

Date: 2-12-21

**House Law Enforcement and Criminal Justice Committee**

**Bill: 1st Sub. SB 51 Group Gang Enhancement Amendments**

Sponsor: Sen. Thatcher

Floor Sponsor: Rep. Pitcher

**UASD Position: Tracking**

This Bill: modifies the sentencing enhancements and applicable offenses for certain crimes committed in concert with multiple people or on behalf of criminal street gangs.

Discussion: Sen. Thatcher introduced the bill. The gang enhancement was established to target criminal street gangs. This legislation draws a line between a crime against a person and crimes against property. Ken Wallentine, West Jordan Chief of Police, supports the bill. The 1st substitute was adopted.

Yeas: 8

Nays: 0

N/V: 3

**Outcome: 1st Sub. SB 51 passed out of committee with a favorable recommendation.**

**Bill: 2nd Sub. HB 283 Community and Police Relations Commission**

Sponsor: Rep. Wheatley

Floor Sponsor:

**UASD Position: Tracking**

This Bill: creates the Community and Police Relations Commission.

Discussion: Rep. Wheatley introduced the bill. Jess Anderson, Commissioner of Public Safety, explained that this bill seeks to bring together stakeholders to address issues between the community and police. Rep. Wheatley said the commission would provide a forum for citizens to address concerns, aim to address racial disparities, and provide a report to the governor and the Law Enforcement and Criminal Justice Interim Committee. Rep. Gwynn asked if there was room on the committee for a line level officer. Rep. Wheatley said that's a good idea. Commissioner Anderson said the commission would include a chief and a sheriff from a rural part of the state, as well as a chief and sheriff from the urban part of the state. They have been very conscious of balancing the commission with members of the community and law enforcement. Rep. Gwynn said since the conflict is at the street level, they should include a street level officer. Rep. Wilcox asked if this was the 2nd substitute being addressed. Rep. Wheatley said yes. Rep. Gibson said an officer who is on the street should be represented. He asked what work product the commission is expected to produce. Rep. Wilcox referred to lines 17-23. The work product looks like a report addressing issues of inequality and racial disparities. Is there a reason the work product is limited to that? Rep. Wheatley said inequality is an issue that needs to be addressed. Rep. Romero spoke about the need for this commission. Rep. Burton asked if this commission is intended to have an advisory role, rather than a decision-making role. Rep. Wheatley confirmed that. West Jordan Chief of Police Ken Wallentine, Jeanetta Williams, and the Utah League of Cities and Towns support the bill. United Citizens Alarm opposes the bill and thinks the commission needs more police officers and representation of rural areas. The Support Your Local Police Committee of Utah and the United Women's Forum opposes the bill. The 2nd substitute was adopted. Rep. Gwynn said he will support the bill on the assumption that it will be amended to include a line-level officer. Rep. Hollins spoke in support of the bill. Rep. Gibson said it is outrageous to have two police officers on a 30-member commission. Rep. Wilcox said he is not ready to vote yes when there is still work to be done on the bill.

Yeas: 7

Nays: 1

N/V: 3

**Outcome: 2nd Sub. HB 283 passed out of committee with a favorable recommendation.**

**Bill: 1st Sub. SB 102 Peace Officer Training Qualifications Amendments**

Sponsor: Sen. Mayne

Floor Sponsor: Rep. Ray

### **UASD Position: Support**

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

Discussion: Sen. Mayne introduced the bill. The Statewide Association of Public Attorneys and Prosecutors, Chief Ken Wallentine, the Utah League of Cities and Towns, the Weber County Sheriff's Office, the NAACP, and the Utah Chiefs of Police Association support it.

Yeas: 8

Nays: 0

N/V: 3

**Outcome: 1st Sub. SB 102 passed out of committee with a favorable recommendation.**

### **Bill: HB 245 Forcible Entry Warrants Amendments**

Sponsor: Rep. Hall

Floor Sponsor:

### **UASD Position: Tracking**

This Bill: modifies provisions related to the forcible entry of an officer into a building.

Discussion: Rep. Hall said no-knock warrants are highly dangerous for police officers. Connor Boyack of the Libertas Institute noted that it comes down to whether to allow no-knock warrants to prevent destruction of evidence. Rep. Miles asked what we allow now that wouldn't be allowed with the new bill. Mr. Boyack said 77% of forcible entry warrants in Utah are being served over drugs. Current law already prohibits forcible entry of possession of drugs, so this doesn't pertain to small amounts of drugs. Large amounts of drugs are unlikely to be destroyed when an officer knocks on a door. Rep. Ray asked what the 2nd substitute does differently than the original bill. Mr. Boyack said the standard for no-knock warrants has changed, the number of times needed to knock for a knock-and-announce warrant has changed, and officers are no longer required to wait 30 seconds — now they just need to wait long enough that someone at the furthest end of the house can come to the door. Rep. Ray asked how one determines how long

that is. Mr. Boyack said the word reasonable is important here. Body cameras are required to be worn in these situations, so the perceived size of the home will be documented. The NAACP, ACLU of Utah, and Americans for Prosperity Utah support the bill. Chief Ken Wallentine said courts have already dealt with the amount of time an officer should wait for a knock-and-announce warrant. He asked the committee to hold the bill. The Utah Chiefs of Police Association said this will dramatically change the way they serve warrants. They are concerned about the time an officer is required to wait. Nate Mutter spoke on behalf of the Attorney General, Utah Sheriffs Association, and the Law Enforcement Legislative Committee in opposition to the bill. He said they have not had sufficient time to review the 2nd substitute. Lines 103-104 give deference and protection to people who live in large homes. The Statewide Association of Prosecutors and the Salt Lake District Attorney oppose the bill. They are concerned about officer safety. If 77% of these cases involve drugs, what about the other 23%? Rep. Ray moved to hold the bill. Rep. Miles supports the motion to hold. The 2nd substitute was not adopted.

Yeas: 7

Nays: 0

N/V: 4

**Outcome: HB 245 was held in committee.**