



# MINUTES

## HOUSE JUDICIARY STANDING COMMITTEE

LEGISLATURE

Friday, March 6, 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](http://www.le.utah.gov).

Chair Lisonbee called the meeting to order at 8:12 a.m.

**MOTION:** Rep. Brammer moved to approve the minutes of the March 4, 2020, meeting. 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. E. Hutchings  
Rep. B. King  
Rep. K. Lisonbee  
Rep. V. Snow  
Rep. S. Waldrip

Nays-0

Absent-3

Rep. S. Pitcher  
Rep. T. Seegmiller  
Rep. M. Wheatley

**1 . H.B. 303 Diversion Fees Amendments (Stoddard, A.)**

Rep. Stoddard presented the bill.

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

**MOTION:** Rep. King moved to replace H.B. 303 with 2nd Substitute H.B. 303. The motion passed with a vote of 10 - 0 - 2.

Yeas-10

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. V. Snow  
Rep. S. Waldrip

Nays-0

Absent-2

Rep. T. Seegmiller  
Rep. M. Wheatley

**MOTION:** Rep. King moved to favorably recommend 2nd Substitute H.B. 303. The motion passed with a vote of 10 - 0 - 2.

Yeas-10

- 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. V. Snow
- Rep. S. Waldrip

Nays-0

Absent-2

- Rep. T. Seegmiller
- Rep. M. Wheatley

**2 . H.B. 324 Conviction Integrity Units (Judkins, M.)**

Rep. Judkins presented the bill with support from Darcy Goddard, Chief Policy Advisor for the Salt Lake County District Attorney's Office.

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

Andrew Peterson, Post Conviction and Habeas Unit Section Director, Office of the Utah Attorney General, spoke against the bill.

Jason Groth, Smart Justice Coordinator for the American Civil Liberties Union of Utah, spoke in favor of the bill.

Kim Cordova, Executive Director of the Commission on Criminal & Juvenile Justice, spoke in favor of the bill.

Marshall Thompson, Director of the Utah Sentencing Commission, spoke in favor of the bill.

**MOTION:** Rep. Hawkins moved to replace H.B. 324 with 2nd Substitute H.B. 324. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

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

Nays-0

Absent-3

- Rep. B. Brammer
- Rep. E. Hutchings
- Rep. M. Wheatley

**MOTION:** Rep. King moved to amend 2nd Substitute H.B. 324 with Amendment #2. The motion passed with a vote of 10 - 0 - 2.

Amendment 2  
2nd Sub. H.B. 324

1. Page 5, Line 148 through Page 6, Line 151:

148 (b) notify the victim or the victim's representative, if any, in writing, that a petition has  
149 been filed, provide the victim or the victim's representative, if any, with a copy of the petition  
150 and all other documents filed in support, and advise the victim or the victim's representative of  
151 the victim's right to be heard by the court under Subsection ~~{(12)}~~ (13); and

2. Page 6, Lines 162 through 164:

162 (c) the Office of the Attorney General reasonably believes the relief requested by the

163 petitioning prosecutor would be barred if the petition were filed or the relief were requested  
164 directly by the convicted person under { Subsection (3) } Part 1, General Provisions .

Yeas-10

Rep. C. Acton  
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-2

Rep. B. Brammer  
Rep. M. Wheatley

**MOTION:** Rep. King moved to favorably recommend 2nd Substitute H.B. 324, as amended. The motion passed with a vote of 9 - 3 - 0.

Yeas-9

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

Nays-3

Rep. C. Acton  
Rep. B. Brammer  
Rep. K. Lisonbee

Absent-0

Andrew Peterson, Post Conviction and Habeas Unit Section Director, Office of the Utah Attorney General, answered questions.

**3 . H.B. 435 Crime Victim Reparations and Assistance Board Amendments (King, B. S.)**

Rep. King presented the bill with support from Gary Scheller, Utah Office for Victims of Crime.

**MOTION:** Rep. Brammer moved to favorably recommend H.B. 435. The motion passed with a vote of 8 - 0 - 4.

Yeas-8

Rep. C. Acton  
Rep. B. Brammer  
Rep. C. Hall  
Rep. B. King  
Rep. K. Lisonbee  
Rep. T. Seegmiller  
Rep. V. Snow  
Rep. M. Wheatley

Nays-0

Absent-4

Rep. J. Hawkins  
Rep. E. Hutchings  
Rep. S. Pitcher  
Rep. S. Waldrip

**4 . H.B. 439 Postconviction Remedies Amendments (Brammer, B.)**

Rep. Brammer presented the bill.

Mark Moffat, defense attorney, spoke to the bill.

Kim Cordova, Executive Director of the Commission on Criminal & Juvenile Justice, spoke to the bill.

**MOTION:** Vice Chair Hall moved to hold H.B. 439. 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. B. King  
Rep. K. Lisonbee  
Rep. T. Seegmiller  
Rep. V. Snow  
Rep. M. Wheatley

Nays-0

Absent-3

Rep. E. Hutchings  
Rep. S. Pitcher  
Rep. S. Waldrip

**5 . H.J.R. 23 Joint Resolution Amending Rules of Civil Procedure on Expert Witnesses (McKell, M.)**

Rep. McKell presented the bill.

Aaron Wilde, Utah Association for Justice, spoke in favor of the bill.

Mark Brinton, General Counsel for the Utah Medical Association, spoke in favor of the bill.

**MOTION:** Rep. Brammer moved to amend H.J.R. 23 with Amendment #1. The motion passed with a vote of 9 - 0 - 3.

Amendment 1  
H.J.R. 23

1. Page 5, Lines 125 through 127:

125 witness is expected to testify in accordance with the deadlines set forth in paragraph (a)(4)(C).

126 A deposition of such a witness may not exceed four hours and , unless manifest injustice would result, the party taking the deposition

127 shall pay the expert's reasonable hourly fees for attendance at the deposition.

Yeas-9

Rep. C. Acton  
Rep. B. Brammer  
Rep. C. Hall  
Rep. J. Hawkins  
Rep. B. King  
Rep. K. Lisonbee  
Rep. T. Seegmiller  
Rep. V. Snow  
Rep. M. Wheatley

Nays-0

Absent-3

Rep. E. Hutchings  
Rep. S. Pitcher  
Rep. S. Waldrip

**MOTION:** Rep. Brammer moved to favorably recommend H.J.R. 23, as amended. 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. B. King  
Rep. K. Lisonbee  
Rep. T. Seegmiller  
Rep. V. Snow  
Rep. M. Wheatley

Nays-0

Absent-3

Rep. E. Hutchings  
Rep. S. Pitcher  
Rep. S. Waldrip

**MOTION:** Rep. Brammer moved to adjourn. 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. B. King
- Rep. K. Lisonbee
- Rep. T. Seegmiller
- Rep. V. Snow
- Rep. M. Wheatley

Nays-0

Absent-3

- Rep. E. Hutchings
- Rep. S. Pitcher
- Rep. S. Waldrip

Chair Lisonbee adjourned the meeting at 9:34 a.m.