

Commission on Criminal and Juvenile Justice

2006 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 | | | | | |
|-------------|--|--------------------|-------------------|---------------------|--------------------|-------------------|--------------------|
| HB0009S02 | Workers' Compensation Studies Including Coverage of Firefighters a (<i>Joseph Murray</i> Party: R) | CCJJ SUP | USC --- | USAAV SUP | LELC SUP | UCV --- | UBJJ --- |

[GOV. SIGN] [Bramble] Provides for use of monies in the Workplace Safety Account to study certain workers' compensation issues. Provides for the study of certain workers' compensation issues. Appropriates \$250,000 for FY07 (and \$250,000 for FY08) only from the Workplace Safety Account to the Labor Commission to contract for the study required by this bill. [FN: \$250,000 for FY07 and \$250,000 for FY08 from the Workplace Safety Account]

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| HB0010S01 | Domestic Violence and Dating Violence Amendments (<i>David Litvack</i> Party: D) | CCJJ S/C | USC S/C | USAAV SUP | LELC HOLD | UCV PRI | UBJJ SUP |
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Provides for the issuance, modification, and enforcement of protective orders between parties who are, or have been, in a dating relationship when: the parties are emancipated or 16 years of age or older; the parties are, or have been, in a dating relationship with each other; and a party commits abuse or dating violence against the other party. Requires AOC to develop and adopt uniform forms for petitions and orders for protection relating to dating violence. Provides that a court may include in a protective order a restriction prohibiting a respondent from being within a specified distance of the petitioner. Requires DCFS to provide certain services to victims of dating violence. Describes the conditions that may be placed on an alleged perpetrator of dating violence in a protective order; in an order of probation for violation of a protective order relating to dating violence; or as a condition of release prior to trial for violation of a protective order relating to dating violence. [FN: The legislation would require an appropriation of \$52,000 and \$62,400 in Gen. Fund for FY07 and FY08 respectively. The Courts would require \$38,400 in FY07 and \$46,100 in FY08. DCFS would require \$9,500 in Gen. Funds and \$4,100 in Fed Funds in FY07; plus \$11,400 in Gen. Funds and \$4,900 in Fed Funds in FY08. Passage of this bill will increase costs for local governments.]

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|-----------|---|---------------------|--------------------|----------------------|---------------------|-------------------|---------------------|
| HB0014S02 | Open Meetings Law Amendments (<i>Wayne Harper</i> Party: R) | CCJJ HOLD | USC HOLD | USAAV HOLD | LELC HOLD | UCV --- | UBJJ HOLD |
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[GOV. SIGN] [H. Stephenson] Clarifies that a workshop or an executive session of a public body in which a quorum is present is an open meeting unless closed in accordance with the act. Requires certain workshops or executive sessions to be held at the location where the public body is holding the regularly scheduled public meeting and provides certain exceptions. Requires that all closed meetings be recorded. Requires that the reason or reasons for holding the closed meeting and the location of a closed meeting be publically announced and entered in the minutes of the open meeting at which the closed meeting is approved. Requires that public bodies provide training on the requirements of the Open and Public Meetings Act to the members of a public body whenever a new member is elected or appointed. Requires that the attorney general's office provide public bodies with at least yearly notice of any material

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

changes to the requirements for the conduct of meetings under the act. Provides penalties for violating closed meeting provisions (class B misdemeanor).
 [FN: Provisions of this bill can be implemented with existing resources.]

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|------------------|---|---------------------|--------------------|----------------------|--------------------|------------|--------------------|
| HB0016S02 | Revisions to Open and Public Meetings Law (<i>Glenn Donnelson</i> Party: R) | CCJJ HOLD | USC HOLD | USAAV HOLD | LELC --- | UCV | UBJJ OPP |
|------------------|---|---------------------|--------------------|----------------------|--------------------|------------|--------------------|

[P. Hellewell] Defines recording to mean an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting. Encourages public bodies to use electronic means to provide public notice to media agencies that make a periodic written request to receive them; and post public notice of its meetings on the internet. Requires public notices with agendas to provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Prohibits a public body from considering topics that are not posted with the public notice AND provides certain exceptions.. Requires both written minutes and a recording to be kept of all meetings with certain exceptions. Repeals a provision that only written minutes are evidence of the official action taken at the open meeting.

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|------------------|---|-------------|------------|--------------|-------------|------------|-------------|
| HB0016S03 | Revisions to Open and Public Meetings Law (<i>Glenn Donnelson</i> Party: R) | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
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[GOV. SIGN

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|---|---------------|--|-------------|------------|--------------|-------------|------------|-------------|
|] | HB0021 | Child Welfare Revisions (<i>Wayne Harper</i> Party: R) | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | | | SUP | --- | --- | --- | N/P | SUP |

[GOV. SIGN] [T. Hatch] Describes conduct that does not constitute abuse. Removes services to unwed parents (because the state does not currently provide the service). Adds additional training requirements for caseworkers. Removes requirements on the repealed pilot program. Defines rights and responsibilities of parents. The state's role is secondary to the parents. Addresses the provision of family preservation and reunification services by DCFS. Modifies the content of, and requirements related to the notice provided when a child is taken into protective custody. Provides an investigation by DCFS shall include unscheduled visits to child's home, unless reason to believe the abuser is not the child's parent and does not have access to the child. Recognizes the impact upon a child when the child is removed from the child's home. Requires DCFS to attempt to resolve a disagreement with a child's parent regarding a child and family plan and to inform the court if the disagreement is not resolved. Addresses the contents of a child and family plan. Requires documentation of the grounds for taking a child into protective custody and providing medical care or treatment to a child in protective custody. Describes information that must be given to a parent before interviewing a child who has not been removed from the home. Expands the list of support persons that may attend an interview of a child. Provides defenses to the crime of child abuse. Deletes provisions relating to family unity conferences. Describes the circumstances under which a court may order medical examination, treatment, or care of a minor. Addresses procedures and standards relating to shelter hearings. Modifies provisions relating to the grounds under which a child may be retained in protective custody. Requires a finding that a parent is incapable, due to mental illness, of utilizing reunification services; must be based on competent evidence from at least two medical or mental health professionals who are not associates. [FN: Passage of this legislation will require additional training of approx. 4 hours for caseworkers for DCFS. The annual cost for training of new caseworkers will be approx. \$11,100 with \$9,400 from Gen. Fund and \$1,700 from federal funds.]

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|---------------|--|--------------------|-------------------|---------------------|-------------|-------------------|--------------------|
| HB0022 | Utah Child Abuse Prevention Board (<i>Paul Ray</i> Party: R) | CCJJ --- | USC --- | USAAV SUP | LELC | UCV --- | UBJJ SUP |
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[D. Eastman] [AMENDED] Changes the name of Children's Trust Account to the Children's Trust Fund. Describes how funds in the Children's Trust Fund may be used. Creates within Dept. Health, the Utah Child Abuse Prevention Board and lists the duties and powers of the board. Grants the board authority to administer the Children's Trust Fund. Establishes membership of the Board. Provides for the organization of the board, the appointment of a chair and

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

creation of committees. Provides that members of the board serve without pay, entitled to per diem and expenses. Creates the position of executive director of the Children's Trust Fund and establishes duties. Provides for staff support of the board. Requires Executive Director of the Fund to report to Health & Human Services Interim Committee during 2010 interim regarding need to reauthorize or modify Title 26, Chapter 7a created by this bill. Eliminates the responsibility of the Child Abuse Advisory Council and the Board of Child and Family Services to oversee the Children's Trust Account or Children's Trust Fund. Provides that Title 26, Chapter 7a will be repealed on 7/1/11. [FN: This bill requires an ongoing appropriation of \$574,000 to the Dept. of Health starting in FY07. Of this amount, \$189,000 is from Gen. Fund. Remaining \$385,000 is transferred from Gen. Fund Restricted - Children's Trust Fund, currently located in Dept. of Human Services. Ind./Bus. Impact: The fiscal impact to individuals or related organizations will depend on the action of the Board and Office established by this bill.]

| Bill Number | Title/Sponsor/Summary | Positions | | | | | |
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| | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| HB0025 | Child Welfare - Licensing and Management Information Systems (<i>Wayne Harper</i> Party: R) | HOLD | --- | --- | --- | --- | HOLD |

[GOV. SIGN] [D.C. Buttars] Addresses the contents of the notice provided to an alleged perpetrator when DCFS makes a supported finding that the alleged perpetrator committed a severe type of child abuse or neglect. Describes the circumstances under which a person's name and information should be entered on, or removed from, the Licensing Information System. Provides that, in an adjudicative proceeding to determine whether a person has caused a child to suffer abuse, neglect, or dependency, the division shall have the burden of proving, by a preponderance of the evidence, that child abuse, neglect, or dependency occurred and that the alleged perpetrator was substantially responsible for the abuse or neglect. Describes the action that must be taken by the division when an alleged perpetrator listed on the Licensing Information System prior to May 6, 2002 requests removal of the alleged perpetrator's name from Licensing Information System. [FN: No fiscal impact.]

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|--------|--|------|-----|-------|------|-----|------|
| HB0030 | Emancipation of a Minor (<i>Rosalind McGee</i> Party: D) | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | | SUP | --- | SUP | --- | SUP | SUP |

[GOV. SIGN] [C. Bramble] Creates a procedure for a minor to petition the juvenile 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 an emancipation petition. [FN: State - provisions of this bill can be implemented within existing agency budgets. Ind./Bus - The impact will vary depending on the circumstances from which a person seeks emancipation. Individuals seeking emancipation would be required to pay a petition fee of \$50.]

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|--------|--|------|-----|-------|------|-----|------|
| HB0056 | Sex Offender Registration Amendments (<i>M. Lawrence</i> Party: R) | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | | SUP | SUP | --- | SUP | SUP | SUP |

[GOV. SIGN] [L. Hillyard] Requires the Division of Juvenile Justice Services (JJS) to register a sex offender with the DOC prior to the offender's release from custody. Amends the sex offender registration law to include those who have been adjudicated delinquent for one of the specified offenses and remains 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 for one of the specified offenses committed as a juvenile. Requires JJS to provide to DOC when available, information on crimes for which the offender was adjudicated delinquent and a description of the sex offender's primary and secondary targets. [FN: No fiscal impact.]

