

JUDICIARY-RELATED BILLS **PASSED** IN THE 2015 GENERAL SESSION

BILL	DESCRIPTION
H.B. 20 – Jury Duty Amendments <i>Rep. C. Hall</i>	Amends provisions related to the Jury and Witness Act to address jury service requirements for specific counties. This bill: <ul style="list-style-type: none"> • exempts counties of the fourth, fifth, and sixth class and counties of the third class with populations up to 75,000 from certain jury service requirements.
H.B. 34 – Personal Injury Damages Amendments <i>Rep. K. Mccliff</i>	Limits the amount of damages recoverable in certain personal injury actions. This bill: <ul style="list-style-type: none"> • limits the amount of damages recoverable in personal injury actions when the injured person dies before judgment or settlement of causes unrelated to the action.
H.B. 35 – Parent-time Schedule Amendments <i>Rep. V. L. Snow</i>	Creates an optional parent-time schedule. This bill: <ul style="list-style-type: none"> • creates an optional parent-time schedule of 145 overnights; • sets holiday schedules; and • provides for specific elections by the noncustodial parent.
H.B. 154 – Jury Duty Exemption Amendments <i>Rep. M. McKell</i>	Amends provisions relating to exemptions from jury service. This bill: <ul style="list-style-type: none"> • provides that a mother who is breastfeeding a child may be excused from jury service; and • makes technical changes.
H.B. 184 – Victim Restitution Amendments <i>Rep. B. Wilson</i>	Makes changes to the Crime Victims Restitution Act. This bill: <ul style="list-style-type: none"> • makes a victim's application for and receipt of reparations protected records under the Government Records Access and Management Act; • allows the Utah Office for Victims of Crime to pursue restitution from a criminal offender by filing a claim directly with the sentencing court; and • makes technical and conforming changes.
H.B. 228 – Appellate Bond Amendments <i>Rep. D. Sagers</i>	Repeals and reenacts provisions relating to appellate bonds for political subdivisions. This bill: <ul style="list-style-type: none"> • repeals and reenacts provisions relating to appellate bonds for political subdivisions.
H.B. 249 First Substitute – Rights of Children Conceived Through Artificial Insemination <i>Rep. D. Pitcher</i>	Amends provisions related to assisted reproduction. This bill: <ul style="list-style-type: none"> • allows a person conceived through assisted reproduction access to nonidentifying medical history of the donor from the fertility clinic; and • relieves the donor of financial liability for the resulting child.

BILL	DESCRIPTION
H.B. 277 – Statute of Limitations for Civil Actions <i>Rep. K. Ivory</i>	Eliminates the statute of limitations for civil actions for child sexual abuse. This bill: <ul style="list-style-type: none"> • provides that a victim of child sexual abuse may file a civil action at any time.
H.B. 298 – Exemptions Act Amendments <i>Rep. K. Ivory</i>	Amends provisions relating to exempted items in bankruptcy proceedings for the purposes of collecting an unsecured debt. This bill: <ul style="list-style-type: none"> • defines terms; • describes firearms and ammunition that are exempted from bankruptcy proceedings for the purposes of collecting an unsecured debt; and • makes technical changes.
H.B. 300 – Firearm and Dangerous Weapons Amendments <i>Rep. B. Greene</i>	Amends provisions relating to concealed weapons. This bill: <ul style="list-style-type: none"> • eliminates the definition of concealed dangerous weapon; • amends provisions related to the penalties for carrying a concealed firearm; and • makes technical changes.
H.B. 353 – Probation Amendments <i>Rep. M. Schultz</i>	Amends provisions of the criminal procedure code. This bill: <ul style="list-style-type: none"> • provides for notification to certain parties when termination of probation is requested by the department.
H.B. 380 First Substitute – Disabled Adult Guardianship Amendments <i>Rep. R. Edwards</i>	Provides for the disposition of the remains of a decedent when the decedent was a disabled adult residing with a guardian, and reduces the filing fee for guardianships under certain circumstances. This bill: <ul style="list-style-type: none"> • allows for situations where a parent caring for a disabled adult child is divorced or separated from the other parent and the disabled adult dies; • provides for a person who was a guardian of an incapacitated adult to direct the disposition of the decedent's remains if there is no other person; and • reduces the filing fee for a guardianship when the prospective ward is the biological or adoptive child of the petitioner.
H.B. 401 – Statute of Limitations Modifications <i>Rep. M. Noel</i>	Provides that actions against the federal government regarding real property are subject to the federal Quiet Title Act. This bill: <ul style="list-style-type: none"> • provides that actions against the federal government regarding real property are subject to the federal Quiet Title Act and do not expire.

