

## LEGISLATIVE INTERIM COMMITTEES -- NOVEMBER 2015

LAW ENFORCEMENT AND CRIMINAL JUSTICE	
<b>Bill Title/Subject Matter:</b>	<b>Offender Registry Amendments</b>
Legislator(s) –Sponsor:	<b>Rep. Draxler</b>
Interested Parties:	
Code Reference:	<b>2016FL-0169/005</b>
<p><b>Description:</b> Provides that persons who are adjudicated as juveniles and who come into the state shall register according the applicable provisions of the state where the juvenile was adjudicated. Adds the class A misdemeanor offenses of enticing a minor and voyeurism to the provisions allowing an offender to apply for removal from the registry five years after the offender completes the sentence and meets specified requirements. Provides that if an offender's petition to reduce the offender's time on the registry is denied, the offender may not petition again for three years.</p> <p><i>[Action: Rep Webb made a motion to allow staff to strike references to the juvenile offender. PASSED. Rep. Webb made a motion to pass the amended bill out as a committee bill. UNANIMOUS]</i></p>	
<b>Bill Title/Subject Matter:</b>	<b>Law Enforcement Training</b>
Legislator(s) –Sponsor:	
Interested Parties:	<b>Tim Clark, Partners in Law Enforcement Mike Gillespie, Partners in Law Enforcement</b>
Code Reference:	
<p><b>Description:</b> Mr. Gillespie made a presentation on the Blue EQ Model that focuses on measuring the emotional quotient for law enforcement officers. The tool will assist agencies in risk management by identifying more specific training needs for officers. For a free evaluation contact 801.610.6277.</p> <p><i>[Action: No action, information only.]</i></p>	
<b>Bill Title/Subject Matter:</b>	<b>Implementation of the Justice Reinvestment Initiative</b>
Legislator(s) –Sponsor:	
Interested Parties:	<b>Doreen Weyland, CCJJ JRI Coordinator Brent Kelsey, DSAMH Rollin Cook and Steve Gehrke, Department of Corrections Rick Schwermer, Administrative Office of the Court Sheriff James Tracy, Utah Sheriff's Association Jennifer Valencia, Sentencing Commission Director Greg Johnson, Board of Pardons and Parole</b>
Code Reference:	
<p><b>Description:</b> Agency representatives provided an update on the implementation of the JRI legislation.</p> <p><i>[Action: No action, information only.]</i></p>	
POLITICAL SUBDIVISIONS	
<b>Bill Title/Subject Matter:</b>	<b>Good Landlord Program</b>
Legislator(s):	<b>Rep. Gage Froerer</b>
Interested Parties:	
Code Reference:	<b>2016FL-0294/007</b>
<p><b>Description:</b> Defines "residential landlord." Prohibits a municipality from requiring a residential landlord to deny tenancy to certain individuals. Prohibits a municipality from requiring a residential landlord to provide certain information on or on a contract with a tenant. Permits a municipality to require a copy of an agreement between the owner of record of real</p>	

property and a third-party provider who manages the property. If a residential landlord owns multiple properties, requires a municipality to charge a disproportionate rental fee reduction for each property that is in compliance.

*[Action: Rep. Briscoe moved to pass the bill with a favorable recommendation as a committee bill. UNANIMOUS]*

**JUDICIARY**

<b>Bill Title/Subject Matter:</b>	<b>Asset Forfeiture Revisions</b>
Legislator(s) –Sponsor:	<b>Rep. Greene</b>
Interested Parties:	
Code Reference:	<b>2016FL-0222/014</b>

