

Commission on Criminal and Juvenile Justice

2009 Legislation Tracking Report : *All Criminal Justice Legislation*

Positions

SUP = Support
 S/C = Support in Concept
 OPP = Oppose
 N/P = No Position
 HOLD = Hold for Further Review
 PRI = Priority for Passage
 * = Not Yet Approved by the Full Committee
 --- = Beyond the Scope of the Committee

Committees

CCJJ = Commission on Criminal and Juvenile Justice
 USC = Utah Sentencing Commission
 USAAV = Utah Substance Abuse and Anti-Violence Coordinating Council
 LELC = Law Enforcement Legislative Committee
 UCV=Utah Council on Victims of Crime
 UBJJ=Utah Board of Juvenile Justice

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0012	County Sheriff Qualification Amendments (<i>Richard Greenwood</i> Party: R)	SUP	---	---	SUP	---	---

[GOV Signed 2.18.09][Sen. Jenkins] Provides new certification requirements for county sheriffs elected after the 2008 regular general election. Requires a person filing a declaration of candidacy for county sheriff to submit a certificate issued by the Peace Officer Standards and Training Division stating that the candidate (1) has successfully met the standards and training requirements established for law enforcement officers in Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; and (2) has qualified to be certified as a law enforcement officer, as defined in Section 53-13-103. Requires an elected county sheriff to be certified at the time of taking office as: (1) a correctional officer, as defined in Section 53-13-104; or (2) a correctional facility manager by having completed a correctional facility management course approved by the POST Council. Requires a county sheriff to remain certified as a law enforcement officer and as a correctional officer or correctional facility manager during the sheriff's term of office. [FN: Will not require additional appropriations.]

HB0013	Crime of Strangulation or Smothering (<i>Jennifer Seelig</i> Party: D)	SUP	SUP	---	SUP	PRI	SUP
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Amends the offense of aggravated assault to include the offenses of intentionally impeding a person's circulation by applying pressure to a person's neck or throat or impeding a person's normal breathing. Provides that these offenses of strangulation or smothering are third degree felonies. (NEW third degree.) [FN: Will require Gen. Fund approp. to DOC of \$58,100 in FY10 and \$116,300 each year thereafter.]

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

HB0014	Material Harmful to Minors Amendments (<i>Sheryl Allen</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV SUP	UBJJ PRI
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[GOV signed 3.30.09] [Sen. Bell] Provides the following penalties for minors that distribute pornographic material or deal in material harmful to a minor: (1) persons 16 or 17 years of age are guilty of a class A misdemeanor; and (2) persons younger than 16 years of age are guilty of a class B misdemeanor. Provides that a person 18 years of age or older who solicits a person younger than 18 to distribute pornographic material or deal in material harmful to a minor is guilty of a third degree felony and is subject to specified penalties. Provides that if a person younger than 18 years of age has previously committed the offense of dealing in material harmful to minors, the person is guilty of a third degree felony for each subsequent offense. (DEC third degree to a class A misdemeanor for a person 16 or 17; DEC third degree to a class B misdemeanor for a person younger than 16.) [FN: Will not require additional appropriations.]

HB0021	Amendments to Driver License Sanction Requirements (<i>Richard Greenwood</i> Party: R)	CCJJ SUP	USC SUP	USAAV PRI	LELC SUP	UCV ---	UBJJ SUP
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[GOV signed 3.20.09] [Sen. Greiner] Provides that the requirement that the reinstatement of a person's license for a person under 21 years of age operating a vehicle with a detectable amount of alcohol in the person's body is contingent upon the person's completion of an action recommended by a local substance abuse authority or substance abuse program is only applicable within five years after the effective date of the license sanction. [FN: Will not require additional appropriations.]

HB0022	Harboring a Runaway (<i>Lorie Fowlke</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC ---	UCV ---	UBJJ SUP
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[GOV signed 3.20.09] [Sen. Bramble] [AMENDED] Provides that a person who harbors a minor who is a runaway must provide notice to the parent or legal guardian of the minor, A YOUTH SERVICES CENTER, the Division of Child and Family Services, or, under certain circumstances, a peace officer or a detention center, within eight hours from the later of the time that the person begins providing the shelter or the time that the person becomes aware that the minor is a runaway. Provides an affirmative defense to the crime of harboring a runaway if the person fails to provide the required notice due to circumstances beyond the control of the person. Provides that an individual or a temporary homeless youth shelter may continue to provide shelter to a runaway after providing the notice required by this bill if the parent or legal guardian of the minor consents to the continued provision of shelter or if the person notified fails to retrieve the runaway. Clarifies that this bill does not prohibit an individual, a temporary homeless shelter, or a government agency from providing shelter to an abandoned minor. Clarifies that this bill does not release a person from the obligation to report abuse or neglect of a child. [FN: Will not require additional State appropriations. The bill creates a class B misdemeanor which would be filed in local justice courts. Courts expect few filings and related costs would be covered by fines.]

HB0025	Gun Dealer Penalty Amendments (<i>Curtis Oda</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV SUP	UBJJ ---
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[GOV signed 3.20.09][Sen. Madsen] Makes it a class A misdemeanor for a violation of the criminal background check provisions in Section 76-10-526 by a licensed handgun dealer. (NEW class A misdemeanor.) [FN: Will not require additional appropriations.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0026	Child and Vulnerable Adult Endangerment Provisions (<i>Michael Morley</i> Party: R)	CCJJ SUP	USC SUP	USAAV SUP	LELC SUP	UCV SUP	UBJJ SUP
<p>[GOV signed 3.24.09] [Sen. Madsen] Provides that a person who knowingly or intentionally causes or permits a child or a vulnerable adult to be exposed to, inhale, ingest, or have contact with a controlled substance, chemical substance, or drug paraphernalia is: (1) guilty of a third degree felony; (2) guilty of a second degree felony, if, as a result of the conduct described above, a child or vulnerable adult suffers bodily injury, substantial bodily injury, or serious bodily injury; or (3) guilty of a first degree felony, if, as a result of the conduct described above, a child or vulnerable adult dies. Provides an affirmative defense to the crime described above, if the controlled substance is obtained by lawful prescription and is used or possessed in accordance with the prescription instructions. Provides that the penalties described in this bill are separate from, and in addition to, the penalties and enhancements described in Title 58, Occupations and Professions. (NEW first degree, second degree, and third degree felonies.) [FN: Will require appropriations from the Gen. Fund in FY10 and FY11 to DOC of \$29,100 and to the Board of Pardons \$600 for increased incarceration and workload costs each year. Beginning in FY12, will require ongoing Gen. Fund of \$58,100 to DOC and \$1,200 to Board of Pardons.]</p>							
HB0029	Sex Offenders' Contact with Children (<i>Richard Greenwood</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV SUP	UBJJ SUP
<p>[GOV signed 3.25.09] [Sen. Okerlund] Provides a class A misdemeanor for any sex offender whose offense was against a child to request or solicit a child younger than 14 to accompany the sex offender for any purpose unless: (1) the sex offender has in possession written permission from the child's parent or guardian authorizing the offender to accompany the child; (2) the child's parent or guardian has given verbal permission and both the child and the sex offender are in the child's home or on the property appurtenant to the child's home; or (3) the child is the natural child of the sex offender, and the offender is not prohibited by any court order, or probation or parole provision from contact with the child. Prohibits a defense of not knowing the actual age of the child. Extends the offender's period of registration as a sex offender for five years for violation of this provision. Provisions do not apply if a sex offender is acting to rescue a child who is in an emergency or life-threatening situation. (NEW class A misdemeanor.) [FN: Will create a net ongoing Gen. Fund impact of \$7,500 in workload costs to courts - \$25,000 of ongoing Gen. Fund appropriations and Gen. Fund revenues of approximately \$17,500. Will increase dedicated credits revenue and expenditures at DOC by \$10,000 each year beginning FY10 until FY14 when they will remain constant at \$50,000 per year. May impact local enforcement agencies, however the impact is unquantifiable at this time.]</p>							
HB0032	Amendments to Agency Rulemaking Regarding Criminal Penalties (<i>Ben Ferry</i> Party: R)	CCJJ N/P	USC SUP	USAAV ---	LELC SUP	UCV ---	UBJJ ---
<p>[GOV signed 3.30.09] [Sen. Stephenson] Repeals certain statutory grants of administration rulemaking authority to the Dept. of Health, Dept. of Insurance, the Labor Commission, and the Dept. of Natural Resources that determine what conduct constitutes a criminal penalty. (Decreases class C misdemeanor to infraction for violation of any rule or proclamation of the Wildlife Board.) [FN: Will not require additional appropriations.]</p>							

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

HB0036	Criminal Offense Elements and Penalties	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>Carl Wimmer</i>	Party: R)	SUP	SUP	SUP	SUP	SUP	SUP

Amends the offense of aggravated assault to provide that the infliction of serious bodily injury is a second degree felony, including if the injury is not caused intentionally. Amends the penalty for the offense of a driver's failure to stop at the direction of a peace officer to provide that a second or subsequent offense is a second degree felony, and the offense is also subject to a fine of not less than \$5,000. Amends the penalties for the offense of felony discharge of a firearm by: (1) increasing the penalty for specified discharge offenses from a third degree felony to a second degree felony; and (2) increasing the possible imprisonment from not more than five years to not more than 15 years. Increases the possible imprisonment for discharge of a firearm causing injury from not less than three years to not less than five years, but does not amend the current limitation of not more than 15 years. Amends the offense of felony discharge of a firearm to include situations that constitute criminal homicide or attempted criminal homicide. (NEW second degree felony; INC third degree to second degree felony.)

HB0037	Violent Offenses Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>Jennifer Seelig</i>	Party: D)	SUP	SUP	SUP	SUP	SUP	SUP

[GOV signed 3.24.09] [Sen. Greiner] Amends the enhanced penalty for committing a first degree felony with other persons by imposing five more years imprisonment in addition to the statutory minimum term of imprisonment for the felony. Amends the elements of aggravated murder to include felony discharge of a firearm. Amends the definition of predicate gang offenses that constitute criminal gang activity in defined circumstances to include retail theft. Adds the offense of retail theft to the offenses subject to an enhanced penalty if committed with two or more persons. Amends the offense of felony discharge of a firearm to include situations that constitute criminal homicide or attempted criminal homicide. (ADDS five years to first degree felony.) [FN: Will not require additional appropriations at least in the first four years of implementation. There may be an impact to DOC and the Board of Pardons beginning in FY14, another in FY15, and FY23, however the impact is unquantifiable at this time.]

HB0041	Sex Offender Registration Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>Kenneth Sumsion</i>	Party: R)	SUP	SUP	---	SUP	SUP	---

[GOV signed 3.23.09] [Sen. Greiner] Provides that sex and kidnap offenders required to register with the Department of Corrections will register instead with the local law enforcement agency if the offender is no longer under the supervision of the Department of Corrections. Requires that the staff of the local law enforcement agency that will be conducting the offender registration shall receive initial and annual training from DOC. Requires that DOC notify local law enforcement agencies of an offender's change of residence within five days of receiving the information regarding the change. [FN: will not require additional appropriations.]

HB0047	Criminal Procedure - Investigation Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
(<i>Paul Ray</i>	Party: R)	SUP	---	---	SUP	SUP	---

[GOV signed 2.18.09][Sen. Liljenquist] Adds municipal attorneys to the definition of prosecutor for investigations within the Code of Criminal Procedure. [FN: Will not require additional appropriations.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0059S02	Subpoenas for Records in Certain Criminal Investigations (<i>Bradley Daw</i> Party: R)	SUP	---	---	SUP	SUP	SUP

[GOV signed 3.20.09] [Sen. Valentine] Allows prosecutors to issue subpoenas regarding Internet information related to the investigation of a sexual offense against a minor. Specifies the information that can be subpoenaed. Allows the provider to charge a reasonable fee for providing the information. Requires that the provider that receives the subpoena may not notify the account holder who is the subject of the subpoena.

