

**MINUTES OF THE HOUSE**  
**LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**  
**Room 25, House Office Building, State Capitol Complex**  
**February 8, 2012**

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

Members Absent:   Rep. Keith Grover

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 4:10 p.m.

**MOTION:**   Rep. Arent moved to approve the minutes of the February 7, 2012. The motion passed unanimously, with Rep. Hughes, Rep. Ipson, Rep. McCay, Rep. Seelig, and Rep. Wright absent for the vote.

**H.B. 108       Internet Gambling (*Rep. S. Sandstrom*)**

Rep. Sandstrom further explained the bill to the committee.

**MOTION:**   Rep. Perry moved to reconsider the previous action taken on H.B. 108 by striking the following amendment which was adopted in the February 7, 2012 meeting:

1.   *Page 1, Line 18:*

18           {~~None~~}       **This bill takes effect on July 1, 2012.**

2.   *Page 3, Line 85:*

85   misdemeanor.   =

(3) An Internet service provider as defined in Section 13-40-102 who is operating within the state shall apply available technology to intercept, block, or otherwise prevent the transmission, relay, or receipt of gambling information or activity that allows or facilitates gambling within this state.

Section 3. Effective date.  
This bill takes effect on July 1, 2012.

The motion to reconsider and strike the amendment passed unanimously, with Rep. Hughes, Rep. Ipson, Rep. McCay, Rep. Seelig and Rep. Wright absent for the vote.

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

1. *Page 1, Line 18:*

18            ~~{None}~~        This bill takes effect July 1, 2012.

2. *Page 3, Line 85:*

85    misdemeanor.

(3)(a) A law enforcement agency who is enforcing this section may use available technology to disable the transmission, relay, or receipt of gambling activity or information.

(b)(i) Internet service providers as defined in Section 13-40-102 shall provide assistance to a enforcement agency in its efforts to enforce this section by implementing, at the request of the law enforcement agency, available technology to disable the transmission, relay, or receipt of gambling activity or information.

(ii) Costs incurred by an Internet service provider to implement technology under Subsection (3)(b)(i) shall be reimbursed by the law enforcement agency requesting implementation of the technology.

Section 3. Effective date.  
The effective date of this bill is July 1, 2011.

The motion to amend passed unanimously, with Rep. Wright absent for the vote.

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

**H.B. 129      Defense of Property and Person (Rep. P. Painter)**

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

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

1. *Page 2, Lines 28 through 43:*

28            (1) A person may not recover from the victim of a crime for personal injury or  
29            property  
30            damage if [~~the person~~]:  
31            (a) the person entered the property of the victim or the victim's family with criminal  
32            intent and the injury or damage was inflicted by the victim or occurred while the person  
33            was on  
34            the victim's property; {+} or {+}  
35            (b) the person committed a crime against the victim or the victim's family, during  
36            which the damage or injury occurred {+} . {+} {~~or~~}  
37            {+} (2) **The provisions of Subsection (1) do not apply if the person can prove**  
38            **by clear and**  
39            **convincing evidence that {+}**  
40            ~~—(a)—~~ **the person's actions did not constitute a {+} crime.** [felony, and]  
41            [(b) the person's culpability was less than the person from whom recovery is sought.]  
42            [(3) Subsections (1) and (2) apply]  
43            {~~(c) the victim is cleared of any wrongdoing under the provisions of Title 76,~~  
44            Chapter  
45            2, Part 4, Justification Excluding Criminal Responsibility. }

The motion to amend passed unanimously.

Spoke for the bill:    Sheriff Brian Nielson, Sanpete County Sheriff  
                                 Mr. Clark Aposhian, Utah Shooting Sports Council  
                                 Mr. Ron Mortensen, citizen  
                                 Ms. Gayle Ruzicka, Utah Eagle Forum

**MOTION:**    Rep. Perry moved to pass the bill out favorably as amended. The motion passed

unanimously, with Rep. Wright absent for the vote.

**MOTION:** Rep. Frank moved to adjourn the meeting. The motion passed unanimously, with Rep. Wright absent for the vote.

Rep. Oda adjourned the meeting at 4:48 p.m.

---

Rep. Curtis Oda, Chair