

**MINUTES OF THE HOUSE**  
**LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**  
**Room 25, House Office Building, State Capitol Complex**  
**February 12, 2013**

Members Present:   Rep. Curt Oda, Chair  
                          Rep. Richard Greenwood, Vice Chair  
                          Rep. Derek Brown  
                          Rep. Keith Grover  
                          Rep. Don Ipson  
                          Rep. Dana Layton  
                          Rep. Paul Ray  
                          Rep. Edward Redd  
                          Rep. Keven Stratton  
                          Rep. Mark Wheatley

Members Excused:   Rep. Jennifer Seelig

Staff Present:       Mr. Nathan Brady, Policy Analyst  
                          Ms. Linda Error, Committee Secretary

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

Rep. Greenwood called the meeting to order at 2:08 p.m.

**MOTION:**   Rep. Ipson moved to approve the minutes of the February 6, 2013 meeting. The motion passed unanimously, with Rep. Grover, Rep. Layton, Rep. Ray, and Rep. Stratton absent for the vote.

**H.B. 108     Metal Theft Amendments (*Rep. J. Draxler*)**

Rep. Draxler introduced and explained the bill to the committee with the assistance of Rep. Pitcher.

Rep. Ipson declared a conflict of interest.

**MOTION:**   Rep. Ipson moved to amend to bill as follows:

1.   *Page 12, Line 360:*

360           (i) aluminum, brass, copper, lead, chromium, {+} tin {+} {light iron or sheet steel} , nickel, or

The motion to amend passed unanimously, with Rep. Grover, Rep. Layton, Rep. Redd, and Rep. Stratton absent for the vote.

Spoke in favor of the bill: Ms. Candace Daly, Institute of Scrap Recycling Industry  
Mr. Todd Bingham, Utah Manufactures Association  
Mr. Zachary Fountain, Deputy for Legislation, Murray City  
Mr. David Spatafore, Utah Chiefs of Police Association

Rep. Ipson moved to pass HB 108 with a favorable recommendation. The motion passed unanimously, with Rep. Brown, Rep. Grover, Rep. Redd, and Rep. Stratton absent for the vote.

**S.B. 119 Youth Court Amendments (*Sen. J. Stevenson*)**

Sen. Stevenson introduced and explained the bill to the committee.

MOTION: Rep. Ipson moved to pass S.B. 119 with a favorable recommendation. The motion passed unanimously, with Rep. Brown, Rep. Grover, and Rep. Redd absent for the vote.

MOTION: Rep. Ray moved to place S.B. 119 on the Consent Calendar. The motion passed unanimously, with Rep. Brown, Rep. Grover, and Rep. Redd absent for the vote.

**S.B. 146 Driving Under the Influence Amendments (*Sen. S. Jenkins*)**

Sen. Jenkins introduced and explained the bill to the committee with the assistance of Mr. Paul Boyden, Statewide Association of Prosecutors.

Rep. Ray declared a conflict of interest.

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

1. *Page 1, Line 15:*

15 monitoring for a first, second, or felony driving under the influence offense; ~~{and}~~  
► provides that a court may order the imposition of an ankle attached  
continuous transdermal alcohol monitoring device as a condition of probation if a  
person is convicted of a driving under the influence violation and there is admissible  
evidence that the person had a blood alcohol level of .16 or higher; and

2. *Page 3, Line 87 through Page 4, Line 91:*

87 (b) one or ~~{both}~~ more of the following:  
88 (i) the installation of an ignition interlock system as a condition of probation for the  
89 person in accordance with Section 41-6a-518; ~~{or}~~ =

**(ii) the imposition of an ankle attached continuous transdermal alcohol monitoring device as a condition of probation for the person; or**

90            ~~{(ii)}~~    **(iii)**    the imposition of home confinement through the use of electronic  
                  monitoring in  
91    accordance with Section 41-6a-506.

The motion to amend passed unanimously, with Rep. Brown absent for the vote.

