwelcome advice ever function as an independent advisor? The meeting transcripts suggest the answer is no—and that Utah's criminal justice policy development suffers as a result.



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February 17, 2026

To Senate Members,

Transmitted herewith is our **Policy Critique of H.B. 274 Supplement 2 for the 2026 General Session of the 67th Legislature** (Publication #2026-21). A digest is found on the pages located in the front of this document. The objectives and scope of the critique are explained in the Introduction.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any item contained in this document in order to facilitate the implementation of the recommendations.

Sincerely

Utah for Rational Sex Offense Laws

UTRSOL/lm

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Introduction

This critique examines the functional independence of Utah's Commission on Criminal and Juvenile Justice (CCJJ) and its constituent divisions—the Sentencing Commission, Victim Services Commission, and the broader CCJJ itself—through analysis of legislative meetings from February 2026 regarding House Bill 274 (Sentencing Commission Amendments). The evidence reveals a pattern of structural dependence that fundamentally compromises these bodies' ability to function as independent policy evaluators.

The central finding is unequivocal: when faced with legislation that members believed undermined their statutory missions or threatened their organizational structure, all three commission divisions either supported the legislation or strategically withheld opposition due to explicit fear of legislative retaliation. The Victim Services Commission voted to support legislation they acknowledged contained 'nothing good in it for victims' to avoid being 'punished' through future restructuring. The CCJJ Commission voted to 'hold' rather than oppose despite articulated concerns about policy imbalance, framing their strategic silence as necessary to 'show good faith' and maintain access to negotiations. The Sentencing Commission, while making concurrent policy changes aligned with legislative preferences, voted to support the bill with expressions of gratitude toward the legislative sponsor.

These meetings provide rare documentary evidence of what is typically understood only through inference: advisory commissions created by statute, composed by legislative appointment, and subject to legislative restructuring at will cannot effectively oppose the legislature that created them. They function primarily as legitimation mechanisms and technical implementers of legislative priorities rather than as independent policy evaluators capable of providing critical analysis when that analysis conflicts with legislative preferences.

This raises fundamental questions about the purpose and value of Utah's multi-million dollar investment in these advisory structures. If commission members explicitly acknowledge that opposing legislation risks 'punishment' to their own commissions, and if they vote strategically based on political calculations rather than policy analysis, then the commissions serve primarily to provide political cover and technical legitimation for predetermined legislative outcomes rather than genuine expert guidance.

This critique examines whether CCJJ divisions function as independent policy advisory bodies or as extensions of the legislature serving primarily to legitimize predetermined legislative preferences. Specifically, this critique addresses: (1) How do commission members discuss and frame their decision-making regarding legislation that affects their own structure and mission? (2) What role does fear of legislative retaliation play in commission voting behavior? (3) What is the actual function of advisory commissions that lack structural independence from the legislative bodies they advise?

This critique is based on four legislative meetings during the fourth week of the 2026 General Session of the 67th Legislature in February 2026: (1) CCJJ Commission meeting, February 9, 2026, (2) Sentencing Commission meeting, February 12, 2026, (3) Senate Judiciary, Law Enforcement, and Criminal Justice Committee, February 12, 2026, and (4) Victim Services Commission meeting, February 13, 2026. These meetings provide contemporaneous records of internal commission deliberations, public testimony, and explicit statements about political calculations that shaped commission positions on H.B. 274. The critique also incorporates the original bill text and two subsequent substitutes to trace the evolution of the legislation.

Background and Context

The Utah Commission on Criminal and Juvenile Justice (CCJJ) was established to provide evidence-based policy guidance on criminal justice matters to the Utah Legislature. Within CCJJ operate several specialized divisions, including the Sentencing Commission, which develops sentencing guidelines for Utah courts, and the Victim Services Commission, which advocates for crime victim interests in policy development. These bodies are composed of diverse stakeholders representing law enforcement, prosecution, defense, corrections, courts, victim advocacy, and rehabilitation professionals.

In January 2026, House Speaker Mike Schultz introduced H.B. 274 (Sentencing Commission Amendments), which proposed substantial changes to the composition of the Sentencing Commission. The original bill removed all three criminal defense attorneys from the commission while adding four prosecutors and two sheriffs, fundamentally altering the balance of perspectives represented in sentencing policy development. The bill also directed the commission to revise sentencing guidelines with new criteria emphasizing punishment and accountability, and required courts to prioritize certain factors in sentencing decisions.

The Evolution of H.B. 274

The Original Bill: Structural Transformation

The original version of H.B. 274 proposed removing three criminal defense attorney positions from the Sentencing Commission (including one representing criminal defense generally, one representing indigent defense, and one representing juvenile defense). Simultaneously, the bill increased prosecutor representation from one to three adult prosecutors and added three juvenile prosecutors, and expanded sheriff representation from one to three. This would have created a commission with six prosecutor voices, three sheriff voices, and zero defense attorney voices—a composition that multiple stakeholders characterized as fundamentally imbalanced for policy development in a system premised on adversarial justice.

Beyond membership changes, the bill directed the Sentencing Commission to revise its adult sentencing guidelines with new prioritization criteria. The commission was instructed to give 'primary consideration to the protection of society' and 'secondary consideration' to factors including punishment, deterrence, and victim impact. The bill also amended Utah's general sentencing statute to require judges to prioritize certain factors—including the seriousness of the offense, deterrence, and public protection—over defendant interests when sentencing individuals convicted of violent felonies or sexual offenses.

The Policy Context: Post-JRI Backlash

Speaker Schultz framed H.B. 274 as a response to what he characterized as an overcorrection in Utah's Justice Reinvestment Initiative (JRI), implemented in 2015. During testimony before the Senate committee, Schultz explained that JRI had significantly reduced criminal penalties and sentencing recommendations, and that 'for the last several years, I think we've realized that we took it too far.' He cited specific examples from the sentencing guidelines, noting that in 2014, jail recommendations for serious crimes ranged from 120 to 365 days, but after JRI reforms in 2015, 'every box on the jail matrix starts at zero days' with even violent felonies showing midpoint recommendations of only 180 days.

