

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
January 27, 2006**

MEMBERS PRESENT: Rep. James A. Ferrin, Chair
Rep. Erik K. Hutchings, Vice Chair
Rep. Douglas C. Aagard
Rep. Ben C. Ferry
Rep. Glenn A. Donnelson
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 2:07 p.m.

Rep. Hendrickson moved to approve the minutes of the January 25, 2006 meeting. The motion passed unanimously with Rep. McGee absent for the vote.

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

Rep. Hogue introduced H.B. 257 and explained it to the committee.

Spoke in favor of the bill: Vicki Peterson, Utah Eagle Forum
Dalene England, Citizens for Families

Spoke in opposition to the bill: Scott Sabey, Motion Picture Ass'n. of America (handouts)
Robert Saunders, business owner
Jim Olsen, Utah Retail Merchants Association

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

1. *Page 2, Lines 43 through 57:*

43 (5) "Inappropriate violence" means any description or representation, in any form, of

- 44 violence when it:
45 (a) is patently offensive to prevailing standards in the adult community as a whole
with
46 respect to what is suitable material for minors; **and**
47 (b) taken as a whole, does not have serious literary, artistic, political, or scientific
value
48 for minors **based on, but not limited to the following criteria** :
49 ~~(c)~~ **(i)** is glamorized or gratuitous;
50 ~~(d)~~ **(ii)** is graphic violence used to shock or stimulate;
51 ~~(e)~~ **(iii)** is graphic violence that is not contextually relevant to the
material;
52 ~~(f)~~ **(iv)** is so pervasive that it serves as the thread holding the plot of the
material together;
53 ~~(g)~~ **(v)** trivializes the serious nature of realistic violence;
54 ~~(h)~~ **(vi)** does not demonstrate the consequences or effects of realistic
violence;
55 ~~(i)~~ **(vii)** uses brutal weapons designed to inflict the maximum amount of
pain and damage;
56 ~~(j)~~ **(viii)** endorses or glorifies torture or excessive weaponry; or
57 ~~(k)~~ **(ix)** depicts lead characters who resort to violence freely.

SUBSTITUTE

MOTION: Rep. Fowlke moved, in addition to Rep. Wyatt's amendment, to delete "any form" on line 43 and insert "a video game," and to delete "video, video game," on line 65.

After discussion by committee members, the amendment was divided three ways.

The amendment to insert "a video game," on line 43 failed with Rep. Aagard, Rep. Fowlke, Rep. Hutchings, and Rep. Ferrin voting in favor of the amendment. Rep. McGee was absent for the vote.

The amendment to delete "video, video game," on line 65 failed with Rep. Romero and Rep. Hendrickson voting in favor of the amendment. Rep. McGee was absent for the vote.

The amendment proposed by Rep. Wyatt passed with Rep. Romero voting in opposition to the motion. Rep. McGee was absent for the vote.

MOTION: Rep. Donnelson moved to pass the amended bill out favorably. The motion failed on a roll call vote with Rep. Aagard, Rep. Donnelson, Rep. Hardy, Rep. Hogue, Rep. Lawrence, and Rep. Wyatt voting in favor of the motion. Rep. Ferry, Rep. Fowlke, Rep. Hendrickson, Rep. Romero, Rep. Hutchings, and Rep. Ferrin voted in opposition to the motion. Rep. McGee was absent for the vote.

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

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

1. *Page 4, Lines 90 through 93:*

- 90 (f) unless the record is a court record, that part of a record of an individual
under 18 years of age indicating the
91 individual's name, age, home address, home telephone number, mobile phone number, or
92 Social Security number. {unless the record is a court record} the disclosure of
which:
(i) would constitute a clearly unwarranted invasion of personal privacy;
or
(ii) would jeopardize the life or safety of an individual .
93 (3) (a) As used in this Subsection (3), "medical records" means medical reports,

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

Rep. Hutchings introduced H.B. 281 as amended and explained it to the committee.

Spoke to the bill: Jeff Hunt, Utah Media Coalition

MOTION: Rep. Hardy moved to pass the amended bill out favorably.

SUBSTITUTE

MOTION: Rep. Lawrence moved to proceed to the next item on the agenda. The motion passed unanimously with Rep. Ferry absent for the vote.

H.B. 247S01 Plea in Abeyance Fee (Rep. M. S. Lawrence)

Rep. Lawrence introduced 1st Substitute H.B. 247 and explained it to the committee.

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

1. Page 3, Lines 60 through 64:

- 60 (4) ~~{The}~~ If a written plea in abeyance agreement is provided, or the
defendant {in all cases compromised under this section shall receive} requests a
written accounting, an itemized
61 statement of ~~{the following}~~ all amounts ~~{to be collected}~~ assessed by
the court shall be provided, including :
62 (a) ~~{the amount of the fine from}~~ the Uniform Bail Schedule amount ;
63 (b) the amount of any surcharges being assessed: and
64 (c) the amount of the plea in abeyance fee.

The motion to amend the bill passed unanimously with Rep. Ferry, Rep. Hogue, Rep. Wyatt, and Rep. Hutchings absent for the vote

MOTION: Rep. Fowlke moved to pass the amended bill out favorably. The motion passed unanimously with Rep. Ferry absent for the vote.

MOTION: Rep. Fowlke moved to place the bill on the Consent Calendar. The motion passed unanimously with Rep. Ferry absent for the vote.

MOTION: Rep. Hogue moved to reconsider the committee's action on H.B. 257. The motion failed with Rep. Aagard, Rep. Donnelson, Rep. Hogue, Rep. Lawrence, Rep. Hutchings, and Rep. Wyatt voting in support of the motion. Rep. Fowlke, Rep. Hardy, Rep. Hendrickson, Rep. Romero, Rep. McGee, and Rep. Ferrin voted in opposition to the motion. Rep. Ferry was absent for the vote.

H.B. 282 Utah Uniform Probate Code Amendments (Rep. R. Romero)

Rep. Romero introduced H.B. 282 and explained it to the committee.

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

H.B. 245 Child Custody Determinations (Rep. L. Fowlke)

Rep. Fowlke introduced H.B. 245 and explained it to the committee.

MOTION: Rep. Fowlke moved to delete in title and body H.B. 245 and replace it with 1st

Substitute H.B. 245. The motion passed unanimously with Rep. Ferry absent for the vote.

MOTION: Rep. Romero moved to pass the substitute bill out favorably. The motion passed unanimously with Rep. Ferry absent for the vote.

MOTION: Rep. Fowlke moved to place 1st Substitute H.B. 245 on the Consent Calendar. The motion passed unanimously.

H.B. 295 Child Support Amendments (Rep. L. Fowlke)

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

1. Page 2, Lines 37 through 41:

- 37 (a) If and only if during the time prior to the original support order, the parent
normally
38 and consistently worked more than 40 hours at his job, the court may consider this extra
time
39 as a pattern in calculating the parent's ability to provide child support.
40 ~~{(b) Nonearned income from sources that was not used during the marriage
to support
41 and maintain the family may be excluded from gross income.}~~

The motion to amend the bill passed with Rep. Lawrence voting in opposition to the motion. Rep. Ferry was absent for the vote.

Rep. Fowlke introduced H.B. 295 as amended and explained it to the committee.

MOTION: Rep. Hendrickson moved to pass the amended bill out favorably. The motion passed with Rep. Lawrence voting in opposition to the motion.

MOTION: Rep. Hogue moved to adjourn the meeting. The motion passed unanimously with Rep. Ferry absent for the vote.

Rep. Ferrin adjourned the meeting at 4:26 p.m.