

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**

Room 225 State Capitol
Tuesday, February 18, 2003

Members Present: Rep. DeMar "Bud" Bowman, Chair
Rep. Douglas C. Aagard, Vice Chair
Rep. Duane Bourdeaux
Rep. LaVar F. Christensen
Rep. Brad L. Dee
Rep. Wayne A. Harper
Rep. Patricia W. Jones
Rep. David Litvak
Rep. Michael T. Morley
Rep. Brent D. Parker
Rep. Peggy Wallace

Staff Present: Ms. Chyleen A. Arbon, Policy Analyst
Ms. Rachel Error, House Secretary

Note: A list of others present will be filed with committee minutes.

Vice Chair Aagard called the meeting to order at 8:04 a.m.

MOTION: Rep. Litvak moved to approve the minutes of the February 14, 2003 meeting. The motion passed unanimously, with Rep. Christensen, Rep. Dee, Rep. Harper, Rep. Parker, and Rep. Wallace absent for the vote.

H.B. 238 Utah Code of Criminal Procedure Amendments (*K. Bryson*)

MOTION: Rep. Bowman moved to amend the bill as follows:

1. Page 1, Line 21-24: Delete lines 21-24 and renumber remaining subsections accordingly.
2. Page 1, Line 25: After "contest" insert ", except for a plea held in abeyance"
3. Page 1, Line 26: After "announced" insert a "." and delete "or within 30 days after"
4. Page 2, Line 28: Delete "pleading guilty or no contest, whichever occurs first."
5. Page 2, Line 29: After "denied." insert "For a plea held in abeyance, a motion to withdraw the plea shall be made within thirty days of pleading guilty or no contest."

The motion passed unanimously, with Rep. Dee, Rep. Harper, Rep. Litvak, and Rep. Parker absent for the vote.

Explained the bill: Rep. Bryson
Dave Wayment, Utah County Attorney's Office
Fred Voros, Attorney General's Office

Spoke for the bill: Rick Schwermer, Utah State Courts

Spoke against the bill: Mark Moffitt, Utah Association of Criminal Defense Lawyers

MOTION: Rep. Christensen moved to amend the bill as follows:

1. Page 1, Line 20: Reinstatement "leave of the court" and insert "and"

The motion passed unanimously, with Rep. Bourdeaux and Rep. Dee absent for the vote.

MOTION: Rep. Wallace moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. Bourdeaux and Rep. Dee absent for the vote.

1st Sub. H.B. 112 County Correctional Facility Reimbursement (B. Dee)

MOTION: Rep. Dee moved to delete in title and body 1st Sub. H.B. 112 and replace it with 2nd Sub. H.B. 112. The motion passed unanimously, with Rep. Bourdeaux absent for the vote.

Explained the bill: Rep. Dee
Reed Richards, Sheriff's Association of Utah

Spoke for the bill: Jesse Gallegos, Department of Corrections

MOTION: Rep. Wallace moved to pass the substitute bill out favorably. The motion passed, with Rep. Christensen, Rep. Harper, and Rep. Morley voting in opposition.

S.B. 111 Process Servers (M. Waddoups)

Explained the bill: Sen. Waddoups
Mel Ashton, Private Investigators Association of Utah

Spoke for the bill: Joe Reardon, Private Investigator

Spoke against the bill: John A. Sindt, Salt Lake County Constable

MOTION: Rep. Harper moved to pass the bill out favorably. The motion failed, with Rep. Harper and Rep. Parker voting in favor and Rep. Dee absent for the vote.

H.B. 85 Hate Crimes Amendments (D. Litvak)

Explained the bill: Rep. Litvak
Rep. Ferrin
Mark Shurtliff, Attorney General

Spoke for the bill: Marco Diaz, Utah Republican Hispanic Assembly
Linda Hilton, Utah Coalition of Religious Communities

Spoke against the bill: Daniel Newby, citizen
Gail Ruzicka, Utah Eagle Forum

MOTION: Rep. Bourdeaux moved to pass the bill out favorably. The motion passed, with Rep. Christensen, Rep. Harper, and Rep. Morley voting in opposition.

S.B. 53 Amendments to Controlled Substance Act (*P. Knudson*)

This bill was not considered.

S.B. 112 Government Records Protections for Federal Mission of National Guard (*P. Knudson*)

This bill was not considered.

MOTION: Rep. Dee moved to adjourn the meeting. The motion passed unanimously.

Vice Chair Aagard adjourned the meeting at 10:13 a.m.

Rep. DeMar "Bud" Bowman, Chair