HB0072	Children's Justice Center Amendments (<i>Lorie Fowlke</i> Party: R)	SUP	SUP	---		SUP	SUP
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[GOV signed 3.25.09] [Sen. Bramble] Changes the appointing authority from the governor to the attorney general for six members of the Advisory Board on Children's Justice. Adds licensed health professional to the board. Removes the chairs of local Children's Justice Center boards from the board. [FN: Will not require additional appropriations.]

HB0087	Identity Theft Amendment (<i>Julie Fisher</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP
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[GOV signed 3.24.09] [Sen. Greiner] Clarifies that the offense of identity fraud may include use of the fraud to obtain employment. [FN: Will not require additional appropriations.]

HB0090S01	Abortion Law Amendments (<i>Paul Ray</i> Party: R)	N/P	N/P	---		---	---
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[GOV signed 3.20.09] [Sen. Bramble] Removes an unconstitutional provision requiring that all abortions performed 90 days or more after the commencement of a pregnancy be performed in a hospital. Defines the term "viable." Provides that an abortion may only be performed in this state if: (1) the unborn child is not viable; or (2) the unborn child is viable, if the abortion is necessary to avert the death of the woman on whom the abortion is performed, the abortion is necessary to avert a serious risk of substantial and irreversible impairment of a major bodily function of the woman, two physicians who practice maternal fetal medicine concur, in writing, that the fetus has a defect that is uniformly diagnosable and uniformly lethal, or the woman is pregnant as a result of rape, rape of a child, or incest. Provides that a violation of the provisions in the preceding paragraph constitute the second degree felony offense of "killing an unborn child." Provides that a woman who seeks to have, or obtains, an abortion for herself is not criminally liable. Enacts an uncodified severability clause. [FN: will not require additional appropriations.]

HB0095S02	Restrictions on Use of Wireless Communication Devices in Vehicles (<i>Phil Riesen</i> Party: D)	SUP	SUP	---	SUP		SUP
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Prohibits a person from using a wireless communication device while operating a moving motor vehicle on a highway in this state. Provides exceptions (including law enforcement) to the wireless communication device prohibition. Provides that it is a class C misdemeanor for violating the wireless communication device prohibition. Provides that enforcement for a violation of the prohibition on using a wireless communication device while operating a moving motor vehicle shall only be as a secondary action when the vehicle has been detained for a suspected violation of certain offenses. [FN: will require \$4,000 per year from the Gen. Fund appropriated to the Courts beginning in FY10. The bill will also generate \$5,200 per year in new Gen. Fund revenue beginning in FY10, for a net Gen. Fund increase of \$1,200 per year.]

Bill Number	Title/Sponsor/Summary	Positions						
		CCJJ	USC	USAAV	LELC	UCV	UBJJ	
HB0097	Sexual Exploitation of a Minor (Ron Bigelow Party: R)	SUP	SUP	---	SUP	SUP	SUP	

[GOV signed 3.25.09] [Sen. Buttars] [AMENDED] Amends the offense of sexual exploitation of a minor to include the act of viewing; AND provides that entities, their employees, and law enforcement officers who are acting in good faith to investigate, monitor for, or report child pornography are not considered to have violated any civil or criminal provision regarding sexual exploitation of a minor. [FN: May require additional appropriations depending on the number of convictions in a given year. While the number of convictions in a given year cannot be determined at this time, the state costs of one additional offender to the criminal justice system as a result of enactment is \$30,200 of state funds in FY10 and \$29,700 in each year thereafter.]

HB0100S02	Department of Corrections - Tracking and Reimbursement of Individu (Carl Wimmer Party: R)	SUP	S/C	---	SUP	SUP	---
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[GOV signed 3.25.09] [Sen. Bramble] AMEND REQUIRES the Utah Department of Corrections to jointly develop and implement a recidivism reduction plan with the State Board of Education. Requires the department to make a report to the Education and Law Enforcement and Criminal Justice Interim Committees on the recidivism reduction plan before October 1, 2010. Provides a specified copayment by an inmate receiving hospital, medical, dental, and prescription medication services through the department. Requires an inmate with assets exceeding \$200,000 to pay for the inmate's medical and dental care and provides a cap for the costs. Specifies that the department provides medical treatment if an inmate is unable to pay for the treatment because of inadequate financial resources. Requires an inmate participating in postsecondary education through the department to pay or reimburse the department for 50% of the costs of tuition. Requires the department to coordinate a deferred postsecondary education tuition repayment program with the Office of State Debt Collection to provide a participating inmate: a reasonable time frame to make payments, beginning no later than two years after termination of the inmate's parole; and a reasonable payment amount to allow an inmate to reimburse the tuition obligation incurred while under the supervision of the department. Provides that tuition costs not paid by the inmate at the time of participating in postsecondary education will be paid from the Prison Telephone Surcharge Account. Provides that of the amounts collected by the Office of State Debt Collection: 10% may be used by the Office of State Debt Collection for purposes of operating the deferred payment program; and all other funds collected as repayment for postsecondary tuition costs will be deposited into the Prison Telephone Surcharge Account to be used by the department for education and training programs for inmates. Directs that ongoing funds provided to the State Board of Regent's Prison Recidivism Program in fiscal year 2009-10 shall be transferred to the Prison Telephone Surcharge Account for the purpose of inmate postsecondary education and training. Requires the department to turn over to the Office of State Debt Collection any unpaid tuition debt at the time the offender is released from parole. Specifies that only inmates lawfully present in the United States may participate in the postsecondary educational program offered through the department. [FN: Requires no additional appropriations.]

HB0102	False Vehicle Title and Registration Penalties (Paul Ray Party: R)	SUP	SUP	---	SUP	---	SUP
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[GOV signed 3.25.09] [Sen. Liljenquist] Provides that it is a third degree felony, rather than a second degree felony, for providing false evidences for certain motor vehicle title or registration information. [FN: Enactment of this bill could decrease revenue to the Gen. Fund by \$3,600 annually.]

HB0104	Driver License Hearing Amendments (Richard Greenwood Party: R)	SUP	---	PRI	SUP	---	---
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[GOV signed 3.20.09] [Sen. Hinkins] Provides that certain Driver License Division hearings may be held in a county that is adjacent to the county in which the arrest occurred rather than just being held in the county in which the arrest occurred.

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

HB0106	Controlled Substance Database Amendments (<i>Bradley Daw</i> Party: R)	CCJJ SUP	USC SUP	USAAV PRI	LELC SUP	UCV SUP	UBJJ SUP
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[GOV signed 3.20.09] [Sen. Bramble] Expands the purposes for which a practitioner or pharmacist may access information on the controlled substance database (the "database"). Grants access to the database to a mental health therapist under certain circumstances. Permits a practitioner to designate up to three employees, subject to approval by the Division of Occupational and Professional Licensing ("Division"), who can access the database on the petitioner's behalf. Provides that a practitioner, or an employee of the practitioner, who obtains information from the database may include the information in the patient's medical chart or file and may provide the information to others in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996. Grants rulemaking authority to the Division. Permits the Division to impose a fee on practitioners who designate an employee to access the database, in order to recover the cost of determining whether the employee is a security risk. Provides that a person who is a licensed practitioner or a mental health therapist shall be denied access to the database when the person is no longer licensed. Provides that a person who is a relative of a deceased individual is not entitled to access information from the database relating to the deceased individual based on the fact or claim that the person is related to, or subrogated to the rights of, the deceased individual. [FN: Will require a one-time appropriation of \$5,000 from the Commerce Service Fund in order to reprogram the Controlled Substance Database.]

HB0109	Modifications to Campaign Finance Provisions (<i>Kraig Powell</i> Party: R)	CCJJ HOLD	USC HOLD	USAAV ---	LELC ---	UCV ---	UBJJ ---
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Changes the definition of "political purposes." Imposes contribution limits on state office candidates and legislative office candidates. Imposes a criminal penalty for a violation of the contribution limit. Requires legislative office candidates to limit the use of campaign funds to expenditures for political purposes. Removes inconsistent definitions of "political purposes." [NEW class B misdemeanor.] [FN: Will not require additional appropriations. State office candidates will be impacted with a \$15,000 campaign contribution limit per person; state senate candidates with a \$500 limit per person; and state house of representatives a \$200 limit per person.]

HB0110S01	Financial Transaction Card Offenses (<i>Julie Fisher</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV SUP	UBJJ SUP
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[GOV signed 3.24.09] [Sen. Bell] Clarifies the definition of card holder. Revises language to provide that the offense of: (1) unlawful use of a financial transaction card to obtain goods or services involves acting knowingly and with the intent to defraud; (2) unlawful use of a financial transaction card to exceed authorized credit involves acting knowingly and with the intent to defraud; and (3) applying for a financial transaction card and providing a false statement or report of required information in the application process involves acting knowingly and with the intent to defraud. Repeals certain provisions that have been addressed by amendments or are no longer applicable to the enforcement of these financial transaction offenses.

HB0118	Archives and Grama Revisions (<i>Douglas Aagard</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC	UCV ---	UBJJ ---
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[GOV signed 3.20.09] [Sen. Goodfellow] Adds a title section for the Archives and Records Service chapter. Modifies language to comply with standardized definitions. Provides that intentional and knowing destruction or mutilation of the record-copy of a record in violation of a retention schedule is a class B misdemeanor. Provides cross references. Clarifies that an employee of a governmental entity may be disciplined or fired for intentionally and knowingly destroying or mutilating a record in violation of a retention schedule. [FN: will not require additional appropriations.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0122	Government Records Access and Management Act Amendments (<i>Douglas Aagard</i> Party: R)	SUP	---	---	PRI	SUP	---

[Sen. Bramble] Clarifies that records may be classified as protected if they are prepared in anticipation of litigation. Clarifies that work product records may be classified as protected if the record involves anticipated or pending litigation. Provides that records concerning a governmental entity's strategy may be classified as protected if the record is prepared for anticipated litigation, rather than only for pending litigation. Prohibits a governmental entity's chief administrative officer, the records committee, and a court from releasing certain protected records via means of a balancing test.

HB0123	Retail and Library Theft Amendments (<i>Francis Gibson</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP
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[GOV signed 3.25.09] [Sen. Hinkins] Deletes the provision of the Criminal Code that allows photographs of merchandise and library materials to be used as evidence in theft prosecutions if the items themselves had been introduced as evidence. [FN: will not require additional appropriations.]

HB0128	Electronic Prescribing Act (<i>Ronda Menlove</i> Party: R)	SUP	---	SUP		N/P	---
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[GOV signed 3.20.09] [Sen. Knudson] Requires a practitioner to provide each existing patient of the practitioner with the option to participate in electronic prescribing. Provides that a practitioner may not issue a prescription through electronic prescribing for a drug or device that the practitioner is prohibited by federal law or federal rule from issuing through electronic prescribing. Requires a pharmacy to accept and comply with an electronic prescription that is transmitted in accordance with the requirements of this section and rules made by the Division of Occupational and Professional Licensing. Grants rulemaking authority to DOPL to: enforce the provisions of this bill; ensure that electronic prescribing is done in a secure manner consistent with industry standards; ensure that each patient is fully informed of the patient's rights, restrictions, and obligations pertaining to electronic prescribing grant a hardship exemption to a pharmacy or a practitioner to the extent that the requirements of this bill would impose an extreme financial hardship on the pharmacy or the practitioner. [FN: Will not require additional appropriations. Individuals may be impacted due to increased costs that may be passed on to the consumer.]

HB0129	Alcoholic Beverage Amendments Related to Minors (<i>Curtis Oda</i> Party: R)	S/C	S/C	SUP	SUP	S/C	S/C
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[GOV signed 3.30.09] [Sen. Davis] Modifies penalties for violations related to proof of age. Modifies penalties related to suspension of driving privileges of a minor. Makes a minor, or in certain circumstances, a parent or guardian of a minor, liable to a retail licensee for a portion of monetary penalties imposed on a retail licensee for a violation related to a minor. [FN: Will require a one-time appropriation from the Transportation Restricted of \$3,000 in FY10, which could be handled within existing budget constraints. Additional revenue may be generated from reinstated licenses.]

