

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room WO25, West Office Building, State Capitol Complex
January 20, 2006

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 8:10 a.m.

MOTION: Rep. Morley moved to approve the minutes of January 18, 2006. The motion passed unanimously with Rep. Christensen, Rep. Harper, Rep. Jones, Rep. Litvack, and Rep. Urquhart absent for the vote.

H.B. 212 DNA Database Amendments (*Rep. J. S. Adams*)

Rep. J.S. Adams explained the bill with the assistance of Jay Henry, Department Director, State Crime Laboratory.

Spoke to the bill: Reed Richards, Weber County Attorney
Spoke in favor of the bill: Lee Perry, Citizen

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

1. *Page 1, Line 17:*

17 ▶ increases from \$75 to ~~-\$85~~ \$100 the fee charged to an offender for the collection and

2. *Page 4, Line 96:*

96 collect the fee of [\$75] {~~\$85~~} \$100 in accordance with Section 53-10-404.

3. *Page 5, Line 130:*

130 the responsible agency [\$75] {~~\$85~~} \$100 for the cost of obtaining the DNA
specimen unless the agency

4. *Page 5, Lines 136 through 137:*

136 {~~\$85~~} \$100 on the inmate's county trust fund account and may allow a negative
balance in the account

137 until the [\$75] {~~\$85~~} \$100 is paid in full.

5. *Page 5, Line 140:*

140 deposit [\$60] {~~\$65~~} \$80 of the fee in the DNA Specimen Restricted Account and
retain the balance of

The motion passed unanimously with Rep. Christensen, Rep. Harper, Rep. Jones, Rep. Litvack,
and Rep. Urquhart absent for the vote.

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

MOTION: Rep. Kiser moved to place the bill on the consent calendar. The motion passed
unanimously with Rep. Christensen, Rep. Harper, Rep. Jones, and Rep. Urquhart
absent for the vote.

**H.C.R. 4 Resolution Supporting Utah Highway Patrol Use of White Crosses as
Roadside Memorials** (*Rep. P. Ray*)

Rep. Ray introduced the resolution.

Spoke in favor of the bill: Col. Scott Duncan, Utah Highway Patrol
Todd Richardson, Davis County Fraternal Order of Police
Senator Carlene M. Walker

MOTION: Rep. Ray moved to amend the resolution as follows:

Page 2, line 35: After line 35, insert: "WHEREAS, a white cross has become widely accepted as a symbol of a death, and not a religious symbol, when placed along a highway:"

The motion passed unanimously with Rep. Jones and Rep. Urquhart absent for the vote.

MOTION: Rep. Oda moved to pass the resolution out favorably as amended. The motion passed unanimously with Rep. Jones and Rep. Urquhart absent for the vote.

H.B. 219 Child Protection - Clandestine Laboratory Operation (Rep. E. Hutchings)

Rep. Hutchings introduced the bill with the assistance of Mark May, Attorney General's Office.

MOTION: Rep. Harper moved to delete in title and body H.B. 219 and replace it with 1st Substitute H.B. 219. The motion passed unanimously with Rep. Bourdeaux, Rep. Jones, Rep. Ray and Rep. Urquhart absent for the vote.

The motion passed unanimously with Rep. Bourdeaux, Rep. Jones, Rep. Ray, and Rep. Urquhart absent for the vote.

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

1. Page 1, Lines 15 through 20:

15 ▶ provides that the definition of a neglected child includes a minor whose parent
16 permits the minor to ~~{ be present }~~ reside at the location of a clandestine
laboratory operation;

17 ▶ provides that there is a presumption that reunification services should not be
18 provided to a parent if the court finds, by clear and convincing evidence, that the
19 parent permitted the parent's child to ~~{ be present }~~ reside at a location where the
parent knew

20 or should have known that a clandestine laboratory operation was located; and

2. Page 4, Lines 108 through 109:

108 (F) whose parent permits the minor to ~~{ be present }~~ reside at the location of
a clandestine

109 laboratory operation.

3. Page 17, Lines 515 through 516:

515 (J) the parent permitted the child to { be present } reside at a location where
 the parent knew or
 516 should have known that a clandestine laboratory operation was located; or

The motion passed unanimously.

MOTION: Rep. Christensen moved to pass the bill out favorably as amended. The motion passed unanimously.

H.B. 220 Child Protection - Gang Association (Rep. E. Hutchings)

Rep. Hutchings introduced the bill with the assistance of Mark May, Attorney General's Office.

MOTION: Rep. Ray moved to delete in title and body H.B. 220 and replace it with 1st Substitute H.B. 220. The motion passed unanimously..

MOTION: Rep. Christensen moved to amend the bill.

SUBSTITUTE MOTION: Rep. Urquhart moved to amend the bill as follows:

1. Page 1, Lines 14 through 19:

14 ► provides that the definition of a neglected child includes a minor whose parent:
 15 • { ~~permits the minor to associate with a gang while the gang, or any~~
member of the
 16 ~~gang, is engaged in criminal conduct in the presence of the minor; or~~
 17 ~~—•— associates with a gang in the presence of a minor while the gang, or any~~
member
 18 ~~of the gang, is engaged in criminal conduct in the presence of the minor; } =
 • permits the parent's child to associate with a gang while the gang, or
any member of the gang, is engaged in criminal conduct in the presence
of the minor, or associates with a gang in the presence of the parent's
child while the gang, or any member of the gang, is engaged in criminal
conduct in the presence of the child; and
 • knew or should have known that the conduct described above was~~

occurring;

19 ▶ provides that there is a presumption that reunification services should not be

- *Page 5, Lines 122 through 126:*

122 (F) whose parent:

123 ~~{(F) permits the minor to associate with a gang while the gang, or any
member of the~~

124 ~~gang, is engaged in criminal conduct in the presence of the minor; or~~

125 ~~—(H) associates with a gang in the presence of a minor while the gang, or any
member of~~

126 ~~the gang, is engaged in criminal conduct in the presence of the minor.}~~ =

(I) (Aa) permits the parent's child to associate with a gang while the gang, or any
member of the gang, is engaged in criminal conduct in the presence of the child; and

(Bb) knew or should have known that the parent's child associated with the gang, or
any member of the gang, while the gang, or member of the gang, was engaged in
criminal conduct in the presence of the child; or

(II) (Aa) associates with a gang in the presence of the parent's child while the gang,
or any member of the gang, is engaged in criminal conduct in the presence of the
child; and

(Bb)knew or should have known that the parent associated with a gang in the
presence of the parent's child while the gang, or any member of the gang, was
engaged in criminal conduct in the presence of the child.

The motion passed unanimously with Rep. Ray absent for the vote.

MOTION: Rep. Bourdeaux 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 adjourn. The motion passed unanimously. Rep. Morley adjourned the meeting at 9:55 a.m.

Rep. DeMar "Bud" Bowman, Chair