

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
January 31, 2008**

MEMBERS PRESENT: Rep. Douglas C. Aagard, Chair
Rep. Lorie D. Fowlke, Vice Chair
Rep. Jim Bird
Rep. Jackie Biskupski
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Christine A. Johnson
Rep. Rosalind J. McGee
Rep. R. Curt Webb
Rep. Mark A. Wheatley

MEMBERS ABSENT: Rep. Sheryl L. Allen
Rep. Kevin S. Garn
Rep. Kay L. McIff

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 Fowlke called the meeting to order at 8:34 a.m.

MOTION: Rep. Bird moved to approve the corrected minutes of the January 25, 2008 meeting. The motion passed unanimously with Rep. Biskupski, Rep. Johnson, and Rep. Wheatley absent for the vote.

MOTION: Rep. Aagard moved to approve the minutes of the January 29, 2008 meeting. The motion passed unanimously with Rep. Biskupski, Rep. Johnson, and Rep. Wheatley absent for the vote.

H.B. 289 Adoption - Investigation and Release of Information (Rep. K. Sumsion)

Rep. Sumsion explained H.B. 289 to the committee, assisted by Tom Vaughn, Office of Legislative Research and Counsel.

Spoke to the bill: Barry Nangle, Department of Health
Rick Schwermer, Administrative Office of the Courts

MOTION: Rep. Hutchings moved to pass H.B. 289 out favorably.

SUBSTITUE

MOTION: Rep. McGee moved to proceed to the next item on the agenda. The motion failed with Rep. Johnson, Rep. McGee, and Rep. Wheatley voting in favor of the motion.

The motion to pass the bill out favorably passed with Rep. Johnson, Rep. McGee, and Rep. Wheatley voting in opposition to the motion.

S.B. 10 Search Warrant Procedure Amendments (Sen. J. Greiner)

Sen. Greiner explained S.B. 10 to the committee.

Spoke in favor of the bill: Tom Patterson, Department of Corrections

MOTION: Rep. Hutchings moved to pass S.B. 10 out favorably. The motion passed unanimously.

S.B. 16 Exoneration and Innocence Assistance (Sen. G. Bell)

Sen. Bell explained S.B. 16 to the committee, assisted by Creighton Horton, Attorney General's Office.

MOTION: Rep. Johnson moved to pass S.B. 16 out favorably. The motion passed unanimously.

H.B. 90 Expungement Amendments (Rep. R. C. Webb)

MOTION: Rep. Webb moved to amend H.B. 90 as follows:

1. Page 1, Line 10:

10 period for multiple ~~{class A misdemeanors}~~ misdemeanor offenses .

2. Page 1, Lines 14 through 16:

14 case of ~~{multiple}~~ :
• multiple class A misdemeanors, ~~{20}~~ 15 years must elapse before the offenses

15 may be expunged ;
• multiple class B misdemeanors, 12 years must elapse; and
• multiple class C misdemeanors, six years must elapse .

16 Monies Appropriated in this Bill:

3. *Page 3, Lines 74 through 75:*

74 Criminal Code; [or] =

(e) six years in the case of multiple class C misdemeanors;

75 {~~(e) 15~~} (f) 12 years in the case of multiple class B {~~or class C~~}
misdemeanors[-];

4. *Page 3, Line 76:*

76 {~~(f) 20~~} (g) 15 years in the case of multiple class A misdemeanors.

The motion to amend the bill passed unanimously.

Rep. Webb explained the amended bill, assisted by James Swink, Cache County Attorney's Office.

Spoke to the bill: Steve Erickson, Citizens Education Project

MOTION: Rep. McGee moved to pass H.B. 90 out favorably. The motion passed unanimously.

MOTION: Rep. McGee moved to adjourn the meeting. The motion passed unanimously.

Rep. Fowlke adjourned the meeting at 9:50 a.m.

Rep. Douglas C. Aagard, Chair