

**MIDYEAR MEETING
OF THE COMMITTEE ON SCOPE AND PROGRAM**

UNIFORM LAW COMMISSION

**Friday, January 22, 2016
Amelia Island, Florida**

Minutes

The meeting of the Committee on Scope and Program was convened at 9:00 am on Friday, January 22, 2016, at the Amelia Island Ritz Carlton, in Amelia Island, Florida, by Chair Carl Lisman. Committee members Effie Cozart, Gail Hagerty, Thomas Hemmendinger, Ed Smith, Elisa White, Steve Wilborn, Steven Willborn and Ryan Leonard were present. Also present were Richard T. Cassidy, President; Anita Ramasastry, Chair of the Executive Committee; Harriet Lansing, Immediate Past President; and Peter Lown from the Uniform Law Conference of Canada. Staff members present included Liza Karsai, Executive Director; and Katie Robinson, Legislative Program Director and Communications Officer. Attending for a portion of the meeting via conference phone was Commissioner Klint Kesto.

Chair Lisman welcomed the committee and discussed the agenda for the meeting. Upon a motion duly made, the minutes from the July 11, 2015, and the November 11, 2015, meetings of the Scope and Program Committee were unanimously approved.

Study Committee Reports

- Study Committee on **Harmonization of the Law of Canada, Caribbean Nations and the U.S. on Registration of Foreign Judgments**
(Kathy Patchel, Chair) – Scope Liaison Steve Wilborn

Commissioner Wilborn reported on the progress of this study committee. The Committee has contacted individuals in the Caribbean that might be interested in this project, as well as the project on Harmonization of the Law of Caribbean Nations and the U.S. on Enforcement of Child Custody and Support Orders. Because there seems to be more support for a possible project on child custody and support orders, this committee may proceed as a first step with Canada rather than Caribbean nations. The committee requests that it continue.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Harmonization of the Law of Caribbean Nations and the U.S. on Enforcement of Child Custody and Support Orders**
(Howard Swibel, Chair) – Scope Liaison Gail Hagerty

Commissioner Hagerty reported on the progress of this committee. The Committee has contacted individuals in the Caribbean that might be interested in this project, and will continue

its outreach. Because there seems to be more support for a possible project on child custody and support orders, rather than registration of foreign judgments, the committee recommends that it be advanced to the Drafting Committee stage, with the recruitment of a reporter or consultant, and the convening of an initial in-person meeting.

After discussion, the Committee on Scope and Program recommended that a drafting committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a drafting committee to Harmonize the Law of Caribbean Nations and the U.S. on Enforcement of Child Custody and Support Orders be formed, subject to the condition that the ULC receive commitments from a sufficient number of Caribbean nations to participate in the drafting committee process.

On January 23, the Executive Committee approved the following amended resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a drafting committee to Harmonize the Law of Caribbean Nations and the U.S. on Enforcement of Child Custody and Support Orders be formed, subject to the demonstration by a sufficient number of Caribbean nations that they will participate in the drafting committee process, and that funds be made available to the ULC to support the drafting effort.

With the approval of a drafting committee, the Study Committee has been discharged, and the following resolution was approved by consent:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee to Harmonize the Law of Caribbean Nations and the U.S. on Enforcement of Child Custody and Support Orders be discharged with a letter of thanks to the committee.

- Study Committee on **Compatible Search and Retrieval Systems for Land Records**
(Nora Winkelman, Chair) Scope Liaison Carl Lisman

Commissioner Lisman reported on the progress of this study committee. The committee gathered current data on state electronic searches and various states' procedures. After discussions on whether to move forward, either to draft a stand-alone act or to draft amendments to the Uniform Real Property Electronic Recording Act, the chair polled the committee members. By a vote of 9-2, the committee recommends that it be discharged.

After discussion, the Committee on Scope and Program recommended that the study committee be discharged.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee on Compatible Search and Retrieval Systems for Land Records be discharged with a letter of thanks to the committee.

On January 23, 2016, the Executive Committee approved this resolution.

