

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
January 29, 2010

Members Present: Rep. Douglas Aagard, Chair
Rep. Curt Oda, Vice Chair
Rep. Trisha Beck
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. Aagard called the meeting to order at 2:05 p.m.

MOTION: Rep. Ray moved to approve the minutes of the January 27, 2010 meeting. The motion passed unanimously, with Rep. Ferry, Rep. Litvack, Rep. Lockhart, Rep. Oda, Rep. Seelig, and Rep. Wiley absent for the vote.

1st Sub. H.B. 78 Weapons Revisions (Rep. S. Sandstrom)

Rep. Sandstrom further presented the bill to the committee.

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

1. Page 2, Lines 30 through 33:

30 (1) (a) A person is justified in threatening or using force against another when and to
31 the extent that ~~[he or she]~~ the person reasonably believes that force or a threat of
force is necessary to defend
32 ~~[himself]~~ the person or a third person against ~~[such other's]~~ another person's imminent use
of
33 unlawful force. ~~[However, that]~~

2. Page 3, Lines 76 through 78:

- 76 (1) As used in this section, "threatening manner" does not include ∴
(a) the possession of a dangerous weapon whether visible or concealed without
additional behavior which is threatening; or
(b) informing another
77 person of the actor's possession of a dangerous weapon or displaying a dangerous weapon
if the
78 actor reasonably believes it to be necessary as provided in Section 76-2-402.

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

Spoke for the bill: Ms. Crystal Perry, Utah Gun Club
Mr. Paul Boyden, Utah Statewide Association of Prosecutors

Spoke to the bill: Mr. Steven Gunn, Gun Violence Prevention Center

MOTION: Rep. Greenwood moved to pass the bill out with a favorable recommendation. The motion passed unanimously, with Rep. Litvack, Rep. Lockhart, Rep. Oda, and Rep. Seelig absent for the vote.

H.B. 197 Custodial Interference Amendments (Rep. C. Wimmer)

Rep. Wimmer presented the bill to the committee.

Spoke against the bill: Mr. Stewart Ralphs, Utah Domestic Violence Council

Spoke for the bill: Mr. Jeff Rifleman, attorney, Spencer, McArthur and Rogers
Mr. Michael Peckham, private citizen
Mr. Anthony Calderone, private citizen
Ms. Michelle Peckham, private citizen
Mr. Brian Nathan Godfrey, private citizen
Mr. Jahn Curran, private citizen

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

H.B. 202 Fireworks Amendments (Rep. R. Menlove)

Rep. Menlove presented the bill to the committee with the assistance of Mr. Ron Morris, State Fire Marshall.

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

1. *Page 4, Lines 100 through 101:*

- 100 (b) The state fire marshal shall make the list available ~~{to the public in electronic~~
form
101 ~~or in other forms selected by the state fire marshal.}~~ on the website maintained
by the Department of Public Safety.

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

Spoke for the bill: Mr. Mike Brady, local fire arts community
Ms. Rebecca Parr, local fire arts community

MOTION: Rep. Wiley moved to pass the bill out with a favorable recommendation. The motion passed unanimously, with Rep. Lockhart absent for the vote.

H.B. 201 State Fire Marshal Modifications (Rep. R. Menlove)

Rep. Menlove presented the bill to the committee with the assistance of Mr. Ron Morris, State Fire Marshall. (handout)

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

1. *Page 2, Line 50:*

- 50 (i) a permit to discharge all display fireworks, special effects, and flame effects
performances ; and

2. *Page 5, Line 126:*

- 126 (13) (a) "Flame effects operator" means a person licensed under Section
53-7-223 who,

3. *Page 5, Lines 128 through 131:*

- 128 ~~{(a)}~~ (i) storage, setup, operations, teardown, devices, equipment,
overseeing assistants and

129 support personnel, and preventing accidental discharge; and
130 ~~{(b)}~~ (ii) completion of the sequence of control system functions that
release the fuel for
131 ignition to cause combustion and create the flame effects.

(b)(i) "Flame effects operator" does not include a person who participates in a meeting, as limited under Subsection (13)(b)(ii), with other persons solely to receive training, to practice, or provide instruction regarding flame effects performance.

(ii) A meeting under Subsection (13)(b)(i) may include a nonpaying and unsolicited audience of not more than 25 persons.

4. *Page 9, Line 275:*

275 (1) (a) A person may not purchase[;] or possess[; or discharge] display [or]
fireworks.

5. *Page 10, Line 277:*

277 has obtained [a display or special effects operator] the appropriate license from the
division , except under Subsection (1)(b) .

(b)(i) Subsection (1)(a) does not apply to any person who participates in a meeting, as limited under Subsection (1)(b)(ii), with other persons solely to receive training, to practice, or provide instruction regarding flame effects performance.

(ii) A meeting under Subsection (1)(b)(i) may include a nonpaying and unsolicited audience of not more than 25 persons.

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

Spoke for the bill: Mr. Jim Judd, Professional Firefighters of Utah
Chief Bradley Wardle, Fire Chief, West Jordan Fire Department

MOTION: Rep. Wiley moved to pass the bill out with a favorable recommendation. The motion passed, with Rep. Oda voting in opposition. Rep. Litvack, Rep. Lockhart, Rep. Seelig, and Rep. Wimmer were absent for the vote.

MOTION: Rep. Wiley moved to adjourn the meeting. The motion passed unanimously, with

House Law Enforcement & Criminal Justice Standing Committee
January 29, 2010
Page 5

Rep. Litvack, Rep. Lockhart, Rep. Seelig, and Rep. Wimmer absent for the vote.

Rep. Aagard adjourned the meeting at 4:02 p.m.

Rep. Douglas Aagard, Chair