

2019 Legislative Updates - Law Enforcement

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SNOW
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Victim Rights (HB 15)

- **Allows investigations to be reviewed at the request of a victim or victim's family**
 - **Conditions**
 - ❑ Victim of a first degree felony or family member of a missing person or homicide
 - ❑ At least one year has passed from the date the incident was first reported for investigation to a law enforcement agency
 - ❑ The law enforcement agency investigating the incident has not submitted the investigation results to be screened for criminal charges by the county or district attorney
 - **Requirements of law enforcement agency**
 - ❑ 30 days
 - * Chief executive must meet with the investigating officers to evaluate the investigation to assess:
 - Leads
 - Obstacles
 - Investigative resources available to move the investigation to conclusion

Victim Rights (HB 15)

- * Develop a plan to:
 - Close the investigation
 - Determine further investigative steps **OR**
 - Submit the investigation results for screening of criminal charges by the county or district attorney in the jurisdiction in which the incident occurred
- 60 days
 - * Chief executive shall send written notification to the individual requesting review advising whether the agency will:
 - Close the investigation;
 - Take further investigative steps **OR**
 - Submit the investigation results for screening of criminal charges
- 90 days after written notification
 - * Victim or victim's family member may request that the investigation results and all evidence be transferred to the county attorney where the investigation has been closed or charges have not been filed

Victim Rights (HB 15)

- ❑ 15 days after second request
 - * Chief executive shall forward the investigation results to the county attorney
 - * Responsibility of proceeding rests with county attorney
- Victim or family member can request attorney general to review the investigation
 - ❑ 30 days to request from the law enforcement agency all evidence and information regarding the investigation
 - ❑ 60 days to make a determination how to proceed

Fraudulent Drug Testing Amendments (HB16)

- Makes it an infraction to
 - Distribute, possess, or sell an adulterant or synthetic urine
 - Possess an adulterant with intent to use it to defeat a drug or alcohol test
 - Intentionally use an adulterant to defeat a drug or alcohol test
 - Intentionally use that person's own pre-captured urine to defeat a drug or alcohol test
 - Intentionally use another person's urine to defeat a drug or alcohol test
 - Distribute or sell an adulterant with
 - ❑ Intent it be used to defeat a drug or alcohol test AND
 - ❑ Knowledge the recipient intends to use it to defeat a drug or alcohol test
- Exempts those who act with the sole purpose of education, or medical or scientific research

Pretrial Release Amendments (HB 19)

- Those arrested for or charged with a domestic violence offense are not entitled to bail as a matter of right if the court finds:
 - Substantial evidence to support the charge AND
 - Clear and convincing evidence the individual would constitute a substantial danger to the victim if released
- A magistrate judge may only release the individual after the judge:
 - Issues a jail release court order OR
 - The arrestee signs a jail release agreement agreeing:
 - ❑ To avoid personal contact with the victim
 - ❑ Not to threaten or harass AND
 - ❑ To not knowingly enter the premises where the victim lives or is staying

Human Trafficking Amendments (HB 20)

➤ Children

- Clarifies that human trafficking of a child is not subject to a statute of limitations
- Makes human trafficking of a child a first degree felony
- Confirms that those who knowingly benefit from human trafficking of a child can be charged as perpetrators
- Directs law enforcement to investigate possible human trafficking of a child when they encounter a child engaged in commercial sex

➤ Vulnerable Adults

- Makes human trafficking of a vulnerable adult a first degree felony
- Defines human trafficking of a vulnerable adult as:
 - ❑ Recruiting, harboring, transporting, or obtaining a vulnerable adult for sexual exploitation or forced labor OR
 - ❑ Patronizing or soliciting a vulnerable adult for sexual exploitation or forced labor actually or constructively knowing of the victim's vulnerability

Offender Supervision Amendments (HB 21)

- Eliminates provisions requiring a POST-certified Department of Corrections employee to provide investigative services for the courts, the department, or the Board of Pardons and Parole
- Provides that a Department of Corrections employee who is trained to prepare a presentence investigation report may prepare a report for the courts, the department, or the Board of Pardons and Parole

Presentence Investigation and Probation Reports (HB 22)

- Amends provisions relating to presentence investigation reports and affidavits reporting a probation violation
 - Allows the Department of Corrections to provide a copy of a defendant's presentence investigation report to a sex offender treatment provider working with the defendant
 - Provides that an unsworn declaration may be used to report a probation violation

Gambling Machines Amendments (HB 23)

