



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • WEST OFFICE BUILDING, SUITE W115

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February 8, 2007 (12:30pm)

Mr. President:

The Rules Committee recommends that, with the written consent of the sponsor, H.B. 48, Department of Natural Resources Amendments (*Rep. R. Wheeler*), be sent to the Natural Resources, Agriculture, and Environment Committee with the following amendments:

1. *Page 1, Line 17*

House Floor Amendments

1-18-2007:

17 ▶ amends the penalties and requirements for license or permit suspensions;

2. *Page 11, Lines 319 through 320:*

319 enters into a diversion agreement which suspends the prosecution of the offense;

~~{-and}~~ =

(b) the court:

(i) recommends the suspension of the license or permit privileges; and

(ii) establishes the duration of the suspension; and

320 ~~{(b)}~~ (c) the hearing officer determines the person committed the offense intentionally,

3. *Page 11, Line 322 through Page 13, Line 373:*

322 ~~{(3)(a) The Wildlife Board shall make rules establishing guidelines [for] that~~
~~a hearing~~

323 ~~officer [to] shall consider in determining:~~

324 ~~—(i) the type of license or permit privileges to suspend[-]; and~~

325 ~~—(ii) the duration of the suspension.~~

326 ~~—(b) The Wildlife Board shall ensure that the guidelines established under~~
~~Subsection~~

327 ~~(3)(a) are consistent with Subsections (4), (5), and (6):~~

328 ~~—(4) Except as provided in [Subsection] Subsections (5) and (6), a hearing officer~~
~~[shall]~~

329 ~~may suspend a person's license or permit privileges [pursuant] according to~~
~~Subsection (2) for~~

330 ~~[the following time periods] a period of time not to exceed:~~

331 ~~—(a) seven years for:~~
332 ~~—(i) a felony conviction;~~
333 ~~—(ii) a plea of guilty or no contest to an offense punishable as a felony, which plea~~
334 ~~is~~
335 ~~held in abeyance pursuant to a plea in abeyance agreement; or~~
336 ~~—(iii) being charged with an offense punishable as a felony, the prosecution of~~
337 ~~which is~~
338 ~~suspended pursuant to a diversion agreement;~~
339 ~~—(b) five years for:~~
340 ~~—(i) a class A misdemeanor conviction;~~
341 ~~—(ii) a plea of guilty or no contest to an offense punishable as a class A~~
342 ~~misdemeanor;~~
343 ~~which plea is held in abeyance pursuant to a plea in abeyance agreement; or~~
344 ~~—(iii) being charged with an offense punishable as a class A misdemeanor, the~~
345 ~~prosecution of which is suspended pursuant to a diversion agreement; [and]~~
346 ~~—(c) three years for:~~
347 ~~—(i) a class B misdemeanor conviction [under Section 23-20-4];~~
348 ~~—(ii) a plea of guilty or no contest to an offense punishable as a class B~~
349 ~~misdemeanor~~
350 ~~[under Section 23-20-4, which] when the plea is held in abeyance [pursuant]~~
351 ~~according to a~~
352 ~~plea in abeyance agreement; or~~
353 ~~—(iii) being charged with an offense punishable as a class B misdemeanor [under~~
354 ~~Section~~
355 ~~23-20-4], the prosecution of which is suspended pursuant to a diversion agreement[.];~~
356 ~~and~~
357 ~~—[(5) Suspension periods as set forth in Subsection (4) shall be doubled for~~
358 ~~offenses:]~~
359 ~~—(d) one year for:~~
360 ~~—(i) a class C misdemeanor conviction;~~
361 ~~—(ii) a plea of guilty or no contest to an offense punishable as a class C~~
362 ~~misdemeanor;~~
363 ~~when the plea is held in abeyance according to a plea in abeyance agreement; or~~
364 ~~—(iii) being charged with an offense punishable as a class C misdemeanor, the~~
365 ~~prosecution of which is suspended according to a diversion agreement.~~
366 ~~—(5) The hearing officer may double a suspension period established in~~
367 ~~Subsection (4)~~

