

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W020 - House Building, State Capitol Complex
February 22, 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. Ken Ivory
Rep. Paul Ray
Rep. Mark A. Wheatley
Rep. Brad Wilson

MEMBERS ABSENT: Rep. Eric Hutchings
Rep. Brian King

STAFF PRESENT: Jerry D. Howe, Policy Analyst
Linda Black, Committee Secretary

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

Rep. McIff called the meeting to order at 8:05 a.m.

MOTION: Rep. Biskupski moved to approve the minutes of February 15, and February 17, 2011. The motion passed unanimously, with Rep. Brown, Rep. Christensen, and Rep. Herrod absent for the vote.

S.B. 143 Judiciary Amendments (*Sen. L. Hillyard*)

Sen. Hillyard presented the bill to the committee.

Spoke to the bill: Rick Schwermer, Deputy Director, Administrative Office of the Courts

MOTION: Rep. Gibson moved to pass S.B. 143 with a favorable recommendation. The motion passed unanimously, with Rep. Brown absent for the vote.

H.B. 324 HIV Testing of Alleged Sex Offenders (*Rep. R. Greenwood*)

Rep. Greenwood presented the bill to the committee.

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

1. Page 8, Line 242 through Page 9, Line 245:

242 (1) [~~Convicted~~] "Alleged sexual offender" means a person or a
243 ~~{juvenile}~~ minor [as provided
244 in Subsection 76-5-502(1)] regarding whom an indictment , petition, or an
245 information ~~{approved by a~~
judge alleges has committed} has been filed alleging the commission of a sexual
offense or an attempted sexual offense under Title 76,
Chapter 5, Part 4, Sexual Offenses , and regarding which a judge has signed an
accompanying arrest warrant, pick up order, or any other order based upon
probable cause regarding the alleged offense .

2. Page 10, Lines 283 through 287:

283 (1) (a) ~~{If an indictment or information alleges that a person who is an adult~~
~~or a~~
284 ~~juvenile has committed a sexual offense or an attempted sexual offense, the }~~
An alleged victim of
285 the sexual offense , the parent or guardian of an alleged victim who is a minor,
or the guardian of an alleged victim who is a vulnerable adult as defined in Section
62A-3-301 - ~~{described in the indictment or information}~~ may request that the
alleged sexual offender
286 against whom the indictment ~~{or}~~ , information , or petition is filed be tested
287 to determine whether the alleged
offender is an HIV positive individual.

3. Page 10, Lines 297 through 298:

297 (ii) the parent or guardian of the alleged victim, if the alleged victim is a minor ;
(iii) the legal guardian of the alleged victim if the victim is a vulnerable adult as
defined in Section 62A-3-301 ; and
298 ~~{(iii)}~~ (iv) the alleged offender.

4. Page 10, Line 304:

(iii) the legal guardian of the alleged victim if the victim is a vulnerable adult
as defined in Section 62A-3-301; and
304 ~~{(iii)}~~ (iv) the alleged offender.

5. *Page 10, Line 306:*

306 or [~~adjudicated~~] alleged {~~juvenile~~} minor offender is already confined in a county jail, state prison, or a

6. *Page 14, Lines 402 through 403:*

402 Chapter 5, Part 4, Sexual Offenses, upon the request of the victim {~~or~~} the parent or guardian of a

403 [~~child~~] victim younger than 14 years of age , or the legal guardian of the alleged victim if the victim is a vulnerable adult as defined in Section 62A-3-301 .

7. *Page 14, Lines 406 through 407:*

406 Offenses, upon the request of the victim {~~or~~} the parent or guardian of a victim younger than 14

407 years of age , or the legal guardian of the alleged victim if the victim is a vulnerable adult as defined in Section 62A-3-301 .

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

Spoke to the bill: Susan Chasson, Utah Coalition Against Sexual Assault
Dan Duell, Weber County Nine-Twelve Project

Spoke in favor of the bill: Sumiko Scott, parent
Vicky Proctor, victim advocate

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

1. *Page 10, Lines 297 through 298:*

297 (ii) the parent or guardian of the alleged victim, if the alleged victim is a minor;
{~~and~~}

298 (iii) the alleged offender ; and
(iv) the parent or guardian of the alleged offender, if the alleged offender is a minor .

2. *Page 10, Lines 302 through 304:*

302 (ii) the parent or guardian of the alleged victim if the alleged victim is younger than

303 years of age; ~~{and}~~
304 (iii) the alleged offender
(iv) the parent or guardian of the alleged offender, if the alleged offender is a
minor .

The motion passed unanimously.

MOTION: Rep. Christensen moved to pass H.B. 324, as amended, with a favorable recommendation. The motion passed unanimously.

H.B. 45 Vehicle Impound Amendments (*Rep. J. Peterson*)

This bill was not considered

1st Sub. H.B. 59 Arrest and Requirements - with or Without Warrants (*Rep. S. Handy*)

At the request of the sponsor, this bill was not considered.

S.B. 133 Grand Jury Amendments (*Sen. J. Valentine*)

At the request of the sponsor, this bill was not considered.

MOTION: Rep. Gibson moved to adjourn the meeting. The motion passed unanimously.

Rep. McIff adjourned the meeting at 9:00 a.m.