Schultz emphasized that public safety had become an increasingly urgent concern for constituents, particularly in Salt Lake County, where polling showed crime ranking fourth among voter priorities, above education and transportation. He argued that while the legislature had been progressively

increasing criminal penalties in recent years, the Sentencing Commission's guidelines had not kept pace with this policy shift until immediately prior to the committee hearing, when the commission voted to increase recommended jail terms.

The timing of the Sentencing Commission's vote to increase jail recommendations on the morning of February 12, 2026—the same day the Senate committee would hear H.B. 274—illustrates the political pressure commissions faced. Director Dan Strong's proposal eliminated zero-day floors from the jail matrix and restored pre-JRI recommendation levels for serious offenses, changes that directly addressed Schultz's stated concerns.

Whether this coordination was explicitly negotiated or represented the commission's strategic reading of political necessity, the effect was the same: the commission delivered the policy changes the legislature wanted precisely when doing so might influence legislative treatment of the commission's structure. This sequence suggests that the post-JRI backlash had created an environment where commissions understood that failing to demonstrate responsiveness to legislative priorities could have institutional consequences.

Negotiation and Compromise: The Second Substitute

Following the introduction of the original bill and subsequent stakeholder negotiations, Speaker Schultz presented a second substitute that restored criminal defense representation while maintaining increased law enforcement presence. The final version adopted by the Senate committee included three criminal defense attorneys (appointed by the Utah Association of Criminal Defense Lawyers, with at least one from a rural county), three criminal prosecutors (appointed by the Statewide Association of Public Attorneys and Prosecutors, with at least one from a rural area), and three sheriffs (appointed by the Utah Sheriffs Association). The substitute removed juvenile-specific prosecutor and defense positions and moved the Juvenile Justice Oversight Committee chair from voting to non-voting status.

During the Senate committee hearing, Schultz acknowledged that the original bill had 'offended quite a few people' including 'close friends,' and stated 'that wasn't the intent, to make offense, and for that, I truly do apologize.' However, his apology focused on personal offense rather than addressing the structural implications of threatening to eliminate defense representation from criminal justice policy development. The speaker characterized the second substitute as 'a product of working together, trying

to find a pathway forward with many stakeholders' and expressed gratitude for stakeholder input in reaching 'some sort of an agreement.'

The negotiation process itself reveals the asymmetric power relationship between the legislature and advisory commissions. The original bill's threat to eliminate all defense representation created a negotiating position where any restoration of defense attorneys could be framed as legislative magnanimity rather than recognition of policy necessity. The final composition—three defense attorneys, three prosecutors, three sheriffs—represented a net expansion of law enforcement voices (from two to six positions) while defense representation remained at three.

The requirement that at least one prosecutor, one defense attorney, and one sheriff come from rural counties appeared designed to address geographic representation concerns, but this requirement applied equally across roles, suggesting it served primarily to broaden political support rather than to address specific policy imbalances. What the meetings reveal is that commissions engaged in this negotiation from a position of structural vulnerability: they could advocate for modifications but could not effectively oppose the bill's fundamental premise that the legislature could restructure them at will in response to policy disagreements. This reflects the structural reality that advisory bodies operate at the discretion of the Utah Legislature, limiting their capacity to contest foundational changes.

Patterns of Strategic Acquiescence

CCJJ Commission: Strategic Silence as Survival

The February 9, 2026 CCJJ Commission meeting provides the most extensive record of internal deliberation among commission members regarding H.B. 274. Multiple members articulated substantive policy concerns about the bill's impact on balanced policy development. One member characterized the ideal criminal justice advisory body as 'a group of people that's balanced and has a lot of perspectives' and expressed concern that the proposed composition 'doesn't seem like it's the right balance between the power of the government, and... the individuals who are tasked with defending people's rights and due process.' This member noted that the current Sentencing Commission makeup was already 'generally heavy on government and law enforcement' with 'fewer representatives from the defense,' and characterized a commission with 'one defense voice with six prosecutor voices and three sheriffs' as inconsistent with 'the principles of good governance and... fair and balanced policymaking.'

Another member raised concerns about both the policy product and legitimacy that would result from the imbalanced composition, stating: 'I think that the product will suffer as a result. Whatever we want those guidelines to be. And I think that is a problem. But even if by some way we weren't able to get exactly where we wanted them to be, the other issue is the legitimacy... We'll have those cases where somebody gets punished more severely than people think that they should. We'll look at it and say, well, they're following the guidelines. And they come back to us and say, well, we have six prospects and one defense. And I think that could undermine the legitimacy of the whole system.'

What makes these articulated concerns particularly significant is their sophistication and prescience. Commission members were not simply defending institutional interests or expressing generalized opposition to change. They identified specific mechanisms through which imbalanced commission composition would undermine policy legitimacy: when sentencing guidelines produced by a structurally imbalanced commission are applied in individual cases, both defendants and the public will question whether the guidelines reflect genuine expert consensus or predetermined outcomes.

This represents exactly the kind of independent policy analysis that advisory commissions theoretically exist to provide. Yet as the subsequent vote demonstrates, this analysis—however sophisticated and well-founded—could not overcome the structural imperative to avoid opposing legislation that threatened commission interests. The gap between the quality of analysis in this discussion and the strategic calculations that ultimately determined the commission's position illustrates the fundamental problem: structural dependence renders expertise subordinate to political survival.

The Defense/Victim Conflation Problem

One defense attorney member identified a rhetorical pattern that had emerged during legislative discussions of the bill: 'One thing that I would just ask is one thing I think has been frustrating... what keeps happening in this conversation is defense keeps getting equated to the victim voice. There's one victim voice. So there should be one defense voice... Defense is not comparable to the victim voice. We are comparable to the prosecutor voice.' This member emphasized that defense attorneys do not serve as opponents to victim interests but rather represent systemic balance: 'I speak prosecutors represent the interest of justice. They do not represent the victims. And I represent the defendant in court at the policy table. I

represent good policy from the perspective of the overall system.'

