

Bill: 2nd substitute HB 197 – Criminal Conduct Amendments

Sponsor: Representative

Floor Sponsor:

UASD Position: Support

This Bill amends the crime of enticing a minor and provisions related to the Sex, Kidnap, and Child Abuse Offender Registry.

Discussion: This Bill closes a loophole by amending the crime of enticing a minor and introduces additional factors that a sentencing court must consider when determining whether an individual between the ages of 18 and 21 at the time of the offense used force or coercion while committing a registrable offense. These factors are intended to assist in determining the length of time an individual must remain on the Sex, Kidnap, and Child Abuse Offender Registry. The Bill also clarifies which prosecuting agency is responsible for receiving a petition from an offender seeking removal from the registry and outlines the agency's responsibilities in notifying the victim regarding the petition. Furthermore, the Bill requires that an offender on the Sex, Kidnap, and Child Abuse Offender Registry, who is required to register due to an offense committed in another state, must be removed from the other state's registry in order to be removed from the Utah's registry.

An Assistant Attorney General, who is a member of the Internet Crimes Against Children Task Force, spoke in support of the Bill. Senator Musselman inquired about the rationale behind requiring an offender to be removed from the registry in another state before being removed from Utah's registry, specifically questioning whether judges in Utah could make that determination. The Assistant Attorney General explained that the issue arises from the victim's need to find meaning in their victimization, often through the belief that the offender's inclusion on the registry will prevent future harm to others. When an offender appears before the courts in the state where the offense occurred, the victim typically has the opportunity to make a statement, and the judge, having access to more detailed information about the offense, can better assess the offender's risk to the community. Senator Escamilla expressed her support for the Bill, noting concerns about the challenges in obtaining information from other states regarding out-of-state offenders residing in Utah. The Director of the Victim Services Commission testified in support. The Defense Attorney Association spoke in opposition.

Yeas: 6

Nays: 0

N/V: 3

Outcome: 2nd substitute HB 197 passed out of the Committee with a favorable recommendation.

Bill: 1st substitute SB 243 – Law Enforcement Quota Amendments

Sponsor: Senator Todd Weiler

Floor Sponsor: TBD

UASD Position: Tracking

This Bill concerns law enforcement quotas.

Discussion: The Bill requires the Peace Officer Standards and Training (“POST”) Council to develop model standards, unrelated to law enforcement quotas, for evaluating peace officer performance. It also restricts the State Commission on Criminal and Juvenile Justice from awarding state funds to any entity found to be in violation of the prohibition against law enforcement quotas. The Bill mandates that the Attorney General investigate potential violations of law enforcement quota regulations. It prohibits any political subdivision or law enforcement agency from requiring or directing a peace officer to meet an arrest, citation, stop, or other quota. The legislation also prohibits such agencies from transferring, promoting, disciplining, or taking any other action against a peace officer based on their performance related to arrest, citation, stop, or other quotas. The 1st substitute and Senate Amendment 1 were adopted. The amendment deletes “measure” and adds “minimal standard on Line 275.

In 2018, the Legislature passed legislation that clarified the prohibition of quotas for police agencies. The intent behind this law was to prevent officers from being incentivized to issue additional citations or feeling pressured to make traffic stops simply to meet citation quotas. The substitute legislation permits municipalities and law enforcement agencies to track the number of interactions officers have with citizens, rather than the number of citations issued. This revision addresses concerns from police chiefs, who worried that the original language of the Bill could result in officers remaining inactive in their vehicles without consequences. Under the substitute, agencies can establish metrics for officer interactions, but they are prohibited from rewarding officers for issuing citations. The sponsor’s objective is to ensure officers are neither rewarded nor penalized based on the number of citations they issue.

The Law Enforcement Legislative Committee has expressed neutrality regarding the substitute. The Ogden City Police Chief expressed gratitude to Senator Weiler for substituting the Bill, emphasizing that law enforcement agencies are not intended to serve as revenue generators. He noted that the community expects officers to be accountable for performing their duties. The Chief requested that the term “stop” in relation to traffic stops be reworded, as officers are required to make stops as part of their responsibilities. Colonel Rapich from the Utah Highway Patrol echoed the Chief’s statements, reiterating the same concerns regarding traffic stops.

Yeas: 6

Nays: 0

N/V: 3

Outcome: 1st Substitute SB 243, as amended, passed out of the Committee with a favorable recommendation.