- Clarifies that gambling offenses include fringe gambling
- Defines a "fringe gaming device" as a device that provides the user:
 - a card, token, credit, or product in exchange for anything of value AND
 - the opportunity to participate in a contest, game, gaming scheme, or sweepstakes with a potential return of money or something of value that is based on an element of chance and not substantially by skill, knowledge, or dexterity
 - does not include a device that provides the user a card token, credit, or product in exchange for only the user's name, birthdate, or contact information
- Provides gambling does not include playing an amusement device that confers a toy or novelty with a value of less than \$10 as a reward for playing

BCI Reporting Amendments (HB23S02)

- Requires the clerk of the district court to report information on individuals mentally unfit to purchase firearms to the Bureau of Criminal Identification
- Requires BCI to submit information reported by the courts on individuals mentally unfit to purchase firearms to the NICBCS
- Requires the clerk of the district court to report information on individuals subject to a protective order to BCI
- Requires BCI to submit information reported by the courts on individuals subject to a protective order to the NCIC

Amendments to Criminal Provisions (HB40)

- Modifies criminal offenses and penalties
 - Makes dealing in material harmful to minors between a young adult and adolescent
 - ❑ A third degree felony when committed by a person 18 years of age or older
 - ❑ A class A misdemeanor if the perpetrator is 18 years old or greater and the victim is 16 years old and the perpetrator is less than seven years older than the minor at the time of the offense
 - ❑ A class A misdemeanor when committed by a person 16 or 17 years of age
 - ❑ A class B misdemeanor when committed by a person younger than 16 years of age
 - Changes obstruction of alcoholic beverage control investigations from a class B misdemeanor to an infraction for a first violation, a class C misdemeanor for a second violation, and a class B misdemeanor for a third violation
 - Changes term of minimum incarceration for a sex offender who fails to register as a sex offender from 90 days to 30 days

Amendments to Criminal Provisions (HB40)

- Changes rendering a dead body unavailable for postmortem investigation from a class B misdemeanor to a third degree felony
- Provide tiers for repeated violations of the Minimum Wage Act
 - ❑ First violation is an infraction
 - ❑ Second violation is a class C misdemeanor
 - ❑ Third or subsequent violation is a class B misdemeanor
- Removes carve out for theft of certain farm animals
- Repeals the criminal offenses of adultery and sodomy (voluntary)
- Provides immunity from prosecution for the offenses of prostitution and sexual solicitation if the person is the victim of certain crimes (i.e., assault, kidnapping, abuse, etc.) at or near the time of the act

Victim Communications Amendments (HB53S02)

- Enacts the Privileged Communications with Victim Advocates Act which governs the disclosure of a confidential communication to a victim advocate

Electronic Information or Data Privacy (HB0057S05)

- Modifies provisions related to privacy of electronic information or data
 - Issuance of a search warrant is required for law enforcement to obtain certain electronic information or data by an owner or third party
 - Law enforcement may obtain location information for an electronic device without a warrant where the remote computing service provider of the owner voluntarily discloses the location information:
 - ❑ Under a belief that an emergency exists involving an imminent risk of death, serious physical injury, sexual abuse, live-streamed sexual exploitation, kidnapping, or human trafficking OR
 - ❑ That is inadvertently discovered by the remote computing service provider and appears to pertain to the commission of a felony, or of a misdemeanor involving physical violence, sexual abuse, or dishonesty

Electronic Information or Data Privacy (HB0057S05)

- Law enforcement may obtain without a warrant, stored or transmitted data from an electronic device, or electronic information or data transmitted by the owner of the electronic information or data to a remote computing service provider:
 - ❑ With the owner's consent
 - ❑ In accordance with a judicially recognized exception to warrant requirements
 - ❑ In connection with a report forwarded by the National Center for Missing and Exploited Children OR
 - ❑ Subject to Subsection 77-23c-102(2)(a)(vi)(B)
- Law enforcement that obtains electronic information by warrant is required to provide notification to the owner that the electronic information or data was obtained within 14 days of receipt, except where the owner is located out of the country
- Provides for transmission of electronic information or data to a remote computing service, including restrictions on government entities
 - ❑ Court may provide a limited delay of notification in under certain circumstances

Electronic Information or Data Privacy (HB0057S05)

- Law enforcement may obtain, without a warrant, electronic information for a third party (non-owner) subscriber:
 - ❑ With the consent of the subscriber
 - ❑ In accordance with a judicially recognized exception to warrant requirements
 - ❑ If the subscriber or customer voluntarily discloses the record in a manner that is publicly accessible OR
 - ❑ If the provider voluntarily discloses the record under a belief that an emergency exists involving the imminent risk to an individual
- Electronic information or data obtained without a warrant will be excluded from court proceedings

