

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

Friday, March 3, 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, 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.

Vice Chair Redd called the meeting to order at 8:12 a.m.

MOTION: Rep. Winder moved to approve the minutes. The motion passed with a vote of 7-0-5.

Yeas:

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

Nays:

Absent:

Rep. Eliason
Rep. Gardiner
Rep. Hutchings
Rep. Miles
Rep. Romero

1. 1st Sub. S.B. 165 Reimbursements for Public Safety Officers (*Mayne, K.*)

Sen. Karen Mayne presented the bill.

Mr. Gary Cox, Associate Dean, Institute of Public Safety, Salt Lake Community College, spoke in favor of the bill.

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

Mr. Kory Holdaway, Utah Public Employees Association, spoke in favor of the bill.

MOTION: Rep. Perry moved to pass 1st Substitute S.B. 165 out favorably. The motion passed with a vote of 8-0-4.

Yeas:

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

Nays:

Absent:

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

2. 2nd Sub. S.B. 156 Local Public Safety and Firefighter Surviving Spouse Trust Fund Amendments (*Weiler, T.*)

Rep. Timothy Hawkes presented the bill with the assistance of Mr. Cameron Diehl, Utah League of Cities and Towns.

Ms. Shante Johnson, Fraternal Order of Police, spoke in favor of the bill.

Ms. Nann Wride, widow of Officer Cory Wride, spoke to the bill.

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

Mr. Lincoln Shurtz, Association of Counties, spoke in favor of the bill.

Mr. Kory Holdaway, Murray City, spoke in favor of the bill.

Mr. David Copeland, representing Officer Charlie Skinner's children, spoke to the bill.

MOTION: Rep. Ray moved to replace 2nd Substitute S.B. 156 with 3rd Substitute S.B. 156. The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Eliason
Rep. Miles

MOTION: Rep. Ray moved to amend 3rd Substitute S.B. 156 with Amendment #2 as follows:

1. *Page 2, Line 45:*

45 (b) { ~~(i)~~ **The** ~~— Except as provided in Subsection (1)(b)(ii), the~~
employer shall pay 100%

2. *Page 2, Line 51 through Page 3, Line 68:*

51 { ~~—(ii) If a surviving spouse and children are eligible to be covered under a~~
~~group health~~
52 ~~coverage plan through the employment of the surviving spouse or, if the surviving~~
~~spouse~~
53 ~~remarries, the employment of the spouse of the remarried surviving spouse, the~~
~~employer;~~
54 ~~—(A) shall pay the employer share of the premium costs and, if the health~~
~~coverage is a~~
55 ~~high-deductible plan, the employer share of any contribution into a health savings~~
~~account for~~
56 ~~the surviving spouse and dependent children as described under Subsections (1)(a)~~
~~and (2); and~~
57 ~~—(B) may collect from the surviving spouse and children the portion of the~~
~~premium~~
58 ~~costs that a current employee would pay for the same plan as a condition of~~

qualifying to
59 continue to receive health coverage under this section.
60 — (iii) Notwithstanding Subsection (1)(b)(ii), if the surviving spouse and children
lose
61 their eligibility to be covered under a group health coverage plan through the
employment of
62 the surviving spouse or, if the surviving spouse remarries, the employment of the
spouse of the
63 remarried surviving spouse, the employer shall pay 100% of the premium costs and,
if the
64 health coverage is a high-deductible plan, the employer share of any contribution
into a health
65 savings account for the surviving spouse and dependent children as described under
66 Subsections (1)(a) and (2), and may not require payment from the surviving spouse
for
67 premium costs or health savings account contributions as a condition of qualifying
to continue
68 to receive the health coverage. }

The motion passed with a vote of 6-4-2.

Yeas:

Rep. Edwards
Rep. Hutchings
Rep. Perry
Rep. Ray
Rep. Redd
Rep. Winder

Nays:

Rep. Gardiner
Rep. Hollins
Rep. Romero
Rep. Weight

Absent:

Rep. Eliason
Rep. Miles

MOTION: Rep. Ray moved to pass 3rd Substitute S.B. 156 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

3. S.B. 226 Permanent Criminal Stalking Injunction Amendments (*Weiler, T.*)

Rep. Edwards presented the bill.

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

MOTION: Rep. Miles moved to pass S.B. 226 out favorably.

