



UTAH STATE

LEGISLATURE

MINUTES

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

Wednesday, January 31, 2024 | 3:40 p.m. | 210 Senate Building

Members Present:

Sen. Todd D. Weiler, Chair
Sen. Luz Escamilla
Sen. Michael S. Kennedy
Sen. Jerry W Stevenson
Sen. Daniel W. Thatcher

Members Absent:

Sen. Kirk A. Cullimore

Staff Present:

Lacey Johnson, Policy Analyst
Nancy Skidmore, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Weiler called the meeting to order at 4:01 p.m.

MOTION: Sen. Kennedy moved to approve the minutes of the January 26, 2024 meeting. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4

Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 2

Sen. K. Cullimore
Sen. D. Thatcher

Sen. Kennedy assumed the chair.

1. 1st Sub. S.B. 104 Children's Device Protection Act (Weiler, T.)

MOTION: Sen. Weiler moved to amend 1st Substitute S.B. 104 with Amendment #3. The motion passed with a vote of 4 - 0 - 2.

Amendment 3 1st Sub. S.B. 104

1. Page 3, Lines 64 through 70:

64 (1) (a) An adult individual, other than the parent or legal guardian of the minor in possession
65 of a device, who disables the filter required under Section 78B-6-2602 on a device in
66 possession of a minor for the purpose of disseminating pornography to the minor, commits a class A
misdemeanor.

67 (b) For each offense, the violator is subject to fines up to \$5,000.

68 (2) Any person who has a prior conviction under this section, is guilty of a felony of
69 the third degree and shall, for each separate offense, be fined ~~{ up to }~~ an amount not to exceed \$50,000 and
may be

70 imprisoned for ~~{ up to one year }~~ zero to five years.

2. Page 4, Lines 91 through 93:

91 deactivate, modify, or uninstall a filter on a device.

(9) (a) "Retailer" means a person, that is not a manufacturer, that sells a device directly to consumers.

(b) "Retailer" includes an employee of a retailer acting in the course and scope of the employee's employment.

92 ~~{ (9) }~~ (10) "Smart phone" means the same as that term is defined in Section 63A-2-101.5.

93 ~~{ (10) }~~ (11) "Tablet" means a mobile device that:

3. Page 5, Line 119:

119 accordance with this section.

(3) Nothing in this part creates a cause of action against a retailer of a device.

Yeas - 4

Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 2

Sen. K. Cullimore
Sen. D. Thatcher

Sen. Weiler presented the bill with the assistance of Chris McKenna, Protect Young Eyes, Melissa McKay, citizen, Mervyn Arnold, citizen.

Nicholeen Peck, President, Worldwide Organization for Women, spoke in favor of the bill.

Dani Palmer, Executive Vice President, Eagle Forum, spoke in favor of the bill.

Tina Seastrand, Digital Wellness Specialist, Utah Parent Teacher Association (PTA), spoke in favor of the bill.

Katheryn Snyder, Development and Fund Raising Manager, National Center on Sexual Exploitation, spoke in favor of the bill

Caden Rosenbaum, Senior Policy Analyst, Libertas Institute, spoke in opposition to the bill.

Benjamin Bull, General Counsel, National Center on Sexual Exploitation Law Center, spoke in favor of the bill.

Patrick Hedger, Executive Director, Taxpayer Protection Alliance, spoke in opposition to the bill.

Dylan Hoffman, Executive Director, TechNet, spoke in opposition to the bill.

Zach Lilly, Deputy Director, State and Federal Affairs of NetChoice, spoke in opposition to the bill.

Khara Boender, State Policy Director, Computer & Communications Industry Association, spoke in opposition to the bill.

MOTION: Sen. Weiler moved to pass 1st Substitute S.B. 104 out favorably. The motion passed with a vote of 5 - 0 - 1.

Yeas - 5

Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Stevenson
Sen. D. Thatcher
Sen. T. Weiler

Nays - 0

Absent - 1

Sen. K. Cullimore

Sen. Weiler resumed the chair.

2. S.B. 128 Criminal Monetary Threshold Amendments (*Pitcher, S.*)

Sen. Pitcher presented the bill.

Jeff Buhman, Executive Director, Statewide Association of Prosecutors and Public Attorneys, spoke in favor of the bill.

Will Carlson, Chief Policy Analyst, Salt Lake County District Attorney's Office, spoke in favor of the bill.

Mark Moffat, Criminal Defense Lawyer, Criminal Defense Lawyer Association, spoke in favor of the bill.

Nate Mutter, co-chair, Utah Law Enforcement Legislative Committee, spoke in favor of the bill.

Molly Davis, Libertas Institute, spoke in favor of the bill.

Dave Davis, President, Utah Retail Merchants Association, spoke in opposition to the bill.

MOTION: Sen. Thatcher moved to pass S.B. 128 out favorably.

Sen. Thatcher withdrew his motion.

MOTION: Sen. Thatcher moved to replace S.B. 128 with 1st Substitute S.B. 128. The motion passed with a vote of 5 - 0 - 1.

