

**MINUTES OF THE  
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE  
STANDING COMMITTEE MEETING  
FRIDAY, FEBRUARY 13, 2009, 8:00 AM  
ROOM 250, STATE CAPITOL**

Members Present: Sen. Chris Buttars, Chair  
Sen. Jon J. Greiner  
Sen. Lyle W. Hillyard  
Sen. Mark B. Madsen  
Sen. Michael Waddoups  
Sen. Scott D. McCoy  
Sen. Ross I. Romero

Staff Present: Jerry Howe, Policy Analyst  
Allison Volk, Committee Secretary

Public Speakers Present: Rebekah Briggs, Member, Utah Association of Collectors  
Paul Boyden, Assistant Attorney General, Assistant Attorney Generals Office  
Gary Crane, Attorney, Layton City  
Judith Kastenbell, Executive Director, Utah Domestic Violence Council  
Sharel Reber, Assistant Attorney General, Department of Corrections  
Gayle Ruzika, President, Eagle Forum  
Scott Sabey, Attorney, Courts/Utah State Bar  
David Saxton, President, Utah Association of Debt Collectors  
Richard Schwermer, Assistant Court Administrator, Administrative Office of the Courts  
Val Shupe, Chief of Police, Utah Chiefs of Police

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

Chair Buttars called the meeting to order at 8:15 am.

**Approval of Minutes**

**MOTION:** Sen. Buttars moved to approve the minutes of the January 30th, 2009 and February 3rd, 2009 meetings.

The motion passed unanimously with Sens. Waddoups and Romero absent during the time of the vote.

**1. S.B. 183 Violation of Protective Order, by Sen. McCoy**

Sen. McCoy motioned to amend S.B. 183 as follows:

1. *Page 4, Lines 91 through 92:*

- 91 (c) Each protective order issued in accordance with this part , including  
protective orders issued ex parte, shall  
92 include the following language:

2. *Page 4, Lines 112 through 113:*

- 112 (2) The court may amend or dismiss a protective order issued in accordance with  
this part that has been in effect for at  
113 least one year if it finds that:

3. *Page 4, Line 119 through Page 5, Line 121:*

- 119 (d) the respondent has not been convicted ~~{for}~~ of a protective order  
violation or any crime  
120 of violence subsequent to the issuance of the protective order, and there are no unresolved  
121 charges involving violent conduct still on file with the court.

The motion passed unanimously with Sens. Waddoups and Romero absent during the time of the vote.

Judith Kastenbell, Executive Director, Utah Domestic Violence Council, spoke against the bill.

Gary Crane, Attorney, Layton City, spoke to the bill.

Sens. McCoy, Hillyard and Madsen spoke to the bill.

Gayle Ruzika, President, Eagle Forum, spoke in favor of the bill.

**MOTION:** Sen. Hillyard motioned to move S.B. 183, as amended, out with a favorable recommendation

The motion passed unanimously with Sens. Greiner and Romero absent during the time of the vote.

2. **S.B. 180 Expungement of Division of Child and Family Services Records**, by Sen. Hillyard

**MOTION:** Sen. Hillyard moved to adopt 1st Substitute S.B. 180.

The motion passed unanimously with Sens. Greiner and Romero absent during the time of the vote.

Sen. Hillyard presented 1st Substitute S.B. 180.

**MOTION:** Sen. Hillyard moved to pass 1st Substitute S.B. 180 out with a favorable recommendation.

The motion passed unanimously with Sens. Greiner and Romero absent during the time of the vote.

**3. S.B. 169 Gambling Amendments, by Sen. Liljenquist**

Sen. Liljenquist presented S.B. 169.

Sen. McCoy spoke to the bill.

Mr. Crane spoke in favor of the bill.

Sen. Madsen spoke to the bill.

Val Shupe, Chief of Police, Utah Chiefs of Police, spoke in favor of the bill.

**MOTION:** Sen. Madsen motioned to move S.B. 169 out with a favorable recommendation.

The motion passed unanimously with Sens. Greiner, Hillyard and Romero absent during the time of the vote.

**4. S.B. 184 Civil Filing Fees, by Sen. Bell**

Sen. Bell presented S.B. 184.

Richard Schwermer, Assistant Court Administrator, Administrative Office of the Courts, spoke to the bill.

Sens. Waddoups and Madsen spoke to the bill.

Rebekah Briggs, Member, Utah Association of Collectors, spoke against the bill.

Scott Sabey, Attorney, Courts/Utah State Bar, spoke in favor of the bill.

David Saxton, President, Utah Association of Debt Collectors, spoke against the bill.

Sen. Bell summed the bill.

**MOTION:** Sen. Romero motioned to move S.B. 184 out with a favorable recommendation.

The motion passed with Sens. Buttars, Madsen, McCoy, Romero voting in favor of the

motion, Sen. Waddoups voting against the motion, and with Sens. Greiner and Hillyard absent during the vote.

5. **H.B. 247 Amendments to Email Information Required of Registered Sex Offenders**, by Rep. Bird

Rep. Bird presented H.B. 247.

Sen. McCoy spoke to the bill.

Sharel Reber, Assistant Attorney General, Department of Corrections, spoke in favor of the bill.

**MOTION:** Sen. McCoy motioned to move H.B. 247 out with a favorable recommendation.

The motion passed unanimously with Sens. Greiner, Hillyard and Waddoups absent during the time of the vote.

6. **H.B. 223 Statute of Limitations Amendments**, by Rep. Wimmer.

Rep. Wimmer presented H.B. 223.

**MOTION:** Sen. McCoy motioned to move H.B. 223 out with a favorable recommendation.

The motion passed unanimously with Sens. Hillyard and Waddoups absent during the time of the vote.

**MOTION:** Sen. McCoy moved to put H.B. 223 on the consent calendar.

The motion passed unanimously with Sens. Hillyard and Waddoups absent during the time of the vote.

7. **H.B. 233 Aggravated Sexual Assault Amendments**, by Rep. Wimmer.

Rep. Wimmer presented H.B. 233.

Paul Boyden, Assistant Attorney General, Attorney Generals Office, spoke in favor of the bill.

**MOTION:** Sen. McCoy motioned to move H.B. 233 out with a favorable recommendation.

The motion passed unanimously with Sens. Hillyard and Waddoups absent during the time of the vote.

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

The motion passed unanimously with Sens. Hillyard and Waddoups absent during the time of the vote.

The meeting adjourned at 9:00 am.

Minutes were reported by Allison Volk, Secretary.

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Sen. D. Chris Buttars, Committee Chair