

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

Wednesday, March 1, 2017 • 8:00 am • 250 State Capitol

**Members Present:**

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

**Members Absent:**

Sen. Gene Davis  
President Wayne L. Niederhauser

**Staff Present:**

Mr. Gregg A. Girvan, Policy Analyst  
Ms. Nancy Skidmore, Standing 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](http://le.utah.gov).

Chair Weiler called the meeting to order at 8:04 a.m.

**MOTION:** Sen. Hillyard moved to approve the minutes of the February 27, 2017 meeting. 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

**1. 1st Sub. H.B. 156 State Job Application Process (*Hollins, S.*)**

**MOTION:** Sen. Hillyard moved to amend 1st Substitute H.B. 156 with Amendment #3 as follows:

1. *Page 3, Lines 70 through 72:*  
House Floor Amendments  
2-23-2017

70           (e) to a public employer that works with children or vulnerable adults~~H~~→ [as part of  
the

71           ~~human services system]~~ ←~~H~~; { ~~and~~

72           (f) to the Department of Alcoholic Beverage Control created in Section  
32B-2-203 {    } ; and  
**(g) to the State Tax Commission.**

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

Rep. Hollins explained the bill.

Mr. Ben Aldana spoke in favor of the bill.

Ms Gina Cornia, Executive Director, Utahns Against Hunger, spoke in favor of the bill.

Mr. Daniel Magpalt spoke in favor of the bill.

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

Ms. Anna Thomas, Strategic Communications Manager, American Civil Liberties Union of Utah, spoke in favor of the bill.

Mr. Michael McAinsh spoke in favor of the bill.

Ms. Erin Jemison, Director of Public Policy, Young Women's Christian Association of Utah, spoke in favor of the bill.

**MOTION:** Sen. Escamilla moved to pass 1st Substitute H.B. 156 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. 68 Imputed Income Amendments (*Anderegg, J.*)**

**MOTION:** Sen. Hillyard moved to amend S.B. 68 with Amendment #1 as follows:

1. Page 3, Lines 66 through 73:

66 (b) { ~~(i)~~ If income is imputed to a parent, the income shall be based upon  
67 employment  
68 potential and probable earnings as derived from employment opportunities, work history,  
69 occupation qualifications, and prevailing earnings for persons of similar backgrounds in  
70 the  
71 community, or the median earning for persons in the same occupation in the same  
72 geographical  
73 area as found in the statistics maintained by the Bureau of Labor Statistics , except that  
if a parent has no recent work history in a specified occupation or has not recently  
worked a 40-hour work week, the court may consider the parent's attempts at  
obtaining employment, and may impute income congruent with employment in a  
recent occupation or congruent with actual recent earnings .  
71 { ~~(ii) Income may not be imputed to a parent for an occupation for which the  
parent has  
72 no recent and significant work history and has no recent occupational qualifications;  
unless it  
73 can be shown that the parent can obtain employment in that occupation.~~ }

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

Sen. Anderegg explained the bill.

Mr. Stewart Ralphs, Legal Aid Society of Salt Lake, spoke in opposition to the bill.

Ms. Dani Hartsvigson, Coalition to Family Values, Utah Eagle Forum, spoke in favor of the bill.

Mr. Lisa Stockdale, Director, Office of Recovery Services, spoke in opposition to the bill.

**MOTION:** Sen. Thatcher moved to go to the next item on the agenda. The motion passed with a vote of 3-1-3.

Yeas:

Sen. Escamilla  
Sen. Hillyard  
Sen. Thatcher

Nays:

Sen. Weiler

Absent:

Sen. Davis  
Pres. Niederhauser  
Sen. Okerlund

**3. S.B. 227 Doxing Prohibition Amendments (*Stephenson, H.*)**

Sen. Stephenson explained the bill.

**MOTION:** Sen. Hillyard moved to amend S.B. 227 with Amendment #1 as follows:

1. *Page 5, Lines 135 through 137:*

135 (3) (a) A person who , with intent that electronic communication harassment  
occur, discloses or disseminates another person's identifying information  
136 with the { -intention or knowledge- expectation that others will further  
disseminate or use the person's  
137 identifying information is { -guilty of a third degree felony- subject to the  
penalties outlined in Subsection (3)(b) :

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

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

Ms. Maryann Christensen, Executive Director, Utah Eagle Forum, spoke in favor of the bill.

Ms. Renai Cowley, Utah Media Coalition, Google, spoke to the bill.

Ms. Shelly Terscher, Lobbyist, LexisNexis, spoke to the bill.

**MOTION:** Sen. Thatcher moved to pass S.B. 227 out favorably. The motion passed with a vote of 3-1-3.

Yeas:

Sen. Escamilla  
Sen. Hillyard  
Sen. Thatcher

Nays:

Sen. Weiler

Absent:

Sen. Davis  
Pres. Niederhauser  
Sen. Okerlund

**4. 1st Sub. H.B. 206 Domestic Violence – Weapons Restrictions (King, B. S.)**

Rep. Brian S. King explained the bill.

