

**MINUTES OF THE SENATE JUDICIARY
STANDING COMMITTEE
Thursday, February 4, 1999 - 8:00 a.m.
ROOM 416, STATE CAPITOL BUILDING**

Members Present: Sen. Terry Spencer, Committee Chair
Sen. Mike Dmitrich
Sen. Parley Hellewell
Sen. Lyle W. Hillyard
Sen. Pete Suazo
Sen. John L. Valentine

Staff Present: Jerry Howe, Research Analyst
Christina Dymock, Secretary

Others Present:

Paul Boyden, Executive Director, Prosecutor's Association
David G. Thometz, Utah Democratic Gay and Lesbian Caucus
Lee Shaw, Episcopal Diocese of Utah
Jonas M.R. Filho, Chairman, America Forever Foundation
Doug Miller, Director, Davis County Children's Justice Center
Joan Hellstrom, Developmental Coordinator, Children's Justice Centers
Frank D. Mylar, President, Utah Leadership Council
Ed Lewis, President, NAACP for Tri-state Area
Nancy Steivel, Concerned Women of Utah
Sandra Rodriguez, America Forever
Fraser Nelson, Executive Director, Disability Law Center
Gail Ruzicka, Eagle Forum
Ed McConkie, Director, Utah Standing Committee
James Gonzales, Utah Coalition of LARAZU

List of others present on file:

Doug Miller, Director of Davis County Children's Justice Center.
Joan Hellstrom, Statewide Developmental Coordinator, Children's Justice Centers.
Brenda George, Statewide Representative of Children's Justice Centers.

Committee Chair Spencer called the meeting to order at 8:12 a.m.

1. SB 116 Appropriation for Children's Justice Centers (B. Evans)

Sen. Beverly Evans introduced the bill which would add Grand and Uintah Counties to the list of counties in which the Attorney General will establish children's justice centers.

Reid Richards spoke in favor of the bill and of the positive points of Children's Justice Centers.

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

2. **HB 217** **Disorderly Conduct Amendments (A. Bradshaw)**

Rep. Bradshaw introduced the bill that would delete abusive or obscene language from the definition of disorderly conduct.

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

MOTION: Sen. Suazo moved to place the bill on the consent calendar. The motion passed unanimously with Sens. Hillyard and Valentine absent for the vote.

3. **ISSB 34** **Hate Crime Amendments (P. Suazo)**

Sen. Suazo introduced the 1st Substitute SB 34.

James Gonzales, a board member of the Utah Coalition of LARAZU, defined hate crimes as crimes defined by motivation and also clarified questions raised in the meeting on Tuesday February 2, 1999. He also spoke in favor of the bill.

Frank Myler, President of the Utah Leadership Council and an Attorney, spoke against the bill saying that this bill would allow prosecution of someone's thoughts and said the bill was not necessary.

Paul Boyden, Executive Director of Statewide Association of Prosecutors, explained why lines 128-131 were deleted from the bill and spoke in favor of the bill.

Ed Lewis, President of the NAACP for the tri-states of Idaho, Nevada and Utah, testified in favor of the bill.

Jonas M.R. Filho, Chairman of America Forever Foundation, testified against the bill and said children have a right to grow up in a society without the propaganda of homosexuality and lesbianism. He also submitted a letter from his foundation opposing the bill which is on file.

David G. Thometz, Chair of Utah Democratic Gay and Lesbian Caucus, submitted a copy of his testimony to the committee, which is on file, and spoke in favor of the bill.

Nancy Steivel, Representative of Concerned Women of Utah, spoke against the bill and said that she worried about the possible chilling effect on First Amendment rights.

Lee Shaw, Reverend of the St. James Episcopal Church representing Episcopal Diocese of Utah, testified in favor of the bill

Sandra Rodriguez, Spokeswomen for America Forever Foundation, spoke against the bill.

Fraser Nelson, Executive Director of the Disability Law Center, testified in favor of the bill.

Gail Ruzzica, Utah Eagle Forum, said that the current draft of this bill is biased because it protects abortion doctors and staff but not protestors who have been injured or harmed while demonstrating.

Ed McConkie, Director of the Utah Sentencing Commission, explained the need for prosecutions according to the requirements of the law. He also spoke in favor of the bill.

Sen. Spencer spoke against identifying specific groups for increased protection.

Sen. Hellewell echoed Sen. Spencer's comments.

Sen. Hillyard said that prosecutors have not lobbied for this bill and was reluctant therefore to support the bill.

Sen Suazo presented his summation and said that this law will send a message that Utah will not tolerate acts of hatred.

MOTION: Sen. Dmitrich moved to pass the bill out favorably. The motion failed with Sens. Dmitrich and Suazo voting in favor of the motion and Sens. Spencer, Hellewell, Hillyard and Valentine voting against.

MOTION: Sen. Dmitrich moved to adjourn the meeting and the motion passed unanimously.

The meeting was adjourned at 9:54 a.m.

Minutes were reported by Christina Dymock, Secretary.

Sen. Terry Spencer, Chair