

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 30, West Office Building
February 20, 2013**

MEMBERS PRESENT: Rep. Kay L. McIff, Chair
Rep. Lee B. Perry, Vice Chair
Rep. Patrice Arent
Rep. LaVar Christensen
Rep. Brian M. Greene
Rep. Craig Hall
Rep. Eric K Hutchings
Rep. Brian S. King
Rep. V. Lowry Snow

STAFF PRESENT: Ms. Chelsea Lloyd, Policy Analyst
Ms. Linda Black, Committee Secretary

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

Chair McIff called the meeting to order at 2:00 p.m.

MOTION: Rep. Arent moved to approve the minutes of February 12, 2013, and February 13, 2013 meetings. The motion passed unanimously, with Rep. Hutchings absent for the vote.

H.B. 76 Concealed Weapon Carry Amendments (*Rep. J. Mathis*)

Rep. Mathis presented the bill to the committee.

Spoke in favor
of the bill:

Mr. Charles Hardy	Go, Utah!
Mr. Sam Fidler	National Rifle Association
Mr. Brent Tenney	Utah Sports Council
Mr. Connor Boyack	Libertas Institute

Spoke in opposition
to the bill:

Ms. Jean Hill	Catholic Diocese
Mr. Steve Gunn	Gun Violence Prevention Center
Ms. Miriam Walkingshaw	Utah Parents Against Gun Violence

Spoke to the bill:

Ms. Monica Bollinger	
Ms. Alice Moffat, Director	Bureau of Criminal Investigation

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

H.B. 114 **Second Amendment Preservation Act** (*Rep. B. Greene*)

MOTION: Rep. Greene moved to replace H.B. 114 with 1st Substitute H.B. 114, "Second Amendment Preservation Act." The motion passed unanimously.

MOTION: Rep. Greene moved to amend 1st Substitute H.B. 114 as follows:

1. *Page 2, Line 45:*

45 (1) In addition to the provisions of Sections 53-5a-102 and 76-10-500, and with
respect to the intrastate regulation of firearms, the Legislature

2. *Page 2, Lines 50 through 53:*

50 (2) All laws, orders, rules, and regulations pertaining to firearms, firearm accessories,
51 ~~{or}~~ ammunition , or ammunition component enacted or authorized by the
Legislature shall enjoy legal primacy within this
52 state over any and all conflicting federal acts, laws, orders, rules, and regulations pertaining
to
53 firearms, firearm accessories, ~~{or}~~ ammunition , or ammunition component .

3. *Page 3, Lines 57 through 65:*

57 (a) prohibits or restricts the intrastate manufacture, ownership, possession, sale,
or transfer of any
58 specific type of firearm, firearm accessory, ammunition, or ammunition component;
59 (b) requires enhanced criminal background checks or waiting periods in connection
60 with the intrastate purchase or transfer of any firearm, firearm accessory, ammunition,
or ammunition
61 component;
62 (c) requires the intrastate ownership, possession, sale, or transfer of any firearm,
firearm
63 accessory, ammunition, or ammunition component to be registered in any manner; or
64 (d) requires the disclosure or sharing of personal information connected with
the intrastate
65 ownership, possession, sale, or transfer of any firearm, firearm accessory, ammunition, or

4. *Page 3, Lines 69 through 75:*

69 53-5c-103. Prohibition of federal ~~{deputization}~~ deputation of state

officers -- Immunity of state
70 and local officers and employees.
71 (1) An officer or employee of this state, or of any political subdivision, may not
accept
72 permanent or temporary {~~deputization~~} deputation or other official status from
the federal government for
73 the purposes of conducting activities prohibited by this chapter.
74 (2) An officer or employee of this state, or of any political subdivision, {~~is immune~~
~~from~~
75 ~~prosecution by the federal government for refusal~~} may not be compelled to
enforce any act, law, order, rule, or

The motion passed unanimously.

MOTION: Rep. Snow moved to further amend the bill as follows:

1. *Page 1, Lines 9 through 11:*

9 This bill declares that the regulation of firearms is reserved completely to the
state and {~~and~~
10 ~~provides penalties for the prosecution of anyone attempting to enforce federal laws to~~
11 ~~the contrary.~~}

2. *Page 1, Lines 17 through 21:*

17 ► provides that any federal action that attempts to impose limitations on firearms
18 contrary to the Second Amendment of the Constitution of the United States, or the
19 Constitution or laws of the State of Utah, is unenforceable in this state {~~and~~
20 ~~creates a penalty for any enforcement of federal laws contrary to Utah laws~~
~~or the~~
21 ~~United States or Utah Constitutions~~} .

3. *Page 3, Lines 79 through 80:*

79 Section 4. Section **53-5c-104** is enacted to read:
80 53-5c-104. Offenses {~~and penalties~~} .

4. *Page 4, Line 90:*

90 { Violation of this Subsection (2) is a third degree felony. }

The motion passed unanimously.

MOTION: Rep. King moved to hold the bill. The motion failed, with Rep. Arent, Rep. Hutchings, and Rep. King voting in favor.

MOTION: Rep. King moved to adjourn the meeting. The motion passed, with Rep. Christensen, Rep. Greene, Rep. Hall and Rep. Snow voting in opposition.

Chair McIff adjourned the meeting at 4:05 p.m.

Kay L. McIff, Chair