

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
February 11, 2008**

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

MEMBERS ABSENT: Rep. Kevin S. Garn

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 8:11 a.m.

MOTION: Rep. Biskupski moved to approve the minutes of the January 31 , 2008 meeting. The motion passed unanimously with Rep. Hutchings, Rep. Johnson, and Rep. McIff absent for the vote.

H.B. 149 Protective Order Amendments (Rep. L. Fowlke)

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

1. Page 3, Lines 61 through 62:

61 (g) order the appointment of ~~{a}~~ the office of the Guardian Ad Litem to
represent the interests of any
62 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 78A-2-
228 ;

2. Page 5, Lines 145 through 150:

145 (b) If at that hearing the court does not issue a protective order, the ex parte
protective
146 order shall expire, unless it is otherwise extended by the court. Extensions beyond the

- 20-day
- 147 period may not be granted unless the ~~{respondent}~~ petitioner is unable to be
present at the hearing, or :
- 148 (i) the respondent has not been served;
- 149 (ii) the respondent has had the opportunity to present a defense at the hearing;
~~{or}~~
- 150 (iii) the respondent requests that the ex parte order be extended ; or
(iv) exigent circumstances exist .

3. *Page 7, Lines 185 through 186:*

- 185 (2) Notice of a motion to dismiss a protective order shall be ~~{given to}~~ made
by personal service on the petitioner in a
- 186 protective order action ~~{in accordance with the}~~ as provided in Rules 4 and 5,
Utah Rules of Civil Procedure.

The motion to amend the bill passed unanimously with Rep. Hutchings, Rep. Johnson, and Rep. McIff absent for the vote.

Rep. Fowlke explained H.B. 149 as amended to the committee.

Spoke in favor of the bill: Stewart Ralphs, Legal Aid Society and Domestic Violence Council

MOTION: Rep. Allen moved to pass the bill out with a favorable recommendation. The motion passed unanimously.

H.B. 178 Jurisdiction for Prosecution (Rep. P. Neuenschwander)

Rep. Neuenschwander explained H.B. 178 to the committee.

Spoke in favor of the bill: Paul Boyden, Statewide Association of Prosecutors

MOTION: Rep. McIff moved to pass the bill out favorably. The motion passed unanimously with Rep. Biskupski and Rep. Grover absent for the vote.

MOTION: Rep. Bird moved to place H.B. 178 on the Consent Calendar with the approval of Rep. Neuenschwander. The motion passed unanimously with Rep. Biskupski and Rep. Grover absent for the vote.

Rep. Aagard relinquished the chair to Rep. Fowlke.

H.B. 141 Identity Theft Reporting Information System Amendments (*Rep. D. Aagard*)

MOTION: Rep. Aagard moved to delete in title and body H.B. 141 and replace it with 1st Substitute H.B. 141. The motion passed unanimously with Rep. Biskupski and Rep. Grover absent for the vote.

Rep. Aagard explained H.B. 141 to the committee, assisted by Wade Faraway, Attorney General's Office.

MOTION: Rep. Allen moved to pass 1st Substitute H.B. 141 out with a favorable recommendation. The motion passed unanimously with Rep. Biskupski and Rep. Johnson absent for the vote.

Rep. Aagard reassumed the chair.

S.B. 164 Computer Assisted Remote Hunting Prohibited (*Sen. M. Waddoups*)

Sen. Waddoups explained the bill to the committee.

Spoke in favor of the bill: Alan Clark, Division of Wildlife Resources

MOTION: Rep. Hutchings moved to pass S.B. 164 out with a favorable recommendation. The motion passed unanimously with Rep. Biskupski and Rep. Johnson absent for the vote.

MOTION: Rep. Allen moved to place S.B. 164 on the Consent Calendar with the approval of Sen. Waddoups. The motion passed unanimously with Rep. Biskupski and Rep. Johnson absent for the vote.

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

Rep. Aagard adjourned the meeting at 8:53 a.m.