**Description:** Modifies the elements of qualifying as an innocent owner regarding property subject to forfeiture. Requires a direct nexus of the property to a specific alleged criminal exchange or transaction, in order for the property to be forfeited. Modifies the definition of proceeds that are from an offense giving rise to a forfeiture. Requires the prosecutor to bring an action for civil forfeiture in a timely manner. Provides that any person may assert an interest in seized property or file an answer to a forfeiture complaint without posting bond. Provides that the hardship provisions include use of funds to allow an individual to obtain a legal defense in the forfeiture proceeding or the related criminal proceeding and assets of a legitimate business. Provides that prejudgment interest shall be awarded, in addition to the current postjudgment interest. Removes the cap of 20% of the value of the property subject to forfeiture when awarding legal costs and attorney fees. Modifies the obligations of a claimant regarding illegal use of the property subject to forfeiture. Provides that the proceeds from civil forfeiture actions shall be placed in the Uniform School Fund, and that proceeds from criminal forfeiture actions shall continue to be placed in the Criminal Forfeiture Restricted Account for use by the State Asset Forfeiture Program. Modifies the allocation of the proceeds from asset forfeiture to provide for: victim restitution; reimbursement of direct costs by the prosecuting agency and the law enforcement agencies involved in the case; and allocating remaining proceeds to the Uniform School Fund. Provides that if the defendant is acquitted of the criminal charge subsequent to the civil forfeiture proceeding, the forfeited assets shall be returned and the defendant shall be reimbursed for costs as listed.

*[Action: Rep. Thurston made a motion to pass the bill with a favorable recommendation. PASSED]*

<b>Bill Title/Subject Matter:</b>	<b>Summons and Arrests</b>
Legislator(s) –Sponsor:	<b>Rep. Christensen</b>
Interested Parties:	<b>Mike Nakamura, Salt Lake District Attorney’s Office</b>
Code Reference:	<b>Rule 6 Warrant of arrest or summons, Utah Rules of Criminal Procedure</b>

**Description:** Rep. Christensen stated there is a difference between issuing a summons and issuing a warrant for one’s arrest. What is happening now is someone will call the police and file a complaint, the officer will take a statement and file the information with the court and a warrant of arrest is issued. Generally the accused does not know this is happening. The individual is arrested and has to deal with bailing out of jail, mug shots, criminal record, etc. Due process happens later, sometimes many days/weeks later. Issuing a summons would be better in some circumstances. Another issue is criminal defense lawyers are paying exchange services to search for these warrants so they then contact the defendant informing them of the warrant for their arrest and offering legal services to help. Warrants of arrest should be the exception, not the rule. Additionally, there is a break down in the e-filing system because the judges are using the system to issue a warrant rather than doing a manual summons. Discussion continued on when to file a warrant verses a summons.

Mr. Schwermer reported that in 2015 Salt Lake County filed 92% by warrant and 8% by summons. The rest of the state was almost opposite with 82% filing summons and 18% filing warrants. A report is being presented to the Judicial Council next week on pretrial release with recommendations.

	<i>[Action: No action, information only.]</i>	
<b>Bill Title/Subject Matter:</b>	<b>DUI Statutory Report</b>	
Legislator(s) –Sponsor:		
Interested Parties:	Mary Lou Emerson, USAAV Director	
Code Reference:		
	<p><b>Description:</b> Mary Lou Emerson presented an abbreviated report emphasizing the increase in DUI/Alcohol-related fatalities from 2013 to 2014. Committee members expressed concern with DUI statutes and their effectiveness. Mary Lou invited committee members to provide input to the DUI Committee regarding their concerns and to attend the next meeting on December 8<sup>th</sup>.</p> <p><i>[Action: No action, information only.]</i></p>	
<b>BUSINESS AND LABOR</b>		
<b>Bill Title/Subject Matter:</b>	<b>Public Access to Administrative Actions</b>	
Legislator(s) –Sponsor:	<b>Sen. Bramble</b>	
Interested Parties:		
Code Reference:	<b>2016FL-0284/016</b>	
	<p><b>Description:</b> FYI: Addresses access of information on public state-controlled websites. Addresses application of the Government Records Access and Management Act. Addresses the Open and Public Meetings Act.</p> <p><i>[Action: UNKNOWN, I was unable to stream this committee room.]</i></p>	
<b>HEALTH AND HUMAN SERVICES</b>		
<b>Bill Title/Subject Matter:</b>	<b>Medical Marijuana</b>	
Legislator(s) –Sponsor:	<b>Rep. Daw</b>	
Interested Parties:		
Code Reference:	<b>2016FL-0041/011</b>	
	<p><b>Description:</b> Allows an individual with a qualifying illness who registers with the state electronic verification system to possess and use, under certain circumstances, cannabidiol and cannabidiol products. Directs the Department of Health to issue a medical cannabidiol card to an individual who meets the requirements of: a qualified patient; or a designated caregiver of a qualified patient. Directs the Department of Commerce, Division of Occupational and Professional Licensing to issue: a license to operate a cannabidiol dispensary to a person who meets certain qualifications; and a registration card to an individual to act as an agent of a cannabidiol dispensary to an individual who meets certain qualifications. Directs the Department of Agriculture and Food to issue: a license to operate a medical cannabidiol establishment to a person who meets certain qualifications; and a registration card to an individual to act as an agent of a medical cannabidiol establishment if the individual meets certain qualifications. Requires a cannabidiol dispensary to report the distribution of cannabidiol to an individual to the Utah Controlled Substance Database. Permits a political subdivision to restrict the location of and operations of a cannabidiol dispensary or medical cannabidiol establishment through local zoning ordinances and business licenses. Amends the Controlled Substances Act to allow a licensed person to grow, process, possess, and sell cannabidiol for the medical use of a patient under certain circumstances. Requires a physician who recommends cannabidiol to a patient to: receive training; report adverse events to the Department of Health; and limit the number of patients for whom the physician will recommend cannabidiol. Makes the retail sale of medical cannabidiol subject to sales tax. Amends provisions related to driving with a measurable metabolite of cannabidiols. Modifies the membership of the Controlled Substances Advisory Committee. Directs the Controlled Substances Advisory Committee to recommend conditions to include as qualifying illnesses for treatment using</p>	

