

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

Friday, February 24, 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.

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

1. H.B. 382 Deoxyribonucleic Acid Amendments (*Eliason, S.*)

Rep. Eliason presented the bill with the assistance of Jay Henrie, Laboratory Director, Utah Department of Public Safety Crime Lab.

MOTION: Rep. Miles moved to hold H.B. 382. The motion passed with a vote of 8-0-4.

Yeas:

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

Nays:

Absent:

Rep. Hutchings
Rep. Ray
Rep. Redd
Rep. Romero

MOTION: Rep. Miles moved to approve the minutes from the February 22, 2017 meeting. The motion passed with a vote of 8-0-4.

Yeas:

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

Nays:

Absent:

Rep. Hutchings
Rep. Ray
Rep. Redd
Rep. Romero

2. H.B. 162 Driving Under the Influence Classification and Sentencing Revisions (*Eliason, S.*)

Rep. Eliason presented the bill with the assistance of Ryan Robinson, West Valley City Prosecutor; Ms. Kim Gibb, Vice Chair, Utah Substance Use and Mental Health DUI Committee and also representing the Utah Substance Use and Mental Health Advisory Council; and Art Brown, Mothers Against Drunk Driving.

Mr. Ryan Richards, Prosecutor, South Salt Lake City, spoke in favor of the bill.

MOTION: Rep. Gardiner moved to replace H.B. 162 with 2nd Substitute H.B. 162. The motion passed with a vote of 11-0-1.

Yeas:

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

Nays:

Absent:

Rep. Hutchings

MOTION: Rep. Miles moved to pass 2nd Substitute H.B. 162 out favorably. The motion passed with a vote of 11-0-1.

Yeas:

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

Nays:

Absent:

Rep. Hutchings

3. S.B. 188 Child Support Guidelines Advisory Committee Amendments (*Hillyard, L.*)

Sen. Lyle W. Hillyard presented the bill.

MOTION: Rep. Winder moved to pass S.B. 188 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. Redd moved to place S.B. 188 on the Consent Calendar. 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

4. H.B. 325 Tobacco Sales Enforcement Amendments (*Spendlove, R.*)

Rep. Robert M. Spendlove presented the bill.

Rep. Redd assumed the chair.

Mr. Dave Davis, President, Utah Retail Merchants Association, spoke to the bill.

Mr. Marc Watterson, American Heart Association, spoke in favor of the bill.

MOTION: Rep. Winder moved to pass H.B. 325 out favorably. The motion passed with a vote of 11-0-1.

Yeas:

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

Nays:

Absent:

Rep. Eliason

Rep. Perry resumed the chair.

5. H.B. 379 Classification of Theft Amendments (*King, B. S.*)

Rep. Brian S. King presented the bill.

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

Ms. Jennifer Valencia, Director, Utah Sentencing Commission, spoke to the bill.

Mr. Randy Richards, Prosecutor, South Salt Lake City, spoke in favor of the bill.

MOTION: Rep. Hutchings moved to pass H.B. 379 out favorably. The motion passed with a vote of 10-1-1.

Yeas:

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

Nays:

Rep. Ray

Absent:

Rep. Eliason

6. H.B. 381 Law Enforcement Body Camera Footage Amendments (*Ray, P.*)

Rep. Redd assumed the chair.

Rep. Ray presented the bill.

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

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

Ms. Darcy Goddard, Salt Lake County Attorney's Office, spoke in favor of the bill.

Ms. Renae Cowley, Utah Media Coalition, spoke in favor of the bill.

Mr. Nick Jarvis, Utah League of Cities and Towns, spoke in favor of the bill.

MOTION: Rep. Gardiner moved to amend H.B. 381 with Amendment #1 as follows:

1. *Page 1, Lines 13 through 22:*

13 This bill:
14 ▶ provides that any release of recordings made by a body camera that is worn by a
law
15 enforcement officer shall be subject to the Government Records Access and
16 Management Act; and
17 ▶ allows a requestor to immediately appeal to a district court any denial of access
to a
18 recording if that denial is based solely on the grounds of a pending criminal action { ~~→~~
19 ~~and~~} →
20 { ~~→ provides that a respondent government entity has five business days to~~
~~request that~~
21 ~~an appeal be assigned to the same judge who has jurisdiction over the pending~~
22 ~~criminal case related to the requested recordings.~~ }

2. *Page 2, Lines 37 through 46:*

37 (2) (a) Any release of recordings made by an officer while on duty or acting in
the officer's
38 official capacity as a law enforcement officer shall be subject to Title 63G, Chapter 2,
39 Government Records Access and Management Act.
40 { ~~(d)~~ (b) Notwithstanding any other provision in state or local law, a
person who requests
41 access to the recordings may immediately appeal to a district court, as provided in Section
42 63G-2-404, any denial of access to a recording based solely on Subsection
63G-2-305(10)(b) or
43 (c) due to a pending criminal action that has been filed in a court of competent
jurisdiction.

- 44 { ~~—(b) The respondent governmental entity or political subdivision may, within~~
~~five~~
45 ~~business days after the appeal petition is served, request that the petition be assigned~~
~~to the~~
46 ~~same judge, if applicable, as is assigned to the pending criminal action.—~~ }

The motion passed with a vote of 9-0-3.

Yeas:

Rep. Edwards
Rep. Gardiner
Rep. Hollins
Rep. Hutchings
Rep. Ray
Rep. Redd
Rep. Romero
Rep. Weight
Rep. Winder

Nays:

Absent:

Rep. Eliason
Rep. Miles
Rep. Perry

MOTION: Rep. Romero moved to pass H.B. 381 out favorably. The motion passed with a vote of 9-0-3.

Yeas:

Rep. Edwards
Rep. Gardiner
Rep. Hollins
Rep. Hutchings
Rep. Ray
Rep. Redd
Rep. Romero
Rep. Weight
Rep. Winder

Nays:

Absent:

Rep. Eliason
Rep. Miles
Rep. Perry

MOTION: Rep. Gardiner moved to adjourn. The motion passed with a vote of 9-0-3.

Yeas:

Rep. Edwards
Rep. Gardiner
Rep. Hollins
Rep. Hutchings
Rep. Ray
Rep. Redd
Rep. Romero
Rep. Weight
Rep. Winder

Nays:

Absent:

Rep. Eliason
Rep. Miles
Rep. Perry

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

Rep. Lee B. Perry, Chair