HB0130	Asset Preservation Amendments (<i>Gregory Hughes</i> Party: R)	SUP	SUP	---	PRI	SUP	SUP
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[GOV signed 3.25.09] [Sen. Dayton] Amends the judicial process for preserving assets in a prosecution, when it appears likely that the assets may otherwise be disposed of prior to conviction and an order of restitution, by: (1) removing the provisions that limits an order preserving assets to 90 days; and (2) allowing the court to base its finding of probable cause to take action to preserve assets upon reliable hearsay. [FN: will not require additional appropriations.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0132S01	Sexual Assault Victim Protocols (Jackie Biskupski Party: D)	S/C	---	---		SUP	---

[GOV signed 3.25.09] [Sen Valentine] Requires a designated facility to provide to a victim of sexual assault with: information regarding emergency contraception; and emergency contraception, upon request by the victim. Requires a designated facility to maintain a protocol, prepared by a physician, for the administration of emergency contraception at the designated facility to a victim of sexual assault; and develop and implement a written policy to ensure that a person is present at the facility, or on-call, who has authority and training to comply with the requirements of this bill. Requires a physician who is not at a designated facility to: provide a victim of sexual assault with information regarding emergency contraception; and provide the victim of sexual assault with emergency contraception, upon her request, or inform her of the nearest location where she may obtain emergency contraception. Grants rulemaking authority to the Depart. of Health. Provides for the enforcement of the provisions of this bill by the Dept. of Health. [FN: Will not require additional appropriations. Some freestanding urgent care centers and general acute hospitals will need to purchase and maintain \$600 in certain drugs to comply with this legislation.]

HB0136S01	Sex Offender Definition Amendments (Paul Ray Party: R)	SUP	SUP	---	SUP	SUP	SUP
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[GOV signed 3.30.09] [Sen. Buttars] Adds lewdness and sexual battery as offenses for which a convicted person must register as a sex offender, if the person is convicted of either offense four or more times. Provides that if a person is convicted a total of four times of the offenses lewdness and sexual battery, the person must register as a sex offender. Increases the penalty for lewdness from a class B misdemeanor to a class A misdemeanor if the offender has been convicted two times before of lewdness or lewdness involving a child. Increases the penalty for lewdness from a class A misdemeanor to a third degree felony if the offender has been convicted three times before of lewdness or lewdness involving a child. Increases the penalty for lewdness involving a child if the offender has been convicted once before of lewdness involving a child.

HB0138	Expungement of Records Amendments (Julie Fisher Party: R)	SUP	SUP	---	SUP	SUP	---
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[GOV signed 3.20.09] [Sen. Bell] Requires the division to issue an expedited certificate of eligibility to a petitioner who has been acquitted of a crime at trial. Allows the state to petition the court to open expunged records, upon a showing of good cause, and allows relevant records previously expunged to be used in an investigation and trial of the new charges. [FN: Will note require additional appropriations.]

HB0139	Legislator Gift Reporting Act (Stephen Clark Party: R)	N/P	N/P	---		---	---
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Enacts the Legislator Gift Reporting Act to require certain reporting of gifts by legislators. Provides that failure to file a gift report is a class B misdemeanor. [FN: Would require adjustments to the current data program in the Lt. Governor's Office. Current programming costs are \$70 per hour. It is unknown at this time how many hours of programming would be required to enact requirements of this bill. The bill also requires the Lt. Governor to send a copy of each legislator's gift report annually to each registered voter household in each legislator's district. Mailing costs are estimated to be \$332,900 annually from the Gen. Fund.]

Bill Number	Title/Sponsor/Summary	CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0145S01	Workplace Drug Testing Programs (<i>Trisha Beck</i> Party: D)	N/P	---	SUP		---	---

[Sen. Christensen] Addresses procedures related to confirmation of tests.

HB0148S04	Victim Rights Amendments (<i>R. Webb</i> Party: R)	SUP	SUP	---		PRI	SUP
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[GOV signed 3.23.09] [Sen. Christensen] Empowers the trial judge hearing a criminal case to give the victim an appropriate remedy for a violation of a victim's rights. [FN: Will require an ongoing appropriation of \$7,500 from the Gen. Fund to the courts of judicial workload increases.]

HB0151S01	Motor Vehicle Forfeiture Amendments (<i>Christopher Herrod</i> Party: R)	SUP	SUP	SUP	SUP	SUP	SUP
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[GOV signed 3.25.09] [Sen Killpack] Provides that a motor vehicle is subject to criminal or civil forfeiture upon a finding by the court that: (1) the motor vehicle was used in a violation of certain driving under the influence provisions; (2) the operator of the vehicle has previously been convicted of a felony DUI violation or automobile homicide; and (3) the operator of the motor vehicle was driving on a denied, suspended, revoked, or disqualified license due to a violation of certain DUI provisions.

HB0153	Trespass Law Amendments (<i>John Mathis</i> Party: R)	OPP	OPP	---	N/P	---	---
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[GOV signed 3.25.09] [Sen. Stowell] [AMEND] Creates the offense of criminal trespass (class B misdemeanor) on agricultural or range lands. Describes the requirements necessary in order for a person to enter these lands lawfully. [FN: Will not require additional appropriations. Could result in civil penalties for individuals found guilty of trespassing on agricultural or range land. Property owners may benefit from receipt of civil penalties. Local justice courts may see a slight increase in caseloads.]

HB0159	Ethics Provisions (<i>Sheryl Allen</i> Party: R)	HOLD	HOLD	---		---	HOLD
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Establishes a legislative code of conduct, and provides criminal penalties for its violation (class B misdemeanor). Creates the Legislative Ethics Commission. Provides for membership and other requirements for the commission. Prescribes the commission's duties. Addresses the filing of an initial complaint against a legislator for violating certain rules and statutes. Requires the commission staff to conduct an investigation of an initial complaint and recommend action to the commission. Requires the commission to act on an initial complaint. Provides for the filing of a formal complaint against a legislator. Addresses pre-hearing proceedings after a formal complaint is filed and outlines hearing procedures. Addresses commission deliberations and recommendations. Requires the commission to forward any recommendation concerning a legislator to the Senate or House of Representatives, respectively. Provides for notifying certain county attorneys of criminal conduct. [FN: Office of Legislative Research and General Counsel provides staff assistance to the House and Senate Ethics Committees. To the extent that this bill results in additional work for these two committees, it could create a fiscal impact. It is unknown at this time what additional requirements for staff time the bill would create. No additional appropriation is needed at this time.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0161	Motor Vehicle Insurance Fee (<i>Larry Wiley</i> Party: D)	SUP	---	---		SUP	---

Creates the Automated License Plate Recognition System Restricted Account. Provides that the Motor Vehicle Enforcement Division shall use funds in the Account to administer an automated license plate recognition system program. Imposes a \$.50 annual fee on every vehicle covered under a policy of insurance purchased to satisfy the owner's or operator's security requirement. Requires insurers issuing insurance policies covering motor vehicle risks to pay the fees to the State Tax Commission on or before March 31 of each year. Provides that the revenues from the fee shall be deposited into the Account. Grants the State Tax Commission rulemaking authority to make rules to implement and enforce collection of the fee. The system will provide a computerized camera mounted on a vehicle or over a highway that recognizes license plates to alert law enforcement to Amber Alerts, stolen vehicles, stolen, revoked or expired license plates, wanted persons, and other criminal violations. [FN: Will put in place a \$.50 fee on each motor vehicle insurance policy. This could increase revenue to the Automated License Plate Recognition System Restricted Account by \$1,160,000 in FY10 and \$1,190,000 in FY11. The revenue to the restricted account is to be used by the Motor Vehicle Enforcement Division to administer an automated license plate recognition system. Four vehicles would be purchased in FY10 and two vehicles in FY11. Locals could be affected through increase recovery of stolen vehicles.]

HB0163	Property Transaction Amendments (<i>Rebecca Lockhart</i> Party: R)	SUP	SUP	---	S/C	---	---
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[GOV signed 3.25.09] [Sen. Bramble] Amends the definition of a secondhand business to provide an exemption for regulated metal dealers. Requires reporting to the database of certain transactions by coin dealers. Modifies the Pawnbroker and Secondhand Merchandise Advisory Board to include a coin dealer representative. Provides definitions related to the coin dealer business. Provides a criminal penalty (class B misdemeanor) for unauthorized release of database information. Provides that neither coin dealers nor pawnbrokers are required to hold precious metals or coins as defined. Changes the hold period for pawnbrokers and secondhand dealers from ten days to 15 days. [FN: Would generate additional revenue to the Gen. Fund of \$2,500 in FY10 and \$2,500 in FY11. Commerce Service Fund spending affects the annual transfer to the Gen. Fund. Some businesses may be impacted due to this proposed change in statute.]

HB0187S03	Recreational Use of Public Waters on Private Property (<i>Ben Ferry</i> Party: R)	N/P	N/P	---		OPP	---
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Clarifies a provision relating to fencing. Establishes a criminal penalty for: cutting a fence; and violating a provision in a part. Authorizes a person to engage in certain recreational activities in specified public waters. Authorizes a person in certain circumstances to touch certain private beds beneath specified public waters. Specifies the public waters on certain private property in which a person may engage in a recreational activity. Creates a Recreational Access Board. Establishes membership and duties for the Recreational Access Board. Authorizes the Recreational Access Board to make a rule listing public waters in which a person may engage in a recreational activity. Establishes procedures for applications to the Recreational Access Board.

HB0198	Marriage License Fee Amendments (<i>Christine Johnson</i> Party: D)	SUP	---	---		SUP	---
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[GOV signed 3.23.09] AMEND Requires county clerks to collect an additional \$10 for a marriage license fee IF an applicant chooses and to transmit that amount to the Division of Child and Family Services for use in the operation of shelters of victims of domestic violence. [FN: Could increase appropriations to the DCFS to be used for the operation of domestic violence shelters. Will require local governments to collect \$10 on every marriage license issued. As a result local revenues could increase by \$250,000 annually. However, funds are to be transferred to the DCFS. Individuals will experience a \$10 increase in cost.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0209	Amendments to Criminal Appeals (Julie Fisher Party: R)	SUP	SUP	---	PRI	SUP	---

[GOV signed 3.24.09] [Sen. Valentine] Allows the prosecution, as a matter of right, to appeal an order granting a new trial. [FN: will not require additional appropriations.]

HB0217	Utah Indoor Clean Air Act Amendments (Neil Hansen Party: D)	---	---	OPP	---	---	---
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Excludes from the smoking prohibition of the Utah Indoor Clean Air Act, a business that receives at least 25% of its annual gross receipts from the on-site sale of tobacco. [FN: Will not require additional appropriations.]

HB0219S01	Tobacco Tax Increase (Paul Ray Party: R)	---	---	SUP	---	SUP	---
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Increases the tax rate for the sale, use, storage, or distribution of tobacco products in the state, for the 2009-10 fiscal year, as follows: for cigarettes weighing not more than three pounds per thousand cigarettes, from 3.475 cents per cigarette to 6.55 cents per cigarette; for cigarettes weighing in excess of three pounds per thousand cigarettes, from 4.075 cents per cigarette to 7.68 cents per cigarette; for tobacco products, except moist snuff, from 35% to 66% of the manufacturer's sales price; and for moist snuff, from \$.75 to \$1.41 per ounce. Sets the tax rate for the sale, use, storage, or distribution of tobacco products in the state, for each year after the 2009-10 fiscal year, as follows: for cigarettes weighing not more than three pounds per thousand cigarettes, at one-tenth of one cent above the national average rate, excluding certain tobacco producing states; for cigarettes weighing in excess of three pounds per thousand cigarettes, at a rate that is 1.173 times higher than the rate described in the preceding paragraph; for tobacco products, except moist snuff, at a percentage rate that is modified by the percentage change in the rate for cigarettes weighing not more than three pounds per thousand cigarettes; and for moist snuff, at an amount that is modified by the percentage change described in the preceding paragraph. [FN: increases the tax on cigarettes, moist snuff, and other tobacco products. This increases revenue to the General Fund by \$25,900,000 in FY10. Each year the Economic and Statistical Unit of the Utah State Tax Commission will calculate the new tax rate based upon the average tax rate in 44 states and multiplied by a constant. Absent tax changes in other states, this bill increases revenue in FY11 by \$30,600,000 in that the tax changes in FY10 increase the national average. Local government sales tax revenue will increase by a total of \$26,000 in FY10 and \$31,000 in FY11. Businesses dealing in tobacco products will experience a decrease in revenue. Individuals will see the average price per pack increase to the national average in FY10. In FY11, individuals will see the price per pack increase or decrease depending upon the cigarette tax policy in other states.]

