

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, October 17, 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.

1. Committee Business

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

MOTION: Rep. Oda moved to approve the minutes of the September 19, 2007 meeting. The motion passed unanimously. Sen. Hickman, Sen. McCoy, Rep. Litvack, Rep. Morley, Rep. Sumsion, Rep. Wiley, and Rep. Wimmer were absent for the vote.

2. Report on Status of Housing Prison Inmates in County Jails

Mr. Cliff Butter, Director, Bureau of Planning and Research, UDC (Utah Department of Corrections), distributed and reviewed "Jail Programs Report." He emphasized the difference between jail contracting and jail reimbursement. He explained that each fiscal year, a new jail program core rate is calculated using a formula outlined in statute. He said the number of offenders included in jail programs in Fiscal Year 2007 was 1,533.

Mr. Tom Patterson, Director, UDC, explained that UDC is doing an aggressive review and a thorough evaluation of the policy of placing inmates in county jails. He explained that one of UDC's concerns is which facility an inmate can best receive the rehabilitation needed to eventually place the inmate back into society. He indicated that more funding is needed for treatment programs in county jails.

In response to comments from committee members on the failure of the jail system to prevent the escape of two inmates last month, Mr. Patterson reviewed efforts UDC is making to improve the system and avoid future escapes.

3. State Implementation of the Federal Adam Walsh Act

Mr. Mike Haddon, Deputy Director, UDC, distributed and explained the Act (Adam Walsh Act, Sex Offender Registry, Utah Implementation). He explained that the federal Act establishes additional procedures for tracking and registering sex offenders. The Act requires that the states implement the requirements of the

Act within the states' procedural frameworks or lose specified federal funding. The Act establishes three tiers of sex offenders based on the nature of the offense and the record of prior convictions. Each tier level imposes longer and more frequent registration requirements.

Mr. Haddon explained that a committee headed by UDC and CCJJ (Utah Commission on Criminal and Juvenile Justice) is meeting to develop statutory language required to implement the Act in Utah. He reviewed that committee's recommendation to replace the current sex offender registry statute with provisions that implement the Adam Walsh Act, coupled with Utah-specific registry requirements from Utah's current law.

He noted that the Act is retroactive and that current registered offenders will have to comply with the updated law. He reviewed the logistics for completing the registering. He encouraged language restrictive enough to discourage sex offenders from moving to Utah.

He reviewed grants for which UDC has applied and how the money will be used if UDC is awarded the grants. He alerted the Committee to the fact that legislation brought to the Committee in November will include a fiscal note.

Mr. Robert Yeates, Executive Director, CCJJ, responded to questions from the Committee.

4. Vehicle Concealing Illegal Items

Rep. Paul Ray reviewed 2008 General Session draft legislation, "Vehicle Concealing Illegal Items," which was distributed to the Committee. The amendments in the bill provide penalties for possessing or modifying a motor vehicle to facilitate the transportation of illegal items. He distributed the document, "Hidden Compartments," which showed some hidden compartments where illegal items had been concealed.

Ms. Lana Taylor, Office of the Attorney General, explained the meaning of the word "intent" as it is used in the bill, and answered questions from the committee members.

Committee discussion followed.

MOTION: Sen. Buttars moved to adopt 2008 General Session draft legislation, "Vehicle Concealing Illegal Items," as a committee bill. The motion passed unanimously. Sen. Hickman was absent for the vote.

5. Controlled Substance Schedule Amendment

Rep. Paul Ray explained 2008 General Session draft legislation, "Controlled Substance Schedule-Amendments."

MOTION: Rep. Ray moved to hold action on this bill until further direction is received from the federal Drug Enforcement Administration regarding the classification of salvia divinorum.

6. Honoring Heroes - Highway Patrol Association

Rep. Paul Ray introduced 2008 General Session draft legislation, "Honoring Heroes Special Group License Plate." He explained that proceeds from this special plate program will provide financial support to the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees.

Committee discussion followed.

Mr. Scott Duncan, Commissioner, Department of Public Safety, spoke in favor of this opportunity to help the families of fallen heroes.

MOTION: Rep. Wimmer moved to adopt 2008 General Session draft legislation, "Honoring Heroes Special Group License Plate," as a committee bill. The motion passed unanimously. Sen. Hickman was absent for the vote.

7. Rulemaking Authority Affecting Criminal Penalties

"Rulemaking Authority Involving Criminal Penalties - Report to the Law Enforcement and Criminal Justice Interim Committee - October 17, 2007," was distributed to the committee members.

Rep. Oda explained that the Utah State Hospital's administrative rule, R525-6-1, defines the hospital's "secure area" in a way that conflicts with the statutory definition of a secure area.

MOTION: Rep. Oda moved that Utah State Hospital Administrative Rule R525-6-1 be referred back to the Administrative Rules Review Committee and that the state hospital be required to comply with Section 76-8-311.1 or that the rule be sunsetted. The motion passed unanimously. Sen. Hickman was absent for the vote.

8. Other Items / Adjourn

MOTION: Rep. Wiley moved to adjourn the meeting. The motion passed unanimously. Sen. Hickman was absent for the vote.

Chair Bowman adjourned the meeting at 3:35 p.m.