

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room 223 - State Capitol Building  
January 26, 2001**

**MEMBERS PRESENT:** Rep. Glenn L. Way, Chair  
Rep. James A. Ferrin, Vice Chair  
Rep. Patrice Arent  
Rep. Chad E. Bennion  
Rep. Ron Bigelow  
Rep. Katherine M. Bryson  
Rep. Gary F. Cox  
Rep. Greg J. Curtis  
Rep. Scott Daniels  
Rep. Ben C. Ferry  
Rep. Neal B. Hendrickson  
Rep. Mike Thompson  
Rep. A. Lamont Tyler

**MEMBERS ABSENT:** None

**STAFF:** Jerry D. Howe, Research Analyst  
Cherri White, Committee Secretary

**VISITORS:** List of visitors on file

Representative Ferrin called the meeting to order at 8:10 a.m. and requested a motion to approve the minutes of January 24, 2001.

**MOTION:** Representative Ferry moved to approve the minutes of January 24, 2001. The motion passed unanimously with Representatives Bennion, Curtis, Daniels, and Way absent for the vote.

**H.B. 50      Amendments to Hate Crimes (*D. Litvack*)**

Representative Litvack presented arguments supporting H.B. 50.

Speaking in favor of the bill were Charles Johnson, a citizen; Joan W. Smith, National Conference for Community and Justice, Jerry Cossley, ARC of Utah, and Creighton Horton, Attorney General's Office.

Speaking against the bill were Frank Myler, citizen, and Sean Walker, citizen. (Handout on file)

Addressing questions from the committee regarding H.B. 50 were Ron Gordon, Utah Commission on Criminal and Juvenile Justice, and Utah Sentencing Commission, and Paul Boyden, Statewide Association of Prosecutors.

**MOTION:** Representative Arent moved to pass the bill out favorably. Discussion ensued

regarding the motion.

**MOTION:** Representative Tyler moved previous question on the motion. The motion failed 5-8-0 with Representatives Arent, Cox, Daniels, Hendrickson and Tyler voting in favor of the motion, and Representatives Bennion, Bigelow, Bryson, Curtis, Ferry, Thompson, Ferrin and Way voting against the motion..

Regarding the original motion to pass the bill out favorably. The motion failed 5-8-0 with Representatives Arent, Cox, Daniels, Hendrickson, and Tyler voting in favor of the motion, and Representatives Bennion, Bigelow, Bryson, Curtis, Ferry, Thompson, Ferrin and Way voting against the motion.

**H.B. 219      Task Force on Family Conflict Resolution** (*A.L. Tyler*)

Representative Tyler reminded the committee of its previous action to amend the bill on January 22, 2001 and explained that the amendments need to be rescinded so that new amendments can be adopted.

**MOTION:** Representative Tyler moved to rescind the amendments of January 22, 2001. The motion passed unanimously with Representatives Cox and Curtis absent for the vote.

**MOTION:** Representative Tyler moved to amend the bill as follows:

1. Page 1, Line 7:            After " **up to**" delete "**16**" and insert "**19**"
2. Page 1, Line 20:        At the beginning of the line, delete "16" and insert "19"
3. Page 1, Line 21:        After "(i)" delete "two" and insert "up to three", and at the end of the line, delete "one" and insert "two"
4. Page 1, Line 23:        After "(ii)" delete "two" and insert "up to four"
5. Page 1, Line 24:        After "more than" delete "one" and insert "two"
6. Page 1, Lines 25 - 26: Delete lines 25 and 26
7. Page 2, Line 29:        Delete line 29
8. Page 2, Line 30:        After "(vi) a" After "trained professional" insert "counselor"
9. Page 2, Lines 33 - 35: Delete lines 33 through 35, and renumber all remaining subsections accordingly

10. Page 2, Lines 36 - 38: After "single -" delete the remainder of line 36 and lines 37 and 38, and insert "to be jointly appointed by the president of the Senate and the speaker of the House of Representatives;"
11. Page 2, Line 41: After "(xi)" delete "one member" and insert "two members"
12. Page 2, Line 43: After "designate up to" delete "three" and insert "five"

The motion passed unanimously with Representative Curtis absent for the vote.

Speaking in favor of the bill was Roz McGee, Utah Children, John Nielson, Utah State Bar (for the Family Law Section), and a letter from Diane Fox who was unable to attend the meeting. (Copy of letter on file)

**MOTION:** Representative Arent moved to pass the bill out favorably as amended. The motion passed 10-2-1 with Representatives Ferrin and Way voting against the motion, and Representative Curtis absent for the vote.

**H.B. 252      Judiciary Amendments (A.L. Tyler)**

Representative Tyler introduced the bill to the committee with assistance from Rick Schwermer, Administrative Office of the Courts.

**MOTION:** Representative Bryson moved to adjourn. The motion failed 3-9-1, with Representatives Arent, Bryson, and Ferry voting in favor of the motion, Representatives Bennion, Bigelow, Cox, Daniels, Hendrickson, Thompson, Tyler, Ferrin, and Way voting against the motion, and Representative Curtis absent for the vote.

**MOTION:** Representative Tyler moved to pass the bill out favorably.

Representatives Bigelow, Bryson and Thompson spoke against the bill.

**SUBSTITUTE**

**MOTION:** Representative Cox moved to adjourn. The motion passed 11-1-1, with Representative Hendrickson voting against the motion, and Representative Curtis absent for the vote. The meeting adjourned at 10:03 a.m.