

**LEGISLATIVE INTERIM COMMITTEES  
OCTOBER 2009**

<b>Judiciary, Law Enforcement, and Criminal Justice</b>	
<b>Bill Title/Subject Matter:</b>	<b>Board of Pardons and Parole Technical Amendments</b>
Legislator(s) –Sponsor:	<b>Rep. Eric K. Hutchings</b>
Interested Parties:	
Code Reference:	Amends UCA §§ 77-27-1, 2, 5, 8, 9, 11 Enacts UCA §77-27-1.5
<p><b>Description:</b> Allows the Board to conduct hearings with inmate, offender or witness appearance and participation by video conference or other electronic means. Allows the appointment of less than the maximum authorized pro tempore members of the Board. Allows the Board to recommend applicants to the Governor for pro tempore appointment and Senate consent. Removes references to certified shorthand reporters and allows the Board to provide electronic copies of hearing recordings.</p> <p><b>AMENDED:</b> Line 104 add: the Board may submit the names of <i>not fewer than three</i> and not more than five names...</p> <p><b>Action:</b> <b>Passed out as a Committee Bill.</b></p>	
<b>Bill Title/Subject Matter:</b>	<b>Restrictions on Use of Wireless Telephones in Vehicles</b>
Legislator(s) –Sponsor:	<b>Rep. Phil Riesen</b>
Interested Parties:	
Code Reference:	Enacts UCA §41-6a-1717
<p><b>Description:</b> Prohibits a person from using a wireless telephone while operating a moving motor vehicle on a highway in this state. Provides exceptions to the wireless telephone use prohibition while operating a vehicle. Provides that a person is guilty of an infraction for violating the wireless telephone use prohibition while operating a vehicle. Provides that a violation of the wireless telephone use prohibition while operating a vehicle is not a reportable violation and points may not be assessed against a person for the violation.</p> <p><b>Action:</b> <b>No action was taken. Committee wants to discuss at a later date.</b></p>	
<b>Bill Title/Subject Matter:</b>	<b>Court Fees for Inmates</b>
Legislator(s) –Sponsor:	<b>Rep. Curtis Oda</b>
Interested Parties:	
Code Reference:	Amends UCA §78A-2-305
<p><b>Description:</b> Requires the court to review the financial information of a prisoner who files an affidavit of impecuniosity. Requires the courts, constables, and sheriffs to provide equal service to the impecunious. Provides that a judge may order that a judgment or decree not be entered in favor of the prisoner who has been required to pay court costs and fees until those costs and fees are paid in full.</p> <p><b>Action:</b> <b>Passed out as a Committee Bill.</b></p>	

<b>Bill Title/Subject Matter:</b>		<b>Inmate Health Insurance Amendments</b>
Legislator(s) –Sponsor:	<b>Rep. Paul Ray</b>	
Interested Parties:		
Code Reference:	Amends UCA §§ 31A-22-613, 619 and 64-13-30	
<p><b>Description:</b> Provides that, if an insured is otherwise eligible for health or dental benefits under a policy, an insurer may not exclude coverage for an insured who: is an inmate housed in a correctional facility; or is an offender in the custody of the Department of Corrections. Requires a health or dental insurer to coordinate benefits for an insured who: is an inmate housed in a correctional facility; or an offender in the custody of the Department of Corrections. Requires an inmate who has health or dental insurance coverage, upon entering into the Department of Correction’s custody, to use that coverage as primary payer for health and dental costs incurred while in the custody of the Department of Corrections. Provides specified exemptions regarding coverage by an inmate’s health or dental insurance policy, including injuries to the insured caused by physical violence.</p> <p><b>Action: Passed with a favorable recommendation.</b></p>		
<b>Bill Title/Subject Matter:</b>		<b>Expungement Revisions</b>
Legislator(s) –Sponsor:	<b>Rep. Julie Fisher</b>	
Interested Parties:	<b>Ms. Lana Taylor, Asst. Attorney General, DPS</b> <b>Ms. Alice Erickson, Director BCI</b> <b>Ms. Nicole Shepherd, Manager, BCI</b>	
Code Reference:	Amends UCA §§41-6a-501, 53-3-414, 53-5-704, 53-6-302, 53-10-202.5, 53A-6-306, 76-8-504.6, 77-27-21.5, 77-38-14, 78A-2-301 Enacts UCA §§ 77-4-101,103-108, 111, 112 Renumbers and Amends UCA §§77-40-102,109,110,113,114 Repeals UCA §§ 77-18-10-13	
<p><b>Description:</b> Creates a more specific definition of expungement. Sets out the steps a petitioner must take to obtain an expungement. Specifies what cannot be expunged. Allows the Bureau of Criminal Identification to charge application and issuance fees for a certificate of eligibility for expungement. Provides for notice of a petition for expungement to be given to the prosecutor, victim, and, in the court’s discretion, Adult Probation and Parole. Allows BCI to deny a petitioner a certificate of eligibility if the petitioner provides false or misleading information on an application. Requires BCI to expedite the eligibility process for a person who is acquitted. Provides rulemaking authority to the Department of Public Safety for the expungement process. Changes how agencies are to handle expunged records.</p> <p><b>Action: No action, information only.</b></p>		
<b>Bill Title/Subject Matter:</b>		<b>Post Conviction Remedies Amendments</b>
Legislator(s) –Sponsor:	<b>Rep. Kay L. McIff</b>	
Interested Parties:		
Code Reference:	Amends UCA §78B-9-106	
<p><b>Description:</b> Amends a section of the Post-Conviction Remedies Act which lists grounds upon which relief may not be claimed and also lists an exception if there was a failure to timely raise the ground for relief due to ineffective counsel, by including in this section an amendment that directly states that the exemption relating to ineffective counsel is the only ground for relief under that section. Makes this amendment with the purpose that it function in</p>		

conjunction with a rule recently adopted by the Utah Supreme Court.

**Action: This bill was not discussed; it will be on November agenda.**

<b>Bill Title/Subject Matter:</b>	<b>Juvenile Transfers from Justice Court</b>
Legislator(s) –Sponsor:	<b>Rep. Kay L. McIff</b>
Interested Parties:	
Code Reference:	Amends UCA § 78A-7-106
<b>Description:</b> Provides discretion to a justice court judge to transfer a matter concerning a child from justice court to juvenile court.	
<b>Action: This bill was not discussed; it will be on November agenda.</b>	
<b>Bill Title/Subject Matter:</b>	<b>Dating Violence</b>
Legislator(s) –Sponsor:	
Interested Parties:	<b>Mr. Ned Searle, DMV Coordinator Mr. Stuart Ralphs, Legal Aid Society</b>
Code Reference:	
<b>Description:</b>	
<b>Action: There is no draft legislation for this topic. Information will be provided to update the Committee on the progress of this issue during November Interim meeting.</b>	