

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room WO25, West Office Building, State Capitol Complex
February 15, 2008

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

Members Absent: Rep. Becky Lockhart
Rep. Paul Ray

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 3:15 p.m.

Minutes of February 13, 2008, were not presented for approval.

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

Rep. Gibson was commended for the tribute paid on the House floor to families of fallen soldiers.

MOTION: Rep. Dee moved to replace H.B. 156 with **1st Substitute H.B. 156**. The motion passed unanimously with Rep. Lockhart, Rep. Oda, Rep. Ray, Rep. Wiley, and Rep. Wimmer absent for the vote.

Rep. Gibson presented the bill.

Spoke in favor
of the bill: Mr. Jay Henry, State Crime Laboratory
Lt. Lee Perry, Utah Highway Patrol, speaking for the Perry family

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

H.B. 315 Child and Vulnerable Adult Endangerment Provisions (*Rep. M. Morley*)

Rep. Morley presented the bill with the assistance of Ms. Jaycee Skinner, Statewide Association of Prosecutors.

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

1. *Page 6, Line 167 through Page 7, Line 199:*

- 167 (1) As used in this section:
168 ~~{(a) "Building" means any structure, other than a habitation or vehicle, that~~
~~is:~~
169 ~~—(i) intended to be used, capable of being used, or adapted for use, on a~~
~~permanent or~~
170 ~~temporary basis, for business or storage; or~~
171 ~~—(ii) appurtenant to, or connected with, a structure described in Subsection~~
~~(1)(a)(i).}~~
172 ~~{(b)}~~ (a) (i) "Chemical substance" means:
173 (A) a substance intended to be used as a precursor in the manufacture of a controlled
174 substance;
175 (B) a substance intended to be used in the manufacture of a controlled substance; or
176 (C) any fumes or by-product resulting from the manufacture of a controlled
substance.
177 (ii) Intent under this Subsection (1) ~~{(b)}~~ (a) may be demonstrated by:
178 (A) the use, quantity, or manner of storage of the substance; or
179 (B) the proximity of the substance to other precursors or to manufacturing
equipment.
180 ~~{(c)}~~ (b) "Child" means a human being who is under 18 years of age.
181 ~~{(d)}~~ (c) "Controlled substance" is as defined in Section 58-37-2.
182 ~~{(e)}~~ (d) "Drug paraphernalia" is as defined in Section 58-37a-3.
183 ~~{(f)}~~ (e) "Exposed to" means ~~{to be present in:~~
184 ~~—(i) a habitation or vehicle where a controlled substance, chemical substance, or~~
~~drug~~
185 ~~paraphernalia is unlawfully present; or~~
186 ~~—(ii) a building, habitation, or vehicle where a controlled substance, chemical~~
~~substance;~~

- 187 ~~or drug paraphernalia is unlawfully used, manufactured, produced, or~~
~~distributed.}~~ that the child or vulnerable adult is able to:
(i) access or view a controlled substance, chemical substance, or drug paraphernalia;
or
(ii) smell an odor produced during, or as a result of, the manufacture or production
of a controlled substance .
- 188 {~~(g)~~ "Habitation" means:
189 ~~(i) a residence or dwelling, including a shed, garage, or other appurtenant~~
~~structure;~~
190 ~~(ii) a hotel room or suite;~~
191 ~~(iii) a motel room or suite;~~
192 ~~(iv) an apartment unit;~~
193 ~~(v) a condominium unit; or~~
194 ~~(vi) any shelter, structure, watercraft, aircraft, trailer, sleeping car, or~~
~~conveyance used;~~
195 ~~intended to be used, or adapted for use, for overnight accommodation of a person.}~~
- 196 {~~(h)~~} (f) "Prescription" is as defined in Section 58-37-2.
197 {~~(i)~~} (g) "Vulnerable adult" is as defined in Subsection 76-5-111(1)(t).
198 {~~(j)~~ "Vehicle" means a device in, on, or by which a person or property is or
may be
199 transported, conveyed, or drawn.}

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

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

H.B. 150 Authorization for Counties to Provide Supplemental Law Enforcement Services *(Rep. J. Biskupski)*

Rep. Biskupski presented the bill.

Spoke in favor

of the bill: Mr. Rob Jeppsen, Salt Lake County
Mr. Brent Gardner, Utah Association of Counties

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

H.B. 324 Not-a-drop Drivers Program Amendments (*Rep. R. Greenwood*)

Rep. Greenwood presented the bill with the assistance of Ms. Jill Laws, Deputy Director, Drivers License Division.

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

S.B. 94 Burglary of a Railroad Car (*Sen. D. Peterson*) (**Rep. J. Gowans**)

Sen. Peterson presented the bill.

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

S.B. 63 Adult Protective Services Amendments (*Sen. K. VanTassell*) (**Rep. D. Litvack**)

Sen. VanTasell presented the bill.

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. 140 Child Restraint Device Amendments (*Rep. T. Cosgrove*)

Rep. Cosgrove presented the bill. (handout)

Spoke in favor

of the bill: Ms. Janet Brooks, Child Advocacy Manager, PCMC
Dr. Jeff Schmidt, Intermountain Pediatric Society, PCMC
Dr. Charles W. Pruitt, University of Utah Medical Center
Dr. Steven Rogers, physician/father, PCMC
Dr. Frank Bentley, Intermountain Pediatric Society, PCMC
Lt. Lee Perry, Utah Highway Patrol
Dr. Hallie Keller, mother/ physician, PCMC
Ms. Karen Crompton, Executive Director, Voices for Utah Children
Ms. Marilyn Larsen, PTA, Utah

Spoke in favor of
the bill (cont.):

Mr. Chris Purcell, State Farm Insurance
Ms. Bonnie Hargreaves, Safe Kids, Utah County
Ms. Sarah Pettit, Miss Utah County, Certified Car Seat Technician

Spoke in opposition
to the bill: Ms. Dalene England, Eagle Forum/parent

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

MOTION: Rep. Oda moved to adjourn. The motion passed unanimously with Rep. Dee and Rep. Morley absent for the vote. Rep. Oda adjourned the meeting at 5:00 p.m.

Rep. DeMar "Bud" Bowman, Chair