

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING**

Room 250, State Capitol

February 7, 2013

Members Present: Sen. Mark B. Madsen, Committee Chair
 Sen. Lyle W. Hillyard
 Sen. Patricia W. Jones
 Sen. Luz Robles
 Sen. Daniel W. Thatcher
 Sen. Stephen H. Urquhart
 Sen. Todd Weiler

Staff Present: Ms. Chelsea Lloyd, Policy Analyst
 Ms. Nancy A. Skidmore, Committee Secretary

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

Chair Madsen called the meeting to order at 4:05 p.m.

Approval of Minutes

MOTION: Sen. Thatcher moved to approve the minutes of February 5, 2013. The motion passed unanimously, with Sens. Hillyard, Urquhart, and Weiler absent for the vote.

S.B. 131 Assault Amendments (A. *Osmand*)

Sen. Osmand introduced and presented the bill.

Spoke for the bill: Hunter Weintz, Student, Copper Hills High School
 Daniel Willeitner, Student, Copper Hills High School
 Anika Argyle, Student, Copper Hills High School
 Allison Gardiner, Student, Copper Hills High School
 Kelly Atkinson, Executive Director, Fraternal Order of Police

Spoke to the bill: Paul Boyden, Executive Director, Statewide Association of Prosecutors

MOTION: Sen. Thatcher moved to amend S.B 131 as follows:

1. Page 1, Line 14:

14 servicemember in uniform if the offender is a repeat offender or causes substantial bodily injury; and

2. Page 2, Line 46:

46 ~~degree felony.]~~ { ~~Subsection (2)~~ } a class A or a felony violation of this section ;
or

The motion passed unanimously.

MOTION: Sen. Thatcher moved to pass S.B. 131, amended, out favorably. The motion passed unanimously.

S.B. 145 County Attorney Chapter Recodification (T. Weiler)

Sen. Weiler introduced and presented the bill.

MOTION: Sen. Weiler moved to amend S.B. 145 as follows:

1. Page 11, Lines 327 through 330:

327 (3) A public prosecutor may not after the filing of an indictment or information
and without the consent of the court ;
328 (a) compromise a prosecution; or
329 (b) enter a plea of nolle prosequi { after the filing of an indictment or
information
330 without the consent of the court } .

2. Page 13, Lines 373 through 378:

373 (2) The attorney:
374 (a) does not represent a county commission, county agency, county board, county
375 council, county officer, or county employee;
376 (b) counsels with the county regarding civil matters; and
377 (c) receives direction from the county through the county elected officers in
accordance
378 with the officers' duties and powers in accordance with law.
(3) Notwithstanding Subsection (2)(a), the attorney may represent an employee
named as a party in litigation:
(a) with the approval of the county executive; and
(b) if permitted by law and the Rules of Professional Conduct.

The motion passed unanimously.

Spoke to the bill: Jared Eldridge, Attorney, Juab County
Paul Boyden, Executive Director, Statewide Association of Prosecutors

MOTION: Sen. Weiler moved to pass S.B. 145, amended, out favorably. The motion passed unanimously with Sen. Urquhart absent for the vote.

S.B. 164 Parole Violator Centers Allocations (*L. Robles*)

Sen. Robles introduced and presented the bill.

MOTION: Sen. Thatcher moved to pass S.B. 164 out favorably. The motion passed unanimously with Sen. Urquhart absent for the vote.

S.B. 52 Game Fowl Fighting Amendments (*G. Davis*)

Sen. Davis introduced and presented the bill.

MOTION: Sen. Thatcher moved to amend S.B. 52 as follows:

1. Page 6, Lines 180 through 182:

180 (2) It is unlawful for any person to:

181 (a) own, possess, keep, or train ~~{a}~~ game fowl to fight with or injure another
game fowl

182 with the intent to engage it in an exhibition of fighting with another game fowl;

The motion passed unanimously.

Spoke for the bill: Gene Baierschmidt, Executive Director, Humane Society of
Utah
Craig Cook, President, Humane Society of Utah

Spoke against the bill: Steven Burton, Attorney, Criminal Defense

MOTION: Sen. Thatcher move to adjourn the meeting. The motion passed unanimously.

Chair Madsen adjourned the meeting at 5:49 p.m.

Minutes reported by Nancy A. Skidmore, Secretary.

Sen. Mark B. Madsen, Committee Chair