

**Bill: 1<sup>st</sup> substitute HB 178 – School Zone Speeding Amendments**

Sponsor: Representative Spackman-Moss

Floor Sponsor: Senator Weiler

**UASD Position: Support**

This Bill addresses penalties for speeding in a school zone.

Discussion: Representative Spackman-Moss presented the Bill alongside Unified Police Department (“UPD”) Sergeant Mike Mays. Under current law, if a person speeds in a school zone, the statute provides: “The court shall order the person to perform compensatory service observing a crossing guard if the conviction is for a first offense with a vehicle speed of 30 miles per hour or more....” This means that if a motorist is traveling 10 miles per hour over the posted speed limit, the court must order the motorist to observe a crossing guard. Because motorists are typically stopped for traveling about 10 miles per hour over the limit, most first-time offenders are required to monitor a school zone. When a motorist is ordered to do so, the court requires a form signed by a crossing guard or police officer verifying that the individual observed the crossing. Due to safety concerns raised by crossing guards, when a motorist is ordered to perform this compensatory service an officer is often assigned to remain with the motorist during the crossing. This creates challenges for law enforcement agencies and wastes taxpayer resources.

The 1st substitute HB 178 changes the current mandatory requirement to observe a school crossing guard to a permissive option. Under the Bill, a court may order this form of compensatory service only if it has coordinated with a local school and the applicable law enforcement agency. The Bill also raises the speed threshold for a first offense that may result in compensatory service from 30 miles per hour to 35 miles per hour. Any subsequent offense within three years remains consistent with current law. Overall, ordering a person to perform compensatory service in a school zone requires significant coordination and effort from law enforcement agencies, making it critical that courts work with local schools and police departments.

UPD Sergeant Jesse Allen testified in support of the Bill on behalf of the Law Enforcement Legislative Committee and the Utah Chiefs of Police Association. He answered questions from Representative Ivory regarding current law enforcement practices and how courts coordinate with schools and law enforcement agencies. Heather Anderson, representing the Unified Police Department, clarified that courts are not currently required to coordinate with either law enforcement agencies or local schools. She noted that the coordination provision was developed in collaboration with Michael Drechsel of the Administrative Office of the Courts. Ms. Anderson also explained that House Amendment 1, which was adopted by the Committee, makes a technical change by deleting the words “or bail forfeiture” on lines 31, 57, and 58. Those deletions appeared in the original Bill but were inadvertently omitted when the substitute was drafted. The amendment corrects that drafting oversight in the 1st substitute. Representative Peterson suggested that the sponsor consider removing the option for courts to order

compensatory service for school-zone speeding infractions altogether. The sponsor indicated openness to that idea and stated that she is willing to consult with stakeholders to assess their views.

Yeas: 12

Nays: 0

N/V: 0

**Outcome: 1<sup>st</sup> substitute HB 178, as amended, passed out of the Committee with a favorable recommendation.**

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