

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
February 20, 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. Jennifer Seelig
 Rep. Keven Stratton
 Rep. Mark Wheatley

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. Oda called the meeting to order at 2:10 p.m.

MOTION: Rep. Brown moved to approve the minutes of the February 15, 2013 meeting. The motion passed unanimously, with Rep. Grover, Rep. Ipson, Rep. Ray, and Rep. Redd absent for the vote.

H.B. 119 Fire Prevention Amendments (*Rep. J. Seelig*)

Rep. Seelig introduced and explained the bill to the committee with the assistance of Ms. Jacey Skinner, Utah Sentencing Commission.

Spoke in favor of the bill: Mr. Coy Porter, Utah State Fire Marshall

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

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

H.B. 121 Firearms Safe Harbor (Rep. D. Pitcher)

Rep. Pitcher introduced and explained the bill to the committee with the assistance of Mr. Clark Aposhian, Utah Shooting Sports Council.

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

1. *Page 3, Lines 61 through 66:*

61 (1) (a) An owner cohabitant may voluntarily commit a firearm to a law
 enforcement
62 agency for safekeeping if the owner cohabitant believes that another cohabitant is an
 immediate
63 threat to:

- 64 ~~{(a)}~~ (i) himself or herself;
65 ~~{(b)}~~ (ii) the owner cohabitant; or
66 ~~{(c)}~~ (iii) any other person.

(b) A law enforcement agency may not hold a firearm under this section if the
law enforcement agency obtains the firearm in a manner other than the owner
cohabitant voluntarily presenting, of his or her own free will, the firearm to the law
enforcement agency at the agency's office.

2. *Page 3, Line 88:*

88 other cohabitant.

(5) Notwithstanding an ordinance or policy to the contrary adopted in
accordance with 63G-2-701, a law enforcement agency shall destroy a record created
under Subsection (2), Subsection 53-5c-202(4)(b)(iii), or any other record created in
the application of this chapter no later than five days after:

- (a) returning a firearm in accordance with Subsection (2)(d); or
(b) appropriating, selling, or destroying the firearm in accordance with Section
53-5c-202.

3. *Page 3, Line 89 through Page 4, Line 91:*

89 ~~{(5)}~~ (6) Unless otherwise provided, the provisions of Title 77, Chapter 24,
 Disposal of
90 Property Received by Peace Officer, do not apply to a firearm received by a law
 enforcement

91 agency in accordance with this chapter.

(7) A law enforcement agency shall adopt a policy for the safekeeping of a firearm held in accordance with this chapter.

4. Page 4, Line 119:

119 (b) ~~{The}~~ Except as provided in Section 53-5c-201, the law enforcement
agency shall return a firearm to a person other than an owner

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

Spoke to the bill: Ms. Dee Rowland, Gun Violence Prevention Center of Utah

Spoke in favor of the bill: Mr. Kelly Atkinson, Fraternal Order of Police

MOTION: Rep. Brown moved to pass H.B. 121 with a favorable recommendation. The motion passed unanimously, with Rep. Ray absent for the vote.

H.B. 211 Concealed Weapon Permit for Service Members (Rep. V. Peterson)

Rep. Peterson introduced and explained the bill to the committee.

MOTION: Rep. Ipson moved to adopt 2nd Substitute H.B. 211. The motion passed unanimously, with Rep. Ray absent for the vote.

Spoke to the bill: Ms. Alice Moffat, Director, Bureau of Criminal Identification
Ms. Linda K. Newell, citizen

Spoke in favor of the bill: Mr. Clark Aposhian, Utah Shooting Sports Council

MOTION: Rep. Grover moved to pass 2nd Substitute H.B. 211 with a favorable recommendation. The motion passed unanimously

MOTION: Rep. Ipson moved to place 2nd Substitute H.B. 211 on the Consent Calendar. The motion passed unanimously.

H.B. 268 Disorderly Conduct Amendments (Rep. P. Ray)

Rep. Ray introduced and explained the bill to the committee.

MOTION: Rep. Brown moved to adopt 1st Substitute H.B. 268. The motion passed unanimously.

Spoke to the bill: Mr. Paul Boyden, Statewide Association of Prosecutors
Mr. Clark Aposhian, Utah Shooting Sports Council
Ms. Jean Hill, Catholic Diocese

Spoke in favor of the bill: Mr. Charles Hardy, Gun Owners of Utah
Mr. Brent Tenney, Utah Shooting Sports Council

Spoke in opposition: Ms. Linda K. Newell, citizen
Mr. Robert Wall, Utah League of City and Towns
Mr. Zachary Fountain, Utah League of City and Towns

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

Page 2, line 34 After "tumultuous," delete "or"
Page 2, line 34 After "behavior" insert "or behavior which would cause a reasonable person to fear for the safety of any person"

After committee discussion Rep. Brown withdrew the motion to amend.

MOTION: Rep. Layton moved to pass 1st Substitute H.B. 268 with a favorable recommendation. The motion passed, with Rep. Brown, Rep. Seelig, and Rep. Wheatley voting in opposition. Rep. Ipson was absent for the vote.

H.B. 287 Return of Weapons Recovered by Law Enforcement (Rep. K. Stratton)

This bill was not considered.

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

Rep. Oda adjourned the meeting at 3:55 p.m.