

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE
STANDING COMMITTEE
WEDNESDAY, JANUARY 19, 2005
Room W110, West Office Building, State Capitol Complex**

Members Present: Sen. D. Chris Butters, Chair
Sen. Patrice M. Arent
Sen. Gregory Bell
Sen. Lyle Hillyard
Sen. David L. Thomas

Members Excused: Sen. Mike Dmitrich
Sen. L. Alma Mansell
Sen. Mark Madsen

Staff Present: Jerry Howe, Policy Analyst
Jeanne Wride, Committee Secretary

Public Speakers Present: Emma Chacon, Office of Recovery Services
Dave McConkie, Attorney
Stephanie Peterson, ACLU
Ray Wahl, Administrative Office of Courts
Susanne Mitchell, Children's Justice Center
Gail Ruzecka, Eagle Forum
Craig Barlow, Attorney Generals Office
Ronda Rose, Citizen
Reid Richards,
Ron Gorrion, Sentencing Commission
Paul Boyden, Prosecutors Association
Palmer DePaulas, ADR Council
Nancy McGavey, Utah Council Conflict Resolution

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

Chair Butters called the meeting to order at 8:20 a.m.

1. S.B. 14 UNIFORM PARENTAGE ACT (Sen. L. Hillyard)

Sen. Hillyard presented the bill to the committee.

MOTION: Sen. Bell moved to amend S. B. 14 as follows:

1. *Page 1, Lines 21 through 22:*

21 **Other Special Clauses:**

22 ~~{ This bill has an immediate effective date. }~~ **This bill takes effect on
January 1, 2006.**

2. *Page 48, Lines 1471 through 1475:*

1471 Section 101. **Effective date.**

1472 ~~{ If approved by two-thirds of all members elected to each house, this bill
takes effect~~

1473 ~~upon approval by the governor, or the day following the constitutional time limit of
Utah~~

1474 ~~Constitution Article VII, Section 8, without the governor's signature, or in the case
of a veto,~~

1475 ~~the date of veto override. }~~ **This bill takes effect on January 1, 2006.**

The motion passed unanimously.

Emma Chacon, Office of Recovery Service, and Dave McConkie, Attorney, spoke in favor of the bill. Stephanie Peterson, ACLU, spoke in opposition.

MOTION: Sen. Thomas moved to pass S.B.14, as amended, out of committee with a favorable recommendation.

The motion passed unanimously.

2. **S. B. 91 INTERSTATE JUVENILE COMPACT (Sen. L. Hillyard)**

Sen. Hillyard presented the bill to the committee.

Ray Wahl, Administrative Office of Courts, spoke to the bill.

MOTION: Sen. Arent moved to pass S.B.91 out of committee with a favorable recommendation.

The motion passed unanimously.

Sen. Bell assumed the Committee Chair.

3. **S. B. 15 CHILDREN'S JUSTICE CENTER AMENDMENTS (Sen. Butters)**

MOTION: Sen. Butters moved to amend S.B.15 as follows:

1. *Page 1, Lines 13 through 14:*

13 throughout the state by expanding the scope to include {~~all crimes committed against~~
14 ~~children or in the presence of children~~} crimes involving children when the
child is a primary victim or a critical witness, such as domestic violence cases and
drug-related child endangerment cases .

2. *Page 2, Lines 32 through 33:*

32 (b) {~~other criminal offense committed against the child or committed in the~~
~~presence of~~
33 ~~the child~~} other crimes involving children where the child is a primary victim or
a critical witness, such as in domestic violence cases and drug-related child
endangerment cases .

3. *Page 2, Lines 54 through 55:*

54 serious], physical abuse of children {~~, and other criminal offenses committed against~~
~~children or~~
55 ~~committed in the presence of children,~~} , and other crimes involving children
where the child is a primary victim or a critical witness, such as in domestic violence
cases and drug-related child endangerment cases, in a facility known as a Children's
Justice Center.

4. *Page 3, Lines 88 through 89:*

88 (i) enhancing the community understanding of sexual abuse of children {-
~~and~~} [serious]
89 physical abuse of children {~~in the state~~} , and other crimes in the state
involving children where the child is a primary victim or a critical witness, such as
in domestic violence cases and drug-related child endangerment cases ; [and]

5. *Page 4, Lines 99 through 100:*

99 children [~~and serious~~], physical abuse of children, and other { criminal offenses
committed
100 against children or committed in the presence of children } crimes involving
children where the child is a primary victim or a critical witness, such as in domestic
violence cases and drug-related child endangerment cases , in a facility known as a
Children's

6. *Page 5, Lines 143 through 144:*

143 sexual abuse, [~~and~~] neglect, and other { criminal offenses committed against children
or
144 committed in the presence of children } crimes involving children where the
child is a primary victim or a critical witness, such as in domestic violence cases and
drug-related child endangerment cases ;

7. *Page 5, Lines 148 through 149:*

148 protection for children [~~of~~] from abuse, child sexual abuse, [~~and~~] neglect, and
other { criminal
149 offenses committed against children or committed in the presence of children } =
crimes involving children where the child is a primary victim or a critical witness,
such as in domestic violence cases and drug-related child endangerment cases .

The motion passed unanimously.

Susanne Mitchell, Children's Justice Center; Gail Ruzicka, Eagle Forum;
Craig Barlow, Attorney Generals Office; Ronda Rose, Citizen; Reid Richards, spoke to the
bill.

MOTION: Sen. Butters moved to pass S. B. 15, as amended, out of committee with a
favorable recommendation.

The motion passed unanimously.

Sen. Buttars assumed the Committee Chair.

4. S. B. 93 CHILDREN'S JUSTICE CENTER (Sen. T. Hatch)

Sen. Hatch presented the bill to the committee.

MOTION: Sen. Bell moved to pass S. B. 93 out of committee with a favorable recommendation.

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

5. S. B. 94 RESTITUTION AMENDMENTS (Sen. Bell)

Sen. Bell presented the bill to the committee.

Ron Gorrion, Sentencing Commission, spoke in favor of the bill.

MOTION: Sen. Arent moved to pass S.B.94 out of committee with a favorable recommendation.

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

6. S. B. 30 AMENDMENTS TO SEARCH WARRANTS (Sen. Thomas)

Sen. Thomas presented the bill to the committee.

Paul Boyden, Prosecutors Association, spoke in favor of the bill.

MOTION: Sen. Bell moved to pass S.B.30 out of committee with a favorable recommendation.

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

7. S.J.R. 3 RESOLUTION ENCOURAGING MEDIATION (Sen. Walker)

Sen. Walker presented the resolution to the committee.

Palmer DePaulas, ADR Council, and Nancy McGavvey, Utah Council Conflict Resolution, spoke in favor of the bill.

MOTION: Sen. Arent moved to pass S.J.R 3 out of committee with a favorable recommendation.

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

MOTION: Sen Hatch moved to adjourn.

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

Sen. Buttars adjourned the meeting at 10:00 a.m.

Minutes recorded by Jeanne Wride, Committee Secretary

Sen. D. Chris Butters, Committee Chair