



UTAH COMMISSION ON
CRIMINAL & JUVENILE JUSTICE

Information in this report was written and compiled by:
Joél Arvizo-Zavala, Ph.D., M.Ed.
Research Consultant & Legislative Tracker

IN REVIEW: UTAH'S 2021 LEGISLATIVE SESSIONS



OVERVIEW OF LEGISLATIVE TRACKING

The Utah Commission on Criminal & Juvenile Justice (CCJJ) provides an annual overview of key legislation impacting Utah's criminal-legal systems. This report serves as this annual overview. **During the 2021 legislative session, CCJJ was responsible for tracking nearly 200 bills that ranged from direct impact on criminal-legal issues (e.g., changes in sentencing or increases in penalty) to more ancillary impact (e.g., mental health system implications). It is the responsibility of our commission to:**

- Use research-informed perspectives on how potential legislation will affect crime and victimization throughout the state,
- Convene meetings among key state-level, local-level, and community-based partners to understand key criminal-legal issues for the purposes of building rapport and consensus, and
- Track updates and changes on key legislation as a means to communicating CCJJ's position on each criminal-legal bill being considered in the session.

It is important to note that the timing of a commission vote may not reflect support or opposition to all amendments or substitutions of a bill that are introduced and/or subsequently passed. We strive to vote on and provide information on the most recent version of bills when possible and thus, this report simply intends to provide an overview of this year's legislative sessions.

NEARLY 200 BILLS TRACKED DURING THE 2021 LEGISLATIVE SESSION

KEY LEGISLATION

Sixteen (16) bills were of particular importance to CCJJ during the 2021 general legislation session with seven (7) being signed by the Governor. Some were priority for passage and others were bills necessitating opposition.

Priority bills for passage included:

- [HB 379](#) - Board of Pardons Amendments
- [HB 410](#) - Juvenile Justice Amendments
- [SB 215](#) - Sex Offender Registry Amendments

CCJJ opposition bills included:

- [HB 20](#) - Driving Under the Influence Sentencing Amendments
- [HB 78](#) - Consent Amendments
- [HB 207](#) - Bail Amendments
- [HB 210](#) - Qualifying Conditions for Medical Cannabis
- [HB 220](#) - Pretrial Detention Amendments
- [HB 227](#) - Self Defense Amendments
- [HB 229](#) - Internal Investigation Amendments
- [HB 245](#) - Forcible Entry & Warrants Amendments
- [HB 311](#) - Sentencing Amendments
- [HB 373](#) - Conviction Reduction Amendments
- [HB 429](#) - Tobacco Sales to Minors Amendments
- [SB 28](#) - Physician Assistant Mental Health Practice Amendments
- [SB 138](#) - Violence, Disorder, and Looting Enforcement Protection Act

KEY CONCEPTS IN THE CRIMINAL-LEGAL SYSTEM

Used throughout this report, these key concepts are highlighted to strengthen our community's understanding of criminal-legal policy and legislation.

- **Amendments:** changes or additions designed to improve a text such as piece of legislation.
- **Criminal-legal system:** more traditionally referred to as the criminal justice system, this term is used in this report to highlight the interconnections between criminal issues and legal issues and how they collectively inform our efforts to increase justice across the state.
- **Evidence-based:** refers to the use of data and research to inform decisions around the ways criminal-legal systems work and/or to inform the development of criminal-legal legislation and its subsequent implementation. Evidence-based practices include controlled trials of interventions or systematic reviews (meta-analyses) of existing scholarly research.
- **Public Safety:** involves protecting the public and/or safeguarding people from crimes or other potential dangers or harms. In the criminal legal setting this means protecting the public from individuals who may have committed crimes of violence and thus pose a risk to the public.
- **Recidivism:** the tendency for someone convicted of a crime to recommit a crime in the future and usually occurs within specific indicators such as during a certain amount of time, or the potential to commit another crime that is violent, and more.
- **Reform (Criminal justice):** happens when criminal justice laws and policies are assessed - often during a legislative session - to determine problems in the system that need to be changed. Criminal justice reform may also occur to address inequity in the criminal-legal system related to race, gender, and more.
- **Statute:** an existing law created by the legislature.

