

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
January 27, 2010

Members Present: Rep. Douglas Aagard, Chair
Rep. Curt Oda, Vice Chair
Rep. Trisha Beck
Rep. Ben Ferry
Rep. Richard Greenwood
Rep. David Litvak
Rep. Becky Lockhart
Rep. Paul Ray
Rep. Jennifer Seelig
Rep. Larry Wiley
Rep. Carl Wimmer

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

H.B. 19 Post Conviction Remedies Amendments (Rep. K. McIff)

Rep. McIff presented the bill to the committee with the assistance of Mr. Mark Shurtleff, Attorney General.

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

H.B. 22 Inmate Health Insurance Amendments (Rep. P. Ray)

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

1. Page 1, Lines 12 through 14:

12 This bill modifies the Insurance Code by requiring an insurance company providing
13 health or dental policies to coordinate benefits for an insured individual housed in a
14 correctional facility , county jail, or who is in the custody of the Department of
Corrections.

2. Page 1, Lines 17 through 20:

- 17 ▶ provides that, if an insured is otherwise eligible for health or dental benefits
 under a
- 18 policy, an insurer may not exclude coverage for an insured who:
- 19 • is an inmate housed in a correctional facility; ~~{or}~~
- 20 • is an offender in the custody of the Department of Corrections; or
 • is an inmate housed in a county jail.

3. *Page 1, Lines 22 through 23:*

- 22 • an inmate housed in a correctional facility; ~~{or}~~
- 23 • an offender in the custody of the Department of Corrections; or
 • an inmate housed in a county jail.

4. *Page 3, Lines 86 through 89:*

- 86 (6) If an insured is otherwise eligible for benefits under a health or dental policy, the
87 insurer may not exclude coverage if the insured is an:
- 88 (a) inmate housed in a correctional facility as defined in Section 64-13-1; ~~{or}~~
- 89 (b) offender in the custody of the Department of Corrections ~~{or}~~ ; or
 (c) inmate housed in a county jail.

5. *Page 4, Lines 107 through 108:*

- 107 (i) inmate housed in a correctional facility as defined in Section 64-13-1; ~~{or}~~
- 108 (ii) offender in the custody of the Department of Corrections ~~{or}~~ ; or
 (iii) inmate housed in a county jail.

The motion to amend passed unanimously, with Rep. Lockhart and Rep. Oda absent for the vote.

Rep. Ray presented the bill to the committee with the assistance of Mr. Tom Patterson, Director, Department of Corrections.

Spoke for the bill: Mr. Scott Carver, Salt Lake County Sheriff's Department

Spoke against the bill: Mr. Steve Hunter, Utah Health Plans
 Mr. Chet Loftis, Blue Cross Blue Shield Insurance
 Ms. Eliana White, Select Health
 Mr. Jeff Hartley, America's Health Insurance Plans

MOTION: Rep. Greenwood moved to pass the bill out favorably. The motion passed, with Rep. Wimmer voting in opposition. Rep. Ferry, Rep. Litvack, Rep. Lockhart, and Rep. Oda were absent for the vote.

H.B. 30 Drug Law Amendments (Rep. T. Beck)

Rep. Beck presented the bill to the committee. (handout)

Spoke for the bill: Mr. Chad Platt, Salt Lake County District Attorney's Office
Mr. Reid Barker, Utah Pharmacist Association
Mr. Jeff Jensen, private citizen
Ms. Sandra Cresser, private citizen
Mr. Branden Bott, private citizen
Mr. J. Green, private citizen

Spoke against the bill: Mr. Sean Hullinger, Utah Association of Criminal Defense Lawyers

MOTION: Rep. Beck moved to pass the bill out favorably. The motion passed unanimously, with Rep. Ferry, Rep. Litvack, Rep. Ray, and Rep. Seelig absent for the vote.

H.B. 37 Criminal Background Checks on Motor Vehicle Dealers and Salespersons (Rep. R. Lockhart)

Rep. Willey moved to amend the bill as follows:

1. Page 1, Line 18:

18 ▶ requires every applicant for a motor vehicle {~~dealer or~~} salesperson license to submit

2. Page 1, Line 20:

20 Division;

 ▶ requires certain persons that renewed a motor vehicle salesperson license to submit fingerprints to the Motor Vehicle Enforcement Division;

3. Page 1, Lines 24 through 27:

24 • compare motor vehicle {~~dealer and~~} salesperson applicant fingerprints with certain

