

**LEGISLATIVE INTERIM COMMITTEES – JULY 2016
AND 2016 THIRD SPECIAL SESSION NOTES**

LAW ENFORCEMENT AND CRIMINAL JUSTICE	
Bill Title/Subject Matter:	Death Penalty Cost and Process
Legislator(s) – Sponsor:	
Interested Parties:	Rob Dunnan Andrew Peterson, Utah Attorney General’s Office Thomas Brunker, Utah Attorney General’s Office Committee Staff
Code Reference:	
<p>Description: The Committee continued discussion regarding the death penalty process, with focus on state and federal appeals process comparisons. There are several documents (Conviction, Sentence, Review flow chart; Death Penalty Appeals – Disposition Time; and Death Row Summary – 10th Circuit States) distributed to the Committee that can be found on the legislative web page. <i>[Action: No action, information only.]</i></p>	
JUDICIARY	
Bill Title/Subject Matter:	Justice Reinvestment Initiative Amendments
Legislator(s) – Sponsor:	Rep. Eric Hutchings
Interested Parties:	
Code Reference:	HB 3004, 2016 Third Special Session
<p>Description: Modifies provisions regarding probation, including supervision and services. Modifies the earned time program for incarcerated offenders. <i>FN:</i> Will not impact the state budget. To the extent that local probation services that do not already perform risk and needs assessments for certain offenders, and now would be required to do so, additional costs may be incurred. The cost for these assessments is not known at this time. <i>[Action: No action, information only.]</i></p>	
Bill Title/Subject Matter:	Judicial Nominating Commissions
Legislator(s) – Sponsor:	Sen. Jenkins
Interested Parties:	Ron Gordon, Executive Director, CCJJ
Code Reference:	SB 3003, 2016 Third Special Session
<p>Description: Provides that if a judicial nominating commission is considering applicants for more than one vacancy existing in a court at the same time, the judicial nominating commission shall include in the list it sends to the governor one additional applicant for each additional vacancy. <i>FN:</i> Will not impact the state budget. <i>[Action: No action, information only.]</i></p>	
Bill Title/Subject Matter:	Controlled Substance Database Audit
Legislator(s) – Sponsor:	
Interested Parties:	Deanna Herring, Office of the Legislative Auditor General Marv Sims, Division of Occupational and Professional Licensing
Code Reference:	UCA §58-37f-301 (See SB 3001, 2016 Third Special Session)
<p>Description: The committee will consider recommendations from the Legislative Auditor General’s report entitled “A Review of the Use of the Controlled Substance Database by Law Enforcement.” The following is a summary from the report (from the Legislative Auditor’s web page): <i>This report reviews the past and present use of the Controlled Substance Database (CSD) by law enforcement agencies (agencies). We reviewed agencies’ use of the CSD for one year prior to the May 12, 2015, law change requiring them to have a valid search warrant to access CSD information. We also reviewed the number of warrants agencies have sought since the law change. We found that law enforcement’s use of the CSD has decreased by 95 percent since May. On average, agencies were using the CSD to search 238 cases per month before the warrant requirement. On average, after the law change, agencies have sought 12 warrants per month. In the year prior to the law change, we found mixed results of both questionable use and use that appears to</i></p>	

<p><i>provide a direct value in investigating some cases. We randomly selected 40 cases and believe that, in 24 cases (60 percent), the use of the CSD was questionable. In the remaining 16 cases, use of the CSD by law enforcement appeared to have added value to the investigations. Finally, we found that Utah is one of at least eight states that require a probable cause standard of proof and a court process for law enforcement to access CSD information.</i></p> <p>Regarding the overall cases reviewed, in 10 of the 24 questionable cases charges were filed; in 3 cases the suspects were cleared; and in 3 cases there were no charges. Ms. Herring described using the CSD by AP&P in supervising parolees/probationers and confirming any prescription drug use.</p> <p><i>[Action: Rep. Thurston made a motion to take no action. Rep. Thurston amended his motion to conclude there is insufficient Committee support to study the issue further. Rep. Stratton made a substitute motion to have a response from the individuals charged with stewardship over the CSD to appear and address the audit issues subject to further review. Rep. Thurston made a substitute motion to recommend no further action at this time, but that the Committee be open to having DOPL testify on the recommendations. PASSED]</i></p>	
Bill Title/Subject Matter:	Sunset Review: Crime Victim Reparations and Assistance Board
Legislator(s) – Sponsor:	
Interested Parties:	Gary Scheller, Director, Utah Office of Crime Victims
Code Reference:	UCA 63M-7-504
<p>Description: Rep. Christensen indicated they will meet offline with interested parties. The goal will be to have a comprehensive plan for the 2017 General Session.</p> <p><i>[Action: This item was not discussed.]</i></p>	
GOVERNMENT OPERATIONS	
Bill Title/Subject Matter:	Analysis of Issues Brought by the State Auditor
Legislator(s) – Sponsor:	
Interested Parties:	John Dougall, Utah State Auditor
Code Reference:	
<p>Description:</p> <p><i>Operational Activities</i></p> <ul style="list-style-type: none"> • Study ways to improve the support of multiple government employers within the State’s support services. • Study whether the State is collecting too much data on its citizens and the risk created by the aggregation of this data. • Study consolidated service centers rather than agency-based service offices. • Study the use of outcome-based performance management for state government. • Analyze the aggregate value of welfare benefits for any given recipient. • Study future steps in increased governmental transparency as well as greater cost transparency, activity-based cost allocation, and location-based cost tracking. • Study operational reforms for the Department of Alcoholic Beverage Control which allow it to function more like a retail operation including budget management; inventory practices; employee hiring, compensation, and status; and monitoring key performance indicators. <p><i>Employment Practices</i></p> <ul style="list-style-type: none"> • Review employee compensation, particularly the structure and division between salary and benefits. • Study changing job market demands. • Study Career Service – its purpose, its limitation, and possible reforms. • Study the use of the Executive Compensation Commission to recommend compensation guidelines or limits for independent entities and local governmental entities. • Study the impact of automatic uniform pay increases on employee performance and management performance. <p><i>[Action: No action taken, information only.]</i></p>	
Bill Title/Subject Matter:	Analysis of Issues Brought by the Utah Attorney General
Legislator(s):	
Interested Parties:	Bridget Romano, Chief Civil Deputy, Office of the Attorney General Daniel Burton, Office of the Attorney General
Code Reference:	
<p>Description: Ms. Romano spoke about Governmental Immunity Act issues. Recent court decisions may result in changing the language (direct causation) of the Act and may need legislative modifications.</p>	

