



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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February 14, 2008

Mr. President:

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 9, JOINT RESOLUTION AMENDING RULES OF EVIDENCE RELATING TO INFORMATION CONTAINED IN THE MANAGEMENT INFORMATION SYSTEM**, by Senator G. Davis, with the following amendments:

1. *Page 1, Lines 20 through 25:*

20 ▶ provides that a report, and information from or relating to a report, maintained in
21 the Management Information System may not be disclosed or admitted as evidence {~~;~~
22 **nor may testimony regarding the report or information be made or accepted,**} in a
23 proceeding **, where the state is not a party,** for divorce, child-custody, a protection
24 order, adoption, or termination
25 of parental rights, if the report has been found to be unsubstantiated, unsupported,
or without merit **, unless a party who is not the alleged perpetrator in the report
shows, by clear and convincing evidence, that the probative value of the report or
information outweighs its prejudicial effect** ; and

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

54 (a) (5) "Restricted proceeding" means a proceeding **, where the state is not a**
party, for divorce, child-custody, a
55 **protection order, adoption, or termination of parental rights.**

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SJR009

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3. Page 3, Lines 59 through 61:

59 (b) General rule of privilege. Restricted information may not be disclosed or
admitted
60 as evidence ~~{, nor may testimony regarding restricted information be made or~~
~~accepted,}~~ in a
61 restricted proceeding, if a finding of unreliability has been made in relation to the report .
unless a party who is not the alleged perpetrator in the report shows, by clear and
convincing evidence, that the probative value of the restricted information outweighs
the prejudicial affect of the restricted information .

Respectfully,

Gregory S. Bell
Committee Chair

Voting: 4-0-3

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