

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0008	Seat Belt Enforcement Provisions (Carol Moss Party: D)	HOLD	---	---	OPP	---	---

(D) Bill was amended back to the original language to clarify that a passenger in a car can be cited as a secondary action for a seat belt violation if the vehicle is detained for a suspected violation. [Fiscal Note: No fiscal impact.] Bill was subsequently amended to sunset in the year 2013 amending the requirements by making the statute apply to only individuals under the age of 19.

HB0009	Competency to Stand Trial Amendments (Scott Daniels Party: D)	SUP	SUP	---	SUP	SUP	---
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ENROLLED (C) Grants the court authority to require that mental health examiners have access to all relevant information and materials when determining competency to stand trial. Prosecuting and Defense attorneys shall cooperate in providing mental health examiners with all relevant information necessary. The consent of the defendant is not necessary for this information to be released to the examiner. Relevant information includes the following: (1) copies of the charging document, (2) arrest or incident reports pertaining to the charged offense, (3) known criminal history information, and (4) known prior mental health evaluation. [Fiscal Note: No fiscal impact.]

HB0032	Vehicle Impound Fee for Driving Under the Influence Cases (Joseph Murray Party: R)	SUP	---	SUP	SUP	SUP	SUP
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ENROLLED (D) Increases impound fees from \$200 to \$230; increases dedicated credits from administrative impound fees from \$25 to \$29; and increases the amount of administrative impound fees deposited in DPS Restricted Account from \$84 to \$97. Allows waiving or refunding the impound fees if the arrested person's license is not suspended or revoked or the vehicle was stolen (sets out procedure for the above). [Fiscal Note: No significant fiscal impact. Any increase in revenues will likely be offset by an increase in refunds. Provisions of the bill can be implemented within existing resources.]

HB0041	Legislative Budgeting for Cola for Local Health Authorities (Jack Seitz Party: R)	NP	NP	SUP	---	---	---
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ENROLLED (M) Minor changes are made by clarifying Local Health Departments into "Local Health Department Act." Requires the legislature to consider granting local health departments, local mental health authorities, and area agencies on aging, the same percentage of wage and benefit increases that are given to state employees. Modifies Budgetary Procedures Act. USAAV [Fiscal Note: No direct fiscal impact as legislation only directs Legislature "to consider" such COLAs. However, if the Legislature were to grant a COLA to the four entities specified in the bill, a one percent increase is estimated to cost about \$335,000 - general fund.]

HB0044	Substance Abuse and Mental Health Amendments (Loraine Pace Party: R)	SUP	---	SUP	---	---	---
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ENROLLED (M) Technical changes on how state and local authorities assess fees for substance abuse and mental health services to persons from another jurisdiction, stating the requesting jurisdiction is responsible for costs. Requires a thorough audit annually and a report to be submitted to the HHS committee. (USAAV) [Fiscal Note: No fiscal impact.]

HB0050	Seat Belt Requirements	CCJJ	USC	USAAV	LELC	UCV	UBJJ
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Bill Number	Title/Sponsor/Summary				Positions			
	(Carol Moss	Party: D)	SUP	---	---	SUP	SUP	---

(D) Repeals an exception for safety belt use if all seating positions are occupied by other passengers. [Fiscal Note: No fiscal impact.]

HB0057	Expansion of Protective Order		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(LaWanna Shurtliff	Party: D)	SUP	SUP	SUP	SUP	PRI	---

ENROLLED (C) A protective order violator must appear in court before bail can be posted and the defendant released from custody. [Fiscal Note: No fiscal impact.]

HB0060	Public Safety Noncontributory Retirement Act Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Neil Hansen	Party: D)	---	---	---	SUP	---	---

This act modifies the Utah State Retirement and Insurance Benefit Act by including overtime in the calculation of compensation that is used to determine the defined retirement benefit of members of the Public Safety Noncontributory Retirement System. This act takes effect on July 1, 2003.

HB0062	Emergency Response Costs		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Brent Goodfellow	Party: D)	S/C	---	---	SUP	SUP	---

(D) Provides public emergency response agencies a civil cause of action to recover expenses of an emergency response when an offender whose criminal conduct caused the incident. Testimony, admission or any other statements made by the defendant, may not be admitted or otherwise used in criminal proceedings arising out of the same incident. [Fiscal Note: State Impact = could have positive fiscal impact on political subdivisions; amounts collected will vary; collections for local governments could be in the hundreds of thousands of dollars statewide. Ind/Bus Impact = will impact individuals responsible for causing an emergency; costs will vary depending on the size and nature of the incident.]

HB0063	Concealed Weapon Permit		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Scott Daniels	Party: D)	HOLD	---	---	N/P	---	---

(C) Increases concealed weapon permit fees from \$35 to \$65; allows the Division to waive initial fee and renewal fee for applicant who files an affidavit of impecuniosity. Division is prohibited from waiving permit costs associated with federal background checks for the impecunious. Requires the Division to review its fee structure annually to ensure the cost of issuing permits is revenue neutral. Both the renewal fee and the replacement fee for the permit is increased from \$10 to \$20. The late fee for the permit is increased from \$10 to \$20. The late fee for renewal permit is increased from \$7.50 to \$14.00. The division will deposit all fees received to the General Fund of the state treasury. [Fiscal Note: State impact = it is estimated the bill will increase General Fund revenues by \$371,600 in FY04 and \$544,400 in FY05. No fiscal impact to the state to implement the bill. Individual and Business Impact = applicants will pay an additional \$30 for the Concealed Weapon permit (one-time fee), an additional \$10 to renew (every 5 years), an additional \$10 for replacement and \$6.50 for late fee.]

HB0066	County General Fund Expenses		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Brad Dee	Party: R)	---	---	---	SUP	---	---

This act modifies provisions relating to municipal-type services provided by counties. The act extends to second through sixth class counties the authority to provide fire, paramedic, and police protection services in unincorporated areas of the county designated as recreational areas and to pay for those services

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from the county general Fund.
[Fiscal Note: No fiscal impact.]

HB0068	Safety Inspection Requirement for Salvage Vehicles	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Greg Curtis</i> Party: R)	---	---	---	SUP	---	---

This act modifies the Public Safety Code by requiring salvage vehicles to pass a safety inspection at the time of application for initial registration as a salvage vehicle. The act provides that the frequency of subsequent safety inspections is based on the model year of the vehicle.

HB0070	Assault Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Mike Thompson</i> Party: R)	SUP	SUP	SUP	SUP	SUP	SUP

ENROLLED (D) Clarifies the elements of assault may include an unlawful force or violence that causes bodily injury to another or creates a substantial risk of bodily injury to another. [Fiscal Note: no fiscal impact for state; may increase fines and penalties for individuals under certain circumstances.]

HB0072S3	Allocation of Tobacco Fund Money to Children's Health Insurance Pr	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>David Hogue</i> Party: R)	OPP	OPP	OPP	---	NP	OPP

(C) This act modifies the Tobacco Settlement Restricted Account act, which is related to the settlement agreement the state entered into with tobacco manufacturers on November 23, 1998, by increasing the amount given to the Department of Health for the Children's Health Insurance Program created in a prior section from \$5,500,000 to \$7,000,000. The effective date of the act will be July 1, 2003. Dental benefits to children will be restored. This act also modifies the distribution of tobacco settlement money received by the state. 80% of the tobacco settlement money will be deposited into the tobacco settlement restricted account in fiscal year 2003-04 only. 5.5 million will be appropriated from the permanent state trust fund created in UT Const. Art. XXII, Sec. 4, to the General Fund and requires a + vote of each house and concurrence by the governor. The effective date is immediate. [Fiscal Note: State Impact = The increase of \$1.5 million can be matched with appx. \$6.0 million in Federal funds. FY04 has sufficient funds in the Tobacco Settlement Restricted Acct to accommodate this increase and still provide the funding as outlined in the rest of 63-97-201. Beyond FY05, the increase will negatively impact those agencies receiving appropriations at the end of the list. Ind/Bus Impact = increasing the CHIP funding will allow coverage of appx. 7,800 additional children at the current benefit levels.]

HB0074	Unauthorized Entry on School Bus Prohibited	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Neal Hendrickson</i> Party: D)	SUP	SUP	SUP	SUP	SUP	SUP

ENROLLED [C] This act modifies the Criminal Code by providing that entering a school bus to commit a crime or interfere with the driver, or refusing to leave a school bus upon the order of the driver if the individual is not authorized by the school district to be on the bus, is a class B misdemeanor. Each school bus must be posted with entrance signs stating that unauthorized entry of a school bus is a criminal offense. This bill was amended to provide an exception for peace officers. [Fiscal Note: No fiscal impact. It is estimated that provisions of this bill can be implemented with existing resources.]

HB0076	Truancy Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Duane Bourdeaux</i> Party: D)				SUP	SUP	

This act clarifies a provision regarding parental response in truancy situations.

HB0084	Child Restraint Safety Devices	CCJJ	USC	USAAV	LELC	UCV	UBJJ
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	(Carol Moss	Party: D)					SUP	---	---	SUP SUP ---

(D) Amends the requirement for use of a child restraint or booster seat from a child younger than five, to a child eight years of age or at least 57 inches tall, whichever occurs first. [Fiscal Note: implemented with existing resources.]

HB0085	Hate Crimes Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(David Litvack	Party: D)	SUP	SUP	SUP	SUP	SUP	SUP

(C) This bill enhances penalties because of defendant's selection of the victim based on defendant's bias or prejudice toward a specific group. Groups refer to individuals of a similar race, color, disability, religion, sexual orientation, national origin, ancestry, age, gender or an individual affiliated with an identifiable type of business or the property of that business. If decided beyond a reasonable doubt that the defendant selected the victim because of prejudice against a group, then the penalty for the crime will be enhanced. (Class B misdemeanor is a class A misdemeanor; class A misdemeanor is a 3rd degree felony; 3rd degree felony increases to 2nd degree felony; 2nd degree felony increases to 1st degree felony; 1st degree felony remains 1st degree felony. [Fiscal Note: State Impact = Increasing fiscal note starting with \$12,500 General Fund for FY04 and increasing each year for the first four years. Expenses should be level at the increased rate after four years. Costs are for additional individuals going to prison and extending the sentences of some who might have gone to prison under current statute. FY04 \$12,500; FY05 \$37,500. Ind/Bus Impact = Individuals convicted by the provisions of this bill may spend more time in prison and consequently their income earning potential could be severely limited during the time they are incarcerated.]