	<p>There may be additional costs for these cases to go through court. A bill will be prepared for the next General Session.</p> <p>Mr. Burton discussed issues surrounding GRAMA requests and the need for additional resources to respond to the requests. Due to the number of requests, the office is experiencing delays in responding.</p> <p><i>[Action: No action, information only.]</i></p>
HEALTH AND HUMAN SERVICES	
Bill Title/Subject Matter:	Opioid Misuse
Legislator(s):	Rep. Ward
Interested Parties:	
Code Reference:	
	<p>Description: Rep. Ward presented information on the problem with opioid use and abuse in Utah. Several documents (Opioid Policy Options – OLRGC; CDC Opioid Guideline – CDC; Opioid Legislation Summary – OLRGC; and Overview of State Pain Management and Prescribing Policies – NAMSDDL) are available on the Committee’s web page. Legislation will be presented at a future meeting.</p> <p><i>[Action: No action, information only.]</i></p>
Bill Title/Subject Matter:	Controlled Substance Database Modifications
Legislator(s):	
Interested Parties:	SB 3001, 2016 Third Special Session
Code Reference:	
	<p>Description: Describes the circumstances under which probation and parole officers may access information from the controlled substance database without a warrant.</p> <p>Subsection (2)(n) [The division shall make information in the database ...available to]: a probation or parole officer employed by the Department of Corrections or by a political subdivision, to gain access to database information necessary for the officer’s supervision of a specific probationer or parolee who is under the officer’s direct supervision.</p> <p>Subsection (7): A probation or parole officer is not required to obtain a search warrant to access the database in accordance with Subsection (2)(n).</p> <p>Bill takes effect on October 31, 2016. <i>FN:</i> Will not impact the state budget.</p> <p><i>[Action: Sen. Christensen moved to pass the bill out with a favorable recommendation. PASSED]</i></p>
POLITICAL SUBDIVISIONS	
Bill Title/Subject Matter:	Zoning for Substance Abuse Recovery Residences
Legislator(s):	Rep. Christensen
Interested Parties:	
Code Reference:	
	<p>Description: Presented legislation last session and was instructed to study during the interim. People are buying homes in neighborhoods for residential treatment without any oversight from the municipality. There are some issues surrounding the definition of treatment center verses recovery center. Cities need zoning authority to review these issues under accurately established guidelines.</p> <p><i>[Action: To be presented at the next Interim meeting along with public input.]</i></p>
NATURAL RESOURCES, AGRICULTURE, AND ENVIROMENT	
Bill Title/Subject Matter:	Unmanned Aircraft Amendments
Legislator(s):	Rep. Ipson
Interested Parties:	
Code Reference:	HB 3003, 2016 Third Special Session
	<p>Description: Modifies penalties relating to operating an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within certain wildland fire areas. Makes it a class A misdemeanor to operate an unmanned aircraft system in a manner that prevents an aircraft, intended for use in containing or controlling a wildland fire, from taking flight. Authorizes a judge to order a person convicted under the provisions of this bill to pay restitution. Authorizes neutralization of an unmanned</p>

aircraft under certain circumstances.

--In addition to restitution, imposes mandatory fine amounts: class B misdemeanor \$2,500; class A misdemeanor \$5,000; third degree felony \$10,000; second degree felony \$15,000.

--*Neutralize* means to terminate the operation of an unmanned aircraft by: (i) disabling or damaging the unmanned aircraft; (ii) interfering with any portion of the unmanned aircraft system associated with the unmanned aircraft; or (iii) otherwise taking control of the unmanned aircraft or the unmanned aircraft system associated with the unmanned aircraft.

[Action: Rep. Sagers made a motion to pass HB 3003 with a favorable recommendation. PASSED]

2016 THIRD SPECIAL SESSION of the 61st LEGISLATURE

HB 3003	Unmanned Aircraft Amendments	
PASSED	Rep. Don Ipson	Sen. Evan Vickers
HB 3004	Criminal Justice Reinvestment Amendments	
PASSED	Rep. Hutchings	Sen. Shiozawa
SB 3001	Controlled Substance Database Modifications	
PASSED	Sen. Todd Weiler	Rep. Daniel McCay
SB 3003	Judicial Nominating Commissions – Amendments	
PASSED	Sen. Knudson	Rep. McKell