	<p>cannabidiol. Repeals the Hemp Extract Registration Act.</p> <p><i>[Action: Rep. Thurston, made a motion to hold this legislation, more time is needed to develop consensus and we will see more than one bill during the General Session. Rep. Hawkes made a Substitute Motion to consider this bill and pass out with a favorable recommendation. PASSED]</i></p>	
<b>Bill Title/Subject Matter:</b>	<b>Medicaid Preferred Drug List (Amended)</b>	
Legislator(s) –Sponsor:	<b>Rep. Ward</b>	
Interested Parties:		
Code Reference:	<b>2016FL-0187/007</b>	
	<p><b>Description:</b> Authorizes the Department of Health to consider all psychotropic drugs for inclusion on the Medicaid program's preferred drug list. Requires accountable care organizations that contract with Medicaid to pre-authorize psychotropic drugs not on the preferred drug list under certain circumstances. Amends the length of the prior authorization to two years. Requires the department to report on savings resulting from the preferred drug list. Creates the Medicaid Preferred Drug List Restricted Account. Requires 40% of the savings attributable to this bill to be deposited into the account. Limits use of the account to appropriations to the Division of Substance Abuse and Mental Health within the Department of Human Services.</p> <p><i>[Action: Rep. Hawkes made a Motion to move the bill out with a favorable recommendation. Rep. Ray made a Substitute Motion to bring the bill back during the session with public comment to further vet the issues. FAILED. Original motion to move the bill out with a favorable recommendation. PASSED]</i></p>	
<b>Bill Title/Subject Matter:</b>	<b>Sunset Review – Hemp Extract Registration Act</b>	
Legislator(s) –Sponsor:	<b>Rep. Froerer</b>	
Interested Parties:		
Code Reference:	<b>UCA Chapter 26, Title 56</b>	
	<p><b>Description:</b> Absent further action by the Legislature and pursuant to UCA 63I-1-226, on July 1, 2016, Title 26, Chapter 56, Hemp Extract Registration Act will be repealed. The committee will conduct a sunset review of the Act to determine whether it should be reauthorized for up to 10 years, with or without amendments, or allowed to expire.</p> <p>There were 113 participants, 34 could have reported by only 13 reported. Only 1/3 of the individuals were renewing their registration cards.</p> <p><i>[Action: Sen. Christensen made a motion to extend the Registration Act out to five years 7/1/2021. UNANIMOUS]</i></p>	
<b>Bill Title/Subject Matter:</b>	<b>Hemp Extract Amendments</b>	
Legislator(s) –Sponsor:	<b>Rep. Froerer</b>	
Interested Parties:		
Code Reference:	<b>2016FI-0724/005</b>	
	<p><b>Description:</b> Amends the definition of "hemp extract." Modifies Title 63I, Chapter 1, Legislative Oversight and Sunset Act, by removing the repeal date of the Hemp Extract Registration Act, thereby allowing the Hemp Extract Registration Act to remain in effect after July 1, 2016. Modifies Title 63I, Chapter 1, Legislative Oversight and Sunset Act, by removing the repeal date of Section 58-37-4.3, Exemption for use or possession of hemp extract, thereby allowing the statute to remain in effect after July 1, 2016.</p> <p><i>[Action: Sen. Christensen made a motion to extend the Registration Act out to five years 7/1/2021. UNANIMOUS. Sen. Vickers MADE A MOTION TO pass the bill with a favorable recommendation supporting the change of 5% (line 36). UNANIMOUS]</i></p>	

