

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, November 14, 2001 – 2:00 p.m. – Room 416 State Capitol

Members Present:

Sen. D. Chris Buttars, Senate Chair
Rep. DeMar "Bud" Bowman, House Chair
Sen. Gene Davis
Sen. John W. Hickman
Sen. Alicia L. Suazo
Sen. John L. Valentine
Rep. Douglas C. Aagard
Rep. Trisha S. Beck
Rep. Duane E. Bourdeaux
Rep. Patricia W. Jones
Rep. Rebecca D. Lockhart
Rep. Loraine T. Pace

Rep. Brent D. Parker
Rep. Paul Ray
Rep. Jack A. Seitz
Rep. Matt Throckmorton

Members Absent:

Rep. David Litvack

Staff Present:

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

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or contact the Office of Legislative Research and General Counsel.

1. Committee Business

Chair Buttars called the meeting to order at 2:20 p.m.

MOTION: Rep. Seitz moved to approve the minutes of the October 24, 2001 meeting. The motion passed unanimously, with Sen. Davis, Sen. Hickman, Sen. Suazo, Rep. Bourdeaux, and Rep. Throckmorton absent for the vote.

Chair Buttars asked Rep. Bowman to chair.

2. DCFS Management Information System Amendments – Draft Legislation

Sen. Buttars explained that the proposed bill is an attempt to bring more balance to the current process of substantiation of allegations of child abuse by providing more protection for those accused of this offense.

Ms. Coleman recounted a situation where she felt she had been treated unfairly by the Division of Child and Family Services.

Sen. Buttars suggested that the Committee recommend the draft legislation with the understanding that changes will be made to the fiscal note.

Ms. Gerry Gregor, Board of the Division of Child and Family Services, informed the Committee about the issues that were discussed at the Board's previous meeting. She expressed her concerns regarding the draft legislation and the additional funding that would be required for implementation.

Rep. Beck asked Ms. Gregor if the legislation would solve the problems identified by various citizens. Ms. Gregor indicated that she believed the bill would not be a solution to the problems.

MOTION: Rep. Parker moved to recommend draft legislation "DCFS Management Information System Amendments." The motion passed, with Sen. Suazo, Rep. Beck, Rep. Bourdeaux, Rep. Jones, and Rep. Pace voting in opposition and Sen. Davis absent for the vote.

3. Funding for Sex Offender Treatment – Draft Legislation

Sen. Buttars presented draft legislation that would appropriate additional funding for sex offender treatment. He indicated that inmates do not receive the treatment they need because of a lack of funding.

MOTION: Rep. Seitz moved to submit a request for appropriation for \$250,000 for sex offender treatment. The motion passed unanimously, with Sen. Davis, Rep. Parker, and Rep. Throckmorton absent for the vote.

Sen. Buttars resumed as chair.

4. Emergency Medical Services – Report

Ms. Jan Buttrey, Director, Bureau of Emergency Medical Services (EMS), presented a statutorily required report on emergency medical services in Utah. She outlined the problems facing Utah and highlighted the following conclusions of the state EMS Committee: (1) building strong coalitions and recognizing that system changes can only be adopted via a consensus building process have kept Utah ahead of system-wide problems; and (2) in order for the Utah EMS System to continue towards higher levels of education, service, and patient care throughout the state, it is essential that stable funding sources be implemented to assist all local EMS providers in managing the increasing demands of serving our growing public.

MOTION: Rep. Parker moved to accept the report. The motion passed unanimously, with Sen. Davis, Sen. Hickman, Sen. Suazo, Rep. Bourdeaux, and Rep. Throckmorton absent for the vote.

5. Capitol Security and Olympic Security

Mr. Jim Keith, Lieutenant, Dignitary Protection Bureau, made recommendations to improve the level of security on the Capitol campus. He stated that the bureau needs eight additional troopers and two additional control room operators to work on the campus on a daily basis to provide an adequate level of security. He also recommended improving technology in the building by replacing old cameras and permanently installing magnetometers.