The UDC (Utah Domestic Violence Coalition) representative added a public comment expressing exhaustion with annual commission restructuring 'based on whims of various legislators... based on individual cases.' She noted that victim voices were being invoked politically but not actually represented: 'Nobody on this commission, other than a victim services commission representative is speaking for victims. Even the victim services commission representative is likely not someone with lived experience.' She pointed out the irony that 'in policy discussions, prosecutor and law enforcement voices get assumed to be speaking for victims when we know the system is very difficult for the victims.'

The rhetorical conflation of defense representation with opposition to victim interests serves multiple political functions that help explain why it persists despite being analytically incoherent. First, it reframes a debate about institutional balance and due process into a moral narrative about protecting the vulnerable, making opposition to restructuring appear callous toward crime victims. Second, it obscures the absence of actual victim representation by suggesting that prosecutor and law enforcement positions adequately capture victim interests, when in reality these roles serve distinct institutional functions that may or may not align with individual victim needs. Third, it creates a false binary where any defense of procedural protections or balanced commission composition can be characterized as prioritizing defendant interests over victim safety.

This rhetorical strategy proved politically effective: the original bill eliminated defense representation while claiming to enhance victim voice, and even after defense attorneys were restored, the final composition still featured no additional actual victim representation beyond what existed before. The fact that commission members could identify this conflation as problematic but could not effectively counter it in the political process demonstrates how rhetorical framing shapes policy debates in ways that expertise alone cannot overcome.

The Motion to Oppose and Strategic Retreat

Following discussion, a motion was made to oppose H.B. 274. However, a substitute motion was then offered to 'hold' the bill instead of opposing it, with the rationale that holding would allow time for continued negotiations and demonstrate 'good faith' to the legislative sponsor. The member making the substitute motion stated: 'What I would ask is that we hold off on the motion to oppose for another week. That we do a motion to hold. That

maybe we hold the bill and try to, as we've done with some other bills that we don't like issues on it, that we attempt to have a conversation for another week. If after a period of time of trying to maybe find a better way to accomplish the speaker's goals, if we can't find that, then I would probably join and support that motion to oppose.'

Discussion of the substitute motion revealed explicit awareness that opposition carried risks. One member questioned whether waiting a week would be strategically sound given that the bill had already passed the House and been assigned to a Senate committee. Another responded that there would 'likely to be more discussions and at least one more draft' and that taking a position of opposition too early might foreclose the possibility of influence: 'I guess I'm thoughtful of wanting to hold for that same reason, but I think it puts us in a better place to speak, you know, from our different positions and kind of make us feel better.'

Notably, when the CCJJ Commission voted to 'hold' rather than oppose, they were already operating under a 'hold' position from a previous meeting: 'We've got a substitute motion to hold with the second... Well, are we already at hold? There's a sub we're already a whole lot. Yeah, we do. Okay. So we're done. We're back to a holder.' This suggests the commission had already been strategically deferring taking a position, and the motion essentially continued that strategic silence.

Framing as Governance Review, Not Structural Threat

One sheriff on the commission offered a notably different framing of the bill, suggesting that periodic review of commission structure should be welcomed rather than resisted: 'Coming from the law enforcement side who gets 400 reviews every year in 400 different ways on how we run the jail and how we get the new report. Everything to me is worthy of a deeper dive and a deeper look. I would make a recommendation that we support the concept.' He elaborated: 'We get examined 250 times a year, and we don't have to love it in law enforcement, but some good things that come out of reexamining how we do our job and how we look at things and good policy has come out about public safety and how we work.'

This framing, however, obscures a critical distinction: external accountability reviews of law enforcement are conducted by bodies with independent authority and enforcement mechanisms (federal agencies, courts, oversight commissions with statutory powers). In contrast, the legislature restructuring its own advisory commission is an exercise of power by the principal over the agent, not comparable external

accountability. The commission exists solely to advise the legislature; when the legislature threatens to restructure it in response to advice it finds unwelcome, this represents potential retaliation rather than accountability.

The governance review framing serves as an effective legitimation strategy precisely because it invokes widely accepted principles of transparency and accountability while obscuring the power dynamics at play. By characterizing the restructuring as routine evaluation comparable to law enforcement oversight, the framing makes opposition appear defensive or resistant to improvement rather than concerned about independence and retaliation. This rhetorical move also fragments potential opposition: stakeholders who might object to structural threats become reluctant to appear opposed to 'good governance' principles.

The sheriff's acceptance of this framing as 'not opposed to any piece of the justice system being looked at and reviewed' demonstrates how the language of accountability can mask exercises of control. When advisory bodies exist to provide independent evaluation of legislative policies, subjecting those bodies to legislative restructuring whenever their advice proves unwelcome creates a circular accountability mechanism where the advisor is held accountable for the quality of advice by the entity being advised. This is not accountability—it is control.

Victim Services Commission: Explicit Fear of Retaliation

The February 13, 2026 Victim Services Commission meeting provides the most direct evidence of commission decision-making driven by fear of legislative punishment. The commission chair opened discussion by noting that the second substitute to H.B. 274 'dropped yesterday' and that 'in the first hearing, there was a significant shift in emphasis on victims. It was in committee again yesterday. There was zero mention of victims at all.' She explained her attempts to connect with Speaker Schultz: 'I reached out after our last time we took a position, and I've not been able to connect with Speaker Schultz until this afternoon at 4:15, which seems very late after the fact.'

The chair summarized the substitute's impact on victim representation: 'It left prosecutors. It did not add any additional victim advocates, victim voices, lived experience, nothing of that sort. It did add back in defense attorneys, which again, if we're having policy discussions, there's value in that. But I think what caught our attention as a commission to make note of

and to engage was that victim piece. And that does not seem to have carried over in any meaningful way.' When asked why the commission would support the bill given this analysis, one member stated directly: 'There's no reason for the Victim Services Commission to support it. There's nothing good for victims in it.'

