

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room WO25, West Office Building, State Capitol Complex
February 9, 2007

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

Members Absent: Rep. Brad Dee
Rep. Carl Wimmer

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 8:05 a.m.

MOTION: Rep. Ray moved to approve the minutes of February 7, 2007. The motion passed unanimously with Rep. Litvack and Rep. Morley absent for the vote.

S.B. 36 **Nick's Safety Belt Enforcement Law** (*Sen. P. Jones*)

Sen. P. Jones explained the bill. (handout)

Spoke in favor of the bill: Ms. Karen Clay Cooley, private citizen
 Mr. Bryan Mortensen, student, Viewmont High School

MOTION: Rep. Litvack moved to pass the bill out favorably. The motion passed with Rep. Lockhart, Rep. Morley, Rep. Oda, and Rep. Sumsion voting in opposition.

H.B. 447 **Burglary of a Railroad Car** (*Rep. J. Gowans*)

Rep. Gowans explained the bill with the assistance of Mr. Tom Vaughn, Office of Legislative Research and General Counsel, State of Utah.

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

1. Page 1, Line 13:

13 ▶ defines {~~the term "railroad car"~~} terms ;

2. Page 2, Lines 33 through 37:

33 (1) (a) "Building," in addition to its ordinary meaning, means any watercraft,
aircraft,

34 trailer {~~, sleeping car~~} , or other structure or vehicle adapted for overnight
accommodation of

35 persons or for carrying on business therein and includes:

36 {~~(a) Each~~} (i) each separately secured or occupied portion of the
structure or vehicle; and

37 {~~(b) Each~~} (ii) each structure appurtenant to or connected with the
structure or vehicle.

(b) "Building" does not include a railroad car.

3. Page 2, Lines 47 through 48:

47 (5) (a) "Railroad car," in addition to its ordinary meaning, includes a sleeping
car or any container or trailer

48 that is on a railroad car.

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

Spoke in favor of the bill: Mr. Clare Williams, attorney, Union Pacific Railroad
Mr. Lawrence Curley, Union Pacific Railroad

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

H.B. 402 Pawnshop Transaction Information Amendments (Rep. R. Lockhart)

This bill was not heard.

H.B. 359 **Controlled Substance Amendments** (*Rep. C. Oda*)

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

1. *Page 7, Lines 203 through 205:*

203 (6) {~~As used in this section,~~} For purposes of penalty enhancement under
Subsections (1)(b) and (2)(c), a plea of guilty or no contest to a violation of this section
204 which is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, {~~is~~
considered to be a
205 conviction for a violation of this section,} is the equivalent of a conviction, even
if the charge has been subsequently reduced or

The motion passed unanimously.

Rep Oda explained the bill with the assistance of Ms. Jacey Skinner, Deputy District Attorney, Statewide Association of Prosecutors'.

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

H.B. 154 **Exoneration and Innocence Assistance** (*Rep. D. Litvack*)

Rep. Litvack introduced the bill with the assistance of Mr. Creighton Horton, Assistant Attorney General.

Spoke to the bill: Ms. Erin Riley, Office of the Attorney General, State of Utah
 Ms. Jensie L. Anderson, Rocky Mountain Innocent Center

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

MOTION: Rep. Wiley moved to adjourn. The motion passed unanimously with Rep. Ray absent for the vote. Rep. Bowman adjourned the meeting at 9:38 a.m.

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Rep. DeMar "Bud" Bowman, Chair