

**MINUTES OF THE
DECRIMINALIZATION OF TRAFFIC OFFENSES TASK FORCE**

Friday, June 16, 2000 – 9:00 a.m. – Room 416 – State Capitol

Members Present:

Sen. Peter C. Knudson,
Senate Chair
Rep. Glenn L. Way,
House Chair
Rep. Loretta Baca
Rep. Katherine M. Bryson
Rep. Gary F. Cox
Rep. Bryan D. Holladay

Members Absent:

Sen. Terry Spencer

Members Excused:

Sen. Joseph L. Hull

Staff Present:

Mr. Benjamin N. Christensen,
Research Analyst
Ms. Esther Chelsea-McCarty,
Associate General Counsel
Ms. Junie G. Anderson,
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. Task Force Business - Chair Knudson called the meeting to order at 9:06 a.m. He welcomed task force members and visitors. He referred to the proposed meeting schedule and announced that the August 11 meeting would be at 2:00 p.m., and future meetings will be in room 414.

2. Task Force Duties and Background - Mr. Christensen distributed a handout titled "Decriminalization of Traffic Offenses Task Force" and briefed the committee on SB 240 "Decriminalization of Traffic Offenses" which outlines the duties of the task force. The bill was mailed to task force members prior to the meeting.

Mr. Christensen discussed the policy issues that were outlined in a document titled "Decriminalization of Traffic Offenses Issues" that was mailed to task force members prior to the meeting. He explained the difference between criminal and civil offenses.

Ms. McCarty discussed the legal and cost issues outlined in the above-mentioned handout.

3. Discussion of Issues - Mr. Christensen explained that in surveying other states, that the states are equally divided between decriminalizing and not decriminalizing traffic offenses. He said the question will likely come down to a policy question for Utah to decide.

Mr. Bill Dinehart, Office of the Fiscal Analyst, addressed Rep. Way's concern about revenue lost by the state. He explained the fiscal note to SB 240 and said that the money to be paid by Salt Lake City and West Valley City is to hold the state harmless in terms of revenue.

Mr. John Huber, City Prosecutor for West Valley City, spoke in favor of being allowed to continue to decriminalize traffic offenses. He said to decriminalize traffic is a positive move for

West Valley City. In addition, he expressed the desire of West Valley City to set up its own Justice Court for non-traffic offenses. He also said there is no intention to take away funds from state programs by decriminalizing traffic offenses.

Mr. Rick Schwermer, Justice State Courts, discussed the difference between a civil offense and a criminal offense. He also discussed the surcharges and emphasized that they go into the general fund and not to the courts. He said decisions must be made as to whether decriminalization is a good idea or not, and whether it makes sense to go to administrative hearings for traffic offenses. He noted that there is no monetary gain for the change and that traffic offenses are fairly inexpensive to adjudicate, therefore, they bring revenue to the courts. He also said there are many advantages to have a Justice Court for the process.

Judge L. Zane Gill, Salt Lake City Courts, said he would feel more comfortable in requiring a higher standard for the burden of proof.

Judge Jerry Jensen, Davis County Justice Court, recommended that the task force examine a large metropolitan Justice Court. He said the Justice Courts are very capable of handling any offenses in an efficient, economical way. He also said traffic offenses are very serious and should not be trivialized.

Ms. Linda Plouzak, Utah PTA, spoke regarding the safety of children and the disregard of traffic laws. She expressed concern that decriminalizing traffic offenses may cause even more disobedience of traffic laws.

Judge Gill invited task force members and staff to attend his court sessions and offered to hold a special session if they desire.

4. Other Task Force Business -

5. Adjourn -

MOTION: Rep. Cox moved to adjourn the meeting. The motion passed unanimously at 10:54 a.m.