HB0088S1	Payment of Reward upon Arrest and Conviction		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Dana Love	Party: R)	S/C	N/P	---	N/P	S/C	OPP

ENROLLED (D) Provides reimbursement for payment of a reward as restitution. Reward includes money offered to the public for information leading to the arrest and conviction of an offender; cannot be paid if the person is a codefendant, accomplice or a bounty hunter. Placed before insurance companies on the priority list. The court may require a minor to reimburse payment of a reward. [Fiscal Note: Implemented with existing resources.]

HB0093	Suspension of Driving Privileges for Habitual Truants		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Duane Bourdeaux	Party: D)	SUP	SUP	S/C	N/P	---	SUP

(C) This bill authorizes the juvenile court to suspend for a year the driving privileges of a minor that the court determines to be habitually truant. If the minor is under the legal driving age, with the consent of the minor's guardian, the court may require that the minor wait one year after he reaches the legal age to drive to receive his driver's license. When determining whether to suspend the minor's driver's license the court must consider whether a personal or family hardship exists--relating to employment or medical reasons--that requires the minor to have his driver's license. If there is no further truancy during the 12-month period following the order, juvenile may petition order delaying drivers license [Fiscal Note: State Impact = handled with existing budgets. Ind/Bus Impact = Those who have licenses suspended will have to pay a reinstatement fee of \$25. Individuals whose licenses are suspended, may be impacted if they are employed in jobs that require a driver's license or they use a vehicle for transportation to work.]

HB0094	Utah Controlled Substances - Extraction and Reduction Labs		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(DeMar Bowman	Party: R)	SUP	SUP	SUP	SUP	SUP	---

ENROLLED (D) Includes the activity of compounding, synthesis, concentration, purification, separation, extraction, or other physical or chemical processing of any substance, knowing or having reasonable cause to believe the substance(s) will be used in the illegal manufacture of controlled substances. Also includes packaging, repackaging, labeling, or re-labeling of containers holding such substances. [Fiscal Note: State Impact = any additional expense required by this bill can be handled within the existing state and local government budgets. Ind/Bus Impact = individuals convicted by the provisions of this bill may spend more time in prison.]

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		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0096	Judicial Conduct Commission Amendments (<i>Katherine Bryson</i> Party: R)	N/P	---	---	---	---	---

(D) Modifies procedures of the Judicial Conduct Commission for disclosure of judicial criminal misconduct by allowing, upon request, the Legislative Auditor to receive documents. Request for documents must result from a legislative audit and be confidentially maintained. Legislative Auditors can include summary data and nonidentifying information in its audits and reports to the legislature. [Fiscal Note: no fiscal impact.]

HB0104	Disposal of Evidence in Criminal Proceedings (<i>J. Adams</i> Party: R)	SUP	---	---	SUP	SUP	---
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ENROLLED (D) Amends provisions of the Criminal Procedure on disposal of property received by a peace officer for returning property to an owner. The changes reflect the role of the agency's evidence custodian in the process. [Fiscal Note: Implemented with existing resources.]

HB0107	Dna Amendments (<i>J. Adams</i> Party: R)	SUP	---	---	SUP	SUP	SUP
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ENROLLED (C) This act modifies the Public Safety Code by adding in that a DNA specimen analysis will be applicable to 1) any person who has both pled guilty or been convicted outside of Utah of an offense that would be listed in Subsection 2 (including any felony, sexual abuse of a minor, attempt to commit burglary or any class A burglary offense, etc.) and who is on probation, parole, or incarcerated in Utah on or after July 1, 2003; and 2) any person convicted in Utah of an immigration violation on or after July 1, 2003. This act adds in language specifying the sheriff operating a county jail is responsible to collect DNA specimens from those who have pled guilty or been convicted but not under the custody or supervision of the Department of Corrections; and those who are in jail for a misdemeanor for which the DNA collection is required (current bill states those who are in jail for a "class A burglary"). All DNA specimen records are made from "private" to "protected" information. Finally, the act adds in that fingerprints of minors 14 years or older are required to be taken if the offense was one in which a DNA specimen was required. Technical changes are made to accommodate those changes. [Fiscal Note: State Impact = Net fiscal impact of this bill is zero. Will require approx. 10,000 more individuals to have their DNA tested. Up to \$750,000 could be collected from these individuals for the General Fund Restricted - DNA Specimen Account. Funds will be used primarily by Dept. of Corrections and Dept. of Public Safety. There has not been 100 percent collection of the fee due to the impecunious state of some of the individuals required to have their DNA sampled. Ind/Bus Impact = Individuals are charged \$75 to have their DNA specimen taken and cataloged.]

HB0112S2	County Correctional Facility Reimbursement (<i>Brad Dee</i> Party: R)	S/C	S/C	S/C	SUP	---	---
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(D) Allows counties to request the court order restitution for costs of incarcerating offenders in county jails (excluding what is paid by the state). Places the restitution at the end of the priority list and to be paid after fines and surcharges. [Fiscal Note: State Impact = implemented with existing resources. Ind/Bus Impact = Offenders (who are not state prisoners) sentenced to county correctional facilities will be required to pay the costs of their incarceration after other financial penalties imposed by the court.] Second Substitute adds that sanctions may not be imposed if defendant's sole default in payment of a judgement of restitution is the failure to pay restitution.

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		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0114	Management, Enhancement, and Funding of 911 System (Brad Dee Party: R)				LELC SUP	UCV SUP	UBJJ

This act amends the Emergency Telephone Services Law and the Public Safety Code. The act creates a 19 cent per month state fee on telephone services for unified statewide 911 emergency services. The act provides for the administration, collection, and enforcement of telephone 911 emergency fees by the State Tax Commission. The act deposits the telephone fees into a restricted account in the General Fund for unified statewide 911 emergency services. The act repeals the advisory Utah 911 Committee in the Bureau of Communications in the Department of Public Safety. The act creates a new state Utah 911 Committee in the Department of Public Safety to develop state standards for the unified 911 emergency system and to administer the fund. The act establishes criteria for the use of the fund. The act requires the Utah 911 Committee to report annually to Legislative Appropriations. The act authorizes local governments to increase the local levy on telephone services for 911 emergency services from a maximum of 53 cents per month to a maximum of 75 cents per month. The act makes technical amendments. The act has an effective date. This act has a coordination clause.

HB0119	Judicial Conduct Commission Revisions (Katherine Bryson Party: R)	CCJJ OPP	USC ---	USAAV ---	LELC ---	UCV ---	UBJJ OPP
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(C) The Supreme Court may suspend or remove a judge from office if the judge develops a physical or mental disability that seriously interferes with the performance of his judicial duties (see UT Const. Art. VIII, Sec. 13, Para. 4), becomes unqualified to hold the judicial office (see UT Const. Art. VIII, SEC. 7 & 10, & Sec. 78-7-2) or engages in conduct prejudicial to the administration of justice (see UT Const. Art. VIII, Sec. 13, Para. 5). The Supreme Court must provide notice to the judge and an opportunity to rebut the allegations. A judge formally charged with a crime may be suspended without pay by the Supreme Court. If the judge is acquitted and reinstated to judicial office, the judge must receive pay and benefits lost during the suspension.

HB0121	Leave of Absence for Disabled Employees (Chad Bennion Party: R)	CCJJ	USC	USAAV	LELC SUP	UCV SUP	UBJJ
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This act modifies the Utah State Personnel Management Act by modifying requirements for granting a paid leave of absence for certain disabled employees.

HB0123S6	Prohibition of Public Funding for Abortion (J. Philpot Party: R)	CCJJ HOLD	USC ---	USAAV ---	LELC ---	UCV ---	UBJJ ---
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(D) The bill prohibits the state and political subdivisions from using public funds for the performance of an abortion except to save the life of the pregnant woman's life; or the pregnancy is a result of rape or incest. If a state agency violates this statute, the Legislature may eliminate funding to that state agency. Any state person violating this statute may be criminally charged and/or terminated. [Fiscal Note: implemented with existing resources. Any noncompliant state agency will have all state funding eliminated from its budget.]

HB0129	Voyeurism Amendments (Brent Goodfellow Party: D)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
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(D) Adds voyeurism against a child to the burglary statute. Adds a person is guilty of voyeurism who uses a camcorder, motion picture camera, photographic camera or other equipment to secretly videotape, film, record or photograph by electronic means under specific circumstances. Provides misdemeanor penalties for certain violations and a Third Degree Felony if committed against a child under 14 years of age. Exceptions provided for investigative journalism conducted by a person acting within the lawful scope of their employment; governmental entities operating surveillance as part of lawful functions of a correctional facility; or for the sole purpose of deterring and preventing criminal activity in the entity's operation of any business or facility. [Fiscal Note:

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requires appropriation of \$25,000 for FY04 and ongoing appropriation of \$75,000 for FY05 from General Fund to DOC.]

HB0131	Governmental Immunity Amendments (Jackie Biskupski Party: D)	CCJJ	USC	USAAV	LELC OPP	UCV ---	UBJJ
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This act modifies statutes governing governmental immunity. The act clarifies the application and waiver of governmental immunity in certain circumstances, including assault and battery. The act modifies requirements governing extensions of notices of claim. The act provides for prospective application and makes technical changes.

HB0134S1	Law Enforcement - Reporting Hazardous Materials Relating to Contro (Eric Hutchings Party: R)	CCJJ HOLD	USC ---	USAAV HOLD	LELC HOLD	UCV SUP	UBJJ ---
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(D) Requires the local health department to maintain searchable records of law enforcement agencies' reports of clan lab activity and provide a list of businesses that provide testing for contamination and cleanup services. Requires any law enforcement agency to report to the local health department, within one week after arrest, information on buildings or sites believed to be contaminated by any clan lab activity. Law enforcement to provide updates indicating additional buildings they believe are contaminated or if after the investigation they do not have reasonable cause to believe the buildings are contaminated. [Fiscal Note: DPS estimates one additional FTE would be required at a cost of \$40,000 annually. Initial start up costs to local health departments are estimated at \$5,000; ongoing costs will be covered by fees as authorized in the bill.]

HB0137S1	Residential Facilities for the Disabled Amendments (Greg Curtis Party: R)	CCJJ HOLD	USC HOLD	USAAV OPP	LELC ---	UCV	UBJJ OPP
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This act modifies the Utah Municipal Code and provisions relating to counties. The act modifies the permissible and required provisions of a county or municipal ordinance relating to residential facilities for persons with a disability. The act authorizes a limit on the number of occupants of a residential facility for persons with a disability, authorizes an ordinance to provide for residential facilities for persons with a disability to be excluded from a zoning area under certain circumstances, and authorizes the creation of a security plan for certain residential facilities for persons with a disability, if consistent with other applicable law. The act also makes technical changes. [Fiscal Note: no fiscal impact.]

