



Rep. Cox expressed concerns with removing Section 77-36-2.5. He said other types of child abuse are not covered by the Brady Law and suggested leaving this Section on the list. He also addressed Section 76-5-109(2)(c) and (3)(a) and suggested leaving both on the list, but recommended that the Section read, "Child Abuse" and delete "or the commission of domestic violence in the presence of a child."

Sen. Spencer amended his motion to recommend removing from the violent misdemeanor list, Sections: 76-5-102, 76-5-109.1(2)(c) 77-36-1; 76-5-102, 77-36-1.1; and 76-5-108. On Section 76-5-109(2)(c) and (3)(a), change the offense to read "Child Abuse" and delete "or the commission of domestic violence in the presence of a child." Also, to leave Section 77-36-2.5 on the list. The motion passed unanimously.

**MOTION:** Sen. Spencer moved to adopt the following violent misdemeanors. Sections:

76-10-522	76-5-102.6
76-6-102(1)(b)	76-10-504(1)
76-5-102(3)	76-10-505(1)
76-5-102.3	76-5-109(2)(c) and (3)(a)as amended
76-5-102.4	

The motion passed unanimously.

**MOTION:** Sen. Spencer moved to adopt the following violent misdemeanors. Sections:

58-37c-11(1) and 58-37c-3(12)	76-5-106
76-9-301	58-37c-20
76-6-108 (to only include subsection (a) of the description)	
58-37-8(1)(a)(ii)	58-37c-19(2)

Rep. Hickman expressed concern with Section 76-5-106, suggesting that the harassment description is too broad to keep on the list.

**SUBSTITUTE MOTION:** Sen. Spencer moved to adopt the following violent misdemeanors. Sections:

58-37c-11(1) and 58-37c-3(12)	58-37c-20
76-9-301	58-37c-19(2)
76-6-108 (to only include subsection (a) of the description)	
58-37-8(1)(a)(ii)	

The motion passed unanimously.

**MOTION:** Sen. Spencer moved to adopt the following violent misdemeanors. Sections:

76-9-702.5	76-10-503(1)(a)	58-37-8(2)(a)(i)	76-9-702(3)
76-5-206	76-10-507	58-37-8(1)(a)(i)	
58-37-8(1)(a)(iii)	76-10-529	53-5-704	
58-37a-5(2)	58-37-8(2)(a)(iii)	76-5-401.1	

The motion passed unanimously.

Rep. Hickman asked for clarification of the language (Section 76-10-503(1)(a)), "was addicted" opposed to "is addicted" in Section 76-10-503(1)(a) and suggested it be reviewed in the final draft.

**MOTION:** Sen. Spencer moved to adopt the following violent misdemeanors. Sections:

76-5-106.5	76-8-311.3(5)(d)
76-5-107	76-6-204
76-6-406	76-10-528
76-10-506	

The motion passed unanimously.

Chair Tyler asked for committee discussion on the Sections not addressed from the violent misdemeanor list. Those violent misdemeanor Sections were:

76-6-106(1)	76-8-301	76-8-104
76-9-105	76-8-306	76-5-304
76-5-106	76-5-112	77-36-2.5
76-8-305	76-9-201	

**MOTION:** Rep. Bennion moved to adopt an item not on the list and requested staff to include, Criminal Solicitation; from Section 76-4-201, 58-37-8.

**SUBSTITUTE MOTION:** Sen. Hillyard moved to include all inchoate crimes; attempts, conspiracy, and solicitation to commit third degree felonies. The motion passed unanimously.

**MOTION:** Sen. Hillyard moved on Section 76-6-106(1), to include intentional, criminal mischief, but not reckless and amend this section of the code to include only the intentional part of the statute. The motion passed unanimously.

**MOTION:** Sen. Hillyard moved to reinstate subsections (b) and (c) of Section 76-6-108. The motion passed with Sen. Spencer voting in opposition.

**MOTION:** Rep. Bradshaw moved to include Section 76-5-106 on the list. The motion passed with Sen. Spencer, Rep. Bennion, Rep. Bryson, and Rep. Hickman voting in opposition.

**MOTION:** Rep. Cox moved to include Section 76-8-305 on the list.

**SUBSTITUTE MOTION:** Sen. Steele moved to include Section 76-8-305, but delete the language "should have had knowledge" from the description. Sen. Hillyard spoke against the substitute motion. Sen. Steele withdrew the motion.

