

**MINUTES OF THE
HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE
STANDING COMMITTEE**

Friday, February 3, 2017 • 2:00 p.m. • 30 House Building

Members Present:

Rep. Lee B. Perry, Chair
Rep. Edward H. Redd, Vice Chair
Rep. Rebecca P. Edwards
Rep. Steve Eliason
Rep. Adam Gardiner
Rep. Sandra Hollins
Rep. Eric K. Hutchings
Rep. Kelly B. Miles

Rep. Paul Ray
Rep. Angela Romero
Rep. Elizabeth Weight
Rep. Mike Winder

Staff Present:

Mr. Gregg A. Girvan, Policy Analyst
Karen C. Allred, Committee Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at le.utah.gov.

Vice Chair Redd called the meeting to order at 2:08 p.m.

Vice Chair Redd announced that H.B. 205 and H.B. 220 will not be heard today.

MOTION: Rep. Perry moved to approve the minutes of January 31, 2017. The motion passed with a vote of 9-0-3.

Yeas:

Rep. R. Edwards
Rep. A. Gardiner
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. E. Redd
Rep. A. Romero
Rep. M. Winder

Nays:

Abs:

Rep. S. Eliason
Rep. E. Hutchings
Rep. E. Weight

1. H.B. 200 Sexual Assault Kit Processing Amendments (Romero, A.)

Rep. Romero presented the bill with the assistance of Dr. Julie Valentine, Assistant Professor, BYU College of Nursing; Mr. Jay Henry, Laboratory Director, Utah Department of Public Safety Crime Laboratory; Ms. April Ensign, Sexual Assault Kit Initiative Site Coordinator, Utah Commission on Criminal and Juvenile Justice; and Chief Tom Ross, Bountiful City Police Chief representing the Utah Chiefs of Police Association.

Gary Sheller, Director, Office for Victims of Crime spoke in favor of the bill.

Ms. Judy Larsen, resident, spoke in favor of the bill.

Ms. Holly Mullen, resident, spoke in favor of the bill.

Ms. Allison Ainscough, resident, spoke in favor of the bill.

Mr. Turner Bitton, Executive Director, Utah Coalition Against Sexual Assault, spoke in favor of the bill.

Mr. Lorcan Murphy, resident, spoke in favor of the bill.

Ms. Kathryn Jones Porter, Representative of Utah Women Unite, spoke in favor of the bill.

MOTION: Rep. Perry moved to amend H.B. 200 as follows:

1. *Page 3, Lines 74 through 77:*

74 (4) "Restricted kit" means a sexual assault kit:
75 (a) that is collected by a collecting facility; and
76 (b) for which { ~~the~~ a victim who is 18 years of age or older
 chooses not to provide a personal statement about the sexual
77 assault to law enforcement, as provided in Subsection 76-5-606(1)(d).

2. *Page 3, Lines 78 through 80:*

78 (5) "Sexual assault kit" means a package of items that is used by medical personnel
 to
79 gather and preserve biological and physical evidence following an allegation of sexual
 assault
80 { ~~and may include selected swabs of biological evidence that is contained in a~~
 ~~Uquik kit~~ } .

The motion passed with a vote of 10-0-2.

Yeas:

Rep. R. Edwards
Rep. S. Eliason
Rep. A. Gardiner
Rep. S. Hollins
Rep. L. Perry
Rep. P. Ray
Rep. E. Redd
Rep. A. Romero
Rep. E. Weight
Rep. M. Winder

Nays:

Abs:

Rep. E. Hutchings
Rep. K. Miles

MOTION: Rep. Eliason moved to pass H.B. 200 out favorably. The motion passed with a vote of 10-0-2.

Yeas:

Rep. R. Edwards
Rep. S. Eliason
Rep. A. Gardiner
Rep. S. Hollins
Rep. L. Perry
Rep. P. Ray
Rep. E. Redd
Rep. A. Romero
Rep. E. Weight
Rep. M. Winder

Nays:

Abs:

Rep. E. Hutchings
Rep. K. Miles

2. H.B. 176 Human Trafficking Amendments (*Ray, P.*)

Rep. Ray presented the bill.

Mr. Ralph Dellapiana, Chair, Capital Case Committee for the Utah Association of Criminal Defense Lawyers, spoke in opposition to the bill.

Anna Thomas, American Civil Liberties Union of Utah, spoke in opposition to the bill.

MOTION: Rep. Winder moved to amend H.B. 176 as follows:

1. Page 1, Line 26 through Page 2, Line 45:

26 (1) Criminal homicide constitutes aggravated murder if the actor intentionally or
27 knowingly causes the death of another under any of the following circumstances:

* * * Some lines not shown * * *

43 (iii) { ~~human trafficking in violation of Section 76-5-308.~~ human
trafficking of a child in
44 violation of Section 76-5-308.5, or aggravated human trafficking in violation of { ~~-
Section
45 76-5-310~~ } Subsection 76-5-310(1) ;

The motion passed with a vote of 10-0-2.

Yeas:

Rep. R. Edwards
Rep. S. Eliason
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. E. Redd
Rep. A. Romero
Rep. E. Weight
Rep. M. Winder

Nays:

Abs:

Rep. A. Gardiner
Rep. E. Hutchings

MOTION: Rep. Perry moved to amend H.B. 176 as follows:

1. Page 4, Line 120 through Page 5, Line 132:

120 (2) Criminal homicide constitutes aggravated murder if the actor, with reckless
121 indifference to human life, causes the death of another incident to an act, scheme, course
of
122 conduct, or criminal episode during which the actor is a major participant in the
commission or
123 attempted commission of:
124 (a) child abuse, Subsection 76-5-109(2)(a);
125 (b) child kidnapping, Section 76-5-301.1;
126 { ~~(c) human trafficking, Section 76-5-308.~~

~~127~~ ~~(d)~~ } (c) human trafficking of a child, Section 76-5-308.5;
128 { ~~(f)~~ (d) aggravated human trafficking, Section 76-5-310;
129 [(c)] { ~~(f)~~ (e) rape of a child, Section 76-5-402.1;
130 [(d)] { ~~(g)~~ (f) object rape of a child, Section 76-5-402.3;
131 [(e)] { ~~(h)~~ (g) sodomy on a child, Section 76-5-403.1; or
132 [(f)] { ~~(i)~~ (h) sexual abuse or aggravated sexual abuse of a child, Section
76-5-404.1.

The motion passed with a vote of 10-0-2.

Yeas:

Rep. R. Edwards
Rep. S. Eliason
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. E. Redd
Rep. A. Romero
Rep. E. Weight
Rep. M. Winder

Nays:

Abs:

Rep. A. Gardiner
Rep. E. Hutchings

MOTION: Rep. Perry moved to pass H.B. 176 out favorably. The motion passed with a vote of 6-5-1.

Yeas:

Rep. S. Eliason
Rep. E. Hutchings
Rep. L. Perry
Rep. P. Ray
Rep. E. Redd
Rep. M. Winder

Nays:

Rep. R. Edwards
Rep. S. Hollins
Rep. K. Miles
Rep. A. Romero
Rep. E. Weight

Abs:

Rep. A. Gardiner

MOTION: Rep. Perry moved to adjourn. The motion passed with a vote of 11-0-1.

Yeas:

Rep. R. Edwards
Rep. S. Eliason
Rep. S. Hollins
Rep. E. Hutchings
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. E. Redd
Rep. A. Romero
Rep. E. Weight
Rep. M. Winder

Nays:

Abs:

Rep. A. Gardiner

Vice Chair Redd adjourned the meeting at 3:54 p.m.

Rep. Lee B. Perry, Chair