

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

Wednesday, February 22, 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. 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 8:10 a.m.

MOTION: Rep. Gardiner moved to approve the minutes of the February 17, 2017 meeting. The motion passed with a vote of 9-0-3.

Yeas:

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

Nays:

Absent:

Rep. Eliason
Rep. Hutchings
Rep. Winder

1. H.B. 237 Firearms and Domestic Violence Modifications (*Perry, L.*)

Rep. Perry presented the bill.

MOTION: Rep. Ray moved to amend H.B. 237 with Amendment #2 as follows:

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

183 (C) the domestic violence was committed while the perpetrator was in possession of

a

184 firearm or dangerous weapon as defined in Section 76-10-501 ; or

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

2. Page 7, Lines 199 through 201:

199 (2) The court [~~may~~] shall condition probation or a plea in abeyance on the
perpetrator's
200 compliance with one or more orders of the court, which { ~~may~~ shall include
a sentencing protective
201 order:

3. Page 7, Lines 204 through 208:

204 (b) requiring the perpetrator to:
205 (i) surrender or dispose of any { ~~weapons~~ firearm, specified weapon, or
ammunition the perpetrator owns or possesses, so the
206 perpetrator no longer has possession or control of a firearm, specified weapon ,
or ammunition; and
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

The motion passed with a vote of 11-0-1.

Yeas:

Nays:

Absent:

Rep. Eliason
Rep. Gardiner
Rep. Hollins
Rep. Hutchings
Rep. Miles
Rep. Perry
Rep. Ray
Rep. Redd
Rep. Romero
Rep. Weight
Rep. Winder

Rep. Edwards

MOTION: Rep. Ray moved to pass H.B. 237 out favorably. The motion passed with a vote of 7-5-0.

Yeas:

Rep. Edwards
Rep. Eliason
Rep. Gardiner
Rep. Hutchings
Rep. Perry
Rep. Ray
Rep. Winder

Nays:

Rep. Hollins
Rep. Miles
Rep. Redd
Rep. Romero
Rep. Weight

Absent:

2. H.B. 316 Crime Victim Notification Amendments (*Hutchings, E.*)

Rep. Hutchings presented the bill with the assistance of Mr. Gary Scheller, Chair, Utah Council on Victims of Crime.

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

MOTION: Rep. Ray moved to amend H.B. 316 with Amendment #1 as follows:

1. Page 3, Lines 84 through 87:

84 (1) (a) Before the release from custody of a suspect from a county jail or other adult
85 correctional facility in the state, an alleged victim who is a natural person and who
 has properly registered with the
86 appropriate notification system shall be provided reasonable notice of the suspect's
 pending
87 release.

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

Yeas:

Rep. Eliason
Rep. Gardiner
Rep. Hollins
Rep. Hutchings
Rep. Miles
Rep. Ray
Rep. Redd
Rep. Romero
Rep. Weight
Rep. Winder

Nays:

Absent:

Rep. Edwards
Rep. Perry

MOTION: Rep. Romero moved to pass H.B. 316 out favorably. The motion passed with a vote of 10-0-2.

Yeas:

Rep. Eliason
Rep. Gardiner
Rep. Hollins
Rep. Hutchings
Rep. Miles
Rep. Ray
Rep. Redd
Rep. Romero
Rep. Weight
Rep. Winder

Nays:

Absent:

Rep. Edwards
Rep. Perry

**3. H.B. 330 Commission on Criminal and Juvenile Justice Membership Amendments
(Hutchings, E.)**

MOTION: Rep. Hutchings moved to hold H.B. 330. The motion passed with a vote of 10-0-2.

Yeas:

Rep. Eliason
Rep. Gardiner
Rep. Hollins
Rep. Hutchings
Rep. Miles
Rep. Ray
Rep. Redd
Rep. Romero
Rep. Weight
Rep. Winder

Nays:

Absent:

Rep. Edwards
Rep. Perry

4. H.B. 306 Public Safety Officer Privacy Amendments (McKell, M.)

Rep. Mike K. McKell presented the bill.

Mr. Jeff Hunt, Attorney representing Utah Media Coalition, spoke in opposition to the bill.

Ms. Marina Lowe, Legislative and Policy Counsel, American Civil Liberties Union of Utah, spoke in opposition to the bill.

Chief Wade Carpenter, Park City Police, past president Utah Chiefs of Police Association, spoke in favor of the bill.

MOTION: Rep. Eliason moved to pass H.B. 306 out favorably.

SUBSTITUTE MOTION: Rep. Ray moved to amend H.B. 306 with Amendment #1 as follows:

1. *Page 3, Lines 74 through 79:*

- 74 (6) At the discretion of the agency. { ~~The~~ the officer's name may
 not be released to the public by any public official or public
75 employee conducting or participating in an official investigation of an officer-involved
 critical
76 incident, or any person acting on behalf of a public official or public employee, until the
77 official investigation is concluded.
78 (7) Notwithstanding Subsection (6), the name of an officer involved in an

79 officer-involved critical incident shall be released not later than { ~~six~~ four
months after the incident.

The motion passed with a vote of 8-0-4.

Yeas:

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

Nays:

Absent:

Rep. Hollins
Rep. Hutchings
Rep. Perry
Rep. Romero

MOTION: Rep. Ray moved to pass H.B. 306 out favorably.

The motion passed with a vote of 5-3-4.

Yeas:

Rep. Edwards
Rep. Eliason
Rep. Ray
Rep. Redd
Rep. Weight

Nays:

Rep. Gardiner
Rep. Miles
Rep. Winder

Absent:

Rep. Hollins
Rep. Hutchings
Rep. Perry
Rep. Romero

5. H.B. 354 Digital Piracy Amendments (*Gardiner, A.*)

Rep. Gardiner presented the bill with the assistance of Mr. Kevin Pepper, Statewide Enforcement of Crimes by Undocumented Residents Strike Force, Attorney General's Office.

MOTION: Rep. Miles moved to pass H.B. 354 out favorably. The motion passed with a vote of 8-0-4.

Yeas:

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

Nays:

Absent:

Rep. Hollins
Rep. Hutchings
Rep. Perry
Rep. Romero

MOTION: Rep. Gardiner moved to adjourn.

The motion passed with a vote of 8-0-4.

Yeas:

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

Nays:

Absent:

Rep. Hollins
Rep. Hutchings
Rep. Perry
Rep. Romero

Vice Chair Redd adjourned the meeting at 9:27 a.m.

Rep. Lee B. Perry, Chair