

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

Wednesday, August 16, 2000 – 9:00 a.m. – Room 416 State Capitol

Members Present:

Sen. Michael G. Waddoups, Chair
Rep. Blake D. Chard, Chair
Sen. Paula Julander
Rep. Duane Bourdeaux
Rep. DeMar “Bud” Bowman
Rep. Perry L. Buckner
Rep. David L. Hogue
Rep. Carl R. Saunders
Rep. Nora B. Stephens

Members Absent:

Rep. Susan J. Koehn
Rep. Marlon O. Snow

Members Excused:

Sen. L. Alma “Al” Mansell
Rep. Trisha Beck

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 Waddoups called the meeting to order at 9:15 a.m.

MOTION: Rep. Saunders moved to approve the minutes of the July 12, 2000 meeting. The motion passed unanimously, with Sen. Mansell and Reps. Beck, Koehn, and Snow absent for the vote.

2. Department of Corrections Projected Bed Needs - Mr. Pete Haun, Executive Director, Department of Corrections, distributed a report which indicated the projected number of beds needed in contracted jails, private correctional facilities, and state-owned facilities. Because of the decrease in demand for beds, he announced that the contract with Cornell Corrections to build a facility in Grantsville has been cancelled. Mr. Haun also explained that the women’s population is growing proportionately faster than the men’s, which merits buying the Oxbow Jail facility from Salt Lake County and converting it into a women’s facility. He reported that in July 2000 the Department of Corrections entered into a partnership with Weber County to satisfy its need for up to 350 beds.

Sen. Julander asked if a privatized facility costs less to operate than a state-operated facility. Mr. Haun indicated that it is difficult to compare the two types of facilities, but he believes the cost would be relatively equal.

Mr. Marvin H. Wiebe, Senior Vice President, Cornell Corrections, indicated that Cornell understood the decision made by the Department of Corrections to cancel the privatized facility in Grantsville. He expressed appreciation to the department for working on the project and indicated that Cornell has invested significantly in the state through its partnerships with other companies in Utah in terms of construction, design, and local communities. Mr. Wiebe expressed concern about the Utah companies that it has partnered with and the expense that has been incurred by those

companies in their preparation for the proposed private prison facility. He asked the committee to continue to consider privatization and to keep Cornell in mind.

3. Interstate Compact For Adult Offender Supervision – Draft Legislation - Rep. Gary Cox presented draft legislation which creates an interstate compact for the controlled movement of adult offenders across state lines. He stated that the current compact was created 63 years ago and provides for no rule-making authority; nor is it designed to enforce violations of the compact. Rep. Cox indicated that the new compact would provide a funding mechanism to support the national commission and provide for the collecting, reporting, and exchanging of information, as well as notification to victims when offenders cross state lines. The new compact would greatly assist organizations and agencies in coordinating and managing interstate travel and supervision for offenders, which would improve public safety.

Rep. Saunders asked what the state's fiscal obligation would be for the new compact. Rep. Cox stated that to provide for the national governing commission would cost approximately \$18,000 per year, but the cost could possibly be funded through grant money.

Rep. Bourdeaux asked how many states are currently involved with the new compact. Rep. Cox indicated that eight states have passed this legislation and at least eight other states are currently considering it. He stated that the new compact will go into effect in July of 2001, if 35 states adopt this legislation by that date.

Mr. Ron Gordon, Staff Attorney, Commission on Criminal and Juvenile Justice, explained that there are a number of sanctions proposed in the new compact, which provide for arbitration and mediation between states who have disputes over transferring offenders. There are also provisions that sever the ties of states that refuse to comply with the new compact.

Chair Waddoups stated that it is important for the legislature to decide now whether to participate in the new compact so that if the state wants to participate, it can join earlier in the process and have a voice in directing the rule making.

Rep. Stephens asked if the state has any recourse if it does not agree with how the national governing commission makes the rules. Rep. Cox stated that the compact will not take away the state's rule-making ability.

Ms. Allred, Associate General Counsel, Office of Legislative Research and General Counsel, explained that the language of the bill needs to be consistent with the language passed in the other states in order for the compact to go into effect; therefore, the language has not been changed in order to ensure the state's participation in the new compact.