IN THE DETAILS: PRIORITY BILLS

UNDERSTANDING PRIORITY BILLS

The following bills received a position of priority for passage by majority vote of the full commission. Often bills for priority passage receive this vote because they help align policy and law, they create greater justice within the criminal legal-system, or help to solve a problem that is occurring in the criminal-legal system.

HB 379 - BOARD OF PARDONS AMENDMENTS

- **Outcome:** Governor Signed
- **Version:** HB 379S01
- **Overview:** This bill addresses proceedings and records of the Board of Pardons and Parole and restricts eligibility for parole for certain offenders.
- **Reason for Priority:** This bill conforms to standard practice that is already listed in statute. The concern is that the board cannot operate normally without violating the current law and this bill would support the Board of Pardons and Parole to be able to engage in their processes and operations lawfully. Restricted access would only apply to cases being deliberated within a private manner and thus all other business of the board will still adhere to other Public Meetings Act requirements.

HB 410 - JUVENILE JUSTICE AMENDMENTS (GENERAL SESSION)

- **Outcome:** Bill not passed, failed review
- **Version:** HB 410S01
- **Overview:** This bill amends provisions related to juvenile justice.
- **Reason for Priority:** There is a housing component to this bill so that if a judge decides that a juvenile can be provisionally held by Juvenile Justice Services until 18 years of age, this bill extends that to the age of 21. This aligns with other policies regarding the housing of juveniles for their offenses.

SB 215 - SEX OFFENDER REGISTRY AMENDMENTS

- **Outcome:** Governor Signed
- **Version:** SB 215S02
- **Overview:** This bill concerns the Sex and Kidnap Offender Registry.
- **Reason for Priority:** There is an awareness that placement on the registry can be incredibly debilitating. Removal from registration is a heavily debated and challenging issue but this opens the door for those who have successfully rehabilitated. This bill provides parameters for those that are eligible for removal from the registry.

IN THE DETAILS: OPPOSITION BILLS

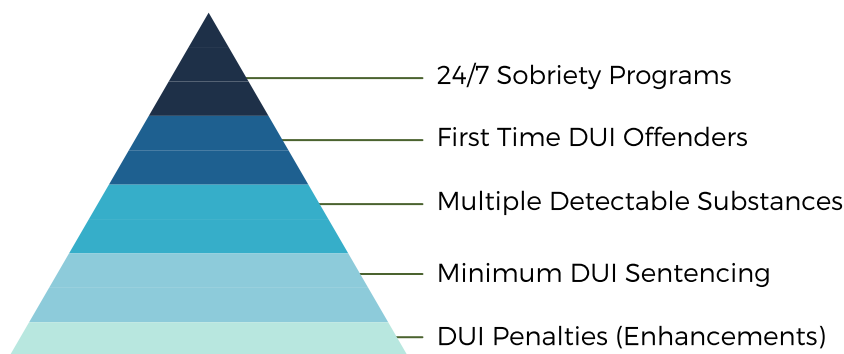
UNDERSTANDING OPPOSITION

As the leader for criminal justice policy, research, and practice in the state of Utah, CCJJ has a responsibility to evaluate criminal justice legislation and provide recommendations to our stakeholders. This recommendation usually comes in the form of a position statement such as support, support in concept, or oppose. The following bills received a position of opposition by majority vote of the full commission.

