

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Wednesday, June 21, 2006 – 9:00 a.m. – Room W130 House Building

Members Present:

Sen. David L. Thomas, Senate Chair
Rep. James A. Ferrin, House Chair
Sen. Gregory S. Bell
Sen. Scott D. McCoy
Sen. Darin G. Peterson
Rep. Douglas C. Aagard
Rep. Stephen D. Clark
Rep. Lorie D. Fowlke
Rep. Ann W. Hardy
Rep. Neal B. Hendrickson
Rep. Susan Lawrence
Rep. LaWanna Shurtliff
Rep. Scott L. Wyatt

Members Absent:

Sen. Patrice M. Arent
Sen. L. Alma Mansell
Rep. Ben C. Ferry
Rep. David L. Hogue
Rep. Eric K. Hutchings
Rep. Ross I. Romero

Staff Present:

Mr. Jerry D. Howe, Policy Analyst
Ms. Esther Chelsea-McCarty, Associate General Counsel
Ms. A. Brooke Ollerton, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Thomas called the meeting to order at 9:15 a.m. He suggested that the Committee discuss protective orders until a quorum arrived.

When a quorum arrived, Rep. Lawrence made the following motion.

MOTION: Rep. Lawrence moved to approve the minutes of the April 19 and May 17, 2006 meetings. The motion passed unanimously. Sen. Bell and Rep. Clark were absent for the vote.

2. Unauthorized Practice of Law

Chair Thomas explained that a motion would be in order regarding the sunset date of Section 78-9-101.

MOTION: Rep. Ferrin moved to extend the sunset date of Section 78-9-101 for five years. The motion passed unanimously with Sen. Bell and Rep. Clark absent for the vote.

3. Protective Orders

Rep. David Litvak introduced 2006 General Session draft legislation, "Domestic Violence and Dating Violence Amendments, (2007FL-0098/002). He outlined the progress of the bill, which was numbered H.B. 10 in the 2006 General Session. The bill, he said, creates a mechanism by which victims of dating violence over the age of 16, regardless of whether they cohabit with their dating partner, may obtain protective orders under certain qualifying circumstances.

Ms. Sarah Southerland, Not Another Sarah Foundation, shared her experience with dating and domestic violence. She talked about her community work on the issue and showed the Committee a copy of her book, *Not Another Sarah*. She answered questions from the Committee about warning signs of abuse and the probability of abused women seeking protective orders.

The Committee discussed penalties for violating protective orders, multiple violations, and enhancements of protective orders.

Chair Ferrin expressed support for expanding protective orders to dating relationships in appropriate circumstances.

Rep. Litvak said that the imposition of a protective order sends a message to an abuser to stop, with penalties if abuse continues.

Rep. Wyatt pointed out that protective orders are available only to those who cohabit with their partners, while those who do not cohabit are not provided the same protection. He commented that in effect, this is a punishment for choosing not to cohabit.

Ms. Ronda Rose, Vice President for Legislation, Utah Parent Teacher Association, stated her organization's support for the bill.

Ms. Becky Utley, citizen, encouraged the Committee to lower the age at which parties can obtain protective orders from 16 to 12 years old.

Ms. Alissa Black, Murray Police Department, stated support for this bill because it would prevent homicides.

Mr. Arthur Haney, Weber County Sherriff's Office, stated support for the concept of the bill, but was concerned about the following issues: criminal penalties for civil orders, the prohibition of possessing a firearm when the protective order is violated, and the lack of parental penalties when their minor children abuse a dating partner.

Mr. Stewart Ralphs, Legal Aid Society of Salt Lake City, clarified that federal law preempts state law on firearms. The bill was drafted, he said, to limit the time a person may be prohibited from possessing a firearm to six months.

4. Other Items / Adjourn

MOTION: Rep. Shurtliff moved to adjourn the meeting. The motion passed unanimously with Sen. Bell and Rep. Clark absent for the vote.

Chair Thomas adjourned the meeting at 10:31 a.m.