

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
January 31, 2007**

MEMBERS PRESENT: Rep. Douglas C. Aagard, Chair
Rep. Lorie D. Fowlke, Vice Chair
Rep. Sheryl L. Allen
Rep. Jim Bird
Rep. Jackie Biskupski
Rep. Kevin S. Garn
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Christine A. Johnson
Rep. Rosalind J. McGee
Rep. Kay L. McIff
Rep. Mark A. Wheatley
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 Aagard called the meeting to order at 8:05 a.m.

MOTION: Rep. Fowlke moved to approve the minutes of the January 25, 2007 meeting. The motion passed unanimously with Rep. Biskupski, Rep. Garn, Rep. Grover, Rep. Hutchings, and Rep. McIff absent for the vote.

H.B. 131 Document Fraud (Rep. K. Morgan)

Rep. Morgan introduced H.B. 131 and explained it to the committee. Handouts were provided.

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

1. Page 1, Lines 17 through 19:

17 ▶ provides that the Office of the Attorney General may bring a civil action ~~{on~~
behalf
18 of the Department of Workforce Services} against an individual who makes or
19 provides a fraudulent document to unlawfully establish legal status; and

2. Page 2, Lines 42 through 44:

42 less than \$50,000 recoverable, with attorney fees and costs, in a civil action that may be
43 brought by the Office of the Attorney General ~~{on behalf of the Department of~~

Workforce
44 Services} for each document subject to the violation.

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

MOTION: Rep. Wyatt moved to proceed to the next item on the agenda. The motion passed unanimously with Rep. Grover, Rep. Hutchings, and Rep. Fowlke absent for the vote.

Rep. Aagard relinquished the chair to Rep. Garn.

H.B. 326 Repeal of Juvenile Justice Services Victim Restitution Account (Rep. D. Aagard)

Rep. Aagard introduced H.B. 326 and explained it to the committee, assisted by Dan Maldonado, Director, Department of Human Services.

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

1. *Page 1, Lines 12 through 14:*

12 This bill:
13 ▶ repeals the Juvenile Justice Services Victim Restitution Account created in
Section
14 62A-7-110.5 ; and
▶ makes technical amendments .

2. *Page 1, Lines 19 through 20:*

19 Utah Code Sections Affected:
= AMENDS:
62A-7-111.5, as renumbered and amended by Chapter 13, Laws of Utah 2005
20 REPEALS:

3. *Page 1, Line 23:*

23 Be it enacted by the Legislature of the state of Utah:
= Section 1. Section 62A-7-111.5 is amended to read:
62A-7-111.5. Cost of support and maintenance of youth offender --
Responsibility.
{~~+~~} On commitment of a youth offender to the division, and on
recommendation of the division to the juvenile court, the juvenile court may order the

youth offender or his parent, guardian, or custodian, to share in the costs of support and maintenance for the youth offender during his term of commitment.

~~{(2) After payment of collection expenses, any remaining balance collected under the provisions of Subsection (1) may be deposited in the "Juvenile Justice Services Victim Restitution Account" created in Section 62A-7-110.5 at the discretion of the director.}~~

Renumber remaining sections accordingly.

The motion to amend the bill passed unanimously with Rep. Grover, Rep. Hutchings, Rep. McGee, and Rep. Fowlke absent for the vote.

MOTION: Rep. Aagard moved to pass H.B. 326 out favorably. The motion passed unanimously with Rep. Allen, Rep. Grover, and Rep. Hutchings absent for the vote.

Rep. Aagard resumed the chair.

H.B. 131 Document Fraud (Rep. K. Morgan)

At the request of Rep. Morgan, the committee resumed discussion on H.B. 131.

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

1. Page 2, Lines 45 through 47:

- 45 (b) Moneys collected under Subsection (3)(a) shall be deposited in the Attorney
46 General Litigation Fund created in Section 76-10-922 to be first applied to any actual
civil damages incurred by an individual victim of the actions prohibited by this
section and then shall be used for costs incurred for actions
47 brought under this section.