Correctional and Peace Officer Amendments (HB0062)

- Increases the penalty for assault committed by a prisoner against an officer, employee or volunteer, including a health care provider, when the prisoner propels a substance or object at that person and causes substantial bodily injury, from a class A misdemeanor to a third degree felony

Court Commissioner Amendments (HB0068)

- Exempts court commissioners from certain weapons laws if the court commissioner completes the required training

Sex Offender Registry Amendments (HB0075S01)

- Clarifies that an individual convicted of the offense of unlawful sexual activity with a minor is required to register as a sex offender unless the individual was less than four years older than the minor at the time of the offense
- Reduces the offense level for an individual who is under 21 years old and who commits the crime of unlawful sexual activity with a minor
- Provides that an individual who is under 21 years old and who commits the crime of unlawful sexual activity with a minor does not have to register as a sex offender

Interlocal Provision of Law Enforcement Service (HB0079)

- Requires that an interlocal agreement between a county and one or more municipalities to provide law enforcement service contains a provision requiring or appointing a certain individual to provide or direct law enforcement service, depending on the county classification

Aggravated Kidnapping Amendments (HB0082)

- Clarifies the relationship between kidnapping and unlawful detention as lesser included offenses of aggravated kidnapping

Weapons Restrictions Amendments (HB0094)

- Changes and clarifies the prohibitions for carrying a dangerous weapon by an intoxicated individual
- Eliminates the current exemption that allows a peace officer to carry a dangerous weapon while intoxicated
- Does not apply to:
 - A person carrying a dangerous weapon that is securely encased or not readily available
 - A person exercising the right to self defense
 - A person who carries a dangerous weapon in a private residence with the consent of the owner

Sexual Violence Protective Orders (HB0100S03)

- Creates a sexual violence protective order and an ex parte sexual violence protective order
 - Person seeking need not be a cohabitant nor a dating partner of the respondent
 - Petition may not be withdrawn without court order
- Establishes procedures for the application, modification, and enforcement of a sexual violence protective order and an ex parte sexual violence protective order
- Sets forth the relief appropriate for a sexual violence protective order
 - Prohibit sexual violence
 - Prohibit all contact
 - Prohibit appearance at certain locations
 - Designate a distance of proximity
 - Prohibit the purchase, use, or possession of a weapon (requires notice except under limited circumstances)
 - Any other relief the court deems necessary

Sexual Violence Protective Orders (HB0100S03)

- Requires the county sheriff that receives an order from the court to:
 - provide expedited service of the sexual violence protective order AND
 - Transmit verification of service to the statewide network
- Permits service by another law enforcement agency under certain circumstances
- When served on a respondent in jail, or other holding facility, the law enforcement agency managing the facility shall make a reasonable effort to provide notice to the petitioner at the time the respondent is released from incarceration
- Law enforcement responding to an allegation of sexual violence has a duty to use all reasonable means to protect the victim and prevent further sexual violence, including:
 - Action reasonably necessary to provide for the safety of the victim and any family or household member

Sexual Violence Protective Orders (HB0100S03)

- Arrange for the victim and any child to obtain emergency housing or shelter
- Facilitate medical treatment AND
- Provide the victim notice the victim's rights, remedies and available services including:
 - ❑ Notification that the forms needed to obtain a protective order are available from the court clerk's office in the judicial district where the victim resides or is temporarily domiciled AND
 - ❑ A list of shelters, services, and resources available, including telephone numbers

Self-defense Amendments (HB0114)

- Provides that an individual is not required to retreat from an aggressor
- Provides that an individual's failure to retreat is not relevant when determining whether the individual acted reasonably

Abortion Amendments (HB0136S01)

- Prohibits an abortion from being performed after the unborn child reaches 18 weeks gestational age except under certain circumstances
- Modifies the circumstances under which an abortion may be performed after the unborn child reaches 18 weeks gestational age
 - Keeps circumstances where not viable, necessary to save the life of the mother or prevent serious physical harm to her, lethal defect, rape of incest
 - Adds severe brain abnormality
 - Not down syndrome, spina bifida, cerebral palsy, or any other malformation, defect, or condition that does not cause an individual to live in a mentally vegetative state
- Modifies provisions that require a physician to report certain information to the Department of Health relating to an abortion

Domestic Violence Enhancement Amendments (HB0137S02)

- Increases the duration for a penalty enhancement from five years to ten for domestic violence offenses that are not a criminal mischief offense
- Defines a criminal mischief offense as an attempt to commit an offense under Section 76-6-106 by one cohabitant against another

Traffic Code Amendments (HB0149S01)