- Study Committee on **State Regulation of Driverless Cars**
(Pam Bertani, Chair) Scope Liaison Ryan Leonard

Commissioner Leonard reported on the progress of this study committee. The committee has developed an extensive issues memorandum and held a stakeholders' meeting last spring to further vet the prospective issues for consideration. The committee requests that it be continued for at least one more year, and plans to issue its final report and substantive outline in the Fall of 2016, which would coincide with the publication of AV ("automated vehicles") best practices guidelines by AAMVA (American Association of Motor Vehicle Administrators) / NHTSA (National Highway Transportation Safety Administration).

After discussion, the Committee on Scope and Program determined that the study committee be continued. The Scope and Program Committee also recommends that the ULC Technology Law Committee review the work of the study committee and the issues that need to be addressed, and if it has any views, to report back to this committee before the next meeting of Scope.

- Study Committee on **Transfer and Recording of Consumer Debt**
(Tom Buiteweg, Chair) Scope Liaison Ed Smith

Commissioner Smith reported on the progress of this study committee. The committee has engaged a Reporter, Katherine Porter, and has made significant progress in consideration of the issues identified for review. The committee is considering holding a stakeholders meeting in the spring, with the hope that a final report can be submitted to this committee for consideration at the 2016 Annual Meeting. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Bad Faith Patent Demand Letters**
(Dan Robbins, Chair) Scope Liaison Tom Hemmendinger

Commissioner Hemmendinger reported on the progress of this study committee. The committee has had several conference calls and has reached out to numerous stakeholders with specific questions about this project. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued. The Scope and Program Committee also recommends that a member of the ULC Committee to Monitor Health Law be added as an observer to this study committee, as health-related companies are often part of bad faith patent demand letters litigation.

- Study Committee on **Declarations of Quarantine**
(Elisa White, Chair) Scope Liaison Effie Cozart

Commissioner Cozart reported on the progress of this study committee. The committee is currently reviewing the current status of state laws, and has recently begun its outreach to potential stakeholders. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Involuntary Pornography Websites**
(Vince Cardi, Chair. Leonard Reese, Vice Chair) Scope Liaison Steve Willborn

Commissioner Willborn reported on the progress of this study committee. The committee held its first conference call in the Fall 2015 and has a long list of interested stakeholders who are already actively participating. The committee anticipates at least two more meetings in Spring 2016, with a final report expected for this committee's consideration at the 2016 Annual Meeting. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Regulation of Drones**
(Paul Kurtz, Chair, Mark Glaser, Vice Chair) Scope Liaison Tom Hemmendinger

Commissioner Hemmendinger reported on the progress of this study committee. The committee held its first conference call in Fall 2015, which included numerous ABA Advisors. The committee will continue its outreach to other interested stakeholders. The committee has produced a memorandum outlining the current landscape of state drone regulation and articulating the privacy issues involved. At the next conference call, the committee expects to hear about the content of the interim final rule proposed by the FAA on the regulation of drones. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Model Equal Rights Act**
(Harry Tindall, Chair, Peter Langrock, Vice Chair) Scope Liaison Elisa White

Commissioner White reported on the progress of this study committee. The committee held its first conference call in Fall 2015, and the committee will continue to discuss the breadth

of this project, particularly how to narrow the scope. The committee requests that it be continued.

The Scope and Program Committee recommends that President Cassidy speak with the Chair and Vice Chair about how the European community has approached these issues in the context of human rights, rather than through the addition of protected classes.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

Joint Editorial Board Written Reports and Recommendations

- **JEB – Uniform Family Law**
(Barbara Atwood, Chair) – Scope Liaison Gail Hagerty

Commissioner Hagerty reported on the proposal from the JEB to appoint a study committee to explore the feasibility of a uniform law governing the economic rights of unmarried cohabitants. The states differ significantly on how they handle property and support issues when a cohabitation ends. Courts are handling cases on a case-by-case basis, without a comprehensive statutory approach.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed.

The Committee on Scope and Program, by a vote of 7-2, approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation concerning the economic rights of unmarried cohabitants.

On January 23, the Executive Committee did not approve this resolution.

