

**MINUTES OF THE  
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE  
STANDING COMMITTEE MEETING  
FRIDAY, FEBRUARY 14, 2008, 8:00 AM  
ROOM 250, STATE CAPITOL, STATE CAPITOL COMPLEX**

Members Present: Sen. Gregory S. Bell, Chair  
Sen. Jon J. Greiner  
Sen. Mark B. Madsen  
Sen. Scott D. McCoy  
Sen. Ross I. Romero

Members Excused: Pres. John L. Valentine  
Sen. Lyle W. Hillyard

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

Public Speakers Present: Wade Farraway, Asstisstant Attorney General, Utah Attorney  
General's Office  
Roger Hoole, Attorney, Utah Association of Justice  
Chad Platt, Deputy District Attorney, State Wide Association of  
Prosecutors  
Julie Lund, Division Chief, Child Protection Division, Attorney  
General's Office  
Craig Peterson, American Council of Engineering Companies  
Michael Smith, Executive Director, American Council of  
Engineering Companies  
Scott Carver, Director, Utah Sentencing Commission  
Terry Keefe, Chief of Police, Layton and President, Utah Chief of  
Police Association  
Lincoln Shurtz, Lobbyist, Utah League of Cities and Towns  
Mark Johnson, Ogden City

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

Chair Bell called the meeting to order at 8:17.

1. **H.B. 23 Child and Family Protection** (*L. Fowlke*)

Rep. Fowlke presented and explained the bill.

Wade Farraway, Assistant Attorney General, Utah Attorney General's Office; Roger Hoole, Attorney, Utah Association of Justice; and Chad Platt, State Wide Association of Prosecutors spoke for the bill.

**MOTION:** Sen. Greiner moved to pass H.B. 23 out of committee with a favorable recommendation.

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

2. **SJR 09 Joint Resolution Amending Rules of Evidence Relating to Information Contained in the Management Information System** (*G. Davis*)

Sen. Davis presented and explained the bill.

**MOTION:** Sen. McCoy moved to adopt the following amendment:

1. *Page 1, Lines 20 through 25:*

20       ▶ provides that a report, and information from or relating to a report, maintained in  
21 the Management Information System may not be disclosed or admitted as evidence {~~;~~  
22 **nor may testimony regarding the report or information be made or accepted,**} in a  
23 proceeding **, where the state is not a party,** for divorce, child-custody, a protection  
24 order, adoption, or termination  
25 of parental rights, if the report has been found to be unsubstantiated, unsupported,  
or without merit **, unless a party who is not the alleged perpetrator in the report  
shows, by clear and convincing evidence, that the probative value of the report or  
information outweighs its prejudicial effect** ; and

2. *Page 2, Lines 54 through 55:*

54       (a) (5) "Restricted proceeding" means a proceeding **, where the state is not a  
party,** for divorce, child-custody, a  
55 protection order, adoption, or termination of parental rights.

3. *Page 3, Lines 59 through 61:*

59       (b) General rule of privilege. Restricted information may not be disclosed or  
admitted  
60 as evidence {~~;~~ **nor may testimony regarding restricted information be made or**

- ~~accepted,~~} in a  
61 restricted proceeding, if a finding of unreliability has been made in relation to the report unless a party who is not the alleged perpetrator in the report shows, by clear and convincing evidence, that the probative value of the restricted information outweighs the prejudicial affect of the restricted information.

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

Julie Lund, Division Chief, Child Protection Division, Utah Attorney General spoke for the bill.

**MOTION:** Sen. Romero moved to pass SJR 09 as amended out of committee with a favorable recommendation.

3. **H.B. 14 Discharge of Firearm Amendments** (*C. Wimmer*)

Rep. Wimmer presented and explained the bill.

**MOTION:** Sen. McCoy moved to pass H.B. 14 out of committee with a favorable recommendation.

4. **S.B. 256 Good Samaritan Act for Engineers** (*M. Waddoups*)

Sen. Waddoups presented and explained the bill.

Craig Peterson, American Council of Engineering Companies and Michael Smith, Executive Director, American Council of Engineering Companies spoke for the bill.

**MOTION:** Sen. Greiner moved to adopt the following amendment:

1. *Page 2, Lines 47 through 48:*

- 47 engineer for architectural or engineering services that are {below the acceptable standards of the  
48 profession or} not within the scope of licensure.

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

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

recommendation.

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

5. **H.B. 34 Email Information Required of Registered Sex Offenders** (*J. Bird*)

Sen. Jenkins presented and explained the bill.

Esther McCarty spoke to the bill.

Scott Carver, Director, Utah Sentencing Commission spoke for the bill.

**MOTION:** Sen. Greiner moved to pass H.B. 34 out of committee with a favorable recommendation.

The motion passed unanimously.

6. **H.B. 10 Disclosure of Identity to Officer** (*C. Oda*)

Rep. Oda presented and explained the bill.

Wade Faraway, Assistant Attorney General, Utah Attorney General's Office, spoke in favor of the bill.

**MOTION:** Sen. Greiner moved to pass H.B. 10 out of committee with a favorable recommendation.

The motion passed unanimously.

7. **H.B. 33 Waivers of Immunity -- Exceptions** (*G. Hughes*)

Rep. Hughes presented and explained the bill.

**MOTION:** Sen. Romero moved to pass H.B. 33 out of committee with a favorable recommendation.

The motion passed unanimously.

8. **H.B. 264 Prohibition of Citation Quotas** (*N. Hansen*)

Rep. Hansen presented and explained the bill.

Terry Keefe, Chief of Police, Layton and President, Utah Chief of Police Association;  
Lincoln Shurtz, Lobbyist, Utah League of Cities and Towns; and Mark Johnson, Ogden City  
spoke against the bill.

**MOTION:** Sen. Romero moved to pass H.B. 264 out of committee with a favorable  
recommendation.

The motion failed with Sens. Romero and McCoy voting for and Sens. Bell, Greiner and  
Madsen voting against.

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

The motion passed unanimously.

The meeting adjourned at 9:50

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Sen. Gregory S. Bell, Committee Chair