



# Utah's Statehouse- to-Prison Pipeline



2017 Legislature  
General Session



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# Introduction

Just like every other state in the U.S., Utah has an incarceration problem.

In 1978, just 66.6 out of every 100,000 people in Utah were behind bars, serving time in either state prison or county jail.

By 2015, the incarceration rate had shot up to 216.7 per 100,000 people – that is more than triple the rate less than forty years before.

It's important to note that over the past four decades, the rate of crime in our state has significantly and steadily declined – even as the overall population has almost doubled. This tells us that people in Utah aren't committing more crimes than ever before. In fact, our communities are safer than they have ever been.

And yet, we continue to see more and more people sent to jail and prison each year.

The driving forces behind our country's mass incarceration epidemic are multi-faceted and difficult to deconstruct. But we can identify some individual contributors to the problem. One of those contributors is the continued passage of state laws that criminalize behavior and increase penalties for existing offenses.

During the 2017 Legislative Session, Utah lawmakers proposed nearly 30 bills that threatened to exacerbate

Utah's mass incarceration problem. This is a bipartisan habit; lawmakers from both sides of the aisle continuously think up new crimes and devise new or hardened punishments.

Taken individually, each of these bills can seem like a good idea. The problems that lawmakers are trying to address are serious, and their intentions

in addressing those problems are generally good. But when taken all together, and over multiple years, these bills – in attempting to address individual social problems – result in a very problematic pattern.

Take, for example, HB 360, "Public Transit Amendments," sponsored by Rep. Stephen Handy (R-Layton). The concern behind this law was genuine: drug-dealing on and near public transit is disturbing and potentially threatening. More broadly, Utah has

been hit hard by a startling nationwide opioid epidemic, and the impacts on individuals and their loved ones can be devastating.

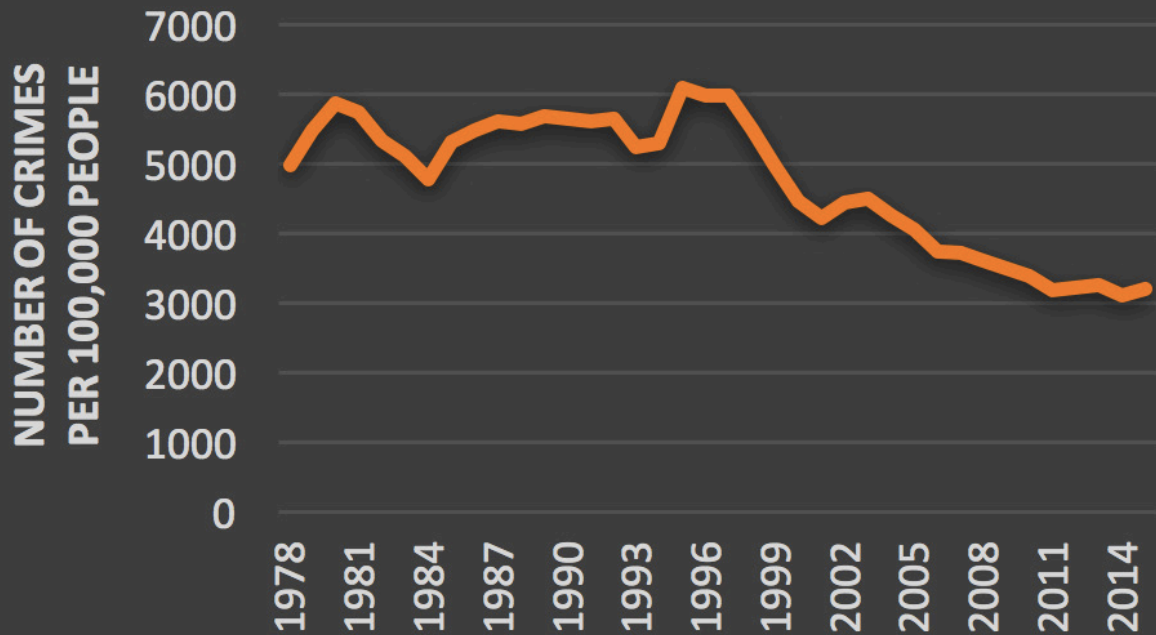
In attempting to address this serious and complex public health issue, however, HB 360 proposed a solution that we know creates more issues than it resolves.

The bill sought to increase the criminal penalties for drug-related offenses if the activity in question was committed within 100 feet of certain public transit

**“A generation of tougher-on-crime policies has created new challenges that it's up to our generation now to meet. We have the challenge of over-criminalization, of over-incarceration, and over-sentencing.”**