Commissioner Hagerty reported on the two proposals on adoption that had been previously forwarded to the JEB for its review and consideration. The first was a proposal to develop a law on “rehoming” of adopted children. The JEB is of the opinion that the rehoming practice is already adequately addressed by existing law, and the rehoming phenomenon lies in lax enforcement of those existing laws. Therefore, JEB does not recommend further review of this proposal. The second was a proposal to facilitate the interstate adoption of children in state foster care. The JEB consensus was that Congress is the appropriate forum for addressing this issue, since federal incentive payments in the child welfare system pervade state practice. Therefore, the JEB does not recommend further review of this proposal.

After discussion, the Committee on Scope and Program accepted the recommendations from the JEB and concluded to take no action at this time on either proposal.

- **JEB – Uniform Trust and Estate Acts**
(Tom Gallanis, Executive Director) – Scope Liaison Steven Willborn

Commissioner Willborn reported on the two proposals that had been forwarded to the JEB for its review and consideration. The first is a proposal from Prof. Karen Boxx for a study committee to consider whether a uniform act should be drafted to provide a trust format for funds raised by minors by public fundraising efforts (“crowdfunding”). The JEB recommends to this committee that a study committee be formed, and that this committee should consider broadening the charge to the study committee so as to include funds raised for adults as well as children.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation concerning the trust management of funds raised through crowdfunding.

On January 23, 2016, the Executive Committee approved the following amended resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation concerning the trust management of funds raised for individuals and families by public fundraising efforts, such as crowdfunding.

The second proposal is a proposal from Prof. Judy Clausen for a study committee to consider whether a uniform law should be drafted on mental health advance directives (MHAD), or whether the Uniform Health Care Decisions Act should be amended to include MHADs. The JEB does not recommend the appointment of such a study committee, either for a potential stand-alone act or as amendments to the UHCDA. The UHCDA focuses on medical advance planning with an emphasis on end-of-life decision making, and it expressly allows patients to revoke their directives.

After discussion, the Committee on Scope and Program accepted the recommendation from the JEB and concluded to take no action at this time.

- **JEB – Uniform Real Property Acts**
(Wilson Freyermuth, Executive Director) – Scope Liaison Carl Lisman.

The JEB submitted a report. There was no proposal from the JEB, and the report of the JEB was accepted.

- **JEB – International Law**
(Michael Houghton, Co-Chair) – Scope Liaison Elisa White

The JEB submitted a report. There was no proposal from the JEB, and the report of the JEB was accepted.

- **JEB – Unincorporated Organization Acts**
(Daniel Kleinberger, Director of Research) – Scope Liaison Tom Hemmendinger

There was no proposal from the JEB, and no new report of the JEB to be considered.

- **PEB – Uniform Commercial Code**
(Neil Cohen, Director of Research) – Scope Liaison Ed Smith

Commissioner Smith reported on the proposal of the PEB to appoint a drafting committee to revise UCC Articles 1, 3, and 9 to provide the substantive commercial law rules necessary to support an electronic registry for residential mortgage notes on a national basis. Developments in electronic technology with regard to the payments system, as well as the development of securitization as a common practice with regard to mortgage notes, have created the need for a more efficient and less costly means than the current paper-based rules of UCC Article 3 to identify who is entitled to enforce a residential mortgage note and how the debt evidenced by the note is transferred. In response to that need, the concept of an electronic mortgage note registry has been proposed by both the Federal Reserve Bank of New York and the ULC as a way to address this problem. Unless UCC Articles 1, 3, and 9 are revised to provide the underlying substantive commercial law rules for the registry, then the UCC could be displaced with regard to notes in the registry.

After discussion, the Committee on Scope and Program recommended that a drafting committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee to Revise UCC Articles 1, 3, and 9 be formed to provide the substantive commercial law rules necessary to support an electronic registry for residential mortgage notes on a national basis.

On January 23, 2016, the Executive Committee approved this resolution.

New or Pending Proposals

- Proposal – **Electronic Data Recorders in Cars**
(Commissioner David Biklen) Scope Liaison Steve Wilborn

Commissioner Wilborn reported on this proposal. This is a proposal to regulate the use of event data recorders (EDRs) in cars. EDRs record information such as the car's speed, the occupants' use of seatbelts, the car's location, and brake usage. A number of questions have arisen about the accuracy of the information gathered, how the information is used, and who has access to that information.