HB0220S02	State Payment and Reimbursement to County Correctional Facilities (Michael Noel Party: R)	SUP	SUP	---	SUP	---	---
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[GOV signed 3.20.09] [Sen. Greiner] Requires the Division of Finance to pay counties, for housing state probationary inmates or state parole inmates, at a rate of 50% of the final state daily incarceration rate. Provides that, on at least a monthly basis, a county must submit a report to the Utah Commission on Criminal and Juvenile Justice (CCJJ) regarding the housing of state probationary inmates or state parole inmates. Grants rulemaking authority to the CCJJ. Provides that the Division of Finance shall, on or before December 15 of each year, pay each county for housing state probationary inmates and state parole inmates, based on the number housed by each county during the state fiscal year that ended on June 30 of the preceding calendar year. Provides for the distribution of information to, and the discussion of information by, the counties regarding the "actual state daily incarceration rate" and the number of state probationary inmates and state parole inmates housed by each county.

Bill Number	Title/Sponsor/Summary				Positions		
HB0221	County Correctional Facilities Funding Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Michael Noel</i> Party: R)	OPP	---	---	SUP	---	---

[Sen. Greiner] Provides that the compensation rate of housing state inmates pursuant to a contract is 70% of the average state daily incarceration rate. Requires DOC to reimburse a county that houses a state probationary inmate or a state parole inmate at a rate of 50% of the state daily incarceration rate. Removes provisions relating to the review and modification of the daily incarceration rate by the legislature. Removes certain provisions relating to payment or reimbursement funds. [FN: will require Gen. Fund appropriations of \$14,904,000 in FY10 and \$16,656,300 in FY11 to DOC for increased Jail Reimbursement and Jail Contracting program costs. Beyond FY11, additional required ongoing Gen. Fund appropriations will likely increase by approximately \$1,850,000 per year.]

HB0223	Statute of Limitations Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Carl Wimmer</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP

[GOV signed 3.25.09] [Sen. Madsen] Provides that prosecution for first degree felony child abuse homicide or second degree felony child abuse homicide may be commenced at any time. [FN: Will not require additional appropriations.]

HB0228	Assault on Service Member in Uniform	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Eric Hutchings</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP

[GOV signed 3.23.09] [Sen. Knudson] Provides a penalty for committing an assault against a military service member in uniform. Provides for minimum incarceration time and enhanced penalty for committing a second or subsequent offense against a military service member in uniform. Provides that the court may suspend the imposition or execution of the sentence if the court finds that by doing so the interests of justice would be best served and makes specific findings concerning the disposition on the record. Provides that the offense does not affect or limit the exercise of any individual's constitutional rights, including the right of free speech and the right of assembly. Provides that criminal homicide constitutes murder if the actor recklessly causes the death of a military service member in uniform while in the commission or attempted commission of an assault against a military service member in uniform under Section 76-5-102.4. Provides a definition of "military service member in uniform" [FN: Will not require additional appropriations.]

HB0233	Aggravated Sexual Assault Amendments	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Carl Wimmer</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP

[GOV signed 3.24.09] [Sen. Madsen] Modifies the elements and penalties for the crime of aggravated sexual assault. [FN: Will not require additional appropriations for at least 20 years after implementation. There may be an impact to DOC and the Board of Pardons beginning FY30, however, the impact is not quantifiable at this time.]

HB0237S01	Criminal Penalties Amendments - Leaving the Scene of an Accident	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Christopher Herrod</i> Party: R)	SUP	SUP	SUP	SUP	SUP	SUP

[GOV signed 3.25.09] [Sen. Liljenquist] [AMEND] Increases the penalty from a class A misdemeanor to a third degree felony for a person who violates the requirement to stop the vehicle at the scene of an accident and remain at the scene of the accident until the operator has fulfilled certain requirements if the accident resulted in injury or death of a person and the person has previously been convicted of certain violations THAT were committed on or after May 12, 2009. [FN: The DOC will require Gen. Fund appropriations of \$29,100 in FY12 and \$31,500 for FY13 and each fiscal year thereafter. The Courts will require \$2,600 per year from the Gen. Fund beginning FY11.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0239	Utah Medical Examiner Act - Investigation and Autopsies Amendments (<i>Curtis Oda</i> Party: R)	CCJJ SUP	USC ---	USAAV ---	LELC SUP	UCV ---	UBJJ SUP
[GOV signed 3.20.09] [Sen. Bell] Grants the attorney general or an assistant attorney general the authority to investigate certain deaths. Grants the attorney general the authority to request an autopsy. [FN: Net \$0 fiscal impact. Requires an appropriation of \$10,000 ongoing dedicated credits to the Dept. of Health. The \$10,000 comes through an existing fee for additional services provided in the legislation.]							
HB0240S01	Wanton Destruction of Livestock (<i>Ronda Menlove</i> Party: R)	CCJJ SUP	USC ---	USAAV ---	LELC SUP	UCV ---	UBJJ ---
[GOV signed 3.25.09] [Sen. Okerlund] Allows a licensed veterinarian to euthanize certain animals under certain cricumstance. Modifies requirements for reporting estrays. Authorizes Div. Wildlife Resources to capture or cause the death of certain animals under certain circumstances. Establishes penalties for the wanton destruction of livestock. Provides for the seizure and disposition of property used in the wanton destruction of livestock. [NEW second degree felony, NEW third degree felony, NEW class A misdemeanor, NEW class B misdemeanor.]							
HB0244	Disruption of School Activities (<i>Carol Moss</i> Party: D)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV ---	UBJJ SUP
[Sen. Greiner] Provides that it is a class A misdemeanor to enter onto school property in order to evade law enforcement. Provides that not knowing the property is school property is not a defense. Requires that the defendant reimburse the school for the costs of responding ot the defendant's presence on school property. [FN: Will not require additional appropriation.]							
HB0244S01	Disruption of School Activities (<i>Carol Moss</i> Party: D)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
[GOV signed 3.25.09]							
HB0247	Amendments to Email Information Required of Registered Sex Offende (<i>Jim Bird</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV SUP	UBJJ SUP
[GOV signed 3.23.09] [Sen. Jenkins] Makes amendments addressing the recent federal case Doe v. Shurtleff: (1) provides that the information an offender subject to registration is required to provide to the registering entity does not include passwords, but does include other online and Internet identifiers as currently defined in law; (2) provides that an offender's Internet or online identifiers, which must be provided to the registering agency, may not be included in information on the Sex Offender Registry, which is available to the public; and (3) provides under the GRAMA that information an offender must provide to the registry and that is not statutorily required to be made available to the public is private, except for use in the investigation and apprehension of offenders and the enforcement of criminal, civil, and administrative law. Removes the offense of unlawful detention from the definition of a kidnap offender. In response to a recent Utah Supreme Court case State v. Briggs, removes the requirment that DOC include "a description of the offender's primary and secondary targets" in the listing of an offender's description and history of offenses on the sex offender registry. [FN: will not require additional appropriations.]							

Bill Number	Title/Sponsor/Summary	CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0248S01	Regulating the Use of a Wireless Communication Device While Operat (<i>Carol Moss</i> Party: D)	SUP	SUP	---	SUP	S/C	SUP

Prohibits a person from using a wireless communication device while operating a motor vehicle unless the wireless communication device is designed and configured to allow for hands-free talking and listening and is used in that manner. Provides exceptions to the wireless communication device prohibition. Provides that it is an INFRACTION for violating the wireless communication device prohibition and is not a reportable violation and points may not be assessed.

HB0265	Postmortem Procedures Amendments (<i>Bradley Daw</i> Party: R)	SUP	SUP	---	SUP	---	---
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[GOV signed 3.20.09] [Sen. Robles] [AMENDED] Amends the Utah Vital Statistics Act and DOPL Act relating to the signing and filing of a certificate of death, and the release, transportation, and disposition of a dead body or dead fetus. Makes it a class B misdemeanor for a person to intentionally sign the portion of a certificate of death that is required to be signed by a funeral service director or a dispositioner, unless the person: (1) is a funeral service director, employed by a licensed funeral establishment; or (2) is a dispositioner, if a funeral service director is not retained. PROVIDES that a dispositioner may not sign a certificate of death, unless the signature is witnessed by the state registrar or a local registrar. Requires the state registrar to post information on the state registrar's website providing instructions to a dispositioner for complying with the requirements of law relating to the dispositioner's responsibilities. [FN: Requires \$4,200 one-time Gen. Fund appropriation in FY09 for programming costs to the Dept. of Health. Some individuals may be required to file a death certificate within 5 days of a death. Some funeral businesses may be more liable for damages while some individuals may be less liable for damages. Local health departments may see an increase in responsibility for entering information for death certificates.]

HB0275	Domestic Violence in Presence of a Child Amendments (<i>Kerry Gibson</i> Party: R)	SUP	SUP	SUP	SUP	SUP	SUP
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[GOV signed 3.20.09] [Sen. Dayton] Modifies the offense of committing domestic violence in the presence of a child to provide that if more than one child is present, a separate offense is committed regarding each child. [FN: Will not require additional appropriations.]

HB0276	Custodial Interference Amendments (<i>Carl Wimmer</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP
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Enacts a modified version of the crime of custodial interference. Provides that custodial interference is: (1) a felony of the third degree, if, during the course of the custodial interference, the actor removes, causes the removal, or directs the removal of the child from the state; (2) a class A misdemeanor if the third degree felony provisions described above do not apply and the actor commits custodial interference within three years after the day on which the person was previously convicted of custodial interference; or (3) a class B misdemeanor if the felony and class A misdemeanor provisions described above do not apply. Creates an affirmative defense to the crime of custodial interference. [FN: would require an ongoing Gen. Fund appropriation to the Courts of \$2,300 for judicial workload increases. There may be an undetermined amount of cost for individuals found guilty of custodial interference.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0281	Wireless Communication Device Use Limitations While Operating a Mo (<i>Paul Ray</i> Party: R)	SUP	SUP	---	SUP	S/C	SUP

Prohibits a person from using a wireless communication device for text messaging or electronic mail communication while operating a motor vehicle on a highway in this state. Prohibits a person from using a wireless communication device while operating a motor vehicle in a reduced speed school zone or a public parking lot unless the wireless communication device is designed and configured to allow for hands-free talking and listening and issued in that manner. Prohibits a person younger than 18 years of age from using a wireless communication device while operating a motor vehicle on a highway in this state. Provides exceptions to the wireless communication device prohibitions. Provides that it is an infraction for violating a wireless communication device prohibition. [FN: Will require \$10,000 per year from the Gen. Fund appropriated to the courts beginning FY10. The bill will also generate \$13,800 per year in new Gen. Fund revenue beginning FY10, for a net Gen. Fund increase of \$3,800 per year.]

HB0283S01	Illegal Use of Motor Vehicles (<i>Michael Noel</i> Party: R)	SUP	SUP	---	SUP	---	---
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[Sen. Urquhart] [AMEND] Provides that a person may not tear down, mutilate, deface, or destroy: a sign, signboard, or other notice that regulates off-highway vehicle use; or a fence, gate, or other enclosure. Provides that a person may not operate or give another person permission to operate a motor vehicle cross-country on any public land that is closed to motor vehicle cross-country travel WITH exception. Provides penalties and sentencing provisions for violating the prohibition on operating a motor vehicle cross-country on public land. Provides that a person is guilty of enhanced penalties for unlawful use of a motor vehicle cross-country on public land or a motor vehicle on private land if: the person violates certain restrictions on the use of a motor vehicle cross-country on public land or a motor vehicle on private land; and has previously been convicted of the restrictions on use of a motor vehicle cross-country on public land or a motor vehicle on private land or knowingly, intentionally, or recklessly causes certain damage or harasses wildlife or livestock. Provides penalties and sentencing provisions for an aggravated unlawful use of a motor vehicle on public or private land conviction. Provides certain exceptions to the motor vehicle use restrictions. [FN: Will not require additional appropriations.]

