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GENERAL SESSION

March 5, 2008

Program Topic: Immigration Issues: SB 97 Immigration Task Force (Information Session)

**Presented by: Business/Labor/Public Utilities & Technology/Workforce Services/
Community & Economic Development**

Co-chairs: Raylene Ireland and Annette Call

Director: Martine Smith

**Speakers: Sen. Scott Jenkins (R) District 20, Weber County; sponsor, SB97
Sen. Ross Romero (D) District 7, Salt Lake City (S.C. east bench)**

Sen. Jenkins began by attempting to explain why we have studied illegal immigration so long and are not ready to act. First, even though this issue impacts states, it is really a federal issue and Congress has not acted. Even the current laws, which he believes are good, are not being enforced. Because the federal government isn't taking action, three states have acted on their own. These states are now in court defending their bills.

Sen. Jenkins briefly outlined the concept behind **SB97–Immigration Task Force**, and then described its intended relationship to **SB81–Illegal Immigration**, sponsored by Sen. John Hickman (R). **SB81** is patterned after a law passed in Oklahoma. Therefore, the first reason to study the issue is because those states whose laws are being contested “haven't gotten it right or they wouldn't be in court. Why should we repeat their mistakes?”

The second reason to continue study of this issue is that we should not inject a potentially flawed state law into the complications arising from the impending election of a new U.S. President. We

don't know what policy changes will be coming from Washington in the near future. The intent of **SB97** is to slow the implementation of **SB81**, which will now not take effect until July, 2009.

A few facts were offered. **1)** Arizona, which recently passed an illegal immigration law, is beginning to experience a slowing of its economy. Though it's not known whether the law had an impact, it is a concern. **2)** The national economy is also slowing. **3)** The national housing industry which hires large numbers of illegal workers is also unstable. **4)** Implementing a tough illegal immigration bill at this time could potentially slow Utah's currently robust economy. **5)** Over 50% of our current illegal immigrants came into the country legally but failed to go home when their visas expired.

Sen. Jenkins has spoken to some of the Minutemen in Arizona. Although they were concerned about the impact of illegal workers on our economy and health care, it was acknowledged these workers often pay taxes, both income and Social Security, but won't collect Social Security benefits. A study in Texas

indicates the state may have realized a positive impact of \$4 billion a year from the illegal presence there. A similar effect could possibly exist in Utah.

One of the Minutemen was asked about any difference in the people crossing the border now as opposed to years past. His observation was there is a more criminal element now. Because of this, Sen. Jenkins would support securing the border, explaining Mexico has no incentive to assist in reducing illegal immigration. Mexico's second largest revenue source (approaching \$20 billion per year) is U.S. dollars sent home by illegal workers.

Most people don't object to immigrants coming here. We are a country of immigrants. It is the process that is in need of repair. The wait for those entering legally takes far too long. We need to have "tight rules with a broad gate," including a fair guest worker program which should be part of a broad comprehensive reform measure set by Congress.

Sen. Romero explained his rationale for opposing **SB81**. Our (Utah) community hasn't experienced the concentration of illegal immigrants as have the border states of New Mexico and Arizona. Consequently, we haven't yet paid as much legislative attention to this issue. Utah legislation won't solve the national problem and it may create a competitive disadvantage for labor in our state. We should examine incentives we could use to recruit and hire labor from other states.

Noting the impact on Arizona and Oklahoma of their immigration bills, he said the delayed implementation of **SB81** gives us time to study the issues involved if **SB97** is passed and funded with a fiscal note of \$23,000. (For perspective, the Health Care Reform study has a fiscal note of over \$200,000.) Two issues in particular that need to be studied are health care and education.

The federal government has mandated states to provide education and some health care to all residents, legal or not.

Sen. Romero described the "push/pull" nature of the illegal immigrant situation. Workers are being pushed toward the U.S. by the lack of jobs and the failure of their governments to improve economic conditions. They are also being pulled toward the U.S. because of available jobs and benefits. Illegal immigrants are mostly adult males. Many have brought their families, including a number of children.

Regarding assimilation, some complain that members of the Spanish speaking community are not adopting our language and culture. Throughout our history, time was needed for various ethnic groups to assimilate. On the one hand, we tell guest workers they need to learn our language. On the other hand, we say they should be here only temporarily. This is a mixed message and should be part of the discussion as we continue to study the issues.

Our diversity is valuable. Many come here legally, waiting their turn. Those who are here illegally shouldn't move ahead of those waiting legally. However, Sen. Romero suggests paying a fine, staying out of trouble, and contributing to the economy ought to merit some value in the process toward legalization. Some incentive (such as withholding a portion of wages, to be returned upon leaving the U.S.) could also be considered.

