

2015 Legislative Report

June 15, 2015

2015 Legislative Victories

Wrapping up the Legislative Session: Criminal Justice Reform

Some of our work during the 2015 legislative session in chronological order

The 2015 session by the numbers:

- 55 Bills tracked and actively lobbied for or against
- 33 Bills we affirmatively supported and worked towards passage, 16 of which passed and were signed by the governor.
- 4 Anti-civil liberties bills stopped or neutralized
- Committee hearings attended
- Bills testified in support of or against
- 1 Citizen Lobbyist Training

Below is a list of bills that we actively tracked or were engaged in during the 2015 Utah General Legislative Session which ended on Thursday, March 12.

[Criminal Justice](#) | [4th Amendment & Police Accountability](#) | [LGBTQ & Religious Liberty](#) | [Participatory Democracy & Voting Rights](#) | [Personal Liberty](#) | [Women's Rights](#) | [Immigrants' Rights](#) | [Privacy & Technology](#) | [Reproductive Rights](#) | [2nd Amendment](#)

Criminal Justice

HB11 - Death Penalty Procedure Amendments, sponsored by Rep. Paul Ray, allows Utah to revert back to using the firing squad as a method of carrying out capital punishment, should lethal injection drugs prove unavailable when we next carry out the death penalty in our state.


[ACLU of Utah Letter to Gov. Herbert Asking Him to Veto HB 11, "Death Penalty Procedure Amendments" \(3/12/15\)](#)

[TAKE ACTION: Tell Governor Herbert to VETO the "Firing Squad" Bill! \(3/10/15\)](#)

[Wrapping up the Legislative Session: Criminal Justice \(4/8/15\)](#)

[And All We're Talking About is the Firing Squad? \(3/11/15\)](#)

Criminal Justice on the Hill: Part Two (1/29/15)

ACLU of Utah's Position	Final Legislative Action
	Signed into law

HB13 - Jail Reimbursement Amendments, sponsored by Rep. Paul Ray, modifies the reporting requirement regarding jail reimbursements for housing state inmates by transferring responsibility for the report from the Department of Corrections to the Commission on Criminal and Juvenile Justice and requires an annual report from the Law Enforcement and Criminal Justice Interim Committee.

ACLU of Utah's Position	Final Legislative Action
MONITOR	Signed into law

HB92, Rental Restrictions Amendments, sponsored by Rep. Earl D. Tanner, would have modified the method by which a condominium association or a homeowners association may restrict or prohibit rentals.


ACLU of Utah's Position	Final Legislative Action
MONITOR	Died in the House

HB268 Good Landlord Program Amendments, sponsored by Rep. Gage Froerer, would have amended provisions related to a Good Landlord Program such as, prohibiting a municipality from requiring a residential landlord to deny tenancy to certain individuals and prohibit a municipality from requiring a residential landlord to provide certain information on or contracts with a tenant.

[Criminal Justice on the Hill: Part Two \(1/29/15\)](#)

ACLU of Utah's Position	Final Legislative Action
SUPPORT IN PART	Died in the House

HB441 Good Landlord Program Revisions, sponsored by Rep. Brian King, prohibits a municipality from requiring a landlord to deny tenancy based on an individual's criminal record in order to receive the benefits of participating in the good landlord program. This would have superseded many good landlord programs across the state which currently require landlords to refuse to rent apartments to individuals who have previously been convicted of a crime.

ACLU of Utah's Position	Final Legislative Action
	Died in the House


HB348S01 Criminal Justice Programs and Amendments, sponsored by Rep. Eric K. Hutchings, reduces initial drug possession penalties to Class A Misdemeanors, creates higher standards for treatment programs for justice-involved people, offers incentive grants for counties to improve evidence-based practices, adjusts sentencing guidelines for some low-level non-violent offenses, institutes reporting requirements for the Parole Board and other entities, authorizes Sentencing Commission to create a formal matrix of incentives/sanctions for parolees & probationers, and more.