- Amends the Traffic Code to allow lane filtering by a motorcycle
- Defines lane filtering as “the act of overtaking and passing another vehicle that is stopped in the same direction of travel in the same lane”
- Allows lane filtering if a motorcycle is overtaking a vehicle that is stopped in the same lane of travel and there are two or more adjacent traffic lanes in the same direction of travel

Voluntary Commitment of a Firearm Amendments (HB0152)

- Defines "cohabitant" for the purpose of the voluntary commitment to a firearm to law enforcement for safekeeping
- Any individual 18 years of age or older residing in the home who:
 - Is living as if a spouse of the owner cohabitant
 - Related by blood or marriage to the owner cohabitant
 - Has one or more children in common with the owner cohabitant OR
 - Has an interest in the safety and wellbeing of the owner cohabitant
- Law enforcement taking possession for safekeeping must now record the make and model of each firearm in addition to the serial number

Mental Health Protections for First Responders (HB0154)

- Establishes a working group to study a first responder's workers' compensation claim due to mental stress
- Defines "first responder"
 - Law enforcement officer (Section 53-13-103)
 - Emergency medical technician (Section 26-8c-102)
 - Advanced emergency medical technician (Section 26-8c-102)
 - Paramedic (Section 26-8c-102)
 - Firefighter (Section 34A-3-113)
 - Dispatcher (Section 53-6-102)
 - Correctional officer (Section 53-13-104)

Search Amendments (HB0156S02)

- Requires county jails to adopt and adhere to a model policy regarding body cavity searches
- Dictates certain requirements to be included in the model policy

Emergency Services Volunteer Employment Protection Act (HB0173)

- Defines emergency services volunteer
- Prohibits an employer from terminating an employee for:
 - Being an emergency services volunteer
 - Being absent from or late to work because the employee is responding to an emergency
- Permits an employer to request written verification that an employee missed work to respond to an emergency as an emergency services volunteer
- Creates a civil cause of action for violation of the Emergency Services Volunteer Employment Protection Act

Road Closure Amendments (HB0179S01)

- Makes unauthorized closing a road a class C misdemeanor
- Does not apply to a road closure:
 - By firefighters or peace officers responding to an emergency
 - By officials resulting from a permanent or temporary closure of a public or private railroad crossing
 - On an R.S. 2477 right-of-way across private land if a perpetual public right-of-way has not been granted through a settlement or court order

Expungement Changes (HB0212S01)

- Prohibits a public employer from inquiring into an applicant's expunged criminal history with certain exceptions, including where the employer is a law enforcement agency. See statute for other exceptions.
- Permits an applicant seeking employment from a public employer to answer a question related to an expunged criminal record as though the action underlying the expunged criminal record never occurred, except in limited circumstances

Office for Victims of Crime Amendments (HB0214S01)

- Amends the definition of "criminally injurious conduct" to include bigamy and related crimes set forth in Section 76-7-101 for which a victim may be awarded reparations by the Office for Victims of Crime

Silver Alert Program (HB0215)

- Creates a Silver Alert Notification System for missing endangered adults
- Defines “endangered adult” as a person 60 years of age or older with dementia
- Requires the Department of Public Safety to develop an alert system similar to the Amber Alert System for endangered adults
- Requires that the system utilize highway signage in the geographical area where the person went missing
- Allows the department to make rules to set requirements for alerts

Unlawful Installation of a Tracking Device (HB0223S05)

- Makes installing a tracking device without proper authorization a class A misdemeanor
- Applies to a person who knowingly installs, or directs another to install, a tracking device on a motor vehicle owned or leased by another person, without the permission of the owner or lessee
- Does not apply to:
 - A licensed private investigator installing the tracking device for a legitimate business purpose on a motor vehicle that is not:
 - Owned or leased by an individual under the protection of a protective order OR
 - Operated by an individual under the protection of a protective order who resides with, or is an immediate family member of, the owner or lessee of the motor vehicle
 - A person who installs the tracking device pursuant to a court order
 - A peace officer, acting in the peace officer's official capacity, who installs a tracking device on a motor vehicle in the course of a criminal investigation or pursuant to a court order

Unlawful Installation of a Tracking Device (HB0223S05)

- A private investigator must, prior to installing the tracking device, request confirmation from a state entity with access to updated protective order records, that:
 - The owner or lessee of the vehicle is not under the protection of a protective order
AND
 - An individual who resides with, or is an immediate family member of, the owner or lessee of the motor vehicle is not under the protection of a protective order
- The state entity, including a law enforcement agency, with access to protective order records shall confirm or deny the existence of a protective order but provide no additional information
- BCI has a right to demand a private investigator who installs a tracking device on a motor vehicle to disclose the purpose of the tracking device to BCI

