

**MINUTES OF THE  
SENATE JUDICIARY, LAW ENFORCEMENT AND CRIMINAL JUSTICE  
STANDING COMMITTEE  
FRIDAY, FEBRUARY 20, 2004  
Room 414, STATE CAPITOL BUILDING**

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

Members Excused: Sen. Lyle W. Hillyard  
Sen. L. Al Mansell

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

Public Speakers Present: Mel Brown, National Rifle Association  
Reed Richards, Attorney  
Mark Walsh, Administrative Office of the Courts  
Jody Hoffman, League of Cities and Towns  
Rick Schwermer, Administrative Office of the Courts  
Jeff Tracy, Utah County Sheriff  
John T. Nielson, Utah State Bar Association  
Dan Fallows, Legislative Affairs, Department of Public Safety  
Rich Walker, President, Utah Professional Towing Association  
Lynn Christensen, President, Davis County Towing Association  
Linda Hall, Utah Department of Transportation  
Elaine Trip, American Automobile Association, Utah  
Mark May, 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 4:23 p.m.

**1. Approval of minutes**

**MOTION:** Sen. Arent moved to approve the minutes from the February 16th and February 19th meetings.

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

**2. S.B. 36 Prevention of Child Access to Firearms (P. Julander)**

Sen. Julander introduced the bill assisted by Mel Brown, National Rifle Association. Sen. Julander indicated that she would not be pursuing the bill this Session, but plans to introduce similar legislation next year.

**3. S.B. 196 Court Fee Adjustments (D. Gladwell)**

Sen. Gladwell introduced the bill assisted by Reed Richards, Attorney.

The following people spoke in support of the bill:

Rick Schwermer, Administrative Office of the Courts

Jeff Tracy, Sheriff, Utah County

Mark Walsh, Administrative Office of the Courts

The following people spoke in opposition to the bill:

Jody Hoffman, League of Cities and Towns

**MOTION:** Sen. Buttars moved to pass S.B. 196 out with a favorable recommendation.

The motion passed unanimously.

**4. H.B.234 Sunset Extension on Unauthorized Practice of Law (S. Urquhart)**

Sen. Arent introduced the bill assisted by John T. Nielson, Utah Bar Association.

**MOTION:** Sen. Buttars moved to pass H.B.234 out with a favorable recommendation.

The motion passed unanimously.

**MOTION:** Sen. Buttars moved to place H.B.234 on the Consent Calendar.

The motion passed unanimously.

**5. H.B.212 Traffic Accident Response (E. Hutchings)**

Rep. Hutchings introduced the bill.

**MOTION:** Sen. Dmitrich moved to amend H.B.212 as follows:

*1. Page 2, Lines 51 through 56:*

throughout the state. The rules shall:

- 52 (i) provide strict response time performance standards for tow truck motor carriers  
53 contacted in accordance with this Subsection (4);  
54 (ii) provide an exception to any rules for the rotation of tow truck motor carriers in  
55 conflict with this Subsection (4); [~~and~~]  
56 (iii) allow a qualified tow truck in the proximity of the incident to respond if  
necessary ; and  
(iv) require the peace officer to make a record of the reasons for the  
quickest available removal under this Subsection (4) and the tow  
truck motor carrier used for the removal .

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

Dan Fallows, Law Enforcement Legislative Commission, spoke in support of the bill.

**MOTION:** Sen. Arent moved to amend H.B.212 as follows:

1. *Page 2, Lines 42 through 48:*

- (4) (a) If a peace officer determines that a vehicle must be removed either as a result of  
43 a crash or otherwise in accordance with this chapter, the peace officer shall remove or  
cause the  
44 vehicle to be removed by the quickest available safe means if:  
45 (i) the incident is causing a safety hazard;  
46 (ii) the incident is causing traffic delays; and  
47 (iii) the traffic volume adjacent to the incident would result in significant delays to the  
48 traveling public if the vehicle is not removed by the quickest available safe means.

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

The following people spoke in support of the bill:

Linda Hall, Utah Department of Transportation

Elaine Trip, American Automobile Association, Utah

The following people spoke in opposition to the bill:

Rich Walker, President, Utah Professional Towing Association

Lynn Christensen, President, Davis County Towing Association

**MOTION:** Sen. Arent moved to hold H.B.212.

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

**6. H.B.197 Limit on Child Welfare Recommendations and Rulings** (M. Thompson)

Rep. Thompson introduced the bill.

Mark May, Attorney General's Office, spoke in support of the bill.

**MOTION:** Sen. Evans moved to pass H.B.197 out with a favorable recommendation.

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

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

Committee Chair Bell adjourned the meeting at 5:51 p.m.

Minutes recorded by Katrina Yarrington, Secretary

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Sen. Gregory S. Bell, Committee Chair