

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
Room 250, State Capitol
February 25, 2013**

Members Present: Sen. Mark B. Madsen, Committee Chair
 Sen. Patricia W. Jones
 Sen. Luz Robles
 Sen. Daniel W. Thatcher
 Sen. Stephen H. Urquhart
 Sen. Lyle W. Hillyard
 Sen. Todd Weiler

Staff Present: Mr. Nathan W. Brady, Policy Analyst
 Ms. Nancy A. Skidmore, 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 4:10 p.m.

Approval of Minutes

MOTION: Sen. Weiler moved to approve the minutes of Feb. 14 and Feb. 19, 2013. The motion passed unanimously with Sen. Urquhart absent for the vote.

S.B. 204 Judiciary Amendments (*L Hillyard*)

Sen. Hillyard presented and explained this bill.

MOTION: Sen. Hillyard moved to replace S.B. 204 with 1st Sub. S.B. 204. The motion passed unanimously with Sen. Urquhart absent for the vote.

Spoke to the bill: Mr. Richard Schwermer, Assistant State Court Administrator,
 Utah Administrative Office of the Courts

MOTION: Sen. Hillyard moved to pass 1st Sub. S.B. 204 out favorably. The motion passed unanimously with Sens. Robles and Urquhart absent for the vote.

MOTION: Sen. Hillyard moved 1st Sub. S.B. 204 be placed on the Consent Calendar. The motion passed unanimously with Sens. Robles and Urquhart absent for the vote.

S.B. 191 Administrative Law Judge Amendments (*W. Harper*)

Sen. Harper presented and explained the bill.

MOTION: Sen. Thatcher moved to replace S.B. 191 with 1st Sub. S.B. 191. The motion passed unanimously with Sens Hillyard, Urquhart, and Weiler absent for the vote.

MOTION: Sen. Thatcher moved to amend S.B. 191 as follows:

1. *Page 3, Lines 60 through 61:*

60 (b) "Administrative law judge" does not mean
(i) an individual who reviews an order or
61 ruling of an administrative law judge ; or
(ii) the executive director of a state agency.

2. *Page 3, Lines 74 through 75:*

74 (3) {~~An administrative law judge who destroys~~} Tampering with or
destroying evidence submitted to {~~the~~} an administrative
75 law judge is {~~guilty of a class B misdemeanor~~} a violation of Section
76-8-510.5 . This section does not apply to documents

3. *Page 5, Lines 127 through 128:*

127 (5) If the department provides any information to an administrative law judge or the
128 {~~commission~~} committee , the information shall be provided in such a way as to
protect the confidentiality of

4. *Page 7, Lines 195 through 196:*

195 (1) Upon a determination that a complaint requires further action, the executive
196 director shall select four executive directors or their designees and convene the
committee. The executive

The motion passed unanimously with Sens. Hillyard, Urquhart, and Weiler absent for the vote.

Spoke to the bill: Mr. Jeff Herring, Executive Director, Department of Human
Resource Management
Ms. Jackie de Gaston. Attorney

MOTION: Sen. Thatcher moved to pass 1st Sub. S.B. 191, as amended, out favorably. The motion passed unanimously with Sens. Hillyard, Urquhart, and Weiler absent for the vote.

S. B. 80 **Removal from Database Restricting Firearm Purchase (D. Thatcher)**

Sen. Thatcher presented and explained the bill.

Spoke to the bill: Ms. Alice Moffat, Director, Department of Public Safety, Bureau
 of Criminal Identification
 Ms. Jackie de Gaston, Attorney
 Ms. Sherry Rawlings

MOTION: Sen. Thatcher moved to pass S.B. 80 out favorably. The motion passed with Sen. Jones voting in opposition and Sens. Hillyard, Urquhart, and Weiler absent for the vote.

1st Sub. S.B. 72 Prison Relocation and Development Amendments (*S. Jenkins*)

Sen. Jenkins presented and explained the bill.

MOTION: Sen. Jones moved to replace 1st Sub. S.B. 72 with 2nd Sub. S.B. 72. The motion passed unanimously with Sens. Hillyard, Urquhart, and Weiler absent for the vote.

Spoke against the bill: Maura Sanchez
 Justin Kramer

Spoke to the bill: Spencer Eccles, Executive Director, Governors Office of
Economic Development
 Darrell Smith, Mayor, Draper City
 Troy Walker, Draper City Council

MOTION: Sen. Weiler moved to adjourn the meeting. The motion passed unanimously with Sen. Hillyard absent for the vote.

Chair Madsen adjourned the meeting at 6:05 p.m.

Minutes reported by Nancy A. Skidmore, Secretary.

Sen. Mark B. Madsen, Committee Chair