

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE**
Room 250, Utah State Capitol
March 2, 2016

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

Member Excused: Sen. Lyle W. Hillyard

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 8:18 a.m.

H.B. 149 Reporting Death Involving Controlled Substance Amendments (*Rep. B. Daw*)

Sen. Weiler explained 1st Sub. H.B. 149.

MOTION: Sen. Weiler moved to replace H.B. 149 with 1st Sub. H.B. 149. The motion passed unanimously with Sen. Escamilla, Sen. Davis and Sen. Thatcher absent for the vote.

Rep. Daw explained the bill to the committee.

MOTION: Sen. Weiler moved the bill be amended as follows:

1. *Page 3, Lines 74 through 75:*
74 (ii) the following law enforcement officers, but the division may only provide
75 nonidentifying information, ~~{such as}~~ **limited to** gender, year of birth, and postal ZIP code,
regarding

The motion passed unanimously with Sen. Escamilla, Sen. Davis and Sen. Thatcher absent for the vote.

MOTION: Sen. Weiler moved the bill be amended as follows:

- I. *Page 1, Line 21 through Page 2, Line 26:*
21 controlled substance involved in the poisoning or overdose;
22 ~~{ amends the Controlled Substance Database Act to allow a person for whom a~~
~~23 controlled substance is prescribed to designate a third party who is to be notified~~

~~24 when a controlled substance prescription is dispensed to the person;~~
~~25~~ ▶ ~~authorizes the Division of Occupational and Professional Licensing to make~~
~~26 administrative rules to facilitate implementation of this provision; }~~

The motion passed unanimously with Sen. Escamilla, Sen. Davis and Sen. Thatcher absent for the vote.

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

H.B. 263 Fraud Amendments (Rep. C. Hall)

Rep. Hall explained the bill to the committee.

Spoke for the bill: Mr. Wayne D. Jones, Prosecutor, Attorney General's Office

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

MOTION: Sen. Weiler moved the bill be placed on the Consent Calendar. The motion passed unanimously with Sen. Escamilla, Sen. Davis and Sen. Urquhart absent for the vote.

H.B. 160S02 Justice Court Judge Qualifications Amendments (Rep. C. Hall)

Rep. Hall explained the bill to the committee.

MOTION: Sen. Weiler moved 2nd Sub. H.B.160 be replaced with 3rd Sub H.B. 160. The motion passed unanimously with Sen. Escamilla absent for the vote.

MOTION: Sen. Weiler moved the bill be amended as follows:

I. *Page 1, Line 15:*

15 ▶ allows current justice court judges ~~{until}~~ to remain ~~{on the bench}~~ in office until they leave; and

2. *Page 2, Line 45:*

45 (4) [Justice] A justice court [judges] judge shall retire upon attaining the age of 75 years.

3. *Page 2, Line 56:*

56 (7) A justice court judge ~~{sitting on the bench}~~ holding office on May 10, 2016 who does not meet the

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

MOTION: Sen. Weiler moved the bill be amended as follows:

I. *Page 4, Lines 88 through 89:*

88 by the Administrative Office of the Courts may, at the political subdivision's discretion **and at the end of a judge's term of office** , initiate

89 a reduction in force and reduce, lay off, terminate, or eliminate a judge's position pursuant to

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

Spoke for the bill: Mr. Kelly Atkinson, Executive Director, Fraternal Order of Police
Mr. John Tayler, City Administrator, Taylorsville

Spoke against the bill: Mr. Michael Kwan, Justice Court Judge, Taylorsville

MOTION: Sen. Weiler moved to pass the bill out favorably. The motion failed with Sen. Madsen and Sen. Weiler voting in favor and Sen. Escamilla and Sen. Urquhart absent for the vote.

H.B. 16 Offender Registry Amendments (Rep. J. Draxler)

Rep. Draxler explained the bill to the committee.

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

MOTION: Sen. Davis moved to reconsider the vote on the 3rd Sub. S.B. 160. The motion passed unanimously with Sen. Escamilla and Sen. Urquhart absent for the vote.

MOTION: Sen. Weiler moved to pass the bill out favorably. The motion passed with Sen. Thatcher voting in opposition and Sen. Escamilla and Sen. Urquhart absent for the vote.

H.B. 66 Online Parenting Course for Divorcing Families (Rep. C. Moss)

Rep. Moss explained the bill to the committee.

Spoke for the bill: Ms. Jennifer Dailey, Executive Director, Utah Academy of Family Physicians
Mr. Dan Deule, National Parents Organization

MOTION: Sen. Davis moved to pass the bill out favorably. The motion passed with Sen. Weiler voting in opposition and Sen. Escamilla absent for the vote.

H.B. 128 Alimony Amendments (Rep. K. Stratton)

Rep. Stratton explained the bill to the committee.

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

H.B. 120S01 DUI Enforcement Funding Amendments (Rep. Eliason)

Rep. Eliason explained the bill to the committee.

Spoke to the bill: Mr. Paul Boyden, Executive Director, Prosecutors Association

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

MOTION: Sen. Thatcher moved to place the bill on the Consent Calendar. The motion passed unanimously with Sen. Escamilla absent for the vote.

H.B. 207 Fourth District Juvenile Court Judge (Rep. D. Sanpei)

Rep. Sanpei explained the bill to the committee.

MOTION: Sen. Urquhart moved the bill be placed on the Consent Calendar. The motion passed unanimously with Sen. Escamilla absent for the vote.

H.B. 22S01 Civil Asset Forfeiture – Procedural Reforms (Rep. B. Green)

MOTION: Sen. Urquhart moved to lift the bill from the table. The motion failed with Sen. Madsen, Sen. Urquhart and Sen. Weiler voting in favor and Sen. Escamilla absent for the vote.

H.B. 159S01 Line-of-duty Death Benefits Amendments (Rep. M. McKell)

Rep. McKell explained the bill to the committee.

Spoke for the bill: Holly Orr
Nanette Wride,

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

1. *Page 4, Lines 92 through 93:*

92 The amendments to Section 53-17-201 in this bill have retrospective operation to July
93 1, ~~2015~~ 2005 .

The motion passed unanimously with Sen. Davis absent for the vote.

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

H.B. 74S01 Uniform Power of Attorney Act (*Rep. V. L. Snow*)

Rep. Snow explained the bill to the committee.

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

H.B. 101S02 Disabled Adult Guardianship Amendments (*Rep. Cox*)

Rep. Cox explained the bill to the committee.

MOTION: Sen. Thatcher moved to proceed to the next item on the agenda.

SUBSTITUTE MOTION: Sen. Weiler moved to adjourn. The motion passed with Sen. Thatcher voting in opposition and Sen. Davis absent for the vote.

Chair Madsen adjourned the meeting 10:06 a.m.

Sen. Mark B. Madsen, Chair