

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room WO25, West Office Building, State Capitol Complex
February 2, 2005

Members Present: Rep. DeMar "Bud" Bowman, Chair
Rep. Michael T. Morley, Vice Chair
Rep. Duane Bourdeaux
Rep. LaVar F. Christensen
Rep. Wayne A. Harper
Rep. Patricia W. Jones
Rep. Todd E. Kiser
Rep. David Litvack
Rep. Curtis Oda
Rep. Paul Ray
Rep. Stephen H. Urquhart

Staff Present: Mr. Stewart Smith, Policy Analyst
Ms. Linda Black, Committee Secretary

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

Rep. Morley called the meeting to order at 8:07 a.m.

MOTION: Rep. Jones moved to approve the minutes of January 31, 2005. The motion passed unanimously with Rep. Harper, Rep. Kiser, and Rep. Urquhart absent for the vote.

H.B. 98 **Offenses Committed Against Correctional and Peace Officers** (*Rep. C. Oda*)

Rep. Oda introduced the bill with the assistance of Mr. Reed Richards, Deputy Attorney, Weber County.

Spoke in favor of the bill: Officer Dan Halacy, Corrections Officer, Weber County.
Mr. Wayne Shepherd, Utah Police Chiefs' Association.

MOTION: Rep. Bowman moved to pass the bill out favorably. The motion passed unanimously with Rep. Harper and Rep. Kiser absent for the vote.

MOTION: Rep. Ray moved to place H.B. 98 on the Consent Calendar. The motion failed, with Rep. Bourdeaux and Rep. Litvack voting in opposition to the motion, and Rep. Harper and Rep. Kiser absent for the vote.

H.B. 212 Traffic Violations by Diplomats *(Rep. D. Hogue)*

Rep. Hogue introduced the bill.

MOTION: Rep. Bourdeaux moved to pass the bill out favorably. The motion passed unanimously with Rep. Kiser absent for the vote.

MOTION: Rep. Bowman moved to place H.B. 212 on the Consent Calendar. The motion passed unanimously with Rep. Kiser absent for the vote.

Rep. Morley relinquished the chair to Rep. Bowman.

H.B. 42 Medical Recommendations for Children *(Rep. M. Morley)*

MOTION: Rep. Morley moved to delete in title and body H.B. 42, Medical Recommendations for Children *(Rep. M. Morley)*, and replace with 1st Substitute H.B. 42, Medical Recommendations for Children *(Rep. M. Morley)*. The motion passed unanimously.

MOTION: Rep. Christensen moved to amend the bill as follows:

1. *Page 3, Lines 57 through 58:*

- 57 (f) make a child abuse or neglect report to authorities, including the Division of
Child
58 and Family Services, solely **or primarily** on the basis that a parent or guardian
refuses to consent to:

2. *Page 6, Lines 150 through 151:*

- 150 Family Services may not remove a minor from the custody of the minor's parent or
guardian on
151 the sole **or primary** basis that the parent or guardian refuses to consent to:

3. *Page 7, Lines 190 through 191:*

- 190 Family Services may not remove a minor from the custody of the minor's parent or
guardian on
191 the sole **or primary** basis that the parent or guardian refuses to consent to:

The motion passed unanimously with Rep. Kiser absent for the vote.

Spoke in favor of the bill: Ms. Gayle, Ruzicka, Utah Eagle Forum
Mr. Daren Jensen, Parent
Ms. Kristin Brewer, Office of the Guardian Ad Litem

Spoke in opposition of the bill: Ms. Jean Hill, Utah State Office of Education
Ms. Fraser Nelson, Disability Law Center
Ms. Lori Cerar, Executive Director, Allies with Families

Spoke to the bill: Ms. Sondra Lucas, Commission on Citizens' Rights

MOTION: Rep. Ray moved to pass the bill out favorably as amended. The motion passed with Rep. Bourdeaux, Rep. Jones, and Rep. Litvack voting in opposition to the motion.

Rep. Morley resumed the chair.

H.B. 202 Revisions to Child Welfare (*Rep. W. Harper*)

MOTION: Rep. Harper moved to delete in title and body H.B. 202 Revisions to Child Welfare (*Rep. W. Harper*), and to replace it with 1st Substitute, H.B. 202 Revisions to Child Welfare (*Rep. W. Harper*). The motion passed unanimously.

Spoke in favor of the bill: Ms. Donna Dahl, citizen
Ms. Joyce Kinmont, Utah Families
Mr. Daren Jensen, Parent

Spoke in opposition of the bill: Ms. Ronda Rose, Utah P.T.A.
Mr. Craig Barlow, Assistant Attorney General
Ms. Barbara Feaster, President, Utah Foster Success

MOTION: Rep. Jones moved to hear further testimony.

SUBSTITUTE

MOTION: Rep. Christensen moved to hold the bill, and requested the chair to schedule a full and fair hearing of the bill at a future date. The motion passed unanimously.

H.B. 184 Domestic Violence - Change of Locks on Rental Property (*Rep. L. Shurtliff*)

S.B. 30 Amendments to Search Warrants (*Sen. D. Thomas*)

These bills were not heard due to lack of time.

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MOTION: Rep. Kiser moved to adjourn. The motion passed unanimously. Rep. Morley adjourned the meeting at 10:03 a.m

Rep. DeMar "Bud" Bowman, Chair

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