

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT AND CRIMINAL JUSTICE
STANDING COMMITTEE
Friday, February 7, 2003
Room 414, STATE CAPITOL BUILDING**

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

Member Excused: Sen. L. Al Mansell

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

Public Speakers Present: Dr. Louis Moench, Professor of Psychiatry, University of Utah School of Medicine
Frazer Nelson, Executive Director, Disability Law Center
Dave Gessell, Vice President, Utah Hospitals and Health Systems Assn.
Rex Bush, Legislative Counsel, Citizen's Commission on Human Rights
Daniel Newby, citizen
Nellie Camill, citizen
Gayle Ruzicka, Eagle Forum
Elwood Powell, Chairman, Utah Shooting Sports Council
Marla Kennedy, Executive Director, Gun Violence Prevention Center
Leon Hadley, concealed gun permit holder
Lorna Brown, citizen
Carol Lear, Coordinator, School Law, Utah State Office of Education
W. Clark Aposhian, Chairman, Utah Self-Defense Instructors Network
Sarah Meier, Utah School Boards Association
N. W. Clayton, Director of Communications, Gun Owners of Utah
Toni Marie Sutliff, Board President, Gun Violence Prevention Center
Donna Dahl, concealed gun permit holder
Duane Shepherd, concealed gun permit holder
Brent Odenwalder, citizen
Linda Plouzek, Utah PTA
Ken Handley, citizen
Leonard Wojeik, Utah Shooting Sports Council
William Scott, Utah Shooting Sports Council
Megan Telford, high school student
John Spangler, gun collector
Ron Molen, Gun Violence Prevention Center
Paul Ray, concealed gun permit holder
Barbara Nash, concealed gun permit holder

Visitor list on file.

Committee Chair Bell called the meeting to order at 8:07 a.m.

1. S.B. 27S1 Susan Gall Involuntary Commitment Amendments (L. Blackham)

Sen. Leonard Blackham presented the bill.

The following spoke in support of the bill:

Louis Moench, M.D., Professor of Psychiatry, University of Utah School of Medicine

Frazer Nelson, Executive Director, Disability Law Center

Dave Gessell, Vice President, Utah Hospitals and Health Systems Association

The following spoke in opposition to the bill:

Rex Bush, Legislative Counsel, Citizen's Commission on Human Rights

Daniel Newby, citizen

Nellie Camill, citizen

Gayle Ruzicka, Eagle Forum

Elwood Powell, Chair, Utah Shooting Sports Council

MOTION: Sen. Arent moved to pass 1st Sub. S.B. 27, as amended in the Committee Meeting of February 5, out with a favorable recommendation.

SUBSTITUTE MOTION: Sen. J. Evans moved to amend 1st Sub. S.B. 27 as follows:

1. Page 6, Line 171 After ""Association"" delete "," and insert "," and delete "or which renders a person unable to provide the basic necessities of life."

The motion failed, with Sen. Bell, Sen. Arent, Sen. Buttars, Sen. Dmitrich and Sen. Gladwell voting in opposition.

The original motion passed with Sen. J. Evans voting in opposition.

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

Sen. Michael Waddoups reviewed the bill.

The following spoke in support of the bill:

Leon Hadley, concealed gun permit holder

Elwood Powell, Chairman, Utah Shooting Sports Council

W. Clark Aposhian, Chairman, Utah Self-Defense Instructors Network

N.W. Clayton, Director of Communications, Gun Owners of Utah

Donna Dahl, concealed gun permit holder

Duane Shepherd, concealed gun permit holder

Brent Odenwalder, citizen

Gayle Ruzicka, Eagle Forum

Leonard Wojeik, Utah Shooting Sports Council

William Scott, Utah Shooting Sports Council
Megan Telford, high school student
John Spangler, gun collector
Paul Ray, concealed gun permit holder

The following spoke in opposition to the bill:

Marla Kennedy, Executive Director, Gun Violence Prevention Center
Lorna Brown, citizen
Carol Lear, Coordinator, School Law, Utah State Office of Education
Sarah Meier, Utah School Boards Association and President, Granite School Board
Toni Marie Sutliff, Board President, Gun Violence Prevention Center
Linda Plouzek, Utah Pta
Ken Handley, citizen
Ron Molen, Gun Violence Prevention Center
Barbara Nash, concealed gun permit holder

MOTION: Sen Arent moved to adopt 2nd Substitute S.B. 108.

SUBSTITUTE MOTION: Sen. Gladwell moved to pass S.B. 108 out with a favorable recommendation.

The motion failed, with Sen. Bell, Sen. Arent, Sen. Gladwell, and Sen. Hillyard voting in opposition, and Sen. Gladwell absent for the vote.

