

**MINUTES OF THE HOUSE**  
**LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**  
**Room 25, House Office Building, State Capitol Complex**  
**February 16, 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. Lee Perry  
                          Rep. Jennifer Seelig  
                          Rep. Bill Wright

Members Absent:   Rep. Daniel McCay

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. Greenwood called the meeting to order at 8:40 a.m.

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

Rep. Sandstrom explained the bill to the committee with the assistance of Mr. Jake Taylor, Office of the Attorney General.

**MOTION:**   Rep. Oda moved to adopt 1st Substitute H.B. 395. The motion passed unanimously, with Rep. Butterfield, Rep. Grover, Rep. Hughes, Rep. Ipson, Rep. Seelig and Rep. Wright absent for the vote.

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

*1. Page 3, Lines 62 through 74:*

62           (3) (a) {~~it~~}   The bureau may deny, suspend, or revoke a concealed firearm  
                  permit if it has  
63   reasonable cause to believe that the applicant or permit holder has been or is a danger to  
                  self or

64 others as demonstrated by evidence, including:  
65       {+} (i) {+}    {-(A)} past pattern of behavior involving unlawful violence  
or threats of unlawful  
66 violence;  
67       {+} (ii) {+}    {-(B)} past participation in incidents involving unlawful  
violence or threats of  
68 unlawful violence; [or]  
69       {+} (iii) {+}    {-(C)} conviction of an offense in violation of Title 76,  
Chapter 10, Part 5,  
70 Weapons.  
71       ~~{(ii) The bureau shall immediately reverse any action taken that was based~~  
~~primarily on~~  
72 ~~an indictment or bindover under Subsection (3)(a)(i)(D) upon notice:~~  
73 ~~—(A) that the indictment or bindover has been dismissed; or~~  
74 ~~—(B) of acquittal of the person charged. }~~

2. *Page 9, Lines 267 through 269:*

267       (8) (a) A person may not sell, transfer, or otherwise dispose of any firearm or  
dangerous  
268 weapon to any person, knowing that the recipient is a person described in Subsection  
(1)(a) or  
269 (b).  
  
(b) A person who violates Subsection (8)(a) when the recipient is:  
(i) a person described in Subsection (1)(a) and the transaction involves a firearm,  
is guilty of a second degree felony;  
(ii) a person described in Subsection (1)(a) and the transaction involves any  
dangerous weapon other than a firearm, is guilty of a third degree felony;  
(iii) a person described in Subsection (1)(b) and the transaction involves a  
firearm, is guilty of a third degree felony; or  
(iv) a person described in Subsection (1)(b) and the transaction involves any  
dangerous weapon other than a firearm, is guilty of a class A misdemeanor.

The motion to amend passed unanimously, with Rep. Butterfield, Rep. Grover, Rep. Hughes, Rep. Ipson, Rep. Seelig, and Rep. Wright absent for the vote.

Spoke for the bill: Mr. Bill Jones, retired police officer, Utah County  
Mr. Brian Greene, attorney, Salt Lake City  
Mr. Clark Aposhian, Utah Shooting Sports Council

Spoke to the bill: Mr. Steven Gunn, Gun Violence Prevention Center of Utah

**MOTION:** Rep. Frank moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. Butterfield and Rep. Hughes absent for the vote.

**MOTION:** Rep. Arent moved to approve the minutes of the February 14, 2012 meeting. The motion passed unanimously, with Rep. Butterfield and Rep. Hughes absent for the vote.

**H.B. 159 Unlawful Detention Amendments (Rep. R. Wilcox)**

Rep. Wilcox introduced and explained the bill to the committee with the assistance of Mr. Rod Layton, Weber County Children's Justice Center.

Spoke for the bill: Mr. Dee Smith, Weber County Attorney

**MOTION:** Rep. Arent moved to adopt 1st Substitute H.B. 159. The motion passed unanimously, with Rep. Butterfield, Rep. Hughes, and Rep. Litvack absent for the vote.

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

*Page 4, Line 92*

92 (b) the actor is ~~{18 years of age or older}~~ at least four or more years older than the victim .

The motion to amend passed unanimously, with Rep. Butterfield and Rep. Hughes absent for the vote.

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

1. *Page 1, Lines 12 through 13:*

12 ▶ creates the offense of unlawful detention of a minor when a person ~~{18 years of age~~

13 ~~or older}~~ who is at least four or more years older than the victim coerces or influences a minor who is 14 or 15 years of age to stay with the

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

**MOTION:** Rep. Arent moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. Litvack absent for the vote.

**H.B. 228 Criminal Gang Amendments (*Rep. C. Oda*)**

This bill was not considered.

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

Rep. Greenwood adjourned the meeting at 9:45 a.m.

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Rep. Curtis Oda, Chair