25 criminal databases and inform the Motor Vehicle Enforcement Division of its
26 findings; and
27 • maintain a separate file of motor vehicle ~~{dealer and}~~ salesperson
fingerprints and

4. Page 2, Lines 30 through 32:

30 ▶ ~~{provides that}~~ requires the Motor Vehicle Enforcement Division
~~{shall pay the costs incurred~~
31 ~~by the Bureau of Criminal Identification from fees paid by those submitting~~
32 ~~fingerprints}~~ to:

- impose the fees that the Bureau of Criminal Identification is authorized to collect for certain services ; and
- remit the fees collected to the Bureau of Criminal Identification;
- ▶ requires the Motor Vehicle Enforcement Division to suspend the salesperson license of a salesperson who fails to submit the fingerprints as required;

5. Page 2, Lines 50 through 51:

50 41-3-205.5. Licenses -- Criminal background check required on ~~{dealer's and}~~
51 salesperson's licenses -- Payment of cost.

6. Page 2, Line 52:

52 (1) (a) Every applicant for a ~~{dealer's or}~~ salesperson's license shall submit
fingerprints

7. Page 2, Lines 53 through 55:

53 with a completed application to the division.
(b) A person required to renew a salesperson license on or before June 30,
2010 shall submit fingerprints to the division on or before November 30, 2010.
54 ~~{(b) For purposes of Subsection (1)(a), an applicant for a dealer's license~~
~~includes every~~
55 ~~owner, partner, officer, or director of the dealer.}~~

8. Page 3, Lines 74 through 76:

74 ~~{(5) The division shall pay the costs incurred by the Bureau of Criminal~~

Identification

75 under Subsections (3) and (4) from fees charged by the division to those submitting
76 fingerprints.} =

(5) In addition to any fees imposed under this chapter, the division shall:

(a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Subsections (3) and (4); and

(b) remit the fees collected under Subsection (5)(a) to the Bureau of Criminal Identification.

9. Page 3, Line 84:

84 (2) (a) On December 1, 2010, the administrator shall suspend the license of a salesperson who fails to submit to the division fingerprints as required under Subsection 41-3-205.5(1)(b) on or before November 30, 2010.

(b) If the administrator finds that there is reasonable cause to deny, suspend, or

10. Page 3, Line 87:

87 ~~{(b)}~~ (c) Reasonable cause for denial, suspension, or revocation of a license includes, in

11. Page 4, Line 106:

106 ~~{(c)}~~ (d) Any action taken by the administrator under Subsection ~~{(2)(b)(ix)}~~ (2)(c)(ix) shall remain in

12. Page 6, Lines 175 through 179:

175 (14) check certain criminal records databases for information regarding motor vehicle

176 ~~{dealer and}~~ salesperson applicants, maintain a separate file of fingerprints for motor vehicle

177 ~~{dealers and}~~ salespersons, and inform the Motor Vehicle Enforcement Division when new

178 entries are made for certain criminal offenses for motor vehicle ~~{dealers and}~~ salespersons in

179 accordance with the requirements of Section 41-3-205.5.

The motion to amend passed unanimously, with Rep. Beck, Rep. Ferry, Rep. Litvack, Rep. Ray, and Rep. Seelig absent for the vote.

Rep. Lockhart presented the bill to the committee with the assistance of Ms. D'Arcy Dixon, Utah State Tax Commission.

Spoke for the bill: Mr. Wayne Jones, Independent Auto Dealer's Association
 Mr. Craig Bickmore, New Car Dealer's of Utah

Spoke against the bill: Mr. Shawn Hullinger, Utah Association of Criminal Defense
 Lawyers

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

H.B. 78 Weapons Revisions (*Rep. S. Sandstrom*)

MOTION: Rep. Ray moved to adopt 1st Substitute H.B. 78. The motion passed with Rep. Greenwood voting in opposition. Rep. Ferry, Rep. Litvack, and Rep. Seelig were absent for the vote.

Rep. Sandstrom presented the bill to the committee with the assistance of Clark Aposhian, Utah Shooting Sports Council.

Spoke to the bill: Mr. Mitch Vilos, firearms instructor

MOTION: Rep. Greenwood moved to adjourn the meeting. The motion passed unanimously, with Rep. Ferry, Rep. Litvack, and Rep. Seelig absent for the vote.

H.B. 197 Custodial Interference Amendments (*Rep. C. Wimmer*)

This bill was not considered.

Rep. Aagard adjourned the meeting at 9:55 a.m.

Rep. Douglas Aagard, Chair