

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
February 12, 2007**

MEMBERS PRESENT: Rep. Douglas C. Aagard, Chair
Rep. Lorie D. Fowlke, Vice Chair
Rep. Sheryl L. Allen
Rep. Jim Bird
Rep. Jackie Biskupski
Rep. Kevin S. Garn
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Christine A. Johnson
Rep. Rosalind J. McGee
Rep. Kay L. McIff
Rep. Mark A. Wheatley
Rep. Scott L. Wyatt

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 Aagard called the meeting to order at 4:08 p.m.

MOTION: Rep. Biskupski moved to approve the minutes of the February 9, 2007 meeting. The motion passed unanimously with Rep. Allen, Rep. Bird, and Rep. Wyatt absent for the vote.

H.B. 283 Protective Order Amendments (Rep. L. Fowlke)

MOTION: Rep. Fowlke moved to amend H.B. 283 as follows:

1. Page 2, Line 29 through Page 3, Line 59:

29 30-6-4.2. Protective orders -- Ex parte protective orders -- Modification of orders
30 -- Service of process -- Duties of the court.

* * * *Some lines not shown* * * *

39 (2) A court may grant the following relief without notice in an order for protection or
a
40 modification issued ex parte:

* * * *Some lines not shown* * * *

58 (g) order the appointment of {~~a~~} the Office of the Guardian Ad Litem to
represent the interests of any
59 minor children of the parties , if abuse or neglect of the minor children is alleged, or

appoint a private Guardian ad Litem if appropriate pursuant to Section 78-7-45 ;

2. Page 5, Lines 139 through 147:

- 139 30-6-4.3. Hearings on ex parte orders.
- 140 (1) (a) When a court issues an ex parte protective order the court shall set a date for a
- 141 hearing on the petition within 20 days after the ex parte order is issued.
- 142 (b) If at that hearing the court does not issue a protective order, the ex parte
- protective
- 143 order shall expire, unless it is otherwise extended by the court. Extensions beyond the
- 20-day
- 144 period may not be granted unless {the respondent} ;
- 145 (i) the respondent has not been served;
- 146 (ii) the respondent has had the opportunity to present a defense at the hearing;
- {or}
- 147 (iii) the respondent requests that the ex parte order be extended ; or
- (iv) exigent circumstances exist .

The motion to amend the bill passed unanimously with Rep. Bird and Rep. Wyatt absent for the vote.

Rep. Fowlke presented H.B. 283 as amended to the committee.

Spoke to the bill: Rick Schwermer, Administrative Office of the Courts
Stewart Ralphs, Executive Director, Legal Aid Society of Salt Lake

MOTION: Rep. Hutchings moved to pass H.B. 283 as amended out favorably. The motion passed unanimously with Rep. Grover absent for the vote.

S.B. 35 Uniform Child Abduction Prevention Act (Sen. L. Hillyard)

Sen. Hillyard presented S.B. 35 to the committee.

MOTION: Rep. Biskupski moved to pass S.B. 35 out favorably. The motion passed unanimously with Rep. Garn absent for the vote.

H.B. 157 Victim Restitution (Rep. S. Clark)

Rep. Clark presented H.B. 157 to the committee.

MOTION: Rep. Fowlke moved to amend H.B. 157 as follows:

1. *Page 1, Lines 25 through 26:*

25 (1) Restitution payments made pursuant to a court order shall be disbursed to victims
26 within 60 days of receipt **from the defendant** by the court or department :
(a) provided the victim has complied with Subsection 77-38a-203(1)(b); and
(b) if the defendant has tendered a negotiable instrument, funds from the
financial institution are actually received .

2. *Page 2, Lines 45 through 50:*

45 [~~(4)~~] (5) All money collected for court-ordered obligations from offenders by the
46 department will be applied:
47 (a) first, to victim restitution, except the current and past due amount of \$30
per month required to be collected by the
48 department under Section 64-13-21, if applicable; and
49 (b) second, if applicable, to the cost of obtaining a DNA specimen under Subsection
50 [~~(3)~~] (4).

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

MOTION: Rep. Wyatt moved to pass H.B. 257 as amended out favorably. The motion passed unanimously with Rep. Garn absent for the vote.

MOTION: Rep. Wyatt moved to place H.B. 257 on the Consent Calendar. The motion passed unanimously with Rep. Garn absent for the vote.

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

Rep. Aagard adjourned the meeting at 5:00 p.m.

Rep. Douglas C. Aagard, Chair