At its 2015 annual meeting, this committee had referred this proposal to the ULC Technology Law Committee for further review and consideration. The Technology Law Committee, in its review, discussed a number of issues related to the proposal, including the intersection with insurance law (which is governed solely by state law); privacy issues; the current work of the study committee on regulation of driverless cars; and the number of states that have attempted to address this issue. The unanimous consensus of the Technology Law Committee was that this is an important and emerging area of the law, and a study committee would be warranted.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation on event data recorders in cars.

On January 23, 2016, the Executive Committee approved this resolution.

- Proposal – **Identity Management in Electronic Commerce**
(Commissioner Henry Gabriel) Scope Liaison Steven Willborn

Commissioner Willborn reported on this proposal to appoint a study committee for a Uniform Act on Identity Management in Electronic Commerce. Identity management is a set of processes to manage the identification, authentication, and authorization of individuals, legal entities, devices or other subjects in online and other electronic contexts. A Uniform Law of Identity Management in Electronic Commerce may not only reduce significant risks in electronic commerce, but also provide a basis for further growth of trustworthy electronic commerce.

At its 2015 annual meeting, this committee had referred this proposal to the ULC Technology Law Committee for further review and consideration. The Technology Law Committee, in its review, discussed a number of issues related to the proposal, including the fact that this has been under discussion in one form or another for more than 30 years, predating the ULC's work on the Uniform Electronic Transactions Act. The Technology Committee also

noted that the ABA has established an ID Management Legal Task Force which is reviewing this issue. Because of the work that ULC has done in this area, as well as continued discussions of this matter in other forums such as the ABA, the State Department, and international organizations, the Technology Committee believes that it is important to continue to monitor the work in this area, and the Technology Committee recommended the appointment of a working group to monitor the issue. The Committee on Scope and Program considered the recommendation from the Technology Law Committee, and concluded that a study committee would be the more appropriate vehicle for further review, rather than a working group.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation concerning identity management in electronic commerce.

On January 23, 2016, the Executive Committee approved this resolution.

- Proposal – **Uniform Escheat Act**
(Commissioner Charlie Trost) Scope Liaison Effie Cozart

Commissioner Cozart reported on this proposal to appoint a study committee to review the status of state escheat laws to determine if there is a need to draft a uniform act on the subject, and if so, whether the Act be a stand-alone act or if it should be an addition to the Uniform Unclaimed Property Act. Escheat laws are not to be confused with unclaimed property laws, in which the state takes custody of abandoned property to hold for the benefit of the owner. In an escheat the state succeeds to legal ownership of the property.

At its 2015 annual meeting, this committee had referred this proposal to the Drafting Committee to Revise the Uniform Unclaimed Property Act to consider possible inclusion of relevant escheat issues in the Revised Act. Commissioner Trost, who is also reporter for the Drafting Committee, recommended that Scope take no further action on this proposal.

After discussion, the Committee on Scope and Program referred the proposal to the Joint Editorial Board for Uniform Trust and Estate Law for further review, with the request that the JEB report back its findings at the July 2016 meeting of the Scope and Program Committee.

- Proposal – **Financial Support of Young Adults in Foster Care**
(James Bristol, Esq.) Scope Liaison Steve Wilborn

Commissioner Wilborn reported on this proposal to appoint a study committee to research the laws in the various states governing the provision of financial support for young adults in foster care who have attained majority age, as well as federal laws that provide funding.

The purpose of the study committee would be to determine the efficacy of a uniform law to address the financial support that is funded by states for youth services and foster care.

At its 2015 annual meeting, this committee had referred this proposal back to Mr. Bristol with request that Mr. Bristol provide further information on the current status of state law on the subject, and to reach out to relevant experts, and report back any findings. Mr. Bristol has not provided Scope with any further information.

After discussion, the Committee on Scope and Program referred the proposal back to Mr. Bristol. The Scope Committee also referred the proposal to the JEB for Uniform Family Laws for further review, with the request that the JEB report back its findings at the July 2016 meeting of the Scope and Program Committee.

- Proposal – **Peter Falk’s Law**
(Catherine Falk) Scope Liaison Steve Wilborn

Commissioner Wilborn reported on this proposal to appoint a study committee to study the feasibility of a state law which would create a legal process for the adult children of parents to petition the courts for visitation in situations where no conservatorship exists and the caretaker of the parent is denying visitation. This proposal was originally considered by this committee at its 2015 annual meeting.

