

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

Wednesday, September 19, 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. 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. Brad L. Dee  
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](http://www.le.utah.gov).

**1. Committee Business**

Chair Bowman called the meeting to order at 2:10 p.m.

Ms. Doreen Weyland, Contract and Grant Analyst, CCJJ (Commission on Criminal and Juvenile Justice), distributed and reviewed the "Federal Equitable Sharing Report and the Crime Reduction Assistance Program Update" required by Subsection 24-1-19(1), Utah Code Annotated.

Mr. Richard Ziebarth, Information Analyst, CCJJ, distributed and explained the Utah State Asset Forfeiture FY 2008 Legislative Update.

**MOTION:** Rep. Wiley moved to approve the minutes of the July 18, 2007 meeting. The motion passed unanimously. Sen. Buttars, Sen. McCoy, Rep. Litvack, Rep. Morley, Rep. Ray, and Rep. Wimmer were absent for the vote.

**2. Prison Privatization Study**

Mr. Tom Patterson, Executive Director, UDC (Utah Department of Corrections), explained the request from Rep. Greg Hughes to study the concept of prison privatization. In response, UDC requested The Center (Utah Criminal Justice Center) and Dr. Brad Lundahl from the University of Utah to conduct the study.

Dr. Brad Lundahl, University of Utah, School of Social Work and the Center, distributed "Prison Privatization: Meta-analysis" and gave a slide presentation. He reviewed the pros and cons of prison privatization. He said that his group endeavored to provide a high quality study considering two indicators: cost and quality of confinement. They concluded that there is no clear advantage or disadvantage to prison privatization.

Mr. Russell VanFleet, Co-director, Center, explained that the Center was not paid specifically for completing this study, but that it was included with several other studies the Center was asked to complete for the criminal justice system.

Sen. Hickman expressed concern for the value of the study based on the fact that comparisons were made from the studies of correctional institutions rather than from the actual correctional institutions.

When asked what conclusion he draws from the analysis, Mr. Patterson stated that the study tells him that in some situations, privatization may be a solution, but that he sees no urgency to move in that direction at this time.

### **3. Expungement Law Amendments**

Rep. Lorie D. Fowlke explained 2008 General Session draft legislation, "Expungement Law Amendments." The legislation proposes amendments to the Utah Code of Criminal Procedure that would provide the possibility of expungement for a crime that has been pardoned by the Utah Board of Pardons and Parole, with specified exceptions.

Ms. Seanna Williams, Utah County Department of Substance Abuse, explained the Board of Pardon's process and the subsequent application for expungement. She related her own situation and her reasons for desiring an expungement.

**MOTION:** Rep. Litvack moved to adopt 2008 draft legislation, "Expungement Law Amendments," as a committee bill. The motion failed. Sen. Greiner, Sen. Buttars, Rep. Ray, and Rep. Wimmer voted in opposition. Sen. McCoy, Rep. Bowman, Rep. Litvack, Rep. Seelig, Rep. Sumsion, and Rep. Wiley voted in favor of the motion. Sen. Hickman, Rep. Morley, and Rep. Oda were absent for the vote.

### **4. Controlled Substance Schedule Amendment**

This item was postponed to a later agenda.

### **5. Material Harmful to Minors**

Rep. Paul Ray explained 2008 General Session draft legislation, "Material Harmful to Minors," stating that it amends the definition of "harmful to minors" to remove an amendment made in the 2007 General Session and to reinstate the prior statutory language.

**MOTION:** Rep. Litvack moved to adopt 2008 General Session draft legislation, "Material Harmful to Minors" as a committee bill. The motion passed unanimously. Sen. Hickman, Sen. McCoy, Rep. Morley, and Rep. Oda were absent for the vote.

### **6. Assault on a Peace Officer Penalty Amendment**

Rep. Ray introduced 2008 General Session draft legislation, "Assault on a Peace Officer Penalty Amendments," explaining that the bill increases the penalty for committing a second or subsequent assault against a peace officer from a class A misdemeanor to a third degree felony.

**MOTION:** Rep. Wimmer moved to adopt 2008 General Session draft legislation, "Assault on a Peace Officer Penalty Amendments" as a committee bill. The motion passed unanimously. Sen. Hickman, Sen. McCoy, Rep. Morley, and Rep. Oda were absent for the vote.

**7. Other Items/Adjourn**

**MOTION:** Sen. Greiner moved to adjourn the meeting. The motion passed unanimously. Sen. Hickman, Sen. McCoy, Rep. Morley, and Rep. Oda were absent for the vote.

Chair Bowman adjourned the meeting at 3:25 p.m.