HB 20 - DRIVING UNDER THE INFLUENCE SENTENCING AMENDMENTS

- **Outcome:** Governor Signed
- **Version:** HB 20S01
- **Overview:** This bill amends provisions related to penalties for driving under the influence and related offenses
- **Reason for Opposition:** There is already enhanced sentencing for 0.16 DUI & felony DUI. Judges already have the discretion to impose sanctions beyond the minimums required in the statute. The current minimum mandatory already causes hardship to individuals without being evidence-based. The bill creates increased punishments for first time offenders who often do not repeat the conduct. Finally, substance use disorder is a medical illness and this bill increases punishment for that population rather than helping to treat the underlying medical issue.

KEY ISSUES THIS LEGISLATION INCLUDES



- **How does this legislation create hardship?** DUI offenses are often linked to underlying substance use disorder. Research supports addressing these types of offenses with treatment services prior to implementation of harsher penalties. Additionally, more severe punishments for DUI offenders don't have strong effects on risk for recidivism.
- **What about USAAV+?** The Utah Substance Use & Mental Health Advisory Council (USAHV+) supported the current version of the bill with the additions of the 24/7 sobriety program and language around two or more controlled substances in a person's system.

IN THE DETAILS: OPPOSITION BILLS

HB 78 - CONSENT AMENDMENTS

- **Outcome:** Not passed
- **Version:** HB 78S01
- **Overview:** This bill creates the offense of sexual conduct without affirmative consent.
- **Reason for Opposition:** In an 8-7-2 vote the Commission on Criminal and Juvenile Justice voted to oppose HB 78 consent amendments. In support of its opposition, the commission has two primary concerns. First, and in 2014, the American Law Institute - made up of 2,500+ judges and lawyers - rejected affirmative consent and the recommendation to support this type of legislation. Second, and in 2019, the American Bar Association also declined to recommend and endorse affirmative consent legislation citing concerns about due process. Language was explicitly added to the bill indicating that the prosecutor bears the burden of proof but affirmative consent still raises due process issues including disadvantaging defendants by making them prove their own innocence and further gives prosecutor unfettered discretion. The commission believes this issue is better addressed through education versus criminalization as the starting point.

KEY CONCEPTS

- **Affirmative consent:** explicit, informed, and voluntary agreement to engage in sexual conduct.
- **Burden of proof:** the legal duty to connect to separate but connected events for the purposes of establishing truth in a trial.
- **Due process:** An individuals entitlement to fair treatment through the judicial system.

KEY ISSUES THIS LEGISLATION INCLUDES



**Informed consent
(Agreement)**



**Amendments to
Offender Registry**



**Discretion of
Prosecution**



**Creation of a 3rd
Degree Felony**

- **Why education instead of criminalization?** Affirmative consent is a large societal issue that requires state, local municipality, and educational investment. Proper education around affirmative consent can provide both youth and adults with the information they need to prevent the occurrence of sexual assault and violence.

IN THE DETAILS: OPPOSITION BILLS

HB 207 - BAIL AMENDMENTS

- **Outcome:** Not passed
- **Version:** HB 207
- **Overview:** This bill expands the offenses for which the right to bail is not available.
- **Reason for Opposition:** This bill is overbroad because it would allow any defendant of a class A misdemeanor charge to be held without bail if there was a risk to public safety, judicial process, or a flight risk. While some class A misdemeanors, such as assault causing substantial bodily injury, could be a public safety risk, other class A misdemeanors, such as false information, are nonviolent and do not support such a broad expansion of the pool of people who can be denied bail.

IMPORTANT CHANGES THIS LEGISLATION INTRODUCES

- An individual charged with or arrested for a criminal offense shall be admitted to bail as a matter of right, except if the individual is charged with a:
 - class A misdemeanor, if the court finds there is substantial evidence to support the charge and by clear and convincing evidence, that the individual would constitute a substantial danger to any other individual or to the community, or is likely to flee the jurisdiction of the court, if released on bail.

KEY CONCEPT

- **Clear and convincing evidence:** is when the evidence produced is substantially more likely to be true than untrue.