BILL	DESCRIPTION
H.J.R. 20 – Joint Resolution Amending Civil Procedure Rule 62 <i>Rep. D. Sagers</i>	This joint resolution amends Utah Rules of Civil Procedure, Rule 62. This bill: <ul style="list-style-type: none"> amends Utah Rules of Civil Procedure, Rule 62, by eliminating the requirement that municipalities post a bond when appealing a judgment over \$5,000,000.
S.B. 79 – Impeachment Amendments <i>Sen. J. S. Adams</i>	Amends which state and judicial officers are liable for impeachment. This bill: <ul style="list-style-type: none"> amends existing law to include justices of the peace as subject to impeachment for high crimes and misdemeanors or malfeasance in office.
S.B. 109 – Removal from Database Amendments <i>Sen. D. Thatcher</i>	Adds language regarding a person's reputation to the statute on removing a person from the National Instant Check System database. This bill: <ul style="list-style-type: none"> adds language allowing a court to take evidence regarding a person's reputation and character to the provisions for removal from the National Instant Check System database.
S.B. 136 – Statute of Limitations for Criminal Fines, Fees, and Restitution <i>Sen. L. Hillyard</i>	Provides that criminal fines, fees, and restitution payments never expire. This bill: <ul style="list-style-type: none"> provides that criminal judgment accounts receivable administered by the Office of State Debt Collection do not expire; creates an exception to the civil statute of limitations for criminal judgments assigned by a court to the State Office of State Debt Collection; and makes technical corrections.

BILL	DESCRIPTION
<p>S.B. 141 First Substitute – Judiciary Amendments <i>Sen. L. Hillyard</i></p>	<p>Makes amendments related to the judiciary.</p> <p>This bill:</p> <ul style="list-style-type: none"> • requires that a petitioner attend the divorce orientation course within 30 days before filing in order to obtain the course discount fee; • provides that a magistrate may set bail when making a probable cause determination, and that a bail commissioner may set bail in misdemeanor cases; • requires an officer to submit a request for a court order for a criminal investigation of records concerning an electronic communication system or service or remote computing service to a magistrate rather than a district court judge; • corrects a reference to the Utah Rules of Civil Procedure regarding depositions; • corrects a statutory reference regarding justice court appeals; • increases the amount of the court security surcharge; • requires the justice court nominating commission to submit three names to the appointing authority; • allows a justice court to follow either the established disbursement process for the local jurisdiction, or the procedure as outlined by statute, for juror and witness reimbursement; and • makes technical corrections.
<p>S.B. 167 – Juvenile Offender Amendments <i>Sen. A. Osmond</i></p>	<p>Makes changes to statutes regarding minors and courts.</p> <p>This bill:</p> <ul style="list-style-type: none"> • adds a specific list of previous offenses and conditions to the statute that allows for the direct filing of charges in district court; • adds a new option to the serious youth offender statute; • creates guidelines for housing a minor convicted in district court in a juvenile secure facility; • requires that the court determine that a minor is knowingly and intentionally waiving counsel; and • sets a presumption that juveniles are not to be shackled when appearing in court unless ordered by the court.
<p>S.B. 191 – Uniform Interstate Family Support Act Amendments <i>Sen. L. Hillyard</i></p>	<p>Makes changes to the Uniform Interstate Family Support Act.</p> <p>This bill:</p> <ul style="list-style-type: none"> • renames the Uniform Interstate Family Support Act to the Utah Uniform Interstate Family Support Act; and • makes conforming amendments with the uniform act to comply with a treaty on international child support orders.

