

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

Wednesday, August 20, 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 Butters  
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.  
Mr. Thomas R. Vaughn, 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 Greiner called the meeting to order at 9:20 a.m.

**MOTION:** Sen. Butters moved to approve the minutes of June 18, 2008. The motion passed unanimously. Sen. McCoy, Rep. Dee, Rep. Lockhart, Rep. Morley, and Rep. Wiley were absent for the vote.

Chair Greiner announced that legal counsel, Ms. Susan Allred, was not in attendance, and that Mr. Thomas Vaughn would provide legal counsel needed by the Committee at the meeting.

**2. Jail as a Condition of Probation**

Mr. Scott Carver, Director, Utah Sentencing Commission, explained how serving time in jail as a condition of probation has steadily increased as a sentencing option over the past several years and is being widely used throughout the state. The University of Utah Criminal Justice Center was asked to do a study regarding the effectiveness of this tool for reducing recidivism and to answer the question of how much jail time is enough to have the intended affect. He stated that the information collected in the study will be useful in broader studies regarding jail reimbursement, prison growth, crime reduction, and public safety.

Dr. Chris Mitchell, Director of Research, Commission on Criminal and Juvenile Justice (CCJJ), explained how data is being collected to a centralized place for use statewide and how that process is being funded.

Dr. Moises Prospero, Director, University of Utah Criminal Justice Center, gave a slide presentation explaining the purpose of the study, the criteria they used for the study, and facts they have discovered to this date. He asked for recommendations for further study and variables that could be used in those further studies.

Committee discussion followed regarding whether jail time actually increases or decreases recidivism. The Committee members felt that no conclusions could be drawn from the study.

**3. Sex Offender Contact with Children**

Rep. Richard A. Greenwood explained that 2009 General Session draft legislation, "Sex Offenders' Contact With Children," will require a registered sex offender whose offense was against a child younger than 14 to

obtain written permission from the child's parent or guardian to allow a child younger than 14 to accompany the offender for any purpose. He cited instances that indicated the need for the bill. He emphasized that the intent of the bill is not to supercede parole restrictions but is intended for those offenders no longer on probation.

Mr. Reid Richards, Attorney, assisted Rep. Greenwood in answering questions from the Committee.

**MOTION:** Rep. Seelig made a motion to amend the proposed legislation:

Lines 418 and 421	Insert (s) after "date" and "location" to make them plural
Line 424	Insert (s) after "location" making it plural

The motion passed unanimously. Rep. Litvack, Rep. Sumsion, and Rep. Urquhart were absent for the vote.

**MOTION:** Rep. Wimmer moved to approve 2009 General Session draft legislation, "Sex Offenders' Contact With Children," as amended as a committee bill. The motion passed with Sen. Buttars and Sen. Hickman voting in opposition. Rep. Lockhart, Rep. Sumsion, and Rep. Urquhart were absent for the vote.

#### **4. County Sheriff Qualifications**

Rep. Greenwood explained that 2009 General Session draft legislation, "County Sheriff Qualification Amendments," will require that a person elected to the office of county sheriff, after the 2008 general election, be qualified by taking a course approved by the Peace Officer Standards and Training Council (POST) and be certified as a correctional facility manager or correctional officer before taking office. The county sheriff would also need to remain certified during the term of office. He outlined the benefit to an officer.

Mr. Richards assisted Rep. Greenwood in answering questions from the Committee.

**MOTION:** Rep. Bowman moved to adopt 2009 General Session draft legislation, "County Sheriff Qualification Amendments" as a committee bill. The motion passed with Sen. Buttars voting in opposition. Rep. Sumsion and Rep. Urquhart were absent for the vote.

#### **5. Forfeited Property Report**

##### **a. Federal Equitable Sharing Report**

Ms. Doreen Weyland, Contract/Grant Analyst, CCJJ, distributed and reviewed, "Federal Equitable Sharing Report and the Crime Reduction Assistance Program Update."

##### **b. Crime Reduction Assistance Program Update**

Mr. Richard Ziebarth, Program Manager, CCJJ, explained the state forfeiture portion of the report. He answered questions from the committee members.

**MOTION:** Sen. Hickman moved to accept the forfeited property report as presented. The motion passed unanimously. Rep. Lockhart and Rep. Urquhart were absent for the vote.

#### **6. Other Items / Adjourn**

**MOTION:** Rep. Dee moved to adjourn the meeting. The motion passed unanimously. Rep. Lockhart and Rep. Urquhart were absent for the vote.

Chair Greiner adjourned the meeting at 11:23 a.m.