

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE
STANDING COMMITTEE
FEBRUARY 10, 2005
Room W130, West Office Building, State Capitol Complex**

Members Present: Sen. D. Chris Buttars, Chair
Sen. Patrice M. Arent
Sen. Gregory Bell
Sen. Mike Dmitrich
Sen. Mark B. Madsen
Sen. David L. Thomas

Members Excused: Sen. Lyle Hillyard
Sen. L. Alma Mansell

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

Public Speakers Present: Paul Boyden, Statewide Association of Prosecuting Attorneys
Sheldon Elman, Division on Aging
Shawna O'Neil, Southwest County Aging Services
Reed Richards, Utah Sheriff's Association
Kevin Bruder, Centennial Management Association
Derek Evans, CBI Security Services
Mark Gleser, Contemporary Services
Robert Anderta, Professional Association of Security Companies
Clyde Ormond, DOPL

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

Chairman Buttars called the meeting to order at 8:05 a.m.

APPROVAL OF MINUTES:

MOTION: Sen. Allen moved to approve the minutes of February 8, 2005.

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

1. H.B. 59 DOMESTIC VIOLENCE ENHANCEMENT (Rep. C. Moss)

Rep. Moss presented the bill to the committee.

Paul Boyden, Statewide Association of Prosecuting Attorneys, spoke to the bill.

MOTION: Sen. Arent moved to pass H. B. 59 out of committee with a favorable recommendation.

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

2. **H.B. 64 CRIMINAL BACKGROUND CHECKS FOR PERSONAL CARE ATTENDANTS (Rep. F. Hunsaker)**

Rep. Hunsaker presented the bill to the committee.

Sheldon Elman, Division on Aging, and Shawna O'Neil, Southwest County Aging Services, spoke to the bill.

MOTION: Sen. Arent moved to pass H.B. 64 out of committee with a favorable recommendation.

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

3. **H.B. 90 SEARCH AND RESCUE ADVISORY BOARD - AMENDMENTS (Rep. J. S. Adams)**

Sen. Arent presented the bill to the committee.

Reed Richards, Utah Sheriff's Association, spoke to the bill.

MOTION: Sen. Arent moved to pass H.B. 90 out of committee with a favorable recommendation.

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

MOTION: Sen. Arent moved to place H.B.90 on the Consent Calendar.

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

4. **H.B. 222 PILOT PROGRAM REPEAL CLEAN-UP (Rep. R. Romero)**

Rep. Romero presented the bill to the committee.

MOTION: Sen. Arent moved to pass H.B. 222 out of committee with a favorable

recommendation.

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

MOTION: Sen. Arent moved to place H.B. 222 on the Consent Calendar.

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

5. S.B. 71 SECURITY PERSONNEL LICENSING AMENDMENTS (Sen. G. Davis)

Sen. Davis presented the bill to the committee.

MOTION: Sen. Arent moved to amend the bill as follows.

1. *Page 2, Line 32:*

32 58-63-102, as last amended by Chapter 90, Laws of Utah 2004

58-93-304, as last amended by Chapter 228, Laws of Utah 1996

2. *Page 3, Line 63:*

63 (8) "Owner" means a proprietor or general partner of a proprietorship or
partnership **, a lessee or assignee of the owner, the manager of the facility, or the
event operator** .

3. *Page 4, Lines 111 through 112:*

111 (b) items of tangible personal property, other than firearms **or nonlethal
weapons** , that may be used without

112 **modification in providing security or guard services.**

4. *Page 5, Line 128:*

128 and as may be further defined by rule.

Section 2. Section 58-63-304 is amended to read:

58-63-304. Exemptions from licensure.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in acts regulated under this chapter without being licensed under this chapter:

- (a) a peace officer employed by or licensed as a contract security company; and
- (b) a person employed by a contract security company for the sole purpose of

operating or staffing security apparatus, including a magnetometer
magnetometer wand , x-ray viewing device, or other device approved by rule
of the division.

(2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
Act, the division may make rules approving security apparatus under Subsection
(1)(b).

The motion passed unanimously.

Kevin Bruder, Centennial Management Association; Derek Evans, CBI Security Services;
Mark Gleser, Contemporary Services; Robert Anderta, Professional Association of Security
Companies, and Clyde Ormond, DOPL, spoke to the bill.

MOTION: Sen. Thomas moved to hold S.B. 71.

The motion failed with Sen. Dmitrich, Sen. Buttars and Sen. Thomas voting against.

MOTION: Sen. Dmitrich moved to pass S.B. 71, as amended, out of committee with a
favorable recommendation.

The motion passed with Sen. Bell and Sen. Thomas voting against.

MOTION: Sen. Arent moved to adjourn the meeting.

The motion passed unanimously.

Sen. Buttars adjourned the meeting 9:24 a.m.

Minutes recorded by Jeanne Wride, Committee Secretary

Sen. D. Chris Buttars, Committee Chair