BILL	DESCRIPTION
S.B. 229 – Child Support Guidelines Advisory Committee Extension <i>Sen. L. Hillyard</i>	Extends the Child Support Guidelines Advisory Committee until 2017. This bill: <ul style="list-style-type: none"> extends the Child Support Guidelines Advisory Committee until November 2017.
S.B. 269 – Family Expenses Amendments <i>Sen. C. Bramble</i>	Amends provisions related to family expenses. This bill: <ul style="list-style-type: none"> describes conditions of contracts or agreements between spouses related to family expenses.
S.B. 287 – Uniform Fraudulent Transfer Act Amendments <i>Sen. C. Bramble</i>	Provides exemptions for good faith transfers to a merchant from a debtor. This bill: <ul style="list-style-type: none"> provides that transfers to a merchant who provides goods and services in good faith without knowledge of the debtor's motives or insolvency are not voidable.

JUDICIARY-RELATED BILLS **NOT PASSED** IN THE 2015 GENERAL SESSION

BILL	DESCRIPTION
H.B. 40 Second Substitute – Expungement Amendments <i>Rep. E. Hutchings</i>	Makes specific changes regarding the expungement of information in state agency files and creates a statement of legislative intent with regard to expungement. This bill: <ul style="list-style-type: none"> creates a new definition of "expunge"; requires that the state agencies remove information regarding expunged convictions from public databases; creates a statement of legislative intent for expungement; and provides a stated purpose for expungement.
H.B. 66 – Marriage Modifications <i>Rep. J. Anderegg</i>	Affirms a person's religious freedom to act within the confines of the person's religious beliefs. This bill: <ul style="list-style-type: none"> recognizes the fundamental right of religious liberty; and affirms that a person authorized to solemnize a marriage is not required to solemnize a marriage that violates the person's religious belief system.

BILL	DESCRIPTION
<p>H.B. 109 Second Substitute – Expungement of Administrative Action Rep. B. Greene</p>	<p>Modifies the treatment of agency records, including providing for the administrative expungement of agency records under certain circumstances.</p> <p>This bill:</p> <ul style="list-style-type: none"> • defines terms; • provides that agency records may be classified as protected under certain circumstances; • provides that an individual may apply for administrative expungement of records related to disciplinary action previously taken by an agency against the individual under certain circumstances, including that the individual: <ul style="list-style-type: none"> ○ has had no additional disciplinary action for a certain period of time; and ○ has fully complied with agency requirements regarding previous disciplinary action; • describes the application and fee requirements for seeking the administrative expungement of agency records related to action taken by the agency; • provides that records expunged under this legislation may still be used internally by the agency and shared with law enforcement, with the courts, and as directed by court order; and • makes technical changes.
<p>H.B. 136 – Campaign Disclosures for Judicial Retention Elections Rep. Brad King</p>	<p>Amends the definition of "political purposes" as it relates to campaign and financial reporting requirements.</p> <p>This bill:</p> <ul style="list-style-type: none"> • amends the definition of "political purposes," as it relates to campaign and financial reporting requirements, to include an act done to influence a judicial retention election.
<p>H.B. 137 First Substitute – Change to Mandatory Retirement Age for Judges Rep. K. Powell</p>	<p>Modifies provisions relating to the mandatory retirement age for judges.</p> <p>This bill:</p> <ul style="list-style-type: none"> • amends the mandatory retirement age for a justice court judge; • amends the mandatory retirement age for a judge earning service credit in the Judges' Contributory Retirement Act or the Judges' Noncontributory Retirement Act; and • makes technical changes.