MOTION: Sen. Hillyard moved to amend S.B. 108 with Amendment 3 as follows:

1. Page 1, Line 7: After "**weapon.**" insert "**The act modifies notice requirements related to prohibiting firearms in a house of worship or private residence.**"
2. Page 1, Line 12: After line 12 insert:
"**76-10-530**, as enacted by Chapter 366, Laws of Utah 1999"
3. Page 5, Line 131: After line 131 insert:
"Section 4. Section **76-10-530** is amended to read:
76-10-530Trespass with a firearm in a house of worship or private residence -- Notice -- Penalty.
(1) A person, including a person licensed to carry a concealed firearm pursuant to Title 53, Chapter 5, Part 7, Concealed Weapon Act, after ~~having received~~ notice has been given as provided in Subsection (2) that firearms are prohibited, may not knowingly and intentionally:
(a) transport a firearm into:
(i) a house of worship; or
(ii) a private residence; or
(b) while in possession of a firearm, enter or remain in:
(i) a house of worship; or
(ii) a private residence.
(2) Notice that firearms are prohibited may be ~~made~~ given by:
(a) personal communication to the actor by:

- (i) the church or organization operating the house of worship;
 - (ii) the owner, lessee, or person with lawful right of possession of the private residence; or
 - (iii) a person with authority to act for the person or entity in Subsections (2)(a)(i) and (ii); ~~or~~
 - (b) posting of signs reasonably likely to come to the attention of persons entering the house of worship or private residence~~[-]~~;
 - (c) announcement, by a person with authority to act for the church or organization operating the house of worship, in a regular congregational meeting in the house of worship;
 - (d) publication in a bulletin, newsletter, worship program or similar document generally circulated or available to the members of the congregation regularly meeting in the house of worship; or
 - (e) publication in a newspaper of general circulation in the county in which the house of worship is located or the church or organization operating the house of worship has its principal office in this state.
 - (3) A church or organization operating a house of worship and giving notice that firearms are prohibited may:
 - (a) revoke the notice, with or without supersedure, by giving further notice in any manner provided in Subsection (2); and
 - (b) provide or allow exceptions to the prohibition as the church or organization considers advisable.
 - (4) (a) Within 30 days of giving or revoking any notice pursuant to Subsection (2)(c), (2)(d), or (2)(e), a church or organization operating a house of worship shall notify the division on a form and in a manner as the division shall prescribe.
 - (b) Any notice given pursuant to Subsection (2)(c), (2)(d), or (2)(e) shall remain in effect until revoked or for a period of five years from the date the notice was originally given, whichever occurs first.
 - ~~(3)~~ (5) Nothing in this section permits an owner who has granted the lawful right of possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a firearm in the residence.
 - ~~(4)~~ (6) A violation of this section is an infraction."
- Renumber remaining sections accordingly.**

Leonard Wojeik, Utah Shooting Sports Council spoke in support of the amendment.

N.W. Clayton, Director of Communications, Gun Owners of Utah spoke in opposition to the amendment.

The motion passed with Sen. Buttars voting in opposition and Sen. Gladwell absent for the vote.

MOTION: Sen Arent moved to adopt 2nd Substitute S.B. 108.

SUBSTITUTE MOTION: Sen. Hillyard moved to pass S.B. 108, as amended, out with a favorable recommendation.

The motion passed with Sen. Arent and Sen. Bell voting in opposition.

3. **H.B. 178 Firearms Amendments** (T. McCartney)

Rep. Ty McCartney introduced the bill.

MOTION: Sen. Arent moved to pass H.B. 178 out with a favorable recommendation.

The motion passed unanimously with Sen. Gladwell absent for the vote.

4. **H.B. 173 Motor Vehicle Operator Fleeing a Peace Officer** (T. McCartney)

Rep. McCartney introduced the bill.

MOTION: Sen. J. Evans moved to pass H.B. 173 out with a favorable recommendation.

MOTION: Sen. Hillyard moved to place H.B. 178 and H.B. 173 on the consent calendar.

The motion passed unanimously with Sen. Gladwell absent for the vote.

5. **H.B. 70 Assault Amendments** (M. Thompson)

Sen. Mike Thompson introduced the bill, assisted by Paul Boyden, Exec. Director, Statewide Association of Prosecuting Attorneys.

MOTION: Sen. Arent moved to pass H.B. 70 out with a favorable recommendation.

The motion passed unanimously with Sen. Gladwell absent for the vote.

MOTION: Sen. Arent moved to place H.B. 70 on the consent calendar.

The motion passed unanimously with Sen. Gladwell absent for the vote.

MOTION: Sen. Buttars moved to approve the minutes of the February 5, 2003 meeting.

The motion passed unanimously with Sen. Gladwell absent for the vote.

MOTION: Sen. Hillyard moved to adjourn.

The motion passed unanimously with Sen. Gladwell absent for the vote.

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

Minutes recorded by Sandra Maeser, Secretary