HB0138	Street-legal All-terrain Vehicle Provisions (Greg Curtis Party: R)	CCJJ	USC	USAAV	LELC OPP	UCV ---	UBJJ
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This act modifies the Motor Vehicles Code by defining street-legal all-terrain vehicles and providing requirements to be operated on highways with a speed limit of 45 miles per hour or less. This act requires that an operator of a street-legal ATV must obtain the appropriate equipment, insurance, registration, license, and emissions inspection to be eligible to operate on highways. This act requires that the operator of a street-legal ATV Have a motorcycle endorsement to the operator's driver license. This act exempts a street-legal ATV from off-highway vehicle registration provisions and from designated route provisions. This act provides that a violation of street-legal ATV provisions is a class C misdemeanor. This act takes effect on October 1, 2003.

HB0148	Unlawful Taking of Game Fish (Stephen Clark Party: R)	CCJJ	USC	USAAV	LELC SUP	UCV ---	UBJJ
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This act modifies the Wildlife Resources Code to amend restitution amounts for certain game fish and wildlife species.

HB0160	Emergency Health Response Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
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	(<i>Marda Dillree</i>	Party: R)	S/C	---	S/C	---	SUP	S/C	

GOV SIGNED (D) Allows a local health department to investigate suspected bioterrorism and disease and provide public health assistance in response to a national, state or local emergency or a delcaration by the President of the US or other federal official requesting public health-related activities. Allows for suspending regular licensure for medical services personnel as well as requirements for certain prescriptive procedures (precriptive drugs other than controlled substances). Provides limited governmental immunity for civil damages or penalties. [Fiscal Note: State Impact = handled within existing budgetary levels. Bus/Ind Impact = may be individual benefit to the extent that certain health care professionals reduce their liability for civil damages.]

HB0163	Criminal Restitution Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Douglas Aagard</i>	Party: R)	*HOLD	SUP	---	SUP	SUP	SUP

(D) Allows a victim to recover restitution for income if the offense resulted in bodily injury; and allows up to three times the total value of theft or damage to tools of trade essential to victim's current employment, if the crime did not cause physical injury to the victim. [Fiscal Note: State Impact = Provisions of this bill require an ongoing General Fund appropriation of \$40,700 to the Courts. Bus/Ind Impact = Individuals may be able to be reimbursed for some expenses resulting from being a victim of a crime that they previously were unable to recover. The amount will vary depending on the circumstances and the crime.]

HB0172	Background Investigations of Peace Officer Candidates		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Loraine Pace</i>	Party: R)	SUP	---	---	SUP	SUP	---

ENROLLED (D) Provides for current or former employers of peace officer candidates to provide background and employment information to law enforcement agency or academy to be used to determine suitability of applicant as a law enforcement officer; requires the information be confidential; and prohibits civil action against the current or former employer. [Fiscal Note: State Impact = It is estimated the provisions of the bill can be implemented with existing resources. Bus/Ind Impact = Local jurisdictions may experience cost savings through problem avoidance.]

HB0173	Motor Vehicle Operator Fleeing a Peace Officer		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Ty McCartney</i>	Party: D)	SUP	SUP	---	SUP	SUP	---

ENROLLED (D) Clarifies separate offenses when receiving a signal to stop from a peace officer; operating a vehicle in a willful or wanton disregard, or attempting to flee or elude. [Fiscal Note: No fiscal impact.]

HB0174	Unemployment Insurance Fraud Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Ty McCartney</i>	Party: D)	---	---	---	SUP	---	---

This act modifies Title 35A, Chapter 4, Employment Security Act, by making certain technical corrections and moving the criminal penalties provisions for violating the act from Title 35A, Chapter 4, to Title 76, Chapter 8, Offenses Against the Administration of Government, in the Utah Criminal Code.

HB0178	Firearms Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Ty McCartney</i>	Party: D)	SUP	SUP	SUP	SUP	SUP	SUP

ENROLLED (C) Adds additional restrictions on the purchase of a firearm by a Category I restricted person to include prohibiting Category I individuals from intentionally or knowingly agreeing, consenting, offering, or arranging to purchase, transferring, possessing, using, or having under his custody or controlling any firearm is guilty of 2nd degree felony and any dangerous weapon other than a firearm is guilty of 3rd degree felony. Category I restricted individuals

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include the following: (1) habitual violent offenders, (2) one who is on probation or parole for any felony, (3) one who is on parole from a secure facility (a facility operated by or under contract with the division, that provides 24-hour supervision and confinement for youth offenders committed to the division for custody and rehabilitation), (4) within the last 10 years has been found delinquent which if committed by an adult would have been a habitually violent offender. [Fiscal Note: No significant fiscal impact. It is estimated that provisions of this bill can be implemented with existing resources.]

HB0179	Impounding Uninsured Motorist Vehicle	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Chad Bennion</i> Party: R)	SUP	---	---	SUP	SUP	---

(D) Requires a vehicle involved in an accident be impounded if there is no proof of owner's or operator's security (insurance), or if peace officer has reasonable cause to believe the vehicle is not insured unless the peace officer estimates that the cost of repair of the vehicle exceeds its value. Requires proof of insurance prior to release of car from impound. [Fiscal Note: State Impact = estimated provisions of this bill can be implemented with existing resources. Ind./Bus. Impact = Owners of uninsured vehicles involved in accidents will be required to obtain insurance and pay an impound fee as a prerequisite for release of the vehicle. Under these circumstances, the cost of insurance will likely be very expensive.]

HB0182	Air Conservation Act Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Michael Morley</i> Party: R)				SUP	SUP	

This act modifies the penalties provision of the Air Conservation Act by making a knowing violation of asbestos work practices a third degree felony. The act also makes certain technical changes.

HB0190	Gun Show Background Check	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Scott Daniels</i> Party: D)	SUP	SUP	---	N/P	SUP	SUP

(C) This bill requires a background check for all firearm purchases at a gun show. Licensed firearms dealers must record the location of the transaction into their permanent records and retain these records at the location premises specified on the license of the licensed firearm dealer. This licensed firearm dealer may also charge a handling fee to the prospective buyer to perform this background check. An individual other than a licensed dealer, who sells, transfers, purchases, or receives a firearm is guilty of a class A misdemeanor for the first conviction and a 3rd degree felony for subsequent convictions. [Fiscal Note: provisions can implemented with existing resources.]

HB0191	Amendments to Racial Profiling Provisions	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Duane Bourdeaux</i> Party: D)	SUP	---	SUP	SUP	SUP	SUP

(D) Modifies the Public Safety Code by removing from the database the requirement of the law enforcement officer's race and gender. [Fiscal Note: Provisions can be implemented with existing resources.]

HB0194S2	Sheriff Certification Requirements	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Joseph Murray</i> Party: R)	SUP	---	---	SUP		---

(D) Requires candidates for the office of county sheriff to have successfully met certain standards and training or to have passed a certification examination and to be qualified to be certified as a law enforcement officer at the time the person files a declaration of candidacy.

HB0199	Line-of-duty Death Benefit	CCJJ	USC	USAAV	LELC	UCV	UBJJ
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Bill Number Title/Sponsor/Summary*(Ron Bigelow Party: R)***Positions**

SUP SUP

This act modifies the Utah State Retirement and Insurance Benefit Act by allowing the Public Employees' Benefit and Insurance Program to provide employee line-of-duty death benefit coverage as part of the group life insurance program instead of purchasing the coverage. This act provides an immediate effective date.

HB0201S1 Judiciary Amendments*(M. Lawrence Party: R)*

CCJJ	USC	USAAV	LELC	UCV	UBJJ
SUP	SUP	---	SUP	---	---

(D) Allows additional methods to post bail including: a credit card up to \$5,000, or debit card at the discretion of the judge or bail commissioner. [Fiscal Note: State Impact = no significant fiscal impact; bill reflects current practice. Ind/Bus Impact = Could be a savings in time and money for those having sufficient resources to use credit or debit cards to pay bail. Some transactions done over the telephone. Cost could increase to those posting bail if transaction fee is passed to the consumer.]

HB0204 Felony Murder Amendments*(Karen Morgan Party: D)*

CCJJ	USC	USAAV	LELC	UCV	UBJJ
SUP	SUP	---	SUP	SUP	---

ENROLLED (C) This bill relates to the proof of intent required to prosecute one accused of committing felony murder. Felony murder occurs when the defendant commits a specified felony and in the process of committing that felony, the death of another person results. This bill further clarifies current felony murder law through explaining that the prosecutor must show that the defendant "acted with the intent required as an element" of the specified felony, as opposed to any intent directly relating to the murder that resulted. [Fiscal Note: no fiscal impact.]

HB0209 Sentencing for Use of Dangerous Weapon*(Gregory Hughes Party: R)*

CCJJ	USC	USAAV	LELC	UCV	UBJJ
SUP	SUP	---	SUP	SUP	---

ENROLLED (C) This bill removes the dangerous weapon enhancement from the general felony sentencing statute and places it in its own section. If determined beyond a reasonable doubt that a dangerous weapon was used in the commission or furtherance of a felony, then the court must/may enhance the following sentences: (1) the minimum term of the sentence MUST be increased by one year; (2) if minimum sentence is zero, the minimum term MUST be set at one year; & (3) the maximum sentence applicable by law of a 2nd or 3rd degree felony MAY be increased by 5 years. If the defendant is subsequently charged for another felony where a dangerous weapon was used, in addition to other sentences imposed for committing the felony, the court MUST also impose a prison term of 5-10 years, to run consecutively and not concurrently. [Fiscal Note: No fiscal impact.]

HB0210 Sexual Abuse of a Child Amendments*(Mike Thompson Party: R)*

CCJJ	USC	USAAV	LELC	UCV	UBJJ
SUP	SUP	SUP	SUP	SUP	SUP

ENROLLED (M) This act modifies the Criminal Code by adding in a section that clarifies that the term "child" used throughout the statute refers to a person under the age of 14. (Currently, the bill only specifies that on one part of the bill). Also includes technical changes including amending the affected cross references and correcting the spelling of the word "kidnaping" to "kidnapping". [Fiscal Note: No fiscal impact.]