HB0283S02	Illegal Use of Motor Vehicles (<i>Michael Noel</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
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[GOV signed 3.25.09]

HB0284	Smoking Ban in Motor Vehicle (<i>F. Seegmiller</i> Party: D)	---	---	S/C	---	S/C	---
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Prohibits a person from smoking in a motor vehicle if a child who is younger than eight years of age is restrained or is required to be restrained in a child restraint device in the motor vehicle. Provides that violating the smoking prohibition is an infraction and has a maximum fine of \$45. Provides that a court may suspend the fine for a violation if the person proves that the person has enrolled in a smoking cessation program. Provides that enforcement of the smoking prohibition shall be only as a secondary action. Provides that a violation of the smoking prohibition may not be used as a basis for or evidence of child abuse or neglect.

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0290S01	Prohibition of Wireless Communication Device Use in a Motor Vehicl (<i>Stephen Clark</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP

[Sen. Hillyard] [AMEND] Provides that a person is guilty of careless driving if the person uses a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle. Provides EXCEPTIONS to the handheld wireless communication device prohibition. [FN: Will require \$4,400 per year from the Gen. Fund appropriated to the Courts beginning in FY10. The bill also generates \$6,000 per year in new Gen. Fund revenue beginning FY10, for a net Gen. Fund increase of \$1,600 per year. Local governments through Justice Courts adjudications may benefit.]

HB0290S03	Prohibition of Wireless Communication Device Use in a Motor Vehicle (<i>Stephen Clark</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
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[GOV signed 3.25.09]

HB0292	Traffic Violation and Citation Amendments (<i>Don Ipson</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
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[GOV signed 3.25.09] [Sen. Urquhart] Clarifies that a single continuous period of driving for a reckless driving or careless driving violation only covers three miles or less in total distance. Provides that an operator of a vehicle operating on a roadway divided into two or more clearly marked lanes for traffic may not move the vehicle from the lane until the movement can be made safely rather than when the operator determines that the movement can be made safely. Requires the Criminal Investigations and Technical Services Division to include all warrants issued for failure to appear on a traffic citation on the statewide warrant system. Provides that a prosecution is commenced upon the issuance of a citation. Provides that a person receiving a certain citation shall appear before a magistrate on or before the date and time specified. Provides that a magistrate may issue a warrant of arrest for a person who fails to comply with certain citation requirements. Amends the required notice language on a citation issued for a misdemeanor or infraction charge. [FN: Will not require additional appropriations.]

HB0295	Money Laundering Amendments (<i>Ryan Wilcox</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
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[GOV signed 3.20.09] [Sen. Liljenquist] Amends the offense of money laundering to avoid state transaction reporting requirements so the offense includes the laundering of money to avoid federal transaction reporting requirements. [FN: Will not require additional appropriations.]

HB0298	Juvenile Transfers from Justice Court (<i>Kay McIff</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
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[Sen. Okerlund] Provides discretion to a justice court judge to transfer a matter concerning a child from justice court to juvenile court. [FN: will require an ongoing appropriation of \$7,600 to the Division of Juvenile Justice Services.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0313S01	Social Host Liability Act (<i>Eric Hutchings</i> Party: R)	HOLD	----	SUP	S/C	SUP	S/C

[GOV signed 3.24.09] [Sen. Mayne] Establishes responsibility related to an underage drinking gathering. Makes certain conduct subject to a citation and civil penalties, including recovery of response costs. Allows for the reservation of legal options. Provides for appeals. [FN: will not require additional appropriations.]

HB0314	Dna Sample for Criminal Offenses - Amendments (<i>Richard Greenwood</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	S/C	---	SUP	PRI	SUP

[Sen. Greiner] [AMEND] Requires that a DNA specimen shall be obtained from a person convicted of an offense of class B misdemeanor domestic violence assault in addition to current requirements for felonies and class A misdemeanors. Provides that a DNA specimen is not to be taken from a minor who commits a class B misdemeanor domestic violence assault offense. Requires a person convicted of a class B misdemeanor domestic violence assault offense to also pay the fee of \$100 for the costs of collecting the DNA specimen. Provides the process for requesting destruction of a specimen. [FN: Will require DPS to spend \$11,500 in FY09 and \$69,000 in FY10 and each fiscal year thereafter. DPS believes it can handle these expenditures within existing resources. The Courts will require \$800 in FY09 and \$4,800 from the Gen. Fund in FY10 and each fiscal year thereafter. The bill will also generate \$16,700 in Restricted Revenue beginning in FY09 and \$100,000 in FY10 and each year thereafter.]

HB0316	Time Limitation for Prosecution of Environmental Crimes (<i>Carl Wimmer</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	---	SUP	SUP	---

Requires that a prosecution for a violation of Title 19, Environmental Quality Code, shall be commenced within four years after facts constituting the violation have been reported in writing to a prosecutor having responsibility and jurisdiction to prosecute the offense. [FN: will not require additional appropriations.]

HB0317	Capital Felony Amendments (<i>Carl Wimmer</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	---	SUP	SUP	---

[GOV signed 3.20.09] [Sen. Madsen] Increases the indeterminate sentence provision regarding a capital felony from 20 years to 25 years. [FN: Will not require additional appropriations.]

HB0333	Motor Vehicle Impound Amendments (<i>Curtis Oda</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		OPP	OPP	---	OPP	---	---

Provides that any law enforcement officer ordered vehicle impound shall be reported to the Motor Vehicle Division by the peace officer or the agency the peace officer is employed by. Imposes a \$25 fee on all vehicle, vessel, or outboard motor impounds ordered for a violation of certain motor vehicle offenses. Provides that revenues from the \$25 impound fee shall be used by the Division as dedicated credits to pay the costs of providing certain notifications and regulating state impound yards within the state. Provides that a vehicle is an abandoned vehicle if it is left in an impound yard, garage, or docking area for more than ten days after certain notices have been provided. Provides that it is a class C misdemeanor to abandon a motor vehicle on public or private property or in an impound yard, garage, or docking area. Requires the Division to inform the registered owner and lien holder that it is a class C misdemeanor for a person to leave a motor vehicle for more than ten days in an impound yard, garage, or docking area in the impound notice provided by the Division. [FN: will increase state revenues by \$423,800 in FY10 and \$563,100 in FY11 and each fiscal year thereafter. The bill will provide the Division of Motor Vehicles \$420,300 in FY10 and \$558,400 in FY11 and each fiscal year thereafter. The Courts will require Gen. Fund appropriations of \$10,100 in FY10 and \$13,400 in FY11 and each fiscal year thereafter.]

Bill Number	Title/Sponsor/Summary			Positions			
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0347S01	Alcoholic Beverage Control Act Modifications (<i>Gregory Hughes</i> Party: R)	---	---	SUP			S/C

Amends definitional provisions. Removes requirements related to state labels and markings. Prohibits tampering with a package of an alcoholic beverage. Provides for electronic verification of proof of age by certain club licensees. Removes restrictions related to election days. Addresses dispensing, storage, and bar structures for a restaurant. Changes the insurance and liability limits related to dramshop. Establishes requirements for renting or leasing a club license premises. Makes technical and conforming changes.

HB0352S01	Alcoholic Beverage Related Amendments (<i>James Dunnigan</i> Party: R)	---	---	SUP	LELC	UCV	UBJJ
						SUP	---

[GOV signed 3.24.09] [Sen. Valentine] Provides for conditional licenses for certain retail licenses. Addressess access to information related to a private club licensee or tavern by an investigator.

HB0362	Government Records Amendments (<i>Gregory Hughes</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		N/P	N/P	---		---	---

Corrects a cross-reference. Modifies language to comply with standardized definitions. Provides that intentional and knowing destruction or mutilation of the record-copy of a record in violation of a retention schedule is a class B misdemeanor. Permits a governmental entity to charge a fee equal to the actual value of the costs of researching and responding to a records request if the requester has submitted more than 12 requests within a one-year period. Exempts from the above requirement those requests that are made for a story or report for general publication. Provides cross-references between the Archives and Records Service chapter and the Government Records Access and Management Act. Clarifies that an employee of a governmental entity may be disciplined or fired for intentionally and knowingly destroying or mutilating a record in violation of a retention schedule. [FN: will not require additional appropriations. Local governments may receive a minimal increase in fee revenue and certain individuals may be charged additional records access fees.]

HB0372	Insurance Provisions Regarding Offenders (<i>Paul Ray</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	---	SUP	SUP	---

Provides that, if an insured is otherwise eligible for benefits under a policy, an accident and health insurer may not exclude coverage for: an inmate housed in a correctional facility; or an offender in the custody of the Department of Corrections. Requires that an accident and health insurer coordinate benefits for an insured who is: an inmate housed in a correctional facility; or an offender in the custody of the DOC. Requires an inmate who has medical or dental insurance coverage, upon entering into the DOC's custody, to use that coverage as primary payer for medical and dental costs incurred while in the custody of the DOC. [FN: May avoid future costs for DOC medical services, but there is insufficient data to quantify the amount. Local governments may benefit from avoided costs.]

HB0373	Amendments to Department of Corrections' Operations (<i>Paul Ray</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		N/P	N/P	---		N/P	---

[GOV signed 3.20.09] [Sen. Greiner] Repeals provisions allowing courts to commit a defendant to the custody of the DOC for a 90-day diagnostic evaluation prior to sentencing. Removes provisions in the code referring to providing diagnostic evaluations as part of the presentence information prepared for the sentencing court. [FN: Will reduce ongoing Gen. Fund appropriations of \$427,400 and ongoing Crime Victim Reparations Trust Fund appropriations of \$750,000 beginning FY10.]

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

HB0376	Revisions to Alcoholic Beverage Control Act (<i>Gregory Hughes</i> Party: R)	CCJJ SUP	USC SUP	USAAV SUP	LELC	UCV N/P	UBJJ ---
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Addresses the nature of an adjudicative proceeding as a civil action including the burden of proof and the general applicability of mens rea requirements. Makes procedural clarifications. Clarifies the application of criminal procedures, principles, and penalties. [FN: will not require additional appropriations.]

HB0384	Public Lewdness Amendments (<i>Don Ipson</i> Party: R)	CCJJ SUP	USC SUP	USAAV ---	LELC SUP	UCV SUP	UBJJ SUP
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[GOV signed 3.30.09] [Sen. Urquhart] Increases the penalty for lewdness if the offender has been convicted twice before of lewdness or lewdness involving a child. Increases the penalty for lewdness involving a child if the offender has been convicted once before of lewdness involving a child. [FN: Will increase state revenues by \$6,800 beginning FY10. The Courts will require an ongoing Gen. Fund appropriation of \$18,200 beginning FY10. The DOC will require Gen. Fund appropriations of \$29,100 in FY11 and \$58,100 in FY12 and each fiscal year thereafter. Local governments will be impacted by additional incarceration costs.]

