

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

Monday , January 29, 2018 • 2:00 p.m. • 250 State Capitol

**Members Present:**

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

**Members Absent:**

President Wayne L. Niederhauser

**Staff Present:**

Mr. John Feinauer, Policy Analyst  
Ms. Nancy Skidmore, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Chair Weiler called the meeting to order at 2:03 p.m.

**MOTION:** Sen. Hillyard moved to approve the minutes of the January 29, 2018 meeting. The motion passed with a vote of 3 - 0 - 4 .

Yeas-3

Sen. L. Hillyard  
Sen. R. Okerlund  
Sen. T. Weiler

Nays-0

Absent-4

Sen. G. Davis  
Sen. L. Escamilla  
Sen. W. Niederhauser  
Sen. D. Thatcher

**1 . S.B. 30 Aggravated Murder Amendments (*Mayne, K.*)**

Sen Mayne explained the bill.

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

Mr. William J. Carlson, Deputy District Attorney, Salt Lake County, spoke to the bill.

**MOTION:** Sen. Thatcher moved to pass S.B. 30 out favorably. The motion passed with a vote of 5 - 1 - 1 .

Yeas-5

Sen. G. Davis  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. R. Okerlund  
Sen. D. Thatcher

Nays-1

Sen. T. Weiler

Absent-1

Sen. W. Niederhauser

**2 . S.B. 57 Police Service Animal Amendments (*Iwamoto, J.*)**

Sen. Iwamoto explained the bill with the assistance of Lieutenant Chad Reyes, Unified Police, Sergeant Luis Lovoto, Unified Police and Shawn Bailey.

Mr. Marshall Thompson, Director, Utah Sentencing Committee, spoke in opposition to the bill.

Sen. Hillyard assumed the chair.

Sen. Weiler resumed the chair.

Mr. William Calson, Deputy District Attorney, Salt Lake County, spoke in favor of the bill.

Mr. Scott Carver, Undersheriff, Salt Lake County Sheriff's Office, spoke in favor of the bill.

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

Ms. Lisa Bagley, Director, Volunteer Organizations Active in Disaster (VOAD), spoke in favor of the bill.

Mr. Rob Dahle, Mayor, City of Holladay, spoke in favor of the bill.

**MOTION:** Sen. Davis moved to pass S.B. 57 out favorably. The motion passed with a vote of 5 - 1 - 1 .

Yeas-5

Sen. G. Davis  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. R. Okerlund  
Sen. D. Thatcher

Nays-1

Sen. T. Weiler

Absent-1

Sen. W. Niederhauser

**MOTION:** Sen. Davis moved to have the interim committee study the distinction between 2nd and 3rd degree felonies. The motion failed with a vote of 3 - 3 - 1 .

Yeas-3

Sen. G. Davis  
Sen. L. Escamilla  
Sen. D. Thatcher

Nays-3

Sen. L. Hillyard  
Sen. R. Okerlund  
Sen. T. Weiler

Absent-1

Sen. W. Niederhauser

**MOTION:** Sen. Hillyard moved to have the Sentencing Commission provide a report analyzing the appropriateness of 2nd and 3rd degree felonies as classified in statute. The motion passed with a vote of 6 - 0 - 1 .

Yeas-6

Sen. G. Davis  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. R. Okerlund  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-1

Sen. W. Niederhauser

**3 . S.B. 81 Children's Justice Center Program (Okerlund, R.)**

Sen Okerlund explained the bill with Ms. Tracey L. Tabet, Administrator, Children's Justice Center.

Mr. Craig Peterson spoke in favor of the bill.

**MOTION:** Sen. Okerlund moved to pass S.B. 81 out favorably. The motion passed with a vote of 6 - 0 - 1 .

Yeas-6

Sen. G. Davis  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. R. Okerlund  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-1

Sen. W. Niederhauser

**MOTION:** Sen. Davis moved to place S.B. 81 on the Consent Calendar. The motion passed with a vote of 6 - 0 - 1 .

Yeas-6

Sen. G. Davis  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. R. Okerlund  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-1

Sen. W. Niederhauser

**4 . S.B. 97 Driving Without Insurance Amendments (Thatcher, D.)**

Sen. Thatcher explained the bill.

**MOTION:** Sen. Thatcher moved to pass S.B. 97 out favorably. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. G. Davis  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Thatcher

Nays-0

Absent-2

Sen. W. Niederhauser  
Sen. R. Okerlund

Sen. T. Weiler

**5 . S.B. 106 Court Records Amendments (*Thatcher, D.*)**

Sen. Thatcher explained the bill.

**MOTION:** Sen. Thatcher moved to amend S.B. 106 with Amendment #0.

**SUBSTITUTE MOTION:** Sen. Hillyard made a substitute motion to amend S.B. 106 with Amendment #1. The Substitute motion passed with a vote of 5 - 0 - 2 .

Amendment 1  
S.B. 106

1 Page 2, Line 34

34 (2) A person whose criminal case is dismissed may { ~~petition~~ } move the court for an order to remove the

Yeas-5

Nays-0

Absent-2

Sen. G. Davis

Sen. W. Niederhauser

Sen. L. Escamilla

Sen. R. Okerlund

Sen. L. Hillyard

Sen. D. Thatcher

Sen. T. Weiler

Ms. Nicole Borgeson, Assistant Director, Department of Public Safety, spoke to the bill.

Mr. William Carlson, Deputy District Attorney, Salt Lake County, spoke in favor of the bill.

Ms. Jacee Skinner, Deputy Court Administrator, Administrative Office of the Courts, spoke to the bill.

**MOTION:** Sen. Thatcher moved to pass S.B. 106 out favorably. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Nays-0

Absent-2

Sen. G. Davis

Sen. W. Niederhauser

Sen. L. Escamilla

Sen. R. Okerlund

Sen. L. Hillyard

Sen. D. Thatcher

Sen. T. Weiler

**6 . S.B. 107 Third District Court Judge (*Hillyard, L.*)**

Sen. Hillyard explained the bill with the assistance of Ms. Jacee Skinner, Deputy Court Administrator, Administrative Office of the Courts

Mr. Lincoln Nehring, Chief Executive Officer, Voices for Utah Children, spoke in opposition to the bill.

**MOTION:** Sen. Hillyard moved to pass S.B. 107 out favorably. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. G. Davis  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-2

Sen. W. Niederhauser  
Sen. R. Okerlund

**7 . H.B. 18 Alcohol Abuse Tracking Committee Relocation (*Eliason, S.*)**

Sen. Zehnder explained the bill.

Ms. Kim Gibb, Legislative Liaison, Department of Public Safety, spoke in favor of the bill.

**MOTION:** Sen. Thatcher moved to pass H.B. 18 out favorably. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. G. Davis  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-2

Sen. W. Niederhauser  
Sen. R. Okerlund

**MOTION:** Sen. Hillyard moved to adjourn. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. G. Davis  
Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-2

Sen. W. Niederhauser  
Sen. R. Okerlund

Chair Weiler adjourned the meeting at 4:24 p.m.

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Sen. Todd Weiler, Chair