HB0214 Regulations of Restraints and Seclusion*(Mike Thompson Party: R)*

CCJJ	USC	USAAV	LELC	UCV	UBJJ
HOLD	HOLD	HOLD	HOLD	---	HOLD

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

(C) This bill modifies the Mental Health Professional Licensing Act. The bill enlarges the definitions of the chapter by providing definitions for the following terms: chemical restraint, emergency, mechanical restraint, physical restraint, protective devices, and seclusion. This bill regulates the use, practice or application of chemical restraints, physical restraints, mechanical restraints and seclusion. Chemical restraint, physical restraint, mechanical restraint, or seclusion may only be used as a last resort, only in emergencies, must be removed or ended at the earliest possible time, and only upon order by a physician. Maximum time for restraint may not exceed 2 hours for adults. Annual reports regarding their administration are required to the governor, the speaker of the House of Representatives, and the president of the Senate.

HB0217	Private Investigator Licensure Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Margaret Dayton</i> Party: R)				OPP	---	

This act modifies the Public Safety Code by providing that the Bureau of Criminal Identification will issue private investigator licenses within a specified number of days, and that the Private Investigator Hearing and Licensure Board will hear appeals from The bureau's decisions, rather than issuing the licenses. The act amends the definition of direct supervision. The act also allows the bureau to consider mitigating circumstances when reviewing the applicant's good moral character. This act takes effect on July 1, 2003.

HB0222	Child Welfare Proceedings Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Greg Curtis</i> Party: R)	SUP	---	SUP	---	NP	SUP

(C) This bill expands access to abuse, neglect, and dependency hearings and records of those hearings, beginning with Juvenile Court districts identified by the Judicial Council as pilot districts. The Judicial Council is required to report to the Legislature on the effects of this implementation. [Fiscal Note: State Impact = bill establishes a pilot program and requires ongoing General Fund appropriation of \$8,000 to the Courts to implement in the pilot districts. May be additional expenses for evaluation of the pilot and reporting of the results. Other funding sources are anticipated to handle the evaluation. FY04 \$8,000; FY05 \$8,000. Bus/Ind Impact = may be some increased litigation costs.]

HB0230	Parental Relocation Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Mike Thompson</i> Party: R)				OPP		

This act creates a requirement that divorced or separated parents provide a notice of relocation to the other parent before moving or leaving the state. The notice shall be signed and acknowledged by both parents. This act also provides that violations of the provisions of the notice are prosecutable under the provisions of custodial interference.

HB0235	Falsification or Alteration of Government Record	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Katherine Bryson</i> Party: R)	SUP	SUP	---	SUP	---	SUP

(C) This act modifies the Criminal Code by clarifying that a person is guilty of a class B misdemeanor only if the offense committed does not constitute a fraud offense subject to a greater penalty. The act also adds clarifying language such as changing "any such thing" to "the information or records." The sentences are made gender neutral by changing "he" to "the person." [Fiscal Note: implemented with existing resources.]

HB0238	Utah Code of Criminal Procedure Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Katherine Bryson</i> Party: R)	SUP	SUP	---	---	SUP	SUP

(C) This bill clarifies provisions of the Code of Criminal Procedure relating to the withdrawal of guilty pleas, expert testimony, and suspension of sentences. A

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

request to withdraw a plea of guilty or no contest, except for a plea in abeyance, shall be made by motion before sentence is announced. For a plea held in abeyance, a motion to withdraw the plea shall be made within 30 days of pleading guilty or no contest. Contains other minor word changes. [Fiscal Note: No significant state or local government fiscal impact. There could be some savings to local government. The amount cannot be quantified.]

HB0239	Parent-time Assistance Office	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Chad Bennion</i> Party: R)				OPP	OPP	

This act modifies the Human Services Code to create a Parent-time Assistance Office. The act sets out the duties of the office and allows for coordination with law enforcement, the attorney general, and the Office of Recovery Services. It also provides for agency action under the Administrative Procedures Act and allows the office to help a person fill out court-related documents once the office can no longer effectively help the person. This act raises certain court fees and creates a restricted account to fund the office. The act provides an effective date.

HB0263	Profits from Sale of Crime Memorabilia	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Scott Daniels</i> Party: D)	SUP	SUP	---	SUP	PRI	SUPP

(D) Requires all profits reaped from the sale of crime memorabilia go to the Crime Victim Reparation Fund. Memorabilia means any tangible property of a person convicted of a first degree or capital felony the value of which is enhanced by the notoriety gained from the conviction. Violators of this section may be assessed a civil fine of up to \$1,000 per item sold or three times the amount of the unremitted profit, whichever is more.

HB0269	Conditions for Release after Notice Regarding Arrest for Domestic	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Peggy Wallace</i> Party: R)	S/C	S/C	S/C	N/P		S/C

(D) Creates a new section dealing with notification requirements for an alleged perpetrator of domestic violence. Notification will include penalties for violation of the court order. [Fiscal Note: implemented with existing resources.]

HB0279	Theft of Gasoline	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Greg Curtis</i> Party: R)				N/P		

This act modifies the Criminal Code and the Public Safety Code by providing that if a theft offense involves a "drive-away" taking of gasoline the driver license of the offender may be suspended. This act also modifies the Judicial Code by providing civil liabilities and penalties for the unlawful taking of gasoline. This act imposes joint civil liability on a minor and the minor's guardian for the unlawful taking of gasoline. This act also imposes civil liability on the owner of a vehicle used in the unlawful taking of gasoline unless the owner can demonstrate that the vehicle was being used without his permission.

HB0280	Motor Vehicle Accidents - Access to Police Reports	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>F. Christensen</i> Party: R)				OPP	---	

This act modifies the Motor Vehicles Code by amending accident report disclosure provisions. This act requires the responsible law enforcement agency employing the investigating officer to disclose the accident report and upon written request any accompanying data within ten days of the receipt of a written request, unless the disclosure interferes with an ongoing criminal investigation or criminal prosecution. THIS ACT REQUIRES THE DEPARTMENT OF PUBLIC SAFETY AND THE RESPONSIBLE LAW ENFORCEMENT AGENCY EMPLOYING THE INVESTIGATING PEACE OFFICER TO CHARGE A FEE FOR THE COST INCURRED FOR DISCLOSING AN ACCIDENT REPORT OR ANY OF ITS ACCOMPANYING DATA.

Bill Number Title/Sponsor/Summary

Positions

HB0284 Traffic Accident Response **CCJJ USC USAAV LELC UCV UBJJ**
 (*Eric Hutchings* Party: R) **OPP --- --- OPP --- ---**

(D) Requires a peace officer to use the quickest available means to remove a vehicle from the highway that is causing a safety hazard, traffic delays, and resulting in significant delays to the public. Requires DPS to make rules and implement. Provides exception to rules for rotation of tow truck motor carriers. [Fiscal Note: implemented with existing resources.]

HB0285S1 False Allegations in Divorce Proceedings **CCJJ USC USAAV LELC UCV UBJJ**
 (*Neal Hendrickson* Party: D) **OPP OPP --- HOLD OPP OPP**

(C) This bill provides sanctions and remedies in divorce proceedings for a party against whom a false allegation of child abuse or sexual abuse is made. If allegations of child abuse, neglect or spouse abuse are unfounded, or determined to be a tactic employed by one party to circumvent the other party's custody or parent-time right, the court shall grant the alleging party must pay all of the court costs and attorneys fees in defending the allegations. If one party significantly interferes with visitation, then the other party may petition to altar the custody and child custody arrangements. [Fiscal Note: State Impact = implemented with existing resources. Ind/Bus Impact = noncompliant individuals may be subject to monetary penalties in addition to loss of custody and criminal penalties.]

HB0293 Disclosure of Meth Labs on Rental Property **CCJJ USC USAAV LELC UCV UBJJ**
 (*David Litvack* Party: D) **S/C --- S/C HOLD SUP S/C**

(D) Requires disclosure to renter if owner of property knew of meth production on said propey. [Fiscal Note: No fiscal impact.]

HB0300 Tax of Sexually Explicit Materials **CCJJ USC USAAV LELC UCV UBJJ**
 (*Duane Bourdeaux* Party: D) **HOLD --- HOLD --- ---**

(D) This act modifies the Revenue and Taxation Code to impose a tax on a sexually explicit business and an escort service. The act enacts provisions for the administration of the tax imposed by the act. The act dedicates the tax revenue generated by the tax imposed by the act to a restricted special revenue fund for prevention and treatment programs for sex offenders. The act takes effect on July 1, 2003.

HB0307S1 Child Bigamy Amendment **CCJJ USC USAAV LELC UCV UBJJ**
 (*M. Lawrence* Party: R) **SUP SUP --- HOLD SUP SUP**

(C) This bill makes child bigamy a second degree felony offense. [Fiscal Note: estimated the bill will require General Funds of \$16,700 in FY05 and \$29,200 annually thereafter for the DOC. Bill may serve as a deterrant and may result in net cost savings to the State over time.]

HB0309 Special Function Officers for Division of Occupational and Profess **CCJJ USC USAAV LELC UCV UBJJ**
 (*J. Philpot* Party: R) **SUP --- SUP --- ---**

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

This act modifies provisions related to Occupational and Professional Licensing by Allowing the director of the Division of Occupational and Professional Licensing to employ and designate investigators as special function officers.

HB0312	Email Marketing		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Katherine Bryson</i>	Party: R)						

This act modifies the Unsolicited Commercial and Sexually Explicit Email Act to provide additional definitions and eliminate the requirement for the sender of a sexually explicit email to provide a toll-free telephone number. The act makes certain modifications to a sender's obligations and defenses, and modifies the available civil action for a violation. The act makes technical changes.

HB0324S1	Jury System Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Greg Curtis</i>	Party: R)	HOLD	HOLD	---	---	---	---

(D) Provides excusal from or postponement of jury service for specific reasons. Creates a Class C misdemeanor for any person who willfully misrepresents a material fact regarding qualification for, excuse from, or postponement of jury service. [Fiscal Note: provisions can be implemented with existing budgets. A review of workload assigned to judges may be necessary in the future to determine if funding for additional judges is necessary to meet increased demand.]

HB0325S1	Court-ordered Counseling		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Glenn Donnelson</i>	Party: R)	OPP	OPP	OPP	---	---	OPP

(C) A juvenile ordered by the Juvenile Court to participate in counseling may receive this counseling from a clergy member, upon request of the person and with approval of the judge. The juvenile must also consent to reporting requirements prescribed by the judge. [Fiscal Note: State Impact = no significant impact. Ind/Bus Impact = savings to individuals requiring court ordered counseling who can get it less expensively through a member of the clergy.]