HB0391	Budgetary Procedures Act Revisions (<i>Ron Bigelow</i> Party: R)	CCJJ N/P	USC N/P	USAAV ---	LELC	UCV ---	UBJJ ---
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[GOV signed 3.30.09] [Sen. Hillyard] This bill modifies provisions of the Budgetary Procedures Act including nonlapsing authority for various agencies including award monies under the Crime Reduction Assistance Program. Clarifies the procedures to be followed when seeking to expend dedicated credits in excess of the amount appropriated by the Legislature. Clarifies procedures and simplifies timelines relating to the governor's submission of a proposed budget. Defines the term "work program" and clarifies and modifies the procedures for work program adjustments. Clarifies and makes amendments to the procedures for approving the transfer of monies between programs. Requires the Division of Finance to audit all claims against the state for which an appropriation has been made. Creates a preference for purchase card accounts over petty cash funds and provides procedures for approving and reviewing petty account funds. Provides that the Division of Finance, rather than the governor, review applications and establish petty cash funds. Permits the Division of Finance to eliminate existing cash funds in favor of a purchasing card account. Requires reports of overexpended line items to be submitted to the Office of the Legislative Fiscal Analyst in addition to the Board of Examiners. Modifies language related to the governor's obligation to reduce commitments and expenditures in a deficit situation. Requires that, in the event of a deficiency, state agencies proportionally reduce commitments and expenditures. Removes any distinction between "fees" and "regulatory fees." Provides that all fees charged by an agency must be submitted to the Legislature and approved in an appropriations act. Clarifies that an agency must hold a public hearing on establishing or modifying a fee before presenting the fee for legislative review. Changes the term "college and university funds" to "discrete component unit funds" to comply with currently existing definitions in other sections of the code. Requires state institutions of higher education to report nonlapsing balances to the Division of Finance by the September 1 following the close of the fiscal year. Consolidates the listing of all nonlapsing funds and accounts. Requires that an account or fund be expressly referenced as nonlapsing in the Budgetary Procedures Act in order for the account or fund to be treated as nonlapsing. Requires legislative appropriations subcommittees to review those accounts and funds that have been granted nonlapsing authority on a yearly basis. Requires each agency to report the balances of any dedicated credits and fixed collections at the end of each fiscal year. [FN: Will not require additional appropriations.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HB0404S01	Disclosure of Real Property (<i>Merlynn Newbold</i> Party: R)	SUP	---	PRI		SUP	---

[GOV signed 3.24.09] [Sen. Buttars] Requires a real property owner or lessor to disclose in a property transaction that the owner's or lessor's property is contaminated from methamphetamine use if the owner or lessor has actual knowledge of the contamination. Creates a civil cause of action for failure to disclose methamphetamine contamination. Allows a real property owner or lessor to decontaminate the owner's or lessor's real property.

HB0437	Obstruction of Natural Resource or Agricultural Production (<i>Michael Noel</i> Party: R)	SUP	SUP	---		---	---
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[GOV signed 3.25.09] [Sen. Urquhart] Establishes a criminal penalty (third degree felony) and a fine for obstructing a competitive process to lease property for natural resource or agricultural production by placing a bid for a lease with no intent to pay for the lease. [FN: Will not require additional appropriations.]

HB0455	Court Security Restricted Account (<i>Eric Hutchings</i> Party: R)	SUP	SUP	---		SUP	SUP
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[GOV signed 3.24.09] [Sen. Greiner] Increases the security surcharge in courts of record for criminal convictions and juvenile delinquency judgments. Increases the security surcharge on all convictions for moving violations and allocates the increase to the Court Security Account created in Section 78A-2-602. Allows the AOC to use the security surcharge for perimeter security at all court locations. [FN: Will increase the court security fee by \$8. This will increase revenue to the Gen. Fund Restricted Court Security account by approximately \$2.8 million annually. Courts will use the funds to contract for security services at juvenile and district courts. For the rest of FY09, the bill will require one-time revenue and appropriations of \$350,000.]

HB0456S01	Tobacco Access Restrictions (<i>Bradley Last</i> Party: R)	---	---	SUP		---	SUP
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[GOV signed 3.25.09] [Sen. Neiderhauser] Amends restrictions on the sale, placement, and display of cigarettes and smokeless tobacco to include cigars and pipe tobacco. Amends the state supremacy clause regarding sale, placement, and display to include cigarette tobacco and pipe tobacco. [FN: will not require additional appropriations.]

HCR002	Healthy Family Partnership Concurrent Resolution (<i>Curtis Oda</i> Party: R)	SUP	SUP	SUP		SUP	SUP
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[Sen. Killpack] Encourages the Utah State Board of Education and the Utah State Board of Regents, as resources permit, to ensure that all middle school, junior high, senior high, and post-secondary education programs in the state provide timely and age appropriate materials on the dangers of family and dating violence, how to identify the problem, how to get help, and how to provide support for friends or siblings caught in an abusive situation. Encourages the Dept. of Human Services to ensure, as resources permit, that high risk families receive violence prevention services, which research has shown significantly reduces the incidence of child abuse and domestic violence while providing the Utah taxpayer with a significant cost benefit advantage. [FN: will not require additional appropriations.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
HJR027	Criminal Procedure Revisions Resolution (<i>Wayne Harper</i> Party: R)	OPP	OPP	---	OPP	OPP	OPP

Requires that a prosecuting attorney obtain a defendant's consent before reducing a misdemeanor charge to an infraction. [FN: Provisions of this bill are estimated to increase jury trials by 58. The average cost per jury trial for cases covered by this bill is \$1,360. The estimated cost to implement provisions of this bill is \$78,800 ongoing from the Gen. Fund beginning in FY10.]

SB0011	Incest Amendments (<i>Dennis Stowell</i> Party: R)	SUP	SUP	---	SUP	SUP	SUP
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[GOV signed 3.20.09] Amends the definition of the crime of incest. Increases the statute of limitations for prosecution from four to seven years.[FN: will not require additional appropriations.]

SB0012	DUI Amendments (<i>Sheldon Killpack</i> Party: R)	SUP	SUP	PRI	SUP	SUP	---
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[GOV signed 3.24.09] [Rep. Last] Defines driving under the influence court. Provides that certain reports issued by the Driver License Division (DLD) may not contain evidence of an impaired driving conviction if the reporting court notifies the DLD that the defendant is participating in or has completed the program of a driving under the influence court with exception for a CDL license holder or a violation that occurred in a commercial vehicle. Provides that if an impaired driving conviction is amended to a driving under the influence conviction in certain circumstances, the DLD shall start the applicable suspension or revocation on the date of the amended conviction and may not subtract any time for which the license was previously suspended or revoked. Requires the DLD to reinstate a person's driver license prior to completion of a certain 90-day suspension period immediately upon receiving written verification of the person's conviction of impaired driving if: (1) the written verification is received prior to completion of the suspension period; and (2) the reporting court notifies the DLD that the defendant is participating in or has successfully completed the program of a driving under the influence court. [FN: Enactment of this bill requires \$1,000 one-time funding for programming costs.]

SB0016	Prohibited Gang Activity (<i>Jon Greiner</i> Party: R)	SUP	SUP	SUP	SUP	SUP	SUP
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[GOV signed 3.20.09] [Rep. Oda] Provides that a peace officer may order a group to disperse if the group includes persons an officer reasonably believes to be gang members and is in an area where loitering of groups that include gang members is prohibited by the local law enforcement agency. Requires that the officer warn the group that failure to disperse is subject to arrest. Requires municipal and county legislative bodies to designate areas in their jurisdictions where police officers may require groups that include gang members to disperse. Provides that failure to disperse upon the order of an officer is a class B misdemeanor, and a subsequent failure to disperse is a class B misdemeanor subject to a fine of \$100. Provides that if, after being ordered to disperse, a member of the group loiters again within specified times and at specified places, the person is guilty of a class B misdemeanor and is subject to a fine of \$100. Requires that officers receive training to ensure protection of the constitutional right of collective advocacy. Requires that officers receive training on identification of gang members and criminal street gangs. (NEW class B misdemeanor.) [FN: Will not require additional appropriations.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
SB0019	Criminal Offense Penalties Amendment (Jon Greiner Party: R)	SUP	SUP	SUP	SUP	SUP	SUP

[Rep. Menlove] Provides that the enhanced penalty for committing a crime with other persons applies also if a defendant commits a crime: (1) for the benefit of, at the direction of, or in association with a criminal street gang; or (2) to gain any benefit in the defendant's relationship to a criminal street gang. Amends related sections affected by these changes. [FN: Will require ongoing Gen. Fund appropriations of \$157,500 to the Courts beginning FY10; approximately \$92,500 ongoing Gen. Fund revenue will also be generated. Net impact to the State is a cost of \$65,000 of ongoing Gen. Funds.]

SB0028	Prohibited Activities of Gang Offenders (Jon Greiner Party: R)	SUP	SUP	SUP	SUP	SUP	SUP
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[GOV signed 3.25.09] [Rep. Wimmer] Provides that a person convicted of a crime for which the sentence is enhanced due to the offense being gang-related may not possess a dangerous weapon, ammunition, or a facsimile of a firearm for five years and that a violation is a class A misdemeanor. Provides that any greater penalty under another section of the Criminal Code that restricts the possession of a dangerous weapon to a greater degree supersedes the restrictions of this provision. (NEW class A misdemeanor.) [FN: Will require \$25,000 in ongoing Gen. Funds to the courts. Will also generate approximately \$17,500 in Gen. Funds for a net Gen. Fund cost of \$8,500 to the State.]

SB0037	Utah Substance Abuse and Anti-violence Coordinating Council Amendm (Kevin Van Tassell Party: R)	SUP	---	PRI		---	---
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[GOV signed 3.20.09] [Rep. Wheatley] Adds the director of the Division of Indian Affairs, or the director's designee, as a voting member of the USAAV Coordinating Council. [FN: Will not require additional appropriations.]

SB0051	Restitution Fund Account (Daniel Liljenquist Party: R)	SUP	SUP	---	SUP	SUP	SUP
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[GOV signed 3.20.09] [Rep. Ray] Provides that interest earned be distributed pro rata to each crime victim. Requires any leftover monies to be transferred to the Office of Crime Victims Reparation. Does not prevent an independent judicial authority to collect, hold, or distribute restitution. [FN: Will not require additional appropriations.]

SB0074	At-risk Student Provisions (Luz Robles Party: D)	HOLD	HOLD	HOLD	N/P	SUP	HOLD
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Requires a local school board or governing board of a charter school to enact certain gang prevention and intervention policies. [FN: will not require additional appropriations.]

SB0085	Homicide Amendments (Stephen Urquhart Party: R)	SUP	SUP	---	SUP	SUP	SUP
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[GOV signed 3.24.09] [Rep. Ipson] Removes the statutory defense of extreme emotional distress from the aggravated murder and murder statutes, and places it instead in the special mitigation statute, where extreme emotional distress may reduce the level of a homicide offense. [FN: Will not require additional appropriations.]

Bill Number	Title/Sponsor/Summary	Positions						
		CCJJ	USC	USAAV	LELC	UCV	UBJJ	
SB0090	Metal Theft Amendments and Penalties (Jon Greiner Party: R)	SUP	SUP	---	SUP	SUP	SUP	

[GOV signed 3.25.09] [Rep. Dee] Defines wire made of regulated metal as a suspect metal if the wire has been burned. Requires that a dealer's purchase of regulated metal that exceeds \$100 may not be paid for in cash. Provides that a defendant is liable for restitution for damages caused during the course of committing or attempting to commit a theft of regulated metal, and that the victim may also bring a civil action for damages. [FN: Will not require additional appropriations.]

SB0091	Electronic Communication Harassment Amendment (Jon Greiner Party: R)	SUP	SUP	---	SUP	SUP	SUP
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[GOV signed 3.25.09] [Rep. Ray] Defines "adult" as a person 18 years of age and older and "minor" as a person who is younger than 18 years of age. Expands the offense of electronic communication harassment to include acts intended to cause substantial emotional distress. Modifies the penalties for electronic communication harassment: (1) by increasing the penalty for repeat offenses; and (2) by providing a greater penalty if the victim is a minor. Clarifies that electronic harassment may create a civil cause of action if the electronic communications are not made for legitimate business purposes. [FN: Will require \$52,600 per year from the Gen. Fund appropriated to the courts beginning FY10. Will also generate \$49,500 per year in new Gen. Fund revenue beginning FY10 for a net Gen. Fund impact of \$3,100 per year. Local governments (Justice Courts) will lose \$1,400 annually in revenue.]