[Criminal Justice Recap of 2015: Part 1 \(3/20/15\)](#)


[Wait a Minute! That's Not the Reform We Approved \(3/3/15\)](#)

[Criminal Justice Update: Drugs, Drugs, and More Drugs \(2/20/15\)](#)

[Poll Results: Most Utahns Favor Dropping Penalties for Drug Possession \(2/19/15\)](#)


ACLU of Utah's Position	Final Legislative Action
	Signed into Law

HB454S01 Prison Development Amendments, sponsored by Rep. Brad Wilson, creates a new iteration of the Prison Relocation Commission, which will be known as the Prison Development Commission. The bill gives the PDC authority to pick the site for the new prison, but that selection will ultimately need to be approved by the legislature and governor.


ACLU of Utah's Position	Final Legislative Action
	Signed into Law

HB453 Restitution for Incarceration Costs Amendments, sponsored by Rep. Paul Ray, attempted to institute a controversial program called “pay to stay,” wherein inmates are required to pay “rent” for the time they spend while incarcerated. This bill would have required the county sheriff to provide written notice to an inmate of the costs associated with incarceration, provide for an impecuniosity hearing upon request by the incarcerated individual, and would have established that costs owed to a victim should be paid first before incarceration costs are paid.

[Wrapping Up the Legislative Session: Criminal Justice \(4/8/15\)](#)

ACLU of Utah's Position	Final Legislative Action
	Died in the House

SB136 Statute of Limitations for Criminal Fines, Fees, and Restitution, sponsored by Sen. Lyle Hillyard, removes the statute of limitations for criminal fines, fees and restitution, making it possible for agencies to collect on debts many years down the road, regardless of whether any effort was made to collect within a reasonable time frame.

ACLU of Utah's Position	Final Legislative Action
	Signed into Law

SB167 Juvenile Offender Amendments, sponsored by Sen. Aaron Osmond, addresses various procedures for dealing with juvenile offenders. Specifically, it addresses when a case may be directly filed in district court, as opposed to juvenile court, creates guidelines for housing a minor convicted in district court in a juvenile secure facility, addresses when a minor knowingly and intentionally waives counsel and sets a presumption that juveniles are not to be shackled when appearing in court.


ACLU of Utah's Position	Final Legislative Action
MONITOR	Signed into Law

SB175S02 School Safety and Crisis Line, sponsored by Sen. Daniel Thatcher, establishes a statewide School Safety and Crisis Line, and creates the School Safety and Crisis Line Commission to ensure that students have a safe learning environment.

ACLU of Utah's Position	Final Legislative Action
MONITOR	Signed into Law


SB 116 Public School Dropout Recovery, sponsored by Sen. Aaron Osmond. This bill sought to provide incentives and accountability for schools to "recover" students who drop out (by keeping them in the education system, even if through alternative learning opportunities).

[Wrapping up the Legislative Session: Criminal Justice \(4/8/15\)](#)

ACLU of Utah's Position	Final Legislative Action
	Became Law without the Governor's Signature.

SB259S04 Medical Cannabis Amendments, sponsored by Sen. Mark Madsen, would have allowed an individual with a qualifying illness who registers with the state to legally possess and use, under certain circumstances, cannabis, cannabis products, and devices designed for ingesting cannabis. The bill also set forth a system of licensure to operate a medical cannabis establishment, and to allow a licensed person to grow, process, possess, and sell cannabis for the medical use of a patient.

[Criminal Justice Update: Drugs, Drugs and More Drugs! \(2/20/15\)](#)

ACLU of Utah's Position	Final Legislative Action
	Died in the Senate

HB 40 Expungement Amendments, sponsored by Rep. Eric Hutchings. This bill attempted to make expungement - sealing the record of a criminal offense - more complete and simple, so that individuals can obtain gainful employment, reestablish their lives, and otherwise break the cycle of criminal recidivism.

[Criminal Justice at the Capitol: Part One \(1/27/15\)](#)

ACLU of Utah's Position	Final Legislative Action



Died in the Hous

4th Amendment & Police Accountability

HB85 Peace Officer Training Amendments, sponsored by Rep. Marc K. Roberts, provides that the Legislature may appropriate up to \$500,000 from the Uninsured Motorist Identification Restricted Account each year to the Peace Officer Standards and Training Division for law enforcement training through July 1, 2020.


[Criminal Justice Recap 2015: Part 2 \(3/20/15\)](#)

ACLU of Utah's Position	Final Legislative Action
MONITOR	Signed into Law

HB167S02 Asset Forfeiture Revisions, sponsored by Rep. Brian M. Greene, would have modified the Forfeiture and Disposition of Property Act regarding civil forfeiture procedures to make it more difficult for the government to seize private property under asset forfeiture policies.

