

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room WO25, West Office Building, State Capitol Complex
January 17, 2007

Members Present: Rep. DeMar "Bud" Bowman, Chair
Rep. Curt Oda, Vice Chair
Rep. David Litvack
Rep. Becky Lockhart
Rep. Michael Morley
Rep. Paul Ray
Rep. Jennifer Seelig
Rep. Ken Sumsion
Rep. Larry Wiley
Rep. Carl Wimmer

Members Absent: Rep. Brad Dee

Staff Present: Mr. Stewart Smith, Policy Analyst
Ms. Linda Black, Committee Secretary

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

Rep. Bowman called the meeting to order at 8:00 a.m. He introduced the members of the committee.

H.B. 15 Driver License Privilege Suspension for Failure to Pay Child Support *(Rep. Julie Fisher)*

Rep. Fisher explained the bill with the assistance of Mr. Mark Brasher, Office of Recovery Services. (handout)

Spoke to the bill: Pamela J. Atkinson, Community Advocate
Lori Russell, Parent
Doreen Brown, Citizen
Jennifer Kershaw, Citizen

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

H.B. 202 Medical Recommendations for Children *(Rep. M. Morley)*

Rep. Morley introduced the bill.

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

1. Page 2, Line 30:

30 {~~78-3a-305, as last amended by Chapters 13 and 281, Laws of Utah 2006~~}

2. Page 7, Line 183 through Page 8, Line 214:

183 {~~Section 3. Section 78-3a-305 is amended to read:~~

184 ~~——78-3a-305. Petition filed.~~

185 ~~——(1) For purposes of this section, "petition" means a petition to commence proceedings~~

186 ~~in a juvenile court alleging that a child is:~~

187 ~~——(a) abused;~~

188 ~~——(b) neglected; or~~

189 ~~——(c) dependent.~~

190 ~~——(2) (a) Subject to Subsection (2)(b), any interested person may file a petition.~~

191 ~~——(b) A person described in Subsection (2)(a) shall make a referral with the division~~

192 ~~before the person files a petition.~~

193 ~~——(3) If the child who is the subject of a petition is removed from the child's home by the~~

194 ~~division, the petition shall be filed on or before the date of the initial shelter hearing described~~

195 ~~in Section 78-3a-306.~~

196 ~~——(4) The petition shall be verified, and contain all of the following:~~

197 ~~——(a) the name, age, and address, if any, of the child upon whose behalf the petition is~~

198 ~~brought;~~

199 ~~——(b) the names and addresses, if known to the petitioner, of both parents and any guardian of the child;~~

200 ~~——(c) a concise statement of facts, separately stated, to support the conclusion that the~~

201 ~~child upon whose behalf the petition is being brought is abused, neglected, or dependent; and~~

203 ~~—(d) a statement regarding whether the child is in protective custody, and if so,~~
the date
204 ~~and precise time the child was taken into protective custody.~~
205 ~~—(5)(a) Except as provided in Subsection (5)(b), a court or the Division of Child~~
~~and~~
206 ~~Family Services may not remove a child from the custody of the child's parent or~~
~~guardian on~~
207 ~~the sole or primary basis that the parent or guardian refuses to consent to:~~
208 ~~—(i) the administration of a psychotropic medication to a child;~~
209 ~~—(ii) a psychiatric, psychological, or behavioral treatment for a child; or~~
210 ~~—(iii) a psychiatric or behavioral health evaluation of a child;~~
211 ~~—(b) Notwithstanding Subsection (5)(a), a court or the Division of Child and~~
~~Family~~
212 ~~Services may remove a child under conditions that would otherwise be prohibited~~
~~under~~
213 ~~Subsection (5)(a) if failure to take an action described under Subsection (5)(a) would~~
~~present a~~
214 ~~serious, imminent risk to the child's physical safety or the physical safety of~~
~~others.}~~

The motion passed unanimously.

Spoke to the bill: Rhonda Rose, Utah PTA
Dr. Tom Metcalf

Spoke in favor of the bill: Gayle Ruzicka, Utah Eagle Forum

Spoke in opposition
of the bill: Dr. Jeff Schmidt
Jake Short, Student

MOTION: Rep. Ray moved to pass the bill out favorably as amended. The motion passed with Rep. Seelig and Rep. Wiley voting in opposition. Rep. Litvack was absent for the vote.

H.B. 205 Public Demonstrations At Funerals (*Rep. R. Bigelow*)

Rep. Bigelow introduced the bill with the assistance of Mr. Terry Schow, Chairman, Utah Division of Veterans' Affairs.

MOTION: Rep. Wiley moved to pass the bill out favorably. The motion passed unanimously
with Rep. Litvack and Rep. Morley absent for the vote.

H.B. 207 School Truancy and Compulsory Education Amendments (*Rep. E. Hutchings*)

Rep. Hutchings introduced the bill.

Spoke in favor of the bill: Tifny Iacona, Student Services, Granite School District
Rhonda Rose, Utah PTA
Steve Petersen, Superintendents' Association, Utah School Board

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

MOTION: Rep. Wiley moved to adjourn. The motion passed unanimously. Rep. Bowman adjourned the meeting at 9:55 a.m.

Rep. DeMar "Bud" Bowman, Chair