

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE
Room 25 House Building
February 10, 2016**

Members Present: Sen. Daniel W. Thatcher, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Rep. Keven J. Stratton, House Vice Chair
Sen. Curtis S. Bramble
Sen. Jani Iwamoto
Sen. Scott K. Jenkins
Sen. Ralph Okerlund
Rep. Rich Cunningham
Rep. Sophia DiCaro
Rep. Brian S. King
Rep. Merrill Nelson
Rep. Curtis Oda
Rep. V. Lowry Snow

Members Excused: Sen. Wayne L. Niederhauser, President, and Rep. Angela Romero

Staff Present: Mr. Gary Syphus, Fiscal Analyst
Ms. Clare Tobin Lence, Fiscal Analyst
Ms. Cindy Hopkin, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Vice Chair Stratton called the meeting to order at 8:13 a.m.

1. Budget Requests

a. Department of Public Safety (DPS)

Mr. Keith Squires, Commissioner, DPS, assisted by Colonel Danny Fuhr, Utah Highway Patrol (UHP), presented the budget requests for the DPS. The department works as a team with all the division directors looking at each other's needs to see what they might have internally to help each other.

Colonel Fuhr presented the budget requests for the UHP. Their largest need is \$1.5 million on-going general funds. This would be in addition to the 2 percent compensation increase to be used for a UHP trooper pay range increase to help them retain their seasoned employees.

The department is requesting \$250,000 on-going General Fund money for their UHP video storage and maintenance. They are also requesting \$450,000 on-going General Funds for the department's UHP/SBI evidence project. The UHP reduced their 27 facilities (serving 29 counties as a statewide entity) to 15 facilities. As a result, the department was able to reduce the number of people that handle evidence from 20 technicians to 11. These technicians are UHP troopers using 28 percent of their time for handling evidence. Reducing the technicians by 9 individuals equates to about 4,300 hours saved.

The UHP's goal is to take the remaining evidence facilities and break them down into 6 regional evidence areas managed by zero troopers. The department is requesting funds to hire 6 full-time civilian evidence custodians. The civilian positions cost a lot less because they don't require the training, vehicles, and equipment that a trooper needs. That would free up an additional 11 troopers from evidence processes and get them back on the road. That is another 5,300 trooper hours or the equivalent of another 4 FTEs.

The next request is for \$240,000 on-going from General Fund to hire two SBI agents to enhance the refugee integration program. Mr. Squires has been tasked to look at the process that the federal agencies have implemented, to evaluate it, and to make recommendations on what the DPS can do at the state level to support or enhance the program. He wants to make sure that if there are concerns within a community, that they have a law enforcement connection to help resolve those concerns.

Mr. Joe Brown, Administrative Services Director, DPS, presented a request for \$362,000 one-time General Funds for DNA supplies for the state crime lab. Last year the subcommittee gave DPS eight DNA analysts to help facilitate the need for the increased workload of DNA cases that are coming to the crime lab. The DNA case submissions increased 44 percent from 2014 to 2015.

Along with the scientists needed to work each case, there are chemical reagents and DNA testing kits that are used by the crime lab personnel to process the evidence. The reagents and testing kits are not cheap so the agency needs the committee's help to fund these purchases.

Mr. Jay Henry, Director of the State Crime Lab, reported that approximately 8 percent of testing by the crime lab is done for the state; the other 92 percent is for city and county entities.

Rep. Hutchings reminded the committee that DPS puts together resources to help with video camera storage, UHP funding (so they don't lose officers), free processing of evidence by the crime lab, and free helicopter aid at \$1,700 per hour for city and county agencies. Then the state agency struggles and tries to figure out how to retain their employees because they can't match the salaries that local agencies pay.

Sen. Thatcher suggested having fees for the city and county agencies as an incentive to be thoughtful in the choices of what they send to the state crime lab.

Mr. Henry responded that when local entities send in evidence, the crime lab analysts make sure they only test the probative evidence. The state analysts sit down with the local analysts to decide which probative evidence will have an impact on the case. Many times they are able reduce the items down to just a few. The policy and procedure is to make sure they are testing what needs to be tested.

Mr. Henry requested \$153,000 ongoing General Funds to support the crime lab's DTS charges.

Mr. Brown reported that the department saved about \$142,000 of the \$500,000 one-time General Fund money the committee gave them for robotics calibration. He requested that the savings be reallocated to pay for part of the \$362,900 request for DNA supplies.

The DPS is requesting \$500,000 for Peace Officer Standards and Training (POST). The Public Safety Restricted Account that funds POST is still not collecting as much as the department hoped it would, so they are constantly short about \$500,000 of what is needed to maintain the operations of POST.

