

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE
STANDING COMMITTEE**

Thursday, February 23, 2017 • 8:00 a.m. • 250 State Capitol

Members Present:

Sen. Todd Weiler, Chair
Sen. Luz Escamilla
Sen. Lyle W. Hillyard
Sen. Daniel W. Thatcher

President Wayne L. Niederhauser
Sen. Ralph Okerlund

Staff Present:

Mr. Gregg A. Girvan, Policy Analyst
Ms. Nancy Skidmore, Committee Secretary

Members Absent:

Sen. Gene Davis

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

MOTION: Sen. Hillyard moved to approve the minutes of the February 21, 2017 meeting. The motion passed with a vote of 2-0-5.

Yeas:

Sen. Hillyard
Sen. Thatcher

Nays:

Absent:

Sen. Davis
Sen. Escamilla
Pres. Niederhauser
Sen. Okerlund
Sen. Weiler

1. H.B. 21 Uniform Powers of Appointment Act (*Snow, V. L.*)

Rep. Snow presented the bill with the assistance of Steven Dixon, Legislative Committee, Utah State Bar.

Sen. Weiler resumed the chair.

MOTION: Sen. Hillyard moved to pass H.B. 21 out favorably. The motion passed with a vote of 3-0-4.

Yeas:

Sen. Hillyard
Sen. Thatcher
Sen. Weiler

Nays:

Absent:

Sen. Davis
Sen. Escamilla
Pres. Niederhauser
Sen. Okerlund

2. H.B. 191 Judicial Performance Evaluation Commission Amendments (*Snow, V. L.*)

Rep. Snow presented the bill with the assistance of Ms. Jennifer Yim, Executive Director, Judicial Performance Evaluation Commission.

MOTION: Sen. Hillyard moved to pass H.B. 191 out favorably. The motion passed with a vote of 3-0-4.

Yeas:

Sen. Hillyard
Sen. Thatcher
Sen. Weiler

Nays:

Absent:

Sen. Davis
Sen. Escamilla
Pres. Niederhauser
Sen. Okerlund

3. H.B. 129 Adult Protective Services Amendments (*Edwards, R.*)

Rep. Edwards presented the bill with the assistance of Ms. Nan Mendenhall, Director, Adult Protective Services.

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

MOTION: Sen. Hillyard moved to pass H.B. 129 out favorably. The motion passed with a vote of 3-0-4.

Yeas:

Sen. Hillyard
Sen. Thatcher
Sen. Weiler

Nays:

Absent:

Sen. Davis
Sen. Escamilla
Pres. Niederhauser
Sen. Okerlund

4. H.B. 202 Trespass Amendments (*Greene, B.*)

Rep. Greene explained the bill.

Mr. Tom Ross, Bountiful Police Chief, President, Utah Chiefs of Police Association, spoke against the bill.

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

MOTION: Sen. Thatcher moved to pass H.B. 202 out favorably. The motion passed with a vote of 2-1-4.

Yeas:

Sen. Hillyard
Sen. Thatcher

Nays:

Sen. Weiler

Absent:

Sen. Davis
Sen. Escamilla
Pres. Niederhauser
Sen. Okerlund

5. 1st Sub. H.B. 139 Criminal Intent Amendments (*Stratton, K.*)

Rep. Stratton explained the bill.

Sen. Thatcher assumed the chair.

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

Sen. Weiler resumed the chair.

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

MOTION: Sen. Hillyard moved to amend 1st Substitute H.B. 139 with Amendment #1 as follows:

1. Page 2, Line 29:

29 (2) Voluntary intoxication is not a defense to { ~~rape~~ sexual offenses , as
defined in { ~~Section 76-5-402~~ Title 76, Chapter 5, Part 4, Sexual Offenses .

The motion passed with a vote of 4-0-3.

Yeas:

Sen. Escamilla
Sen. Hillyard
Sen. Thatcher
Sen. Weiler

Nays:

Absent:

Sen. Davis
Pres. Niederhauser
Sen. Okerlund

MOTION: Sen. Hillyard moved to pass 1st Substitute H.B. 139 out favorably. The motion passed with a vote of 4-0-3.

Yeas:

Sen. Escamilla
Sen. Hillyard
Sen. Thatcher
Sen. Weiler

Nays:

Absent:

Sen. Davis
Pres. Niederhauser
Sen. Okerlund

6. S.B. 175 Uniform Unclaimed Property Act (*Hillyard, L.*)

Sen. Hillyard presented the bill with the assistance of David Damschen, State Treasurer.

MOTION: Sen. Hillyard moved to replace S.B. 175 with 1st Substitute S.B. 175. The motion passed with a vote of 4-0-3.

Yeas:

Sen. Escamilla
Sen. Hillyard
Sen. Thatcher
Sen. Weiler

Nays:

Absent:

Sen. Davis
Pres. Niederhauser
Sen. Okerlund

Mr. Ted Lewis, General Counsel, American Council of Life Insurance, spoke in opposition to the bill.

Mr. Todd Kiser, Commissioner, Utah Insurance Department, spoke in favor of the bill.

MOTION: Sen. Hillyard moved to pass 1st Substitute S.B. 175 out favorably. The motion passed with a vote of 4-0-3.

Yeas:

Sen. Escamilla
Sen. Hillyard
Sen. Thatcher
Sen. Weiler

Nays:

Absent:

Sen. Davis
Pres. Niederhauser
Sen. Okerlund

MOTION: Sen. Hillyard moved to adjourn. The motion passed with a vote of 4-0-3.

Yeas:

Sen. Escamilla
Sen. Hillyard
Sen. Thatcher
Sen. Weiler

Nays:

Absent:

Sen. Davis
Pres. Niederhauser
Sen. Okerlund

Chair Weiler adjourned the meeting at 9:53 a.m.

Sen. Todd Weiler, Chair