Towing Revisions (HB0228S03)

- Amends provisions related to state impound yards, including fencing requirements for state impound yards
- Amends provisions related to fees and background checks in relation to inclusion on a towing rotation
- Requires a political subdivision or state agency to provide an appeals process regarding suspension or removal from a towing rotation

Misdemeanor Sentencing Timeline Clarifications (HB0244)

- Reduces the maximum incarceration time for a misdemeanor by one day to 364 days
- Exempts from the reduction, the provision for persons serving a felony sentence in the Utah Prison

Drug Diversion Reporting Requirements (HB0251)

- Relates to the duty to report drug diversion
- Makes it a class B misdemeanor to knowingly fail to report known or suspected drug diversion to law enforcement, unless reporting would violate HIPAA

Criminal Code Amendments (HB0270S01)

- Amends provisions relating to distribution of an intimate image and indecent liberties
- Changes the intent provisions for the crime of distribution of an intimate image from intent to cause emotional distress to knowing that the distribution would cause a reasonable person emotional distress
- Provides that indecent liberties includes
 - The touching of certain areas of the body OR
 - Causing certain areas of the body to be touched
- Adds particular offenses to provisions in which any touching is sufficient as an element of the offense

Prosecution Review Amendments (HB0281S02)

- Relates to the investigations discussed in HB 14
- Grants the attorney general authority to review an investigation and prosecute any first degree felony under certain conditions
- Adds a provision that authorizes the attorney general to review an investigation and prosecute any first degree felony that a district or county attorney declines or fails to prosecute

Sex Offense Amendments (HB0287S01)

- Expands the definition of “position of special trust” for crime of sexual abuse of a child to include a professor, instructor, or teaching assistant at an institution of higher education

Offender Registry Amendments (HB0298S03)

- Modifies the definition of “sexual offense against a minor” as the term relates to a criminal investigation of an electronic communications record
- Deletes provisions requiring a sex offender to annually apply for a driver license or identification card
- Requires a sex offender to apply in person for an updated driver license or identification card within 30 days after the day on which the offender changes addresses
- Requires the Driver License Division to disclose to the Department of Corrections certain records relating to sex offenders upon request
- Modifies the offenses for which a petition for removal from the registry may be filed

Offender Registry Amendments (HB0298S03)

- Modifies certain procedural requirements relating to a sex or kidnap offender's removal from the registry
- Provides that a sex or kidnap offender may change the offender's name if certain requirements are met
- Modifies the penalty for the offense of dealing in material harmful to minors
- Modifies the penalty for the offense of sexual exploitation of a minor

Board of Pardons and Parole Amendments (HB0301)

- Makes changes to the Board of Pardons and Parole hearing notification procedures
- Provides that timely notice of hearings be given to the offender
- Requires that the victim or victim's representative who requests to be notified of hearings provide current contact information to the board
- Allows notification of hearings to county or district attorneys and law enforcement to be through the board's website

Traffic Code Modifications (HB0302)

- Amends provisions related to the safe operation of a vehicle
- Permits the operator of a vehicle with knowledge the operator was involved in an accident resulting only in property damage may move the vehicle out of traffic
- Requires an operator to drive at the speed required to maintain control of the vehicle or stay within a single lane of travel

Hit and Run Amendments (HB0313S01)

- Modifies the penalty for a hit and run accident involving property damage from a class C misdemeanor to a class B misdemeanor for an operator who:
 - Has knowledge the operator was involved in an accident and fails to comply with the statutory requirements OR
 - Has reason to believe the operator was involved in an accident and fails to comply with the statutory requirements

Inmate Restrictions Standards Amendments (HB0318)

- Creates standards for the treatment of pregnant inmates
- Provides that the least restrictive restraints are to be used on a pregnant inmate
- Prohibits the use of restraints on an inmate in a correctional facility during labor, delivery, and postpartum recovery absent compelling grounds to believe the inmate is an immediate and serious risk of harm to herself or others, or the inmate poses a substantial risk of escape
- Prohibits the use of shackles or other restraints during labor and delivery in a medical facility
- Requires the correctional staff member to document in a written record all decisions made regarding the use of restraints on a pregnant inmate

Inmate Restrictions Standards Amendments (HB0318)

- Makes the record public with individually identifying information redacted
- Extends the requirements to county jails
- Requires that specific information regarding inmate births be reported to the Commission on Criminal and Juvenile Justice for inclusion in the annual report

Higher Education Responses to Allegations (HB0346)

