

Commission on Criminal and Juvenile Justice

2005 Legislation Tracking Report : *CCJJ Legislation*

Positions

SUP = Support
 S/C = Support in Concept
 OPP = Oppose
 N/P = No Position
 HOLD = Hold for Further Review
 PRI = Priority for Passage
 * = Not Yet Approved by the Full Committee
 --- = Beyond the Scope of the Committee

Committees

CCJJ = Commission on Criminal and Juvenile Justice
 USC = Utah Sentencing Commission
 USAAV = Utah Substance Abuse and Anti-Violence Coordinating Council
 LELC = Law Enforcement Legislative Committee
 UCV=Utah Council on Victims of Crime
 UBJJ=Utah Board of Juvenile Justice

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0021	Automobile Crime Prevention (<i>Paul Ray</i> Party: R)	SUP	---	S/C	SUP	SUP	S/C

Creates the Automobile Crime Prevention Board within DPS; sets out membership, authority, and functions; imposes a \$1 fee added to motor vehicle registration or renewal of registration. The Board shall have rulemaking authority; and award grants or financial aid. Purpose areas include financial support to state agency automobile crime investigators, local law enforcement agencies, prosecutors, judiciary, neighborhood or community organizations, business organizations, or educational programs, for automobile enforcement and for programs designed to reduce incidents of automobile crime. [FN: The bill imposes a \$1 fee on each vehicle registration or renewal to be deposited in the Gen Fund as a dedicated credit to be used for the operation and purposes of the Automobile Crime Prevention Board created in the bill. It is estimated that revenues generated by the bill will be \$1,760,000 each fiscal year beginning FY06.]

HB0028S01	Juvenile Justice Recodification and Revisions (<i>Douglas Aagard</i> Party: R)	SUP	SUP	SUP	---	---	SUP
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[GOVERNOR SIGNED] [ENROLLED] [SEN WADDOUPS] [AMENDED] Reorganizes provisions of the chapter into parts within the chapter that set forth the division's functions and duties in an accessible order; clarifies functions of the division and of the Youth Parole Authority; clarifies that the criminal offense of damaging a jail or other confinement facility applies also to juvenile detention facilities. [FN: No fiscal impact.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0038S01	Water Law - Criminal Penalties Amendments (Ben Ferry Party: R)	---	S/C	---	SUP	---	---

[ENROLL DRAFT] [SEN B. EVANS] [AMENDED] Removes criminal penalties from certain provisions requiring reports to the state engineer. Clarifies applicable standards of criminal intent for violations. Provides for graduated criminal penalties for violations of various criminal provisions pertaining to the regulation and distribution of water. Violations punishable as a third degree felony if the value of the water diverted or property damaged or taken is \$2,500 or greater, and the person violating the provision has previously been convicted of violating the same provision. Violations punishable as a class A misdemeanor if the value of the water diverted or property damaged or taken is \$2,500 or greater; or the person violating the provision has previously been convicted of violating the same provision. Other violations punishable as a class B misdemeanor. [FN: The implementation of this bill will require .5 FTE Engineer, FY06 \$40,000, FY07 \$40,000.]

HB0041	Special District for Police Services (Ross Romero Party: D)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		N/P	---	---	N/P	---	SUP

Authorizes the creation of a county service area and a local district for extended police protection service by resolution of the legislative body of the participating county and the legislative body of participating municipalities without the necessity of voter approval under certain circumstances. Adds extended police protection as a service that a local district may provide. Provides for the composition of the board of trustees of a county service area for extended police protection services. Requires the county and the municipalities included within a county service area for extended police protection to reduce their certified tax rate to offset the cost of extended police protection services. Imputes a tax imposed by a police district to the county or municipality included within the district for purposes of the county or municipality's tax limit. Adds police districts to provisions that provide for automatic annexation to the district when an area is annexed to a municipality within the district; automatic withdrawal from the district when an area within the district is annexed to a municipality that is not within the district; and an alternate method of withdrawing an area within a municipality from the district upon resolution of the municipal legislative body and a vote of voters within the municipality. [FN: No fiscal impact.]

HB0050	Criminal Penalty Amendment (David Litvack Party: D)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		PRI	PRI	SUP	PRI	PRI	PRI

Provides for a one degree enhanced penalty for an offense committed because of a defendant's actual bias or prejudice against a victim or property. On first degree offenses, requires the court to state the reason if an enhanced sentence is to be suspended; and requires the Board of Pardons to consider the defendant's actual bias or prejudice as an aggravating factor in determining the length of incarceration. Provides the trier of fact may not base an actual bias or prejudice finding on the defendant's: mere abstract beliefs, membership in an organization, or associations, unless the evidence is admissible under the Utah Rules of Evidence. Bias or prejudice means intentionally selecting the victim based on perceived or actual attributes that include, but are not limited to, race, color, disability, religion, sexual orientation, national origin, ancestry, age, or gender. [FN: STATE: It is estimated that DOC will require Gen Fund approp. of \$11,500 in FY06 and at least \$30,900 each fiscal year thereafter. Additional Gen Fund approp increases may be required in subsequent years depending on the number of offenders sentenced and length of incarceration. Local governments may also be fiscally impacted by the longer sentences if persons are sentenced to jail as a condition of probation since they are reimbursed by the state with 70% of the core rate of the cost of incarceration. Their costs are estimated to be approximately \$7,600 in FY06 and \$9,100 in FY07 in unreimbursed expenses. IND/BUS: Persons convicted of crimes under the provisions of this bill could spend more time incarcerated reducing their ability to generate personal income.] (See SB181)

HB0051	Electronic Payments to Local Government Entities (Joseph Murray Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	---	---	SUP	SUP	---

[GOVERNOR SIGN] [SEN A. CHRISTENSEN] [AMENDED] Authorizes counties, municipalities, and independent special districts to accept electronic

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payments and to charge and electronic payment fee. [FN: No fiscal impact.]

HB0054	Criminal Appeal Amendments (<i>Scott Wyatt</i> Party: R)	CCJJ SUP	USC SUP	USAAV SUP	LELC ---	UCV SUP	UBJJ SUP
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[GOVERNOR SIGN] [SEN D THOMAS] [AMENDED] Clarifies that appeals from: denial of bail; final judgement of conviction; or, orders made after judgment that affect the defendant's rights; are a matter of right for the defendant. Clarifies that appeals from: pretrial dismissal of felony charge when evidence has been suppressed; an order granting a motion to withdraw a plea; an order arresting judgment or granting a motion for merger; an order of dismissal based on double jeopardy; or an order holding a statute invalid; are a matter of right for the prosecutor. States that appellate review of any interlocutory order is discretionary for both prosecutor and defendant.

Creates guidelines for appeals from serious youth offender and certification proceedings. Provides that a minor may, as a matter of right, appeal from: (1) an order of the juvenile court binding the minor over to the district court as a serious youth offender, or (2) an order of the juvenile court, after certification proceedings in the district court. Provides that the prosecution may appeal from: (1) an order of the juvenile court that a minor charged as a serious youth offender be held for trial in the juvenile court; or (2) a refusal by the juvenile court to order a minor be held for criminal proceedings in the district court. [FN: The provisions of this bill can be handled within existing budgets. Any fiscal impact to the individual will depend on the circumstances of the appeals involved.]

HB0055	Drug Offense Penalty Enhancements (<i>Brad Dee</i> Party: R)	CCJJ SUP	USC SUP	USAAV SUP	LELC SUP	UCV SUP	UBJJ SUP
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[GOVERNOR SIGN] [SEN BELL] [AMENDED] Provides that a first offense involving unlawful possession of a controlled substance is to be sentenced with the increased penalty for a second offense if the defendant has previously committed an offense involving unlawful distribution or manufacturing of a controlled substance. [FN: It is estimated that ongoing General Fund appropriations to DOC of \$193,000 for FY06 and \$510,000 for FY07 are required to implement the provisions of this bill. The funding requirement will continue to grow through the fourth year. Persons convicted of crimes under the provisions of this bill could spend more time incarcerated reducing their ability to generate personal income.]

HB0059	Domestic Violence Enhancement (<i>Carol Moss</i> Party: D)	CCJJ SUP	USC SUP	USAAV SUP	LELC SUP	UCV SUP	UBJJ SUP
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[GOVERNOR SIGN] [SEN K HALE] Provides an enhancement for a domestic violence offense that is committed within five years after a conviction for a qualifying domestic violence offense; or a person convicted of qualifying domestic violence offense within five years. Clarifies that a plea of guilty or no contest that is held in abeyance is the equivalent of a conviction for purposes of enhancement, regardless if the plea was to reduced or dismissed offenses. [FN: No state or local government fiscal impact.]

