

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room W020 - House Building, State Capitol Complex  
January 30, 2009**

**MEMBERS PRESENT:** Rep. Lorie D. Fowlke, Chair  
Rep. Don Ipson, Vice Chair  
Rep. Sheryl L. Allen  
Rep. Jim Bird  
Rep. Jackie Biskupski  
Rep. Francis Gibson  
Rep. Keith Grover  
Rep. Eric K. Hutchings  
Rep. Christine A. Johnson  
Rep. Brian King  
Rep. Kay L. McIff  
Rep. Kraig Powell  
Rep. Mark A. Wheatley

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Jerry D. Howe, Policy Analyst  
Cherri White, Committee Secretary

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

Vice-Chair Ipson called the meeting to order at 2:12 pm, and requested a motion to approve the minutes of January 28, 2009.

**MOTION:** Rep. Johnson moved to approve the minutes of January 28, 2009. The motion passed unanimously with Representatives Allen, Hutchings, and Wheatley absent for the vote.

***HB0097 Sexual Exploitation of a Minor (Rep. R. Bigelow)***

The sponsor indicated that as the bill had been introduced on January 28, 2009 that he would appreciate the consideration of the committee in adopting an amendment.

**MOTION:** Madam Chair Fowlke moved to amend:

1. Page 1, Line 13:

13 child pornography ; and

► provides that entities, their employees, and law enforcement officers who are acting in good faith to investigate, monitor for, or report child pornography are not considered to have violated any civil or criminal

provision regarding sexual exploitation of a minor

2. Page 1, Line 26 through Page 2, Line 28:

- 26 (a) when the person :  
27 (i) knowingly produces, ~~{ distributes, views, }~~ possesses, or possesses  
27 with intent to distribute ~~{, }~~ child pornography; or  
28 (ii) intentionally distributes or views child pornography; or  
28 (b) if the person is a minor's parent or legal guardian and knowingly consents to or

3. Page 2, Line 38:

- 38 the visual depiction. =  
(5) This section may not be construed to impose criminal or civil liability on:  
(a) any entity or an employee, director, officer, or agent of an entity when acting  
within the scope of employment, for the good faith performance of:  
(i) reporting or data preservation duties required under any federal or state law;  
or  
(ii) implementing a policy of attempting to prevent the presence of child  
pornography on any tangible or intangible property, or of detecting and reporting the  
presence of child pornography on the property; or  
(b) any law enforcement officer acting within the scope of a criminal  
investigation.

The motion passed unanimously with Representatives Allen, Hutchings, and Wheatley absent for the vote.

Mark Shurtleff, Utah Attorney General, spoke in favor of the bill and addressed questions from the committee. Paul Rogers, representing Internet Service Providers, and Ken Wallentine, Chief, Investigations, Attorney General's Office spoke in favor of the bill.

**MOTION:** Madam Chair Fowlke moved to pass the bill out favorably as amended. The motion passed unanimously with Representative Wheatley absent for the vote.

**HB0223** *Statute of Limitations Amendments (Rep. C. Wimmer)*

The sponsor introduced the bill and explained its intent.

Darlene Schmidt, a citizen, spoke to the bill.

**MOTION:** Representative Hutchings moved to pass the bill out favorably. The motion

passed unanimously.

***HB0233      Aggravated Sexual Assault Amendments (Rep. C. Wimmer)***

The sponsor introduced the bill and explained its intent.

Paul Boyden, Executive Director, Statewide Association of Prosecutors, assisted with the presentation of the bill.

Thomas Vaughn, Legislative Research and General Counsel, explained the bill and answered questions without speaking for or against the bill.

Darlene Schmidt, a citizen, spoke against the bill.

**MOTION:** Representative McIff moved to pass the bill out favorably. The motion passed unanimously

***HB0072      Children's Justice Center Amendments (Rep. L. Fowlke)***

The sponsor introduced the bill and explained its intent. Tracey Talbot, Program Administrator, State Children's Justice Centers, Attorney General's Office, assisted with the presentation.

**MOTION:** Representative Fowlke moved to pass the bill out favorably. The motion passed unanimously.

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

Vice-Chair Ipson adjourned the meeting at 3:13.

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Representative Lorie D. Fowlke Chair