

2005 Passed Bills of Interest to the Law Enforcement and Criminal Justice Committee

Board of Pardons and Parole

- S.B. 94 **Restitution Amendments** (*Sen. G. Bell*)
This bill makes changes regarding the Board of Pardons and Parole's responsibility concerning inmate restitution.

Controlled Substances

- H.B. 55 **Drug Offense Penalty Enhancements** (*Rep. B. Dee*)
This bill amends controlled substances laws to provide increased penalties for possession offenses committed subsequent to an offense involving distribution or manufacturing of a controlled substance.
- H.B. 311 **Controlled Substance Law Amendments** (*Rep. B. Dee*)
This bill provides a definition of the term "consumption" as it relates to possession of a controlled substance.
- S.B. 50 **Controlled Substance Amendments** (*Sen. P. Arent*)
This bill amends the Pharmacy Practice Act and the Controlled Substances Act to repeal the Controlled Substance Database Advisory Committee and assign the committee's duties to the State Board of Pharmacy. This bill allows authorized employees of the Department of Health access to the controlled substance database for scientific studies. This bill also allows the division to authorize by rule a prescriber's use of an electronic or digital signature in issuing prescriptions.
- 1st Sub. S.B. 135 **Drug Courts Pilot Project** (*Sen. L. Hillyard*)
This bill allows for the creation of drug courts in any judicial district, and the creation of a Drug Board Pilot Project in Davis and Weber counties for intensive substance abuse treatment. This bill sets out participant screening criteria, and requires participation by the Board of Pardons and Parole.
- 1st Sub. S.B. 42 **Alcohol Restricted Drivers** (*Sen. C. Walker*)
This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions related to certain persons operating a vehicle with any measurable or detectable amount of alcohol in the person's body.

Crimes Against Children

- H.B. 132 **Internet Crimes Against Children** (*Rep. T. Cosgrove*)
This bill describes the state attorney general's participation in multijurisdictional and multidisciplinary work to prevent and prosecute Internet sexual crimes against children. This bill also authorizes the attorney general to provide Internet educational programs to parents, educators, and others involved with children to promote awareness of and

prevention of Internet crimes against children.

- 1st Sub. H.B. 28 **Juvenile Justice Recodification and Revisions** (*Rep. D. Aagard*)
This bill recodifies Title 62A, Chapter 7, Juvenile Justice Services, to reflect the duties and functions of the Division of Juvenile Justice Services.
- 3rd Sub. H.B. 260 **Amendments Related to Pornographic and Harmful Materials** (*Rep. J. Dougall*)
This bill addresses pornographic materials and material harmful to minors.
- S.B. 93 **Children's Justice Center Addition** (*Sen. T. Hatch*)
This bill adds Iron County to the list of counties with Children's Justice Centers.
- S.C.R. 11 **Concurrent Resolution on Mcgruff House** (*Sen. D. Eastman*)
This concurrent resolution of the Legislature and the Governor recognizes the 25th anniversary of the National Citizens' Crime Prevention Campaign and urges citizen recognition of the anniversary.
- S.B. 15 **Children's Justice Center Amendments** (*Sen. D. C. Buttars*)
This bill broadens the scope of children to be served by Children's Justice Centers.

Criminal Conduct

- H.B. 185 **Utah Computer Crimes Act Amendments** (*Rep. B. Daw*)
This bill amends the Utah Computer Crimes Act.
- H.B. 297 **Aggravated Murder Amendments** (*Rep. S. Wyatt*)
This bill amends the Criminal Code regarding the elements of aggravated murder, a capital felony, to include cases when the defendant abuses or desecrates the body of the murder victim. The bill provides that a murder is aggravated murder if the defendant has previously committed murder or attempted murder. The bill also amends the definition of abuse or desecration of a dead human body.
- 1st Sub. H.B. 38 **Water Law - Criminal Penalties Amendments** (*Rep. B. Ferry*)
This bill modifies the criminal penalties for violations of various provisions of Title 73, Water and Irrigation, and Title 76, Chapter 10, Offenses against Public Health, Safety, Welfare, and Morals.
- H.B. 157 **Water Enforcement Procedures and Penalties** (*Rep. D. Ure*)
This bill modifies the state engineer's enforcement and penalty processes.
- S.B. 118 **Identity Fraud Amendments** (*Sen. C. Walker*)
This bill amends the Criminal Code to include in the offense of identity fraud the unlawful use of information of persons who are deceased.

Criminal Code

- H.B. 54 **Criminal Appeal Amendments** (*Rep. S. Wyatt*)
This bill clarifies the appeal process in certain criminal and juvenile cases.
- H.B. 76 **Habitual Violent Offenders Amendments** (*Rep. P. Ray*) *sca/ses*
This bill provides specific references to offenses to be included in the definition of a violent felony under the Criminal Code.
- H.B. 221 **Electronic Communication Harassment** (*Rep. J. Dougall*)
This bill amends the current law regarding telephone harassment to include other forms of electronic communication harassment.
- S.B. 30 **Amendments to Search Warrants** (*Sen. D. Thomas*)
This bill repeals and reenacts the Code of Criminal Procedure provision regarding the evidence and procedures involved in a magistrate's issuance of a search warrant. The reenacted section refers to the procedures in Rule 40 of the Rules of Criminal Procedure. This bill also amends the Code of Criminal Procedure regarding the management of the records and information a magistrate relies upon in issuing a search warrant to reflect use of remotely communicated search warrants.
- 2nd Sub. S.B. 43 **Penalty for Providing False Information to State Agency** (*Sen. P. Hellewell*)
This bill modifies the Criminal Code by providing certain penalties for providing false information to state or local government agencies.
- S.B. 47 **Wrongful Lien Offenses** (*Sen. B. Evans*)
This bill amends the Criminal Code and Title 38, Liens, to provide for filing civil injunctions against wrongful liens made against a person's interest in real or personal property. The bill establishes felony penalties for making a wrongful lien. The bill also makes a felony offense of fraudulent handling of recordable writings.
- S.B. 62 **Personal Property Transactions Amendments** (*Sen. M. Waddoups*)
This bill amends the Pawnshop Transaction Information Act by placing its operations under the Division of Consumer Protection within the Department of Commerce. The bill authorizes attorney fees against persons subject to enforcement action under the act. This bill specifies lawful uses of pawn transaction information by law enforcement and a penalty for unlawful use. This bill changes the criminal penalties for violation of the act to civil penalties. This bill also repeals the repeal date of the act.
- S.B. 73 **Tampering with Evidence** (*Sen. D. C. Buttars*)
This bill amends the Criminal Code to include as a criminal offense tampering with evidence with the intent to prevent an official proceeding.