Last year the legislature passed a bill that would allow the department to take \$500,000 from the Uninsured Motorist Restricted Account which has a balance of about \$6.5 million currently. Revenues exceed expenditures out of that fund of about \$400,000 annually. The department is requesting a supplemental for this year and one-time adjustment for next year of \$500,000 from that account. They are also requesting \$600,000 out of restricted funds for a helicopter purchase. That amount is the difference between the insurance reimbursement and the purchase price of a new helicopter. The money was put into the restricted fund when the department sold an old helicopter for this purpose.

Mr. Squires requested \$177,000 for another attorney for the AGO to be assigned to DPS for driver license division out of the restricted account.

b. Utah State Courts

Mr. Dan Becker, State Court Administrator, assisted by Mr. Ray Wahl, Deputy State Court Administrator, presented the budget requests for the Utah State Courts. Based on the FY 2015 Juvenile Court Judicial Weighted Caseload, The 4th and 5th Districts are short on judicial officers.

The 4th District is short 2.1 officers. This means that each Judge is carrying 147 percent of the recommended caseload. The Judicial Council is requesting \$341,400 for a Juvenile District Judge and staff.

The 5th District is short 1.6 officers which means each Judge is carrying 131 percent of the recommended caseload. The Judicial Council is requesting \$341,400 for a District Judge and staff.

The Courts will leverage e-filing savings to provide a second staff position for each of the two districts to support the judge.

The CORIS case management system is now twenty years old and requires an update to programming due to changes in technology, business practices and data. The goal of the CORIS project is to develop an internet-based case management system. The Utah State Courts are requesting \$200,000 one-time General Funds to add to the \$549,100 one-time transfer that the subcommittee made in the base budget to begin the CORIS Modernization Project in FY 2017.

The Courts are requesting \$260,000 to fund lease contracts that are not funded through State of Utah internal service funds. The request also contains additional funds for contractual O&M increases for leased facilities throughout the state.

In the 2009 General Session, the Courts and the Legislature agreed to increase the appropriation from the Court Complex restricted account by \$300,000 in the Administration line item due to the recession. The Legislature then cut \$300,000 in ongoing General Funds. Since FY 2010, the Legislature has increased the appropriation due to COLA and benefit increases to \$313,400 from the original \$300,000.

The Courts Complex account is currently used to pay the Matheson Courthouse bond and once it is retired the revenue stream has been authorized to pay the Provo Courthouse bond starting in FY 2019. In accordance with the 2009 agreement, the Courts request \$313,400 of General Funds to replace the ongoing funding cut and reduce the appropriation in the Court Complex restricted account by the same amount. Without the proposed change, projections indicate there will be a negative balance in that fund

in FY 2019.

The Courts are requesting \$867,500 supplemental to fund the 2015 Juror/Witness/Interpreter (JWI) ending deficit. They are also requesting \$975,000 as an ongoing base budget increase to the JWI current expenditure level. Insufficient funding for JWI obligations has resulted in yearly budget deficits. This request for ongoing funds is to reduce future supplemental requests.

c. Board of Pardons and Parole

Ms. Angela Micklos, Chair, Board of Pardons and Parole, assisted by Mr. Greg Johnson, Administrative Coordinator, presented the budget requests for the Board. The Board is grateful for the opportunity to talk about their funding needs as a result of the recently released legislative audit since it was not out in time to be considered by the Governor previously when he created the budget.

Some of the recommendations resulting from the audit can be done in-house, but some require additional support or changes. One of the key findings was a necessity for strategic planning. The audit recommended adding an executive director position to assist in creating and monitoring key data elements and to evaluate impact through key performance.

Another recommendation was that the board should adopt proven practices including a structured decision making tool. In order to be efficient, to improve transparency, and to be able to report on measures, the Board needs an electronic file management system. The auditors reported that they had to pull files by hand in order to answer some basic questions.

Two process efficiencies were suggested by the audit. The first is to streamline the process for paroling less serious, low-risk offenders. This may require statutory changes. The second is to work with the legislature and the Utah Bureau of Criminal Identification to review whether expungement eligibility should be expanded.

Rep. Hutchings explained that there has been a lot of research and conversation regarding the issue of expungement eligibility. Utah has very strict requirements on what an offender has to do to qualify for an expungement. There are some cases that are more straightforward than others; those go through BCI. The more complicated cases go to the Board of Pardons and Parole. Since many offenders are not availing their selves of the opportunity to apply for expungement, the work load for the board has gone up significantly. It is definitely good that the state doesn't allow anyone to qualify for an expungement without years and years of reform, but there is no question that it has increased the burden for the board.