SB0098	Motor Fuel Theft Penalties (Jon Greiner Party: R)	SUP	SUP	---	SUP	N/P	SUP
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[GOV signed 3.25.09] [Rep. Noel] Creates the separate theft offense of theft of motor vehicle fuel from a retail business if the fuel is removed with the intent to deprive the business of the fuel without full payment. Provides that, in addition to the penalties for theft in Section 76-6-412, the person's driver license shall be suspended for a conviction of theft of motor vehicle fuel: (1) 60 days for a first offense; (2) six months for a second offense; and (3) one year for a third or subsequent offense. Requires that the Driver License Division suspend a person's driver license upon receiving notice from a court that the person has been convicted of a theft offense under Section 76-6-404.7. [FN: Will require \$3,000 one-time funding for programming costs which can be covered with existing agency resources.]

SB0101	State Ethics Commission (Scott McCoy Party: D)	HOLD	HOLD	---	---	---	HOLD
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This bill establishes a State Ethics Commission. In addition to the membership and duties of the commission, the bill provides that a frivolous complaint filed with the Commission is a third degree felony. A complaint filed under this chapter is frivolous if (a) the complaint is filed with the commission; (b)(i) the complaint is returned by the commission under Section 63G-12-301 because it does not meet the requirements of that section; (ii) the commission votes to take no action on the complaint at the preliminary review meeting; or (iii) the commission determines that the complaint is unsubstantiated; and (c) the complaint is determined by a two-thirds vote of the commission to be filed primarily for the purpose of harassing the respondent. [FN: Will require \$159,100 ongoing to fund 1.5 FTE to staff the commission with associated salary, benefits, and related expenses and \$5,000 one-time in FY09 to acquire furnishings and equipment for the staff.]

Bill Number	Title/Sponsor/Summary	Positions					
SB0107S01	Communications and Mortgage Fraud Penalty Amendments (<i>David Hinkins</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	---	SUP	SUP	SUP

[GOV signed 3.24.09] [Rep. Seelig] Modifies the penalties for communications fraud AND MORTGAGE FRAUD by removing the provision regarding obtaining or attempting to obtain something that does not have monetary value. [FN: will not require additional appropriations.]

SB0112	Obstruction of Justice Amendment (<i>Ralph Okerlund</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	---	SUP	SUP	SUP

[GOV signed 3.24.09] [Rep. Seelig] Includes as obstruction of justice the act of advising a person of the existence of an order for a wiretap, or the pending application for a wiretap. [FN: Will not require additional appropriations.]

SB0116S01	Criminal Penalty Amendments (<i>Daniel Liljenquist</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	PRI	SUP	SUP	SUP

[GOV signed 3.24.09] [Rep. Oda] Provides that the definition of a conviction, for purposes of certain driving under the influence provisions, only includes convictions arising from a separate episode of driving. Clarifies that a person is guilty of a separate offense for each victim suffering bodily injury, serious bodily injury, or death as a result of the person's violation of the DUI or automobile homicide provisions whether or not the injuries arise from the same episode of driving. Clarifies that a person is guilty of a separate offense for each victim suffering serious bodily injury or death as a result of the person's violation of the prohibition on driving a vehicle in a negligent manner and having a measurable amount of a controlled substance in the person's body whether or not the injuries arise from the same episode of driving. [FN: Will not require additional appropriations.]

SB0118	Parental Responsibility for Juvenile Criminal Gang Offense Costs (<i>Jon Greiner</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		S/C	S/C	S/C	SUP	S/C	S/C

[GOV signed 3.25.09] [Rep. Greenwood] Requires a parent or guardian who has legal custody of a minor to be liable for damages, including graffiti damages, sustained to property not to exceed \$5,000 in costs when the minor participates in criminal activity that causes property damage and is done: (1) for the benefit of, at the direction of, or in association with any criminal street gang; or (2) to gain recognition, acceptance, membership, or increased status with a criminal street gang. [FN: Will not require additional appropriations. Parents or legal guardians of minors may be held financially responsible for up to \$5,000 for criminal property damage caused by them.]

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

SB0131S02	Law Enforcement Service in Local Districts and Interlocal Entities	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Scott Jenkins</i> Party: R)	SUP	---	---	N/P	---	---

[GOV signed 3.24.09] [Rep. Greenwood] Replaces "extended police protection" with "law enforcement service" in the list of services that a local district may be created to provide. Eliminates the requirement to submit the creation of a local district to voters for their approval if the local district is created to provide law enforcement service. Requires county and municipal legislative body approval of a property tax imposed by a police local district. Requires counties and municipalities participating in a police local district to reduce their certified tax rate to offset a tax levied by the district. Modifies who appoints one member of a merit system commission for a first class county in which a police local district or police interlocal entity is created. Expands an exception as to how the board of trustees of a service area is to be constituted to include a service area created to provide law enforcement service. Modifies a provision relating to the duties of a sheriff in a first class county that enters into an interlocal agreement for law enforcement services and expands it to apply to all counties. Requires interlocal agreements between a county and one or more municipalities for law enforcement service to require the service to be provided by or under the direction of the county sheriff. Specifies that if a police interlocal entity or police local district enters an interlocal agreement for law enforcement service, the sheriff is not the chief executive officer of any entity created under that agreement, unless the agreement so provides, and that the sheriff provides law enforcement service under that agreement as provided in the agreement. Provides that a sheriff is the chief law enforcement officer of a local district or interlocal entity created to provide law enforcement service and is subject to the direction of the local district board or interlocal entity governing body as provided by agreement. Limits application of some provisions to districts in counties of the first class. Expands certain local district annexation and withdrawal provisions to apply to specified local districts that provide law enforcement service. Repeals a provision relating to a first class county entering an interlocal agreement for law enforcement service.

SB0132S01	Individual Income Tax Contribution for Methamphetamine Housing Rec	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Karen Mayne</i> Party: D)	---	---	SUP		SUP	---

[Rep. Seelig] Enacts the Methamphetamine Housing Reconstruction and Rehabilitation Fund Act. Creates a restricted account known as the Methamphetamine Housing Reconstruction and Rehabilitation Fund (Fund). Enacts an individual income tax contribution for the Fund for the taxable year beginning on or after January 1, 2009, but beginning on or before December 31, 2009. Provides that monies received from the income tax contribution shall be deposited into the Fund and expended by a qualified housing organization to: reconstruct or rehabilitate residences contaminated by methamphetamine; or purchase property upon which a residence contaminated by methamphetamine is reconstructed or rehabilitated. Grants rulemaking authority to the Division of Housing and Community Development. [FN: Creates the Methamphetamine Housing Reconstruction and Rehabilitation Fund. The account is funded by contributions made on an individual income tax return. The expected amount of contributions is \$50,000 in FY10.]

SB0133	Abuse or Neglect of a Disabled Child	CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>John Valentine</i> Party: R)	SUP	SUP	SUP	SUP	SUP	S/C

[GOV signed 3.24.09] [Rep. Sandstrom] Provides that a caretaker who intentionally, knowingly, recklessly, or with criminal negligence abuses or neglects a disabled child is guilty of a third degree felony. [FN: Will not require additional appropriations.]

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

SB0142	Disposition of a Dead Body		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Allen Christensen</i>	Party: R)	SUP	SUP	---	SUP	SUP	---

[GOV signed 3.24.09] [Rep Daw] Makes it a class B misdemeanor to engage in any conduct that makes a dead body unavailable for postmortem investigation, unless, before engaging in that conduct, the person obtains a permit from the medical examiner. States that the provisions and penalties for the crime of "abuse or desecration of a dead human body" supercede the provisions and penalties for the crime described in this bill. Enacts provisions relating to the application, granting, and denial of an application for a permit to render a dead body unavailable for postmortem investigation. Provides that the medical examiner may charge a fee to recover the costs of fulfilling the duties described in this bill. [FN: The legislation has a net \$0 fiscal impact. The legislation requires an appropriation of \$87,000 ongoing Dedicated Credits to the Depart. of Health. The \$87,000 comes through a new fee for additional services provided in the legislation. The new fee comes as a charge to funeral home businesses, which may be passed on to individuals.]

SB0147S01	Driver License Revisions		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Lyle Hillyard</i>	Party: R)	SUP	SUP	SUP	SUP	N/P	SUP

[GOV signed 3.20.09] [Rep. Mclff] Provides that the Driver License Division may extend to a person a limited driving privilege to and from the person's place of employment when the person's original denial, suspension, revocation, or disqualification involved certain driving under the influence offenses if: (1) the person has had the period of the first denial, suspension, revocation, or disqualification extended for a period of at least three years; (2) the Division receives written verification from the person's primary care physician that to the physician's knowledge the person has not used any narcotic drug or other controlled substance except as prescribed by a licensed medical practitioner within the last three years; and (3) for a period of one year prior to the date of the request for a limited driving privilege the person has not been convicted of a violation of any motor vehicle law in which the person was the operator of the vehicle or the Division has not received a report of an arrest for a violation of any motor vehicle law or a report of an accident in which the person was involved as an operator of the vehicle. Provides that the discretionary privilege authorized is limited to when the limited privilege is necessary for the person to commute to school or work and may be granted only once during certain periods. [FN: will not require additional appropriations.]

SB0149S01	Prohibition of Text Messaging or Electronic Mail Communication Whi		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Lyle Hillyard</i>	Party: R)	S/C	HOLD	---	SUP	S/C	S/C

[Rep. Mclff] Prohibits a person from using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle on a highway in this state. Provides exceptions to the handheld wireless communication device prohibition. Provides penalties for violating the prohibition on using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle. Provides that criminal homicide is automobile homicide if a person operates a moving vehicle in a negligent or criminally negligent manner causing the death of another and was using a handheld wireless communication device for text messaging or electronic mail communication at the time of operation. Provides penalties for automobile homicide in certain circumstances. Provides that a judge may order that a person's driver license be suspended for three months upon conviction for a violation of the prohibition on using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle. Requires the Driver License Division to immediately revoke, deny, suspend, or disqualify a person's license upon receiving a record of the person's conviction of automobile homicide while using a handheld wireless communication device for text messaging or electronic mail communication. [FN: Corrections and the Board of Pardons will require Gen. Funds of \$29,700 in FY09 and \$59,400 in FY10. Costs to Corrections and the Board will increase by \$29,700 annually in fiscal years 2012 and 2013 and will stabilize at \$133,800 in FY14 and each fiscal year thereafter. The Courts will require \$7,000 ongoing Gen. Funds beginning in FY10. The Department of Public Safety will spend \$3,000 one-time Restricted Funds for programming which can be handled within the Department's existing budget. The bill will generate \$7,200 per year in new Gen. Fund revenue beginning FY10.]

Bill Number	Title/Sponsor/Summary	Positions					
SB0154	Juvenile Court Judge - Fifth District (<i>Stephen Urquhart</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	---	---		---	SUP

[Rep. Ipson] Increases the number of juvenile court judges in the fifth judicial district to three. [FN: will add a new Juvenile Court judge, two clerks, and a new attorney. The bill will require \$305,200 in ongoing Gen. Funds for the courts and \$142,400 for the Attorney General's office in FY10 for a total impact of \$447,200 of ongoing Gen. Funds.]

SB0165S01	Statute of Limitation Revisions (<i>Mark Madsen</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	---	SUP	SUP	---

[GOV signed 3.23.09] [Rep. Wimmer] Requires that if the statute of limitations for a prosecution of fraud or breach of fiduciary obligation has expired it may begin to run again if when a report of the offense is made to a law enforcement agency and the prosecution of the offense is commenced within one year of the report.

SB0168	Alcoholic Beverage Control Act - Hours Restrictions (<i>Scott McCoy</i> Party: D)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		---	---	OPP		---	---

Modifies provisions related to hour restrictions and restaurant licensees. Modifies provisions related to hour restrictions and limited restaurant licensees. [FN: Will not require additional appropriations. Some additional yet undeterminable profit and sales tax may occur as result of longer restaurant hours.]

SB0169	Gambling Amendments (<i>Daniel Liljenquist</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	---	PRI	SUP	SUP

[GOV signed 3.30.09] [Rep. Aagard] Includes the offense of "fringe gambling" as a criminal gambling offense. [FN: May impact the Courts, however it is unquantifiable at this time.]

