

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, June 18, 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. 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

Members Absent:

Sen. William "Bill" Hickman

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 9:15 a.m.

MOTION: Rep. Morley moved to approve the minutes of the May 21, 2008 meeting. The motion passed unanimously. Rep. Urquhart was absent for the vote.

2. Illegal Immigrants in Utah's Prisons and Jails

The United States Immigration and Customs Enforcement (ICE) within the United States Department of Homeland Security determines the legality of an inmate. ICE places a "detainee hold" on certain inmates who, when released for parole, are released to ICE authorities for deportation or other action.

Mr. Cliff Butter, Director, Planning and Research, Utah Department of Corrections, distributed "Non U.S. Inmate Count on May 19, 2008" and "State Criminal Lien Assistance Program." He discussed the population and offenses of aliens in Utah prisons.

Mr. Curtis L. Garner, Chairman, Utah Board of Pardons and Parole, discussed the practice of holding illegal inmates in Utah prisons, how the inmate's status is determined, how the inmate is detained and managed before and after parole, and action taken if the inmate returns to the United States after being deported.

Mr. Smith referred the Committee to an article in the committee packet explaining ICE and its actions regarding deportation of inmates being released from state prisons.

Committee discussion followed. Committee members asked Mr. Butter to provide further information regarding arrest-level detail, the comparison of offense types between legal and nonlegal alien inmates, the population density of inmates in other states' prisons, and the possibility of estimating the number of illegal aliens in Utah.

3. Possession of Narcotics and Paraphernalia for K-9 Training

Rep. Wimmer explained that more time is needed to address issues before discussing the possession of narcotics and paraphernalia for K-9 training and other law enforcement training. This issue will be addressed at a later date.

4. Concealed Firearms Permits

Mr. Richard Townsend, Deputy Commissioner, Department of Public Safety, addressed the growing percentage of Concealed Firearm Permits being issued to out-of-state applicants who have been trained by Utah-certified trainers, both in state and outside the state. He distributed "Concealed Firearm Permits (CFP)," updated specifically for this meeting. He expressed concern for the manageability of the program. He explained that the fees being charged cover the costs of administering the permit and the background checks.

Mr. Townsend assured the Committee that no other obligations to the state suffer because of the increasing number of permit applications. He asked that the Legislature consider a change to the statute to clarify if it desires permits to be issued to out-of-state applicants and if the Legislature wants out-of-state instructors to be certified by Utah.

Lieutenant Douglas Anderson, Manager, Bureau of Criminal Identification (BCI), assisted Mr. Townsend in answering questions posed by the Committee.

Committee discussion followed.

Rep. Seelig requested information regarding the full-time staff equivalent to permits issued.

Mr. Clark Aposhian, Utah Shooting Sports Council, explained that Utah's permit is valuable to other states because Utah has high training standards. He clarified that Utah's permit applications are processed before out-of-state applications. He spoke in favor of the public gun possession because he feels it results in lower crime rates.

Mr. Brian Judy, National Rifle Association (NRA), addressed questions raised during the committee discussion. He spoke in opposition to changing the statute. He stated that the Legislature should take pride in Utah's program. It is recognized by many other states and requires that permit holders be trained appropriately. He suggested that Utah could require instructors to show proof that they have passed an NRA or law enforcement course, which would remove some pressure from BCI.

Ms. Dee Rowland, Gun Violence Prevention Center, spoke in opposition to reducing the restrictions to gun control. She spoke in favor of shortening the length of time between background checks of permit holders.

Mr. Charles Hardy, Public Policy Director, GOUtah, reviewed the history of gun control in Utah. He clarified that Utah does not discriminate for or against permit applicants and that the instructor system is good and has encouraged other states to accept the same model. He reminded the Committee that federal law does not recognize permit holders on the equal basis that Utah does. He feels there is not a problem in Utah's law and that there has been no pattern of problems caused by Utah permit holders.

5. Other Items / Adjourn

MOTION: Sen. Greiner moved to adjourn the meeting. The motion passed unanimously.

Chair Bowman adjourned the meeting at 11:30 a.m.