

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
February 7, 2006**

MEMBERS PRESENT: Rep. James A. Ferrin, Chair
Rep. Erik K. Hutchings, Vice Chair
Rep. Douglas C. Aagard
Rep. Ben C. Ferry
Rep. Glenn A. Donnelson
Rep. Lorie D. Fowlke
Rep. Ann W. Hardy
Rep. Neal B. Hendrickson
Rep. David L. Hogue
Rep. Susan Lawrence
Rep. Rosalind J. McGee
Rep. Ross Romero
Rep. Scott L. Wyatt

STAFF PRESENT: Jerry D. Howe, Policy Analyst
Sylvia Newton, Committee Secretary

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

Representative Hutchings called the meeting to order at 7:03 a.m.

MOTION: Rep. Hardy moved to approve the minutes of the February 3, 2006 meeting. The motion passed unanimously with Rep. Aagard, Rep. Ferry, Rep. Fowlke, Rep. Hendrickson, Rep. Hogue, Rep. McGee, and Rep. Romero absent for the vote.

The following bills were not considered at this meeting.

H.B. 333 **Antitrust Exemption** (*Rep. R. Wheeler*)
H.B. 161 **Sexual Offenses Against Children - Sentencing Amendments** (*Rep. P. Ray*)
S.B. 16 **Civil Antitrust Amendments** (*Sen. L. Hillyard*)

H.B. 124 **Parent-time Amendments** (*Rep. B. Dee*)

MOTION: Rep. Donnelson moved to delete in title and body H.B. 124 and replace it with 2nd Sub. H.B. 124. The motion passed unanimously with Rep. Aagard, Rep. Ferry, Rep. Fowlke, Rep. Hendrickson, Rep. McGee, Rep. Romero, and Rep. Wyatt absent for the vote.

Rep. Dee introduced 2nd Sub. H.B. 124 and explained it to the committee, assisted by Gary Crane, Utah League of Cities and Towns, and Layton City Attorney.

Spoke in favor of the bill: Marlesse Corbin, Layton City Victim Services
Reed Bradley, citizen

MOTION: Rep. Lawrence moved to pass the bill out favorably. The motion passed unanimously with Rep. Ferry absent for the vote.

Rep. Hutchings relinquished the chair to Rep. Ferrin.

H.B. 281 Privacy of Records Related to Minors (Rep. E. Hutchings)

MOTION: Rep. Hutchings moved to amend H.B. 281 as follows:

1. Page 4, Lines 90 through 93:

- 90 (f) unless the record is a court record, that part of a record of an individual
under 18 years of age indicating the
91 individual's name, age, home address, home telephone number, mobile phone number, or
92 Social Security number, ~~{-unless the record is a court record-}~~ the disclosure of
which:
(i) would constitute a clearly unwarranted invasion of personal privacy;
or
(ii) would jeopardize the life or safety of an individual .
93 (3) (a) As used in this Subsection (3), "medical records" means medical reports,

The motion to amend the bill passed unanimously with Rep. Ferry absent for the vote.

Rep. Hutchings introduced H.B. 281 as amended and explained it to the committee.

Spoke to the bill: Chris Purcell, State Farm Insurance
Ronda Rose, Utah PTA

MOTION: Rep. Hogue moved to pass the bill as amended out favorably.

SUBSTITUTE

MOTION: Rep. Hardy moved to reconsider committee action on the amendment passed earlier. The motion to reconsider passed with Rep. Romero voting in opposition

to the motion and Rep. Ferry absent for the vote.

MOTION: Rep. Hardy moved to delete the amendment on lines 90 through 93 and pass the bill out favorably.

SUBSTITUTE

MOTION: Rep. Hutchings moved to delete the amendment on lines 90 through 93 without passing the bill out favorably. The motion passed with Rep. Fowlke and Rep. Romero voting in opposition to the motion. Rep. Ferry was absent for the vote.

MOTION: Rep. Wyatt moved to amend lines 91 and 92 by deleting "or Social Security number" and insert the word "or" between "home telephone number" and "mobile telephone number."

SUBSTITUTE

MOTION: Rep. Hutchings moved to amend the bill by deleting the word "name" on line 91. The motion failed with Rep. Donnelson, Rep. Hutchings, and Rep. Ferrin voting in favor of the motion and Rep. Ferry absent for the vote.

After committee discussion, Rep. Wyatt's motion to amend the bill failed on a unanimous vote. Rep. Ferry was absent for the vote.

MOTION: Rep. Fowlke moved to pass the bill out favorably. The motion passed with Rep. Hendrickson, Rep. McGee, and Rep. Romero voting in opposition to the motion. Rep. Ferry was absent for the vote.

H.B. 165 Public Notary Amendments (Rep. R. Romero)

MOTION: Rep. Romero moved to amend the bill as follows:

1. Page 2, Lines 33 through 35:

- 33 (b) an attorney licensed to practice in the state who:
34 (i) has never been disbarred; {and}
35 (ii) pays the application fee determined under Section 63-38-3.2 ;
 (iii) submits an application in accordance with Subsection (2)(d); and
 (iv) meets the residency requirements of Subsection (2)(b) .