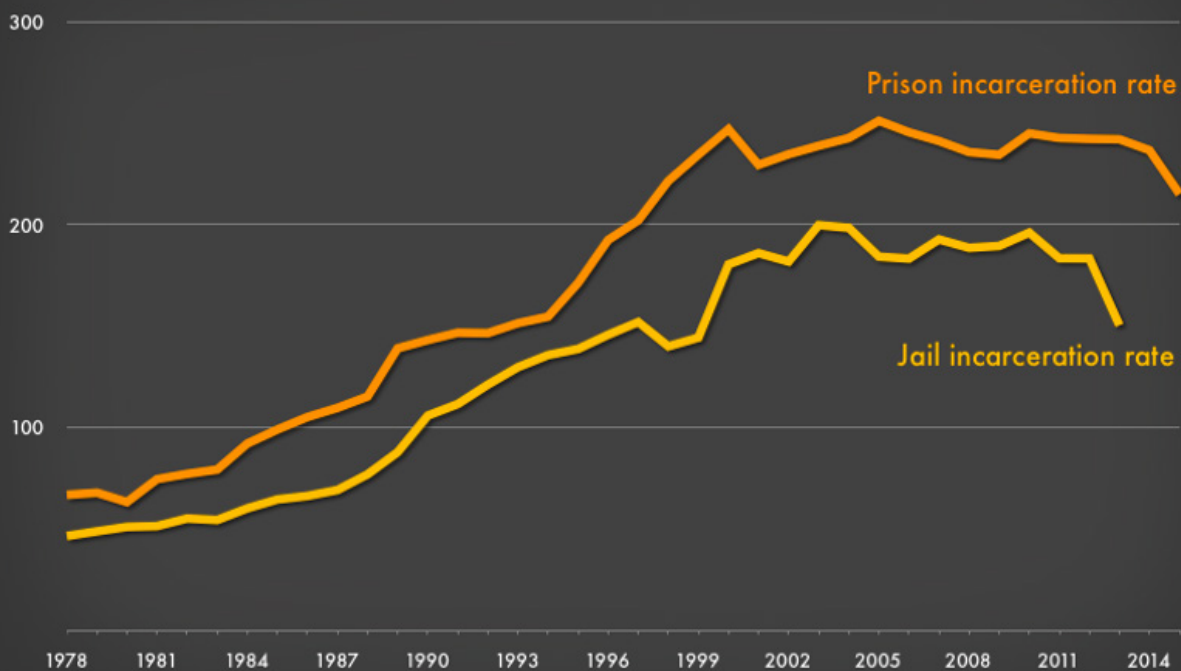
**- U.S. Senator Mike Lee  
(R-UT)**

## Utah's Crime Rate 1978-2015



## Utah's prison and jail incarceration rates

Number of people incarcerated in state prisons and local jails per 100,000 people, 1978-2015



Jail populations were adjusted to remove people being held for federal and state authorities.  
For full sourcing, see: [www.prisonpolicy.org/reports/jailsovertime.html#methodology](http://www.prisonpolicy.org/reports/jailsovertime.html#methodology)

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facilities or conveyances. Increasing penalties has never been shown to stop drug-related behavior. It has, however, been demonstrated to limit the future contributions and success of people who may already struggle with addiction, poverty and mental illness.

Additionally, incarceration of people for non-violent drug offenses is a widely-recognized driver of our current mass incarceration epidemic. Specifically, in 2014, a collaborative state working group discovered that non-violent drug-related offenses were a specific driver of Utah's prison population (which was growing at a time when other states were finally beginning to experience a slight decrease in incarceration rates).

HB 360, while well-intentioned and focused on a legitimate problem, can't be responsibly examined in a vacuum. The multitude of other criminal enhancement legislation must be considered - as well as larger social and political circumstances that continue to contribute to our incarceration problem - when individual legislation is conceived and proposed.

The goal of this report is to help our elected officials and their policy partners view the bills described here as working together to further a financially and socially expensive phenomenon. Our hope is that when such bills are considered in the future, our state leaders will weigh the overall impact and prioritize only the most critical bills.



**Long after violent and property crimes began to drop in the 1990s, the US's incarceration rate continued to climb.**

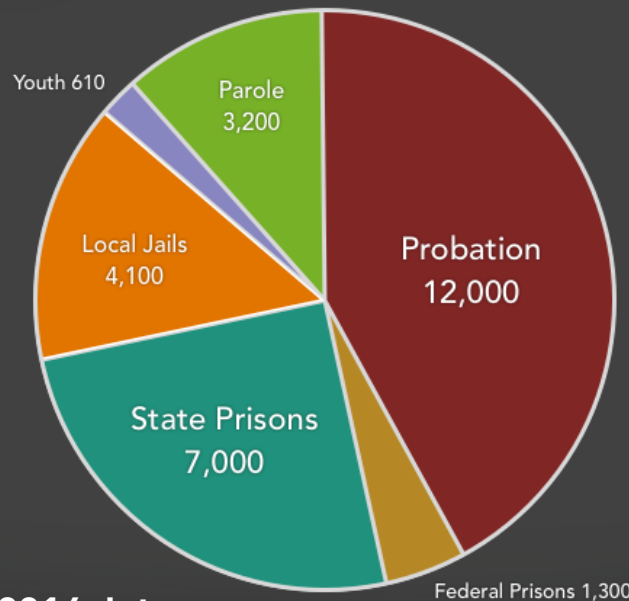
It's possible to look at this correlation and conclude that mass incarceration caused crime to drop. But the research shows that incarceration reached the point of diminishing returns by the 1990s: A 2015 review of the evidence by the Brennan Center for Justice estimated that more incarceration explained 0 to 7 percent of the crime drop since the 1990s, while other researchers estimate it drove 10 to 25 percent of the crime drop since the '90s. After all, there are only so many serious criminals out there, and by the '90s the people getting put in prison weren't people who'd be committing crime after crime. So the US could very likely cut its incarceration rate without increasing crime much, if at all.



