

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING**  
20 House Building, Utah State Capitol Complex  
February 20, 2015

**Members Present:**

Rep. LaVar Christensen, Chair  
Rep. Merrill Nelson, Vice Chair  
Rep. Fred C. Cox  
Rep. Bruce Cutler  
Rep. Brian M. Greene  
Rep. Craig Hall  
Rep. Brian S. King  
Rep. Curtis Oda  
Rep. V. Lowry Snow  
Rep. Kevin J. Stratton  
Rep. Mark A. Wheatley

**Staff Present:**

Mr. Gregg Girvan, Policy Analyst  
Ms. Linda Black, Committee Secretary

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

Chair Christensen called the meeting to order at 8:10 a.m.

**H.B. 240      Judicial Discretion in Sentencing Amendments (*Rep. K. McIff*)**

Rep. McIff explained the bill to the committee.

Spoke for the bill:                Ron Gordon, Executive Director, Commission on Criminal and Juvenile Justice

Spoke against the bill:        Gary Scheller, Crime Victims Council

**MOTION:**    Rep. Stratton moved to pass the bill out favorably. The motion passed with Rep. Cutler and Rep. Nelson voting in opposition. Rep. Greene was absent for the vote.

**H.B. 244      Alimony Support Amendments (*Rep. K. Stratton*)**

Rep. Stratton explained the bill to the committee.

Spoke for the bill:                Dani Hartvigsen, Coalition for the Preservation of Family Values  
The handout, "What is the problem with imputing income to a stay-at-home parent?" was distributed to the committee.

Spoke against the bill:        Stewart Ralphs, Family Law Section of the Utah State Bar

**MOTION:** Rep. Stratton moved to amend the bill as follows:

1. *Page 1, Line 1:*

1                                    ~~{CHILD}~~    Alimony    SUPPORT AMENDMENTS

2. *Page 3, Line 87 through Page 4, Line 102:*

87           (8) (a) The court shall consider at least the following factors in determining alimony:

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

98           (viii) whether the recipient spouse was primarily a stay-at-home parent caring for a  
99 child of the payor spouse, and   ~~{if}~~    not    found    ~~{not}~~    to be at fault    ~~{, the~~  
court may order alimony:

100    ~~—(A) for a duration of at least the number of years that the marriage existed; and~~

101    ~~—(B) to cover any decrease in child support to the recipient spouse if the payor~~  
spouse

102    ~~has corresponding decrease in child support obligations}~~    under Subsection  
30-3-5(8)(c) .

The motion passed unanimously with Rep. Nelson and Rep. Snow absent for the vote.

**MOTION:** Rep. Cutler moved to pass the bill out favorably as amended. The motion passed with Rep. Cox, Rep. King, Rep. Snow and Rep. Wheatley voting in opposition. Rep. Nelson was absent for the vote.

**2nd Sub. H.B. 109   Expungement of Administrative Action (Rep. B. Greene)**

Rep. Greene explained 2nd Substitute H.B. 109 to the committee.

Spoke to the bill:                   Steve Burton, Utah Area Defense Lawyers

Spoke against the bill:           Francine Giani, Executive Director, Department of Commerce

**MOTION:** Rep. Greene moved to amend the bill as follows:

1. *Page 17, Line 501:*

501           (b) not been the subject of disciplinary action   or a criminal conviction   during the  
preceding three years;

2. *Page 18, Lines 532 through 537:*

532           (e) the agency head, or the agency head's designee, after

533            ~~{weighing}~~     balancing   the public's interest  
534   against the petitioner's right to privacy, determines that   ~~{administrative expungement~~  
                  would  
535   ~~unreasonably endanger the health or safety of the public}~~   the risk to the public that  
536   would result from administrative expungement outweighs the petitioner's privacy  
                  interest ; or  
537            (f) the agency head, or the agency head's designee, determines that the petitioner's  
538   behavior was of such   ~~{an egregious or malicious}~~   a   nature that the passage of  
539   additional time is  
540   required before administrative expungement is warranted.

3. *Page 19, Lines 553 through 554:*

553            (c) shared by the agency with another   state   agency, if that agency agrees to not  
554            make the  
555   record available to the public; and

The motion passed unanimously.

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

1. *Page 17, Lines 496 through 503:*

496            (3) "Eligible petitioner" means an individual who was previously the subject of  
497   disciplinary action by a state agency but who has:  
498            (a) not been convicted of a crime for behavior related to the disciplinary action, unless  
499   that criminal conviction has been expunged under Title 77, Chapter 40, Utah Expungement  
500   Act;  
501            (b) not been the subject of disciplinary action during the preceding  
502            ~~{three}~~     five   years;  
503            (c) at least two years before the date of the application, fully complied with agency  
504   requirements regarding previous disciplinary action; and

The motion passed with Rep. Greene voting in opposition.

**MOTION:**   Rep. Oda moved to pass the bill out favorably as amended. The motion failed with Chair Christensen, Rep. Greene, Rep. Oda, Rep. Snow and Rep. Stratton voting in favor.

**H.B. 277        Statute of Limitations for Civil Actions (Rep. K. Ivory)**

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Rep. Ivory explained the bill to the committee and distributed a pamphlet, "The Foundation For Survivors of Abuse."

Spoke for the bill: Deondra Brown, Founder and President, Foundation for Survivors of Abuse  
DeAnn Tilton, citizen

**MOTION:** Rep. Cox moved to amend the bill.

**SUBSTITUTE**

**MOTION:** Rep. King moved to hold the bill. The motion passed unanimously.

**MOTION:** Rep. Cutler moved to adjourn the meeting. The motion passed unanimously.

Chair Christensen adjourned the meeting at 10:00 a.m.

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LaVar Christensen, Chair