

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room 223 - State Capitol Building**

**Revised Minutes**

January 23, 2003

**MEMBERS PRESENT:** Rep. Ben C. Ferry, Chair  
Rep. J. Stuart Adams, Vice Chair  
Rep. Chad E. Bennion  
Rep. Katherine M. Bryson  
Rep. Greg J. Curtis  
Rep. Scott Daniels  
Rep. Neal B. Hendrickson  
Rep. Eric K. Hutchings  
Rep. M. Susan Lawrence  
Rep. Dana C. Love  
Rep. Rosalind J. McGee  
Rep. J. Morgan Philpot  
Rep. Mike Thompson

**MEMBERS ABSENT:** None

**STAFF:** Jerry D. Howe, Research Analyst  
Cherri White, Committee Secretary

**VISITORS:** List of visitors on file

Representative Adams called the meeting to order at 3:10 p.m.

**MOTION:** Representative McGee moved to approve the minutes. The motion passed unanimously with Representatives Bryson, Curtis, Hutchings, and Thompson absent for the vote.

**H.B. 9 Competency to Stand Trial Amendments (*S. Daniels*)**

Representative Daniels introduced the bill. (See handout on file)

Speaking in favor of the bill was Polly Samuels, Attorney General's Office. Speaking in opposition to the bill was Richard Mauro, Utah Association of Criminal Defense Lawyers.

**MOTION:** Representative Philpot moved to pass the bill out favorably. The motion passed unanimously with Representatives Bennion, Bryson, Hutchings, and Thompson absent for the vote.

**H.B. 8 Seat Belt Enforcement Provisions (C. Moss)**

This bill was introduced in committee on January 21, 2003. The sponsor completed presentation of information to the committee, and was assisted in addressing questions from the committee by Paul Boyden, Statewide Association of Prosecutors.

Speaking in favor of the bill and addressing questions from the committee was Lee Perry, Utah Highway Patrol, and Rolayn Fairclough, AAA of Utah.

**MOTION:** Representative Hendrickson moved to pass the bill out favorably.

**SUBSTITUTE**

**MOTION:** Representative Bennion moved to amend:

1. Page 1, Line 5: Delete "**clarify that the driver or a passenger 19**"
2. Page 1, Lines 6-7: Delete lines 6 through 7 and insert "**amend safety belt requirements by making the requirement to wear a safety belt only apply to persons under 18 years of age.**"
3. Page 1, Line 15: After "(a)" insert "if the driver is under 18 years of age"
4. Page 1, Line 23: Delete "16 years of age or older" and insert "under 18 years of age"
5. Page 2, Lines 31-34: Delete lines 31 through 34

The substitute motion passed 7-5-1, with Representatives Bennion, Bryson, Hutchings, Love, Philpot, Thompson, and Adams voting in favor of the motion, Representatives Daniels, Hendrickson, Lawrence, McGee, and Ferry voting against the motion, and with Representative Curtis absent for the vote.

**MOTION:** Representative Lawrence moved to amend (from the amendment sheet):

1. Page 1, Line 7: After "under" delete "18" and insert "19"
2. Page 1, Line 15: After "under" delete "18" and insert "19"
4. Page 1, Line 23: After "under" delete "18" and insert "19"

**SUBSTITUTE**

**MOTION:** Representative Philpot moved to adopt the amendments introduced by Representative Lawrence and pass the bill out favorably as amended.

**MOTION:** Representative Daniels moved to adjourn. The motion failed on a 2-10-1 vote, with Representatives Daniels and McGee voting in favor of the motion, Representatives Bennion, Bryson, Hendrickson, Hutchings, Lawrence, Love, Philpot, Thompson, Adams, and Ferry voting in favor of the motion, and Representative Curtis absent for the vote.

Returning to the substitute motion to adopt the amendments of Representative Lawrence and pass the bill out favorably as amended. The substitute motion passed 8-4-1, with Representatives Bennion, Bryson, Hutchings, Lawrence, Love, Philpot, Thomson, and Adams voting in favor of the motion, Representatives Daniels, Hendrickson, McGee, and Ferry voting against the motion, and Representative Curtis absent for the vote.

**MOTION:** Representative Bryson moved to adjourn. The motion passed unanimously with Representative Curtis absent for the vote. The meeting was adjourned at 4:35 p.m.

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Rep. J. Stuart Adams, Vice-Chair