**- German Lopez, Vox.**

## How many people are in Utah's criminal justice system?

28,000 are behind bars or under criminal justice supervision.



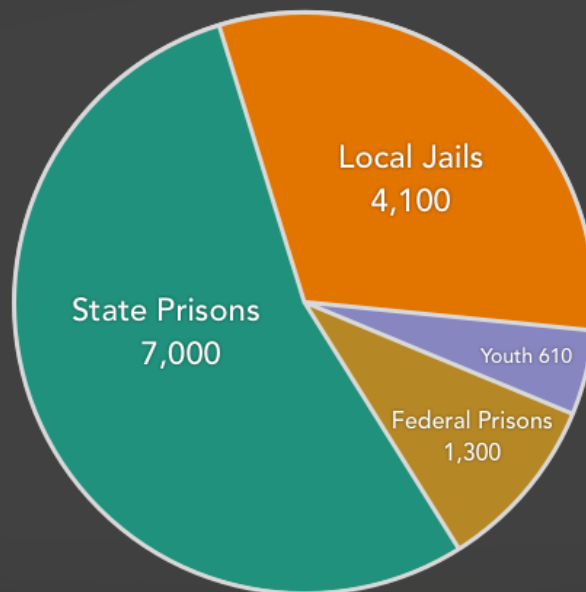
**2014 data**

Sources and data notes: See <http://www.prisonpolicy.org/reports/50statepie.html>

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## How many people are locked up in Utah and where?

13,000 people in Utah are locked up in various kinds of facilities



**2014 data**

Sources and data notes: See <http://www.prisonpolicy.org/reports/50statepie.html>

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# What is the Statehouse-to-Prison Pipeline?

The Statehouse-to-Prison Pipeline is a phenomenon by which legislators and the state government create and enforce new laws that capture more behavior, with harsher punishments. More crimes and stronger penalties mean more people under state supervision, either behind bars or on probation and parole. People aren't behaving any differently than they were in the past, but suddenly, their behavior falls into the category of "criminal."

Simply put, the Statehouse-to-Prison Pipeline ensures that activities that weren't illegal last year, can get you locked up this year. The Pipeline also ensures that if you get locked up, you'll be spending more time behind bars, paying more in fines, or otherwise suffering more dire consequences than you would have in the past.

Once an individual is in the Pipeline, it can be next to impossible to exit. Restrictive housing and employment practices work against people who are trying to put their lives back together after a criminal conviction. Certain professional and business licenses will always be out of their reach, and they may not be able to qualify for government assistance, including student loans.

Over-criminalization and increasingly harsh penalties create very real and very expensive consequences for individuals and the communities in which they live. Passing "tough on crime" laws may make us feel as if we are taking action to address public safety problems. But the public safety benefits are questionable, and

the negative externalities are profound.

It is extremely expensive to keep an individual behind bars. But aside from the straight-forward costs to taxpayers, there are also lost wages, lost jobs, abandoned families, traumatized children, disrupted educational opportunities and negative health outcomes. Our communities – and our state budget – absorb all these costs eventually.

**"Addressing population growth also involves improving our criminal justice system and providing structure for individuals to become productive members of society."**

**- Governor Gary Herbert  
(R-UT)**

Our state already lacks the financial resources to constitutionally and effectively process the thousands of Utahns that move through the criminal justice system daily. Our failing county-by-county public defender system is woefully underfunded. Rehabilitative programming inside Utah prisons is likewise neglected, underfunded and insufficient. There is no consistent oversight or enforcement related

to conditions in our county jails. We simply cannot afford to solve every problem in our state by making those problems the responsibility of the criminal justice system.

The Statehouse-to-Prison Pipeline often hits the most vulnerable populations in our state the hardest, such as people struggling with substance use disorder and addiction, people with mental health challenges, people who are poor and homeless, and people who don't have strong educational opportunities or social support networks.