<b>GOVERNMENT OPERATIONS</b>	
<b>Unmanned Aircraft Amendments</b>	
Legislator(s) –Sponsor:	<b>Sen. Harper</b>
Interested Parties:	
Code Reference:	<b>2016FL-0155/007</b>
<p><b>Description:</b> Reorganizes existing code related to unmanned aircraft. Preempts local law. Prohibits a person from: operating an unmanned aircraft more than 500 feet above ground level; operating an unmanned aircraft from a moving vehicle; or attaching a weapon to an unmanned aircraft. Prohibits a person from operating an unmanned aircraft within a certain distance of: an event at which more than 500 individuals gather; an airport; a correctional facility; or a large firework display. Prohibits a person from: committing trespass with an unmanned aircraft; committing a privacy violation with an unmanned aircraft; operating an unmanned aircraft within certain distances of an emergency situation; or committing voyeurism with an unmanned aircraft. Establishes provisions for the creation of temporary flight restrictions on unmanned aircraft in response to an emergency.</p> <p><b>Establishes criminal penalties:</b></p> <p><b>class C misdemeanor</b> for: attaching a weapon to an unmanned aircraft; trespass with an unmanned aircraft.</p> <p><b>class B misdemeanor</b> for privacy violation with an unmanned aircraft; flying within an airport; within a correctional facility with enhancements to <b>class A misdemeanor</b> for second or subsequent offenses; in flight restricted areas; viewing a person with or without the use of instrumentality not amounting to voyeurism.</p> <p><b>class A misdemeanor:</b> causing an aircraft fighting a wildfire to drop a payload of water/retardant; voyeurism; viewing a child under age of 14 with or without the use of instrumentality not amounting to voyeurism.</p> <p><b>third degree felony:</b> voyeurism involving a child under age 14.</p> <p><b>infraction:</b> using an unmanned aircraft more than 500 feet above ground (FAA); over a public event (limitations) with enhancement to a class C misdemeanor for second or subsequent offenses; flying an unmanned aircraft while operating a motor vehicle or being in a motor vehicle that is in motion; within 750 feet of fireworks display.</p> <p><i>[Action: No action, information only.]</i></p>	
<b>PUBLIC UTILITIES AND TECHNOLOGY</b>	
<b>Bill Title/Subject Matter:</b>	<b>Utah Communication Authority: Request for Proposal Update</b>
Legislator(s) –Sponsor:	
Interested Parties:	<b>Steve Proctor, Executive Director Utah Communications Authority (UCA)</b> <b>Mike Thayer, Delta Works Company</b>
Code Reference:	
<p><b>Description:</b> FYI: The committee was given an update on the public safety communications. The UCA has met with Kane, Washington, Uintah, and Duchesne counties. The comment period for the RFI has been extended until December 11<sup>th</sup> for comments on the draft RFP for the upgrade Project 25 Radio Communications System. Companies can bid on individual site circuits and will be extended for 120 days. The RFP will be released in January with responses back to this committee May 10<sup>th</sup>. Potentially two contractors; one for the P-25 public safety radio piece; and one or more vendors for the back haul piece. The signal will be encrypted to one channel. The P25 mobile radios (users in the field), the network that supports this will be a single vendor; but people can buy multiple radios from multiple vendors, they just have to support the P25 standard and encryption. This is different from the back haul piece, which is the network that ties all the radios together. Now 22,500 radios on the system. Every 24 hours 9,000 times someone has pushed the “talk” on the radio. If communities choose to stay on VHF, UCA will build a bridge to use the system.</p> <p>(If you need additional information on this topic, please contact Dave Walsh)</p> <p><i>[Action: No action, information only.]</i></p>	