

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

Monday, February 27, 2017 • 4:10 p.m. • 250 State Capitol

Members Present:

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

Members Absent:

President Wayne L. Niederhauser
Sen. Ralph Okerlund

Staff Present:

Mr. Gregg A. Girvan, Policy Analyst
Ms. Nancy Skidmore, 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 Weiler called the meeting to order at 4:13 p.m.

MOTION: Sen. Hillyard moved to approve the minutes of the February 23, 2017 meeting. The motion passed with a vote of 3-0-4.

Yeas:

Sen. Escamilla
Sen. Hillyard
Sen. Weiler

Nays:

Absent:

Sen. Davis
Pres. Niederhauser
Sen. Okerlund
Sen. Thatcher

1. S.B. 266 Division of Child and Family Services Appeals (*Henderson, D.*)

Sen. Deidre M. Henderson presented the bill with the assistance of Holly Richardson.

Mr. Brent Platt, Director, Division of Child and Family Services, spoke to the bill.

MOTION: Sen. Escamilla moved to pass S.B. 266 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

2. S.B. 251 Local Government Criminal Penalty Amendments (*Thatcher, D.*)

MOTION: Sen. Thatcher moved to amend S.B. 251 with Amendment #1 as follows:

1. *Page 2, Lines 35 through 37:*

35 (3) A municipal officer or official who is not a law enforcement officer in
accordance
36 with Section 53-13-103 may { ~~only enforce an ordinance~~ not issue a criminal
citation for a violation that is punished as { ~~an~~
37 ~~infraction~~} a misdemeanor .
Section 2. Effective date.
This bill takes effect on May 1, 2018.

The motion passed with a vote of 5-0-2.

Yeas:

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

Nays:

Absent:

Pres. Niederhauser
Sen. Okerlund

Sen. Thatcher explained the bill.

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

MOTION: Sen. Thatcher moved to pass S.B. 251 out favorably. The motion passed with a vote of 5-0-2.

Yeas:

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

Nays:

Absent:

Pres. Niederhauser
Sen. Okerlund

3. H.B. 200 Sexual Assault Kit Processing Amendments (*Romero, A.*)

Rep. Romero presented the bill with the assistance of Jay Henry, Director, Department of Public Safety Crime Lab.

Mr. David Spadelford, Lobbyist, Utah Chiefs of Police Association, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass H.B. 200 out favorably. The motion passed with a vote of 4-0-3.

Yeas:

Sen. Davis
Sen. Escamilla
Sen. Hillyard
Sen. Weiler

Nays:

Absent:

Pres. Niederhauser
Sen. Okerlund
Sen. Thatcher

4. H.B. 93 Judicial Nominating Process Amendments (*Nelson, M.*)

Sen. Davis assumed the chair.

Rep. Nelson explained the bill.

Sen. Weiler resumed the chair.

MOTION: Sen. Hillyard moved to amend H.B. 93 with Amendment #2 as follows:

1. *Page 2, Lines 51 through 54:*
House Floor Amendments
2-15-2017

- 51 (2) (a) In determining which of the applicants are the most qualified, the
nominating
52 commissions shall determine by a majority vote of the commissioners present which of
the
53 applicants best possess the ~~H~~→ [ability, temperament, training, and experience] legal
knowledge
53a and ability, judicial temperament, training, professional experience, integrity, impartiality,

- 53b work ethic, financial responsibility, public service, and ability to perform the work of a
53c judge, ←H that qualifies them
54 for the office.

(b) For diversity on the bench, when deciding among applicants whose qualifications appear in all other respects to be equal, it is relevant to consider the background and experience of the applicants in relation to the current composition of the bench for which the appointment is being made.

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

Yeas:

Sen. Davis
Sen. Escamilla
Sen. Hillyard
Sen. Weiler

Nays:

Absent:

Pres. Niederhauser
Sen. Okerlund
Sen. Thatcher

Mr. Rob Rice, President, Utah State Bar, spoke against the bill.

Ms. Jacey Skinner, General Counsel, Governor Herbert, spoke to the bill.

MOTION: Sen. Hillyard moved to pass H.B. 93 out favorably. The motion failed with a vote of 2-3-2.

Yeas:

Sen. Hillyard
Sen. Thatcher

Nays:

Sen. Davis
Sen. Escamilla
Sen. Weiler

Absent:

Pres. Niederhauser
Sen. Okerlund

MOTION: Sen. Davis moved to table H.B. 93.

SUBSTITUTE MOTION: Sen. Thatcher moved to adjourn. The motion passed with a vote of 3-1-3.

Yeas:

Sen. Hillyard
Sen. Thatcher
Sen. Weiler

Nays:

Sen. Davis

Absent:

Sen. Escamilla
Pres. Niederhauser
Sen. Okerlund

Chair Weiler adjourned the meeting at 5:51 p.m.

Sen. Todd Weiler, Chair