

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room WO25, West Office Building, State Capitol Complex
February 15, 2005

Members Present: Rep. DeMar "Bud" Bowman, Chair
Rep. Michael T. Morley, Vice Chair
Rep. Duane Bourdeaux
Rep. LaVar F. Christensen
Rep. Wayne A. Harper
Rep. Patricia W. Jones
Rep. Todd E. Kiser
Rep. David Litvack
Rep. Curtis Oda
Rep. Paul Ray
Rep. Stephen H. Urquhart

Staff Present: Mr. Stewart Smith, Policy Analyst
Ms. Linda Black, Committee Secretary

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

Rep. Bowman called the meeting to order at 4:12 p.m.

MOTION: Rep. Litvack moved to approve the minutes of February 10, 2005. The motion passed unanimously, with Rep. Bourdeaux, Rep. Urquhart, and Rep. Morley absent for the vote.

H.B. 338 Child and Family Welfare Revisions *(Rep. L. Christensen)*

Rep. Christensen explained the bill and presented 1st Substitute H.B. 338.

MOTION: Rep. Ray moved to delete in title and body H.B. 338, and replace it with 1st Substitute H.B. 338. The motion passed unanimously, with Rep. Urquhart and Rep. Morley absent for the vote.

Spoke in favor
of the bill:

Mr. Rick Schwermer, Utah Courts
Mr. Alain Balmanno, Attorney General's Office
Ms. Lisa Bierly, Parent
Mr. Robert Alsop, Parent
Ms. Ronda Rose, Utah Parent Teacher Association

Spoke in opposition

to the bill: Ms. Gayle Ruzicka, Utah Eagle Forum, Utah Families
Ms. Patrice Schell, Voices for Utah Children

MOTION: Rep. Litvack moved to amend H.B. 338 as follows:

Page 6, line 153: Reinstate "An"
Page 6, line 153: Delete "If appointed, an"
Page 7 Delete lines 208-211

The motion failed, with Rep. Christensen, Rep. Harper, Rep. Kiser, Rep. Oda, Rep. Ray, Rep. Urquhart, and Rep. Bowman voting in opposition.

MOTION: Rep. Litvack moved to amend H.B. 338 as follows:

Page 3, line 79: After "There" reinstate "are" and delete "may be"

The motion failed, with Rep. Christensen, Rep. Harper, Rep. Kiser, Rep. Oda, Rep. Ray, Rep. Urquhart, and Rep. Bowman voting in opposition. Rep. Morley was absent for the vote.

MOTION: Rep. Bourdeaux moved to amend H.B. 338 as follows:

Page 3, line 82: After "state" delete "may" and insert "shall"
Page 3, line 86: After "intrusive" delete "and least restrictive"

SUBSTITUTE

MOTION: Rep. Ray moved to pass the bill out favorably.

MOTION: Rep. Urquhart moved to previous question to cut off debate. The motion passed with Rep. Bourdeaux, Rep. Jones, and Rep Litvack voting in opposition.

The substitute motion passed, with Rep. Bourdeaux, Rep. Jones, and Rep. Litvack voting in opposition.

S.B. 146 Avoiding Apprehension Amendment (*Sen. M. Waddoups*)

Sen. Waddoups explained the bill.

Spoke to the bill: Mr. Ken Wallentine, Department of Public Safety

MOTION: Rep. Ray moved to pass the bill out favorably. The motion passed unanimously,

with Rep. Bourdeaux, Rep. Litvack, Rep. Urquhart, and Rep. Morley absent for the vote.

1 Sub.H.B. 153 Security for Public Schools (Rep. S. Allen)

Rep. Allen presented 2nd Sub H.B.153.

MOTION: Rep. Ray moved to delete in title and body 1st Substitute H.B. 153, and replace it with 2nd Substitute H.B. 153. The motion passed unanimously, with Rep. Bourdeaux, Rep. Kiser, Rep. Litvack, Rep. Urquhart, and Rep. and Rep. Morley absent for the vote.

Rep. Allen explained the bill.