KEY ISSUES THIS LEGISLATION INCLUDES



Changes to Bail
Process or Denial
of Bail



Expands Offenses
to Include Class A
Misdemeanors



Need for
Substantial
Evidence



Public Safety
Risks

IN THE DETAILS: OPPOSITION BILLS

HB 210 - QUALIFYING CONDITIONS FOR MEDICAL CANNABIS

- **Outcome:** Not Passed
- **Version:** HB 210
- **Overview:** This bill amends the list of qualifying conditions for medical cannabis
- **Reason for Opposition:** We support the scientific method of determining the therapeutic efficacy and safety of all proposed medication for opioid use disorders through the current Food and Drug Administration (FDA) process. Research is currently underway to evaluate cannabis based compounds as medical treatment options, however, to this date there is no evidence for cannabis to be considered the best or only option of treatment for any condition. These proposed cannabis based medicines should go through the same rigorous approval process to determine actual medical benefit and safety of use, particularly for opioid use disorders. The current Medical Cannabis Act does not allow for treatment of any other acute condition and acute pain should not be exempted. If approved by the FDA, prescriptions for approved cannabis based medications should be dispensed through licensed pharmacies and prescribed by physicians. Several studies have shown that cannabis use for treatment of opioid use disorder either has no impact on opioid consumption or may increase nonmedical opioid use and some research suggest that prior cannabis use is a risk for future opioid use disorder.

KEY CONCEPTS

- **Opioid Use Disorder:** Substance use disorder relating to the use of an opioid.
- **Acute Pain and Acute Pain Setting:** pain that show's up suddenly and is severe in nature while the setting for treatment may typically be a hospital.

KEY ISSUES THIS LEGISLATION INCLUDES



Opioid Use
Disorder



Use of Medical
Cannabis



Changes to a
Qualifying
Condition



Safety Use of a
Medication

- **Why is safety so important?** Use of medical cannabis is expanding at a rate faster than the scientific community's ability to test and assess it. There is a lot unknown about cannabis use for medical purposes that need to be understood before it can be used more broadly.

IN THE DETAILS: OPPOSITION BILLS

HB 220 - PRETRIAL DETENTION AMENDMENTS

- **Outcome:** Governor Signed
- **Version:** HB 220S02
- **Overview:** This bill removes the substantive changes to the bail system that were made by 2020 General Session H.B. 206, Bail and Pretrial Release Amendments.
- **Reason for Opposition:** the adopted substitute of HB220 is a repeal of bail reform which the commission opposes due to the lack of data to show the need for such reform. Some of this bill is incomplete, such as the continued reliance on the uniform bail schedule which no longer exists. Other portions are contradictory, such as the right to subpoena witnesses at a detention hearing while simultaneously repealing the code about the motion and judicial process that leads to a detention hearing. Additionally, the new language about a court's ability to change the terms and conditions of release is completely new and unvetted.

KEY CONCEPTS

- **Presumption of Release or Pretrial Release:** the release of an arrested individual pending trial, also known as bail.
- **Bail Bond:** bail bond insurance product for a specified monetary amount to ensure the release of a person from incarceration and the appearance of the person to a court hearing.
- **Surety:** a bail bond agency
- **Exoneration:** The act of discharging someone; free from blame

KEY ISSUES THIS LEGISLATION INCLUDES



Changes to
Pretrial Detention
Hearings



Modifies Release
Reporting
Requirements

W



Time Allowance
for Bail Forfeiture



Outlines Bail and
Forfeited Bail
Procedures

- **Why must we pay attention to bail reform or pretrial issues?** It was only during the 2020 Utah legislative session that reform was introduced to the bail system in our state. When efforts for reform become law, it's important to evaluate the outcomes of that reform to show how (or if) the reform is impacting the issues it was intended to change. It can take years to adequately assess whether or not a reform is effective and we caution against changing laws too soon for this reason.

