

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
March 7, 2014

Members Present: Rep. Curt Oda, Chair
Rep. Richard Greenwood, Vice Chair
Rep. Keith Grover
Rep. Don Ipson
Rep. Dana Layton
Rep. Paul Ray
Rep. Edward Redd
Rep. Jennifer Seelig
Rep. Keven Stratton
Rep. Mark Wheatley

Members Absent: Rep. Robert Spendlove

Staff Present: Mr. Nathan Brady, Policy Analyst
Ms. Linda Error, Committee Secretary

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

Chair Oda called the meeting to order at 8:15 a.m.

H.B. 433 Peace Officer Merit Amendments (*Rep. B. Dee*)

Rep. Dee explained the bill to the committee with the assistance of Carita Eldredge, Salt Lake County Sheriff's Office. A handout "H.B. 433 - Peace Officer Merit Amendments Substantive Changes" was distributed to the committee.

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

1. *Page 7, Lines 190 through 192:*

190 (1) The appointing authority of a county or police interlocal
 ~~{-agency}~~ **entity** subject to this
191 chapter that regularly employs one or more peace officers shall:
192 (a) appoint a peace officer with the advice and consent of the county legislative
 body **or police interlocal entity governing body** .

2. *Page 7, Line 201:*

201 (3) A peace officer appointed ~~{-on or after}~~ **before** May 13, 2014, is
 considered to have been

3. Page 11, Lines 330 through 331:

330 (1) In accordance with this section and rules adopted by the commission, an
applicant

331 {~~is~~} may be disqualified if the applicant:

4. Page 12, Lines 341 through 342:

341 (4) An applicant may file a written appeal regarding the application process with the
342 commission at any time before the date of the exam .

5. Page 13, Lines 385 through 386:

385 (1) A peace officer appointed under Section {~~17-30a-402~~
~~}~~ 17-30a-306 shall serve a probationary

386 period of 12 consecutive months, during which time the officer may be discharged at the
sole

6. Page 15, Lines 432 through 433:

432 (2) A merit system officer may be voluntarily reassigned, including to another
class and grade, in

433 accordance with rules adopted by the commission.

7. Page 16, Lines 475 through 477:

475 For merit system officers, provisions regarding vacation, sick, other leave, or any
other

476 employment condition or benefit not covered by this chapter shall be established by :

(a) applicable

477 law {~~or by~~} :

(b) county ordinance or regulation ; or

(c) police interlocal entity rule or regulation .

8. Page 16, Line 479 through Page 17, Line 496:

479 17-30a-314. Prohibitions against political activities -- Penalties.

480 {~~(1) (a) As used in this Subsection (1), "person" means:~~

481 ~~— (i) an employee of a department;~~

482 ~~— (ii) a member of a department governing body;~~

483 ~~—(iii) an appointing authority;~~
484 ~~—(iv) a merit system officer; and~~
485 ~~—(v) a peace officer.~~
486 ~~—(b) A person is guilty of a misdemeanor if the person appoints, promotes,~~
~~transfers,~~
487 ~~demotes, suspends, discharges, or changes the amount of compensation of a merit~~
~~system~~
488 ~~officer.~~
489 ~~—(c) A person is guilty of a misdemeanor if the person seeks, aids, abets, promises~~
~~or~~
490 ~~threatens the appointment, promotion, transfer, demotion, suspension, discharge, or~~
~~change in~~
491 ~~the amount of compensation as a condition or result of a merit system officer giving,~~
492 ~~withholding, or neglecting to make a contribution to or provide service for a political~~
~~purpose.~~
493 ~~—(d) Except as provided in Subsection (2), a person is guilty of a misdemeanor if~~
~~the~~
494 ~~person solicits, directly or indirectly, a contribution or service for a political purpose~~
~~from a~~
495 ~~merit system officer.}~~

(1)(a) An officer, employee, or member of a governing body of a county or a police interlocal entity, whether elected or appointed, may not directly or indirectly coerce, command, or advise a merit system officer to pay, lend, or contribute part of the officer's salary or compensation or anything else of value to a party, committee, organization, agency, or person for political purpose.

(b) A county or police interlocal entity officer, employee, or member of a governing body, whether elected or appointed, may not make or attempt to make a merit system officer's personnel status dependent upon the officer's support or lack of support for a political party, committee, organization, agency, or person engaged in a political activity.

496 (2) Subsection (1) ~~{(d)}~~ does not apply to political speeches or use of mass

9. Page 18, Lines 541 through 543:

541 (5) The commission may hear appeals regarding demotion, reduction in pay,
542 suspension, or discharge of a merit system officer for any cause provided in Section

543 ~~{17-30a-313}~~ 17-30a-402 .

10. Page 19, Lines 564 through 565:

564 (11) In resolving an appeal, the commission may sustain ~~{or}~~ , modify, or
 vacate a decision of the
565 appointing authority.

