

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
State Capitol -- Room 225
February 11, 2004

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. Patricia W. Jones
Rep. Wayne A Harper
Rep. David Litvak
Rep. Peggy Wallace
Rep. R. Curt Webb

Members Absent: Rep. Michael T. Morley

Staff Present: Ms. Jami Momberger, Policy Analyst
Ms. Linda Error, Committee Secretary

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

Rep. Bowman called the meeting to order at 8:10 a.m.

MOTION: Rep. Wallace moved to approve the minutes of the February 9, 2004 meeting. The motion passed unanimously, with Rep. Christensen, Rep. Dee, and Rep. Jones absent for the vote.

H.B. 164 Nonresident Tuition Waiver for National Guard Members (*Rep. B. King*)

MOTION: Rep. Aagard moved to delete in title and body **H.B. 164** and replace it with **1st Substitute H.B. 164**. The motion passed unanimously, with Rep. Bourdeaux, Rep. Christensen, Rep. Dee, and Rep. Jones absent for the vote.

Rep. King explained the bill.

MOTION: Rep. Harper moved to pass the bill out favorably. The motion passed unanimously, with Rep. Bourdeaux, Rep. Christensen, Rep. Dee, and Rep. Jones absent for the vote.

MOTION: Rep. Litvak moved that **1st Substitute H.B.164** be placed on the consent calendar. The motion passed unanimously, with Rep. Bourdeaux, Rep. Christensen, Rep. Dee, and Rep. Jones absent for the vote.

Rep. Bowman relinquished the chair to Rep. Aagard.

H.B. 169 Mail Theft Amendments (Rep. M. Thompson)

Rep. Bowman explained the bill, assisted by Ron Gordon, Utah Sentencing Commission.

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

MOTION: Rep. Webb moved that **H. B. 169** be placed on the consent calendar. The motion passed unanimously, with Rep. Christensen and Rep. Jones absent for the vote.

Rep. Bowman resumed the chair.

H.B. 121 Code of Criminal Procedure Amendments (Rep. J. Seitz)

Rep. Seitz explained the bill, assisted by Mark Nash, Utah Prosecution Council.

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

1. *Page 2, Lines 54 through 56:*

54 (b) if no plea in abeyance fee is collected, [[~~the prosecuting authority shall~~
assess and
55 collect]] a surcharge on the fee charged for the traffic school or other school, class, or
56 rehabilitative program shall be collected , which surcharge shall:

The motion to amend passed unanimously, with Rep. Christensen and Rep. Jones absent for the vote.

Spoke for the bill: Ken Wallentine, Utah Peace Officers Association
Steve Garcetti, Layton City
Dan Davis, Crime Victims Reparations Program
Rich Schwermer, Administrative Office of the Courts

Spoke against the bill: Ryan Mecham, Sandy City

MOTION: Rep. Bourdeaux moved to pass the bill out favorably as amended. The motion passed, with Rep. Harper voting in opposition and Rep. Jones and Rep. Webb absent for the vote.

H.B. 165 Child Protection Registry (Rep. M. Styler)

Rep. Styler explained the bill, assisted by Pat Shea ,attorney, and Mark Shurtliff, Attorney General.

MOTION: Rep. Bourdeaux moved to pass the bill out favorably. The motion passed unanimously, with Rep Jones absent for the vote.

S.B. 137 Interstate Compact for Adult Offender Supervision - Application Fee (Sen. K. Hale)

Sen. Hale explained the bill.

MOTION: Rep. Bourdeaux moved to pass the bill out favorably. The motion passed unanimously, with Rep. Jones and Rep. Webb absent for the vote.

MOTION: Rep. Harper moved that **S. B. 137** be placed on the consent calendar. The motion passed unanimously, with Rep. Jones and Rep. Webb absent for the vote.

H.B. 166 Concealed Firearm Permit Amendments (Rep. D. Hogue)

Rep. Hogue explained the bill.

Rep. Wallace moved to amend the bill as follows:

1. *Page 2, Lines 30 through 35:*

30 (1) (a) The division or its designated agent shall issue a permit to carry a concealed
31 firearm for lawful self defense to an applicant who is 21 years of age or older;

32 (i) within 60 days after receiving an application [~~and~~]; and

33 (ii) upon proof that the [~~person applying~~] applicant is of good
character ~~[[+]]~~ . ~~[[+]]~~ ~~[[; and~~

34 ~~—(iii) after the applicant provides evidence of general familiarity with the type of~~
~~firearm~~

35 ~~to be concealed pursuant to Subsection (7).-]~~

2. *Page 3, Line 80 through Page 4, Line 90:*

80 [~~(7)~~] (5) Except as provided in Subsection [~~(7)~~] (6), the [~~licensing authority~~]
division

81 shall also require the applicant to provide:

* * * *Some lines not shown* * * *

- 86 (e) a five-year employment history; ~~[[and-]]~~
87 (f) a five-year residential history ~~[[+]]~~ ; and ~~[[+]]~~ ~~[[.]]~~
88 ~~[[+]]~~ (g) **evidence of general familiarity with the types of firearms to be**
concealed as
89 **defined in Subsection (8).** ~~[[+]]~~

3. *Page 4, Lines 93 through 105:*

- 93 ~~[(8)] (7)~~ (a) General familiarity with the ~~[[+]]~~ types ~~[[+]]~~ ~~[[type-]]~~ of
94 ~~[[+]]~~ firearms ~~[[+]]~~ ~~[[firearm-]]~~ to be
95 concealed includes training in:
96 (i) the safe loading, unloading, ~~[[+]]~~ storage, ~~[[+]]~~ ~~[[firing, securing,~~
~~storing, caring for and~~
96 ~~maintaining of,]]~~ and carrying of the ~~[[+]]~~ types ~~[[+]]~~ ~~[[type-]]~~ of
97 ~~[[+]]~~ firearms ~~[[+]]~~ ~~[[firearm-]]~~ to be concealed; and
98 (ii) current ~~[[criminal and civil]]~~ laws defining lawful use of a firearm by a
99 private citizen,
100 including lawful self-defense, ~~[[judgmental shooting,]]~~ use of force by a private
101 citizen including
102 use of deadly force, transportation, and concealment.
103 (b) Evidence of general familiarity with the ~~[[+]]~~ types ~~[[+]]~~ ~~[[type-]]~~ of
104 ~~[[+]]~~ firearms ~~[[+]]~~ ~~[[firearm-]]~~ to be
105 concealed ~~[may be]~~ is satisfied by one of the following:
* * * *Some lines not shown* * * *
106 (ii) certification of an applicant's general familiarity with the ~~[[type-]]~~ **types**
107 of firearm to be
108 concealed by a person who has been certified by the division, which may include a law

4. *Page 5, Lines 122 through 123:*

- 122 (c) failed to provide the instruction required for a student to obtain general
123 familiarity
124 with a firearm required under ~~[[this section-]]~~ **Subsection (7)(b)(i)** .

The motion to amend passed unanimously, with Rep. Jones absent for the vote.

Spoke for the bill: Brian Judy, National Rifle Association
 Elwood Powell, Chairman, Utah Shooting Sports Council

Spoke against the bill: Marla Kennedy, Executive Director, Gun Violence Council of
 Utah

MOTION: Rep. Christensen moved to pass the bill out favorably as amended. The motion
 passed unanimously.

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

Rep. Bowman adjourned the meeting at 9:25 a.m.

Rep. DeMar "Bud" Bowman, Chair

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