358 for offenses:
359 ~~—(a) committed in violation of an existing suspension or revocation order issued~~
by the
360 ~~courts, division, or Wildlife Board; or~~
361 ~~—(b) involving the unlawful taking of a trophy animal, as defined in Section~~
~~23-13-2.~~
362 ~~—(c) (a) A hearing officer may suspend, [pursuant] according to Subsection (2), a~~
363 ~~person's [privilege to apply for, purchase, and exercise the benefits conferred by]~~
~~license or~~
364 ~~permit privileges for a particular license or permit only once for each single criminal~~
~~episode;~~
365 ~~as defined in Section 76-1-401.~~
366 ~~—(b) If a hearing officer addresses two or more single criminal episodes in a~~
~~hearing, the~~
367 ~~suspension periods of any license or permit privileges of the same type suspended;~~
~~[pursuant]~~
368 ~~according to Subsection (2), [shall] may run consecutively.~~
369 ~~—(c) If a hearing officer suspends, [pursuant] according to Subsection (2), license~~
~~or~~
370 ~~permit privileges of the type that have been previously suspended by a court, a~~
~~hearing officer;~~
371 ~~or the Wildlife Board and the suspension period has not expired, the suspension~~
~~periods [shall]~~
372 ~~may run consecutively.~~
373 ~~—} [(7) (a) A hearing officer, appointed by the division, shall suspend a person's~~
~~privilege~~

4. Page 14, Line 406:

406 [8] {7} (3) (a) A hearing officer, appointed by the division, may suspend
a person's

5. Page 14, Line 426:

426 diversion agreement {·} ; and
(iii) the court recommends the suspension and establishes the duration of the
suspension.

6. Page 15, Line 432:

432 [~~(9)~~] {~~(8)~~} (4) (a) The director shall appoint a qualified person as a hearing
 officer to perform

7. Page 15, Line 436:

436 [~~(10)~~] {~~(9)~~} (5) (a) (i) The courts may suspend, in criminal sentencing, a
 person's privilege to

8. Page 15, Line 438:

438 registration.

(ii) The court may recommend the suspension of a person's privilege to apply for, purchase, or exercise the benefits conferred by a license, permit, or certificate of registration as part of a plea in abeyance agreement or diversion agreement.

9. Page 15, Lines 445 through 453:

445 ~~{(d) The division may suspend a person's license or permit privileges beyond~~
~~the time~~

446 ~~period ordered by a court, provided the combined suspension periods are consistent~~
~~with the~~

447 ~~requirements of Subsections (4), (5), and (6);~~

448 ~~—(e) The division may suspend a person's privilege of applying for, purchasing,~~
~~and~~

449 ~~exercising the benefits conferred by a certificate of registration beyond the time~~
~~period ordered~~

450 ~~by a court;~~

451 ~~—[(d)] (f) The hearing officer shall consider any recommendation made by a~~
~~sentencing~~

452 ~~court concerning suspension before issuing a suspension order. }~~

453 [~~(11)~~] {~~(10)~~} (6) (a) A person may not apply for, purchase, possess, or
 attempt to exercise the

10. Page 15, Line 458:

458 [~~(b)~~] (c) A person who violates Subsection [~~(11)~~] {~~(10)~~} (6) (a) is guilty of a
 class B

11. Page 15, Line 460:

460 [~~(12)~~] {~~(11)~~} (7) Before suspension under this section, a person must be:

12. Page 16, Line 463:

463 [~~(13)~~] {~~(12)~~} (8) (a) A person may file an appeal of a hearing officer's
decision with the

13. Page 16, Line 471:

471 [~~(14)~~] {~~(13)~~} (9) The division shall suspend and reinstate all hunting,
fishing, trapping, and

14. Page 16, Line 473:

473 [~~(15)~~] {~~(14)~~} (10) The Wildlife Board may make rules to implement this
section in accordance

Respectfully,

John W. Hickman
Committee Chair