Despite this assessment, the commission proceeded to discuss whether to take a position of 'support in concept.' The chair explained the strategic calculus: 'Here's the advantage potentially, which may or may not play out in any meaningful way whatsoever, is I am meeting with him this afternoon at 4:15, and if it is a supporting concept, it does show that we're hopeful for perhaps another change or something, and I can talk with him about that.' Another member then provided the most explicit articulation of fear-based decision-making in any of the meetings:

'I'll move to support in concept for the following reasons. One, to allow Marleese to continue to talk with Speaker Schultz this afternoon. I think if we have a position that's more contrary to that or beyond the scope, we will lose our ability to continue those discussions. I think as I listened to the Sentencing Commission grapple with this new substitute, they came back with a support to recommend... And so, for that reason, I feel like we've got to maybe play nice in the sandbox if we want any opportunity at continuing to get better things or risk getting punished in other ways, not only through the Sentencing Commission, but in our own commission, if we're not playing nice in the sandbox.'

This statement is remarkable for its candor. The member explicitly acknowledged that taking a position contrary to legislative preferences would 'lose our ability to continue those discussions' and that the commission needed to 'play nice in the sandbox' to avoid being 'punished in other ways... in our own commission.' This is not the language of independent policy evaluation. It is the language of institutional self-preservation through preemptive compliance.

Rationalizing the Decision

Commission members attempted to find policy justifications for supporting the bill despite their assessment that it contained nothing beneficial for victims. One member noted that while the commission composition hadn't changed to add victim voices, the bill did add language requiring the Sentencing Commission to consider victim impact when developing guidelines: 'I think I understand as far as the Sentencing Commission makeup that there hasn't been a change or an addition of a victim's voice,

but there are additional language for the Sentencing Commission to consider, and victims are represented in that part of it... there will be a comprehensive review of all the sentencing guidelines, and victims are mentioned in those parts.'

The search for policy justifications after the strategic decision had already been made reveals the psychological and institutional costs of structural dependence. Commission members were engaged in motivated reasoning—working backward from a predetermined conclusion (must support or remain neutral to avoid punishment) to find policy rationales that could justify that conclusion. The language about victim consideration in guidelines represented genuine if marginal improvement, but commission members themselves acknowledged it did not address their core concern about the absence of victim representation on the commission.

Yet this marginal improvement became the rationalization for supporting legislation the commission believed was fundamentally flawed. This dynamic illustrates how structural dependence corrupts policy evaluation: rather than assessing legislation on its merits and taking positions based on that assessment, commissions first determine what position political survival requires, then search for policy justifications that can make that position appear principled. The cognitive dissonance evident in the discussion—simultaneously acknowledging the bill offers nothing for victims while finding reasons to support it—reflects the psychological toll of operating in a structurally dependent position where honest evaluation conflicts with institutional survival.

The Vote and Conditional Support

Ultimately, the Victim Services Commission voted to 'support in concept' despite their stated belief that the bill contained nothing beneficial for victims. The chair noted she would 'leave it red' (indicating a tentative or conditional position) and report back after meeting with Speaker Schultz: 'I'm going to leave it at red. I'll report back next week on how that conversation goes with him today. And it's the first time that I've met him. So, it will help to form that connection, that relationship and hopefully that will give us a bigger voice as a commission in the future.' The framing reveals the transactional nature of the relationship: supporting the bill is positioned as a way to build relationship capital that might provide 'a bigger voice... in the future.'

The chair explained what she planned to advocate for in her meeting with the speaker, including the addition of either lived experience representation

or at minimum a victim advocate position, while acknowledging that 'there are issues with having victims on commissions' (a concern that had apparently been communicated to advocates by the speaker's office). She rationalized even limited victim advocate representation as better than nothing.

The conditional nature of the support and the explicit framing of relationship-building as a strategic goal expose the transactional character of structurally dependent advisory relationships. Independent advisory bodies take positions based on policy analysis, then advocate for those positions regardless of whether doing so builds or damages relationships with decision-makers. In contrast, the Victim Services Commission voted to support legislation they opposed in order to gain access to a meeting, framed that meeting as an opportunity to 'form that connection, that relationship,' and explicitly calculated that supporting the bill might provide 'a bigger voice as a commission in the future.'

This is not so much policy guidance as it is political messaging framed in the language of engagement. The 'red' designation (indicating a tentative or conditional position subject to change) further reveals the performative nature of the support: the commission was not genuinely endorsing the bill based on policy merit but rather signaling a willingness to be cooperative in hopes of influencing future iterations or gaining consideration in future policy discussions.

The fact that this meeting was occurring for the first time—'it's the first time that I've met him'—despite the bill having already passed the House and being in Senate committee demonstrates the commission's marginal position in the legislative process. Independent advisors are consulted before legislation is drafted; dependent advisors scramble for meetings after legislation has largely been settled, hoping that conditional support might purchase some minimal influence at the margins.

Political Legitimation

The meetings reveal a particularly troubling pattern: the systematic exploitation of victim advocacy to provide political legitimation for policies that victim representatives themselves believe offer no benefit to victims. The Victim Services Commission chair observed that in the first hearing on H.B. 274, there was 'a significant shift in emphasis on victims,' but in the subsequent committee hearing, 'there was zero mention of victims at all.' Despite this initial victim rhetoric, the second substitute added zero victim advocates or lived experience representatives to the Sentencing

Commission. The VSC chair explicitly documented: 'It did not add any additional victim advocates, victim voices, lived experience, nothing of that sort.' The bill included only language directing the commission to 'consider' victim impact—a marginal improvement that, as commission members acknowledged, did not address their core concern about the absence of actual victim representation.

This statements from the VSC meeting documents with unusual explicitness the coercive mechanism at work: the commission was not voting based on policy analysis but on fear of 'getting punished' through restructuring of their own commission if they opposed the legislation. The VSC chair framed her upcoming meeting with the Speaker as an opportunity to 'form that connection, that relationship and hopefully that will give us a bigger voice as a commission in the future'—supporting bad policy today as an investment in relationships that might yield influence tomorrow.

This exploitation operates through a sophisticated political mechanism. Multiple stakeholders identified how victim rhetoric was weaponized to justify reducing defense representation, creating a false binary where defense attorneys were portrayed as opponents of victim interests. The UDC representative stated: 'I think it was really frustrating sitting in that committee, listening to victims being used as the pawn in this conversation.' The CCJJ defense attorney noted that 'what keeps happening in this conversation is defense keeps getting equated to the victim voice,' explaining that this conflation fundamentally misrepresented both roles since 'prosecutors represent the interest of justice. They do not represent the victims.'

