



AGENDA

JUDICIARY INTERIM COMMITTEE

LEGISLATURE Wednesday, May 15, 2019 | 1:15 p.m. | Room 20 House Building

1. Committee Business

- Call to order – Senator Todd Weiler, Senate Chair
- Introduction of committee members
- Approval of the minutes for the meetings on [October 17](#) and [November 14](#), 2019
- Questions regarding the Open and Public Meetings Act

15 min 2. Savely v. Utah Highway Patrol

The committee will be briefed on the Utah Supreme Court’s decision in [Savely v. Utah Highway Patrol, 2018 UT 44](#). In the decision, the Court concluded that a district court has in rem jurisdiction over any property held for forfeiture under the Forfeiture and Disposition of Property Act and that property becomes held for forfeiture, at the very least, when a seizing agency serves a notice of intent to seek forfeiture under the Act.

- Counsel for appellant
- Counsel for appellees: Office of the Utah Attorney General

3. What is “The Problem”?

At its April 17 meeting, the Legislative Management Committee assigned the Judiciary Interim Committee study items for study during the 2019 Interim. The first step in solving any problem is to understand “The Problem.” For each study item listed below, the study sponsor has been invited to explain “The Problem.” What is the nature and extent of “The Problem”? What are the causes of “The Problem”?

15 min

a. Assessment and Treatment of a Substance Use Disorder

To study prohibiting a private entity from both: 1) assessing an individual to determine if substance use disorder treatment is necessary; and 2) providing the substance use disorder treatment to the individual ([H.B. 359](#)).

- Representative Lawanna Shurtliff, study sponsor

15 min

b. Prosecutor Review Board

To study creating a prosecutor review board to investigate and report on complaints of prosecutor misconduct.

- Representative Marsha Judkins, study sponsor

15 min

c. Victim Address Confidentiality

To study creating an address confidentiality program for victims of violent crime ([H.B. 451](#)).

- Representative Stephanie Pitcher, study sponsor

15 min

d. Removal from Sex Offender Registry

To study the process for removing a non-violent offender from the sex offender registry database.

- Senator Todd Weiler, study sponsor

15 min

e. Insanity Defense

To study modifying the circumstances under which a defendant may plead not guilty to a criminal offense by reason of insanity ([H.B. 225](#)).

- Representative Carol Spackman Moss, study sponsor



- 15 min **f. Abusive ADA Lawsuits**
To study how to reduce abusive lawsuits regarding the federal Americans with Disabilities Act ([H.B. 308](#)).
 - Representative Norman K. Thurston, study sponsor

- 15 min **g. Penalties for Not Paying Child Support**
To study the appropriate criminal and civil penalties for a parent not paying child support ([H.B. 450](#)).
 - Representative Karianne Lisonbee, study sponsor

- 10 min **4. 2019 Interim Study Items**
At its April 17 meeting, the Legislative Management Committee (LMC) assigned the Judiciary Interim Committee study items for study during the 2019 Interim. The Legislature's Joint Rule 7-1-401, enacted by 2019 General Session [H.J.R. 11](#), requires each interim committee study issues assigned by the LMC. The rule also provides that each interim committee, during its first meeting of each calendar year:
 - shall review the committee's study items assigned by the LMC;
 - may, by majority vote, modify or add to the study items assigned by LMC, provided any modification or addition is within the interim committee's subject area; and
 - shall adopt the study items assigned by LMC, with any modifications or additions, by majority vote.
 - Committee Chairs

- 5 min **5. Reports to the Judiciary Interim Committee**
The committee will discuss which reports described in statute will be received by the committee.
 - Committee Chairs

- 10 min **6. Lawsuits that Challenge the Constitutionality of State Law**
Utah Code § [67-5-1](#) requires the Office of the Utah Attorney General to prepare a written report on the status and progress of any lawsuits that challenge the constitutionality of state law.
 - Office of the Utah Attorney General

7. Other Items/Adjourn