

# 2014 LEGISLATIVE UPDATE



Utah Sentencing Commission

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# Sentencing Commission Bills

- ▣ 5 bills endorsed:
  - 2 technical revisions
  - Controlled Substance Enhancements
  - Good Samaritan Bill
  - Tracking Alternative Sentences



# Technical Revisions

- ▣ HB 290 - Criminal Code – General Provisions (Rep. Moss)
  - Added an “and” between the two listed elements of a criminal offense (which was already presumed)
  
- ▣ HB 308 – Criminal Penalty Amendments (Rep. Hall)
  - Removed the word “minimum” for a violation of a municipal ordinance (any penalty is defacto a minimum; defining it as a “minimum” was unnecessary)

# Controlled Substance Enhancements

- ▣ SB 205 – Controlled Substance Penalty Enhancements (Sen. Hillyard)
  - Removes a first degree felony
  - Possession only cases
  - Ongoing discussion as part of PEW/JRI regarding:
    - ▣ Double enhancements generally
    - ▣ Meaningfulness of “Drug Free Zone” enhancement
    - ▣ Drug Court accessibility
    - ▣ Alternative sentencing for possession cases
    - ▣ Incorporation of Evidence-Based Practices
    - ▣ ARK Summit

# Good Samaritan Bills

- ▣ HB 11 Overdose Reporting Amendments (Rep. Moss)
  - Cooperation with medical and law enforcement is a mitigating factor in sentencing/penalty phase
- ▣ HB 119S01 Opiate Overdose Emergency Treatment (Rep. Moss)
  - Utah 4<sup>th</sup> highest for opiate overdose nationally
  - Opiate antagonist permitted

# Alternative Sentencing Tracking

- ▣ HB 48 Reports on Alternative Sentencing (Rep. Duckworth)
  - Requires county sheriff to keep records of prisoners released to alternative incarceration programs (status & type of program)
  - Ongoing discussion regarding:
    - ▣ Jail concern over autonomy of decision
    - ▣ Effectiveness of alternative programs
    - ▣ Disparity between counties



# Additional Bills Supported Which Passed

- ▣ Adult Crime Victims' Bills:
  - HB71S01 Distribution of Intimate Images (Rep. Poulson)  
[New 3<sup>rd</sup> Degree Felony & Class A Misdemeanor]
  - HB157S01 Rape Kit Amendments (Rep. Seelig)
  - HB411 Victim Restitution Amendment (Rep. Wilson)
  - SB36S05 Voter Information Amendments (Sen. Mayne)  
[New Class B Misdemeanor & \$1943 fine]

- Juvenile Crime Bills:

- HB53 Restitution Amendments (Rep. Peterson)
- HB185 Juvenile Detention Facility Am. (Rep. Hutchings)
- HB254S01 Human Trafficking Victim Am. (Rep. Seelig)  
[Removes Class B Misdemeanor on 1<sup>st</sup> Offense]
- HB257 Aggravated Sexual Abuse of Child Am. (Rep. Wilson)
- SB88S01 Child Interview Amendments (Sen. Okerlund)  
[New Class B Misdemeanor for Distr., Release or Display]

## ▫ General Crime Bills

- HB30 Controlled Substance Amendments (Rep. Ray)  
[New Class B Misdemeanor for 6 new analogs]
- SB13 Theft Amendments (Sen. Thatcher)  
[Reduced some 3<sup>rd</sup> Degree Felonies to Class A Misdemeanors: 3<sup>rd</sup> in 10 is Class A]



## ▣ Licensing Bills:

- HB15 Driver License Susp Amendments (Rep. Sagers)  
[reduced suspension period to 6 months for under age 19]
- HB137S01 Amendment to Driver License Sanctions for Alcohol Related Offense (Rep. Knotwell)  
[reduced suspension for minor in possession/consumption]
- SB226 Professional Licensing Amendments (Sen. Valentine)  
[unprofessional conduct to use different name]

- Law Enforcement Bills:
  - HB149 Am. to Federal Law Enf. Limitations (Rep. Noel)
  - HB295 Weapons Law Exemptions (Rep. Greenwood)
  - HB404 Court Security Fee Amendment (Rep. Ray)
  - HB427 Asset Forfeiture Revisions (Rep. Hutchings)





