

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT AND CRIMINAL JUSTICE
STANDING COMMITTEE
THURSDAY, FEBRUARY 19, 2004
Room 414, STATE CAPITOL BUILDING**

Members Present: Sen. Gregory Bell, Chair
Sen. Patrice M. Arent
Sen. D. Chris Buttars
Sen. Mike Dmitrich
Sen. James M. Evans
Sen. David L. Gladwell
Sen. Lyle W. Hillyard

Members Excused: Sen. L. Al Mansell

Staff Present: Jami Momberger, Policy Analyst
Katrina Yarrington, Committee Secretary

Public Speakers Present: Ron Karron, citizen
Steve Russell, Attorney
Mark May, Attorney General's Office
Mol Wilson, Davis County Attorney
Reed Richards, Attorney, State Council of Victims
Brian King, Utah Trial Lawyers Association
Ron Stromberg, Director of Adult Protective Services
Rick Schwermer, Utah Office of the Courts
Craig Petersen, Consultant, American Council of Engineering
Consultants
Jim Olsen, President, Utah Food Industry Association
Edward Havas, Utah Trial Lawyers Association
Kristen Brewer, Director, Guardian As Litem
Robin Arnold Williams, Executive Director, Department of Human
Services
Roger Tew, League of Cities and Towns
Gary Thorup, Property Casualty

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Bell called the meeting to order at 7:40 a.m.

1. H.B. 179 Vulnerable Adult Abuse Amendments (P. Jones)

Rep. Jones introduced the bill assisted by Ron Stromberg, Director of Adult Protective Services.

MOTION: Sen. Arent moved to pass H.B. 179 out with a favorable recommendation.

The motion passed unanimously, with Sen. Evans absent for the vote.

2. 1st Substitute S.B. 54 Restructuring Division of Child and Family Services (P. Hellewell)

Sen. Hellewell introduced the bill assisted by Ron Karron, citizen.

MOTION: Sen. Dmitrich moved to adopt 2nd Substitute S.B. 54.

The motion passed unanimously, with Sen. Evans and Sen. Dmitrich absent for the vote.

MOTION: Sen. Gladwell moved to amend 2nd Sub. S.B. 54 as follows:

1. *Page 4, Lines 102 through 103:*

102 [~~(vii)~~] (viii) making recommendations based on the findings and results of
103 recommendations; and

2. *Page 4, Lines 104 through 106:*

104 ~~[[(ix) the time in which the division shall reply to the ombudsman's inquiries;~~
and

105 ~~—(x)]]~~ (ix) the time in which the departments, agencies, or entities shall respond
to the record

106 requests;

3. *Page 5, Line 147 through Page 6, Line 153:*

(b) The ombudsman shall have ~~[[access to all of the department's written and~~
electronic

~~148 records and databases, including those regarding individual cases]]~~ access to all
of the department's written and electronic records and databases, including those
regarding individual cases, and may ~~[[the power to]]~~ subpoena all

149 records from any entity related to the individual cases, and may rely on the Child
Welfare

150 Legislative Oversight Panel's subpoena powers for necessary access to testimony. In
151 accordance with Title 63, Chapter 2, Government Records Access and Management Act,
all

152 documents and information received by the ombudsman shall maintain the same
classification

153 that was designated by the department.

The motion to amend passed unanimously, with Sen. Hillyard absent for the vote.

The following people spoke to the bill:

Robin Arnold-Williams, Executive Director, Department of Human Services

The following people spoke in opposition to the bill:

Rich Schwermer, Utah Office of the Courts

Kristin Brewer, Director, Guardian Ad Litem

MOTION: Sen. Dmitrich made a motion to move to the next item on the agenda.

The motion passed unanimously, with Sen. Hillyard absent for the vote.

3. S.B. 105 Abuse, Neglect, and Dependency Amendments (P. Hellewell)

Sen. Hellewell introduced the bill assisted by Steve Russell, Attorney.