The board really wants to implement all of the recommendations of the auditors, but they are already working above capacity. The auditors told the board that they are the hardest working agency that they had seen in terms of who they had audited in the past 22 years. Moving forward to achieve best practices, the board would like to move Greg Johnson into the position of Executive Director and hire a Deputy Director. The board will need funding to establish pay ranges for these positions.

2. Requests for Appropriation

Rep. Bradley M. Daw requested a 2017 one-time appropriation from General Fund of \$2.5 million to assist counties in buying new voting equipment. Twelve years ago the State purchased Diebold voting

machines with a grant from the federal government. Those machines now need to be replaced. The State wants to offer a grant to the counties to offset the cost to purchase the new equipment. The new equipment will be roughly one tenth the cost of Diebold machines.

Rep. Justin L. Fawson requested a 2016 one-time appropriation of \$65,000 and a 2017 one-time appropriation of \$65,000 from General Fund for the 24/7 Sobriety Pilot Program. Under this program, people accused of a second or subsequent drunken driving offense can be ordered by a judge to take twice-daily alcohol breath tests as a condition of their release from jail pending trial. Some offenders can be sentenced to the program if they plead or are found guilty of DUI. The program is structured to have the offender pay the cost of the monitoring. A Rand Corporation study of the Montana 24/7 Program in 2014 found evidence suggesting that the program reduced the probability of DUI re-arrest by approximately 45 percent to 70 percent (when considering both Rand's main results and sensitivity analysis findings). Through January of 2016, the state of Montana has had nearly 5500 participants give nearly 750,000 breath tests. The requested funding will pay for one staff member for the 24/7 Program with the goal of reducing the number of DUI-related traffic fatalities and improving driving habits of the citizens of Utah.

Rep. Gage Froerer requested a 2017 one-time appropriation of \$25,000 and ongoing of \$125,000 from General Fund for the Good Landlord Pilot Program. The ongoing funding covers salary, benefits, travel, training, and general supplies for a full time AP&P agent. The one-time funding is for the purchase of a vehicle as well as office equipment, computers, and phones for the agent. When individuals are released from prison or jail, their ability to access safe and secure housing within the community is critical to their successful reentry. The Ogden City's pilot program is an innovative approach to housing needs for released individuals in Ogden City while addressing the city's safety concerns.

Rep. Froerer requested a 2017 one-time appropriation of \$1 million from General Fund to be applied exclusively to the purchase of a protective conservation easement on the property known as the Huntsville Monastery. The terms of the conservation easement will allow the Utah State University's Natural Resource and Agricultural programs to have access to the property to do agricultural research. The final terms of the easement must be approved by the LeRay McAllister Critical Lands Fund.

Sen. Scott Jenkins requested a 2017 ongoing appropriation of \$275,000 to fund law enforcement support in the vicinity of halfway houses. The committee did some studies which showed that where a halfway house is located, many parolees end up residing in those areas. It had an impact on the local area. The concept behind SB164 was to put a surcharge on the fee the parolees pay and have it fund some extra officers in that area to mitigate the impact.

Rep. Hutchings stated that he and Sen. Jenkins both put in the funding request this year. The State utilizes the halfway house in Ogden and puts a lot of people from all over the State into that

community. It helps the Salt Lake area and the parole violator centers. The committee has been funding the halfway houses with one-time money for several years, so the request is to move that funding from one-time every year to ongoing funds.

Sen. Thatcher stated that the next three requests for appropriations are from Rep. Francis D. Gibson. All three of the requests were previously presented to the committee by the Attorney General's Office. They are already on the agency's request list as their number one, two and three priorities. The reason that Rep. Gibson wanted to present the requests for appropriation is to show his support, and to make sure the committee is aware that they are a top priority for him. These requests will not be on the additional appropriation list, but the committee needs to be aware that these requests are critical.

Mr. Wade Farraway and Ms. Missy Larson, presented the appropriation requests for Rep. Gibson.

The first request is for a 2017 ongoing appropriation of \$944,300 from the General Fund for the Mortgage and Financial Fraud Unit. The unit was established by the committee with one-time money about 4 or 5 years ago. Funding for this unit at the AGO has delivered great results in Utah. The request is to make funding ongoing.

The second request is for a 2017 ongoing appropriation of \$206,000 from General Fund for a legislative liaison position for the AGO. This position is crucial to informing and educating legislators on issues of concern, and for general information purposes when needed. The legislative liaison will also serve as a practicing attorney on various issues to help case loads from others in the office.