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|--------|--|------|-----|-------|------|-----|------|
| HB0060 | Controlled Substance Amendments (<i>Curtis Oda</i> Party: R) | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | | SUP | SUP | SUP | SUP | --- | SUP |

[GOV. SIGN] [G. Bell] [AMENDED] Defines "Indian," "Indian religion," and "Indian tribe" in the Controlled Substance Act in order to provide for the determination of individuals who are members of Indian tribes regarding the peyote use exemption. Provides an affirmative defense against a charge for possession of peyote if used by an Indian in an Indian religious ceremony (as defined in this bill). Provides related qualifying language regarding driving with any measurable controlled substance in the body. [FN: No fiscal impact.]

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|--------|---|------|-----|-------|------|-----|------|
| HB0061 | Criminal Penalty for Animal Cruelty (<i>Scott Wyatt</i> Party: R) | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | | S/C | S/C | S/C | SUP | S/C | S/C |

[P. Knudson] 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 dog or falcon training, and also for animals kept or owned by a zoological park. Includes the offense of seriously injuring an animal. Provides that torturing an animal is a third

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

degree felony. Provides that the court shall state on the record the reasons a person convicted of animal cruelty is not required to receive treatment, pay restitution, or to 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. [FN: State-Provisions of this bill can be implemented within existing budgets. Ind/Bus: No fiscal impact on law abiding citizens. Persons convicted of crimes under the provisions of this bill could spend time incarcerated. Convicted offenders may also be required to pay fines up to \$5,000.]

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| HB0063 | Probate Code Amendments Regarding Homicide | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Karen Morgan</i> Party: D) | SUP | --- | --- | SUP | SUP | --- |

[GOV. SIGN] [P. Arent] Provides for the disinheritance of a person who kills someone they would inherit from. Defines "disqualifying homicide" and "killer." Provides that a person who kills another from whom they might inherit is not eligible to inherit from the decedent. Provides for the court to take action if there has been no criminal conviction. [FN: Provisions of this bill can be implemented within existing budgets.]

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| HB0090 | Criminal Penalty Amendments | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>David Litvack</i> Party: D) | SUP | SUP | SUP | SUP | SUP | SUP |

[AMENDED] [Hale] Defines "aggravating factor" as an offender's selection of a victim based on the victim's membership or perceived membership in a group, and that this selection results in public harm. Provides that sentencing courts and the Board of Pardons and Parole shall consider these aggravating factors. Provides that the courts and the Board of Pardons and Parole shall also consider if the current law already increases the penalty for the offense if defendant selects a member of a group, such as assault offenses against law enforcement officers or school employees. [FN: No fiscal impact to law-abiding citizens.]

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| HB0090S04 | Criminal Penalty Amendments | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>David Litvack</i> Party: D) | | | | | | |

[GOV. SIGN]

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|---------------|--|-------------|------------|--------------|-------------|------------|-------------|
| HB0102 | Sentencing for First Degree Felony Murder | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Lorie Fowlke</i> Party: R) | SUP | SUP | --- | SUP | SUP | --- |

[GOV. SIGN] [D. Thomas] Adds the offense of felony discharge of a weapon or firearm from a vehicle to the list of predicate offenses, the commission of which in the course of committing a homicide is an element of first degree felony murder. Amends the sentence for first degree murder to increase the minimum term from five years to 15 years. Adds as an aggravating factor, when determining imprisonment for specified homicide offenses, that the defendant held a position of trust in relation to the victim. [FN: HB102 has no immediate fiscal impact since this bill brings the law into line with current practice. However, as new amendments are added to the criminal code, future fiscal impacts could be realized by the Court System and DOC.]

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| HB0103 | Changes to Definitions of a Child and a Minor | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Wayne Harper</i> Party: R) | N/P | --- | --- | --- | N/P | N/P |

[GOV. SIGN] [D. Thomas] Defines the term "minor" and "child." Child means, except as provided in Part 7, Interstate Compact on Placement of Children, a person under 18 years of age. Minor means, except as provided in Part 7, Interstate Compact on Placement of Children, (a) a child; or (b) a person (i) who is at least 18 years of age and younger than 21 years of age; and (ii) for whom the division has been specifically ordered by the juvenile court to provide services. [FN: No fiscal impact.]

| Bill Number | Title/Sponsor/Summary | Positions | | | | | |
|---|---|--------------------|-------------------|---------------------|--------------------|-------------------|--------------------|
| HB0104 | Commission on Racial and Ethic Fairness (<i>Duane Bourdeaux</i> Party: D) | CCJJ PRI | USC SUP | USAAV SUP | LELC --- | UCV SUP | UBJJ PRI |
| 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. [FN: An ongoing Gen. Fund appropriation 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.] | | | | | | | |
| HB0123 | Disaster Response and Recovery Act (<i>J. Adams</i> Party: R) | CCJJ SUP | USC --- | USAAV --- | LELC SUP | UCV --- | UBJJ --- |
| [GOV. SIGN] [G. Bell] Provides that the chief executive officer of each political subdivision, rather than the governing body of the political subdivision, shall have primary authority to provide rules and orders during an emergency or local disaster. Provides the chief executive officer with certain powers and authority to act. Provides for the issuance of orders of evacuation. Provides a listing of emergency interim successors for political subdivision officers. Provides that emergency orders, rules and regulations that are issued by a political subdivision or an agency of a political subdivision shall be filed at the office of the clerk of the political subdivision. Provides a criminal penalty for persons who fail to comply with an order to evacuate or other emergency order after having received notice of the order. [FN: State-no fiscal impact. Bus/Ind-Provisions of the bill may lead to cost savings/damage mitigation for local entities in the event of a disaster.] | | | | | | | |
| HB0149 | Law Enforcement Drug Task Force Funding (<i>Eric Hutchings</i> Party: R) | CCJJ SUP | USC SUP | USAAV SUP | LELC SUP | UCV SUP | UBJJ SUP |
| Creates the Law Enforcement Drug Task Force Restricted Account to fund law enforcement drug task forces in conjunction with available federal funding. Provides that 6% of the criminal fines surcharge be allocated to the Law Enforcement Drug Task Force. Creates the Statewide Law Enforcement Drug Task Force Grant Program within CCJJ and requires that the commission administer the program and establish procedures for application and awarding the task force grants. Requires grant recipients to report to the commission on the use of the grants. Requires that the commission report to the Legislature annually regarding the grant program. [FN: Passage of this bill would create a new GF Restricted Account to fund grants for law enforcement task forces. The bill appropriates \$1,000,000 from the Gen. Fund in FY07. No additional fiscal impact is expected for state agencies.] | | | | | | | |
| HB0153 | County Jail Work Release Process Amendments (<i>Scott Wyatt</i> Party: R) | CCJJ SUP | USC SUP | USAAV SUP | LELC SUP | UCV SUP | UBJJ --- |
| Clarifies that the court may order whether the inmate is allowed to be released for work or education. Specifies that the custodial authority of the jail determines the terms and conditions of an inmate's release. Provides the procedure for an inmate to appeal the denial of release time by the custodial authority if the denial does not comply with the facility's policy in determining release for the inmate. [FN: No fiscal impact. Local jails may experience some reduction in administration costs.] | | | | | | | |
| HB0158S01 | Sex Offender Amendments (<i>Brad Dee</i> Party: R) | CCJJ SUP | USC SUP | USAAV SUP | LELC SUP | UCV SUP | UBJJ --- |

[GOV. SIGN] [S. Killpack] Provides that a driver license or ID card expires on the birth date of the applicant in the first year following the date that the driver license or ID card was issued if the person is required to register as a sex offender. Provides that an applicant for a driver licence or ID card shall indicate on

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

the application whether the applicant is required to register as a sex offender. Provides that if a person is currently required to register as a sex offender and the person has applied for and received a driver license or ID card: the person's driver license or ID card expires on the person's next birth date beginning 7/1/06; the person shall surrender the driver license or ID card on or before the next birth date beginning on 7/1/06; and the person may apply for a driver license or ID card with a one-year expiration date. Provides that if a person is convicted of a registerable sex offense after the person has applied for a driver license or ID card the person shall surrender the driver license or ID card on the next birth date following conviction; and may apply for a driver license with a one-year expiration date. Requires Driver License Division to keep on its computerized records the applicant's indication whether they are required to register as a sex offender. Provides for a class A misdemeanor if a person knowingly fails to comply with the driver license or ID card indication or license surrender provisions for registered sex offenders. Prohibits DLD from granting an extension for a license certificate issued with a one-year expiration date to someone required to register as a sex offender. Provides that a sex offender convicted in any other state or by the US government shall register with DOC within THREE days after entering the state. Provides that a sex offender shall register with DOC within THREE days of every change of place of habitation OR VEHICLE OR EDUCATION INFORMATION. Requires an agency in the state that registers certain sex offenders to notify the offender of the duty to comply with the driver license or ID surrender and application provisions. Repeals a provision that prohibits members of the public from publicizing the sex offender registry information. PROHIBITS sex offenders from obtaining a reduction of the offender's conviction while registration requirements exist. REQUIRES any person who is required to register in another state or by the United States to register with the state if the person is in the state for more than three days. CHANGES the annual registration period during which certain sex offenders shall register. EXTENDS the registration requirements for certain offenses from ten years to lifetime. AMENDS the penalty for failing to register for certain sex offenders. EXTENDS notification requirements to offenders working in all educational institutions. REQUIRES the state to maintain the registry on the Internet and index it by surname and postal codes. [FN: It is estimated that provisions of this bill will increase revenues to the state by \$134,000 annually. DPS will require an ongoing appropriation from the Transportation Fund DPS Restricted Account of \$93,700 and one additional FTE beginning in FY07. DOC will require a Gen. Fund appropriation of \$55,100 in FY07 and ongoing funds of \$86,100 beginning in FY08 to implement provisions of this bill. County sheriffs may also be impacted by provisions of the bill. Ind/Bus: Sex offenders will have to renew their licenses annually and pay the \$20 fee.]