Sen. Romero does not believe an undocumented worker who speaks English poorly is likely to displace an American worker. He agrees with "a tall wall and a wide gate" policy. Many more work visas should be granted. Again, he stressed this should be addressed at the federal level.

*(Reporter's note: **SB97** did not pass the House.)*

Reported by Stuart Gygi

General Session II

**Program Topic: Pornography and Current Legislation:
HB0018S01 – Material Harmful to Minors Amendments
SB0183 – Child Pornography Amendment
(Information Session)**

**Presented by: Judiciary/Law Enforcement & Criminal Justice/
Political Subdivisions/ Revenue & Taxation/
Transportation/ Government Operations**

**Co-chairs: Isabel Cannon & Junko Schimizo
Director: Tibby Milne**

**Speakers: Capt. Rhett McQuiston – Chief Investigator, Utah Internet Crimes
Against Children (ICAC) Task Force; Attorney General’s Office
Zachary Snow – Special Agent; Utah Internet Crimes Against
Children (ICAC) Task Force**

Tibby Milne introduced the speakers and explained (although **HB0018S01** is enrolled and **SB0183** is in the House) the issue of child pornography is so invasive to Utah that this session’s format will be informational rather than a debate. She stated the ICAC Task Force was the first unit of its kind created in the nation. It has set the standard for the rest of the states.

Capt. Rhett McQuiston indicated his number one priority is to protect children from predators on the Internet. He is proud to say, for our comparatively small Utah population, we have the leading task force in the nation. However, our statistics involving this issue are comparable with some larger states, which serve to underscore the insidious nature of the problem.

Ten to twenty years ago, before the Internet was widely available and home computers were not as prevalent, pornography generally was confined to printed material. Now, even our children may unintentionally be only a few ‘clicks’ removed from the vilest of pornographic images. Capt. McQuiston offered a surprising statistic. Utah leads the nation (and, therefore, the world) in multi-computer households, with the average home having four, including lap top models.

Special Agent Zachary Snow, responding to questions relating to new technology which can assist field agents, stated they have a program which is capable of changing the pornographic images into a number of digital codes. This has been helpful, as there is a high burn-out factor among agents who must cope with the emotional trauma of having to view these unwanted images on a daily basis.

When asked about penalizing service providers who host child pornography sites, Capt. McQuiston responded that a federal law was passed mandating any Internet service provider who hosts a child pornography site be fined with a stiff penalty. The provider must also report to the National Center for Missing & Exploited Children (*www.missingkids.com*), which is the clearing house for Internet task forces across the nation. More stringent control has been exerted within the past five years, as both lawmakers and the public have become aware of this crippling social problem.

Capt. McQuiston urged anyone who learns of a service provider hosting a child pornography site to contact the Utah Attorney General’s Office. (*Toll free within the State of Utah: (800) AG4-INFO (244-4636); email to: uag@utah.gov*)

Agent Snow stated although there is easy access to these sites on the Internet, the most alarming and rapidly-growing area of concern is the use by adolescents of iPods and cell phones. These devices have become virtual mini-computers in their capacity to download, send and even create images. In 2007, 'children' themselves became the number-one producer of child pornography by using their cell phones and iPods.

Adolescents now expose themselves in messages and pictures as they probably never would do face-to-face with another person. For example, in a cell phone conversation a child or youth may be asked by a friend for a suggestive picture. Initially embarrassed, they often consent, thinking this is a private exchange between friends. But 'friends' can then post these on the Internet. A message or image, once posted, can never be recalled. It is forever available to anyone, anywhere. Even an innocent photo can be cut, pasted, and used abusively for child pornography.

Capt. McQuiston, when asked if enough resources were available to combat child pornography, replied the ratio was roughly equivalent to having a single police officer assigned to handle all crime in the state of Utah.

Agent Snow agreed, although noting parents can take proactive steps by **1)** controlling computer passwords and changing them

frequently, **2)** purchasing approved content protection/parental control software, **3)** positioning computers in high-traffic areas of the house, **4)** having access to all cell phone accounts **5)** guiding their children to age-appropriate, safe web sites, **6)** maintaining open communication about these sensitive subjects with their children and **7)** becoming more computer-savvy themselves.

Unfortunately there are no firm statistics on recovery rates for child pornography addicts. There is a favorable rate of recovery while offenders are on parole. But once off parole, they tend go back to their old habits.

Both Capt. McQuiston and Agent Snow emphasized those involved in child pornography come from all walks of life. It is a private or 'secret' crime that crosses all socio-economic, religious, age and gender boundaries.

The Utah Attorney General's Office has a full-time presenter available with school programs suitable for every age group, as well as for church groups and other gatherings. Capt. McQuiston and Agent Snow are always willing to present information to interested groups of people anywhere throughout the state. (801-5144287; rhettmcquiston@utah.gov) An informed public is the best defense.

Reported by Darlene Hutchison

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