

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
February 11, 2011

Members Present: Rep. Curt Oda, Chair
Rep. Richard Greenwood, Vice Chair
Rep. Patrice Arent
Rep. David Butterfield
Rep. Steve Eliason
Rep. Keith Grover
Rep. Greg Hughes
Rep. Don Ipson
Rep. David Litvack
Rep. Lee Perry
Rep. Jennifer Seelig
Rep. Carl Wimmer
Rep. Bill Wright

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

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

Rep. Oda called the meeting to order at 2:05 p.m.

MOTION: Rep. Grover moved to approve the minutes of the February 9, 2011 meeting. The motion passed unanimously, with Rep. Hughes absent for the vote.

H.B. 167 Incarceration Amendments (Rep. E. Hutchings)

Rep. Hutchings explained the bill to the committee with the assistance of Ms. Jacey Skinner, Utah Sentencing Commission.

Spoke in favor of the bill: Mr. Clark Harms, Utah Board of Pardons

MOTION: Rep. Arent moved to pass the bill with a favorable recommendation. The motion passed unanimously, with Rep. Hughes absent for the vote.

MOTION: Rep. Greenwood moved to place H.B. 167 on the Consent Calendar. The motion passed unanimously.

H.B. 70 Illegal Immigration Enforcement Act (Rep. S. Sandstrom)

Rep. Sandstrom explained the bill to the committee.

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

1. *Page 4, Line 108:*

108 (3) "Law enforcement officer" has the same meaning as in Section 53-13-103.
(4) "Reasonable suspicion" is based on a peace officer who is acting under
Subsection 76-9-1003(1) determining that a person is unable to provide any of
the documents listed in Subsection 76-9-1004(1).

2. *Page 4, Lines 109 through 113:*

109 ~~{(4)}~~ (5) "SAVE program" means the federal Systematic Alien Verification
 for Entitlements
110 program operated by the federal Department of Homeland Security.
111 ~~{(5)}~~ (6) "State or local governmental agency" includes any private
 contractor or vendor that
112 contracts with the agency to provide the agency's functions or services.
113 ~~{(6)}~~ (7) "Verify immigration status" or "verification of immigration status"
 means the

3. *Page 5, Line 121:*

121 (1)(a) ~~{When}~~ Except as provided in Subsections (1)(b), (c), or (d), any
 law enforcement officer acting in the enforcement of any state law or

4. *Page 5, Lines 124 through 125:*

124 the officer :
 (i) shall ~~{attempt to verify}~~ request verification of the citizenship or the
 immigration status of the person under 8 U.S.C. 1373(c) , except as allowed
 under
125 Subsection (1)(b) ~~{or}~~ : (c) , or (d), if the alleged offense is a class A
 misdemeanor or a felony; and
 (ii) may attempt to verify the immigration status of the person, except as
 exempted under Subsections (1)(b), (c), or (d), if the alleged offense is a class B or
 class C misdemeanor, except that if the person is arrested and booked for a class

B or C misdemeanor, the arresting law enforcement officer or the law enforcement agency booking the person shall attempt to verify the immigration status of the person .

5. *Page 5, Line 130:*

130 school resource officer for any elementary or secondary school.

(d) Subsection (1)(a) does not apply to a county or municipality when it has only one law enforcement officer on duty and response support from another law enforcement agency is not available.

6. *Page 6, Lines 156 through 157:*

156 (a) a valid Utah driver license **issued on or after January 1, 2010** ;

157 (b) a valid Utah identification card issued under Section 53-3-804 **and issued on or after January 1, 2010** ;

7. *Page 6, Line 159:*

159 that includes photo identification; ~~{or}~~ =

8. *Page 6, Line 163:*

163 verification of legal presence in the United States as a condition of issuance of the document ; **or**

(e) a Utah permit to carry a concealed firearm .

9. *Page 8, Line 217:*

(c) The signature under this Subsection (1) may be executed in person or electronically.

217 ~~{(c)}~~ - ~~{(i)}~~ **(d)** When an applicant who is a qualified alien has executed the certificate under this

10. *Page 8, Lines 221 through 222:*

221 ~~{(i) Until eligibility verification is made, the certificate may be presumed to be proof of~~

222 ~~lawful presence for the purposes of this section.}~~

11. *Page 8, Lines 237 through 240:*

Spoke against the bill: Mr. Todd Landfried, Arizona Employers for Immigration Reform
 Mr. Jim Wall, Salt Lake Convention and Visitor's Bureau
 Mr. Paul Mero, Sutherland Institute (handout)
 Ms. Marina Lowe, American Civil Liberties Union
 Mr. Michael McCarty, United for Social Justice (handout)
 Ms. Dee Rowland, Catholic Diocese
 Mr. Lee Gardner, citizen (handout)

MOTION: Rep. Ipson moved to pass the bill with a favorable recommendation. The motion passed, with Rep. Arent, Rep. Litvack and Rep. Seelig voting in opposition. Rep. Wright was absent for the vote.

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

Rep. Oda adjourned the meeting at 5:30 p.m.

Rep. Curtis Oda, Chair