6. Public Safety - Division Name Change – Draft Legislation

Rep. Bowman presented draft legislation that would change the name of the Division of Comprehensive Emergency Management to the Division of Emergency Services and Homeland Security.

Mr. J. Francis Valerga, Special Counsel, Department of Public Safety, indicated that the legislation would allow the division to correctly represent its purpose. The new division will be operated by current employees who have been reassigned from other responsibilities in order to focus on homeland security. Sen. Hickman asked what the fiscal note would be on the legislation. Mr. Francis indicated that there would be no fiscal impact.

Commissioner Robert Flowers, Department of Public Safety, explained that the new division name would reflect a structural change made in response to a change in the federal government.

MOTION: Sen. Valentine moved to recommend draft legislation "Public Safety - Division Name Change." The motion passed unanimously, with Sen. Davis, Rep. Beck, Rep. Parker, and Rep. Throckmorton absent for the vote.

7. Pawnbroker Industry Revisions – Draft Legislation

Sen. Michael Waddoups discussed draft legislation regarding the oversight of pawnbrokers. He explained that the legislation would provide specific definitions for a pawnbroker and would require an information reporting relationship with law enforcement.

Mr. Spencer Stokes, representing Switter Axland, addressed the major points of the legislation that are still being discussed. They include property rights, fingerprinting, and law enforcement jurisdiction. He presented an amendment to the draft legislation and indicated an interest in having the database include other property besides pawn transactions.

Mr. Frank Switter, Attorney, Switter Axland, representing Cash America, discussed the constitutional aspects of fingerprinting those in the database and maintaining information about financial transactions of the citizenry. He indicated that the constitution states that citizens have the right to privacy that protects each person's possessions.

Mr. Bill White, Senior Vice President, Cash America International, indicated that there is a need for statewide oversight of the pawn industry. He stated that these lending organizations would like to be regulated and registered with the state. He indicated that consumer protection needs to be addressed and that the legislation would provide oversight by the Department of Financial Institutions and would raise the standard for the entire industry.

He concluded that law enforcement should have access to the data, but in order to look at records regarding an individual, there should be a connection to a crime. He explained that the database gives law enforcement instant access to more information than it had before and it allows law enforcement more immediate access to records regarding pawned property.

Mr. John Gately, Leads Online, presented an overview of how the system can be used and explained that a case number is needed to search for property. He discussed the specific cost of the system and indicated that there are 160 law enforcement agencies using the system today.

Chief Kal Farr, Executive Director, Chiefs of Police Association, indicated that law enforcement agencies have their own databases and that although the legislation has some merit, the consensus of law enforcement agencies is that they will not support the bill until it has been studied further.

Sen. Hickman asked Chief Farr to indicate the areas in which the association is in disagreement with the legislation. Chief Farr indicated that the proposed database is very restrictive to the Leads Online and does not lend itself to the bidding of other databases because of what the bill requires. He indicated that law enforcement should never have to pay for this type of service, as is required by the bill. He concluded that the legislation is not a benefit to law enforcement overall.

8. Prisoner Escape Amendment

Rep. Karen Morgan presented the draft legislation and indicated that the bill adds language to clarify that a prisoner is guilty of escape when the prisoner obtains authorization to leave official custody by providing false information.

MOTION: Sen. Hickman moved to recommend draft legislation "Prisoner Escape Amendment." The motion passed unanimously, with Sen. Davis, Sen. Valentine, Rep. Beck, Rep. Bourdeaux, Rep. Seitz, and Rep. Throckmorton absent for the vote.

9. Other Items / Adjourn

MOTION: Sen. Hickman moved to adjourn the meeting. The motion passed unanimously, with Sen. Davis, Sen. Valentine, Rep. Beck, Rep. Bourdeaux, Rep. Seitz, and Rep. Throckmorton absent for the vote.

Chair Buttars adjourned the meeting at 4:30 p.m.