

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT AND CRIMINAL JUSTICE
STANDING COMMITTEE
WEDNESDAY, FEBRUARY 25, 2004
Room 414, STATE CAPITOL BUILDING**

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

Members Excused: Sen. Mike Dmitrich
Sen. L. Al Mansell

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

Public Speakers Present: Mark Nash, Director, Utah Prosecution Council
Rick Schwermer, Administrative Office of the Courts
Ken Wallentine, President, Utah Peace Officers Association
Drew Hall, Manager, Perry Homes
Lisa Keller, Credit Manager, Alta View Concrete
John Young, Attorney, Utah Subcontractors Council
Debie Wangsgoud, Credit Manager, BMC West
Clair Jaussi, Attorney, Stock Building Supply
Bob Burton, General Counsel, Burton Lumber
Taz Biesinger, Utah Home Builders Association
Adam Troop, Division of Child and Family Services
Kristen Brewer, Director, Guardian Ad Litem

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

Committee Chair Bell called the meeting to order at 4:50 p.m.

1. Approval of minutes

MOTION: Sen. Buttars moved to approve the minutes from the February 24th meeting.

The motion passed unanimously.

2. H.B.121 Code of Criminal Procedure Amendments (J. Seitz)

Rep. Seitz introduced the bill assisted by Mark Nash, Director, Utah Prosecuting Council.

MOTION: Sen. Hillyard moved to amend H.B.121 as follows:

1. *Page 3, Lines 81 through 84:*

81 (5) The [~~court may upon acceptance~~] terms of a plea in abeyance agreement [~~and~~
82 ~~pursuant to the terms of the agreement~~] may include:

83 (a) an order that the defendant [~~to~~] pay a nonrefundable plea in abeyance fee, with a
84 surcharge **based on the amount of the plea in abeyance fee**, both of which shall be
allocated in the same manner as if [~~it had been~~] paid as a fine

The motion passed unanimously.

The following people spoke in support of the bill:

Rick Schwermer, Administrative Office of the Courts

Ken Wallentine, President, Utah Peace Officers Association

MOTION: Sen. Buttars moved to pass H.B.121 out with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Hillyard moved to place H.B.121 on the Consent Calendar.

The motion passed unanimously.

3. 4th Substitute H.B.136 Electronic Filing of Preliminary Lien Documents (M. Morley)

Rep. Morley introduced the bill.

The following people spoke in support of the bill:

John Young, Attorney, Utah Subcontractors Council

Taz Biesinger, Utah Home Builders Association

The following people spoke in opposition to the bill:

Drew Hall, Manager, Perry Homes

Lisa Keller, Credit Manager, Alta View Concrete

Debie Wangsgoud, Credit Manager, BMC West

Clair Jaussi, Attorney, Stock Building Supply

Bob Burton, General Counsel, Burton Lumber

MOTION: Sen. Buttars moved to pass 4th Substitute H.B.136 out with a favorable recommendation.

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

4. 1st Substitute H.B.61 Child Welfare Investigations (M. Thompson)

Rep. Thompson introduced the bill assisted by Adam Troop, Department of Child and Family Services.

Kristen Brewer, Director, Guardian Ad Litem, spoke in support of the bill.

MOTION: Sen. Arent moved to pass 1st Sub. H.B.61 out with a favorable recommendation.

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

MOTION: Sen. Gladwell moved to adjourn.

Committee Chair Bell adjourned the meeting at 6:35 p.m.

Minutes recorded by Katrina Yarrington, Secretary

Sen. Gregory S. Bell, Committee Chair