

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING**
20 House Building, Utah State Capitol Complex
February 13, 2014

Members Present: Rep. Kay L. McIff, Chair
Rep. Lee B. Perry, Vice Chair
Rep. Patrice Arent
Rep. LaVar Christensen
Rep. Brian M. Greene
Rep. Craig Hall
Rep. Eric K. Hutchings
Rep. Brian S. 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.

Vice Chair Perry called the meeting to order at 4:10 p.m.

MOTION: Rep. Snow moved to approve the minutes of February 10, 2014 meeting. The motion passed unanimously with Rep. Arent, Rep. Hutchings, and Rep. McIff absent for the vote.

H.B. 56 Mechanics Lien Revisions (*Rep. M. McKell*)

Rep. McKell explained the bill to the committee.

MOTION: Rep. Hall moved to replace H.B. 56 with 2nd Substitute H.B. 56, "Mechanics Lien Revisions." The motion passed unanimously with Rep. Arent and Rep. Hutchings absent for the vote.

MOTION: Rep. King moved to pass the bill out favorably. The motion passed unanimously with Rep. Arent, Rep. Hutchings, and Rep. Perry absent for the vote.

H.B. 279 Judiciary Interim Committee Sunset Provisions (*Rep. K. McIff*)

Chair McIff explained the bill to the committee.

MOTION: Chair McIff moved to pass the bill out favorably. The motion passed unanimously with Rep. Arent, Rep. Christensen, Rep. Hutchings, and Rep. Perry absent for the vote.

S.B. 108 Judiciary Amendments (*Sen. L. Hillyard*) (*Rep. V. L. Snow*)

Sen. Hillyard explained the bill to the committee.

MOTION: Rep. Snow moved to pass the bill out favorably. The motion passed unanimously with Rep. Arent, Rep. Hutchings, and Rep. Perry absent for the vote.

S.B. 115 Court Transcript Fees (*Sen. P. Jones*) (*Rep. V. L. Snow*)

Sen. Jones explained the bill to the committee.

Spoke for the bill: Ms. Carolyn Erickson, Utah Court Reporters
 Ms. Debra A. Dibble, Utah Court Reporters Association
 Mr. Tyler Felt, representing himself

Spoke to the bill: Mr. Rick Schwermer, Utah Administrative Office of the Courts

MOTION: Rep. Snow moved to pass the bill out favorably. The motion passed unanimously with Rep. Arent and Rep. Perry absent for the vote.

H.B. 325 Judicial Performance Evaluation Commission Amendments (*Rep. E. Hutchings*)

Rep. Hutchings explained the bill to the committee.

Spoke to the bill: Ms. Joanne Slotnik, Executive Director, Utah Judicial Performance Commission
 Mr. Rick Schwermer, Utah Administrative Office of the Courts

MOTION: Rep. Hall moved to pass the bill out favorably. The motion passed unanimously with Rep. Arent and Rep. Perry absent for the vote.

H.B. 323 Divorce Orientation Course Timing (*Rep. J. Nielson*)

Rep. Nielson explained the bill to the committee.

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

1. Page 1, Lines 11 through 15:

11 This bill:

12 ▶ requires a {~~prospective petitioner filing for~~} party to a divorce to complete the divorce

13 orientation course prior to the court {~~entering~~} hearing any temporary
orders {~~, unless~~

14 ~~circumstances exist regarding the safety of the petitioner or the petitioner's minor~~
15 ~~child~~} ; and

2. *Page 2, Lines 36 through 38:*

36 (3) {~~The~~} With the exception of temporary restraining orders pursuant to
Rule 65, Utah Rules of Civil Procedure, a party may file, but the court may not
{~~enter any~~} hear, temporary orders until the {~~petitioner~~} party seeking
temporary orders has completed the
37 divorce orientation course {~~, unless the court determines that an order is necessary to~~
~~protect the~~
38 ~~safety of the petitioner or a minor child of the petitioner~~} .

The motion passed unanimously with Rep. Arent, Rep. Greene, Rep. Hutchings, and Rep. Perry absent for the vote.

Spoke to the bill: Mr. Rick Schwermer, Utah Administrative Office of the Courts
Mr. Stewart Ralphs, Legal Aid Society, Salt Lake City

MOTION: Rep. King moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Perry absent for the vote.

1st Sub. H.B. 268 Dangerous Weapons Amendments (Rep. B. Greene)

Rep. Greene explained the bill to the committee.

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

1. *Page 1, Lines 9 through 16:*

9 This bill redefines dangerous weapon {~~and exempts~~} , clarifies restrictions
relating to dangerous weapons, and establishes exemptions for the use of
archery equipment {~~from the~~
10 ~~definition~~} for hunting and target shooting .

11 Highlighted Provisions:

12 This bill:

13 ▶ defines dangerous weapon as a firearm or an object which is used unlawfully to
14 inflict serious bodily injury;

180 any dangerous weapon other than a firearm while committing any felony or other violent
181 criminal offense **, or any action that constitutes a serious threat to public safety** is
guilty of a third degree felony.

4. *Page 7, Lines 185 through 187:*

185 (b) physically possesses, uses, or has under the person's immediate custody or control
186 any dangerous weapon other than a firearm while committing any felony or other violent
187 criminal offense **, or any action that constitutes a serious threat to public safety** is
guilty of a class A misdemeanor.

5. *Page 9, Lines 266 through 268:*

266 (2) It is not a violation of ~~{this chapter}~~ **Subsection 76-10-503(2) or (3)**
for a person **defined in Section 76-10-503(1)** to own, possess, or have under the
267 person's custody or control, archery equipment, including crossbows, for the purpose of
lawful
268 hunting ~~{or}~~ **and lawful** target shooting.

The motion passed unanimously.

MOTION: Rep. Greene moved to further amend the bill as follows:

1. *Page 6, Line 179 through Page 7, Line 181:*

179 (b) physically possesses, uses, or has under the person's immediate custody or control
180 any dangerous weapon other than a firearm while committing any felony or other violent
181 criminal offense **, or {any action} possesses a dangerous weapon in a manner**
that constitutes a serious threat to public safety is guilty of a third degree felony.

2. *Page 7, Lines 185 through 187:*

185 (b) physically possesses, uses, or has under the person's immediate custody or control
186 any dangerous weapon other than a firearm while committing any felony or other violent
187 criminal offense **, or {any action} possesses a dangerous weapon in a manner**
that constitutes a serious threat to public safety is guilty of a class A misdemeanor.

Spoke to the bill: Mr. Paul Boyden, Executive Director, Statewide Association of
Prosecutors
Mr. Steve Thomas, representing himself
Mr. Steven Athay, representing himself

SUBSTITUTE MOTION: Rep. King moved to hold the bill. The motion passed with Rep. Greene voting in opposition. Rep. Perry was absent for the vote.

MOTION: Rep. Arent moved to adjourn the meeting. The motion passed unanimously with Rep. Perry absent for the vote.

Chair McIff adjourned the meeting at 6:25 p.m.

Kay L. McIff, Chair