1st Sub. S.B. 177 **Increase Statute of Limitations on Rape** (*Sen. E. Mayne*)

This bill amends the Criminal Code statute of limitations to allow prosecution for rape and other listed sexual offenses within eight years after the offense is committed under specified circumstances.

Criminal Background Checks

H.B. 64 **Criminal Background Checks for Personal Care Attendants** (*Rep. F. Hunsaker*)

This bill amends the Human Services Code and the Judicial Code to provide for a criminal background check of a personal care attendant who receives public funds for the personal care attendant's services.

H.B. 79 **Provision of Services for People with Disabilities** (*Rep. R. Lockhart*)

This bill amends the Human Services Code and the Judicial Code to provide for a criminal background check of a direct service worker whose services are paid for with public funds. This bill modifies the responsibilities and authority of the Division of Services for People with Disabilities.

Department of Corrections

H.B. 98 **Offenses Committed Against Correctional and Peace Officers** (*Rep. C. Oda*)

This bill amends the Criminal Code regarding offenses committed by prisoners to include the offense of propelling any object or substance at a correctional or law enforcement officer. This bill also provides increased penalties if the substance is a bodily substance that contacts the officer's face.

1st Sub. H.B. 234 **Telephone Surcharge for Education and Training Programs At Prison**
(*Rep. B. Goodfellow*)

This bill creates a restricted account within the General Fund.

Guns

H.B. 276 **Division of Criminal Investigation and Technical Services Amendments** (*Rep. C. Oda*)

This bill modifies provisions related to the issuance of a concealed firearm permit by the Division of Criminal Investigations and Technical Services or its designated agent.

Military

H.B. 143 **National Guard Amendments** (*Rep. E. Hutchings*)

This bill creates a joint forces headquarters under the command of the adjutant general, authorizes the appointment of a deputy commander, and makes technical corrections.

S.B. 141 **Military Installation Partnerships** (*Sen. S. Killpack*) (

This bill establishes a program that supports economic development on military installations throughout the state.

H.C.R. 5 **Resolution Honoring Utah Military Service Personnel** (*Rep. F. Hunsaker*)
This concurrent resolution of the Legislature and the Governor honors Utah National Guard members serving in Iraq and Afghanistan.

H.B. 147 **Property Tax Exemption for Veterans** (*Rep. G. Hughes*)
This bill amends provisions of the Property Tax Act regarding the property tax exemption relating to a disabled veteran, a veteran who is killed in action or dies in the line of duty, and an unmarried surviving spouse or minor orphan of a disabled veteran or a veteran who was killed in action or died in the line of duty.

2nd Sub. S.B. 13 **Individual Income Tax Subtraction for Certain Military Income** (*Sen. H. Stephenson*)
This bill amends the Individual Income Tax Act relating to a subtraction for certain military income.

Peace Officers

H.B. 208 **Unclaimed Property Amendments** (*Rep. P. Ray*)
This bill clarifies the disposition of property that comes into the possession of peace officers.

H.B. 215 **Property Tracking Amendments** (*Rep. P. Ray*)
This bill amends the Criminal Code to clarify that individuals other than law enforcement officers may attach mobile tracking devices to their own property.

H.J.R. 21 **Resolution Honoring Jade Pusey** (*Rep. D. Ure*)
This joint resolution of the Legislature honors the life and service of Jade Pusey.

S.B. 146 **Avoiding Apprehension Amendment** (*Sen. M. Waddoups*)
This bill establishes a specific offense of failure to stop at the command of a peace officer in situations where the offender is not operating a vehicle.

Public Safety

H.B. 52 **Fire Prevention Amendments** (*Rep. J. Murray*)
This bill amends the provisions regarding exemptions from licensure related to construction trade services.

H.B. 217 **Public Safety Retirement - Exemption of Certain Employees** (*Rep. D. Clark*)
This bill modifies the Utah State Retirement and Insurance Benefit Act by amending Public Safety Retirement Systems coverage exemptions.

S.B. 130 **Retirement for Airport Police** (*Sen. M. Dmitrich*)
This bill modifies the Utah State Retirement and Insurance Benefit Act to amend transfer of service credit provisions.

S.B. 227 **Public Safety Driving Privilege and Identification Card Amendments** (*Sen. C. Bramble*)
This bill modifies the Public Safety Code by amending driver license and identification card provisions.

Uniform Law

S.B. 14 **Uniform Parentage Act** (*Sen. L. Hillyard*)
This bill enacts the Utah Uniform Parentage Act.

Sunset Reauthorizations

S.B. 27 **Sunset Reauthorizations** (*Sen. L. A. Mansell*)
This bill reauthorizes certain state entities and programs that would otherwise sunset before the 2006 Annual General Session of the Utah Legislature. Among others, The Jail Reimbursement Rate for Counties was reauthorized until July 1, 2010.