

**MINUTES OF THE
JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, July 20, 2011 – 10:00 a.m. – Room 30 House Building

Members Present:

Rep. Kay L. McIff, House Cochair
Rep. Curtis Oda, House Cochair
Sen. Lyle W. Hillyard
Sen. Luz Robles
Sen. Ross I. Romero
Sen. Stephen H. Urquhart
Pres. Michael G. Waddoups
Rep. Derek E. Brown
Rep. LaVar Christensen
Rep. Fred C. Cox
Rep. Steve Eliason
Rep. Richard A. Greenwood
Rep. Christopher N. Herrod
Rep. Don L. Ipson
Rep. Ken Ivory
Rep. Brian S. King
Rep. Lee B. Perry

Rep. Paul Ray
Rep. Jennifer M. Seelig
Rep. R. Curt Webb
Rep. Mark A. Wheatley

Members Absent:

Sen. Mark B. Madsen, Senate Chair
Rep. Patrice M. Arent
Sen. Daniel R. Liljenquist

Staff Present:

Mr. Nathan W. Brady, Policy Analyst
Mr. Jerry D. Howe, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Ms. Joy L. Miller, 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 Oda called the meeting to order at 10:15 a.m.

MOTION: Rep. McIff moved to approve the minutes of the June 15, 2011 meeting. The motion passed unanimously. Sen. Waddoups, Rep. King, and Rep. Ray were absent for the vote.

2. Future Interim Study Items

Chair Oda proposed that the Committee study the top five items from the survey results.

3. Prisoner Release

This item was postponed to a future meeting.

4. Multi-agency Strike Force

Mr. Ken Wallentine, Chief of Law Enforcement, Utah Office of the Attorney General, distributed "Utah Attorney General SECURE Strike Force Annual Report Executive Summary." He explained that funding for the strike force expired June 30, 2011; however, the strike force has been able to stretch the funds to keep it going until 2012. He discussed how the strike force has enabled the Utah Office of the Attorney General to address the problems of fraudulent document mills, drug trafficking in the undocumented immigrant community, and intellectual property piracy.

Mr. Wallentine and Mr. Scott Reed, Criminal Justice Division, Utah Office of the Attorney General, responded to questions from the Committee.

5. Forfeited Property Report

Ms. Doreen Weyland, Commission on Criminal and Juvenile Justice (CCJJ), gave a brief overview of the asset forfeiture laws. She discussed "Utah Asset Forfeiture Programs," which was included in the mailing packet. Ms. Weyland stated that they are in the process of compiling information on proceeds received and will provide that information to the Committee in September.

Mr. Richard Ziebarth, CCJJ, gave a brief overview of the statutory state forfeiture requirements. He distributed and reviewed "Crime Reduction Assistance Program," and "FY 2010 SAFG [State Asset Forfeiture Grant program] and STFG [State Task Force program] Grant Results." Mr. Ziebarth responded to questions from the Committee.

6. Use of Criminal Surcharges and Fines

Mr. Ziebarth distributed and reviewed "State Criminal Surcharge - Law Enforcement Operations Account," which outlines the account and how the funding has been used. He said the vast majority of the resources are coming from the participating agencies. He noted that CCJJ is still in the data collection phase and will provide the data to the Committee in August.

Ms. Mary Lou Emerson, Director, Utah Substance Abuse and Anti-violence Council, discussed the "Alcohol and Pregnancy Don't Mix" public awareness campaign and the Prenatal Substance Abuse Prevalence Study.

7. Jail Reimbursement and Contracting

Rep. Michael E. Noel distributed and reviewed "Inmate Placement Program Bed Availability," "Jail Reimbursement Allocation Amounts," and "Historical Jail Reimbursement." He discussed the state's use of local jail facilities to house state inmates and the contracted rates at which the state reimburses local jails. He discussed the benefits of having contracting programs with the counties for housing inmates. He proposed that a five-year average reimbursement rate be adopted.

Mr. Reed Richards, Weber County Attorney's Office, spoke in support of a five-year average reimbursement rate for county inmates. He suggested that a 5 cent tax on beer be imposed since most of the inmates in this category have significant drinking problems. Mr. Richards indicated that if the state intends to look to the counties to provide additional bed space for prisoners, a stable source of revenue needs to be established.

Mr. Tom Patterson, Executive Director, Utah Department of Corrections (UDC), explained that UDC's partnership with county jails and sheriffs has been a good one and UDC will continue to rely on the counties to help with growth needs until a new facility is built and ready to be occupied in 2015. He stated that the new 192 bed maximum security facility is anticipated to be built in Gunnison.

Rep. Noel indicated he was seeking the support of the Committee to address the issues that have been raised.

Pres. Waddoups said the Legislature has obligations in the state budget that include many factors that have to be balanced, in addition to commitments to the federal government. He stated that there needs to be flexibility to look to UDC and Adult Probation and Parole to allow for new innovations to address these issues.

Rep. Noel, Mr. Richards, and Mr. Patterson responded to questions from the Committee.

8. Recodification of Section 77-27-21.5

Rep. Jack R. Draxler briefly discussed 2012 General Session draft legislation, "Sex Offender Registry Chapter" (FL2012-0189/003), which was included in the mailing packet. He explained that Section 77-27-21.5, which establishes the sex and kidnap offender registry and related procedures, has been amended and expanded over the years. To make the information in the section more accessible, the draft legislation would reorganize the language of the section as a number of separate sections that would constitute a chapter. Rep. Draxler noted that the changes are technical and there are no substantive changes in the draft bill.

Ms. Chelsea-McCarty distributed "Sex Offender Registry Chapterization Comparison Table." She stated that the sections within the bill have been reorganized and changes were not made to the language or substance of Section 77-27-21.5

Rep. Draxler requested that the draft legislation be placed on the September agenda for action.

Rep. Cox requested that his 2012 General Session draft legislation, "Kidnapping Offender Amendments" also be placed on the September agenda.

MOTION: Rep. Eliason moved to adjourn. The motion passed unanimously.

Chair Oda adjourned the meeting at 11:45 a.m.