



# MINUTES

## HOUSE JUDICIARY STANDING COMMITTEE

LEGISLATURE

Monday, March 9, 2020 | 10:00 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. V. Lowry Snow  
Rep. Steve Waldrip  
Rep. Mark A. Wheatley

**Members Absent:**

Rep. Travis M. Seegmiller

**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).

Vice Chair Hall called the meeting to order at 10:07 a.m.

**MOTION:** Rep. Brammer moved to approve the minutes of the March 6, 2020, meeting. 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. E. Hutchings  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. Wheatley

Nays-0

Absent-4

Rep. S. Pitcher  
Rep. T. Seegmiller  
Rep. V. Snow  
Rep. S. Waldrip

**1 . S.B. 132 Uniform Foreign-country Money Judgment Recognition Act (Hillyard, L.)**

Sen. Hillyard presented the bill.

**MOTION:** Rep. King moved to favorably recommend S.B. 132. The motion passed with a vote of 8 - 0 - 4.

Yeas-8

Rep. C. Acton  
Rep. B. Brammer  
Rep. C. Hall  
Rep. E. Hutchings  
Rep. B. King  
Rep. K. Lisonbee  
Rep. V. Snow  
Rep. M. Wheatley

Nays-0

Absent-4

Rep. J. Hawkins  
Rep. S. Pitcher  
Rep. T. Seegmiller  
Rep. S. Waldrip

**2 . 1st Sub. S.B. 170 Indigent Defense Amendments (Weiler, T.)**

Sen. Weiler presented the bill.

[2a\) Common Provisions of SB 139, SB 170, and SB 175](#)

Joanna Landau, Director of the Utah Indigent Defense Commission, spoke in favor of the bill.

**MOTION:** Rep. Hutchings moved to favorably recommend 1st Substitute S.B. 170. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton  
Rep. B. Brammer  
Rep. C. Hall  
Rep. E. Hutchings  
Rep. B. King  
Rep. K. Lisonbee  
Rep. V. Snow  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-0

Absent-3

Rep. J. Hawkins  
Rep. S. Pitcher  
Rep. T. Seegmiller

**3 . 2nd Sub. S.B. 175 Defense Contracts Amendments (Harper, W.)**

Sen. Harper presented the bill with support from Joanna Landau, Director of the Utah Indigent Defense Commission.

**MOTION:** Rep. Acton moved to favorably recommend 2nd Substitute S.B. 175. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton  
Rep. B. Brammer  
Rep. C. Hall  
Rep. E. Hutchings  
Rep. B. King  
Rep. K. Lisonbee  
Rep. V. Snow  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-0

Absent-3

Rep. J. Hawkins  
Rep. S. Pitcher  
Rep. T. Seegmiller

**4 . S.B. 139 Amendments to Indigent Defense (Okerlund, R.)**

[3a\) SB 139 Infographic](#)

Sen. Okerlund presented the bill with support from Kim Cordova, Executive Director of the Commission on Criminal & Juvenile Justice.

**MOTION:** Rep. Brammer moved to replace S.B. 139 with 1st Substitute S.B. 139. 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. B. King  
Rep. K. Lisonbee  
Rep. S. Pitcher  
Rep. V. Snow  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-0

Absent-2

Rep. E. Hutchings  
Rep. T. Seegmiller

MOTION: Rep. Brammer moved to amend 1st Substitute S.B. 139 with Amendment #1. The motion passed with a vote of 10 - 0 - 2.

Amendment 1
1st Sub. S.B. 139

1. Page 6, Lines 156 through 169:

- 156 (1) A court shall advise the following of the individual's right to counsel when the
157 individual first appears before the court:
158 (a) an adult charged with a criminal offense the penalty for which includes the
159 possibility of incarceration regardless of whether actually imposed;
160 (b) a parent or legal guardian facing [any] an action initiated by the state under:
161 (i) Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings;
162 (ii) Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act; or
163 (iii) Title 78A, Chapter 6, Part 10, Adult Offenses; [or]
164 [(iv) Section 78B-6-112; or]
165 (c) a parent or legal guardian facing an action initiated by {a private} any party under:
166 (i) Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act; or
167 (ii) Section 78B-6-112; or
168 [(e)] (d) an individual described in this Subsection (1), who is appealing [a first appeal
169 from] a conviction or other final court action.

2. Page 15, Lines 453 through 454:

453 (1) (a) "Appellate defense services" means the representation of an indigent individual
454 facing an appeal under Section 77-18a-1.

(b) "Appellate defense services" does not include the representation of an indigent individual facing an appeal in a case where the indigent individual was prosecuted for aggravated murder in a county participating in the Indigent Aggravated Murder Defense Trust Fund created in Section 78B-22-701.

Yeas-10

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

Nays-0

Absent-2

- Rep. E. Hutchings
Rep. T. Seegmiller

MOTION: Rep. Brammer moved to favorably recommend 1st Substitute S.B. 139, as amended. 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. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-2

- Rep. E. Hutchings
Rep. T. Seegmiller

5 . S.B. 76 Governmental Immunity Revisions (Weiler, T.)

