

**MINUTES OF THE  
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE  
STANDING COMMITTEE MEETING  
TUESDAY, FEBRUARY 13, 2007, 4:00 P.M.  
ROOM W130, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX**

Members Present: Sen. Gregory S. Bell, Chair  
Sen. Lyle W. Hillyard  
Sen. Mark B. Madsen  
Sen. Scott D. McCoy  
Sen. Ross I. Romero

Members Excused: Pres. John L. Valentine  
Sen. Jon J. Greiner

Staff Present: Jerry Howe, Policy Analyst  
Bonnie Brinton, Committee Secretary

Public Speakers Present: Paul Boyden, Executive Director, Statewide Association of Prosecutors  
Charles Hardy, Gunowners of Utah  
Scott Carver, Director, Utah Sentencing Commission  
Rachael Norton, Citizen  
Marilyn Larsen, Utah State PTA  
Paul Mero, Sutherland Institute  
Mel Wilson, Utah Victims Council  
Richard Kendall, Commissioner, Utah State Higher Education  
Thomas McCrory, Second Amendment Students, University of Utah  
Clark Aposhian, Chair, Citizens Concealed Weapons Board/Utah Shooting Sports Council  
Mitch Vilos, Attorney, Utah Self-Defense Instructors  
Cory Seegmiller, Student, Freedom Society Club of Salt Lake Community College  
Brent Tenney, President, Second Amendment Students, University of Utah  
Stuart White, Citizen  
David Nelson, Stonewall Shooters  
Welden Andersen, Self-Defense Solutions, LLC  
Charles Hardy, Gunowners of Utah  
Larry Correia, Utah Concealed Weapon Instructor  
Richard Wimmer, Salt Lake Community College  
Lenny Kirton, Student, University of Utah  
Jeremy Roberts, Student, University of Utah

Molly Metcalf, Student, University of Utah  
Crystal Perry, Student, University of Utah  
John Spangler, Director, Utah Shooting Sports Council

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

Chair Bell called the meeting to order at 4:15 p.m.

### **Approval of Minutes**

**MOTION:** Sen. McCoy moved to approve the minutes of February 12, 2007.

The motion passed unanimously with Sens. Hillyard and Madsen absent for the vote.

#### **1. H.B. 70 Assault on a Peace Officer - Penalty Amendment (Rep. P. Ray)**

Rep. Ray explained the bill.

Paul Boyden, Executive Director, Statewide Association of Prosecutors, spoke in favor of the bill.

Charles Hardy, Gunowners of Utah, spoke to the bill.

**MOTION:** Sen. McCoy moved to pass H.B. 70 out of Committee with a favorable recommendation.

The motion passed unanimously with Sens. Hillyard and Madsen absent for the vote.

#### **2. H.B. 93 Capital Offenses Amendments (Rep. P. Ray)**

Rep. Ray explained the bill.

Paul Boyden, Executive Director, Statewide Association of Prosecutors, spoke to the bill.

Scott Carver, Director, Utah Sentencing Commission, spoke in favor of the bill.

**MOTION:** Sen. McCoy moved to pass H.B. 93 out of Committee with a favorable recommendation.

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

**3. H.B. 228 Penalty for Homicide of a Child (Rep. C. Wimmer)**

Rep. Wimmer explained the bill and distributed handouts.

Rachael Norton, Citizen; Marilyn Larsen, Utah State PTA; Paul Mero, President, Sutherland Institute; and Scott Carver, Director, Utah Sentencing Commission; spoke in favor of the bill.

**MOTION:** Sen. McCoy moved to pass H.B. 228 out of Committee with a favorable recommendation.

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

Sen. McCoy assumed the Chair.

**4. 1st Sub. H.B. 147 Restitution Amendments (Rep. K. Garn)**

Chair Bell introduced the bill.

Mel Wilson, Utah Victims Council, explained the bill.

**MOTION:** Chair Bell moved to pass 1st Sub. H.B. 147 out of Committee with a favorable recommendation.

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

Chair Bell assumed the Chair.

**5. H.B. 262 Search Warrant Amendments (Rep. S. Wyatt)**

Paul Boyden, Executive Director, Statewide Association of Prosecutors, explained the bill.

**MOTION:** Sen. Madsen moved to pass H.B. 262 out of Committee with a favorable recommendation.

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

Sen. Romero assumed the Chair.

**6. S.B. 251 Higher Education - Concealed Firearms Restrictions (Sen. G. Bell)**

Chair Bell explained the bill and read a letter from Richard Kendall, Commissioner, Utah State Higher Education, which stated support for the bill.

Richard Kendall, Commissioner, Utah State Higher Education, spoke in favor of the bill.

The following speakers spoke in opposition to the bill:

Thomas McCrory, Second Amendment Students, University of Utah  
Clark Aposhian, Chair, Utah Shooting Sports Council  
Mitch Vilos, Attorney, Utah Self-Defense Instructors  
Cory Seegmiller, Student, Freedom Society Club of Salt Lake Community College  
Brent Tenney, President, Second Amendment Students, University of Utah  
Stuart White, Citizen  
David Nelson, Stonewall Shooters  
Welden Andersen, Self-Defense Solutions, LLC  
Charles Hardy, Gunowners of Utah  
Larry Correia, Utah Concealed Weapon Instructor  
Richard Wimmer, Student, Salt Lake Community College  
Lenny Kirton, Student, University of Utah  
Jeremy Roberts, Student, University of Utah  
Molly Metcalf, Student, University of Utah  
Crystal Perry, Student, University of Utah  
John Spangler, Director, Utah Shooting Sports Council

**MOTION:** Sen. Hillyard moved to delete provisions of S.B. 251 regarding offices.

**SUBSTITUTE MOTION:** Sen. McCoy moved to pass S.B. 251 out of Committee with a favorable recommendation.

The Substitute motion passed with Sens. Hillyard and Madsen voting against the motion.

**MOTION:** Sen. Hillyard moved to adjourn.

Acting Chair Romero adjourned the meeting at 6:00 p.m.

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Sen. Gregory S. Bell, Committee Chair