HB0065	Driver License and Commercial Driver License Amendments (<i>DeMar Bowman</i> Party: R)	CCJJ SUP	USC SUP	USAAV SUP	LELC PRI	UCV SUP	UBJJ ---
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[GOVERNOR SIGN] [SEN M. DMITRICH] [AMENDED] Modifies the Uniform Driver License Act to amend certain commercial driver license provisions. Adds "operating or being in actual physical control of a motor vehicle while the person's driving privilege is suspended due to an alcohol related offense" to the offenses for which the Driver License Division shall immediately take action on a driver license. Provides a class B misdemeanor for a person who drives a motor vehicle while the person's driving privilege is denied or suspended as a result of not obtaining a CDL. Clarifies that the look back period for a no alcohol CDL issued to a person who has a qualifying conviction is from the date of arrest for the offense, not the date of the conviction. Definitions. Adds driving a commercial motor vehicle without the proper CDL license and endorsements or possession of proper license certificate to the definitions of serious

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traffic offenses. Requires an applicant for a CDL or CDIP to provide a complete list of all states in which the applicant was issued a driver license in the previous ten years. Requires a person who holds a hazardous materials endorsement on a CDL to meet the security threat assessment standards of the federal Transportation Security Administration. Amends CDL provisions. Requires a court to notify the Driver License Division of a person's conviction for discharging a firearm from a vehicle. [FN: It is estimated that the Department of Public Safety will require \$81,900 in FY06 and \$2,500 each fiscal year thereafter from the Transportation Fund Restricted DPS Restricted Account to implement provisions of this bill.]

HB0070	Health Discount Program Consumer Protection Act	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(James Dunnigan Party: R)	N/P	N/P	---	---	---	---

[GOVERNOR SIGN] [SEN M. WADDOUPS] [AMENDED] Enacts the Health Discount Program Consumer Protection Act in the Insurance code to regulate the offer and marketing of health discount programs. Requires a license to operate a health discount program. Requires operators to disclose: certain information to the commissioner prior to offering discount programs; terms to enrollees prior to accepting money; certain record keeping by operators; and notice to the commissioner when certain information changes. Creates advertising restrictions and requirements. Makes health discount program operators subject to other code provisions. Provides that a person who knowingly and intentionally violates certain insurance codes sections and the value of the property or money, or other things obtained or sought to be obtained: (1) is less than \$5,000, is guilty of a third degree felony; or (2) is or exceeds \$5,000, is guilty of a second degree felony. Enacts a provision in Chapter 31, Insurance Fraud Act, to designate certain intentional acts a third degree felony. [FN: STATE: The additional duties can be handled within existing budgets. If 20 plans apply for an initial discount license, new revenues would be about \$10,000. IND/BUS: Businesses that comply with the law will incur a \$252 initial license fee, a \$200 annual service fee, and a \$50 e-commerce fee for a total startup cost of \$502 per application. The total cost to renew would be \$452 for each renewal and a fraud assessment based on direct premium written. No estimate is made on costs or benefits to consumers.]

HB0076	Habitual Violent Offenders Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Paul Ray Party: R)	SUP	SUP	SUP	SUP	SUP	SUP

[GOVERNOR SIGN] [SEN S. KILLPACK] Adds listed offenses to the definition of a violent felony including: mayhem, stalking, terroristic threat, and child abuse. Removes requirement that proof of defendant's conduct as a habitual violent offender be provided at the preliminary hearing. Amends the provisions regarding notice to the defendant that the defendant is subject to punishment as a habitual violent offender to be provided in the information or indictment. [FN: Persons convicted of crimes under the provisions of this bill could spend more time incarcerated reducing their ability to generate personal income.]

HB0077	Provisions for Emancipation of a Minor	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Rosalind McGee Party: D)	---	--	---	--	--	SUP

Creates a procedure for a minor to petition the court for emancipation. Provides criteria for a court in determining whether to emancipate a minor. Sets out rights and responsibilities of an emancipated minor. Provides a filing fee of \$50 for the petition. [FN: STATE: This bill requires a Gen Fund approp. of \$9,100 to the courts to handle the estimated number of cases generated. The increase in the number of cases will also generate appx. \$600 in new Gen Fund from filing fees. It is estimated that the number of cases, the costs and the revenue may decline the second year. IND/BUS: The impact on the individual can be significant depending on the circumstances from which a person seeks emancipation. This may shift financial responsibilities and benefits from the family to the individual. The amount will vary and cannot be quantified.]

HB0089	Presumption of Responsibility for Abuse or Neglect	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(LaVar Christensen Party: R)	OPP	OPP	---	---	OPP	OPP

[GOVERNOR SIGN] [SEN D THOMAS] Repeals the presumption that a person who has direct and exclusive care and control of a minor at the time the

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minor is abused is responsible for the abuse and neglect. [FN: The fiscal impact cannot be quantified. It is estimated that any additional expense required by this bill can be absorbed within existing budgets. The fiscal impact of this bill on the individual will depend on the circumstances involved. It could either increase or decrease legal expenses for those affected.]

HB0090	Search and Rescue Advisory Board - Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>J. Adams</i> Party: R)	SUP	---	---	SUP	---	---

[GOVERNOR SIGN] [SEN S. KILLPACK] Provides that appointments and reappointments of the three board members designated by the Utah Sheriff's Association shall for one time only be for two years rather than the usual four years, to stagger the expiration dates of members' terms. Amends provisions which currently limit reappointment to two years to allow unlimited reappointments of members. [FN: No fiscal impact.]

HB0092	Safety Belt Law Requirement Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Michael Noel</i> Party: R)	N/P	N/P	S/C	N/P	S/C	N/P

Changes the penalty for a safety belt violation from an infraction to a class C misdemeanor. Provides that a court shall order a suspension of a person's driving privileges for 30 days if the person cited for a safety belt violation is (1) a minor and the operator of the vehicle at the time of the violation; or (2) a passenger in the vehicle at the time of the violation and at least 16 years of age but younger than 18 years of age. Requires the court to notify the Driver License Division (DLD) of all driver license suspensions ordered for violating certain safety belt provisions. Provides that DLD shall immediately suspend a minor's driving privilege upon receiving notice of a court order suspending the minor's driver license for violating certain safety belt requirements. [FN: STATE: It is estimated that the bill is revenue neutral. The bill will generate \$7,800 in new, ongoing Gen Fund revenues to the state beginning FY06. The AOC will require an appropriation of \$7,800 in ongoing Gen Funds beginning FY06 to implement provisions of the bill. IND/BUS The bill will generate \$77,500 in new revenues to the justice courts throughout the state. The justice courts will incur approximately \$77,500 in costs to implement provisions of the bill. There is no fiscal impact for individuals who comply with the traffic laws throughout the state.]

HB0094S01	Youth Corrections Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Carol Moss</i> Party: D)	OPP	OPP	OPP	---	---	OPP

Prohibits the Div of Juvenile Justice Services from placing a minor in certain division facilities located within a SINGLE FAMILY residential zoning district of a city or county if (1) the minor has been convicted of, or adjudicated for, a violent offense; and (2) the city or county allows certain division facilities that provide services to a minor convicted of, or adjudicated for, a violent offense to be established in an area of the city or county outside of a residential zoning district. Provides that the preceding prohibition does not apply if compliance with the prohibition would cause the DCFS to be in violation of a contract that is entered into before 5/2/05.

HB0095	Sex Offender Registration Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>M. Lawrence</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP

[SEN L. HILLYARD] [AMENDED] Modifies the responsibilities of the Div of Juvenile Justice Services to require that the Division register a sex offender with DOC prior to the offender's release from custody. Amends sex offender registration law to include those who have been adjudicated delinquent for one of the specified offenses and remain in the custody of the division 30 days prior to their 21st birthday. Requires lifetime registration if an offender who is convicted as an adult has been previously convicted or required to register as a sex offender. Requires the Div of Juvenile Justice Services to provide the following information when available (1) crimes for which the offender was adjudicated delinquent; and (2) a description of the sex offender's primary and secondary targets. [FN: No fiscal impact.]

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HB0098	Offenses Committed Against Correctional and Peace Officers (<i>Curtis Oda</i> Party: R)	CCJJ SUP	USC SUP	USAAV SUP	LELC SUP	UCV SUP	UBJJ SUP

[GOVERNOR SIGN] [SEN A CHRISTENSEN] Clarifies that law enforcement officers are included in the provisions of offenses committed by prisoner, in addition to correctional officers. Provides that a prisoner's act of propelling any object or substance at an officer is a class A misdemeanor, except that the offense is a third degree felony if the substance comes into contact with any portion of the officer's face or an open wound and (1) the substance is blood, urine, or fecal material; or (2) the substance is saliva and the prisoner is infected with HIV, AIDS, or hepatitis. [FN: No fiscal impact.]

