

## House Law Enforcement and Criminal Justice Committee

2/24/2025

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### **Bill: 2<sup>nd</sup> Substitute HB 461 – Animal Crime Victim Amendments**

Sponsor: Representative Verona Mauga

Floor Sponsor: TBD

### **UASD Position: Tracking**

This Bill modifies provisions related to the release and forfeiture of an animal that is being held because of abuse or involvement in a crime.

Discussion: Representative Mauga presented the second substitute of the Bill, which was adopted by the Committee. This Bill establishes a process for the release or transfer of animals held in shelters due to abuse or involvement in a crime, while the legal resolution of the case is still pending. It allows a peace officer, with a warrant, to enter premises or vehicles to take custody of an animal being mistreated or associated with a crime. The Bill also requires notice to be given to the animal's owner or possessor. Additionally, it allows a shelter or government counsel to file a motion requesting a court review to determine whether the animal should be forfeited or transferred to alternative care. The Bill outlines procedures for the hearing and court determination, allowing the animal's owner to be heard during the process. It also provides guidelines for the animal's placement if ownership is forfeited. Furthermore, the Bill permits the court to order the animal's owner to pay for the costs of sheltering the animal due to the owner's criminal activity and may require the abuser to complete an educational or animal cruelty prevention program. The Bill also includes cross-references for the forfeiture procedure.

The Bill is designed to protect pets, reduce the burden on animal shelters, and save taxpayer dollars. In many cases, animals are housed in shelters for months or even years while criminal cases are processed, which strains shelter resources and finances. By removing the criminal penalty and prioritizing due process, the Bill expedites the handling of animal abuse charges, ensuring timely rehoming of the animals. The Bill also holds animal abusers financially accountable by allowing courts to include shelter housing costs as part of the restitution. Salt Lake County Animal Services supports the legislation, as it gives judges options to either make the abuser forfeit ownership of the animal or provide a bond to cover the animal's care while it is sheltered. This bond system allows for upfront payment until the next court date, separate from the criminal proceedings.

Representative Whyte asked how the Bill will save taxpayer dollars. The representative from Animal Services explained that shelters are taxpayer-funded, and long-term stays for animals can incur tens of thousands of dollars in care costs. The Salt Lake County District Attorney's Office also spoke in support of the Bill.

Yeas: 10

Nays: 0

N/V: 1

**Outcome: 2<sup>nd</sup> Substitute HB 461 passed out of the Committee with a favorable recommendation.**

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**Bill: 2<sup>nd</sup> Substitute HB 273 – Law Enforcement Investigation Amendments**

Sponsor: Representative Ryan D. Wilcox

Floor Sponsor: TBD

**UASD Position: Oppose (Staff recommends position of Track with the adoption of the 2<sup>nd</sup> substitute)**

This Bill prohibits law enforcement access to and use of reverse-keyword information.

Discussion: Representative Wilcox addressed the second substitute of HB 273, which was adopted by the Committee. The sponsor acknowledged that the compromise reflected in the second substitute has not been well received by all stakeholders. He cited an example of how reverse-keyword searches have been used to identify criminals, a practice that ultimately reached the Supreme Court. The sponsor recognized concerns about potential violations of the Fourth Amendment, specifically regarding the need for particularity in searches. The issue at hand is whether the lack of specificity would render such searches illegal. Law enforcement has developed a process like Geofence warrants, which follows a series of steps to ensure that particularity is met. While private entities and search engines have expressed concerns about working with law enforcement, the sponsor believes there is a strong case for using reverse-keyword searches in extreme cases, such as arson or murder. He emphasized the importance of setting clear boundaries to prevent encroachment on Fourth Amendment rights. The Bill, as amended in the second substitute, applies the same compromise used in Geofence warrants for violent felonies, while banning the use of reverse-keyword searches for any other purpose. The intention is to apply a judicial review process to receive a warrant for a reverse keyword search for violent crimes. The Bill is designed to remain in effect until further guidance is provided by the courts or legislature.

Representative Gwynn asked if warrants for reverse-keyword searches are currently subject to judicial review. The sponsor confirmed that judges must review the warrants but noted that there has not been consistent application of this process. Representative Gwynn further inquired whether the inconsistency is due to judicial or law enforcement practices. The sponsor explained that the Bill aims to provide clearer guidance to the bench, and that this issue is not widespread in Utah. Representative Strong requested a definition of reverse-keyword search. The sponsor explained that it involves accessing search engine histories to locate individuals who have searched for specific terms or phrases. Representative Strong then asked whether a phone or computer is required to conduct such searches. The sponsor clarified that once a warrant is issued for a specific search term, law enforcement can approach search engines to track users and IP addresses that have searched for that term.

The Law Enforcement Legislative Committee spoke in support of both the original and second substitute of the Bill. They referenced Supreme Court cases related to reverse-keyword searches, in which the Court upheld the search warrants used by law enforcement to access this information. Representative Ballard read the Fourth Amendment of the U.S. Constitution, noting that probable cause allows law enforcement to access such information in the interest of public

safety. She expressed her support for the Bill. The sponsor concluded by stating that, while he is not entirely comfortable with the current version of the Bill, the second substitute represents the best compromise available at this time. He emphasized that, until further direction is provided by the Supreme Court, this Bill is the most reasonable solution.

Yeas: 8

Nays: 0

N/V: 3

**Outcome: 2<sup>nd</sup> Substitute HB 273 passed out of the Committee with a favorable recommendation.**

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