

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE
STANDING COMMITTEE
TUESDAY, FEBRUARY 21, 2006
Room W130, West Office Building, State Capitol Complex**

Members Present: Sen. D. Chris Buttars, Chair
 Sen. Gregory Bell, Vice-Chair
 Sen. Patrice Arent
 Sen. Allen Christensen
 Sen. Mike Dmitrich
 Sen. Mark Madsen
 Sen. L. Alma Mansell
 Sen. David L. Thomas

Members Excused: Sen. Lyle Hillyard

Staff Present: Jerry Howe, Policy Analyst
 Bonnie Brinton, Committee Secretary

Public Speakers Present: Rep. D. Hogue

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

Committee Chair Buttars called the meeting to order at 8:00 a.m.

1. H.B. 249 Juvenile Court Judge (D. Hogue)

Rep. Hogue presented the bill.

MOTION: Sen. Arent moved to pass H.B. 249 out of committee with a favorable recommendation. The motion passed unanimously with Sens. Bell, Dmitrich, and Thomas absent for the vote.

MOTION: Sen. Arent moved to approve the minutes of the meeting held February 17, 2006. The motion passed unanimously with Sens. Bell, Dmitrich, and Thomas absent for the vote.

2. 1st Sub. S.B. 24 Weapons Amendments (M. Madsen)

MOTION: Sen. Mansell moved to lift 1st Sub. S.B. 24, Weapons Amendments, from the table. The motion passed unanimously.

MOTION: Sen. Madsen moved to delete in title and body 1st Sub. S.B. 24 and adopt 3rd Sub. S.B. 24. The motion passed unanimously.

MOTION: Sen. Madsen moved the following amendments:

1. *Page 1, Lines 9 through 10:*

9 This bill modifies provisions of the Utah Criminal Code ~~{-dealing with the~~
possession
10 and carrying of weapons-} .

2. *Page 5, Lines 143 through 146:*

143 (b) a person without a valid concealed firearm permit who carries a concealed
144 dangerous weapon which is a firearm in a place other than the person's residence or
real property and ~~{-that-}~~ which contains no ammunition, ~~{in a place other~~
than
145 the person's residence or property,} is guilty of a class B misdemeanor, but if the
firearm
146 contains ammunition the person is guilty of a class A misdemeanor.

3. *Page 6, Lines 162 through 164:*

162 (1) at ~~[his]~~ the person's place of residence, including any temporary residence or
163 camp[-]; or
164 (2) on the person's real property.

The motion passed unanimously.

Sen. Dmitrich complemented Sen. Madsen for the 3rd Sub. S.B. 24.

MOTION: Sen. Thomas moved to pass 3rd Sub. S.B. 24, Weapons Amendments, as amended, out of committee with a favorable recommendation with the following intent language:

The Legislature recognizes that 3rd Sub. S.B. 24, Weapons Amendments, is an amendment to the State's Criminal Code. Therefore, this bill does nothing to affect the existing civil relationship between private property owners and individuals, vis a vis a property owner's right to ban an individual from entering upon the owner's private property. Furthermore, the bill does nothing to limit or expand civil or criminal remedies -- including, but not limited

to, breach of contract or trespass -- that a property owner might presently invoke against an individual under current statute and jurisprudence, who enters upon on a property owner's property in possession of a firearm, whether loaded or unloaded, when it is forbidden by the property owner.

MOTION: The motion passed unanimously.

MOTION: Sen. Madsen moved to adjourn the meeting.

Committee Chair Buttars adjourned the meeting at 8:45 a.m.

Minutes recorded by Bonnie Brinton, Committee Secretary

Sen. D. Chris Buttars, Committee Chair