

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

Room 250, State Capitol

February 13, 2013

Members Present: Sen. Mark B. Madsen, Committee Chair
 Sen. Patricia W. Jones
 Sen. Todd Weiler
 Sen. Lyle W. Hillyard

Members Excused: Sen. Luz Robles

Members Absent: Sen. Daniel W. Thatcher
 Sen. Stephen H. Urquhart

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 2:25 p.m.

Approval of Minutes

There were no minutes to approve.

2nd Sub. H.B. 270 Prescription Drug Database Access Amendments (*R. Menlove*)

Rep. Menlove presented and explained the bill.

MOTION: Sen. Jones moved to pass 2nd Sub. H.B. 270 out favorably. The motion passed unanimously.

MOTION: Sen. Hillyard moved 2nd Sub. H.B. 270 be placed on the Consent Calendar. The motion passed unanimously.

1st Sub H.B. 69 Expungement of Records (*R. Greenwood*)

Rep. Greenwood presented and explained the bill.

MOTION: Sen. Weiler moved to replace 1st Sub. H.B. 69 with 2nd Sub. H.B. 69. The motion passed unanimously.

MOTION: Sen. Jones moved to pass 2nd Sub. H.B. 69 out favorably. The motion passed unanimously.

MOTION: Sen Hillyard moved 2nd Sub. H.B. 69 be placed on the Consent Calendar. The motion passed unanimously.

H.B. 87 Attempted Aggravated Murder Amendments (L. Perry)

Rep. Perry introduced and explained the bill.

Spoke to the bill: Jaycee Skinner, Director, Utah Sentencing Commission
Sean Drugon, Representative, Utah Association of Criminal Defense
Lawyers

MOTION: Sen. Hillyard moved to amend H.B. 87 as follows:

1. *Page 1, Line 14:*

14 years and up to life ; and

► provides that the court may impose a lesser penalty if it finds a lesser sentence to be in the interests of justice and states its reasons on the record .

2. *Page 1, Line 27 through Page 2, Line 28:*

27 (a) (i) a capital felony, or a felony punishable by imprisonment for life without
parole, is a

28 first degree felony ~~{, except that}~~ ;

(ii) except as provided in Subsection (2), an attempt to commit aggravated
murder, Section 76-5-202,

3. *Page 2, Line 39:*

39 (d) except as provided in Subsection ~~{-(2)}~~ (3), any of the following offenses
is a first degree

4. *Page 2, Line 51:* (2) If, when imposing a sentence under Subsection (1)(a)(ii), a
court finds that a lesser term than the term described in
Subsection (1)(a)(ii) is in the interests of justice and the court
states the reasons for this finding on the record, the court may
impose a term of imprisonment of not less than:

(a) 10 years and which may be for life; or

(b) six years and which may be for life.

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~~{(2)}~~ (3) If, when imposing a sentence under Subsection (1)(d), a court finds that a lesser

The motion passed unanimously.

MOTION: Sen. Hillyard moved to pass H.B 87, as amended, out favorably. The motion passed unanimously.

S.B. 170 Identity Fraud Amendments (*Sen. Thatcher*)

Sen. Perry introduced and explained the bill.

MOTION: Sen. Jones moved to pass S.B. 170 out favorably. The motion passed unanimously.

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

Chair Madsen adjourned the meeting at 3:13 p.m.

Minutes reported by Nancy Skidmore, Secretary

Sen. Mark B. Madsen, Committee Chair