

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

**February 17, 2010**

**MEMBERS PRESENT:** Rep. Lorie D. Fowlke, Chair  
Rep. Jim Bird, Vice Chair  
Rep. Sheryl L. Allen  
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. Mark A. Wheatley

**MEMBERS ABSENT:** Rep. Kraig Powell

**STAFF PRESENT:** Jerry D. Howe, Policy Analyst  
Kathy Sorg, Committee Secretary

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

Rep. Fowlke called the meeting to order at 8:36 a.m.

**H.B. 293      Victims' Rights Amendments (*Rep. R. C. Webb*)**

This bill was not heard at the sponsor's request.

**H.B. 138      Hazing Penalties (*Rep. C. Moss*)**

Rep. Moss explained the bill to the committee, assisted by George Stark and Angie Stallings, Office of Legislative Research and General Counsel.

Spoke to the bill:                      Paul Boyden, Utah Statewide Association of Prosecutors.

**MOTION:** Rep. Hutchings moved to amend H.B. 138 as follows:

1. *Page 1, Lines 14 through 15:*

- 14           ▶ prohibits a court from allowing a defendant from entering a plea in abeyance  
                  related  
15   to a hazing charge in certain circumstances if the hazing results in the death of a  
          person; and

2. *Page 2, Lines 58 through 60:*

- 58           (4) (a) The sentencing court may not allow a person charged with hazing pursuant to  
59    ~~{ this section }~~ Subsections 3(b) (c) (d) and (e) to enter a plea in abeyance to  
          the charge if the hazing resulted in the death of a  
60    person.

**SUBSTITUTE**

**MOTION:**           Rep. McIff moved to adopt Amendment 1 under Rep. Biskupski's name as follows:

1. *Page 1, Lines 11 through 16:*

- 11           This bill:  
12           ▶ provides a penalty for a charge of hazing when an alcoholic product, drug, or  
                  other  
13   substance is involved; and  
14           ~~{ → prohibits a court from allowing a defendant from entering a plea in  
                  abeyance related  
15   to a hazing charge if the hazing results in the death of a person; and }~~  
16           ▶ makes technical changes.

2. *Page 2, Line 51 through Page 3, Line 61:*

- 51           (ii) the use of an alcoholic product as defined in Section 32A-1-105; or  
52           (iii) the use of a drug or a substance as defined in Section 76-5-113;  
53           (c) third degree felony if the act involves the use of a dangerous weapon as defined in  
54   Section 76-1-601;  
55           (d) third degree felony if the hazing results in serious bodily injury to a person; or  
56           (e) second degree felony if hazing under Subsection (3)(d) involves the use of a  
57   dangerous weapon as defined in Section 76-1-601.  
58           ~~{ (4) (a) The sentencing court may not allow a person charged with hazing~~

pursuant to  
59 this section to enter a plea in abeyance to the charge if the hazing resulted in the  
death of a  
60 person. }  
61 {+} (4) {+} {-(b)} A person who in good faith reports or participates in  
reporting of an alleged

The substitute motion to amend H.B. 138 passed with Rep. Biskupski, Rep. Hutchings, Rep. Johnson and Rep. Wheatley voting in opposition.

**MOTION:** Rep. Biskupski moved to pass H.B. 138 as amended with a favorable recommendation. The motion passed with Rep. Fowlke, Rep. Grover and Rep. Hutchings voting in opposition.

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

Rep. Fowlke adjourned the meeting at 9:50 a.m.

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Rep. Lorie Fowlke, Chair