HB0114	Children's Health Care Coverage Amendments (<i>David Hogue</i> Party: R)	CCJJ ---	USC ---	USAAV OPP	LELC ---	UCV ---	UBJJ S/C
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[GOVERNOR SIGN] Increases the amount annually appropriated from the Tobacco Settlement Restricted Account to the Dept. of Health for CHIP from \$7,000,000 to \$10,300,000. Modifies the distribution of tobacco settlement monies between the Tobacco Settlement Restricted Account and the permanent state trust fund created by Utah Constitution Article XXII, Section 4. [FN: STATE: This bill reduces the amount of funds deposited into the Permanent Trust Fund and puts them in the Tobacco Settlement Restricted Fund. The bill also increases the appropriation to the CHIP by \$3.3 million, which is matched with approximately \$13 million in federal funds. Costs to implement the bill, primarily eligibility determination, will result in costs of \$518,000, which will come from the \$16.3 million. The resulting balance for CHIP services is approximately \$15.8 million, and will accommodate an additional 12,000 children covered by the CHIP. IND/BUS: An additional 12,000 children will be eligible for services in the CHIP. In addition, health care providers who currently serve uninsured children and absorb the costs of doing so may be eligible for some of these funds in the form of reimbursements.]

HB0115S01	Utah Child Abuse Prevention Board (<i>Paul Ray</i> Party: R)	CCJJ S/C	USC ---	USAAV S/C	LELC ---	UCV SUP	UBJJ SUP
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Creates the Utah Child Abuse Prevention Board within the DEPT OF HEALTH and transfers oversight of the Children's Trust Account from the Child Abuse Advisory Council and the Board of Child and Family Services to the Utah Child Abuse Prevention Board created by this bill. [FN: This bill requires an ongoing appropriation of \$218,700. Of this amount \$183,900 is from the Gen Fund and \$34,800 is from the authorized portion from collections for the Children's Trust Fund. The Gen Fun Restricted- Children's Trust Fund of approximately \$350,000 will be moved from the Dept. of Human Services to the new office within the Office of the Governor. BUS/IND The fiscal impact to individuals or businesses will depend on the action of the Board and Office established by this bill.]

HB0122	Bail Bond Amendments (<i>Kerry Gibson</i> Party: R)	CCJJ SUP	USC ---	USAAV ---	LELC SUP	UCV SUP	UBJJ ---
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[AMENDED] Enacts the Joint Bail Bond Commission Act which creates the commission within the Dept of Insurance and sets out the duties of the commission and the department. Establishes a fee to be collected at the jail on each bail bond written by a bail bond surety and directs the disposition of that fee. Directs a portion of that fee to the Dept of Insurance and DPS for paying the costs of the commission and for investigating and resolving bail bond complaints and conducting administrative investigations. [FN: The bill will be implemented in the middle of the first fiscal year. It will generate about \$150,000 in dedicated credits with \$75,000 going to jails to cover the costs of collections and providing bail services, \$48,800 going to the Insurance Dept. for investigations, administrative costs, to pay for investigators, and \$26,300 to DPS for investigations and to employ investigators. Persons needing bail bonds will pay an additional \$10 fee.]

HB0123	Restrictions of Advertising Illegal Activities (<i>Scott Wyatt</i> Party: R)	CCJJ HOLD	USC HOLD	USAAV ---	LELC ---	UCV ---	UBJJ ---
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Amends the criminal offense of gambling promotion to prohibit advertising directed at Utah residents as a means of encouraging others to engage in gambling. Amends the criminal offense of soliciting prostitution to prohibit advertising regarding prostitution when directed at Utah residents. Increases the penalty for a second or subsequent conviction for aiding prostitution to a third degree felony. [FN: STATE: It is estimated that the fiscal impact of this bill can be handled within existing budgets. IND/BUS: There is a potential loss of revenue to Utah based advertisers. The amount will depend on whether current promoters will modify their messages or cease to advertise.]

HB0131	Access to Health Care Facilities and Places of Worship	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Douglas Aagard</i> Party: R)	SUP	N/P	N/P	---	S/C	---

[AMENDED] Provides that knowingly preventing or impeding passage to a health care facility or place of worship is a class B misdemeanor. Provides that knowingly approaching within eight feet of a person for the purpose of passing out literature, displaying an object or engaging in protest or counseling without the other person's consent is a class B misdemeanor if the person is within 100 feet of an entrance door to a health care facility or place of worship. Permits recovery of civil damages and injunctive relief against a person who violates the above provisions or who incites another person to violate the above provisions. Permits local political subdivisions to adopt different ordinances or regulations provided that they are at least as restrictive as the above provisions. Provides that an action for recovery of civil damages or injunctive relief is not dependent upon a person's conviction of the above provisions. [FN: STATE: Provisions of this bill could increase both the number of cases prosecuted and the number of persons convicted of class B misdemeanors. It is estimated that any additional workload created by this bill could be absorbed within existing budgets. BUS/IND: Under the provisions of this bill, a person could receive fines of up to \$1,000 or spend time incarcerated. Time incarcerated may reduce a person's ability to generate personal income.]

HB0132	Internet Crimes Against Children	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Tim Cosgrove</i> Party: D)	SUP	SUP	SUP	SUP	SUP	SUP

[GOVERNOR SIGN] [SEN KNUDSON] Provides that the attorney general is participating in the Internet Crimes Against Children Task Force, which is a statewide multiagency task force that investigates, prevents, and prosecutes Internet sexual exploitation offenses against children. Authorizes the attorney general, to the extent legislative funding is provided, to prepare and present appropriate programs and informational materials to children, parents, educators, school resource officers, parent-teacher organizations, and libraries help children use the Internet safely and to help adults be aware of Internet risks to children. [FN: The Attorney General will require an appropriation of \$59,900 in ongoing Gen Funds beginning FY06 to implement provisions of this bill.]

HB0148	School Truancy Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Eric Hutchings</i> Party: R)	---	SUP	---	---	N/P	SUP

[SEN E MAYNE] [AMENDED] Defines child as a person at least six years old, but younger than 15. Modifies a prohibition regarding parental failure to address a child's school attendance problems (DURING any one school year). Requires local school boards or school districts to consider, as reasonably feasible, alternatives proposed by a parent to resolve a minor's school attendance problems. [FN: No fiscal impact.]

HB0153S01	Security for Public Schools	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Sheryl Allen</i> Party: R)	OPP	---	---	OPP	OPP	OPP

Removes school district police officers from the definition of law enforcement officer in the Public Safety Code. Allows a local school board to (1) contract with law enforcement agencies for security and law enforcement services; (2) contract with private security firms for security services; or (3) employ personnel to serve as special function officers. Addresses the authority of special function officers employed by a local school board. Requires a local school

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board that employs special function officers to make a report. Prohibits a local school board from employing personnel to serve as law enforcement officers except to provide security and law enforcement services for certain events.. [FN: No fiscal impact.]

HB0161	Injury Reporting Requirement Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Joseph Murray</i> Party: R)	SUP	N/P	---	SUP	---	N/P

Requires health care providers to report to a law enforcement agency when a person suffers any wound or other injury from an accident involving an off-highway vehicle. Violation is a class B misdemeanor. [FN: While this bill should have no fiscal impact to the state or local health agencies, there could be some additional costs to local law enforcement agencies.]

HB0166	Utah Indoor Clean Air Act Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Paul Ray</i> Party: R)	---	---	SUP	---	---	SUP

Allows the governing body of a local political subdivision to provide more stringent restrictions on smoking within a political subdivision than those provided by the Utah Indoor Clean Air Act. [FN: While there is no anticipated costs associated with this bill to the Dept. of Health, local health departments, which enforce the Utah Indoor Clean Air Act, would be required to cover any costs associated with more stringent restrictions approved by local governments.]

HB0174S03	Child Protection Registry Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>John Dougall</i> Party: R)	SUP	SUP	SUP	---	S/C	SUP

[SEN C. BRAMBLE] Requires the Div. of Consumer Protection to compile and secure a list of domain names that are registered under the Child Protection Registry. Implements the Child Protection Registry with respect to domain names beginning 7/1/05. Implements the Child Protection Registry with respect to a contact point when the Div. of Consumer Protection has determined that security of the registry is adequate and has reported the division's intent to implement the registry with respect to a contact point to the Public Utilities and Technology Interim Committee. Describes the circumstances under which a person may register a contact point or a domain name. Amends the disclosure to registrants provision of the Child Protection Registry to conform to the criminal penalty provisions of Section 13-39-301. Clarifies the Div. of Consumer Protection shall administer and enforce the Child Protection Registry. Makes it a crime to send certain communications to certain contact points if the contact point or domain name have been listed on the Child Protection Registry for more than 30 calendar days. Establishes criminal penalties and a civil cause of action for violating the criminal statute. Establishes a defense to the crime. [FN: No fiscal impact.]

