

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, May 22, 2002 – 9:00 a.m. – Room 416 State Capitol

Members Present:

Sen. D. Chris Buttars, Chair
Rep. DeMar "Bud" Bowman, Chair
Sen. John W. Hickman
Sen. John L. Valentine
Rep. Douglas C. Aagard
Rep. Trisha S. Beck
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:

Sen. Gene Davis
Sen. Alicia L. Suazo
Rep. Duane E. Bourdeaux

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 by contacting the committee secretary, Alicia Laughlin, at 538-1032.

1. Committee Business

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

MOTION: Sen. Hickman moved to approve the minutes of the April 24, 2002 meeting. The motion passed unanimously, with Sen. Davis, Sen. Suazo, Rep. Bourdeaux, and Rep. Throckmorton absent for the vote.

Chair Bowman introduced Ed McConkie as the new Executive Director of the Commission on Criminal and Juvenile Justice (CCJJ) and Ron Gordon as the new Director of the Sentencing Commission.

2. Overview of Current DUI Law and DUI Statistical Trends

Ms. Allred presented an overview of the current DUI law in Utah. She indicated that there are increasing penalties for repeat offenders and the courts have a number of options for sentencing offenders. She indicated that offenders are sentenced in relation to their number of offenses and that penalty options include jail time, compensatory service, fines, and ignition interlock.

Ms. Arbon presented a statistical overview of DUI trends in Utah, other states, and the nation. She indicated that Utah has the lowest alcohol-related traffic fatality rate in the country. A copy of this presentation is available at www.le.state.ut.us.

3. Background, Update, and Future Focus of the Governor's DUI Council

Mr. Marvin Dodge, Administrator, Utah Substance Abuse and Anti-Violence Coordinating Council (USAAV), introduced Ms. Nora Stephens, former legislator and Co-chair of the Governor's DUI Council. He

distributed "Fighting Violence on Utah's Roadways" and the "Annual Report from the Governor's DUI Council."

Mr. Dodge indicated that the Governor's DUI Council was created September 17, 1999 and was charged with providing a forum for discussion, planning, and coordination of efforts with USAAV to reduce the incidents of driving under the influence of alcohol and other drugs. He indicated that there has been tremendous support from the Legislature, local law enforcement, the Department of Public Safety, and many others. He also indicated that although the DUI Council will no longer exist as of June of this year, all the issues that need further study will be taken up by other existing committees and agencies.

Ms. Stephens requested that the Committee continue to address the DUI issue.

Sen. Hickman asked Ms. Stephens what specific things the Legislature could do to continue to decrease DUI fatalities. She indicated that improvement is needed in the compiling of offense data and making it available. She also indicated that sentencing is the weak link and more data is needed about what sanctions are effective.

Rep. Jones asked why Utah lacks the ability to access offense data. Ms. Stephens stated that the state databases are not linked with each justice court and that funding for such databases has been a problem.

4. Best Sentencing Practices for DUI Offenses

Mr. Ron Gordon, Director, Utah Sentencing Commission, referred to the handout "Transition of Issues to Appropriate Agencies/Organizations" and listed the three items assigned to the Commission for continued study: provide an updated statutory sentencing matrix for DUIs, provide amendments for DUI sentencing laws, and create a DUI sentencing best practices manual. He indicated that although Utah has good current laws and sanctions, the State lacks a comprehensive set of guidelines. He stated that the Commission is in the process of developing a subcommittee to specifically address how to create this guide.

Chair Bowman requested that the Commission update the Committee as it studies the issue.

Rep. Pace asked if creating a sentencing manual for judges will help the problem. Mr. Gordon stated that a part of the problem lies in the judges' lack of information about what type of sentence works for a particular type of offense. He indicated that this guide will give the appropriate options to judges and prosecutors which will help them to sentence more effectively. Mr. Gordon concluded that the manual will not solve the whole problem, but it will be a key component to improving the process.

Sen. Buttars asked Mr. Gordon to indicate one thing the Committee could look at that would have the greatest impact in improving the system. Mr. Gordon indicated that the greatest need is for funding to combine data in one common database for all entities to access. He pointed out that legislation might not be necessary to make this happen. He concluded that the Commission will be evaluating the current sanctions to understand how effective they are.

5. Current Problems and Potential Solutions Regarding DUI Issues

Mr. Gary Dalton, Director, Criminal Justice Services, Salt Lake County, introduced Ms. Patty Fox, Program Manager, Salt Lake County Probation. Mr. Dalton indicated several problems that currently affect the agency regarding DUI issues. He stated that the agency is unable to fund the expanding case load, which prohibits accepting further cases. Also, offenders are unable to begin receiving services quickly because of their inability to pay all their fines up front. He also indicated that it is difficult to monitor the compliance with ignition interlock.

Mr. Dalton recommended that offenders be immediately engaged in intensive services of treatment where they can make behavioral changes rather than spending supervised probation time in tracking interlock compliance and paying fines. He also indicated that drug courts have been found to be highly effective and suggested that the Committee consider implementing a DUI court.

Mr. Rick Schwermer, Assistant State Court Administrator, Administrative Office of the Courts, indicated that there have been statutory changes to the DUI laws each year. He recommended that the Legislature let the laws go into effect so that they can work for the State. He also indicated that a solution to improve the system is to collect data more efficiently so that courts, judges, and prosecutors have access to systemwide data electronically. He indicated that allowing this access to data will enhance the courts' ability to give repeat offenders harsher penalties.

Rep. A. LaMont Tyler distributed draft legislation "Court Records of Driving Under the Influence Cases." He explained that H.B. 18 was passed in the 2002 General Session which required all courts, except for the justice courts, to collect the required data elements recommended by the DUI Council and to transmit it to the appropriate data repository. He stated that the draft legislation that has been prepared for the Fourth Special Session will include county and municipal justice courts and that the intent is that the courts collect accurate, complete, timely, and secure electronic records of all DUI cases.

Mr. Art Brown, DUI Council, suggested that CCJJ return to the committee with a plan that will deliver DUI records in a timely and accurate way.

Ms. Stephens indicated her support for the legislation and requested the support of the Committee.

Mr. Lee King, City Administrator for Midvale, representing the League of Cities and Towns, indicated that local government is just as interested in solving the DUI problem because the offenders are driving on city roads. He indicated that the collection of data and information is critical to them.

Ms. Mary Phillips, University of Utah Research Institute and DUI Council, indicated that some of the required data elements on the list were added in order to make the information more efficient. She indicated that California has always mandated that there be a research and evaluation component attached to each DUI law so the laws can be tracked to determine if they are being used and if they are effective.

MOTION: Rep. Pace moved to recommend draft legislation "Court Records of Driving Under the Influence Cases" for the Fourth Special Session. Although there was no quorum in the Senate, the committee members

voted unanimously to recommend the legislation, with Sen. Davis, Sen. Hickman, Sen. Suazo, Sen. Valentine, Rep. Bourdeaux, Rep. Ray, Rep. Seitz, and Rep. Throckmorton absent for the vote.

Sen. Buttars requested that staff provide information regarding DUI sentencing, research and evaluation, and the current cost of DUI ignition interlock.

Mr. Dale Kennett, Autosense Ignition Interlock Dealers, indicated that the cost to the offender for ignition interlock is \$65 per month.

6. Other Items/Adjourn

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

Chair Bowman adjourned the meeting at 11:30 a.m.