At its 2015 annual meeting, this committee had referred this proposal to the drafting committee to Revise the Uniform Guardianship and Protective Proceedings Act to consider possible inclusion of this issue in the Revised Act, or whether there is a need to take a different approach. The drafting committee discussed the issue at its Fall 2015 meeting, and there was general support for creating a presumption in favor of visitation with friends and family members such that visitation could not be permanently prevented without court approval, but perhaps could be temporarily restricted by a guardian. Per this discussion, the reporter for the drafting committee will add language addressing this issue in the next draft of the act. Because the issue of visitation rights also affects persons who are not subject to guardianship, the drafting committee also recommends that the proposal should be forwarded to both the JEB for Uniform Trust and Estate Acts and the JEB for Uniform Family Law Acts.

After discussion, the Committee on Scope and Program accepted the recommendation from the Drafting Committee to Revise the Uniform Guardianship and Protective Proceedings Act, and refers the proposal to the JEB for Uniform Trust and Estate Acts and the JEB for Uniform Family Law Acts for further review, with the request that the JEBs report back their findings at the July 2016 meeting of the Scope and Program Committee.

- Proposal – **Anti-SLAPP Act**
(Jay D. Adkisson, Esq.) Scope Liaison Ryan Leonard

Commissioner Leonard reported on this proposal to draft a Uniform Anti-SLAPP Act. The acronym SLAPP stands for “Strategic Lawsuit Against Public Participation,” meaning a lawsuit of dubious merit brought for the purpose of silencing, intimidating, or retaliating against

a defendant who has done nothing more than exercise their lawful rights to free speech and freedom to petition, etc. An Anti-SLAPP Act is legislation that seeks to protect such rights by allowing such a defendant to make a motion at the outset of litigation for an expedited review by the Court, with the burden shifted to the plaintiff to show that the lawsuit is meritorious and that the plaintiff will likely prevail at trial.

After discussion, the Committee on Scope and Program requested that Mr. Adkisson, with the assistance of ULC staff, further research the current status of state law on the subject, and report back to this committee with updated information. This committee also recommends that this proposal be referred to the ULC Committee to Monitor Civil Litigation and Alternative Dispute Resolution. ULC staff is also requested to gather more information on current developments in Canada on this topic, and report back its finding at the July 2016 meeting of the Scope and Program Committee.

- Proposal – **Amend or Revise the Uniform Securities Act**
(Garrett Heilman, ULF Fellow) Scope Liaison Ed Smith

Commissioner Smith reported on this proposal to amend the Uniform Securities Act to make technical corrections so that the Act correctly reference a section of federal law that Congress has recodified elsewhere, and so that the Act could authorize states to require crowdfunding issuers to register by notice filing.

After discussion, the Committee on Scope and Program recommends that the Executive Committee refer the proposed changes to the Chair and/or Reporter of the Uniform Securities Act to determine the efficacy of the proposed amendments.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Uniform Securities Act be amended to make technical corrections and to incorporate the crowdfunding rules from the JOBS (Jumpstart Our Business Startups) Act. Scope recommends that the Executive Committee refer the proposed technical corrections and crowdfunding rule incorporation to the Reporter or Chair of the Uniform Securities Act drafting committee to confirm the efficacy of the proposed changes, and upon that approval, that the Executive Committee so amend the Act pursuant to ULC Constitution Section 4.3(b)(3).

On January 23, 2016, the Executive Committee approved this resolution.

- Proposal – **Firearms Information Reporting**
(Commissioners Jim McKay, Lane Kneedler, Fred Miller, Ted Kramer, Craig Stowers, David Biklen, and Battle Robinson) Scope Liaison Carl Lismann

Commissioner McKay proposed appointment of a committee to draft a uniform state law concerning the completeness, accuracy, and confidentiality of information concerning firearms that the states report to the federal government. The object of the proposal would be to protect

the public by preventing the transfer of firearms to persons who are prohibited from having them, while at the same time, ensuring that responsible firearms owners are not unfairly denied the right to possess firearms, and that the confidentiality of the information is reasonably protected.

