

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

Monday , February 12, 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.

MOTION: Sen. Hillyard moved to approve the minutes of the February 8, 2018. The motion passed with a vote of 2 - 0 - 5 .

Yeas-2

Sen. L. Hillyard
Sen. T. Weiler

Nays-0

Absent-5

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

Chair Weiler called the meeting to order at 2:05 p.m.

Sen. Hillyard assumed the chair.

1 . 2nd Sub. S.B. 134 Materials Harmful to Minors Amendments (*Weiler, T.*)

MOTION: Sen. Weiler moved to amend 2nd Substitute S.B. 134 with Amendment #1. The motion passed with a vote of 2 - 0 - 5 .

Amendment 1
2nd Sub. S.B. 134

1 Page 4, Lines 103 through 107

103 ~~(b) A service provider may comply with Subsection (1)(a) by engaging a third party to~~
104 ~~provide [software, or referring users to a third party that provides filtering software, by~~
105 ~~providing a clear and conspicuous hyperlink or written statement, for installation on the~~
106 ~~consumer's computer that blocks, in an easy-to-enable and commercially reasonable manner,]~~ **, or referring a**
consumer to a third party that provides, a
107 commercially reasonable method of filtering to block the receipt of material harmful to minors.

Yeas-2

Sen. L. Hillyard
Sen. T. Weiler

Nays-0

Absent-5

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

Ms. Kira Slawson, Utah Rural Telecom Association (URTA), spoke in favor of the bill.

MOTION: Sen. Weiler moved to pass 2nd Substitute S.B. 134 out favorably. The motion passed with a vote of 3 - 0 - 4 .

Yeas-3

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

Nays-0

Absent-4

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

Sen. Weiler resumed the chair.

2 . S.J.R. 10 Joint Resolution Dissolving Newton, Amalga, and Lewiston Justice Courts (*Hillyard, L.*)

Sen. Hillyard explained the bill.

MOTION: Sen. Hillyard moved to pass S.J.R. 10 out favorably. The motion passed with a vote of 3 - 0 - 4 .

Yeas-3

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

Nays-0

Absent-4

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

MOTION: Sen. Hillyard moved to place S.J.R. 10 on the Consent Calendar. The motion passed with a vote of 3 - 0 - 4 .

Yeas-3

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

Nays-0

Absent-4

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

3 . S.B. 159 Forcible Entry and Detainer (*Dayton, M.*)

Sen. Dayton explained the bill with the assistance of Jeremy Shorts, Landlord and Tenant Attorney.

MOTION: Sen. Hillyard moved to amend S.B. 159 with Amendment #1. The motion passed with a vote of 3 - 0 - 4 .

Amendment 1

S.B. 159

1 Page 2, Lines 40 through 43

40 (b) ~~{subject to Subsection (3),}~~ by sending a copy through registered [or] mail, certified
41 mail, or an equivalent means, addressed to the tenant at the tenant's residence[or, if the tenant is
42 a commercial tenant, by sending a copy through registered or certified mail addressed to the
43 commercial tenant's], leased property, or usual place of business;

2 Page 2, Lines 57 through 58

57 ~~{(3) Service by mail under Subsection (1)(b) is complete three calendar days after~~
58 ~~{mailing;}—}~~

3 Page 3, Lines 73 through 83

73 ~~{(b) A summons requiring a response within three business days under this section may~~
74 ~~{be used with a complaint, counterclaim, third-party claim, or similar claim.}~~
75 ~~{—} {(c) The time frames provided in this section may not be expanded by including~~
76 ~~{multiple causes of action in a complaint beyond unlawful detainer.} (b) A claim for unlawful detainer~~
~~brought by counterclaim shall be served to any opposing party in accordance with Utah Rules of Civil~~
~~Procedure, and any response required shall be due within the times stated under Subsection (3)(a)~~
77 ~~{(4) {(a)} {The court may authorize service by publication [or]} {,} {mail} {, or email} {for cause}~~
78 ~~{shown.}~~
79 ~~{(5)} {(b)} {Service by publication is complete one week after publication.}~~
80 ~~{(6)} {(c)} {Service by mail is complete three} {calendar} {days after mailing.}~~
81 ~~{—} {(d) Service by email is complete upon sending.}~~
82 ~~{(7)} {(5)} {The summons shall be changed in form to conform to the time of service as}~~
83 ~~ordered, and shall be served as in other cases.}~~
~~**(4) The court may authorize alternative service pursuant to the Utah Rules of Civil Procedure.**~~

4 Page 4, Line 109

109 evidentiary hearing upon ~~{the plaintiffs}~~ request within 10 days after the day on which the

Yeas-3

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

Nays-0

Absent-4

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

Mr. Marty Blaustein, Attorney, Utah Legal Services, spoke to the bill.

