

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
WEDNESDAY, FEBRUARY 20, 2008, 8:00 AM
ROOM 250, STATE CAPITOL, STATE CAPITOL COMPLEX**

Members Present: Sen. Gregory S. Bell, Chair
 Sen. Jon J. Greiner
 Sen. Mark B. Madsen
 Sen. Scott D. McCoy
 Sen. Ross I. Romero

Members Excused: Pres. John L. Valentine
 Sen. Lyle W. Hillyard

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

Public Speakers Present: Terry Keefe, President, Utah Chiefs of Police Association
 Paul Boyden, Executive Director, State Wide Association of
 Prosecutors
 Sienna Bucio, Student, Timpview High School
 Ryan Morrison, Student, Timpview High School
 Fred Voros, Assistant Attorney General, State of Utah
 Tom Brunner, Assistant Attorney General, State of Utah
 Gary Olesen, Victim
 Lynn Donaldson, Attorney, Capital Committee of the Utah
 Defense Lawyers
 Troy Booher, Lawyer, Snell and Wilmer

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

Chair Bell called the meeting to order at 8:24 am.

1. **S.B. 263 Self Authentication of Documents** (*S. McCoy*)

Sen. McCoy presented and explained the bill.

MOTION: Sen. McCoy moved to pass S.B. 263 out of committee with a favorable recommendation.

The motion passed unanimously with Sens. Greiner and Madsen absent for the vote.

MOTION: Sen. McCoy moved to place S.B. 263 on the Consent Calendar.

The motion passed unanimously with Sens. Greiner and Madsen absent for the vote.

2. **H.B. 90 Expungement Amendments** (*R.C. Webb*)

Rep. Webb presented and explained the bill.

MOTION: Sen. McCoy moved to pass H.B. 90 out of committee with a favorable recommendation.

SUBSTITUTE MOTION: Sen. Greiner moved to adopt the following amendment to H.B. 90:

Page 3, line 67, delete "seven years" and insert "20 years".

The motion failed with Sen. Greiner voting in favor, Sens. Bell, McCoy and Romero voting against, and Sen. Madsen absent for the vote.

The original motion passed unanimously with Sen. Madsen absent for the vote.

3. **H.B. 19 Assault on a Peace Officer Penalty Amendments** (*P. Ray*)

Rep. Ray presented and explained the bill.

Terry Keefe, President, Utah Chiefs of Police Association, spoke in favor of the bill.

MOTION: Sen. McCoy moved to pass H.B. 19 out of committee with a favorable recommendation.

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

4. **H.B. 178 Jurisdiction for Prosecution** (*P. Neuenschwander*)

MOTION: Sen. McCoy moved to replace H.B. 178 with 1st Substitute H.B. 178.

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

Rep. Neuenschwander presented and explained the bill.

Paul Boyden, Executive Director, State Wide Association of Prosecutors spoke in favor of the bill.

MOTION: Sen. Greiner moved to pass 1st Substitute H.B. 178 out of committee with a favorable recommendation.

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

MOTION: Sen. McCoy moved to place 1st Substitute H.B. 178 on the Consent Calendar.

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

5. **H.B. 312 Crime Victim Reparations Revisions** (*Julie Fisher*)

Rep. Fisher presented and explained the bill.

MOTION: Sen. Greiner moved to pass H.B. 312 out of committee with a favorable recommendation.

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

MOTION: Sen. McCoy moved to place H.B. 312 on the Consent Calendar.

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

6. **H.B. 314 Sexual Offenses -- Definitions** (*R. Bigelow*)

Rep. Bigelow presented and explained the bill.

MOTION: Sen. Greiner moved to pass H.B. 314 out of committee with a favorable recommendation.

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

MOTION: Sen. Greiner moved to place H.B. 314 on the Consent Calendar.

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

7. **H.B. 327 Enticing a Minor by Electronic Means** (*K. Gibson*)

Rep. Gibson presented and explained the bill.

Sienna Bucio and Ryan Morrison, Students, Timpview High School, spoke in favor of the bill.

MOTION: Sen. Greiner moved to pass H.B. 327 out of committee with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. McCoy moved to place H.B. 327 on the Consent Calendar.

The motion passed unanimously.

8. **H.B. 377 Code of Criminal Procedure Amendments** (*R. Lockhart*)

Rep. Lockhart presented and explained the bill.

MOTION: Sen. Greiner moved to pass H.B. 377 out of committee with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Greiner moved to place H.B. 377 on the Consent Calendar.

The motion passed unanimously.

Sen. Greiner assumed the Chair.

9. **S.B. 277 Post-conviction Remedies Act Revisions** (*G. Bell*)

Sen. Bell presented and explained the bill.

Fred Voros, Assistant Attorney General, State of Utah, Tom Bruner, Assistant Attorney General, State of Utah, and Gary Olesen, Victim, spoke in favor of the bill.

Lynn Donaldson, Attorney, Capital Committee of the Utah Defense Lawyers and Troy Booher, Lawyer, Snell and Wilmer, spoke against the bill.

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MOTION: Sen. Bell moved to adjourn.

The motion passed unanimously.

The meeting adjourned at 10:00 a.m.

Sen. Gregory S. Bell, Committee Chair