

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
FRIDAY, February 20, 2009, 8:00 AM
ROOM 250, STATE CAPITOL**

Members Present: Sen. Chris Buttars, Chair
Sen. Jon J. Greiner
Sen. Ross I. Romero

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

Members Absent: Sen. Mark B. Madsen
Sen. Scott D. McCoy

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

Public Speakers Present: Scott Brown, Advocacy, American Heart Association
Kathy Kingsman, Assistant Attorney General, Attorney General's Office
Ryan Robinson, Prosecutor, West Valley City
Ronda Rose, Community Involvement, Utah PTA
Gayle Ruzika, President, Utah Eagle Forum
Michael Siler, Advocacy, American Cancer Society
Rick Smith, Director, GAL Office

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

Chair Buttars called the meeting to order at 8:20 am.

1. S.B. 228 Prohibition on Internet or Mail-Order Sales of Tobacco Products by Sen. Dayton

Sen. Dayton presented 1st Substitute S.B. 228.

Kathy Kingsman, Assistant Attorney General, Attorney General's Office, spoke in favor of the bill.

Sen. Romero spoke to the bill.

MOTION: Sen. Greiner moved to adopt 1st Substitute S.B. 228.

The motion passed unanimously.

MOTION: Sen. Greiner moved to adopt an amendment to S.B. 228.

1. *Page 2, Lines 45 through 50:*

- 45 (2) A person, distributor, manufacturer, or retailer shall not:
46 (a) cause tobacco products or cigarettes as defined in Section 59-22-202 to be
 ordered or purchased by anyone other than a licensed
47 person; or
48 (b) knowingly provide substantial assistance to a person who violates this section.
49 (3) (a) Each order or purchase of a tobacco product or cigarettes as defined in
 Section 59-22-202 in violation of Subsection (2) shall
50 constitute a separate violation under this section.

The motion passed unanimously.

Ronda Rose, Community Involvement, Utah PTA, spoke in favor of the bill.

Michael Siler, Advocacy, American Cancer Society, spoke in favor of the bill.

Scott Brown, Advocacy, American Heart Association, spoke in favor of the bill.

Jim Olsen, President, Utah Food Industry Association, spoke in favor of the bill.

MOTION: Sen. Greiner motioned to move 1st Substitute S.B. 228 out with a favorable recommendation.

The motion passed unanimously.

2. **S.B. 243 Judicial Performance Evaluation Commission Modifications** by Sen. Buttars

Sen. Buttars presented S.B. 243.

Joanne Slotnik, Director, JPEC, spoke in favor of the bill.

MOTION: Sen. Buttars motioned to move S.B. 243 out with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Buttars moved to S.B. 243 on the consent calendar.

The motion passed unanimously.

3. S.B. 220 Cohabitant Abuse Procedures Act Amendments by Sen. Goodfellow

MOTION: Sen. Romero moved to amend S.B. 220.

1. Page 1, Lines 14 through 16:

14 ▶ permits a court to issue an order to a person awaiting trial on a crime of domestic
15 violence { ~~at the time that the charge is filed~~ } during any court hearing where
 the defendant is present, instead of at the time that the person is
16 released from custody; and

2. Page 2, Lines 50 through 53:

50 (3) (a) Because of the likelihood of repeated violence directed at those who have
 been
51 victims of domestic violence in the past, when any defendant is charged with a crime
 involving
52 domestic violence [~~is released from custody before trial~~], the court [~~authorizing the~~
 ~~release~~]
53 may , during any court hearing where the defendant is present, issue an order,
 pending trial:

The motion passed unanimously.

Sen. Goodfellow presented S.B. 220, as amended.

Ryan Robinson, Prosecutor, West Valley City, spoke to the bill.

MOTION: Sen. Greiner motioned to move S.B. 220, as amended, out with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Romero moved to place S.B. 220 on the consent calendar.

The motion passed unanimously.

4. H.B. 69 Guardian Ad Litem Amendments by Rep. Harper

MOTION: Sen. Greiner moved to amend H.B. 69.

1. Page 20, Lines 604 through 607:

604 (2) (a) A court may not appoint an attorney guardian ad litem in a criminal case.

605 (b) Subsection (2)(a) does not prohibit the appointment of an attorney guardian ad
606 litem in a case where a court is determining whether to adjudicate a minor for committing
an
607 act that would be a crime if committed by an adult.

(c) Subsection (2)(a) does not prohibit an attorney guardian ad litem from
entering an appearance, filing motions, or taking other action in a criminal case on
behalf of a minor, if:

(i) the attorney guardian ad litem is appointed to represent the minor in a case
that is not a criminal case; and

(ii) the interests of the minor may be impacted by:

(A) an order that has been, or may be, issued in the criminal case; or

(B) other proceedings that have occurred, or may occur, in the criminal
case.

The motion passed unanimously.

Rep. Harper presented H.B. 69, as amended.

Rick Smith, Director, GAL Office, spoke in favor of the bill.

Sen. Romero spoke to the bill.

MOTION: Sen. Romero motioned to move H.B. 69, as amended, out with a favorable recommendation.

The motion passed unanimously.

5. H.B. 32 Amendments to Agency Rulemaking Regarding Criminal Penalties by Rep. Ferry

Rep. Ferry presented H.B. 32.

Sens. Romero and Greiner spoke to the bill.

MOTION: Sen. Romero motioned to move H.B. 32 out with a favorable recommendation.

The motion passed unanimously.

6. H.B. 114 Abortion Litigation Trust Account Amendments by Rep. Sumsion

Rep. Sumsion presented H.B. 114.

Sen. Romero spoke to the bill.

Gayle Ruzika, President, Utah Eagle Forum, spoke in favor of the bill.

MOTION: Sen. Greiner motioned to move H.B. 114 out with a favorable recommendation.

Sen. Romero spoke against the motion.

The motion passed with Sen. Romero voting against the motion.

MOTION: Sen. Greiner moved to adjourn.

The meeting adjourned at 9:30 am.

Minutes were reported by Allison Volk, Secretary.

Sen. D. Chris Buttars, Committee Chair