Yeas - 5

Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Stevenson
Sen. D. Thatcher
Sen. T. Weiler

Nays - 0

Absent - 1

Sen. K. Cullimore

MOTION: Sen. Thatcher moved to pass 1st Substitute S.B. 128 out favorably. The motion passed with a vote of 3 - 2 - 1.

Yeas - 3

Sen. L. Escamilla
Sen. D. Thatcher
Sen. T. Weiler

Nays - 2

Sen. M. Kennedy
Sen. J. Stevenson

Absent - 1

Sen. K. Cullimore

3. S.B. 131 Information Technology Act Amendments (*Harper, W.*)

MOTION: Sen. Kennedy moved to replace S.B. 131 with 1st Substitute S.B. 131. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4

Sen. L. Escamilla
Sen. M. Kennedy
Sen. D. Thatcher
Sen. T. Weiler

Nays - 0

Absent - 2

Sen. K. Cullimore
Sen. J. Stevenson

Sen. Harper presented the bill.

Nick Mecham, Legislative Affairs, Division of Technology Services, spoke in favor of the bill.

Jeff Hartley, citizen, spoke to the bill.

MOTION: Sen. Kennedy moved to pass 1st Substitute S.B. 131 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. L. Escamilla
Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. J. Stevenson
Sen. D. Thatcher

4. 1st Sub. H.B. 20 Parental Rights Amendments (*Birkeland, K.*)

Rep. Birkeland presented the bill.

MOTION: Sen. Escamilla moved to pass 1st Substitute H.B. 20 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. L. Escamilla
Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. J. Stevenson
Sen. D. Thatcher

5. H.B. 68 Firearm Modifications (Stoddard, A.)

Rep. Stoddard presented the bill.

MOTION: Sen. Escamilla moved to replace H.B. 68 with 1st Substitute H.B. 68. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. L. Escamilla
Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. J. Stevenson
Sen. D. Thatcher

Jade Parker, chair, Salt Lake County Libertarian Party, spoke in opposition to the bill.

Jeff Buham, Executive Director, Statewide Association of Prosecutors and Public Attorney, spoke in favor of the bill.

Mark Moffat, Criminal Defense Lawyer, Criminal Defense Lawyers Association, spoke in opposition to the bill.

Nate Mutter, co-chair, Law Enforcement Legislative Committee, spoke in favor of the bill.

Jesse West, vice chair, Salt Lake County Libertarian Party, spoke in opposition of the bill.

Michael Rapich, Utah Highway Patrol, Deputy Commissioner, Department of Public Safety, spoke in favor of the bill.

Steven Burton, Executive Director, Association of Criminal Defense Lawyers, spoke in opposition to the bill.

MOTION: Sen. Escamilla moved to go to next item on the agenda. The motion passed with a vote of 2 - 1 - 3.

Yeas - 2

Sen. L. Escamilla
Sen. M. Kennedy

Nays - 1

Sen. T. Weiler

Absent - 3

Sen. K. Cullimore
Sen. J. Stevenson
Sen. D. Thatcher

6. 2nd Sub. H.B. 83 Criminal Threat or Interference Amendments (Stoddard, A.)

Rep. Stoddard presented the bill.

MOTION: Sen. Escamilla moved to replace 2nd Substitute H.B. 83 with 3rd Substitute H.B. 83. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. L. Escamilla
Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. J. Stevenson
Sen. D. Thatcher

Dan Strong, Director, Sentencing Commission, spoke in favor of the bill.

Dani Palmer, Vice President, Eagle Forum, spoke in favor of the bill.

MOTION: Sen. Kennedy moved to pass 3rd Substitute H.B. 83 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. L. Escamilla
Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. J. Stevenson
Sen. D. Thatcher

7. H.B. 176 Elected Official Vacancy Amendments (*Wilcox, R.*)

Rep. Wilcox presented the bill.

MOTION: Sen. Kennedy moved to pass H.B. 176 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. L. Escamilla
Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. J. Stevenson
Sen. D. Thatcher

Sen. Kennedy assumed the chair.

8. S.B. 160 Indigent Defense Amendments (*Weiler, T.*)

Sen. Weiler presented the bill with the assistance of Matthew Baraza, Director, Indigent Defense Commission.

MOTION: Chair Weiler moved to pass S.B. 160 out favorably. The motion passed with a vote of 2 - 0 - 4.

Yeas - 2

Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 4

Sen. K. Cullimore
Sen. L. Escamilla
Sen. J. Stevenson
Sen. D. Thatcher

Sen. Weiler resumed the chair.

MOTION: Sen. Kennedy moved to adjourn. The motion passed with a vote of 2 - 0 - 4.

Yeas - 2

Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 4

Sen. K. Cullimore
Sen. L. Escamilla
Sen. J. Stevenson
Sen. D. Thatcher

Chair Weiler adjourned the meeting at 5:50 p.m.

NOTE: S.B. 0157 was not discussed in the meeting.