

2-16-21

House Law Enforcement and Criminal Justice Committee

Bill: HB 307, Training for Peace Officers

Sponsor: Rep. Christiansen

Floor Sponsor:

UASD Position: Tracking

This Bill: creates a grant program for local law enforcement agencies to provide outward mindset and equality training.

Discussion: 1st substitute HB 307 was adopted by the Committee. The change in the first substitute deals with the funding mechanism for the enhanced training. 1st substitute HB 307 allows law enforcement agencies to provide equality and outward mindset training. \$500,000 will be appropriated from the General Fund to the newly created Peace Officer Training Enhancement Restricted Account to allow Police Officer Training Program (“POST”) to create the curriculum and administer a grant program for the enhanced training. Nate Mutter, Assistant Chief of Investigations in the Utah Attorney General’s Office, spoke in support of this Bill.

Yeas: 9

Nays: 0

N/V: 2

Outcome: 1st substitute HB 307 passed out of committee with a favorable recommendation

Bill: HB 245, Forcible Entry and Warrants Amendments

Sponsor: Rep. Hall

Floor Sponsor:

UASD Position: Tracking with Concern

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

Discussion: HB 245 makes clear the requirements for forcible entry by a law enforcement officer, with and without knocking. The Bill requires that a supervisory official conduct a review of a request for forcible entry and specifies what information is required in affidavits requesting

specific warrants. A no-knock warrant may be issued if there is an imminent threat for anyone inside or outside of the building. A “reasonable” amount of time between the knock and entering a building was added and the language that gave an arbitrary required amount of time between the knock and entering a building with a warrant was deleted in the 3rd substitute HB 245. At the request of law enforcement, the sponsor made a number of changes to the language of the Bill. The Bill prohibits no-knock warrants if the only reason not to knock prior to entering is to preserve evidence. This last item is concerning to law enforcement agencies and prosecutors. The sponsor believes this issue is a policy decision that the legislature should determine. The 3rd substitute HB 245 was discussed but not adopted by the Committee. The Utah Chiefs of Police Association and the Statewide Association of Prosecutors are opposed to the Bill. The concerns are with lines 106, 109 and 110 of the 3rd substitute. Nate Mutter, Assistant Chief of Investigations in the Utah Attorney General’s Office, spoke to the forcible entry aspect of any search warrant issued in Utah. The AG’s Office is concerned with the possibility of digital evidence being destroyed if lines 109 and 110 remain in the Bill. A criminal defense attorney, the Libertas Institute, and the ACLU of Utah testified in support of the Bill. The Bill was held in Committee.

Yeas: 8

Nays: 2

N/V: 1

Outcome: HB 245 was held in Committee