

**MINUTES OF THE HOUSE**  
**LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**  
**Room 25, House Office Building, State Capitol Complex**  
**February 13, 2009**

**Members Present:** Rep. Douglas Aagard, Chair  
Rep. Curt Oda, Vice Chair  
Rep. Trisha Beck  
Rep. John Dougall  
Rep. Richard Greenwood  
Rep. David Litvak  
Rep. Paul Ray  
Rep. Jennifer Seelig  
Rep. Larry Wiley  
Rep. Carl Wimmer

**Members Excused:** Rep. Ben Ferry  
Rep. Becky Lockhart

**Staff Present:** Mr. Stewart Smith, Policy Analyst  
Ms. Linda Error, 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 2:15 p.m.

**MOTION:** Rep Greenwood moved to approve the minutes of the February 11, 2009 meeting. The motion passed unanimously, with Rep. Ray and Rep. Wiley absent for the vote.

**H.B. 221 County Correctional Facilities Funding Amendments (*Rep. M. Noel*)**

Rep. Noel reviewed the bill which was previously presented in the February 11, 2009 meeting.

Spoke against the bill: Mr. Tom Patterson, Utah Department of Corrections

Spoke for the bill: Mr. Reed Richard, Weber County Attorney's Office  
Mr. Brent Gardner, Utah Association of Counties

**MOTION:** Rep. Greenwood moved to pass the bill out favorably. The motion passed unanimously, with Rep. Dougall absent for the vote.

**H.B. 151      Motor Vehicle Forfeiture Amendments (Rep. C. Herrod)**

Rep. Herrod presented the bill to the committee with the assistance of Mr. Paul Boyden, Statewide Association of Prosecutors.

MOTION:      Rep. Ray moved to adopt 1st Substitute H.B. 151. The motion passed unanimously, with Rep. Beck absent for the vote.

Spoke for the bill:      Mr. Chad Platt, Statewide Association of Prosecutors  
   Mr. Art Brown, President, MADD of Utah

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

1.    Page 3, Line 62:

62            (b) the operator of the vehicle has previously been convicted of a violation committed after May 29, 2009 of :

The motion to amend passed unanimously.

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

1.    Page 3, Lines 63 through 64:

63            (i) a felony driving under the influence violation under Section 41-6a-502;

64            (ii) a felony violation of Subsection 58-37-8(2) {~~(b)~~} (g) ; or

The motion to amend passed unanimously.

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

**H.B. 299      Unlawful Detainer Amendments (Rep. G. Froerer)**

Rep. presented the bill to the committee with the assistance of Mr. Matt Wadsworth, attorney, Lundberg and Associates.

MOTION:      Rep. Greenwood moved to adopt 1st Substitute H.B. 299. The motion passed unanimously, with Rep. Seelig absent for the vote.

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

1. Page 3, Lines 85 through 87:

- 85 (2) (a) In an action for unlawful detainer {+} where the claim is for  
nonpayment of rent {+} or for occupancy of a property after a forced sale as  
described in  
78B-6-802(1)(i) ,
- 86 the court shall hold an evidentiary hearing, upon request of either party, within ten days  
after
- 87 the day on which the defendant files the defendant's answer.

The motion to amend passed unanimously, with Rep. Seelig absent for the vote.

Spoke to the bill: Mr. Shawn Teigan, Utah Community Action Partnership  
Ms. Francisca Blanc, Utah Housing Coalition

Spoke against the bill: Mr. Martin Bloustein, Utah Legal Services

MOTION: Rep. Ray moved to pass the bill out favorably. The motion passed, with Rep. Wiley voting in opposition.

**H.B. 290 Prohibition of Wireless Communication Device Use in a Motor Vehicle**  
*(Rep. S. Clark)*

Rep. Clark presented the bill to the committee.

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

1. Page 1, Line 13: before "motor" insert "moving"  
Line 18: before "motor" insert "moving"
2. Page 2, Line 36: before "motor" insert "moving"  
Line 48: before "motor" insert "moving"

The motion to amend passed unanimously, with Rep. Litvack absent for the vote.

**H.B. 281      Wireless Communication Device Use Limitations While Operating a Motor Vehicle (Rep. P. Ray)**

Rep. Ray presented the bill to the committee.

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

1. *Page 1, Line 16:*

16      or electronic mail communication while operating a moving motor vehicle on a highway in

2. *Page 1, Line 19:*

19      moving motor vehicle in a reduced speed school zone or a public parking lot unless the

3. *Page 1, Line 23:*

23      communication device while operating a moving motor vehicle on a highway in this state;

4. *Page 2, Line 40:*

40      operating a moving motor vehicle -- Exceptions -- Penalty.

5. *Page 2, Line 52:*

52      moving motor vehicle on a highway in this state.

6. *Page 2, Line 54:*

54      communication device while operating a moving motor vehicle within a reduced speed school zone as

7. *Page 3, Line 80:*

80      while operating a moving motor vehicle upon a highway of this state.

The motion to amend passed unanimously, with Rep. Litvack and Rep. Wimmer absent for the vote.

At the request of Rep. Oda public comment for H.B. 290 and H.B. 281 was heard simultaneously.

Spoke for the bills: Ms. Marilyn Larsen, citizen  
Mr. Robert Craven, Amateur Radio Emergency Services

Spoke against the bills: Mr. Michael Tingey, insurance agent  
Mr. Rob Latham, Utah Association of Criminal Defense Lawyers

MOTION: Rep. Greenwood moved to pass H.B. 290 out favorably.

SUBSTITUTE

MOTION: Rep. Wimmer moved to proceed to the next item on the agenda. The motion passed, with Rep. Seelig voting in opposition. Rep. Litvack was absent for the vote.

**H.B. 317 Capital Felony Amendments (*Rep. C. Wimmer*)**

Rep. Wimmer presented the bill to the committee with the assistance of Mr. Paul Boyden, Statewide Association of Prosecutors.

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

MOTION: Rep. Ray moved to adjourn the meeting. The motion passed unanimously, with Rep. Litvack absent for the vote.

Rep. Oda adjourned the meeting at 5:10 p.m.

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Rep. Douglas Aagard, Chair