For example, both HB 360 and HB 365 had the



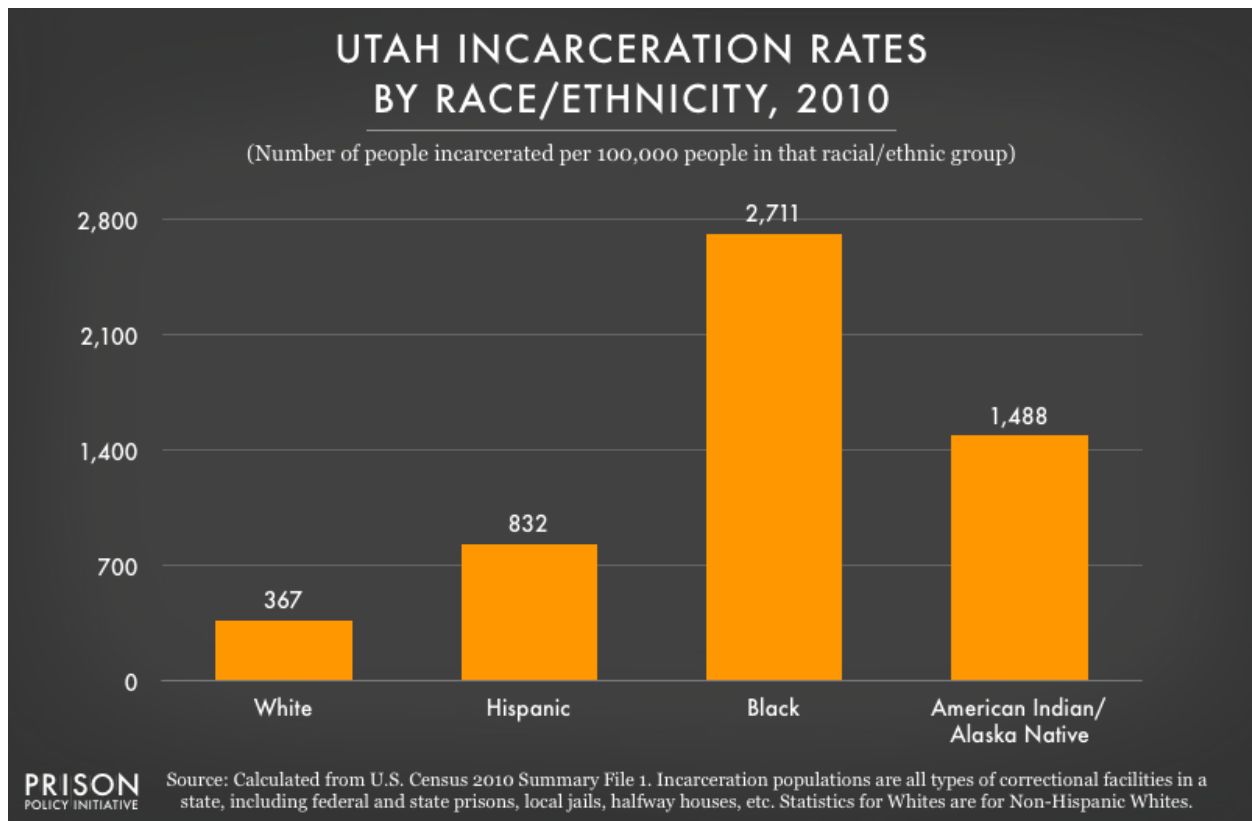
potential to disproportionately impact vulnerable populations. HB 360, “Public Transit Amendments,” sponsored by Rep. Stephen Handy (R-Layton), sought to increase the criminal penalties for drug-related offenses if the activity in question was committed within 100 feet of certain public transit facilities or conveyances. HB 365, “Homeless Resource Center Zone Amendments,” sponsored by Rep. Joel Briscoe (D-Salt Lake City) sought similar enhanced criminal penalties based on location. This legislative proposal aimed to create an “excessive penalty enhancement” for drug offenses committed in or near a homeless shelter. As with HB 360, the sole focus of the bill was on punishment, rather than on creating access to rehabilitation and other supportive approaches that have proven successful. Neither of these provisions made it to the Governor’s desk, but it is very likely that they will be proposed again in some form.

In addition to hitting vulnerable communities hardest, the Statehouse-to-Prison Pipeline tends to concentrate and worsen already existing racial disparities in the criminal justice system.

African Americans and Native Americans represent just 2% of Utah’s total population, but they account for 10% of Utah’s prison and jail population. Similarly, 13% of Utah’s population is made up of Latinos, but 24% of all inmates in jails and prisons are Latino.

Again, passing “tough on crime” laws may assuage lawmakers’ desires to appear proactive and concerned. In reality, their actions may disproportionately hurt the very members of our communities who already struggle to contribute and participate in the face of great economic, social and racial injustices.

If this Statehouse-to-Prison Pipeline continues to flow unabated, all Utahns will suffer, financially and socially. We must remind our elected representatives that there is no political windfall for oversimplified approaches to complex community problems.





# Becoming Part of the Solution

It is possible to take concrete action to dismantle the Statehouse-to-Prison Pipeline! The Utah Legislature doesn't propose only bills that contribute to mass incarceration. Sometimes, the legislature puts forth bills that actually help to ameliorate the devastating trends and impacts of mass incarceration.

We want to encourage our state leaders to include more of this kind of positive legislation in their future efforts, in addition to avoiding passing bills that criminalize behavior and enhance penalties. That is why we have also included in this report several bills that illustrate such positive efforts.

Some legislative proposals will bring sweeping and positive change to our system, such as HB 239, "Juvenile Justice Amendments," sponsored by Rep. Lowry Snow (R-Saint George). This ambitious legislation incorporated research and policy proposals from leaders on the Board of Juvenile Justice, in our juvenile courts, throughout our juvenile justice services agencies, and in our communities. The legislation establishes thoughtful, evidence-driven parameters for youth sentencing and rehabilitative programming.

HB 239 is proof that our elected state leaders are capable of creative and compassionate solutions to the complex problems driving our incarceration problems. Of course, not all legislative proposals need to be so sweeping to be effective. Even small changes can have profound positive impacts on the criminal justice

system, as well as on the people struggling within that system.

Take, for example, SB 12, "Expungement Amendments," sponsored by Sen. Daniel Thatcher (R-West Valley) and HB 156, "State Jobs Application Process," sponsored by Rep. Sandra Hollins (D-Salt Lake City). SB 12 will make more people eligible to have their criminal histories cleared, making minor but important changes to the eligibility requirements for state criminal expungement. HB 156 will remove one of the initial barriers to employment opportunities with state agencies (that little box on

the job application that asks, "Have you been convicted of a felony or a misdemeanor?").

