

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

Tuesday, February 14, 2017 • 8:00 a.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. Kelly B. Miles
Rep. Paul Ray
Rep. Angela Romero

Rep. Elizabeth Weight
Rep. Mike Winder

Members Absent:

Rep. Eric K. Hutchings

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.

Chair Redd called the meeting to order at 8:15 a.m.

MOTION: Rep. Miles moved to approve the minutes of the February 8, 2017, meeting. The motion passed with a vote of 6-0-6.

Yeas:

Rep. Hollins
Rep. Miles
Rep. Perry
Rep. Ray
Rep. Redd
Rep. Winder

Nays:

Absent:

Rep. Edwards
Rep. Eliason
Rep. Gardiner
Rep. Hutchings
Rep. Romero
Rep. Weight

1. H.B. 208 Jail Release Orders Amendments (*Ivory, K.*)

Rep. Ken Ivory presented the bill with the assistance of Deputy Ryan Rasmussen, Davis County Sherriff's Department.

Ms. Heather Wolsey, resident, spoke in favor of the bill.

Chief Tom Ross, Bountiful City Police, Utah Chiefs of Police Association and the Sheriff's Association, spoke in favor of the bill.

Mr. Scott Campbell, Owner, Strider's Security LLC, spoke in favor of the bill.

MOTION: Rep. Ray moved to pass H.B. 208 out favorably. The motion passed with a vote of

9-0-3.

Yeas:

Rep. Edwards
Rep. Eliason
Rep. Gardiner
Rep. Hollins
Rep. Miles
Rep. Perry
Rep. Ray
Rep. Redd
Rep. Winder

Nays:

Absent:

Rep. Hutchings
Rep. Romero
Rep. Weight

2. H.B. 0237 Firearms and Domestic Violence Modifications (*Perry, L.*)

Rep. Perry presented the bill with the assistance of Mr. Jeremy Roberts, Buckshot Caucus.

Ms. Heather Wolsey, resident, spoke in favor of the bill.

Ms. Ann Bagley, Volunteer, Utah Chapter of Mom's Demand Action for Gun Sense in America, spoke in opposition to the bill.

Mr. Clark Aposhian, Chair, Utah Shooting Sports Council, spoke in favor of the bill.

Mr. Edwin Rutan, Gun Violence Prevention Center, spoke in opposition to the bill.

Chief Tom Ross, Bountiful City Police, Utah Chiefs of Police Association, spoke to the bill.

MOTION: Rep. Ray moved to amend H.B. 237 with the following amendment:

1. *Page 6, Lines 180 through 182:*

180 (B) the person is convicted of the domestic violence offense described in this
181 Subsection (2) within five years after the person is convicted of a qualifying domestic
violence
182 offense; { ~~or~~

2. *Page 7, Lines 183 through 185:*

183 (C) the domestic violence was committed while the perpetrator was { ~~in~~

~~possession of~~ } ~~:~~
~~carrying~~ a
184 ~~firearm or dangerous weapon; or~~ ~~=~~
~~(D) a conviction for the domestic violence will subject the defendant to the~~
~~prohibitions of 18 U.S.C. Sec. 922(g); or~~

185 (c) guilty of a felony of the third degree if:

3. *Page 7, Lines 207 through 211:*

207 ~~(ii) certify compliance with Subsection (2)(b)(i) by affidavit filed in the court within~~
~~72~~

208 ~~hours of the imposition of the court's order; and~~

209 ~~(c)~~ ~~if a conviction in the case will subject the defendant to the prohibitions of~~
~~18 U.S.C. Sec. 922(g),~~ ~~notifying the perpetrator that the perpetrator is subject to 18~~
~~U.S.C. Sec. 922(g) and~~

210 ~~may not:~~

211 ~~(i) lawfully ship or transport in interstate or foreign commerce, or possess in or~~

4. *Page 8, Lines 224 through 235:*

224 (d) prohibiting the perpetrator from possessing or consuming alcohol or controlled
225 substances;

