

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE**
Room 250, Utah State Capitol
February 3, 2016

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

Member Excused: Sen. Gene Davis

Staff Present: Mr. Nathan Brady, Policy Analyst
Ms. Nancy Skidmore, Committee Secretary

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

Chair Madsen called the meeting to order at 2:05 p.m.

MOTION: Sen. Weiler moved to approve the minutes of February 1, 2016. The motion passed unanimously with Sen. Escamilla and Sen. Urquhart absent for the vote.

H.B. 14 Emergency Services Account Loan Amendments (*Rep.. C. Oda*)

MOTION: Sen. Weiler moved to amend the bill as follows:

1. *Page 7, Lines 190 through 192:*
190 (3) All funding provided in advance to an agent of the state and subsequently
191 reimbursed shall be credited to the {division} account .
192 [~~(3)~~] (4) The state treasurer shall invest money in the disaster recovery [~~fund~~] account

The motion passed unanimously with Sen. Escamilla and Sen. Urquhart absent for the vote.

Rep. Oda explained the bill to the committee.

MOTION: Sen. Hillyard moved to pass the bill out favorably. The motion passed unanimously with Sen. Escamilla and Sen. Urquhart absent for vote.

S.B. 105 Bill Amendments (*Sen. L. Hillyard*)

MOTION: Sen. Hillyard moved to amend the bill as follows:

1. *Page 5, Line 130:*
130 (b) owns ~~not~~ less than 10% of the bail bond agency.

2. *Page 9, Line 250:*
250 suspending, revoking, and reinstating of bail bond ~~{surety company}~~ agency license.
3. *Page 11, Lines 323 through 325:*
323 (3) A bail bond surety agency or surety insurer may not allow any person who is not a
324 bail
325 bond producer to engage in the bail bond ~~{surety}~~ insurance business on the bail bond
~~[surety's]~~
325 agency's or surety insurer's behalf, except for individuals:
4. *Page 12, Line 344:*
344 (i) (A) a ~~{current}~~ financial statement for the current year :
5. *Page 12, Line 353:*
353 (ii) a copy of the applicant's federal and state income tax ~~{return}~~ returns for the
preceding two years, but
6. *Page 12, Lines 359 through 360:*
359 (B) ~~[an] (I) a certified appraisal [dated not more than two years prior to the date of~~
360 ~~application.] made {fewer} not more than~~ than six months prior to licensure for each
parcel and a title report
7. *Page 12, Lines 363 through 364:*
363 (II) a certified appraisal report or a current tax notice and a title letter or report, or a
364 current abstract of title from the county recorder if the bail bond agency is in its second or
8. *Page 14, Lines 403 through 404:*
403 (1) (a) A license under this chapter expires ~~{f}~~ annually ~~{t}~~ on August 14. To renew
its
404 license under this chapter, on or before July 15 a bail bond ~~{surety company}~~ agency
shall:
9. *Page 15, Line 435:*
435 (3) The department shall , at the end of each quarter , provide to the board an itemized
10. *Page 20, Line 590:*
590 (ii) telephone number; ~~{-or}~~ and
11. *Page 20, Lines 592 through 595:*
592 ~~{(e) All forms required to be filed with the department pursuant to Section 31A-35-~~
~~607~~
593 ~~by the bail bond agency shall contain the address, telephone number, and business~~
~~email~~
594 ~~address as changed under Subsection (1)(d) within 20 days of the change. }~~
595 ~~{f}~~ (e) ~~{t}~~ ~~{-f}~~ This section does not prohibit a bail bond ~~[surety company]~~ agency
from