Rep. Hogue asked why more states have not already passed the legislation. Mr. Gordon explained that many state legislatures have not had the opportunity to hear about or discuss the new compact legislation.

MOTION: Rep. Saunders moved that the committee support the new compact in concept and make a decision on the actual language at the next committee meeting after the committee has had a chance to read the bill. The motion passed unanimously, with Sen. Mansell and Reps. Beck, Bowman, Koehn, and Snow absent for the vote.

4. Utah Correctional Industries Business Park - Mr. Dick Clasby, Director, Utah Correctional Industries (UCI), stated that the mission of UCI as a self-supported division is to provide training and skills for offenders to increase their employability upon release from prison. He said that research indicates that an offender's ability to succeed upon release from prison depends on the quality of the first job received. He indicated that 1st Substitute S.B. 183, "Utah Correctional Industries Business Park," which was considered in the 2000 General Session, would designate approximately 120 acres of land on prison property in Draper for use as a business park, and private sector businesses and some government agencies would be invited to lease parts of that facility to build their businesses.

Mr. Clasby said the businesses would then employ, as a percentage of their work force, offenders, parolees, probationers, or work-release inmates. He noted that the increase of employment of offenders would reduce recidivism and be cost-effective. He distributed a handout that demonstrated the impact of prison work programs on recidivism. He concluded that the longer an inmate receives training and technical skills in jobs that result in a living wage upon release, the more successful the state is in reducing the number of inmates who return to prison.

Mr. Ken Nye, Program Director, Division of Facilities and Construction Management, discussed the technical aspects of the proposed bill and the issue of zoning. He explained that the primary purpose of the bill is not to deal with zoning and real estate issues, but to provide opportunities for inmates to work. Mr. Nye distributed a handout which summarizes what the draft legislation being proposed would do. He indicated that because the property is state-owned and the state is not subject to local zoning, the state should retain its ability to determine how it will use its property.

Rep. Hogue stated that Bluffdale City is not opposed to this proposal, but that they want to be able to have some input on the issue.

Rep. Hogue asked how many prisoners are involved in the current UCI training. Mr. Clasby explained that in Utah there are approximately 5,500 inmates under the supervision of the Department of Corrections. Eighteen percent of the incarcerated inmate population are involved in this training.

Mr. Jim Smith, City Manager, Draper City, explained that he thought there was a reasonable compromise made last year, and fundamentally there is respect for each other's governmental functions. Draper City supports UCI's efforts to reduce recidivism and provide employment for the inmates, but also wants to emphasize that the rights and responsibilities of cities to control their streets and other infrastructure are guaranteed by Article 11 of the Utah Constitution. He indicated that the city is trying to work out a partnership, but the public has no local opportunity for input with regard to the land use if all the decisions are made by a remote state board. He asked the committee to remember that the city of Draper makes a tremendous sacrifice by having the prison in its city limits.

Mr. David Spatafore, Utah League of Cities and Towns, indicated that this issue is about zoning and who has the ability to control what happens in a community. He stated that Draper and the surrounding communities may or may not want this industrial park facility, but if the state wants to put it there, the cities and towns have no way of stopping it. He noted that it is unfortunate the city is not given an opportunity to negotiate an agreement that would be in everyone's best interest. He concluded that there needs to be a more even relationship based on a partnership approach with the state.

Rep. Stephens asked Mr. Spatafore and the representatives from the affected cities to inform the committee as to their recommended changes to the proposed legislation in the future.

Rep. Hogue expressed his concern about the zoning issue and its effect on local communities. Chair Chard indicated that this committee is only able to deal with the narrow scope of this particular piece of legislation and is not able to deal with the zoning issue. He recommended that Rep. Hogue address the zoning issue in the appropriate committee.

5. Other Items / Adjourn

MOTION: Rep. Bowman moved to adjourn the meeting. The motion passed unanimously, with Sens. Mansell and Waddoups and Reps. Beck, Koehn, Saunders, and Snow absent for the vote.

Chair Chard adjourned the meeting at 11:25 a.m.