

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

Wednesday, May 21, 2008 – 9:00 a.m. – Room C415 State Capitol

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. Rebecca D. Lockhart
Rep. Michael T. Morley
Rep. Curtis Oda

Rep. Jennifer M. Seelig
Rep. Kenneth W. Sumsion
Rep. Stephen H. Urquhart
Rep. Larry B. Wiley
Rep. Carl Wimmer

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 Greiner called the meeting to order at 9:15 a.m.

MOTION: Rep. Wiley moved to approve the minutes of the April 16, 2008 meeting. The motion passed unanimously. Sen. McCoy, Rep. Dee, Rep. Morley, Rep. Sumsion, Rep. Urquhart, and Rep. Wimmer were absent for the vote.

Chair Greiner noted the information that was requested last month was included in the packet, as well as letters written to the Legislative Management Committee regarding the Committee's interim studies, to the Executive Offices and Criminal Justice Appropriations Subcommittee regarding funding for dispatchers, and to the Capitol Facilities and Government Operations Appropriations Subcommittee regarding future public safety radio communication changes.

2. Key Provisions of the Open and Public Meetings Act

Ms. Susan Allred gave a presentation training committee members regarding the requirements of Utah Code Section 52-4-104, "Open and Public Meetings Act."

3. Utah's Emergency Radio Communications

Mr. Steve Proctor, Utah Communications Agency Network (UCAN), reviewed the history of radio systems in Utah. He distributed "Narrowbanding and Interoperable Emergency Radio Communications in the State of Utah." He explained the impact that Federal Communications Commission (FCC) mandates for narrow bandwidth emergency communications will have on Utah and the nation. He said that the new FCC rules will take effect in the year 2013 and will increase equipment and construction costs substantially. He explained some of the challenges UCAN has experienced in attempting to develop a statewide plan.

Mr. J. Stephen Fletcher, State Chief Information Officer, invited the Legislature to be involved in planning and providing direction and oversight. He expressed the need to define strategy, rules, and responsibilities of all those involved. He stated that the key issues will be to have adequate funding and adequate governance.

He distributed a sheet comparing radios and MHz in the different counties and other entities throughout the state.

Mr. Randy Almond, Director, Cache County Communications Consolidated Dispatch Center, explained that Cache County recognized it needed a plan for a radio system. The county joined with Utah State University and UCAN and studied the matter for a year. The county then decided to apply for a grant to install an "800" system.

Mr. Brian Low, Logan Police Department, explained that the "800" system had a band plan, which gave a clear direction and facilitated forming a coalition with all public safety entities in Cache Valley.

Sen. Greiner emphasized that rural Utah will need to be included when the statewide system is upgraded.

4. Department of Public Safety Update

Commissioner Scott Duncan, Department of Public Safety (DPS), introduced two key issues of public safety, the Statewide Information Analysis Center (SIAC) and Utah's Concealed Firearm Permit Program.

Mr. Keith Squires, Deputy Commissioner, DPS, gave a brief history of information sharing in Utah between state and local agencies, which resulted in the establishment of SIAC. He further explained the SIAC program in Utah.

Major Jeff Carr, DPS, distributed and reviewed "Statewide Information and Analysis Center (SIAC)." He explained how SIAC works through information sharing and situational awareness. In addition, SIAC is developing an intelligence liaison officer program, which is an effort to connect on-ground public safety personnel with each other and to the center to share information that can then be used for alerts and advisories relevant only to Utah. The second part of SIAC's mission is the critical infrastructure protection mission, which is to identify and inventory critical information assets.

Commissioner Duncan explained DPS's efforts and its intent to not incur further costs in developing the information sharing program, but to be able to work within the current budget.

Mr. Rich Townsend, Deputy Commissioner over Special Services, DPS, distributed "Concealed Firearm Permits (CFP) Fact Sheet" and addressed the concealed weapon program in Utah.

Lt. Doug Anderson, Supervisor for the Concealed Weapon Program, DPS, further explained the concealed weapon program in Utah and the permits and renewals issued to both Utah residents and nonresidents. He also addressed applicant training.

Committee discussion followed, including whether there are benefits to issuing permits to nonresidents.

5. Crime of Strangulation or Smothering

Representative Jennifer Seelig introduced draft legislation which would amend Utah's Criminal Code to include the offense of suffocation or strangulation as an aggravated assault. She distributed a letter from

Dr. Todd Grey, MD, Office of the Medical Examiner, expressing support for the legislation. Rep. Seelig explained the same bill did not pass in the 2008 General Session because of funding. She named several groups that also support the bill.

Mr. Ned Searle, Commission on Criminal and Juvenile Justice, cited recent cases of domestic violence and their relationship to strangulation. He stated that threats to kill using strangulation will often precede an actual killing and is a significant sign of control over a victim. He demonstrated on a map how many persons in Utah have died as a result of strangulation. He emphasized the impact this proposed action would have in the domestic violence arena.

Mr. Wade Faraway, Office of the Utah Attorney General, assisted in answering questions from the committee members.

MOTION: Sen. McCoy moved to adopt 2009 General Session draft legislation, "Crime of Strangulation or Smothering," as a committee bill. The motion passed unanimously. Sen. Buttars, Rep. Litvak, and Rep. Urquhart were absent for the vote.

6. Other Items / Adjourn

MOTION: Sen. McCoy moved to adjourn the meeting. The motion passed unanimously. Sen. Buttars, Rep. Litvak, and Rep. Urquhart were absent for the vote.

Chair Greiner adjourned the meeting at 11:15 a.m.