

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room W020 - House Building, State Capitol Complex  
February 9, 2009**

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

**MEMBERS ABSENT:** Representative Keith Grover

**MEMBERS EXCUSED:** Rep. Jackie Biskupski

**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.

Madam Chair Fowlke called the meeting to order at 8:03 am, and indicated that Representative Biskupski was excused from the meeting. Madam Chair Fowlke then called for a motion to approve the minutes of February 5, 2009.

**MOTION:** Representative Gibson moved to approve the minutes of February 5, 2009. The motion passed unanimously with Representatives Allen, Bird, Hutchings, and Johnson absent for the vote.

Madam Chair Fowlke indicated that H.B. 294 would be held to a future meeting.

**HB0298      *Juvenile Transfers from Justice Court (Rep. K. McIff)***

The sponsor introduced the bill and explained its intent.

**MOTION:** Representative King moved to pass the bill out favorably. The motion passed unanimously with Representatives Allen and Johnson absent for the vote.

**HB0138      *Expungement of Records Amendments (Rep. Julie Fisher)***

The sponsor introduced the bill and explained its intent. Representative Fisher also asked the

committee to adopt an amendment to the bill.

**MOTION:** Representative Ipson moved to amend HB 138 as follows:

1. Page 4, Lines 107 through 109:

107           (9) If, after obtaining an expungement, the petitioner is charged with a felony, the state  
108    may petition the court to open the expunged records {~~, and~~} upon a showing of good cause {  
the  
~~109 — court may allow any relevant records to be used in an investigation or trial of the new~~  
~~charges}~~ .

The motion passed unanimously with Representatives Hutchings and McIff absent for the vote.

George Earl Demorest IV, a constituent of Representative Fisher assisted in the presentation. Alice Erickson, Bureau Chief, Bureau of Criminal Identification, Department of Public Safety, and Steve Major, Prosecutor, Davis County Attorney's Office, addressed questions from the committee.

**MOTION:** Representative Allen moved to pass HB 138 out favorably as amended. The motion passed unanimously with Representatives Bird, Gibson, Hutchings, and Johnson absent for the vote.

Madam Chair Fowlke turned the chair to Vice Chair Ipson at 8:45 am.

**HB0270      Parent-time Holiday and Notification Amendments (*Rep. L. Fowlke*)**

The sponsor introduced the bill and explained its intent.

Stewart P. Ralphs, Executive Director, Legal Aid Society of Salt Lake, and Utah Domestic Violence Council spoke in favor of the bill.

**MOTION:** Representative Johnson moved to pass the bill out favorably. The motion passed unanimously, with Representatives Allen and Gibson absent for the vote.

**MOTION:** Representative Fowlke moved to place the bill on the Consent Calendar. The motion passed unanimously with Representatives Allen and Gibson absent for the vote.

**HB0251      Joint Custody Amendments (*Rep. L. Fowlke*)**

**MOTION:** Representative Fowlke moved to amend HB 251 as follows:

1. *Page 4, Lines 110 through 114:*

110 (5) ~~(a)~~ The appointment of joint legal ~~{-or physical-}~~ custodians does not  
impair or limit

111 the authority of the court to order support of the child, including payments by one  
custodian to

112 the other.

113 ~~(b)~~ (6) An order of joint legal ~~{-or physical-}~~ custody, in itself, is not grounds  
for

114 modifying a support order.

2. *Page 5, Line 122:*

122 (1) On the ~~{-motion-}~~ petition of one or both of the parents, or the joint legal  
or physical custodians

3. *Page 5, Lines 141 through 147:*

141 (b) The court shall make specific written findings on each of the factors relied upon  
142 stating:

143 (i) a material and substantial change of circumstance has occurred; and

144 (ii) a modification of the terms and conditions of the order would be an improvement  
145 for and in the best interest of the child. ~~{-;and~~

146 ~~—(iii) where each factor falls within the spectrum of relative importance and to~~  
~~accord~~

147 ~~each factor its appropriate weight.-}~~

The motion passed unanimously with Representatives Allen and Gibson absent for the vote.

The sponsor proceeded to introduce the bill and explain its intent.

Ron Castleton, representing himself and his son Cole, and Stewart Ralphs, Executive Director, Legal Aid Society of Salt Lake, and Utah Domestic Violence Council spoke in favor of the bill.

**MOTION:** Representative King moved to pass the bill out favorably as amended. The motion passed unanimously with Representatives Allen, Gibson, and Johnson absent for the vote.

Vice Chair Ipson turned the chair back to Madam Chair Fowlke at 9:05 am.

**MOTION:** Representative Wheatley moved to adjourn the meeting. The motion passed unanimously, and Madam Chair Fowlke adjourned the meeting at 9:07 am..

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Rep. Lorie Fowlke, Chair