

**MINUTES OF THE  
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE  
STANDING COMMITTEE MEETING  
FRIDAY, JANUARY 26, 2007, 2:00 P.M.  
ROOM W130, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX**

Members Present: Sen. Gregory S. Bell, Chair  
Sen. Jon J. Greiner  
Sen. Lyle W. Hillyard  
Sen. Mark B. Madsen  
Sen. Scott D. McCoy  
Sen. Ross I. Romero

Members Excused: Pres. John L. Valentine

Staff Present: Jerry Howe, Policy Analyst  
Bonnie Brinton, Committee Secretary

Public Speakers Present: Kirk Cullimore, Attorney  
Rick Schwermer, Administrative Office of the Courts  
Martin S. Blaustein, Attorney, Utah Legal Services  
Steve Ericksen, Utah Issues  
Karen Silver, Advocate, Salt Lake Community Action Program  
Stephen Trayner, Attorney, State Farm/UDLA  
Roger Holle, President, Utah Trial Lawyers Association  
Brain Allen, Lobbyist, Liberty Mutual/Insurance Industry  
Gary Thorup, Local Counsel, PCIAA  
Dan Becker, Court Administration

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

Chair Bell called the meeting to order at 2:05 p.m.

**Approval of Minutes**

**MOTION:** Sen. Madsen moved to approve the minutes of January 23, 2007.

The motion passed unanimously with Sens. Hillyard and Romero absent for the vote.

**1. H.B. 31 Driver License or Identification Card Requirement for Sex Offenders**  
(*Rep. P. Ray*)

Sen. Greiner explained the bill.

**MOTION:** Sen. Romero moved to pass H.B. 31 out of Committee with a favorable recommendation.

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

**2. S.B. 136 Unlawful Detainer Amendments (Sen. M. Waddoups)**

Sen. Waddoups explained the bill.

Kirk Cullimore, Attorney, assisted in the presentation of the bill.

Sen. Waddoups proposed the Committee adopt the following amendment to S.B. 136:

1. *Page 4, Line 108:*

108 [The] {~~Any officer of the court~~} A judge, court clerk, or plaintiff's counsel  
shall indorse on the summons the number of days within which

2. *Page 6, Lines 167 through 171:*

167 (b) the court shall begin the trial within 60 days after the day on which the complaint  
is

168 {~~filed~~} served, unless the parties agree otherwise.

169 (2) (a) In an action for unlawful detainer where the claim is for nonpayment of rent,  
the

170 court shall hold an evidentiary hearing , upon request of either party, within ten days  
after the day on which the defendant

171 files the defendant's answer.

3. *Page 6, Lines 181 through 182:*

181 (b) The hearing required by Subsection (3)(a) shall be set at the time the complaint is  
182 filed and notice of the hearing shall be served upon the defendant with the summons  
at least three calendar days

4. *Page 7, Lines 210 through 211:*

210 (d) (i) A forfeiture under Subsection (1)(c) does not release a defendant from any  
211 obligation for payments on a lease for the remainder of the lease's term.

(ii) Subsection (1)(d)(i) does not change any obligation on either party to

mitigate damages.

**MOTION:** Sen. Romero moved to adopt the amendment to S.B. 136. The motion passed unanimously with Sen. Hillyard absent for the vote.

Rick Schwermer, Administrative Office of the Courts, spoke to the bill.

Martin S. Blaustein, Attorney, Utah Legal Services, spoke against the bill.

Steve Ericksen, Utah Issues, requested the bill be held.

Karen Silver, Advocate, Salt Lake Community Action Program, spoke against the bill.

**MOTION:** Sen. Hillyard moved to hold the bill until the next meeting.

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

**3. S.B. 157 Parental Notification of Child Interview by Law Enforcement**  
(*Sen. D. C. Buttars*)

Sen. Buttars explained the bill.

**MOTION:** Sen. Greiner moved to go to the next agenda item.

The motion passed unanimously with Sens. Madsen and Romero absent for the vote.

**4. S.J.R. 8 Joint Resolution Supporting Kane County Expansion of Correctional Facilities**  
(*Sen. D. Stowell*)

Sen. Stowell explained the resolution.

**MOTION:** Sen. Hillyard moved to pass S.J.R. 8 out of Committee with a favorable recommendation.

The motion passed unanimously with Sens. Madsen and Romero absent for the vote.

Sen. McCoy assumed the Chair.

**5. S.B. 113 Limitation of Actions** (*Sen. G. Bell*)

Sen. Bell explained the bill.

Stephen Trayner, Attorney, State Farm/UDLA, assisted in explaining the bill and spoke in favor of the bill.

Roger Holle, President, Utah Trial Lawyers Association, and Brain Allen, Lobbyist, Liberty Mutual/Insurance Industry, spoke in favor of the bill.

**MOTION:** Sen. Bell moved to pass S.B. 113 out of Committee with a favorable recommendation.

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

**6. S.B. 152 Presumptive Personal Representative (Sen. G. Bell)**

Sen. Bell explained the bill.

Dan Becker, Court Administration, assisted in explaining the bill and spoke in favor of the bill.

Stephen Trayner, Attorney, State Farm/UDLA, Roger Holle, President, Utah Trial Lawyers Association, and Gary Thorup, Local Counsel, PCIAA, spoke in favor of the bill.

**MOTION:** Sen. Hillyard moved to pass S.B. 152 out of Committee with a favorable recommendation.

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

**7. S.B. 151 Case Management Pilot Project (Sen. G. Bell)**

Sen. Bell explained the bill.

Dan Becker, Court Administration, assisted in explaining the bill and spoke in favor of the bill.

**MOTION:** Sen. Bell moved to pass S.B. 151 out of Committee with a favorable recommendation.

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

**8. S.B. 150 Property Exempt from Execution (Sen. L. Hillyard)**

Sen. Hillyard explained the bill.

**MOTION:** Sen. Hillyard moved to pass S.B. 150 out of Committee with a favorable recommendation.

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

**MOTION:** Sen. Hillyard moved to place S.B. 150 on the Consent Calendar.

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

**MOTION:** Sen. Romero moved to adjourn.

The meeting adjourned at 4:00 p.m.

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Sen. Gregory S. Bell, Committee Chair