

LEGISLATIVE INTERIM COMMITTEES
JUNE 2008

LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE	
Bill Title/Subject Matter:	Illegal Immigrants in Utah's Prisons and Jails
Legislator(s) –Sponsor:	
Interested Parties:	Cliff Butter, Director, Planning & Research UDC Curtis L. Garner, Chairman, Utah Board of Pardons and Parole
Code Reference:	
<p>Description: An update on illegal immigrants in the custody of the Utah Department of Corrections (UDC) was provided. There is stable growth in the UDC illegal alien population accounting for 4.5% of UDC's total incarcerated population. Immigration and Customs Enforcement (ICE) determines if non-US born individuals are illegal aliens. Approximately 79% of the illegal alien population is in prison for a violent offense.</p> <p>There is a federal State Criminal Alien Assistance Program (SCAAP) for state systems and county systems to apply for reimbursement of costs for housing illegal aliens. The grant program only reimburses a small portion of the total costs to the state and counties.</p> <p>ICE will only take custody after the Board of Pardons and Parole releases the illegal alien on parole. Placing an illegal alien on parole acts as a deterrent to reentry; if they re-enter, they can be arrested without having to wait for a new crime to be committed. Currently there are about 400 illegal aliens on parole status. Approximately 7 to 8 paroled illegal aliens are returned to prison each year. ICE will not deport some illegal aliens due to the absence of deportation agreements with certain countries, such as Cuba.</p>	
Bill Title/Subject Matter:	Concealed Firearm Permits
Legislator(s) –Sponsor:	
Interested Parties:	Richard Townsend, DPS Lt. Douglas Anderson, BCI Clark Aposhian. Utah Shooting Sports Council. Brian Judy, NRA
Code Reference:	UCA 53-5-704
<p>Description: Should fees be increased for out-of-state Concealed Firearm Permit (CFP) applicants? Is Utah liable for out-of-state permit holders committing crimes? Does the legislature want to certify out-of-state instructors? DPS is seeking clarity to the statute as there is no reference to non-resident permit holders or instructors.</p> <p>Currently, fees are consistent across the board for in-state and out-of-state applicants. Costs to process CFPs are covered by the \$65.25 fee. All applications are processed within the 60 day time limit.</p> <p>Currently DPS does not have the technology to track the out-of-state CFP holders who may violate the permit conditions. However, Utah resident CFP holders are tracked daily for any violations leading to revocation of the permit.</p> <p>There are concerns with the 650 out-of-state instructors who are authorized to provide training on Utah laws and help applicants go through the processing. There is no process in place to monitor</p>	

compliance on the instruction from the out-of-state instructors and it is becoming unmanageable to administer the out-of-state component.

Utah's program is popular due in part to its low fees and licensing time is for five years.

IMMIGRATION INTERIM COMMITTEE
Utah State University, Taggart Student Center

Bill Title/Subject Matter:	Comparing 2008 General Session Legislation S.B. 81, "Illegal Immigration" to Selected State Immigration Laws
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Legislator(s) – Sponsor:	
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Interested Parties:	Rev. Clarence Sandoval, Pastor Dee Rowland, Government Liaison Salt Lake Chamber of Commerce Task Force on Immigration Jesse Soriano, Utah Office of Ethnic Affairs Leo Bravo, Logan Multicultural Center Juan Carlos Vazquez, Center for Persons with Disabilities James Hamilton, Swift & Company
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Code Reference:	UCA §17-22-9.5; §63-99a-101-104; §67-5-22.5; §67-5-26; and §76-10-2701
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Description:

Staff provided a comparison of S.B. 81 to Oklahoma's and Arizona's immigration legislation. There are issues surrounding the effectiveness and accuracy of the E-verify system.

Catholic Diocese's Immigration Issues: impact on families and everyday life; fear of deportation; immigrants want to learn English; undocumented immigrants pay taxes – between ½ and ¾ of undocumented immigrants pay state taxes; immigrant communities do not increase the crime rate; and foreign born people use less public funded health care resources. Over fifty percent of undocumented immigrants have over-stayed their Visas than crossed the border. The Diocese supports a guest worker program.

Salt Lake Chamber of Commerce Task Force on Immigration: Very concerned about the impact of immigration on business in Utah in terms of viability, productivity and employee availability. Also concerned with the human impact this has on people in the United States. The Chamber has formed an Immigration Policy Coordination group with United Way so there can be a more global focus on the issue as opposed to just the business issue. Concerned about the reliability of E-verify and the impact on the employer.

Ethnic Community Perspective:

Utah Office of Ethnic Affairs: Insight into the community identifies the major concern with SB 81 is the cross-deputization piece. Having local and state law enforcement officers becoming immigration agents is most destructful and harmful according to the community feedback. The Utah Office of Ethnic Affairs does not take a position on the bill, but will communicate the concerns of the community. Problems with discrimination to minorities.

Logan Multicultural Center: Issues with families who have one parent as a legal citizen and the other parent is illegal. How do we help the families who lose a parent who is illegal when the rest of the family members are legal?

Center for Persons with Disabilities: The area of education is important and the issue of in-state tuition. Suggests consideration be given to Hispanic Latino youth and the impact of having an educated population. Provide the opportunity to these youth for higher education.

Impact on Business Community:

Swift & Company: Issues surrounding verification of employees' eligibility. In 2000 the company was hit with a DOJ lawsuit for requiring too much documentation prior to any of the ICE raids.

There are issues with E-verify that checks databases to verify the SSN is valid and legitimate. It does not tell you if the number is active multiple times. The majority of individuals arrested during the raid passed the E-verify check; they were arrested for identity fraud. The state can do more when it issues an identity card by implementing more rigorous requirements for verifying the people getting ID cards and driver licenses. Additionally, the state and the federal government need to come together to share databases to help stop identity and document fraud.