MOTION: Sen. Arent moved amend S.B. 105 as follows:

1. Page 5, Lines 131 through 136:

- (d) For purposes of this section, "relative" means an adult who is a grandparent, great
132 grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, stepparent,
first
133 cousin, stepsibling, ~~[[-or-]]~~ or sibling of the child ~~[[, or has otherwise~~
established a significant
134 relationship with the child-]] . In the case of a child defined as an "Indian" under the
Indian Child
135 Welfare Act, 25 U.S.C. Section 1903, "relative" also means an "extended family
member" as
136 defined by that statute.

The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Buttars made a motion to move to the next item on the agenda.

The motion passed unanimously, with Sen. Hillyard absent for the vote.

4. S.B. 126 Amendments to Warrants (P. Hellewell)

Sen. Hellewell introduced the bill assisted by Steve Russell, Attorney.

MOTION: Sen. Buttars moved to amend S.B. 126 as follows:

2. Page 6, Lines 160 through 163:

- (b) For purposes of ~~[[this]]~~ Subsection ~~[[(2)]]~~ **(1)** (b):
- 161 (i) another minor residing in the same household may not be removed from the home
162 unless that minor is considered to be at substantial risk of being physically or sexually
abused
163 as described in Subsection (1)(b) or this Subsection (2)(b) **(ii)** ; and

The motion passed unanimously, with Sen. Hillyard absent for the vote.

The following people spoke in opposition to the bill:

Mark May, Attorney General's Office

Rich Schwermer, Utah Office of the Courts

MOTION: Sen. Gladwell moved to pass S.B. 126, as amended, out with a favorable recommendation.

The motion passed, with Sen. Arent and Sen. Dmitrich voting in opposition, and Sen. Hillyard absent for the vote.

5. S.B. 167 Victim Restitution Amendments (G. Bell)

Sen. Bell introduced the bill assisted by Reed Richards, Attorney, State Council of Victims, and Mol Wilson, Davis County Attorney.

MOTION: Sen. Arent moved to pass S.B. 167 out with a favorable recommendation.

The motion passed unanimously, with Sen. Dmitrich, Sen. Gladwell, and Sen. Hillyard absent for the vote.

6. H.B. 96 Statute of Repose (J. S. Adams)

Rep. Adams introduced the bill.

The following people spoke in support of the bill:

Brian King, Utah Trial Lawyers Association

Craig Peterson, Consultant, American Council of Engineering Consultants

MOTION: Sen. Evans moved to pass H.B. 96 out with a favorable recommendation.

The motion passed unanimously, with Sen. Gladwell and Sen. Hillyard absent for the vote.

MOTION: Sen. Arent moved to place H.B. 96 on the Consent Calendar.

The motion passed unanimously, with Sen. Gladwell and Sen. Hillyard absent for the vote.

7. H.B. 81 Criminal Law Intent Amendment (T. McCartney)

Rep. McCartney introduced the bill.

MOTION: Sen. Arent moved to pass H.B.81 out with a favorable recommendation.

The motion passed unanimously, with Sen. Buttars, Sen. Gladwell, and Sen. Hillyard absent for the vote.

MOTION: Sen. Arent moved to place H.B.81 on the Consent Calendar.

The motion passed unanimously, with Sen. Buttars, Sen. Gladwell and Sen. Hillyard absent for the vote.

8. 1st Substitute H.B.42 Interest Rates on Judgements (J. Dunnigan)

Rep. Dunnigan introduced the bill.

The following people spoke in support of the bill:

Jim Olsen, President, Utah Food Industry Association

Roger Tew, League of Cities and Towns

Gary Thorup, Property Casualty

The following people spoke in opposition to the bill:

Edward Havas, Utah Trial Lawyers Association

MOTION: Sen. Hillyard moved to table 1st Sub. H.B.42.

The motion passed unanimously, with Sen. Gladwell absent for the vote.

MOTION: Sen. Arent moved to adjourn.

Committee Chair Bell adjourned the meeting at 9:35 a.m.

Minutes recorded by Katrina Yarrington, Secretary