The third request is for a 2017 ongoing appropriation of \$383,000 from General Fund for a Solicitor General and Appellate Attorney. Utah has an increased amount of cases going to the appellate courts and the US Supreme Court. The Attorney General needs a position that will specialize in those types of cases such as: immigration, same sex marriage, public lands, and other personal fundamental rights issues.

Rep. Dean Sanpei requested a 2017 ongoing appropriation for \$341,400 from General Fund for a Fourth District Juvenile Court Judge and a clerk to staff the additional judge. The court is currently understaffed by 2.1 judges; the addition of another judge will reduce the current work load of the Fourth District Juvenile Court to 120 percent of the workload standard.

Sen. Wayne A. Harper requested a 2017 ongoing appropriation for \$295,000 from General Fund for the Utah Council on Crime Prevention and to allow the program's expansion to other areas of the State. The program will educate students, teachers and DARE officers for better awareness and the prevention of drugs, bullying and alcohol.

Sen. Curtis S. Bramble, assisted by Mr. Michael Jensen, County Councilman, requested a 2017 ongoing appropriation for \$140,000 from General Fund for State and Regional Planning. Mr. Jensen represents the Wasatch Front Regional Council and the Mountain Lands Association of Governments. Those are the local, regional and state planning organizations for transportation. There are nine counties that belong to those two organizations, with the bulk of the State's population in those nine counties. The counties over the past year have doubled their appropriation to each of the two organizations. This money is used, not only for transportation planning, but also to support the local communities with development, growth and infrastructure needs.

Sen. Todd Weiler requested a 2017 one-time appropriation of \$3 million as well as ongoing of \$3 million from General Fund for indigent defense counsel. Sen. Weiler is running a bill, which is his number one priority this session, regarding Sixth Amendment indigent defense. States have a constitutional obligation under the Sixth Amendment to provide adequate defense for indigent people. The funds will be used to create a state office of defense to oversee the county efforts and to help the State and counties meet their obligations under the Sixth Amendment. The funds will be administered by CCJJ.

Rep. Eric K. Hutchings, Co-chair, requested a 2016 one-time appropriation of \$3.8 million and a 2017 ongoing appropriation of \$3.8 million from General Fund for a data coordination system that will ensure the real-time sharing of data between agencies affiliated with criminal justice and behavioral health. As the agencies work on criminal justice reform, a critical need is the ability to share information between agencies.

Rep. Brian S. King, assisted by Dr. Jennifer Clifton, nurse practitioner, requested a 2017 ongoing appropriation of \$80,000 from the General Fund. In March of 2015 the Division of Juvenile Justice Services (JJS) was appropriated funding on a one time basis for providing screening for sexually transmitted infections. The pilot program has been very successful and valuable. The University of Utah College of Nursing has assumed responsibility for the program through their students and faculty. The program has been instituted in 18 JJS facilities throughout the State. Youth in corrections are more likely than the general population to have inadequate and inconsistent health care. Screening for chlamydia (CT) and gonorrhea (GT) upon admission to the JJS facilities offers an opportunity to identify infections, prevent complications and reduce transmission to the broader community. From 2011 to 2014, GT rates in Utah increased 398 percent and both CT and GT disproportionately affect adolescents and young adults ages 15 to 29.

Rep. Derrin Owens, assisted by Mr. Bruce Blackham, Gunnison City Mayor, requested a 2016 one-time appropriation of \$200,000 from General Fund to help upgrade and expand the city's culinary water system. Gunnison City is working on a \$10 million culinary water system upgrade and expansion. In part this project is necessary to support the new pod and potential additions to Central Utah Corrections Facility. A five percent appropriation from the state for this project will

allow the city to complete road repairs, sidewalk projects and other city needs that have been delayed and unaffordable due to the culinary water project.

Sen. Thatcher commented that he had seen first hand the support of Mayor Blackham when the State was breaking ground for the new POD in Gunnison. The Mayor expertly deflected seven or eight reporters trying to get him to say something negative about Corrections or the impact of the corrections facility on his city. Sen. Thatcher stated that he was impressed, but also grateful for Mayor Blackham's support.

Sen. Thatcher gave instructions to the committee regarding prioritization of the appropriation recommendations to be presented to Executive Appropriations and preparation for voting.

MOTION: Sen. Bramble moved to adjourn. The motion passed unanimously with Sen. Jenkins, Sen. Niederhauser, Sen. Okerlund, Rep. Cunningham, Rep. King, Rep. Romero and Rep. Hutchings absent for the vote.

Co-Chair Hutchings adjourned the meeting at 10:50 a.m.

Sen. Daniel W. Thatcher, Co-Chair

Rep. Eric K. Hutchings, Co-Chair