

**MINUTES OF THE  
HOUSE JUDICIARY  
STANDING COMMITTEE**

Wednesday, February 1, 2017 • 4:00 pm • 20 House Building

**Members Present:**

Rep. Mike K. McKell, Chair  
Rep. V. Lowry Snow, Vice Chair  
Rep. Kim F. Coleman  
Rep. Bruce R. Cutler  
Rep. Brian M. Greene  
Rep. Ken Ivory  
Rep. Brian S. King  
Rep. Karianne Lisonbee

Rep. Dixon M. Pitcher  
Rep. Susan Pulsipher  
Rep. Tim Quinn  
Rep. Mark A. Wheatley

**Staff Present:**

Mr. Joseph T. Wade, Policy Analyst  
Mr. Steve Benard, Legislative Session  
Worker

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [le.utah.gov](http://le.utah.gov).

Chair McKell called the meeting to order at 4:10 p.m.

**1. H.B. 191 Judicial Performance Evaluation Commission Amendments (*Snow, V. L.*)**

Rep. V. Lowry Snow presented the bill with the assistance of Jennifer Yim.

**MOTION:** Rep. Snow moved to amend H.B. 191 with Amendment #1. The motion passed with a vote of 11-0-1.  
Voting in the affirmative were:  
McKell M, Snow V L, Coleman K, Cutler B R, Ivory K, King Brian S, Lisonbee K, Pitcher D, Pulsipher S, Quinn T, Wheatley M  
Absent or not voting was:  
Greene B

1. Page 4, Lines 109 through 111:

109 (e) The commission shall { ~~publish changes to the evaluation report in~~  
submit revisions to the judge's evaluation report to the lieutenant governor by no  
later than August 31 of a regular general election year for publication in the voter  
110 information pamphlet, and publish the revisions on the commission's website, and  
through any other means the  
111 commission considers appropriate and within budgetary constraints.

Yeas:

Nays:

Abs:

Rep. K. Coleman  
Rep. B. Cutler  
Rep. K. Ivory  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

Rep. B. Greene

**MOTION:** Rep. King moved to report a favorable recommendation on H.B. 191, as amended. The motion passed with a vote of 11-0-1.

Voting in the affirmative were:

McKell M, Snow V L, Coleman K, Cutler B R, Ivory K, King Brian S, Lisonbee K, Pitcher D, Pulsipher S, Quinn T, Wheatley M

Absent or not voting was:

Greene B

Yeas:

Nays:

Abs:

Rep. K. Coleman  
Rep. B. Cutler  
Rep. K. Ivory  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

Rep. B. Greene

## **2. H.B. 144 Administrative Law Judge Qualifications (*Hall, C.*)**

Rep. Craig Hall presented the bill.

Kathy Bounous, Department of Workforce Services, spoke against the bill.

**3. H.B. 139 Criminal Intent Amendments (*Stratton, K.*)**

Rep. Keven J. Stratton presented the bill.

Will Carlson, representing the Statewide Association of Prosecutors, spoke in favor of the bill.

Steve Burton, Utah Association of Criminal Defense Lawyers, spoke against the bill.

Tom Ross with Bountiful Police, representing the Utah Chiefs of Police Association, spoke in favor of the bill.

Kyle Overt spoke to the bill.

**MOTION:** Rep. Pitcher moved to report a favorable recommendation on H.B. 139. The motion passed with a vote of 8-4-0.

Voting in the affirmative were:

McKell M, Snow V L, Coleman K, Ivory K, Lisonbee K, Pitcher D, Pulsipher S, Quinn T

Voting in the negative were:

Cutler B R, Greene B, King Brian S, Wheatley M

Yeas:

Rep. K. Coleman  
Rep. K. Ivory  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow

Nays:

Rep. B. Cutler  
Rep. B. Greene  
Rep. B. King  
Rep. M. Wheatley

Abs:

**4. H.B. 99 Bigamy Offense Amendments (*Noel, M.*)**

Rep. Michael Noel presented the bill.

Chair McKell placed under oath the following four witnesses: Parker Douglas, Lou Ann Cooper, Douglas White, and Scott Howell.

Under oath, Parker Douglas, Office of the Attorney General, spoke in favor of the bill.

Under oath, Scott Howell spoke in favor of the bill.

Under oath, Parker Douglas answered questions.

Under oath, Lou Ann Cooper spoke in favor of the bill.

Under oath, Doug White, attorney, spoke in favor of the bill.

Chair McKell placed under oath Michele Nielson.

Under oath, Michele Nielson spoke in favor of the bill.

Joe Darger spoke in opposition to the bill.

Shirley Draper spoke in opposition to the bill.

Drew B, attorney from Spanish Fork, spoke to the bill.

Jenn Oxboro, Executive Director, Domestic Violence Coalition, spoke in opposition to the bill.

Benjamin Shaeffer, attorney, spoke in opposition to the bill.

Jessica Christensen spoke in favor of the bill.

Veronica Baker spoke in opposition to the bill.

Enoch Foster spoke in opposition to the bill.

Lillian Foster spoke in opposition to the bill.

Ann Wilde spoke in opposition to the bill.

**MOTION:** Rep. Greene moved to amend H.B. 99 with Amendment #2:

1. *Page 2, Lines 28 through 30:*

28 (2) Bigamy is a { ~~third degree felony~~ class A misdemeanor [of the  
third degree].

29 (3) It [~~shall be~~] is a defense to bigamy that the accused reasonably believed [he] the  
30 accused and the other person were legally eligible to { ~~remarry~~ marry .

**(4) Bigamy is a secondary offense and may only be prosecuted if one or more of the following is a primary charge:**

**(a) inducing marriage under false pretenses;**

**(b) fraud;**

**(c) domestic abuse;**

**(d) child abuse;**

**(e) sexual abuse; or**

**(f) human trafficking and human smuggling.**

**(5) If a person is convicted of bigamy and fraud or sexual abuse under Subsection (4), the penalty for both offenses shall be enhanced by one degree.**

Yeas:

Nays:

Abs:

**SUBSTITUTE MOTION:** Rep. Snow moved to hold H.B. 99. The motion passed with a vote of 12-0-0.

Yeas:

Nays:

Abs:

Rep. K. Coleman  
Rep. B. Cutler  
Rep. B. Greene  
Rep. K. Ivory  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

**MOTION:** Rep. Wheatley moved to adjourn. The motion passed with a vote of 12-0-0.

Yeas:

Nays:

Abs:

Rep. K. Coleman

Rep. B. Cutler

Rep. B. Greene

Rep. K. Ivory

Rep. B. King

Rep. K. Lisonbee

Rep. M. McKell

Rep. D. Pitcher

Rep. S. Pulsipher

Rep. T. Quinn

Rep. V. Snow

Rep. M. Wheatley

Chair McKell adjourned the meeting at 8:34 p.m.

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Rep Michael K McKell, Chair