

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
TUESDAY, JANUARY 25, 2011, 2:00 PM
ROOM 250, STATE CAPITOL**

Members Present: Sen. Mark Madsen, Committee Chair
Sen. Lyle Hillyard
Sen. Steve Urquhart
Sen. Michael Waddoups
Sen. Ben McAdams
Sen. Ross Romero

Staff Present: Jerry Howe, Policy Analyst
Kathy Helgesen, Committee Secretary

Public Speakers Present: Shannon Halvorsen, Associate General Counsel, Office of
Legislative Research General Counsel
Cara Tangaro, defense attorney
Rob Latham, Government Affairs Director, Utah Association of
Criminal Defense Lawyers
Jayce Skinner, Director, Utah Sentencing Commission
Stewart Ralphs, EDI Legal Aid Society
Todd Stone, American Parental Action League
Patty Butts, Counselor/Author
Clark Aposhian, Chair, Utah Shooting Sports Council
John Sindt, Constable, Constable Association

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

Committee Chair Madsen called the meeting to order at 2:22 p.m.

1. SB0028 - Alcohol or Drug Related Offense Amendments (S. Jenkins)

Sen. Jenkins and Ms. Halvorsen presented the bill.

MOTION: Sen. Hillyard moved to amend the bill as follows:

1. Page 20, Lines 599 through 605

599 (a) for a person 19 years of age or older but under 21 years of age on the date
of arrest;

600 (i) deny the person's license [~~until the person is 21 years of age or for a period~~
~~of 120~~

601 ~~days, whichever is longer;~~ until the person complies with the provisions

of Subsection (11)(b)(i) but for a period of not less than six months beginning on the 30th day after the date

602 of arrest for a first offense under Subsection (2)(a) committed on or after July 1, 2009;

603 ~~(b)~~ (ii) suspend the person's license until the person complies with the provisions of Subsection (11)(b)(i) and until the person is 21 years of age or for a period

604 of two years, whichever is longer, beginning on the 30th day after the date of arrest for a

605 second or subsequent offense under Subsection (2)(a):

2. Page 20, Lines 608 through 610

608 ~~(c)~~ (iii) deny the person's application for a license or learner's permit ~~until the person~~

609 is 21 years of age or for a period of one year, whichever is longer,] until the person complies with the provisions of Subsection (11)(b)(i) but for a period of not less than six months

610 if:

3. Page 20, Lines 614 through 615

614 ~~(d)~~ (iv) deny the person's application for a license or learner's permit until the person complies with the provisions of Subsection (11)(b)(i) and until the person

615 is 21 years of age or for a period of two years, whichever is longer, if:

4. Page 21, Lines 629 through 634

629 (b) for a person under 19 years of age on the date of arrest:

630 (i) deny the person's license until the person complies with the provisions of Subsection (11)(b)(i) but for a period of ~~{two years}~~ not less than one year beginning on the 30th day after

631 the date of arrest for a first offense under Subsection (2)(a) committed on or after July 1, 2009;

632 (ii) suspend the person's license until the person complies with the provisions of Subsection (11)(b)(i) and until the person is 21 years of age or for a period of

633 two years, whichever is longer, beginning on the 30th day after the date of arrest for a second

634 or subsequent offense under Subsection (2)(a):

5. Page 21, Lines 637 through 638

637 (iii) deny the person's application for a license or learner's permit until the person complies with the provisions of Subsection (11)(b)(i) but for a period of ~~{two~~

638 ~~years}~~ not less than one year if:

6. Page 21, Lines 642 through 643

642 (iv) deny the person's application for a license or learner's permit until the
person complies with the provisions of Subsection (11)(b)(i) and until the person is
21
643 years of age or for a period of two years, whichever is longer, if:

The motion passed unanimously with Sen. Urquhart absent for the vote.

Sen. Jenkins and Ms. Halvorsen presented the bill as amended.

Mr. Carver and Ms. Skinner spoke in favor of the bill.

Ms. Tangaro and Mr. Latham spoke to the bill.

MOTION: Sen. Waddoups moved to pass S.B. 28, as amended, out of committee with a favorable recommendation.

The motion passed unanimously, with Sen. McAdams absent for the vote.

2. **SB0034 - Uniform Interstate Family Support Act (L. Hillyard)**

Sen. Hillyard presented the bill.

MOTION: Sen. Romero moved to amend the bill as follows:

1. Page 6, Lines 169 through 173

169 [(18)] (23) "Responding state" means a state in which a [~~proceeding~~] petition
{~~of~~} or
170 comparable pleading for support or to determine parentage of a child is filed or to which a
171 [~~proceeding~~] petition or comparable pleading is forwarded for filing from [~~an initiating~~
state
172 ~~under this chapter or a law or procedure substantially similar to this chapter~~] another state
or a
173 foreign country.

The motion passed unanimously, with Sen. Waddoups absent for the vote.

Mr. Ralphs and Ms. Butts spoke in favor of the bill.

Mr. Stone spoke against the bill.

MOTION: Sen. McAdams moved to pass S.B. 34, as amended, out of committee with a favorable recommendation.

The motion passed unanimously, with Sen. Waddoups absent for the vote.

3. SB0036 - Concealed Firearm Act Amendments (J. Valentine)

Sen. Valentine presented the bill.

MOTION: Sen. Romero moved to recommend that S.B. 36, Concealed Firearm Act Amendments, be deleted in title and body and be replaced with 1st Substitute S.B. 36, Concealed Firearm Act Amendments

The motion passed unanimously, with Sen. Waddoups absent for the vote.

Mr. Aposhian spoke in favor of the bill.

MOTION: Sen. Urquhart moved to pass 1st Sub. S.B. 36 out of committee with a favorable recommendation.

The motion passed unanimously, with Sen. Waddoups absent for the vote.

4. SB0094 - Uniform Requirements for Constables (K. Mayne)

Sen. Mayne presented the bill.

MOTION: Sen. Hillyard moved to recommend that S.B. 94, Uniform Requirements for Constables, be deleted in title and body and be replaced with First Substitute S.B. 94, Requirements for Constables.

The motion passed unanimously, with Sen. Waddoups absent for the vote.

Mr. Sindt and Mr. Carver spoke in favor of the bill.

MOTION: Sen. Romero moved to pass 1st Substitute S.B. 94 out of committee with a favorable recommendation.

The motion passed unanimously, with Sen. Waddoups absent for the vote.

MOTION: Sen. Hillyard moved to adjourn.

The motion passed unanimously.

The meeting adjourned at 3:50 p.m.

Minutes reported by Kathy Helgesen, Committee Secretary

Sen. Mark B. Madsen, Committee Chair