

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
January 25, 2006**

MEMBERS PRESENT: Rep. James A. Ferrin, Chair
Rep. Eric K. Hutchings, Vice Chair
Rep. Douglas C. Aagard
Rep. Glenn A. Donnelson
Rep. Ben C. Ferry
Rep. Lorie D. Fowlke
Rep. Ann W. Hardy
Rep. Neal B. Hendrickson
Rep. David L. Hogue
Rep. Susan Lawrence
Rep. Rosalind J. McGee
Rep. Ross Romero
Rep. Scott L. Wyatt

STAFF PRESENT: Jerry D. Howe, Policy Analyst
Sylvia Newton, Committee Secretary

NOTE: A list of visitors and copies of handouts are filed with the committee minutes.

Representative Ferrin called the meeting to order at 8:03 a.m.

MOTION: Rep. Donnelson moved to approve the minutes of the January 24, 2006 meeting. The motion passed unanimously with Rep. Aagard, Rep. Donnelson, Rep. Ferry, Rep. Hendrickson, and Rep. McGee absent for the vote.

H.B. 281 Privacy of Records Related to Minors (Rep. E. Hutchings)

H.B. 281 was not considered in this meeting.

H.B. 247 Plea in Abeyance Fee (Rep. M. S. Lawrence)

MOTION: Rep. Lawrence moved to delete in title and body H.B. 247 and replace it with 1st Substitute H.B. 247. The motion passed unanimously with Rep. Aagard, Rep. Donnelson, Rep. Ferry, and Rep. McGee absent for the vote.

MOTION: Rep. Hardy moved to amend the substitute bill as follows:

1. Page 2, Lines 41 through 54:

- 41 (3) In all cases which are compromised pursuant to the provisions of Subsection (2):
42 (a) the court, taking into consideration the offense charged, shall collect a plea in
43 abeyance fee which shall:
*** Some lines not shown ***
49 (iii) be not more than \$25 greater than the bail designated in the Uniform Bail
50 Schedule { ~~-, unless the judge makes a case specific written finding or docket entry~~
justifying the
51 variation} ; or
52 (b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the
traffic
53 school or other school, class, or rehabilitative program shall be collected, which surcharge
54 shall:

The motion to amend the bill passed unanimously with Rep. Aagard, Rep. Donnelson, Rep. Ferry, Rep. Hendrickson, and Rep. McGee absent for the vote.

Rep. Lawrence introduced 1st Substitute H.B. 247 and explained it to the committee, assisted by Richard Schwermer, Administrative Office of the Courts.

MOTION: Rep. Wyatt moved to pass the substitute bill as amended out favorably.

SUBSTITUTE

MOTION: Rep. Donnelson moved to proceed to the next item on the agenda. The motion passed with Rep. Ferry, Rep. Hardy, Rep. Hogue, Rep. Lawrence, and Rep. Wyatt voting in opposition to the motion.

H.B. 102 Sentencing for First Degree Felony Murder (Rep. L. Fowlke)

Rep. Fowlke introduced H.B. 102 and explained it to the committee, assisted by Paul Boyden, Statewide Association of Prosecutors.

Spoke in favor of the bill: Stewart Ralphs, Legal Aid Society and Domestic Violence
Eraldo Soares, citizen
Brandy Farmer, Salt Lake Area Domestic Violence Commission

MOTION: Rep. Lawrence moved to pass the bill out favorably. The motion passed unanimously.

Rep. Ferrin relinquished the chair to Rep. Hutchings.

H.B. 244 Aggravated Assault by Prisoners Amendment (Rep. S. Wyatt)

Rep. Wyatt introduced H.B. 244 assisted by Paul Boyden, Statewide Association of Prosecutors.

MOTION: Rep. Hardy moved to pass the bill out favorably. The motion passed unanimously with Rep. McGee absent for the vote.

Rep. Ferrin resumed the chair.

H.B. 278 Out-of-state Parent-time Amendments (Rep. L. Fowlke)

Rep. Fowlke introduced H.B. 278 and explained it to the committee.

MOTION: Rep. Fowlke moved to amend the bill as follows:

1. Page 3, Lines 60 through 64:

- 60 (c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive
61 weeks. The children should be returned to the custodial home { ~~the week~~ } no later
than seven days before school begins
62 [~~may not be counted as part of the summer period~~], however, this week shall be counted
when
63 determining the amount of parent-time to be divided between the parents for the summer
or
64 off-track period.

The motion to amend the bill passed unanimously with Rep. McGee absent for the vote.

Spoke in favor of the bill: Stewart Ralphs, Director, Legal Aid Society

MOTION: Rep. Donnelson moved to pass the amended bill out favorably. The motion passed unanimously.

H.B. 274 Removal of County or Prosecution District Officer Amendments (*Rep. S. Wyatt*)

MOTION: Rep. Wyatt moved to delete in title and body H.B. 274 and replace it with 1st Substitute H.B. 274. The motion passed unanimously.

Rep. Wyatt introduced 1st Substitute H.B. 274 and explained it to the committee, assisted by Carl Henderson, Utah Association of Counties.

MOTION: Rep. Ferry moved to amend the bill as follows:

1. Page 2, Lines 50 through 51:

- 50 (c) Entry of a plea in abeyance is **the equivalent of** a conviction for purposes of
Subsection (2)(a)(ii),
51 even if the charge is later dismissed pursuant to a plea in abeyance agreement.

The motion to amend the bill passed unanimously.

MOTION: Rep. Ferry moved to pass 1st Substitute H.B. 274 as amended out favorably. The motion passed unanimously.

MOTION: Rep. Wyatt moved to place H.B. 278 on the Consent Calendar. The motion failed on a voice vote.

H.B. 257 Material Harmful to Minors Amendments (*Rep. D. Hogue*)

H.B. 257 was not considered in this meeting.

MOTION: Rep. Hogue moved to adjourn the meeting. The motion passed unanimously.

Rep. Ferrin adjourned the meeting at 9:48 a.m.