

**MINUTES OF THE
HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE**
Room 450, Utah State Capitol Complex
February 3, 2015

Members Present: Rep. Don L. Ipson, Chair
Rep. Marc K. Roberts, Vice Chair
Rep. Bradley M. Daw
Rep. Steve Eliason
Rep. Sandra Hollins
Rep. Kay L. McIff
Rep. Jeremy A. Peterson
Rep. Paul Ray
Rep. Edward H. Redd
Rep. Angela Romero
Rep. Earl D. Tanner

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

Vice Chair Roberts called the meeting to order at 2:02 p.m.

MOTION: Rep. Peterson moved to approve the minutes of the January 29, 2015 meeting. The motion passed unanimously with Rep. Eliason, Rep. McIff, Rep. Ray, and Rep. Redd absent for the vote.

H.B. 131 Tobacco Shop Amendments (Rep. K. Powell)

Rep. Powell explained the bill to the committee.

MOTION: Rep. Daw moved to pass H.B. 131 out with a favorable recommendation.

SUBSTITUTE

MOTION: Rep. Ipson moved to proceed to the next item on the agenda. The motion passed unanimously with Rep. Eliason and Rep. McIff absent for the vote.

Vice Chair Roberts called for a short recess.

Vice Chair Roberts reconvened the meeting at 2:25 p.m.

H.B. 86 Vehicle Impound Amendments (Rep. L. Perry)

Rep. Perry explained the bill to the committee with the assistance of Matthew Gwynn, police officer, Roy, Utah.

Spoke for the bill: Dorothy Bradford, Eagle Forum

Spoke against the bill: Josh Daniels, Utah Libertas Institute

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

1. *Page 1, Lines 18 through 19:*

18 license or with a driver license that has been expired for more than one year;

~~{and}~~ =

▶ authorizes a peace officer to release a vehicle that is subject to impoundment to another licensed driver in certain circumstances; and

19 ▶ makes technical corrections.

2. *Page 2, Lines 31 through 32:*

31 (1) (a) The division or any peace officer, without a warrant, may seize and take possession

32 of any vehicle, vessel, or outboard motor:

3. *Page 2, Lines 33 through 43:*

33 ~~{(a)}~~ (i) that the division or the peace officer has reason to believe has been stolen;

34 ~~{(b)}~~ (ii) on which any identification number has been defaced, altered, or obliterated;

35 ~~{(c)}~~ (iii) that has been abandoned in accordance with Section 41-6a-1408;

36 ~~{(d)}~~ (iv) for which the applicant has written a check for registration or title fees that has not

37 been honored by the applicant's bank and that is not paid within 30 days;

38 ~~{(e)}~~ (v) that is placed on the water with improper registration;

39 ~~{(f)}~~ (vi) that is being operated on a highway:

40 ~~{(g)}~~ (A) with registration that has been expired for more than three months;

41 ~~{(h)}~~ (B) having never been properly registered by the current owner; or

42 ~~{(i)}~~ (C) with registration that is suspended or revoked; ~~[or]~~

43 ~~{(j)}~~ (v)(A) that the division or the peace officer has reason to believe has been involved in

4. Page 2, Line 45:

45 ~~{(ii)}~~ (B) whose operator did not remain at the scene of the accident until
 the operator

5. Page 2, Line 47:

47 ~~{(ii)}~~ (vi) whose operator is operating the vehicle and has never been
 issued a valid driver

6. Page 2, Lines 49 through 51:

49 ~~{(i)}~~ (vii) whose operator is operating the vehicle:
50 ~~{(i)}~~ (A) with a suspended or revoked driver license; or
51 ~~{(i)}~~ (B) with a driver license that has been expired for more than one
 year. =

(b) Notwithstanding Subsection (1)(a), a peace officer may release a vehicle that is subject to impoundment under Subsection (1)(a)(vi) or (vii) to another licensed driver who:

(i)(A) is in the vehicle; or

(B) is otherwise available within a reasonably short period of time; and

(ii) can legally operate the vehicle on a highway.

The motion to amend passed with Rep. Hollins, Rep. Redd, Rep. Romero and Rep. Tanner voting in opposition.

MOTION: Rep. Ray moved to pass H.B. 86 out with a favorable recommendation. The motion passed with Rep. Hollins, Rep. Peterson, Rep. Roberts, Rep. Romero, and Rep. Tanner voting in opposition.

H.B. 146 Driving Under the Influence Revisions (Rep. S. Eliason)

Rep. Eliason explained the bill to the committee with the assistance of Paul Boyden, Executive Director, Statewide Association of Prosecutors.

MOTION: Rep. Daw moved to pass H.B. 146 out with a favorable recommendation. The motion passed unanimously with Rep. Ray and Rep. Romero absent for the vote.

H.B. 158 Drill Status Travel Amendments (Rep. V. Peterson)

Rep. Peterson explained the bill to the committee with the assistance of Major Aaron Drake, general counsel, Utah National Guard.

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

1. *Page 2, Lines 36 through 39:*

- 36 (2) This privilege does not extend to arrest or citation for:
37 (a) treason;
38 (b) any class A misdemeanor or felony;
39 (c) breach of the peace; or

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

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

1. *Page 2, Lines 33 through 35:*

- 33 perilous, emergency, or similar circumstances require the member ' s presence; and
34 (b) while traveling to and from military duty locations when exigent, perilous,
35 emergency, or similar circumstances require the member ' s presence.

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

MOTION: Rep. Ipson moved to pass H.B. 158 out with a favorable recommendation. The motion passed unanimously with Rep. Romero absent for the vote.

H.B. 157 Utah Code of Military Justice Amendments (Rep. V. Peterson)

Rep. Peterson explained the bill to the committee with the assistance of Major Aaron Drake, general counsel, Utah National Guard.

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

1. *Page 5, Lines 122 through 128:*

- 122 39-6-114. Chapter interpretation -- Federal law.
123 Cases from the Supreme Court of the United States and the {federal}
124 {+} Court of Appeals for the Armed Forces {+} [and the federal Courts
of Criminal Appeals] {Courts of Appeal and the Court of Criminal Appeals for
the Armed
125 Forces} that interpret provisions of the Uniform Code of Military Justice [~~shall be~~
followed] and
126 the Manual for Courts-Martial United States shall be relied upon in interpretation of
127 corresponding provisions of {the UtCMJ} . Title 39, Chapter 6, Utah Code of

Military Justice {~~Section 39-6-24 and Sections 39-6-66 through~~
128 ~~39-6-106~~} [~~where appropriate and applicable~~].

The motion to amend passed unanimously with Rep. McIff and Rep. Romero absent for the vote.

MOTION: Rep. Ray moved to pass H.B. 157 out with a favorable recommendation. The motion passed unanimously with Rep. McIff and Rep. Romero.

MOTION: Rep. Daw moved to adjourn the meeting. The motion passed unanimously with Rep. McIff and Rep. Romero absent for the vote.

Vice Chair Roberts adjourned the meeting at 3:35 p.m.

Don L. Ipson, Chair