- Prohibits a postsecondary institution from taking certain actions against student so are victims of or witnesses to sexual violence
- Makes inflicting or threatening to inflict bodily injury on a victim of or a witness to an act of sexual violence a third-degree felony

Search and Rescue Amendments (HB0384)

- Amends the membership of the Search and Rescue Advisory Board
- Reduces the number of search and rescue volunteers from three to two members
- Provides for three sheriffs to serve on the board

Pawnshop and Secondhand Merchandise Amendments (HB0394S02)

- Addresses pawnshop and secondhand merchandise provisions
- Modifies, deletes, and adds definitions
- Makes consistent references to property and other terminology
- Addresses coin dealers, including ticket requirements
- Requires tickets be maintained by pawn or secondhand businesses with specified content
- Modifies provisions related to a central database
- Repeals outdated language
- Addresses retention and inspection of records
- Outlines the holding period for property
- Addresses seizure of property
- Provides for administrative penalties
- Addresses fees

Pawnshop and Secondhand Merchandise Amendments (HB0394S02)

- Changes make up and duties of Pawnshop and Secondhand Merchandise Advisory Board
- Addresses training
- Repeals language regarding certain exempt businesses
- Addresses the Pawnbroker and Secondhand Merchandise Operations Restricted Account
- Addresses preemption of local ordinances
- Provides for use of property for forensic testing
- Addresses disposition of property
- Repeals provisions related to property disposition if no criminal charges are filed
- Amends provisions related to receiving stolen property and duties of pawnbrokers, secondhand businesses, and coin dealers

Lewdness Statute Modification (HB0396S01)

- Modifies language relating to the actions that constitute the offense of lewdness involving a child
- Adds “within visual contact through an electronic device” to the definition of “in the presence of”

Murder Mitigation Amendments (HB0400S01)

- Modifies the circumstances under which a defendant's extreme emotional distress is special mitigation of the penalty for a criminal homicide offense
 - Mental illness
 - Provocation due to extreme emotional distress
- Modifies the consequences in a criminal trial if the jury is unable to unanimously agree that special mitigation based on the defendant's extreme emotional distress or mental illness is established
 - Require a unanimous jury to find special mitigation based on the defendant's extreme emotional distress or mental illness
 - Directs the trier of fact to convict the defendant of the offense for which the prosecution proves all of the elements beyond a reasonable doubt where the trier of fact finds that special mitigation is not established

Murder Mitigation Amendments (HB0400S01)

- Requires the court to order the Department of Human Services to examine the defendant and investigate the defendant's mental condition where the court receives notice that a defendant intends to claim special mitigation based on the defendant's extreme emotional distress or mental illness
 - Requires the department to charge the county where the prosecution is commenced for travel expenses associated with the examination
 - Requires the department to charge the entity commencing the prosecution for an examination of a defendant charged with a violation of a municipal or county ordinance

Investigation Protocols for Peace Officer Use of Force (HB0406)

- Adds the definition of “deadly force” – “[F]orce that creates or is likely to create, or that the person using the force intends to create, a substantial likelihood of death or serious bodily injury to a person.”
- Adds the definition of “in custody” – “[I]n the legal custody of a state prison, county jail, or other correctional facility”
- Expands the definition of an officer-involved critical incident to include
 - An officer’s use of deadly force
 - Death or serious bodily injury to a person other than the officer caused by an officer’s use of a government vehicle while off duty
 - Serious bodily injury to a person other than an officer occurring during an officer's attempt to prevent a person's escape from custody, to make an arrest, or otherwise to gain physical control of a person

Investigation Protocols for Peace Officer Use of Force (HB0406)

- Adds the definition of “serious bodily injury” – “bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death”

Restitution Reporting (HB0414S01)

- Requires reporting and collection of certain data related to inmates of county jails and authorizes a study of that data
- Requires county jails to report specified data regarding certain fees collected from inmates to the Commission on Criminal and Juvenile Justice
- Creates a task force for the purpose of reviewing the collected data and making findings and recommendations based on that data
- Requires the Commission on Criminal and Juvenile Justice to compile the data collected and submit it to the Jail Incarceration and Transportation Costs Study Council

Restitution Reporting (HB0414S01)

- Directs the membership and purpose of the Jail Incarceration and Transportation Costs Study Council
- Provides a repeal date for provisions relating to the Jail Incarceration and Transportation Costs Study Council

Local Law Enforcement Structure and Governance Amendments (HB0415)

