

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
February 17, 2011

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

Members Absent: Rep. Keith Grover
Rep. Greg Hughes

Staff Present: Mr. Stewart Smith, Policy Analyst
Ms. Sylvia Newton, Committee Secretary

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

Rep. Greenwood called the meeting to order at 8:04 a.m.

MOTION: Rep. Arent moved to approve the minutes of the February 11, 2011 meeting.
The motion passed with Rep. Ipson, Rep. Wimmer, Rep. Wright, and Rep. Oda
absent for the vote.

S.B. 58 Crime Victims Reparations Revisions (Sen. J. S. Adams)

Sen. Adams explained S.B. 58 to the committee, assisted by Mel Wilson, Director, Crime
Victims Reparations.

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

1. *Page 2, Line 58 through Page 3, Line 59:*

58 ENACTS:

59 { ~~63M-7-508.5, Utah Code Annotated 1953~~ }

2. *Page 6, Line 168:*

168 (v) the Career Service Review ~~{Board}~~ Office ;

3. Page 8, Line 232:

232 ~~[(2)]~~ (3) "Board" means the Crime Victim Reparations and Assistance Board
created under Section

4. Page 12, Line 362 through Page 13, Line 370:

362 (3) If, due to reparation payments to a victim, the Utah Office for Victims of Crime
363 ~~[Victim Reparations]~~ is assigned under Section 63M-7-519 a claim for the victim's
judgment
364 for restitution or a portion of the restitution, the office may file with the sentencing court a
365 notice of the assignment. The notice of assignment shall be signed by the victim and a
366 reparations officer and shall ~~{state the amount of the claim assigned}~~ contain an
affidavit detailing the specific amounts of pecuniary damages paid on behalf of the
victim. A copy of the notice of assignment and affidavit shall be mailed by certified
mail to the defendant at his last known address 20 days prior to sentencing, entry of
any judgment or order of restitution, or modification of any existing judgment or
order of restitution. Any objection by the defendant to the imposition or amount of
restitution shall be made at the time of sentencing or in writing within 20 days of the
receipt of notice, to be filed with the court and a copy mailed to the office. Upon the
filing of the objection, the court shall allow the defendant a full hearing on the issue
as provided by Subsection 77-38a-302(4) .

367 (4) ~~{Upon}~~ If no objection is made or filed by the defendant, then upon
conviction and sentencing ~~[of the defendant]~~, the court shall enter a ~~[civil]~~
368 judgment for complete restitution ~~[as provided in Section 77-38a-401]~~ pursuant to the
369 provisions of Subsections 76-3-201(4)(c) and (d) and identify the office as the assignee of
the
370 assigned portion of the judgment and order of restitution.

5. Page 17, Line 518 through Page 18, Line 538:

518 ~~{Section 13. Section 63M-7-508.5 is enacted to read:~~
519 ~~63M-7-508.5. Assistance officers duties and functions.~~
520 ~~Assistance officers shall, in addition to assignments made by the director and~~
under the
521 supervision of the victim services program coordinator:

522 ~~— (1) apply for grant funds made available by the United States, the state,~~
523 ~~foundations;~~
524 ~~corporations, and other businesses and agencies, or individuals;~~
525 ~~— (2) monitor, account for, and prepare all reports required by statute or rule by~~
526 ~~the grant~~
527 ~~funding entity;~~
528 ~~— (3) advise and assist the program coordinator and board in developing policies~~
529 ~~and~~
530 ~~procedures for screening, awarding contracts, and disbursing of grant funds to~~
531 ~~subgrantees for~~
532 ~~the development and administration of victim service programs statewide;~~
533 ~~— (4) render periodic reports as requested by the board concerning;~~
534 ~~— (a) the status, development, and implementation of victim assistance programs~~
535 ~~statewide; and~~
536 ~~— (b) quarterly financial reports as to grant fund balances and disbursements;~~
537 ~~— (5) engage in periodic financial and programmatic site reviews and audits of~~
538 ~~subgrantee victim assistance programs;~~
539 ~~— (6) provide, coordinate, and assist in the development of statewide training of~~
540 ~~victim~~
541 ~~service providers and associated criminal justice agencies; and~~
542 ~~— (7) assist the director and board in performing any other acts necessary for the~~
543 ~~office or~~
544 ~~board to successfully fulfill its statutory duties or objectives. }~~

6. Page 22, Lines 666 through 667:

666 ~~(c) In addition to any other sentence the court may impose, the court, pursuant to the~~
667 ~~provisions of Sections 63M-7-503 and {77-38-a-401} 77-38a-401, shall enter:~~

7. Page 22, Lines 672 through 675:

672 ~~(d) In determining whether to order that the restitution required under Subsection~~
673 ~~(4)(c)~~
674 ~~be reduced or that the defendant be exempted from the restitution, the court shall consider~~
675 ~~the~~
676 ~~criteria under Subsections 77-38a-302(5)(c)(i) through (iv) and provide {written}~~
677 ~~findings of its~~

675 decision on the record.

The motion to amend the bill passed unanimously with Rep. Ipson, Rep. Wimmer, Rep. Wright, and Rep. Oda absent for the vote.

MOTION: Rep. Arent moved to pass S.B. 58 as amended with a favorable recommendation. The motion passed unanimously with Rep. Wimmer absent for the vote.

H.B. 154 Mobile Tracking Devices (Rep. D. Brown)

This bill was not considered.

H.C.R. 16 Resolution Supporting Utah Highway Patrol Use of White Crosses as Roadside Memorial (Rep. L. Perry)

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

1. *Page 1, Lines 1 through 2:*

1 RESOLUTION SUPPORTING UTAH HIGHWAY PATROL USE
2 OF WHITE CROSSES OR OTHER APPROPRIATE SYMBOLS AS ROADSIDE
MEMORIAL

2. *Page 1, Lines 25 through 26:*

25 This concurrent resolution of the Legislature and the Governor supports the
placement
26 of white crosses or other appropriate symbols as roadside memorials to honor patrol
officers killed in the line of duty.

3. *Page 3, Lines 71 through 72:*

71 Governor concurring therein, express support for the Utah Highway Patrol's and the Utah
72 Highway Patrol Association's use of white crosses, or other appropriate
{~~marker~~} symbols as requested by

The motion to amend the bill passed unanimously.

Rep. Perry explained the bill and the amendment. He declared a conflict of interest.

Rep. Greenwood relinquished the chair to Rep. Oda.

MOTION: Rep. Ipson moved to pass H.C.R. 16, Resolution Supporting Utah Highway Patrol Use of White Crosses or Other Appropriate Symbols, with a favorable recommendation. The motion passed unanimously with Rep. Wright and Rep. Greenwood absent for the vote.

MOTION: Rep. Litvack moved to place H.C.R. 16 on the Consent Calendar. The motion passed unanimously with Rep. Wright and Rep. Greenwood absent for the vote.

S.B. 135 Department of Public Safety Duties Amendments (*Sen. D. Thatcher*)

Sen. Thatcher explained S.B. 135 to the committee, assisted by Alice Moffat, Bureau Chief, Bureau of Criminal Identification.

MOTION: Rep. Ipson moved to pass S.B. 135 with a favorable recommendation. The motion passed unanimously with Rep. Wright and Rep. Greenwood absent for the vote.

MOTION: Rep. Ipson moved to adjourn. The motion passed unanimously with Rep. Greenwood absent for the vote.

Rep. Oda adjourned the meeting at 8:37 a.m.

Rep. Curtis Oda, Chair