

**MINUTES OF THE  
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE  
STANDING COMMITTEE MEETING  
TUESDAY, JANUARY 29, 2008, 8:30 AM  
ROOM W130, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX**

Members Present:            Sen. Jon J. Greiner  
                                      Sen. Lyle W. Hillyard  
                                      Sen. Mark B. Madsen  
                                      Sen. Scott D. McCoy  
                                      Sen. Ross I. Romero

Members Excused:         Pres. John Valentine  
                                      Sen. Greg Bell, Chair

Staff Present:                Jerry Howe, Policy Analyst  
                                      Karen C. Allred, Committee Secretary

Public Speakers Present:    Alan Ormsby  
                                      Kevin V. Olsen, Director, Consumer Protection Division  
                                      Rich Humpherys, Attorney  
                                      Dalane England, Eagle Forum  
                                      Harold Petersen, Attorney

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

Acting Chair Madsen called the meeting to order at 8:50 am

**MOTION:** Sen. Romero moved to pass the minutes of January 25, 2008.

The motion passed unanimously with Sen. Hillyard being absent for the vote.

1. **S.B. 63 Adult Protective Services Amendments** (*K. VanTassell*)

Sen. VanTassell presented and explained the bill.

Alan Ormsby spoke in favor of the bill.

**MOTION:** Sen. Greiner moved to send S. B. 63 out of the committee with a favorable recommendation.

The motion passed unanimously.

2. **S. B. 65 Soliciting Gang Members Prohibited** (*J. Greiner*)

Sen. Greiner distributed an amendment to the bill, and then presented and explained the bill.

**MOTION:** Sen. Greiner moved to adopt the following amendment:

1. *Page 1, Line 9:*

9           This bill amends the Criminal Code regarding criminal actions    {~~of~~  
                  -}    concerning a street gang's

2. *Page 1, Line 18:*

18    intimidate a minor to commit any    misdemeanor criminal offense; and

3. *Page 4, Lines 118 through 119:*

118           (a) intimidate or otherwise cause a minor to commit or attempt to commit any  
                  misdemeanor criminal  
119    offense; or

The motion passed unanimously.

**MOTION:** Sen. McCoy moved to send S.B. 65 as amended, out of committee with a favorable recommendation.

The motion passed unanimously.

3. **S.B. 155 Punitive damages Amendments** (*L. Hillyard*)

Sen. Hillyard distributed an amendment to the bill, and then presented and explained the bill.

Kevin V. Olsen, Director, Consumer Protection Division, spoke in favor of the bill.

Rich Humpherys, Attorney, spoke in favor of the bill.

**MOTION:** Sen. Hillyard moved to adopt the following amendment:

1. *Page 4, Lines 93 through 96:*

93           (ii) In pursuing collection, the state may exercise any of its collection rights under  
94    Section 63A-3-301 et seq., Section 63A-8-201 et seq., and any other statutory provisions.

- Any  
95 amounts collected on these judgments by either party shall be held in trust and distributed  
as  
96 set forth in Subsection (3) {~~(d)(iv)~~ (e) .

2. *Page 4, Lines 101 through 102:*

- 101 (i) to the judgment for compensatory damage and any applicable **judgment for**  
attorney fees and  
102 costs;

The vote was unanimous.

**MOTION:** Sen. McCoy moved to send S.B. 155 as amended, out of committee with a favorable recommendation.

The vote was unanimous.

**MOTION:** Sen. McCoy moved to place S.B. 155 on the consent calendar.

The vote was unanimous.

4. **S.B. 75 Prohibiting Gang Activity** (*J. Greiner*)

Sen. Greiner presented and explained the bill.

**MOTION:** Sen. Greiner moved to send S.B. 75 out of committee with a favorable recommendation

The vote passed with Sens. Greiner, Madsen and McCoy voting yea, Sen. Romero voting nay, and Sen. Hillyard being absent for the vote.

5. **S.B. 73 Wrongful Death Amendments** (*S. McCoy*)

Sen. McCoy presented and explained the bill.

Dalane England, Eagle Forum, spoke against the bill.

Harold Petersen, Attorney, spoke against the bill.

**MOTION:** Sen. Romero moved to send S.B. 73 out of committee with a favorable recommendation.

The vote was unanimous with Sen. Hillyard being absent for the vote.

**MOTION:** Sen. Romero moved to adjourn.

The vote was unanimous with Sen. Hillyard being absent for the vote.

The meeting adjourned at 9:45.

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Sen. Mark B. Madsen, Acting Committee Chair