

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

Wednesday , February 14, 2018 • 8:00 a.m. • 250 State Capitol

Members Present:

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

Sen. Gene Davis
President Wayne L. Niederhauser
Sen. Ralph Okerlund

Staff Present:

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

Members Absent:

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 8:13 a.m.

MOTION: Sen. Thatcher moved to approve the minutes of the February 12, 2018 meeting. The motion passed with a vote of 2 - 0 - 5 .

Yeas-2

Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-5

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

1 . S.B. 20 Misdemeanor Amendments (*Thatcher, D.*)

MOTION: Sen. Thatcher moved to replace S.B. 20 with 2nd Substitute S.B. 20. The motion passed with a vote of 2 - 0 - 5 .

Yeas-2

Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-5

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

Sen. Thatcher explained the bill.

Mr. Will Carlson, Deputy District Attorney, Salt Lake County, spoke in favor of the bill.

MOTION: Sen. Thatcher moved to pass 2nd Substitute S.B. 20 out favorably. The motion passed with a vote of 2 - 0 - 5 .

Yeas-2

Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-5

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

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

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

Amendment 3 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 ~~{—} {(e) 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 timelines 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 plaintiff's}~~ request within 10 days after the day on which the

5 Page 9, Lines 250 through 258

250 (a) The tenant may be served with a declaration of abandonment that includes at least a

251 contact address for the owner , contains a brief factual basis supporting the owner's reasonable belief that
252 the presumption of abandonment under Subsection (1) has been met, and states the date and time of service
and includes the following

252 language, or language that is substantially similar: "It is believed that these premises are
253 abandoned and the owner is seeking to regain possession of the premises. If a tenant in legal
254 possession of the premises has not abandoned the premises, the tenant must dispute
255 abandonment in writing within 24 hours of service of this declaration of abandonment by
256 providing a copy to the owner at the contact address included with this declaration of
257 abandonment. If written notice is not served on the owner within 24 hours, the owner may
258 retake possession of the premises." **The 24-hour period stated in this Subsection (2)(a) does not include a**
Saturday, a Sunday, or a holiday during which the Utah state courts are closed.

6 Page 9, Lines 261 through 264

261 (c) If the tenant fails to dispute the declaration of abandonment in writing by serving
262 notice to the owner within 24 hours of being served a declaration of abandonment, **excluding a Saturday, a**
Sunday, or a holiday during which the Utah state courts are closed, the
263 declaration of abandonment serves as prima facia evidence that the tenant has vacated and
264 abandoned the premises.

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

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

MOTION: Sen. Hillyard moved to pass S.B. 159 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. Escamilla moved to adjourn. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. L. Escamilla
Sen. L. Hillyard

Nays-0

Absent-3

Sen. G. Davis
Sen. W. Niederhauser

Sen. D. Thatcher

Sen. T. Weiler

Sen. R. Okerlund

Chair Weiler adjourned the meeting at 8:41 a.m.