

1-26-21

Senate Judiciary, Law Enforcement and Criminal Justice

Bill: 2 Sub. SB 13, Law Enforcement Internal Investigation

Sponsor: Sen. Iwamoto

Floor Sponsor:

UASD Position: Track

This Bill: This bill provides direction for investigations into officer misconduct if the officer leaves the department.

Discussion: The co-presenter with Sen. Iwamoto said that this bill requires employing law enforcement agencies to provide information to prospective employers of an officer applying for a position within the perspective law enforcement agency. It also requires law enforcement agencies to report certain investigations. The League of Cities and Towns stated municipalities employ more safety officers than any other government entity. There is a communication gap that this bill will close. This bill requires an employing agency to notify the Peace Officer Standards and Training Division when any officer is under investigation. The Law Enforcement Legislative Committee supports this bill. Members of the public voiced support for this bill. Sen. Thatcher voiced his support for this bill.

Yeas: 6

Nays: 0

N/V: 1

Outcome: Passed out of committee with a favorable recommendation.

Bill: SB 98, Asset Forfeiture Amendments

Sponsor: Sen. Weiler

Floor Sponsor:

UASD Position: Track

This Bill: amends provisions related to asset forfeiture.

Discussion: Sen. Weiler and his co-presenter said this bill clarifies provisions related to the seizure and forfeiture of property and contraband. It allows the property to be transferred to a federal agency, or another state agency, but only with judicial oversight. It also allows seized property of an innocent owner to be returned to the owner. The Libertas Institute said there are fewer protection given to property owners under federal law than state law. This bill does some tweaking so that it does not rewrite policy. This bill allows courts to still have oversight. Sen. Weiler's goal is to make sure all incentives are properly placed and police departments are not seizing property for gain. The Utah Chiefs of Police Association supports this bill in its current language. This bill is a delicate compromise. Any potential amendments could hinder that compromise. The State Wide Prosecutors support this bill. The Utah Prosecution Council supports this bill.

Yeas: 6

Nays: 0

N/V: 1

Outcome: Passed out of committee with a favorable recommendation

Bill: SB 102, Peace Officer Training Qualifications

Sponsor: Sen. Mayne

Floor Sponsor: Rep. Ray

UASD Position: Support

This Bill: permits some lawful permanent residents to apply to become peace officers.

Discussion: Sen. Mayne said this bill has been fully vetted. This legislation states that an individual does not have to be a citizen to be a police officer. You can be in the military or be a firefighter and not be a citizen. This bill allows for diversity in law enforcement. It is currently challenging to hire for diversity in police forces. The non-citizen individuals would still have to do everything an American citizen officer does. They have to have lived in the United States legally for five years. It is believed that a five-year residency shows the individual has stability and would allow for a thorough background check of individuals applying to be a peace officer. Sen. Escamilla voiced support for this bill. Sen. Thatcher voiced support for this bill. The Utah Chiefs of Police Association supports this bill. Members of the public voiced support and

opposition to this bill. West Valley City Police voiced support for this bill. Sen. Thatcher voiced his support for this bill.

Yeas: 6

Nays: 0

N/V: 1

Outcome: Passed out to the Senate with favorable recommendation.

Bill: HB 47, DUI Revisions

Sponsor: Rep. Eliason

Floor Sponsor: Sen. Stevenson

UASD Position: Track

This Bill: makes changes to bail provisions for DUI offenses.

Discussion: Rep. Eliason and his co-presenters said this bill creates a new section of crimes that cannot receive bail if there is substantial evidence. This means the evidence is substantial enough that a reasonable mind would accept it as adequate to support a conclusion. This bill came about because an individual was arrested for a DUI and released from police custody within hours and subsequently hit a car. In that car was a young women named Sarah. She barely survived the crash and had to have her legs amputated. This Bill was conceived because of her experience. Sarah's family voiced strong support for this bill. The bill asks for detention where it is appropriate. There can be a request for an alternative form of imprisonment. This bill clarifies that when an individual is a public safety issue, the individual will not be released. Sen. Weiler voiced concern about language on line 72. The language of "or arrested for" causes defenders to immediately call for release. Getting rid of this language prohibits release. The Senator also voiced concern for lines 41-43. The rules do not apply to bail hearings, but only to detention hearings. The sponsor stated that if the law doesn't make it clear that victim testimony is not required, it makes it more likely for individuals to receive bail, even if the reason the victim isn't testifying because of the serious physical injury caused by the impaired driver. This bill clarifies the victim does not need to testify. The State Wide Prosecutors support this bill. The Utah Association of Criminal Defense Lawyers supports the cause but opposes the language of the bill. Many members of the public voiced their support and opposition to the bill. Sen. Escamilla voiced support for this bill.

Yeas: 7

Nays: 0

N/V: 0

Outcome: Passed out to the Senate with favorable recommendation