IN THE DETAILS: OPPOSITION BILLS

HB 227 - SELF DEFENSE AMENDMENTS

- **Outcome:** Governor Signed
- **Version:** HB 227S04
- **Overview:** This bill addresses the justifiable use or threatened use of force.
- **Reason for Opposition:** HB227S2 interferes with public safety whenever anyone claims defense of self, others, or property. All a defendant must do is raise a prima facie claim of defense and prosecutors must disprove the claim by clear and convincing evidence or any case will be dismissed with prejudice. Unlike entrapment motions, which suggest bad action on the part of government and require evidence from the defense, these “defense” motions require nothing more than a claim from defense and place the burden of disproving the claim entirely on the prosecution. This bill will lead to a pro forma motion filed in most domestic violence, gang, gun violence, and any homicide case and will result in additional expense, victim traumatization, and a slower the criminal justice process.

KEY CONCEPTS

- **Discretionary Appellate Review:** the authority a higher court has to examine decisions of lower courts.
- **Interlocutory Order:** orders issued by a court while a case is still ongoing.
- **Prima Facie Claim:** is about evidence submitted before trial and shown to be sufficient to support a claim or in the case of this bill to support defense.
- **Dismissed with Prejudice:** refers to cases that are dismissed and can't be brought back to court.
- **Use of Force:** the amount of effort need by a law enforcement officer to ensure compliance of an unwilling person.
- **Pro Forma Motion:** a motion that isn't given much attention but follows court or legal procedure.

KEY ISSUES THIS LEGISLATION INCLUDES



What Constitutes
Use of Force



Procedures for
Applying Defense

IN THE DETAILS: OPPOSITION BILLS

HB 229 - INTERNAL INVESTIGATION AMENDMENTS

- **Outcome:** Not Passed
- **Version:** HB 229
- **Overview:** This bill enacts provisions related to certain internal investigations by government entities
- **Reason for Opposition:** This bill prohibits an investigatory agency from investigating a criminal allegation against an employee of the agency. As written, the bill is so broad that, for example, a West Valley Police Officer could be prohibited from performing a traffic stop on any West Valley City employee. The language also does not have an exception for meritless allegations, so as soon as any allegation of criminality is raised, a mandatory transfer of the case would be triggered.

KEY CONCEPTS

- **Investigatory Agency:** is a law enforcement agency, a local education agency, a prosecutorial agency or a state institution of higher education
- **Law Enforcement Agency:** an entity or division of the federal government, a state, or a political subdivision of a state, that exists primarily to prevent and detect crime and enforce criminal laws statutes and ordinances
- **Local Education Agency:** a school district or a charter school
- **Prosecutorial Agency:** the office of the Attorney General or when acting as a public prosecutor, a city, county or district attorney

KEY ISSUES THIS LEGISLATION INCLUDES



**No Investigations
within the same
Agency**



**Use of an
Independent Law
Enforcement
Agency**

Being research informed: there are a lot of competing or divergent interests when it comes to internal investigations regarding misconduct of law enforcement. From the desire for greater transparency to the need to ensure that investigations are unbiased there is a significant amount of research that can be used to help guide these efforts and ensure fairness for all involved.

IN THE DETAILS: OPPOSITION BILLS

HB 245 - FORCIBLE ENTRY & WARRANTS AMENDMENTS

- **Outcome:** Bill not passed
- **Version:** HB 245S03
- **Overview:** This bill modifies provisions related to the forcible entry of an officer into a building
- **Reason for Opposition:** The primary concern with HB 245 is within the lines 109-110 inside Substitute 3. Essentially, evidence destruction is being taken off the table to make forcible entry without notice. This is in relation to forcible entry, not no-knock search warrants. If no-knock search warrant policy needs to be discussed in relation to property crimes, this bill does not address that issue transparently. We need to protect the ability for law enforcement to forcibly enter during a search warrant service if they have probable cause to believe evidence is being destroyed. This language should be reinstated to the bill. When warrant teams go to serve a warrant, there are a lot of things that can occur when approaching a door. Some of those things can lead officers to believe, based on probable cause, that evidence is being destroyed and forcible entry needs to occur immediately to preserve critical evidence.

