

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE**

Wednesday , January 31, 2018 • 4:00 p.m. • 20 House Building

Members Present:

Rep. Michael 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 copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair McKell called the meeting to order at 4:06 p.m.

MOTION: Rep. Quinn moved to approve the minutes of the January 25 and January 30, 2018, meetings. The motion passed with a vote of 7 - 0 - 5 .

Yeas-7

Rep. K. Coleman
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. M. Wheatley

Nays-0

Absent-5

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. D. Pitcher
Rep. V. Snow

1 . H.B. 125 Duty to Assist in an Emergency (King, B. S.)

Rep. Brian S. King explained the bill with the assistance of Dr. Amos Guiora, S.J. Quinney College of Law, University of Utah.

Ms. Kim Fischer spoke in favor of the bill.

Ms. Jenn Oxborrow, Executive Director, Utah Domestic Violence Coalition, spoke in favor of the bill.

Mr. William Carlson, Salt Lake County District Attorney's Office, answered questions and spoke to the bill.

Mr. Jack Tidrow, President, Professional Fire Fighters of Utah, spoke in favor of the bill.

Ms. Jean Hill, Catholic Diocese of Utah, spoke in favor of the bill.

MOTION: Rep. Wheatley moved to amend H.B. 125 with Amendment #1. The motion passed with a vote of 12 - 0 - 0 .

Amendment 1
H.B. 125

1 Page 2, Lines 33 through 40

33 (1) As used in this section:

34 (a) { **(i) "Assistance" means action that is reasonably likely to reduce the likelihood of an**

35 ~~{individual suffering serious bodily injury, reduce the extent to which an individual suffers}~~
36 ~~{serious bodily injury, or treat an individual who has suffered serious bodily injury;}~~
37 ~~{—}{(ii)}~~ (i) "Assistance" ~~{includes}~~ means contacting paramedics, fire protection, law enforcement, or
38 other appropriate emergency services.
39 ~~{(iii)}~~ (ii) "Assistance" does not include action that places the individual taking the action, or
40 another individual, in danger.

2 Page 2, Line 48 through Page 3, Line 59

48 (2) An individual is guilty of a class B misdemeanor if the individual:
49 (a) knows that a crime is about to be committed, is being committed, or has been
50 committed, or knows that an emergency is occurring or has occurred;
51 (b) knows that another individual has suffered serious bodily injury or is about to suffer
52 serious bodily injury resulting from the crime or emergency;
53 (c) is able to provide {reasonable} assistance to the individual described in Subsection
54 (2)(b); and
55 (d) fails to provide {reasonable} assistance to the individual described in Subsection
56 (2)(b).
57 (3) An individual is not guilty of violating Subsection (2) if another individual has
58 already provided or is providing {reasonable} assistance to the individual described in Subsection
59 (2)(b).

Yeas-12

Nays-0

Absent-0

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. Pitcher moved to report a favorable recommendation on H.B. 125, as amended. The motion passed with a vote of 9 - 3 - 0 .

Yeas-9

Nays-3

Absent-0

Rep. K. Coleman
Rep. K. Lisonbee

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

Vice Chair Snow assumed the chair.

2 . H.B. 183 Career Service Review Office Amendments (*Christensen, L.*)

Rep. LaVar Christensen explained the bill.

MOTION: Rep. Cutler moved to report a favorable recommendation on H.B. 183. The motion passed with a vote of 12 - 0 - 0 .

<u>Yeas-12</u>	<u>Nays-0</u>	<u>Absent-0</u>
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. Quinn moved to place H.B. 183 on the Consent Calendar. The motion passed with a vote of 12 - 0 - 0 .

<u>Yeas-12</u>	<u>Nays-0</u>	<u>Absent-0</u>
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

3 . H.B. 77 Criminal Code Amendments (McKell, M.)

Rep. Michael K. McKell explained the bill with the assistance of Mr. Marshall Thompson, Utah Sentencing Commission.

MOTION: Rep. Lisonbee moved to replace H.B. 77 with 1st Substitute H.B. 77. The motion passed with a vote of 11 - 0 - 1 .

Yeas-11

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

Nays-0

Absent-1

Rep. B. Greene

MOTION: Rep. Lisonbee moved to report a favorable recommendation 1st Substitute H.B. 77. The motion passed with a vote of 11 - 0 - 1 .

Yeas-11

Rep. K. Coleman
Rep. B. Cutler
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher

Nays-0

Absent-1

Rep. B. Greene

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

4 . 1st Sub. H.B. 75 Child Sexual Abuse Amendments (Nelson, M.)

Rep. Merrill F. Nelson explained the bill.

Ms. Jacey Skinner, Administrative Office of the Courts, spoke to the bill.

Ms. Diane Moore, Division of Child and Family Services, spoke to the bill.

MOTION: Rep. Cutler moved to report a favorable recommendation on 1st Substitute H.B. 75.

SUBSTITUTE MOTION: Rep. McKell moved to amend 1st Substitute H.B. 75 with Amendment #1. The Substitute motion passed with a vote of 10 - 0 - 2 .

Amendment 1
1st Sub. H.B. 75

1 Page 8, Lines 231 through 232

231 (ii) the children are related, as described in Subsection (25), including siblings by
232 {-adoption or-} marriage while the marriage exists **or by adoption** ;

Yeas-10

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

Nays-0

Absent-2

Rep. K. Coleman
Rep. B. Greene

MOTION: Rep. Cutler moved to report a favorable recommendation on 1st Substitute H.B. 75, as amended. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. B. Cutler

Nays-0

Absent-2

Rep. K. Coleman

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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. Quinn moved to adjourn. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

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

Nays-0

Absent-2

Rep. K. Coleman
Rep. B. Greene

Vice Chair Snow adjourned the meeting at 6:16 p.m.