

**MINUTES OF THE  
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE  
STANDING COMMITTEE MEETING  
ROOM 250, STATE CAPITOL  
January 25, 2012**

Members Present:            Sen. Mark B. Madsen, Committee Chair  
                                  Sen. Ben McAdams  
                                  Sen. Ross I. Romero  
                                  Sen. Steve H. Urquhart  
                                  Sen. Todd Weiler

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

Staff Present:             Nathan Brady, Policy Analyst  
                                  Karen C. Allred, Committee Secretary

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

Chair Madsen called the meeting to order at 4:08 p.m.

**S.B. 107 Possession of Graffiti Paraphernalia** (*Sen. K. Mayne*)

Sen. Mayne introduced and explained the bill.

**MOTION:** Sen. Romero moved to amend the bill with the following amendment:

1. *Page 2, Line 53 through Page 3, Line 59:*

53            Section 2. Section **76-6-107.5** is enacted to read:

54            76-6-107.5. Possession of instrument for making graffiti.

55            {~~(1) Any person who possesses any material, instrument, tool, device, article,~~  
or other

56            item with the intent that it be used in the violation of Section 76-6-107, is guilty of a  
class B

57            misdemeanor.

58            —~~(2) Intent that the item is to be used in graffiti may be inferred from the totality~~  
of the

59            circumstances under which the person possesses it.

-}            Any person who possesses any instrument, tool, device, article, material, or  
other thing adapted, designed, or commonly used in advancing or facilitating the  
commission of a violation of Section 76-6-107 under circumstances manifesting that

**person's intent that any of these items be used in the commission of a violation of  
Section 76-6-107 is guilty of a class C misdemeanor.**

The motion passed with Sen. Hillyard and President Waddoups absent for the vote.

Spoke for the bill: Paul Boyden, Executive Director, Prosecutors' Association  
Officer Mike Lee, Unified Police Department  
Russ Wall, Mayor, Taylorsville City

**MOTION:** Sen. Romero moved to pass S.B. 107 with a favorable recommendation. The motion passed unanimously.

**S.B. 109 Assault Amendments (*Sen. A. Osmond*)**

Sen. Osmond introduced and explained the bill.

Spoke for the bill: Jacey Skinner, Director, Utah Sentencing Commission  
Kelly Atkinson, Lobbyist, Fraternal Order of Police  
Ben Bolduc, Police Officer  
LeGrande Bitter, Executive Director, Utah Association of Special Districts

Spoke against the bill: Brent Tenny, Citizen

**MOTION:** Sen. Romero moved to pass S.B. 109 favorably. The motion passed unanimously.

**MOTION:** Sen. Romero moved to adjourn the meeting. The motion passed unanimously.

Chair Madsen adjourned the meeting at 4:59 p.m.

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Sen. Mark B. Madsen, Committee Chair