

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE**
Wednesday , January 24, 2018 • 2:00 p.m. • 250 State Capitol

Members Present:

Sen. Todd Weiler, Chair
Sen. Gene Davis
Sen. Luz Escamilla
Sen. Lyle W. Hillyard
Sen. Daniel W. Thatcher

Members Absent:

President Wayne L. Niederhauser
Sen. Ralph Okerlund

Staff Present:

Mr. John Feinauer, Policy Analyst
Ms. Nancy Skidmore, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Weiler called the meeting to order at 2:12 p.m.

1 . S.B. 16 Public Safety Fee Revisions (Thatcher, D.)

Sen. Thatcher explained the bill with the assistance of Ms. Alice Moffat, Director, Bureau of Criminal Identification, Department of Public Safety and Mr. Joseph Brown, Division Director, Department of Public Safety

Mr. Chris Caras, Director, Drivers License Division.

Mr. Brian Judy, Utah State Liaison, Utah Rifle Association, spoke in opposition to the bill.

Mr. Randall Doyle, Board Member, Utah Shooting Sports Council, spoke in opposition to the bill.

MOTION: Sen. Davis moved to pass S.B. 16 out favorably. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

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

Nays-0

Absent-2

Sen. W. Niederhauser
Sen. R. Okerlund

2 . S.B. 25 Divorce Process Amendments (Weiler, T.)

Sen. Thatcher assumed the chair.

Sen. Weiler explained the bill with the assistance of Mr. Ray Wahl, Deputy Court Administrator and Judge Douglas B. Thomas, Seventh District Court.

Mr. Stewart Ralphs, Legal Aid Society of Salt Lake, spoke in favor of the bill.

MOTION: Sen. Hillyard moved to amend S.B. 25 with Amendment #1. The motion failed with a vote of 1 - 3 - 3 .

Amendment 1
S.B. 25

1 Page 2, Line 42

{-42-} {~~30-3-18, as last amended by Laws of Utah 2012, Chapter 404~~}

2 Page 8, Lines 215 through 217

{-215-} {~~Section 30-3-18, Waiting period for hearing after filing for divorce -- Exemption --~~

216 {~~Use of counseling and education services not to be construed as condonation or~~

217 ~~promotion.~~}

Yeas-1

Sen. L. Hillyard

Nays-3

Sen. L. Escamilla

Sen. D. Thatcher

Sen. T. Weiler

Absent-3

Sen. G. Davis

Sen. W. Niederhauser

Sen. R. Okerlund

MOTION: Chair Weiler moved to pass S.B. 25 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. L. Escamilla

Sen. L. Hillyard

Sen. D. Thatcher

Sen. T. Weiler

Nays-0

Absent-3

Sen. G. Davis

Sen. W. Niederhauser

Sen. R. Okerlund

Chair Weiler resumed the chair.

3 . S.B. 49 Special Needs Trust Amendments (*Hillyard, L.*)

Sen. Hillyard explained the bill.

MOTION: Sen. Hillyard moved to pass S.B. 49 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. L. Escamilla

Sen. L. Hillyard

Sen. D. Thatcher

Sen. T. Weiler

Nays-0

Absent-3

Sen. G. Davis

Sen. W. Niederhauser

Sen. R. Okerlund

4 . S.B. 51 Alimony Modifications (*Hillyard, L.*)

Sen. Hillyard explained the bill.

MOTION: Sen. Hillyard moved to pass S.B. 51 out favorably. The motion passed with a vote of 3 - 0 - 4 .

Yeas-3

Nays-0

Absent-4

Sen. L. Escamilla
Sen. L. Hillyard
Sen. T. Weiler

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

5 . S.B. 79 Judiciary Amendments (*Hillyard, L.*)

Sen. Hillyard explained the bill with the assistance of Ms. Jacey Skinner, Deputy Court Administrator, Utah Administrative Office of the Courts.

Mr. Will Carlson, Salt County Attorney's Office, spoke to the bill.

MOTION: Sen. Hillyard moved to pass S.B. 79 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

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

Nays-0

Absent-3

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

MOTION: Sen. Hillyard moved to reconsider action on SB 51. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

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

Nays-0

Absent-3

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

MOTION: Sen. Hillyard moved to amend S.B. 51 with Amendment #1. The motion passed with a vote of 4 - 0 - 3 .

Amendment 1
S.B. 51

1 Page 6, Lines 152 through 156

152 (10) {~~Any~~} (a) Subject to Subsection (10)(b), an order of the court that a party pay alimony to a former spouse terminates

153 upon establishment by the party paying alimony that the former spouse [~~is cohabitating~~], after

154 the order for alimony is issued, cohabits with another person, even if the former spouse is not

155 cohabiting with another person when the party paying alimony files the motion to terminate

156 alimony.

