

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
FRIDAY, FEBRUARY 25, 2011, 4:00 PM
ROOM 250, STATE CAPITOL**

Members Present: Sen. Mark B. Madsen, Committee Chair
Sen. Steve H. Urquhart
Sen. Michael G. Waddoups
Sen. Ben McAdams
Sen. Ross I. Romero

Members Excused: Sen. Lyle W. Hillyard

Staff Present: Jerry Howe, Policy Analyst
Kathy Helgesen, Committee Secretary

Public Speakers Present: Edward Smart
Paul Boyden, Executive Director, Statewide Association of
Prosecutors
Rick Schwermer, Administrative Officer of the Court
Gayle Ruzika, Utah Eagle Forum
Chris Burbank, Chief of Police, Salt Lake City
Andrew McCullough, Chair of the Libertarian Party, representing
licensed escort agencies
Nathan Goodman
Stewart Ralphs, Director, Legal Aid Society
Jacey Skinner, Director, Utah Sent Commission

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

Committee Chair Madsen called the meeting to order at 4:32 p.m.

Approval of Minutes

MOTION: Sen. McAdams moved to approve the minutes of February 23, 2011.

The motion passed unanimously with Sen. Urquhart and Sen. Waddoups absent for the vote.

1. SB0279 - Grand Jury Modifications (*M. Dayton*)

Sen. Dayton presented the bill.

Mr. Smart and Ms. Ruzika spoke in favor of the bill.

Mr. Boyden and Mr. Schwermer spoke in opposition to the bill.

MOTION: Sen. McAdams moved to adopt the amendment as follows:

1. *Page 1, Lines 13 through 15:*

- 13 ▶ requires a grand jury subpoena to be issued to a:
- 14 • minor, who is a victim of crime . at least 72 hours before the victim
is required to testify; and
- 15 { ~~• witness to testify at least 48 hours before the witness is required to
testify; and~~ }

2. *Page 2, Lines 44 through 47:*

- 44 { ~~(i)~~ } (c) A subpoena requiring a minor, who is a victim of a crime .
to testify before a grand jury may not be
- 45 served less than 72 hours before the victim is required to testify.
- 46 { ~~(ii) A subpoena requiring a witness to testify before a grand jury may not be
served less~~
- 47 ~~than 48 hours before the witness is required to testify.~~ }

The motion passed 4-1-1 with Sen. Waddoups voting in opposition to the motion.

MOTION: Sen. Romero moved to pass S.B. 279, as amended, with a favorable recommendation.

The motion passed unanimously.

2. **HB0121S01 - Sexual Solicitation Amendments (J. Seelig)**

Rep. Seelig presented the bill.

Chief Burbank and Mr. Boyden spoke in favor of the bill.

Mr. McCullough and Mr. Goodman spoke in opposition to the bill.

MOTION: Sen. Romero moved to pass 1st Substitute H.B. 121 with a favorable recommendation.

The motion passed unanimously.

3. **SJR020 - Joint Resolution Supporting Sanpete County Increasing the Number of Contract Beds At its Correctional Facilities (R. Okerlund)**

Sen. Okerlund presented the bill.

MOTION: Sen. moved to pass S.J.R. 20 with a favorable recommendation.

The motion passed unanimously with Sen. McAdams absent for the vote.

4. **SB0238 - Verification of Employment Status (D. Hinkins)**

Sen. Hinkins presented the bill.

MOTION: Sen. Romero moved to adopt the amendment as follows:

1. *Page 4, Lines 95 through 97:*

- 95 (5) (a) The chief executive officer of a public employer **, or a person designated**
by the chief executive officer. shall in writing annually certify
96 on behalf of the public employer whether the government entity was in compliance with
this
97 section in the previous calendar year.

The motion passed unanimously with Sen. McAdams absent for the vote.

MOTION: Sen. Urquhart moved to pass S.B. 238, as amended, with a favorable recommendation.

The motion passed 3-1-2 with Sen. Romero voting in opposition to the bill and Sen. McAdams absent for the vote.

5. **SB0286 - Grandparents' Visitation Rights (D. Hinkins)**

Sen. Hinkins presented the bill.

Mr. Schwermer spoke to the bill.

Stewart Ralphs spoke in favor of the bill.

MOTION: Sen. Urquhart moved to pass S.B. 286 with a favorable recommendation.

The motion passed unanimously.

9. **HB0179S01 - Peace Officer Recertification Amendments (R. Greenwood)**

Rep. Greenwood presented the bill.

MOTION: Sen. Urquhart moved to pass 1st Substitute H.B. 179 with a favorable recommendation.

The motion passed unanimously with Sen. McAdams absent for the vote.

6. **HB0266 - Restitution Amendments** (*D. Clark*)

Rep. Clark presented the bill.

Ms. Skinner spoke to the bill.

MOTION: Sen. Urquhart moved to pass H.B. 266 with a favorable recommendation.

The motion passed unanimously with Sen. McAdams absent for the vote.

MOTION: Sen. Romero moved to place H.B. 266 on the Consent Calendar.

The motion passed unanimously with Sen. McAdams absent for the vote.

7. **HB0167 - Incarceration Amendments** (*E. Hutchings*)

Rep. Hutchings presented the bill.

MOTION: Sen. Waddoups moved to pass H.B. 167 with a favorable recommendation.

The motion passed unanimously.

8. **SB0116 - Homestead Exemption Modification** (*S. Urquhart*)

The bill was not considered.

MOTION: Sen. McAdams moved to adjourn.

The motion passed unanimously with Sen. Urquhart absent for the vote.

The meeting adjourned at 6:06 p.m.