The exploitation serves a critical political function: manufacturing the appearance of broad stakeholder consensus. When the VSC votes to 'support in concept,' this creates a public record suggesting victim advocates endorse the policy. Legislators can cite this support; media can report that 'victim representatives support the bill.' However, the meetings suggest that this consensus may be influenced by pressure rather than emerging naturally.. The public record shows consensus; the private deliberations show submission to power. This pattern is not isolated. The UDC representative expressed exhaustion with commission restructuring happening 'every year based on whims of various legislators... based on individual cases,' noting that 'someone with lived victim experience was taken off of the victim services commission last year for some random reason about numbers.' When the most authentic form of victim representation can be removed arbitrarily, victim voice is valued only when it aligns with legislative preferences.

The most troubling consequence is how this corrupts the VSC's ability to fulfill its statutory mission. The commission exists to ensure victim voices are represented in criminal justice policy development, requiring independent evaluation of legislation and positions based on that analysis regardless of legislative preferences. When structural dependence prevents this independence, the commission can no longer credibly represent victim interests.

The February 13 meeting documented the VSC explicitly prioritizing institutional survival over mission fulfillment—acknowledging the bill offered nothing for victims but voting to support it to avoid punishment. This creates a principal-agent problem where the VSC cannot serve crime victims' interests because doing so threatens their relationship with the legislature. The commission becomes complicit in its own exploitation, forced to participate in creating false consensus that obscures the absence of genuine victim voice. Crime victims lose genuine representation in policy development, replaced by a commission that provides the appearance of victim representation while actually legitimating whatever policies the legislature prefers. The impossible choice between complicity and institutional destruction illustrates why structural independence is essential for advisory bodies representing marginalized constituencies.

Simultaneous Policy and Political Alignment

The February 12, 2026 Sentencing Commission meeting presents a more subtle but equally revealing pattern. On the same day that the commission met to discuss H.B. 274, it also voted to approve substantial changes to the sentencing guidelines that aligned with the policy direction Speaker Schultz had been advocating. The commission voted to eliminate zero-day floors from the jail matrix for serious offenses and increase recommended jail terms to levels closer to pre-JRI standards. Director Dan Strong presented a proposal that 'basically took the pre JRI numbers on our more serious offenses... and put that number on top' while maintaining ranges below those recommendations.

During the committee hearing later that day, Speaker Schultz specifically praised this action: 'As I mentioned, that did change a couple hours ago. I'm very appreciative of the Sentencing Commission's vote to increase those jail guidelines. I'm very grateful for that. And that's partially why I felt it was important to move to make changes more with adding the defense attorneys back into the commission. This important step forward, I'm grateful for the work that the commission did. And I appreciate the opportunity to work with them on these issues.'

The temporal coordination is notable: the Sentencing Commission voted to increase jail recommendations on the morning of the same day that the Senate committee would hear H.B. 274, and the speaker explicitly cited this action as justifying his willingness to restore defense attorneys to the commission. Whether this coordination was explicit or implicit, the effect was the same: the commission delivered policy changes the legislature wanted, and in exchange received marginally better treatment in the restructuring legislation.

CCJJ Testimony

When CCJJ Director Tom Ross testified before the Senate committee, his comments emphasized cooperation and gratitude rather than any concerns about the bill: 'I did want to inform you that earlier today in our Sentencing Commission meeting, the commission voted to recommend support to the CCJJ Commission, which is the voting body that will then carry that vote forward to you next Tuesday in our upcoming meeting. I also want to recognize Dan Strong, who's the director of the Sentencing Commission. I know many of you work with him. He has spent an enormous amount of time trying to work through these issues, House Bill 274, the guidelines. And I think it's through his leadership that we've been able to come to a place where all of the group is now coming together and wanting to move forward and work together.'

Ross continued by praising Speaker Schultz: 'And then with that said, I very much appreciate Speaker Schultz and the time and effort he has put into this bill and also into working with members of the commission. I came out of a law enforcement career for 34 years. I understand the importance of public safety. I also understand the importance of trying to find balance in a system that is not always easy to find that. And I believe the legislature has been very clearly telling us over the years, and we've been moving that direction to find a better balance on accountability and the appropriate punishment for the crimes that are committed in support of our victims and survivors.'

This testimony framed the relationship between the commission and legislature not as independent advisor and decision-maker, but as responsive implementer and principal. Ross characterized the commission as 'moving that direction' in response to what 'the legislature has been very clearly telling us.' The language suggests an understanding that the commission's role is to interpret and implement legislative preferences rather than to independently evaluate policy and provide advice that might conflict with those preferences.

The Mechanics of Structural Dependence

Fear as a Decision-Making Factor

The most significant finding from these meetings is the explicit role that fear of retaliation plays in commission decision-making. The Victim Services Commission member's statement about 'playing nice in the sandbox' to avoid being 'punished in other ways... in our own commission' provides direct evidence that commissions make voting decisions based on calculations about self-preservation rather than purely on policy merit. This is not inference or interpretation—it is a commission member explicitly stating that taking a position 'more contrary' to legislative preferences would 'lose our ability to continue those discussions' and risk punishment.

The CCJJ Commission's decision to 'hold' rather than oppose despite articulated concerns about policy imbalance reflects the same calculation expressed more diplomatically. Members framed their strategic silence as 'showing good faith,' maintaining the possibility of continued negotiations, and avoiding premature opposition that might 'foreclose' influence. But the underlying logic is identical: opposing legislation that restructures your commission carries unacceptable risk to the commission's continued existence or effectiveness.

The Sentencing Commission's grateful compliance—voting to support the bill while praising the sponsor's leadership and emphasizing the commission's responsiveness to legislative direction—represents the behavior of a body that has thoroughly internalized its dependent status. The commission does not need to explicitly discuss fear of retaliation because it has already accepted its role as implementer of legislative preferences. This shows how dependence shapes both decisions and statements, creating a self-reinforcing cycle of deference.

The Legitimation Function

When commissions support legislation they privately believe is flawed, they provide political legitimation for legislative decisions. Speaker Schultz's testimony before the Senate committee repeatedly referenced stakeholder support and collaboration. Director Ross testified that the Sentencing Commission had voted to support H.B. 274 and praised the collaborative process. The Statewide Association of Prosecutors testified that the bill represented a 'good balance' that would 'reflect the values of Utah citizens.'

