

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**

Wednesday, September 20, 2006 – 9:00 a.m. – Room W020 House Building

Members Present:

Sen. D. Chris Buttars, Chair
Rep. DeMar "Bud" Bowman, Chair
Sen. Allen Christensen
Sen. Fred J. Fife
Sen. Mark B. Madsen
Rep. J. Stuart Adams
Rep. D. Gregg Buxton
Rep. LaVar Christensen
Rep. Patricia W. Jones
Rep. David Litvack

Rep. Michael T. Morley
Rep. Curtis Oda
Rep. Paul Ray
Rep. Jennifer M. Seelig

Staff Present:

Mr. Stewart E. Smith, Policy Analyst/Special Projects Mgr.
Ms. Susan Creager Allred, Associate General Counsel
Ms. Wendy Bangerter, Legislative Secretary

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

1. Committee Business

Chair Bowman called the meeting to order at 9:10 a.m.

MOTION: Sen. Christensen moved to approve the minutes of the June 21 and July 19, 2006 meetings. The motion passed unanimously, with Rep. Adams, Rep. Christensen, and Rep. Jones absent for the vote.

Mr. Richard Ziebarth, Grant Program Manager, and Ms. Doreen Weyland, Grant Monitor, both from CCJJ (Commission on Criminal and Juvenile Justice), distributed and explained the "Federal Equitable Sharing Report and Crime Reduction Assistance Program Update." The report is presented annually as required by Subsection 24-1-19 (1), UCA.

Mr. Scott Carver, Executive Director, UDC (Utah Department of Corrections), reviewed the previously distributed "Jail Program Report," contained in the mailed packet, explaining the status of housing prison inmates in county jails, as required by Section 64-13c-304, UCA.

2. Mandatory Distance a Sex Offender Must Live from a Park or School

Rep. Greg Hughes discussed elements of legislation he will be sponsoring in the 2007 General Session regarding residential restrictions on child sex offenders. He said the legislation will prohibit these sex offenders from residing within 500 feet of parks, schools, or swimming pools, which are places where young people tend to congregate. Rep. Hughes noted the need to avoid imposing restrictions so broad that they may not be enforceable and that would tend to drive these offenders to the outskirts of populated areas, where they would likely be less supervised and have less access to support systems.

Mr. Carl Wimmer, police officer, stated that this law, combined with other tools, would add another layer of security for children.

3. Utah Department of Corrections Sex Offender Program

Mr. Scott Carver, UDC (Utah Department of Corrections), addressed one aspect of the Utah Department of Correction's sex offender program. He stated he hoped to return in the future to address the program in more depth. He explained that the sex offender registry was created in 1987 as a law enforcement investigating tool. In 1996, it was expanded and made public. He answered questions from the Committee.

Mr. Jeremy Shaw, Sex Offender Unit Supervisor, Adult Probation and Parole, UDC, distributed a packet and provided a slide presentation addressing the residential restrictions as previously described by Rep. Hughes. He reviewed positive, intended, and unintended impacts that Rep. Hughes' legislation could have based on his experience. He discussed other states' attempts to implement similar laws. UDC would recommended support of the law, but would add a "protected place" provision which would bar those offenders no longer under UDC supervision from frequenting places where children congregate and where they do not have a reasonable or lawful purpose to be.

Mr. Carver recommended that such a law not be retroactive, but begin at the effective date of the law. UDC would like to avoid unintended consequences for those offenders who have progressed and have not reoffended over a long period of time.

Mr. Shaw stated that local police officers have become more active in helping to monitor sex offenders who are in their jurisdictions.

Rep. Ray encouraged the Committee to vote for the bill and noted that the bill also needs to be fully funded.

3. Public Safety Dispatcher Issues Update

Ms. Carol Groustra, Director, Communications Bureau, DPS (Department of Public Safety), distributed and reviewed data regarding DPS and the high turnover rate of public safety dispatchers. She noted that low pay, required continuing training and education, and high stress contribute to the turnover. She proposed a four-step raise that would be supported through added appropriations. She distributed a letter to Rep. Bowman regarding the plan to change the salary range, a memo from Carol Ownby to the Department of Human Resource Management, a job evaluation summary sheet, data indicating the proposed range increase and cost, and several newspaper articles reiterating the dispatcher crisis.

MOTION: Rep. Jones moved that the Committee endorse a request to be sent to the Executive Offices and Criminal Justice Appropriations Subcommittee for added appropriations to fund the four-step increase. The motion passed unanimously with Rep. Adams absent for the vote.

4. Update on Utah's Concealed Firearm Permit Program

Mr. Ed McConkie, Chief, BCI (Bureau of Criminal Identification), encouraged legislation that would create a dedicated credit to fund BCI's concealed firearm permit program. Currently, appropriated funds received are not held in the Bureau's funds, but are put into the General Fund. He referred to parts of the code previously distributed in the packet to illustrate the need to have the program funded and the need for BCI to be able to keep the funds received for that purpose.

The Committee additionally discussed raising fees for out-of-state concealed firearm permit applications.

Lt. Doug Anderson, Manager, Firearm Section, BCI, assisted in answering questions from committee members. He noted that Utah's concealed firearm permit is attractive because holders are properly taught, the permits cost less, and Utah permits are recognized by most states.

Committee members voiced their support for dedicated funding.

Mr. Brian Judy, NRA (National Rifle Association), explained that he represents permit holders both in and out of Utah. He discussed concerns about raising fees for out-of-state concealed firearm applications. He agreed that fees received should be dedicated to fund the program and noted that, currently, fees are often absorbed for unrelated uses. He said, however, that NRA could not support a fee raise for out-of-state permits until enough time has passed following the installation of a dedicated credit and assessment report received from BCI to see if an increase is warranted.

MOTION: Sen. Buttars moved that the Committee support directing 100 percent of concealed firearm permit fees to a dedicated credit for BCI's administration of the permit program. The motion included a requirement that the Committee receive an annual assessment report of costs and fees from BCI. The motion passed unanimously with Rep. Adams and Rep. Buxton absent for the vote.

5. Human Trafficking

Rep. David Litvack discussed issues relating to human trafficking. He stated there are efforts being made in law enforcement to address the problem.

Ms. Susan Ritter, Director, Utah Health and Human Rights Project, described this nonprofit, federally-funded organization, whose purpose is to provide help to victims. She stated the challenge is to identify victims through a coordinated effort with law enforcement and human services because victims most often do not identify themselves. She described human trafficking as the fastest growing criminal effort, and conditions for human trafficking are being created in Utah because of the increased number of immigrants coming into the state. She stated that immigration has identified some sites and jobs that have the desired environment for labor trafficking. She noted that there are 42 task forces working on this issue across the country. Her organization seeks to raise the awareness of the human trafficking problem.

Rep. Litvack reiterated the need to identify victims and to help them understand their rights under federal law. He will be opening a bill relating to this issue for the 2007 General Session.

6. Other Items/Adjourn

MOTION: Rep. Oda moved to adjourn the meeting. The motion passed unanimously with Sen. Christensen, Sen. Madsen, Rep. Adams, Rep. Buxton, Rep. Jones, and Rep. Morley absent for the vote.

Chair Bowman adjourned the meeting at 12:00 noon.