

**MINUTES OF THE  
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE  
STANDING COMMITTEE MEETING  
MONDAY, FEBRUARY 18, 2008, 8:00 AM  
ROOM 250, STATE CAPITOL, 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

Members Excused: Pres. John L. Valentine

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

Public Speakers Present: Reed Richards, Weber County Attorney's Office  
Mark Lewon, Vice President Operations, Utah Metal Works, Inc.  
Ken Swenson, Buyer, Western Metals  
Candice Daly, Institute of Scrap Recycling  
Sherriff Jim Tracey, Utah County  
Rick Schwermer, Assistant Court Administrator, AOC  
Chris Parker, Office Legislative Research and General Counsel  
Wade Farroway, Asst. Attorney General  
Alana Kindness, Executive Director, Utah Coalition Against  
Sexual Assault

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

Chair Bell called the meeting to order at 8:00 am.

1. **H.B. 97 Court-ordered Restitutions for Costs of Incarceration** (*C. Oda*)

Rep. Oda presented and explained the bill.

Reed Richards, Weber County Attorney's Office, spoke in favor of the bill.

**MOTION:** Sen. Greiner moved to pass H.B. 97 out of committee with a favorable recommendation.

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

**MOTION:** Sen. Hillyard moved to place H.B. 97 to the Consent Calendar.

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

2. **H.B. 70 Expungement Law Amendments** (*L. Fowlke*)

Rep. Fowlke presented and explained the bill.

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

**SUBSTITUTE MOTION:** Sen. Greiner moved to adopt the following amendment to H.B. 70:

Page 5, line 129, delete "seven years" and insert "20 years".

The motion failed with Sen. Greiner voting in favor, Sens. Bell, Hillyard, McCoy and Romero voting against, and Sen. Madsen absent for the vote.

The original motion passed with Sens. Bell, Hillyard, McCoy and Romero voting in favor, Sen. Greiner voting against, and Sen. Madsen absent for the vote.

3. **S.B. 265 Unlawful Detainer Amendments** (*M. Waddoups*)

Sen. Waddoups presented and explained the bill.

**MOTION:** Sen. Hillyard moved to send S.B. 265 out of committee with a favorable recommendation.

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

**MOTION:** Sen. Hillyard moved to place S.B. 265 on the Consent Calendar.

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

4. **S.B. 194 Metal Theft Amendments and Penalties** (*J. Greiner*)

Sen. Greiner presented and explained the bill.

Reed Richards, Weber County Attorney's Office spoke in favor of the bill.

Mark Lewon, Utah Metal Works, Ken Swenson, Buyer, Western Metals Recycling, and Candice Daly, Institute of Scrap Recycling, distributed a handout and spoke against the bill.

Sheriff Jim Tracy, Utah County spoke in favor of the bill.

**MOTION:** Sen. McCoy moved to adopt the following amendment to S.B. 194:

Page 2, line 45, delete ", including court costs and reasonable attorney fees".

**SUBSTITUTE MOTION:** Sen. Hillyard moved to adopt the following amendment:

1. *Page 2, Lines 44 through 46:*

- 44            ~~{(2) Criminal prosecution for theft of regulated metal does not affect the right~~  
                 ~~of a~~  
45            ~~person to bring a civil action for damages as described in Subsection (1), including~~  
                 ~~court costs~~  
46            ~~and reasonable attorney fees.}~~

The substitute motion passed unanimously.

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

2. *Page 7, Lines 196 through 197:*

- 196            ~~{(5) The dealer shall hold suspect metal for seven days after the date of~~  
                 ~~purchase before~~  
197            ~~selling it.}~~

The motion passed unanimously.

**MOTION:** Sen. Hillyard moved to pass S.B. 194 out of committee with a favorable recommendation.

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

5. **S.B. 242 Law Enforcement Tracking of Domestic Violence Statistics** (*J. Greiner*)

Sen. Greiner presented and explained the bill.

**MOTION:** Sen. Greiner moved to pass S.B. 242 out of committee with a favorable recommendation.

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

6. **S.B. 266 Process Servers -- Age Restrictions** (*J. Greiner*)

Sen. Greiner presented and explained the bill.

Rick Schwermer, Assistant Court Administrator, AOC, spoke to the bill.

**MOTION:** Sen. Greiner moved to pass S.B. 266 out of committee with a favorable recommendation.

The motion failed with Sen. Greiner voting in favor, Sens. Bell, Hillyard, Madsen and Romero voting against, and Sen. McCoy absent for the vote.

7. **S.B. 209 Methamphetamine Decontamination Standards and Funding** (*D. C. Buttars*)

Sen. Buttars presented and explained the bill.

Chris Parker, Office of Legislative Research and General Council spoke to the bill.

**MOTION:** Sen. Hillyard moved to pass S.B. 209 out of committee with a favorable recommendation.

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

Sen. Madsen assumed the Chair.

8. **S.B. 236 Judiciary Amendments** (*L. Hillyard*)

Sen. Hillyard presented and explained the bill.

**MOTION:** Sen. Hillyard moved to replace S.B. 236 with 1st Sub. S.B. 236.

The motion passed unanimously with Sens. Bell and McCoy absent for the vote.

Rick Schwermer, Assistant Court Administrator, AOC, spoke to the bill.

**MOTION:** Sen. Hillyard moved to pass 1st Substitute S.B. 236 out of committee with a favorable recommendation.

The motion passed unanimously with Sens. Bell and McCoy absent for the vote.

**MOTION:** Sen. Hillyard moved to place 1st Substitute S.B. 236 on the Consent Calendar.

The motion passed unanimously with Sens. Bell and McCoy absent for the vote.

9. **H.B. 65 Crime of Strangulation or Smothering** (*J. Seelig*)

Rep. Seelig distributed a handout and presented and explained the bill.

Wade Faraway, Asst. Attorney General, Utah Attorney General and Alana Kindness, Executive Director, Utah Coalition against Sexual Assault, spoke in favor of the bill.

**MOTION:** Sen. Hillyard moved to pass H.B. 65 out of committee with a favorable recommendation.

The motion passed unanimously with Sens. Bell and McCoy absent for the vote.

**Approval of Minutes**

**MOTION:** Sen. Hillyard to adopt the minutes of February 12, 2008 and February 14, 2008.

The motion passed unanimously with Sens. Bell and McCoy absent for the vote.

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

The meeting adjourned at 9:29.

---

Sen. Gregory S. Bell, Committee Chair