

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT AND CRIMINAL JUSTICE
STANDING COMMITTEE
Thursday, January 29, 2004
Room 414, STATE CAPITOL BUILDING**

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

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

Staff Present: Jami Momberger, Policy Analyst
Katrina Yarrington, Committee Secretary

Public Speakers Present: Jeffrey W. Hall, Deputy District Attorney, State Wide Association of Prosecutors
Gary A. Wise, State Fire Marshal
Mike Chabries, Executive Director, Utah Department of Corrections
Scott Carver, Deputy Director, Utah Department of Corrections
Laurie Shingle, court reporter, Utah Court Reporter Association
Clyde Ormond, Manager, Division of Occupational and Professional Conduct
Michael Wims, Assistant Attorney General, Attorney General's Office

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

Committee Chair Bell called the meeting to order at 8:07 a.m.

MOTION: Sen. Gladwell moved to approve the minutes of January 27, 2004.

The motion passed unanimously with, Sen. Dmitrich, Sen. Buttars, Sen. Evans, Sen. Hillyard, and Sen. Mansell absent for the vote.

1. S.B. 38 Arson Offense Amendments (P. Arent)

Sen. Arent introduced the bill assisted by Jeffrey W. Hall, Deputy District Attorney.

The following people spoke in support of the bill:

Gary A. Wise, State Fire Marshal

MOTION: Sen. Dmitrich moved to pass S.B. 38 out with a favorable recommendation.

The motion passed, with Sen. Gladwell voting in opposition and Sen. Hillyard, Sen. Mansell, and Sen. Buttars absent for the vote.

2. S.B. 80 Capital Punishment Amendments (J. Valentine)

Sen. Valentine introduced the bill assisted by Mike Chabries, Executive Director, Utah Department of Corrections.

MOTION: Sen. Dmitrich moved to amend S.B. 80 as follows:

1. *Page 3, Line 70:*

70 drawing of the warrant [~~at an hour determined by the Department of~~
~~Corrections-]] ,and which may not be a Sunday, Monday, or a legal holiday, as
defined in Section 63-13-2 .~~

The motion passed unanimously, with Sen. Buttars, Sen. Hillyard, and Sen. Mansell absent for the vote.

The following people spoke in support of the bill:

Scott Carver, Deputy Director, Utah Department of Corrections

MOTION: Sen. Evans moved to pass S.B.80 out with a favorable recommendation.

The motion passed unanimously, with Sen. Buttars, Sen. Dmitrich, and Sen. Mansell absent for the vote.

3. S.B. 123 Court Reporter Amendments (L. Hillyard)

Sen. Hillyard introduced the bill assisted by Laurie Shingle, President, Utah Court Reporter Association.

MOTION: Sen. Hillyard moved to amend S.B.123 as follows:

1. *Page 7, Lines 185 through 186:*

185 (2) A certified court reporter is an officer of the court whose impartiality
shall remain beyond

186 question.

The motion passed unanimously, with Sen. Mansell, Sen. Buttars, and Sen. Dmitrich absent for the vote.

The following people spoke in support of the bill:

Lisa Watts Baskin, Lobbyist, Utah Court Reporter Association

Clyde Ormond, Manager, DOPC

MOTION: Sen. Hillyard moved to pass S.B. 123 out with a favorable recommendation.

The motion passed unanimously, with Sen. Buttars, Sen. Dmitrich, and Sen. Mansell absent for the vote.

4. S.B. 119 Prosecution Jurisdiction Amendment (B. Evans)

Sen. Evans introduced the bill assisted by Mike Wims, Assistant Attorney General.

MOTION: Sen. Arent moved to pass S.B.119 out with a favorable recommendation.

The motion passed unanimously, with Sen. Buttars, Sen. Dmitrich, Sen. Gladwell, Sen. Hillyard, and Sen. Mansell absent for the vote.

MOTION: Sen. Evans moved to adjourn.

The motion passed unanimously.

Committee Chair Bell adjourned the meeting at 9:07 a.m.

Minutes recorded by Katrina Yarrington, Secretary

Sen. Gregory S. Bell, Committee Chair