

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 223 - State Capitol Building
February 23, 2004**

MEMBERS PRESENT: Rep. Ben C. Ferry, Chair
Rep. J. Stuart Adams, Vice Chair
Rep. Chad E. Bennion
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

MEMBERS ABSENT: Rep. Katherine M. Bryson
Rep. Greg J. Curtis
Rep. Mike Thompson

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 8:07 A.M.

S.B. 161 Judicial Conduct Commission (*Sen. M. Waddoups*)

The sponsor introduced the bill and explained its intent.

MOTION: Representative Hendrickson moved to amend:

1. *Page 3, Lines 64 through 69s*
Senate 3rd Reading Amendments
2-18-2004:

64 (2) During the course of any investigation, the commission:
65 (a) shall refer any information relating to the criminal conduct alleged and any
66 evidence which relates to the allegation to which the judge has been accused, unless
plainly
67 frivolous, to the local prosecuting attorney as provided in Subsection (1)(b); § [and]
§
68 (b) may order a hearing to be held concerning the reprimand, censure, suspension,
69 removal, or involuntary retirement of a judge[;] [§ [;] ;

69a [[~~(c) SHALL, IF IT FINDS BY A PREPONDERANCE OF THE EVIDENCE~~
69b THAT JUDICIAL
69c MISCONDUCT OCCURRED:
69c — (i) REVIEW THE RECORD OF ALL COMPLAINTS PREVIOUSLY DISMISSED
69d AGAINST THE JUDGE;
69d — (ii) REVIEW THE RECORD OF ALL PREVIOUS ORDERS OF
69e REPRIMAND, CENSURE, OR
69e SUSPENSION ISSUED BY THE COMMISSION AGAINST THE JUDGE; AND
69f — (iii) REVIEW ALL INFORMATION IN THE COMMISSION'S FILES ON ANY
69g INFORMAL
69g RESOLUTION, INCLUDING ANY LETTER OF ADMONITION, OR CAUTION,
69h THAT THE COMMISSION
69h ISSUED TO THE JUDGE PRIOR TO MAY 1, 2000; AND
69i — (d) MAY DISMISS RELATIVELY MINOR MISCONDUCT WITH A
69j WARNING, OR ON CONDITIONS
69j OF NO FURTHER MISBEHAVIOR, EVEN IF IT FINDS BY A
69k PREPONDERANCE OF THE EVIDENCE
69k THAT MISCONDUCT OCCURRED, UNLESS ONE OR MORE OF THE
69l FOLLOWING CONDITIONS HAVE
69l BEEN MET:
69m (i) THE RESPONDENT JUDGE HAS PREVIOUSLY RECEIVED A PUBLIC
69n REPRIMAND, CENSURE, OR
69n SUSPENSION;
69o (ii) THE RESPONDENT JUDGE HAS PREVIOUSLY RECEIVED ANY
69p INFORMAL REPRIMAND FROM THE
69p COMMISSION PRIOR TO MAY 1, 2004; OR
69q (iii) THE MISCONDUCT UNDER CONSIDERATION HAS BEEN WIDELY
69q REPORTED OR IS WIDELY
69r KNOWN AMONG COURT EMPLOYEES, PARTICIPANTS IN THE JUDICIAL
69s SYSTEM, OR THE GENERAL
69s PUBLIC §]] .

The motion passed unanimously with Representatives Bryson, Curtis, and Thompson absent for the vote.

Speaking to the bill:

Colin Winchester, Executive Director, Judicial Conduct Commission
Rick Schwermer, Administrative Office of the Courts

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

S.B. 219 Amendments to Justice Court Operations (Sen. E. Mayne)

The sponsor introduced the bill and explained its intent.

Richard Catten, Deputy City Attorney, West Valley City spoke in favor of the bill.

Rick Shwermer, Judicial Council, expressed concerns with the bill.

MOTION: Representative Hutchings moved to amend:

1. *Page 2, Lines 32 through 41*
Senate 3rd Reading Amendments
2-18-2004:

33 courts shall be open and judicial business shall be transacted [~~every day except as provided~~
by

34 ~~law including the provisions of Section 78-3-24 regarding court administration.];~~

35 (a) five days per week; or

36 (b) no less than four days per week for at least 11 hours per day.

37 **§ (4) THE LEGISLATIVE BODY OF THE COUNTY, CITY, OR TOWN SHALL**

ESTABLISH

37a **OPERATING HOURS FOR THE JUSTICE COURTS WITHIN THE**
REQUIREMENTS OF SUBSECTION (3) AND THE CODE OF JUDICIAL
ADMINISTRATION .

37b ~~[(4)] (5) §~~ The hours the courts are open shall be posted conspicuously at the courts and in
38 local public buildings. [~~The judges of county and municipal courts shall attend the court at~~
39 ~~regularly scheduled times.~~]

40 **§ [(5)] (6) §** The clerk of the court and judges of county and municipal courts shall
attend the

41 court at regularly scheduled times ~~[[§ AS ESTABLISHED BY THE LEGISLATIVE~~
BODY §]] .

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

MOTION: Representative Love moved to amend:

1. *Page 1, Line 32:*

32 (3) [County] ~~[[Notwithstanding Subsection 78-3-24(10), county]]~~ and
municipal justice

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

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

2nd Sub. S.B. 45 Uniform Parentage Act (Sen. L. Hillyard)

The sponsor introduced the bill and explained its intent.

1. *Page 15, Line 436:*

436 (15) "Man" , AS DEFINED IN THIS CHAPTER, means a male individual of any age.

The motion passed 8-2-3 with Representatives Hutchings and Love voting against the motion, and Representatives Bryson, Curtis, and Thompson absent for the vote.

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

MOTION: Representative Bennion moved to adjourn. The motion passed unanimously with Representatives Bryson, Curtis, and Thompson absent for the vote. The meeting adjourned at 9:30 A.M..