### MINUTES OF THE HOUSE JUDICIARY STANDING COMMITTEE MEETING Room W020 - House Building, State Capitol Complex March 3, 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. Eric K. Hutchings Rep. Christine A. Johnson Rep. Brian King Rep. Kay L. McIff Rep. Kraig Powell Rep. Mark A. Wheatley
MEMBERS ABSENT:	Rep. Keith Grover
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 4:20 pm and called for a motion to approve the minutes of February 24, 2009.

**MOTION:** Representative Ipson moved to approve the minutes of February 24, 2009. The motion passed unanimously with Representatives Allen, Grover, Hutchings, Johnson, and McIff absent for the vote.

Madam Chair Fowlke turned the chair to Vice Chair Ipson at 4:22 pm.

#### HB0326S01 Forcible Entry and Detainer Amendments (Rep. L. Fowlke)

The sponsor introduced the bill and explained its intent.

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

Representative Ipson turned the chair back to Madam Chair Fowlke at 4:25 pm.

House Judiciary Standing Committee March 3, 2009 Page 2

## SB0154 Juvenile Court Judge - Fifth District (Sen. S. Urquhart)

As Senator Urquart was not in attendance to present the bill, Madam Chair Fowlke explained the bill.

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

# SB0243 Judicial Performance Evaluation Commission Modifications (Sen. D. C. Buttars)

As Senator Buttars was not in attendance Joanne Slotnik, Director, Judical Evaluation Commission explained the bill.

**MOTION:** Representative Ipson moved to pass the bill out favorably. The motion passed unanimously with Representatives Grover and Hutchings absent for the vote.

## HJR027 Criminal Procedure Revisions Resolution (*Rep. W. Harper*)

The sponsor indicated he had an amendment he would like the committee to adopt before introducing the bill.

**MOTION:** Representative Johnson moved to amend:

- 1. Page 1, Lines 13 through 15:
  - 13 This resolution:
  - requires that a prosecuting attorney { obtain a defendant's consent before reducing } may not, with the exception of traffic offenses, reduce a
  - 15 misdemeanor charge to an infraction <u>once a demand for a jury trial is made</u>.
- 2. Page 2, Lines 38 through 41:
  - 38 (c) In criminal prosecutions filed before a magistrate charging the commission of a
  - 39 misdemeanor, the prosecuting attorney may not reduce the charge to an infraction if the
  - 40 defendant has requested a trial by jury in accordance with Rule 17 of the Utah Rules of
  - 41 <u>Criminal Procedure.</u> <u>This paragraph does not apply to offenses charged under Title</u> 41, Chapter 6a, Traffic Code.

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

House Judiciary Standing Committee March 3, 2009 Page 3

The sponsor proceeded to introduce the bill and explained its intent. Paul Boyden, Statewide Association of Prosecutors, spoke to the bill.

**MOTION:** Representative Biskupski moved to place the bill on the prioritized list for interim study.

### SUBSTITUTE

**MOTION:** Representative Allen moved to place the bill on the Master Study Resolution. The motion passed unanimously with Representative Grover absent for the vote.

## HB0455 Court Security Restricted Account (*Rep. E. Hutchings*)

The sponsor introduced the bill and explained its intent.

Rick Schwermer, Assistant Court Administrator, Administrative Office of the Courts, spoke in favor of the bill.

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

Madam Chair Fowlke, informed the committee that the following bills not heard would be referred to the Rules Committee:

SB0051Restitution Fund Account (Sen. D. Liljenquist)SB0131S02Law Enforcement Service in Local Districts and Interlocal Entities (Sen. S.<br/>Jenkins)SJR006Legislator Communications with Judiciary and Executive Branch Joint<br/>Rules Resolution (Sen. J. Valentine)

Madam Chair Fowlke thanked the committee for their hard word and diligence, and called for a final motion to adjourn.

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

Madam Chair Fowlke adjourned the meeting at 4:57 pm.

House Judiciary Standing Committee March 3, 2009 Page 4

Rep. Lorie Fowlke, Chair