

**MINUTES OF THE HOUSE**  
**LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**  
**Room 25, House Office Building, State Capitol Complex**  
**February 18, 2009**

**Members Present:** Rep. Douglas Aagard, Chair  
Rep. Curt Oda, Vice Chair  
Rep. Trisha Beck  
Rep. John Dougall  
Rep. Richard Greenwood  
Rep. David Litvak  
Rep. Becky Lockhart  
Rep. Paul Ray  
Rep. Carl Wimmer

**Members Absent:** Rep. Ben Ferry  
Rep. Jennifer Seelilg  
Rep. Larry Wiley

**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. Aagard called the meeting to order at 8:10 a.m.

**MOTION:** Rep. Beck moved to approve the minutes of the February 13, 2009 meeting. The motion passed unanimously, with Rep. Litvack, Rep. Oda, and Rep. Wimmer absent for the vote.

**H.B. 208      Modification of Exemption from Nonresident Tuition (*Rep. R. Greenwood*)**

Rep. Greenwood presented the bill to the committee.

Spoke for the bill:                    Mr. Ronald Mortensen, Citizen Coalition on Illegal Immigration  
Mr. Eli Cawley, Utah Minuteman Project

Spoke against the bill:            Mr. Patrick Reimherr, President, Associated Students of The  
University of Utah  
Mr. Jonathon Hayes, Vice President, Associated Students of The  
University of Utah

**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 and Rep. Litvack voting in favor.

The original motion to pass the bill out favorably passed, with Rep. Litvack voting in opposition.

**H.B. 204 Concealed Firearms Instructors Amendments (Rep. C. Oda)**

Rep. Oda presented the bill to the committee.

MOTION: Rep. Oda moved to adopt 1st Substitute H.B. 204. The motion passed unanimously, with Rep. Beck, Rep. Litvack, and Rep. Lockhart absent for the vote.

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

**H.B. 314 Dna Sample for Criminal Offenses - Amendments (Rep. R. Greenwood)**

Rep. Greenwood presented the bill to the committee with the assistance of Mr. Jay Henry, Lab Director, Department of Public Safety.

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

1. *Page 1, Lines 14 through 15:*

14       ▶ requires that a DNA specimen shall be obtained from a person convicted of {  
          **an**  
15 **assault**} **an offense of class B misdemeanor domestic violence assault** , {**which**  
**is a class B misdemeanor,**} in addition to current requirements for

2. *Page 1, Lines 17 through 19:*

17       ▶ provides that a DNA specimen is not to be taken from a minor who commits {  
          **an**  
18 **assault**} **a class B misdemeanor domestic violence assault offense** ;  
19       ▶ requires a person convicted of {**an assault**} **a class B misdemeanor**  
**domestic violence assault offense** to also pay the fee of \$100 for the costs of

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

47 (ii) on and after May 12, 2009, ~~{assault,}~~ a class B misdemeanor offense of  
domestic violence assault ~~under~~ as defined ~~Section~~  
48 76-5-102 in Subsection 77-36-1(4)(b), except that a DNA specimen may not be  
taken from a minor whom the court has

4. Page 2, Line 50:

50 class B ~~{assault}~~ misdemeanor domestic violence assault offense; or

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

Spoke to the bill: Mr. John Hiskey, Deputy Mayor, Sandy City

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

1. Page 1, Line 19:

19 requires a person convicted of an assault to also pay the fee of  
~~{ \$100 }~~ \$200 for the costs of

2. Page 3, Line 77:

77 the ~~[responsible]~~ agency responsible for obtaining the DNA specimen  
~~{ \$100 }~~ \$200 for the cost of

3. Page 3, Line 83:

83 (ii) An agency's guidelines and procedures may provide for the assessment of  
~~{ \$100 }~~ \$200 on

4. Page 3, Line 85:

85 the ~~{ \$100 }~~ \$200 is paid in full.

5. Page 3, Line 88:

88 deposit ~~{ \$80 }~~ \$180 of the fee in the DNA Specimen Restricted Account and  
retain the balance of \$20

The motion to amend passed, with Rep. Aagard voting in opposition. Rep. Litvack and Rep. Lockhart were absent for the vote.

MOTION: Rep. Greenwood moved to pass the bill out favorably. The motion passed, with Rep. Ray and Rep. Wimmer voting in opposition. Rep. Litvack and Rep. Lockhart were absent for the vote.

**S.B. 85 Homicide Amendments (*Sen. S. Urquhart*)**

Sen. Urquhart presented the bill to the committee with the assistance of Mr. Creighton Horton, Office of the Attorney General.

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

**S.B. 145 Public Safety Retirees Death Benefit Revisions (*Sen. J. Greiner*)**

Sen. Greiner presented the bill to the committee. (handout)

Spoke for the bill: Mr. Kelly Atkinson, Fraternal Order of Police

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

**H.B. 276 Custodial Interference Amendments (*Rep. C. Wimmer*)**

This bill was not heard.

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

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

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Rep. Douglas Aagard, Chair