As mentioned previously, people face enormous obstacles as they struggle to exit the Statehouse-to-Prison Pipeline. Perhaps most profoundly, restrictive housing and employment practices can stand in the way of a person's successful reentry into the community: safe

and stable housing, and a way to provide for one's self and one's family. SB 12 and HB 156 both aim to remove barriers and encourage reentry, progress we will need to see more of in the coming years, as more people exit the system.

Elected officials who show tenacity and courage by pursuing reform – rather than falling into the same old patterns of criminalization and punishment – deserve our praise and support. Their cumulative efforts are a critical part of our work to dismantle the Statehouse-to-Prison Pipeline in Utah!

**"We can change the world one life at a time by understanding that criminal justice is about more than punishing people who did naughty things."**

**- State Senator Daniel Thatcher (R-West Valley)**

# 2017 Bills that Contribute to the Statehouse-to-Prison Pipeline

## SENATE BILLS

### SB 31 - PROTECTION OF LAW ENFORCEMENT OFFICERS' PERSONAL INFORMATION

**Summary:** This bill amends the Public Safety Code regarding protection of personal information of law enforcement officers.

**Effect:** Criminalizes dissemination on the internet, solicitation, or sale of a law enforcement officer's personal information.

**Sponsors:** Sen. Ipson (R-Cedar City) / Rep. Ray (R-Clearfield)

**Status:** Signed by Governor

### SB 72 - VICTIM SELECTION PENALTY ENHANCEMENTS

**Summary:** This enhances the penalty for a criminal offense by one degree if the offender acted against an individual or an individual's property based on the individual's ancestry, disability, ethnicity, gender, gender identity, national origin, race, religion, or sexual orientation.

**Effect:** Enhances the penalty by one degree for crimes committed against an individual based on that individual's disability, gender, gender identity, or sexual orientation (the other classifications already in the statute).

**Sponsors:** Sen. Thatcher (R-West Valley) / N/A

**Status:** Failed in the Senate

### SB 96 - UNSECURED LOAD AMENDMENTS

**Summary:** This bill defines an unsecured load on a highway and creates new penalties for operating a vehicle with an unsecured load on a highway.

**Effect:** Criminalizes causing injury or damage to another while operating a vehicle with an unsecured load.

**Sponsors:** Sen. Harper (R-Taylorsville) / Rep. Spendlove (R-Sandy)

**Status:** Signed by Governor

### SB 111 - UNMANNED AIRCRAFT AMENDMENTS

**Summary:** This bill modifies and establishes provisions related to unmanned aircraft.

**Effect:** Criminalizes the use of an unmanned aircraft to commit trespass, a privacy violation, voyeurism, or equipping an unmanned aircraft with a weapon.

**Sponsors:** Sen. Harper (R-Taylorsville) / Rep. Christofferson (R-Lehi)

**Status:** Signed by Governor

### SB 118 - CRIMINAL LAW AMENDMENTS

**Summary:** This bill amends criminal provisions relating to cybercrime and making a false report.

**Effect:** Criminalizes interrupting or interfering with critical infrastructure and expands penalties for computer crime.

**Sponsors:** Sen. Thatcher (R-West Valley) / Rep. Perry (R-Perry)

**Status:** Signed by Governor

### SB 136 - ANIMAL SHELTER REVISIONS

**Summary:** This bill amends cruelty to animal provisions.

**Effect:** Criminalizes leaving an animal tethered and unattended under certain conditions.

**Sponsors:** Sen. Davis (R-Salt Lake City) / N/A

**Status:** Failed in the House

### SB 227 - DOXING PROHIBITION AMENDMENTS

**Summary:** This bill prohibits the dissemination of personal information without authorization.

**Effect:** Expands the crime of "doxing" and criminalizes the use of identifying information to

harass the person as a felony.

**Sponsors:** Sen. Stephenson (R-Draper)/ Rep. Perry (R-Perry)

**Status:** Signed by Governor

### **SB 232 - CYBER EXPLOITATION AMENDMENTS**

**Summary:** This bill defines various forms of sexual extortion and provides penalties for those offenses.

**Effect:** Criminalizes sexual extortion and aggravated sexual extortion as first, second, or third degree felony depending on the individual's activity.

**Sponsors:** Sen. Bramble (R-Provo) / Rep. Eliason (R-Sandy)

**Status:** Signed by Governor

### **SB 235 - ASSAULT AND THREAT OF VIOLENCE AMENDMENTS**

**Summary:** This bill modifies the offense of assault against certain individuals to include a threat of violence.

**Effect:** Expands existing assault laws to include threats of violence.

**Sponsors:** Sen. Thatcher (R-West Valley) / Rep. Ray (R-Clearfield)

**Status:** Signed by Governor

## **HOUSE BILLS**

### **HB 17 - OFFENSES AGAINST THE PERSON AMENDMENTS**

**Summary:** This bill modifies the Utah Criminal Code regarding aggravated assault and child abuse so that impeding someone's breath or cutting off their breath constitutes the offense of strangulation and is a second degree felony if the action results in a loss of consciousness. Also, modifies the crime of child abuse to include similar provisions.

