

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

Thursday, March 2, 2017 • 4:10 p.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

Members Absent:

Sen. Gene Davis

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.

Chair Weiler called the meeting to order at 4:27 p.m.

MOTION: Sen. Escamilla moved to approve the minutes of the March 1, 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

Sen. Thatcher assumed the chair.

1. S.B. 257 Case Status Updates (*Weiler, T.*)

Sen. Weiler explained the bill.

MOTION: Sen. Weiler moved to pass S.B. 257 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

Sen. Weiler resumed the chair.

2. H.B. 68 Crime Victims Reparation Board Sunset Extension (*Christensen, L.*)

Rep. LaVar Christensen explained the bill.

MOTION: Sen. Thatcher moved to pass H.B. 68 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 place H.B. 68 on the Consent Calendar. 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

3. 2nd Sub. H.B. 239 Juvenile Justice Amendments (*Snow, V. L.*)

Rep. V. Lowry Snow presented the bill with the assistance of Ron Gordon, Executive Director, Commission on Criminal and Juvenile Justice.

Mr. Doug Larsen, Director of Policy and Legal Services, Granite School District, spoke in opposition to the bill.

Mr. Ben Horsley, Director, Granite School District, spoke to the bill.

Mr. Adam Trupp, Chief Executive Officer, Utah Association of Counties, spoke to the bill.

Ms. Dorothy Bradford spoke in opposition to the bill.

Ms. LeAnn Wood, Education Commissioner, Utah Parent Teacher Association, spoke in favor of the bill.

Mr. Christian Quinonez spoke in favor of the bill.

Ms. Sabita Bastakoti spoke in favor of the bill.

Ms. Henna Inoway-Yim spoke in favor of the bill.

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

Ms. Kayley Richards, Program Director, Salt Lake Peer Courts, spoke in favor of the bill.

Ms. Ann Williamson-Silverburg, Executive Director, Department of Human Services, spoke in favor of the bill.

MOTION: Sen. Thatcher moved to pass 2nd Substitute H.B. 239 out favorably. The motion passed with a vote of 3-1-3.

Yeas:

Sen. Escamilla
Sen. Thatcher
Sen. Weiler

Nays:

Sen. Hillyard

Absent:

Sen. Davis
Pres. Niederhauser
Sen. Okerlund

4. H.B. 73 Child Placement Amendments (*Peterson, J.*)

Rep. Jeremy A. Peterson explained the bill.

MOTION: Sen. Escamilla moved to pass H.B. 73 out favorably. 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

5. 1st Sub. H.B. 197 Custody and Adoption Amendments (*Hawkes, T.*)

Rep. Timothy D. Hawkes explained the bill.

Ms. Diane Warren, Director, Office of Licensing, spoke to the bill.

MOTION: Sen. Escamilla moved to pass 1st Substitute H.B. 197 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. 1st Sub. H.B. 251 Campus Advocate Confidentiality Amendments (*Romero, A.*)

Rep. Angela Romero explained the bill.

Ms. Julie Valentine, BYU Nursing Professor, Forensic Nurse Specialist, spoke in favor of the bill.

Mr. Turner Bitton, Executive Director, Utah Coalition Against Sexual Assault, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass 1st Substitute H.B. 251 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 place 1st Substitute H.B. 251 on the Consent Calendar. 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

7. 1st Sub. H.B. 380 Sex Offender Registry Amendments (*Hall, C.*)

Rep. Craig Hall presented the bill with the assistance Amanda Montague, Assistant Attorney General.

MOTION: Sen. Hillyard moved to pass 1st Substitute H.B. 380 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

MOTION: Sen. Hillyard moved to place 1st Substitute H.B. 380 on the Consent Calendar. 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

8. 1st Sub. H.B. 145 Foster Children Visitation Amendments (*Ivory, K.*)

Rep. Ken Ivory presented the bill with the assistance of Ms. Krisse Preshvich.

MOTION: Sen. Hillyard moved to amend 1st Substitute H.B. 145 with Amendment #2 as follows:

1. Page 11, Lines 308 through 315:

308 (12) The child and family plan shall incorporate { ~~all~~ reasonable efforts to:
309 (a) provide sibling visitation when:
310 (i) siblings are separated due to foster care or adoptive placement;
311 (ii) visitation is in the best interest of the child for whom the plan is developed; and
312 (iii) the division has consent for sibling visitation from the legal guardian of the
313 sibling; and
314 (b) obtain consent for sibling visitation from the sibling's legal guardian when the
315 criteria of Subsections (a)(i) and (ii) are met.

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. 145 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 place 1st Substitute H.B. 145 on the Consent Calendar. 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

9. 1st Sub. H.B. 208 Jail Release Orders Amendments (Ivory, K.)

Rep. Ken Ivory presented the bill with the assistance of Ryan Rasmussen, Deputy Sheriff, Davis County.

Ms. Heather Wolsey spoke in favor of the bill.

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

MOTION: Sen. Escamilla moved to amend 1st Substitute H.B. 208 with Amendment #1 as follows:

1. Page 8, Lines 237 through 240:

237 (5) Except as provided in Subsection [(3), the] (4) or otherwise ordered by a court, a
238 jail release agreement or [the magistrate order described in Subsection (2)(d)(i)] jail
 release
239 court order expires at midnight [~~on the day on which the person arrested is scheduled to~~
 appear,
240 as] after the arrested person's initial **scheduled** court appearance described in
 Subsection [~~(2)] (3)(d)(i).~~

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

Yeas:

Nays:

Abs:

Sen. L. Escamilla
Sen. D. Thatcher
Sen. T. Weiler

Sen. G. Davis
Sen. L. Hillyard
Sen. W. Niederhauser
Sen. R. Okerlund

MOTION: Sen. Escamilla moved to amend 1st Substitute H.B. 208 with Amendment #2 as follows:

1. Page 7, Lines 186 through 190:

186 (f) "Qualifying offense" means:
187 (i) domestic violence;
188 (ii) an offense against a child or vulnerable adult **that threatens their physical**
 health or safety ; or

189 (iii) the commission or attempted commission of an offense described in Title 76,
190 Chapter 5, Part 4, Sexual Offenses.

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

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

MOTION: Sen. Escamilla moved to pass 1st Substitute H.B. 208 out favorably. 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

MOTION: Sen. Escamilla 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 6:40 p.m.

Sen. Todd Weiler, Chair