

**MINUTES OF THE
JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, November 17, 2010 – 8:00 a.m. – Room 30 House Building

Members Present:

Sen. Jon J. Greiner, Senate Chair
Rep. Douglas C. Aagard, House Cochair
Rep. Lorie D. Fowlke, House Cochair
Sen. D. Chris Buttars
Sen. Lyle W. Hillyard
Sen. Benjamin M. McAdams
Pres. Michael G. Waddoups
Rep. Sheryl L. Allen
Rep. Trisha S. Beck
Rep. Jim Bird
Rep. Richard A. Greenwood
Rep. Eric K. Hutchings
Rep. Don L. Ipson
Rep. Brian S. King
Rep. Rebecca D. Lockhart
Rep. Kay L. McIff
Rep. Curtis Oda

Rep. Jennifer M. Seelig
Rep. Mark A. Wheatley
Rep. Larry B. Wiley

Members Absent:

Sen. Ross I. Romero
Rep. Keith Grover
Rep. Carl Wimmer

Staff Present:

Mr. Jerry D. Howe, Policy Analyst
Mr. Stewart E. Smith, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Ms. Amanda K. Majers, 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 Greiner called the meeting to order at 8:12 a.m. Rep. Grover was excused from the meeting.

MOTION: Pres. Waddoups moved to approve the minutes of the October 20, 2010 meeting. The motion passed unanimously, with Rep. Hutchings, Rep. McIff, and Rep. Wiley absent for the vote.

2. Defendants' Appellate Representation Task Force

Judge Stephen Roth, Utah Court of Appeals and Chair of the Judicial Council's Task Force on Appellate Representation of Indigent Defendants (Task Force), gave a follow-up presentation on appellate representation of indigent defendants provided by counties. He also discussed the Task Force's recommendations to improve quality of appellate representation of indigent defendants.

3. Statutorily Required Reports

A. Drug Offender Reform Act (DORA)

Ms. Mary Lou Emerson, Director, Utah Substance Abuse Advisory Council (USAABV), explained USAABV's oversight and evaluation of DORA.

Ms. Jennifer Hemenway, Director of Research and Data, Utah Commission on Criminal and Juvenile Justice (CCJJ), distributed and discussed "Drug Offender Reform Act: DORA Statewide and DORA Pilot Evaluation Updates."

Committee comments followed.

B. Sex Offender Treatment

Ms. Hemenway distributed and discussed "Sex Offender Treatment in Utah: Utah Department of Corrections & Utah Commission on Criminal and Juvenile Justice, November 2010" and referred the Committee to CCJJ's website for the comprehensive sex offender treatment report. She answered questions from the Committee.

Mr. Mike Haddon, Deputy Director, Utah Department of Corrections, answered questions from the Committee, concerning the level of sex offender treatment provided with current funding, coordination of treatment with the release of sex offenders, effectiveness of sex offender treatment, progress in sex offender treatment, and civil commitment of sex offenders.

C. Child Welfare Legislative Oversight Panel Report

This agenda item was not discussed.

4. Shared Parent-time

Sen. Luz Robles discussed 2011 General Session draft legislation, "Shared Custody" (2011FL-0465/002), which was distributed to the Committee prior to the meeting. Sen. Robles answered questions from the Committee.

Mr. Benjamin Lusty, attorney, Christensen and Thornton, PLLC, spoke in favor of the draft legislation and stated it will help preserve families, promote certainty and stability in judicial proceedings, and promote careful adjudication in the temporary phase of judicial proceedings. He answered questions from the Committee.

5. Renewal of Judgment Act

Rep. McIff distributed and discussed "House Committee Amendments - November 9, 2010, 1:56 p.m., 'Renewal of Judgment Act Amendments.'"

MOTION: Rep. McIff moved "House Committee Amendments - November 9, 2010, 1:56 p.m., 'Renewal of Judgment Act Amendments,'" as an amendment to 2011 General Session draft legislation, "Renewal of Judgment Act" (2011FL-0020/004), which was before the Committee. The motion passed unanimously, with Pres. Waddoups and Rep. Greenwood absent for the vote.

Rep. Gage Froerer discussed 2011 General Session draft legislation, "Renewal of Judgment Act" (2011FL-0020/004), which was distributed to the Committee prior to the meeting.

Mr. Kirk Cullimore, attorney, Law Offices of Kirk A. Cullimore, spoke in favor of the draft legislation.

MOTION: Rep. McIff moved to adopt, as amended, 2011 General Session draft legislation "Renewal of Judgment Act" (2011FL-0020/004), as a committee bill. The motion passed unanimously, with Sen. Buttars, Sen. Hillyard, and Pres. Waddoups absent for the vote.

6. Death Penalty Amendments

Rep. McIff discussed 2011 General Session draft legislation, "Death Penalty Procedures Amendments" (2011FL-0343/005), which was distributed to the Committee prior to the meeting. Rep. McIff stated he would bring draft legislation to the Legislature once he garners concurrence from interested parties.

7. Sexual Exploitation of a Vulnerable Adult

Sen. David P. Hinkins discussed 2011 General Session draft legislation, "Sexual Exploitation of a Vulnerable Adult" (2011FL-0424/005), which was distributed to the Committee prior to the meeting.

Rep. Seelig discussed the draft legislation and asked for recommendations concerning the draft legislation from the Committee.

Mr. Paul Boyden, Executive Director, Statewide Association of Prosecutors, spoke concerning the draft legislation and answered questions from the Committee.

8. Personal Injury Claims by Personal Representative

Rep. Todd E. Kiser discussed 2011 General Session draft legislation, "Personal Injury Claims by Personal Representative" (2011FL-0047/002), which was distributed to the Committee prior to the meeting.

Mr. Chris Purcell, State Farm Insurance, explained the provisions of the draft legislation.

Mr. Craig Moody, Utah Association of Justice, spoke in support of the draft legislation.

MOTION: Rep. Greenwood moved to adopt 2011 General Session draft legislation, "Personal Injury Claims by Personal Representative" (2011FL-0047/002), as a committee bill. The motion passed unanimously, with Sen. Hillyard, Pres. Waddoups, and Rep. Seelig absent for the vote.

9. Other Business / Adjourn

MOTION: Rep. Aagard moved to adjourn the meeting. The motion passed unanimously, with Sen. Hillyard, Pres. Waddoups, and Rep. Seelig absent for the vote.

Chair Greiner adjourned the meeting at 10:15 a.m.