**Effect:** Expands aggravated assault and child

abuse laws by making it a felony offense to impede the breathing or blood circulation of another.

**Sponsors:** Rep. Snow (R-Saint George) / Sen. Bramble (R-Provo)

**Status:** Signed by Governor

### **HB 99 - BIGAMY OFFENSE AMENDMENTS**

**Summary:** This bill modifies the Utah Criminal Code regarding the offense of bigamy.

**Effect:** Enhances the crime of bigamy under certain circumstances from third degree felony to second degree felony.

**Sponsors:** Rep. Noel (R-Kanab) / Sen. Van Tassell (R-Vernal)

**Status:** Signed by Governor

### **HB 102 - COHABITANT ABUSE ACT AMENDMENTS**

**Summary:** This bill would incorporate "intimate partner" into the definition of Cohabitant Abuse Procedures Act and the Cohabitant Abuse Act.

**Effect:** Expands the application of the Cohabitant Abuse Procedures Act and the Cohabitant Abuse Act when the offense involves an "intimate partner."

**Sponsors:** Rep. Romero (D-Salt Lake City) / N/A

**Status:** Struck after 1st Reading

### **HB 124 - ASSAULT ON A PEACE OFFICER AMENDMENTS**

**Summary:** This bill adds more professions to be included in the definition of who is a peace officer when it comes to assaulting a peace officer.

**Effect:** Expands who is a peace officer under the assault against a peace officer statute to include correctional officers, special function officers, and federal officers.

**Sponsors:** Rep. Maloy (R-Lehi) / Sen. Millner (R-Ogden)

**Status:** Signed by Governor

### **HB 149 - CHILD ABUSE OFFENDER REGISTRY**

**Summary:** This bill directs the Dept. of Corrections to create a Child Abuse Offender Registry and would require registration from people who have been convicted of felony child abuse and human trafficking. Sets criminal penalties for failure to register.

**Effect:** Criminalizes failure to register with the Department of Correction's newly created Child Abuse Offender Registry.

**Sponsors:** Rep. Owens (R-Fountain Green)/ Sen. Okerlund (R-Monroe)

**Status:** Signed by Governor

### **HB 155 - DUI AND PUBLIC SAFETY**

**Summary:** This bill amends provisions related to driving under the influence.

**Effect:** Expands current driving under the influence laws and other criminal offenses by reducing the blood alcohol content limit.

**Sponsors:** Rep. Thurston (R-Provo) / Sen. Adams (R-Layton)

**Status:** Signed by Governor *(effective 12-31-18)*

### **HB 162 - DUI CLASSIFICATION AND SENTENCING REVISIONS**

**Summary:** This bill modifies provisions related to classification of crimes and sentencing of individuals convicted of driving under the influence.

**Effect:** Increases the likelihood of jail sentence for a first-offense DUI conviction and mandates jail time for a repeat DUI conviction by removing the home confinement sentencing option.

**Sponsors:** Rep. Eliason (R-Sandy) / Sen. Bramble (R-Provo)

**Status:** Signed by Governor

### **HB 176 - HUMAN TRAFFICKING AMENDMENTS**

**Summary:** This bill modifies the Utah Criminal Code regarding aggravated murder offenses.

**Effect:** Provides that a criminal homicide caused

by the commission of the offense of human trafficking is aggravated murder and may be charged as a capital felony.

**Sponsors:** Rep. Ray (R-Taylorsville) / Sen. Ipson (R-Cedar City)

**Status:** Failed in the Senate

### **HB 199 - HIGH NEEDS CHILDREN ADOPTION AMENDMENTS**

**Summary:** This bill enacts provisions related to the adoption and placement of high needs children.

**Effect:** Criminalizes unregulated custody transfer.

**Sponsors:** Rep. Nelson (R-Grantsville) / Sen. Weiler (R-Woods Cross)

**Status:** Signed by Governor

### **HB 202 - TRESPASS AMENDMENTS**

**Summary:** This bill modifies criminal trespass provisions.

**Effect:** Criminalizes a long-term guest's behavior of remaining on the property after the primary occupant asks them to vacate.

**Sponsors:** Rep. Greene (R-Pleasant Grove) / Sen. Anderegg (R-Lehi)

**Status:** Signed by Governor

### **HB 217 - LIVESTOCK HARASSMENT**

**Summary:** This bill prohibits the harassment of livestock.

**Effect:** Criminalizes the harassment of livestock by making it a Class B misdemeanor.

**Sponsors:** Rep. Chew (R-Jensen) / Sen. Ipson (R-Cedar City)

**Status:** Signed by Governor

### **HB 360 - PUBLIC TRANSIT AMENDMENTS**

**Summary:** This bill enhances a drug-related charge if an offense occurs in a public transit vehicle or within 100 feet of certain facilities related to public transit.

**Effect:** Enhances drug-related charges if within proximity of public transit.

**Sponsors:** Rep. Handy (R-Layton) / N/A

**Status:** Failed on House Floor

### **HB 365 - HOMELESS RESOURCE CENTER ZONE AMENDMENTS**

**Summary:** This bill modifies penalties related to violations of the Utah Controlled Substances Act when the violation occurs in or near a homeless shelter.