Mr. Steve Erickson, Crossroads Urban Center, spoke to the bill.

MOTION: Sen. Davis moved to move to next agenda item. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

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

Nays-0

Absent-3

Sen. L. Hillyard
Sen. W. Niederhauser
Sen. R. Okerlund

4 . H.B. 81 Safety Belt Violations Amendments (McKell, M.)

Rep. McKell explained the bill.

MOTION: Sen. Thatcher moved to replace H.B. 81 with 1st Substitute H.B. 81. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

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

Nays-0

Absent-3

Sen. L. Hillyard
Sen. W. Niederhauser
Sen. R. Okerlund

MOTION: Sen. Thatcher moved to pass 1st Substitute H.B. 81 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

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

Nays-0

Absent-3

Sen. L. Hillyard
Sen. W. Niederhauser
Sen. R. Okerlund

5 . H.B. 94 Uniform Real Property Transfer on Death Act (Snow, V. L.)

Rep. Snow explained the bill.

Sen. Thatcher assumed the chair.

Mr. Greg Meisner, Attorney, Elder Law, spoke in opposition to the bill.

Sen. Weiler resumed the chair.

MOTION: Sen. Thatcher moved to pass H.B. 94 out favorably. The motion passed with a vote of 3 - 0 - 4 .

Yeas-3

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

Nays-0

Absent-4

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

6 . H.B. 152 Good Samaritan Law Amendments (*Quinn, T.*)

Rep. Quinn explained the bill.

MOTION: Sen. Thatcher moved to pass H.B. 152 out favorably. The motion passed with a vote of 3 - 0 - 4 .

Yeas-3

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

Nays-0

Absent-4

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

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

Rep. Christensen explained the bill.

MOTION: Sen. Hillyard moved to pass H.B. 183 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 place H.B. 183 on the Consent Calendar. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. L. Escamilla
Sen. L. Hillyard
Sen. D. Thatcher

Nays-0

Absent-3

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

Sen. T. Weiler

8 . 1st Sub. H.B. 86 Manslaughter Amendments (McKell, M.)

Rep. McKell explained the bill.

Mr. Rob Walton spoke in opposition to the bill.

Ms. Gail Ruzika, Utah Eagle Forum, spoke in favor of the bill.

Ms. Laura Bunker, Family Policy Resource, spoke in favor of the bill.

Ms. Lisa Watts Baskin, Attorney, spoke in favor of the bill.

Ms. Margaret Battin, Professor, University of Utah, spoke to the bill.

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

Ms. Dalane England, President, United Women's Forum, spoke in favor of the bill.

MOTION: Sen. Thatcher moved to pass 1st Substitute H.B. 86 out favorably.

SUBSTITUTE Sen. Davis moved to amend 1st Substitute H.B. 86 with Amendment #2. The Substitute motion

MOTION: failed with a vote of 2 - 2 - 3 .

Amendment 2
1st Sub. H.B. 86

1 Page 2, Line 55 through Page 3, Line 57

55 of death to the individual to whom the practitioner provides the medication or procedure . {~~3~~

56 {~~unless the practitioner intentionally and knowingly provides the medication or procedure to aid~~}

{~~—~~}57 ~~the individual to commit suicide or attempt to commit suicide.~~}

Yeas-2

Sen. D. Thatcher

Sen. T. Weiler

Nays-2

Sen. G. Davis

Sen. L. Escamilla

Absent-3

Sen. L. Hillyard

Sen. W. Niederhauser

Sen. R. Okerlund

SUBSTITUTE Sen. Davis moved to adjourn. The Substitute motion passed with a vote of 3 - 0 - 4 .

MOTION:

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Yeas-3

Sen. L. Escamilla

Sen. D. Thatcher

Sen. T. Weiler

Nays-0

Absent-4

Sen. G. Davis

Sen. L. Hillyard

Sen. W. Niederhauser

Sen. R. Okerlund

Chair Weiler adjourned the meeting at 4:01 p.m.