

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room WO25, West Office Building, State Capitol Complex
February 10, 2005

Members Present: Rep. DeMar "Bud" Bowman, Chair
Rep. Michael T. Morley, Vice Chair
Rep. Duane Bourdeaux
Rep. LaVar F. Christensen
Rep. Wayne A. Harper
Rep. Patricia W. Jones
Rep. Todd E. Kiser
Rep. David Litvack
Rep. Curtis Oda
Rep. Paul Ray
Rep. Stephen H. Urquhart

Staff Present: Mr. Stewart Smith, Policy Analyst
Ms. Linda Black, Committee Secretary

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

Rep. Morley called the meeting to order at 4:10 p.m.

MOTION: Rep. Litvack moved to approve the minutes of February 8, 2005. The motion passed unanimously with Rep. Christensen, Rep. Harper, Rep. Ray, and Rep. Urquhart absent for the vote.

S.B. 73 Tampering with Evidence (*Sen. D. C. Buttars*)

Sen. Buttars presented the bill.

MOTION: Rep. Jones moved to pass the bill out favorably. The motion passed unanimously with Rep. Christensen, Rep. Harper, Rep. Ray, and Rep. Urquhart absent for the vote.

H.B. 223 Amendments to Driver License and Identification Cards (*Rep. C. Oda*)

MOTION: Rep. Oda moved to amend the bill as follows:

1. Page 1, Lines 13 through 15:

- 13 ▶ requires the Driver License Division to make rules for acceptable documentation of
- 14 an applicant's identity, Utah residence address, proof of legal presence, and proof of

15 {~~United States Citizenship~~} citizenship of a country other than the United
 States ;

2. Page 2, Lines 56 through 58:

56 (b) for acceptable documentation of an applicant's identity, Utah residence address,
57 proof of legal presence, proof of {~~United States~~} citizenship of a country other
 than the United States , and other proof or documentation
58 required under this chapter;

The motion to amend passed unanimously, with Rep. Harper, Rep. Ray and Rep. Urquahrt absent for the vote.

Spoke to the bill: Ms. Luz Robles, Co-chair, Utah Hispanic Legislative Task Force
 Mr. Miguel Rovira, Vice-Chair, Utah Republican Committee
 Mr. Steve Rush, Utah Defense Alliance
 Ms. Karen Clark, Vice President, Utah Eagle Forum

MOTION: Rep. Harper moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. Ray absent for the vote.

MOTION: Rep. Oda moved to place H.B. 223 on the Consent Calendar. The motion passed unanimously, with Rep. Ray absent for the vote.

H.B. 276 Division of Criminal Investigation and Technical Services Amendments
(Rep. C. Oda)

Rep. Oda presented the bill.

Spoke to the bill: Mr. Clark Aposhian, Chair, Utah Self Defense Instructors' Network
 Mr. Mark Shurtliff, Attorney General, State of Utah

MOTION: Rep. Litvack moved to pass the bill out favorably. The motion passed unanimously, with Rep. Ray absent for the vote.

MOTION: Rep. Oda moved to place H.B. 276 on the Consent Calendar. The motion passed unanimously, with Rep. Ray absent for the vote.

1st Sub. H.B. 202 Revisions to Child Welfare *(Rep. W. Harper)*

Rep. Harper presented the bill.

MOTION: Rep. Bowman moved to delete in title and body 1st Sub. H.B. 202 and replace it with 2nd Substitute H.B. 202. The motion passed unanimously with Rep. Ray absent for the vote.

