

**MINUTES OF THE
HOUSE JUDICIARY
STANDING COMMITTEE**

Friday, February 17, 2017 • 4:10 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, 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 McKell called the meeting to order at 4:11 p.m.

1. H.B. 321 Parenting Plan Amendments (*Snow, V. L.*)

Rep. V. Lowry Snow presented the bill with the assistance of Russell Manaas.

MOTION: Rep. Ivory moved to amend H.B. 321 with Amendment #2.

1. Page 3, Lines 77 through 79:

77 (c) If no education provision is included in the parent plan:

78 (i) the parent with sole physical custody { ~~may~~ shall make the decisions
listed in Subsection

79 (5)(b); or

The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Abs:

Rep. B. Greene
Rep. S. Pulsipher

MOTION: Rep. Ivory moved to amend H.B. 321 with Amendment #3.

1. *Page 3, Lines 80 through 81:*

80 (ii) in the event of joint physical custody, the parent having the child the majority of
the
81 time, pursuant to Subsection 30-3-10.3(4) { ~~may~~ **shall** make the decisions
listed in Subsection (5)(b) **, except that there is a presumption that both parents
with joint physical custody shall have access to the child during school and authority
to check the child out of school** .

The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Abs:

Rep. B. Greene
Rep. S. Pulsipher

MOTION: Rep. Ivory moved to report a favorable recommendation on H.B. 321, as amended.

The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Abs:

Rep. B. Greene
Rep. S. Pulsipher

2. S.B. 121 Adoption Act Amendments (*Hillyard, L.*)

Sen. Lyle W. Hillyard presented the bill.

MOTION: Rep. Pitcher moved to report a favorable recommendation on S.B. 121. The motion passed with a vote of 11-0-1.

Yeas:

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. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Nays:

Abs:

Rep. S. Pulsipher

MOTION: Rep. McKell moved to place S.B. 121 on the Consent Calendar.

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

Rep. Snow assumed the chair.

Rep. Kim Coleman presented the bill.

3. H.B. 284 Student Right to Active Counsel (Coleman, K.)

Jeff Lambert, Utah System of Higher Education, spoke to the bill.

Sean Hollinger spoke in favor of the bill.

MOTION: Rep. Lisonbee moved to amend H.B. 284 with Amendment #1.

1. Page 3, Line 86 through Page 4, Line 91:

86 recognition of the student organization.

87 (9) ~~(a)~~ (a) "Proceeding" means an adjudicatory meeting, whether formal or
informal.

88 including an appeal that is:

89 { ~~(i)~~ (i) required by a policy or rule; or

90 { ~~(ii)~~ (ii) held to determine whether a policy or rule has been violated.

(b) "Proceeding" does not include an adjudicatory meeting, formal or
informal, before a court.

91 (10) (a) "Student disciplinary proceeding" means a proceeding initiated by an

The motion passed with a vote of 11-0-1.

Yeas:

Nays:

Abs:

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

Rep. M. McKell

MOTION: Rep. Greene moved to report a favorable recommendation on H.B. 284, as amended.

The motion passed with a vote of 11-1-0.

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

4. H.B. 326 Campus Sexual Violence Protection Act (Coleman, K.)

Rep. Kim Coleman presented the bill.

Jeff Lambert, Utah System of Higher Education, spoke in favor of the bill.

Turner Bitton, Utah Coalition Against Sexual Assault, spoke in opposition to the bill.

MOTION: Rep. Lisonbee moved to report a favorable recommendation on H.B. 326. The motion passed with a vote of 8-2-2.

Yeas:

Rep. K. Coleman
Rep. B. Greene
Rep. K. Ivory
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. V. Snow

Nays:

Rep. B. King
Rep. M. Wheatley

Abs:

Rep. B. Cutler
Rep. T. Quinn

5. H.B. 323 Code of Criminal Procedure Amendments (Coleman, K.)

Rep. Kim Coleman presented the bill with the assistance of Mr. Steve Burton, Utah Association of Criminal Defense Lawyers.

Mr. Ryan Richards spoke to the bill.

MOTION: Rep. Pulsipher moved to amend H.B. 323 with Amendment #1.

1. *Page 2, Lines 50 through 52:*

50 (l) any offense against property described in Title 76, Chapter 6, Part 1, Property
51 Destruction, except Section 76-6-108, committed with the intent to harass or
intimidate a cohabitant, or place a
52 cohabitant in fear of serious bodily injury;

SUBSTITUTE MOTION: Rep. Ivory moved to amend H.B. 323 with Amendment #2.

1. *Page 2, Lines 50 through 52:*

50 (l) any offense against property described in Title 76, Chapter 6, Part 1, Property
51 Destruction { ~~, committed with the intent to harass or intimidate a cohabitant, or~~
~~place a~~

52 ~~cohabitant in fear of serious bodily injury~~ } ___;

The motion passed with a vote of 6-4-2.

Yeas:

Rep. K. Ivory
Rep. B. King
Rep. M. McKell
Rep. D. Pitcher
Rep. V. Snow
Rep. M. Wheatley

Nays:

Rep. K. Coleman
Rep. B. Greene
Rep. K. Lisonbee
Rep. S. Pulsipher

Abs:

Rep. B. Cutler
Rep. T. Quinn

MOTION: Rep. King moved to report a favorable recommendation on H.B. 323, as amended.

The motion passed with a vote of 9-1-2.

Yeas:

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

Nays:

Rep. B. Greene

Abs:

Rep. B. Cutler
Rep. T. Quinn

MOTION: Rep. Wheatley moved to adjourn.

The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Abs:

Rep. B. Cutler
Rep. T. Quinn

Vice Chair Snow adjourned the meeting at 7:12 p.m.

Rep. Michael K. McKell, Chair