

**MINUTES OF THE
HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**

Room 450, Utah State Capitol Complex

March 9, 2015

Members Present: Rep. Don L. Ipson, Chair
Rep. Marc K. Roberts, Vice Chair
Rep. Bradley M. Daw
Rep. Steve Eliason
Rep. Sandra Hollins
Rep. Kay L. McIff
Rep. Jeremy A. Peterson
Rep. Paul Ray
Rep. Edward H. Redd
Rep. Angela Romero
Rep. Earl D. Tanner

Staff Present: Mr. Joseph Wade, Policy Analyst
Ms. Linda Error, Committee Secretary

NOTE: A list of visitors and a copy of handouts are filed with the committee minutes

Chair Ipson called the meeting to order at 4:18 p.m.

MOTION: Rep. Roberts moved to approve the minutes of the March 6, 2015 meeting. The motion passed unanimously with Rep. Eliason, Rep. Hollins, Rep. McIff, Rep. Redd, and Rep. Romero absent for the vote.

1st Sub. S.B. 82 Forcible Entry Amendments (Sen. S. Urquhart)

Sen. Urquhart explained the bill to the committee.

Spoke against the bill: Gregory Ferbrache, Office of the Utah Attorney General
Wade Carpenter, Utah Chiefs of Police

Spoke to the bill: Marina Lowe, American Civil Liberties Union

MOTION: Rep. Ray moved to amend the bill as follows:

1. *Page 1, Lines 20 through 21*
Senate 3rd Reading Amendments
3-3-2015:

20 ▶ provides that a search or administrative warrant may not be issued by a justice court

21 judge;

► provides that a warrant authorizing forceful entry may not be issued solely for the purpose of an alleged controlled substance or for drug paraphernalia; and

2. Page 4, Line 112
Senate 3rd Reading Amendments
3-3-2015:

112 (8) Notwithstanding any provision in this chapter, a warrant authorizing forceful entry without prior announcement may not be issued under

3. Page 4, Line 115a through Page 4a, Line 115k
Senate 3rd Reading Amendments
3-3-2015:

115a ~~§→ [53-37a-3]~~ 58-37a-3 ~~←§~~ .
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115b ~~§→ Section 3. Coordinating S.B. 82 with H.B. 348~~ ~~§→ [7]~~ ~~←§~~ Modifying substantive

115b1 language:

115c ~~If this S.B. 82 and H.B. 348, Criminal Justice Programs and Amendments, both pass and~~

115d ~~become law, the Legislature intends that the Office of Legislative Research and the~~
~~General Counsel, in preparing the Utah Code database for publication:~~

115f ~~(1) amend Subsection 7-23-210(8)(a) to read:~~

115g ~~“(8)(a) the alleged possession or use of marijuana or a controlled substance under~~

115h ~~Section 58-37-4.2; or” ; and~~

115i ~~(2) amend Subsection 7-23-210(8)(b) to read:~~

115j ~~“(b) the alleged possession or use of drug paraphernalia as provided in Section~~

115k ~~53-37a-3.” ←§~~ }

The motion to amend passed unanimously with Rep. Eliason and Rep. McIff absent for the vote.

MOTION: Rep. Roberts moved to pass 1st substitute S.B. 82 out with a favorable recommendation, as amended. The motion passed with Rep. Daw and Rep. Ray voting in opposition. Rep. Eliason and Rep. McIff were absent for the vote.

H.B. 386 **Body Cameras for Law Enforcement Officers** (*Rep. D. McCay*)

Rep. McCay explained the bill to the committee.

Spoke against the bill: Scott Carver, Salt Lake County Sheriff's Department

Spoke for the bill: Josh Daniels, Utah Libertas Institute

MOTION: Rep. Peterson moved to return H.B. 386 to the Rules Committee with a recommendation for Interim Study. The motion passed unanimously with Rep. Eliason and Rep. McIff absent for the vote.

H.B. 442 Law Enforcement Tracking Amendments (Rep. E. Hutchings)

Rep. Hutchings explained the bill to the committee.

Spoke for the bill: Anna Brower, American Civil Liberties Union

MOTION: Rep. Roberts moved to replace H.B. 442 with 1st Substitute H.B. 442. The motion passed unanimously with Rep. McIff absent for the vote.

MOTION: Rep. Peterson moved to pass 1st Substitute H.B. 442 out with a favorable recommendation. The motion passed unanimously with Rep. McIff absent for the vote.

S.B. 214 Veterans Court (Sen. P. Knudson)

Sen. Knudson explained the bill to the committee.

Spoke to the bill: Rick Schwermer, Utah Courts

MOTION: Rep. Daw moved to pass S.B. 214 out with a favorable recommendation. The motion passed unanimously with Rep. McIff absent for the vote.

MOTION: Rep. Eliason moved to place S.B. 214 on the consent calendar. The motion passed unanimously with Rep. McIff absent for the vote.

S.B. 226 Search and Seizure Amendments (Sen. M. Madsen)

Sen. Madsen explained the bill to the committee.

Spoke for the bill: Connor Boyack, Libertas Institute
Anna Brower, American Civil Liberties Institute
Steve Burton, Utah Criminal Defense Lawyers Association

Spoke against the bill: Sheriff Todd Richardson, Davis County Sheriff

Spoke to the bill: Chief Doug Diamond, West Jordan Chief of Police

MOTION: Rep. Roberts moved to pass S.B. 226 out with a favorable recommendation.

SUBSTITUTE

MOTION: Rep. Ray moved to amend the bill as follows:

1. *Page 3, Lines 62 through 70*
Senate 3rd Reading Amendments
3-4-2015:

62 (B) ~~{each}~~ an owner of ~~{the}~~ each property that is imaged;
63 (b) in exigent circumstances; or
64 (c) in fresh pursuit of a person suspected of committing a felony.
65 ~~{(3) A government entity may not operate an imaging surveillance device~~
when
66 executing a search §→ [or arrest] ←§ warrant unless the application for the
warrant:
67 —(a) indicates that the government entity intends to use an imaging surveillance
device;
68 —(b) describes the capabilities of the imaging surveillance device; and
69 —(c) describes the measures that the government entity will take to avoid the
technology
70 being used in a manner that is beyond the scope of the warrant. }

The motion to amend passed with Rep. Hollins, Rep. Peterson, Rep. Redd, Rep. Roberts, and Rep. Romero voting in opposition.

MOTION: Rep. Peterson moved to pass S.B. 226 out with a favorable recommendation, as amended. The motion passed unanimously.

MOTION: Rep. Roberts moved to adjourn the meeting. The motion passed unanimously.

Chair Ipson adjourned the meeting at 5:55 p.m.