

LEGISLATIVE INTERIM COMMITTEES -- NOVEMBER 2012

LAW ENFORCEMENT AND CRIMINAL JUSTICE	
Bill Title/Subject Matter:	Enticing a Minor
Legislator(s) –Sponsor:	Rep. Curt Webb
Interested Parties:	
Code Reference:	Amends UCA § 76-4-401
<p>Description: Clarifies that the elements of the offense of enticing a minor do not include intent to complete a sexual offense with a minor. Modifies the definition of “text messaging.” Provides that the penalties for enticing a minor are based on the level of sexual conduct the actor solicits, seduces, lures, or entices, or attempts to solicit, seduce, lure or entice a minor to engage in.</p> <p><i>[Action: Motion to pass favorably as a Committee Bill. Motion passed unanimously.]</i></p>	
Bill Title/Subject Matter:	Campus Safety Amendments
Legislator(s) –Sponsor:	Rep. Don Ipson
Interested Parties:	
Code Reference:	Amends UCA §§ 76-8-701, 702, 705, 709,717 Repeals and Reenacts UCA § 76-8-703 Repeals UCA §§76-8-704, 708, 710, 711, 712, 713, 718
<p>Description: Provides that a chief administrative officer may order a person to leave property that is owned, operated, or controlled by an institution of higher education if the person: acts to do certain things; or is reckless as to whether the person’s actions will cause fear for the safety of another. Provides that a person is guilty of criminal trespass upon an institution of higher education if the person: enters or remains on property that is owned, operated, or controlled by an institution of higher education after being ordered to leave; or enters or remains without authorization upon property that is owned, operated, or controlled by an institution of higher education if notice against entry or remaining has been given. Repeals certain provisions relating to interfering or intending to interfere with campus activities, violating rules and regulations of the institution, and failing to leave when ordered.</p> <p><i>[Action: Motion to pass favorably as a Committee Bill. Motion passed unanimously.]</i></p>	
Bill Title/Subject Matter:	Dating Protection Act
Legislator(s) –Sponsor:	Rep. Jennifer Seelig
Interested Parties:	Donna Kelly, Prosecution Council John Bamber, Father of Victim Rick Sorenson, Father of Victim
Code Reference:	Enacts UCA § 78B-7-401 to 407
<p>Description: Provides for the issuance, modification, and enforcement of protective orders between parties who are, or who have been, in a dating relationship when: the parties are emancipated or 18 years of age or older; the parties are, or have been, in a dating relationship with each other; and a party commits abuse or dating violence against the other party. Describes the restrictions that a court may include in a protective order. Describes the conditions that may be placed on an alleged perpetrator of dating violence in a protective order.</p> <p><i>[Action: Motion to pass favorably as a Committee Bill. Motion passed unanimously.]</i></p>	
Bill Title/Subject Matter:	Material Harmful to Minors
Legislator(s) –Sponsor:	Sen. Todd Weiler
Interested Parties:	Jennifer Brown, DDS Gerald Allred, MD

	Troy Rawlins, Davis County Attorney
Code Reference:	
<p>Description: Dr. Brown displayed PowerPoint presentation was given on “What is soft-core or gateway pornography?” She explained the science behind the effects on the brain of a young child who is more vulnerable when viewing soft-core pornography. The group is not seeking a change for adults, only young children. Viewing soft-core pornography causes a release of stress hormones also known as the fight or flight response. Stress compounds: neurotransmitters: dopamine and norepinephrine. Hormones: cortisol, norepinephrine, and testosterone. Stress neurotransmitters and hormones inhibit the prefrontal cortex and stimulate the basal ganglia.</p> <ul style="list-style-type: none"> • Prefrontal Cortex: finishes forming in young adults in their 20s; affects self-control, moral judgment, and emotional regulation, planning, ability to work toward a defined goal, analysis, and complex cognitive behaviors. • Basal Ganglia: compulsive; difficulty linking natural consequences with choices; increased violence and aggression; seek immediate gratification; loss of willpower; loss of natural empathy and sympathy for others. <p>The brain is very adaptable to stimuli it receives. Cortisol and testosterone are steroid hormones. Steroid hormones are directly involved in adolescent brain organization. The interested parties want to change the argument from morality to a responsibility to protect children. Dr. Allred: research supports these findings. Because we make choices the plea is to control the environment including billboards; sexually provocative ads; and store displays, to allow children to grow up in a better environment. Troy Rawlins: the science is more concrete than the law. Today’s issue is taking science and developing legal solutions if possible. It begins with a dialogue among the interested parties that balance case law with First Amendment rights. Will explore legislation only with buy in from SWAP.</p> <p><i>[Action: This was an information only presentation.]</i></p>	
Bill Title/Subject Matter:	Capital Punishment
Legislator(s) –Sponsor:	Rep. Stephen Handy
Interested Parties:	Legislative Staff Mark Shurtleff, Utah Attorney General Utah County and District Attorney Association Persons related to victims Jensie Anderson, Rocky Mountain Innocence Center Jean Hill, Catholic Peace and Justice Commission
Code Reference:	
<p>Description: Discussion on the cost of capital punishment versus life in prison without the possibility of parole; the prosecution process; the impact that pursuing a death sentence has upon surviving family members of victims; and an overview of public opinion regarding the death penalty. There is no draft legislation at this time, but information is presented for continued dialogue on the cost of the death penalty.</p> <p>Mr. Brunker: there are two policy responses behind the death penalty: deterrence and retribution. Deterrence: two different opinions, some believe the death penalty deters murder while other studies say it does not. Mr. Brunker provided a review of some death row inmates indicating some believe because they have nothing to lose with a life without parole, they can murder again. Society has a right to determine the ultimate sanction of death when justified by the aggravated circumstances. Ms. Peggy Osler discussed the family impact when her brother was sentenced to death for committing a murder. Lt. Craig Watson discussed closure for his family after he viewed Ronnie Lee Gardner’s execution. Barb Noriega discussed the brutal murder of her mother and sister.</p> <p><i>[Action: This was an information only presentation.]</i> <i>See attached .pdf handout prepared by Gary Syphus</i></p>	

