

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
TUESDAY, February 3, 2009, 8:00 AM
ROOM 250, STATE CAPITOL**

Members Present: Sen. Chris Buttars, Chair
 Sen. Jon J. Greiner
 Sen. Mark B. Madsen
 Sen. Scott D. McCoy
 Sen. Ross I. Romero

Members Excused: Sen. Michael Waddoups
 Sen. Lyle W. Hillyard

Staff Present: Jerry Howe, Policy Analyst
 Allison Volk, Committee Secretary

Public Speakers Present: Dan Motolano, Director, Juvenile Services
 Rick Smith, Director, Guardian Life
 Scott Reid, Criminal Justice Chief, Attorney General's Office

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

Chair Buttars called the meeting to order at 8:10 a.m.

1. S.B.51 Restitution Fund Account, Sen. Liljenquist

Sen. Liljenquist presented S.B.51.

Sen. Buttars spoke to the bill.

Scott Reid, Criminal Justice Chief, Attorney General's Office, spoke in favor of the bill.

Sen. Liljenquist summarized the bill.

MOTION: Sen. Greiner moved to send the S.B.51 out favorably.

The motion passed with Sen. McCoy absent at the time of voting.

2. H.B.12 County Sheriff Qualification Amendments, Rep. Greenwood

MOTION: Sen. Greiner moved to adopt amendment 2, dated February 2, 2009, on H.B.12.

1. *Page 3, Line 78a*
House Floor Amendments
1-27-2009:

78a H→ (3) If a sheriff resigns , retires, dies, or otherwise does not complete
{ before the expiration of } the term of office, the person appointed to

The motion passed with Sen. McCoy absent at the time of voting.

Rep. Greenwood presented the bill.

Sens. Greiner and Buttars spoke to the bill.

Rep. Greenwood gave a summary of the bill.

MOTION: Sen. Romero moved to send H.B.12., as amended, out with a favorable recommendation.

The motion passed unanimously.

3. H.B.22 Harboring A Runaway, Rep. Fowlke

MOTION: Sen. Madesen moved to adopt the amendment 1, dated February 2, 2009, of H.B.22.

1. *Page 1, Lines 16 through 18:*

16 ▶ provides that a person who harbors a minor who is a runaway must provide
 notice
17 to the parent or legal guardian of the minor, a youth services center, the Division of
 Child and Family
18 Services, or, under certain circumstances, a peace officer or a detention center,

2. *Page 3, Lines 77 through 80:*

77 (c) except as provided in Subsection (3), fails to promptly notify one of the
 following,
78 by telephone or other reasonable means, of the location of the minor:
79 (i) the parent or legal guardian of the minor; {~~or~~}
80 (ii) the division {~~.~~} ; or
 (iii) a youth services center.

3. *Page 4, Lines 93 through 101:*

93 ~~[(3)]~~ (5) Upon receipt of a report that a ~~[minor]~~ runaway is being harbored by a
person
94 ~~{the division}~~ : (a) a youth services center shall;
95 ~~{(a)}~~ (i) notify the parent or legal guardian that a report has been made; and
96 ~~{(b)}~~ (ii) inform the parent or legal guardian of assistance available from
the ~~{division}~~ youth services center; or
(b) the division shall:
(i) determine whether the runaway is abused, neglected, or dependent; and
(ii) if appropriate, make a referral for services for the runaway.
97 ~~[(4)]~~ (6) A parent or legal guardian of a runaway who is aware that ~~[his minor]~~ the
98 runaway is being harbored may notify ~~{the division or}~~ a law enforcement agency
and request
99 assistance in retrieving the ~~[minor from the place of shelter]~~ runaway. The ~~{division~~
or} local
100 law enforcement agency may assist the parent or legal guardian in retrieving the ~~[minor]~~
101 runaway.

The motion passed unanimously.

Rep. Fowlke presented the bill.

Dan Motolano, Director, Juvenile Services and Rick Smith, Director, Ad Litem, spoke in favor of the bill.

Sens. Madsen and McCoy spoke to the bill.

Rep. Fowlke gave summarization of the bill.

MOTION: Sen. McCoy moved to send the H.B.22, as amended, out with a favorable recommendation.

The motion passed unanimously

4. **H.B.25 Gun Dealer Penalty Amendments, Rep. Oda**

Rep. Oda presented the H.B.25.

MOTION: Sen. Madsen moved to send the H.B.25 out with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Greiner moved to put the H.B.25 on the consent calendar.

The motion passed unanimously

5. H.B.47 Criminal Procedure - Investigation Amendments, Rep. Ray

Sen. Greiner presented the H.B.47.

MOTION: Sen. Madsen moved to send H.B.47 out with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Greiner moved to put the H.B.47 on the consent calendar.

The motion passed unanimously.

MOTION: Sen. Romero moved to adjourn.

The motion passed unanimously

The meeting adjourned at 10:00 a.m.

Minutes were reported by Allison Volk, Secretary.

Sen. D. Chris Buttars, Committee Chair