Spoke to the bill:     Mr. Peter Goodall, Utah Association Of Criminal Defense Lawyers

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

*1. Page 3, Lines 77 through 79:*

77            (b)    **in lieu of Subsection (3)(a)(ii),** the court may require the person to  
                  participate in home confinement of not fewer  
78    than 1,500 hours through the use of electronic monitoring in accordance with Section  
79    41-6a-506.

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

MOTION:     Rep. Ray moved to pass H.B. 146 with a favorable recommendation. The motion  
                  passed unanimously, with Rep. Oda absent for the vote.

Rep. Greenwood relinquished the chair to Rep. Ipson

**H.B. 213     Peace Officer Standards and Training Amendments (Rep. R. Greenwood)**

Rep. Greenwood introduced and explained the bill to the committee with the assistance of Mr. Scott Stephenson, Director, Police Officers Standard and Training

MOTION:     Rep. Greenwood moved to adopt 1st Substitute H.B. 213. The motion passed  
                  unanimously, with Rep. Ray absent for the vote.

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

*1. Page 2, Lines 37 through 51:*

37            (1) Before being accepted for admission to the training programs conducted by a  
38    certified academy, and before being allowed to take a certification examination, each  
                  applicant

39 for admission or certification examination shall meet the following requirements:

40 (a) be a United States citizen;

41 (b) be at least 21 years old at the time of appointment as a peace officer;

42 (c) be a high school graduate or furnish evidence of successful completion of an  
43 examination indicating an equivalent achievement;

44 (d) have not been convicted of a crime for which the applicant could have been  
45 punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary  
of

46 this or another state;

47 (e) have demonstrated good moral character, as determined by a background  
48 investigation; {+} and {+}

49 (f) be free of any physical, emotional, or mental condition that might adversely affect  
50 the performance of the applicant's duties as a peace officer {+} . {+} {~~;~~ and

51 ~~—(g) be eligible to possess a firearm under state law. }~~

2. *Page 3, Lines 67 through 69:*

67 (5) An applicant shall be considered to be of good moral character under Subsection  
68 (1)(e) if the applicant has not engaged in conduct that would be a violation of Subsection  
69 53-6-211(1). =

**(6) An applicant seeking certification as a law enforcement officer, as defined in  
Section 53-13-103, shall be qualified to possess a firearm under state and federal  
law.**

3. *Page 3, Line 73 through Page 4, Line 88:*

73 (1) The council has authority to suspend or revoke the certification of a peace officer,  
if

74 the peace officer:

75 (a) willfully falsifies any information to obtain certification;

76 (b) has any physical or mental disability affecting the peace officer's ability to  
perform

77 duties;

78 (c) is addicted to alcohol or any controlled substance, unless the peace officer reports  
79 the addiction to the employer and to the director as part of a departmental early  
intervention

80 process;

81 (d) engages in conduct which is a state or federal criminal offense, but not including  
82 a  
83 traffic offense that is a class C misdemeanor or infraction;  
84 (e) refuses to respond, or fails to respond truthfully, to questions after having been  
85 issued a warning issued based on Garrity v. New Jersey, 385 U.S. 493 (1967);  
86 (f) engages in sexual conduct while on duty; or  
87 (g) is certified as a law enforcement officer, as defined in Section 53-13-103,  
88 and is unable to possess a firearm under state or federal law.  
[~~(g) is dismissed from the armed forces of the United States under dishonorable  
conditions.~~]

The motion to amend passed unanimously, with Rep. Ray absent for the vote.

MOTION: Rep. Greenwood moved to pass 1st Substitute H.B. 213 with a favorable recommendation. The motion passed unanimously, with Rep. Ray absent for the vote.

**H.B. 102 Arson Penalties Amendments (Rep. L. Wiley)**

This bill was not considered.

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

Rep. Ipson adjourned the meeting at 3:40 p.m.

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Rep. Curtis Oda, Chair