[Criminal Justice Recap 2015: Part 2 \(3/20/15\)](#)

ACLU of Utah's Position	Final Legislative Action
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	Died in the House
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HB296S02 Government Use of Unmanned Aerial Vehicles – Amendments, sponsored by Rep. Scott D. Sandall, allows a law enforcement agency to use an unmanned aircraft system, absent a warrant, for testing purposes, so long as the testing is conducted in pre-established testing zones. The bill also allows for warrantless use by law enforcement to locate missing persons, provided the search is conducted in areas where there is no reasonable expectation of privacy.

ACLU of Utah's Position	Final Legislative Action
NEUTRAL AS AMENDED	Signed into Law

HB361 Investigation Protocols for Peace Officer Use of Force, sponsored by Rep. Marc K. Roberts, requires the chief executive of a law enforcement agency to work with the district or county attorney to designate an agency to investigate instances of a peace officer use of force; requires that the investigating agency not be the agency where the officer is employed; and requires each law enforcement agency to adopt policies and procedures to ensure that any investigation of officer-involved incidents occurring in its jurisdiction are conducted professionally, thoroughly, and impartially.

[Criminal Justice Recap 2015: Part 2 \(3/20/15\)](#)

ACLU of Utah's Position	Final Legislative Action
	Signed into Law

HB308S01 Search Warrant Amendments, sponsored by Rep. V. Lowry Snow, would have authorized an officer who obtains items pursuant to a search warrant to return the items if they are determined to not be relevant to the investigation; requires that the officer retain the items if they are subject to discovery by the defendant; requires an itemized receipt for all items returned; and provides under state records provisions that items that are returned under this provision are presumed to not have historical or evidentiary value.

ACLU of Utah's Position	Final Legislative Action
SUPPORT IN PART	Died in the House

HB386 Body Cameras for Law Enforcement Officers, sponsored by Rep. Daniel McCay, sought to address the use of body cameras by law enforcement officers. It would have provided that a recording made by a body-worn camera by a law enforcement officer constitute a private record, as specified; that a law enforcement agency that uses body-worn cameras shall have a written policy governing the use of body-worn cameras that meets or exceeds the minimum guidelines provided; minimum guidelines for activation and use of body-worn cameras; for prohibited uses of body-worn cameras by law enforcement officers; the minimum level of retention for recordings made by body-worn cameras; minimum guidelines for the use, disclosure, and access to recordings made by body-worn cameras; guidelines for the technological requirements of any agency retention system that is used to store recordings made by body-worn cameras.

[Criminal Justice Recap 2015: Part 1 \(3/20/15\)](#)

ACLU of Utah's Position	Final Legislative Action
SUPPORT IN PART	Died in the House

HB395S01 Controlled Substance Database Amendments, sponsored by Rep. Edward Redd, requires real-time submission of data into the controlled substance database, and gives physicians access to the database for purposes of workers' compensation requests.


ACLU of Utah's Position	Final Legislative Action
MONITOR	Signed into Law

HB442S01 Law Enforcement Tracking Amendments, sponsored by Rep. Eric Hutchings. This bill would have required law enforcement to report whenever and for what purpose an armored vehicle is deployed.


ACLU of Utah's Position	Final Legislative Action
MONITOR	Died in the House

SB52S01 Asset Forfeiture Amendments, sponsored by Sen. Howard Stephenson, seeks to create transparency related to a controversial program known as asset forfeiture, whereby law enforcement officers take assets from persons suspected of involvement with crime or illegal activity without necessarily charging the owners with wrongdoing. SB 52 requires an annual and detailed report from law enforcement agencies conducting these forfeitures.

[Criminal Justice at the Capitol: Part One \(1/27/15\)](#)

ACLU of Utah's Position	Final Legislative Action
	Signed into Law

SB82S01 Forcible Entry Amendments, sponsored by Sen. Stephen Urquhart, The ACLU of Utah built on our legislative success in previous years to reform the process by which law enforcement can engage in the highly dangerous practice of forcible entry. SB 82 prohibits the use of forcible entry solely for drug possession in the absence of other allegations. The bill also requires law enforcement to be conspicuously identified when forcibly entering a residence or building.


