

**MINUTES OF THE  
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE  
STANDING COMMITTEE MEETING  
WEDNESDAY, JANUARY 30, 2008, 8:00 AM  
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  
Pres. John L. Valentine

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

Public Speakers Present: Stewart Ralphs, Director, Legal Aid society  
Todd Bingham, Vice President, Farm Bureau  
Charles Hardy, Public Policy Director, GOUtah!  
Chad Plati, Deputy District Attorney, State Wide Association of  
Prosecutors

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

Chair Bell called the meeting to order at 8:10 am

1. **S.B. 154 Protective Order -- Crime of Inducing Breach** (*S. McCoy*)

Sen. McCoy distributed an amendment to the bill.

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

1. *Page 1, Line 27 through Page 2, Line 28:*

- 27 (1) Any person who is {~~the respondent or defendant subject~~} a party to a  
protective order, child  
28 protective order, ex parte protective order, or ex parte child protective order issued under  
Title

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

Sen. McCoy presented and explained the amended bill.

**MOTION:** Sen. McCoy moved to go to the next item on the agenda.

2. **H.B. 32 Affirmative Defense for Agri-tourism Activity** (*M. Morley*)

Rep. Morley presented and explained the bill.

Todd Bingham, Vice President, Farm Bureau spoke in favor of the bill.

**MOTION:** Pres. Valentine moved to adopt the following amendment:

1. *Page 2, Lines 47 through 48:*

- 47            (b) any equipment, animals, or appliance used by the injured person during the  
activity  
48    were used in a manner or for a purpose other than that for which **a reasonable person**  
**should have known** they were intended.

2. *Page 2, Lines 49 through 51:*

- 49            ~~{(3) There is a rebuttable presumption that an owner or operator of an~~  
~~agri-tourism~~  
50    ~~activity operated the activity in conformity with all applicable statutes, rules, and~~  
~~regulations~~  
51    ~~governing the operation of the activity.}~~

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

**MOTION:** Pres. Valenting moved to send H.B. 32 as amended, out of committee with a favorable recommendation.

The motion passed unanimously.

3. **S.B. 157 Rights of Citizens to Carry Firearms in Declared Emergency** (*M. Madsen*)

Sen. Madsen presented and explained the bill.

Charles Hardy, Public Policy Director, GOUtah, spoke in favor of the bill.

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

1. *Page 2, Lines 45 through 56:*

- 45           (2) During a declared state of emergency or local emergency under this chapter:  
46           (a) neither the governor nor an agency of a governmental entity or political  
              subdivision  
47           of the state may impose restrictions , **which were not in force prior to the declared**  
              emergency, on the lawful possession, transfer, sale, transport, storage,  
48           display, or use of a firearm or ammunition; and  
49           (b) an individual, while purporting to act on behalf of the state or a political  
50           subdivision of the state, may not confiscate a privately owned firearm of another  
              individual.  
51           (3) (a) An individual who has a firearm confiscated in violation of Subsection (2)(a)  
52           may bring a civil action in a court having the appropriate jurisdiction:  
53           (i) for damages, in the maximum amount of \$10,000, against a person who violates  
54           Subsection (2)(b);  
55           (ii) for a civil penalty, in the amount of \$5,000 per violation, against a person who  
56           {~~allegedly~~} violates Subsection (2)(b); and

The motion passed unanimously.

**MOTION:** Sen. Madsen moved to go to the next item on the agenda.

The motion passed unanimously.

4. **H.B. 13 Criminal Statute of Limitations Amendments** (*C. Wimmer*)

Rep. Wimmer presented and explained the bill.

Chad Plati, Deputy District Attorney, SWAP, spoke to the bill.

**MOTION:** Sen. Romero moved to send H.B. 13 out of the committee with a favorable recommendation.

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

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

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

The meeting adjourned at 9:50 am.

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Sen. Gregory S. Bell, Committee Chair