11. Page 19, Lines 569 through 579:

569 17-30a-404. Appeal to ~~{district court}~~ Court of Appeals -- Scope of
 review.

570 ~~{(1) A party may appeal to the district court the commission's final decision~~
 regarding

571 disciplinary charges under Section 17-30a-403:

572 ~~—(2) (a) The court:~~

573 ~~—(i) shall conduct its review on the record of the hearing held by the commission;~~
 and

574 ~~—(ii) may affirm or overturn the ruling;~~

575 ~~—(b) The district court shall overturn the commission only if the commission's~~
 decision

576 is arbitrary or capricious;

577 ~~—(3) An appeal to the district court shall be made within 30 days after the~~
 commission's

578 written decision.}

(1) A person may appeal a final action or order of the commission to the Court
 of Appeals for review.

(2) A person shall file a notice of appeal within 30 days of the issuance of the
 final action or order of the commission.

(3) The Court of Appeals shall base its review on the record of the commission
 and for the purpose of determining if the commission has abused its discretion or
 exceeded its authority.

579 Section 32. Section ~~17-30a-501~~ is enacted to read:

The motion to amend passed with Rep. Grover, Rep. Layton, Rep. Seelig, and Rep. Wheatley
absent for the vote.

Spoke against the bill: Kelly Atkinson, Fraternal Order of Police

Spoke for the bill: Sheriff Jim Winder, Salt Lake County Sheriff
Don Campbell, Unified Police Federation

MOTION: Rep. Ipson moved to pass the bill out favorably. The motion passed unanimously with Rep. Layton, Rep. Redd, Rep. Seelig, and Rep. Wheatley absent for the vote.

MOTION: Rep. Grover moved to approve the minutes of the March 5, 2014 meeting. The motion passed unanimously with Rep. Layton, Rep. Redd, Rep. Seelig, and Rep. Wheatley absent for the vote.

Chair Oda asked Vice Chair Greenwood to conduct the meeting.

H.B. 276 Disorderly Conduct Amendments (Rep. C. Oda)

Rep. Oda explained the bill to the committee.

Spoke to the bill: Steve Garside, Layton City Attorney's Office
Chief Ron Kirby, Tooele City Chief of Police

Spoke for the bill Clark Aposhian, Utah Shooting Sports Council
Brian Judy, National Rifle Association

MOTION: Rep. Ray moved to pass the bill out favorably. The motion passed unanimously with Rep. Seelig absent for the vote.

Chair Oda resumed the chair.

H.B. 359 Workplace Discrimination (Rep. M. Wheatley)

MOTION: Rep. Ray moved to replace H.B. 359 with 1st Sub. H.B. 359. The motion passed unanimously with Rep. Ipson and Rep. Seelig absent for the vote.

Rep. Wheatley explained the bill to the committee with the assistance of Lauren Scholnick, attorney, Strindberg and Scholnick.

Spoke against the bill: Monica Whalen, President, The Employers Council
Dave Davis, Utah Food Industry and Utah Retail Merchants
Association

MOTION: Rep. Ray moved to return the bill to the Rules Committee with a recommendation for interim study.

SUBSTITUTE

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

Page 6, Line 157 after "practice" insert ", as defined in section 34A-5-102,"

The substitute motion to amend failed with Rep. Greenwood, Rep. Redd, Rep. Seelig, and Rep. Wheatley voting in favor. Rep. Ipson was absent for the vote.

The original motion to return 1st Sub. H.B. 350 to the Rules Committee passed unanimously with Rep. Ipson absent for the vote.

H.B. 185 Juvenile Detention Facilities Amendments (Rep. E. Hutchings)

Rep. Hutchings explained the bill to the committee with the assistance of Susan Burke, Director, Juvenile Justice Services.

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

1. Page 3, Lines 77 through 78:

77 (8) If the minor ordered to a juvenile detention facility under Subsection (5) attains
the
78 age of 18 years, the minor ~~{will}~~ shall be transferred within 30 days to an adult
jail until released by

2. Page 6, Line 178:

178 (12) ~~{A}~~ The district court may ~~{review}~~ reconsider the decision
{made by the juvenile court} on where the

3. Page 10, Line 292:

292 (13) ~~{A}~~ The district court may ~~{review}~~ reconsider the decision
{from the juvenile court} on where the

The motion to amend passed unanimously with Rep. Ipson and Rep. Seelig absent for the vote.

MOTION: Rep. Greenwood moved to pass the bill out favorably. The motion passed unanimously with Rep. Ipson and Rep. Seelig absent for the vote.

MOTION: Rep. Layton moved to adjourn the meeting. The motion passed unanimously with Rep. Ipson and Rep. Seelig absent for the vote.

Chair Oda adjourned the meeting at 9:55 a.m.

Rep. Curtis Oda, Chair