**Effect:** Creates significant penalty enhancements for drug crimes committed at a homeless shelter.

**Sponsors:** Rep. Briscoe (D-Salt Lake City) / Sen. Weiler (R-Woods Cross)

**Status:** Failed in the Senate

### **HB 369 - CRIMINAL PENALTY ENHANCEMENT FOR SEXUAL OFFENSES**

**Summary:** This bill enhances penalties for those who commit a sex offense without the consent of the victim when the actor is infected with HIV, AIDS, Hep. B, or Hep. C.

**Effect:** Enhances the penalty for an individual who commits a sexual offense without the victim's consent while knowingly infected with certain viruses.

**Sponsors:** Rep. Fawson (R-North Ogden) / Sen. Weiler (R-Woods Cross)

**Status:** Signed by Governor

### **HB 398 - PROCUREMENT CODE AMENDMENT**

**Summary:** This bill modifies provisions of the Utah Procurement Code.

**Effect:** Criminalizes circumventing procurement rules and procedures as a misdemeanor or felony offense, depending on the circumstances; expands who is a contractor under the statute.

**Sponsors:** Rep. Froerer (R-Hunstville) / Sen. Buxton (R-Roy)

**Status:** Signed by Governor

### **HB 428 - FELONY FLEEING AMENDMENTS**

**Summary:** This bill would modify the Utah Criminal Code so that anyone who fails to respond to an officer's signal to stop and kills someone in doing so, would be guilty of murder.

**Effect:** Enhances the severity of recklessly causing someone's death while fleeing from an officer's direction to stop.

**Sponsors:** Rep. Ray (R-Clearfield) / Sen. Ipson (R-Cedar City)

**Status:** Failed in the Senate

### **HB 433 - PENALTY FOR TARGETING LAW ENFORCEMENT OFFICER**

**Summary:** This bill adds targeting a law enforcement officer to the aggravating factors for aggravated murder and makes aggravated assault a first degree felony if a law enforcement officer is targeted.

**Effect:** Enhances the severity of the crimes of aggravated murder and aggravated assault if the crime targets a law enforcement officer.

**Sponsors:** Rep. Ray (R-Clearfield) / Sen. Bramble (R-Provo)

**Status:** Signed by Governor

### **HB 439 - ELECTRONIC CIGARETTE & OTHER NICOTINE**

**Summary:** This bill enacts and amends provisions relating to electronic cigarette products, nontherapeutic nicotine products, and alternative nicotine products.

**Effect:** Criminalizes the sale or purchase of an electronic cigarette product, a nontherapeutic nicotine product, or an alternative nicotine product in violation of law.

**Sponsors:** Rep. Ray (R-Clearfield) / N/A

**Status:** Failed in the House

# 2017 Bills that Help to Dismantle the Statehouse-to-Prison Pipeline

## SENATE BILLS

### SB 12 - EXPUNGEMENT AMENDMENTS

**Summary:** This bill adds definitions to what is eligible for expungement, but it also includes a section allowing the courts to take into account if the level of the offense has been reduced since the defendants' conviction.

**Effect:** Expands the eligibility rules for expungement, opening the door for more individuals to have their prior criminal records cleared, leading to a possible shorter sentence for any future convictions.

**Sponsors:** Sen. Thatcher (R-West Valley) / Rep. Hutchings (R-Kearns)

**Status:** Signed by Governor

### SB 76 - POST-CONVICTION DNA TESTING AMENDMENTS

**Summary:** This bill would modify the requirement for post-conviction DNA testing so that the evidence doesn't have to establish factual innocence. Instead, it needs to establish that the new evidence would have resulted in them not being convicted or in them receiving a lesser sentence.

**Effect:** Lowers the post-conviction DNA testing standard a convicted felon must meet, expanding the potential for exoneration of innocent incarcerated individuals.

**Sponsors:** Sen. Hillyard (R-Logan) / Rep. Eliason (R-Sandy)

**Status:** Signed by Governor

### SB 211 - CANNABINOID PRODUCT ACT

**Summary:** This bill enacts and amends provisions related to cannabinoid products.

**Effect:** Decriminalizes the cultivation, production, possession, use, and sale of cannabis

and cannabinoid products under certain circumstances.

**Sponsors:** Sen. Vickers (R-Cedar City) / Rep. Daw (R-Orem)

**Status:** Failed in the House

### SB 251 - LOCAL GOVERNMENT CRIMINAL PENALTY AMENDMENTS

**Summary:** This bill states that only law enforcement officers are allowed to enforce local municipal ordinances that are misdemeanors.

**Effect:** Limits who has the authority to enforce local ordinances that are misdemeanors, potentially limiting the number of citations.

**Sponsors:** Sen. Thatcher (R-West Valley) / Rep. McCay (R-Riverton)

**Status:** Signed by Governor

## HOUSE BILLS

### HB 123 - JUVENILE OFFENSES AMENDMENTS

**Summary:** This bill makes changes to juvenile sex offenses when both juveniles are under 18 years of age to include penalties and corrections.

**Effect:** Decreases penalty for some juvenile sex offenses by expanding possibility of diversion in certain cases, allowing for sentencing under juvenile court rules rather than adult, and increasing the age difference between minor actors for certain offenses.