Bill Title/Subject Matter:		Vulnerable Users of Roads
	Legislator(s) –Sponsor:	
	Interested Parties:	Scott Little, Executive Director, Bike Utah Brad Wood, Bike Utah Colonel Danial Fuhr, UHP
	Code Reference:	
	<p>Description: Would like to explore draft legislation that addresses the issues of vulnerable road users including pedestrians, construction workers, cyclists, emergency personnel, equestrian riders, wheelchairs, etc. Motor vehicle crashes are 6 times more fatal when it involves a bicyclist. Penalties may be an increased fine, require a traffic safety class, and community services. Six states have similar laws and there is current support from UHP, Bonneville Cycling Club, and the Bike MS organization. Help drivers to understand they need to be more cautious.</p> <p><i>[Action: This was an information only presentation.]</i></p>	
HEALTH AND HUMAN SERVICES		
Bill Title/Subject Matter:		Controlled Substances Revisions
	Legislator(s) –Sponsor:	Rep. Paul Ray
	Interested Parties:	
	Code Reference:	Amends UCA §§ 58-37-4, 4.2
	<p>Description: Adds new “spice” and “bath salts” analogs to the list of unscheduled controlled substances. Makes a technical spelling correction of a substance listed in the scheduled controlled substances.</p> <p><i>[Action: Motion to pass favorably as a Committee Bill. Motion passed unanimously.]</i></p>	
Bill Title/Subject Matter:		Behavioral Health Care Workforce Amendments
	Legislator(s) –Sponsor:	Rep. Rhonda Menlove
	Interested Parties:	
	Code Reference:	Amends UCA §§ 58-60-102, 107, 205, 305, 405, 502; 58-61-102, 304, 307
	<p>Description: Grants rulemaking authority to the Division of Occupational and Professional Licensing relating to the method that mental health professional or psychologist license applicants may complete training hours. Provides that individuals licensed and in good standing to practice remote mental health therapy or substance use disorder counseling in other jurisdictions may provide short term transitional remote mental health therapy or remote substance use disorder counseling to clients or patients relocating to the state of Utah.</p> <p><i>[Action: This item was not discussed as a quorum was not present.]</i></p>	
JUDICIARY		
Bill Title/Subject Matter:		Expungement Process Amendments
	Legislator(s) –Sponsor:	Rep. Eric Hutchings
	Interested Parties:	Santiago Cortez, Drug-Related Offenses Expungement Comm Paul Boyden, SWAP
	Code Reference:	Amends UCA §§ 77-27-1, 77-40-102, 103, 105-110 Enacts UCA § 77-27-5.1
	<p>Description: Creates a process to expunge drug-related offenses by adding another felony and misdemeanor offense to the list of those that can be expunged. Requires the petitioner to be free of illegal substance abuse and successfully managing any substance addiction. Clarifies the difference between a pardon and expungement.</p>	

	<i>[Action: Motion to pass favorably as a Committee Bill. Motion passed unanimously.]</i>	
Bill Title/Subject Matter:	Justice Court Amendments	
Legislator(s) –Sponsor:	Rep. Fred Cox	
Interested Parties:		
Code Reference:	Amends UCA § 78A-7-106	
	<p>Description: Removes driving under the influence, reckless driving, and impaired driving from the jurisdiction of justice courts. Limits the sentencing power of justice courts.</p> <p><i>[Action: This was an information only presentation.]</i></p>	
BUSINESS AND LABOR		
Bill Title/Subject Matter:	Alcoholic Beverage Control Act and Master Licenses	
Legislator(s) –Sponsor:	Sen. John Valentine	
Interested Parties:		
Code Reference:	Amends UCA §§32B-1-102, 202 Enacts UCA §§ 32B-6-206, 306	
	<p>Description: Modifies the definition of “retail licenses.” Addresses the powers of the commission. Creates a master full-service restaurant license. Creates a master limited-service restaurant license; this is an option for retailers. No action is being sought, just a review of what is being drafted to date.</p> <p><i>[Action: This was an information only presentation.]</i></p>	
TRANSPORTATION		
Bill Title/Subject Matter:	Driving Under the Influence Related Data Follow Up	
Legislator(s) –Sponsor:		
Interested Parties:	Lt. Steven Winward, UHP	
Code Reference:		
	<p>Description: Lt. Steven Winward talked about how officers are trained on how to recognize drug or metabolite related driving under the influence. Discussion on DUI arrests for alcohol verses drugs. The per se alcohol section of the DUI Report is alcohol, drugs, or both.</p> <p><i>[Action: This was an information only presentation.]</i></p>	