Prior to the meeting, the proposal was withdrawn.

- **Proposal – Reciprocity and Recognition of Licensure of Private Investigators**
(Commissioner Clint Kesto) Scope Liaison Steve Willborn

Commissioner Kesto, with ____ and _____, reported on this proposal to create a system of reciprocity and recognition of licensure between states for private investigators and professional investigation firms, to facilitate the already-regulated industry in conducting investigations across state lines that assist law enforcement in combatting crime, and reduce the burden on state and local resources by doing so.

After discussion, the Committee on Scope and Program requested that Commissioner Kesto, with the assistance of ULC staff, further research the current status of state law on the subject, including the issue of licensing vs. certification and who has licensing or certification authority, and report back any findings at the July 2016 meeting of the Scope and Program Committee

Potential Future Projects

The following topics were discussed and evaluated by this committee so as to determine if the committee should recommend further research or review on the particular topic.

- **Putative Father Registry**
(Forwarded by Commissioner Lyle Hillyard) Scope Liaison Gail Hagerty

Commissioner Hagerty reported on this topic. In 2015, the Utah Legislature passed a Joint Resolution urging interstate sharing of putative father registry information, which states: “This resolution urges the Uniform Law Commission to develop model state laws that promote the interstate sharing of putative father registry information.” At its 2015 annual meeting, this committee had referred the proposal to the JEB/Uniform Family Law Acts for further review.

The JEB, after its review, recommends that this proposal, which deals with the possibility of interstate sharing of putative father registry data, be considered by the Drafting Committee to Revise the Uniform Parentage Act.

After discussion, the Committee on Scope and Program accepted the recommendation from the JEB and recommends that the proposal be forwarded to the Drafting Committee to Revise the Uniform Parentage Act.

- **Regulatory Boards and Antitrust Law**
(Forwarded by Commissioner Steve Wilborn) Scope Liaison Ryan Leonard

Commissioner Wilborn reported on this topic. In 2015, the Supreme Court handed down a decision in *North Carolina Board of Dental Examiners vs. Federal Trade Commission*, which held that if a controlling number of the decision makers on a state licensing board are active participants in the occupation the board regulates, the board can invoke state-action immunity only if it is subject to active supervision by the states. Seeing the danger that boards may be left without the expertise needed to regulate their professions, a study committee may be warranted to study the feasibility of drafting appropriate guidelines to deal with the issues raised by the Supreme Court decision.

At its 2015 annual meeting, the Committee on Scope and Program requested that ULC staff continue to monitor the topic. Legislative Program Director Robinson reported that the ULC office had been contacted by a commissioner interested in legislation on this topic, and that the ULC Committee to Monitor Health Law had also discussed the issue.

After discussion, the Committee on Scope and Program referred the proposal to Committee to Monitor Health Law for further review, with the request that the Committee report back its findings at the July 2016 meeting of the Scope and Program Committee.

- **Alternatives to Bail**

(Forwarded by Commissioner Lyle Hillyard) Scope Liaison Gail Hagerty

Commissioner Hagerty reported on this proposal to research and review pretrial alternatives to bail, especially in regard to indigent individuals who do not have the ability to pay the bail that has been set. Currently, 62% of inmates in jail are pretrial inmates who have not yet been to trial, but are held because they cannot post bail. Traditionally, bail is set by a judge based on the severity of the crime. This proposal may lead to the creation of a matrix or guidelines so that judges can make an informed decision about requiring the posting of bail before releasing an inmate. At its 2015 annual meeting, the Committee on Scope and Program requested that ULC staff further review the topic. Legislative Counsel Brian Lewis drafted a memo for Scope's consideration.

The discussion of this proposal and the proposal on police body cameras led to a broader discussion by the Committee on Scope and Program concerning the trend in criminal justice reform. After discussion, the Committee on Scope and Program recommended that a new Committee on Criminal Justice Issues be formed, and that this proposal be forwarded to that new committee for further consideration.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Criminal Justice Issues Committee be established, and if so, to refer to it the proposals on alternatives to bail and police body cameras.

On January 23, 2016, the Executive Committee approved the following amended resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Criminal Justice Reform Committee be established, and if so, to refer to it the proposals on alternatives to bail and police body cameras.

