

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT AND CRIMINAL JUSTICE
STANDING COMMITTEE
Monday, February 2, 2004
Room 414, STATE CAPITOL BUILDING**

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

Members Excused: Sen. L. Alma Mansell

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

Public Speakers Present: Mark Jones, Courts Administration
Rodney S. Page, Second District Judge
C.C. Horton, Assistant Attorney General
Spencer Stokes, Utah League of Credit Unions
Ed McConkie, Executive Director, Commission on Criminal and
Juvenile Justice
Scott Carver, Deputy Director, Utah Department of Corrections
Bonnie Macri, Director, JEDI Women

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

Committee Chair Bell called the meeting to order at 8:05 a.m.

MOTION: Sen. Gladwell moved to approve the minutes of January 29, 2004.

The motion passed unanimously, with Sen. Arent, Sen. Dmitrich, and Sen. Evans absent for the vote.

1. S.B. 141 New Judge - Second District Court (G. Bell)

Sen. Bell introduced the bill, assisted by Judge Rodney Page, Second District judge.

The following people spoke in support of the bill:

Mark Jones, Courts Administration

MOTION: Sen. Buttars moved to pass S.B. 141 out with a favorable recommendation.

The motion passed unanimously, with Sen. Arent, Sen. Dmitrich, and Sen. Evans absent for the vote.

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

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

MOTION: Sen. Buttars moved to pass S.B.143 out with a favorable recommendation.

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

3. S.B. 106 Dishonored Checks - Motor Vehicle Repair Facilities (D.C. Buttars)

MOTION: Sen. Buttars moved to adopt 1st Substitute S.B.106.

The motion passed unanimously, with Sen. Gladwell absent for the vote.

Sen. Buttars introduced the bill.

MOTION: Sen. Evans moved to amend 1st Substitute S.B. 106 as follows:

1. Page 3, Lines 78 through 81:

78 If the check was paid to a motor vehicle repair facility for repair of a motor vehicle
and

79 the check amount equals or exceeds \$250, the motor vehicle repair facility may
take possession

80 of ~~[[your]]~~ the motor vehicle, subject to the rights and interests of any
secured parties in the motor

81 vehicle, and dispose of it to pay amounts owed under the civil legal action.

The motion passed unanimously, with Sen. Gladwell absent for the vote.

MOTION: Sen. Evans moved to pass 1st Substitute S.B.106 as amended out with a favorable recommendation.

The motion passed unanimously, with Sen. Gladwell absent for the vote.

4. S.B. 122 Payment of Claims on Deceased Settlor's Estate (J. Valentine)

Sen. Valentine introduced the bill.

MOTION: Sen. Hillyard moved to pass S.B.122 out with a favorable recommendation and place it on the Consent Calendar.

The motion passed unanimously, with Sen. Gladwell absent for the vote.

5. S.B. 150 Judicial Confirmation Process Amendments (D.C. Buttars)

Sen. Buttars introduced the bill.

The following people spoke in support of the bill:

Rick Schwermer, Courts Administration

Ed McConkie, Executive Director, Commission on Criminal and Juvenile Justice

MOTION: Sen. Dmitrich moved to pass S.B. 150 out with a favorable recommendation.

SUBSTITUTE MOTION: Sen. Evans moved to amend S.B. 150.

The motion failed, with Sen. Bell, Sen. Arent, Sen. Buttars, Sen. Dmitrich, and Sen. Gladwell voting in opposition and Sen. Hillyard absent for the vote.

The original motion passed, with Sen. Evans voting in opposition.

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

Sen. Hale introduced the bill.

The following people spoke in support of the bill:

Ron Gordon, Director, Utah Sentencing Commission

MOTION: Sen. Gladwell moved to pass S.B.137 out with a favorable recommendation and to place it on the Consent Calendar.

The motion passed unanimously.

7. H.B. 73 Pattern of Unlawful Activity Act Amendments (T. McCartney)

Rep. McCartney introduced the bill.

MOTION: Sen. Arent moved to pass H.B. 73 out with a favorable recommendation and to place it on the Consent Calendar.

The motion passed unanimously.

8. 1st Substitute H.B. 34 Unlawful Controlled Substances in Correctional Facilities (L. Christensen)

Rep. Christensen introduced the bill.

The following people spoke in support of the bill:

Scott Carver, Deputy Director, Utah Department of Corrections

Bonnie Macri, Director, JEDI Women

MOTION: Sen. Evans moved to pass 1st Substitute H.B. 34 out with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Evans moved to adjourn.

The motion passed unanimously.

Committee Chair Bell adjourned the meeting at 9:34 a.m.

Minutes recorded by Katrina Yarrington, Secretary

Sen. Gregory S. Bell, Committee Chair