

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING**
20 House Building, Utah State Capitol Complex
March 7, 2014

Members Present: Rep. Kay L. McIff, Chair
Rep. Lee B. Perry, Vice Chair
Rep. Patrice Arent
Rep. LaVar Christensen
Rep. Brian M. Greene
Rep. Craig Hall
Rep. Eric K Hutchings
Rep. Brian S. King
Rep. V. Lowry Snow

Staff Present: Ms. Chelsea Lloyd, Policy Analyst
Ms. Linda Black, Committee Secretary

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

Chair McIff called the meeting to order at 8:15 a.m.

MOTION: Rep. Hutchings moved to approve the minutes of the March 5, 2014, meeting. The motion passed unanimously with Rep. Christensen absent for the vote.

H.B. 411 Victim Restitution Amendments (Rep. B. Wilson)

At the request of the sponsor, Rep. Snow explained the bill to the committee.

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

1. Page 5, Lines 143 through 148:

143 (ii) (A) If, upon expiration or termination of the probation period under Subsection
144 (10)(a)(i), there remains an unpaid balance upon the account receivable as defined in
Section
145 76-3-201.1, the court {+} may {+} {~~shall~~} retain jurisdiction of the case and
continue the defendant on
146 bench probation for the limited purpose of enforcing the payment of the account
receivable.
147 {~~The~~} **If the court retains jurisdiction for this limited purpose, the** defendant
shall pay to the court the costs associated with continued probation under this
148 Subsection (10).

The motion passed unanimously with Rep. Christensen absent for the vote.

MOTION: Rep. Perry moved to further amend the bill as follows:

1. *Page 5, Lines 147 through 148:*

147 ~~{The}~~ **If the court retains jurisdiction for this limited purpose, the court may**
order the defendant ~~{shall}~~ **to** pay to the court the costs associated with
continued probation under this
148 Subsection (10).

The motion passed unanimously with Rep. Christensen absent for the vote.

MOTION: Rep. Snow moved to further amend the bill as follows:

1. *Page 10, Lines 296 through 298:*

296 (5) Before refunding bail that is posted **by the defendant** in cash, by credit card,
or by debit card, the
297 court ~~{shall}~~ **may** apply the amount posted toward accounts receivable, as
defined in Section
298 76-3-201.1, that are owed by the defendant in the priority set forth in Section 77-38a-404.

The motion passed unanimously with Rep. Christensen absent for the vote.

Spoke in favor of the bill: Ms. Donna Kelly, attorney, Utah Crime Victims Counsel

Spoke to the bill: Mr. Rick Schwermer, Administrative Office of the Courts

MOTION: Rep. Arent moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Christensen absent for the vote.

H.B. 407 Litigation Transparency Act (Rep. J. Anderegg)

Rep. Anderegg explained the bill to the committee.

Spoke against the bill: Ms. Marina Lowe, American Civil Liberties Union of Utah

MOTION: Rep King moved to return H.B. 407 to the Rules Committee for further study during interim. The motion passed unanimously with Rep. Greene and Rep. Hutchings absent for the vote.

MOTION: Rep. Arent moved to adjourn the meeting. The motion passed unanimously with Rep. Greene and Rep. Hutchings absent for the vote.

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Vice Chair Perry adjourned the meeting at 9:30 a.m.

Kay L. McIff, Chair