

LEGISLATIVE INTERIM COMMITTEES -- JULY 2015

LAW ENFORCEMENT AND CRIMINAL JUSTICE	
Bill Title/Subject Matter:	Use of Force by Law Enforcement – Training
Legislator(s) – Sponsor:	
Interested Parties:	Scott Stephenson, Director POST Col. Daniel Fuhr, Superintendent, UHP Sgt. Kotter, UHP
Code Reference:	
<p>Description: This committee has been tasked with studying the use of force by law enforcement. Specifically, studying the reporting of law enforcement use of force, POST training on use of force, public perception, and investigations of use of force incidents.</p> <p>Director Stephenson provided information on the training curriculum at POST. The curriculum is reviewed every year based on new law, current trends, different tactics, national trends, and other issues or cases presented during the year.</p> <p>Col. Fuhr and Sgt. Kotter provided information regarding UHP’s ongoing training on use of force (40 hours of in-service training), with most officers receiving more than the 40 hours minimum. Col. Fuhr also stated that the departments are continually reviewing all <i>use of force</i> cases to learn from the situations.</p> <p>Rep. Oda indicated the Administrative Rules Committee has held several meetings and is compiling information on <i>use of force</i> to make recommendations to the Standing Committees.</p> <p><i>[Action: No action taken, information only.]</i></p>	
Bill Title/Subject Matter:	Elimination of Four Statutorily Required Annual Reports
Legislator(s) – Sponsor:	
Interested Parties:	Nathan Brady, LRGC
Code Reference:	2016FL-0236/003 Draft Legislation
<p>Description: Proposed legislation that would eliminate the following annual agency reporting requirements: (1) Commission on Criminal and Juvenile Justice report on the grants allocated from the Law Enforcement Operations Account; (2) Commission on Criminal and Juvenile Justice report on the funds allocated 16 from the Law Enforcement Services Account; and (3) Utah Substance Abuse Advisory Council written report on the implementation, impact, and results of the Drug Offender Reform Act.</p> <p>These two reports were listed in the draft legislation highlights, but were not in the text of the bill: (4) Utah Department of Corrections written report regarding the housing of state inmates in county jails; and (5) Commission on Criminal and Juvenile Justice written report on the number of state parole and probationary inmates who are housed in county jails.</p> <p><i>[Action: Rep. McIff moves to adopt with a favorable recommendation the draft legislation as a Committee Bill. PASSED UNANIMOUSLY]</i></p>	
Bill Title/Subject Matter:	Disaster Recovery for Local Governments
Legislator(s):	Rep. Curtis Oda
Interested Parties:	Various Emergency Managers
Code Reference:	2016FL-0035/005
<p>Description: Creates the Local Government Emergency Response Loan Fund for the purpose of providing short-term, low-interest loans to local government entities to be used for: costs incurred for providing emergency disaster services; and matching funds required to secure federal funds or grants related to a declared disaster; provides the criteria by which loans from the fund will be awarded; provides rulemaking authority for the Division of Emergency Management to administer the loan</p>	