HB0184S01	Crime Victims - Change of Locks on Rental Property	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>LaWanna Shurtliff</i> Party: D)	SUP	---	SUP	SUP	SUP	---

[GOVERNOR SIGN] [SEN D THOMAS] [AMENDED] Enacts a provision allowing a renter who is a victim of one of the list of certain crimes to require the owner to install a new lock at the renter's expense. An owner may comply by rekeying the lock if the lock is in good working condition; or change the entire mechanism with a lock of equal or greater quality. Crime victim means a victim of domestic violence, stalking, a crime under 76-5-4 Sexual Offenses, burglary or aggravated burglary, or dating violence.

HB0185	Utah Computer Crimes Act Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Bradley Daw</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP

[GOVERNOR SIGN] [SEN BRAMBLE] [AMENDED] Amends the definition of computer to any electronic device or communication facility that stores, retrieves, processes, or TRANSMIT data. Amends the definition of computer network to include the interconnection by wireless technology between

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computers, or, computers and remote terminals. CLARIFIES prohibited conduct. [FN: No fiscal impact.]

HB0202S02	Revisions to Child Welfare		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Wayne Harper</i>	Party: R)	OPP	OPP	OPP	OPP	OPP	OPP

[SEN T HATCH] This bill amends child welfare provisions of the Utah Human Services Code, the Utah Criminal Code, and the Judicial Code, and repeals the pilot program for differentiated responses to child abuse and neglect reports. [FN: This legislation will impact DCFS, the Courts, and the Attorney General's office by \$1,741,500 (\$1,685,800 Gen Fund) in FY06 which includes \$37,400 in one-time funds. The funds would be appropriated as follows in FY06: \$301,000 (\$245,300 Gen Fund) to DCFS, \$566,600 to the Office of Attorney General (all Gen Fund), and \$873,900 to the Court system (all Gen Fund).]

HB0204S01	Statute of Limitations Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>David Clark</i>	Party: R)	---	---	SUP	---	SUP	SUP

[SEN J HICKMAN] Increases the statute of limitations on assault and battery from one year to two years. [FN: No fiscal impact.]

HB0208	Unclaimed Property Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Paul Ray</i>	Party: R)	SUP	---	SUP	SUP	SUP	---

[GOVERNOR SIGN] [SEN D THOMAS] [AMENDED] Adds intangible property to the definition of property. Requires that an officer's employing agency make a diligent effort to return property no longer needed to its lawful owner as soon as possible. Allows a person whose property has been seized in a criminal matter as evidence to petition the court for its return. Allows the court to determine disposition of property after giving notice to the prosecutor. [FN: No State fiscal impact. Depending on the circumstances and determinations of the Courts, property seized as evidence may be returned to its right owner(s) in an expedited fashion.]

HB0215	Property Tracking Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Paul Ray</i>	Party: R)	SUP	---	---	SUP	---	---

[GOVERNOR SIGN] [SEN D THOMAS] Provides that any person, whether or not a law enforcement officer, is entitled to install and use a mobile tracking device on any property belonging to or under the lawful control of that person. [FN: No fiscal impact.]

HB0221	Electronic Communication Harassment		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>John Dougall</i>	Party: R)	SUP	SUP	---	SUP	SUP	SUP

[GOVERNOR SIGN] [SEN C BRAMBLE] [AMENDED] Defines electronic communication. Creates the offense of committing acts of communication harassment by electronic means in addition to by telephone with the intent to annoy or alarm a recipient, including the acts of repeatedly attempting to contact a recipient via electronic means after having been told to not contact the recipient; and jamming or disrupting a recipient's electronic communication device. [FN: No state or local government fiscal impact. Provisions of this bill could increase financial and other penalties for some individuals.]

HB0228	Removal or Defacement of Political Signs		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Gregory Hughes</i>	Party: R)	N/P	N/P	---	---	---	N/P

Bill Number Title/Sponsor/Summary**Positions**

Provides that a person who intentionally removes, alters, defaces, covers, or conceals political advertising during certain periods before an election is guilty of a class B misdemeanor. Provides an exemption for property owners for signs on their own private property. Provides an exemption allowing candidates for public office and proponents and opponents of ballot issues to remove signs under certain circumstances. Permits the removal or alteration of signs that violate state law or local ordinances or regulations. [FN: No fiscal impact.]

HB0242	Criminal Penalty for Animal Cruelty	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Scott Wyatt</i> Party: R)	S/C	S/C	---	SUP	SUP	S/C

[AMENDED] Amends the definition of necessary food, care, and shelter to include water and shelter as appropriate to the animal. CLARIFIES the general applicability of the exemption for acting under a legal privilege. PROVIDES an exemption for animals kept and used for training hunting dogs and falcons. Include the offense of seriously injuring an animal. Provides that torturing an animal is a third degree felony. Provides that the court shall state on the record the reasons a convicted person is not required to receive treatment, pay restitution, or not have possession of animals for a specified period. Provides that after the first priority of placing the animal through adoption, the option of offering the animal for sale at auction precedes the option of euthanasia. Amends the definition of conviction to include pleas in abeyance or of nolo contendere. Provides that an animal cruelty penalty is increased by one degree if the offense is committed in the presence of a person younger than 18 years of age. [FN: STATE: There may be additional expense for prosecution to both state and local government. It is estimated that this can be handled in existing budgets. BUS/IND: Persons convicted of crimes under the provisions of this bill could spend more time incarcerated reducing their ability to generate personal income. They may also be required to pay fines up to \$5,000.]

HB0244	Transfer of Prescriptions	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Neil Hansen</i> Party: D)	---	---	N/P	---	---	---

Prohibits the Division of Occupational and Professional Licensing from limiting the number of times a prescription may be transferred among pharmacies. [FN: No fiscal impact.]

HB0260S01	Amendments Related to Pornographic and Harmful Materials	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>John Dougall</i> Party: R)	SUP	HOLD	HOLD	HOLD	HOLD	SUP

Requires the Div of Consumer Protection to make public service announcements. Requires the attorney general to establish and maintain a database, called the adult content registry, of certain Internet sites containing material harmful to minors. Defines terms. Subjects a person dealing in material harmful to minors to criminal liability for certain distributions of material harmful to minors if the person negligently or recklessly fails to determine the proper age of the minor. Increases criminal penalties for distributing and inducing acceptance of pornographic materials. Requires a service provider to inquire concerning whether a minor has access to a consumer's computer. Requires a service provider to prevent certain access to Internet material harmful to minors, if requested by the consumer. Requires the Div of Consumer Protection to test the effectiveness of a service provider's procedures to block material harmful to minors at least annually. Requires a service provider, under certain circumstances, to block material on the adult content registry. Requires Internet content providers that create or host data in Utah to properly rate the data. Allows the attorney general to seek a civil fine against a service provider that fails to properly block material harmful to minors. Provides criminal penalties for certain violations of the provisions requiring a service provider to block material harmful to minors. Provides a criminal penalty for a content provider's failure to properly rate content. [APPROPRIATION: Bill approp. \$100,000 from Gen Fund to Div of Consumer Protection for FY06 for public service announcements; \$50,000 from Gen Fund to Div of Consumer Protection for FY06 to conduct a research project; and \$100,000 from the Gen Fund to the attorney general for FY06 to establish the adult content registry.]

HB0260S03	Amendments Related to Pornographic and Harmful Materials	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>John Dougall</i> Party: R)						

Bill Number Title/Sponsor/Summary**Positions**

[GOVERNOR SIGN]

HB0265	Restrictions on Riders in the Back of Open Vehicle	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Craig Buttars</i> Party: R)	N/P	N/P	---	---	SUP	S/C

Prohibits a person operating a pickup truck from knowingly permitting a person under 12 years of age to ride in the back of the pickup truck on a highway with a posted speed limit of 45 miles per hour or more. [FN: No fiscal impact.]

HB0269	Sales Marketing Requirements	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Michael Noel</i> Party: R)	N/P	N/P	---	---	N/P	---

[SEN H STEPHENSON] [AMENDED] This bill amends the Pyramid Scheme Act to clarify the elements of those operations that are not unlawful schemes. Provides definitions of terms used in referring to the operations. Sets forth the operations' required functions, which include providing for the repurchase of inventory from the participant under specified terms. Requires that the operations do not promote inventory loading. [FN: No State fiscal impact. BUS/IND: Provisions of this bill could affect corporate revenue of some companies. The impact will vary depending on the types and amount of goods involved and the current policies of the company.]