KEY CONCEPTS

- **Peace Officer:** A law enforcement officer responsible for maintaining civil peace such as a correctional officer, special function officer, or federal officer.
- **Restitution:** when a convicted defendant is required to pay back the money amount for any damage caused by criminal activity.
- **Supervisory Official:** a command-level officer within a law enforcement agency.
- **Probable Cause:** reasonable cause for making a search or pressing charges against an individual for a crime.

KEY ISSUES THIS LEGISLATION INCLUDES



Forcible Entry



Independent Risk
Assessment



Notice of
Authority



Body-worn
Cameras
(if available)

IN THE DETAILS: OPPOSITION BILLS

HB 311 - SENTENCING AMENDMENTS

- **Outcome:** Not Passed
- **Version:** HB 311
- **Overview:** This bill modifies the penalties for operating a motor vehicle in a negligent manner with any measurable amount of a controlled substance in the operator's body and causing the serious bodily injury or death of another.
- **Reason for Opposition:** HB 311 exacerbates inconsistencies in the law. Currently someone who seriously injures or kills another person while driving under the influence could face one of six different charges and three different penalties ranging from a second-degree felony to a class A misdemeanor depending on the driver's substance and mens rea. CCJJ supports addressing this inconsistent area of the law, but as drafted HB 311 retains all six charging possibilities and creates another possible penalty level of a class B misdemeanor. Criminal justice policy would be better served by increasing predictability and limiting the range of penalties and offenses a person faces, not increasing variability.

KEY CONCEPTS

- **Counterfeit Substance:** a controlled substance produced by a party that is not a legal manufacturer.
- **Controlled Substance:** a substance which is intended for human consumption and high potential for abuse with no current medical use.
- **Indeterminate Term:** Lack of identifying term limits
- **Mens Rea:** the intention or knowing of having done something wrong as part of a crime.

KEY ISSUES THIS LEGISLATION INCLUDES



**Indeterminate
Prison Term**



**Charge
Enhancement to
3rd Degree Felony**

- **Being research informed:** it will be important to further analyze what the inconsistencies in the law actually are and how data-driven decisions can be made to support amendments or reform in a holistic way. Additionally, Utah has a dedicated Sentencing Commission which utilizes research and data to inform their sentencing guidelines. The Utah Sentencing Commission should be considered an invaluable resource and key partner for any legislation that involves changes to sentencing.

IN THE DETAILS: OPPOSITION BILLS

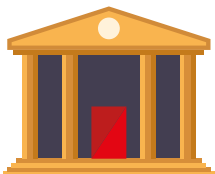
HB 373 - CONVICTION REDUCTION AMENDMENTS

- **Outcome:** Governor Signed
- **Overview:** This bill amends provisions relating to the reduction of the degree of a criminal offense
- **Reason for Opposition:** There are concerns regarding how the language in HB 373 would operate in practice. For example, it is unclear how the determination of a "successful" discharge from parole would be reached. The current legislation leaves ambiguity as there are various perspectives of what a "successful" discharge could mean. Thus, the various perspectives are not necessarily in alignment and need clarification. Additionally, there are concerns related to the court losing jurisdiction to the Board of Pardons and Parole (Board) once an individual is incarcerated, but then returning the issue to the court - often many years down the road - to determine if a discharge was successful. The Board has concerns with a potential workload increase (thus a fiscal impact) if it becomes the venue for this determination. In some cases, the Board may not have been actively involved with the individual if the parole discharge occurred many years in the past. In conclusion, and with some support from stakeholders regarding what the legislation is trying to accomplish, the recommendation is to continue working on this bill during the 2021 interim in order to develop the concept and address how the statutory changes will operate. Special attention should be paid to establishing clear roles and responsibilities and engaging in discussion to develop consensus language regarding the bill.