BILL	DESCRIPTION
<p>H.B. 167 Second Substitute – Asset Forfeiture Revisions Rep. B. Greene</p>	<p>Modifies the Forfeiture and Disposition of Property Act regarding civil forfeiture procedures.</p> <p>This bill:</p> <ul style="list-style-type: none"> • modifies the elements of qualifying as an innocent owner regarding property subject to forfeiture; • requires a direct nexus of the property to a specific alleged criminal exchange or transaction, in order for the property to be forfeited; • modifies the definition of proceeds that are from an offense giving rise to a forfeiture; • requires the prosecutor to bring an action for civil forfeiture in a timely manner; • provides that any person may assert an interest in seized property or file an answer to a forfeiture complaint without posting bond; • provides that the hardship provisions include use of funds to allow an individual to obtain a legal defense in the forfeiture proceeding or the related criminal proceeding; • provides that prejudgment interest shall be awarded, in addition to the current postjudgment interest; • removes the cap of 20% of the value of the property subject to forfeiture when awarding legal costs and attorney fees; and • modifies the obligations of a claimant regarding illegal use of the property subject to forfeiture.
<p>H.B. 182 – Criteria for Determination of Alimony Rep. B. Daw</p>	<p>Authorizes the inclusion of certain expenses in the alimony award.</p> <p>This bill:</p> <ul style="list-style-type: none"> • specifies that expenses that benefit both the child and recipient spouse may be included in the alimony award.

BILL	DESCRIPTION
H.B. 183 First Substitute – Uniform Powers of Appointment Act <i>Rep. V. L. Snow</i>	Modifies provisions related to powers of appointment. This bill: <ul style="list-style-type: none"> • addresses exercise of power of appointment; • addresses compliance with specific reference requirements; • enacts the Uniform Powers of Appointment Act, including: <ul style="list-style-type: none"> ○ general provisions, such as definitions, governing law, and the relationship of common law and principles of equity; ○ providing for the creation, revocation, and amendment of the power of appointment; ○ addressing the exercise of a power of appointment; ○ addressing disclaimer or release and the contract to appoint or not appoint; ○ addressing the rights of a powerholder's creditors in appointive property; and ○ miscellaneous provisions; and • makes technical and conforming amendments.
H.B. 244 – Alimony Support Amendments <i>Rep. K. Stratton</i>	Amends provisions related to the Utah Child Support Act. This bill: <ul style="list-style-type: none"> • provides for the court to consider whether a parent was a stay-at-home parent when determining alimony.
H.B. 260 – Concealed Firearm Permit Amendments <i>Rep. C. Oda</i>	Amends provisions of Title 76, Chapter 10, Part 5, Weapons, related to conduct involving the carrying of a concealed firearm. This bill: <ul style="list-style-type: none"> • provides an exemption for a person, who is 21 years of age or older and who may lawfully possess a firearm, from certain criminal provisions related to the carrying of an unloaded concealed firearm.
H.B. 274 – Jury Duty Exemption Modifications <i>Rep. J. Miller</i>	Amends provisions relating to exemptions from jury service. This bill: <ul style="list-style-type: none"> • provides that a mother who is breastfeeding a child may be excused from jury service; and • makes technical changes.
H.B. 278 – Justice Court Judge Compensation <i>Rep. J. Cox</i>	Amends sections governing justice court judge compensation. This bill: <ul style="list-style-type: none"> • exempts county governing bodies of the fourth, fifth, and sixth class and counties with a population not exceeding 75,000 from certain statutory justice court judge compensation requirements governing political subdivisions.

