

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

Wednesday, April 19, 2000 - 9:00 a.m. - Room 416 State Capitol

Members Present:

Sen. Michael G. Waddoups, Chair
Rep. Blake D. Chard, Chair
Sen. Paula Julander
Sen. L. Alma "Al" Mansell
Rep. Trisha Beck
Rep. Duane Bourdeaux
Rep. DeMar "Bud" Bowman
Rep. Perry L. Buckner
Rep. David L. Hogue
Rep. Susan J. Koehn
Rep. Carl R. Saunders
Rep. Nora B. Stephens

Members Absent:

Rep. Marlon O. Snow

Staff Present:

Ms. Chyleen A. Arbon, Research Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Alicia Gambles, Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Committee Business - Chair Chard called the meeting to order at 9:15 a.m.

MOTION: Rep. Saunders moved to approve the minutes of the November 19, 1999 meeting. The motion passed unanimously, with Sen. Mansell and Reps. Bowman and Snow absent for the vote.

Chair Chard indicated that several reports are required to be submitted to the committee, including the report from the Department of Corrections on the projected need of beds. This report will be ready in August.

Rep. Stephens recommended that the report required by H.B. 116, "The Council on Sexual Victims and Offenders," which passed during the 2000 General Session, be heard by the committee, since the council's final reporting date was extended for an additional year at the request of the committee through H.B. 116. She also requested that the reports on the drug court and drug board programs be heard by the committee.

Chair Chard informed the committee that the Sentencing Commission will sunset on January 1, 2002, and therefore requires legislative action in the next session in order to continue.

2. Master Study Resolution - Chair Chard invited the committee members to discuss each potential study item to determine the focus of the 2000 Interim. He asked the committee to decide on five study items to prioritize by completing the survey of potential study items that was sent to the committee in the mailing packet prior to the meeting. Chair Chard stated that Items #118 (Protective

Orders) and 121 (Stalking) of the Master Study Resolution will possibly be prioritized by the Judiciary Interim Committee.

Rep. Hogue proposed that S.B. 183, "Utah Correctional Industries Business Park," which was introduced during the 2000 General Session, be added to the survey. He recommended that the committee study this issue to determine how the business park would impact the Department of Corrections and the surrounding community.

Sen. Julander encouraged committee members to prioritize Item #116, which was introduced during the 2000 General Session as S.B. 207, "Offenses Against Persons in Custody." She said that Utah is one of approximately six states in the nation that do not have legislation of this type.

Mr. Jesse Gallegos, Department of Corrections, in referring to S.B. 207, discussed the need for creating penalties for persons employed by the department who are in supervisory positions and who engage in inappropriate behavior with offenders. He stated that the department would favor this type of legislation, because it would discourage inappropriate relationships inside correctional facilities.

Rep. Bourdeaux indicated that Item #120, "Sex Offender Programs," did not need to be prioritized, because it would duplicate the work currently being done by the Council on Sexual Victims and Offenders.

Rep. Hogue stated his concern of needing to study ways of preventing people from becoming sex offenders and asked if the council was focusing on prevention.

Mr. Gallegos responded by explaining that one of the focuses of prevention is breaking the sexual offending cycle. The council is studying how to prevent victims of sexual abuse from becoming sexual offenders, and this approach can be viewed as addressing both early intervention and prevention.

Rep. Koehn requested that the committee receive a copy of the agenda items the council will discuss. Chair Chard asked Mr. Gallegos to distribute copies of the council's agendas and minutes to the Law Enforcement and Criminal Justice Interim Committee members.

Rep. Stephens emphasized the importance of Item #204 which deals with mandatory probation for DUI offenders. She indicated that this is an effective way to reduce recidivism of driving under the influence, but there are issues that need to be addressed, such as funding and the feasibility of the policy.

MOTION: Rep. Koehn moved that the committee request the Audit Subcommittee to approve an audit to determine the actual costs of processing applications for concealed weapon

permits for in-state and out-of-state residents and for instructor certifications. The motion passed unanimously, with Rep. Snow absent for the vote.

Rep. Buckner encouraged committee members to prioritize Item #113, "Fee for Warrant Service." He stated that this fee ranges between \$50-70 and is being used to help pay for constables or for local agencies' costs for serving those warrants.

Sen. Waddoups expressed his interest in adding to the survey H.B. 85, "Property Crimes Amendments," which was sponsored by Rep. Stephens and was introduced during the 2000 General Session. He explained that this legislation would be a great step toward an integrated justice system.

Rep. Bourdeaux suggested that the committee add to the survey H.B. 106, "Traffic Stops Statistics," which he introduced during the 2000 General Session

Rep. Saunders requested that Item #116, "Motor Vehicle Impound and Release," be added to the survey.

Sen. Waddoups suggested adding Item #115, "Illegal Drug Cleanup," to the survey.

Chair Chard asked the committee members to fill out the survey and return it to staff by the end of the day.

3. Adjourn -

MOTION: Rep. Bowman moved to adjourn the meeting. The motion passed unanimously, with Rep. Snow absent for the vote. Chair Chard adjourned the meeting at 10:12 a.m.

