

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
WEDNESDAY, FEBRUARY 24, 2010, 4:10 PM
ROOM 250, STATE CAPITOL**

Members Present: Sen. Mark B. Madsen, Committee Chair
Sen. Jon J. Greiner
Sen. Benjamin M. McAdams
Sen. Ross J. Romero

Members Excused: Sen. Michael Waddoups
Sen. Lyle W. Sen. Hillyard

Staff Present: Jerry Howe, Policy Analyst
Karen Allred, Committee Secretary

Public Speakers Present: Rick Schwermer, Assistant Court Administrator
Mark Steinagle, Director, Division of Occupational and
Professional Licensing
Marina Lowe, Legal Counsel, American Civil Liberties Union
Delane England, Vice President, Eagle Forum
Jacey Skinner, Director, Sentencing Commission

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

Committee Chair Madsen called the meeting to order at 2:35 pm. and announced that S.B. 208 will not be heard today.

Approval of Minutes

MOTION: Sen. Romero moved to approve the minutes of February 19, and 22, 2010.

The motion passed unanimously with Sen. McAdams absent for the vote.

1. 2nd Sub. H.B. 197 Custodial Inference Amendments (C. Wimmer)

Sen. Wimmer explained the bill and 4th Sub. H.B.197 was distributed.

MOTION: Sen. Romero moved to adopt 4th Sub. H.B. 197.

The motion passed unanimously with Sen. McAdams absent for the vote.

MOTION: Sen. Romero moved to transmit 4th Sub. H.B. 197 with a favorable recommendation.

The motion passed unanimously with Sen. McAdams absent for the vote.

2. S.B. 116 District Court Judges Amendments (S. Urquhart)

Sen. Urquhart introduced the bill and 1st Sub. 116 was distributed.

MOTION: Sen. Greiner moved to adopt 1st Sub. 116.

The motion passed unanimously with Sen. McAdams absent for the vote.

Rick Schwermer, Assistant Court Administrator spoke in support of the bill.

MOTION: Sen. Greiner moved to transmit 1st Sub. S.B. 116 with a favorable recommendation.

The motion passed unanimously.

3. H.B. 269 Solemnizing Marriages Amendment (D. Aagard)

Rep. Aagard explained the bill.

MOTION: Sen. Romero moved to transmit H.B. 269 with a favorable recommendation.

The motion passed unanimously.

MOTION. Sen. Greiner moved that H.B. 269 be placed on the Consent Callendar.

The motion passed unanimously.

4. 1st Sub. H.B. 178 Bureau of Criminal Identification Fee Amendments (E. Hutchings)

Sen. Greiner explained the bill.

MOTION: Sen. Greiner moved to transmit 1st Sub. H.B. 178 with a favorable recommendation.

The motion passed unanimously.

5. H.B. 125 Kidnapping and Sex Offender Registry Amendments (R. Bigelow)

Sen. Greiner assumed the Committee Chair.

Rep. Bigelow explained the bill.

MOTION: Sen. Romero moved to transmit H.B. 125 with a favorable recommendation.

The motion passed unanimously with Sen. Madsen absent for the vote.

6. 1st Sub. H.B. 186 Controlled Substance Database Revisions (R. Menlove)

Rep. Menlove explained the bill and answered questions from the committee.

Mark Steinagle, Director, Division of Occupational and Professional Licensing, spoke in support of the bill.

MOTION: Sen. Romero moved to transmit 1st Sub. H.B. 186 with a favorable recommendation.

The motion passed unanimously with Sen. Madsen absent for the vote.

MOTION: Sen. Romero moved that 1st Sub. H.B. 186 be placed on the Consent Callendar.

The motion passed unanimously with Sen. Madsen absent for the vote.

7. 1st Sub. H.B. 234 Opting Out of the Real Id Act (S. Sandstrom)

Rep. Sandstrom introduced the bill and the following amendments were distributed:

1. *Page 1, Lines 14 through 21:*

- 14 ▶ prohibits the state from participating in the implementation of {↔
15 —•} the REAL ID Act of 2005; {~~or~~
16 —•} ~~any national identification card system that may be enacted by the~~
 United States
17 ~~Congress;~~}
18 ▶ prohibits the Driver License Division from implementing the provisions of {↔
19 —•} the REAL ID Act of 2005; {~~or~~
20 —•} ~~any national identification card system that may be enacted by the~~
 United States
21 ~~Congress;~~}

2. *Page 1, Line 23 through Page 2, Line 26:*

- 23 implement the provisions of {↔
24 —•} the REAL ID Act of 2005; {~~or~~

25 ~~any national identification card system that may be enacted by the~~
~~United States~~

26 ~~Congress;~~} and

3. *Page 2, Lines 51 through 54:*

51 (3) (a) The state may not participate in the implementation of {~~;~~

52 ~~(i)~~} the REAL ID Act {~~;~~~~or~~

53 ~~(ii) any national identification card system that may be enacted by the United~~
~~States~~

54 ~~Congress;~~} .