ACLU of Utah's Position	Final Legislative Action
	Signed into Law

SB113 Sex Offender Testing Amendments, sponsored by Sen. Aaron Millner, makes changes to offender HIV testing procedures by providing that an alleged victim who has been subject to conduct that may result in HIV infection may request that the alleged sex offender be tested for HIV.


ACLU of Utah's Position	Final Legislative Action
MONITOR	Signed into Law

SB119S01 Prescription Database Revisions, sponsored by Sen. Todd Weiler, prevents wholesale fishing expeditions by requiring law enforcement to obtain a warrant prior to searching an individual's records in the statewide prescription drug database. Additionally, the bill allows for individuals listed in the database to see and make changes to records, if necessary, and to view who has accessed his or her records, unless currently under active law enforcement investigation.


[Criminal Justice Recap of 2015: Part 1 \(3/20/15\)](#)

ACLU of Utah's Position	Final Legislative Action
	Signed into Law

SB178 Administrative Subpoena Amendments, sponsored by Sen. Marc Madsen. This bill would have required law enforcement to establish probable cause of wrongdoing before an administrative subpoena can be issued.


ACLU of Utah's Position	Final Legislative Action
	Died in the Senate

SB226 Search and Seizure Amendments, sponsored by Sen. Marc Madsen, requires law enforcement to get a warrant before using infrared devices to scan the exterior of homes and buildings. These devices essentially allow officers to see through walls; this legislation affirms that the 4th Amendment applies to this new technology.


ACLU of Utah's Position	Final Legislative Action
	Signed into Law

SB252S01 Law Enforcement Use of Force - Interim Study, sponsored by Sen. Howard Stephenson, This bill would require the Administrative Rules Committee to study the issue of law enforcement use of force. While the bill did not pass, the Administrative Rules Committee, as well as other interim legislative committees are nonetheless devoting time this summer to the discussion of these issues.

[Criminal Justice Recap 2105: Part 2 \(3/20/15\)](#)


ACLU of Utah's Position	Final Legislative Action
	Died in the Senate

SB290 Civil Actions Involving Law Enforcement Officers or Emergency Vehicle Operators, sponsored by Sen. Marc Madsen. This bill attempted to amend provisions relating to civil actions involving law enforcement officers or emergency vehicle operators. Specifically, SB 290 repeals the provision that the operator of an authorized emergency vehicle owes no duty of care to a person who is a suspect in the commission of a crime. This bill also sought to amend the current requirement that an individual post a bond before being able to file a law suit against a law enforcement officer for conduct within the scope of his or her duties.

ACLU of Utah's Position	Final Legislative Action
	Died in the House


LGBTQ & Religious Liberty

HB66 - Marriage Modifications, sponsored by Rep Jacob L. Anderegg, attempted to affirm that a person authorized to solemnize a marriage is not required to solemnize a marriage that violates the person's religious belief system.

ACLU of Utah's Position	Final Legislative Action
	Died in the House

HB322S03 Religious Liberty Act, sponsored by LaVar Christensen, would have, among other things, established that religious belief is a defense to civil rights actions, including actions brought for discrimination. This bill was expansive, and would have applied to actions between private individuals, as well as those against the government.


[ACLU of Utah and Equality Utah Celebrate SB 296; Rejects the Harmful Provisions of HB 322 \(3/12/15\)](#)

ACLU of Utah's Position	Final Legislative Action
	Died in the Senate


HB447S02 Protections on Parental Guidance in Public Schools, sponsored by Rep. Brad L. Dee. This bill was touted initially as merely a codification of existing administrative rules regarding when students can opt out of sex education. As originally drafted however, HB 447 substantially broadened the circumstances upon which a student or parent could opt out of class, including the ability to opt out of any LGBT-related discussion. Fortunately, the bill was modified and as passed, now substantially reflects existing policy.

ACLU of Utah's Position	Final Legislative Action
Neutral as amended	Signed into Law


HJR5 Proposal to Amend Utah Constitution -- Protection of Religious Rights, sponsored by Rep. Jacob Anderegg. This bill would have put to Utah voters the question of whether to amend the Utah Constitution to clarify that those given the authority to perform marriages in Utah should be allowed to refuse to perform marriages if motivated by religious belief. Luckily, this bill did not advance.

