

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room W020 - House Building, State Capitol Complex  
February 15, 2011**

**MEMBERS PRESENT:** Rep. Kay McIff, Chair  
Rep. Francis Gibson, Vice Chair  
Rep. Jackie Biskupski  
Rep. Derek Brown  
Rep. LaVar Christensen  
Rep. Fred Cox  
Rep. Chris Herrod  
Rep. Eric Hutchings  
Rep. Ken Ivory  
Rep. Brian King  
Rep. Paul Ray  
Rep. Mark A. Wheatley  
Rep. Brad Wilson

**STAFF PRESENT:** Jerry D. Howe, Policy Analyst  
Linda Black, Committee Secretary  
Esther C. McCarty, Associate General Counsel

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

Rep. Gibson called the meeting to order at 2:10 p.m.

**MOTION:** Rep. Biskupski moved to approve the corrected minutes of February 9, 2011.  
The motion passed unanimously, with Rep. Brown, Rep. Herrod, Rep. King, Rep. Wilson, and Rep. McIff absent for the vote.

**2nd Sub. H.B. 48 Fingerprints of Juveniles** (*Rep. J. Peterson*)

Rep. J. Peterson presented the bill to the committee.

**MOTION:** Rep. Ivory moved to replace 2nd Substitute H.B. 48 with 3rd Substitute H.B. 48.  
The motion passed unanimously with Rep. Herrod, Rep. King, Rep. Ray and Rep. McIff absent for the vote.

**Spoke to the bill:** Ron Gordon, Executive Director, CCJJ  
Rick Schwermer, Deputy Director, Administrative Office of the Courts

**MOTION:** Rep. Ray moved to pass 3rd Substitute H.B. 48 with a favorable recommendation.

**SUBSTITUTE**

MOTION: Rep. Christensen moved to amend the bill as follows:

1. Page 1, Lines 17 through 18:

17 • adjudicated by the juvenile court for an offense that would be a felony {  
**or class**  
18 **A misdemeanor**} if committed by an adult; and

2. Page 2, Lines 50 through 53:

50 a local law enforcement agency if the minor is {  
51 ~~(a) adjudicated for an offense that would be a class A misdemeanor if the minor~~  
~~were~~  
52 ~~18 years of age or older; or~~  
53 ~~(b)}~~ adjudicated for an offense that would be a felony if the minor were 18 years  
of age

3. Page 3, Lines 57 through 58:

57 who are adjudicated for an offense that would be a felony {~~or a class A~~  
~~misdemeanor~~} if the  
58 minor were 18 years of age or older.

Rep. Christensen withdrew the motion to amend.

The original motion passed, with Rep. Wheatley voting in opposition. Rep. Herrod, Rep. King and Rep. McIff were absent for the vote.

**H.B. 231 Parent-time Schedule Amendments** (Rep. S. Sandstrom)

Rep. Sandstrom presented the bill to the committee.

Spoke to the bill: Ms. Dani Hartvigsen, citizen  
Ms. Kim Grant, For Childrens' Sake (handout)  
Bill Duncan, Sutherland Institute  
Dan Deuel, American Parental Action League

MOTION: Rep. Biskupski moved to move to the next item on the agenda. The motion passed unanimously, with Rep. Herrod and Rep. McIff absent for the vote.

**H.B. 121 Sexual Solicitation Amendments** (Rep. J. Seelig)

Rep. Seelig presented the bill to the committee.

MOTION: Rep. King moved to amend the bill as follows:

1. Page 2, Line 30:

30 (c) {as a manifestation of an} with intent to engage in prostitution:

2. Page 2, Lines 37 through 38:

37 (d) {as a manifestation of an} with intent to engage in prostitution, the  
person directs another

38 person to perform {one} any of the following acts:

The motion passed unanimously, with Rep. Brown, Rep. Herrod and Rep. McIff absent for the vote.

Spoke in favor of the bill: Chris Burbank, Chief, Salt Lake City Police Department  
Troy Arnold, Sandy City Police Department  
Paul Boyden, Statewide Area Prosecutors  
Scott Fisher, Acting Salt Lake City Prosecutor

Spoke in opposition  
to the bill:

W. Andrew McCullough, Chair, Libertarian Party of Utah

MOTION: Rep. King moved to pass the bill with a favorable recommendation. The motion passed with Rep. Hutchings voting in opposition. Rep. Ray and Rep. McIff were absent for the vote.

**H.B. 281 Sex Offender and Kidnapping Amendments** (Rep. F. Cox)

Rep. Cox presented the bill to the committee with the assistance of Jacey Skinner, CCJJ.

MOTION: Rep. King moved to hold the bill. The motion passed with Rep. Hutchings voting in opposition. Rep. Ray and Rep. McIff were absent for the vote.

MOTION: Rep. Wilson moved to adjourn the meeting. The motion passed unanimously, with Rep. Herrod, Rep. King, Rep. Ray and Rep. Wheatley absent for the vote.

Rep. Gibson adjourned the meeting at 5:40 p.m

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Rep. Kay McIff, Chair