

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
ROOM 250, STATE CAPITOL
January 25, 2012**

Members Present: Sen. Mark B. Madsen, Committee Chair
 Sen. Ben McAdams
 Sen. Ross I. Romero
 Sen. Steve H. Urquhart
 Sen. Todd Weiler

Members Excused: Sen. Lyle W. Hillyard
 Pres. Michael G. Waddoups

Staff Present: Nathan Brady, Policy Analyst
 Karen C. Allred, 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 4:08 p.m.

S.B. 107 Possession of Graffiti Paraphernalia (*Sen. K. Mayne*)

Sen. Mayne introduced and explained the bill.

MOTION: Sen. Romero moved to amend the bill with the following amendment:

1. *Page 2, Line 53 through Page 3, Line 59:*

53 Section 2. Section **76-6-107.5** is enacted to read:

54 76-6-107.5. Possession of instrument for making graffiti.

55 ~~{(1) Any person who possesses any material, instrument, tool, device, article,~~
~~or other~~

56 ~~item with the intent that it be used in the violation of Section 76-6-107, is guilty of a~~
~~class B~~

57 ~~misdemeanor.~~

58 ~~—(2) Intent that the item is to be used in graffiti may be inferred from the~~
~~totality of the~~

59 ~~circumstances under which the person possesses it.~~

-} Any person who possesses any instrument, tool, device, article, material, or
other thing adapted, designed, or commonly used in advancing or facilitating the
commission of a violation of Section 76-6-107 under circumstances manifesting that

person's intent that any of these items be used in the commission of a violation of Section 76-6-107 is guilty of a class C misdemeanor.

The motion passed with Sen. Hillyard and President Waddoups absent for the vote.

Spoke for the bill: Paul Boyden, Executive Director, Prosecutors' Association
Officer Mike Lee, Unified Police Department
Russ Wall, Mayor, Taylorsville City

MOTION: Sen. Romero moved to pass S.B. 107 with a favorable recommendation. The motion passed unanimously.

S.B. 109 Assault Amendments (*Sen. A. Osmond*)

Sen. Osmond introduced and explained the bill.

Spoke for the bill: Jacey Skinner, Director, Utah Sentencing Commission
Kelly Atkinson, Lobbyist, Fraternal Order of Police
Ben Bolduc, Police Officer
LeGrande Bitter, Executive Director, Utah Association of Special Districts

Spoke against the bill: Brent Tenny, Citizen

MOTION: Sen. Romero moved to pass S.B. 109 favorably. The motion passed unanimously.

MOTION: Sen. Romero moved to adjourn the meeting. The motion passed unanimously.

Chair Madsen adjourned the meeting at 4:59 p.m.

Sen. Mark B. Madsen, Committee Chair