

2-8-2021

Senate Judiciary, Law Enforcement, and Criminal Justice Committee

Bill: SB 150, Government Records Access and Management Act Judicial Review Amendments

Sponsor: Sen. Weiler

Floor Sponsor:

UASD Position: TBD

This Bill: modifies a provision relating to judicial review of State Records Committee decisions.

Discussion: The sponsor said this bill is dealing with a simple technical change relating to judicial review of State Records Committee decisions. The sponsor said there is ambiguous language in the current Statute. The sponsor said the intent of the language is to apply certain provisions if an appellate court is reviewing a judgement after the case has been ruled on by a trial court.

Yeas: 3

Nays: 0

N/V: 4

Outcome: Passed out of committee with a favorable recommendation.

Bill: SB 151, Government Immunity Act Notice of Claim Amendments

Sponsor: Sen. Weiler

Floor Sponsor:

UASD Position: TBD

This Bill: modifies provisions relating to notices of claim under the Governmental Immunity Act of Utah.

Discussion: The sponsor said the law currently requires that a notice of claim must be mailed or personally handed to an individual under the Governmental Immunity Act. The claim must be delivered to the correct individual to handle the claim. The sponsor said finding the correct individual has become increasingly challenging because the government has not updated the website to clarify who to contact for such a claim. This bill allows individuals to email the notice of claim to the correct person within the governmental entity. The Utah Association of Justice supports this bill.

Yeas: 4

Nays: 0

N/V: 3

Outcome: Passed out of committee with a favorable recommendation

Bill: 1st Subsite HB 20, Driving Under the Influence Sentencing Amendments

Sponsor: Rep. Eliason

Floor Sponsor: Sen. Bramble

UASD Position: Support

This Bill: amends provisions related to penalties for driving under the influence and related offenses.

Discussion: The sponsor said this bill creates a new level of a DUI. The sponsor said it's important to point out that when injuries occur in a DUI accident, it is often the intoxicated driver and their passengers. The Prosecutors Association said this bill creates an elevated sentencing structure under the following conditions: 1) If you have a blood alcohol concentration ("BAC") of 0.16 or greater 2) A BAC of .05, plus a controlled substance 3) If the driver tests positive for two or more controlled substances that are not legally prescribed to the driver. The Prosecutors Association continued by saying this bill adds additional jail time or home confinement with an alcohol monitor for those who meet the criteria in this bill. Home confinement requires supervision from a probation service. The bill also prohibits giving an offender a plea deal if the DUI is escalated due to any of the three criteria in this bill being met. An additional DUI count will be given for each child in the intoxicated driver's car. The sponsor said the amendment passed in the House gives discretion to the judge to allow treatment or ten additional days to the jail time. Sen. Weiler asked about someone who was below a BAC of 0.16, but had children in the car. The sponsor said the bill would only add additional DUI charges for

the children in that instance. Sen. Kitchen asked if this bill will actually make our communities more safe. The sponsor said there is a research study that shows there is a connection to reduced harm to the community with these type of increased DUI penalty system. Utah Prisoner Advocate Network does not support this bill. The Kane County Attorney and the Salt Lake County District Attorney's Office support this bill.

Yeas: 5

Nays: 0

N/V: 2

Outcome: Passed out of committee with a favorable recommendation

Bill: SB 159, Law Enforcement Data Management Requirements

Sponsor: Sen. Anderegg

Floor Sponsor:

UASD Position: Tracking

This Bill: addresses issues with the collection and sharing of law enforcement data.

Discussion: The sponsor said there are up to four management systems for collecting law enforcement data. The sponsor said without good data it is impossible to respond to criticism of law enforcement agencies. The Executive of the Commission on Criminal and Juvenal Justice (CCJJ) said that it is difficult to find data without the data being automated. He continued by saying that adding data management systems will create something positive that they cannot currently do. CCJJ said making a team like this will take time, but will be useful. The sponsor said the fiscal note is still being prepared. The Libertas institute supports this bill.

Yeas: 5

Nays: 0

N/V: 2

Outcome: Passed out of committee with a favorable recommendation