

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

Friday, September 22, 2000 – 9:00 a.m. – Room 414 – State Capitol

**Members Present:**

Sen. Peter C. Knudson,  
Senate Chair  
Rep. Katherine M. Bryson  
Rep. Gary F. Cox  
Rep. Bryan D. Holladay  
Sen. Joseph L. Hull

**Members Absent:**

Sen. Terry Spencer  
Rep. Loretta Baca  
Rep. Glenn L. Way,  
House Chair

**Staff Present:**

Mr. Benjamin N. Christensen,  
Research Analyst  
Ms. Esther D. 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 9:16 a.m.

**MOTION:** Rep. Cox moved to approve the minutes of the June 16, July 14, and August 11, 2000 meetings. The motion passed unanimously, with Sen. Hull absent for the vote.

**2. Traffic Citation Process** - Mr. Christensen explained the traffic citation process for the Davis County Justice Court and West Valley City, as outlined in a document titled “Traffic Citation Process” that was mailed to task force members prior to the meeting.

**3. Review of Potential Alternative Legislation (Draft Legislation)**

**Classification of Traffic Offenses** - Mr. Christensen explained draft legislation titled “Classification of Traffic Offenses” that was mailed to task force members prior to the meeting.

Judge Zane Gill, SLC Administrative Law Judge, requested that the effective date be delayed a year in the draft bill to allow SLC to continue their administrative traffic proceedings while they are waiting for a justice court to be approved.

**Adjudications of Traffic Offenses** - Ms. Chelsea-McCarty explained draft legislation titled “Adjudications of Traffic Offenses” that was mailed to task force members prior to the meeting. She said lines 112 and 113 would be inserted following line 208 and that cross-referencing would be added to the draft legislation. Other changes include:

Page 9, Line 266: Cross reference 17-53-225.7  
Page 13, Line 386: Cross reference 17-53-223.5

Page 14, Line 426: Cross reference 17-53-223.7

Mr. Christensen answered questions regarding the disciplining of Administrative Law Judges to comply with the established Code of Conduct. He said after doing some checking, the workload of the offices of the Judicial Conduct Commission may be too great and that the issues of Judicial Conduct and Administrative Law Judges may be bigger than the decriminalization issue itself. The draft, therefore, requires cities that have Administrative Law Judges hearing the traffic offenses to have a Code of Conduct.

Ms. Chelsea-McCarty distributed a handout titled “Study Issues for Decriminalization of Traffic Offenses Task Force” and discussed the issues outlined in the handout. She noted that some states have decriminalized traffic offenses statewide.

Mr. Rick Schwermer said that appeals from justice or municipal courts are so rare that it is not a problem making them courts of record. He said justice courts are referred to as a “court not of record,” therefore, people tend to think that there is no record kept in a justice court but that is not the case. He explained a “court not of record” means that judges are not selected by the governor but are elected by a local entity and that the appeal is *de novo*.

Mr. Schwermer said there are two distinct issues: (1) should traffic issues be dealt with in a court or an administrative process, and (2) when traffic cases are filed and prosecuted, are they civil or criminal in nature? He expressed the importance of keeping criminal and civil issues separate.

Mr. Bill Dinehart, Office of Legislative Fiscal Analyst, expressed concern that a police officer would have authority to make the decision of a traffic violation being civil or criminal.

Judge Keith L. Stoney, Administrative Law Judge, West Valley City, said the Highway Patrol has the option to go to the Salt Lake County Justice Court or the District Court.

Judge Jerald L. Jensen, Justice Court Judge, Davis County, said traffic violations are part of a public record.

Judge Stoney said traffic records are public but would require a GRAMA request. Judge Jensen disagreed that a GRAMA request was necessary.

**4. Discussion of Issues** - Mr. John Huber, West Valley City, said that a compromise was developed and proposed to the judges to have justice court judges oversee the administrative traffic proceedings if a justice court exists in the city.

Judge John Sandberg, Justice Court Board, said the compromise proposal would still leave the door open for anyone who wants an administrative process without a justice court and that the judicial council and justice courts are against it. He said he is not in favor of decriminalization and recommended traffic issues remain in the judicial process. He also suggested that there is no need for an administrative traffic proceeding process.

Mr. Dinehart explained the fiscal process but said there can be no fiscal note until a final version of the legislation is decided upon.

Judge Stoney explained ways to collect traffic fines.

Sen. Hull recommended exploring the option of decriminalizing traffic statewide, i.e., eliminating the possibility of jail time for minor traffic offenses, and not having a separate administrative process.

**5. Other Task Force Business** - Chair Knudson set the next meeting on October 13, 9:00 a.m., in Room 414 of the State Capitol.

**6. Adjourn** -

**MOTION:** Mr. Cox moved to adjourn the meeting. The motion passed unanimously at 10:42 a.m.

