

**MINUTES OF THE SENATE JUDICIARY  
STANDING COMMITTEE  
Wednesday, January 30, 2002  
Room 416, STATE CAPITOL BUILDING**

Members Present: Sen. David L. Gladwell, Chair  
Sen. D. Chris Buttars  
Sen. Lyle W. Hillyard  
Sen. Millie M. Peterson  
Sen. Alicia L. Suazo  
Sen. John L. Valentine

Staff Present: Jerry D. Howe, Research Analyst  
Saundra Maeser, Committee Secretary

Public Speakers Present: Art Brown, DUI Council  
Rick Schwermer, Assistant State Court Administrator  
Paula Samuelson, Legal Enforcement Legislative Committee  
Mark Moffat, Legislative Representative, Utah Association of  
Criminal Defense Lawyers.

Visitor list on file.

Chair Gladwell called the meeting to order at 8:00 a.m.

**1. H.B. 18 Court Records of Driving Under the Influences Cases (A. L. Tyler)**

Rep. A. Lamont Tyler introduced the bill, assisted by Art Brown, DUI Council.

Rick Schwermer, Assistant State Court Administrator, answered questions and spoke in support of the bill.

**MOTION:** Sen. Buttars moved to pass H.B. 18 out with a favorable recommendation.

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

**MOTION:** Sen. Peterson moved to approve the minutes of January 22, January 24, and January 28, 2002.

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

**2. S.B. 106 Divorce - Children's Testimony Limited (T. Spencer)**

Sen. Terry Spencer introduced the bill.

**MOTION:** Sen. Hillyard moved to adopt 1<sup>st</sup> Substitute S.B. 106.

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

Rick Schwermer, Assistant State Court Administrator, commented in favor of the bill.

**MOTION:** Sen. Peterson moved to amend 1<sup>st</sup> Sub. S.B. 106 as follows:

1. Page 1, Line 25: After "given" delete "substantial" and insert "added"

The motion passed unanimously.

**MOTION:** Sen. Peterson moved to pass 1<sup>st</sup> Sub. S.B. 106 out with a favorable recommendation, as amended.

The motion passed unanimously.

**3. S.B. 111 Division of Home in a Divorce (T. Spencer)**

Sen. Spencer introduced the bill.

**MOTION:** Sen. Hillyard moved to adopt 1<sup>st</sup> Substitute S.B. 111.

The motion passed unanimously.

**MOTION:** Sen. Valentine moved to pass 1<sup>st</sup> Sub. S.B. 111 out with a favorable recommendation.

The motion passed with Sen. Peterson voting in opposition.

**4. S.B. 139 DNA Evidence - Removing Statute of Limitations (L. Hillyard)**

Sen. Lyle Hillyard introduced the bill, and suggested holding it for future action.

Paula Samuelson, Legal Enforcement Legislative Committee, spoke in support of the bill in concept.

Mark Moffat, Legislative Representative, Utah Association of Criminal Defense Lawyers, spoke in opposition to the bill.

Sen. Buttars assumed the chair from Sen. Gladwell.

**5. H.B. 47 Repeal of Sunset Dates on Office of Court Administrator and Alternative Dispute Resolution (G. Way)**

Sen. Gladwell introduced the bill for Rep. Glenn Way.

**MOTION:** Sen. Valentine moved to amend H.B. 47 as follows:

1. Page 1, Line 7: After "Act," delete "**eliminating**" and insert "**extending**"
2. Page 1, Line 15: Reinstate line 15
3. Page 1, Line 16: At the beginning of the line insert "1, 2012."
4. Page 1, Line 17: At the beginning of the line reinstate "(2)"
5. Page 1, Line 19: Reinstate line 19
6. Page 1, Line 20: At the beginning of the line insert "1, 2012."

The motion passed unanimously.

Rick Schwermer, Assistant State Court Administrator, commented on the amendments.

**MOTION:** Sen. Valentine moved to pass H.B. 47 out with a favorable recommendation, as amended.

The motion passed unanimously.

**MOTION:** Sen. Hillyard moved to place the bill on the consent calendar.

The motion failed, with Sen. Hillyard, Sen. Peterson and Sen. Suazo voting in opposition.

Sen. Gladwell assumed the chair from Sen. Buttars.

**6. S.B. 140 Reallocation of Judges (J.W. Hickman)**

Sen. Bill Hickman introduced the bill.

Rick Schwermer clarified the bill and responded to questions.

**MOTION:** Sen. Buttars moved to pass S.B. 140 out with a favorable recommendation.

The motion passed unanimously.

**MOTION:** Sen. Peterson moved to adjourn the meeting.

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

Sen. Gladwell adjourned the meeting at 9:15 a.m.

Minutes recorded by Sandra Maeser, Secretary

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Sen. David L. Gladwell, Chair