HB0276	Division of Criminal Investigation and Technical Services Amendmen	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Curtis Oda</i> Party: R)	N/P	---	---	---	OPP	---

[GOVERNOR SIGN] [SEN P. ARENT] Provides that a concealed firearm permit shall be issued by the Division of Criminal Investigations and Technical Services or its designated agent within 60 days after receiving an application, unless during that period the division finds proof that the applicant is not of good character. Makes conforming changes regarding the issuance of a temporary concealed firearm permit. [FN: Provisions of this bill can be implemented with existing resources.]

HB0292	Commission on Racial and Ethnic Fairness	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Duane Bourdeaux</i> Party: D)	SUP	SUP	---	---	SUP	SUP

[AMENDED] Creates a Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System composed of 30 members. Houses the commission within the governor's office. Sets out the purpose, duties, and reporting requirements. CCJJ shall provide staff to the commission and any special committees established by the commission. [FN: An ongoing Gen Fund approp of \$122,800 is required to fund the Commission established by this bill. IND/BUS Any fiscal impact to individuals or businesses as a result of this legislation will depend on the actions of the Commission created by the bill.]

HB0293	Materials Harmful to Minors	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>David Hogue</i> Party: R)	HOLD	---	*N/P	---	HOLD	*HOLD

Requires video game retailers to clearly label video games with their rating and to post a sign and provide information about the video game rating system. Provides for civil penalty. Provides the attorney general to develop and publish on its web page a list of video games that are not recommended for children and encourage links to the attorney general's web page from other state and local web pages. Authorizes the attorney general to develop a rating system for this state that reflects the values of Utah citizens. [FN: This bill can be handled within existing budgets. If the Attorney General finds that current rating systems do not reflect local values he may incur cost to develop a new system and rate games. IND/BUS Retailers may need to increase signage.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0297	Aggravated Murder Amendments (<i>Scott Wyatt</i> Party: R)	SUP	SUP	SUP	SUP	SUP	SUP

[GOVERNOR SIGN] [SEN G BELL] Provides that a murder is aggravated murder if the murder was committed during a criminal episode in which the defendant abused or desecrated the body of the dead victim. Provides that a murder is aggravated if the defendant had previously committed or been convicted of aggravated murder, attempted aggravated murder, murder, attempted murder, or any offense in another state that would be one of these listed offenses if committed in Utah. Amends current Utah law, which requires a conviction of the above offenses in order for the murder to be aggravated murder, to also include commission of the above offenses. Provides that a murder is aggravated murder if the defendant dismembers, mutilates, or disfigures the victim's body, whether before or after death, indicating the defendant's depravity of mind. Amends the Criminal Code definition of abuse or desecration of a dead human body regarding sexual abuse of a victim's body. [FN: No state or local government fiscal impact. Persons convicted of crimes under the provisions of this bill could spend more time incarcerated reducing their ability to generate personal income.]

HB0299	Motor Vehicle Business Licensing Amendments (<i>Paul Ray</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		N/P	---	---	---	S/C	---

[GOVERNOR SIGN] [SEN M. MADSEN] [AMENDED] Provides that reasonable cause to suspend certain licenses issued under the Motor Vehicle Business Regulation Act includes a violation of any state or federal law involving fraud; a violation of any state or federal law involving a registerable sex offense; and charged filed by a county attorney, district attorney, or US attorney alleging a violation of any state or federal law involving controlled substances, fraud, or a registerable sex offense. [FN: Implementation can be handled within existing budgets. Individual and business impacts will vary with individual circumstances.]

HB0303	Shelter Hearing Amendments (<i>Eric Hutchings</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		S/C	N/P	---	---	S/C	S/C

[SEN E MAYNE] Requires the court to order DCFS to provide sufficient information so the court can determine whether the noncustodial parent or relative with whom a child placement is being considered belongs to a gang whose members engage in a pattern of criminal activity. Defines a gang as a group or association, whether formal or informal in organization, which has a common identifying sign, symbol, or name, and whose members individually or collectively engage in a pattern of criminal activity, creating an atmosphere of fear and intimidation within the community. [FN: The effort required by this bill can be handled within existing budgets. Any fiscal impact to the individual will be determined by the court.]

HB0306	Amendment Regarding Controlled Substances (<i>Curtis Oda</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	SUP	SUP	---	SUP

[SEN G BELL] [AMENDED] Provides definitions in the Controlled Substance Act of "Indian" (means a member of an Indian tribe), "Indian religion," (means any religion from within a traditional Indian culture or community and practiced by Indians) and "Indian tribe" (means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Alasaka Native village, which is recognized as eligible for the special programs and services provided by the US to Indians because of their status as Indians) in order to provide for the determination of individuals who are members of Indian tribes regarding the peyote use exemption. Provides a reference to the exemption created by the definitions under the listing of Schedule I controlled substances. [FN: No fiscal impact.]

HB0311	Controlled Substance Law Amendments (<i>Brad Dee</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	S/C	SUP	SUP	SUP

Bill Number Title/Sponsor/Summary**Positions**

[GOVERNOR SIGN] [SEN G BELL] Defines consumption of a controlled substance as having any measurable amount of a controlled substance in a person's body. Provides that a person who is found to be driving with any measurable controlled substance in the body is subject to conviction and sentencing under the relevant DUI law and controlled substance law. [FN: It is estimated that provisions of this bill can be implemented with existing resources. No fiscal impact for individuals who comply with the laws of the state of Utah.]

HB0314	Driving with Any Measurable Controlled Substance in the Body Revis	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Michael Noel</i> Party: R)	SUP	*SUP	*SUP	SUP	SUP	*SUP

[SEN D PETERSON] Provides that an ordinance adopted by a local authority that governs driving with any measurable controlled substance in the body shall be consistent with the provisions of this code which govern those matters. [FN: No State fiscal impact. BUS/IND No fiscal impact for individuals who comply with the laws and statutes of the state.]

HB0338S01	Child and Family Welfare Revisions	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>LaVar Christensen</i> Party: R)	OPP	OPP	OPP	OPP	OPP	OPP

[GOVERNOR SIGN] [SEN C BRAMBLE] Describes the rights of parents and the obligations of the state with regard to children and the protection of children. Provides that prior to an adjudication of unfitness, government action in relation to parents and their children may not exceed the least restrictive means or alternatives available to accomplish a compelling state interest. Provides that all portions of the Utah Code relating to child protection be interpreted and applied consistent with certain parental rights and government obligations. Requires that the state juvenile court act in the best interests of a minor in all cases and preserve and strengthen family ties. Provides that the appointment of an attorney guardian ad litem for a minor shall be based on findings that establish the necessity for the appointment. Provides that the appointment of an attorney guardian ad litem may be terminated at any stage of a child protection proceeding upon motion of the court or any party to the proceeding.

HB0342	Civil Legal Aid for Victims of Domestic Violence	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Steven Mascaro</i> Party: R)	---	---	SUP	SUP	---	---

[SEN G BELL] Directs the state court administrator to provide grants to nonprofit legal assistance providers for low to medium income victims of domestic violence; and low to moderate income individuals in family law matters. Specifies that the grants are subject to legislative appropriation for that purpose. Requires the state court administrator to issue a request for proposal for the grant. [FN: Funds to implement the provisions of this bill are currently in the State Courts budget. IND/BUS: Provisions of this bill could reduce legal expenses of qualifying low and moderate income individuals.]

HB0349	Money Management Act Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>David Clark</i> Party: R)	SUP	SUP	---	---	---	---

[GOVERNOR SIGN] [SEN J. HICKMAN] [AMENDED] Amends the State Money Management Act to provide that a certified investment adviser's violation of rules and orders under the act must be willful in order for a criminal penalty to apply. [FN: No fiscal impact.]

HB0354	Licensure of Wholesale Distributors of Prescription Drugs	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Bradley Last</i> Party: R)	HOLD	*HOLD	*HOLD	---	---	---

Amends the Pharmacy Practice Act to increase the regulation of pharmaceutical wholesales and distributors. Establishes licensing requirements; establishes

Bill Number Title/Sponsor/Summary**Positions**

restriction on pharmaceutical transactions; requires the use of drug pedigrees; establishes enforcement mechanisms; and describes prohibited acts. Imposes a second degree felony and a fine of not more than \$50,000 per violation if that person knowingly engages in the wholesale distribution of a prescription drug in violation of this part or any rule or order adopted under this part. If a person is an organization, it shall, upon conviction of violating this part, be subject to a fine of not more than \$500,000. Circumstantial evidence may be used to prove that a defendant possessed actual knowledge, including evidence that the defendant took affirmative steps to be shielded from receiving relevant information. Penalties and fines imposed shall be deposited into the education and enforcement fund.