HB0334	Enticing Minors over Internet Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Duane Bourdeaux</i>	Party: D)	SUP	SUP	---	SUP	SUP	SUP

(D) This act modifies the Criminal Code by stating that a person who attempts to use a computer to solicit, seduce, lure or entice a minor over the Internet may be prosecuted. [Fiscal Note: can be implemented with existing resources.]

HB0335S1	Redistribution of Tobacco Fund Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Rozalind McGee</i>	Party: D)	OPP	OPP	OPP	---	---	OPP

(C) This act modifies the distribution of tobacco settlement money received by the state for fiscal years 2003-04 and 2003-05. The act is changed by increasing the amount of funds that are received from the settlement agreement and put into the Tobacco Settlement Restricted Account from 40% to 100%. After July 1, 2005, the amount will decrease to the original 40%. A section is added stating that for the fiscal year 2003-04 and 2003-05, 60% of the funds will be appropriated to the state Medicaid budget. Technical changes are added in order to accommodate the added sections. [Fiscal Note: State Impact = This bill calls for depositing 100% of the funds from the Master Settlement Agreement into the Tobacco Settlement Restricted Account, instead of 40% (FY04). This diversion will be in effect for FY04 and FY05. Beginning FY06, the split goes to 40% to the Restricted Account and 60% to the Permanent Trust Fund. For the two fiscal years of the diversion, the funding difference goes to the Medicaid budget. Ind/Bus Impact = individuals covered by Medicaid may experience easier access to medical services and more covered services than is currently projected.] AMENDED to put Medicaid in line after after appropriations to CHIP, Dept of Health, AOC, Board of Pardons and Board of Regents.

Bill Number	Title/Sponsor/Summary				Positions		
HB0343S1	Amendments Regarding Illegal Drugs in Correctional Facilities	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>F. Christensen</i> Party: R)	OPP	OPP	OPP	N/P	HOLD	---

(C) This amends provisions regarding controlled substances to provide incarceration for violations of drug laws while at a correctional facility. If the violation that would otherwise have been established would have been less than a 1st degree felony but for this new subsection, the person may be sentenced to imprisonment for an indeterminate term as provided by law, not to exceed five years to run consecutively and not concurrently. [Fiscal Note: requires an ongoing appropriation of \$86,100 General Fund beginning FY05 to DOC.]

HB0344	Changing Statutory Presumption	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Chad Bennion</i> Party: R)						

This act modifies the Motor Vehicle Code by repealing a provision that failure to use a child restraint device or to wear a safety belt does not constitute contributory or comparative negligence and may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or mitigation of damages.

HB0353	Vehicle Disclosure Requirements	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>DeMar Bowman</i> Party: R)	HOLD	HOLD	---	N/P		---

(D) This act modifies the Motor Vehicles Code to prohibit a person from knowingly selling a vehicle initially delivered for sale in a country other than the United States of America without written notification to the purchaser. This act requires the State Tax Commission to make rules regarding information required to be disclosed. This act provides that a violation is a class B misdemeanor. This act allows for civil liability for failure of a seller to provide the purchaser with the required Notification.

HB0370	Certification of Judges	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Katherine Bryson</i> Party: R)						

(D) Judges standing for retention elections shall be certified by the Supreme Court and justices by the Judicial Council. [Fiscal Note: implemented with existing resources.]

HB0371S3	Court Security Fee	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>David Hogue</i> Party: R)	SUP	---	---	N/P	---	SUP

(D) Creates the Court Security Account for the Administrative Office of the Courts to contract for court security. The Account will receive funding from a security surcharge of [\$25] assessed in all courts of record on all criminal convictions and delinquency judgements. Excludes security surcharges on nonmoving traffic violations, community service and penalties assessed by the juvenile court as part of the nonjudicial adjustment of a case. The security surcharge is to be collected after the surcharge under Section 63-63a-1. Increases civil fees by varying amounts and requires a \$15 portion of the civil fees to be deposited in the Court Security Account. [Fiscal Note: State Impact = estimated the bill will increase State revenues by \$2.2 million annually beginning FY04. Ind/Bus Impact = local justice courts will also benefit financially; individuals and organizations will pay higher fees to resolve issues in court.]

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

identifying information, in bulk electronic form. [Fiscal Note: State impact = it is estimated that provisions of this bill can be implemented with existing resources. Individual and business impact = there could be some economic benefit to automobile buyers as they will have more complete information to base their purchasing decisions.]

SB0025	Commitment and Custody of Minors Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Scott Jenkins</i> Party: R)	---	---	---	---	---	SUP

ENROLLED (M) This act adds a provision to the Utah Human Services Code relating to commitment proceedings stating that the local mental health authorities must take the physical custody of minors who are committed to them by a judicial proceeding. It also changes the current bill, which does not allow persons under the age of 18 to be committed to the local mental health authority but only allows the child to be committed to the Division of Substance Abuse and Mental Health. The change now allows those under 18 to be put in the physical custody of a local mental healthy authority, but only after a court commitment proceeding. A commitment proceeding in Juvenile Court may only be commenced after a commitment proceeding under Section 62A-15-703 has concluded without the child being committed. Any wording and responsibilities previously given to the division are taken out or given to the local mental health authorities. (UBJJ) [Fiscal Note: It is estimated that additional legal provisions of this legislation will require the equivalent time of one-fourth of an experienced attorney, at a cost of FY04 \$29,000; FY05 \$28,250; FY04 \$0.00; FY05 \$0.00.]

SB0027	Involuntary Commitment Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Leonard Blackham</i> Party: R)				OPP	SUP	

This act modifies the process by which adults are involuntarily committed to mental health programs. It eliminates the "immediate danger" standard and provides for a "substantial danger" standard for the purposes of involuntary commitment, defines substantial danger, shortens the time period before a hearing when a person is being detained pending a hearing, and requires a report to the Health and Human Services Interim Committee. It also modifies the definition of mental illness, limits the new definition solely to involuntary commitments, and requires examiners to inform patients of specific rights.

SB0027S2	Susan Gall Involuntary Commitment Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Leonard Blackham</i> Party: R)					SUP	

This act, in memory of Susan Jenkins Gall, modifies the process by which adults are involuntarily committed to mental health programs. It eliminates the "immediate danger" standard and provides for a "substantial danger" standard for the purposes of involuntary commitment, defines substantial danger, shortens the time period before a hearing when a person is being detained pending a hearing, and requires a report to the Health and Human Services Interim Committee. It also requires examiners to inform patients of specific rights.

SB0028S1	Initiative Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>John Hickman</i> Party: R)	N/P	N/P	N/P	---	---	N/P

(D) Modifies the election code provisions relating to statewide initiatives, the signature requirements, certain disclosure requirements, the time period during which sponsors may gather signatures, the initiative petition form to require certain disclosures and certifications on the petition sheets, and the political issues committee and corporation financial disclosure requirements. This bill requires petition sponsors to hold public hearings throughout Utah on the petition. The act also creates another Class A misdemeanor in addition to the two already present. The created misdemeanor states that it is unlawful for a person to 1) pay or accept payment to sign a petition and 2) pay or accept payment to remove the person's signature from the petition. [Fiscal Note: State Impact = estimated that implementing provisions of this bill will require \$10,000 in ongoing General Funds for the Election Office beginning FY04 and \$10,000 for FY05. Ind/Bus Impact = estimated that sponsors of an initiative petition will incur newspaper publishing costs to \$3,600 to provide written notice, and other costs associated with arranging, holding and documenting the proceedings of the required public hearings throughout the state.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
SB0030	Utah Administrative Rulemaking Act Amendments (Howard Stephenson Party: R)				HOLD		

This act modifies the Utah Administrative Rulemaking Act. This act amends the definition of a rule and clarifies when an agency's written statement is determined to be a rule.

SB0031	Property Forfeiture Amendments (John Valentine Party: R)	CCJJ SUP	USC SUP	USAAV SUP	LELC SUP	UCV SUP	UBJJ SUP
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(D) Modifies the Utah Uniform Forfeiture Procedures Act; provides definitions, expands reporting and accountability requirements, repeals criminal forfeiture and specifies all forfeiture proceedings are civil. Creates two accounts: (1) Law Enforcement Forfeiture Account for federal forfeiture monies and transfers into it the funds remaining in the Drug Forfeiture Account (Legislature to appropriate money to DOC and DPS); and (2) the Attorney General Law Enforcement Assistance Fund to provide funding for the Attorney General Law Enforcement Assistance Program for program awards to agencies for specific law enforcement activity. The fund will receive two-thirds of the net forfeiture proceeds. Creates the Substance Abuse Forfeiture Account that will receive one-third of the net forfeiture proceeds. The Administrative Office of the Courts will administer the fund for drug court purposes. Repeals provisions allowing for forfeiture defense costs allocated from the forfeited property. Sets out jurisdiction and venue for forfeiture proceedings and guidelines on notification of the owner(s) or interest holder(s) in the property.

SB0033	Fees for Sheriff (Mike Dmitrich Party: D)	CCJJ ---	USC --	USAAV ---	LELC SUP	UCV ---	UBJJ ---
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Modifies the fee structure for service in civil cases.

SB0038	Child Access to Firearm Prevention Amendments (Paula Julander Party: D)	CCJJ HOLD	USC HOLD	USAAV HOLD	LELC HOLD	UCV NP	UBJJ HOLD
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(D) CRIMINAL: Creates a Class B misdemeanor crime for storing a firearm that has ammunition in the chamber cylinder or magazine that can be discharged on the premises by a minor. Exceptions if the firearm was in a locked container; the minor gained entry to the premises unlawfully; the firearm is carried on a person; the firearm has an external locking device; or self defense. Dealers must post and provide a copy of the warning of potential prosecution. CIVIL: If the violator is a parent or guardian of a minor who is injured or who dies as a result of an accidental shooting, they shall be prosecuted only if the parent or guardian behaved in a grossly negligent manner. Establishes civil damage cap and statute of limitations. [Fiscal Note: State Impact = number of anticipated cases brought under this bill is very small and can be accommodated within existing budgets at both the state and local levels. Ind/Bus Impact = wholesale and retail businesses that deal in firearms may incur some additional expenses for signs and tags required by this bill. These costs will likely be passed onto consumers through pricing. The bill also limits the damage awards for failure to secure firearms from juveniles to \$500,000.]

