

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

Tuesday, February 28, 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](http://le.utah.gov).

Chair Perry called the meeting to order at 8:09 a.m.

**MOTION:** Rep. Gardiner moved to approve the minutes of the February 24, 2017 meeting. The motion passed with a vote of 7-0-5.

Yeas:

Rep. Gardiner  
Rep. Hollins  
Rep. Perry  
Rep. Ray  
Rep. Redd  
Rep. Weight  
Rep. Winder

Nays:

Absent:

Rep. Edwards  
Rep. Eliason  
Rep. Hutchings  
Rep. Miles  
Rep. Romero

**1. S.C.R. 1 Concurrent Resolution on Increasing Pay for Certain Public Safety Officers and Firefighters (*Weiler, T.*)**

Sen. Todd Weiler presented the bill.

**MOTION:** Rep. Winder moved to pass S.C.R. 1 out favorably. The motion passed with a vote of 9-0-3.

Yeas:

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

Nays:

Absent:

Rep. Edwards  
Rep. Eliason  
Rep. Miles

**2. 1st Sub. S.B. 75 Child Welfare Amendments (*Fillmore, L.*)**

Sen. Lincoln Fillmore presented the bill with the assistance of Ms. Barbara Higgins, Family Crimes Intervention Coordinator, Sandy City Police Department.

Detective Evan Keller, Investigator, Sandy City Police Department, spoke in favor of the bill.

Ms. Charri Brummer, Deputy Director, Division of Child and Family Services, spoke in favor of the bill.

**MOTION:** Rep. Weight moved to pass 1st Substitute S.B. 75 out favorably. The motion passed with a vote of 6-5-1.

Yeas:

Rep. Edwards  
Rep. Eliason  
Rep. Hollins  
Rep. Romero  
Rep. Weight  
Rep. Winder

Nays:

Rep. Gardiner  
Rep. Hutchings  
Rep. Perry  
Rep. Ray  
Rep. Redd

Absent:

Rep. Miles

**3. S.B. 118 Criminal Law Amendments (*Thatcher, D.*)**

Sen. Daniel W. Thatcher presented the bill with the assistance of Major Brian Redd, Director, State Bureau of Investigation, Department of Public Safety.

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

**MOTION:** Rep. Ray moved to pass S.B. 118 out favorably. The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Hutchings  
Rep. Romero

**MOTION:** Rep. Eliason moved to place S.B. 118 on the Consent Calendar.

Rep. Eliason withdrew his motion.

Rep. Redd assumed the chair.

**4. H.B. 425 Security Personnel Amendments (*Perry, L.*)**

Rep. Perry presented the bill.

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

Mr. John Tinsley, Professional Alliance of Contract Security Companies and the Utah Professional Association of Legal Services, spoke in favor of the bill.

Mr. Perry Rose, retired law enforcement officer and owner of a security company, spoke in favor of the bill.

**MOTION:** Rep. Ray moved to replace H.B. 425 with 1st Substitute H.B. 425. The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Hutchings  
Rep. Romero

**MOTION:** Rep. Eliason moved to amend 1st Substitute H.B. 425 with Amendment #1 as follows:

1. *Page 2, Lines 33 through 40:*

33            (a) contains clear language that addresses and assigns financial responsibility;  
34            (b) describes the length, duties, and scope of the security services that will be  
              provided;    **and**  
35            (c) describes the compensation that will be paid by the client for the security  
              services,  
36            including the compensation for each security officer { ~~—; and~~            ~~—~~  
37            { ~~—(d) describes what government-owned vehicles or other equipment may be~~  
              used, if any,  
38            by the security service provider while providing security services, including the  
              compensation  
39            that will be provided by the client for the use of such vehicles or other equipment.  
              -}  
40            [(+) (2) "Armed courier service" means a person engaged in business as a contract

2. *Page 4, Lines 106 through 110:*

106    this chapter.  
107            (12) { ~~—(4)~~            "Law enforcement agency" means the same as that term is defined  
              in Section  
108            53-1-102.

109            { ~~(b) "Law enforcement agency" does not include an individual law~~  
~~enforcement officer.~~ }

110            [~~(8) "Officer" means a president, vice president, secretary, treasurer, or other officer~~  
~~of~~

3. *Page 6, Lines 154 through 157:*

154    ~~location.]~~

155            (17) "Security service provider" means a contract security company { ~~licensed~~  
~~under this~~

156    ~~chapter,~~ } ~~or~~ an armored car company licensed under this chapter ~~, or a law~~  
~~enforcement agency.~~ \_\_\_\_\_.

