

**MINUTES OF THE  
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE  
STANDING COMMITTEE MEETING  
FRIDAY, FEBRUARY 22, 2008, 8:00 AM  
ROOM 250, STATE CAPITOL, 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  
                                      Pres. John L. Valentine

Staff Present:                Jerry Howe, Policy Analyst  
                                      Esther McCarty, Attorney  
                                      Karen C. Allred, Secretary

Speakers Present            Troy Booher, Lawyer, Snell and Wilmer  
                                      Fred Voros, Assistant Attorney General  
                                      Tom Bruner, Assistant Attorney General  
                                      Matt Hunsaker, Victim  
                                      Betty Sudweeks, Victim  
                                      John Reidhead, Director, Division of Finance  
                                      Richard Hamp, Assistant Attorney General

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

Chair Bell called the meeting to order at 8:08 am.

Sen. Madsen assumed the Chair.

1. **S.B. 277 Post-conviction Remedies Act Revisions** (*G. Bell*)

Sen. Bell presented and explained the bill.

Troy Booher, Lawyer, Snell and Wilmer, spoke to the bill.

**MOTION:** Sen. Bell moved to adopt the following amendment to S.B. 277:

1. *Page 4, Line 99:*

99            (2)    { ~~The court may not enter a default judgment against the state.~~ }    The  
court may not

2. *Page 4, Lines 115 through 116:*

115           (2)    {~~A time bar or procedural bar may be waived by the state only in a  
written waiver  
116    filed in the action and served on the petitioner.~~}    The state may raise any of the  
procedural bars

3. *Page 4, Line 118:*

118    post-conviction relief    , unless the court determines that the state should have raised  
the time bar or procedural bar at an earlier time.    Any court may raise a procedural  
bar or time bar on its own motion.

4. *Page 8, Lines 234 through 235:*

234    work identified is reasonably likely to develop evidence or legal arguments that will  
          {~~entitle the  
235    petitioner to~~}    support    post-conviction relief.

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

Fred Voros, Assistant Attorney General, State of Utah, Tom Bruner, Assistant Attorney General, State of Utah, Matt Hunsaker, victim, Betty Sudweeks, victim, and John Reidhead, Director, Division of Finance, spoke in favor of the bill.

Pres. Valentine assumed the chair.

Lynn Donaldson, Lawyer spoke against the bill.

**MOTION:** Sen. Bell moved to pass S.B. 277 out of committee with a favorable recommendation.

**SUBSTITUTE MOTION:** Sen. Romero moved to adopt the following amendment to S.B. 277:

Page 8, line 217, delete "\$125" and insert "\$175".

Page 8, line 218, delete "\$60,000" and insert "\$90,000".

Page 8, line 222, delete "\$20,000" and insert "\$30,000".

The motion failed with Sens. Romero and McCoy voting in favor, Sens. Bell, Griener and Valentine voting against, and Sens. Hillyard and Madsen absent for the vote.

The original motion passed with Sens. Bell, Greiner, McCoy and Valentine voting in favor, Sen. Romero voting against, and Sens. Hillyard and Madsen absent for the vote.

2. **S.B. 278 Technical Amendments to Titles 78a and 78b** (*G. Bell*)

**MOTION:** Sen. Bell moved to replace S.B. 278 with 1st Substitute S.B. 278.

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

Sen. Bell presented and explained the bill.

**MOTION:** Sen. Bell moved to pass 1st Substitute S.B. 278 out of committee with a favorable recommendation.

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

Sen. Bell resumed the Chair

**MOTION:** Sen. McCoy moved to place 1st Substitute S.B. 278 on the Consent Calendar.

The motion passed unanimously with Sens. Hillyard, Madsen and Pres. Valentine absent for the vote.

3. **H.B. 141 S01 Identity Theft Reporting Information System Amendments** (*D. Aagard*)

Rep. Aagard presented and explained the bill.

Richard Hamp, Assistant Attorney General, State of Utah, spoke in favor of the bill.

**MOTION:** Sen. McCoy moved to pass 1st Substitute H.B. 141 out of committee with a favorable recommendation.

The motion passed unanimously with Sens. Hillyard, Madsen and Pres. Valentine absent for the vote.

**MOTION:** Sen. McCoy moved to place 1st Substitute H.B. 141 on the Consent Calendar.

The motion passed unanimously with Sens. Hillyard, Madsen and Pres. Valentine absent for the vote.

4. **H.B. 149 S01 Protective Order Amendments** (*L. Fowlke*)

Rep. Fowlke presented and explained the bill.

**MOTION:** Sen. McCoy moved to send 1st Substitute H.B. 149 out of committee with a favorable recommendation.

The motion passed unanimously with Sens. Hillyard, Madsen and Pres. Valentine absent for the vote.

**MOTION:** Sen. McCoy moved to place 1st Substitute H.B. 149 on the Consent Calendar.

The motion passed unanimously with Sens. Hillyard, Madsen and Pres. Valentine absent for the vote.

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

The meeting adjourned at 8:58.

---

Sen. Gregory S. Bell, Committee Chair