This creates a public record suggesting broad expert consensus supporting the legislation.

However, the meetings reveal this consensus was manufactured through structural coercion rather than genuine agreement. The Victim Services Commission believed the bill contained 'nothing good for victims' but voted to support it anyway. The CCJJ Commission heard members express serious concerns about whether guidelines developed by an imbalanced commission would 'undermine the legitimacy of the whole system,' but voted to hold rather than oppose. The Sentencing Commission voted to support the bill on the same day it approved guideline changes aligned with legislative preferences, in a sequence that suggests policy responsiveness rather than independent evaluation.

The result is that commissions serve as legitimation mechanisms—providing the appearance of expert validation and stakeholder consensus while actually functioning as extensions of legislative authority. This legitimation function may be the primary value commissions provide to the legislature, making them worth the administrative investment even though they lack genuine independence.

Strategic Silence and Reputational Management

The meetings reveal a sophisticated understanding among commission members of how to navigate their dependent status through strategic silence and reputational management. Rather than opposing legislation directly, commissions employ 'hold' positions that defer taking a stance while maintaining the appearance of deliberative process. Rather than stating opposition publicly, commissions express concerns privately while supporting or remaining neutral publicly. Rather than refusing to endorse legislation, commissions offer 'support in concept' that signals tentative approval while preserving space for continued negotiation.

This strategic behavior reflects a learned adaptation to structural dependence. Commission members understand that their continued influence depends on maintaining positive relationships with legislators, particularly powerful chairs and speakers who control restructuring authority. They frame their acquiescence as 'collaboration,' 'good faith,' and 'moving forward together' rather than as submission to power. They express gratitude for being consulted even when their substantive concerns are not addressed. They identify small improvements in legislation (defense attorneys restored, victim impact language added) as justification for supporting bills they fundamentally oppose.

The chair of the Victim Services Commission's comment that meeting with the speaker would 'help to form that connection, that relationship and hopefully that will give us a bigger voice as a commission in the future' exemplifies this approach. Supporting legislation the commission opposes is framed as an investment in relationship capital that might yield future influence. This is sophisticated political behavior, but it is antithetical to independent policy evaluation. An independent advisor does not calculate whether accurate advice will damage relationships necessary for future influence.

The Legislative Dynamic

The relationship between the legislature and advisory commissions is a classic principal-agent structure: the legislature (principal) creates commissions (agents) to perform advisory functions on its behalf. However, effective principal-agent relationships require that the agent have sufficient independence to provide honest information even when that information is unwelcome to the principal. Otherwise, the principal receives only information confirming its preferences, eliminating the value of having an agent at all.

Independent agencies achieve this through structural protections: fixed terms for board members that cannot be shortened, statutory authority that cannot be easily modified, funding mechanisms that provide some insulation from appropriations politics, and legal protections against retaliation. Utah's CCJJ divisions lack these protections. The legislature can restructure commission composition through simple statute amendment. It can modify commission mandates and authority at will. Commission members serve at the pleasure of appointing authorities who are themselves responsive to legislative preferences. The commissions exist entirely at legislative sufferance.

The result is a principal-agent relationship where the agent's survival depends on pleasing the principal, eliminating the conditions necessary for honest advice. The meetings document this dynamic explicitly: commissions vote strategically to avoid 'punishment,' maintain access to negotiations, and preserve relationships rather than voting based on policy analysis. This suggests the principal (legislature) is not receiving the benefit of genuine expert evaluation but rather receiving confirmation of its own preferences dressed in the language of stakeholder consensus. This dynamic risks transforming consultative processes into ratification mechanisms, where bodies like the Utah House Judiciary Committee receive the appearance of consensus without the independence that gives expert input its value.

Use of Restructuring as Leverage

The UDC representative's comment at the CCJJ meeting—that 'it's getting really tiresome to have all of the composition of all of the boards and commissions messed with every year based on whims of various legislators... based on individual cases'—indicates that commission restructuring is a regular occurrence rather than an exceptional event. Last year, someone with lived victim experience was removed from the Victim Services Commission 'for some random reason about numbers.' This year, the Sentencing Commission faced elimination of all defense representation. The pattern suggests that commission restructuring is used as a routine tool to maintain legislative control.

When restructuring is frequent, commissions learn to anticipate it and modify their behavior accordingly. They need not wait for explicit threats—the ambient possibility of restructuring is sufficient to shape decision-making. This conditioning effect may explain why the Sentencing Commission required relatively little discussion before voting to support H.B. 274. The commission had already internalized its dependent status and understood that opposition carried unacceptable risk.

Speaker Schultz's apology for 'offending' people with the original bill is revealing. He apologized for personal offense while simultaneously exercising the power that caused that offense. The original bill threatened to eliminate defense representation entirely—a structural assault on balanced policy development. Schultz characterized stakeholder negotiations as finding 'a pathway forward' and achieving 'some sort of an agreement,' framing the restoration of defense attorneys as a generous concession rather than the minimum necessary to maintain policy legitimacy. His gratitude toward the Sentencing Commission for voting to increase jail recommendations 'a couple hours ago' suggests a transactional understanding: commissions that deliver policy changes the legislature wants will be treated less harshly in restructuring.

Victims Against Defendants

Multiple commission members identified a pattern in legislative discussions where defense representation was framed as opposing victim interests. The defense attorney at CCJJ noted that 'what keeps happening in this conversation is defense keeps getting equated to the victim voice.' This framing serves legislative interests by portraying commission restructuring as advancing victim protection rather than reducing checks on state power.

If defense attorneys represent criminals and victims need protection from criminals, then reducing defense representation appears justified as victim advocacy.

However, as the defense attorney explained, this framing fundamentally misunderstands the role of defense representation in policy development. Defense attorneys do not oppose victim interests—they represent the perspective of individuals subject to state power, ensuring that policy proposals consider due process, proportionality, and effectiveness of interventions. Prosecutors, despite often being characterized as representing victims, actually represent the state's interest in justice, which may or may not align with individual victim preferences. True victim representation requires actual victims or victim advocates, not prosecutors.