HB0159 Real Estate Related Regulation, Transactions, and Construction **CCJJ USC USAAVLELC UCV UBJJ**
 (Paul Ray Party: R) HOLD HOLD --- --- --- ---

This bill modifies the Utah Code to address real estate related regulation, transactions, and construction. Enacts the Residential Mortgage Financial Institutions Act. Directs the attorney general to employ a real estate fraud prosecutor and two investigators. Enacts the Real Estate Fraud Act creating the crime of real estate fraud; and provides a violation of the Act as a second degree felony. Includes real estate fraud as an illegal activity under the Pattern of Illegal Activity Act. [FN: Implementation of this bill by Commerce will require 2 investigators, 1 office technical II, and 2 auditors at a cost of \$477,500 from the Commerce Service Fund. Spending from the Commerce Service Fund could affect revenue available to the General Fund. Implementation by the attorney general will cost \$275,000 from the General Fund for 1.5 attorneys and 2 investigators.

HB0161 Sexual Offenses Against Children - Sentencing Amendments **CCJJ USC USAAV LELC UCV UBJJ**
 (Paul Ray Party: R) SUP SUP S/C SUP SUP ---

[GOV. SIGN] [Bell] Increases from three to five years the additional term added to a sentence for a sex offense for each prior felony sexual offense. Amends the criminal sentencing provisions to provide that when a defendant is convicted of the offenses of child kidnapping, rape of a child, object rape of a child, or sodomy on a child, the defendant shall be sentenced to the highest of the three optional minimum terms specified for these offenses if: the commission of the offense causes substantial bodily injury to the victim; or at the time of the commission of the offense against a child, the defendant has been previously convicted of any of the listed sexual offenses against children or adults. [FN: No fiscal impact until approximately FY2015.]

HB0164 Compensation for Wrongful Conviction and Incarceration **CCJJ USC USAAV LELC UCV UBJJ**
 (David Litvack Party: D) OPP OPP --- OPP N/P ---

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

Establishes conditions to be met in order to bring an action for wrongful conviction and incarceration, including proof of actual innocence by a pardon or reversal of the judgment of conviction. Provides for a financial award for each year or portion of a year that the claimant was incarcerated and compensation for related costs, including those resulting from lost wages, health care, and attorney fees. Requires that on and after May 1, 2006, the effective date of this bill, courts and the Board of Pardons and Parole provide copies of the statutory provisions created by this bill to persons whose pardon or reversal of conviction appear to meet the requirements for recovery under this act. Provides time limits for when a claim must be commenced. [FN: Passage of this bill would require adding two FTEs to the attorney general's office at \$183,400 in FY07 and \$178,200 for FY08. Individuals that prove their innocence would receive no less than \$40,000 per year of incarceration, attorney's fees, mental health treatment and physical health care as awarded by the Court. Ind/Bus: This bill could produce a positive fiscal impact for those that have been wrongfully convicted and incarcerated.]

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| HB0170 | Prosecution and Prevention of Child Pornography Offenses Amendment (<i>Ron Bigelow</i> Party: R) | CCJJ SUP | USC SUP | USAAV SUP | LELC SUP | UCV SUP | UBJJ SUP |
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[Hillyard] This bill adds duties to the State Commission on Criminal and Juvenile Justice to allocate and administer certain grants for approved treatment programs for sexually exploited children and their offenders. Creates an Internet Crimes Against Children unit within the Office of the Attorney General. Appropriates monies to the attorney general for the following items related to Title 76, Chapter 5a, Sexual Exploitation of Children: two new prosecutors and required equipment; grants, for state and local law enforcement and prosecution agencies; funding for the Children's Justice Center Medical Assessment Program; and certain other legal expenses. Appropriates monies to the State Commission on Criminal and Juvenile Justice for grants for treatment programs for sexually exploited children and their offenders. [FN: The bill appropriates ongoing Gen. Funds of \$1,050,000 to the attorney general and \$1,050,000 to CCJJ beginning FY07. The bill also appropriates one-time Gen. Funds of \$400,000 to the attorney general for FY07.]

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| HB0170S02 | Prosecution and Prevention of Child Pornography Offenses Amendment (<i>Ron Bigelow</i> Party: R) | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
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[GOV. SIGN]

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| HB0174S01 | Guardian Ad Litem Amendments (<i>LaVar Christensen</i> Party: R) | CCJJ OPP | USC --- | USAAV OPP | LELC --- | UCV OPP | UBJJ OPP |
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Transfers oversight of the Office of Guardian Ad Litem Director, and rulemaking authority to guardians ad litem, from the Judicial Council to CCJJ. Amends the JUVENILE Court Act of 1996 by narrowing and modifying the authority of a court to appoint a guardian ad litem. Modifies the qualifications and duties of the guardian ad litem director. Requires CCJJ to annually conduct a performance evaluation of the guardian ad litem director and establish procedures to receive and resolve complaints. Provides that a court may only appoint an attorney guardian ad litem in cases involving an abused child, a neglected child, or a dependent child that results in a judicial proceeding; or in any other case for which the appointment of an attorney guardian ad litem is expressly authorized by law. Modifies the duties of guardians ad litem and the Office of Guardian Ad Litem Director. Requires that during the 2007 interim the the Health and Human Services Interim Committee shall consider a report from the guardian ad litem director regarding changes and improvements made in response to the February 2005 performance audit and recommendations for other legislative changes relating to guardians ad litem; and conduct a study to determine whether the Office of Guardian Ad Litem Director should be reauthorized or replaced with a system consisting solely of private guardians ad litem. Requires the Health and Human Services Interim Committee to, during the 2006 interim, review the duties of guardians ad litem and determine whether the duties should be modified. Removes obsolete language relating to a pilot program and to public access to hearings and records for abuse, neglect, and dependency cases. Describes circumstances under which fees and costs, incurred by the Office of Guardian Ad Litem Director in a criminal case, may be recovered from a defendant convicted of a crime that includes child abuse, child sexual abuse, or neglect of a child from whom the Office of Guardian Ad Litem Director is appointed. [FN: Passage will require additional ongoing funding of \$200,000, \$120,000, \$42,800, and \$205,900 for the Courts, Attorney General, DHS, and CCJJ, respectively. Approximately 6 new FTEs will be needed to handle added responsibilities.]

| Bill Number | Title/Sponsor/Summary | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
|--|--|--|------|-----|-------|------|-----|------|
| HB0186 | Suicide Prevention Plan (<i>David Hogue</i> Party: R) | | --- | --- | SUP | --- | --- | SUP |
| Requires the Div. of Substance Abuse and Mental Health to develop a suicide prevention plan prior to 11/1/06. Requires the division to develop the plan with input of specified groups. Requires the division to submit the plan to HHS Interim Comm. [FN: No fiscal impact.] | | | | | | | | |
| HB0187 | Criminal Law Amendments (<i>John Dougall</i> Party: R) | | SUP | SUP | SUP | SUP | SUP | SUP |
| In response to a current lawsuit this bill: repeals the section establishing an adult content registry; repeals the section requiring that an Internet service provider must provide to consumers the service of blocking material on the adult content registry; provides a definition of "negligent" regarding material harmful to minors; removes two references to the adult content registry regarding Internet service providers; changes the standard applicable to conduct of content providers and Internet service providers regarding material harmful to minors from negligently or recklessly to a standard of the exercise of reasonable care; and amends the provisions regarding charging the consumer for software that blocks material harmful to minors. [FN: Provisions of this bill will lead to ongoing cost savings within the budgets of the attorney general (\$70,000) and DOC (\$50,000).] | | | | | | | | |
| HB0195 | Criminal Procedure Amendment (<i>Scott Wyatt</i> Party: R) | | SUP | SUP | --- | SUP | SUP | --- |
| [GOV. SIGN] [D. Thomas] Allows the prosecution to appeal from a court's pretrial order dismissing a misdemeanor charge on specified grounds, so that the appeal authority is the same as is currently provided regarding felonies. [FN: No fiscal impact.] | | | | | | | | |
| HB0208 | Aggravated Murder Amendment (<i>Scott Wyatt</i> Party: R) | | SUP | SUP | SUP | SUP | SUP | SUP |
| [GOV. SIGN] [G. Bell] [AMENDED] Clarifies that a murder becomes the offense of aggravated murder if committed incident to an act, scheme, conduct, or criminal episode during which the defendant also committed or attempted to commit another specified crime, such as robbery, arson, or a sexual offense. [FN: no fiscal impact.] | | | | | | | | |
| HB0212 | DNA Database Amendments (<i>J. Adams</i> Party: R) | | SUP | SUP | SUP | PRI | SUP | SUP |
| [GOV. SIGN] [P. Knudson] [AMENDED] Requires that all persons convicted of a class A misdemeanor provide a DNA specimen, rather than only those persons convicted of class A misdemeanor attempted burglary or sexual abuse of a minor. Increases from \$75 to \$100 the fee charged to an offender for the collection and processing of felony and class A misdemeanor offenders' saliva DNA specimens. Changes the portion of the fee allocated to county sheriffs from \$15 to \$20 of the total fee amount to reflect the fee increase. [FN: State - It is estimated that annual ongoing revenues to the state will increase by \$399,800 beginning FY07. The proceeds will be deposited in the DNA Specimen Restricted Account according to statute. Beginning FY07, the AOC will require \$32,800 in ongoing funds and DPS will require \$263,000 in ongoing funds from the DNA Specimen Restricted Account. Ind/Bus - All persons convicted of a class A misdemeanor will be required to provide a DNA specimen and pay the \$85 fee.] | | | | | | | | |
| HB0219S01 | Child Protection - Clandestine Laboratory Operation | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |

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|--------------------|------------------------------|------------|-----|-----|-----|-----|-----|-----|------------------|
| Bill Number | Title/Sponsor/Summary | | | | | | | | Positions |
| | (<i>Eric Hutchings</i> | Party: R) | --- | --- | SUP | --- | SUP | SUP | |

[GOV. SIGN] [E. Mayne] Provides that the definition of a neglected child includes a minor whose parent permits the minor to be present at the location of a clandestine laboratory operation. Provides that there is a presumption that reunification services should not be provided to a parent if the court finds, by clear and convincing evidence, that the parent knowingly permitted the parent's child to be present at a clandestine laboratory operation. [FN: No fiscal impact.]