HB0360	Protective Order Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Eric Hutchings</i> Party: R)	HOLD	HOLD	HOLD	OPP	HOLD	HOLD

Repeals a statutory prohibition on mutual protective orders. Allows the court to prohibit the petitioner for a protective order from harassing, telephoning, contacting, or otherwise directly communicating with the respondent. [FN: Passage of this bill could reduce federal funding to local government entities. The loss of federal revenue could be as much as \$492,000 per community, per year for some of the larger communities. This could total as much as \$1.8 million statewide. Individuals affected by this legislation could receive greater fines or penalties. The amount will depend on the circumstances of the case.]

HB0379	Young Artist Provisions	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Gregory Hughes</i> Party: R)	OPP	---	OPP	OPP	OPP	OPP

[AMENDED] Modifies the Alcoholic Beverage Control Act. Permits a minor to perform at a private club in certain circumstances. Permits a minor to perform at an on-premise beer establishment in certain circumstances. [FN: No fiscal impact.]

HJR018	Joint Resolution Supporting Counties Expansion of Correctional Fac	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>David Hogue</i> Party: R)	SUP	SUP	SUP	SUP	SUP	---

This joint resolution supports Beaver, Millard, and Sanpete Counties' expansion of their correctional facilities by means of a contract between the counties and DOC. [FN: Provisions of this resolution can be handled within existing budgets. IND/BUS: Potential fiscal impact on individual taxpayers in the counties that will bond for correctional facilities.]

SB0005	Traffic Code Recodification and Revisions	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Sheldon Killpack</i> Party: R)	SUP	---	SUP	SUP	---	---

[GOVERNOR SIGN] [REP. B. DEE] (AMENDED) This 334 page bill recodifies and revises the traffic code by updating statutory language to conform to current legislative styles; rennumbers sections and organizes parts. [See HB 24 for substantive changes to the Traffic Code.] [FN: It is estimated that provisions of this bill can be implemented with existing resources.]

SB0015	ChildrenÆs Justice Center Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>D. Buttars</i> Party: R)	SUP	---	SUP	SUP	SUP	SUP

[GOVERNOR SIGN] [REP. P. WALLACE] [AMENDED] Expands the scope of the Children's Justice Centers from sexual abuse or serious physical abuse, to sexual abuse, physical abuse and crimes involving children when the child is a primary victim or a critical witness, and drug-related child endangerment cases. [FN: It is estimated that \$233,800 of ongoing Gen Funds beginning FY06 will be required by the Office of the Attorney General, Children's Justice Centers line item to implement provisions of this bill.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
SB0022	Drug Offender Reform Act (<i>D. Butters</i> Party: R)	PRI	PRI	PRI	PRI	SUP	PRI

[REP. D. BOWMAN] [AMENDED] Requires USAAV to coordinate and evaluate the implementation of the screening and assessment program. Requires local substance abuse authorities to establish local planning groups and submit plan to USAAV on how DORA funds are intended to be used. Upon approval of plan, local substance abuse authorities shall submit annually reports detailing the impact/results of the use of funds. DOC shall establish a planning group and submit a plan to USAAV detailing how funds are intended to be used. DOC to submit annually, a report detailing the impact/results of the use of funds. Requires the PSI report to include findings from any screening and any assessment of the defendant. As a condition of probation, the court to receive information on any treatment program which the defendant is currently participating. Requires that on and after 7/1/05 offenders convicted of an offense in violation of Title 58, Chapter 37, participate in the screening and assessment process. Requires that on and after 7/1/06 offenders convicted of any felony offense participate in the screening and assessment process. [FN: STATE IMPACT: Appropriates from Gen Fund, a total of \$6,256,700 for FY06 as an ongoing appropriation, as follows: \$50,000 to CCJJ; \$1,814,720 to DOC; \$4,297,480 to DHS; and \$94,500 to AOC. This appropriation is the first installment of a 3-year funding plan to provide a total of \$16.6 million, including over \$14 million for treatment services. Provisions in this bill mandates expanded screening and evaluations of inmates in FY07, estimated to require another \$400,000 in that year. Research indicates that providing appropriate screening and treatment to offenders with substance abuse problems will reduce their reliance on public services and should result in some marginal decrease of costs to the criminal justice and public assistance systems. IND/BUS IMPACT: Private providers of screening, assessment, and treatment services would financially benefit from participation in provisions of this legislation. As the impact of this Act begins to be felt, there could be a positive impact on communities, businesses and individuals through decreased drug-related crime activities.]

SB0030	Amendments to Search Warrants (<i>David Thomas</i> Party: R)	SUP	---	SUP	PRI	---	---
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[GOVERNOR SIGN] [REP S. WYATT] Requires a remotely communicated search warrant issued under Rule 40 of the Rules of Criminal Procedure be served in a written form upon the person or place to be served. Includes a reference to recorded testimony that is used as the basis for the issuance of a warrant. [FN: No fiscal impact.]

SB0042S01	Alcohol Restricted Drivers (<i>Carlene Walker</i> Party: R)	SUP	SUP	PRI	SUP	SUP	SUP
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[GOVERNOR SIGN] [REP P. RAY] [AMENDED] Changes the restricted blood alcohol content level for certain persons and changes the violation from a DUI violation to an alcohol restricted driver violation. Defines certain persons as alcohol restricted drivers. Provides that it is a class B misdemeanor for an alcohol restricted driver to drive a vehicle with any measurable OR DETECTABLE amount of alcohol in the person's body. Requires a peace officer to warn a person for refusing to submit to a chemical test and that said refusal may result in a five or ten-year prohibition of the person driving with any measurable or detectable amount of alcohol in the person's body. PROVIDES that a peace officer may impound a vehicle for certain violations. Prohibits the Driver License Division from issuing, reinstating, or renewing a driver license in the form of a no alcohol conditional licence beginning 7/1/2005. Repeals the no alcohol conditional licenses beginning on 7/1/2015 and coded licenses beginning on 7/1/2005. [FN: No state fiscal impact. No fiscal impact for those who comply with provisions of the bill.]

SB0043S02	Penalty for Providing False Information to State Agency (<i>Parley Hellewell</i> Party: R)	N/P	N/P	---	---	N/P	N/P
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[GOVERNOR SIGN] [REP M. MORLEY] Provides that knowingly giving false information to a state or local government agency or personnel with the intent to

Bill Number Title/Sponsor/Summary**Positions**

imply that another person has committed an offense or to induce a change in a person's licensing or certification status is a class B misdemeanor. [FN: STATE: It is estimated that any additional efforts required by the provisions of this bill can be absorbed within existing state and local government budgets. BUS/IND: Fines and penalties to those convicted under the provisions of this bill are increased. Fines are increased up to \$1,000 per offense. Persons convicted of crimes under the provisions of this bill could spend more time incarcerated reducing their ability to generate personal income.]

SB0047	Wrongful Lien Offenses		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Beverly Evans	Party: R)	S/C	S/C	---	SUP	---	---

[GOVERNOR SIGN] [REP J. MATHIS] [AMENDED] This bill defines civil wrongful lien. Establishes felony penalties for making a wrongful lien and increased penalties for subsequent violations. Establishes felony penalties for the fraudulent handling of recordable writings, which includes falsifying or destroying a will, deed, lien, or other similar writing. Allows an individual to petition for an ex parte injunction against the person making the wrongful lien, which prohibits the maker of the lien from making further liens against the petitioner without specific permission of the court. Provides that the ex parte injunction nullifies the wrongful lien and gives the person making the wrongful lien the right to a hearing regarding the nullification. Provides that if the maker of the lien does not respond, or if there is a hearing and the court determines that the lien is wrongful, the lien is nullified and the lien injunction stays in effect for three years unless the petitioner requests that the injunction be dissolved earlier. Provides for attorney fees in actions regarding the wrongful lien and injunction. [FN: Any state fiscal impact can be handled within existing budgets. Any fiscal impact is dependent on individual sentencing.]

SB0054	Property Tax Confidentiality Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Howard Stephenson	Party: R)	---	HOLD	---	---	---	---

[GOVERNOR SIGN] [REP W. HARPER] This bill amends the Revenue and Taxation title to address the confidentiality of information relating to property tax. Modifies circumstances under which commercial information shall or may not be disclosed (intentionally discloses commercial information in violation of this section; and knows that the disclosure is prohibited by this section). [FN: No fiscal impact.]

SB0062	Personal Property Transactions Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Michael Waddoups	Party: R)	SUP	---	---	SUP	SUP	---

[GOVERNOR SIGN] [REP J S ADAMS] Places the operation and enforcement of the Pawnshop Transaction Information Act under the Div of Consumer Protection. Renames "civil penalties" as administrative fines to be consistent with the division's statutory language. Directs that these awarded fees, costs, and interest shall be paid to the division. Provides that pawn transaction records provided to law enforcement or the central database may only be used for specified investigative and ownership inquiry purposes. Imposes a civil penalty for use of pawn transaction records for any purpose not authorized by the act. Changes specified violations from a class C misdemeanor to violations subject to civil penalties. Clarifies the protected record provisions regarding the act. [FN: Implementation of this bill can be handled within existing budgets.]

