

**MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room WO25, West Office Building, State Capitol Complex
February 13, 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. Oda called the meeting to order at 2:00 p.m.

Rep. Bowman requested a personal privilege to introduce his niece, Ms. Karen Newton, a veterinarian, from New Jersey.

MOTION: Rep. Seelig moved to approve the minutes of February 11, 2008. The motion passed unanimously with Rep. Dee, Rep. Morley, Rep. Ray and Rep. Wiley absent for the vote.

H.B. 339 Human Trafficking Amendments (*Rep. C. Herrod*)

Rep. Herrod introduced the bill.

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

1. *Page 1, Line 26:*

26 {~~76-5-311, Utah Code Annotated 1953~~}

2. *Page 4, Lines 111 through 115:*

111 {~~Section 5. Section 76-5-311 is enacted to read:~~
112 ~~—76-5-311. Affirmative defense.~~
113 ~~—Human trafficking is an affirmative defense to prosecution of a person for a~~
 ~~criminal~~
114 ~~violation directly related to the defendant's status as a victim of a crime that is a~~
 ~~violation of~~
115 ~~this section.~~}

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

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

H.B. 187 Death Caused by Illegal Drugs *(Rep. C. Herrod)*

Rep. Herrod presented the bill.

MOTION: Rep. Wiley moved to proceed to the next item on the agenda. The motion passed unanimously with Rep. Dee and Rep. Morley absent for the vote.

H.B. 136 Illegal Drug Activity Reporting Hotline Through the Office of the Attorney General *(Rep. C. Herrod)*

Rep. Herrod presented the bill with the assistance of Mr. Scott Morrill, Office of the Attorney General.

MOTION: Rep. Litvack moved to replace H. B. 136 with **1st Substitute H.B. 136**. The motion passed unanimously with Rep. Morley and Rep. Ray absent for the vote.

MOTION: Rep. Wimmer moved to pass the bill out favorably. The motion passed with Rep. Seelig voting in opposition. Rep. Dee and Rep. Ray were absent for the vote.

H.B. 247 Domestic Violence and Dating Violence Amendments *(Rep. D. Litvack)*

Rep. Litvack presented the bill with the assistance of Mr. Stewart Ralphs, Legal Aid Society. (handout)

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

1. Page 1, Line 17:

17 • the parties are emancipated or ~~{16}~~ 18 years of age or older;

2. Page 3, Line 76:

76 (ii) is ~~{16}~~ 18 years of age or older; and

Spoke in
favor of the bill: Ms. Alana Kindness, Utah Coalition Against Sexual Assault

Spoke in
opposition to the bill: Ms. Gayle Ruzika, Utah Eagle Forum

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

H.B. 156 Dna Sample - Felony and Certain Misdemeanor Arrests (Rep. K. Gibson)

Rep. Gibson presented the bill.

Spoke to the bill: Mr. Reed Richards, Weber County Attorney

MOTION: Rep. Wiley moved to proceed to the next item on the agenda. The motion passed with Rep. Oda and Rep. Bowman voting in opposition. Rep. Dee, Rep. Litvack, Rep. Morley, and Rep. Sumsion were absent for the vote.

H.B. 226 Disruption of School Activities (Rep. C. Moss)

Rep. Moss presented the bill with the assistance of Mr. McKell Withers, Supt., Salt Lake City Schools.

MOTION: Rep. Wiley moved to pass the bill out favorably. The motion passed unanimously with Rep. Dee, Rep. Litvack, Rep. Morley and Rep. Sumsion absent for the vote.

MOTION: Rep. Wiley moved to place H.B. 226 on the Consent Calendar. The motion passed unanimously, with Rep. Dee, Rep. Litvack, Rep. Morley, and Rep. Sumsion absent for the vote.

S.B. 34 Confidentiality of Reports to Driver License Division (Sen. A. Christensen)

(Rep. C. Wimmer)

Sen. Christensen presented the bill.

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

S.B. 120 Department of Corrections Employee Vehicle Use (*Sen. D. Peterson*) **(Rep. P. Ray)**

Sen. Peterson presented the bill with the assistance of Mr. Tom Patterson, Executive Director, Department of Corrections.

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

H.B. 102 Child Abuse Homicide Amendments (*Rep. C. Wimmer*)

Rep. Wimmer presented the bill. (handout)

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

H.B. 187 Death Caused by Illegal Drugs (*Rep. C. Herrod*)

Rep. Herrod further explained the bill.

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

1. *Page 1, Line 20:*

- 20 ▶ provides for treble damages;
 ▶ provides that this bill does not create or impose liability on the parent or guardian of a minor who acts in violation of the provisions of this bill unless the parent or guardian acts in violation of this bill;
 = and

2. *Page 2, Line 48:*

- 48 substances provided or administered to the deceased person, and the defendant.

- **(4) This section does not establish liability of or create a cause of action regarding a parent or guardian of a person younger than 18 years of age who acts in violation of this section, unless the parent or guardian acts in violation of this section.**

MOTION: Rep. Sumsion moved to pass the bill out favorably. The motion passed unanimously with Rep. Dee, Rep. Litvack, and Rep. Morley absent for the vote.

MOTION: Rep. Bowman moved to adjourn. The motion passed unanimously with Rep. Dee, Rep. Litvack, and Rep. Morley absent for the vote. Rep. Oda adjourned the meeting at 5:10 p.m.

Rep. DeMar "Bud" Bowman, Chair