

**MINUTES OF THE HOUSE**  
**LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**  
**State Capitol -- Room 225**  
**February 13, 2004**

**Members Present:** Rep. DeMar "Bud Bowman, Chair  
Rep. Douglas C. Aagard, Vice Chair  
Rep. Duane Bourdeaux  
Rep. Patricia W. Jones  
Rep. Wayne A Harper  
Rep. David Litvak  
Rep. Michael T. Morley  
Rep. Peggy Wallace  
Rep. R. Curt Webb

**Members Absent:** Rep. LaVar F. Christensen  
Rep. Brad L. Dee

**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. Aagard called the meeting to order at 4:17 p.m.

**MOTION:** Rep. Wallace moved to approve the minutes of the February 11, 2004 meeting. The motion passed unanimously, with Rep. Harper and Rep. Morley absent for the vote.

**H.B. 289      Alcoholic Beverage Amendments Related to Minors (*Rep. L. Pace*)**

Rep. Pace explained the bill, assisted by Dale Stacey, Rich County Sheriff's Department.

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

**H.B. 135      Notification of School District of Violent Offense by a Student (*Rep. M. S. Lawrence*)**

**MOTION:** Rep. Harper moved to amend the bill as follows:

*1. Page 4, Line 104 through Page 5, Line 121:*

104            (b) If the minor is taken into custody or detention for a violent felony, as  
defined in  
105    Section 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5,  
Weapons, [~~the~~

106 ~~custodial or detaining agency~~]] the officer or other law enforcement agent taking  
the minor into custody shall, as soon as practicable or as established under  
Subsection  
107 53A-11-1001(2), notify the school superintendent of the district in which the minor  
resides or  
108 attends school for the purposes of the minor's supervision and student safety.  
\*\*\* Some lines not shown \*\*\*  
116 (iii) All other records disclosures are governed by Title 63, Chapter 2,  
Government  
117 Records Access and Management Act and the Federal Family Educational Rights  
and Privacy Act .  
118 (c) Employees of a governmental agency are immune from any criminal  
= liability ~~[[, civil or~~  
119 ~~criminal,]]~~ for providing or failing to provide the information required by Section  
78-3a-113  
120 unless the person acts or fails to act due to malice, gross negligence, or deliberate  
indifference  
121 to the consequences.

2. Page 7, Line 197 through Page 8, Line 214:

197 (b) If the minor is taken into custody or detention for a violent felony, as  
defined in  
198 Section 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5,  
Weapons, ~~[[the~~  
199 ~~custodial or detaining agency~~]] the officer or other law enforcement agent taking  
the minor into custody shall, as soon as practicable or as established under  
Subsection  
200 53A-11-1001(2), notify the school superintendent of the district in which the minor  
resides or  
201 attends school for the purposes of the minor's supervision and student safety.  
\*\*\* Some lines not shown \*\*\*  
209 (iii) All other records disclosures are governed by Title 63, Chapter 2,  
Government  
210 Records Access and Management Act and the Federal Family Educational Rights  
and Privacy Act .

- 211 (c) Employees of a governmental agency are immune from any **criminal**  
212 liability [~~civil or~~  
213 ~~criminal,~~] for providing or failing to provide the information required by Section  
214 78-3a-113  
unless the person acts or fails to act due to malice, gross negligence, or deliberate  
indifference  
to the consequences.

Rep. Lawrence explained the bill, assisted by Martin Bates, Policy and Compliance Officer, Granite School District.

Spoke for the bill: Rhonda Rose, Utah PTA  
Sarah Myer, Utah School Boards Association  
Stephen Ronnenkamp, Superintendent, Granite School District  
Vik Arnold, Utah Education Association

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

**S.B. 143 Criminal Offense Attempt Amendments (Sen. D. Gladwell)**

Sen. Gladwell explained the bill, assisted by C. C. Horton, Assistant Attorney General.

MOTION: Rep. Litvak moved to pass the bill out favorably. The motion passed unanimously.

**S.B. 63 Witness Tampering Amendments (Sen. D. C. Buttars)**

Sen. Buttars explained the bill, assisted by C. C. Horton, Assistant Attorney General.

MOTION: Rep. Harper moved to pass the bill out favorably. The motion passed unanimously.

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

Rep. Aagard adjourned the meeting at 5:00 p.m.