BILL	DESCRIPTION
H.B. 318 – Domestic Asset Protection Trust Amendments <i>Rep. E. Tanner</i>	Creates a new Asset Protection Trust framework. This bill: <ul style="list-style-type: none"> • defines terms; • creates a new type of asset protection trust; • requires the asset protection trust to be registered with the Division of Corporations; • allows the trust to be revocable or irrevocable; • allows trusts created under the current asset protection trust statute to register and back-date the assets; and • makes technical and conforming amendments.
H.B. 350 – Weapons on Public Transportation <i>Rep. N. Thurston</i>	Eliminates the prohibition of carrying a firearm on a bus. This bill: <ul style="list-style-type: none"> • eliminates the prohibition of carrying a firearm on a bus.
H.B. 389 – Child Support Regarding Rape Offenders <i>Rep. R. Spendlove</i>	Requires offenders convicted of sexual assault to pay child support if a child results from the assault. This bill: <ul style="list-style-type: none"> • requires offenders convicted of sexual assault to pay child support if a child results from the assault and the nonconvicted parent requests an order from the court or requests assistance from the Office of Recovery Services.
H.B. 399 First Substitute – Guardianship of Adult Children with Disabilities <i>Rep. R. Edwards</i>	Reduces the filing fee for guardianships under certain circumstances. This bill: <ul style="list-style-type: none"> • reduces the filing fee for a guardianship when the prospective ward is under 22 years of age to \$35.
H.B. 404 – Probate Code Amendments <i>Rep. V. L. Snow</i>	Amends provisions of the Utah Uniform Probate Code. This bill: <ul style="list-style-type: none"> • modifies how letters upon estates jointly may be granted; • amends the definition of a qualified beneficiary; and • makes technical corrections.
H.B. 428 – Online Parenting Course for Divorcing Parties <i>Rep. C. Moss</i>	Authorizes the educational course for divorcing parents to be attended online. This bill: <ul style="list-style-type: none"> • authorizes the courts to provide an online option for the mandatory educational course for divorcing parents.

BILL	DESCRIPTION
H.B. 448 – Disabled Adult Child Guardianship <i>Rep. F. Cox</i>	Provides that, under certain circumstances, counsel is not required for a disabled adult when the petitioner for guardianship is the disabled adult's parent. This bill: <ul style="list-style-type: none"> • reduces the filing fee for guardianships when the petitioner is the biological or adoptive parent of the prospective ward; and • provides that counsel is not required for the prospective ward under certain circumstances.
H.B. 451 – Grand Jury Expansion Amendments <i>Rep. M. Roberts</i>	Sets good cause requirements for a grand jury to be called in certain instances. This bill: <ul style="list-style-type: none"> • provides that good cause exists to call a grand jury if the matter referred involves: <ul style="list-style-type: none"> ○ alleged criminal activity by a person holding public office; or ○ the use of deadly force by a law enforcement officer.
S.B. 46 – Juvenile Court Judge Amendments <i>Sen. C. Bramble</i>	Increases the number of juvenile judges in the Fourth Juvenile District. This bill: <ul style="list-style-type: none"> • increases the number of juvenile judges from four to five in the Fourth Juvenile District.
S.B. 81 – District Court Judge Amendments <i>Sen. S. Urquhart</i>	Increases the number of district court judges. This bill: <ul style="list-style-type: none"> • increases the number of district court judges from five to six in the Fifth District.
S.B. 178 – Administrative Subpoena Amendments <i>Sen. M. Madsen</i>	Changes the standard of proof for an administrative subpoena for electronic records to probable cause. This bill: <ul style="list-style-type: none"> • changes the standard of proof for an administrative subpoena from reasonable suspicion to probable cause.
S.B. 256 – Concealed Firearm Amendments <i>Sen. D. Hinkins</i>	Amends provisions of Title 76, Chapter 10, Part 5, Weapons, related to conduct involving the carrying of a concealed firearm. This bill: <ul style="list-style-type: none"> • provides an exemption for a person, who is 21 years of age or older and who may lawfully possess a firearm, from certain criminal provisions related to the carrying of an unloaded concealed firearm.