

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
FRIDAY, FEBRUARY 6, 2009, 2:00 PM
ROOM 250, STATE CAPITOL**

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

Members Excused: Sens. Buttars
Sen. Lyle W. Hillyard

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

Public Speakers Present: Jacey Skinner, Sentencing Committee
Kris Fawson, Policy Specialist, USLHC
Rick Schwerwer, Courts
Kevin Ashby, Vernal Express
Mark Fullenbaugh, citizen

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

Chair Madsen called the meeting to order at 2:05

1. S.B. 118 , Parental Responsibility for Juvenile Criminal Gang Offense Cost, by Sen. Greiner

MOTION: Sen. Greiner motioned to amend S.B. 118 as follows.

1. Page 2, Lines 56 through 57:

56 [~~3~~] (4) A court may waive part or all of the liability for damages {~~described in~~
57 Subsection (1)} under this section by the parent or legal guardian if the offender is
 adjudicated in the juvenile court

The motion passed unanimously with Sen. Romero absent during the time of the vote.

Sen. Greiner presented the amended bill.

Sen. Waddoups spoke to the bill.

Jacey Skinner spoke to the bill.

MOTION: Sen. Greiner motioned to pass S.B. 118, as amended, out with a favorable

recommendation.

The motion passed unanimously with Sen. Romero absent during the time of the vote.

2. **S.B. 133 , Abuse or Neglect of a Disabled Child by Sen. Valentine**

Sen. Valentine presented an amendment to the S.B. 133.

MOTION: Sen. Waddoups motioned to amend S.B. 133 as follows.

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

14 ▶ provides that a caretaker who intentionally, knowingly, recklessly ~~{, or with~~
criminal
15 **negligence**} abuses or neglects a disabled child is guilty of a third degree felony.

2. *Page 2, Line 45:*

45 (2) Any caretaker who intentionally, knowingly, recklessly ~~{, or with criminal~~
negligence}

The motion passed unanimously with Sen. McCoy absent during the time of the vote.

Sen. Valentine spoke to the amended bill.

Kris Fawson spoke in favor of the bill

Sen. Greiner motioned to move out S.B. 133, as amended, out favorably.

3. **S.B. 154, Juvenile Court Judge - Fifth District, by Sen. Urquhart**

Sen. Greiner presented S.B. 154.

Sen. Waddoups spoke to the bill.

Rick Schwermer spoke to the bill.

MOTION: Sen Greiner motioned to move S.B. 154 out favorably

The motion passed unanimously with Sen. McCoy absent during the time of the vote.

4. **S.J.R 9, Resolution Honoring the Utah Law Enforcement Memorial Foundation by Sen. Greiner**

Sen. Greiner presented the S.J.R. 9.

MOTION: Sen Greiner motioned to move S.J.R. 9 out with a favorable recommendation.

The motion passed unanimously with Sen. McCoy absent during the time of the vote.

MOTION: Sen Greiner motioned to place S.J.R. 9 on the consent calendar.

The motion passed unanimously with Sen. McCoy absent during the time of the vote.

5. **S.B. 161, Repeal of Maximum Charge to Publish Legal Notice by Sen. Van Tassell**

Sen. Van Tassell presented an amendment to S.B. 161

MOTION: Sen. Greiner motioned to amend S.B. 161 as follows.

1. *Page 2, Line 31:*

31 may not be greater than the {~~lowest~~} open net rate charged for a similar notice,
advertisement, or

Kevin Ashby Vernal Express, spoke to the motion.

Sen. Madsen spoke to the motion.

Mark Fullenbaugh spoke to the motion.

The motion passed unanimously with Sen. McCoy absent during the time of the vote.

MOTION: Sen. Romero motioned to move S.B. 161, as amended, out with a favorable recommendation.

The motion passed with Sen. Madsen voting against the motion and Sen. McCoy absent during the time of the vote.

6. **H.B. 87, Identity Theft Amendment by Rep. Fisher**

Rep. Fisher presented H.B. 87.

Sens. Waddoups and McCoy spoke to the bill.

MOTION: Sen. McCoy motioned to move H.B. 87 out with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. McCoy motioned to move H.B. 87 on the consent calendar.

The motion passed unanimously.

7. **S.B. 116, Criminal Penalty and Prosecution Amendments by Sen. Liljenquist**

Sen. Liljenquist presented 1st Substitute to S.B. 116

MOTION: Sen. Waddoups motioned to adopt 1st Substitute S.B. 116.

The motion passed unanimously.

Paul Boyden, spoke in favor of the bill.

Sens. Romero, McCoy and Waddoups spoke to the bill.

MOTION: Sen. McCoy motioned to move 1st Substitute S.B. 116 out with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. McCoy motioned to approve the minutes of January, 27th, 2009.

The motion passed unanimously.

8. **H.B. 106, Controlled Substance Database Amendments by Rep. Daw**

Sen. Bramble presented H.B. 106.

MOTION: Sen. Greiner motioned to move H.B. 106 out with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Greiner motioned to move H.B. 106 on the consent calendar.

The motion passed unanimously.

MOTION: Sen. McCoy motioned to move adjourn.

The motion passed unanimously.

The meeting adjourned at 5:00 pm

Minutes were reported by Allison Volk, Secretary.

Sen. D. Chris Buttars, Committee Chair