

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room W010 - State Capitol Complex  
January 19, 2007**

**MEMBERS PRESENT:** Rep. Douglas Aagard, Chair  
Rep. Lorie Fowlke, Vice Chair  
Rep. Sheryl Allen  
Rep. Jim Bird  
Rep. Jackie Biskupski  
Rep. Kevin Garn  
Rep. Eric Hutchings  
Rep. Chris Johnson  
Rep. Kay McIff  
Rep. Mark Wheatley  
Rep. Scott L. Wyatt

**MEMBERS ABSENT:** Rep. Keith Grover  
Rep. Roz McGee

**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 Fowlke called the meeting to order at 2:07 p.m.

**MOTION:** Rep. Allen moved to approve the minutes of the January 17, 2007 meeting. The motion passed unanimously with Rep. Hutchings absent for the vote.

**H.B. 228      Penalty for Homicide of a Child (*Rep. C. Wimmer*)**

This bill was not heard in this meeting.

**H.B. 83      Forgery Amendments (*Rep. D. Aagard*)**

Rep. Aagard introduced H.B. 83 and explained it to the committee, assisted by Wade Farraway, Attorney General's Office.

**MOTION:** Rep. Biskupski moved to pass H.B. 83 out favorably. The motion passed unanimously with Rep. Hutchings absent for the vote.

**H.B. 85      Sentence Reduction Clarification (Rep. S. Wyatt)**

Rep. Wyatt introduced H.B. 85 and explained it to the committee, assisted by Chad Platt, Statewide Association of Prosecutors.

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

1.    *Page 2, Line 34:*

34            (1) If at the time of sentencing the court, having regard to the nature and circumstances of the offense of which

2.    *Page 2, Line 36:*

36    having given any victims present at the sentencing and the prosecuting attorney an opportunity to be heard, concludes it

3.    *Page 2, Line 51:*

51            (2) If the court ~~{stays the imposition}~~ suspends the execution of the  
sentence and places the defendant on probation,

4.    *Page 2, Lines 55 through 56:*

55            (b) upon motion ~~{by the defendant}~~ and notice to the prosecuting  
attorney ;

56            (c) after ~~{notice}~~ reasonable effort has been made by the prosecuting  
attorney ~~{provided}~~ to provide notice to any victims ~~{and the prosecuting~~  
attorney} ;

5.    *Page 3, Line 60:*

60            (3) (a) An offense may be reduced only ~~{+}~~ one degree ~~{+}~~ ~~{once}~~  
under this section, whether

The motion to amend the bill passed unanimously.

Spoke in favor of the bill:      Rick Schwermer, Administrative Office of the Courts  
   Stewart Ralphs, Utah Domestic Violence Counsel

MOTION:      Rep. McIff moved to pass H.B. 85 as amended out favorably. The motion passed



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MOTION: Rep. Wyatt moved to pass H.B. 32 as amended out favorably. The motion passed unanimously.

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

Rep. Fowlke adjourned the meeting at 3:17 p.m.

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Rep. Douglas Aagard, Chair