



# MINUTES

## SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

Thursday, February 8, 2024 | 2:00 p.m. | 210 Senate Building

**Members Present:**

Sen. Todd D. Weiler, Chair  
Sen. Kirk A. Cullimore  
Sen. Luz Escamilla  
Sen. Michael S. Kennedy

Sen. Jerry W Stevenson  
Sen. Daniel W. Thatcher

**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](http://www.le.utah.gov).

Chair Weiler called the meeting to order at 2:18 p.m.

**MOTION:** Sen. Thatcher moved to approve the minutes of the February 5, 2024 meeting. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3  
Sen. J. Stevenson  
Sen. D. Thatcher  
Sen. T. Weiler

Nays - 0

Absent - 3  
Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. M. Kennedy

### 1. S.B. 163 Expungement Fee Waiver Amendments (Stevenson, J.)

**MOTION:** Sen. Thatcher moved to amend S.B. 163 with Amendment #1. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4  
Sen. M. Kennedy  
Sen. J. Stevenson  
Sen. D. Thatcher  
Sen. T. Weiler

Nays - 0

Absent - 2  
Sen. K. Cullimore  
Sen. L. Escamilla

Amendment #1 was not public so the motion to amend and the vote on the motion was invalid. Chair Weiler asked Sen. Thatcher to withdraw his motion until the amendment could be made public.

Sen. Thatcher withdrew his motion to amend S.B. 16.

Sen. Stevenson presented the bill with the assistance of Noella Sudbury, Chief Executive Office/founder, Rasa Legal and Destiny Garcia, Executive Director, Clean Slate Utah.

Amendment #1 was made public so Chair Weiler announced that the motion to amend can be placed and voted on.

**MOTION:** Sen. Thatcher moved to amend S.B. 163 with Amendment #1. The motion passed with a vote of 4 - 0 - 2.

Amendment 1  
S.B. 163

1. Page 5, Line 140:  
140 proceedings, or appeal.

(7) If an individual is seeking a waiver of a filing fee for a petition for expungement under Subsection (2)(b), the individual shall indicate on the signed petition that the individual is receiving services for the expungement from a nonprofit organization, or a public benefit corporation, that provides services to low-income individuals seeking expungement.

Yeas - 4  
Sen. M. Kennedy  
Sen. J. Stevenson  
Sen. D. Thatcher  
Sen. T. Weiler

Nays - 0

Absent - 2  
Sen. K. Cullimore  
Sen. L. Escamilla

Kim Gibbs, Legislative Director, Department of Public Safety, spoke to the bill.

**MOTION:** Sen. Thatcher moved to pass S.B. 163 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

## **2. S.B. 202 Regulations for Legal Services (*McKell, M.*)**

Sen. McKell presented the bill.

**MOTION:** Sen. Kennedy moved to pass S.B. 202 out favorably. The motion passed with a vote of 6 - 0 - 0.

Yeas - 6  
Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. M. Kennedy  
Sen. J. Stevenson  
Sen. D. Thatcher  
Sen. T. Weiler

Nays - 0

Absent - 0

## **3. H.B. 31 Agricultural Tourism Amendments (*Albrecht, C.*)**

Sen. Sandall explained the 2nd substitute.

**MOTION:** Sen. Kennedy moved to replace H.B. 31 with 2nd Substitute H.B. 31. The motion passed with a vote of 5 - 0 - 1.

Yeas - 5  
Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. M. Kennedy  
Sen. D. Thatcher  
Sen. T. Weiler

Nays - 0

Absent - 1  
Sen. J. Stevenson

Sen. Sandall presented the substituted bill.

Terry Kamp, Vice President of Public Policy, Utah Farm Bureau Federation, spoke in favor of the bill.

Russ Hymas, member, Utah Association for Justice, spoke in opposition to bill.

Kelly Pehrson, Deputy Commissioner, Department of Agriculture, spoke in favor of the bill.

Kurt London, attorney, Utah Association for Justice, spoke in opposition to the bill.

Russ Kohler, dairy farmer, Midway, Utah, spoke in favor of the bill.

Tarah Holt, trout farmer, Ogden, Utah, spoke in favor of the bill.

Jenna Madsen, Sunder Creek Farms, Chester, Utah, spoke in favor of the bill.

**MOTION:** Sen. Kennedy moved to go to next item on the agenda. The motion passed with a vote of 4 - 1 - 1.

Yeas - 4

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. M. Kennedy  
Sen. D. Thatcher

Nays - 1

Sen. T. Weiler

Absent - 1

Sen. J. Stevenson

#### **4. 1st Sub. H.B. 140 Amendments to Custody and Parent-time (*Gricius, S.*)**

Rep. Gricius presented the bill.

