

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
TUESDAY, FEBRUARY 17, 2009, 2:00 PM
ROOM 250, STATE CAPITOL**

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

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

Public Speakers Present: Paul Amann, Asst. Attorney General, Utah Attorney General's Office
Maryann Christensen, Secretary, Utah Eagle Forum
Wade Fairway, Asst. Attorney General, Utah Attorney General's Office
Laura Fuller, Attorney
Scott Garrett, Attorney, Iron County Attorneys Office
Elan Labarren, citizen
Rob Latham, Government Affairs Director, VACDL
Jacey Skinner, Director, Sentencing Commission
Debi Tabor, Programs VP, Utah PTA

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

Chair Buttars called the meeting to order at 2:00 pm.

1. H.B. 59S02 Subpoenas for Record in Certain Criminal Investigation, by Rep. Daw

Sen. Valentine presented H.B. 59S02.

Paul Amann, Assistant Attorney General, Utah Attorney General's Office, spoke in favor of the bill.

Sens. Buttars, Waddoups, McCoy and Greiner spoke to the bill.

Wade Fairway, Assistant Attorney General, Utah Attorney General's Office, spoke in favor of the bill.

Sen. Valentine summarized the bill.

MOTION: Sen. McCoy motioned to move H.B. 59S02 out with a favorable motion.

The Chair recommended that Sen. McCoy hold that motion until a quorum was present.

2. H.B. 26 Child and Vulnerable Adult Endangerment Provisions by Rep. Daw

MOTION: Sen. McCoy moved to amend H.B. 26

1. *Page 1, Line 26 through Page 2, Line 28:*

26 ▶ provides an affirmative defense to the crime described above, if the controlled
27 substance is obtained by lawful prescription {~~and is used or possessed in accordance~~
28 ~~with the prescription instructions~~} ;

2. *Page 6, Line 182 through Page 7, Line 185:*

182 (e) "Exposed to" means that the child or vulnerable adult is able to:

183 (i) access or view {~~a~~} an unlawfully possessed:

(A) controlled substance {~~v~~} ;

(B) chemical substance {~~v~~} ; or

(C) drug paraphernalia; or

184 (ii) smell an odor produced during, or as a result of, the manufacture or production of
a
185 controlled substance.

3. *Page 7, Lines 202 through 206:*

202 (3) It is an affirmative defense to a violation of this section that the controlled
203 substance:

204 (a) was obtained by lawful prescription; and

205 (b) is used or possessed by the person to whom it was lawfully prescribed {~~in~~

206 ~~accordance with the prescription instructions provided with the controlled~~
~~substance~~} .

The motion passed unanimously with Sens. Greiner, Hillyard, Madsen and Romero absent during the time of the vote.

Rep. Morley presented the H.B. 26, as amended.

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

Sen. McCoy spoke to the bill.

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

Debi Tabor, Programs VP, Utah PTA spoke in favor of the bill.

Rep. Morley summarized the bill.

MOTION: Sen. Greiner motioned to move H.B. 26, as amended, out with a favorable recommendation.

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

MOTION: Sen. McCoy motioned to move out H.B. 59 out with a favorable recommendation.

The motion passed unanimously with Sens. Madsen and Romero absent during the time of the vote.

3. S.B. 11 Incest Amendments by Sen. Stowell

MOTION: Sen. Greiner moved to amend S.B. 11

1. *Page 3, Line 69:*

69 (ii) provides a human egg or seminal fluid under Subsection {~~(1)~~} (2) (b)(v).

2. *Page 3, Line 77:*

77 sexual intercourse; {~~or~~}

The motion passed unanimously with Sens. Buttars, Madsen and Romero absent during the time of the vote.

Sen. Stowell presented S.B. 11, as amended.

Scott Garrett, Attorney, Iron County Attorneys Office, spoke in favor of the bill.

Sens. Greiner and McCoy spoke to the bill.

Lara Fuller, Attorney, spoke against the bill.

Maryann Christensen, Secretary, Utah Eagle Forum, spoke in favor of the bill.

Sen. Stowell summarized the bill.

MOTION: Sen. Hillyard motioned to move S.B. 11, as amended, out with a favorable recommendation.

The motion passed unanimously with Sens. Buttars, Madsen and Romero absent during the time of the vote.

4. H.B. 97 Sexual Exploitation of a Minor by Rep. Bigelow

Rep. Bigelow presented H.B. 97.

Mr. Aman spoke in favor of the bill.

Sens. Hillyard and McCoy spoke to the bill.

Ms. Christensen spoke in favor of the bill.

MOTION: Sen. Hillyard motioned to move H.B. 29 out with a favorable recommendation.

The motion passed unanimously with Sens. Buttars, Waddoups and McCoy absent during the time of the vote.

5. H.B. 29 Sex Offenders' Contact with Children by Rep. Greenwood

Rep. Greenland presented the H.B. 29.

Sens. Romero and Hillyard spoke to the bill.

Ms. Christensen spoke in favor of the bill.

Rep. Greenland summarized the bill.

MOTION: Sen. Hillyard motioned to move H.B. 29 out with a favorable recommendation.

The motion passed unanimously with Sens. Buttars, Waddoups and McCoy absent during the time of the vote.

6. S.B. 155 Adoption Exception to Custody and Visitation for Persons Other than Parents by Sen. Hillyard

MOTION: Sen. Hillyard motioned to adopt 1st Substitute S.B. 155.

The motion passed unanimously with Sens. Buttars, Waddoups and McCoy absent during the time of the vote.

Sen. Hillyard presented 1st Substitute S.B. 155.

Sen. Romero spoke to the bill.

MOTION: Sen. Hillyard motioned to move 1st Substitute S.B. 155 out with a favorable recommendation.

The motion passed with Sens. McCoy and Romero voting in opposition and Sens. Buttars and Waddoups absent during the time of the vote.

7. **H.B. 63 Amendments to Child Welfare** by Rep. Harper

Rep. Harper presented H.B. 63.

MOTION: Sen. Romero motioned to move out H.B. 63 with a favorable recommendation.

The motion passed unanimously with Sens. Buttars, Hillyard, Waddoups and McCoy absent during the time of the vote.

8. **H.B. 41 Sex Offender Registration Amendments** by Rep. Sumsion

Rep. Sumsion presented H.B. 63.

MOTION: Sen. Madsen motioned to move H.B. 41 out with a favorable recommendation.

The motion passed unanimously with Sens. Buttars, Hillyard, Waddoups and McCoy absent during the time of the vote.

MOTION: Sen. Romero moved to adjourn.

The meeting adjourned at 4:10 pm.

Minutes were reported by Allison Volk, Secretary.

Sen. D. Chris Buttars, Committee Chair