

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

- DATE:** Friday, March 18, 2016
- TIME:** 1:00 P.M.
- PLACE:** Room WW54
- MEMBERS PRESENT:** Chairman Lodge, Vice Chairman Nonini, Senators Davis, Johnson, Lee, Burgoyne and Jordan
- ABSENT/ EXCUSED:** Senators Souza and Anthon
- NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENED:** **Chairman Lodge** called the meeting of the Senate Judiciary and Rules Committee (Committee) to order at 1:02 p.m.
- MINUTES APPROVAL:** **Senator Nonini** moved to approve the Minutes of February 22, 2016. **Senator Johnson** seconded the motion. The motion carried by **voice vote**.
- Senator Burgoyne** moved to approve the Minutes of February 29, 2016. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.
- Senator Nonini** moved to approve the Minutes of March 4, 2016. **Senator Lee** seconded the motion. The motion carried by **voice vote**.
- FAREWELL:** **Senator Lodge** expressed gratitude to Committee Page Cardston Stanford and to Intern Kanoa Nol for their contributions to the Committee. **Mr. Stanford** and **Mr. Nol** shared insights they have gained while serving the Committee.
- RS 24779** **Senator Davis** pointed out that this bill deals with judicial salaries. He shared the background of judges' salaries, explaining that they are set by the Legislature. **Senator Davis** reviewed the setting of judges' salaries two years ago, including ways to get attorneys and magistrate judges to apply for district court positions. Improving the salary for district court judges was seen as a way to accomplish this. Other levels of the judiciary received increases, but the magistrate judges received very little. At that time these judges were told the Legislature would address their salaries in 2016.
- This bill proposes a 4 percent increase for the magistrate judges and a 3.6 percent increase for the district court judges.
- Senators Burgoyne, Senator Lee** and **Chairman Lodge** made Rule 39-H disclosures due to having relatives who would be affected by this bill.
- MOTION:** **Senator Johnson** moved to send **RS 24779** to print. **Senator Nonini** seconded the motion. The motion passed by **voice vote**.

H 494

Representative Lynn Luker, District 15, observed that **H 494** continues an effort started last year to adjust some misdemeanors to infractions in order to relieve the burden on public defenders and to better align punishment with the crime. The Criminal Justice Commission (Commission) recommended the concept of this bill, which deals with possession and consumption of alcohol by minors. **Representative Luker** explained that it would reduce the first violation from a misdemeanor to an infraction, but an additional violation would be charged as a first misdemeanor. Some concern was expressed by law enforcement regarding those violators under 18. He explained that this would be a status offense, allowing the violators to be taken into custody temporarily under the jurisdiction of the juvenile courts. The bill also addresses the crossover between code sections and funding mechanisms.

Senator Burgoyne asked how this bill relates to the bill dealing with minors in consumption, which recently passed through the Committee. **Representative Luker** clarified that the bill Senator Burgoyne referred to was the expungement bill. He explained that the expungement bill talked about violations, not misdemeanors or infractions, so the two bills will correlate. **Senator Burgoyne** asked if Representative Luker wanted to address the issues of juvenile jurisdiction and status offense. **Representative Luker** replied that he reviewed those issues with the American Civil Liberties Union (ACLU), considering if proceeding this way would mean double jeopardy. Because an infraction is a civil offense, they felt this would not pose a problem.

Senator McKenzie pointed out that a misdemeanor is a crime and most young people do not realize when accepting a plea agreement that it will affect getting jobs and going to school. He stated that there needs to be a change in how we deal with underage drinking, using evidence-based treatment and best practices with sanctions beyond a fine. These sanctions are most effective if they involve the family. **Senator McKenzie** explained that **H 494** would move the first offense to an infraction, but keep the driving restriction. This is a serious issue for young drivers, and affects the family as well. He noted that there needs to be an amendment to ensure the driving restriction is included as one of the sanctions, even though the offense will be an infraction instead of a misdemeanor.

MOTION: **Senator Lee** moved to send **H 494** to the 14th Order of Business. **Senator Burgoyne** seconded the motion. The motion passed by **voice vote**.

ADJOURNED: **Chairman Lodge** adjourned the meeting at 1:33 p.m.

Senator Lodge
Chair

Carol Cornwall
Secretary