

**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