**Sponsors:** Rep. Roberts (R-Salem) / Sen. Weiler (R-Woods Cross)

**Status:** Signed by Governor

### HB156 - STATE JOBS APPLICATION PROCESS

**Summary:** This bill directs most state agencies to remove from initial employment applications those questions related to criminal history, when irrelevant to the advertised position.



**Effect:** Removes an initial barrier to the employment application process for individuals seeking state employment, encourages formerly-justice-involved individuals to seek state employment.

**Sponsors:** Rep. Hollins (D-Salt Lake City) / Sen. Iwamoto (D-Salt Lake City)

**Status:** Signed by Governor

## **HB 215 - REPRODUCTIVE HEALTH EDUCATION AND SERVICES**

**Summary:** This would require that the state consult with parents when evaluating human health curriculum, enacts human sexuality instruction notice provisions, and exempts some people from prosecution under certain provisions.

**Effect:** Exempts human health education providers from prosecution under certain abortion and contraceptive provisions if the educator provided health education to a student with the parent's consent.

**Sponsors:** Rep. King (R-Salt Lake City) / N/A

**Status:** Failed in the House

## **HB 222 - CRIMINAL OFFENSES MODIFICATIONS**

**Summary:** This bill modifies provisions related to criminal offenses including registration on the Sex and Kidnap Offender Registry.

**Effect:** Lessens the prison term for certain offenses under certain circumstances.

**Sponsors:** Rep. Handy (R-Layton) / Sen. Anderegg (R-Lehi)

**Status:** Signed by Governor

## **HB 239 - JUVENILE JUSTICE AMENDMENTS**

**Summary:** This bill modifies provisions related to juvenile justice.

**Effect:** Provides evidence-based, home-based counseling and community supervision for low-level misconduct (e.g., truancy) in an effort to keep low-level juvenile offenders out of detention; offers alternatives to detention for failure to pay restitution and fines; provides for juveniles to receive attorney representation for certain proceedings; institutes limits on fees, fines and

duration of incarceration for certain offenses; encourages early interventions for school discipline issues; and ensures that dispositions for substance abuse and other treatment are correlated to risk and needs assessments.

**Sponsors:** Rep. Snow (R-Saint George) / Sen. Weiler (R-Woods Cross)

**Status:** Signed by Governor

## **HB 260 - DRUG AND ALCOHOL TREATMENT RELATED TO BAIL**

**Summary:** This bill would allow for drug and alcohol detoxification to be an alternative to bail.

**Effect:** Creates an alternative to posting bail, allowing for the possibility of fewer individuals jailed pending court proceedings.

**Sponsors:** Rep. Redd (R-Logan) / NA

**Status:** Failed in the House

## **HB 274 - HUMAN TRAFFICKING MODIFICATIONS**

**Summary:** This bill authorizes the court to vacate a conviction for specified offenses if the individual convicted is found to have acted under force, fraud, or coercion and also sets up a process that allows an individual to petition the court for vacatur of a conviction for specified crimes.

**Effect:** Allows for conviction vacatur if individual acted under force, fraud, or coercion.

**Sponsors:** Rep. Romero (D-Salt Lake City) / Sen. Harper (R-Taylorsville)

**Status:** Signed by Governor

## **HB 299 - SUBSTANCE ABUSE AND MENTAL HEALTH ACT AMENDMENTS**

**Summary:** This bill amends a number of provisions concerning the Substance Abuse and Mental Health Act.

**Effect:** Provides an officer the authority to not take a mentally ill individual into custody to avoid escalating a dangerous situation, potentially lessening the number of individuals in custody.

**Sponsors:** Rep. Redd (R-Logan) / Sen. Weiler (R-Woods Cross)

**Status:** Failed in the Senate



# It's Complicated: 2017 Bills with Mixed Impact on the Statehouse-to-Prison Pipeline

## HOUSE/SENATE BILLS

### HB 237 - FIREARMS AND DOMESTIC VIOLENCE MODIFICATIONS

**Summary:** This bill modifies the requirements for disposition of criminal domestic violence cases, modifies notification requirements when a prohibited person attempts to purchase a firearm, and modifies weapons law exemptions.

**Effect:** Exempts persons over 21 years old who may lawfully possess a firearm from certain concealed carry prohibition penalties and enhances the level of offense for domestic violence when the perpetrator is in possession of a dangerous weapon to a class A misdemeanor.

**Sponsors:** Rep. Perry (R-Perry) / Sen. Bramble (R-Provo)

**Status:** Failed in the Senate

### HB 273 - CONSTRUCTION TRADES LICENSING PENALTY

**Summary:** This bill amends a provision related to unlawful conduct for a person licensed in a construction trade.

**Effect:** Prohibits treating unlawful conduct by a licensee as a subsequent violation of a previous unlawful conduct violation if five years has passed since the previous violation, potentially lessening a resulting charge/conviction. Also allows treatment of multiple of the same type of unlawful conduct violations as separate violations, potentially increasing the resulting charge/conviction.

**Sponsors:** Rep. Ray (R-Clearfield) / Sen. Buxton (R-Roy)

**Status:** Signed by Governor

# Acknowledgements

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**This report was based on similar Statehouse-to-Prison Pipeline Reports created and distributed by:**

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