

**MINUTES OF THE HOUSE**  
**LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**  
**Room 25, House Office Building, State Capitol Complex**  
**February 3, 2012**

Members Present:     Rep. Curt Oda, Chair  
                          Rep. Richard Greenwood, Vice Chair  
                          Rep. Patrice Arent  
                          Rep. David Butterfield  
                          Rep. Craig Frank  
                          Rep. Keith Grover  
                          Rep. Greg Hughes  
                          Rep. Don Ipson  
                          Rep. David Litvack  
                          Rep. Daniel McCay  
                          Rep. Lee Perry  
                          Rep. Jennifer Seelig  
                          Rep. Bill Wright

Staff Present:         Mr. Nathan Brady, 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 2:14 p.m.

**MOTION:**   Rep. Frank moved to approve the minutes of the January 31, 2012 meeting. The motion passed unanimously, with Rep. Hughes, Rep. McCay, Rep. Perry, and Rep. Wright absent for the vote.

**H.B. 307       Factual Innocence Amendments (Rep. B. Dee)**

Rep. Dee introduced and explained the bill to the committee with the assistance of Mr. Scott Reed, Criminal Justice Division, Office of the Utah Attorney General.

Spoke against the bill:     Professor Daniel Medwed, Rocky Mountain Innocence Center  
                                  Professor Jensie Anderson, Rocky Mountain Innocence Center

Spoke for the bill:         Mr. Paul Boyden, Statewide Association of Prosecutors

**MOTION:**   Rep. Ipson moved to pass the bill out favorably.

**SUBSTITUTE**

**MOTION:** Rep. Arent moved to amend the bill as follows:

Page 1, Line 17 and 18: Delete lines 17 and 18

Page 2, Line 120 and 121: Delete lines 120 and 121

The motion to amend failed, with Rep. Arent, Rep. Litvack, and Rep. Seelig voting in favor. Rep. McCay and Rep. Wright were absent for the vote.

The original motion to pass the bill out favorably passed, with Rep. Arent, Rep. Butterfield, Rep. Litvack, and Rep. Seelig voting in opposition. Rep. McCay was absent for the vote.

Rep. Oda relinquished the chair to Rep. Greenwood.

**H.B. 103 Theft by Deception Amendment (Rep. C. Oda)**

Rep. Oda introduced and explained the bill to the committee with the assistance of Mr. Richard Hamp, Office of the Utah Attorney General.

**MOTION:** Rep. Butterfield moved to pass the bill out favorably. The motion passed unanimously, with Rep. Ipson and Rep. McCay absent for the vote.

Rep. Oda resumed the chair.

**H.B. 99 Background Check Fee Exemption for Firearm Purchase (Rep. B. Galvez)**

Rep. Galvez introduced and explained the bill to the committee.

Spoke to the bill: Ms. Ester Chelsea McCarty, Office of Legislative Research and General Counsel

Spoke for the bill: Mr. Kelly Atkinson, Fraternal Order of Police

Spoke against the bill: Mr. Clark Aposhian, Utah Shooting Sports Council

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

1. Page 4, Lines 105 through 108:

105 (14) A law enforcement officer, as defined in Section 53-13-103, is exempt from the

- 106 background check fee required in this section for the purchase of a firearm if ~~{the~~  
dealer verifies  
107 with the employing agency that} the law enforcement officer verifies current  
employment by providing a letter of good standing from the officer's commanding  
officer. ~~{is currently employed and in good~~  
108 standing as of the date of purchase.}

The motion to amend passed unanimously, with Rep. Ipson and Rep. McCay absent for the vote.

**MOTION:** Rep. Perry moved to amend the previous amendment as follows:

Page 4, Line 107: After "officer" insert "and current law enforcement photo identification"

The motion to amend passed unanimously, with Rep. Ipson and Rep. McCay absent for the vote.

**MOTION:** Rep. Perry moved to pass the bill out favorably. The motion passed unanimously, with Rep. Ipson and Rep. McCay absent for the vote.

**H.B. 117 Firearm Modifications (Rep. K. Ivory)**

Rep. Ivory introduced and explained the bill to the committee.

Spoke for the bill: Mr. Clark Aposhian, Utah Shooting Sports Council

**MOTION:** Rep. Arent moved to pass the bill out favorably. The motion passed unanimously, with Rep. Butterfield, Rep. Ipson, and Rep. McCay absent for the vote.

**H.B. 97 Racketeering Amendment (Rep. J. Seelig)**

Rep. Seelig introduced and explained the bill to the committee. (handout)

Spoke for the bill: Mr. Paul Boyden, Statewide Association of Prosecutors  
Ms. Kathy Ericksen, Utah Eagle Forum  
Ms. Alana Kindness, Utah Coalition Against Sexual Assault

**MOTION:** Rep. Litvack moved to pass the bill out favorably. The motion passed unanimously, with Rep. Butterfield, Rep. Ipson, and Rep. McCay absent for the vote.

**MOTION:** Rep. Litvack moved to place H.B. 97 on the Consent Calendar. The motion passed unanimously, with Rep. Butterfield, Rep. Ipson, and Rep. McCay absent for the vote.

**MOTION:** Rep. Grover moved to adjourn the meeting. The motion passed unanimously, with Rep. Ipson and Rep. McCay absent for the vote.

Rep. Oda adjourned the meeting at 4:00 p.m.

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Rep. Curtis Oda, Chair