

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
February 9, 2006**

MEMBERS PRESENT: Rep. James A. Ferrin, Chair
Rep. Erik K. Hutchings, Vice Chair
Rep. Douglas C. Aagard
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

MEMBERS ABSENT: Rep. Ben C. Ferry

STAFF PRESENT: Jerry D. Howe, Policy Analyst
Tom Vaughn, Associate General Counsel
Sylvia Newton, Committee Secretary

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

Representative Ferrin called the meeting to order at 8:10 a.m.

MOTION: Rep. Aagard moved to approve the minutes of the February 7, 2006 meeting. The motion passed unanimously with Rep. Donnelson, Rep. Fowlke, Rep. Hogue, and Rep. Hutchings absent for the vote.

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

MOTION: Rep. Hardy moved to delete in title and body H.B. 148 and replace it with 1st Sub. H.B. 148. The motion passed unanimously with Rep. Donnelson, Rep. Hogue, and Rep. Hutchings absent for the vote.

Rep. Christensen introduced 1st Sub. H.B. 148 and explained it to the committee.

Spoke in opposition to the bill: Lauren Barros, family law attorney
Patrice Schell, Voices for Utah Children (handout)

Spoke in favor of the bill: Karen Clark, Eagle Forum

MOTION: Rep. Hutchings moved to pass the substitute bill out favorably.

SUBSTITUTE

MOTION: Rep. McGee moved to refer the bill to Legislative Child Oversight Committee for interim study. The motion failed with Rep. Hendrickson, Rep. McGee, and Rep. Romero voting in favor of the motion.

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

Rep. Ferrin relinquished the chair to Rep. Hutchings.

H.B. 161 Sexual Offenses Against Children - Sentencing Amendments (Rep. P. Ray)

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

1. Page 6, Line 178:

178 ~~three-year~~ an additional five-year { ~~mandatory~~ } term for each prior conviction for a felony sexual

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

Rep. Ray introduced H.B. 161 as amended and explained it to the committee, assisted by Paul Boyden, Statewide Association of Prosecutors

MOTION: Rep. Hendrickson moved to pass the bill as amended out favorably. The motion passed unanimously with Rep. Aagard, Rep. Donnelson, Rep. Fowlke, Rep. Hogue, and Rep. Wyatt absent for the vote.

S.B. 16 Civil Antitrust Amendments (Sen. L. Hillyard)

Sen. Hillyard introduced S.B. 16 and explained it to the committee. He was assisted by Ron Ockey, Attorney General's Office.

MOTION: Rep. Fowlke moved to pass the bill out favorably. The motion passed unanimously with Rep. Aagard and Rep. Donnelson absent for the vote.

H.B. 106 Citation Amendments (Rep. M. Walker)

Rep. Walker introduced H.B. 106 and explained it to the committee, assisted by Matt Bates,

Attorney General's Office.

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

1. *Page 1, Line 11 through Page 4, Line 95:*

- 11 This bill:
- 12 ▶ adds the “address” as a required piece of information on a citation;
- 13 ▶ requires that if the citation is for a traffic violation that it also contain the
person’s
- 14 driver license number ~~{and the vehicle identification number}~~ of the vehicle; and
*** *Some lines not shown* ***
- 92 (3) If the citation is issued for a violation of any part of Title 41, Chapter 6a,
Traffic
- 93 Code, then, in addition to the information required by Subsection (2), the citation shall
contain:
- 94 (a) the number, if any, of the person's driver license; and
- 95 (b) the license plate number ~~{and vehicle identification number}~~ of the
person's vehicle.

SUBSTITUTE

MOTION: Rep. Lawrence move to amend the bill as follows:

1. *Page 1, Line 11 through Page 4, Line 95:*

- 11 This bill:
- 12 ▶ adds the “address” as a required piece of information on a citation;
- 13 ▶ requires that if the citation is for a traffic violation that it also contain the
person’s
- 14 driver license number ~~{and the vehicle identification number}~~ of the vehicle; and
*** *Some lines not shown* ***
- 92 (3) If the citation is issued for a violation of any part of Title 41, Chapter 6a,
Traffic
- 93 Code, then, in addition to the information required by Subsection (2), the citation shall
contain:
- 94 (a) the number ~~{, if any,}~~ of the person's driver license , if any ; and
- 95 (b) the license plate number ~~{and vehicle identification number}~~ of the
person's vehicle.

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

MOTION: Rep. Hogue moved to pass the bill as amended out favorably. The motion passed unanimously with Rep. Aagard absent for the vote.

H.B. 379 Amendments to Sexually Explicit Business and Escort Service Fund (Rep. T. Cosgrove)

Rep. Ferrin moved to amend the bill as follows:

1. *Page 1, Line 14:*

14 ▶ provides that monies in the Sexually Explicit Business and Escort Service Fund that are used to implement treatment programs for juveniles who have been convicted of a sexual offense will be administered by the Division of Juvenile Justice Services, within the Department of Human Services, instead of the Department of Corrections;

2. *Page 2, Line 58 through Page 3, Line 60:*

58 (d) The {~~Department of Corrections~~} Division of Juvenile Justice Services, within the Department of Human Services shall use 10% of the monies in the fund, in addition
59 to existing budgets, to implement treatment programs for juveniles who have been convicted of
60 an offense under Title 76, Chapter 5, Part 4, Sexual Offenses.

The motion to amend the bill passed unanimously with Rep. Aagard and Rep. Hendrickson absent for the vote.

Rep. Cosgrove introduced H.B. 379 as amended and explained it to the committee, assisted by Ned Searle, Domestic Violence State Coordinator, and Mike Haddon, Commission of Criminal & Juvenile Justice.

MOTION: Rep. Wyatt moved to pass the bill as amended out favorably. The motion passed with Rep. Hogue and Rep. Ferrin voting in opposition to the motion. Rep. Aagard was absent for the vote.

H.B. 413 Comparative Negligence Amendments (Rep. S. Wyatt)

Rep. Wyatt introduced H.B. 413 and explained it to the committee. He was assisted by Jim Jardine, attorney. (handout)

Spoke in favor of the bill: Chris Purcell, State Farm Insurance

MOTION: Rep. Wyatt moved to adjourn. The motion passed with Rep. Romero voting in opposition to the motion. Rep. Aagard and Rep. Donnelson were absent for the vote.

Rep. James A. Ferrin, Chair