157            [~~(13)~~] (18) "Security system" means equipment, a device, or an instrument installed

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

Yeas:

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

Nays:

Absent:

Rep. Hutchings  
Rep. Romero

**MOTION:** Rep. Miles moved to pass 1st Substitute H.B. 425 out favorably. The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Hutchings  
Rep. Romero

**MOTION:** Rep. Ray moved to place 1st Substitute H.B. 425 on the Consent Calendar.  
The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Abs:

Rep. Hutchings  
Rep. Romero

**5. H.B. 261 Local Emergency Response Amendments (*Sagers, D.*)**

Rep. Perry resumed the chair.

Rep. Douglas V. Sagers presented the bill.

**MOTION:** Rep. Ray moved to amend H.B. 261 with Amendment #3 as follows:

1. Page 2, Lines 38 through 41:

38 (b) one representative from a private ambulance provider { } ; ~~†who:~~

39 ~~\_\_\_\_\_ (i) may not serve more than two consecutive terms; and~~  
40 ~~\_\_\_\_\_ (ii) after the term under Subsection (1)(b)(i), shall be replaced by a member~~  
41 ~~from a~~  
~~different private ambulance provider; }~~

2. Page 3, Lines 59 through 61:

59 (b) Notwithstanding Subsection (2)(a), the governor ;  
(i) shall, at the time of appointment  
60 or reappointment, adjust the length of terms to ensure that the terms of committee  
members are  
61 staggered so that approximately half of the committee is appointed every two years ;  
(ii) may not reappoint a member for more than two consecutive terms; and  
(iii) shall replace a member in Subsection (1)(b) with a member who is from a  
different private provider than the member being replaced .

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

Yeas:

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

Nays:

Absent:

Rep. Hutchings  
Rep. Romero

**MOTION:** Rep. Ray moved to pass H.B. 261 out favorably. The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Hutchings  
Rep. Romero

**MOTION:** Rep. Ray moved to place H.B. 261 on the Consent Calendar. The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Hutchings  
Rep. Romero

**6. H.B. 222 Criminal Offenses Modifications (*Handy, S.*)**

Rep. Stephen G. Handy presented the bill with the assistance of Mr. Steve Burton, Criminal Defense Lawyer, Utah Association of Criminal Defense Lawyers.

Mr. Spencer Walsh, Chief Prosecutor, Cache County Attorney's Office, also representing Statewide Association of Prosecutors, spoke in opposition to the bill.

Mr. Gary Warwood, resident spoke in favor of the bill.

Chief Tom Ross, Bountiful City Police Chief, Utah Chiefs of Police Association, spoke in



opposition to the bill.

Ms. Teresa Warwood, resident spoke in favor of the bill.

Ms. Tracy Tabet, Children's Justice Center Program, Office of the Attorney General, spoke in opposition of the bill.

**MOTION:** Rep. Gardiner moved to amend H.B. 222 with Amendment #1 as follows:

1. *Page 2, Lines 50 through 51:*

50        ~~[(4)]~~ (5) { ~~}-~~        **Imprisonment**        ~~-~~ Subject to Subsection (4), imprisonment  
-}        under this section is  
51        mandatory in accordance with Section 76-3-406.

2. *Page 3, Lines 77 through 78:*

77        ~~[(4)]~~ (5) { ~~}-~~        **Imprisonment**        ~~-~~ Subject to Subsection (4), imprisonment  
-}        under this section is  
78        mandatory in accordance with Section 76-3-406.

3. *Page 4, Lines 102 through 103:*

102        ~~[(4)]~~ (5) { ~~}-~~        **Imprisonment**        ~~-~~ Subject to Subsection (4), imprisonment  
-}        under this section is  
103        mandatory in accordance with Section 76-3-406.

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

Yeas:

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

Nays:

Absent:

Rep. Hutchings  
Rep. Romero

**MOTION:** Rep. Miles moved to pass H.B. 222 out favorably. The motion passed with a vote of 7-3-2.

Yeas:

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

Nays:

Rep. Perry  
Rep. Ray  
Rep. Redd

Absent:

Rep. Hutchings  
Rep. Romero

**MOTION:** Rep. Gardiner moved to adjourn. The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Hutchings  
Rep. Romero

Chair Perry adjourned the meeting at 9:59 a.m.

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Rep. Lee B. Perry, Chair