

**MINUTES OF THE HOUSE**  
**LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**  
**Room WO25, West Office Building, State Capitol Complex**  
**January 19, 2007**

**Members Present:** Rep. DeMar "Bud" Bowman, Chair  
Rep. Curt Oda, Vice Chair  
Rep. Brad Dee  
Rep. David Litvack  
Rep. Michael Morley  
Rep. Paul Ray  
Rep. Jennifer Seelig  
Rep. Ken Sumsion  
Rep. Larry Wiley  
Rep. Carl Wimmer

**Members Absent:** Rep. Becky Lockhart

**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. Bowman called the meeting to order at 2:00 p.m

**MOTION:** Rep. Ray moved to approve the minutes of January 17, 2007. The motion passed unanimously with Rep. Morley, Rep. Oda and Rep. Wimmer absent for the vote.

Rep. Bowman relinquished the chair to Rep. Oda.

**H.B. 76      Public Safety Dispatcher Compensation** *(Rep. D. Bowman)*

Rep. Bowman introduced the bill with the assistance of Carol Groustra, Department of Public Safety.

Spoke to the bill:      Mr. Todd Losser, Utah Public Employee Association  
                                 Ms. Debbie Price, Department of Human Resource Management

**MOTION:** Rep. Ray moved to pass the bill out favorably. The motion passed unanimously with Rep. Morley and Rep. Wiley absent for the vote.

Rep. Bowman resumed the chair.

**H.B. 70      Assault on a Peace Officer - Penalty Amendment** *(Rep. P. Ray)*

Rep. Ray introduced the bill.

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

1. *Page 1, Line 10:*

10 This bill modifies the Criminal Code by increasing the penalty for a second offense  
of assault on a peace

2. *Page 1, Line 14:*

14 ▶ increases the penalty for committing ~~{an}~~ a second or subsequent  
assault against a peace officer from a class

3. *Page 2, Line 30:*

30 ~~{(+)}~~ (2) (a) Any person who assaults a peace officer, with knowledge that he is a  
peace

4. *Page 2, Line 32:*

32 is guilty of a ~~{+}~~ class A misdemeanor ~~{+}~~ ~~{third degree felony}~~ except  
as provided in Subsection (2)(b) .  
(b) a second or subsequent violation of Subsection (2)(a) is a third degree  
felony.

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

Spoke in opposition to the bill: Mr. N.W. Clayton, Gun Owners of Utah  
Ms. Isabel Quilantan, Citizen

Spoke in favor of the bill: Mr. Kelly Atkinson, Fraternal Order of Police

MOTION: Rep. Litvack moved to proceed to the next item on the agenda. The motion  
passed unanimously.

**H.B. 210 County Sheriff Qualification Amendments** (*Rep. B. Dee*)

Rep. Dee introduced the bill with the assistance of Sheriff James Tracy, Utah County.

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

**H.B. 70      Assault on a Peace Officer - Penalty Amendment** *(Rep. P. Ray)*

Rep. Ray further explained the bill with the assistance of Paul Boyden, Statewide Association of Prosecutors.

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

1. *Page 1, Line 10:*

10            This bill modifies the Criminal Code by increasing the penalty for a second offense  
of assault on a peace

2. *Page 1, Line 14:*

14            ▶ increases the penalty for committing ~~{an}~~ a second or subsequent  
assault against a peace officer from a class

3. *Page 2, Line 30:*

30            [(+) (2) (a) Any person who assaults a peace officer, with knowledge that he is a  
peace

4. *Page 2, Line 32:*

32 is guilty of a ~~{+}~~ class A misdemeanor ~~{+}~~ ~~{third degree felony}~~ except  
as provided in Subsection (2)(b) .

(b) A person who violates this section after having been previously convicted  
of a violation of this section is guilty of a third degree felony.

The motion passed unanimously with Rep. Morley and Rep. Oda absent for the vote.

MOTION:      Rep. Dee moved to pass the bill out favorably as amended. The motion passed  
unanimously with Rep. Morley, Rep. Oda and Rep. Wimmer absent for the vote..

**H.B. 232      Sheriff Qualifications** *(Rep. K. Gibson)*

Rep. Gibson introduced the bill with the assistance of Reed Richards, Utah Sheriffs'  
Association

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

1. *Page 2, Line 40:*

40 (ii) a correctional officer, as defined in Section 53-13-104 , or as a correctional manager as established by the Peace Officer Standards and Training Division created under Section 53-6-103 .

2. *Page 2, Line 50:*

50 (B) a correctional officer, as defined in Section 53-13-104 , or as a correctional manager as established by the Peace Officer Standards and Training Division created under Section 53-6-103 ; and

3. *Page 2, Line 54:*

54 enforcement officer and correctional officer or manager during the sheriff's term of office.

The motion passed unanimously with Rep. Morley, Rep. Oda and Rep Wimmer absent for the vote.

Spoke in favor of the bill: Mr. Rich Townsend, Utah Peace Officers' Association  
Mr. Val Shupe, Utah Chiefs of Police Association  
Mr. James Tracy, Utah County Sheriff

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

MOTION: Rep. Ray moved to adjourn. The motion passed unanimously with Rep. Morley, Rep. Oda and Rep. Wimmer absent for the vote. Rep. Bowman adjourned the meeting at 3:20 p.m.

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Rep. DeMar "Bud" Bowman, Chair