

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 20, West Office Building
February 6, 2013**

MEMBERS PRESENT: Rep. Kay McIff, Chair
Rep. Lee Perry, Vice Chair
Rep. Patrice Arent
Rep. LaVar Christensen
Rep. Brian Greene
Rep. Craig Hall
Rep. Eric Hutchings
Rep. Brian King
Rep. V. Lowry Snow

STAFF PRESENT: Ms. Chelsea Lloyd, 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 4:10 p.m.

H.B. 50 Dating Violence Protection Act (*Rep. J. Seelig*) (handouts)

Rep. Seelig presented the bill to the committee.

Rep. Arent moved to amend the bill as follows:

1. *Page 2, Line 57:*

57 nature, **or a relationship which has romance or intimacy as a goal by one or both parties,** regardless of whether the relationship involves sexual intimacy.

2. *Page 3, Line 66:*

66 (C) the nature and the frequency of the parties' interactions , **including communications indicating that the parties intended to begin a dating relationship** ;

3. *Page 3, Line 83:*

83 the {~~defendant~~} **respondent** , in accordance with the requirements of this part.

4. *Page 4, Line 109:*

109 by federal law in Title 18 U.S.C. Section {~~931~~} **921** , of the person under this part.

5. *Page 4, Line 117:*

117 against the petitioner, {a} the district court may:

6. *Page 5, Line 123:*

123 (2) A district court may grant the following relief without notice in a dating violence protective

7. *Page 5, Line 149:*

149 as the respondent, or is employed at the same place of employment as the respondent, the district court:

8. *Page 6, Line 154:*

154 (5) The district court may not prohibit the respondent from possessing a firearm:

9. *Page 6, Line 161:*

161 (7) After the district court issues a dating violence protective order, the district court shall:

10. *Page 7, Line 185:*

185 (10) A district court may modify or vacate a protective order under this part after notice and

11. *Page 7, Lines 197 through 198:*

197 order, the district court shall set a date for a hearing on the petition.

198 (b) If, at the hearing described in Subsection (1)(a), the district court does not issue a dating

12. *Page 7, Line 200:*

200 by the district court. Extensions beyond the 20-day period may not be granted unless:

13. *Page 7, Line 206:*

206 (d) If, at the hearing described in Subsection (1)(a), the district court issues a dating violence

14. *Page 8, Lines 215 through 216:*

215 (2) Upon a hearing under this section, the **district** court may grant any of the
relief permitted
216 under Section 78B-7-404, except the **district** court shall not grant the relief described
in Subsection

15. *Page 8, Lines 218 through 219:*

218 (3) If a **district** court denies a petition for an ex parte dating violence protective
order or a
219 petition to modify a dating violence protective order ex parte, the **district** court shall,
upon the

16. *Page 8, Lines 231 through 233:*

231 (b) obtaining a protective order under this part; or
232 (c) service of a protective order issued under this part.

(3)(a) The offices of the court clerk shall provide forms and nonlegal assistance to an individual seeking to proceed under this part.

(b) The Administrative Office of the Courts shall:

(i) develop and adopt uniform forms for petitions and orders for protection in accordance with the provisions of this chapter; and

(ii) provide the forms described in Subsection(3)(b)(i) to the clerk of each court authorized to issue protective orders.

(c) The forms described in Subsection(3)(b)(i) shall include:

(i) a statement notifying the petitioner for an ex parte dating violence protective order that knowing falsification of any statement or information provided for the purpose of obtaining a protective order may subject the petitioner to felony prosecution;

(ii) language stating violating of any criminal provision is a class B misdemeanor; and

(iii) a space for any information the petitioner is able to provide to facilitate identification of the respondent, including Social Security number, driver license number, date of birth, address, telephone number, and physical description.

(4) If the individual seeking to proceed under this chapter is not represented by an attorney, it is the responsibility of the court clerk's office to provide:

(a) the forms adopted pursuant to Subsection (3);

(b) all other forms required to petition for an order for protection, including forms for service;

- (c) except for as provided by Subsection (5), clerical assistance in filling out the forms and filing the petition, in accordance with Subsection (3)(a);
- (d) information regarding the means available for the service of process;
- (e) a list of legal service organizations that may represent the petitioner in an action brought under this part, with the phone numbers of those organizations; and
- (f) written information regarding the procedure for transporting a jailed or imprisoned respondent to the protective order hearing, including an explanation for the use of transportation order forms when necessary.
- (5) A court clerk's office may designate any other entity, agency, or individual to provide the service described in Subsection (4)(c), but the court clerk's office is responsible to see that the service is provided.
- (6) A petition for a dating violence protective order or ex parte dating violence protective order shall be in writing and verified.
- (7)(a) All protective orders issued under this part shall be issued in the form adopted by the Administrative Office of the Courts under Section (3)(b).
- (b) Each protective order issued under this part, except orders issued ex parte, shall include the following language:
- "Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C.A. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act."

233 Section 7. Section **78B-7-407** is enacted to read:

17. Page 8, Line 236:

236 probable cause to believe that the person has intentionally or knowingly violated a protective order issued under this part.

The motion passed unanimously.

Spoke in favor
of the bill:

Mr. Steven Chapman, Chief, Sandy City Police Department

Mr. John Bambro
Ms. Brandy Farmer, Utah Domestic Violence Council
Ms. Melanie Clark, Kaysville, Utah Safe Harbor
Ms. Whitney Norton
Ms. Alana Kindness, Utah Coalition Against Sexual Assault

Spoke to the bill: Ms. Donna Kelly, Office of the Attorney General
Mr. Steward Ralphs, Executive Director, Legal Aid Society of Salt Lake
City
Mr. Ric Schwermer, Utah Courts
Mr. Dan Deuel, Executive Director, American Parental Action League
Mr. Steven Burton, Utah Association of Criminal Defense Lawyers

MOTION: Rep. Arent moved to pass the bill out favorably as amended.

The motion passed unanimously.

1st Sub. H.B. 286 Disposition of Personal Property on Vacated Property (*Rep. G. Froerer*)

The bill was not considered in the meeting.

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

Chair McIff adjourned the meeting at 5:55 p.m.

Kay L. McIff, Chair