

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
February 19, 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. Larry Wiley
Rep. Carl Wimmer

Members Absent: Rep. Jennifer Seelig

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. Oda called the meeting to order at 2:10 p.m.

MOTION: Rep. Ray moved to approve the minutes of the February 17, 2010 meeting. The motion passed unanimously, with Rep. Ferry, Rep. Lockhart, Rep. Wiley and Rep. Wimmer absent for the vote.

H.B. 190 Disclosure of Methamphetamine Contaminated Property Act Amendments (*Rep. S. Mascaro*)

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

1. *Page 1, Line 18:*

18 to exercise reasonable diligence to determine whether the property is contaminated;

► explains the reasonable diligence required;

2. *Page 2, Line 49:*

49 (b) **(i) If, in the ordinary course of business, an owner or lessor obtains information that**

3. *Page 2, Line 52:*

52 reasonable diligence to determine whether the property is contaminated.

(ii) The reasonable diligence that an owner is required to exercise under Subsection (1)(b)(i) is the diligence that is reasonable under all the circumstances, and may include, but does not require in all situations, professional examination or testing of the property to determine whether the property is contaminated.

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

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

1. *Page 2, Line 49:*

49 (b) If, in the ordinary course of business, an owner or lessor obtains reliable and credible information that , considering all relevant circumstances,

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

Spoke against the bill: Mr. Paul Smith, Utah Apartment Association

Spoke for the bill: Professor Daniel Medwed, University of Utah College of Law

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

1st Sub. H.B. 106 Expedited Background Checks for Human Services Providers (Rep. J. Seelig)

Rep. Litvack presented the bill to the committee with the assistance of Ms. Marie Christman, Utah Department of Human Services. (handout)

Spoke to the bill: Mr. Ken Stettler, Utah Department of Human Services

Spoke for the bill: Mr. Charlie Luke, Utah Association of Community Services

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

vote.

H.B. 136 Jail Contracting and Reimbursement (Rep. M. Noel)

Rep. Noel presented the bill to the committee with the assistance of Mr. Brent Gardner, Utah Association of Counties

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

1. Page 4, Lines 112 through 113:

112 conviction, the department shall contract with the county jail {~~shall be~~
arranged for by contract between the department and the
113 county jail} under the contract procedure and terms of Section 64-13e-103
regarding contracts for housing state inmates ;

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

Spoke to the bill: Mr. Reed Richards, Utah Sheriff's Association
Mr. Tom Patterson, Director, Department of Corrections

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

Rep. Oda relinquished the chair to Rep. Ferry.

H.B. 303 Protections for Victims of Domestic Violence (Rep. E. Hutchings)

Rep. Hutchings presented the bill to the committee with the assistance of Chris Knowlton, Utah Attorney Generals Office. (handout)

Rep. Ferry relinquished the chair to Rep. Aagard.

Spoke for the bill: Ms. Judy Kastenbell, Utah Domestic Violence Council

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

S.B. 58 Transportation Expenses for Defendants (*Sen. J. S. Adams*)

Sen. Adams presented the bill to the committee with the assistance of Mr. Reed Richards, Utah Sheriff's Association.

Rep. Oda resumed the chair.

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

MOTION: Rep. Beck moved to adjourn the meeting. The motion passed unanimously, with Rep. Ferry, Rep. Lockhart and Rep. Wily absent for the vote.

Rep. Douglas Aagard, Chair