



MINUTES

HOUSE JUDICIARY STANDING COMMITTEE

LEGISLATURE

Wednesday, February 19, 2020 | 8:00 a.m. | 20 House Building

Members Present:

Rep. Karianne Lisonbee, Chair
Rep. Craig Hall, Vice Chair
Rep. Cheryl K. Acton
Rep. Brady Brammer
Rep. Jon Hawkins
Rep. Eric K. Hutchings
Rep. Brian S. King

Rep. Stephanie Pitcher
Rep. Travis M. Seegmiller
Rep. V. Lowry Snow
Rep. Steve Waldrip
Rep. Mark A. Wheatley

Staff Present:

Joseph T. Wade, Policy Analyst
Christopher Vizcardo, Committee Secretary

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

Acting Chair Snow called the meeting to order at 8:09 a.m.

MOTION: Rep. Brammer moved to approve the minutes of the February 14, 2020, meeting. The motion passed with a vote of 6 - 0 - 6.

Yeas-6

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-6

Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. S. Waldrip

1 . 2nd Sub. H.B. 262 Juvenile Delinquency Amendments (Hall, C.)

Rep. Hall presented the bill with support from Brett Peterson, Division of Juvenile Justice Services, Department of Human Services (DHS).

Chair Lisonbee assumed the chair.

Will Carlson, Salt Lake County District Attorney's Office, spoke in favor of the bill.

MOTION: Rep. Hawkins moved to amend 2nd Substitute H.B. 262 with Amendment #1. The motion passed with a vote of 8 - 0 - 4.

Amendment 1
2nd Sub. H.B. 262

1. Page 26, Line 797 through Page 27, Line 810:

797 ~~(10) (a) The court's probation department may not predicate acceptance of an offer of a~~
798 ~~nonjudicial adjustment on an admission of guilt.~~

799 ~~[(iv)] (b) [A minor may not be denied] The court's probation department may not deny~~
800 ~~a minor an offer of nonjudicial adjustment due to [an] a minor's inability to pay a financial~~
801 ~~penalty under Subsection [(2)(e)] (8).~~

802 ~~(c) The court's probation department shall base a fee, fine, or the restitution for a~~
803 ~~nonjudicial adjustment under Subsection (8) upon the ability of the minor's family to pay as~~
804 ~~determined by a statewide sliding scale developed in accordance with Section 63M-7-208 on or~~
805 ~~after July 1, 2018.~~

806 ~~[(v) Efforts to effect a] (d) A nonjudicial adjustment may not extend for [a period of]~~
807 ~~more than 90 days [without leave of a judge of the court, who may extend the period], unless a~~

808 juvenile court judge extends the nonjudicial adjustment for an additional 90 days.
(e) (i) Notwithstanding Subsection (10)(d), a juvenile court judge may extend a nonjudicial adjustment beyond the 180 days permitted under Subsection (10)(d) for a minor who is offered a nonjudicial adjustment under Subsection (7)(b) for a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, or is referred under Subsection (11)(b)(ii) for a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, that the minor committed before the minor was 12 years old, if the judge determines that:
(A) the nonjudicial adjustment requires specific treatment for the sexual offense;
(B) the treatment cannot be completed within 180 days after the day on which the minor entered into the nonjudicial adjustment; and
(C) the treatment is necessary based on a clinical assessment that is developmentally appropriate for the minor.
(ii) If a juvenile court judge extends a minor's nonjudicial adjustment under Subsection (10)(e)(i), the judge may extend the nonjudicial adjustment until the minor completes the treatment under this Subsection (10)(e), but the judge may only grant each extension for 90 days at a time.

809 ~~{(e)}~~ (f) If a minor violates Section 76-10-105, the minor may be required to pay a fine or
 810 penalty and participate in a court-approved tobacco education program with a participation fee.

Yeas-8
 Rep. C. Acton
 Rep. B. Brammer
 Rep. C. Hall
 Rep. J. Hawkins
 Rep. K. Lisonbee
 Rep. V. Snow
 Rep. S. Waldrip
 Rep. M. Wheatley

Nays-0

Absent-4
 Rep. E. Hutchings
 Rep. B. King
 Rep. S. Pitcher
 Rep. T. Seegmiller

MOTION: Rep. Hawkins moved to favorably recommend 2nd Substitute H.B. 262, as amended. The motion passed with a vote of 8 - 0 - 4.

Yeas-8
 Rep. C. Acton
 Rep. B. Brammer
 Rep. C. Hall
 Rep. J. Hawkins
 Rep. K. Lisonbee
 Rep. V. Snow
 Rep. S. Waldrip
 Rep. M. Wheatley

Nays-0

Absent-4
 Rep. E. Hutchings
 Rep. B. King
 Rep. S. Pitcher
 Rep. T. Seegmiller

2 . H.B. 300 Justice Court Jurisdiction Amendments (Stratton, K.)

Rep. Stratton presented the bill with support from David O. Leavitt, Utah County Attorney.

[2a\) HB 300 - Justice Court Jurisdiction Amendments Handout](#)

[2b\) HB 300 Presentation to 2020 House Judiciary Committee](#)

Michael Drechsel, Assistant State Court Administrator, Administrative Office of the Courts, spoke to the bill.

Victoria Ashby, Utah League of Cities and Towns, spoke against the bill.

MOTION: Rep. Snow moved to hold H.B. 300. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip

Nays-0

Absent-3

Rep. E. Hutchings
Rep. B. King
Rep. M. Wheatley

3 . S.B. 66 Court Resources Reallocation Amendments (Weiler, T.)

Sen. Weiler presented the bill.

Michael Drechsel, Assistant State Court Administrator, Administrative Office of the Courts, spoke in favor of the bill.

MOTION: Rep. Brammer moved to favorably recommend S.B. 66. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip

Nays-0

Absent-3

Rep. E. Hutchings
Rep. B. King
Rep. M. Wheatley

4 . H.B. 276 Administrative Garnishment Order Amendments (Miles, K.)

Rep. Miles presented the bill with support from Cory Weeks, Department of Administrative Services.

MOTION: Rep. Waldrip moved to favorably recommend H.B. 276. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip

Nays-0

Absent-1

Rep. M. Wheatley

MOTION: Rep. Waldrip moved to place H.B. 276 on the Consent Calendar. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip

Nays-0

Absent-1

Rep. M. Wheatley

MOTION: Rep. Brammer moved to recess for five minutes. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip

Nays-0

Absent-1

Rep. M. Wheatley

Chair Lisonbee reconvened the meeting.

5 . H.B. 146 Driver License Suspension Amendments (Maloy, A.C.)

Rep. Maloy presented the bill with support from Molly Davis, Policy Analyst, Libertas Institute.

Mark Moffat, criminal defense attorney, spoke in favor of the bill.

Jason Groth, ACLU of Utah, spoke in favor of the bill.

Cory Weeks, Department of Administrative Services, spoke to the bill.

Chris Caras, Director of the Driver License Division, Department of Public Safety, spoke to the bill.

MOTION: Rep. Seegmiller moved to hold H.B. 146. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-1

Rep. C. Acton

MOTION: Rep. Hawkins moved to adjourn. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

- Rep. B. Brammer
- Rep. C. Hall
- Rep. J. Hawkins
- Rep. E. Hutchings
- Rep. B. King
- Rep. K. Lisonbee
- Rep. S. Pitcher
- Rep. T. Seegmiller
- Rep. V. Snow
- Rep. S. Waldrip
- Rep. M. Wheatley

Nays-0

Absent-1

- Rep. C. Acton

Chair Lisonbee adjourned the meeting at 9:57 a.m.