SB0065S01	Alcoholic Beverage Control Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Peter Knudson	Party: R)	N/P	---	S/C	---	---	S/C

[GOVERNOR SIGN] [REP J ADAMS] Defines military installation. ADDRESSES minors on the premises of state stores or package agencies. Removes the repeal date for on-premise banquet licensing. Requires on-premise banquet licensees to provide advance notice of banquets to allow for random inspections. Clarifies that on-premise banquet premises are included in the prohibition of operating without a license. Repeals a 2004 reporting requirement. Addresses liquor purchased on a military installation. [FN: Fiscal impacts can be handled within existing budgets.]

Bill Number	Title/Sponsor/Summary		Positions						
			CCJJ	USC	USAAV	LELC	UCV	UBJJ	
SB0072	Child Welfare Amendments								
	(<i>Dan Eastman</i>)	Party: R)	OPP	OPP	OPP	---	OPP	OPP	

[GOVERNOR SIGN] [REP S MASCARO] [AMENDED] Replaces the term "treatment plan" with the term "child and family plan". Clarifies access to certain protected and confidential records. Provides that the inability to identify or locate an alleged perpetrator of child abuse may not be used by the division as a basis for determining that a report is unsupported. Provides that a child and family plan may only include requirements that address findings made by the court; or are requested or approved by a parent or guardian of the child AND agreed to by the Division and the guardian ad litem. Addresses circumstances under which parent-time may be denied. [FN: It is estimated that this legislation will require an appropriation of \$63,800 (all Gen Fund) in FY06, which includes \$600 one-time funds. \$44,300 would go to the Courts and \$19,500 would go to the Attorney General's Office.]

SB0073	Tampering with Evidence								
	(<i>D. Buttars</i>)	Party: R)	SUP	SUP	---	SUP	SUP	SUP	

[GOVERNOR SIGN] [REP P. WALLACE] Amends the current law regarding tampering with evidence to include as an offense the act of tampering with evidence with the intent to prevent an official proceeding, which is in addition to the current law that prohibits tampering with evidence after a proceeding or investigation has begun. [FN: The estimated expense of this bill can be handled within existing budgets. Under certain circumstances, an individual could receive increased financial and other penalties, including jail time.]

SB0075	Public Safety Database Amendments								
	(<i>Michael Waddoups</i>)	Party: R)	SUP	---	SUP	SUP	SUP	SUP	

[REP B. DEE] [AMENDED] Provides additional criteria for administering the Uninsured Motorist Identification Database Program by directing DPS to assist in crime preventing, identifying, and prosecuting fraud or underage purchase of alcohol and tobacco. [FN: No state fiscal impact. As allowed under the provisions of this bill, any fiscal impact, including financial benefit, will be dependant on the actions taken by the Department of Public Safety.]

SB0077	Amendments to Indoor Clean Air Act								
	(<i>Michael Waddoups</i>)	Party: R)	---	---	SUP	---	---	---	

[REP J. DUNNIGAN] [AMENDED] Removes the exemption for private clubs and taverns from the Indoor Clean Air Act; repeals the section of the Indoor Clean Air Act that grandfathered adjoining private clubs and public places that shared ventilation systems and were built prior to 1995. [FN: While no impact is anticipated for state agencies, this bill will impact local health departments, as they are responsible for the enforcement of the Indoor Clean Air Act. Additional staff may be required for needed inspections.]

SB0083	Medical Decisions of a Parent or Guardian								
	(<i>David Thomas</i>)	Party: R)	N/P	N/P	---	---	N/P	N/P	

[GOVERNOR SIGN] [REP S. WYATT] [AMENDED] Modifies provisions of the Child and Family Services section and the Licensing Information System portion of Child and Family Services section to provide the definition of neglect to include a health decision made by a child's parent or guardian does not constitute neglect unless the state or other party to the proceeding shows by clear and convincing evidence, that the decision is not reasonable and prudent. Provides that a parent or guardian has the right to a second medical opinion. Modifies the Juvenile Court Act of 1996 and the Termination of Parental Rights Act to provide that a parent or guardian of a child, or a caretaker of a disabled child, is not guilty of child abuse for selecting a treatment option provided the treatment option is one that a reasonable parent, guardian, or caretaker would believe to be in the best interest of the child or disabled child. Provides that a malpractice action may not be brought against a health care provider on the basis of the consequences resulting from the refusal of a child's parent or

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guardian to consent to health care recommended by the health care provider when the parent or guardian is provided with sufficient information to make an informed decision and the consent of the parent or guardian is required by law, unless the health care provider fails to comply with the child abuse or neglect reporting requirements. Clarifies the scope of malpractice. Enacts an uncodified expression of legislative intent (The Legislature recognizes that parents have a fundamental liberty interest in the care, custody, and management of their children, as protected by the 14th Amendment). [FN: Provisions of this bill can be implemented within existing resources.]

SB0091	Interstate Juvenile Compact		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Lyle Hillyard</i>	Party: R)	SUP	SUP	---	---	---	SUP

[GOVERNOR SIGN] [REP S. WYATT] Repeals and reenacts the Interstate Compact for Juveniles; establishes a compact operating authority to administer ongoing compact activity; provides for gubernatorial appointment of representatives on a national governing commission; provides rulemaking authority to the governing commission; provides for the collection of standardized information and information sharing systems; creates sanctions to support essential compact operations; allows for the coordination and cooperation with other interstate compacts; and provides for an effective date upon enactment by 35 states. [FN: An ongoing Gen Fund appropriation of \$12,000 to the Juvenile Courts for compact assessments is required to implement the provisions of this bill.]

SB0093	Children's Justice Center Addition		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Thomas Hatch</i>	Party: R)	SUP	---	SUP	SUP	SUP	SUP

[GOVERNOR SIGN] [REP M. NOEL] Adds Iron County to the list of Children's Justice Centers sites. [FN: STATE: Bill appropriates ongoing Gen Funds of \$127,500 to Office of the Attorney General for Children's Justice Centers to fund the center in Iron County. IND/BUSThe funding replaces discontinued federal funding; therefore there is no additional fiscal impact.]

SB0094	Restitution Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Gregory Bell</i>	Party: R)	PRI	PRI	SUP	SUP	SUP	---

[GOVERNOR SIGN] [REP R. ROMERO] Allows the Board of Pardons to make all orders of restitution, not determined by the court, within 60 days after termination or expiration of the defendant's sentence, unless the Board has continuing jurisdiction over the defendant for a separate criminal offense, then the Board may defer making an order of restitution until termination of all sentences for that defendant. Requires the court to make all restitution orders at the time of sentencing if feasible, or within one year after sentencing. Allows the Board of Pardons to refer an order of judgement and commitment back to the court for determination of restitution within one year after sentencing. [FN: Provisions of this bill can be handled within existing state budgets. It is estimated that the provisions of this bill could have a positive fiscal impact for the victims of crime. The amount cannot be quantified.]

SB0104S01	Judiciary Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Lyle Hillyard</i>	Party: R)	SUP	SUP	SUP		N/P	SUP

[GOVERNOR SIGN] [REP S. WYATT] [AMENDED] Changes a 3-year requirement to 2-years to bring a provision concerning protective orders into line with another statute. Clarifies credit for good behavior for minors in detention (one day for every three days served). Clarifies the process for petitioning the court to confirm an award when the matter is not subject to current litigation (arbitration award). [FN: No fiscal impact.]

SB0107	Licensure and Regulation of Programs and Facilities		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Thomas Hatch</i>	Party: R)	---	---	SUP	---	---	---

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[GOVERNOR SIGN] [REP B. LAST] [AMENDED] Amends Licensure of Programs and Facilities provisions. Imposes requirements for licensing and for making rules regarding the licensing of residential treatment programs. Requires applicants for a license to operate a residential treatment program to provide a description of the program and notice of intent to operate to the governing body of the city or county where the program intends to operate. Provides that a local government may request that the office designate a local government employee as a certified local inspector and identifies restrictions and responsibilities. Sets out administrative issues surrounding licensing. Provides that substance abuse treatment programs that provide services to adults only are not required to submit identifying information to the Office of Licensing for criminal background checks. Provides DHS with access to records to conduct background checks. Provides that DHS may inform a local government that a certified inspector applicant is listed in those records. Provides that a person who is a representative of private residential treatment facilities shall be included on the Board of Child and Family Services. [FN: The Office of Licensing will require an additional one-half FTE to implement provisions of this legislation, at an annual cost of \$44,300 (including \$2,000 of one-time equipment costs). Fiscal impact to local counties will be minor.]