SB0040	Pay Plan - Salary Survey Amendments (Mike Dmitrich Party: D)	CCJJ ---	USC ---	USAAV ---	LELC SUP	UCV ---	UBJJ ---
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This act modifies the Personnel Management Act by eliminating the requirement that salary surveys for peace officers, correctional officers, and public safety dispatch personnel include a survey of benefits. This act also eliminates the requirement that the director consider internal comparisons and other factors when determining compensation. This act takes effect January 1, 2004.

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
SB0041	Clandestine Lab Racketeering Amendment (<i>Patrice Arent</i> Party: D)	SUP	SUP	SUP	SUP	SUP	SUP

ENROLLED (M) This act modifies the Criminal Code by including "Clandestine Drug Lab Act" offenses in the definition section of "Unlawful activity" when determining a pattern of unlawful activity under the state's racketeering provisions. [Fiscal Note: no significant fiscal impact.]

SB0042	Fraudulent Use of Credit Card Number (<i>Carlene Walker</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP
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(C) This act modifies the Criminal Code by adding that it is a third degree felony when a person possesses, sells, or transfers any information that is necessary to use a financial transaction card. (The original bill only includes activities regarding the actual card). A definition section is added in which "Financial transaction card," "Merchant," "Reencoder," and "Scanning device" are defined. The act also adds in a section stating that it is a third degree felony when a person uses the card's information without the permission of the card holder with the intent to defraud the card holder or merchant, and a second degree felony for any subsequent conviction for the offense. [Fiscal Note: State Impact = Requires ongoing General Fund approp. of \$62,000 for FY04 (\$90,700 for FY05) to DOC for prison and probation costs related to additional convictions due to a new offense. Some counties may incur additional expenses for unreimbursed costs, estimated to be approx. \$4,000 state-wide. Ind/Bus Impact = Prison or jail sentence may impact ability to earn personal income. There may be a benefit to business and the general public as fewer individuals may be involved in fraud.]

SB0048	Forced Entry to Make Arrest (<i>David Thomas</i> Party: R)	SUP	---	---	SUP	---	---
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ENROLLED (C) Amendment of forcible entry of peace officers when making an arrest to reflect recent U.S. Supreme Court decisions. If the building entered appears or is known to be a private residence and if the peace officers do not have consent to entry or no exigent circumstances exist, then the peace officers are required to obtain an arrest or search warrant to enter the building. The language granting permission to peace officers to "break the door or window" is changed to permitting "forcible entry." [Fiscal Note: Implemented with existing resources.]

SB0049	Driver License and Identification Card Amendments (<i>Parley Hellewell</i> Party: R)	SUP	---	SUP	SUP	---	SUP
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ENROLLED (M) This act modifies the Public Safety Code by amending the driver license and identification card provisions. First, the act adds an exception to the rule that the driver must be 16 years old or older to be licensed and to drive off-highway vehicles by stating that the person can drive if a permit is issued according to the specifications of another section. The act also adds in the requirement that the applicant for a driver license or identification card must both have and provide a Utah address. The act changes the fact that the word "minor" or "under 21" must be put on a license to simply the card must have "information" or "other means" to distinguish it from adult licenses. A place to designate a voluntary contribution to various agencies is added to identification cards (the original act only included licenses). The expiration of the identification card is extended from five to ten years and the section stating that a minor's identification card expires on his 21st birthday if the birthday occurs before the expiration date of the card is deleted. "Identification card" Some stylistic changes are done such as adding "gender" in the place of "sex," etc. [Fiscal Note: implemented with existing resources.]

Bill Number	Title/Sponsor/Summary				Positions		
SB0053S1	Amendments to Controlled Substance Act	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Peter Knudson</i> Party: R)	SUP	SUP	SUP	SUP	SUP	SUP

ENROLLED (D) This act modifies the Controlled Substance Act by taking "Buprenorphine" from the Schedule V section to the Schedule III section (listing those drugs that have a depressant effect on the central nervous system) and also adding any drug product containing gamma hydroxybutyric acid into the Schedule III section. Technical changes are done in order to accommodate these additions (such as numbering). The act adds "gamma valerolactone" to those recognized controlled substances that are considered analogs. "Gamma hydroxybutyric acid" is added to those substances that are considered second degree felonies and upon second or subsequent convictions, are considered first degree felonies when a person knowingly and intentionally produces, manufactures, etc. the controlled or counterfeit substance. An "analog" is added to the list of those drugs in which it is unlawful for a person to knowingly and intentionally possess or use unless obtained under a valid prescription. Finally, in the section in which a person can be given additional penalties if certain conditions are met, the act changes the language that the act must be committed in "a church or synagogue" to "or on the grounds of a house of worship as defined in Section 76-10-501." [Fiscal Note: It is estimated this bill can be implemented with existing state resources. Counties may incur some minor costs associated with additional pretrial bookings and after-sentence housing of offenders.] SUBSTITUTE: Also provides that specified penalties under Controlled Substance Act are to be deposited as nonlapsing dedicated credits to be used for operating costs of the Controlled Substance Database.

SB0056S1	Local Government Boards of Examiners	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>James Evans</i> Party: R)				OPP		

This act modifies provisions relating to Counties and the Utah Municipal Code to establish county and city boards of examiners. The act provides for board membership, powers, meetings, and procedures. The act authorizes the filing of a claim with the board of examiners and establishes procedures for considering and reporting on a claim. The act provides for limits on the kinds of claims that can be considered by the board. The act provides for an appeal from the board of examiners to the legislative body of the county or city.

SB0066	Alcoholic Beverage Enforcement and Treatment	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Michael Waddoups</i> Party: R)	SUP	SUP	SUP	---	SUP	S/C

(C) This act modifies the Alcoholic Beverage Title and the Revenue and Taxation Title by increasing the beer tax rate and creating the Alcoholic Beverage Enforcement and Treatment Restricted Account. The definition of "Account" is added and shall be funded from the state treasurer and interest earned on the account. The revenues from the account must be used for programs or projects related to alcohol violations, and must be distributed to municipalities and counties as appropriated by the Legislature and as provided for in a list in the original act. A year-by-year analysis from 2003-2007 is given in which the tax amount of moneys to be paid to the state treasurer is given. The act takes effect on July 1, 2003. [Fiscal Note: State Impact = Could increase beer tax collections by \$2,308,000 in FY04 and by \$2,825,000 in FY05. The Tax Comm. would require an annual appropriation of \$3,200 from Fixed Collections to implement. Requires that \$3,044,000 in FY04 (\$3,479,000 in FY05) of beer tax collections be deposited in the newly created Alcoholic Beverage Enforcement and Treatment Restricted Account. Shifts the required appropriation of \$3,044,000 FY04 and \$3,479,000 FY05 from the General Fund to the new Restricted Account. Ind/Bus Impact = Beer tax will increase by \$3 a barrel beginning in FY04.]

Bill Number	Title/Sponsor/Summary				Positions		
SB0067S2	Revisions to Boards and Commissions	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Howard Stephenson Party: R)	---	---	OPP	---	NP	---

(D) Modifies certain state boards and commissions. Requires the Occupational and Professional Licensure Review Committee to study licensing boards including combining the licensing board for . . . (iii) all mental health professions, including substance abuse counselors. [Fiscal Note: can be absorbed within existing budgets.]

SB0074S1	Amendments to Interlocal Cooperation Act	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(David Gladwell Party: R)				SUP		

This act modifies the Interlocal Cooperation Act to specify matters that can be the subject of an interlocal agreement between two or more public agencies. The act modifies provisions relating to the approval of certain agreements and imposes additional requirements on agreements that are required to be approved by a public agency's legislative body. The act provides for the powers, immunities, and privileges of law enforcement officers performing duties under an interlocal agreement for law enforcement services. The act expands the entities with which a political subdivision may share its revenues. The act enacts provisions relating to the status of employees of public agencies who perform duties under an interlocal agreement with another public agency. The act also makes technical changes.

SB0075	Criminal Background Checks by Political Subdivisions Operating Wat	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Carlene Walker Party: R)	S/C	---	---	SUP	SUP	---

ENROLLED (D) Allows political subdivisions of the state that operate a public water system to require current and prospective employees and contractors seeking access to public water system facilities to submit to a criminal background check as a condition of employment and requires existing employees submit to periodic background checks if the employee will be or is in a position to affect the safety or security of the public water system. Requires written notice to the person for whom a background check has been requested. Sets out costs to the public water system. Requires the Criminal Investigation and Technical Services Division to notify the public water utility when a new entry is made against a person whose fingerprints are held in the file. [Fiscal Note: State Impact = Passage of this bill could increase the dedicated credits going to BCI. Dedicated Credit Revenue: APPROPRIATIONS: FY04 \$41,700 and FY05 \$41,700. REVENUE: FY04 \$44,000 and FY05 \$44,000. Ind/Bus Impact = Individuals requesting services will be required to pay a \$44 fee per criminal background check.]

SB0081	Public Safety Retirement Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Mike Dmitrich Party: D)	---	---	---	SUP	---	---

This act modifies the Utah State Retirement and Insurance Benefit Act by increasing the cost-of-living allowance for members of the Public Safety Retirement Systems. This act takes effect on July 1, 2003.

SB0088S1	Security Personnel Licensing Act Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(Dan Eastman Party: R)				N/P		

This act modifies the Security Personnel Licensing Act by creating a Security Personnel Licensing Education and Enforcement Fund to educate and train licensees and the general public and to help enforce the provisions of the Licensing Act. The act gives the Division of Occupational and Professional Licensing authority to issue citations for violations of the Licensing Act and assess fines for cited offenses. The act expands the definition of unlawful conduct used in the Licensing Act.

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
SB0089S2	Mental Health Professional Practice Act Amendments (<i>D. Buttars</i> Party: R)	---	---	SUP	---	SUP	---

(D) This second substitute allows the division to issue a license by endorsement to a person who has been actively engaged in the legal practice of a profession including, but not limited to, mental health therapy. The division shall issue a temporary Externship license to a person who has completed a list of requirements. Certified social worker interns are added to the list that the division shall issue licenses and certifications to. A section is added in which an applicant for a social worker intern may become certified if certain elements are met. The certification is limited to the time necessary to pass the exam or 6 months, which ever occurs first. The second substitute takes out the section, which allowed an applicant for a certified social worker to perform mental health therapy under a clinical social worker's supervision before passing the exam that actually makes them certified. [Fiscal Note: State Impact = Bill will generate about \$12,800 in revenue to the Commerce Service Fund. Additional costs can be handled within existing budgets. Ind/Bus Impact = Interns will pay an \$85 fee to process their application.]