	<p>program; provides that funds from the State Disaster Recovery Restricted Account may be appropriated to the Local Government Emergency Response Loan Fund; and provides that a specified portion of the General Fund revenue surplus be deposited annually into the Local Government Emergency Response Loan Fund.</p> <p><i>[Action: No action taken, information only.]</i></p>
Bill Title/Subject Matter:	Emergency Services Account Loan Amendments
Legislator(s):	Rep. Curtis Oda
Interested Parties:	
Code Reference:	2016FL-0097/004
	<p>Description: Defines "agent of the state" for emergency response purposes; authorizes the Division of Emergency Management to provide short-term loans to agents of the state for the purposes of providing emergency services to a member state of the Emergency Management Assistance Compact when: the member state has a declared disaster; the member state has requested support from the agent of the state; and the agent of the state has no funds available to respond to the request from a member state; provides that agents of the state will reimburse the State Disaster Recovery Restricted Account when reimbursed by the member state for emergency services provided; and clarifies that the applicant or sub-applicant agency is responsible for any financial match requirements when requesting a federal disaster declaration.</p> <p><i>[Action: No action taken, information only.]</i></p>
JUDICIARY	
Bill Title/Subject Matter:	CIVIL RIGHTS SB 290, Civil Actions Involving Law Enforcement Officers or Emergency Vehicle Operators (2015 General Session)
Legislator(s) – Sponsor:	Sen. Mark Madsen
Interested Parties:	
Code Reference:	Amends UCA §§ 41-61-212, 78B-3-104
	<p>Description: Discussion on potential changes to SB 290 from the 2015 General Session. From the bill: repeals the provision that provides that the operator of a marked authorized emergency vehicle owes no duty of care to a person who is a suspect in the commission of a crime in certain circumstances; amends the bond requirements for a person filing an action against a law enforcement officer acting within the scope of the officer's duties; and makes technical and conforming changes.</p> <p><i>[Action: No action, information only.]</i></p>
Bill Title/Subject Matter:	CIVIL RIGHTS 2016FL-0222/005, Civil Asset Forfeiture – Procedural Reforms
Legislator(s) – Sponsor:	Rep. Brian Greene
Interested Parties:	Connor Boyack, Libertase Institute
Code Reference:	Amends UCA §§ 24-1-102, 103,104, 107, 108, 109, 110, 117
	<p>Description: Discussion on potential changes to the Forfeiture and Disposition of Property Act regarding civil forfeiture procedures. Modifies the elements of qualifying as an innocent owner regarding property subject to forfeiture. Requires direct nexus of the property to a specific alleged criminal exchange or transaction, in order for the property to be forfeited. Modifies the definition of proceeds that are from an offense giving rise to forfeiture. Requires the prosecutor to bring an action for civil forfeiture in a timely manner. Provides that any person may assert an interest in seized property or file an answer to a forfeiture complaint without posting bond. Provides that the hardship provisions include use of funds to allow an individual to obtain a legal defense in the forfeiture proceeding or the related criminal proceedings. Provides that prejudgment interest shall be awarded, in addition to the current postjudgment interest. Removes the cap of 20% of the value of the property subject to forfeiture when awarding legal costs and attorney fees. Modifies the obligations of a claimant regarding</p>

<p>illegal use of the property subject to forfeiture. Modifies the allocation of the proceeds from asset forfeiture, to provide for: victim restitution; and reimbursement of direct costs by the prosecuting agency and the law enforcement agencies involved in the case; and allocating remaining proceeds to the Uniform School Fund. Provides that if the defendant is acquitted of the criminal charge subsequent to the civil forfeiture proceeding, the forfeited assets shall be returned and the defendant shall be reimbursed for costs as listed.</p> <p>Rep Greene and Mr. Boyack provided their interpretation on current issues with civil forfeiture around the country and in Utah.</p> <p><i>[Action: No action, information only.]</i></p>	
Bill Title/Subject Matter:	CIVIL RIGHTS HB 240 Judicial Discretion in Sentencing Amendments (2015 General Session
Legislator(s) –Sponsor:	Rep. Kay McIff
Interested Parties:	
Code Reference:	Amends UCA §§ 76-3-406; 77-18-4
<p>Description: Discussion on potential changes to HB 240 from the 2015 General Session. From the bill: Allows the judge to make a finding at the sentencing of an offender that reduces the statutory minimum prison sentence for certain offenses by up to 50% of the minimum sentence provided by law; requires the judge to state the reasons for the finding on the record; provides that these amendments do not affect sentences for murder, aggravated murder, or offenses for which the penalty is life without parole; provides that these amendments do not affect the authority of the sentencing judge to grant probation; provides that these amendments do not modify the authority of the Board of Pardons and Parole.</p> <p><i>[Action: No action, information only.]</i></p>	
PUBLIC UTILITIES AND TECHNOLOGY	
Bill Title/Subject Matter:	Data Crush: How the Information Tidal Wave is Driving New Business Opportunities
Legislator(s) –Sponsor:	
Interested Parties:	Chris Surdak, JD/Author Drew Mingl, State Open Data Coordinator
Code Reference:	
<p>Description: The Committee heard a presentation about the fast-expanding nature of data creation, storage, use, business opportunities, and how the state of Utah is planning on meeting the challenge. Of personal interest on this subject, you may want to begin listening about 38 minutes in to Chris Sudak as he describes managing data and how we as consumer are addicted to electronic devices. He gives quite a bit of information about how social media has impacted our lives. Both entertaining and frightening.</p> <p><i>[Action: No action taken, information only.]</i></p>	
HEALTH AND HUMAN SERVICES	
Bill Title/Subject Matter:	Medical Marijuana
Legislator(s) –Sponsor:	Sen. Mark Madsen, Sen. Evan Vickers, Rep. Kay McIff
Interested Parties:	Cathy Dupont, Office of Legislative Research and Gen. Counsel, Dr. Edward Clark, UofU Health Care Kevin Sabett, Ph.D., Smart Approaches to Marijuana Connor Boyack, Libertase
Code Reference:	
<p>Description: The committee is considering whether Utah law should be amended to permit the use of</p>	

