

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room WO25, West Office Building, State Capitol Complex
February 18, 2008

Members Present: Rep. Curt Oda, Vice Chair
Rep. David Litvack
Rep. Becky Lockhart
Rep. Michael Morley
Rep. Paul Ray
Rep. Jennifer Seelig
Rep. Ken Sumsion
Rep. Larry Wiley
Rep. Carl Wimmer

Members Absent: Rep. Brad Dee
Members Excused: Rep. DeMar "Bud" Bowman, Chair

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 4:20 p.m.

MOTION: Rep. Morley moved to approve the minutes of February 13, 2008, and February 15, 2008. The motion passed unanimously with Rep. Ray absent for the vote.

Rep. Oda relinquished the Chair to Rep. Wimmer.

H.B. 473 Firearms Amendments (*Rep. C. Oda*)

Rep. Oda presented the bill with the assistance of General Mark Shurtlef, Attorney General.

Spoke to
the bill: Mr. Clark Aposhian, Chairman, Utah Shooting Sports Council

MOTION: Rep. Morley moved to pass the bill out favorably. The motion passed unanimously.

Rep. Oda resumed the Chair at 4:35 p.m.

H.B. 467 Motor Vehicle Insurance Arbitration Amendments (*Rep. S. Urquhart*)

Rep. Urquhart presented the bill.

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

1. *Page 1, Lines 20 through 23:*

20 ▶ increases the cap on the award of costs from \$2,500 to \$4,000; and
21{~~→ provides that if a trial de novo is requested, the moving party shall pay~~
 the
22 ~~nonmoving party's portion of the costs and fees for the arbitrator or arbitration~~
23 ~~panel; and~~}

2. *Page 4, Line 109:*

109 (11) ~~{(a)}~~ An arbitration award issued under this section shall be the final
 resolution of

3. *Page 4, Lines 112 through 118:*

112 ~~{(a)}~~ ~~{(i)}~~ (a) either party, within 20 days after service of the arbitration
 award:
113 ~~{(i)}~~ ~~{(A)}~~ (i) files a notice requesting a trial de novo in the district court; and
114 ~~{(ii)}~~ ~~{(B)}~~ (ii) serves the nonmoving party with a copy of the notice
 requesting a trial de
115 novo under Subsection (11)(a)(i) ~~{(A)}~~ ; or
116 ~~{(b)}~~ ~~{(ii)}~~ (b) the arbitration award has been satisfied.
117 ~~{(b) If a trial de novo is requested under this Subsection (11), the moving~~
 party shall pay
118 ~~the nonmoving party's portion of the costs and fees for the arbitrator or arbitration~~
 panel. }

The motion passed unanimously.

MOTION: Rep. Morley moved to pass the bill out favorably. The motion passed unanimously.

MOTION: Rep. Morley moved to saunter. The motion passed unanimously.

At 4:48 p.m., Rep. Oda called the committee to order and noted the excused absence of Rep. Bowman.

MOTION: With the approval of Rep. Urquhart, Rep. Seelig moved to place **H.B. 467** on the Consent Calendar. The motion passed unanimously.

S.B. 14 Smoking Ban in Motor Vehicle (*Sen. S. McCoy*) (**Rep. R. Menlove**)

Sen. McCoy presented the bill.

Spoke in favor
of the bill: Mr. Kelly Atkinson, Executive Director, Fraternal Order of Police
Dr. Tom Metcalf, Intermountain Pediatric Society

Spoke to
the bill: Capt. Doug McCleve, Department of Public Safety

Spoke in opposition
to the bill: Sheriff Brad Slater, Weber County

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

H.B. 210 Identity Theft and Other Crimes (*Rep. S. Sandstrom*)

Rep. Sandstrom presented the bill with the assistance of Mr. Richard Hamp, Office of the Attorney General.

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

1. *Page 1, Lines 14 through 19:*

- 14 ▶ provides that the Uninsured Motorist Identification Database Program shall be used
- 15 to assist in the identification and prevention of identity theft and other crimes {~~under~~
- 16 ~~the direction of the Office of the Attorney General~~} ;
- 17 ▶ provides that information in the Uninsured Motorist Identification Database may be

18 disclosed to { ~~the Office of the Attorney General~~ } a state or local law
enforcement agency upon its request for the purpose of
19 investigating and prosecuting identity theft and other crimes; and

2. *Page 2, Lines 44 through 46:*

44 (e) assist in the identification and prevention of identity theft and other crimes {
under
45 the direction of the Office of the Attorney General } .
46 (2) The program shall be administered by the department with the assistance of the

3. *Page 5, Lines 129 through 130:*

129 (h) upon the request of { ~~the Office of the Attorney General~~ } a state or local
law enforcement agency for the purpose of
130 investigating and prosecuting identity theft and other crimes.

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

Spoke to the bill: Ms. Nannette Rofe, Department of Public Safety, Drivers License
Division

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

H.B. 176 Sex Offender Registration Amendments (*Rep. K. Grover*)

The bill was not heard.

MOTION: Rep. Morley moved to adjourn. The motion passed unanimously with Rep.
Lockhart and Rep. Wimmer absent for the vote. Rep. Oda adjourned the meeting at 5:45 p.m.

Rep. DeMar "Bud" Bowman, Chair