

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, January 9, 2002 – 2:00 p.m. – Room 414/416 State Capitol

Members Present:

Sen. D. Chris Buttars, Chair
Rep. DeMar "Bud" Bowman, Chair
Sen. John W. Hickman
Sen. Alicia L. Suazo
Sen. John L. Valentine
Rep. Douglas C. Aagard
Rep. Trisha S. Beck
Rep. Duane E. Bourdeaux
Rep. Patricia W. Jones
Rep. Brent D. Parker
Rep. Paul Ray
Rep. Jack A. Seitz
Rep. Matt Throckmorton

Members Absent:

Sen. Gene Davis
Rep. Rebecca D. Lockhart
Rep. Loraine T. Pace

Staff Present:

Ms. Chyleen A. Arbon, Research Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Jennifer Asplund, House Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or contact the Office of Legislative Research and General Counsel.

Chair Bowman called the meeting to order at 2:17 p.m.

MOTION: Sen. Hickman moved to approve the minutes of the November 14, 2001 meeting. The motion passed unanimously, with Rep. Seitz and Rep. Throckmorton absent for the vote.

H.B. 72 Penalty For Misuse of Lawful Substances (*D. Hogue*)

Rep. Hogue explained the bill.

MOTION: Rep. Jones moved to recommend that the House Rules Committee place the bill on the Third Reading Calendar. The motion passed unanimously, with Rep. Beck, Rep. Seitz and Rep. Throckmorton absent for the vote.

H.B. 77 Criminal Sentencing - Mitigation Amendments (*D. Hogue*)

Rep. Hogue explained the bill.

MOTION: Rep. Parker moved to recommend the following amendments:

1. Page 2, Line 49: After "(4)(d)(i)" delete "1" and insert
":
(A) "mental illness" has the same definition as in Section 76-2-305; and
(B) "

The motion passed unanimously, with Rep. Seitz and Rep. Throckmorton absent for the vote.

MOTION: Sen. Hickman moved to recommend that the House Rules Committee place the amended bill on the Third Reading Calendar. The motion passed unanimously, with Rep. Throckmorton and Rep. Seitz absent for the vote.

H.B. 73 Capital Felony Sentencing Procedures (*G. Snow*)

Explained the bill: Rep. Snow
Michael D. Wims, Assistant Attorney General

MOTION: Sen. Hickman moved to recommend that the House Rules Committee place the bill on the Third Reading Calendar. The motion passed unanimously, with Rep. Bowman and Rep. Seitz absent for the vote.

H.B. 190 Criminal Restitution Amendments (*S. Allen*)

Explained the bill: Rep. Allen
Esther Chelsea-McCarty, Associate General Counsel

MOTION: Sen. Hickman moved to recommend the following amendments:

1. Page 1, Line 18: After line 18, insert:
"77-32a-1, as enacted by Chapter 15, Laws of Utah 1980"
2. Page 1, Line 24: Delete line 24
3. Page 26, Line 782: After line 782, insert:
"Section 11. Section **77-32a-1** is amended to read:
77-32a-1. Costs -- Convicted defendant may be required to pay.
In a criminal action the court may require a convicted defendant to [~~make
restitution and~~] pay costs."

Renumber the remaining Sections accordingly.

The motion passed unanimously, with Rep. Seitz absent for the vote.

Chair Bowman relinquished the chair to Sen. Buttars.

MOTION: Sen. Hickman moved to recommend that the House Rules Committee place the amended bill on the Third Reading Calendar. The motion passed unanimously, with Rep. Bowman and Rep. Seitz absent for the vote.