**MOTION:** Sen. Escamilla moved to amend 1st Substitute H.B. 206 with Amendment #2 as follows:

1. Page 2, Line 56 through Page 3, Line 69:

56 (x) is a respondent or defendant subject to a protective order or child protective order  
57 that ~~H→~~ [z]  
58 —(A) ~~←H~~ is issued after a hearing for which the respondent or defendant received  
actual  
59 notice and at which the respondent or defendant has an opportunity to participate ~~H→~~ [z] ,  
{ ~~and~~ } that  
60 [(B)] { ~~(A)~~ } ~~←H~~ restrains the respondent or defendant from harassing, stalking,  
threatening, or  
61 engaging in other conduct that would place an intimate partner, as defined in 18 U.S.C.  
Sec.  
62 921, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate  
partner  
63 or child of the intimate partner { ~~};~~ **, and that:**  
64 ~~H→~~ [(C)] { ~~(B)~~ } ~~←H~~ **(A)** includes a finding that the respondent or  
defendant represents a credible  
64a threat to  
65 the physical safety of an individual who meets the definition of an intimate partner in 18  
U.S.C.

- 66 Sec. 921 or the child of the individual; or  
67 H→ [(D)] { ~~(C)~~ ←H (B) explicitly prohibits the use, attempted use, or  
threatened use of physical  
67a force that  
68 would reasonably be expected to cause bodily harm against an intimate partner or the  
child of  
69 an intimate partner; or

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

Ms. Erin Jemison, Director of Public Policy, Young Women's Christian Association, spoke in favor of the bill.

Ms. Ty Finch, Public Information Manager, Utah Domestic Violence Coalition, spoke in favor of the bill.

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

Ms. Jean Hill, Government Liaison, Catholic Diocese, spoke in opposition to the bill.

**MOTION:** Sen. Hillyard moved to pass 1st Substitute H.B. 206 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

**5. 2nd Sub. H.B. 252 Disposal of Firearms (Daw, B.)**

Rep. Daw explained the bill.

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

Mr. Clark Aposhian, Director, Utah Shooting Sports Council, spoke in favor of the bill.

**MOTION:** Sen. Escamilla moved to pass 2nd Substitute H.B. 252 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. H.B. 198 Concealed Carry Amendments (*Lisonbee, K.*)**

Rep. Lisonbee presented the bill with the assistance of Mr. Curtis Oda and Mr. Clark Aposhian, Director, Utah Shooting Sports Council.

Ms. Sophia Hanes-Tingey spoke in opposition to the bill.

Mr. Dan Deuel spoke in favor of the bill.

Mr. Tom Ross, Bountiful Police Chief, Utah Chiefs of Police, spoke in opposition to the bill.

Ms. Maryann Christensen, Executive Director, Utah Eagle Forum spoke in favor of the bill.

Ms. Jean Hill, Government Liaison, Catholic Diocese, spoke in opposition to the bill.

**MOTION:** Sen. Thatcher moved to pass H.B. 198 out favorably. The motion passed with a vote of 4-1-2.

Yeas:

Sen. Hillyard  
Sen. Okerlund  
Sen. Thatcher  
Sen. Weiler

Nays:

Sen. Escamilla

Absent:

Sen. Davis  
Pres. Niederhauser

**7. H.B. 15 Alimony Amendments (*Stratton, K.*)**

Rep. Stratton explained the bill.

**MOTION:** Sen. Hillyard moved to pass H.B. 15 out favorably. The motion passed with a vote of 5-0-2.

Yeas:

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

Nays:

Absent:

Sen. Davis  
Pres. Niederhauser

**MOTION:** Sen. Hillyard moved to place H.B. 15 on the Consent Calendar. The motion passed with a vote of 5-0-2.

Yeas:

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

Nays:

Absent:

Sen. Davis  
Pres. Niederhauser

**8. 2nd Sub. H.B. 141 Unborn Child Protection Amendments (*Stratton, K.*)**

Sen. Stratton explained the bill.

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

Ms. Tera Durbin, Physician, Pro-Life Utah, spoke in favor of the bill.

Ms. Maryann Christensen, Executive Director, Utah Eagle Forum. spoke in favor of the bill.

Ms. Miriam Merrill, Intern, Family Policy Resource, spoke in favor of the bill.

Ms. Mary Taylor, President, Pro-Life Utah spoke in favor of the bill.



**MOTION:** Sen. Thatcher moved to pass 2nd Substitute H.B. 141 out favorably. The motion passed with a vote of 2-1-4.

Yeas:

Sen. Thatcher  
Sen. Weiler

Nays:

Sen. Escamilla

Absent:

Sen. Davis  
Sen. Hillyard  
Pres. Niederhauser  
Sen. Okerlund

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

Yeas:

Sen. Escamilla  
Sen. Thatcher  
Sen. Weiler

Nays:

Absent:

Sen. Davis  
Sen. Hillyard  
Pres. Niederhauser  
Sen. Okerlund

Chair Weiler adjourned the meeting at 10:00 a.m.

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Sen. Todd Weiler, Chair