SB0091S2	Funeral Services Amendments (<i>David Gladwell</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		N/P	N/P	---	---	---	---

ENROLLED (D) Modifies the Occupations & Professional Code by repealing (1) Funeral Services Licensing Act; and (2) Preneed Funeral Arrangement Act. Creates the Funeral Services Act and sets out requirements for the board, licensing, continuing education, and prohibits convicted felons of certain licenses. Creates a Class A Misdemeanor for unlawful conduct in preparing a dead body for disposition; being unlicensed when calling yourself a funeral services director/apprentice; and selling preneed funeral arrangement. Any person violating payments held in trust can be prosecuted under the theft statutes.

SB0093S1	Justice Court Judges Amendments (<i>Thomas Hatch</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	---	---	---	---	---

ENROLLED (D) Modifies the Judicial Code requiring justice court judges abide by all administrative policies of the county or municipality in which they are employed.

SB0095	State Emergency Medical Services Amendments (<i>John Valentine</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
						SUP	

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SB0099	Seat Belt Enforcement (<i>Karen Hale</i> Party: D)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	---	---	SUP	SUP	SUP

(D) Repeals the provision that makes a seat belt violation for a person 19 years of age or older enforceable only as a secondary action when the person is detained for another offense. [Fiscal Note: State = additional revenue from increased citations. Ind/Bus = noncompliant cited motor vehicle operators will be charged a fine of \$52.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
SB0103	Concealed Weapon Permit Holder Amendments (<i>Curtis Bramble</i> Party: R)	N/P	---	---	N/P	---	---

ENROLLED (C) This bill removes provisions related to concealed weapons by no longer permitting out-of-state permits to be valid in Utah for 60 consecutive days. [Fiscal Note: State Impact = no significant fiscal impact. Any loss of potential revenue is estimated to be minimal. Ind/Bus Impact = There will be a savings of the cost of a concealed weapons permit for permit holders of other states who are in Utah for more than 60 days.]

SB0106	Highway Patrol Use of Unmarked Vehicles (<i>Curtis Bramble</i> Party: R)	S/C	---	SUP	SUP	SUP	SUP
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ENROLLED (D) Allows the Highway Patrol to use more than one unmarked vehicle in organized operations in first and second class counties to reduce traffic violations and accidents. Amended to include the officer shall be in a uniform. [Fiscal Note: no fiscal impact.]

SB0108	Dangerous Weapons Amendments (<i>Michael Waddoups</i> Party: R)	SUP	SUP	SUP	SUP	NP	SUP
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(C) Provides an affirmative defense to individuals who were formerly restricted from possesses a dangerous weapon because they were knowingly and intentionally in unlawful possession of a schedule I or II controlled substance. An affirmative defenses exist if the possession of the controlled substances was pursuant to a lawful order of a practitioner for use of a member of the person's household or for administration to an animal owned by the person or a member of the person's household or if otherwise authorized by law to possess the substance. A person may possess a firearm on school premises if the possession is approved by the responsible school administrator or the item is to be used in a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use. [Fiscal Note: no fiscal impact.]

SB0111S1	Process Servers (<i>Michael Waddoups</i> Party: R)				N/P		
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This act modifies provisions relating to constables and private investigators. It provides that constables may serve all forms of process, and limits the forms of process that can be served by private investigators.

SB0115	Theft Detection Shielding Devices Amendments (<i>John Hickman</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP
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ENROLLED (M) This act modifies the Criminal Code regarding theft detection shielding devices stating that when a theft detection device is unlawfully removed from an item of merchandise, the penalty is based on the value of the merchandise. (The current act allows a person removing a theft detection device from an item as small as a CD to be punished the same as one removing the device from a television.) The added section states that it is a class B misdemeanor if the value of the merchandise from which the devise is removed is less than \$300, and a class A misdemeanor if the value of the merchandise is or exceeds \$300. This is a separate offense from any offense listed in the section on Retail Theft. [Fiscal Note: State Impact = No significant impact; any additional expense or potential loss of revenue is estimated to be minimal. Ind/Bus Impact = May impact the fines and penalties that some offenders are ordered to pay. Offenders could pay up to \$1,500 less as a result of this bill.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
SB0116	DNA - Amendment Regarding Warrants (<i>Lyle Hillyard</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP

ENROLLED (M) This act modifies the Criminal Code by adding in a section eliminating the statute of limitations on certain violent crimes when the identity of the perpetrator is unknown, but there is available DNA in which the identity could be discovered at a later date. However, it does not apply if the crime's statute of limitations has run as of May 5, 2003 and no charges have been filed. When identification of the perpetrator is identified through DNA, the prosecution must commence within a year of discovery. [Fiscal Note: State Impact = could result in additional persons being sent to prison within year. Cost of incarceration at a state prison is \$25,000 per year. Though there may not be additional expenses the first year, it is estimated that at least one additional person per year could be sentenced to prison under the provisions. Costs could escalate in subsequent years to \$50,000 in FY06 and \$75,000 in FY07, depending on the number of individuals sent to prison. Ind/Bus Impact = Individuals sentenced to prison under this bill may have their ability to earn personal income significantly reduce.]

SB0117	Aggravated Robbery Amendments (<i>Lyle Hillyard</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP
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ENROLLED (C) A person who attempts to take an operable motor vehicle may be charged with aggravated robbery. [Fiscal Note: State impact = Could result in additional persons being sent to prison. Cost of incarceration at a state prison is \$25,000 per year. Estimated one additional person per year could be sentenced to prison starting in FY04. Costs could escalate to \$50,000 in FY05 and \$75,000 in FY06, depending on the number of additional persons sentenced to prison. Ind/Bus impact = individuals sentenced to prison under this bill may have their ability to earn personal income significantly reduced.]

SB0125	Restrictions on Passengers in Pickup Trucks (<i>Curtis Bramble</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP
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(C) A pickup truck driver may not knowingly permit anyone under 16 years old to ride in the back of the pickup truck. Regardless of the numbers of passengers under age 16 riding illegally, the driver may only receive one citation. Passengers between the ages of 16-18 cannot ride in the back of a pickup truck. These regulations do not apply to persons riding in a camper or engaged in agricultural operations. Each passenger between 16-18 may receive an individual citation. These violations may only be enforced as a secondary action after the vehicle has already been detained for violation of another offense other than this section. [Fiscal Note: Implemented with existing resources.]

SB0127	Appearance of Driver License Amendments (<i>John Valentine</i> Party: R)	SUP	---	SUP	---	SUP	SUP
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(C) The driver licenses and identification cards issued to persons under 21 shall be in a portrait-style format, which style is not used for other licenses or identification cards. The date the holder turns 21 must be plainly printed. If the holder is under 19, the date the holder turns 19 must also be plainly printed. [Fiscal Note: estimated that for FY04, one time funds of \$61,000 from the Transportation Fund Restricted Department of Public Safety Restricted Account will be required to implement provisions of this bill.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
SB0128S1	Protective Order Amendments (<i>Lyle Hillyard</i> Party: R)	SUP	---	SUP	SUP	NP	---

ENROLLED (C) This first substitute adds back in the original section 3, which gives a list of what a "cohabitant" does not include. Language is inserted into the added section 30-6-15 stating that when a protective order exists and a divorce occurs between the same parties, the protective order shall be dismissed if the petitioner in the protective order is present or has been given notice and the court finds that the order doesn't need to continue. If the order is dismissed, the court shall immediately issue an order of dismissal to be filed in the protective order action and give a copy of the order to the statewide domestic violence network.

SB0136	Guilty and Mentally Ill Sentencing Amendments (<i>David Gladwell</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	---	SUP	---	---

(C) This bill provides that in specified circumstances a defendant found to be guilty and mentally ill may be sentenced to a county jail. Existing language regarding procedure is clarified. [Fiscal Note: Could shift a portion of the cost of incarceration from the state to the counties. Dept of Corrections could save approximately \$25,000 for each inmate sentenced to the county jail. State would still be required to pay \$16,200 (70%), leaving counties with \$6,900 unreimbursed. For one inmate: FY04 \$8,800 General Fund savings; FY05 \$17,600 General Fund savings.]

SB0137	Regulation of Coercive Restraint Practices (<i>Parley Hellewell</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
					HOLD	OPP	

This act modifies the Mental Health Professional Licensing Act. The act restricts the use, practice, or application of restraint to certain circumstances.

SB0153S1	Alcoholic Beverage Amendments (<i>John Valentine</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
					N/P		

This act modifies the Alcoholic Beverage Title including technical changes. The act modifies definitions. The act modifies provisions related to the administration of the title by the Alcoholic Beverage Control Commission and the Department of Alcoholic Beverage Control. The act modifies provisions related to state stores. The act modifies provisions related to package agencies. The act modifies provisions related to restaurant liquor licenses and airport lounge liquor licenses. The act enacts provisions providing for limited restaurant licenses. The act enacts provisions providing for on-premise banquet licenses. The act modifies provisions related to private club licenses including the creation of classes of private club licenses. The act modifies provisions related to special use permits. The act amends provisions related to single event permits. The act modifies provisions related to manufacturing licenses, local industry representative licenses, and warehousing licenses. The act modifies provisions related to beer retail and wholesale licenses and enacts provisions providing for temporary special event beer permits. The act modifies provisions related to criminal offenses including restrictions on sales, purchase, possession, and consumption of alcoholic beverages or products; restrictions on operations; restrictions on advertising; restrictions on transportation and distribution of alcoholic beverages or products; and restrictions on trade practices. This act repeals provisions in the Sunset Act related to wine mark-ups. The act enacts the Nuisance Licensees Act. This act appropriates for fiscal year 2002-03 only, \$325,900 from the Liquor Control Fund to the Department of Alcoholic Beverage Control and \$62,000 from Senate 3rd Reading Amendments 2-24-2003 rd/po the General Fund to the Driver License Division of the Department of Public Safety. Subject to future budget constraints, as an ongoing appropriation, this act appropriates for fiscal year 2003-04, S [\$1,396,900] \$1,596,900 s from the Liquor Control Fund to the Department of Alcoholic Beverage Control and S [\$143,000] \$311,000 s from the General Fund to the Liquor Law Enforcement Unit of the Department of Public Safety.