ACLU of Utah's Position	Final Legislative Action
	Died in the House

SB99 Public Accommodation Fairness Act, sponsored by Sen. Jim Dabakis, would have prohibited discrimination in a place of public accommodation, such as a business or hotel, on the basis of sexual orientation, gender identity, or gender expression.

ACLU of Utah's Position	Final Legislative Action
	Died in the Senate

SB100 Antidiscrimination Amendments, sponsored by Sen. Stephen Urquhart, sought to add sexual orientation and gender identity to Utah’s existing nondiscrimination law to provide protection from discrimination for LGBT people in housing and employment. SB 296 ultimately replaced this bill, see below.

ACLU of Utah's Position	Final Legislative Action
	Died in the Senate


SB296 Antidiscrimination and Religious Freedom Amendments, sponsored by Sen. Stephen Urquhart. This bill is the result of years of negotiation and lobbying and adds sexual orientation and gender identity to Utah’s existing nondiscrimination law to provide protection from discrimination for LGBT people in housing and employment. The bill also offers protections for religious speech in and outside of the workplace, so long as it is non-disruptive and non-harassing.

[SB296 Frequently Asked Questions](#) (3/18/15)

[ACLU of Utah and Equality Utah Celebrate SB 296; Reject the Harmful Provisions of HB 322](#) (3/12/15)

[ACLU of Utah Lauds Bill Providing Protections for Gay and Transgendered Utahns](#) (3/4/15)


ACLU of Utah's Position	Final Legislative Action

	Signed into Law
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SB297S02 Protections for Religious Expression and Beliefs about Marriage, Family, or Sexuality, sponsored by Sen. J. Stuart Adams, as amended, codifies principles of the 1st Amendment, whereby churches are not required to perform those marriages that are contrary to their beliefs. The bill also requires all county clerk offices to solemnize marriages, or to make available an authorized individual to solemnize marriages outside of the clerk’s office.

[SB 297 Frequently Asked Questions \(3/18/15\)](#)

[ACLU of Utah Strongly Opposes SB 297 \(3/6/15\)](#)

ACLU of Utah's Position	Final Legislative Action
	Signed into Law

Participatory Democracy & Voting Rights

HB51 - Voter Eligibility Amendments, sponsored by Rep. R. Curt Webb, allows a person who challenges a voter's right to vote to submit documents in support of the person's claim: allows a challenged voter to submit documents in support of their right to vote; and limits the scope of a district court's review of an election officer's decision on a challenge to a voter's right to vote.


ACLU of Utah's Position	Final Legislative Action

OPPOSE in Part	Signed into law
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HB107S02 Political Issues Committee Amendments, sponsored by Rep. Brian M. Greene, amends the Election Code in relation to the definition of, and the requirements placed on, a political issues committee. It provides that a political issues committee does not include certain associations of individuals who seek to challenge a single ballot proposition, ordinance, or other governmental action of a county, city, town, local district, special service district, or other local political subdivision of the state; and changes the amount of political issue expenditures that trigger the requirement for a political issues committee to file a statement of organization and a financial report.

ACLU of Utah's Position	Final Legislative Action
MONITOR	Signed into law

HB177S02 Modifications to Voting Law, sponsored by Rep. Fred C. Cox, establishes that a voter's absentee status does not expire, unless the voter designates otherwise.

ACLU of Utah's Position	Final Legislative Action
	Signed into law

HB200 Task Force on Voter Participation, sponsored by Rep. Patrice M. Arent, would have created the Voter Participation Task Force to study and make recommendations on how the state can improve voter participation.

ACLU of Utah's Position	Final Legislative Action



Died in the House

HB219 Election Day Voter Registration Pilot Project Amendments, sponsored by Rep. Rebecca Chavez-Houck, expands the Election Day Voter Registration Pilot Project to permit an individual to register to vote, and vote, on a day when early voting is held.

ACLU of Utah's Position	Final Legislative Action
	Signed into law

HB220 Vote by Mail Amendments, sponsored by Rep. Rebecca Chavez-Houck, provides that when an absentee ballot is submitted by mail, the ballot is timely if the ballot is clearly postmarked, or otherwise clearly marked as received by the post office before election day.