KEY CONCEPTS

- **Statutory Enhancement:** A sentence that is increased by a prior conviction or the increase from one classification of offense to another higher level classification of offense.
- **Judgement of Conviction:** The final judgement of guilty in a criminal case
- **Expungement:** the official sealing of an individual's records of arrest and conviction.

KEY ISSUES THIS LEGISLATION INCLUDES



**Jurisdiction -
Motion for
Reduction**



**Establish Burden
of Proof**



**Motion of
Reduction**

IN THE DETAILS: OPPOSITION BILLS

HB 429 - TOBACCO SALES TO MINORS AMENDMENTS

- **Outcome:** Not Passed
- **Version:** HB 429
- **Overview:** This bill modifies penalties for the sale of a tobacco or electronic cigarette product to a minor by a tobacco retailer employee.
- **Reason for Opposition:** The vote for opposition was far from unanimous, with 11 members voting to oppose, and 6 members not in support of that position. While members of the commission expressed uniform objection to underage smoking for public health reasons, as well as to the purveyance of tobacco to minors in violation of existing state law, the commission determined that the negative potential community impacts would likely outweigh the positive potential community impacts from implementation of this proposed legislation. The primary stated reasons for opposition to this bill are as follows:
 - The existing penalties for sales of tobacco to minors appear sufficient to discourage violation of the law and thus, this legislation is unlikely to produce a marked public health or safety benefit.
 - Under this proposed statutory language, the potential collateral consequences for someone who is convicted of this violation appear to be excessive when weighed against the impact of the violation itself.

KEY CONCEPTS

- **Statutory Language:** The language of the law or legislation - contained within a bill.
- **Collateral Consequences:** additional civil penalties, mandated by the law, that are attached to a criminal conviction.
- **Compensatory Service:** service or unpaid work performed by an employee.
- **SHARP Survey:** the Student Health & Risk Prevention Survey used in schools.

KEY ISSUES THIS LEGISLATION INCLUDES



Change from an
Infraction to a
Class C
Misdemeanor



Negative Impact
on Future
Employment for
Violations

- **Being research informed:** As reported in the most recent SHARP Survey (2019), less than 10% of Utah children (grade 6 to 12) report having participated in vaping in the past 30 days; fewer than 2% report having participated in smoking cigarettes in the past 30 days. Additionally, those Utah children who report having smoked/vaped recently, were more likely to have obtained cigarettes, vaping products and other tobacco items from a peer, older individual and/or family member.

IN THE DETAILS: OPPOSITION BILLS

SB 28 - PHYSICIAN ASSISTANT MENTAL HEALTH PRACTICE AMENDMENTS

- **Outcome:** Governor Signed
- **Version:** SB 28S02
- **Overview:** This bill allows a physician assistant to specialize in psychiatric mental health and defines the requirements and scope of practice for this specialization.
- **Reason for Opposition:** CCJJ is opposed to this bill for two main reasons: 1) in terms of the practice of mental health psychotherapy, Physician Assistants (PAs) do not receive the same level of specific education, training, and experience as other mental health professions licensed under 58-60 Mental Health Professional Practice Act, and; 2) PAs do not receive the same level of training in psycho-pharmacology to safely and independently prescribe medications used in the practice of psychiatric medicine. PAs practicing psychiatric medicine need to remain under the professional supervision of a physician licensed under Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act.

KEY CONCEPTS

- **Physicians Assistant:** A medical professional who practices under the direction of a licensed physician.
- **Mental Illness:** a mental or emotional condition defined in an approved diagnostic and statistical manual for mental disorders generally recognized in the professions of mental health therapy.
- **Supervision:** Supervising physician is available for consultation with the PA, either personally or by other verbal communication
- **Psycho-pharmacology:** the study of medications used specifically to treat mental health issues such as bipolar disorder, depression, and etc.