Sen. Weiler presented the bill.

**MOTION:** Rep. King moved to amend S.B. 76 with Amendment #2. The motion passed with a vote of 7 - 1 - 4.  
Amendment 2  
S.B. 76

1. Page 10, Lines 286 through 288:  
286 ~~{(5) A party to an action under this chapter may not waive immunity from suit and may~~  
287 ~~not be determined to have waived immunity from suit unless immunity from suit is waived~~  
288 ~~under a provision of this chapter.}~~

Yeas-7  
Rep. C. Acton  
Rep. C. Hall  
Rep. J. Hawkins  
Rep. B. King  
Rep. K. Lisonbee  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-1  
Rep. B. Brammer

Absent-4  
Rep. E. Hutchings  
Rep. S. Pitcher  
Rep. T. Seegmiller  
Rep. V. Snow

**MOTION:** Rep. Lisonbee moved to amend S.B. 76 with Amendment #1. The motion passed with a vote of 8 - 0 - 4.  
Amendment 1  
S.B. 76

1. Page 4, Line 90:  
90 hospital, college, {+}university,{+} [Children's Justice Center,] or other instrumentality of the state[-];

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

Nays-0

Absent-4  
Rep. E. Hutchings  
Rep. S. Pitcher  
Rep. T. Seegmiller  
Rep. V. Snow

**MOTION:** Rep. Lisonbee moved to favorably recommend S.B. 76, 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. S. Pitcher  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-0

Absent-3  
Rep. E. Hutchings  
Rep. T. Seegmiller  
Rep. V. Snow

**6 . S.B. 167 Judiciary Amendments (Weiler, T.)**

Sen. Weiler presented the bill.

**MOTION:** Rep. Brammer moved to favorably recommend S.B. 167. 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. S. Pitcher  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-0

Absent-3

Rep. E. Hutchings  
Rep. T. Seegmiller  
Rep. V. Snow

**7 . S.B. 208 Liability for Providing Services to Disabled Adults (Weiler, T.)**

Sen. Weiler presented the bill with support from Marc Christensen, CEO of Chrysalis, Inc.

**MOTION:** Rep. Brammer moved to hold S.B. 208.

**SUBSTITUTE MOTION:** Rep. Waldrip moved to favorably recommend S.B. 208. The substitute motion failed with a vote of 4 - 5 - 3.

Yeas-4

Rep. C. Hall  
Rep. K. Lisonbee  
Rep. V. Snow  
Rep. S. Waldrip

Nays-5

Rep. C. Acton  
Rep. B. Brammer  
Rep. J. Hawkins  
Rep. B. King  
Rep. M. Wheatley

Absent-3

Rep. E. Hutchings  
Rep. S. Pitcher  
Rep. T. Seegmiller

Rep. Brammer withdrew the motion to hold S.B. 208.

**8 . S.B. 188 Plea in Abeyance Amendments (Thatcher, D.)**

Sen. Thatcher presented the bill.

**MOTION:** Rep. Snow moved to favorably recommend S.B. 188. 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. V. Snow  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-0

Absent-3

Rep. E. Hutchings  
Rep. S. Pitcher  
Rep. T. Seegmiller

**9 . 2nd Sub. S.B. 206 Judicial Election Amendments (McCay, D.)**

Sen. McCay presented the bill.

Sen. Todd Weiler spoke in favor of the bill.

David Roth, retired 2nd District Court judge, and Commission Chair, Utah Judicial Performance Evaluation Commission, spoke in favor of the bill.

Ricky Hatch, Chair of the County Clerk's Legislative Policy Committee, and President of the Utah Association of Counties, spoke against the bill.

**MOTION:** Rep. Acton moved to favorably recommend 2nd Substitute S.B. 206.

**MOTION:** Rep. Brammer moved to amend 2nd Substitute S.B. 206 by adding the letters "www." at the beginning of the word "judges.utah.gov" on line 169.

Rep. Brammer withdrew his motion to amend S.B. 206.

Rep. Acton's motion to favorably recommend 2nd Substitute S.B. 206 passed with a vote of 10 - 1 - 1.

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-1

Rep. M. Wheatley

Absent-1

Rep. T. Seegmiller

**10 . 1st Sub. S.B. 197 Consanguinity Amendments (Mayne, K.)**

Sen. Mayne presented the bill with support from Will Carlson, Salt Lake County District Attorney's Office.

**MOTION:** Rep. Snow moved to favorably recommend 1st Substitute S.B. 197. 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. S. Pitcher  
Rep. V. Snow  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-0

Absent-2

Rep. K. Lisonbee  
Rep. T. Seegmiller

**MOTION:** Rep. Hawkins moved to adjourn. 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. S. Pitcher  
Rep. V. Snow  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-0

Absent-2

Rep. K. Lisonbee  
Rep. T. Seegmiller

Vice Chair Hall adjourned the meeting at 11:46 a.m.