

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE
STANDING COMMITTEE**

Thursday, February 9, 2017 • 3:00 p.m. • 250 State Capitol

Members Present:

Sen. Todd Weiler, Chair
Sen. Gene Davis
Sen. Luz Escamilla
Sen. Lyle W. Hillyard
President Wayne L. Niederhauser

Sen. Ralph Okerlund
Sen. Daniel W. Thatcher

Staff Present:

Mr. Gregg A. Girvan, Policy Analyst
Ms. Nancy Skidmore, Committee Secretary

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.

Chair Weiler called the meeting to order at 3:07 p.m.

MOTION: Sen. Thatcher moved to approve the minutes of the February 6, 2017 meeting.
The motion passed with a vote of 4-0-3.

Yeas:

Sen. L. Escamilla
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis
Sen. W. Niederhauser
Sen. R. Okerlund

1. S.B. 169 Judiciary Amendments (*Hillyard, L.*)

Sen. Hillyard presented the bill with the assistance of Mr. Rick Schwermer, Assistant Administrator, Utah State Office of the Courts,.

MOTION: Sen. Hillyard moved to amend S.B. 169 as follows:

1. Page 8, Lines 216 through 230:

216 (i) an order granting an expungement, if the expungement was opposed by the
217 prosecution or a victim before the order was entered.

218 { ~~(6) A notice of appeal for a hearing de novo in the district court on a
pretrial order~~

219 ~~excluding evidence under Subsection (5)(e) or (f) shall be filed within 28 days of the
order~~

220 ~~excluding the evidence.~~ }

221 [(6)] { ~~(7)~~ (6) Upon entering a decision in a hearing de novo, the district

221 court shall remand
222 the case to the justice court unless:
223 (a) the decision results in immediate dismissal of the case; or
224 (b) [~~with agreement of the parties;~~] the hearing de novo was on a pretrial order and
the
225 parties and the district court [~~consents to~~] agree to have the district court retain
jurisdiction[;]
226 ~~or~~].
227 [~~(c) the defendant enters a plea of guilty or no contest in the district court.]~~
228 [(7)] { ~~-(8)~~ (7) The district court shall retain jurisdiction over the case on
trial de novo.
229 [(8)] { ~~-(9)~~ (8) The decision of the district court is final and may not be
appealed unless the
230 district court rules on the constitutionality of a statute or ordinance.

The motion passed with a vote of 4-0-3.

Yeas:

Sen. L. Escamilla
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis
Sen. W. Niederhauser
Sen. R. Okerlund

MOTION: Sen. Hillyard moved to pass S.B. 169 out favorably. The motion passed with a vote of 4-0-3.

Yeas:

Sen. L. Escamilla
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis
Sen. W. Niederhauser
Sen. R. Okerlund

MOTION: Sen. Hillyard moved to place S.B. 169 on the Consent Calendar. The motion passed with a vote of 4-0-3.

Yeas:

Sen. L. Escamilla
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis
Sen. W. Niederhauser
Sen. R. Okerlund

2. S.B. 188 Child Support Guidelines Advisory Committee Amendments (*Hillyard, L.*)

Sen. Hillyard presented the bill with the assistance of Lisa Stockdale, Director, Office of Recovery Services.

MOTION: Sen. Hillyard moved to pass S.B. 188 out favorably. The motion passed with a vote of 4-0-3.

Yeas:

Sen. L. Escamilla
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis
Sen. W. Niederhauser
Sen. R. Okerlund

MOTION: Sen. Hillyard moved to place S.B. 188 on the Consent Calendar. The motion passed with a vote of 4-0-3.

Yeas:

Sen. L. Escamilla
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis
Sen. W. Niederhauser
Sen. R. Okerlund

3. S.B. 175 Uniform Unclaimed Property Act (*Hillyard, L.*)

Sen. Hillyard presented the bill with the assistance of David Damshen, State Treasurer and Dennis Johnston, Administrator, Unclaimed Properties.

Mr. Andrew Quist, Vice President, Associate General Counsel, Security National Financial Corporation, spoke in opposition to the bill,

Mr. George Sutton, Attorney, Utah Bankers Association, spoke in opposition to the bill.

Ms. Tanji Northrup, Assistant Commissioner, Utah Insurance Department, spoke in opposition to the bill.

