



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 15, 2008

Mr. Speaker:

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 315, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS**, by Representative M. Morley, with the following amendments:

1. *Page 6, Line 167 through Page 7, Line 199:*

- 167 (1) As used in this section:
168 ~~{(a) "Building" means any structure, other than a habitation or vehicle, that~~
is:
169 ~~—(i) intended to be used, capable of being used, or adapted for use, on a~~
permanent or
170 temporary basis, for business or storage; or
171 ~~—(ii) appurtenant to, or connected with, a structure described in Subsection~~
(1)(a)(i).}
172 ~~{(b)}~~ (a) (i) "Chemical substance" means:
173 (A) a substance intended to be used as a precursor in the manufacture of a controlled
174 substance;
175 (B) a substance intended to be used in the manufacture of a controlled substance; or
176 (C) any fumes or by-product resulting from the manufacture of a controlled
substance.
177 (ii) Intent under this Subsection (1) ~~{(b)}~~ (a) may be demonstrated by:
178 (A) the use, quantity, or manner of storage of the substance; or
179 (B) the proximity of the substance to other precursors or to manufacturing
equipment.
180 ~~{(c)}~~ (b) "Child" means a human being who is under 18 years of age.
181 ~~{(d)}~~ (c) "Controlled substance" is as defined in Section 58-37-2.
182 ~~{(e)}~~ (d) "Drug paraphernalia" is as defined in Section 58-37a-3.
183 ~~{(f)}~~ (e) "Exposed to" means {to be present in:
184 ~~—(i) a habitation or vehicle where a controlled substance, chemical substance, or~~
drug
185 paraphernalia is unlawfully present; or

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- 186 ~~—(ii) a building, habitation, or vehicle where a controlled substance, chemical~~
~~substance;~~
187 ~~or drug paraphernalia is unlawfully used, manufactured, produced, or~~
~~distributed.} that the child or vulnerable adult is able to:~~
~~(i) access or view a controlled substance, chemical substance, or drug paraphernalia;~~
~~or~~
~~(ii) smell an odor produced during, or as a result of, the manufacture or production~~
~~of a controlled substance .~~
- 188 {~~(g)~~ "Habitation" means:
- 189 ~~—(i) a residence or dwelling, including a shed, garage, or other appurtenant~~
~~structure;~~
190 ~~—(ii) a hotel room or suite;~~
191 ~~—(iii) a motel room or suite;~~
192 ~~—(iv) an apartment unit;~~
193 ~~—(v) a condominium unit; or~~
194 ~~—(vi) any shelter, structure, watercraft, aircraft, trailer, sleeping car, or~~
~~conveyance used;~~
195 ~~intended to be used, or adapted for use, for overnight accommodation of a person.}~~
- 196 {~~(h)~~} (f) "Prescription" is as defined in Section 58-37-2.
- 197 {~~(i)~~} (g) "Vulnerable adult" is as defined in Subsection 76-5-111(1)(t).
- 198 {~~(j)~~ "Vehicle" means a device in, on, or by which a person or property is or
may be
199 transported, conveyed, or drawn.}

Respectfully,

DeMar "Bud" Bowman
Committee Chair

Voting: 8-0-3

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