

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
TUESDAY, FEBRUARY 23, 2007, 8:00 A.M.
ROOM W130, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX**

Members Present: Sen. Gregory S. Bell, Chair
Sen. Jon J. Greiner
Sen. Lyle W. Hillyard
Sen. Mark B. Madsen
Sen. Scott D. McCoy
Sen. Ross I. Romero
Sen. John L. Valentine

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

Public Speakers Present: Patrick Fleming, Salt Lake County Drug Treatment
Paul Boyden, Executive Director, Prosecutors' Association
Rhonda Rose, Utah PTA
Mark Shurtliff, Attorney General
Tom Patterson, Executive Director, Department of Corrections
John Hill, Director, Salt Lake County Legal Defenders
Peg Stewart, Probation Officer, AP&P
Tracy Skinner, Statewide Association of Prosecutors
Jim Olsen, Utah Retail Merchants Association
Stewart Ralphs, Director, Legal Aid Society
Kirk Torgensen, Chief Deputy, Attorney General's Office
Chad Platt, Statewide Association of Prosecutors
Lana Taylor, Assistant, Attorney General's Office

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

Chair Bell called the meeting to order at 8:05 a.m.

MOTION: Sen. Greiner moved to approve the minutes of January 17, 2007.

The motion passed unanimously with Sens. Hillyard, Madsen and Romero absent for the vote.

1. S.B. 50 Drug Offenders Reform Act (D.C. Buttars)

Sen. Buttars explained the bill and distributed a handout.

Speaking in favor of the bill:

Patrick Fleming, Salt Lake County Drug Treatment
Paul Boyden, Executive Director, Prosecutors' Association
Rhonda Rose, Utah PTA
Mark Shurtliff, Attorney General
Tom Patterson, Executive Director, Department of Corrections
John Hill, Director, Salt Lake County Legal Defenders
Peg Stewart, Probation Officer, AP&P

MOTION: Sen. McCoy moved to pass the bill out favorably. The motion passed unanimously with Pres. Valentine absent for the vote.

2. **S.B. 112 Methamphetamine Precursor Access Amendments** (*D.C. Buttars*)

Sen. Buttars explained the bill.

Tracy Skinner, Statewide Association of Prosecutors, assisted in the explanation of the bill.

Jim Olsen, Utah Retail Merchants Association, spoke to the bill.

MOTION: Sen. Madsen moved to pass the bill out favorably. The motion passed unanimously with Pres. Valentine absent for the vote.

3. **S.B. 35 Uniform Child Abduction Prevention Act** (*L. Hillyard*)

Sen. Hillyard explained the bill.

Stewart Ralphs, Director, Legal Aid Society, spoke in favor of the bill.

MOTION: Sen. Greiner moved to pass the bill out favorably. The motion passed unanimously with Pres. Valentine absent for the vote.

4. **S.B. 125 Repeal of Prisoner Demands for Disposition** (*Sen. L. Hillyard*)

Sen. Hillyard explained the bill.

Paul Boyden, Executive Director, Prosecutors' Association, assisted in explaining the bill and spoke in favor of the bill.

John Hill, Director, Salt Lake Legal Defenders, spoke to the bill.

MOTION: Sen. Hillyard moved to pass the bill out favorably. The motion passed unanimously with Pres. Valentine absent for the vote.

5. S.B. 123 Amendment Regarding Search Warrant Procedure (Sen. J. Greiner)

MOTION: Sen. Greiner moved to delete in title and body, S.B. 123, and replace it with 1st Sub. 123. The motion passed unanimously with Pres. Valentine and Sen. Hillyard absent for the vote.

Sen. Greiner explained the bill and proposed the following amendment:

1. Page 2, Lines 48 through 49:

48 ~~{(4) This section applies only to an inmate who is eligible for release on parole~~
~~for an~~
49 ~~offense committed on or after April 30, 2007.}~~

MOTION: Sen. Greiner moved to adopt the amendment. The motion passed unanimously with Pres. Valentine and Sen. Hillyard absent for the vote.

Kirk Torgensen, Chief Deputy, Attorney General's Office, assisted in explaining the bill.

MOTION: Sen. Greiner moved to pass 1st Sub. S.B. 123, as amended, out favorably. The motion passed unanimously with Pres. Valentine and Sen. Hillyard absent for the vote.

Sen. McCoy assumed the Chair.

6. S.B. 114 Aggravated Murder Amendments (Sen. G. Bell)

Sen. Bell explained the bill.

Paul Boyden, Executive Director, Prosecutor's Association, assisted in explaining the bill and spoke in favor of the bill.

MOTION: Sen. Bell moved to pass the bill out favorably. The motion passed unanimously with Pres. Valentine and Sen. Hillyard absent for the vote.

7. S.B. 55 Transfer and Disposition of Protected Property Amendments (Sen. D. Peterson)

Sen. Peterson explained the bill and proposed the following amendments:

1. Page 3, Line 76:

76 {~~treasurer~~} upon the terms stated by the court in its order.

2. Page 3, Line 82:

82 (6) (a) After property is ordered forfeited under this section, the {state
treasurer} seizing agency shall

3. Page 3, Line 86:

86 defendant is not eligible to purchase forfeited property at any sale held by the {state
treasurer} seizing agency

4. Page 4, Line 105:

105 an order declaring property forfeited to the state {treasurer} , the court[-] may upon
application of

5. Page 4, Line 115:

115 has been ordered forfeited to the state {treasurer} under this section may, within 30
days of the

6. Page 5, Line 148:

148 [~~Subparagraph (b)~~] Subsection (10)(b) for the filing of petitions, the state
{treasurer} has clear

Chad Platt, Deputy District Attorney, Statewide Association of Prosecutors, assisted in the explanation of the bill.

Lana Taylor, Assistant, Attorney General's Office, distributed a handout and spoke to the bill.

MOTION: Sen. McCoy moved to pass the bill, as amended, out favorably. The motion passed unanimously with Pres. Valentine and Sen. Hillyard absent for the vote.

8. H.B. 31 Driver License or Identification Card Requirement for Sex Offenders
(Rep. P. Ray)

This bill was not considered.

MOTION: Sen. McCoy moved to adjourn.

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

The meeting was adjourned at 10:00 a.m.

Sen. Gregory S. Bell, Committee Chair