MINUTES OF THE
JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE INTERIM COMMITTEE
Wednesday, November 18, 2009 – 2:00 p.m. – Room 30 House Building

Members Present:
Sen. Jon J. Greiner, Senate Chair
Rep. Douglas C. Aagard, House Cochair
Rep. Lorie D. Fowlke, House Cochair
Sen. D. Chris Buttars
Sen. Ross I. Romero
Rep. Sheryl L. Allen
Rep. Trisha S. Beck
Rep. Jim Bird
Rep. Richard A. Greenwood
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Don L. Ipson
Rep. Brian S. King
Rep. Rebecca D. Lockhart
Rep. Kay L. McIff
Rep. Curtis Oda
Rep. Jennifer M. Seelig
Rep. Mark A. Wheatley
Rep. Larry B. Wiley
Rep. Carl Wimmer

Members Absent:
Sen. Lyle W. Hillyard
Sen. Scott D. McCoy
President Michael G. Waddoups

Staff Present:
Mr. Jerry D. Howe, Policy Analyst
Mr. Stewart E. Smith, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Ms. Amanda K. Majers, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Greiner called the meeting to order at 2:15 p.m.

MOTION: Rep. Allen moved to amend the minutes of the October 21, 2009 meeting to reflect her favorable vote to adopt 2010 General Session draft legislation, "Inmate Health Insurance Amendments," as a committee bill. The motion passed unanimously, with Sen. Romero, Rep. Hutchings, Rep. Ipson, and Rep. Wiley absent for the vote.

MOTION: Rep. Bird moved to approve the minutes of the October 21, 2009 meeting, as amended. The motion passed unanimously, with Sen. Romero, Rep. Hutchings, Rep. Ipson, and Rep. Wiley absent for the vote.

2. Statutorily Required Reports

A. Drug Offender Reform Act (DORA)

Ms. Mary Lou Emerson, Director, Utah Substance Abuse & Anti-Violence Coordinating Council, Utah Commission on Criminal and Juvenile Justice (CCJJ), and Dr. Chris Mitchell, Director of Research and Data, CCJJ, distributed and discussed "DORA: Utah's Drug Offender Reform Act - Report to the Utah Legislature, Commission on Criminal and Juvenile Justice, November 18, 2009."

Dr. Mitchell and Ms. Emerson answered questions from the Committee.

B. Sex Offender Treatment

Dr. Mitchell distributed and discussed "Sex Offender Treatment in Utah: November 2009" and answered questions from the Committee.

3. Dating Violence

Mr. Ned Searle, Domestic Violence State Coordinator, Office of Domestic and Sexual Violence, CCJJ, distributed "Dating Violence in Utah: A Summary of Current Research & Data - Utah Commission on Criminal & Juvenile Justice."

Ms. Kimberly Johnson explained her experience with dating violence and answered questions from the Committee.

Mr. Gary Johnson and Ms. Lisa Johnson spoke concerning their daughter's experience with dating violence, and they answered questions from the Committee.

Mr. Searle answered questions from the Committee.

4. Post-Conviction Remedies Amendments

Rep. McIff discussed 2010 General Session draft legislation, "Post Conviction Remedies Amendments," which was distributed prior to the meeting. He explained the background of the issue that brought about the draft legislation.

Rep. Allen commented about the process undertaken by the Utah Constitutional Revision Commission to address this issue. She complimented Rep. McIff and the Utah Office of the Attorney General for their efforts to solve the problem of delays in death penalty post-conviction appeals.

Mr. Kirk Torgensen, Utah Office of the Attorney General, spoke in favor of the draft legislation. He said that, short of changing the constitution, the draft legislation accomplishes the desired resolution of the post-conviction remedies issue.

MOTION: Rep. McIff moved to approve 2010 General Session draft legislation, "Post Conviction Remedies Amendments," as a committee bill. The motion passed unanimously, with Sen. Romero and Rep. Ipson absent for the vote.

5. Juvenile Transfers from Justice Court

Rep. McIff discussed 2010 General Session draft legislation, "Juvenile Transfers from Justice Court," which was distributed to the Committee prior to the meeting.

Rep. McIff answered questions from the Committee.

MOTION: Rep. McIff moved to approve 2010 General Session draft legislation, "Juvenile Transfers from Justice Court," as a committee bill. The motion passed unanimously, with Sen. Romero and Rep. Ipson absent for the vote.

6. Penalties for Violent Crime in the Presence of a Child

Rep. Janice M. Fisher discussed 2010 General Session draft legislation, "Penalties for Violent Crimes in the Presence of a Child," which was distributed to the Committee prior to the meeting.

Ms. Traci Tanner spoke in favor of the draft legislation and gave a personal account of a violent event witnessed by her children.

Rep. Fisher and Ms. Tanner answered questions from the Committee and committee discussion followed.

MOTION: Rep. Bird moved to continue to the next agenda item. The motion passed unanimously, with Sen. Buttars and Sen. Romero absent for the vote.

7. Criminal Background Checks on Motor Vehicle Dealer and Sales Person Licenses

Rep. Lockhart distributed and discussed 2010 General Session draft legislation, "Criminal Background Checks on Motor Vehicle Dealers and Salespersons."

Ms. D'Arcy Dixon Pignanelli, Commissioner, Utah State Tax Commission, distributed and discussed "Short Title: Criminal Background Checks on Motor Vehicle Dealers and Salespersons."

Ms. Pignanelli answered questions from the Committee.

Mr. Craig Bickmore, Executive Director, New Car Dealers of Utah, spoke in favor of the draft legislation and answered questions from the Committee.

Mr. Wayne Jones, Executive Director, Independent Auto Dealers Association, spoke in favor of the draft legislation.

MOTION: Rep. Lockhart moved to approve 2010 General Session draft legislation, "Criminal Background Checks on Motor Vehicle Dealers and Salespersons," as a committee bill. The motion passed unanimously, with Sen. Buttars, Sen. Romero, and Rep. Allen absent for the vote.

8. Expungement Revisions

Rep. Julie Fisher distributed and discussed 2010 General Session draft legislation, "Expungement Revisions."

Committee discussion followed.

Ms. Lana Taylor, Assistant Attorney General, Department of Public Safety, distributed and discussed "Expungement in a Nutshell."

Rep. Fisher and Ms. Taylor answered questions from the Committee.

Mr. Steven Roe, Utah Support Advocates for Recovery Awareness, spoke in favor of the draft legislation.

MOTION: Rep. Oda moved to approve 2010 General Session draft legislation, "Expungement Revisions," as a committee bill. The motion passed unanimously, with Sen. Buttars and Rep. Allen absent for the vote.

9. Joint Resolution on Combating and Reducing Gang Activity

Sen. Luz Robles distributed and discussed 2010 General Session draft legislation, "Joint Resolution on Combating and Reducing Gang Activity."

MOTION: Rep. Wiley moved to approve 2010 General Session draft legislation, "Joint Resolution on Combating and Reducing Gang Activity," as a committee bill. The motion passed unanimously, with Sen. Buttars, Rep. Allen, and Rep. Seelig absent for the vote.

10. Other Business / Adjourn

MOTION: Rep. Aagard moved to adjourn the meeting. The motion passed unanimously, with Sen. Buttars, Rep. Allen, and Rep. Seelig absent for the vote.

Chair Greiner adjourned the meeting at 4:46 p.m.