

**MINUTES OF THE
HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**
Room 450, Utah State Capitol Complex
February 27, 2015

Members Present: Rep. Don L. Ipson, Chair
Rep. Marc K. Roberts, Vice Chair
Rep. Bradley M. Daw
Rep. Steve Eliason
Rep. Sandra Hollins
Rep. Kay L. McIff
Rep. Jeremy A. Peterson
Rep. Paul Ray
Rep. Edward H. Redd
Rep. Angela Romero
Rep. Earl D. Tanner

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 Ipson called the meeting to order at 8:05 a.m.

H.B. 353 Probation Amendments (*Rep. M. Schultz*)

Rep. Schultz explained the bill to the committee with the assistance of Anna Rozycki, Office of the Utah Attorney General.

MOTION: Rep. Romero moved to pass H.B. 353 out with a favorable recommendation. The motion passed with Rep. Redd and Rep. Tanner voting in opposition. Rep. Eliason, Rep. Peterson and Rep. Ray were absent for the vote.

MOTION: Rep. Roberts moved to approve the minutes of the February 25, 2015 meeting. The motion passed unanimously with Rep. Eliason, Rep. Peterson and Rep. Ray absent for the vote.

H.B. 348 Criminal Justice Programs and Amendments (*Rep. E. Hutchings*)

Rep. Hutchings explained the bill to the committee. The handouts "Justice Reinvestment Report Summary", "Commission on Criminal and Juvenile Justice", and "Changes in HB348 1st Substitute" were distributed to the committee.

Assisted by: Ron Gordon, Executive Director, Commission on Criminal and Juvenile Justice
Jennifer Valencia, Utah Sentencing Commission
Rick Schwimmer, Utah Courts
Doug Thomas, Utah Division of Substance Abuse and Mental Health
Rollin Cook, Executive Director, Utah Department of Corrections
Angela Micklos, Chair, Utah Board of Pardons and Parole
Mark Moffitt, Commission on Criminal and Juvenile Justice
Adam Trupp, Association of Counties
Judy Atherton, Commission on Criminal and Juvenile Justice

Spoke to the bill: Chief Tom Ross, Bountiful City Police Chief
Gary Walton, Beehive Bail Bonds
Mark Thomas, Uintah County Attorney

Spoke for the bill: Chief John King, Provo City Police Chief

MOTION: Rep. Daw moved to replace H.B.348 with 1st Substitute H.B. 348. The motion passed unanimously.

MOTION: Rep. Tanner moved to amend 1st Substitute H.B. 348 as follows:

1. *Page 3, Line 84:*

84 and Juvenile Justice; ~~{and}~~

2. *Page 3, Line 87:*

87 guidelines established by the Sentencing Commission ;and
► amends the offense of criminal trespass .

3. *Page 10, Line 297:*

297 76-3-202, as last amended by Laws of Utah 2013, Chapter 278
76-6-206, as last amended by Laws of Utah 2013, Chapter 152

4. *Page 210, Lines 6476 through 6477:*

6476 (11) A parolee sentenced to lifetime parole may petition the Board of Pardons and
6477 Parole for termination of lifetime parole.

= Section 202. Section 76-6-206 is amended to read:
76-6-206. Criminal trespass.

(1) As used in this section, "enter" means intrusion of the entire body.

(2) A person is guilty of criminal trespass if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section 76-10-2402 regarding commercial obstruction:

- (a) the person enters or remains unlawfully on property and:
 - (i) intends to cause annoyance or injury to any person or damage to any property, including the use of graffiti as defined in Section 76-6-107;
 - (ii) intends to commit any crime, other than theft or a felony; or
 - (iii) is reckless as to whether his presence will cause fear for the safety of another;
- (b) knowing the person's entry or presence is unlawful, the person enters or remains on property as to which notice against entering is given by:
 - (i) personal communication to the actor by the owner or someone with apparent authority to act for the owner;
 - (ii) fencing or other enclosure obviously designed to exclude intruders; or
 - (iii) posting of signs reasonably likely to come to the attention of intruders; or
- (c) the person enters a condominium unit in violation of Subsection 57-8-7(8).

(3) (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless it was committed in a dwelling, in which event it is a class A misdemeanor.

(b) A violation of Subsection (2)(c) is an infraction.

(4) It is a defense to prosecution under this section that:

- (a) the property was at the time open to the public ~~{when the actor entered or remained}~~ ; and
- (b) ~~{the actor's conduct did not substantially interfere with the owner's use of the property}~~ the actor complied with all lawful conditions imposed on access to or remaining on the property .

Renumber remaining sections accordingly.

The motion to amend passed with Rep. Hollins, Rep. Roberts, and Rep. Romero voting in opposition.

MOTION: Rep. Ray moved to pass 1st Substitute H.B. 348 out with a favorable recommendation, as amended. The motion passed unanimously.

H.B. 361 **Investigation Protocols for Peace Officer Use of Force** (*Rep. M. Roberts*)

Rep. Roberts explained the bill to the committee with the assistance of Jeff Buhman, Utah County Attorney.

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

MOTION: Rep. Daw moved to pass H.B. 361 out with a favorable recommendation.

SUBSTITUTE

MOTION: Rep. Redd. moved to adjourn the meeting. The motion failed with Rep. McIff and Rep. Redd voting in favor.

SUBSTITUTE

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

1. *Page 2, Line 57:*

57 county or district attorney having jurisdiction where the incident occurred: ~~{and}~~

2. *Page 3, Line 60:*

60 agency for the officer involved critical incident ~~{.}~~ ; and

(c) the investigating agency shall have primacy over all other investigations of an officer involved critical incident.

The motion to amend passed with Rep. Daw and Rep. Redd voting in opposition.

MOTION: Rep. Peterson moved to pass 1st Substitute H.B. 361 out with a favorable recommendation, as amended. The motion passed with Rep. Ray voting in opposition.

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

Chair Ipson adjourned the meeting at 10:10 a.m.