

**MINUTES OF THE SENATE JUDICIARY,  
LAW ENFORCEMENT AND CRIMINAL JUSTICE  
STANDING COMMITTEE  
Monday, February 3, 2003  
Room 414, STATE CAPITOL BUILDING**

Members Present: Sen. Gregory Bell, Chair  
Sen. Patrice M. Arent  
Sen. D. Chris Buttaris  
Sen. Mike Dmitrich  
Sen. James M. Evans  
Sen. David L. Gladwell  
Sen. Lyle W. Hillyard

Members Excused: Sen. L. Al Mansell

Staff Present: Jerry D. Howe, Policy Analyst  
Saundra Maeser, Committee Secretary

Public Speakers Present: Paul Boyden, Exec. Director, Statewide Association of Prosecuting Attorneys  
Fred Voros, Assistant Attorney General  
Mike Wims, Assistant Attorney General  
Joan Watt, Chief Appellate Attorney, Legal Defenders Association  
Mark Moffat, President, Utah Association of Criminal Defense Lawyers  
W. Clark Aposhian, Chairman, Utah Self-Defense Instructors Network  
Gil Iker, Board Member, Gun Violence Prevention Center of Utah

Visitor list on file.

Committee Chair Bell called the meeting to order at 8:05 a.m.

**MOTION:** Sen. Hillyard moved to approve the minutes of the January 30, 2003 meeting.

The motion passed unanimously with Sen. Dmitrich and Sen. Evans absent for the vote.

**1. S.B. 8 Sentencing in Capital Cases Amendments (D. Gladwell)**

Sen. Gladwell introduced the bill. Paul Boyden, Executive Director, Statewide Association of Prosecuting Attorneys, assisted in the presentation.

Fred Voros, Assistant Attorney General; and Mike Wims, Assistant Attorney General, spoke in support of the bill.

Joan Watt, Chief Appellate Attorney, Legal Defenders Association; and Mark Moffat, President, Utah Association of Criminal Defense Lawyers, spoke in opposition to the bill.

**MOTION:** Sen. Gladwell moved to amend S.B. 8 as follows:

Page 11, Line 316:           After "evidence that" insert "the defendant possesses the mental deficiencies listed in Subsection 77-15a-101(2) and that"

The motion passed unanimously.

**MOTION:** Sen. Hillyard moved to pass S.B. 8 out with a favorable recommendation, as amended. He stated that he may prepare an amendment to be heard on the Senate floor.

The motion passed unanimously.

**2. S.B. 108 Dangerous Weapons Amendments (M. Waddoups)**

Sen. Waddoups introduced the bill. Paul Boyden assisted in the presentation.

**MOTION:** Sen. Hillyard moved to amend S.B. 108 as follows:

Page 5, Line 125:           After "or" delete "Subsection"

Page 5, Line 126:           Delete "75-10-500(1), or "

Page 5, Line 127:           After "Administrator;" delete "or"

Page 5, Line 129:           After "use" delete "." and insert "; or  
(d) the possession is:  
(i) at the person's place of residence or on the person's property;  
(ii) in any vehicle lawfully under the person's control, other than a  
vehicle owned by the school or used by the school to transport  
students; or  
(iii) at the person's place of business which is not located in the  
areas described in Subsections 76-3-203.2(1)(a)(i), (ii), or (iv)."

The motion passed unanimously.

W. Clark Aposhian, Chairman, Utah Self-Defense Instructors Network, spoke in support of the bill.

Gil Iker, Board Member, Gun Violence Prevention Center of Utah, spoke in opposition to the bill.

Chair Bell stated that S.B. 108 will be held until the next meeting.

**MOTION:** Sen. Dmitrich moved to adjourn the meeting.

The motion passed unanimously with Sen. Arent, Sen. Buttars, Sen. Gladwell and Sen. Hillyard absent for the vote.

Committee Chair Bell adjourned the meeting at 10:01 a.m.

Minutes recorded by Sandra Maeser, Secretary

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Sen. Gregory S. Bell, Committee Chair