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|------------------|--|------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0220S01 | Child Protection - Gang Association | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Eric Hutchings</i> | Party: R) | SUP | --- | HOLD | --- | SUP | S/C |

[E. Mayne] Provides that the definition of a neglected child includes a minor whose parent: permits the parent's child to associate with a gang while the gang, or any member of the gang, is engaged in criminal conduct in the presence of the minor, or associates with a gang in the presence of the parent's child while the gang, or any member of the gang, is engaged in criminal conduct in the presence of the child; and knew or should have known that the conduct described above was occurring. Provides that there is a presumption that reunification services should not be provided to a parent if the court finds, by clear and convincing evidence, that the parent permits the parent's child to associate with a gang while the gang, or any member of the gang, is engaged in criminal conduct in the presence of the minor; or knowingly associates with a gang in the presence of the parent's child while the gang, or any member of the gang, is engaged in criminal conduct in the presence of the child. [FN: No fiscal impact.]

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|---------------|--------------------------------|------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0223 | Trespass Law Amendments | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Kerry Gibson</i> | Party: R) | SUP | SUP | --- | SUP | SUP | SUP |

[GOV. SIGN] [Peterson] Includes as the offense of criminal trespass the act of entering property with the intent to commit a theft or felony. Increases the penalties for each of two specified types of criminal trespass to one higher level of misdemeanor. [FN: no state fiscal impact. May have a positive fiscal impact on businesses.]

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|---------------|-----------------------------|------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0234 | Seat Belt Amendments | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Joseph Murray</i> | Party: R) | SUP | --- | --- | SUP | --- | SUP |

[D. Eastman] [AMENDED] Provides that a person 19 years of age or older may be cited for a safety belt violation as a secondary action if the vehicle has been detained for another offense. [FN: Provisions of this bill can be implemented with existing resources.]

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|---------------|---------------------------------|------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0239 | Child Welfare Amendments | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Aaron Tilton</i> | Party: R) | OPP | OPP | OPP | --- | OPP | OPP |

Describes the rights of a parent in relation to the parent's child. Limits the circumstances under which the division may intervene or remove a child from the child's home. Provides that a child residing in the same household as an abused child or a neglected child may not be removed from the household as a sibling at risk, unless there is a substantial risk that the child will also be abused or neglected. Requires a petitioner to establish the facts in support of a petition to terminate parental rights beyond a reasonable doubt.

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|---------------|--|------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0243 | Controlled Substance Possession Amendment | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Ann Hardy</i> | Party: R) | HOLD | HOLD | HOLD | HOLD | --- | HOLD |

[D. Thomas] Amends the penalty from a class B misdemeanor to a third degree felony for unlawful possession of a Schedule III controlled substance,

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

including possession without a valid prescription.

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|---------------|--|-------------|------------|--------------|-------------|------------|-------------|
| HB0244 | Aggravated Assault by Prisoners Amendment | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Scott Wyatt</i> Party: R) | SUP | SUP | SUP | SUP | SUP | --- |

[GOV. SIGN] [D. Peterson] Amends the offense of aggravated assault by a prisoner so that it is not limited to prisoners in the custody of the Dept. of Corrections. Removes an exemption for prisoners convicted of first degree and capital felonies. [FN: HB244 has no immediate fiscal impact. However, as new amendments are added to the criminal code, future fiscal impacts could be realized by the Court System and DOC.]

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|------------------|---------------------------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0247S01 | Plea in Abeyance Fee | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>M. Lawrence</i> Party: R) | SUP | --- | --- | --- | --- | --- |

[GOV. SIGN] [L Hillyard] [AMENDED] Requires that fines for pleas in abeyance adhere to the Uniform Bail Schedule; and allows courts to charge an administrative fee for pleas in abeyance of not more than \$25. [FN: No fiscal impact.]

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|---------------|---|-------------|------------|--------------|-------------|------------|-------------|
| HB0248 | Executive and Legislative Coordination Act | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>David Hogue</i> Party: R) | OPP | OPP | OPP | OPP | --- | OPP |

[D.C. Buttars] [AMENDED] Requires a state agency to notify each legislator of any agency-related event that directly impacts the citizens within the legislator's district or that takes place within the legislator's district. STATE AGENCY shall directly notify each legislator of any agency-related event that involves a substantial group of individuals within the community as a whole. [FN: Provisions of this bill would cost state agencies, but it is unknown what the cumulative or individual impact would be. Costs would depend on the tracking system used and the number of qualifying events in each agency.]

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|---------------|---------------------------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0249 | Juvenile Court Judge | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>David Hogue</i> Party: R) | SUP | --- | --- | --- | --- | SUP |

[B. Evans] Increases the number of juvenile court judges in the third judicial district to ten. [FN: This bill will require an ongoing appropriation of \$257,500 from the Gen. Fund.]

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|---------------|------------------------------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0253 | School Truancy Amendments | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Eric Hutchings</i> Party: R) | S/C | S/C | S/C | --- | --- | SUP |

[C. Walker] [AMENDED] DIRECTS a local school board or school district to strongly consider preapproving an extended absence of a school-age minor if it is determined that the school-age minor is exhibiting academic excellence and that the extended absence will not adversely impact the school-age minor's education. Describes compulsory education requirements relating to school-age minors. Provides for the service of a notice of compulsory education violation on a parent or guardian of a school-age child who is less than 14 years old if the child has been absent without a valid excuse at least five times during the school year. Makes it a class B misdemeanor for a parent or guardian to intentionally or recklessly: (1) fail to enroll the parent's school-age minor in school, unless the school-age minor is exempt from enrollment; or (2) after being served with a notice of compulsory education violation, fail to meet and discuss a child's school attendance problems with school authorities or fail to prevent a child from being truant five or more times during the remainder of the school year. Provides for juvenile court jurisdiction of habitual truant proceedings and compulsory education violations. Establishes school attendance requirements for a school-age minor. Provides for the issuance of a notice of truancy to a school-age minor who is at least 12 years old and has been truant at least five times during the school year. Establishes a procedure for resolving the truancy problems of a school-age minor who is at least 12 years old. Modifies and describes requirements for proceedings on, and the issuance of, citations and notices relating to truancy. Removes provisions permitting the

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

issuance of a truancy citation, except for a habitual truant citation. Provides that a notice of truancy or a habitual truant citation may only be issued by a school administrator or truancy specialist authorized by a local school board, or by the school administrator's designee. Modifies the duties of a local school board or school district for attempting to resolve a minor's school attendance problems. Clarifies civil liability limitations relating to compulsory education and truancy. Changes the term "truancy officer" to "truancy specialist." [FN: No fiscal impact.]

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|----------------------|--|-------------|------------|--------------|-------------|------------|-------------|
| HB0254S01 | Child Care Licensing Restrictions | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| (<i>M. Lawrence</i> | Party: R) | SUP | N/P | --- | --- | --- | --- |

[GOV. SIGN] [M. Waddoups] Amends child care licensing restrictions. Amends the authority of the Dept. of Health and its executive director to create exemptions to those restrictions. Permits limited access to juvenile court records for certain background checks. [FN: The additional effort required by the provisions of this bill can be handled within existing budgets. Ind/Bus: Some individuals with a criminal record may have their child care employment opportunities limited, resulting in a fiscal impact to that individual.]

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|----------------------|--|-------------|------------|--------------|-------------|------------|-------------|
| HB0257S01 | Material Harmful to Minors Amendments | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| (<i>David Hogue</i> | Party: R) | S/C | --- | S/C | | S/C | S/C |

Amends the definition of material that is harmful to a minor to include inappropriate violence. Provides a definition of inappropriate violence. [FN: No fiscal impact.]

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|-----------------------|------------------------------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0262 | Respiratory Care Amendments | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| (<i>Bradley Last</i> | Party: R) | --- | N/P | --- | --- | --- | --- |

[GOV SIGN] [S. Killpack] Amends definitions. Clarifies exemptions for licensure under the chapter. Amends qualifications for licensure to reflect current entities that accredit respiratory care practitioners. Requires licensure under the chapter beginning January 1, 2007. Establishes that after January 1, 2007 it is unlawful conduct to practice as a respiratory care practitioner without a license under the chapter. Establishes penalties for unlawful conduct (any person who violates the unlawful conduct provision specifically defined in Subsection 58-1-501 (1)(a) is guilty of a third degree felony. Any person who violates any of the unlawful conduct provisions specifically defined in Subsections 58-1-501 (1)(b) through (f) and Subsection (1) of this section is guilty of a class A misdemeanor. [FN: No fiscal impact.]

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|----------------------|---|-------------|------------|--------------|-------------|------------|-------------|
| HB0274S01 | Removal of County or Prosecution District Officer Amendments | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| (<i>Scott Wyatt</i> | Party: R) | SUP | --- | --- | --- | --- | --- |

[GOV. SIGN] [D. Peterson] Provides that a county or prosecution district officer charged with a felony arising from official conduct is entitled to return to office if the charges are dismissed or the officer is acquitted, but shall be removed from office if the officer is convicted or enters a plea of nolo contendere and that a conviction or plea of nolo contendere is considered to be a determination that the officer has committed malfeasance in office. Provides that the removal process resulting from a conviction or nolo contendere plea does not replace another statutory removal process. Eliminates a provision calling for county legislative body supervision of a person employed to discharge temporarily the duties of an officer on administrative leave.

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|--------------------|--|-------------|------------|--------------|-------------|------------|-------------|
| HB0317 | Administrative Rule Criminal Penalty Amendments | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| (<i>David Ure</i> | Party: R) | HOLD | HOLD | HOLD | --- | --- | --- |

Repeals the authority in certain statutes to specify by administrative rule what conduct constitutes a misdemeanor or a felony in these areas: Agriculture, Community and Culture, Alcoholic Beverage Control, Mines and Mining, Motor Vehicle, Public Funds and Accounts, Public Safety, Revenue and Taxation,

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

State Lands, and the Utah Criminal Code. [FN: No fiscal impact.]

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|------------------|--|--------------------|-------------------|---------------------|--------------------|-------------------|--------------------|
| HB0321S01 | Organized Retail Theft Offenses (<i>Paul Ray</i> Party: R) | CCJJ SUP | USC SUP | USAAV SUP | LELC --- | UCV SUP | UBJJ SUP |
|------------------|--|--------------------|-------------------|---------------------|--------------------|-------------------|--------------------|

Includes the criminal offense of retail theft in the definition of a pattern of unlawful activity. Provides that persons found guilty of a pattern of unlawful activity may be ordered to pay restitution for property obtained through a pattern of unlawful activity. [FN: No fiscal impact.]