The motion to amend the bill passed unanimously with Rep. Ferry and Rep. Hutchings absent for the vote.

Rep. Romero introduced H.B. 165 as amended and explained it to the committee.

Spoke to the bill: Michael Cragun, Lieutenant Governor's Office

MOTION: Rep. Fowlke moved to pass the amended bill out favorably. The motion failed with Rep. Fowlke, Rep. Hendrickson, Rep. McGee, and Rep. Ferrin voting in favor of the motion. Rep. Ferry and Rep. Hutchings were absent for the vote.

H.B. 153 County Jail Work Release Process Amendments (Rep. S. Wyatt)

MOTION: Rep. Wyatt moved to amend the bill as follows:

1. Page 2, Lines 38 through 48:

- 38 (a) is not for an offense for which release is prohibited under state law; and
39 ~~[(1)]~~ (b)(i) is for a misdemeanor offense, and the sentencing judge has not entered an
40 order ~~[to the contrary]~~ prohibiting release under this section; or
41 ~~[(2)]~~ (ii) is part of a probation agreement for a felony offense, and the sentencing
42 district judge has not entered an order ~~[to the contrary]~~ prohibiting release under this
43 section or { ~~or~~
44 ~~— [(3)] (iii) is in a county facility pursuant to a contract with the Department of~~
45 ~~— (2) (a) An inmate may petition the court for review of a denial by the custodial~~
46 ~~authority of the inmate's release request in accordance with the facility's release~~
47 ~~policy.~~
48 ~~— (b) Review under Subsection (2)(a) may only be sought after exhausting the~~
~~review~~
~~process provided by the facility's release policy. }~~

The motion to amend the bill passed unanimously with Rep. Ferry and Rep. Hutchings absent for the vote.

Rep. Wyatt introduced H.B. 153 as amended and explained it to the committee.

Spoke in favor of the bill: Bud Cox, President, Utah Sheriffs Association
Kim Cheshire, Captain, Cache County Sheriff's Office

MOTION: Rep. Hardy moved to pass the amended bill out favorably.

SUBSTITUTE

MOTION: Rep. Lawrence moved to amend the bill as follows and pass the bill out

favorably.

1. *Page 2, Lines 33 through 37:*

33 (1) When an inmate is committed for incarceration in a county jail or in a detention
34 facility, the custodial authority may [~~in its discretion~~], in accordance with the release
 policy of
35 the facility, allow the inmate to work outside of the jail or facility as part of a jail or facility
36 supervised work detail, to seek or work at employment, or to attend an educational
 institution, if the
37 inmate's incarceration:

Rep. Hendrickson requested division of the motion. Rep. Ferrin restated the motions.

The motion to amend the bill passed with Rep. Donnelson and Rep. Hendrickson voting in opposition to the motion and Rep. Ferry and Rep. Hutchings absent for the vote.

The motion to pass the bill out favorably passed unanimously with Rep. Ferry and Hutchings absent for the vote.

H.B. 195 Criminal Procedure Amendment (Rep. S. Wyatt)

Rep. Wyatt introduced H.B. 195 and explained it to the committee.

MOTION: Rep. Hogue moved to pass the bill out favorably. The motion passed unanimously with Rep. Ferry and Rep. Hutchings absent for the vote.

MOTION: Rep. Fowlke moved to place H.B. 195 on the Consent Calendar. The motion passed unanimously with Rep. Ferry and Rep. Hutchings absent for the vote.

H.B. 148 Parent and Child Amendments (Rep. L. Christensen)

MOTION: Rep. Donnelson moved to amend the bill as follows:

1. *Page 2, Lines 31 through 50:*

31 (1) "In loco parentis" means the legal recognition of a voluntary and temporary
32 delegation of parental authority to another person, where that person has accepted the
33 obligations of parenthood by taking significant responsibility for the minor child's
 maintenance.

- 34 care, and education, including contributing toward the minor child's {support, without
35 expectation of financial compensation} .
* * * *Some lines not shown* * * *
- 48 (5) A biological or adoptive parent {who has not been adjudicated as an unfit
parent}
49 may at any time terminate a relationship between a person standing in loco parentis and
their
50 minor child or children.
= (6) All disputes regarding parent-time or child visitation involving a legally
recognized marriage as provided in Title 30, Chapter 1, are subject to the continuing
jurisdiction of the court in divorce proceedings according to Title 30, Chapter 3.

The motion to amend the bill passed with Rep. Lawrence voting in opposition to the motion. Rep. Ferry and Rep. Hendrickson were absent for the vote.

Rep. Christensen introduced H.B. 148 as amended and explained it to the committee. He was assisted by Frank Mylar, attorney.

Spoke in favor of the bill: Dan Witte, Sutherland Institute

Spoke in opposition to the bill: Stewart Ralphs, Utah Domestic Violence Counsel

MOTION: Rep. Lawrence moved to adjourn. The motion passed unanimously with Rep. Hogue absent for the vote.

Rep. Ferrin adjourned the meeting at 9:59 a.m.

Rep. James A. Ferrin, Chair