- Prohibits a municipality from establishing a board or committee with certain powers over a police chief
 - Authority to overrule a hiring or appointment proposal
 - Required to review or approve a police department's rules, regulations, policies, or procedures in order for the rules, regulations, policies, or procedures to take effect
 - Authority to veto a new policy or strike down an existing policy
 - Required to review or approve a police department's budget for the budget to take effect
 - Authority to review or approve a contract the police department makes with a police union or other organization
- Permits a municipality to establish a board or committee that relates to the provision of law enforcement services (other than items above) IF the municipality
 - Directly appoints the board, committee, or other entity's members AND
 - Provides direct oversight of the board, committee, or other entity

Prohibition of Genital Mutilation (HB0430S01)

- Prohibits female genital mutilation
 - “any procedure that involves partial or total removal of the external female genitalia, or any harmful procedure to the female genitalia” (gives examples)
- Makes performing or facilitating female genital mutilation a second degree felony
- Provides that a medical professional who performs female genital mutilation will permanently lose the ability to practice
 - Exception - If the procedure is performed by a licensed physician, and the procedure is medically advisable, necessary to preserve or protect the physical health of the person on whom it is performed, or requested for sex reassignment surgery by the person on whom it is performed
- Declares that female genital mutilation is a form of child abuse for reporting requirements

Prohibition of Genital Mutilation (HB0430S01)

- Allows a person subject to female genital mutilation to bring a civil action for damages
 - Sets statute of limitations – 10 years from the date it is performed or the victim's 18th birthday
 - Permits punitive damages, costs and attorneys' fees
 - Treble damages where the defendant's acts were willful and malicious
- Requires the Department of Health to create an education program to alert the community to the health risks and emotional trauma of female genital mutilation

Commission on Criminal and Juvenile Justice Amendments (HB0440S01)

- Changes the membership of the Commission on Criminal and Juvenile Justice
- Adds
 - The executive director of the Department of Human Services or the executive director's designee
 - The executive director of the Salt Lake Legal Defender Association or the executive director's designee
 - The chair of the Utah Indigent Defense Commission or a member of the Indigent Defense Commission designated by the chair
 - The Salt Lake County District Attorney or the DA's designee
 - An attorney who primarily represents juveniles in delinquency matters appointed from a list of three nominees submitted by the Utah Bar Association
 - A representative from a local faith who has experience with the criminal justice system
 - Alternatively certain designees of current voting members

Commission on Criminal and Juvenile Justice Amendments (HB0440S01)

- Removes
 - The director of the Division of Juvenile Justice Services
 - The director of the Division of Substance Abuse and Mental Health

At-risk Government Employee Information Protection Amendments (HB0444)

- Modifies the definition of "personal information" in the context of provisions relating to protecting personal information of law enforcement officers
 - Limits phone and address to home phone and address
 - Limits pager to personal pager
 - Adds a record, or a part of a record, the law enforcement officer requests to be and is classified as private under Utah Code Ann. § 63G-2-302(1)(h)
- Adds requirement that a government agency require the form submitted by the officer to protect personal information from being posted on the Internet be signed by the highest ranking elected or appointed official in the officer's chain of command certifying that the is a law enforcement officer

At-risk Government Employee Information Protection Amendments (HB0444)

- Modifies provisions relating to the private classification of personal information of at-risk government employees
- Enacts language relating to the length of time that a form requesting private classification of personal information remains in effect and the rescission of the form

Background Check Amendments (HB0457)

- Requires that all background checks be processed through BCI
- Clarifies which entities qualify to request the Criminal Investigations and Technical Services Division register fingerprints taken for a background check

Medicaid Eligibility Amendments (HB0460)

- Prohibits the department from terminating eligibility for the state Medicaid program solely because the individual is incarcerated
- Does not require the Medicaid program to provide coverage for any services for an individual while the individual is incarcerated

Criminal Information Amendments (HB0478)

- Requires the Bureau of Criminal Identification to submit the record for all nonextraditable warrants for violent felonies and for knowingly failing to register for a sexual offense to the National Crime Information Center within 48 hours of receipt, excluding weekends and legal holidays
- Requires local law enforcement to inform the court within 48 hours, excluding weekends and legal holidays, whether a warrant is an extradition warrant
- Requires law enforcement to report any changes to the status of a warrant to BCI

Joint Resolution Adopting Privilege Under Rules of Evidence (HJR003S02)

- Adopts a privilege under the rules of evidence related to confidential communications of victims to victim advocates
- Defines terms, states the privilege and who may claim the privilege, and provides for exceptions from the privilege

Identification Request Amendments (SB0010S01)

- Modifies the type of information a peace officer may request from a suspect the officer stops to question about a crime to include the date of birth
- Includes name, address, date of birth, and an explanation of the person's actions

Domestic Violence Revisions (SB0045)