marijuana or marijuana products for medical purposes. Various presenters provided information on what other states are doing in the process of legalizing medical marijuana, personal stories on the need for the legislation, and other community concerns if the legislation goes forward.

[Action: The Committee will have testimony at the August and October Interim meetings on this issue including two pieces of legislation to be presented.]

The following information is from the EAC meeting on Tuesday, July 14th:

EXECUTIVE APPROPRIATIONS COMMITTEE	
Bill Title/Subject Matter:	Fiscal Note and Budget Item Follow-Up Report
Legislator(s) – Sponsor:	
Interested Parties:	Steve Jardine, Legislative Fiscal Analyst Staff of Legislative Fiscal Analyst
Code Reference:	
<p>Description: Concern was expressed that during the session the time allotted for budget review is not consistent among committees and then there is insufficient time to discuss the larger dollar items. One recommendation is to consider the Legislature’s budget earlier in the session and then review the Governor’s budget later. Mr. Ball’s office is looking into ways to address the concern. It was also suggested that the base budgets receive a more detailed review earlier in the session.</p> <p>Steve Jardine led the discussion on the Fiscal Note and Budget Item Follow Up Report with potentially \$34 million in budget reductions and he highlighted the following items. A major theme was common in that the original estimates were greater than the actual expenses:</p> <p><u>Jail Contracting Growth</u> – reduce \$2.1 million one-time and consider making ongoing reductions; <u>Salary Parity Increases in Attorney General’s office</u> – Information only. <u>Amendment Three Defense</u> – Information only. <u>Rape Kit Processing</u> – Information only. <u>Administration of Avenue H Health Insurance Marketplace</u> – have the subcommittee consider whether the funds should be reduced and consider making ongoing reductions. <u>After School Programs to Address Intergenerational Poverty TANF</u> – Information only. <u>Garland Community Resource Center – Infrastructure</u> – Information only, concern on these types of appropriations. <u>Office of Energy Development Administration</u> – issue with bundling several requests into one. <u>HB 168 School and Institutional Trust Lands and Funds</u> – recommend subcommittee verify the \$60,000 have been lapsed back to the General Fund. <u>Statewide Online Education</u> -- Information only. <u>Heber Valley Railroad</u> – Information only. <u>Capitol Hill Security Infrastructure</u> – recommend the Executive Appropriations Committee consider pulling back the \$82,500 and decide how to spend at a later date.</p> <p><i>[Actions (not verbatim):</i> <i>--Sen. Stevenson made a motion to ask the Executive Offices and the Criminal Justice Subcommittee to reduce the budget by \$2,058,100 one-time and consider additional ongoing reductions based on its review. PASSED</i></p> <p><i>--Senator Stevenson made a motion to ask the Executive Offices and the Economic Development and Workforce Services subcommittee to consider reducing one-time \$400,000 from the Governor’s Office of Economic Development related to the administration of Avenue H Health Insurance Marketplace and consider additional ongoing reductions based on the review. PASSED</i></p> <p><i>--Senator Stevenson made a motion to ask the Public Education Subcommittee to consider reducing \$475,400 one-time from the School and Institutional Trust Lands and Funds and consider ongoing</i></p>	

reductions based on the review. PASSED

--Senator Stevenson made a motion to ask the Executive Appropriation Committee to reduce \$82,500 General Fund one-time from the Capitol Preservation Board; and to ask that each Appropriation Subcommittee review each item in the report [Fiscal Note and Budget Item Follow-Up Report] within their purview, and consider adjusting the appropriations as indicated. PASSED