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|---------------|--|--------------------|-------------------|---------------------|--------------------|-------------------|--------------------|
| HB0348 | Election Code - Electronic Voting Procedures and Requirements (<i>Douglas Aagard</i> Party: R) | CCJJ SUP | USC N/P | USAAV --- | LELC --- | UCV --- | UBJJ SUP |
|---------------|--|--------------------|-------------------|---------------------|--------------------|-------------------|--------------------|

[GOV. SIGN] [P. Hellewell] This bill modifies the Election Code to update existing procedures and definitions and to comply with electronic voting equipment requirements. It is unlawful for any person to intentionally or knowingly damage, modify, steal, tamper with, or destroy a voting device, voting equipment, or an automated voting system. Any person who violates this section is guilty of a third degree felony. [FN: It is estimated that provisions of this bill can be implemented with existing resources.]

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|---------------|---|--------------------|-------------------|---------------------|--------------------|-------------------|--------------------|
| HB0355 | Off-highway Vehicle Amendments (<i>Brad Dee</i> Party: R) | CCJJ SUP | USC N/P | USAAV --- | LELC SUP | UCV --- | UBJJ SUP |
|---------------|---|--------------------|-------------------|---------------------|--------------------|-------------------|--------------------|

Defines 'direct supervision.' Requires that a person operating an off-highway vehicle with an appropriate safety certificate issued or approved by the Division of Parks and Recreation shall be under the direct supervision of a person who is at least 18 years of age. Changes the penalty for violating the off-highway vehicle supervision, safety certificate, or driver license operating requirement from an infraction to a class C misdemeanor. Requires an operator of an off-highway vehicle involved in an accident to give notice of the accident to the nearest law enforcement agency in certain circumstances. Provides a class B misdemeanor to not give required notice of an off-highway vehicle accident. Provides that an owner of an off-highway vehicle permitting a person younger than 18 to operate the off-highway vehicle, or a person who gives or furnishes an off-highway vehicle to a person younger than 18, is liable for any damages caused by the negligent operation of the off-highway vehicle. [FN: A slight increase in number of citations and issued fines is anticipated as a result of this bill. Revenue FY07 \$2,500; Revenue FY08 \$2,500.]

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|---------------|--|--------------------|-------------------|---------------------|-------------|-------------------|--------------------|
| HB0361 | Department of Natural Resources Amendments (<i>Richard Wheeler</i> Party: R) | CCJJ N/P | USC N/P | USAAV --- | LELC | UCV --- | UBJJ --- |
|---------------|--|--------------------|-------------------|---------------------|-------------|-------------------|--------------------|

[AMENDED] Clarifies a definition in the Wildlife Resources Code. Invalidates any wildlife permit or tag obtained by fraud. Amends the penalties for license or permit suspensions. Authorizes the Division of Forestry, Fire, and State Lands to purchase property. Extends the statute of limitations for wildland fire cost recovery. Shifts the presumption relating to the operation of off-highway vehicles on public lands. Directs state agencies and political subdivisions to pursue opportunities to open areas for responsible off-highway vehicle use. Allows the state engineer to send notice by regular mail. [FN: No fiscal impact.]

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|---------------|--|---------------------|--------------------|---------------------|--------------------|-------------------|--------------------|
| HB0362 | Enforcement of Controlled Substance Laws (<i>David Hogue</i> Party: R) | CCJJ HOLD | USC HOLD | USAAV S/C | LELC --- | UCV S/C | UBJJ S/C |
|---------------|--|---------------------|--------------------|---------------------|--------------------|-------------------|--------------------|

Regulates the sale of products containing ephedrine and pseudoephedrine. Requires a retail distributor to request that purchasers provide photo identification; keep a written or electronic list of transactions documenting (1) name of purchaser; (2) date of transaction; and (3) name and amount of product purchased; requires transactions of products containing ephedrine and pseudoephedrine; display or store the product in a locked case or in an area

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

not accessible to customers. Restricts the purchaser to no more than 3.6 grams of product per day; and a total of no more than 9 grams of product in any 30-day period. Makes exceptions for prescription medications; and products formulated to effectively prevent the conversion of the active ingredient into methamphetamine, including liquid, gel caps, and pediatric forms of ephedrine or pseudoephedrine. Provides a class B misdemeanor penalty for violations. [FN: Provisions of this bill will increase state revenues by \$1,600,000 in FY07 and \$880,000 in FY09 and every two years thereafter in renewal fees. DOPL will require an appropriation of \$465,800 from the Commerce Service Fund in FY07 and \$296,300 beginning in FY08 and each fiscal year thereafter. The division will require 4 additional FTEs to implement provisions of the bill. Ind/Bus: Retail distributors in the state will be required to become licensed at a cost of \$210 for distributor licenses and \$110 for purchaser licenses. Distributors and purchasers will also be required to maintain and report transactions records to the division and make store space modifications to adhere to provisions of the bill.]

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|---------------|---|--------------------|-------------------|---------------------|--------------------|-------------------|--------------------|
| HB0379 | Amendments to Sexually Explicit Business and Escort Service Fund (<i>Tim Cosgrove</i> Party: D) | CCJJ SUP | USC --- | USAAV SUP | LELC --- | UCV SUP | UBJJ SUP |
|---------------|---|--------------------|-------------------|---------------------|--------------------|-------------------|--------------------|

[AMENDED]Provides that monies in the Fund are used to implement treatment programs for juveniles who have been convicted of a sexual offense will be administered by JJS instead of DOC. Reduces, from 60% to 50%, the percentage of the monies from the Sexually Explicit Business and Escort Service Fund that are used by DOC to provide treatment services to nonworking or indigent adults who have been convicted of a sexual offense and are not incarcerated in a jail or prison. Provides that 10% of the monies from the Sexually Explicit Business and Escort Service Fund shall be used by CCJJ to develop, implement, and maintain a statewide strategy to address sexual violence issues in the state. [FN: Passage of this bill should have no net revenue impact. It would however, shift \$6,000 in funding from DOC to CCJJ.]

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|---------------|--|--------------------|-------------------|---------------------|--------------------|-------------------|--------------------|
| HB0388 | Traumatic Brain Injury Fund (<i>James Gowans</i> Party: D) | CCJJ OPP | USC OPP | USAAV OPP | LELC --- | UCV OPP | UBJJ OPP |
|---------------|--|--------------------|-------------------|---------------------|--------------------|-------------------|--------------------|

Creates the Traumatic Brain Injury Fund within the Dept. of Human Services. Creates a Traumatic Brain Injury Fund by increasing the surcharge paid on all criminal fines, penalties, and forfeitures imposed by the courts from 85% to 90%. Directs the state treasurer to deposit 5% of the surcharge into the Traumatic brain Injury Fund. Specifies duties and responsibilities for the Traumatic Brain Injury Board. [FN: Provisions of this bill would result in a reallocation of \$950,000 from the Gen. Fund to the new Traumatic Brain Injury Fund. The Courts will need to reprogram their database to account for the collections change. Bus/Ind: Passage of this legislation will assist individuals and their families with traumatic brain injuries.]

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|---------------|--|---------------------|--------------------|----------------------|--------------------|-------------------|---------------------|
| HB0391 | Drug Abuse Amendments (<i>Carol Moss</i> Party: D) | CCJJ HOLD | USC HOLD | USAAV HOLD | LELC OPP | UCV S/C | UBJJ HOLD |
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Provides that if a person is in the presence of an individual who reasonably appears to be at risk of death or serious bodily injury due to ingestion of a controlled substance, gas, or inhalant, it is a criminal offense to fail to seek or provide treatment to mitigate or attempt to mitigate the apparent effects. Provides that the failure to act is a class B misdemeanor. [No fiscal impact.]

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|---------------|--|--------------------|-------------------|---------------------|-------------|-------------------|--------------------|
| HB0402 | Sentencing Amendments (<i>Stephen Urquhart</i> Party: R) | CCJJ OPP | USC OPP | USAAV OPP | LELC | UCV --- | UBJJ --- |
|---------------|--|--------------------|-------------------|---------------------|-------------|-------------------|--------------------|

Provides that county jails shall accept felony probationers only if space has been allocated by a contract with DOC. Provides that if the county does not have contracted room for felony probationers, DOC must negotiate with another county jail to accept the probationer. Provides that the court may place a defendant on probation with a local agency or private organization only if the court does not order jail time. Provides that the court may place a defendant on bench probation only if the offense is a misdemeanor. Provides that the court has continuing jurisdiction over all misdemeanor probationers.

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|--------------------|------------------------------|------------|-------------|------------|------------------|-------------|------------|-------------|
| Bill Number | Title/Sponsor/Summary | | | | Positions | | | |
| HB0403 | Bailbond Amendments | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Gregory Hughes</i> | Party: R) | OPP | OPP | OPP | OPP | --- | --- |

[Mansell] Amends the definition of "bail bond insurance." Allows a bail bond company to pay a bond forfeiture prior to judgement. Amends the process regarding posting proof of a surety bond. Provides that for purposes of the sureties on an undertaking, a plea in abeyance is considered to be the same as a guilty plea. Provides that the bail bond surety is not responsible regarding suspended or deferred sentencing. Amends the court procedure for notifying the surety when a defendant fails to post bail. Amends the procedures for forfeiting or reinstating a bond if a defendant misses a court date. Provides that the court may enter a judgement in the surety's name, and not in the name of an individual owner, pincipal, or employee of the surety. [FN: No fiscal impact.]

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|------------------|----------------------------|------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0403S02 | Bailbond Amendments | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Gregory Hughes</i> | Party: R) | | | | | | |

[GOV. SIGN]

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|---------------|--------------------------------------|------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0410 | Sex Offender Registration Fee | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Lorie Fowlke</i> | Party: R) | SUP | N/P | N/P | SUP | N/P | --- |

[GOV. SIGN] [Thomas]Requires that any sex offender required to register with DOC, and who is not currently under the jurisdiction of DOC, shall pay an annual fee of \$75. Directs that the department use the fees as a dedicated credit for the costs of maintaining the sex offender registry and apprehending sex offenders who do not comply with the registration laws. [FN: Passage of this bill would increase dedicated credit revenue by approximately \$112,500 per year. Funds collected would be used for programmatic costs as outlined by the bill. Ind/Bus: Sex offenders not currently under the jurisdiction of DOC would be required to pay an annual registration fee of \$75.]

