

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
February 17, 2010

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

Members Absent: Rep. David Litvak
Rep. Jennifer Seelig

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 8:13 a.m.

MOTION: Rep. Wiley moved to approve the minutes of the February 12, 2010 meeting. The motion passed unanimously, with Rep. Ferry, Rep. Greenwood and Rep. Wimmer absent for the vote.

H.J.R. 16 Joint Resolution Supporting Kane County Expansion of Correctional Facilities *(Rep. M. Noel)*

Rep. Noel presented the resolution to the committee.

MOTION: Rep. Wily moved to pass the resolution out with a favorable recommendation. The motion passed unanimously, with Rep. Ferry and Rep. Greenwood absent for the vote.

S.B. 83 Bail Bond Recovery Amendments *(Sen. J. Greiner)*

MOTION: Rep. Ray moved to send the bill to interim for further study. The motion passed unanimously, with Rep. Greenwood absent for the vote.

H.B. 119 Motor Vehicle Impound Amendments (Rep. C. Oda)

Rep. Oda presented the bill to the committee with the assistance of:
Steve Gary, AMS Towing
Clay Hanson, Carstar Collision Repair.

Spoke against the bill: Rob Latham, Utah Association of Criminal Defense Lawyers

MOTION: Rep. Ray moved to proceed to the next item on the agenda. The motion passed with Rep. Oda voting in opposition. Rep. Ferry and Rep. Lockhart were absent for the vote.

H.B. 187 Peace Officer Standards and Training Amendments (Rep. C. Wimmer)

Rep. Wimmer presented the bill to the committee with the assistance of:
Scott Stephenson, Director, Police Officer Standards and Training
Kelly Atkinson, Fraternal Order of Police

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

1. Page 1, Lines 23 through 26:

23 • addiction to alcohol or controlled substances unless the peace officer
reports the
24 addiction to the employer and the director ~~;~~ **and** {~~and temporarily surrenders~~
25 ~~certification until the employer certifies that the peace officer has been~~
26 ~~medically cleared to return to active duty; and~~ }

2. Page 8, Lines 219 through 224:

219 (c) is addicted to alcohol or any controlled substance, unless {~~;~~}
220 {~~(i)~~} the peace officer reports the addiction to the employer and to the director
as part of a
221 departmental early intervention process; {~~and~~}
222 {~~(ii) the peace officer temporarily surrenders the peace officer's certification~~
~~as part of a~~
223 ~~departmental early intervention process until the employer certifies that the peace~~
~~officer has~~
224 ~~been medically cleared to return to active duty;~~ }

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

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

1. Page 8, Lines 231 through 236:

231 (g) is dismissed from military service for { ~~any reason other than an honorable~~
~~discharge;~~
232 ~~including;~~
233 ~~(i)~~ } a bad conduct { ~~discharge;~~
234 ~~(ii)~~ } or a dishonorable discharge { ~~;~~
235 ~~(iii) any type of administrative discharge; or~~
236 ~~(iv) a less than honorable discharge.~~ }

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

MOTION: Rep. Greenwood moved to pass the bill out with a favorable recommendation. The motion passed unanimously, with Rep. Ferry and Rep. Lockhart absent for the vote.

H.B. 296 Choice of Law in Utah Courts (Rep. C. Wimmer)

MOTION: Rep. Wimmer moved to proceed to the next item on the agenda. The motion passed unanimously, with Rep. Ferry and Rep. Lockhart absent for the vote.

H.B. 301 Disorderly Conduct Amendments (Rep. C. Wimmer)

Rep. Wimmer presented the bill to the committee.

MOTION: Rep. Ray moved to pass the bill out with a favorable recommendation. The motion passed unanimously, with Rep. Ferry and Rep. Lockhart absent for the vote.

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