

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room W010 - State Capitol Complex  
February 18, 2008**

**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. R. Curt Webb  
Rep. Mark A. Wheatley

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

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

Representative Fowlke called the meeting to order at 4:20 p.m.

**H.B. 470      Amendments to Animal Cruelty Provisions (*Rep. S. Allen*)**

**MOTION:** Rep. Allen moved to amend the bill as follows:

1. *Page 5, Lines 145 through 150:*

145            (g) "Necessary food, water, care, or shelter" means the following, taking into account  
146 the species, age, and physical condition of the animal:  
147            (i) appropriate and essential food and water;  
148            (ii) {~~veterinary care; and~~  
149 —(iii)} adequate protection, including appropriate shelter, against extreme weather  
150 conditions {~~-~~} ; and  
                  (iii) other essential care.

2. *Page 10, Lines 292 through 299:*

292            (2) A person {~~who commits an offense described in Subsection 76-9-301(4)}~~  
is guilty of

- 293 a third degree felony if:
- 294 (a) the person intentionally or knowingly commits an offense {is  
committed} described in Subsection 76-9-301(4)(a) in the presence of a minor;
- 295 (b) the person intentionally or knowingly commits an offense {is  
committed} described in Subsection 76-9-301(4) incident to one act, scheme,  
course of conduct, or criminal  
296 episode during which the person committed domestic violence, as defined in Section  
77-36-1;
- 297 (c) the person intentionally or knowingly commits an offense {is  
committed} described in Subsection 76-9-301(4)(a) against a companion animal;  
or
- 298 (d) the person intentionally or knowingly commits an offense described in  
Subsection 76-9-301(4) and, prior to committing the offense, the person is:
- 299 (i) convicted of a violation of Subsection 76-9-301(4) that is punishable under  
Subsection 76-9-301(5)(a) ;

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

Rep. Allen explained the bill as amended to the committee, assisted by Chad Pratt, Salt Lake County Prosecutor's Office.

Spoke in favor of the bill: Judy Kasten Bell, Utah Domestic Violence Council  
Drew Allen, Utah Veterinarians Association

Spoke in opposition to the bill: Todd Bingham, Utah Farm Bureau

MOTION: Rep. Garn moved to proceed to the next item on the agenda.

SUBSTITUTE

MOTION: Rep. Allen moved to pass the bill out with a favorable recommendation. The motion failed with Rep. Allen, Rep. Biskupski, Rep. Johnson, Rep. McGee, and Rep. Wheatley voting in favor of the motion.

The original motion to proceed to the next agenda item passed with Rep. Allen, Rep. Biskupski, Rep. Johnson, Rep. McGee, and Rep. Wheatley voting in opposition to the motion.

Rep. Fowlke relinquished the chair to Rep. Aagard.



decision

- 61 making impractical in certain circumstances; or  
62 ~~—(v) any other factor the court considers relevant, including those listed in~~  
Section  
63 ~~30-3-10.2.~~}

2. *Page 4, Lines 97 through 99:*

- 97 (5) This section establishes neither a preference nor a presumption for or against  
{+} joint  
98 legal custody, {+} joint physical custody {+} , {+} or sole {~~physical~~  
-} custody, but allows the court and the  
99 family the widest discretion to choose a parenting plan that is in the best interest of the  
child.

3. *Page 5, Lines 128 through 132:*

- 128 (c) {+} The agreement shall contain {+} {~~An order of joint legal or~~  
physical custody shall  
129 require} a parenting plan incorporating a dispute resolution procedure the parties agree  
to use {-}  
130 {~~(i) in accordance with Section 30-3-10.9, or as ordered by the court in~~  
accordance with  
131 Subsection 30-3-10.2(5); and}  
132 {~~(ii)~~} before seeking enforcement or modification of the terms and conditions of  
the

The motion to amend the bill passed with Rep. Hutchings and Rep. Fowlke voting in opposition to the motion.

MOTION: Rep. Biskupski moved to pass 1st Substitute H.B. 415 as amended with a favorable recommendation. The motion passed unanimously.

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

Rep. Aagard adjourned the meeting at 6:15 p.m.

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Rep. Douglas C. Aagard, Chair