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|---------------|---|------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0412 | Addressing Major Disruptions by Public School Students | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Eric Hutchings</i> | Party: R) | OPP | OPP | OPP | | --- | OPP |

Clarifies that school discipline and conduct plan provisions are applicable to school districts and charter schools. Authorizes a school district or charter school to issue notices of disruptive student behavior to certain school-age minors; and issue a habitual disruptive student behavior citation to certain school-age minors.

| | | | | | | | | |
|---------------|--|------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0414 | Petition for Involuntary Medication of Incompetent Person | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Scott Wyatt</i> | Party: R) | SUP | SUP | SUP | SUP | SUP | SUP |

[GOV. SIGN] [Bell] This bill modifies the Code of Criminal Procedure to establish the procedure for judicial determination of when an incompetent defendant should be medicated involuntarily. Requires the Department of Human Services advise the court, prosecutor, and defense counsel if the defendant, who has been found incompetent and has been committed to the department for treatment, is not responding to treatment without involuntary medication. Establishes criteria the Department of Human Services is to address in evaluating the defendant. Requires that upon receipt of notice from the Department of Health, the court shall schedule a hearing regarding if the defendant should be ordered to be involuntarily medicated and provides criteria the court shall consider. Provides a standard of clear and convincing evidence for the judicial determination. Limits application of this bill to when the sole purpose for considering involuntary medication is to render the defendant competent to proceed with the criminal trial. [FN: No fiscal impact.]

| | | | | | | | | |
|---------------|---|--|-------------|------------|--------------|-------------|------------|-------------|
| HB0421 | Tampering with Evidence - Amendments | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
|---------------|---|--|-------------|------------|--------------|-------------|------------|-------------|

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|--------------------|------------------------------|------------|-----|-----|------------------|-----|-----|-----|
| Bill Number | Title/Sponsor/Summary | | | | Positions | | | |
| | (<i>Peggy Wallace</i> | Party: R) | SUP | N/P | --- | --- | --- | --- |

Amends the offense of tampering with evidence to define "thing or item" and "official proceeding," and clarify acts that are included in the offense of tampering with evidence. [FN: No fiscal impact.]

| | | | | | | | | |
|---------------|--|------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0429 | Methamphetamine - Restriction on Components | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Michael Morley</i> | Party: R) | S/C | S/C | S/C | SUP | S/C | S/C |

Regulates the sale of products containing ephedrine and pseudoephedrine. Requires a retail distributor to request that purchases provide photo identification; and keep a written or electronic list of transactions for one year documenting the name of purchaser, date of transaction, and name and amount of product purchased. Requires a retail distributor to display or store the product in a locked case or in an area not accessible to customers. Restricts the purchaser to no more than 3.6 grams of product per transaction; and possession of a total of no more than 9 grams of product at any time. Makes exceptions for prescription medications and products formulated to effectively prevent the conversion of the active ingredient into methamphetamine, including liquid, liquid-filled capsules, and pediatric forms of ephedrine or pseudoephedrine. Provides a sunset date for Section 58-37c-20.5 on June 30, 2010. Provides a class B misdemeanor penalty for violations. [FN: Provisions of this bill can be implemented with existing resources. Ind/Bus: Retail distributors will be required to record and maintain transaction records and make store space modifications to adhere to provisions of the bill.]

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|---------------|---|------------|-------------|------------|--------------|-------------|------------|-------------|
| HB0453 | Gifts, Grants, and Donations to Office of the Attorney General | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Michael Noel</i> | Party: R) | SUP | N/P | --- | --- | --- | SUP |

Creates the Attorney General Donations Account as a restricted account in the Gen. Fund. Provides that gifts, grants, devises, donations, and bequests of real or personal property or services received by the office of the Attorney General are deposited into the account. [No fiscal impact.]

| | | | | | | | | |
|---------------|--|------------|-------------|------------|--------------|-------------|------------|-------------|
| HCR003 | Resolution Regarding the Harmful Effects of Tobacco, Alcohol, and | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Neil Hansen</i> | Party: D) | --- | --- | SUP | --- | SUP | SUP |

[GOV. SIGN] [M. Waddoups] [AMENDED] Strongly urges educators in Utah's public education system to utilize Prevention Dimensions, the state's Safe and Drug Free School curriculum, to educate students regarding substance abuse. Strongly urges the citizens of Utah to increase their awareness of the destructive effects of tobacco, alcohol, and illicit drugs on Utah's youth. Recognizes local youth councils and other youth groups for helping to keep their peers from getting caught in the trap of tobacco, alcohol, and illicit drug use, and helping those caught in the grip of these harmful substances. [FN: Mailing requirements of this resolution can be handled within existing budgets.]

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|---------------|------------------------------------|------------|-------------|------------|--------------|-------------|------------|-------------|
| SB0007 | Child Protection Amendments | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Gregory Bell</i> | Party: R) | SUP | --- | SUP | --- | S/C | SUP |

[GOV. SIGN] [L. Fowlke] Describes the circumstances and procedures under which a child may be taken into protective custody. Describes the circumstances under which a warrant to take a child into protective custody may be issued without first giving the child's parent or guardian notice and an opportunity to be heard. Provides an expedited shelter hearing process to determine whether a child should be taken into protective custody. Describes the notice requirements relating to an expedited shelter hearing. Defines the term "petition." Consolidates existing code provisions relating to the expedited filing of a petition and expedited pretrial and adjudication hearings. Provides notice requirements for shelter hearings. [FN: No state impact. Individuals may incur legal costs if child is taken into protective custody. No business impact.]

| | | | | | | | | |
|---------------|---|--|-------------|------------|--------------|-------------|------------|-------------|
| SB0018 | Driving Under the Influence Amendments | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
|---------------|---|--|-------------|------------|--------------|-------------|------------|-------------|

| Bill Number | Title/Sponsor/Summary | Positions | | | | | |
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|--|------------------------------------|-----|-----|-----|-----|-----|-----|
| | (<i>Carlene Walker</i> Party: R) | SUP | SUP | PRI | PRI | SUP | SUP |
|--|------------------------------------|-----|-----|-----|-----|-----|-----|

[GOV. SIGN] [P. Ray] Prohibits an interlock restricted driver from operating or being in actual physical control of a vehicle without an ignition interlock system. Provides penalties for operation without an ignition interlock system. Provides an affirmative defense for an ignition interlock system violation. Repeals the requirement that a person's driver license be coded if the person is required to use an ignition interlock system. Requires a peace officer to warn a person that has been placed under arrest for refusing to submit to a chemical test for alcohol or drugs that a refusal may result in a three-year prohibition of driving without an ignition interlock device. Provides that a peace officer shall impound a vehicle if the peace officer cites a person for an ignition interlock system violation. Extends the repeal of restrictions on pleas to driving under the influence violations from June 30, 2006 to June 30, 2008. repeals the provision that prohibits a plea in abeyance to a driving under the influence violation beginning on July 1, 2006. Prohibits a plea in abeyance to a driving under the influence violation beginning on July 1, 2008. amends restrictions on pleas to driving under the influence violations. [FN: It is estimated that provisions of this bill can be implemented with existing resources. No business fiscal impact for those who comply with state DUI laws.]

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|---------------|---|-------------|------------|--------------|-------------|------------|-------------|
| SB0019 | Amendments to Indoor Clean Air Act | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Michael Waddoups</i> Party: R) | --- | --- | PRI | --- | --- | SUP |

[B. Last] Expands the definition of "public place of access" in which smoking is prohibited to include taverns, private clubs, buildings owned or operated by social, fraternal, or religious organizations when used solely by the organization members or their guests or families, any facility rented or leased for private functions, and certain workplaces. Removes the exceptions from the Indoor Clean Air Act for taverns, private clubs, buildings owned or operated by social or fraternal organizations, and certain workplaces without public access. Repeals the "grandfathering provisions" for private clubs and public places that are adjoined. Repeals the provision that permits smoking in certain nonpublic workplaces. [FN: An ongoing Gen. Fund appropriation of \$20,000 to the Dept. of Health will be used to implement the provisions of this bill. Ind/Bus - The provisions of this bill could impact some private businesses and owners of facilities used for public purposes. The fiscal impact could not be determined.]

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|------------------|---|-------------|------------|--------------|-------------|------------|-------------|
| SB0019S02 | Amendments to Indoor Clean Air Act | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Michael Waddoups</i> Party: R) | | | | | | |

[GOV. SIGN]

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|------------------|---------------------------------|-------------|------------|--------------|-------------|------------|-------------|
| SB0024S01 | Weapons Amendments | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Mark Madsen</i> Party: R) | OPP | N/P | OPP | OPP | OPP | --- |

Creates an exception to penalty provisions related to the carrying of a concealed dangerous weapon, which is not a firearm, to include carrying a concealed dangerous weapon in or on a vehicle lawfully under a person's control. AMENDS the definition of "securely encased." Removes the prohibition from carrying a loaded firearm in or on a vehicle, conditioned on the vehicle being lawfully under the person's control. Provides that a person may have a loaded firearm at the person's residence, on the person's property, in or on a vehicle legally under the person's control, and at a business under the person's control. [FN: No fiscal impact on law-abiding citizens.]

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|------------------|--|-------------|------------|--------------|-------------|------------|-------------|
| SB0047S01 | Restoration of Voting Rights Amendments | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Brent Goodfellow</i> Party: D) | SUP | N/P | --- | --- | OPP | --- |

[GOV. SIGN] [N. Hendrickson] Provides that the restoration of a convicted felon's right to vote applies to felony convictions in any court of the United States. Provides for the restoration of a convicted felon's right to hold office under certain circumstances. (See SB181)

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|--------------------|--------------------------------|------------|-------------|------------|------------------|-------------|------------|-------------|
| Bill Number | Title/Sponsor/Summary | | | | Positions | | | |
| SB0050S01 | Jail Funding Amendments | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>David Thomas</i> | Party: R) | SUP | --- | --- | PRI | --- | --- |

[GOV. SIGN] [D. Hogue] Amends the definition of "core inmate incarceration costs" regarding state reimbursement of counties for housing prison inmates by including capital infrastructure depreciation.

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|---------------|---|------------|-------------|------------|--------------|-------------|------------|-------------|
| SB0051 | Driving with a Controlled Substance in the Body - Amendments | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Carlene Walker</i> | Party: R) | SUP | SUP | PRI | SUP | SUP | SUP |

[GOV. SIGN] [P. Ray] Changes the penalty for causing a serious injury while operating a vehicle and also having marijuana or derivative equivalent substances in the body from the current class A misdemeanor to a third degree felony. Revises language regarding the imposition of a second degree felony if the operator has a Schedule I or Schedule II substance, other than marijuana, in the body, but does not change these penalties. [FN: State - It is estimated that provisions of this bill can be implemented with existing resources. Ind/Bus - Offenders face increased severity of penalties (financial and otherwise) for abusing controlled substances as provided in the bill.]