Mr. Frank Pignanelli, Attorney, Utah Association of Bankers, spoke to the bill.

MOTION: President Niederhauser moved to go to the next item on the agenda. The motion passed with a vote of 7-0-0.

Yeas:

Nays:

Abs:

Sen. G. Davis
Sen. L. Escamilla
Sen. L. Hillyard
Sen. W. Niederhauser
Sen. R. Okerlund
Sen. D. Thatcher
Sen. T. Weiler

4. S.B. 167 Bail Amendments (*Adams, J. S.*)

Sen. Adams explained the bill.

Mr. Gary Walton, Owner, Beehive Bail Bonds, spoke in favor of the bill.

Mr. Rick Schwermer, Assistant Administrator, Utah State Office of the Courts, spoke in opposition to the bill.

Mr. Dominic Sanone, President, Dewey's Bail Bonds, spoke in favor of the bill.

Mr. Jeff Buhman, Utah County Attorney, spoke in opposition to the bill.

Mr. Frank Pignanelli, Attorney, Aladdin Bail Bonds, spoke in favor of the bill.

Mr. Wayne Carlos, Utah Bail Bond Association, spoke in favor of the bill.

MOTION: Sen. Okerlund moved to pass S.B. 167 out favorably. The motion passed with a vote of 5-0-2.

Yeas:

Sen. G. Davis
Sen. L. Escamilla
Sen. W. Niederhauser
Sen. R. Okerlund
Sen. T. Weiler

Nays:

Abs:

Sen. L. Hillyard
Sen. D. Thatcher

5. H.B. 77 Fifth District Court Judge (*Snow, V. L.*)

Rep. Snow presented the bill with the assistance of Mr. Rick Schwermer, Assistant Administrator, Utah State Office of the Courts.

Ms. Jackie de Gaston, spoke to the bill.

MOTION: President Niederhauser moved to pass H.B. 77 out favorably. The motion passed with a vote of 3-0-4

Yeas:

Sen. L. Escamilla
Sen. W. Niederhauser
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis
Sen. L. Hillyard
Sen. R. Okerlund
Sen. D. Thatcher

6. 1st Sub. H.B. 13 Uniform Fiduciary Access to Digital Assets Act (*Snow, V. L.*)

Rep. Snow explained the bill.

MOTION: President Niederhauser moved to pass 1st Substitute H.B. 13 out favorably. The motion passed with a vote of 3-0-4.

Yeas:

Sen. L. Escamilla
Sen. W. Niederhauser
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis
Sen. L. Hillyard
Sen. R. Okerlund
Sen. D. Thatcher

7. S.B. 185 Cause of Action for Minors Injured by Pornography (Weiler, T.)

President Niederhauser assumed the chair.

Sen. Weiler presented the bill with the assistance of Ms. Krisana Finley, Intern, Sutherland Institute.

MOTION: Sen. Weiler moved to amend S.B. 185 with Amendment #2.

1. *Page 2, Lines 51 through 55:*

51 (1) This part does not apply to an Internet service provider or interactive computer
52 service, as defined in 47 U.S.C. Sec. 230(f)(2), a provider of an electronic
 communications
53 service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information
 service,
54 or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile
 service as
55 defined in 47 U.S.C. Sec. 332(d), { ~~or~~ a cable operator as defined in 47 U.S.C.
 Sec. 522, **a satellite television provider** if:

The motion passed with a vote of 3-0-4.

Yeas:

Sen. L. Escamilla
Sen. W. Niederhauser
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis
Sen. L. Hillyard
Sen. R. Okerlund
Sen. D. Thatcher

Ms. Gayle Ruzicka, Utah Eagle Forum, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass S.B. 185 out favorably. The motion passed with a vote of 3-0-4.

Yeas:

Sen. L. Escamilla
Sen. W. Niederhauser
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis
Sen. L. Hillyard
Sen. R. Okerlund
Sen. D. Thatcher

MOTION: Sen. Weiler moved to adjourn. The motion passed with a vote of 3-0-4.

Yeas:

Sen. L. Escamilla
Sen. W. Niederhauser
Sen. T. Weiler

Nays:

Abs:

Sen. G. Davis
Sen. L. Hillyard
Sen. R. Okerlund
Sen. D. Thatcher

President Niederhauser adjourned the meeting at 5:43 p.m.

Sen. Todd Weiler, Chair