

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

Wednesday, June 20, 2007 – 2:00 p.m. – Room W020 House Building

Members Present:

Sen. Jon Greiner, Senate Chair
Rep. DeMar "Bud" Bowman, House Chair
Sen. D. Chris Buttars
Sen. William "Bill" Hickman
Sen. Scott D. McCoy
Rep. Brad L. Dee
Rep. David Litvack
Rep. Michael T. Morley
Rep. Curtis Oda
Rep. Paul Ray
Rep. Jennifer M. Seelig

Rep. Kenneth W. Sumsion
Rep. Larry B. Wiley
Rep. Carl Wimmer

Members Absent:

Rep. Rebecca D. Lockhart

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 DeMar "Bud" Bowman called the meeting to order at 2:20 p.m. He excused Rep. Sumsion and Rep. Ray from the meeting.

MOTION: Rep. Wiley moved to approve the minutes of the May 16, 2007 meeting. The motion passed unanimously. Sen. Buttars, Rep. Dee, Rep. Morley, and Rep. Wimmer were absent for the vote.

Chair Bowman reported on the letter sent to Commissioner Duncan, Department of Public Safety, reflecting the committee motion made on May 16, 2007.

2. Treatment for Victims and Perpetrators of Sexual Assault

Mr. Tom Patterson, Executive Director, UDC (Utah Department of Corrections), introduced the issue of treatment for victims and perpetrators of sexual assault. He stated that 29 percent of inmates are sex offenders and 90 percent will return back into the community. He emphasized that it is very beneficial for these inmates to receive treatment before they are released.

Mr. Ron Gordon, Director, OCVR (Office of Crime Victim Reparations), distributed and reviewed a handout, "Treatment for Victims and Perpetrators of Sexual Assault." He also gave a Power Point presentation reporting information and statistics regarding sexual assault in Utah. He emphasized that there is a lower rate of recidivism when offenders complete treatment prior to their release.

Mr. Mike Haddon, UDC, answered questions from the Committee. He discussed what constitutes a sexual offense.

Ms. Alana Kindness, Program Coordinator for the Salt Lake City Police Department, spoke about the need for victims to receive treatment as well as offenders and for that treatment to be customized to their specific needs. The Salt Lake City Police Department proposed the establishment of a Victim Treatment Fund to be funded from court-ordered fines imposed on the offenders.

Mr. Mike Conn, Director of Clinical Services for Juvenile Justice, Department of Human Services, gave information on what is being done in the juvenile justice system and concerns regarding future juvenile services. He answered questions from the Committee. He discussed the federal Adam Walsh Act to be implemented in Utah.

Dr. Ron Sanchez, Supervising Psychologist, UDC, addressed treatment for incarcerated offenders. He stated that there has been no increase in funding for treatment of offenders since 1997 and that the number of sex offenders has increased. He is convinced that when treatment is given to offenders, there is a decrease in the number offenders and reoffenders. He encouraged additional funding from the Legislature to the Sex Offender Treatment Program as requested by UDC.

3. Storage of Sexual Assault Forensic Exam (Code-R) Kits

Mr. Ron Gordon, OCVR, addressed the storage and eventual destruction of the Code-R kits. He explained that victims of a sexual assault have the right to go to a medical facility and receive care and an exam that would determine if there is evidence that could be used if the crime is reported. He proposed that UDC be authorized to preserve the exam kits so they and the information they contain can be accessed for future use, up to a specified number of days. If this is approved, OCVR will approach the Legislature again for authorization to destroy the exam kits after it is determined they will not be used.

4. Draft Legislation - "Parole Amendments"

Rep. Curtis Oda explained 2008 General Session draft legislation, "Parole Amendments," which requires that before an inmate may be granted parole, the inmate must agree that the Board of Pardons and Parole may issue a parole revocation warrant for the inmate if the inmate provided false information at the parole hearing or had committed an offense that the Board was not aware of when it granted parole.

Mr. Clark Harms, member of the Board of Pardons and Parole, further explained the ramifications of the draft legislation.

MOTION: Sen. Hickman moved to adopt the draft legislation, "Parole Amendments" as a committee bill. The motion passed unanimously. Rep. Dee and Rep. Morley were absent for the vote.

5. Draft Legislation - "Controlled Substances and Paraphernalia"

Rep. Oda, assisted by Ms. Jacey Skinner, Salt Lake District Attorney's Office, explained 2008 General Session draft legislation, "Controlled Substances and Paraphernalia." This bill would specify that a plea in abeyance regarding a controlled substance offense is considered to be a conviction. The bill also clarifies that references to ingesting or inhaling controlled substances refers to all controlled substances and that a charge for a controlled substance or paraphernalia offense does not prohibit the offender from being charged for other violations regarding controlled substances or paraphernalia.

MOTION: Sen. Hickman moved to adopt draft legislation dated June 20, 2007, "Controlled Substances and Paraphernalia," as a committee bill. The motion passed unanimously. Rep. Dee and Rep. Morley were absent for the vote.

6. Draft Legislation - "Disclosure of Identity to Officer"

Rep. Oda, assisted by Mr. Wade Farraway, Office of the Attorney General, explained that 2008 General Session draft legislation, "Disclosure of Identity to Officer," makes it a class B misdemeanor for a person to fail to disclose the person's identity to a peace officer under specified circumstances, and provides that a peace officer may arrest a person for this offense without a warrant.

Mr. Farraway explained that an officer must have reasonable suspicion to detain a person.

MOTION: Rep. Wimmer made a motion to amend lines 7, 13, and 43 changing "class C" to "class B" and adopt the legislation as a committee bill. The motion passed unanimously. Rep. Dee and Rep. Morley were absent for the vote.

7. Other Items/Adjourn

MOTION: Sen. Hickman moved to adjourn the meeting. The motion passed unanimously. Rep. Dee and Rep. Morley were absent for the vote.

Chair Bowman adjourned the meeting at 4:00 p.m.