

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 20, West Office Building
February 16, 2012**

MEMBERS PRESENT: Rep. Kay McIff, Chair
Rep. LaVar Christensen, Vice Chair
Rep. Derek Brown
Rep. Fred Cox
Rep. Brian Doughty
Rep. Eric Hutchings
Rep. Ken Ivory
Rep. Brian King
Rep. Paul Ray
Rep. V. Lowry Snow
Rep. Mark A. Wheatley
Rep. Brad Wilson

MEMBERS ABSENT: Rep. Chris Herrod

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

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

Chair McIff called the meeting to order at 8:15 a.m.

MOTION: Rep. Doughty moved to approve the minutes of February 14, 2012. The motion passed unanimously with Rep. Brown, Rep. Hutchings, Rep. King, and Rep. Christensen absent for the vote.

Chair McIff relinquished the gavel to Rep. Wilson

H.B. 393 *Juvenile Competency Amendments (Rep. K. McIff)*

Rep. McIff presented the bill to the committee with the assistance of Mr. Ron Gordon, CCJJ.

Spoke to the bill: Ms. Lana Stohl, Utah State Division of Health and Human Services
 Ms. Jaycee Skinner, Sentencing Commission
 Mr. Rick Schwermer, Office of the Courts

MOTION: Rep. Cox moved to pass the bill out favorably. The motion passed unanimously with Rep. Ivory absent for the vote.

Chair McIff resumed the gavel at 9:25 a.m.

H.B. 130 Custodial Interference Amendments (Rep. G. Froerer)

Rep. Froerer presented the bill to the committee.

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

1. Page 7, Lines 211 through 212:

211 takes, entices, conceals, detains, or withholds the child from the person entitled to
visitation of
212 the child ~~{for at least 24 hours}~~, with the intent to interfere with the visitation of the
child.

2. Page 8, Lines 215 through 216:

215 takes, entices, conceals, detains, or withholds the child from a person who is entitled to
custody
216 of the child ~~{for at least 24 hours}~~, with the intent to interfere with the custody of
the child.

3. Page 8, Lines 219 through 220:

219 ~~[(4)]~~ (3) Except as provided in Subsection ~~[(5)]~~ (4), the actor described in Subsection
220 (2) is guilty of a class A misdemeanor upon the second documented commission of
custodial interference ~~[if the actor:]~~.

4. Page 8, Lines 225 through 230:

225 ~~[(5)]~~ (4) Custodial interference is a felony of the third degree if {+}, {+} {+}
226 ~~—(a)}~~ during the course of the custodial interference, the actor described in
Subsection (2)
227 removes, causes the removal, or directs the removal of the child from the
state {+} . {+} ~~{+ or}~~
228 ~~—(b) the actor described in Subsection (2) has been convicted of or held in~~
contempt for
229 custodial interference at least twice in the two-year period immediately preceding the
day on

230 ~~which the most recent commission of custodial interference described in Subsection (2) occurs.~~

The motion passed unanimously with Rep. Ivory absent for the vote.

Spoke to the bill: Mr. Todd Stone, citizen
Mr. Rick Schwermer, Office of the Courts

MOTION: Rep. Christensen moved to move to the next item on the agenda. The motion passed unanimously with Rep. Brown and Rep. Ivory absent for the vote.

H.B. 236 Alimony Modifications (*Rep. S. Sandstrom*)

Rep. Sandstrom presented the bill to the committee.

MOTION: Chair McIff moved to amend the bill as follows:

1. *Page 4, Lines 108 through 110:*

108 ~~(b)~~ (c) The court may consider the fault of the parties in determining ~~alimony.~~
109 whether or not to award alimony **. as well as the amount and duration** . An alimony
award is not considered punitive if it complies
110 with this subsection.

2. *Page 4, Lines 111 through 113:*

111 (d) "Fault" means that one party committed substantiated acts or engaged in
112 substantiated behavior during the marriage that unilaterally and substantially compromised
the
113 marriage, or unilaterally and substantially harmed the { ~~health,~~ } safety { ~~,~~ } or
financial stability of the

3. *Page 5, Line 151 through Page 6, Line 155:*

151 ~~(h)~~ (l) Alimony may not be ordered for a duration longer than the number of years
152 that the marriage existed unless~~[, at any time prior to termination of alimony,]~~ the court
finds:

- 153 (i) the payor spouse was at fault in the divorce;
(ii) the recipient spouse refrained from significant employment during the
marriage to provide care for the parties' minor children;
(iii) the parties will still have minor children beyond the number of years the

154 marriage existed; or
 ~~(fi)~~ (iv) at any time prior to termination of alimony, extenuating
 circumstances that justify
155 the payment of alimony for a longer period of time.

The motion passed unanimously with Rep. Brown and Rep. Ivory absent for the vote.

Spoke in favor of the bill: Mr. Stan Rasmussen, Sutherland Institute
 Ms. Laura Bunker, United Families of Utah

Spoke in opposition
to the bill: Mr. Dan Duell, American Parental Action League

Spoke to the bill: Ms. Kim Grant, For Children's Sake

MOTION: Rep. Cox moved to adjourn the meeting. The motion passed unanimously with
 Rep. Brown and Rep. Ivory absent for the vote.

Chair McIff adjourned the meeting at 10:04 a.m.

Rep. Kay McIff, Chair