SB0109S01	Safety Belt Enforcement		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Karen Hale</i>	Party: D)	SUP	---	SUP	SUP	---	---

[REP S. ALLEN] Repeals the provision that makes a seat belt violation for a person 19 years of age or older enforceable only as a secondary action when the person is detained for another offense. [FN: It is estimated that provisions of this bill will increase Gen Fund revenues by \$2,400 in FY05 and \$14,400 each fiscal year thereafter. The Courts will require Gen Fund approp of \$4,500 in FY05 and \$27,000 each fiscal year thereafter to deal with the increased caseload.]

SB0118	Identity Fraud Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Carlene Walker</i>	Party: R)	SUP	SUP	---	SUP	SUP	SUP

[GOVERNOR SIGN] [REP P. WALLACE] Includes the personal identifying information of persons who are deceased in the statute that prohibits the use of identifying information to commit identity fraud crimes. [FN: No fiscal impact.]

SB0135S01	Drug Courts Pilot Project		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Lyle Hillyard</i>	Party: R)	SUP	SUP	SUP	SUP	SUP	SUP

[GOVERNOR SIGN] [REP S. WYATT] [AMENDED] Allows any judicial district to create a drug court. Allows Davis and Weber counties to create a pilot drug board to oversee intensive substance abuse treatment for parolees under conditions set out by the Board of Pardons and Parole and DOC. REQUIRES 87% of drug court funds go to Dept Human Services and 13% to AOC (does not apply to Federal Block Grant funds).. [FN: No fiscal impact, as this legislation codifies previously passed uncoded legislation.]

SB0136	Justice Court Operations Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Ed Mayne</i>	Party: D)	OPP	---	OPP	---	OPP	---

[REP B. GOODFELLOW] Allows municipal and county justice courts to be open to transact business for no less than four days per week for at least 11 hours per day. [FN: No state fiscal impact. Any local fiscal impact will depend on the decisions of the local legislative body.]

SB0146	Avoiding Apprehension Amendment		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Michael Waddoups</i>	Party: R)	SUP	SUP	---	N/P	---	SUP

[GOVERNOR SIGN] [REP D BOWMAN] [AMENDED] Provides that fleeing a peace officer with the intent to avoid detention or arrest is a class A

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MISDEMEANOR. Clarifies that this offense is a separate offense from the existing offense of an offender's failure to stop at the command of an officer while the offender is operating a motor vehicle. [FN: STATE This bill has significant state and local government impact. It is estimated that a FY06 Gen Fund appropriation of \$1,247,000 divided between the Courts and DOC is required to address the increased workload and penalty. Additional revenue would also be collected to the Gen Fund from the increased penalty. This would be used to offset a portion of the Gen Fund appropriation. Local government may also be impacted with additional expenses for court costs and additional jail time for offenders. IND/BUS: This bill increases penalties by up to \$200 and increased jail or prison time. Persons convicted of crimes under the provisions of this bill could spend more time incarcerated reducing their ability to generate personal income.]

SB0167S01	Penalties for False Driver Licenses and Identification Cards (<i>Carlene Walker</i> Party: R)	CCJJ SUP	USC SUP	USAAV SUP	LELC SUP	UCV SUP	UBJJ SUP
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[GOVERNOR SIGN] [REP B. GOODFELLOW] Provides a class C misdemeanor to knowingly acquire, use, display, or transfer an item that purports to be a validly issued driver license certificate or identification card if the item is not validly issued; or alter any info contained on a validly issued driver license certificate or ID card so that it no longer represents the info originally displayed. Provides that it is a class A misdemeanor to knowingly issue a driver license certificate or identification card with false or fraudulent information; knowingly issue a driver license certificate or ID card to a person younger than 21 years of age if the license or ID card is not distinguished by use of format and printing; or knowingly use, display, or transfer a false or altered driver license certificate or ID card to procure cigarettes, tobacco, or tobacco products. Provides that a person may not use a false or altered driver license certificate or ID card to procure alcoholic beverages, gain admittance to a place where alcoholic beverages are sold, or obtain any employment that may not be obtained by a minor. Provides a third degree felony if a person's possession, acquisition, use, display, or transfer of a false or altered driver license certificate or ID card aids or furthers the person's efforts to fraudulently obtain goods or services; or aids or further the person's efforts to commit a violent felony. Driver License Division may immediately deny, suspend, disqualify, or revoke the license if notified or has reason to believe the person knowingly possessed, acquired, used, displayed, or transferred an item that purports to be a validly issued driver license certificate if the item is not validly issued. [FN: The increased penalty schedule created by the bill will impact DOC. It is estimated that DOC will require Gen Fund appropriations of \$34,400 in FY06; \$51,200 in FY07; and \$62,200 in FY08 and each fiscal year thereafter to implement provisions of this bill.]

SB0177S01	Increase Statute of Limitations on Rape (<i>Ed Mayne</i> Party: D)	CCJJ SUP	USC SUP	USAAV SUP	LELC SUP	UCV SUP	UBJJ SUP
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[GOVERNOR SIGN] [REP D. LITVACK] Increases the statute of limitations for rape, object rape, forcible sodomy, forcible sexual abuse, and aggravated sexual assault from four years to 8 years IF reported to law enforcement within 4 years after the offense.

SB0181	Criminal Code Amendments (<i>Karen Hale</i> Party: D)	CCJJ PRI	USC PRI	USAAV SUP	LELC SUP	UCV PRI	UBJJ PRI
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Provides for a one degree enhanced penalty for an offense committed because of a defendant's actual bias or prejudice against a victim or property. On first degree offenses, requires the court to state the reason if an enhanced sentence is to be suspended; and requires the Board of Pardons to consider the defendant's actual bias or prejudice as an aggravating factor in determining the length of incarceration. Provides the trier of fact may not base an actual bias or prejudice finding on the defendant's: mere abstract beliefs, membership in an organization, or associations, unless the evidence is admissible under the Utah Rules of Evidence. Bias or prejudice means intentionally selecting the victim based on perceived or actual attributes that include, but are not limited to, race, color, disability, religion, sexual orientation, national origin, ancestry, age, or gender. (See HB50) [FN: It is estimated that DOC will require Gen Fund approp of \$11,500 in FY06 and at least \$30,900 each fiscal year thereafter. Additional Gen Fund approp increases may be required in subsequent years depending on the number of offenders sentenced under the provisions of this bill and the length of incarceration. Local governments may also be fiscally impacted by the longer sentences if persons are sentenced to jail as a condition of probation since they are reimbursed by the state with 70% of the core rate

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of the cost of incarceration. Their costs are estimated to be approx. \$7,600 in FY06 and \$9,100 in FY07 in unreimbursed expenses. IND/BUS: Persons convicted of crimes under the provisions of this bill could spend more time incarcerated reducing their ability to generate personal income.]

SB0186	Child Welfare Removal - Adoption Option	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(Parley Hellewell	Party: R)	OPP	OPP	---	---	OPP	---

Requires that a notice of the rights of parents be included in the written statement that is made available to the parent, guardian, or responsible relative of a child when the child is taken into protective custody. Establishes a procedure for a parent of a child taken into custody by DCFS, who voluntarily waives the parent's parental rights within a specified period of time to participate in the selection of the adoptive parents; receive general, nonidentifying information regarding the adoptive parents and the adoptive family; and receive annual updates on the status and progress of the child. Provides that a parent may waive the rights established by this bill. Provides exceptions to the requirements of this bill. Provides restrictions on the disclosure of certain records. Provides a criminal penalty for the unlawful disclosure of certain records (class A misdemeanor). Requires that a statement of the rights of parents be attached to a petition to commence proceedings in the juvenile court alleging that a child is abused, neglected, or dependent; and a petition for termination of a parent's parental rights. [FN: DCFS will need one full-time accounting technician to handle the requirements from this legislation at a cost of \$41,400 (\$33,900 Gen Fund) in FY06, which includes \$2,000 in one-time equipment costs. The expenditure of State Gen Funds will generate \$7,500 in matching federal funds.]

SB0233	Blacklisting Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(Allen Christensen	Party: R)	OPP	*OPP	---	OPP	OPP	---

Provides definitions. Modifies language prohibiting blacklisting of employees. Creates a class B misdemeanor for violation of blacklisting. Provides for actual and punitive damages in a private right of action for blacklisting. [FN: No fiscal impact.]

SJR018	Joint Resolution Approving Consolidation of West Valley and Sandy	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(Peter Knudson	Party: R)	SUP	*SUP	*SUP	SUP	SUP	*SUP

[GOVERNOR SIGN] [REP S WYATT] Approves the closure of the West Valley City and Sandy City locations of the Third District Court. [FN: Provisions of this resolution can be handled within existing budgets.]