

**MINUTES OF THE SENATE JUDICIARY,
LAW ENFORCEMENT AND CRIMINAL JUSTICE
STANDING COMMITTEE
Tuesday, January 28, 2003
Room 414, STATE CAPITOL BUILDING**

Members Present: Sen. Gregory Bell, Chair
Sen. Patrice M. Arent
Sen. Mike Dmitrich
Sen. James M. Evans
Sen. David L. Gladwell
Sen. Lyle W. Hillyard

Members Excused: Sen. D. Chris Buttars
Sen. L. Al Mansell

Staff Present: Jerry D. Howe, Policy Analyst
Saundra Maeser, Committee Secretary

Public Speakers Present: Paul Boyden, Exec. Director, Statewide Association of Prosecuting Attorneys
John Hill, Director, Legal Defenders Association
Joan Watt, Chief Appellate Attorney, Legal Defenders Association
Frazier Nelson, Executive Director, Disability Law Center
Richard Mauro, Utah Association of Criminal Defense Lawyers
Ronald Gordon, Director, Utah Sentencing Commission
Jim Eartley, Commissioner, Washington County
Rick Schwermer, Assistant State Court Administrator
John Sandberg, Chair, Board of Justice Court Judges
Michael Freedman, Vice President, Coventry First

Visitor list on file.

Committee Chair Bell called the meeting to order at 3:28 p.m.

MOTION: Sen. Hillyard moved to approve the minutes of the January 24, 2003, meeting.

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

1. S.B. 8 Sentencing in Capital Cases Amendments (D. Gladwell)

Sen. Gladwell introduced the bill and distributed handouts. Paul Boyden, Executive Director, Statewide Association of Prosecuting Attorneys assisted in the presentation.

Speaking in opposition to the bill were: John Hill, Director, Legal Defenders Association; Joan Watt, Chief Appellate Attorney, Legal Defenders Association; and Richard Mauro, Utah Association of Criminal Defense Lawyers.

Speaking in support of the bill were: Frazier Nelson, Executive Director, Disability Law Center; and Ronald Gordon, Director, Utah Sentencing Commission who distributed a handout.

MOTION: Sen. Arent moved to hold S.B. 8 until the meeting to be held on Monday, February 3 at 8:00 a.m.

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

2. S.B. 93 Reappointment of County Justice Court Judges (T. Hatch)

Sen. Thomas Hatch introduced the bill, assisted by Jim Eartley, Commissioner, Washington County.

MOTION: Sen. Hillyard moved to adopt 1st Substitute S.B. 93.

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

Speaking in support of the bill were Rick Schwermer, Assistant State Court Administrator; and John Sandberg, Chair, Board of Justice Court Judges.

MOTION: Sen. Hillyard moved to pass 1st Sub. S.B. 93 out with a favorable recommendation.

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

3. H.B. 4 Viatical Settlements (B. Parker)

Rep. Brent Parker introduced the bill. Michael Freedman, Vice President, Coventry First assisted in the presentation.

MOTION: Sen. Hillyard moved to amend H.B. 4 as follows:

1. Page 5, Line 134: Delete "This section does not prevent" and insert "An insurance policy transferred pursuant to Chapter 36, Viatical Settlements Act, is not subject to Subsection (5)(b) and nothing else in this section shall prevent"

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

MOTION: Sen. Gladwell moved to pass H.B. 4 out with a favorable recommendation.

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

4. S.B. 108 Dangerous Weapons Amendments (M. Waddoups)

Sen. Michael Waddoups introduced the bill. Paul Boyden assisted in the presentation.

Chair Bell recommended that S.B. 108 be placed second on the agenda for the committee meeting on Monday, February 3. The committee agreed.

MOTION: Sen. Hillyard moved to adjourn the meeting.

The motion passed unanimously with Sen. J. Evans absent for the vote.

Committee Chair Bell adjourned the meeting at 5:02 p.m.

Minutes recorded by Sandra Maeser, Secretary

Sen. Gregory S. Bell, Chair