

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
February 9, 2009

Members Present: Rep. Douglas Aagard, Chair
Rep. Curt Oda, Vice Chair
Rep. Trisha Beck
Rep. John Dougall
Rep. Ben Ferry
Rep. Richard Greenwood
Rep. David Litvak
Rep. Becky Lockhart
Rep. Paul Ray
Rep. Jennifer Seelig
Rep. Larry Wiley
Rep. Carl Wimmer

Staff Present: Mr. Stewart Smith, Policy Analyst
Ms. Linda Error, Committee Secretary

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

Rep. Oda called the meeting to order at 8:10 a.m.

MOTION: Rep. Ray moved to approve the minutes of the February 5, 2009 meeting. The motion passed unanimously, with Rep. Aagard, Rep. Ferry, and Rep. Litvak absent for the vote.

H.B. 37 Violent Offenses Amendments (*Rep. J. Seelig*)

Rep. Seelig presented the bill to the committee with the assistance of Mr. Paul Boyden, Utah Association of Statewide Prosecutors.

MOTION: Rep. Rep. Seelig moved to amend the bill as follows:

1. *Page 3, Line 74:*

74 (e) any felony sexual offense under Title 76, Chapter 5, Part 4, { ~~Enticement of a~~
~~Minor~~ } Sexual Offenses ;

The motion to amend passed unanimously, with Rep. Aagard and Rep. Ferry absent for the vote.

MOTION: Rep. Wiley moved to pass the bill out favorably. The motion passed

unanimously, with Rep. Aagard and Rep. Ferry absent for the vote.

H.B. 277 Controlled Substance Amendments (*Rep. P. Ray*)

Rep. Ray presented the bill to the committee.

MOTION: Rep. Litvack moved to send the bill to Rules with a recommendation for interim study. The motion passed unanimously, with Rep. Ferry absent for the vote.

H.B. 136 Sex Offender Definition Amendments (*Rep. P. Ray*)

Rep. Ray presented the bill to the committee.

Spoke for the bill: Ms. Jacey Skinner, Director, Utah Sentencing Commission

MOTION: Rep. Beck moved to pass the bill out favorably. The motion passed unanimously, with Rep. Ferry and Rep. Seelig absent for the vote.

H.B. 122 Government Records Access and Management Act Amendments (*Rep. D. Aagard*)

Rep. Aagard presented the bill to the committee with the assistance of Mr. Patrick Nolan, Office of the Attorney General. (handout)

MOTION: Rep. Beck moved to amend the bill as follows:

1. Page 1, Lines 14 through 15:

- 14 ▶ clarifies that records may be {~~may~~} classified as protected if they are
 prepared in
15 anticipation of litigation;

The motion to amend passed unanimously, with Rep. Ferry absent for the vote.

Spoke against the bill: Mr. Jeff Hunt, Utah Media Coalition
 Mr. Jim Fisher, Society of Professional Journalists

MOTION: Rep. Ray moved to pass the bill out favorably.

SUBSTITUTE

MOTION: Rep. Litvack moved to proceed to the next item on the agenda. The motion

failed, with Rep. Beck, Rep. Litvack, and Rep. Wiley voting in favor. Rep. Dougall and Rep. Seelig were absent for the vote.

The original motion to pass the bill out favorably passed, with Rep. Beck, Rep. Litvack and Rep. Wiley voting in opposition. Rep. Dougall and Rep. Seelig were absent for the vote.

S.B. 40 Lawful Presence Verification for Issuance of a Driver License or Identification Card (*Sen. C. Bramble*)

Sen. Bramble presented the bill to the committee.

Spoke against the bill: Mr. Alex Segura, private citizen

MOTION: Rep. Ferry moved to pass the bill out favorably. The motion passed unanimously, with Rep. Dougall, Rep. Litvack, and Rep. Seelig absent for the vote.

Rep. Oda relinquished the chair to Rep. Aagard.

H.B. 129 Alcoholic Beverage Amendments Related to Minors (*Rep. C. Oda*)

Rep. Oda presented the bill to the committee.

MOTION: Rep. Oda moved to amend the bill as follows:

1. *Page 7, Lines 192 through 198:*

192 (1) A minor is liable to a retail licensee in an amount described in Subsection (2) if:

193 (a) the commission imposes an applicable fine against the retail licensee **on the basis of a violation related to a minor** ; **and**

194 (b) the minor **{is involved}** , **as part of the minor's involvement** in the violation **{related to a minor that is the basis for the**

195 **applicable fine; and**

196 ~~(c) as part of the facts that are the basis for the applicable fine, the minor attempts to:~~

197 ~~(i) use~~ **described in Subsection (1)(a), uses** proof of age in violation of Chapter 1, Part 3, Proof of Age **{or**

198 ~~(ii) otherwise engage in an act that is a violation of this title for a minor to~~

[engage in](#) } .

The motion to amend passed unanimously, with Rep. Dougall, Rep. Litvack, and Rep. Seelig absent for the vote.

Spoke for the bill: Ms. Liz Zentner, Utah PTA
Mr. Mark Livingston, Utah Hospitality Association

MOTION: Rep. Wiley moved to pass the bill out favorably. The motion passed unanimously, with Rep. Dougall, Rep. Litvack, and Rep. Lockhart absent for the vote.

H.B. 140 Motor Vehicle Registration Fee Amendments (*Rep. C. Frank*)

This bill was not heard.

MOTION: Rep. Wiley moved to adjourn the meeting. The motion passed unanimously, with Rep. Dougall, Rep. Litvack, and Rep. Lockhart absent for the vote.

Rep. Aagard adjourned the meeting at 9:50 a.m.

Rep. Douglas Aagard, Chair