## 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
     {(1)}
     (5)
     "SAVE program" means the federal Systematic Alien Verification

     for Entitlements
     [10]
     [10]
     [10]
  - 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 <u>contracts with the agency to provide the agency's functions or services.</u>
  - 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 <u>the officer</u> :

(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 <u>Subsection (1)(b)</u> {-or-} <u>, (c) , or (d), if the alleged offense is a class A</u> 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

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

- 5. Page 5, Line 130:
  - 130 school resource officer for any elementary or secondary school.

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

- 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 <u>; or</u>
     (e) a Utah permit to carry a concealed firearm .
- 9. Page 8, Line 217:

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

- 217 {(c)} {(d) When an applicant who is a qualified alien has executed the certificate under this
- 10. Page 8, Lines 221 through 222:
  - 221 {<u>(ii) Until eligibility verification is made, the certificate may be presumed to</u> <u>be proof of</u>
  - 222 <u>lawful presence for the purposes of this section.</u>}
- 11. Page 8, Lines 237 through 240:

- 237 (6) If an agency under Subsection (1) { determines it has reasonable suspicion } receives verification that a
- 238 <u>person making an application for any benefit, service, or license</u> {<u>has violated or</u> <u>attempted to</u>
- 239 <u>violate any fraud provision of the Utah Code</u> <u>is not a qualified alien</u>, the agency shall provide the information to the
- 240 <u>local law enforcement agency</u> <u>unless prohibited by federal mandate</u> .

The motion to amend passed unanimously.

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

- 1. Page 9, Lines 271 through 273:
  - 271 (2) It is unlawful for a person to:
  - 272 (a) transport, move, or attempt to transport into this state <u>or</u> [or for a distance of greater
  - 273 than 100 miles] within the state an alien for commercial advantage or private financial gain,

The motion to amend passed unanimously.

Rep. Sandstrom further explained the bill.

Assisted by: Mr. Ronald Mortenson, Davis County 9/12 Project Ms. Gayle Ruzicka, Utah Eagle Forum Dr. Jennifer Brown, dentist, Layton, Utah Ms. Lynnette Weed, citizen Mr. Arturo Morales, Legal Immigration for Immigration Law Enforcement

- MOTION: Rep. Greenwood moved to limit committee members' questions and comments to three minutes. The motion failed, with Rep. Greenwood, Rep. Grover and Rep. Oda voting in favor. Rep. Wimmer and Rep. Wright were absent for the vote.
- Spoke in favor of the bill: Mr. Gaylan Stewart, citizen Mr. Dan Deuel, Weber County 9/12 Project Mr. Victor Shanti, citizen Representative Chris Herrod, citizen Mr. Jeremy Roberts, citizen Mr. Louis Welch, citizen Mr. Keith Kuder, Utah Young Republicans

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