

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

Friday, February 17, 2017 • 4:10 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. Kelly B. Miles
Rep. Angela Romero

Rep. Elizabeth Weight
Rep. Mike Winder

Members Absent:

Rep. Eric K. Hutchings
Rep. Paul Ray

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 Perry called the meeting to order at 4:23 p.m.

MOTION: Rep. Winder moved to approve the minutes of the February 16, 2017, meeting.
The motion passed with a vote of 9-0-3.

Yeas:

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

Nays:

Absent:

Rep. Eliason
Rep. Hutchings
Rep. Ray

1. H.B. 259 Duty to Retreat Amendments (*Maloy, A.C.*)

Rep. A. Cory Maloy presented the bill with the assistance of Mr. Mitch Vilos, Attorney and Author of "Self-Defense Laws of All 50 States."

Mr Paul Boyden, Executive Director, Statewide Association of Prosecutors, spoke to the bill.

Mr. Moroni Benally, Co-founder, Utah League of Native American Voters, spoke in opposition to the bill.

Mr. Curt Oda, former representative, spoke in favor of the bill.

Mr. David Spatafore, Utah Chiefs of Police Association, spoke in opposition to the bill.

Mr. Connor Boyack, President, Libertas Institute, spoke in favor of the bill.

MOTION: Rep. Gardiner moved to replace H.B. 259 with 1st Substitute H.B. 259. The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Hutchings
Rep. Ray

MOTION: Rep. Winder moved to amend 1st Substitute H.B. 259 as follows:

1. *Page 1, Lines 11 through 15:*

11 This bill:
12 ▶ provides that a person is not required to retreat from an aggressor even if there
is a
13 safe place to retreat to; and
14 ▶ { ~~prohibits a trier of fact from considering~~ states that whether a
person who did not retreat from
15 an aggressor acted reasonably is not relevant in a trial on the issue of self-defense .

2. *Page 2, Line 51 through Page 3, Line 57:*

51 (3) Except as provided in Subsection (2)(a)(iii):
*** Some lines not shown ***
55 (b) the failure to retreat { ~~may not be introduced as evidence nor may any trier~~
of fact

56 ~~consider failure to retreat regarding~~ } is not relevant in determining whether
a person acted reasonably in any trial on the issue
57 of self-defense.

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

Yeas:

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

Nays:

Absent:

Rep. Hutchings
Rep. Ray

MOTION: Rep. Miles moved to pass 1st Substitute H.B. 259 out favorably. The motion passed with a vote of 6-4-2.

Yeas:

Rep. Eliason
Rep. Gardiner
Rep. Miles
Rep. Perry
Rep. Redd
Rep. Winder

Nays:

Rep. Edwards
Rep. Hollins
Rep. Romero
Rep. Weight

Absent:

Rep. Hutchings
Rep. Ray

2. H.B. 270 Inmate Housing Amendments (*Peterson, J.*)

Rep. Jeremy A. Peterson presented the bill.

Mr. Mike Haddon, Deputy Director, Utah Department of Corrections, spoke in opposition to the bill.

MOTION: Rep. Redd moved to hold H.B. 270. The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Hutchings
Rep. Ray

3. H.B. 274 Human Trafficking Modifications (Romero, A.)

Rep. Romero presented the bill with the assistance of Daniel Strong, Utah Attorney General's Office.

Rep. Redd assumed the chair.

MOTION: Rep. Winder moved to replace H.B. 274 with 2nd Substitute H.B. 274. The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Hutchings
Rep. Ray

MOTION: Rep. Miles moved to amend 2nd Substitute H.B. 274 as follows:

1. *Page 8, Lines 213 through 220:*

213 (4) Unless otherwise provided by law or ordered by a court of competent jurisdiction
 to

214 respond differently, a person who has received a vacatur of conviction under { ~~Section~~
215 ~~78B-9-104(9)(f)~~ } Subsection 78B-9-108(2), may respond to any inquiry as
though the conviction did not occur.
216 (5) The bureau shall forward a copy of the order for vacatur to the Federal Bureau of
217 Investigation.
218 (6) An agency receiving an order for vacatur shall { ~~delete~~ expunge the
petitioner's identifying
219 information contained in records in the agency's possession relating to the incident for
which
220 vacatur is ordered.

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

Yeas:

Nays:

Absent:

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

Rep. Hutchings
Rep. Ray

MOTION: Rep. Miles moved to pass 2nd Substitute H.B. 274 out favorably. The motion passed with a vote of 10-0-2.

Yeas:

Nays:

Absent:

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

Rep. Hutchings
Rep. Ray

Rep. Perry resumed the chair.

4. 1st Sub. H.B. 123 Juvenile Offenses Amendments (Roberts, M.)

Rep. Marc K. Roberts presented the bill with the assistance of Jennifer Valencia, Director, Utah Sentencing Commission.

Mr. Kirk Bengtzen, resident, spoke in favor of the bill.

Mr. Will Carlson, Statewide Association of Prosecutors, spoke in opposition to the bill.

Ms. Pam Vickrey, Vice Chair, Utah Sentencing Commission, spoke in favor of the bill.

Mr. Gary Scheller, Utah Council on Victims of Crime, spoke to the bill.

MOTION: Rep. Redd moved to replace 1st Substitute H.B. 123 with 2nd Substitute H.B. 123. The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Hutchings
Rep. Ray

MOTION: Rep. Redd moved to pass 2nd Substitute H.B. 123 out favorably. The motion passed with a vote of 7-3-2.

Yeas:

Rep. Edwards
Rep. Gardiner
Rep. Miles
Rep. Perry
Rep. Redd
Rep. Weight
Rep. Winder

Nays:

Rep. Eliason
Rep. Hollins
Rep. Romero

Absent:

Rep. Hutchings
Rep. Ray

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

Yeas:

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

Nays:

Absent:

Rep. Hutchings
Rep. Ray

Chair Perry adjourned the meeting at 6:37 p.m.

Rep. Lee B. Perry, Chair