The Victim Services Commission recognized this problem but was unable to effectively resist it. They noted that the bill added language about considering victim impact but did not add victim representation, leaving the commission with prosecutor and law enforcement voices that were 'assumed to be speaking for victims when we know the system is very difficult for the victims.' Their vote to 'support in concept' despite believing the bill offered nothing for victims demonstrates that even when commissions clearly understand policy problems, structural dependence prevents them from effectively opposing legislation.

Legislative Control In Shaping Sentencing

The Function of Dependent Advisory Bodies

The evidence from these meetings supports the conclusion that Utah's CCJJ divisions function primarily as extensions of the legislature rather than as independent policy advisory bodies. When faced with legislation threatening their structure and mission, all three commissions either supported the legislation or strategically withheld opposition due to explicit fear of retaliation. This behavior is inconsistent with independent policy evaluation and consistent with institutional dependence.

However, this does not mean the commissions serve no legitimate function. They provide valuable technical expertise in implementing legislative direction, facilitate stakeholder engagement within parameters set by the legislature, and help coordinate criminal justice policy across multiple agencies and jurisdictions. The Sentencing Commission's development of detailed guideline matrices, scoring factors, and supervision tools

represents genuine expertise that would be difficult for the legislature to generate directly. The problem is not that commissions lack technical value but that they lack independence to provide critical evaluation when their analysis conflicts with legislative preferences.

The commissions' primary function beyond technical implementation appears to be legitimation. By creating a formal process involving diverse stakeholders, holding public meetings, conducting research, and issuing recommendations, the legislature generates the appearance of expert consensus supporting its policy decisions. When the Sentencing Commission votes to support H.B. 274, when prosecutors testify that the bill achieves 'good balance,' and when CCJJ leadership praises the Speaker's collaborative approach, these statements create a public record suggesting broad support from criminal justice professionals. The meetings reveal this consensus is manufactured through structural coercion rather than genuine agreement, but the public record obscures this fact.

The Costs of Structural Dependence

The structural dependence documented in these meetings imposes several costs on Utah's criminal justice policy process. First, the legislature loses the benefit of genuine independent evaluation. When commissions vote strategically rather than on policy merits, legislators cannot trust that commission support indicates actual expert consensus or sound policy. The principal-agent problem remains unresolved: the agent provides the information the principal wants to hear rather than accurate information.

Second, structural dependence undermines the legitimacy of policy outputs. Multiple CCJJ members noted that sentencing guidelines developed by a commission perceived as imbalanced would face legitimacy challenges when applied in specific cases. When stakeholders and the public learn that commission support was motivated by fear of punishment rather than policy agreement, the legitimating function itself breaks down. The manufactured consensus loses its value once the manufacturing process becomes visible.

Third, strategic acquiescence consumes significant time and political capital while producing minimal policy influence. The Victim Services Commission invested substantial effort in attempting to reach the Speaker, strategizing about how to maintain access, and identifying small improvements in bill language that could justify supporting legislation they opposed. This energy could have been directed toward substantive policy development if the commission had genuine independence to evaluate legislation without fear of retaliation.

Fourth, the pattern of routine restructuring as documented by the UDC representative suggests that commissions spend significant time dealing with threats to their own existence rather than focusing on substantive policy work. When commission composition becomes a regular subject of legislative manipulation, members must devote attention to organizational survival rather than policy expertise.

The Question of Independence

The central question this critique addresses is whether CCJJ divisions can function as independent policy advisory bodies given their structural relationship to the legislature. The answer suggested by these meetings is that they cannot. Independence requires the structural capacity to provide unwelcome advice without fear of retaliation. When commission members explicitly state that opposing legislation risks 'punishment' to their own commissions, when they vote to support legislation they believe is flawed to maintain 'access' and 'relationships,' and when they frame strategic silence as necessary 'good faith,' they are describing a dependent relationship incompatible with independent advice-giving.

This does not require attributing malicious intent to any actor. Legislators may genuinely believe they are engaging in good-faith consultation while simultaneously using restructuring authority to shape commission behavior. Commission members may genuinely provide their best technical expertise while also strategically managing their positions to preserve institutional survival. The structural relationship creates these dynamics independent of individual intentions. These dynamics illustrate how institutional design can shape outcomes in ways that neither the Utah Legislature nor commission members may fully intend or recognize in real time.

What becomes clear from these meetings is that Utah's CCJJ structure creates the appearance of independent expert evaluation without the substance. The commissions look independent—diverse membership, formal procedures, public meetings, research capacity. But when consequential decisions must be made about legislation affecting the commissions themselves or directly challenging legislative preferences, the dependence becomes visible. Commissions vote strategically rather than substantively, support legislation they privately oppose, and frame their acquiescence as collaboration. This pattern risks blurring the line between expert guidance and institutional self-preservation within CCJJ, potentially weakening the credibility of its policy recommendations in the eyes of stakeholders across Utah.

Implications for Criminal Justice Policy

The specific policy context of H.B. 274 raises additional concerns about the consequences of commission dependence. The bill emerged from a political movement to reverse reforms implemented through Utah's Justice Reinvestment Initiative, which had reduced sentences and prison populations based on evidence about effectiveness and cost. Speaker Schultz characterized public safety as an increasingly urgent political issue and argued that earlier reforms 'went too far.' The bill restructured the commission to include more law enforcement voices and fewer defense perspectives, while directing increased emphasis on punishment and deterrence in sentencing guidelines. This shift risks narrowing the commission's evidentiary focus by prioritizing retributive policy preferences over the balanced, data-driven approach that previously guided sentencing reform.

Whether these policy changes are wise is beyond this critique's scope. However, the process by which they were developed raises significant concerns. Rather than having an independent commission evaluate evidence about sentencing effectiveness and develop recommendations based on that evidence, the legislature restructured the commission to produce the recommendations it wanted, while the commission simultaneously voted to increase jail terms and support the restructuring bill. This is policy development through political control rather than evidence-based evaluation. In Utah, such alignment between structural redesign and preferred outcomes may also undermine public confidence that sentencing policy is being shaped through neutral, evidence-informed deliberation rather than predetermined conclusions.

