

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
TUESDAY, FEBRUARY 1 , 2011, 2:00 PM
ROOM 250, STATE CAPITOL**

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

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

Public Speakers Present: Gary Crane, Layton City Attorney
Ron Gordon, Executive Director, Commission on Criminal &
Juvenile Justice
Chris Purcell, State Farm Insurance
Andrew Wright, Utah Defense Lawyers
Steve Sullivan, attorney
John Lawrence, attorney
Paul Boyden, Executive Director, Prosecutor's Association
Kirk Cullimore, attorney

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

Committee Chair Madsen called the meeting to order at 2:17 p.m.

Approval of Minutes

MOTION: Sen. Romero moved to approve the minutes of 1/28/11.

The motion passed unanimously with Sen. Hillyard, Sen. Urquhart, Sen. Waddoups and Sen. McAdams absent for the vote.

1. SB0050 - Enhanced Penalties for HIV Positive Offender Amendments (J.Stevenson)

Sen. Stevenson and Jerry Crane presented the bill.

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

1. Page 1, Lines 16 through 17:

16 prostitute, or sexual solicitation, who {~~"knew or should have known" of the~~
-} is HIV

- 17 positive ~~{test results}~~ , is guilty of a third degree felony;
2. *Page 2, Lines 41 through 43:*
- 41 A person who is an HIV positive individual ~~{and}~~ [has actual knowledge] ~~{-~~
42 knew or should
42 have known} ~~{of that fact}~~ [and has received written personal notice of the
positive test results
43 from a law enforcement agency pursuant to Section 76-10-1312] at the time of the
offense and is convicted of:
3. *Page 3, Lines 61 through 62:*
- 61 (2) "HIV positive individual" means a person who ~~{is HIV positive}~~ [and has
actual
62 knowledge of his disease] has an HIV infection as determined under Subsection
(1) .
4. *Page 3, Lines 77 through 79:*
- 77 ~~sentencing hearing in the presence of the judge and counsel only] by~~ ;
(a) the local law enforcement
78 agency ~~{,}~~ ;
(b) the Department of Corrections , for offenders confined in any state
prison ~~{, or}~~ ;
(c) the state Department of Health ~~{,}~~ ; or
(d) ~~{by}~~ an authorized
79 representative of any of ~~{these}~~ the agencies listed in this Subsection (1) .

The motion passed unanimously with Sen. Hillyard, Sen. Urquhart, Sen. Waddoups, and Sen. McAdams absent for the vote.

MOTION: Sen. Hillyard moved to pass S.B. 50, as amended, out of committee with a favorable recommendation.

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

2. **SB0133 - Grand Jury Amendments (J. Valentine)**

Sen. Valentine and Ron Gordon presented the bill.

MOTION: Sen. Hillyard made a motion to pass S.B. 133 out of committee with a favorable

recommendation.

The motion passed unanimously.

3. SB0052 - Tortious Act Arbitration (S. Urquhart)

Sen. Urquhart presented the bill.

MOTION: Sen. Urquhart moved to hold the bill.

The motion passed unanimously.

4. SB0141 - Burglary Offense Amendments (M. Madsen)

Sen. Madsen presented the bill.

MOTION: Sen. Urquhart moved to pass S.B. 141 out of committee with a favorable with a favorable recommendation.

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

5. HB0010 - Renewal of Judgment Act (G. Froerer)

Rep. Froerer and Curt Cullimore presented the bill.

Rep. Froerer agreed to bring the bill back ast a future meeting.

MOTION: Sen. Hillyard moved to adjourn.

The meeting adjourned at 6:00 pm.

Sen. Mark B. Madsen, Committee Chair