

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
FRIDAY, JANUARY 30, 2009, 8:00 AM
ROOM 250, STATE CAPITOL**

Members Present: Sen. Chris Buttars, Chair
Sen. Jon J. Greiner
Sen. Mark B. Madsen
Sen. Scott D. McCoy
Sen. Ross I. Romero

Members Excused: Sen. Michael Waddoups
Sen. Lyle W. Hillyard

Staff Present: Jerry Howe, Policy Analyst
Allison Volk, Committee Secretary

Public Speakers Present: Craig McHorton, citizen
Eric Isom, Government Affairs Director, Qwest
Jacey Skinner, Director, Sentencing Commission
John Hill, Director UPMRA
LeGrand Bitter, Executive Director, UASD
Mark Staker, Questar
Mike Lewon, Vice President Operations, Utah Metal Works
Mike Rush, citizen
Rick Schwermer, citizen
Rob Latham, Government Affairs Director, VACDL
Steve Allen, Sales Manager, Sims Metal Management

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

Chair Buttars called the meeting to order at 8:15 a.m.

1. S. B. 90, Metal Theft Amendments and Penalties, by Sen. Greiner

Sen. Greiner presented S. B. 90 to the Committee.

Speaking in favor of the bill were: LeGrand Bitter, Executive Director, UASD; Eric Isom, Government Affairs Director, Qwest; Mark Staker, Questar. Speaking against the bill were: Steve Allen, Sales Manager, Sims Metal Management; Mike Lewon, Vice President Operations, Utah Metal Works; Mike Rush, citizen. Speaking to the bill were Sens. Romero and McCoy.

Sen. Grieiner summarized the bill.

MOTION: Sen. Romero moved to go onto the next item on the agenda.

The motion passed with Sens. Buttars and Greiner voting in opposition.

2. S. B. 91, Electronic Communication Harassment Amendment, by Sen. Greiner

Sen. Grieiner, presented S. B. 91 to the Committee.

Sen. McCoy, spoke to the bill

Sen. Madsen, spoke to the bill

Sen. Greiner, gave summarization of the bill.

MOTION: Sen. Madsen motioned to amend the bill as follows.

1. Page 4, Lines 93 through 96:

93 (2) A person is guilty of electronic communication harassment and subject to
94 prosecution in the jurisdiction where the communication originated or was received if with
95 intent to annoy, alarm, intimidate, offend, abuse, threaten, harass, frighten, {~~cause~~
substantial
96 emotional distress,} or disrupt the electronic communications of another, the person:

The motion passed with Sens. Buttars and Greiner voting in opposition.

MOTION: Sen. Madsen moved to pass the bill out favorably.

The motion passed with unanimously.

3. S. B. 98, Motor Fuel Theft Penalties, by Sen. Greiner

Sen. Greiner explained an amendment.

Sen. Buttars spoke to the amendment.

MOTION: Sen. McCoy moved amend the bill as follows:

1. Page 1, Lines 17 through 20:

- 17 driver license shall be suspended for a conviction of theft of motor vehicle fuel {↔
18 ~~60 days for a first offense;~~
19 ~~six months for a second offense; and~~
20 ~~one year for a third or subsequent offense}~~ for 90 days ; and
2. *Page 4, Lines 106 through 109:*
- 106 (ii) A suspension under this section is 90 days for each offense {↔
107 ~~(A) 60 days for a first offense;~~
108 ~~(B) six months for a second offense; and~~
109 ~~(C) one year for a third or subsequent offense.}~~

The motion passed with Sen. Buttars voting nay.

Sens. Greiner and Madsen spoke to the bill. John Hill, Director, UPMRA, spoke in favor of the bill.

Sen. Greiner summarized the bill.

MOTION: Sen. McCoy moved to pass S. B. 98, as amended, out favorably.

The motion passed with Sen. Buttars absent at the time of voting.

4. S.B.85, Homicide Amendments, by Sen. Urquhart

Sen. Urquhart presented the bill. Sens. Romero and McCoy spoke to the bill. Craig McHorton, citizen, spoke in favor of the bill.

MOTION: Sen. McCoy moved to pass the bill out favorably.

The motion passed with Sen. Buttars absent at the time of voting.

5. SB107 Communications and Mortgage Fraud Penalty Amendments, by Sen. Hinkins

Sen. Hinkins presented 1st Substitute, S.B.107.

MOTION: Sen. McCoy moved to pass the 1st substitute S.B.107 out favorably

The motion passed Sen. Buttars absent at the time of voting.

Craig McHorton, citizen, spoke in favor of the bill.

MOTION: Sen. McCoy moved to pass the 1st Substitute SB 107 with a favorable recommendation.

The motion passed with unanimously with a 4-0 vote with Sen. Buttars absent during the time of the vote.

6. S.B.112, Obstruction of Justice Amendment, Sen. Okerland

MOTION: Sen. McCoy moved to adopt Amendment #1 of S.B.112.

The motion passed with Sen. Buttars absent at the time of voting.

Sen. Oakerland presented the bill.

Jacey Skinner, Director, Sentencing Committee, spoke in favor of the bill.

Rob Latham, Government Affairs Director, VACDL, spoke against the bill.

Sen. Greiner spoke to the bill.

Sen. Romero spoke to the bill.

MOTION: Sen. McCoy moved to send S.B.112, as amended, out favorably.

The motion passed with Sen. Buttars absent at the time of voting.

7. SB118 Parental Responsibility for Juvenile Criminal Gang Offense Costs, Sen. Greiner

Sen. Greiner presented the bill.

Sen. Romero spoke to the bill.

Rick Schwermer, AOC, made a clarification on the bill.

MOTION: Sen. Buttars moved to adjourn.

The motion passed unanimously.

The meeting adjourned at 10:00 a.m.

Minutes were reported by Allison Volk, Secretary.

Sen. D. Chris Buttars, Committee Chair