

**MINUTES OF THE  
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE  
STANDING COMMITTEE**  
Room 250, Utah State Capitol  
March 6, 2014

**Members Present:** Sen. Mark B. Madsen, Chair  
Sen. Lyle W. Hillyard  
Sen. Patricia W. Jones  
Sen. Luz Robles  
Sen. Daniel W. Thatcher  
Sen. Stephen H. Urquhart  
Sen. Todd Weiler

**Staff Present:** Mr. Nathan Brady, Policy Analyst  
Ms. Nancy Skidmore, Committee Secretary

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

Chair Madsen called the meeting to order at 4:20 p.m.

**MOTION:** Sen. Weiler moved to approve the minutes of the March 3, 2014 and March 5, 2014 meetings. The motion passed unanimously with Sen. Urquhart, Sen. Hillyard, and Sen. Thatcher absent for the vote.

**H.B. 128S01 Electronic Device Location Amendments (*Rep. R. Wilcox*)**

Rep. Wilcox explained the bill to the committee.

**MOTION:** Sen Robles move to amend the bill as follows:

1. *Page 3, Lines 69 through 75*

*House Floor Amendments*

*3-3-2014:*

- 69 (2) A government entity may obtain location information without a warrant for an  
70 electronic device:  
71 (a) in accordance with Section 53-10-104.5;  
72 (b) if the device is reported stolen by the owner;  
73 (c) with the informed, affirmative consent of the owner or user of the electronic device;  
74 (d) in accordance with judicially recognized exceptions to warrant requirements; ~~or~~  
75 (e) if the owner has voluntarily and publicly disclosed the location information ; or  
(f) if the device is state-owned or is being used by a state employee to access private data  
on the state network while conducting state business .

2. *Page 3, Lines 81 through 84*

*House Floor Amendments*

*3-3-2014:*

- 81 (1) Except as provided in Subsection (2), a government entity that executes a warrant

- 82 pursuant to Subsection 77-23c-102(1)(a) shall, within 14 days after the day on which the  
83 operation {**commenees**} **concludes** , issue a notification to the owner of the electronic  
84 warrant that states:

The motion passed unanimously with Sen. Urquhart, Sen. Hillyard, and Sen. Thatcher absent for the vote.

Spoke for the bill: Gary Williams, Ogden City, League of Cities and Towns  
Marina Lowe, Legislative and Policy Counsel, American Civil Liberties Union  
Sean Hollinger, Attorney, Utah Association of Criminal Defense Lawyers  
Greg Horn  
Kim Dahl

**MOTION:** Sen. Jones moved to pass the bill out favorably. The motion passed unanimously with Sen. Hillyard and Sen. Thatcher absent for the vote.

**H.B. 70S02 Forcible Entry Amendments (*Rep. M. Roberts*)**

Rep. Roberts explained the bill to the committee.

Spoke to the bill: Paul Boyd, Executive Director, Statewide Association of Prosecutors

Spoke for the bill: Sean Hollinger, Attorney, Utah Association of Criminal Defense Lawyers  
Connor Boyack, Libertas Institute  
Jeremy Roberts  
Justin Roberts

**MOTION:** Sen. Robles moved to pass the bill out favorably. The motion passed unanimously.

**H.J.R. 17 Joint Resolution on Jail Facilities (*Rep. R. Greenwood*)**

Rep. Greenwood explained the bill to the committee.

**MOTION:** Sen. Thatcher moved to pass the bill out favorably. The motion passed unanimously with Sen. Hillyard and Sen. Urquhart absent for the vote.

**H.B. 201 Visitation Amendments (*Rep. L. Christensen*)**

Rep. Christensen explained the bill to the committee.

**MOTION:** Sen. Weiler moved to replace H.B. 201 with 1<sup>st</sup> Sub H.B. 201. The motion passed unanimously with Sen. Hillyard and Sen. Thatcher absent for the vote.

**MOTION:** Sen. Weiler moved to amend the bill as follows:

*Page 3, Lines 76 through 80:*

76 (2) A court that orders supervised parent-time shall give preference to persons  
77 suggested by the parties to supervise .including relatives . If the court finds that the  
persons suggested by the  
78 parties are willing to supervise, and are capable of protecting the children from physical,  
79 psychological or emotional harm, or child abuse, the court shall authorize the persons to  
80 supervise parent-time.

1. *Page 3, Lines 84 through 86:*

84 (4) A noncustodial parent may petition the court to modify the order for supervised  
85 parent-time if the noncustodial parent can demonstrate that he or she has remedied the  
86 circumstances that justified the order for supervised parent-time.  
(5) At the time supervised parent-time is awarded, the court shall consider:  
(a) whether the cost of professional or agency services is likely to prevent the noncustodial  
parent from exercising parent-time; and  
(b) whether the requirement for supervised parent-time should expire after a set period of  
time; or  
(c) whether a follow-up hearing to determine whether supervised parent-time should  
continue should be scheduled at the time supervision is imposed.

The motion passed unanimously with Sen. Hillyard and Sen Thatcher absent for the vote.

**MOTION:** Sen. Weiler moved to amend the bill as follows:

1. *Page 2, Line 33:*

33 (b) Absent a showing by ~~{f}~~ a preponderance of ~~{f}~~ {clear and convincing}  
evidence of real

The motion passed unanimously with Sen. Hillyard and Sen. Thatcher absent for the vote.

Spoke to the bill: Eva Marie Adams, Utah Family Rights

Spoke for the bill: Dan Deuel, National Parents Organization  
Stewart Ralphs, Executive Director, Legal Aid Society  
Kim Dahl

**MOTION:** Sen. Weiler moved to pass the bill out favorably. The motion passed unanimously with Sen. Hillyard and Thatcher absent for the vote.

**H.B. 213S01 Criminal Penalties for Sexual Contact with a Student (Rep. L. Christensen)**

Rep. Christensen explained the bill to the committee.

**MOTION:** Sen. Urquhart moved to pass the bill out favorably. The motion passed unanimously with Sen. Hillyard, Sen. Thatcher, and Sen. Weiler absent for the vote.

**HB 318S02 Rights of Parents and Children Amendments (*L Christensen*)**

Spoke for the bill: Michelle King  
Brandon King  
Heather Deuel  
Dan Deuel, National Parents Organization  
Representative Christensen

Spoke against the bill: Liz Knights, Director, Guardian ad Litem  
Stewart Ralphs, Executive Director, Legal Aid Society

Chair Madsen adjourned the meeting at 7:43.

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Sen. Mark B. Madsen, Chair