- Corrections (Jail/Prison) Bills
  - SB198 Law Enforcement Exemption for Medical Information (Sen. Adams)
  - HJR17 Joint Resolution on Jail Facilities (Rep. Greenwood)
  - HCR8 Concurrent Resolution Regarding Moving the State Prison (Rep. Wilson)

# Bills Opposed Which Passed

- ❑ HB 213S01 - Criminal Penalties for Sexual Contact with a Student (Rep. Christensen)  
[New 3<sup>rd</sup> Degree Felony]
- ❑ HB 268S02 – Dangerous Weapon Amendments (Rep. Greene)  
[Removes a 3<sup>rd</sup> Degree Felony & Class A Misdemeanor]
- ❑ HB 392S01 – Delegate Responsibility Am. (Rep. Powell)  
[New 3<sup>rd</sup> Degree Felony]
- ❑ SB212 – Invasive Species Amendment (Sen. Knudson)  
[New Class B Misdemeanor]



# Additional Penalty Changes

- ▣ General Crime Bills:
  - HB68S01 Protection of State Park Resources (Rep. Pitcher)  
[New 3<sup>rd</sup> Degree Felony, Class A & Fine of up to 3 x damage]
  - HB101 Roadway & Sidewalk Safety Amendments (Rep. Nielson)  
[New Class C Misdemeanor]
  - HB105S09 Plant Extract Amendments (Rep. Froerer)  
[Removed Class B Misdemeanor]
  - SB253S01 Distracted Driver Amendments (Sen. Urquhart)  
[Expanded definition, reduced fine from \$200 to \$100]

## ▣ Licensing Bills:

- HB277 Music Therapist Licensure Amendments (Rep. Edwards)  
[New Class B Misdemeanor]
- SB87 Contractor Employee Amendments (Sen. Mayne)  
[New Class A Misdemeanor & fines (\$50/\$100/\$500)]
- SB137S01 Health Care Prof. Truth in Advertising (Sen. Weiler)  
[New Class A Misdemeanor & fines (\$1,000/\$2,000)]



## ▣ Campaign & Legislative Bills:

- HB200 Unlawful Removal or Vandalism of Campaign Signs (Rep. Hutchings)  
[New Class B Misdemeanor]
- HB390 Unlawful Activities Amendments (Rep. Chavez-Houck)  
[New Class A Misdemeanor]
- HB394S01 Campaign Finance Revisions (Rep. Dunnigan)  
[New Class B Misdemeanor & \$100 fine]

# Law Enforcement Limitations

- ▣ HB70S02 Forcible Entry Amendments (Rep. Roberts)
- ▣ HB128S01 Electronic Device Location Amendments (Rep. Wilcox)
- ▣ SB167S02 Regulation of Drones (Sen. Stephenson)



# 2014 Penalty Changes

2014 Totals *									
New 1 <sup>st</sup> Degree Felonies	New 2 <sup>nd</sup> Degree Felonies	New 3 <sup>rd</sup> Degree Felonies	New Class A Misdemeanors	New Class B Misdemeanors	New Class C Misdemeanors	New Infractions	New Fines or Fees	Anticipated Prison Admissions per year	Anticipated Fiscal Impact <sup>a</sup>
1 removed		4 new 2 removed	5 new 1 removed	7 new 2 removed	1 new		5 new 1 reduced		\$105,600
2013 Totals									
3	10	4	2	11	1			7.3	\$6,663,850
2012 Totals									
1	12	16	13	26	6	1	4		\$1,780,400
2011 Totals									
	10	4	2	11	1			7.3	\$6,663,850
2010 Totals									
1	3	4	6	14	4		4		\$918,00
2009 Totals									
	1	7	9	10	4	2	°	1	\$301,700

\* New Crime totals include penalties increased or decreased from a previously existing penalty.

<sup>a</sup> The anticipated fiscal impact predicts costs to state agencies in only the fiscal year indicated and does not include ongoing costs or the costs to county or local governments.

<sup>°</sup> Information regarding new fines or fees to offenders was not tracked in these years.

