

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING**  
20 House Building, Utah State Capitol Complex  
March 4, 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 4:24 p.m.

**MOTION:** Rep. Hall moved to approve the minutes of February 27, 2015, and March 3, 2015.  
The motion passed unanimously.

**H.B. 366 Statute of Limitations for Sexual Offenses (Rep. K. Ivory)**

Rep. Ivory further explained the bill to the committee.

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

1. *Page 1, Line 15:*

15 individual younger than 14 years of age ;**and**  
**► provides that a position of trust means a position held by a person who is an  
adult and who is three or more years older than the victim** .

2. *Page 2, Line 33:*

33 (c) "Position of special trust" means **an adult who is three or more years older  
than the victim, and who holds any of the following positions** :

3. *Page 2, Line 35:*  
35 (ii) an athletic manager ~~{who is an adult}~~ ;
4. *Page 2, Line 39:*  
39 (vi) a cohabitant of a parent ~~{if the cohabitant is an adult}~~ ;
5. *Page 2, Line 47:*  
47 (xiv) a recreational leader ~~{who is an adult}~~ ;
6. *Page 2, Lines 49 through 50:*  
49 (xvi) a sibling or a stepsibling ~~{who is an adult}~~ ;  
50 (xvii) a scout leader ~~{who is an adult}~~ ;
7. *Page 2, Line 53:*  
53 elementary school or secondary school ~~{, and who is 18 years of age or older}~~ ;
8. *Page 2, Line 55:*  
55 (xxi) a youth leader ~~{who is an adult}~~ ; or

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

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

Vice Chair Nelson assumed the chair.

**1st Substitute H.B. 356 Parent and Child Amendments (Rep. L. Christensen)**

Rep. Christensen explained the bill to the committee.

Spoke for the bill: Dan Deuel, national Parents Organization of Utah

**MOTION:** Rep. Christensen moved to replace 1st Substitute H.B. 356 with 3rd Substitute H.B. 356, Parent and Child Amendments. The motion passed unanimously with Rep. Oda absent for the vote.

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

1. *Page 26, Lines 784 through 791:*

784 (i) subject to Subsection (9)(b)(i), there is a [~~substantial~~] serious danger to the physical  
785 health or safety of the child and the child's physical health or safety may not be protected  
786 without removing the child from the custody of the child's parent;  
787 (ii) (A) the child is suffering [~~emotional damage; and~~] {~~substantial harm that~~  
788 ~~results in~~  
789 ~~an observable and material impairment in the child's growth, development, or~~  
~~psychological~~  
~~functioning~~} emotional damage that results in a serious impairment in the child's  
growth, development, behavior, or psychological functioning ;  
790 (B) the parent or guardian is unwilling or unable to make reasonable changes that  
791 would sufficiently prevent future damage; and

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

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

1. *Page 20, Lines 605 through 607:*

605 (2) Unless there is an imminent risk of death or {~~substantial harm~~} a  
deteriorating condition of the child's health , the child shall remain  
606 in the custody of the parent or guardian while the parent or guardian obtains a second  
medical  
607 opinion.

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

**MOTION:** Rep. Greene moved to pass the bill out favorably as substituted and amended. The motion passed with Rep. King and Rep. Wheatley voting in opposition. Rep. Oda was absent for the vote.

**H.B. 417 Judicial Proceedings Amendments (Rep. F. Gibson)**

Rep. Gibson explained the bill to the committee.

Spoke to the bill: Sean Hullinger, Utah Association of Criminal Defense Lawyers

**MOTION:** Rep. Cox moved to pass the bill out favorably. The motion passed unanimously with Rep. King, Rep. Oda and Rep. Stratton absent for the vote.

**H.B. 322 Religious Liberty and Nondiscrimination Protections (Rep. L. Christensen)**

Rep. Christensen explained the bill to the committee with the assistance of Sen. Alvin Jackson.

Spoke for the bill:                 Gayle Ruzika, Utah Eagle Forum  
  John Bowers, citizen

Spoke against the bill:         Marina Lowe, Legal Counsel, American Civil Liberties Union  
  Jaceson Maughn, Deputy Commissioner, Utah Labor Commission

**MOTION:**   Rep. Oda moved to replace H. B. 322 with 1st Substitute H.B. 322. The motion passed unanimously.

**MOTION:**   Rep. Cutler moved to pass the bill out favorably as substituted.

**SUBSTITUTE**

**MOTION:**   Rep. King moved to hold the bill. The motion failed with Rep. Cutler, Rep. Greene, Rep. Oda, Rep. Stratton, Rep. Nelson, and Chair Christensen voting in opposition.

The original motion to pass the bill out favorably passed with Rep. Cox, Rep. Hall, Rep. King, Rep. Snow and Rep. Wheatley voting in opposition.

**H.B. 404        Probate Code Amendments (Rep. V. L. Snow)**

Rep. Snow explained the bill to the committee.

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

**MOTION:**   Rep. Hall moved to place H.B. 404 on the Consent Calendar. The motion passed unanimously.

**1st Sub. H.B. 413       Domestic Relations Retirement Shares (Rep. K. McIff)**

Rep. McIff explained the bill to the committee.

Spoke to the bill:         Dee Larsen, General Counsel, Utah Retirement Systems

**MOTION:**   Rep. Hall moved to replace H.B. 413 with 1st Substitute H.B. 413. The motion passed unanimously.

**MOTION:**   Rep. Hall moved to pass the bill out favorably as substituted. The motion passed unanimously.

**S.B. 180        Arbitration Amendments (Sen. S. Urquhart)**

Rep. Snow explained the bill to the committee.

Spoke to the bill: Steve Sullivan, lawyer

Spoke for the bill: Chris Purcell, State Farm Insurance

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

**4th Sub. S.B. 101 Adoption Amendments (Sen. T. Weiler)**

Sen Weiler explained the bill to the committee.

**MOTION:** Rep. Oda moved to replace 4th Substitute S.B. 101 with 5th Substitute S.B. 101. The motion passed unanimously with Rep. Greene, Rep. King and Rep. Christensen absent for the vote.

**MOTION:** Rep. Oda moved to pass the bill out favorably as substituted. The motion passed unanimously with Rep. Greene, Rep. King and Rep. Christensen absent for the vote.

**S.B. 229 Child Support Guidelines Advisory Committee Extension (Sen. L. Hillyard)**

This bill was not considered.

**MOTION:** Rep. Cutler moved to adjourn the meeting. The motion passed unanimously with Rep. Greene, Rep. King and Rep. Christensen absent for the vote.

Vice Chair Nelson adjourned the meeting at 7:05 p.m.