SB0170	Judiciary Amendments (<i>Lyle Hillyard</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		SUP	SUP	---		SUP	---

[GOV signed 3.23.09] [Rep. McIff] Adds the crime of domestic violence to the list of offenses ineligible for diversion. Clarifies when justice court judges will stand for retention election. Requires courts to transmit certain orders to law enforcement agencies electronically. Removes references to a pilot program that has been repealed. Clarifies that, in a stepparent adoption, the rights of the parent married to the stepparent are not terminated. Repeals the statute on admissibility of out of court statements of child sexual abuse victims because it is covered by court rule. [FN: will not require additional appropriations.]

SB0180S01	Expungement of Division of Child and Family Services Records (<i>Lyle Hillyard</i> Party: R)	CCJJ	USC	USAAV	LELC	UCV	UBJJ
		HOLD	HOLD	HOLD		N/P	HOLD

[GOV signed 3.23.09] [Rep. Fowlke] Clarifies that records under the control of state agencies may be expunged. [WATCH] [FN: will not require additional appropriations.]

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

SB0181	Criminal Prosecution Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Daniel Liljenquist</i>)	Party: R)	SUP	SUP	SUP	SUP	SUP	---

Provides that the standard for a de novo review in district court on a pretrial order excluding evidence in a justice court for an infraction or class C misdemeanor is that the prosecutor certifies that exclusion of the evidence prevents continued prosecution. Provides that the standard for a de novo review in district court on a pretrial order excluding evidence in a justice court for a class B misdemeanor is that the prosecutor certifies that exclusion of the evidence impairs continued prosecution. Provides that a notice of appeal for a hearing de novo in the district court on a pretrial order excluding evidence shall be filed within 30 days of the order excluding the evidence. [FN: Will require \$9,200 for increased court costs. Local governments (Justice Courts) will have increased costs and off-setting fine revenues.]

SB0182	Criminal Restitution Amendments		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Curtis Bramble</i>)	Party: R)	SUP	SUP	---		SUP	SUP

[GOV signed 3.20.09] [Rep. Lockhart] Provides that there is no statute of limitations on criminal restitution orders. Provides that the victim shall be entitled to recover collection fees if the defendant fails to obey a court order for payment of restitution. Provides that payment in full of a restitution order includes the payment of any applicable collection fees, attorney fees, and interest. Provides that the expiration date of criminal restitution orders applies to all restitution judgments that are not paid in full on or before May 12, 2009. [FN: Will not require additional appropriations.]

SB0183	Violation of Protective Order		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Scott McCoy</i>)	Party: D)	OPP	OPP	---	SUP	OPP	OPP

[GOV signed 3.24.09] [Rep. Fowlke] [AMEND] Provides a respondent the basis for dismissing the protective order if a petitioner repeatedly acts in contravention of the protective order provisions. Requires the court approved forms for all protective orders to contain a notice to petitioner that acting in contravention of the protective order provisions may be grounds for amending or dismissing the protective order. [FN: Will require an ongoing Gen. Fund appropriation of \$12,400 to the Courts to process requests for protective order dismissals.]

SB0184S01	Civil Filing Fees		CCJJ	USC	USAAV	LELC	UCV	UBJJ
	(<i>Gregory Bell</i>)	Party: R)	SUP	---	---		---	SUP

[GOV signed 3.23.09] [Rep. Fowlke] Increases several civil filing fees of courts of record.

Bill Number Title/Sponsor/Summary**Positions****SB0187S01 Alcohol Amendments***(John Valentine*

Party: R)

CCJJ**USC****USAAV****LELC****UCV****UBJJ**

SUP

[GOV signed 3.24.09] [Rep. Hughes] Amends definitional provisions. Removes requirements related to state labels and markings. Prohibits tampering with a package of an alcoholic beverage. Addresses the nature of an adjudicative proceeding as a civil action including the burden of proof and the general applicability of mens rea requirements. Makes procedural clarifications for administrative actions. Provides for electronic verification of proof of age by certain club licensees. Removes restrictions related to election days. Addresses quotas. Addresses proximity for a restaurant liquor or limited restaurant license. Addresses dispensing, storage, and bar structures for a restaurant. Changes the insurance and liability limits related to dramshop. Modifies the definition of a "convention center" and provides for limited grandfathering. Creates a resort license including: defining terms; providing for licensing, including the creation of sublicenses; establishing a resort spa sublicense; imposing operational requirements for a resort license; addressing the application of operational requirements to a sublicense; providing for enforcement with relation to a resort license or a sublicense; addressing the application of the Nuisance Licensee Act to a resort license or sublicense; providing for the enforcement of criminal penalties; and expanding protections for employees to encompass employees of a resort licensee. Establishes requirements for renting or leasing a club license premises. Clarifies the application of criminal procedures, principles, and penalties. Addresses training requirements for law enforcement officers. Expands licenses subject to protections for employees who exercise judgment. Provides for a study of penalties related to minors.

SB0193 Salvage Vehicles Amendments*(Stephen Urquhart*

Party: R)

CCJJ**USC****USAAV****LELC****UCV****UBJJ**

HOLD

HOLD

[GOV signed 3.24.09] [Rep. Dee] [AMEND] Provides that a person may offer for sale, sell, or exchange a vehicle with a salvage certificate at or through a motor vehicle auction to: an out-of-state or out-of-country purchaser that is authorized to do business in the domestic or foreign jurisdiction in which the person is domiciled or registered to do business; and an in-state purchaser that is registered to do business in Utah and has a Utah sales and use tax license. Provides that AN operator of a motor vehicle AUCTION may only offer for sale, sell, or exchange five vehicles with salvage certificates at or through a motor vehicle auction IN ANY 12 month period to an in-state purchaser that does not have a salvage vehicle buyer license. Provides that a purchaser of a vehicle with a salvage certificate shall title the vehicle within 15 days of the purchase if the purchaser does not have a salvage vehicle buyer license. Provides that a person may not offer for sale, sell, or exchange additional vehicles with a salvage certificate to a purchaser if notified that the purchaser has not titled previously purchased vehicles with a salvage certificate. Requires an operator of a motor vehicle auction to: keep a record of the sale of each salvage vehicle; retain the record of the sale of each salvage vehicle for five years and make it available for inspection by the Motor Vehicle Enforcement Division; and stamp "For Export Only" on the vehicle title if the buyer is an out-of-country buyer. Provides that a person who violates the requirement to title a vehicle with a salvage certificate within 15 days of purchasing the vehicle at a motor vehicle auction is guilty of a class C misdemeanor. Provides that a person who violates the requirement to title a vehicle with a salvage certificate within 15 days of purchasing the vehicle at a motor vehicle auction is subject to certain civil penalties. [FN: Could decrease dedicated credits revenue to the Tax Commission by \$30,000 in FY10 and \$30,500 in FY11 through the elimination of licensing requirements. This bill may increase revenue to the Gen. Fund through enforcement of the requirement for individuals to title certain vehicles.]

SB0195 Public Employee Defined Contribution Amendments*(Daniel Liljenquist*

Party: R)

CCJJ**USC****USAAV****LELC****UCV****UBJJ**

HOLD

FYI: [AMEND] Suspends, for the period of July 1, 2009 through June 30, 2010 only, ONE HALF of the 1.5% employer defined contribution made on behalf of those employees in the Public Employees' Noncontributory Retirement System. Provides that certain employees who elected to move from the contributory retirement system to the noncontributory retirement system and who have remained in that system are not subject to the suspension of payments. [FN: Enactment of this bill would yield a one-time savings of approximately \$12,925,500 from various funds as shown in the table. Of that savings, \$11,506,000 is in the General and Education funds.]

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
SB0202	Drug Offender Reform Act Amendments (<i>Lyle Hillyard</i> Party: R)						
[GOV signed 3.25.09] Requires the Utah Substance Abuse and Anti-Violence USAAV) Coordinating Council to coordinate the implementation of provisions of the Drug Offender Reform Act (DORA) in specified areas as funding allows. Provides that the USAAV Coordinating Council is to designate which local substance abuse authorities are to receive funding to implement DORA. Provides that on and after July 1, 2009, offenders who are convicted of a felony offense in courts located within the designated local substance abuse authority areas shall participate in a substance abuse screening as funding allows, may participate in an assessment if indicated, and may also participate in substance abuse treatment if indicated. Deletes the provisions requiring screening and assessment prior to parole. Requires annual progress reports to the Legislature regarding the implementation, impact, and results of the DORA. [THIS BILL RECEIVED TEXT AFTER THE FINAL MEETING OF THE EXECUTIVE COMMITTEES – THEREFORE NO POSITIONS WERE TAKEN]							
SB0220	Cohabitant Abuse Procedures Act Amendments (<i>Brent Goodfellow</i> Party: D)						
[GOV signed 3.24.09] [Rep. McIff] Permits a court to issue an order to a person awaiting trial on a crime of domestic violence at the time that the charge is filed instead of at the time that the person is released from custody. [FN: Will not require additional appropriations.]							
SB0228S01	Prohibition on Internet or Mail-order Sales of Tobacco Products (<i>Margaret Dayton</i> Party: R)						
[GOV signed 3.25.09] [Rep. Daw] [AMEND] Makes it a violation to cause tobacco products OR CIGARETTES to be ordered or purchased through the Internet or by mail. Establishes civil penalties for a violation of the prohibition against mail order or Internet tobacco sales. [FN: The Courts will incur costs and the attorney general will generate revenues in prosecuting and adjudicating cases, but no estimates can be made due to insufficient data.]							
SB0243	Judicial Performance Evaluation Commission Modifications (<i>D. Buttars</i> Party: R)						
[GOV signed 3.24.09] [Rep. Oda] Changes the time of performance evaluations for justices of the supreme court from the third, sixth, and ninth year of the justice's term to the third, seventh, and ninth year of the justice's term. Exempts attorneys from the requirement of being surveyed within 30 days of the day their case is closed. Allows attorneys to be surveyed at any time during the survey period. [FN: Will not require additional appropriations.]							
SB0271S01	Judicial Conduct Commission Amendments (<i>Gene Davis</i> Party: D)						
[GOV signed 3.20.09] [Rep. Hendrickson] If the Senate Judicial Confirmation Committee requests Judicial Conduct Commission records, the commission shall disclose the information to the Committee if the chair of the Senate Confirmation Committee certifies in writing that the committee will limit the disclosure of any information received to the minimum amount necessary to allow the Senate to evaluate the candidate's fitness for office.							

Bill Number	Title/Sponsor/Summary	Positions					
		CCJJ	USC	USAAV	LELC	UCV	UBJJ
SJR012	Joint Resolution Supporting Expansion of Correctional Facilities i (<i>David Hinkins</i> Party: R)	SUP	SUP	---	---	---	---

[Rep. Watkins] Supports jail expansion as beneficial to both the state and to San Juan County. Recognizes that SJR 101, passed during the 2007 First Special Session of the Utah Legislature and approving 80 beds in Garfield County, is now void. [FN: Will not require additional appropriations. Future appropriations will be required if the state contracts beds from the county. If San Juan County issues bonds to build a correctional facility, a fiscal impact will be realized by the county.]

SJR014	Joint Resolution - Challenging the Legality of a Conviction or Sen (<i>Curtis Bramble</i> Party: R)	SUP	SUP	---	PRI	SUP	---
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[Rep. Garn] Proposes to amend the Utah Constitution to provide that, following a direct appeal, a person may challenge the legality of the conviction or sentence only as provided by statute; and provide that a person may not be barred from obtaining relief from a conviction or sentence under certain circumstances. [FN: Publication and distribution costs to put this resolution on the ballot will require a one-time FY11 appropriation of \$14,700 from the Gen. Fund.]

SJR021	Joint Resolution on Combating and Reducing Gang Activity (<i>Luz Robles</i> Party: D)	SUP	SUP	SUP	SUP	SUP	SUP
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Urges state and local governments to take a comprehensive, collaborative, and communitywide approach to combat and reduce gang activity. [FN: Will not require additional appropriations.]