Rep. Cox's original motion passed with Sen. Spencer, Rep. Bryson, and Rep. Hickman voting in opposition.

**MOTION:** Sen. Hillyard moved to include Section 76-8-301, changing the language to read on subsection (a) "used force, violence, or intimidation, with a purpose to interfere with a public servant performing or purporting to perform an official function." Also, to remove subsection (b) from the description. The motion passed unanimously.

**MOTION:** Rep. Cox moved to include only subsections (c) and (f) of Section 76-8-301 on the list.

**SUBSTITUTE MOTION:** Sen. Spencer moved to include Section 76-8-306, subsections (c) and (f) but delete "or deception" from subsection (f). The motion passed unanimously.

**MOTION:** Sen. Spencer moved to include Section 76-5-112 on the list, inserting additional language, "as it relates to weapons, alcohol or drug-related offenses." The motion passed unanimously, with Rep. Bradshaw absent for the vote.

**MOTION:** Sen. Spencer moved to include Section 76-9-201 on the list, but only subsection (e). The motion passed unanimously, with Rep. Bradshaw absent for the vote.

**MOTION:** Sen. Hillyard moved to include Section 76-8-104 on the list, but insert "physical harm" in the description. The motion passed unanimously.

**MOTION:** Sen. Spencer moved to include Section 76-5-304 on the list, inserting additional language, "with threat of physical harm or use of a dangerous weapon." The motion passed unanimously, with Rep. Hickman absent for the vote.

**MOTION:** Rep. Cox moved to include Section 77-36-2.5 on the list. The motion passed unanimously, with Rep. Hickman absent for the vote.

**MOTION:** Sen. Hillyard moved to adopt the violent misdemeanor list as amended as a committee bill with the sponsorship to be decided by the chairs. The motion passed unanimously, with Rep. Hickman absent for the vote.

Chair Tyler turned the chair over to Sen. Spencer.

**3. Committee discussion of "Background Checks for Weapons Purchase," FL-0168/002** - Rep. Tyler presented an overview on the bill distributed in the mailing packet. He said the draft relates to the criminal code, and requires a check of juvenile records for the right to purchase a firearm.

**MOTION:** Rep. Tyler moved to adopt "Background Checks for Weapons Purchase" as a committee bill. The motion passed unanimously, with Rep. Hickman absent for the vote.

Chair Spencer turned the chair back to Rep. Tyler.

**4. Committee discussion of whether involuntary civil commitments should be included on background checks for weapons purchases** - Rep. Cox distributed draft legislation, "Weapon Restrictions Amendments." He explained that the draft relates to Public Safety and Human Services, allowing the Bureau of Criminal Identification to access court mental health records for the purpose of background checks for firearm purchases.

**MOTION:** Rep. Cox moved to adopt "Weapon Restrictions Amendments" as a committee bill. The motion passed, with Rep. Hickman voting in opposition.

Ms. Meredith Alden, Utah Division of Mental Health, expressed concern about indefinitely keeping records on people with mental illness.

Sen. Hillyard said there needs to be a provision that after so long a person can be dropped from the database if they are no longer being treated.

Rep. Arent suggested working out some concerns on the draft and bring it back for the next committee meeting.

**5. Committee discussion uniform laws** - Sen. Hillyard referred the committee to the "Uniform Principal and Income Act" in the mailing packet.

**Principal and Income Act** - Ms. Cindy Crass and Mr. Earl Tanner, Utah Bar Association, distributed handouts "Uniform Principal and Income Act (1997)," and "A Few Facts About The Uniform Principal and Income Act." Ms. Crass and Mr. Tanner presented an overview on the "Uniform Principal and Income Act." Ms. Crass noted that the law was written in the 1930's, was amended in the 1960's, and that the present draft is almost a complete rewrite of the law. She briefed the committee on the present law and explained the changes in the draft legislation. Ms. Crass said there are issues in the bill that need to be clarified and will require further study.

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Mr. Tanner noted that they are not speaking for or taking a position for the Utah Bar Association regarding the legislation. He suggested that a thoughtful, deliberative process should be taken concerning legislation of this magnitude.

Sen. Hillyard said he would like to introduce this legislation in the next session after issues are worked out.

**Uniform Child Custody Act** - This bill was not discussed.

**6. Adjourn -**

**MOTION:** Sen. Spencer moved to adjourn the meeting at 4:40. The motion passed unanimously, with Rep. Bryson absent for the vote.