

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING**  
20 House Building, Utah State Capitol Complex  
February 17, 2016

**Members Present:** Rep. LaVar Christensen, Chair  
Rep. Merrill Nelson, Vice Chair  
Rep. Fred C. Cox  
Rep. Bruce Cutler  
Rep. Brian M. Greene  
Rep. Craig Hall  
Rep. Brian S. King  
Rep. Curtis Oda  
Rep. V. Lowry Snow  
Rep. Kevin J. Stratton  
Rep. Mark A. Wheatley

**Staff Present:** Mr. Gregg Girvan, Policy Analyst  
Ms. Glenda VanWagenen, Committee Secretary

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

Chair Christensen called the meeting to order at 8:10 a.m.

**H.B. 279 Statute of Limitations Reform Amendments (K. Ivory)**

Rep. Ivory explained the bill to the committee. His presentation included a slide presentation, the assistance of Deondra Brown, Surveys of Abuse, and the assistance of Marci Hamilton, University of Pennsylvania, who participated by teleconference.

Spoke for the bill: Judy Larsen, citizen, West Valley City  
Deann Tillton, part of video presentation  
Britta Shuck, citizen

**MOTION:** Rep. Oda moved to replace H.B. 279 with 1st Sub. H.B. 279. The motion passed with Rep. Stratton absent for the vote.

**MOTION:** Rep. Christensen moved to amend 1st Sub. H.B. 279 as follows:

*1. Page 2, Lines 52 through 54:*

52        [(f)](h) " {+} **Person** {+} {Victim} " means an individual victim who  
was intentionally or negligently  
53 sexually abused. It does not include individuals whose claims are derived through another  
54 individual who was sexually abused.

The motion passed with Rep. Hall, Rep. King, and Rep. Stratton absent for the vote.

MOTION: Rep. Cox moved to amend 1st Sub. H.B. 279 as follows:

1. *Page 2, Lines 27 through 29:*

27 78B-2-308. Legislative findings -- Civil actions for sexual abuse of a child --  
Window for revival of time  
28 barred claims.

(1) The Legislature finds that:

(a) child sexual abuse is a crime that hurts the most vulnerable in our society and destroys lives;

(b) research over the last 30 years has shown that it takes decades for children and adults to pull their lives back together and find the strength to face what happened to them;

(c) often the abuse is compounded by the fact that the perpetrator is a member of the victim's family and when such abuse comes out, the victim is further stymied by the family's wish to avoid the "ugliness";

(d) even when the abuse is not committed by a family member, the perpetrator is rarely a stranger and, if in a position of authority, can bring pressure to bear on the victim to insure silence;

(e) in 1992, when the Legislature enacted the statute of limitations requiring victims to sue within four years of majority, society did not understand the long-lasting effects of abuse on the victim;

(f) the Legislature, as the policy-maker for the state, may take into consideration advances in medical science and understanding in revisiting policies and laws shown to be harmful rather than beneficial; and

(g) the Legislature has the authority to change old laws in the face of new information, and set new policies.

29 {~~(1)~~} (2) As used in this section:

2. *Page 2, Lines 55 through 56:*

55 {~~(2)~~} (3) (a) A person may file a civil action against a perpetrator for  
intentional or negligent  
56 sexual abuse suffered as a child at any time.

The motion passed with Rep. Cutler and Rep. Christensen voting in opposition and Rep. Hall, Rep. King, and Rep. Stratton absent for the vote.

**MOTION:** Rep. Oda moved to pass the bill out favorably. The motion passed with Rep. Cox and Rep. Nelson voting in opposition and Rep. Hall, Rep. King, and Rep. Nelson absent for the vote.

**H.B. 307 Termination of Parental Rights Amendments (M. Kennedy)**

Rep. Kennedy explained the bill to the committee with the assistance of David Burke, foster care parent.

Spoke to the bill: Rick Schwermer, Utah Courts

**MOTION:** Rep. Oda moved to send the bill to the Rules Committee with a recommendation that the bill be referred to interim study. The motion failed with Rep. Cutler, Rep. Greene, Rep. Snow, and Rep. Stratton voting in opposition and Rep. Hall, Rep. King, and Rep. Nelson absent for the vote.

**MOTION:** Chair Christensen moved to adjourn. The motion passed unanimously.

Chair Christensen adjourned the meeting at 10:00 a.m.