

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT AND CRIMINAL JUSTICE
STANDING COMMITTEE
Friday, January 23, 2004
Room 414, STATE CAPITOL BUILDING**

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

Members Excused: Sen. L. Alma Mansell

Staff Present: Jami Momberger, Policy Analyst
Katrina Yarrington, Committee Secretary

Public Speakers Present: Richard Hamp, Attorney Generals Office
Howard Headlee, President, Utah Bankers Association
Mike Wims, Assistant Attorney General
Ed McConkie, Executive Director, Commission on Criminal &
Juvenile Justice
Tari Moore, Legislative Analyst, Weber County
Tammy Anderson, PTA, Family Life Commission
Pat Fleming, Salt Lake County
Mike Chabries, Executive Director, Department of Corrections

A list of visitors and a copy of handouts are filed with the committee minutes.

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

MOTION: Sen. Arent moved to approve the minutes of January 20, 2004 and January 21, 2004.

The motion passed, with Sen. Buttars, Sen. Dmitrich, Sen. Evans, Sen. Mansell absent for the vote.

1. S.B. 16 Identity Theft Amendments (C. Walker)

Sen. Walker introduced the bill.

The following people spoke in support of the bill:

Richard Hamp, Attorney Generals Office

Howard Headlee, President, Utah Bankers Association

MOTION: Sen. Hillyard moved to amend S.B.16 as follows:

1. *Page 4, Lines 113 through 114:*

113 (iv) if multiple offenses of identity fraud occur in multiple jurisdictions, in any
county

114 where the victim's identity was used or ~~[[stolen]]~~ obtained , or where the victim
resides or is found.

2. *Page 6, Lines 176 through 178:*

176 (c) For purposes of Subsection (2)(b), "multiple identifying documents"
means ~~[[]]~~

177 ~~[[(i)]]~~ identifying documents of two or more people ~~[[or]]~~

178 ~~—[[(ii) two or more identifying documents belonging to one person]] .~~

The motion passed, with Sen. Buttars, Sen. Dmitrich, Sen. Evans, Sen. Mansell absent for the vote.

MOTION: Sen. Arent moved to pass S.B. 16, as amended, out with a favorable recommendation.

The motion passed, with Sen. Dmitrich and Sen. Mansell absent for the vote.

2. S.B. 72 DISPOSITION OF FINES FOR REGISTRATION VIOLATIONS

(J. Hickman)

Sen. Hickman introduced the bill.

MOTION: Sen. Evans moved to pass S.B. 72 out with a favorable recommendation.

The motion passed, with Sen. Hillyard voting in opposition and Sen. Mansell absent for the vote.

3. S.B. 73 ESCAPE AMENDMENTS (T. Hatch)

Sen. Hatch introduced the bill.

MOTION: Sen. Buttars moved to amend S.B. 73 as follows:

1. *Page 1, Line 13:*

13 aids in the escape and is an employee or volunteer of specified government entities;
▶ defines the scope of activity considered to be an escape or attempted escape;

2. *Page 5, Lines 148 through 149:*

148 (iii) lawfully detained following arrest.

149 (b) "Escape" is considered to be a continuing activity commencing with the conception of the design to escape and continuing until the escaping prisoner is returned to official custody or the prisoner's attempt to escape is thwarted or abandoned.

= ~~[(b)]~~ (c) "Official custody" means arrest, whether with or without warrant, or confinement in

3. *Page 6, Line 160:*

160 ~~[(c)]~~ (d) "Prisoner" means any person who is in official custody and includes persons under

4. *Page 6, Line 162:*

162 ~~[(d)]~~ (e) "Volunteer" means any person who donates service without pay or other

MOTION: Sen. Arent moved to pass S.B. 73, as amended, out with a favorable recommendation.

The motion passed unanimously, with Sen. Mansell absent for the vote.

4. S.B. 84 PARTY TO FELONY OFFENSE ENHANCEMENT (M. Waddoups)

Sen. Waddoups introduced the bill, assisted by Mike Wims, Assistant Attorney General.

MOTION: Sen. Hillyard moved to pass S.B. 84 out with a favorable recommendation.

The motion passed, with Sen. Bell voting in opposition and Sen. Mansell absent for the vote.

5. S.B. 21 DRUG OFFENDERS REFORM ACT (D.C. Buttars)

Sen. Buttars introduced the bill, assisted by Ed McConkie, Executive Director, Commission on Criminal & Juvenile Justice.

The following people spoke in support of the bill:

Mike Chabries, Executive Director, Department of Corrections

Tammy Anderson, Parent Teacher Association, Family Life Commission

Tari Moore, Legislative Analyst, Weber County

Pat Fleming, Salt Lake County

MOTION: Sen. Gladwell moved to pass S.B. 21 out with a favorable recommendation.

The motion passed unanimously, with Sen. Arent, Sen. Dmitrich, Sen. Hillyard, and Sen. Mansell absent for the vote.

MOTION: Sen. Evans moved to adjourn.

The motion passed unanimously.

Committee Chair Bell adjourned the meeting at 9:55 a.m.

Minutes recorded by Katrina Yarrington, Secretary

Sen. Gregory S. Bell, Committee Chair