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

MOTION: Rep. Fowlke moved to pass H.B. 131 out favorably as amended. The motion passed with Rep. Grover and Rep. Hutchings absent for the vote. Rep. Wheatley voted in opposition to the motion.

H.B. 342 Protective Order Revisions (Rep. S. Wyatt)

Rep. Wyatt introduced H.B. 342 and explained it to the committee, assisted by Ned Searle, Commission on Criminal and Juvenile Justice.

Rep. Aagard relinquished the chair to Rep. Fowlke.

Spoke in favor of the bill: Russ Mead, Best Friends Animal Sanctuary (handout)

Rep. Aagard resumed the chair.

MOTION: Rep. McGee moved to pass H.B. 342 out favorably. The motion passed unanimously with Rep. Grover absent for the vote.

MOTION: Rep. Biskupski moved to place the bill on the Consent Calendar. The motion was subsequently withdrawn.

S.B. 38 Juvenile Court Judge (Sen. C. Walker)

Sen. Walker introduced S.B. 38 and explained it to the committee, assisted by Judge Kimberly K. Hornack, Third District Juvenile Court.

MOTION: Rep. Fowlke moved to pass S.B. 38 out favorably. The motion passed unanimously with Rep. Garn, Rep. Grover, Rep. McGee, and Rep. Wyatt absent for the vote.

S.B. 23S2 Child Support Guidelines (Sen. G. Bell)

Sen. Bell introduced 2nd Substitute S.B. 23 and explained it to the committee. He was assisted by Mark Brasher, Director, Office of Recovery Services. Handouts were provided to committee members.

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

1. Page 26, Lines 771 through 789:

771	<u>Adj. Gross Income</u>	<u>Number of Children</u>					
772		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
773	<u>From</u> <u>To</u>						
		*** Some lines not shown ***					
779	<u>751 - 775</u>	{ 147 }	<u>148</u>	<u>149</u>	<u>151</u>	<u>153</u>	<u>155</u>
780	<u>776 - 800</u>		<u>178</u>	<u>179</u>	<u>182</u>	<u>183</u>	<u>186</u>
781	<u>801 - 825</u>		<u>207</u>	<u>209</u>	<u>212</u>	<u>214</u>	<u>216</u>

782	<u>826 - 850</u>	<u>236</u>	<u>239</u>	<u>242</u>	<u>244</u>	<u>247</u>
783	<u>851 - 875</u>	<u>266</u>	<u>269</u>	<u>272</u>	<u>275</u>	<u>278</u>
784	<u>876 - 900</u>	{296}	<u>299</u>	<u>303</u>	<u>305</u>	<u>309</u>
785	<u>901 - 925</u>	{325}	<u>329</u>	<u>333</u>	<u>337</u>	<u>339</u>
786	<u>926 - 950</u>		{359}	<u>363</u>	<u>366</u>	<u>370</u>
787	<u>951 - 975</u>		{389}	<u>393</u>	<u>398</u>	<u>402</u>
788	<u>976 - 1,000</u>			{424}	<u>428</u>	<u>433</u>
789	<u>1,001 - 1,050</u>			{484}	{489}	<u>494</u>

The motion passed unanimously with Rep. Garn absent for the vote.

Spoke in favor of the bill: Stewart Ralphs, Legal Aid Society of Salt Lake
 Lori Nelson, attorney, Jones Waldo

Spoke in opposition to the bill: Tony Curtis, citizen (handout)
 Craig Berntson, citizen (handout)
 Chad Bennion, citizen

MOTION: Rep. Biskupski moved to pass 2nd Substitute S.B. 23 out favorably as amended.
 The motion passed with Rep. Garn absent for the vote and Rep. Bird voting in
 opposition to the motion.

MOTION: Rep. Allen moved to adjourn the meeting. The motion passed unanimously with
 Rep. Garn absent for the vote.

Rep. Aagard adjourned the meeting at 9:55 a.m.

Rep. Douglas C. Aagard, Chair