- Adds aggravated cruelty to an animal to the list of offenses that may qualify as a domestic violence offense

Board of Pardons Amendments (SB0054)

- Codifies the Board of Pardons and Parole's authority to rescind an inmate's release date before the inmate is released from custody
- Codifies the board's authority to rescind a parolee's termination date before termination occurs

Child Abuse Amendments (SB0057S02)

- Amends definitions related to civil child abuse and child neglect
- Clarifies that "chronic abuse" and "chronic neglect" do not mean an isolated incident

Driver License and Implied Consent Modifications (SB0068S01)

- Amends procedures involving law enforcement when an individual suspected of driving under the influence refuses to submit to a chemical test
 - Eliminates the requirement that the officer take the driver's Utah license certificate or permit
 - Eliminates the requirement that the officer issue a temporary license certificate effective for 29 days from the date of arrest
 - Eliminates the requirement that the officer the person's license to the division within ten calendar days
- Extends the time from 30 days to 45 days in which a driver license sanction may be applied

Crime Victims Restitution Amendments (SB0088)

- Adds that restitution may include expenses for security measures put in place by a victim in response to a criminal offense

Electronic Driver Licenses (SB0100S02)

- Defines “electronic license certificate” – “evidence, in an electronic format as described in Section 53-3-235, of a privilege granted under this chapter to drive a motor vehicle
- Amends the definition of “license certificate” to include an electronic license certificate
- Requires the Driver License Division to implement procedures for an individual to obtain an electronic license certificate by January 21, 2021
- Requires the Driver License Division to gather information regarding an electronic license certificate program from potential vendors
- Grants rulemaking authority to the Driver License Division

Victim Targeting Penalty Enhancements (SB0103S04)

- Enacts provisions relating to sentencing for a criminal offense committed against a victim who is selected because of certain personal attributes
- Provides an enhanced penalty for a criminal offense committed against a victim who is selected because of
 - Age
 - Ancestry
 - Disability
 - Ethnicity
 - Familial status
 - Gender identity
 - Homelessness
 - Marital status
 - Matriculation
 - National origin
 - Political expression

Victim Targeting Penalty Enhancements (SB0103S04)

- Race
 - Religion
 - Sex
 - Sexual orientation
 - Service in the U.S. Armed Forces
 - Status as an emergency responder (Section 53-2b-102)
 - Status as a law enforcement officer, correctional officer, special function officer, or any other peace officer, as defined in Title 53, Chapter 13, Peace Officer Classifications
- Sets the degrees of enhancement
 - Provides enhancement does not apply where the penalty for the criminal offense is increased or enhanced under another provision of state law
 - Provides that this bill does not affect an individual's constitutional rights, including an individual's constitutional right of free speech

Ignition Interlock Amendments (SB0131)

- Clarifies that an “interlock restricted driver” does not apply to individuals whose:
 - Prior convictions did not involve alcohol, driving with a controlled substance, or recklessness
 - Prior convictions did not involve alcohol, did not occur within various timeframes set forth in the statute and a prior interlock restriction has been removed
- Provides a process for an individual to petition the Driver License Division for removal of an ignition interlock restriction if the individual's offense was based solely on substances other than alcohol

Corrections Officer Certification Amendments (SB0162)

- Changes the age requirements to be a correctional officer in a jail facility
- Allows 19 year olds to be certified as correctional officers and work in a jail facility

Law Enforcement Agency Amendments (SB0197)

- Modifies the definition of “law enforcement agency” to include a private institution of higher education whose law enforcement entity or division is certified by the Commission of Public Safety
- Modifies the definition of “law enforcement officer” to eliminate requirement that the officer be employed by the state or any of its political subdivisions
- Includes law enforcement agencies in the definition of governmental entities subject to government records provisions
- Includes law enforcement agencies in the definition of governmental entities that are subject to governmental immunity provisions

Vulnerable Adult Amendments (SB0202S03)

- Amends definitions applicable to abuse, neglect, or exploitation of a vulnerable adult
- Creates an offense for personal dignity exploitation of a vulnerable adult
- Modifies penalties authorizes a court to order counseling

White Collar Crime Registry (SB0234)

- Amends the duties of a prosecuting attorney in certain offenses related to the Utah White Collar Crime Offender Registry
- Enacts methods and deadlines for an offender to register
- Enacts penalties for failure to register

Graffiti Amendments (SB0250S01)

- Restricts when a victim of graffiti may be cited for failing to clean graffiti

Vandalism of Public Lands (SB0270)

- Makes it a class B misdemeanor to vandalize public lands
- Specifies the punishments to be imposed for vandalism of public lands