

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE
STANDING COMMITTEE
FEBRUARY 1, 2005
Room W130, West Office Building, State Capitol Complex**

Members Present: Sen. D. Chris Buttars, Chair
Sen. Patrice M. Arent
Sen. Gregory Bell
Sen. Mike Dmitrich
Sen. Lyle Hillyard
Sen. Mark B. Madsen
Sen. L. Alma Mansell
Sen. David L. Thomas

Members Excused:

Staff Present: Jerry Howe, Policy Analyst
Jeanne Wride, Committee Secretary

Public Speakers Present: Fred Voros, Attorney Generals Office
Ed Meier, UACDL
Steve Erickson, Citizens Ed. Process
Reed Richards, Utah Sheriffs Association
Ron Gordon, Utah Sentencing Commission
Kevin Bruder, Centennial Management Association
Robert Fisher, Security Guard
Clyde Ormond, DOPL

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

Chairman Buttars called the meeting to order at 3:20 p.m.

APPROVAL OF MINUTES:

MOTION: Sen. Thomas moved to approve the minutes of January 28, 2005.

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

1. H.B. 54 CRIMINAL APPEAL AMENDMENTS (Rep. S. Wyatt)

Sen. Wyatt presented the bill to the committee

Fred Voros, Attorney General's Office and Ed Meier, UACDL, spoke to the bill.

MOTION: Sen. Thomas moved to pass H. B. 54 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Bell absent for the vote.

2. H.B. 55 DRUG OFFENSE PENALTY ENHANCEMENTS (Rep. B. Dee)

Rep. Dee presented the bill to the committee.

MOTION: Sen. Thomas moved to amend H.B. 55 as follows:

1. Page 3, Lines 83 through 86:

- 83 (c) Upon a person's {~~second or subsequent conviction of possession of any~~
~~controlled~~
84 ~~substance~~} [by a person] {~~in violation of this Subsection (2) or upon a~~
~~person's~~} conviction of a
85 violation of this Subsection (2) subsequent to a conviction under Subsection (1)(a), that
person
86 shall be sentenced to a one degree greater penalty than provided in this Subsection (2).

The motion passed unanimously with Sen. Bell absent for the vote.

Steve Erickson, Citizens Ed. Process; Reed Richards, Utah Sheriffs Association; Ron Gordon, Utah Sentencing Commission, spoke to the bill.

MOTION: Sen. Thomas moved to hold H.B. 55 so the sponsor can amend the bill to provide that a person who consumes an illegal drug would be in legal possession of the drug.

The motion passed unanimously with Sen. Bell absent for the vote.

3. S.B. 71 SECURITY PERSONNEL LICENSING AMENDMENTS (Sen. G. Davis)

Sen. Davis presented the bill to the committee.

Kevin Bruder, Centennial Management Association spoke to the bill. Robert Fisher,

Security Guard, and Clyde Ormond, DOPL, spoke in opposition to the bill.

MOTION: Sen. Thomas moved to hold S.B. 71.

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

4. S.B. 160 CHILD SUPPORT EXEMPTION FOR ADOPTIVE PARENTS OF CERTAIN CHILDREN IN STATE CUSTODY (Sen. P. Hellewell)

S.B.160 was not considered.

MOTION: Sen. Thomas moved to adjourn.

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

Sen. Buttars adjourned the meeting at 4:50 p.m.

Minutes recorded by Jeanne Wride, Committee Secretary

Sen. D. Chris Buttars, Committee Chair