- **Police Body Cameras**

(Aliza Kaliski, ULF Fellow) Scope Liaison Steve Wilborn

Commissioner Wilborn reported on this proposal to study the need for a state law to regulate the use of police body cameras. These cameras provide benefits such as increased transparency and accountability, improved behavior on both sides of the camera, and possible reduction in complaints and use of force. However, police body cameras also raise privacy concerns for both private citizens as well as officers wearing the camera.

This proposal had been considered by Scope at its 2015 midyear meeting, and at that time Scope took no action. But because of recent discussions with other organizations, including the Council of State Governments and the National Conference of State Legislatures, the ULC Committee on State and Federal Relations requested that this proposal be placed on Scope's agenda again.

The discussion of this proposal and the proposal on alternatives to bail led to a broader discussion by the Committee on Scope and Program concerning the trend in criminal justice reform. After discussion, the Committee on Scope and Program recommends that a new Committee on Criminal Justice Issues be formed, and that this proposal be forwarded to that new committee for further consideration.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Criminal Justice Issues Committee be established, and if so, to refer to it the proposals on alternatives to bail and police body cameras.

On January 23, 2016, the Executive Committee approved the following amended resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Criminal Justice Reform Committee be established, and if so, to refer to it the proposals on alternatives to bail and police body cameras.

- **Debtor/Creditor Law**

(Commissioner Jack Davies) Scope Liaison Tom Hemmendinger

Commissioner Hemmendinger reported on this proposal to study the need for a comprehensive state law on a debtor-creditor code.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Revise the Uniform Consumer Credit Code**
(Commissioner Jack Davies) Scope Liaison Ed Smith

Commissioner Smith reported on this proposal to revise the Uniform (now “Model”) Consumer Credit Code. The UCCC was promulgated by the ULC in 1968 and amended in 1974; it was enacted in 10 states.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Forced Marriage**
(Forwarded by Commissioner Carl Lisman) Scope Liaison Effie Cozart

Commissioner Lisman reported on this proposal to address the issue of forced marriage. There are very few laws and policies in the U.S. that are specifically designed to help forced marriage victims, leaving individuals facing forced marriages with few resources and options. Although some states have statutes that criminalize forcing someone into marriage in certain circumstances, these laws seem designed for other purposes than to prevent parents from forcing their children into marriage.

After discussion, the Committee on Scope and Program referred the proposal to the Joint Editorial Board for Uniform Family Law for further review, particularly in regard to the issue of recognition of marriage, with the request that the JEB report back its findings at the July 2016 meeting of the Scope and Program Committee. The Committee on Scope and Program also recommends that the proposal be referred to any Criminal Justice Reform Committee, if authorized by the Executive Committee, for further review on criminality of this conduct.

- **Corruption in Public Office**
(Commissioner Jack Burton) Scope Liaison Carl Lisman

Commissioner Lisman reported on this proposal to appoint a study committee to study potential state law on enhanced penalties for public officials who have been found guilty of corruption.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **GMO Food Labels**
(Commissioner David Biklen) Scope Liaison Carl Lisman

Commissioner Lisman reported on this proposal to consider state law on labeling of GMO (“genetically modified organisms”) ingredients in food products.

After discussion, the Committee on Scope and Program requests that ULC staff continue to monitor the topic, and report back any findings to Scope at its July 2016 meeting.

Other Business

- **Drafting Committee on Wage Garnishment**
(Bill Henning, Chair)

Commissioner Willborn, who is reporter for the drafting committee, reported on this request on behalf of the Drafting Committee on a Wage Garnishment Act that the committee's charge be expanded so that the committee can address two issues: (1) extending the protection of the act to wages that have been subjected to garnishment and are then deposited into a bank account, and (2) protecting garnished employees from retaliation.

After discussion, the Committee on Scope and Program accepted the recommendation from the Drafting Committee, and approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the charge for the Drafting Committee on Wage Garnishment be expanded so that the protections of the Act extend to earnings deposited into bank accounts and so that garnished workers are protected from employer retaliation.

On January 23, 2016, the Executive Committee approved this resolution.

Having no further business, the Committee on Scope and Program was adjourned at 5:30 pm.