Dan Deuel, Chairman of Legislative Affairs, National Parents Organization of Utah, spoke in favor of the bill.

**MOTION:** Sen. Kennedy moved to pass 1st Substitute H.B. 140 out favorably. 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

#### **5. H.B. 147 Threat of Violence Amendments (*Gricius, S.*)**

Rep. Gricius presented the bill.

**MOTION:** Sen. Kennedy moved to pass H.B. 147 out favorably. 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

#### **6. 1st Sub. H.B. 211 Penalty for False Statement During Drug Arrest (*Ivory, K.*)**

Rep. Ivory presented the bill with the assistance of Shawn Fausett, Sergeant, Unified Police Department.

**MOTION:** Sen. Escamilla moved to pass 1st Substitute H.B. 211 out favorably. 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

**MOTION:** Sen. Escamilla moved to place 1st Substitute H.B. 211 on the Consent Calendar. 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

**7. S.B. 193 Arbitration Amendments (*Pitcher, S.*)**

Sen. Kennedy assumed the chair.

Rep. Pitcher presented the bill.

**MOTION:** Sen. Cullimore moved to replace S.B. 193 with 1st Substitute S.B. 193. The motion passed with a vote of 5 - 0 - 1.

Yeas - 5

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

Nays - 0

Absent - 1

Sen. J. Stevenson

**MOTION:** Sen. Kennedy moved to amend 1st Substitute S.B. 193 with Amendment #1. The motion passed with a vote of 5 - 0 - 1.

**Amendment 1  
1st Sub. S.B. 193**

1. Page 2, Lines 37 through 43:

37 (2) (a) If a party submits a bodily injury claim to arbitration under Subsection (1), the  
38 party submitting the claim or the party's representative is limited to an arbitration award that  
39 does not exceed [~~\$50,000~~] \$75,000 or the defendant's per person limits of third party bodily  
40 insurance, whichever is less, in addition to any available personal injury protection benefits and any claim for  
41 property damage.

42 (b) A claim for reimbursement of personal injury protection benefits is to be resolved  
43 between insurers as provided for in Subsection 31A-22-309(6)(a)(ii).

Yeas - 5

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

Nays - 0

Absent - 1

Sen. J. Stevenson

**MOTION:** Sen. Kennedy moved to amend 1st Substitute S.B. 193 with Amendment #2. The motion passed with a vote of 5 - 0 - 1.

**Amendment 2  
1st Sub. S.B. 193**

1. Page 6, Lines 172 through 175:

172 (b) If a plaintiff requests a trial de novo under Subsection (11), the verdict at trial may  
173 not exceed [~~\$50,000~~] \$75,000, or the per person limits of insurance coverage, {~~-~~} whichever is less.

174 (19) All arbitration awards issued under this section shall [~~bear postjudgment interest~~  
175 pursuant to Section 15-1-4.] include:

Yeas - 5

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

Nays - 0

Absent - 1

Sen. J. Stevenson

**MOTION:** Sen. Escamilla moved to pass S.B. 193 out favorably. The motion passed with a vote of 5 - 0 - 1.

Yeas - 5

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

Nays - 0

Absent - 1

Sen. J. Stevenson

### **8. 2nd Sub. H.B. 86 Public Safety Data Amendments (*Wilcox, R.*)**

Rep. Wilcox presented the bill with the assistance of Tom Ross, Executive Director, Department of Criminal and Juvenile Justice.

**MOTION:** Sen. Escamilla moved to pass 2nd Substitute H.B. 86 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. M. Kennedy

Nays - 0

Absent - 3

Sen. J. Stevenson  
Sen. D. Thatcher  
Sen. T. Weiler

### **9. H.B. 322 Sexual Assault Investigation Amendments (*Romero, A.*)**

Sen. Escimilla presented the bill.

**MOTION:** Sen. Cullimore moved to pass H.B. 322 out favorably. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4

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

Nays - 0

Absent - 2

Sen. J. Stevenson  
Sen. D. Thatcher

### **10. 3rd Sub. H.B. 271 Law Enforcement Employee Overtime Amendments (*Lisonbee, K.*)**

Rep. Lisonbee presented the bill.

Wyatt Bubak, Chief of Enforcement, Division of Wildlife, spoke in favor of the bill.

**MOTION:** Sen. Escamilla moved to pass 3rd Substitute H.B. 271 out favorably. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4

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

Nays - 0

Absent - 2

Sen. J. Stevenson  
Sen. D. Thatcher



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

Yeas - 4

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

Nays - 0

Absent - 2

Sen. J. Stevenson  
Sen. D. Thatcher

Acting Chair Kennedy adjourned the meeting at 4:06 p.m.