

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
February 14, 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 2:15 p.m.

MOTION: Rep. Arent moved to approve the minutes of the February 10, 2012 meeting. The motion passed unanimously, with Rep. Butterfield, Rep. Frank, Rep. Hughes, Rep. Perry and Rep Seelig absent for the vote.

H.B. 395 Firearms Amendments (Rep. S. Sandstrom)

Rep. Sandstrom explained and introduced the bill to the committee with the assistance of Mr. Brian Greene, attorney, Salt Lake City.

Spoke to the bill: Mr. Jake Taylor, Office of the Attorney General

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

1. Page 1, Lines 14 through 22:

14 This bill:

* * * *Some lines not shown* * * *

21 ▶ makes it a crime to sell, transfer, or dispose of a firearm ~~{or ammunition}~~
 to a

- 22 Category I or Category II restricted person;
2. *Page 3, Lines 71 through 75:*
- 71 (D) indicted or bound over for a crime of violence in any state.
- 72 (ii) The bureau shall immediately reverse any action taken that was based primarily
on
73 an indictment or bindover under Subsection (3)(a)(i)(D) upon notice:
- 74 (A) that the indictment or bindover has been dismissed; or
- 75 (B) of acquittal of the person charged {in the indictment} .
3. *Page 8, Lines 241 through 242:*
- 241 (b) any dangerous weapon other than a firearm {or ammunition} is guilty of a
third
242 degree felony.
4. *Page 9, Lines 246 through 247:*
- 246 (b) any dangerous weapon other than a firearm {or ammunition} is guilty of a
class A
247 misdemeanor.
5. *Page 9, Lines 266 through 268:*
- 266 (v) unless a different time is ordered by the {sentencing} court, was transferred
within 10
267 days of the {person's sentencing or release from incarceration for the offense for
which the
268 person became} person becoming a restricted person.
6. *Page 9, Lines 271 through 274:*
- 271 (8) (a) A person may not knowingly solicit, persuade, encourage or entice a
dealer or other person to sell, transfer or otherwise dispose of a firearm or dangerous
weapon under circumstances which the person knows would be a violation of the law.
(b) A person may not provide to a dealer or other person what the person knows
to be materially false information with intent to deceive the dealer or other person
about the legality of a sale, transfer or other disposition of a firearm or dangerous
weapon.

(c) "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.

(d) A person who violates this Subsection (8) is guilty of:
(i) a third degree felony if the transaction involved a firearm; or
(ii) a class A misdemeanor if the transaction involved a dangerous weapon other than a firearm.

The motion to amend passed unanimously, with Rep. Perry and Rep. Seelig absent for the vote.

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

Page 9, line 272: After weapon, delete "or ammunition" and after knowing delete "or having
reasonable cause to believe"

Page 9, line 274 Delete line 274

After committee discussion, Rep. Arent withdrew the motion.

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

Page 9, line 272: After weapon, delete "or ammunition" and after knowing delete "or having
reasonable cause to believe"

Page 9, line 274 Delete line 274

SUBSTITUTE

MOTION: Rep. McCay moved to proceed to the next item on the agenda. The motion passed, with Rep. Frank, Rep. Greenwood, and Rep. Oda voting in opposition. Rep. Butterfield and Rep. Perry were absent for the vote.

H.B. 187 Agricultural Operation Interference (Rep. J. Mathis)

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

Spoke to the bill: Ms. Jacey Skinner, Utah Sentencing Commission
Mr. Ron Gordon, Commission on Criminal and Juvenile Justice

Spoke for the bill: Mr. Sterling Brown, Utah Farm Bureau
Mr. Mike Kohler, Utah Dairy Producers

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

7. *Page 1, Lines 11 through 17:*

- 11 This bill:
12 ▶ defines agricultural operation;
13 ▶ provides that a person is guilty of agricultural operation interference if the
person {~~;~~} :
.
14 without the consent of the owner of the operation, records an image of, or sound
15 from, an agricultural operation {~~while on the property where the agricultural~~
16 ~~operation is located;~~} with a device that the person leaves on the property; or
• records an image of, or sound from, an agricultural operation after receiving
notice not to record, and while the person is on the property where the agricultural
operation is located; and
17 ▶ establishes penalties.

8. *Page 2, Lines 32 through 37:*

- 32 (2) A person is guilty of agricultural operation interference if the person {~~;~~} :
(a) without
33 consent from the owner of the operation, or the owner's agent, knowingly or intentionally
34 records an image of, or sound from, the operation {~~;~~} by leaving a recording
device on the property where the agricultural operation is located; or
(b) knowingly or intentionally records an image of, or sound from, the operation,
while the person is on the property where the agricultural operation is located, after
receiving notice from the owner of the operation or the owner's agent that the person
may not record an image of, or sound from, the operation.
35 {~~(a) while the person is on the property where the agricultural operation is~~
~~located; or~~
36 ~~(b) by leaving a recording device on the property where the agricultural~~
~~operation is~~
37 ~~located.~~}

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

MOTION: Rep. Wright moved to pass the bill out favorably. The motion passed, with Rep. Arent, Rep. Butterfield, and Rep. Litvack voting in opposition.

MOTION: Rep. Ipson moved to adjourn the meeting. The motion passed unanimously.

Rep. Oda adjourned the meeting at 3:45 p.m.

Rep. Curtis Oda, Chair