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|---------------|--------------------------------|------------|-------------|------------|--------------|-------------|------------|-------------|
| SB0052 | Antiphishing Provisions | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Patrice Arent</i> | Party: D) | SUP | SUP | SUP | SUP | SUP | SUP |

[GOV. SIGN] [S. Wyatt] Provides that when an act of communications fraud involves obtaining sensitive personal identifying information with the intent to defraud another, the offense is a second degree felony and the penalty is not based on the value involved. Sensitive personal identifying information includes SSN, driver's license number or other government issues ID number, financial account number or credit/debit card number, password or personal ID number or other identification required to gain access to a financial account or a secure website, automated or electronic signature, unique biometric data, or any information that can be used to gain access to an individual's financial accounts or to obtain goods or services. [FN: No state fiscal impact. May have a positive fiscal impact on individual and business victims of communications fraud.]

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|---------------|--|------------|-------------|------------|--------------|-------------|------------|-------------|
| SB0054 | Revenue Flow from Speeding Violations | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>John Hickman</i> | Party: R) | OPP | --- | --- | OPP | OPP | OPP |

[S. Urquhart] [AMENDED] Requires justice courts to pay 1/2 OF a fine or forfeiture collected for a violation of a speed limit on a highway that is part of the interstate system or on the Legacy Parkway OR on a state highway in certain counties, to the state treasurer IF THE CITATION WAS ISSUED BY A LAW ENFORCEMENT AGENCY EMPLOYED BY A COUNTY OR MUNICIPALITY. [FN: Passage of this bill will shift some speeding ticket revenues from cities, towns, and counties to the state. Fiscal impacts on cities and counties may exceed \$4,000,000. Any fiscal impacts for programming changes at the State level can be handled within existing budgets.]

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|------------------|------------------------|------------|-------------|------------|--------------|-------------|------------|-------------|
| SB0055S02 | Election Reform | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>L. Mansell</i> | Party: R) | --- | OPP | --- | --- | --- | --- |

[GOV. SIGN] [B. Dee] [AMENDED] Provides that each candidate for public office in the state be presented with a pledge of fair campaign practices. Provides that a candidate may voluntarily elect to sign and file the pledge. Provides that the pledge is a public document and shall be maintained by the filing officer for a defined period after the election ends. Requires political action committees and political issues committees to file a yearly statement of organization. Requires political action committees and political issues committees to designate and disclose the names of two officers having primary decision-making authority. Requires a political action committee or political issues committee to notify the lieutenant governor of a change in a primary officer. Provides a third degree felony for providing false information on a statement of organization for a political action committee or political issues committee or on a notice of

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

change of officer; or accepting a contribution from certain business entities that have failed to register with the lieutenant governor's office; and requires business entities that are created just before general election to file a statement of organization with the lieutenant governor's office before making political contributions. [FN: It is estimated that provisions of this bill can be implemented with existing resources.]

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|---------------|---|-------------|------------|--------------|-------------|------------|-------------|
| SB0058 | Alcoholic Beverage Amendments - Eliminating Alcohol Sales to Youth | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Peter Knudson</i> Party: R) | SUP | --- | PRI | SUP | SUP | SUP |

[P. Wallace] [AMENDED] Clarifies the statewide public purpose of appropriations from the Alcoholic Beverage Enforcement and Treatment Restricted Account (ABETRA). Modifies the distribution and use of monies appropriated from the ABETRA including funding certain enforcement, media, and education activities. Modifies provisions related to alcohol training and education seminars including: training for persons who sell or directly supervise the sale of beer for an off-premise beer retailer that sells beer for off-premise consumption; and penalties for certain individuals failing to complete an alcohol training and education seminar. Imposes requirements on off-premise beer retailers. Requires the creation of a tracking system for violations related to the sale of alcoholic beverages to a minor. Addresses penalties related to the sale of alcoholic beverages to a minor. Modifies the amounts deposited into and required to be appropriated from the ABETRA. Modifies the duties of certain state agencies. Modifies provisions related to the investigation of the sales of alcohol or tobacco to underaged individuals. [FN: Current law requires the state to appropriate \$4,350,000 from ABETRA for FY07 to the Tax Commission for distribution to local governments. Of that amount \$3,741,900 is already in the base budget, and Commerce and Revenue is scheduled to talk about a building block that would take the total to \$4,350,000. This bill duplicates that appropriation. It also appropriates \$543,750 to DPS, Highway Safety Office and appropriates \$1,631,250 to DABC for a media campaign. The fiscal note below does not include the amounts already in code on the assumption that they will be adjusted in the regular budget bills or in this bill. Ind/Bus: Violators of the bill may pay fines and be required to take a training course. Employer violators may also pay fines. Both may face license suspension.]

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|------------------|---|-------------|------------|--------------|-------------|------------|-------------|
| SB0058S01 | Alcoholic Beverage Amendments - Eliminating Alcohol Sales to Youth | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Peter Knudson</i> Party: R) | | | | | | |

[GOV. SIGN]

| | | | | | | | |
|---------------|---|-------------|------------|--------------|-------------|------------|-------------|
| SB0098 | Safety Belt Enforcement Amendments | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Karen Hale</i> Party: D) | SUP | --- | --- | SUP | --- | SUP |

[S. Allen] Repeals the provision that makes a safety 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 FY06 and \$14,400 each fiscal year thereafter. The Courts will require Gen. Fund appropriations of \$4,500 in FY06 and \$27,000 each fiscal year thereafter to deal with the increased caseload. Ind/Bus-The bill potentially increases the number of individuals impacted by seatbelt laws. Local governments will also experience an increase in revenues.]

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|---------------|--|-------------|------------|--------------|-------------|------------|-------------|
| SB0104 | Prescribing Practices for Schedule II Drugs | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Peter Knudson</i> Party: R) | OPP | --- | OPP | --- | --- | --- |

Changes the number of day's supply of a Schedule II drug that may be prescribed from a 30 day's supply to a 90 day's supply. Removes the provision from the law that permits a practitioner to issue at one time, up to three postdated prescriptions for a Schedule II drug. [FN: State-no fiscal impact. Ind/Bus-There could be some savings to individuals since they may not have to make as many doctor office visits to receive the same quantity of prescribed medication.]

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|---------------|---|-------------|------------|--------------|-------------|------------|-------------|
| SB0106 | Uniform Interstate Enforcement of Domestic Violence Protection Ord | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
|---------------|---|-------------|------------|--------------|-------------|------------|-------------|

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|--------------------|------------------------------|------------|-----|-----|------------------|-----|---------|
| Bill Number | Title/Sponsor/Summary | | | | Positions | | |
| | (<i>Lyle Hillyard</i> | Party: R) | SUP | SUP | SUP | --- | SUP SUP |

[GOV. SIGN] [L. Fowlke] Requires that protective orders, and child protective orders, contain a statement that the order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. Requires the district court to provide a certified copy of a foreign protection order that is filed in Utah to the person who files the order. Requires that a foreign protection order that is inaccurate or not in effect must be removed from the statewide domestic violence network. Describes the circumstances under which a foreign protection order is valid and enforceable in Utah. Requires a law enforcement officer to notify a respondent of, and make a reasonable effort to serve the respondent with, an otherwise valid foreign protection order when the respondent has not yet been notified of, or served with, the order. Provides that a government official or agency is immune from civil or criminal liability for good faith acts or omissions arising out of the registration or enforcement of a foreign protection order. Provides that the remedies available to a protected individual under the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act are not exclusive remedies. Provides for the uniform application, construction, and transitional applicability of the Interstate Enforcement of Domestic Violence Protection Orders Act. Provides a severability clause. Provides criminal penalties for violating a foreign protection order that is enforceable in Utah. Requires a law enforcement officer to arrest a person whom the officer has probable cause to believe has violated a foreign protection order that is enforceable in Utah. [FN: No fiscal impact.]

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|---------------|--|------------|-------------|------------|--------------|-------------|------------|-------------|
| SB0110 | Protection of Certain Voter Information | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Lyle Hillyard</i> | Party: R) | SUP | SUP | SUP | HOLD | --- | --- |

[S. Wyatt] (Enacting Clause Struck) Requires the state court administrator to notify the lieutenant governor and the county clerk of a justice's or judge's county of residence on the appointment of a judge and notify them that portions of the justice's or judge's voter registration record are private. Requires a justice or judge who changes a residential address or leaves office to notify the lieutenant governor and the county clerk of the justice's or judge's county of residence. Allows a justice or judge to file a declaration of candidacy for retention using the justice's or judge's business address, business telephone number, and county of residence in lieu of home address and home telephone number. Classifies as a private record that part of the justice's or judge's voter registration record that identifies the justice's or judge's date of birth, place of birth, current or former home address, home telephone number, mobile phone number, voting precinct, voter identification number, party affiliation, or voting history. Provides that a person who gains access to or obtains a copy of any private, controlled, or protected record to which the person is not legally entitled and who uses the record to harass or threaten the subject of the record is guilty of a class B misdemeanor. [FN: It is estimated that provisions of this bill can be implemented with existing resources.]

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|---------------|-------------------------------------|------------|-------------|------------|--------------|-------------|------------|-------------|
| SB0118 | Driving by Minors Amendments | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Karen Hale</i> | Party: D) | --- | N/P | SUP | SUP | --- | SUP |

[GOV. SIGN] [R. Menlove] [AMENDED] Repeals an affirmative defense to the prohibition against a person younger than 17 years of age from operating a motor vehicle on a highway between the hours of 12:00 am and 5:00 am. Repeals an affirmative defense to the prohibition against certain persons driving with a passenger in the vehicle who is not an immediate family member of the driver. PROVIDES a person younger than 17 may operate a motor vehicle between 12:AM and 5:AM directly to the driver's residence from a school-sponsored activity if transportation to the activity is provided by a school or a school district and the transportation commences and returns to the school property where the driver is enrolled. Prohibits a peace officer from seizing or impounding a vehicle in certain circumstances. [FN: It is estimated that provisions of this bill can be implemented with existing resources. Ind/Bus - No fiscal impact for those who comply with the state Motor Vehicles Code.]

