

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE
STANDING COMMITTEE
JANUARY 28, 2005
Room W130, West Office Building, State Capitol Complex**

Members Present: Sen. D. Chris Buttars, Chair
 Sen. Patrice M. Arent
 Sen. Lyle Hillyard
 Sen. Mark B. Madsen
 Sen. David L. Thomas

Members Excused: Sen. Gregory Bell
 Sen. Mike Dmitrich
 Sen. L. Alma Mansell

Staff Present: Jerry Howe, Policy Analyst
 Jeanne Wride, Committee Secretary

Public Speakers Present: Rick Schmerber, Attorney
 Jason Cadwalader, Police Officer
 Amy Gordon, Detective
 Bruce Borrowman,

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

Chairman Buttars called the meeting to order at 2:15 p.m.

APPROVAL OF MINUTES:

MOTION: Sen. Madsen moved to approve the minutes of January 26, 2005.

The motion passed with Sen. Hillyard absent for the vote.

**1. 1ST SUB. S.B. 28 JUVENILE JUSTICE RECODIFICATION AND REVISIONS
(Rep. D. Aagard)**

Rep. Aagard presented the bill to the committee.

MOTION: Sen. Arent moved to pass 1st Sub. H.B. 28 out of committee with a favorable recommendation.

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

MOTION: Sen. Hillyard moved to place 1st. Sub. H.B. 28 on the Consent Calendar.

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

2. S.B. 135 DRUG COURTS PILOT PROJECT (Sen. L. Hillyard)

Sen. Hillyard presented the bill to the committee.

Rick Schmerber, Attorney, spoke to the bill.

MOTION: Sen. Hillyard moved to pass S. B. 135 out of committee with a favorable recommendation.

The motion passed with Sen. Thomas absent for the vote.

3. S.B. 146 AVOIDING APPREHENSION AMENDMENT (Sen. M. Waddoups)

Sen. Waddoups presented the bill to the committee.

Jason Cadwalader, police officer; Amy Gordon, Detective; and Bruce Borrowman, Citizen, spoke to the bill.

MOTION: Sen Hillyard moved to pass S.B. 146 out of committee with a favorable recommendation.

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

4. H.B. 185 UTAH COMPUTER CRIMES ACT AMENDMENTS (Rep. B. Daw)

Sen. Hillyard indicated he had to leave the committee, which would prevent the committee functioning as a quorum.

MOTION: Sen. Madsen moved to adjourn. The motion passed unanimously as Sen. Thomas entered the room, which created a quorum.

Chairman Butters reconvened the meeting for the purpose of hearing H.B. 185.

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Rep. Daw presented the bill to the committee.

MOTION: Sen. Madsen moved to amend H. B. 185 as follows:

1. Page 2, Lines 52a through 52f

House Floor Amendments

1-25-2005:

- 52a H→ (8) "Information" does not include information obtained:
52b (a) through use of:
52c (i) an electronic product identification or tracking system; or
52d (ii) other technology used by a retailer to identify, track, or price goods {
held for sale} ; and
52e (b) by a retailer through the use of equipment designed to read the
electronic product identification or tracking system data located
{entirely} within the retailer's {retail}
52f location. ←H

2. Page 3a, Lines 74ab through 74af

a. House Floor Amendments

b. 1-25-2005:

- 74ab (b) Notwithstanding Subsection (2)(a), a retailer that uses an electronic
product
74ac identification or tracking system, or other technology to identify, track, or
price goods {held for
74ad sale} is not guilty of a violation of subsection (2)(a) if the
{computer} equipment designed to read the electronic product
identification or tracking system data and used by the retailer to
74ae identify, track, or price goods {held for sale} is located {entirely}
within the retailer's {retail}
74af location.

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

MOTION: Sen. Thomas moved to amend H.B. 185 as follows:

1. Page 3, Lines 74q through 74r

House Floor Amendments

1-25-2005:

- 74q (d) a second degree felony when the damage caused or the value of the
money,

74r property, or benefit obtained or sought to be obtained is or exceeds \$5,000;
 {~~and~~} or

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

MOTION: Sen. Arent moved to pass H.B. 185, as amended, out of committee with a favorable recommendation.

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

MOTION: Sen. Madsen moved to adjourn.

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

Sen. Buttars adjourned the meeting at 2:50 p.m.

Minutes recorded by Jeanne Wride, Committee Secretary

Sen. D. Chris Buttars, Committee Chair