

**UTAH SUPREME COURT ADVISORY COMMITTEE
ON THE RULES OF EVIDENCE**

MEETING MINUTES

**Tuesday – February 5, 2019
5:15 p.m.
Council Room**

Mr. John Lund, Presiding

<p><u>MEMBER PRESENT</u> Tenielle Brown Deborah Bulkeley Ed Havas John Lund Hon. Linda Jones Hon. Judge Bates Lacey Singleton Michalyn Steele Teresa Welch Dallas Young</p>	<p><u>GUESTS PRESENT</u> Representative Lowry Snow Jaqueline Carlton, Office of Legislative Research and General Counsel</p>
<p><u>MEMBERS EXCUSED</u> Adam Alba Hon. Judge Mortensen Mathew Hansen Chris Hogle Nicole Salazar-Hall Terry Rooney Hon. Vernice Trease Jacey Skinner</p>	<p><u>STAFF PRESENT</u> Cathy Dupont Nancy Merrill</p>

1. WELCOME AND APPROVAL OF MINUTES: (Mr. John Lund)

Mr. Lund welcomed everyone to the meeting.

2. Victim Advocate Privilege:

John Lund welcomed Representative Snow to the meeting and reviewed his suggested edits to Representative Snow's draft of H.J.R. 3 Victim Advocate Privilege; the Committee had a lengthy discussion with Representative Snow about the proposed edits.

In the Victim Communication section of the rule they discussed several possibilities with Representative Snow including:

- Linking the definition of Victim Advocate Communication in the resolution to the definition of Advocacy Services in the proposed statute in HB 53.
- adding "for purposes of advocacy services" to the definition of victim advocate communication.
- (b) Statement of Privilege:
- keep the Statement of Privilege (lines 44-46) and Who May Claim the privilege (lines 47-51)

(d) Exceptions:

- (d) (1) they suggested adding the language when a victim or guardian conservator of a victim provides written or informed consent so long as the guardian of the victim is not the accused
- (d)(2) The Committee expressed concerns that this section is too broad
- They proposed to strike (d)(2) and (d)(3) and leave d(4)

The Committee discussed the narrow time line that they have for drafting the rule. Representative Snow informed the Committee that he will make an effort to move a version of the H.J.R.3 forward during the current Legislative Session. He agreed to use the discussion from today's meeting and if the Evidence Advisory Committee can submit a draft in a timely manner he will consider it. Also, Representative Snow noted that the rule can be amended during the process.

3. Rule 804:

The Committee will address Rule 804 at the next meeting.

4. Rule 106:

The Committee will address Rule 106 at the next meeting.

5. Rule 617:

The Committee will address Rule 617 at the next meeting.

6. Other Business

The Committee agreed to meet next on March 19th at the AOC in the Council Room.