226 { ~~(e) prohibiting the perpetrator from purchasing, using, or possessing a~~
~~firearm or other~~

227 ~~specified weapon;~~

228 ~~(f) directing the perpetrator to surrender any weapons the perpetrator owns or~~
229 ~~possesses;~~

230 ~~(g)~~ } ~~(e)~~ directing the perpetrator to participate in and complete, to the
satisfaction of the

231 court, a program of intervention for perpetrators, treatment for alcohol or substance
abuse, or

232 psychiatric or psychological treatment;

233 { ~~(h)~~ } ~~(f)~~ directing the perpetrator to pay restitution to the victim; and

234 { ~~(i)~~ } ~~(g)~~ imposing any other condition necessary to protect the victim and
any other

235 designated family or household member or to rehabilitate the perpetrator.

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

Yeas:

Rep. Edwards
Rep. Eliason
Rep. Gardiner
Rep. Hollins
Rep. Miles
Rep. Perry
Rep. Ray
Rep. Redd
Rep. Weight
Rep. Winder

Nays:

Absent:

Rep. Hutchings
Rep. Romero

MOTION: Rep. Ray moved to pass H.B. 237 out favorably. The motion failed with a vote of 5-5-2.

Yeas:

Rep. Eliason
Rep. Gardiner
Rep. Perry
Rep. Ray
Rep. Winder

Nays:

Rep. Edwards
Rep. Hollins
Rep. Miles
Rep. Redd
Rep. Weight

Absent:

Rep. Hutchings
Rep. Romero

3. S.B. 31 Protection of Law Enforcement Officers' Personal Information (*Ipson, D.*)

Rep. Ray presented the bill with the assistance of Chief Tom Ross, Bountiful City Police, Utah Chiefs of Police Association.

Mr. Ronald Mortensen, resident, spoke to the bill.

Ms. Renee Cowley, Google and the Utah Media Coalition, spoke in favor of the bill.

Steve Harting, Salt Lake City Police Department, spoke in favor of the bill.

MOTION: Rep. Perry moved to replace S.B. 31 with 1st Substitute S.B. 31. The motion passed with a vote of 9-0-3.

Yeas:

Rep. Edwards
Rep. Hollins
Rep. Miles
Rep. Perry
Rep. Ray
Rep. Redd
Rep. Romero
Rep. Weight
Rep. Winder

Nays:

Absent:

Rep. Eliason
Rep. Gardiner
Rep. Hutchings

MOTION: Rep. Perry moved to amend 1st Substitute S.B. 31 with the following amendment:

1. *Page 5, Lines 131 through 133:*

- 131 (6) An interactive computer service or access software is not liable under
 Subsections
132 (3)(d)(i) and (5) for information or content provided by another information content
 provider { ~~of~~
133 ~~the service or software~~ } ____.

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

Yeas:

Rep. Edwards
Rep. Gardiner
Rep. Hollins
Rep. Miles
Rep. Perry
Rep. Ray
Rep. Redd
Rep. Romero
Rep. Weight
Rep. Winder

Nays:

Absent:

Rep. Eliason
Rep. Hutchings

MOTION: Rep. Miles moved to pass 1st Substitute S.B. 31 out favorably. The motion passed with a vote of 10-0-2.

Yeas:

Rep. Edwards
Rep. Gardiner
Rep. Hollins
Rep. Miles
Rep. Perry
Rep. Ray
Rep. Redd
Rep. Romero
Rep. Weight
Rep. Winder

Nays:

Absent:

Rep. Eliason
Rep. Hutchings

MOTION: Rep. Miles moved to adjourn. The motion passed with a vote of 10-0-2.

Yeas:

Rep. Edwards
Rep. Gardiner
Rep. Hollins
Rep. Miles
Rep. Perry
Rep. Ray
Rep. Redd
Rep. Romero
Rep. Weight
Rep. Winder

Nays:

Absent:

Rep. Eliason
Rep. Hutchings

Chair Redd adjourned the meeting at 9:51 a.m.

Rep. Lee B. Perry, Chair