ACLU of Utah's Position	Final Legislative Action
	Signed into law

HB306 Fees for Government Records Requests, sponsored by Rep. Brian S. King, would have modified provisions of the State Open Records Law relating to fees charged for record requests. This bill would have allowed a governmental entity to fulfill a record request without charge if it determines that releasing the record primarily benefits the public rather than a person, or if the individual requesting the record is the subject of the record.

ACLU of Utah's Position	Final Legislative Action



Died in the House

Personal Liberty

HB391 Utah Death with Dignity Act, sponsored by Rep. Rebecca Chavez-Houck, would have allowed terminally ill individuals to receive a prescription for medication to end life in certain circumstances. In addition, the bill set requirements for prescribing physicians and for patients to assure that the decision to receive such medication is willing, informed and voluntary.


ACLU of Utah's Position	Final Legislative Action
	Died in the House

Women's Rights


HB105S01 Antidiscrimination Modifications, sponsored by Rep. Justin J. Miller, modifies the Utah Antidiscrimination Act to include breastfeeding or medical conditions related to breastfeeding, thus providing protection from discrimination for working mothers.

ACLU of Utah's Position	Final Legislative Action
	Signed into Law


HB154 Jury Duty Exemption Amendments, sponsored by Rep. Mike K. McKell, provides that a mother who is breastfeeding a child may be excused from jury service.

ACLU of Utah's Position	Final Legislative Action
	Signed into Law


HB242 State and Local Government Employee Policies, sponsored by Rep. Justin J. Miller, requires a public employer to: provide reasonable breaks for a public employee who is breastfeeding; provide a public employee access to a room with privacy and a refrigerator for breastfeeding purposes; and adopt policies to support breastfeeding; and prohibits a public employer from discriminating against an employee who is breastfeeding in the workplace.

ACLU of Utah's Position	Final Legislative Action
	Signed into law

HB274 Jury Duty Exemption Modifications, sponsored by Rep. Justin J. Miller, would have provided that a mother who is breastfeeding a child may be excused from jury service.


ACLU of Utah's Position	Final Legislative Action
	Died in the House

HB316 Parental Leave for State Employees, sponsored by Rep. Justin J. Miller, would have required an executive agency to provide an eligible employee parental leave upon the birth or adoption of the employee's child; prohibits an executive agency from charging parental leave against sick or annual leave; and requires the Department of Human Resource Management to adopt rules to administer parental leave.

ACLU of Utah's Position	Final Legislative Action
	Died in the House

Immigrants' Rights

SB184 Driving Privilege Card Application Amendments, sponsored by Sen. Curtis Bramble. This bill modifies the requirements for obtaining a driving privilege card in Utah. The new law requires that the fingerprints and criminal background information of applicants now be registered in a federal database.

ACLU of Utah's Position	Final Legislative Action
	Signed into law

Privacy & Technology

HB68S04 Student Privacy Study, sponsored by Rep. Jacob L. Anderegg, requires the State Board of Education to develop a funding proposal and make recommendations to the Legislature on how the State Board of Education and the Legislature can update student privacy laws in statute and in board rule; requires the State Board of Education to designate a chief privacy officer; and requires the State Board of Education and the chief privacy officer to report to the Public Education Appropriations Subcommittee.

ACLU of Utah's Position	Final Legislative Action

MONITOR	Signed into law
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HB150 Prohibition on Electronic Data Collection Assistance, sponsored by Rep. Marc K. Roberts, would have prohibited cooperation between a federal agency that collects electronic data and any state political subdivisions, or state agencies and their employees or contractors. It also would have allowed any citizen to bring an action to enforce the refusal and provided penalties for violations.

ACLU of Utah's Position	Final Legislative Action
MONITOR	Died in the House

Reproductive Rights

SB16 Certificate of Stillbirth Amendments, sponsored by Sen. Evan Vickers. This bill amends the definition of a dead fetus to allow parents to request a death certificate in the case of an early term stillbirth, if desired.

ACLU of Utah's Position	Final Legislative Action
MONITOR	Signed into Law

2nd Amendment

HB260 Concealed Firearm Permit Amendments, sponsored by Rep. Curtis Oda, would have allowed for a person, who is 21 years of age or older and who may lawfully possess a firearm, to carry an unloaded concealed firearm.

ACLU of Utah's Position	Final Legislative Action
MONITOR	Died in the House