

**LEGISLATIVE INTERIM COMMITTEES -- OCTOBER 2012**

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

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| <b>Bill Title/Subject Matter:</b>   |                         | <b>Enticing a Minor</b>   |
|   | Legislator(s) –Sponsor: | <b>Rep. R. Curt Webb</b>  |
|   | Interested Parties:     | <b>Spencer Walsh, Cache County Attorney’s Office<br/>Craig Barlow, Utah Attorney General’s Office</b> |
|   | Code Reference:         | <b>UCA § 76-4-401</b>   |
| <p><b>Description:</b> This draft bill modifies the Criminal Code regarding the offense of enticing a minor. Clarifies that the elements of the offense of enticing a minor do not include intent to complete a sexual offense with a minor. Provides that the penalties for enticing a minor are based on the level of sexual conduct the actor solicits, seduces, lures, or entices, or attempts to solicit, seduce, lure or entice a minor to engage in.</p> <p><i>[Action: Motion to have issues clarified and present revised bill at the November Interim meeting. Passed unanimously. ]</i></p>  |                         |   |
| <b>Bill Title/Subject Matter:</b>   |                         | <b>Threat of Terrorism Penalty Amendments</b>   |
|   | Legislator(s) –Sponsor: | <b>Rep. Eric K. Hutchings</b>   |
|   | Interested Parties:     |   |
|   | Code Reference:         | <b>UCA § 76-5-107.3</b>   |
| <p><b>Description:</b> This draft bill modifies the Criminal Code regarding a threat to commit terrorism. Provides that threatening to commit an act of terrorism with the intent to cause action by an official or volunteer of any emergency agency is a class B misdemeanor. Does not modify the felony penalties for acts that include intimidating the public, affecting government conduct, or affecting the use of any building or public carrier.</p> <p><i>[Action: Motion to pass favorably as a Committee Bill. Passed unanimously.]</i></p>   |                         |   |
| <b>Bill Title/Subject Matter:</b>   |                         | <b>Sex Offense Amendments</b>   |
|   | Legislator(s) –Sponsor: | <b>Rep. Richard A. Greenwood</b>  |
|   | Interested Parties:     |   |
|   | Code Reference:         | <b>UCA § 76-5-401.2</b>   |
| <p><b>Description:</b> This draft bill modifies the Criminal Code regarding sexual offenses against children who are 16 or 17 years of age. Changes the offense of unlawful sexual conduct with a minor who is 16 or 17 years of age to provide that the offense applies to a defendant who is seven or more years older than the victim, rather than the current provision of 10 or more years older than the victim.</p> <p><i>[Action: Motion to pass favorably as a Committee Bill. Passed unanimously.]</i></p>  |                         |   |
| <b>Bill Title/Subject Matter:</b>   |                         | <b>Inmate Medical Donation Act</b>  |
|   | Legislator(s) –Sponsor: | <b>Rep. Steve Eliason</b>   |
|   | Interested Parties:     | <b>Tom Patterson, Director, DOC<br/>Mike Hadden, Deputy Director, DOC</b>                             |
|   | Code Reference:         | <b>UCA § 64-13-44</b>   |
| <p><b>Description:</b> This draft bill would provide for inmates to voluntarily donate their organs posthumously. Requires the Department of Corrections (DOC) to provide a document of gift form at an inmate’s request, indicating an inmate’s desire to make an anatomical gift if the inmate dies while in the custody of DOC. Requires the DOC to maintain a record of an inmate’s anatomical gift determination. Provides that DOC may release to an organ procurement organization the names of all inmates who indicate they intend to make an anatomical gift.</p> <p><i>[Action: Motion to pass favorably as a Committee Bill. Passed unanimously.]</i></p> |                         |   |
| <b>Bill Title/Subject Matter:</b>   |                         | <b>Gang Activities Overview</b>   |
|   | Legislator(s) –Sponsor: |   |

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|                                   | Interested Parties:   | <b>Lt. Marianne Suarez, UPD, SL Area Gang Project<br/>Lt. Scott Conley, Ogden PD<br/>Lt. Rich Brady, SLCPD Gang Unit</b>                          |
|                                   | Code Reference:   |   |
|                                   | <b>Description:</b> Lt. Suarez provided an overview of gang activity in Salt Lake County. The Project has documented 2200 gang members in Salt Lake County. Gang issues are narcotics, using and selling. Gang members travel throughout the state and that affects all communities through criminal conduct. Gang activity and number of gang members have gone down, but a gang database that captures the rest of the state is needed to share information for more accurate accounting of members. Lt. Brady discussed the Safe Streets Task Force funded through the FBI. Salt Lake City statistics include over 784 (Apr-Oct) persons involved in gang-involved crime. There is a slight downward trend in the documentation from prior year. After partnering with the FBI, the focus allows long-term complex investigations. Some gang members have gone underground with the focus being to sell narcotics. There is a hurdle in trying to analyze the activities statewide until the statewide database is online. Lt. Conley provided a report on the activities in Ogden. The Ogden gang unit focuses on enforcement, prevention, intervention and suppression. They have a real-time crime center in the Ogden area that provides information enabling the unit to put pressure on the criminals. Motorcycle gangs are on the increase.<br><i>[Action: No action taken, discussion only.]</i> |   |
| <b>Bill Title/Subject Matter:</b> |   | <b>New Felonies and Enhancements on Existing Punishments</b>  |
|                                   | Legislator(s) –Sponsor:   |   |
|                                   | Interested Parties:   | <b>Carlene Walker, Chair, Sentencing Commission<br/>Jacey Skinner, Director, Sentencing Commission</b>  |
|                                   | Code Reference:   |   |
|                                   | <b>Description:</b> Ms. Walker presented information explaining the Sentencing Commission, penalty structure, impact of legislation and to inform the Committee about the Sentencing Guidelines. Ms. Skinner provided a presentation on the sentencing structure for penalties.<br><i>[Action. No action taken, discussion only.]</i>   |   |
| <b>Bill Title/Subject Matter:</b> |   | <b>Drug Offender Reform Act (DORA)</b>  |
|                                   | Legislator(s) –Sponsor:   |   |
|                                   | Interested Parties:   | <b>Mary Lou Emerson, Director, USAAV<br/>Jennifer Hemenway, Director of Research, CCJJ<br/>Audrey Hickert, Research Assistant Professor, UCJC</b> |
|                                   | Code Reference:   |   |
|                                   | <b>Description:</b> Ms. Emerson provided an update on the implementation, impact, and results of the DORA program. Ms. Hickert provided an update on the three-year follow-up outcomes. There was 42% of probations successfully completing supervision with two-thirds completing treatment. There were 34% of parolees successfully completing supervision, with 62% successfully completing treatment.<br><i>[Action: No action taken, discussion only.]</i>   |   |
| <b>JUDICIARY</b>                  |   |   |
| <b>Bill Title/Subject Matter:</b> |   | <b>Tenth Annual DUI Report</b>  |
|                                   | Legislator(s) –Sponsor:   |   |
|                                   | Interested Parties:   | <b>Ronald B. Gordon, Executive Director, CCJJ<br/>Mary Lou Emerson, Director USAAV</b>  |
|                                   | Code Reference:   |   |
|                                   | <b>Description:</b> Mr. Gordon and Ms. Emerson provided the statutorily-required DUI report on the data collected and maintained by the courts to help make sentencing and penalty enhancement decisions for repeat offenders. The report includes data available to evaluate recidivism and DUI-related processes  |   |