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|------------------|-----------------------------------|------------|-------------|------------|--------------|-------------|------------|-------------|
| SB0122S01 | Repeal of Libel Provisions | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Scott McCoy</i> | Party: D) | SUP | SUP | --- | SUP | SUP | --- |

[R. Romero] Repeals the criminal libel statute, which was found unconstitutional by the Utah Supreme Court. Repeals the definition and presumptions relating to the criminal libel offense. Repeals the Criminal Code offense of criminal defamation. Repeals the Criminal Code offense of slander regarding female

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

chastity. AND repeals the offense of transmitting a false or libelous statement to publications or broadcast stations. [FN: No fiscal impact.]

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|---------------|---|-------------|------------|--------------|-------------|------------|-------------|
| SB0125 | Malik's Law - Homicide Amendment | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Fred Fife</i> Party: D) | OPP | OPP | --- | OPP | N/P | --- |

Designates the offense of homicide by assault as "Malik's Law" after Malik Smith, who died as a victim of an assault while visiting Utah in 1989. [FN: No fiscal impact.]

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|---------------|---------------------------------------|-------------|------------|--------------|-------------|------------|-------------|
| SB0149 | Providing for Indigent Defense | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Gregory Bell</i> Party: R) | SUP | SUP | --- | --- | --- | SUP |

[GOV. SIGN] [J. Fisher] Authorizes counties to create legal defender's offices. Permits county legal defender's offices to contract with other counties and municipalities within the same judicial district to provide legal counsel and defense resources for indigent criminal defendants. Requires the court to assign criminal indigent defendants to the county legal defender's office for legal services. [FN: No fiscal impact.]

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|------------------|----------------------------------|-------------|------------|--------------|-------------|------------|-------------|
| SB0150S01 | Restitution Amendments | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Gregory Bell</i> Party: R) | SUP | PRI | --- | SUP | PRI | SUP |

[GOV. SIGN] [S. Wyatt] Requires a petitioner to pay the full amount of restitution ordered by a court OR BY THE BOARD OF PARDONS for the criminal conviction for which the person is seeking an expungement. PROHIBITS a judgement for a conviction under subsection (2)(b) [conviction of lower degree of offense] to be entered if there remains any unpaid balance on court ordered restitution for that particular offense.

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|---------------|---------------------------------|-------------|------------|--------------|-------------|------------|-------------|
| SB0159 | District Court Judge | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Mark Madsen</i> Party: R) | SUP | SUP | --- | --- | --- | --- |

[GOV. SIGN] [L. Fowlke] Adds a new judge position to the Fourth District Court. [FN: Passage of this bill will require \$257,500 in ongoing General Fund.]

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|---------------|--|-------------|------------|--------------|-------------|------------|-------------|
| SB0167 | Juvenile Offenses - Diversion Amendment | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Patrice Arent</i> Party: D) | SUP | PRI | SUP | --- | N/P | SUP |

[GOV. SIGN] [L. Fowlke] Provides that in specified situations involving sexual activity between two persons younger than 16, the court may use the sentencing option of diversion. [FN: It is estimated that provisions of this bill can be implemented with existing resources.]

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|---------------|---|-------------|------------|--------------|-------------|------------|-------------|
| SB0173 | Licensure of Programs and Facilities - Criminal Background Check A | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| | (<i>Thomas Hatch</i> Party: R) | SUP | N/P | --- | --- | N/P | SUP |

[GOV. SIGN] [W. Harper] Modifies the requirements for a person undergoing a criminal background check by the Office of Licensing, within the Department of Human Services, to determine whether the person may have direct access to children or vulnerable adults. Provides that a person described in the preceding paragraph who continuously lived in Utah during the five years preceding the background check, except for time spent outside of the US and its territories, is not required to submit fingerprints for an FBI national criminal history record check. Provides that the office may require a person described in the preceding paragraph to submit documentation establishing whether the person was convicted of a crime during the time that the person spent outside the US and its territories. Grants rulemaking authority to the Office of Licensing. [FN: No fiscal impact.]

| Bill Number | Title/Sponsor/Summary | Positions | | | | | |
|---|--|--------------|-------------|---------------|-------------|------------|--------------|
| | | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| SB0175S02 | Correctional Facility Bidding Process (Howard Stephenson Party: R) | CCJJ OPP | USC OPP | USAAV --- | LELC OPP | UCV --- | UBJJ --- |
| <p>[D. Clark] Requires DOC to: (1) issue a RFP to private prison contractors, county jails, and other interested agencies and entities constructing new correctional facility beds; (2) evaluate proposals to determine which proposal provides the best value to the state based on capital costs, operating costs, and program opportunities for offenders; (3) report annually to the legislative Law Enforcement and Criminal Justice Interim Committee the summarized operating costs for each correctional facility housing inmates for the state; and (4) issue a RFP for a 300 bed facility that does not affect current construction and contracts, and requiring the department to report to the Legislature prior to the 2007 General Session regarding its progress about the facility. [FN: No fiscal impact.]</p> | | | | | | | |
| SB0181 | Restoration of Felon's Right to Hold Office (Parley Hellewell Party: R) | CCJJ S/C | USC S/C | USAAV --- | LELC OPP | UCV OPP | UBJJ --- |
| <p>(Enacting Clause Struck) Provides that the restoration of a convicted felon's right to vote applies to felony convictions in any court of the United States. Provides for restoration of a convicted felon's right to hold office under certain circumstances. [FN: It is estimated that provisions of this bill can be implemented with existing resources.]</p> | | | | | | | |
| SB0184 | Criminal Identity Fraud Amendments (Carlene Walker Party: R) | CCJJ SUP | USC SUP | USAAV --- | LELC SUP | UCV SUP | UBJJ SUP |
| <p>[GOV. SIGN] [D. Clark] Provides that if a person uses another party's identifying information with fraudulent intent and to obtain anything of value, it is not a defense that the person did not know that the identifying information belonged to another person. [FN: No fiscal impact.]</p> | | | | | | | |
| SB0185 | Drug Offender Reform Act Amendments (Sheldon Killpack Party: R) | CCJJ SUP | USC PRI | USAAV PRI | LELC | UCV SUP | UBJJ --- |
| <p>[GOV. SIGN] [Last] Amends the Drug Offender Reform Pilot Study to require screening and assessment for all felony offenders within the jurisdiction of the pilot project, rather than only those felony offenders convicted of a violation of the Controlled Substance Act. [FN: No fiscal impact.]</p> | | | | | | | |
| SB0188 | Private Investigator Regulation Act Amendments (Parley Hellewell Party: R) | CCJJ SUP | USC --- | USAAV --- | LELC --- | UCV --- | UBJJ --- |
| <p>Provides that a private investigator (PI) or private detective (PD) licensed and in good standing in the state of licensure may conduct business in this state for not more than 60 days without being licensed in Utah if: the PI or PD notifies the bureau chief of BCI; and is licensed in a state that provides reciprocity for PIs or PDs licensed in this state. Provides that these provisions of reciprocity do not authorize the PI or PD working in Utah to carry a firearm while in Utah. [FN: It is estimated that provisions of this bill can be implemented with existing resources.]</p> | | | | | | | |
| SB0206S02 | Child Protection Registry Amendments (Mike Dmitrich Party: D) | CCJJ HOLD | USC HOLD | USAAV HOLD | LELC | UCV --- | UBJJ HOLD |

Allows a mobile telephone number to be designated as a contact point. Allows a person to send a communication to a contact point on the Child Protection

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

Registry if the person receives written consent from an adult to receive communications covered by the registry. Allows registration of a contact point if used in a household in which a minor is present. Addresses fees charged for use of the registry. Exempts records from disclosure. Addresses awareness campaigns.

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| SB0216 | Children's Justice Center Funding | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| (<i>D. Buttars</i> | Party: R) | HOLD | HOLD | HOLD | | HOLD | HOLD |

Requires funding for Children's Justice Centers be allocated to each center based on a percentage of statewide caseload. Appropriates \$100,000 to the Office of the Attorney General for the operation of Children's Justice Centers. [FN: The bill appropriates \$100,000 one-time Gen. Fund for FY07 to the attorney general for the operation of Children's Justice Centers. Funding to individual Children's Justice Centers will be adjusted based on a percentage of statewide caseload.]

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| SB0254 | Campaign Finance and Reporting Amendments | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| (<i>Curtis Bramble</i> | Party: R) | --- | OPP | --- | | --- | --- |

Requires that campaign finance reports be made electronically. Modifies the Election Code to require state office candidates, candidates for legislative offices, current officeholders, political parties, and state and local school board candidates to file yearly summary reports. Requires the lieutenant governor to attempt to contact a candidate that fails to file certain reports before attempting to remove the candidate from the ballot. Requires political action committees and political issues committees to designate and disclose the names of two officers having primary decision-making authority and to provide notice of any change in a primary officer. Requires political action committees and political issues committees to file a yearly statement of organization. Changes the criminal penalty (class B) for failing to file campaign finance reports to an administrative penalty. Provides procedures for assessing and collecting the administrative penalty. Provides a criminal penalty for knowingly providing false information on a statement of organization for a political action committee or political issues committee or on a notice of change of primary officer (third degree felony).

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| SB0264 | DNA Exoneration Testing | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| (<i>D. Buttars</i> | Party: R) | SUP | --- | --- | SUP | --- | --- |

Provides CCJJ pay the costs of post-conviction DNA tests that the state laboratory is unable to perform; and shall include the costs of these tests in the commission's base budget. [FN: Passage of SB264 will require \$8,800 in ongoing Gen. Fund for CCJJ. Ind/Bus: May have a fiscal impact on individuals that are exonerated as a result of DNA testing.]

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| SCR001 | Resolution Encouraging School Boards to Adopt Policy Prohibiting B | CCJJ | USC | USAAV | LELC | UCV | UBJJ |
| (<i>Patrice Arent</i> | Party: D) | SUP | SUP | SUP | --- | SUP | SUP |

[GOV. SIGN] [R. Menlove] This concurrent resolution of the Legislature and the Governor encourages concerned parents, individuals, and organizations to review and assist in the adoption of policies prohibiting bullying. [FN: Mailing requirements of this resolution can be handled within existing budgets.]