KEY ISSUES THIS LEGISLATION INCLUDES



**Mental Health
Therapy**



**Diagnosis and
Treatment**



**Exemptions from
Licensure**

- **The Role of USAAV+:** the council was part of negotiations that set appropriate parameters for physician assistants, increasing the number of accredited doctoral level or post-graduate academic programs, and meeting standards of care.

- **What training do mental health professionals receive?** Mental health practitioners require graduate degrees either a master's level or a doctoral level. This means anywhere from two to six years of formal education with the additional requirements for hundreds of hours of clinical training and examinations before receiving licensure. Mental health practitioners take courses that are specific to mental health issues such as understanding substance use disorders and diagnosis.

IN THE DETAILS: OPPOSITION BILLS

SB 138 - VIOLENCE, DISORDER, AND LOOTING ENFORCEMENT PROTECTION ACT

- **Outcome:** Not Passed
- **Version:** SB 138S02
- **Overview:** This bill provides for criminal violations and consequences related to rioting.
- **Reason for Opposition:** The majority of commission members understood that the current law already allows for enhanced penalties for riot based on the use of weapons and/or the severity of any injuries. Local governments were concerned that officers will not be able to protect all property in certain extenuating situations, and local governments will be held liable. Bail can already be denied if an individual charged with riot is a risk to public safety. There were concerns individuals who were not actively participating in a riot could be charged and denied bail. Denying state benefits to an individual convicted of committing a crime would hurt families who had no involvement in the riot.

KEY CONCEPTS

- **Assault:** an attempt, threat, or act of violence to do bodily injury to another.
- **Peace Officer:** a law enforcement officer, correctional officer, special function officer or federal officer.
- **Riot:** a disturbance of peace, usually violent, caused by a crowd of people.

KEY ISSUES THIS LEGISLATION INCLUDES



**Increased Penalty
for Harrassment**



**Enhanced
Penalties for
Assaulting a Police
Officer**



**Person Denied
Bail if Charged
with Riot**

- **A year of civil unrest - 2020.** The United States saw myriad examples of protests throughout the country during the year 2020 - most of these connected to issues of police use of force and the death of Black individuals across the country. Utah, among many other states, introduced legislation around riots, violence, disorder and looting as a response to these protests. It's important to keep in mind that no single piece of legislation will guarantee safety for everyone and that these issues may best be addressed through continued efforts for dialogue and reform that involve multiple stakeholders.

THE 2021 SPECIAL SESSION IN REVIEW

WHAT BILLS WERE CONSIDERED DURING THE SESSION?

During the 2021 special legislative session, which took place in May 2021, six criminal justice related bills were introduced, ranging from peace officer training qualifications to juvenile justice amendments. The six bills listed below serve as a reminder of the ongoing importance of tracking and understanding criminal justice legislation in our state.

HB 1001 - PEACE OFFICER TRAINING AMENDMENTS

- **Outcome:** Governor Signed
- **Overview:** This bill provides an effective date for certain peace officer training.

HB 1002 - JUVENILE JUSTICE AMENDMENTS

- **Outcome:** House Substituted
- **Overview:** This bill amends provisions related to juvenile justice.

HB 1006 - SHERIFF RELEASE AMENDMENTS

- **Outcome:** Governor Signed
- **Overview:** This bill allows a sheriff or bail commissioner to release an individual from a county jail.

SB 1002 - GROUP GANG ENHANCEMENT AMENDMENTS

- **Outcome:** Governor Signed
- **Overview:** This bill amends the offenses subject to enhancement for crimes committed in concert with multiple people

SB 1004 - PEACE OFFICER TRAINING QUALIFICATIONS

- **Outcome:** Governor Signed
- **Overview:** This bill amends requirements for certain peace officer and dispatcher applicants.

SB 1006 - HEMP AMENDMENTS

- **Outcome:** Filed with the Senate
- **Overview:** This bill amends provisions of Title 4, Chapter 41, Hemp and Cannabinoid Act, to provide clarity regarding existing and developing cannabinoids and regulate production and sale.