

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
February 20, 2006**

MEMBERS PRESENT: Rep. James A. Ferrin, Chair
Rep. Erik K. Hutchings, Vice Chair
Rep. Douglas C. Aagard
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 ABSENT: Rep. Ben C. Ferry

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

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

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

MOTION: Rep. Hogue moved to approve the minutes of the February 17, 2006 meeting.
The motion passed unanimously with Rep. McGee absent for the vote.

H.B. 391 Drug Abuse Amendments (*Rep. C. Moss*)

Rep. Moss introduced H.B. 391 and explained it to the committee, assisted by Detective Doug Lambert, Salt Lake County Sheriff's Office. (handout)

Spoke in opposition to the bill: Luciano Colonna, Exec. Director, Harm Reduction Project
Paul Boyden, Statewide Association of Prosecutors

Spoke in favor of the bill: Mike Sorich, citizen
Rosemary Sill, citizen

Spoke to the bill: Dr. David Sundwall, Utah Department of Health

Rep. Hutchings moved to refer H.B. 391 to interim study. The motion passed unanimously with Rep. Hogue absent for the vote.

S.B. 414 Petition for Involuntary Medication of Incompetent Person (Rep. S. Wyatt)

MOTION: Rep. Wyatt moved to amend H.B. 414 as follows:

1. *Page 1, Line 21 through Page 4, Line 101:*

- 21 ▶ requires that upon receipt of notice from the Department of
 ~~{Health}~~ Human Services , the court shall
 *** *Some lines not shown* ***
- 53 (3) In the notice under Subsection (2)(a), the executive director shall
 ~~{address}~~ state whether the executive director believes :
- 54 (a) medication is necessary to render the defendant competent;
55 (b) medication is substantially likely to render the defendant competent;
56 © medication is substantially unlikely to produce side effects which would
57 significantly interfere with the defendant's ability to assist in his defense;
58 (d) ~~{any}~~ no less intrusive means are available, and ~~{if so,~~
 if} whether any of those means have been
59 attempted to render the defendant competent; and
60 (e) medication is medically appropriate and is in the defendant's best medical
 interest
61 in light of his medical condition.
- 62 (4) (a) Upon receipt of the notice under Subsection (2)(a), the court shall conduct
 a
63 hearing within ~~{15}~~ 30 days, unless the court extends the time for good cause, to
 determine whether
64 the court should convene a hearing regarding the involuntary medication of the defendant.
 *** *Some lines not shown* ***
- 97 (a) ~~{the court determines the outcome of treatment administered pursuant~~
 ~~to a final~~
98 ~~order issued under Subsection (6)(a)}~~ the court has issued a final order for the
 involuntary medication of the defendant, and the defendant has been
 ~~{involuntarily}~~ medicated under
99 that ~~{final}~~ order; or
100 (b) ~~{the court determines that involuntary medication is not~~
 ~~appropriate}~~ the court has issued a final order that the defendant will not be
 involuntarily medicated .
- 101 (8) This section applies only when the prosecution seeks an order of involuntary

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

Rep. Wyatt introduced H.B. 414 as amended and explained it to the committee. He was assisted by Creighton Horton, Attorney General's Office, and Clark Harms, Deputy Salt Lake County Prosecutor.

Spoke in favor of the bill: Fraser Nelson, Disability Law Center

MOTION: Rep. Hardy moved to pass H.B. 414 as amended out favorably. The motion passed unanimously with Rep. Hogue absent for the vote.

S.B. 142 Information Available to Senate Judicial Confirmation Committee (*Sen. D. C. Buttars*)

Sen. Buttars introduced S.B. 142 and explained it to the committee.

MOTION: Rep. Hendrickson moved to pass S.B. 142 out favorably. The motion passed unanimously with Rep. Hogue absent for the vote.

1st Sub. S.B. 122 Repeal of Libel Provisions (*Sen. S. McCoy*)

Sen. McCoy introduced 1st Sub. S.B. 122 and explained it to the committee. A handout was provided to committee members.

MOTION: Rep. Wyatt moved to pass 1st Sub. S.B. 122 out favorably.

SUBSTITUTE

MOTION: Rep. Hutchings moved to pass the bill out favorably with the deletion of lines 19 and 20 and lines 43 and 44. The motion failed with Rep. Aagard, Rep. Donnelson, Rep. Lawrence, Rep. Hutchings, and Rep. Ferrin voting in favor of the motion. Rep. Hogue was absent for the vote.

The motion to pass the bill out favorably passed with Rep. Aagard, Rep. Donnelson, and Rep. Hutchings voting in opposition to the motion and Rep. Hogue absent for the vote.

2nd Sub. S.B. 163 Statement Under Penalty of Perjury (*Sen. S. McCoy*)

This bill was not considered in this meeting.

S.B. 207 Presumptive Personal Representative (*Sen. G. Bell*)

Sen. Bell introduced S.B. 207 and explained it to the committee. Chris Purcell, State Farm Insurance, assisted Sen. Bell and expressed support for the bill.

MOTION: Rep. Fowlke moved to pass S.B. 207 out favorably. The motion passed unanimously with Rep. McGee absent for the vote.

S.B. 213 Clarifications to Guardian Ad Litem (*Sen. D. Eastman*)

Sen. Eastman introduced S.B. 213 and explained it to the committee, assisted by Kristin Brewer, Guardian ad Litem Executive Director, and Kevin Gully, Guardian ad Litem Oversight Committee.

Spoke in favor of the bill: John T. Nielsen, Utah State Bar
 Richard Schwermer, Administrative Office of the Courts

MOTION: Rep. Hogue moved to pass S.B. 213 out favorably. The motion passed unanimously with Rep. McGee absent for the vote.

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

Rep. Ferrin adjourned the meeting at 9:27 a.m.

Rep. James A. Ferrin, Chair