Spoke to the bill: Mr. Mark May, Ass't . Attorney General
Mr. Adam Trupp, Division of Child and Family Services
Ms. Ann Freemuth, Prevent Child Abuse, Utah

MOTION: Rep. Bourdeaux moved to amend 2nd Substitute H.B. 202 a follows:

1. Page 1, Lines 19 through 21:

- 19 ▶ lists the training that a child welfare caseworker is required to receive;
 ▶ provides for the removal of a person's name and information from the
 Licensing
 Information System, created in Section 62A-4a-116.2, when a court finds that an
 allegation against that person of severe child abuse or neglect is unsubstantiated or
 without merit or when a court finds that the allegation is substantiated, but the
 finding is overturned on appeal;
20 ▶ deletes and repeals the provisions relating to the pilot program for differentiated
21 responses to child abuse and neglect reports;

2. Page 18, Lines 535 through 551:

- 535 (b) ~~{The}~~ Except as provided in Subsection (3)(e), the alleged
 perpetrator's name and the information described in Subsection (1)(b)
536 shall remain in the Licensing Information System;
537 ~~{(b) If}~~ (i) if the alleged perpetrator fails to take action as described in Subsection
 ~~{(6)}~~
538 (3)(a) within one year after service of the notice described in ~~[Subsection (5), the alleged~~
539 perpetrator's name and the notation described in Subsection (1)(a) shall remain in the
 Licensing
540 Information System. This information shall also remain in the Licensing Information
 System
541 ~~while~~ Subsections (1)(a) and (2);
542 (ii) during the time that the division awaits a response from the alleged perpetrator
543 pursuant to Subsection ~~{(6)}~~ (3)(a); and
544 (iii) during the pendency of any proceeding ~~{, including an appeal of a finding~~
 of

545 ~~unsubstantiated or without merit, under Section 78-3a-320~~ } .
546 (c) The alleged perpetrator [~~shall have~~] has no right to petition the juvenile court
under
547 Subsection [~~(6)(b)~~] (3)(a)(ii) if the court [~~has~~] previously held a hearing on the same
alleged
548 incident of abuse or neglect pursuant to the filing of a petition under Section 78-3a-305 by
549 some other party.
550 (d) Consent under Subsection [~~(6)~~] (3)(a)(iii) by a minor [~~shall~~] may only be given
by
551 the minor's parent or guardian.

(e) (i) Notwithstanding Subsection (3)(b), the alleged perpetrator's name and the information described in Subsection (1)(b) shall be removed from the Licensing Information System if the severe child abuse or neglect upon which the Licensing Information System entry was made:

(A) is found to be unsubstantiated or without merit by the juvenile court under Section 79-3a-320; or

(B) is found to be substantiated, but is subsequently reversed on appeal.

(ii) An alleged perpetrator's name and information that is removed from the Licensing Information System under Subsection (3)(e)(i), may be placed back on the Licensing Information System if the court action that was the basis for removing the alleged perpetrator's name and information is subsequently reversed on appeal.

3. *Page 19, Lines 574 through 576:*

574 (3) [~~The division shall promptly amend the Licensing Information System;~~] Except
as
575 provided in {~~-Subsection-~~} Subsections 62A-4a-116.1(3)(b)(iii) and (e) .
upon receipt of a finding from the juvenile
576 court under Section 78-3a-320, the division shall:

The motion to amend passed unanimously with Rep. Ray and Rep. Urquhart absent for the vote.

MOTION: Rep. Kiser moved to pass the bill out favorably as amended.

SUBSTITUTE

MOTION: Rep. Jones moved to hold 2nd Substitute H.B. 202 for discussion during interim.

The motion failed with Rep. Christensen, Rep. Harper, Rep. Kiser, Rep. Oda, Rep. Uruhart, Rep. Morely, and Rep. Bowman voting in opposition to the motion.

MOTION: Rep. Urquhart moved to amend 2nd Substitute H.B. 202 as follows:

1. Page 54, Lines 1652 through 1654:

- 1652 (c) "Mental cruelty" means conduct that is reasonably likely to
cause {~~causes~~} a child to suffer:
- 1653 (i) mental anguish; or
- 1654 (ii) serious emotional injury.

The motion to amend passed unanimously.

MOTION: Rep. Christensen moved to pass the bill out favorably as amended. The motion passed with Rep. Bourdeaux, Rep. Jones, Rep. Litvack, and Rep. Ray voting in opposition.

MOTION: Rep. Urquhart moved to adjourn. The motion passed unanimously. Rep. Morley adjourned the meeting at 5:54 p.m.

Rep. DeMar "Bud" Bowman, Chair

