



MINUTES

HOUSE JUDICIARY STANDING COMMITTEE

LEGISLATURE

Wednesday, January 27, 2021 | 2:00 p.m. | 2110 State Office Building

Members Present:

Rep. Karianne Lisonbee, Chair
Rep. Nelson T. Abbott
Rep. Cheryl K. Acton
Rep. Kera Birkeland
Rep. Brady Brammer
Rep. Craig Hall
Rep. Brian S. King
Rep. Stephanie Pitcher

Rep. Travis M. Seegmiller
Rep. V. Lowry Snow

Members Absent:

Rep. Jon Hawkins, Vice Chair
Rep. Mark A. Wheatley

Staff Present:

Kristina King, Policy Analyst
Jordan Gage, Committee Secretary

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

Chair Lisonbee called the meeting to order at 2:00 p.m.

MOTION: Rep. Abbott moved to approve the minutes. The motion passed with a vote of 6 - 0 - 6.

Yeas-6

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. K. Lisonbee

Nays-0

Absent-6

Rep. J. Hawkins
Rep. B. King
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. M. Wheatley

1 . H.B. 67 Juvenile Sentencing Amendments (Hall, C.)

Rep. Hall presented the bill with the assistance of Jenny Brotherson, private citizen and Monica Diaz, Director, Sentencing Commission, Utah Commission on Criminal and Juvenile Justice.

Committee discussion took place on the bill.

Brett Peterson, Director, Juvenile Justice Services, Utah Department of Human Services, spoke in favor of the bill.

MOTION: Rep. Snow moved to pass H.B. 67 out favorably. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow

Nays-0

Absent-3

Rep. J. Hawkins
Rep. T. Seegmiller
Rep. M. Wheatley

2 . H.B. 88 Diversion Fees Amendments (Stoddard, A.)

Rep. Stoddard presented the bill.

Committee discussion took place on the bill.

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

Richard Mauro, Executive Director, Salt Lake Legal Defender Association, spoke in favor of the bill.

MOTION: Rep. Abbott moved to pass H.B. 88 out favorably. The motion passed with a vote of 8 - 0 - 4.

Yeas-8

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow

Nays-0

Absent-4

Rep. C. Hall
Rep. J. Hawkins
Rep. T. Seegmiller
Rep. M. Wheatley

3 . H.B. 100 Postconviction Remedies Act Amendments (*Brammer, B.*)

Rep. Brammer presented the bill with the assistance of Andrew Peterson, Section Director, Post Conviction Section, Utah Office of the Attorney General.

Committee discussion took place on the bill.

Alex Vaz, private citizen, spoke to the bill.

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

MOTION: Rep. Abbott moved to pass H.B. 100 out favorably. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow

Nays-0

Absent-3

Rep. J. Hawkins
Rep. S. Pitcher
Rep. M. Wheatley

4 . H.B. 113 Shared Medical Costs (*Brammer, B.*)

Rep. Brammer presented the bill.

Committee discussion took place on the bill.

Linda Donaldson, private citizen, spoke to the bill.

MOTION: Rep. Abbott moved to replace H.B. 113 with 2nd Substitute H.B. 113. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow

Nays-0

Absent-3

Rep. J. Hawkins
Rep. S. Pitcher
Rep. M. Wheatley

MOTION: Rep. Abbott moved to amend 2nd Substitute H.B. 113 with Amendment #2. The motion passed with a vote of 9 - 0 - 3.

Amendment 2
2nd Sub. H.B. 0113

1. Page 6, Lines 150 through 151:
150 78B-12-113.

(7) Nothing in this section or Section 78B-12-212.1 requires a person to separately bill an unmarried father for pregnancy expenses.

151 Section 3. Section 78B-12-212.1 is enacted to read:

Yeas-9

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow

Nays-0

Absent-3

Rep. J. Hawkins
Rep. S. Pitcher
Rep. M. Wheatley

MOTION: Rep. Abbott moved to amend 2nd Substitute H.B. 113 with Amendment #3. The motion passed with a vote of 9 - 0 - 3.

Amendment 3
2nd Sub. H.B. 113

1. Page 1, Line 13:

13 requires ~~{an unmarried}~~ a biological father to pay 50% of a mother's:

2. Page 5, Lines 129 through 130:

129 78B-12-105.1. Duty of ~~{unmarried}~~ biological father to share pregnancy expenses.

130 (1) Except as otherwise provided in this section, ~~{an unmarried}~~ a biological father of a child has a

3. Page 5, Lines 132 through 134:

132 (2) (a) If paternity is disputed, ~~{an unmarried}~~ a biological father owes no duty under this section

133 until the ~~{unmarried}~~ biological father's paternity is established.

134 (b) Once paternity is established, the ~~{unmarried}~~ biological father is subject to Subsection (1).

4. Page 5, Line 136:

136 ~~{unmarried}~~ biological father reduces that parent's 50% share under Subsection (1), not the total amount of

5. Page 5, Line 138:

138 (b) Subsection (3)(a) applies regardless of when the mother or ~~{unmarried}~~ biological father pays

6. Page 5, Line 141:

141 ~~{unmarried}~~ biological father's consent, the ~~{unmarried}~~ biological father owes no duty under this section, unless:

Yeas-9

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow

Nays-0

Absent-3

Rep. J. Hawkins
Rep. S. Pitcher
Rep. M. Wheatley

MOTION: Rep. Abbott moved to pass 2nd Substitute H.B. 113 out favorably. The motion passed with a vote of 8 - 1 - 3.

Yeas-8

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow

Nays-1

Rep. B. King

Absent-3

Rep. J. Hawkins
Rep. S. Pitcher
Rep. M. Wheatley

Chair Lisonbee announced that, at the request of Rep. Judkins, HB158 would not be heard at this meeting.

5 . H.B. 201 Tolling Amendments (Abbott, N.)

Rep. Abbott presented the bill.

Committee discussion took place on the bill.

Steve Sullivan, attorney, Utah Association for Justice, spoke in favor of the bill.

MOTION: Rep. Brammer moved to amend H.B. 201 with Amendment #1. The motion passed with a vote of 9 - 0 - 3.

Amendment 1
H.B. 201

1. Page 2, Lines 35 through 38:

35 (3) A cause of action under this section includes any claim:

36 (a) for general or special damages; or

37 (b) for which a parent or legal guardian of an individual described in Subsection (1) may be

38 financially responsible for the payment of general or special damages.

Yeas-9

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow

Nays-0

Absent-3

Rep. J. Hawkins
Rep. S. Pitcher
Rep. M. Wheatley

MOTION: Rep. Snow moved to pass H.B. 201 out favorably. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow

Nays-0

Absent-3

Rep. J. Hawkins
Rep. S. Pitcher
Rep. M. Wheatley

MOTION: Rep. Brammer moved to adjourn. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow

Nays-0

Absent-3

Rep. J. Hawkins
Rep. S. Pitcher
Rep. M. Wheatley

Chair Lisonbee adjourned the meeting at 3:44 p.m.