4. *Page 2, Line 55 through Page 3, Line 64:*

55 (b) The division:

56 (i) may not implement {~~;~~

57 ~~(A)~~} the provisions of the REAL ID Act {~~;~~~~or~~

58 ~~(B) any national identification card system that may be enacted by the United~~
~~States~~

59 ~~Congress;~~} ; and

60 (ii) shall report to the governor any attempt by an agency or an agent of the United
61 States Department of Homeland Security to secure the implementation of {~~;~~

62 ~~(A)~~} the REAL ID Act {~~;~~~~or~~

63 ~~(B) any national identification card system that may be enacted by the United~~
~~States~~

64 ~~Congress;~~} .

MOTION: Sen. Romero moved to adopt the amendments.

The motion passed unanimously with Sen. Madsen absent for the vote.

Marina Lowe, Legal Counsel, American Civil Liberties Union, and Delane England, Vice President, Eagle Forum, spoke in support of the bill.

Sen. Madsen resumed the Committee Chair.

MOTION: Sen. McAdams moved to transmit 1st Sub. H.B. 234, as amended, with a favorable recommendation.

The motion passed with Sens. Madsen and McAdams voting in favor, Sen. Greiner voting in opposition and Sen. Romero absent for the vote.

9. 1st Sub. H.B. 284 Uniform Collaborative Law Act (L. Fowlke)

Rep. Fowlke presented the bill and the following amendments were proposed:

1. *Page 1, Line 23:*

23 ▶ authorizes ~~{tribunals}~~ courts to approve settlements arising out of a collaborative law

2. *Page 7, Line 208:*

208 During a collaborative law process, a ~~{tribunal}~~ court may issue
emergency orders, including

3. *Page 8, Line 214:*

214 A ~~{tribunal}~~ court may approve an agreement resulting from a
collaborative law process.

4. *Page 10, Lines 277 through 278:*

277 (2) If a ~~{tribunal}~~ court makes the findings specified in Subsection (1),
and the interests of
278 justice require, the ~~{tribunal}~~ court may:

MOTION: Sen. Greiner moved to adopt the amendments.

The motion passed unanimously with Sen. Romero absent for the vote.

MOTION: Sen. McAdams moved to transmit 1st Sub. H.B. 284 as amended with a favorable recommendation.

The motion passed unanimously with Sen. Romero absent for the vote.

9. H.B. 115 Counsel for Indigents in Juvenile Court Proceedings (K. Powell)

The following amendments were distributed:

1. *Page 8, Lines 215a through 215d*
House Committee Amendments
2-16-2010:

215a H→ (b) The court may not order reimbursement of the county pursuant to Subsection (a)

- for
- 215b the cost of appointed counsel arising from any work of counsel :
(i) that is specifically undertaken
- 215c to defend against the filing of a petition to terminate parental rights , regardless of who
filed the petition; and
(ii) that is undertaken after the petition to terminate parental rights has been
- 215d filed {, regardless of who filed the petition} .

MOTION: Sen. McAdams moved to adopt the amendments.

The motion passed unanimously with Sen. Romero absent for the vote.

MOTION: Sen. McAdams moved to transmit H.B. 115 as amended with a favorable recommendation.

The motion passed unanimously with Sen. Romero absent for the vote.

10. H.B. 276 Sex Offender Registry Amendment (P. Ray)

Rep. Ray explained the bill.

Jacey Skinner, Director, Sentencing Commission, spoke to the bill.

MOTION: Sen. McAdams moved to transmit H.B. 276 with a favorable recommendation.

The motion passed unanimously with Sen. Romero absent for the vote.

MOTION: Sen. McAdams moved to adjourn.

The motion passed unanimously with Sen. Romero absent for the vote.

Committee Chair Madsen adjourned the meeting at 5:50 p.m.

Sen. Mark B. Madsen, Committee Chair