

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W020 - House Building, State Capitol Complex
February 28, 2011**

MEMBERS PRESENT: Rep. Kay McIff, Chair
Rep. Francis Gibson, Vice Chair
Rep. Jackie Biskupski
Rep. Derek Brown
Rep. LaVar Christensen
Rep. Fred Cox
Rep. Chris Herrod
Rep. Ken Ivory
Rep. Brian King
Rep. Paul Ray
Rep. Mark A. Wheatley
Rep. Brad Wilson

MEMBERS ABSENT: Rep. Eric Hutchings

STAFF PRESENT: Jerry D. Howe, Policy Analyst
Linda Black, Committee Secretary

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

Rep. McIff called the meeting to order at 8:05 a.m.

MOTION: Rep. Ivory moved to approve the minutes of February 24, 2011. The motion passed unanimously, with Rep. Biskupski, Rep. Brown and Rep. King absent for the vote.

1st Sub. S.B. 133 Grand Jury Amendments (*Sen. J. Valentine*)

Rep. Gibson moved to replace S.B. 133 with 1st Substitute S.B. 133. The motion passed, with Rep. Cox voting in opposition. Rep. Brown was absent for the vote.

Sen. Valentine presented the bill to the committee.

Spoke in favor
of the bill: Ron Gordon, Executive Director, Commission on Criminal and Juvenile
Justice
Paul Boyden, Statewide Association of Prosecutors
Jeff Buhman, Utah County Attorney

Spoke in opposition
to the bill: Sean Hullinger, Utah Association of Criminal Defense Lawyers
Jerry Salcido, Utah Association of Criminal Defense Lawyers
Ms. Darcy VanOrden, citizen, Utah Rising

MOTION: Rep. Brown moved to pass 1st Substitute S.B. 133 with a favorable recommendation.

SUBSTITUTE

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

1. *Page 3, Lines 62 through 66:*

62 (3) When the attorney general, a county attorney, a district attorney, municipal
63 attorney, or a special prosecutor appointed under Section 77-10a-12 certifies in writing to
the
64 supervising judge that in his judgment a grand jury is necessary because of criminal
activity in
65 the state, the panel shall order a grand jury to be summoned if ~~unless~~ the
panel finds good
66 cause exists ~~does not exist~~ .

The chair ruled the substitute motion out of order.

The motion to pass 1st Substitute S.B. 133 with a favorable recommendation passed with Rep. Cox, Rep. Ray and Rep. Wilson voting in opposition.

1st Sub. S.B. 212 Judicial Evaluation Amendments (*Sen. D. C. Buttars*)

Sen. Buttars presented the bill to the committee, and provided a handout.

Spoke to the bill: Joanne C. Slotnick, Executive Director, Judicial Performance Evaluation Commission.

MOTION: Rep. King moved to pass the bill with a favorable recommendation. The motion passed unanimously, with Rep. Herrod and Rep. Ivory absent for the vote.

MOTION: Rep. Cox moved to place 1st Substitute S.B. 212 on the Consent Calendar. The motion passed unanimously, with Rep. Ivory absent for the vote.

H.B. 140 Divorce Waiting Period Amendments (*Rep. V. Peterson*)

Rep. V. Peterson presented the bill to the committee.

Spoke in favor
of the bill: Bill Duncan, Sutherland Institute

Spoke in opposition
of the bill: Stewart Ralphs, Legal Aid Society
 Michael Jensen, attorney

MOTION: Rep. Christensen moved to pass the bill with a favorable recommendation.

SUBSTITUTE

MOTION: Rep. King moved to move to the next item on the agenda. The motion failed with Rep. Biskupski, Rep. King and Rep. Wheatley voting in opposition.

SUBSTITUTE

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

1. Page 2, Lines 44 through 48:

- 44 (1) Unless the court[~~-, for good cause shown and set forth in the findings,]~~ finds
 that **the divorcing parties have no children, or**
45 extraordinary circumstances exist and otherwise orders, no hearing for decree of divorce
 [~~shall~~]
46 may be held by the court until 90 days [~~shall have~~] has elapsed from the filing of the
 complaint,
47 provided the court may make [~~such~~] any interim orders as [~~may be~~] it considers just and
48 equitable.

The motion to amend passed with Rep. Brown, Rep. Christensen, Rep. Cox, Rep. Herrod and Rep. Wilson voting in opposition. Rep. Ivory was absent for the vote.

The original motion to pass the bill with a favorable recommendation passed, with Rep. Biskupski, Rep. King, Rep. Ray and Rep. Wheatley voting in opposition. Rep. Ivory was absent for the vote.

Rep. McIff adjourned the meeting at 9:33 a.m.