

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 223 - State Capitol Building
February 17, 2004**

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, Policy Analyst
Cherri White, Committee Secretary

NOTE: A list of visitors and handouts are filed with the committee minutes.

Representative Adams called the meeting to order at 7:37 A.M. and called for a motion to approve minutes.

MOTION: Representative Ferry moved to approve the minutes of February 11 and 13, 2004. The motion passed unanimously with Representatives Bennion, Bryson, Daniels, Hutchings, Lawrence, and Love absent for the vote.

H.B. 262 Penalties for Providing False or Misleading Information in Court (*Rep. J. Alexander*)

The sponsor requested the committee consider and adopt 1st Substitute H.B. 262.

MOTION: Representative Thompson moved to delete H.B. 262 and replace it with 1st Substitute H.B. 262. The motion passed unanimously with Representatives Bennion, Bryson, Daniels, Hutchings, and Love absent for the vote.

The sponsor then proceeded to introduced the substitute bill and explain its intent.

Paul Boyden, Statewide Association of Prosecutors, recommended amendments to the bill.

MOTION: Representative Bryson moved to amend as follows:

1. *Page 2, Lines 28 through 43:*

- 28 (1) A person is guilty of a class B misdemeanor if the person, not under oath or
29 affirmation, intentionally or knowingly gives or causes to be given false or misleading
30 information to an officer of the court for the purpose of influencing a sentencing decision.
31 (2) For the purposes of this section "officer of the court" means:
32 (a) prosecutor;
33 (b) judge;
34 (c) court clerk;
35 ~~[[(d) attorney;~~
36 (e) guardian ad litem;]]
37 (f) interpreter;
38 (g) bailiff;
39 (h) presentence investigator;
40 (i) probation officer;
41 (j) parole officer; and
42 (k) any other person reasonably believed to be gathering sentencing information for the
43 court.

The motion passed unanimously with Representatives Bennion, Hutchings and Love absent for the vote.

MOTION: Representative Bryson moved to pass the substitute bill out favorably as amended. The motion passed unanimously with Representatives Bennion, Hutchings, and Love absent for the vote.

H.J.R. 25 Joint Resolution on Marriage (*Rep. L. Christensen*)

The sponsor introduced the bill and explained its intent. Senator Butters assisted in the presentation of the bill.

Gayle Ruzicka, Utah Eagle Forum, spoke in favor of the bill.

Speaking against the bill:

Representative Jackie Biskupski
Michael Mitchell, Equality Utah

MOTION: Representative Ferry moved to pass the bill out favorably. The motion passed 8-3-2 with Representatives Daniels, McGee, and Philpot voting against the motion, and Representative Bennion and Curtis absent for the vote.

S.B. 150 Judicial Confirmation Process Amendments (*Sen. D. C. Buttars*)

The sponsor introduced the bill and explained its intent. He also indicated an amendment had been prepared that he would like the committee to consider adopting.

MOTION: Representative Thompson moved to amend:

1. *Page 2, Lines 50 through 52*
Senate 3rd Reading Amendments
2-11-2004:

50 ~~[(3)]~~ **(4) § (a) Letters of inquiry submitted by any judge at the request of any**
judicial nominating commission shall be classified as private in accordance with
Section 63-2-302; and
 (b) All other records ~~[[Records]]~~ **received \$ by the Senate Judicial**
 Confirmation Committee § from the
51 governor pursuant to this section may be classified as private in accordance with Section
52 63-2-302.

The motion passed unanimously with Representatives Bennion and Curtis absent for the vote.

MOTION: Representative Bryson moved to pass the bill out favorably as amended. The motion passed unanimously with Representatives Bennion and Curtis absent for the vote.

MOTION: Representative Hutchings moved to place the bill on the Consent Calendar. The motion passed unanimously with Representatives Bennion and Curtis absent for the vote.

H.B. 266 Revisions to Child Welfare (*Rep. W. Harper*)

The sponsor introduced the bill and explained its intent.

Richard Anderson, Director, Division of Child and Family Services, spoke to the bill.

Speaking in favor of the bill:

Margarita Sundow, Utah Families Association
Gayle Rusicka, Utah Eagle Forum
Matt Throckmorton, Concerned Citizen

Speaking against the bill:

Mark May, Attorney Generals Office, Child Protection
Dr. Lori Frasier, Primary Children's Medical Center
Alain Balmanno, Attorney Generals Office, David C. Case
Barbara Feaster, U Foster Success

MOTION: Representative Philpot moved to pass the bill out favorably.

SUBSTITUTE

MOTION: Representative Love moved to hold the bill and move to the next item on the agenda. The motion passed 7-5-1 with Representatives Daniels, Hendrickson, Lawrence, Love, McGee, Adams, and Ferry voting in favor of the motion, Representatives Bennion, Bryson, Hutchings, Philpot, and Thompson voting against the motion, and Representative Curtis absent for the vote.

MOTION: Representative Hutchings moved to adjourn. The motion passed unanimously with Representative Curtis absent for the vote. The meeting adjourned at 10:03 A.M.

The following two bills were not discussed.

H.B. 336	Claims on Real Property (<i>Rep. G. Hughes</i>)
2nd Sub. S.B. 45	Uniform Parentage Act (<i>Sen. L. Hillyard</i>)

Rep. Ben C. Ferry, Chair