

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING**
20 House Building, Utah State Capitol Complex
March 2, 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. Mark A. Wheatley

Members Absent: Rep. Kevin J. Stratton

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.

Vice Chair Nelson called the meeting to order at 4:30 p.m.

MOTION: Rep. Cutler moved to approve the minutes of February 12, 2016, February 17, 2016, February 19, 2016, and February 22, 2016. The motion passed unanimously with Rep. Cox, Rep. King, and Rep. Oda absent for the vote.

S.B. 181 Judiciary Amendments (L. Hillyard)

Senator Hillyard explained the bill to the committee with the assistance of Rick Schwermer, Utah Courts.

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

MOTION: Rep. Snow moved to move the bill to the Consent Calendar. The motion passed unanimously with Rep. Cox, Rep. King, and Rep. Oda absent for the vote.

H.B. 426 Child Support Regarding Rape Offenders (R. Spendlove)

The bill was withdrawn.

H.B. 441 Child Placement Amendments (J. Peterson)

Rep. Peterson explained the bill to the committee.

Spoke to the bill: Dan Deuel, National Parents Organization of Utah

MOTION: Rep. Greene moved to replace H.B. 441 with H.B. 441 1st Substitute. The motion passed unanimously with Rep. Oda absent for the vote.

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

1. Page 2, Lines 36 through 40:

- 36 (3) The division shall file the results of the felony arrest warrant check with the court.
- 37 (4) **If the court determines that it is in the best interest of the child,**
= {~~The~~} **the** court may deny the return of a child who is in the custody, protective
custody,
- 38 or temporary custody of the state to the custody of a parent or guardian of the child if the
parent
- 39 or guardian has an outstanding felony arrest warrant in any state {~~where the parent or~~
guardian
- 40 has resided or in any state where the parent or guardian has an immediate family
member} .

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

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

H.B. 444 Code of Criminal Procedure Amendments (K. Coleman)

Rep. Coleman explained the bill to the committee with the assistance of Steve Burton, Legislative Chair of Utah Criminal Lawyers.

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

1. Page 2, Lines 52 through 54:

- 52 Destruction, **committed with the intent to harass or intimidate a cohabitant, or place**
a cohabitant in fear of bodily injury;

(m) any offense against property described in Title 76, Chapter 6, Part 2,
Burglary and Criminal Trespass, or Part 3, Robbery ~~{, committed with the~~
53 ~~intent to harass or intimidate a cohabitant, or place a cohabitant in fear of serious~~
~~bodily injury}~~ ;

54 {~~(m)~~} (n) possession of a deadly weapon with intent to assault, as described
in Section

2. Page 2, Line 56:

56 {~~(n)~~} (o) discharge of a firearm from a vehicle, near a highway, or in the
direction of any

3. Page 2, Line 58:

58 {~~(o)~~} (p) disorderly conduct, as defined in Section 76-9-102, if a conviction
of disorderly

4. Page 3, Line 61:

61 conduct as a domestic violence offense, in the manner described in this Subsection
(4) {~~(o)~~} (p) , does

5. Page 3, Line 64:

64 {~~(p)~~} (q) child abuse as described in Section 76-5-109.1.

MOTION: Rep. Greene moved to pass the bill out favorably. The motion pass unanimously
with Rep. Christensen absent for the vote.

H.B. 407 Sexual Conduct with a Minor Amendments (Johnny Anderson)

Rep. Johnny Anderson explained the bill to the committee with the assistance of Diane Bell, citizen.

Spoke against the bill: Steve Burton, Utah Criminal Lawyers

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

1. Page 2, Lines 35 through 40:

35 (b) exposes his or her genitals, the female breast below the top of the areola, the
36 buttocks, the anus, or the pubic area;

37 (c) masturbates; [or]

38 (d) ~~{without permission,}~~ forcibly kisses the mouth of a person who is 14 years
of age or
39 older but under the age of 18 , with the intent to cause substantial emotional or bodily
pain to any person or with the intent to arouse or gratify the sexual desire of any
person, without consent of the other, regardless of the sex of any participant ; or
40 ~~(d)~~ (e) any other act of lewdness.

2. Page 3, Lines 75 through 78:

75 breast, if female, to the actor, with the intent to arouse or gratify the sexual desire of the actor
76 or the child; ~~(d)~~
77 (e) ~~{without permission,}~~ forcibly kisses the mouth of a child under 14 years of
age , with the intent to cause substantial emotional or bodily pain to any person or
with the intent to arouse or gratify the sexual desire of any person, without consent of
the other, regardless of the sex of any participant ; or
78 ~~(e)~~ (f) performs any other act of lewdness.

2nd amendment:

1. Page 2, Lines 38 through 39:

38 (d) without permission, an adult person forcibly kisses the mouth of a person who
is 14 years of age or
39 older but under the age of 18; or

2. Page 3, Lines 75 through 78:

75 breast, if female, to the actor, with the intent to arouse or gratify the sexual desire of the actor
76 or the child; ~~(d)~~
77 (e) without permission, an adult person forcibly kisses the mouth of a child under
14 years of age; or
78 ~~(e)~~ (f) performs any other act of lewdness.

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