

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, March 27, 2019

TIME: 1:30 pm OR Upon Adjournment

PLACE: Room EW42

MEMBERS: Chairman Dayley, Vice Chairman Chaney, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis

**ABSENT/
EXCUSED:** Representative Gannon

GUESTS: Andrew Masser, IACDL

Chairman Dayley called the meeting to order at 1:30 p.m.

MOTION: **Rep. Marshall** made a motion to approve the minutes from the February 21, 2019 and March 21, 2019 meetings. **Motion carried by voice vote.**

Chairman Dayley explained the motions that can be made on Senate amendments.

H 30aaS: **Rep. Ricks** presented the Senate amendments for **H 30aaS**.

MOTION: **Rep. McCrostie** made a motion to concur with the amendments made in the Senate to **H 30aaS**.

Rep. Chaney responded to questions from the committee by explaining the amendment adds an evaluation committee to the list of parties that may examine a person suspected of being mentally incapable of standing trial. In cases where the defendant is suspected of having a developmental disability, an evaluation by specially trained evaluation committee will be required.

**VOTE ON
MOTION:** **Chairman Dayley** called for a vote on the motion. **Motion carried by voice vote.** **Rep. Ricks** will sponsor the bill on the floor.

H 78aa,aaS: **Rep. Kerby** presented the Senate amendments for **H 78aa,aaS**. He stated the changes did not affect the functioning of the program. It more clearly describes how a person can get their driver's license back. The amendment also addressed some of the prosecuting attorneys' objections, by requiring offenders to sign a sworn affidavit that can be used as evidence of guilt if they do not successfully complete the diversion program.

In answer to a question from the Committee, **Rep. Kerby** stated the affidavit would be in the offender's file, but it is not a guilty plea. If the offender is involved in other pending non-criminal case proceedings, the affidavit could be accessed. He said more prosecuting attorneys would be willing to use the program as a result of the change.

Andrew Masser, IACDL spoke in support of **H 78aa,aaS**. In answer to a question from the Committee, Mr. Masser explained it would be the ethical duty of a defense attorney to inform their client that the affidavit could be used in other non-criminal court proceedings.

MOTION: **Rep. Chaney** made a motion to concur with the amendments made in the Senate to **H 78aa,aaS**. **Motion carried by voice vote.** **Rep. Kerby** will sponsor the bill on the floor.

H 137aa,aaS: **Rep. Chaney** presented the Senate amendments for **H 137aa,aaS**. He stated the changes did not change how the bill would operate once it becomes law. The changes are primarily grammatical. The amendment adds several references to Subsection 7, which lists conditions a judge can put on someone for keeping a dog if it is found to be dangerous. It adds a provision for a tattoo to be equal to an implant in identifying a dog.

MOTION: **Rep. Kerby** made a motion to concur with the amendments made in the Senate to **H 137aa,aaS**. **Motion carried by voice vote.** **Rep. Moyle** will sponsor the bill on the floor.

Chairman Dayley thanked the Page, **Sawyer Greaves** and Committee Secretary, **Wendy Carver-Herbert**.

Rep Ehardt thanked **Chairman Dayley** and **Vice Chairman Chaney**.

Chairman Dayley thanked the Committee for their hard work and due diligence. He reiterated the Committee's unique role in reviewing compensation for judges. He encouraged the Committee to review the letter of agreement with the Courts. This was discussed in a previous Committee meeting (March 19, 2019). He encouraged the Committee to let him know if there are any questions or ideas for consideration.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 2:00 p.m.

Representative Dayley
Chair

Wendy Carver-Herbert
Secretary