Multiple stakeholders noted that sentencing policy benefits from balanced perspectives precisely because criminal justice involves competing values and empirical uncertainties. Public safety, proportionate punishment, cost-effectiveness, rehabilitation, and victim interests must all be weighed. An imbalanced commission may produce guidelines that overemphasize some values at the expense of others, not because evidence supports this prioritization but because commission composition predetermined it. The Sentencing Commission's vote to increase jail terms on the same morning the restructuring bill was heard suggests the commission understood it needed to demonstrate responsiveness to legislative preferences, which is concerning if commission recommendations should be based on evidence rather than political positioning. This sequence may create the appearance that the Utah Sentencing Commission is incentivized to anticipate legislative expectations rather than independence.

RECOMMENDATIONS

If the goal is to maintain advisory commissions that provide genuine independent evaluation rather than legitimization of legislative preferences, structural reforms would be necessary to insulate commissions from retaliation. These could include:

Fixed Terms and Staggered Appointments. Commission members could serve fixed terms (e.g., four years) that cannot be shortened except for cause, with terms staggered so that no single legislative session can replace the entire commission. This would prevent immediate retaliation for unwelcome recommendations while maintaining legislative influence over commission composition over time.

Supermajority Requirements for Restructuring. The statutes creating and defining commission structure could require supermajority votes (e.g., two-thirds) to modify commission membership or mandate. This would make restructuring more difficult in response to individual controversial recommendations while still allowing genuine reforms when broad consensus exists.

Professional Rather Than Political Appointments. Rather than having legislative leaders or governors appoint commission members based on political considerations, appointments could be made by professional organizations (bar associations, chiefs associations, etc.) according to specified criteria, with legislative confirmation but not selection. This would reduce individual members' dependence on political relationships.

Dedicated Funding Streams. Commission funding could be provided through dedicated revenue sources or multi-year appropriations rather than annual appropriations subject to political pressure. This would reduce the legislature's ability to use funding threats as leverage over commission positions.

Sunset Reviews with Burden of Proof. Rather than allowing ad hoc restructuring, commission mandates could be subject to periodic sunset reviews (e.g., every eight years) where the burden would be on those proposing changes to demonstrate that current structure is ineffective. This would shift the default from easy restructuring to stability with changes requiring justification.

However, implementing these structural protections would require the legislature to voluntarily constrain its own authority over bodies it created to serve its needs. The meetings suggest this is unlikely. When the Statewide Association of Prosecutors testified that 'the legislature has recognized over the past couple of years how important it is that you jealously guard this authority,' they were expressing the legislature's institutional interest in maintaining control rather than ceding it to independent bodies. This highlights the tension between institutional self-interest and the pursuit of genuinely evidence-based, impartial policy guidance.

An alternative approach would be transparent acknowledgment of commission dependence. Rather than maintaining the fiction that commissions provide independent expert evaluation, the legislature could explicitly frame them as stakeholder advisory bodies that operate within parameters set by legislative leadership. Commission recommendations could be presented as reflecting stakeholder input within assigned policy directions rather than as independent policy evaluations. This would at least provide transparency about what commissions actually do versus what they claim to do. This approach would allow policymakers and the public to interpret commission guidance accurately, reducing the risk of overstating the authority or independence of their recommendations.

A third option would be to maintain current structures while recognizing their limitations. The legislature could continue using commissions for technical implementation and stakeholder coordination while seeking truly independent evaluation from entities not subject to legislative control—academic institutions, national research organizations, independent policy institutes, or contracted consultants with fixed-term agreements. This would separate the legitimation and coordination functions (which dependent commissions can provide) from independent evaluation functions (which they cannot). Such a distinction would preserve the practical benefits of commissions while ensuring that policy decisions are informed by impartial, evidence-based analysis.

What seems untenable is the current arrangement where commissions are structurally dependent but functionally presented as independent, where members must engage in sophisticated strategic behavior to navigate their dependence, and where the public record suggests expert consensus that the meetings reveal to be manufactured through fear of retaliation. This creates neither genuine independence nor transparent accountability, but rather a system where political control operates through the language of expertise and collaboration. As a result, CCJJ risks eroding public trust by projecting expertise while masking underlying power asymmetries.

CONCLUSION

The meetings examined in this critique provide rare documentary evidence of how structural dependence shapes advisory commission behavior when confronting legislation that threatens commission interests. The explicit statements about 'playing nice in the sandbox' to avoid 'punishment,' the strategic decisions to 'hold' rather than oppose to maintain access to negotiations, and the grateful compliance while making policy changes aligned with legislative preferences paint a consistent picture: Utah's CCJJ divisions cannot function as independent policy evaluators when independence would require opposing the legislature that created them, appoints their members, and can restructure them at will.

This finding has implications beyond H.B. 274 or even criminal justice policy generally. It raises fundamental questions about the purpose and value of advisory commissions in state government. If such bodies exist primarily to legitimize legislative preferences rather than to provide independent evaluation, this should be acknowledged rather than obscured. If the goal is genuine independent advice, structural reforms providing insulation from retaliation would be necessary. What seems problematic is the current arrangement where commissions maintain the appearance of independence while operating under constraints that prevent them from providing unwelcome advice.

The Victim Services Commission member who explained voting to support a bill containing 'nothing good for victims' by noting the need to 'play nice in the sandbox' captured the essential dynamic. When commission members explicitly acknowledge that policy evaluation is subordinated to relationship management and fear of retaliation, we can no longer pretend these bodies function as independent advisors. They are extensions of legislative authority, providing technical implementation and political legitimation rather than critical evaluation.

Whether this arrangement serves Utah's interests depends on what the state seeks from its investment in criminal justice policy infrastructure. If the goal is genuinely evidence-based policy developed through balanced stakeholder input, the current structure fails to deliver it. If the goal is efficient implementation of legislative priorities with the appearance of expert consensus, the current structure may succeed—though at the cost of transparency about how policy is actually made. What these meetings make clear is that claims of commission independence cannot be sustained when the evidence shows explicit fear of retaliation shaping commission votes on the most consequential questions they face.