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

SB0158	Division of Child and Family Services Management Information System (<i>D. Buttars</i> Party: R)	CCJJ SUP	USC ---	USAAV ---	LELC SUP	UCV SUP	UBJJ SUP
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(D) This act amends the Utah Human Services Code and the Judicial Code by stating that notice must be served on the alleged perpetrator of severe child abuse or neglect if the division finds a supported finding. The division may file petition for substantiation within one year of that finding. The alleged perpetrator has the added rights to file a written request to review the findings or petition the juvenile court. When the division receives a finding from the juvenile court, they shall amend the Licensing Information System. If a finding of unsubstantiated or without merit is appealed, then the information shall not be amended until the appeal is concluded. An adjudicated proceeding on a supported finding of a non-severe type of abuse or neglect may be joined in the juvenile court with one of the severe types. A person whose name is listed on the Licensing Information System who has not been the subject of a court determination may, at any time, request review in order to remove their name and file a petition for an evidentiary hearing. If a person listed prior to May 6, 2002 requests removal of their name, the division must review the case within 30 days or decide whether to file a petition within 14 days of the decision. If the case is found non-severe or chronic, then the name should be removed. If that person files a petition during the time that an alleged perpetrator's application for clearance is pending, then the court shall hear the matter on an expedited basis. Technical changes are made to accommodate the added sections. Stylistic changes are also made. [Fiscal Note: State Impact = handled with existing resources. Ind/Bus Impact = in certain cases, individuals may find it easier to have their names removed from the Licensing Information System data base.]

SB0163	Driver License Suspension Requirements (<i>Ron Allen</i> Party: D)	CCJJ	USC	USAAV	LELC N/P	UCV ---	UBJJ
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This act modifies the Public Safety Code by amending the mandatory revocation or mandatory denial, suspension, or disqualification provisions to require a license to be revoked, denied, suspended, or disqualified only if a person is convicted of a felony under the motor vehicle laws rather than if the offense is punishable as a felony under the motor vehicle laws. This act also modifies the mandatory denial, suspension, or disqualification provisions to require suspension for any other felony conviction only if the motor vehicle is used to facilitate the offense. This act makes technical changes.

SB0165	Gubernatorial Nominee Amendments (<i>Lyle Hillyard</i> Party: R)	CCJJ ---	USC ---	USAAV ---	LELC ---	UCV ---	UBJJ ---
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ENROLLED (D) Modifies provisions regarding the information sent to the Senate on a judicial appointment by the governor including all file information, written reports, investigative notes regarding character, ability, health, fitness, temperament or experience of the appointee and information on all people who provided information to the governor or his staff. Exception for personal notes made by the governor or his staff.

SB0175	Revenue Procedures and Control Act Amendments (<i>Curtis Bramble</i> Party: R)	CCJJ	USC	USAAV	LELC SUP	UCV	UBJJ
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This act modifies the Utah Code sections governing accounting for revenues. This act authorizes state agencies to collect fees or other revenues via credit cards or other electronic means. This act authorizes state agencies to increase their fees to reimburse the agency for the cost charged by third parties to process those electronic payments and establishes requirements for accounting for those fees. This act requires the Office of the Legislative Fiscal Analyst to study the process established in this act and make recommendations to the Legislature. This act takes effect on July 1, 2003. Section 63-38a-105 is repealed July 1, 2007.

Bill Number Title/Sponsor/Summary

Positions

SB0186S1	Uninsured and Underinsured Motorist Coverage (<i>Dan Eastman</i> Party: R)	CCJJ HOLD	USC ---	USAAV ---	LELC HOLD	UCV HOLD	UBJJ ---
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(C) This amends the uninsured and underinsured motorists provision. The following 3 classes of people may no longer collect uninsured or underinsured motorist coverage: (1) individuals who exercise unauthorized control over a vehicle, (2) passengers who have knowledge that the driver is exercising unauthorized control, or (3) individuals who have committed a felony. A dependent minor of parents who reside in separate households may recover uninsured or underinsured benefits from each parent's policy and each parent's policy is liable only for the percentage of damage that the limit bears to the total of all uninsured coverage applicable to the accident. An underinsured motor vehicle does not include a named insured's own vehicle. Underinsured motorist coverage for the bodily injury or death may be collected by a person under 18 only for medical and funeral expenses and by a law enforcement officer who is injured within the course and scope of the officer's duties. [Fiscal Note: State Impact = handled with existing budgets. Ind/Bus Impact = Some cost to auto insurance carriers who will need to adjust their policy forms. Expand coverage to dependent minors that are injured in a custodial parent's vehicle but limits benefits to amount of damages.]

SB0190	Expansion of Uses of Publicly Funded Shooting Ranges (<i>Bill Wright</i> Party: R)	CCJJ	USC	USAAV	LELC OPP	UCV	UBJJ
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This act modifies provisions relating to State Affairs in General to require S CERTAIN s shooting ranges constructed with public funds to be made available to the public. The act provides for reasonable fees to be charged and for the use of those fees. The act provides for procedures to be established for the use of shooting ranges.

SB0195	Obstruction of Justice and Tampering with Evidence (<i>David Thomas</i> Party: R)	CCJJ S/C	USC S/C	USAAV ---	LELC SUP	UCV SUP	UBJJ S/C
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(C) This bill amends specified penalties for certain offenses involving the obstruction of justice. Any obstruction of justice that is presented or committed before a court of law is a 3rd degree felony. This bill also creates offense of tampering with evidence. If an individual, believing that an official proceeding is pending, knowingly or intentionally (1) alters, destroys, conceals or removes any item in proceeding, or (2) makes, presents, or uses any item which he knows to be false to deceive a public servant, then the individual is guilty of tampering with evidence. If committed in an official proceeding, then tampering with evidence is a 3rd degree felony. [Fiscal Note: implemented with existing resources.]

SB0202	Peace Officer Amendment (<i>Michael Waddoups</i> Party: R)	CCJJ	USC	USAAV	LELC SUP	UCV ---	UBJJ
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This act modifies the Government Records Access and Management Act regarding private information by providing that peace officers in specified classifications are "at-risk government employees" regarding specified personal information. This act takes effect July 1, 2003.

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
SB0205	Tobacco Marketing Practices Restrictions (<i>Curtis Bramble</i> Party: R)	N/P	N/P	SUP	---	---	SUP

(C) This act increases the penalties for the illegal possession of cigars, cigarettes, or tobacco by minors. The fine for 18 year olds who attempt to buy tobacco is increased from \$60 to \$100 and the fine for minors under the age of 18 is increased in the same amount. This adds a section clarifying what a cigarette retailer may do regarding the merchandising, advertising, display, discount, or promotional agreements with the cigarette manufacturer. This also lists what a manufacturer may and may not do. A section is added in which a person who has been affected by the violation of the added section will have a private right of action for civil legal and equitable relief. The added section must be complied with on the termination or expiration of a cigarette manufacturer's contract with a retailer, or on January 1, 2004, whichever occurs first. [Fiscal Note: State Impact = Increase state revenues by \$96,000 annually beginning FY04. Half of the increased revenues will go to the General Fund account and half will go to the Juvenile Restitution Account. Ind/Bus Impact: Noncompliant juveniles will pay an additional \$40 for each violation; noncompliant tobacco companies may incur monetary penalties.]

SB0207S1	Identity Fraud Amendments (<i>Peter Knudson</i> Party: R)	SUP	SUP	---	SUP	SUP	---
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(C) Changes punishment for identity fraud to become a class A misdemeanor if the value of the credit, goods, services, or any other thing of value is less than \$1,000. In addition to law enforcement agencies having the responsibility to investigate identity fraud offenses, the Office of the Attorney General now also had responsibility for investigating violations of this part where identity fraud is the primary violation that is alleged to have been committed. The Division of Consumer Protection no longer is responsible for investigating these types of crimes. Substitute bill amended to include lists of what qualifies as "personal identifying information". Modified definition of "unlawful activity" to include identity fraud. [Fiscal Note: implemented with existing resources.]

SB0208S2	Warrant for Removal of Minor from Home (<i>Bill Wright</i> Party: R)	HOLD	---	---	N/P	OPP	HOLD
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(D) This act modifies the Human Services Code and the Judicial Code. The act provides that a minor may not be removed from the minor's home or school or be taken into protective custody with or without a criminal warrant unless the minor's parent or guardian consents, or there is probable cause to believe any one or more of enumerated circumstances exist. The act amends and clarifies the grounds for a court ordering that a minor be removed from the minor's home or otherwise taken into protective custody, after the filing of a petition alleging abuse, neglect, or dependency. The act makes technical changes. The act amends provisions relating to the authority to issue search warrants and subpoenas. [Fiscal Note: should not have any significant fiscal impact.]

SB0217	Motor Vehicle - Title Requirements (<i>Gregory Bell</i> Party: R)	---	HOLD	---	OPP	---	---
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(D) Requires a new certificate of title when selling or transferring a vehicle, vessel or outboard motor if the title has already been endorsed from a prior transfer/sale. Requires a person selling or transferring any vehicle to be the title holder, lien holder, or granted by law. A person is guilty of a Class B misdemeanor if they violate this section. Violators shall pay all fees and taxes as a result of the violation. [Fiscal Note: Costs can be handled within existing budgets.]

Bill Number Title/Sponsor/Summary

Positions

SB0218S1	Unlawful Sale or Display of Motor Vehicles (<i>Gregory Bell</i> Party: R)	CCJJ ---	USC ---	USAAV ---	LELC N/P	UCV ---	UBJJ ---
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(D) Adds restrictions to parking a vehicle for the sole purpose of displaying the vehicle for sale. Prohibits a person from displaying a vehicle for sale on a parking lot, vacant lot, or public right-of-way unless the person is the owner or lienholder of the vehicle, and is the owner of the property or obtains written consent from the owner. Violation is a Class C misdemeanor. [Fiscal Note: implemented with existing resources.]

SB0251	Firearms Revisions (<i>Beverly Evans</i> Party: R)	CCJJ SUP	USC SUP	USAAV SUP	LELC OPP	UCV SUP	UBJJ SUP
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(C) This bill prohibits the discharge of a firearm or dangerous weapon in the direction of a house, dwelling, occupied vehicle, or building in a manner that threatens the safety or property of others. [Fiscal Note: implement with existing resources.]

SJR003	Resolution Providing for Contested Judicial Elections (<i>David Thomas</i> Party: R)	CCJJ OPP	USC OPP	USAAV ---	LELC ---	UCV ---	UBJJ OPP
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(D) Proposes to amend Utah's Constitution to eliminate the Governor's authorization to select justices and judges with confirmation by the Senate. Implements a new selection process through nonpartisan elections. Voters in the geographic location would vote on the justices and judges. [Fiscal Note: Estimated General Fund costs of \$11,500 for FY05 to put the resolution on the ballot.]