

**MINUTES OF THE  
SENATE JUDICIARY, LAW ENFORCEMENT AND CRIMINAL JUSTICE  
STANDING COMMITTEE  
Friday, February 6, 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. Mike Dmitrich  
Sen. L. Alma Mansell

Members Excused: Sen. Lyle W. Hillyard  
Sen. D. Chris Butters

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

Public Speakers Present: Elwood Powell, Chairman, Utah Shooting Sports Council  
Fraser Nelson, Disability Law Center  
C.C. Horton, Assistant Attorney General  
Mark Moffatt, Utah Association of Criminal Defense Lawyers  
Kent Hart, Utah Association of Criminal Defense Lawyers  
Jake Garn, former U.S. Senator  
George Mantes, Utah Board of Regents  
Sarah Oliphant, citizen  
Leonard Wojcik, Board of Directors, Utah Shooting Sports Council  
JoAnn Neilson, President, Utah PTA  
Marla Kennedy, Executive Director, Gun Violence Prevention Center  
Thomas Griffiths, General Counsel, Brigham Young University  
W. Clark Aposhian, National Rifle Association  
Lorna R. Brown, citizen  
Monica Whalen, President, The Employers Council  
Diane Bohman, citizen  
Carol Leer, State Board of Education

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

Sen. Gladwell called the meeting to order at 2:08 p.m.

**MOTION:** Sen. Arent moved to approve the minutes of February 4, 2004.

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

**1. S.B. 161 Judicial Conduct Commission (M. Waddoups)**

Sen. Waddoups introduced the bill.

**MOTION:** Sen. Arent moved to pass S.B. 161 out with a favorable recommendation.

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

**2. S.B. 49 Competency to Be Executed (D. Gladwell)**

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

The following people spoke in opposition of the bill:

Fraser Nelson, Disability Law Center

Mark Moffatt, Chairman, Utah Association of Criminal Defense Lawyers

Kent Hart, Secretary, Utah Association of Criminal Defense Lawyers

**MOTION:** Sen. Arent moved to hold bill for one meeting.

**SUBSTITUTE MOTION:** Sen. Evans moved to pass S.B. 49 out with a favorable recommendation.

The substitute motion passed, with Sen. Arent voting in opposition and Sen. Mansell absent for the vote.

**3. S.B. 48 Uniform Firearm Laws (M. Waddoups)**

Sen. Waddoups introduced the bill.

**MOTION:** Sen. Dmitrich moved to amend S.B. 48 as follows:

1) Page 2, lines 52-53: Deletes lines 52 and 53

(2) Page 2, line 54: Delete "(7)" and insert "(6)"

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

The following people spoke in support of the bill:

Sarah Oliphant, citizen

Elwood Powell, Chairman, Utah Shooting Sports Council

Leonard Wojcik, Board of Directors, Utah Shooting Sports Council

W. Clark Aposhian, National Rifle Association

Diane Bohman, citizen

The following people spoke in opposition of the bill:

George Mantes, State Board of Regents

Jake Garn, former U.S. Senator

JoAnn Neilson, President, Utah PTA

Marla Kennedy, Executive Director, Gun Violence Prevention Center

Carol Leer, State Board of Education

Lorna Brown, citizen

Monica Whalen, CEO, The Employers Council

Thomas Griffiths, General Counsel, Brigham Young University

**MOTION:** Sen. Evans moved to pass S.B. 48 out, as amended, with a favorable recommendation.

The motion passed, with Sen. Arent voting in opposition.

**MOTION:** Sen. Evans moved to adjourn.

Committee Chair Bell adjourned the meeting at 4:20 p.m.

Minutes recorded by Katrina Yarrington, Secretary

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Sen. Gregory S. Bell, Committee Chair