

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
February 2, 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 2:10 p.m.

MOTION: Rep. Wiley moved to approve the minutes of the January 29, 2010 meeting. The motion passed unanimously, with Rep. Ferry, Rep. Lockhart and Rep. Ray absent for the vote.

Rep. Aagard relinquished the chair to Rep. Oda.

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

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

1. Page 1, Lines 25 through 26:

25 ▶ creates ~~{-an}~~ affirmative ~~{-defense}~~ defenses to the crime of
custodial interference.

26 Monies Appropriated in this Bill:

2. Page 3, Lines 59 through 61:

59 (4) In addition to the affirmative defenses described in Section 76-5-305, it is an
60 affirmative defense to the crime of custodial interference that :
(a) the action ~~{-was}~~ is consented to by

- 61 the person whose custody or visitation of the child was interfered with ~~{-}~~ ; or
(b) (i) the action is based on a reasonable belief that the action is necessary to
protect a child from abuse, including sexual abuse; and
(ii) before engaging in the action, the person reports the person's intention to engage
in the action, and the basis for the belief described in Subsection (4)(b)(i), to the
Division of Child and Family Services or law enforcement.

The motion to amend passed unanimously, with Rep. Ferry and Rep. Ray absent for the vote.

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

H.B. 207 Protection of Property Amendment (Rep. C. Wimmer)

MOTION: Rep. Wimmer moved to adopt 1st Substitute H. B. 207. The motion passed unanimously, with Rep. Ferry absent for the vote.

Rep. Wimmer presented the bill to the committee with the assistance of Paul Boyden, Utah Statewide Association of Prosecutors.

MOTION: Rep. Wimmer moved to pass the bill out with a favorable recommendation. The motion passed, with Rep. Wiley voting in opposition. Rep. Ferry was absent for the vote.

H.B. 214 Concealed Firearm Permit Modifications (Rep. R. Lockhart)

MOTION: Rep. Lockhart moved to adopt 1st Substitute H.B. 214. The motion passed unanimously, with Rep. Ferry and Rep. Wimmer absent for the vote.

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

1. Page 5, Line 141:

141 (c) The provisions of Subsections 76-10-504(1) and (2), and ~~{Section~~
~~76-10-501}~~ Section 76-10-505 do not

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

Rep. Lockhart presented the bill to the committee
Spoke for the bill: Clark Aposhian, Utah Shooting Sports Council

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

H.B. 230 Human Trafficking Amendments (Rep. Julie Fisher)

Rep. Fisher presented the bill to the committee with the assistance of Richard Hamp from the Utah Attorney General's Office.

Spoke for the bill: Michael Sanchez, private citizen (handout)

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

S.B. 10 Criminal Offense Penalties Amendments (Sen. J. Greiner)

Sen. Greiner presented the bill to the committee with the assistance of Paul Boyden, Utah Statewide Association of Prosecutors.

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

MOTION: Rep. Lockhart moved to adjourn the meeting. The motion passed unanimously, with Rep. Wimmer absent for the vote.

Rep. Oda adjourned the meeting at 3:05 p.m.

Rep. Douglas Aagard, Chair