

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
March 1, 2011

Members Present: Rep. Curt Oda, Chair
Rep. Richard Greenwood, Vice Chair
Rep. Patrice Arent
Rep. David Butterfield
Rep. Steve Eliason
Rep. Keith Grover
Rep. Greg Hughes
Rep. Don Ipson
Rep. David Litvack
Rep. Lee Perry
Rep. Jennifer Seelig
Rep. Carl Wimmer
Rep. Bill Wright

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 4:25 p.m.

MOTION: Rep. Litvack moved to approve the minutes of the February 28, 2011 meeting. The motion passed unanimously, with Rep. Hughes, Rep. Perry, Rep. Seelig and Rep. Wright absent for the vote.

H.B. 122 Firearms Amendments (*Rep. S. Sandstrom*)

Rep. Sandstrom explained the bill to the committee.

MOTION: Rep. Litvack moved to adopt 1st Substitute H.B. 122. The motion passed unanimously, with Rep. Hughes, Rep. Perry, and Rep. Wright absent for the vote.

MOTION: Rep. Greenwood moved to pass the bill with a favorable recommendation. The motion passed unanimously, with Rep. Eliason, Rep. Hughes and Rep. Wright absent for the vote.

H.B. 383 Law Enforcement Officer Investigation (Rep. C. Wimmer)

Rep. Wimmer explained the bill to the committee with the assistance of Mr. Kelly Atkinson, Fraternal Order of Police. (handout)

Spoke against the bill: Chief Terry Keefe, Utah Chiefs of Police

Spoke to the bill: Mr. Sid Groll, Utah Law Enforcement Legislative Committee

MOTION: Rep. Wimmer moved to return H.B. 383 to the Rules Committee to be referred to interim for further study. The motion passed unanimously, with Rep. Butterfield, Rep. Hughes and Rep. Wright absent for the vote.

H.B. 364 Disarming a Peace Officer (Rep. R. Greenwood)

Rep. Greenwood explained the bill to the committee.

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

1. *Page 1, Lines 15 through 17:*

15 in or about a courthouse or courtroom or a secure area in the courthouse; {~~and~~}

16 ▶ provides that court personnel may not take or remove the peace officer's firearm

17 while the officer is acting within the officer's scope of authority {~~.~~} ; and
provides for an exception.

2. *Page 2, Line 49:*

49 (4) {~~A~~} (a) Except as otherwise provided in Subsection (4)(b), a peace
officer, while acting within the scope of authority as a peace officer, is

3. *Page 2, Line 52:*

52 secure area, and acting within the officer's scope of authority.

(b) A responsible law enforcement agency of the court, such as a sheriff's office,
may make rules regarding the transporting of a prisoner from one holding cell to
another within a court facility in which the peace officer transporting the prisoner is
not to carry a firearm.

The motion to amend passed unanimously, with Rep. Hughes and Rep. Wright absent for the vote.

MOTION: Rep. Greenwood moved to proceed to the next item on the agenda. The motion passed unanimously, with Rep. Hughes and Rep. Wright absent for the vote.

S.B. 141 Burglary Offense Amendments (*Sen. M. Madsen*)

Sen. Madsen explained the bill to the committee.

MOTION: Rep. Arent moved to pass the bill with a favorable recommendation. The motion passed unanimously, with Rep. Hughes and Rep. Wright absent for the vote.

H.B. 337 Pawnshop and Secondhand Merchandise Transaction Information Act Amendments (*Rep. J. Seelig*)

Rep. Seelig explained the bill to the committee with the assistance of Jodi Hart, Pawn and Secondhand Dealer Association.

MOTION: Rep. Seelig moved to adopt 1st substitute H.B. 337. The motion passed unanimously, with Rep. Hughes and Rep. Wright absent for the vote.

MOTION: Rep. Ipson moved to pass the bill with a favorable recommendation. The motion passed unanimously, with Rep. Arent and Rep. Hughes absent for the vote.

1st Sub. H.B. 273 Animal Control Amendments (*Rep. J. Seelig*)

Rep. Seelig explained the bill to the committee with the assistance of Ms. Shawni Larrabee, Salt Lake County Animal Shelter.

MOTION: Rep. Litvack moved to pass the bill with a favorable recommendation. The motion passed unanimously, With Rep. Arent and Rep. Hughes absent for the vote.

S.B. 230 DNA Amendments (*Sen. J. S. Adams*)

Sen Adams explained the bill to the committee.

Spoke in favor of the bill: Mr. Kevin McCloud, Weber County Sheriff's Office

MOTION: Rep. Ipson moved to pass the bill with a favorable recommendation. The motion passed unanimously, with Rep. Arent and Rep. Hughes absent for the vote.

SUBSTITUTE

MOTION: Rep. Litvack moved to adjourn the meeting. The motion failed, with Rep. Arent, Rep. Butterfield, Rep. Eliason, Rep. Ipson, Rep. Litvack and Rep. Seelig voting in favor.

The original motion to amend the bill passed, with Rep. Arent, Rep. Butterfield, Rep. Eliason, Rep. Ipson, Rep. Litvack and Rep. Seelig voting in opposition.

MOTION: Rep. Wimmer moved to amend the pervious adopted amendment as follows:

After "weapon" insert "under this section"

The motion to amend passed, with Rep. Arent, Rep. Butterfield, Rep. Eliason, Rep. Ipson, Rep. Litvack and Rep. Seelig voting in opposition.

MOTION: Rep. Wimmer moved to pass the bill with a favorable recommendation. The motion passed, with Rep. Arent, Rep. Butterfield, Rep. Eliason, Rep. Ipson, Rep. Litvack and Rep. Seelig voting in opposition.

MOTION: Rep. Ipson moved to adjourn the meeting. The motion passed unanimously.

Rep. Oda adjourned the meeting at 6:45 p.m.

Rep. Curtis Oda, Chair