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

SUBSTITUTE MOTION: Rep. Hutchings moved to amend S.B. 226 with Amendment #1 as follows:

1. Page 1, Lines 13 through 20:

13 This bill:

14 ▶ extends an application for a permanent criminal stalking injunction against a
person

15 in the following instances:

16 • a conviction of stalking;

17 • a conviction of attempt to commit stalking;

18 { ~~• a conviction of conspiracy to commit stalking;~~

19 ~~• a conviction of solicitation to commit stalking;—} or~~

20 • a plea to any of the above accepted by the court and held in abeyance.

2. *Page 4, Line 115 through Page 5, Line 123:*

115 (9) (a) The following serve as an application for a permanent criminal stalking
116 injunction limiting the contact between the defendant and the victim:
117 (i) a conviction for:
118 (A) stalking;
119 (B) attempt to commit stalking;
120 { ~~(C) conspiracy to commit stalking; or~~
~~121 (D) solicitation to commit stalking;~~ } or
122 (ii) a plea to any of the offenses described in Subsection (9)(a)(i) accepted by the
court
123 and held in abeyance for a period of time.

The motion passed with a vote of 11-0-1.

Yeas:

Nays:

Absent:

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

Rep. Eliason

MOTION: Rep. Hutchings moved to pass S.B. 226 out favorably. The motion passed with a vote of 11-0-1.

Yeas:

Nays:

Absent:

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

Rep. Eliason

4. S.B. 230 Solicitation Amendments (*Weiler, T.*)

Rep. Winder presented the bill with the assistance of Mr. Scott Carver, Under Sheriff, Salt Lake County, Utah Police Department.

MOTION: Rep. Miles moved to amend S.B. 230 with a verbal amendment as follows:

1. *Page 1, Line 17:*

17 { ~~requires the maximum fine be ordered upon conviction;~~ } and

2. *Page 4, Lines 105 through 106:*

105 { ~~(6) Upon a conviction for a violation of this section, the court shall order the~~
maximum
106 fine amount and may not waive or suspend the fine. } ___

3. *Page 5, Lines 123 through 124:*

123 { ~~(3) Upon a conviction for a violation of this section, the court shall order the~~
maximum
124 fine amount and may not waive or suspend the fine. } ___

4. *Page 5, Lines 140 through 141:*

140 { ~~(3) Upon a conviction for a violation of this section, the court shall order the~~
maximum
141 fine amount and may not waive or suspend the fine. } ___

5. Page 6, Lines 155 through 156:

155 { ~~(4) Upon a conviction for a violation of this section, the court shall order the~~
maximum
156 fine amount and may not waive or suspend the fine. } ___

SUBSTITUTE MOTION: Rep. Ray moved to pass S.B. 230 out favorably. The motion passed with a vote of 10-1-1.

Yeas:

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

Nays:

Rep. Miles

Absent:

Rep. Edwards

5. S.B. 239 Interfering with a Peace Officer (Weiler, T.)

Rep. Gardiner presented the bill.

Ms. Anna Thomas, Utah American Civil Liberties Union spoke to the bill.

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

MOTION: Rep. Miles moved to pass S.B. 239 out favorably. The motion passed with a vote of 11-0-1.

Yeas:

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

Nays:

Absent:

Rep. Edwards

6. S.B. 235 Assault and Threat of Violence Amendments (*Thatcher, D.*)

Sen. Daniel W. Thatcher presented the bill.

MOTION: Rep. Perry moved to pass S.B. 235 out favorably. The motion passed with a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Edwards
Rep. Hutchings

7. S.B. 215 Master Offense List (*Thatcher, D.*)

Sen. Daniel W. Thatcher presented the bill.

MOTION: Rep. Romero moved to pass S.B. 215 out favorably. The motion passed with

a vote of 10-0-2.

Yeas:

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

Nays:

Absent:

Rep. Edwards
Rep. Hutchings

MOTION: Rep. Eliason moved to place S.B. 215 on the Consent Calendar.
The motion failed with a vote of 8-2-2.

8. 1st Sub. S.B. 50 Automobile Insurance Registry Amendments (*Fillmore L.*)

1st Sub. S.B. 50 was not considered.

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

Yeas:

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

Nays:

Absent:

Rep. Edwards
Rep. Hutchings

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

Rep. Lee B. Perry, Chair