12. *Page 23, Line 693:*
693 (ii) a form shall include the address, telephone number, and business email address of the bail bond agency and the surety insurer;
(iii) the surety insurer shall file a form on behalf of each bail bond ~~[surety company]~~
13. *Page 23, Line 695:*
695 ~~{(iii)}~~ (iv) once a filing is filed with the commissioner, it is the responsibility of the surety
14. *Page 23, Line 698:*
698 ~~{(iv)}~~ (v) a bail bond ~~[surety company]~~ agency and its bail bond producers are prohibited from using a
15. *Page 23, Line 700:*
700 ~~{(v)}~~ (vi) a bail bond ~~[surety company]~~ agency and its bail bond producers are prohibited from making
16. *Page 23, Line 706:*
706 (ii) a form shall include the address, telephone number, and business email address of the bail bond agency;
(iii) once a filing is filed with the commissioner, it is the responsibility of the bail bond
17. *Page 23, Line 708:*
708 ~~{(iii)}~~ (iv) a bail bond producer is prohibited from using a form that has not been filed by the
18. *Page 24, Line 710:*
710 ~~{(iv)}~~ (v) a bail bond producer is prohibited from making changes to a form that is filed by
19. *Page 24, Line 728:*
728 (c) reimburse ~~[himself]~~ the bail bond agency or bail bond producer for actual expenses, as described in
20. *Page 24, Line 730:*
730 (d) ~~[to]~~ reimburse ~~[himself]~~ the bail bond agency or bail bond producer, or to establish a right of action
21. *Page 25, Line 748:*
748 and the bail bond agency's employees by reason of the principal's breach.
22. *Page 28, Line 843:*
843 insurance business in accordance with this chapter, a bail bond ~~[surety]~~ agency or bail bond producer:

22. *Page 32, Lines 986 through 987:*

986 (d) Any suspended or deferred sentencing is not the responsibility of the surety and the
987 bail bond is exonerated without any motion, upon acceptance of the court and the
defendant of a

23. *Page 37, Line 1138:*

1138 (d) ensure that the name, address, business email address, and telephone number of
the surety or its agent as

24. *Page 38, Line 1148:*

1148 and address or the current name and address of the {surety's agent} bail bond
agency are on the bail bond in the

The motion passed unanimously with Sen. Escamilla, Sen. Urquhart and Sen Weiler absent for the vote.

Sen. Hillyard explained the bill to the committee.

Spoke to the bill: Mr. Brett Barratt, Deputy Commissioner, Utah Insurance
Department

MOTION: Sen. Hillyard moved to pass the bill out favorably. The motion passed unanimously with Sen. Escamilla and Sen. Weiler absent for the vote.

MOTION: Sen. Hillyard moved to place the bill on the Consent Calendar. The motion passed unanimously with Sen. Escamilla and Sen. Weiler.

S.B. 106 Assault Offense Amendments (*Sen. B. Shiozawa*)

Sen. Shiozawa explained the bill to the committee.

Spoke for the bill: Mr. Tony Allred, Captain, Fire Fighters of Utah
Ms. Teresa Brunt, Government Affairs Representative, Emergency
Room Nurses Association
Dr. Mark Bair, Emergency Room Physician
Mr. Jeffrey Vaughn, Captain, Professional Fire Fighters of Utah
Ms. Emmaline Newman, President, Emergency Nurses

Spoke against the bill: Ms. Jennifer Valencia, Director, Utah Sentencing Commission

MOTION: Sen. Thatcher moved to pass the bill out favorably. The motion passed unanimously with Sen. Hillyard and Urquhart absent for the vote.

H.B. 57 Alternative Dispute Resolution Sunset Date Amendment (*Rep. L. Christensen*)

Rep. Christensen explained the bill to the committee.

MOTION: Sen. Weiler moved to pass the bill out favorably. The motion passed unanimously with Sen. Hillyard, Sen. Thatcher and Sen. Urquhart absent for the vote.

MOTION: Sen. Weiler moved to place the bill on the Consent Calendar. The motion passed unanimously with Sister Hillyard, Sen. Thatcher and Sen. Urquhart absent for the vote.

MOTION: Sen. Escamilla moved to adjourn. The motion passed unanimously with Sen. Hillyard, Sen. Thatcher and Sen. Urquhart absent for the vote.

Chair Madsen adjourned the meeting at 5:55 p.m.

Sen. Mark B. Madsen, Chair