

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
TUESDAY, FEBRUARY 05, 2008, 4:10 P.M.
ROOM W130, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX**

Members Present: Sen. Gregory S. Bell, Chair
Sen. Jon J. Greiner
Sen. Lyle W. Hillyard
Sen. Mark B. Madsen
Sen. Scott D. McCoy
Sen. Ross I. Romero
Pres. John L. Valentine

Staff Present: Jerry Howe, Policy Analyst
Karen C. Allred, Committee Secretary

Public Speakers Present: Amanda Corneton, Assistant Commissioner, USHE
Steve Mangel, Science Supervisor, Davis School District
Tim Dyson, Counselor, AMES
Richard Nelson, President, Utah Trial Lawyers
Dave Doty, Asst. Commissioner, Utah Scholars/Utah System of
Higher Education
Steve Sullivan, Attorney
Chad Platt, Deputy DA, State Wide Association of Prosecutors
Steve Gunn, Attorney, Gun Violence Prevention Company of Utah
Dee Roland, Catholic Diocese
Bill Clayton, Director of Communications, Gun Owners of Utah
Representative Curtis Oda, Utah State Legislature
Jaycee Skinner, Deputy DA, State Wide Association of

Prosecutors

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

Chair Bell called the meeting to order at 4:21

Approval of Minutes

MOTION: Sen. Romero moved to approve the minutes of January 30, 2008 and February 1, 2008.

The motion passed unanimously with Sens. Greiner, McCoy and Pres. Valentine absent for the vote.

1. **S.B. 180 Regents' Scholarship Program** (*L. Hillyard*)

Sen. Hillyard presented and explained the bill and a handout was distributed to the committee.

Amanda Corneton, Assistant Commissioner, Utah System of Higher Education; Steve Mangle, Science Supervisor, Davis School District; Tim Dyson, Counselor, AMES; Richard Nelson, President, Utah Technology Council; and Dave Doty, Assistant Commissioner, Utah Scholars/Utah System of Higher Education, spoke in favor of the bill.

MOTION: Sen. Hillyard moved to pass S.B. 180 out of committee with a favorable recommendation.

The motion passed unanimously with Pres. Valentine and Sen. Greiner absent for the vote.

2. **S.B. 182 Survival Action Upon Injury or Death** (*M. Waddoups*)

Sen. Waddoups presented and explained the bill.

Steve Sullivan, Attorney, spoke in favor of the bill.

MOTION: Sen. McCoy moved to pass S.B. 182 out of committee with a favorable recommendation.

The motion passed unanimously with Pres. Valentine and Sen. Greiner absent for the vote.

3. **H.B. 256 Criminal Penalties Amendments -- Including Jessica's Law** (*C. Wimmer*)

Rep. Wimmer presented and explained the bill.

Chad Platt, Deputy District Attorney, State Wide Association of Prosecutors, spoke in favor of the bill.

MOTION: Sen. Greiner moved to pass H.B. 256 out of committee with a favorable recommendation.

SUBSTITUTE MOTION: Sen. Hillyard moved to hold H.B. 256 in committee.

The substitute motion passed unanimously.

4. **S.B. 157 Rights of Citizens to Carry Firearms in Declared Emergency** (M. Madsen)

MOTION: Sen. Madsen moved to substitute S. B. 157 with 1st Substitute S.B. 157.

The motion passed unanimously.

Sen. Madsen presented and explained the bill.

MOTION: Sen. Hillyard moved to adopt the following amendment to 1st Substitute S.B. 157:

1. *Page 3, Lines 65 through 67:*

- 65 ~~{(b) The court shall award court costs and reasonable attorney fees to a~~
~~prevailing~~
66 ~~plaintiff in an action brought under Subsection (4)(a).}~~
67 ~~{(c)}~~ (b) As used in this Subsection (4), "person" means an individual, the
governmental

The motion passed with Sen. Madsen voting nay, and Sens. Bell, Hillyard, Greiner, McCoy, Romero and Pres. Valentine voting yea.

Steve Gunn, Attorney, Gun violence Prevention Company of Utah and Dee Roland, Catholic Diocese spoke against the bill.

Bill Clayton, Director of Communications, Gun Owners of Utah and Rep. Curtis Oda, Utah State Legislature spoke in favor of the bill.

MOTION: Sen. Madsen moved to pass 1st Substitution to S.B. 157 as amended, out of committee with a favorable recommendation.

The motion passed with Sens. McCoy and Romero voting against, and Sens. Bell, Hillyard, Greiner, Madsen, and Pres. Valentine voting in favor.

5. **H.B. 272 False Impersonation and Representation** (G. Froerer)

Rep. Froerer presented and explained the bill.

MOTION: Sen. Romero moved to substitute H.B. 272 with 1st substitution of H.B. 272.

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

MOTION: Sen. Greiner moved to send 1st substitute H.B. 272 out of committee with a favorable recommendation.

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

6. **H.B. 12 Controlled Substances and Paraphernalia** (*C. Oda*)

Rep. Oda presented and explained the bill.

Jaycee Skinner, Deputy DA, State Wide Association of Prosecutors

MOTION: Sen. McCoy moved to pass H.B. 12 out of committee with a favorable recommendation.

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

7. **S.B. 183 Child Pornography Amendment** (*D. C. Buttars*)

This bill was held in committee.

MOTION: Sen. McCoy moved to adjourn.

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

The meeting adjourned at 5:52 pm.

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