

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

Room 250, State Capitol

February 11, 2013

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

Staff Present: Mr. Nathan W. Brady, 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 2:14 p.m.

Approval of Minutes

There were no minutes to approve.

H.B. 10 Sex Offense Amendments (*R. Greenwood*)

Rep. Greenwood presented and explained the bill.

MOTION: Sen. Jones moved to replace H.B. 10 with 1st Sub. H.B. 10. The motion passed unanimously with Sens. Hillyard, Robles, and Weiler absent.

MOTION: Sen. Thatcher moved to amend 1st Sub. H.B. 10 as follows:

1. *Page 1, Line 26 through Page 2, Line 26:*

This bill provides an immediate effective date.

26 { ~~None~~ }

2. *Page 3, Line 85:*

85 (5) A violation of Subsection [~~(2)(d)~~] (2)(b)(iv) is a class A misdemeanor.

= **Section 3. Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit

of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

The motion passed unanimously with Sens. Hillyard, Robles, and Weiler absent.

Spoke in favor of the bill: DeLone Cates

Spoke to the bill: Paul Boyden Executive Director, Statewide Association of Prosecutors
Mary Jo McMillen, Executive Director, Utah Support Advocates for Recovery Awareness

MOTION: Sen. Urquhart moved to pass 1st Sub. H.B. 10, as amended, out favorably. The motion passed unanimously with Sens. Hillyard, Robles, and Weiler absent.

H.B. 33 Expungement Process Amendments (*E. Hutchings*)

Rep. Hutchings presented and explained the bill.

MOTION: Sen. Weiler moved to amend H.B. 33 as follows:

1. Page 4, Lines 110 through 114:

110 (a) Subsection 58-37-8(2), except any offense under Subsection 58-37-8(2)(b)(i) ~~and~~
111 possession of 100 pounds or more of marijuana, any offense enhanced under Subsection
112 58-37-8(2)(e) ~~{-for-}~~ ~~and~~ violation in a correctional facility or Subsection
58-37-8(2)(g), driving with a
113 controlled substance illegally in the person's body and negligently causing serious bodily
injury
114 or death of another;

The motion passed unanimously with Sen. Hillyard absent for the vote.

MOTION: Sen. Thatcher moved to pass H.B. 33, as amended, out favorably. The motion passed unanimously.

S.B. 159 Theft Amendment (*D. Thatcher*)

Sen. Thatcher presented and explained the bill.

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

MOTION: Sen. Thatcher moved to pass S.B. 159 out favorably. The motion passed with Sen. Jones voting against the bill.

S.B. 105 Board of Pardons and Parole Revision (*D. Thatcher*)

Sen. Thatcher presented and explained the bill.

MOTION: Sen. Thatcher moved to amend the bill as follows:

1. *Page 1, Line 16:*

16 ▶ includes {~~the existing~~} a definition of {~~immediate~~} family member .

2. *Page 2, Line 28:*

28 Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole .

3. *Page 2, Line 31:*

31 (b) " {~~Immediate family~~} Family member " means parents, spouse, surviving spouse, children, and siblings

4. *Page 2, Line 48:*

48 assault {~~or attempted murder~~} on a judge [~~or a member of the Board of Pardons and Parole~~], a

The motion passed unanimously.

Spoke to the bill: Jacey Skinner, Utah Sentencing Commission

MOTION: Sen Thatcher moved to pass S.B. 105, as amended, out favorably. The motion passed unanimously.

H.B. 243 Offender Registry Review (*J. Draxler*)

Rep. Draxler presented and explained the bill.

MOTION: Sen. Jones moved to pass H.B. 243 out favorably. The motion passed

unanimously.

MOTION: Sen. Hillyard moved the bill be placed on the Consent Calendar. The motion passed unanimously.

MOTION: Sen. Hillyard moved to adjourn the meeting. The motion passed unanimously.

Chair Madsen adjourned the meeting at 3:09 p.m.

Minutes reported by Nancy Skidmore, Secretary

Sen. Mark B. Madsen, Committee Chair