

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

Wednesday , January 31, 2018 • 4:00 p.m. • 450 State Capitol

Members Present:

Rep. Lee B. Perry, Chair
Rep. Edward H. Redd, Vice Chair
Rep. Cheryl K. Acton
Rep. Rebecca P. Edwards
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. John Feinauer, Policy Analyst
Ms. Katiemarie Harmon, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Perry called the meeting to order at 4:03 p.m.

MOTION: Rep. Acton moved to approve the minutes. The motion passed with a vote of 6 - 0 - 5 .

Yeas-6

Rep. C. Acton
Rep. R. Edwards
Rep. L. Perry
Rep. P. Ray
Rep. A. Romero
Rep. M. Winder

Nays-0

Absent-5

Rep. S. Hollins
Rep. E. Hutchings
Rep. K. Miles
Rep. E. Redd
Rep. E. Weight

1 . H.B. 59 Unmanned Aircraft Revisions (*Pitcher, D.*)

Rep. Dixon M. Pitcher presented the bill.

MOTION: Rep. Ray moved to replace H.B. 59 with 1st Substitute H.B. 59. The motion passed with a vote of 9 - 0 - 2 .

Yeas-9

Rep. C. Acton
Rep. R. Edwards
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. A. Romero
Rep. E. Weight
Rep. M. Winder

Nays-0

Absent-2

Rep. E. Hutchings
Rep. E. Redd

MOTION: Rep. Ray moved to pass 1st Substitute H.B. 59 out favorably. The motion passed with a vote of 9 - 0 - 2 .

Yeas-9

Rep. C. Acton
Rep. R. Edwards
Rep. S. Hollins

Nays-0

Absent-2

Rep. E. Hutchings
Rep. E. Redd

Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. A. Romero
Rep. E. Weight
Rep. M. Winder

MOTION: Rep. Ray moved to place 1st Substitute H.B. 59 on the Consent Calendar. The motion passed with a vote of 9 - 0 - 2 .

Yeas-9

Rep. C. Acton
Rep. R. Edwards
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. A. Romero
Rep. E. Weight
Rep. M. Winder

Nays-0

Absent-2

Rep. E. Hutchings
Rep. E. Redd

2 . H.B. 177 Trauma-informed Justice Provisions (*Ivory, K.*)

Rep. Ken Ivory presented the bill with the assistance of Senator Luz Escamilla, Mr. Gary Scheller, Director, Utah Council of Victims and Crimes, Ms. Jenny Livsey, Citizen, and Ms. Amy Coombs, Social Worker.

Ms. Heather Woolsey, Citizen, spoke in favor of the bill.

Mr. Roger Stephenson, Citizen, spoke in favor of the bill.

Ms. Kim Cordova, Director, Criminal and Juvenile Justice, spoke in favor of the bill.

Ms. Shirrlee Draper, Cherish Families, spoke in favor of the bill.

Ms. Terry Mitchell, Citizen, spoke in favor of the bill.

Ms. Ronni Adams, Executive Director, Stop Abuse Campaign, spoke in favor of the bill.

Ms. Tiffany Shapiro, Citizen, spoke in favor of the bill.

Ms. Terryl Warner, Cache County Attorney's Office, spoke in favor of the bill.

Ms. Erin Jemison, YWCA Utah, spoke in favor of the bill.

MOTION: Rep. Redd moved to replace H.B. 177 with 1st Substitute H.B. 177. The motion passed with a vote of 10 - 0 - 1 .

Yeas-10

Nays-0

Absent-1

Rep. C. Acton
Rep. R. Edwards
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. E. Redd
Rep. A. Romero
Rep. E. Weight
Rep. M. Winder

Rep. E. Hutchings

MOTION: Rep. Miles moved to pass 1st Substitute H.B. 177 out favorably. The motion passed with a vote of 10 - 0 - 1 .

Yeas-10

Nays-0

Absent-1

Rep. C. Acton
Rep. R. Edwards
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. E. Redd
Rep. A. Romero
Rep. E. Weight
Rep. M. Winder

Rep. E. Hutchings

3 . H.B. 129 Self-defense Amendments (*Maloy, A.C.*)

Rep. Cory A. Maloy presented the bill.

MOTION: Rep. Redd moved to amend H.B. 129 with Amendment #1. The motion passed with a vote of 8 - 2 - 1 .

Amendment 1
H.B. 129

1 Page 1, Lines 11 through 16

11 This bill:

12 ▶ provides that an individual is not required to retreat from an aggressor { ~~even if there~~
13 ~~is a safe place to which the individual can retreat~~ };

14 ▶ provides that an individual's failure to retreat is not relevant when determining
15 whether the individual acted reasonably; and

16 ▶ makes technical changes.

2 Page 3, Lines 65 through 71

65 (4) Except as provided in Subsection (3)(a)(iii):

66 (a) an individual does not have a duty to retreat from the force or threatened force
67 described in Subsection (2) in a place where that individual has lawfully entered or remained {
68 even if safety could be achieved by retreating }; and

69 (b) the failure of an individual to retreat under the provisions of Subsection (4)(a) is not
70 a relevant factor in determining whether the individual who used or threatened force acted
71 reasonably.

Yeas-8

Rep. C. Acton
Rep. R. Edwards
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. E. Redd
Rep. E. Weight
Rep. M. Winder

Nays-2

Rep. S. Hollins
Rep. A. Romero

Absent-1

Rep. E. Hutchings

Mr. Mitch Vilos, Self-Defense Attorney, spoke in favor of the bill.

Ms. Heather Woolsey, Citizen, spoke in favor of the bill.

Ms. Margarita Satini, Chair, Utah Pacific Islander Health Coalition, spoke in opposition to the bill.

Mr. Curt Oda, Citizen, spoke in favor of the bill.

Ms. Elizabeth Love, Gun Violence Prevention Center of Utah, spoke in opposition to the bill.

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

Ms. Kait Hinckley, Moms Demand Action, spoke in opposition to the bill.

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

Mr. Scott Hayashi, Episcopal Church, spoke in opposition to the bill.

Mr. Val Shupe, Executive Director, Utah Chiefs of Police, spoke in favor of the bill.

MOTION: Rep. Ray moved to pass H.B. 129, as amended, out favorably. The motion passed with a vote of 7
- 3 - 1 .

Yeas-7

Rep. C. Acton
Rep. R. Edwards
Rep. E. Hutchings
Rep. L. Perry
Rep. P. Ray
Rep. E. Redd
Rep. M. Winder

Nays-3

Rep. S. Hollins
Rep. A. Romero
Rep. E. Weight

Absent-1

Rep. K. Miles

MOTION: Rep. Ray moved to adjourn. The motion passed with a vote of 11 - 0 - 0 .

Yeas-11

Rep. C. Acton
Rep. R. Edwards
Rep. S. Hollins
Rep. E. Hutchings
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. E. Redd
Rep. A. Romero
Rep. E. Weight
Rep. M. Winder

Nays-0

Absent-0

Chair Perry adjourned the meeting at 5:47 p.m.