(b) A party paying alimony to a former spouse may not seek termination of alimony under Subsection (10)(a), later than one year from the day on which the party knew or should have known that the former spouse has cohabited with another person.

Yeas-4

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

Nays-0

Absent-3

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

MOTION: Sen. Hillyard moved to pass S.B. 51 as amended out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

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

Nays-0

Absent-3

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

6 . S.B. 58 Failure to Appear Amendments (*Thatcher, D.*)

Sen. Thatcher explained the bill with the assistance of Mr. Marshall Thompson, Director, Sentencing Commission.

MOTION: Sen. Thatcher moved to pass S.B. 58 out favorably. The motion passed with a vote of 3 - 0 - 4 .

Yeas-3

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

Nays-0

Absent-4

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

7 . S.B. 62 Expungement Amendments (*Weiler, T.*)

Sen. Hillyard assumed the chair.

Sen. Weiler explained the bill.

Mr. Will Carlson, Policy Adviser, Salt County Attorney's Office, spoke in opposition of the bill.

MOTION: Chair Weiler moved to amend S.B. 62 with Amendment #1. The motion passed with a vote of 4 - 0 - 3 .

Amendment 1

S.B. 62

1 Page 4, Lines 98 through 99

98 (c) if the petitioner seeks expungement after a case is dismissed without prejudice or

99 without condition, the prosecutor provided written consent and has not filed and does not intend to refile related charges;

Yeas-4

Sen. L. Escamilla

Sen. L. Hillyard

Sen. D. Thatcher

Sen. T. Weiler

Nays-0

Absent-3

Sen. G. Davis

Sen. W. Niederhauser

Sen. R. Okerlund

MOTION: Chair Weiler moved to pass S.B. 62 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. L. Escamilla

Sen. L. Hillyard

Sen. D. Thatcher

Sen. T. Weiler

Nays-0

Absent-3

Sen. G. Davis

Sen. W. Niederhauser

Sen. R. Okerlund

Chair Weiler resumed the chair.

8 . S.C.R. 1 Concurrent Resolution Recommending Replacement of Statue of Philo Farnsworth in United States Capitol (Weiler, T.)

Sen. Hillyard assumed the chair.

Sen. Weiler explained the bill.

MOTION: Chair Weiler moved to amend S.C.R. 1 with Amendment #1.

Amendment 1

S.C.R. 1

1 Page 2, Lines 56 through 57

56 WHEREAS, Dr. Cannon defeated her husband and {~~three~~} other male candidates to

57 obtain her Senate seat;

2 Page 3, Lines 60 through 62

60 WHEREAS, after Dr. Cannon retired {~~after three terms in~~} from the Legislature, {~~but~~} she continued
to

61 fight for public health improvements, women's rights, and other important public policy

62 improvements until she passed away in 1932; and

3 Page 4, Lines 99 through 101

99 {~~BE IT FURTHER RESOLVED that the Philo Farnsworth statue that is currently~~

100 {~~located in the Utah State Capitol Building be removed and placed in the Beaver County District~~}

101 ~~Courthouse located at 2270 South 525 West, Beaver, Utah 84713.~~}

Mr. George Chapman spoke in opposition to the bill.

Chair Weiler's motion to amend S.C.R. 1 with Amendment #1 passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. L. Escamilla

Sen. L. Hillyard

Sen. D. Thatcher

Sen. T. Weiler

Nays-0

Absent-3

Sen. G. Davis

Sen. W. Niederhauser

Sen. R. Okerlund

Ms. Darcy Goddard spoke in favor of the bill.

MOTION: Chair Weiler moved to pass S.C.R. 1 out favorably. The motion passed with a vote of 3 - 1 - 3 .

Yeas-3

Sen. L. Escamilla

Sen. D. Thatcher

Sen. T. Weiler

Nays-1

Sen. L. Hillyard

Absent-3

Sen. G. Davis

Sen. W. Niederhauser

Sen. R. Okerlund

Chair Weiler assumed the chair.

9 . S.B. 89 Board of Pardons Authority (Thatcher, D.)

Sen. Thatcher explained the bill.

MOTION: Sen. Thatcher moved to pass S.B. 89 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

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

Nays-0

Absent-3

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

10 . S.B. 93 Child Support Act Amendments (*Hillyard, L.*)

Sen. Hillyard explained the bill with the assistance of Liesa Stockdale, Director, Office of Recovery Services.

MOTION: Sen. Hillyard moved to pass S.B. 93 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

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

Nays-0

Absent-3

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

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

Yeas-4

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

Nays-0

Absent-3

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

Chair Weiler adjourned the meeting at 4:27 p.m.

_____ Sen. Todd Weiler, Chair