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|                                   | such as law enforcement, adjudication, sanctions, driver license control, alcohol education and assessment, and treatment.<br><i>[Action: No action taken, discussion only.]</i>  |
| <b>GOVERNMENT OPERATIONS</b>      |   |
| <b>Bill Title/Subject Matter:</b> | <b>Campaign Finance Reporting Penalties</b>   |
| Legislator(s) –Sponsor:           | <b>Rep. Keith Grover</b>  |
| Interested Parties:               |   |
| Code Reference:                   | <b>UCA §§ 20A-11-206, 305, 508, 512, 603,1005, and 1305</b>   |
|                                   | <b>Description:</b> This draft bill amends provisions in Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, that are related to fines. Clarifies when a fine may be imposed for failing to file a financial statement.<br><i>[Action: Motion to pass favorably as a Committee Bill. Passed unanimously.]</i>   |
| <b>Bill Title/Subject Matter:</b> | <b>Election Code Criminal Provisions</b>  |
| Legislator(s) –Sponsor:           | <b>Rep. Keith Grover</b>  |
| Interested Parties:               |   |
| Code Reference:                   | <b>UCA § 20A-4-501, 502; 20A-5-701, 702, 705; 20A-7-213, 312, 512; 20A-8-103; 20A-9-502; Repeals 20A-4-503</b>  |
|                                   | <b>Description:</b> This draft bill amends provisions in Title 20A, Election Code, regarding the penalty for and prosecution of violations of the Election Code. Standardizes language that establishes certain criminal penalties in Title 20A, Election Code. Repeals provisions that specify who is required to prosecute a violation.<br><i>[Action: Motion to pass favorably as a Committee Bill. Passed unanimously.]</i>   |
| <b>BUSINESS AND LABOR</b>         |   |
| <b>Bill Title/Subject Matter:</b> | <b>Report of the Alcohol Abuse Tracking Committee</b>   |
| Legislator(s) –Sponsor:           | <b>Rep. Ryan Wilcox</b>   |
| Interested Parties:               | <b>Commissioner Lance Davenport, Department of Public Safety</b>  |
| Code Reference:                   |   |
|                                   | <b>Description:</b> Commissioner Davenport provided a report on the progress of the Alcohol Abuse Tracking Committee. The Committee is in the process of continuing to collect information and implement the requirements of the legislation.<br><i>[Action: No action taken, discussion only.]</i>   |
| <b>TRANSPORTATION</b>             |   |
| <b>Bill Title/Subject Matter:</b> | <b>Annual Report of Driving Under the Influence Related Data</b>  |
| Legislator(s) –Sponsor:           |   |
| Interested Parties:               | <b>Ronald B. Gordon, Executive Director, CCJJ<br/>Mary Lou Emerson, Director, USAAV</b>   |
| Code Reference:                   |   |
|                                   | <b>Description:</b> Mr. Gordon and Ms. Emerson provided the statutorily-required DUI report on the data collected and maintained by the courts to help make sentencing and penalty enhancement decisions for repeat offenders. The report includes data available to evaluate recidivism and DUI-related processes such as law enforcement, adjudication, sanctions, driver license control, alcohol education and assessment, and treatment.<br><i>[Action: No action taken, discussion only.]</i> |
| <b>Bill Title/Subject Matter:</b> | <b>Amendments to Ignition Interlock Program</b>   |
| Legislator(s) –Sponsor:           | <b>Sen. Daniel W. Thatcher</b>  |
| Interested Parties:               |   |

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|  | Code Reference: <b>UCA § 53-3-1007</b>   |
|  | <p><b>Description:</b> This draft bill modifies the Uniform Driver License Act by amending provisions relating to the ignition interlock program. Provides that the Driver License Division may only clear the suspension for an ignition interlock violation if the division electronically verifies that the person does not have a vehicle registered in the person's name in the state of Utah, rather than a vehicle registered in any state.</p> <p><i>[Action: Motion to pass favorably as a Committee Bill. Passed unanimously.]</i></p> |