Spoke to the bill: Mr. Ken Wallentine, Department of Public Safety

Spoke in opposition to the bill:

Ms. Sandy Memales, Dispatcher/Secretary, Granite School District Police Department
Mr .Geoffrey W. Leonard, General Counsel, Utah School Employees Association
Mr. Nick Arnold, Utah Education Association
Mr. Martin Bates, Assistant to the Superintendent of Granite District Schools
Capt. Robert Levin, Granite School District Police Department

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

Page 8, Line 212 (ii) contract with individuals, organizations, or

The motion passed with Rep. Oda and Rep. Ray voting against the motion and Rep. Morley and Rep. Harper absent for the vote.

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

1. Page 3, Lines 57 through 67:

57 {+} (viii) school district police officers as designated by the board of
education for the {+}
58 {+} school district; {+}
59 {+} (ix) {+} {~~viii~~} the executive director of the Department of

Corrections and any
60 correctional enforcement or investigative officer designated by the executive director and
61 approved by the commissioner of public safety and certified by the division;
62 {+} (x) {+} {-(ix)-} correctional enforcement, investigative, or adult
 probation and parole officers
63 employed by the Department of Corrections serving on or before July 1, 1993;
64 {+} (xi) {+} {-(x)-} members of a law enforcement agency established
 by a private college or
65 university provided that the college or university has been certified by the commissioner
 of
66 public safety according to rules of the Department of Public Safety; and
67 {+} (xii) {+} {-(xi)-} airport police officers of any airport owned or
 operated by the state or any of

2. *Page 8, Lines 212 through 236:*

212 (ii) contract with individuals, organizations, or private security firms for
 security services as provided by the board of education for the district ; or
{ 213 ~~(iii) employ personnel to serve as special function officers, as defined in Section~~
214 ~~53-13-105.~~
215 ~~(b) (i) A special function officer employed by a local school board may exercise~~
 law
216 enforcement authority as described in, and subject to the training requirements of,
 Section
217 53-13-103, except as provided in Subsections (19)(b)(ii) and (iii):
218 ~~(ii) The jurisdiction in which a special function officer employed by a local~~
 school
219 board may exercise law enforcement authority shall be geographically limited to the
 area
220 within 1000 feet of real property or facilities owned or operated by the school
 district.
221 ~~(iii) A special function officer employed by a local school board:~~
222 ~~(A) may transport a person detained to a local law enforcement agency; and~~
223 ~~(B) may not exercise law enforcement authority outside of the limited~~
 geographic area
224 described in Subsection (19) (b)(ii) pursuant to Title 77, Chapter 9, Uniform Act on
 Fresh

- 225 Pursuit:
- 226 ~~— (c) (i) If a local school board employs special function officers, the local school~~
~~board~~
- 227 ~~shall submit a report by August 31, 2006 to the Law Enforcement and Criminal~~
~~Justice Interim~~
- 228 ~~Committee and the Education Interim Committee evaluating the cost effectiveness~~
~~of~~
- 229 ~~employing special function officers:~~
- 230 ~~— (ii) The report shall address the costs and outcomes of employing special~~
~~function~~
- 231 ~~officers:~~
- 232 ~~— (iii) A local school board shall consult with the local law enforcement agencies~~
~~having~~
- 233 ~~jurisdiction within the school district in preparing the report:~~
- 234 ~~— (d) (i) A local school board may not employ personnel to serve as law~~
~~enforcement~~
- 235 ~~officers, as defined in Section 53-13-103, except as provided in Subsection~~
~~(19(d)(ii).)~~
- 236 ~~{(ii)}~~ iii A local school board may employ law enforcement officers on a
temporary.

SUBSTITUTE

MOTION: Rep. Oda moved to pass the bill out favorably as amended. The motion failed with Rep. Oda, Rep. Ray and Rep. Urquhart voting for the motion, and Rep. Morley absent for the vote.

SUBSTITUTE

MOTION: Rep. Harper moved to pass the bill out favorably with Rep. Christensen's amendments. The motion passed with Rep. Oda voting in opposition, and Rep. Morley absent for the vote.

MOTION: Rep. Kiser moved to adjourn. The motion passed unanimously. Rep. Hunsaker adjourned the meeting at 6:15 p.m.

Rep. DeMar "Bud" Bowman, Chair

