

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE**

Friday , February 9, 2018 • 3:40 p.m. • 20 House Building

Members Present:

Rep. V. Lowry Snow, Vice Chair
Rep. Kim F. Coleman
Rep. Brian M. Greene
Rep. Ken Ivory
Rep. Brian S. King
Rep. Karianne Lisonbee
Rep. Dixon M. Pitcher
Rep. Susan Pulsipher

Rep. Tim Quinn
Rep. Mark A. Wheatley

Members Absent:

Rep. Michael K. McKell, Chair
Rep. Bruce R. Cutler

Staff Present:

Mr. Joseph T. Wade, Policy Analyst
Mr. Steve Benard, Committee Secretary

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

Vice Chair Snow called the meeting to order at 3:53 p.m.

MOTION: Rep. Pitcher moved to approve the minutes of the February 6, 2018, meeting. The motion passed with a vote of 8 - 0 - 4 .

Yeas-8

Rep. K. Coleman
Rep. B. Greene
Rep. B. King
Rep. K. Lisonbee
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-4

Rep. B. Cutler
Rep. K. Ivory
Rep. M. McKell
Rep. T. Quinn

1 . H.B. 115 Bad Faith Demand Letters Concerning Americans with Disabilities Act (*Thurston, N.*)

Rep. Norman K. Thurston explained the bill with the assistance of Melva Sine, Utah Restaurant Association.

Rep. Pitcher assumed the chair.

Vice Chair Snow resumed the chair.

Mr. Paul Hitzelberger, Del Taco restaurant owner, spoke in favor of the bill.

Mr. Andrew Riggle, Disability Law Center, spoke against the bill.

Mr. Derrick Smith spoke in favor of the bill.

Mr. Andy Curry, Executive Director, Roads to Independence, and Centers for Independent Living, spoke against the bill.

Mr. Dave Davis, Utah Retail Merchants Association, spoke in favor of the bill.

Ms. Sarah Johnson, Disability Rights Action Committee, spoke against the bill.

Ms. Kate Bradshaw, Building Owners and Managers Association, spoke in favor of the bill.

Dr. Kathy Allen spoke against the bill.

Mr. Eric Hitzelberger, Del Taco restaurant owner, spoke in favor of the law.

Mr. James Ord spoke against the bill.

Ms. Jacey Skinner, Administrative Office of the Courts, spoke to the bill.

Mr. Jerry Costley, Disabled Rights Action Committee, spoke against the bill.

Ms. Dawn Nunn spoke against the bill.

MOTION: Rep. Lisonbee moved to replace H.B. 115 with 1st Substitute H.B. 115. The motion passed with a vote of 9 - 0 - 3 .

Yeas-9

Rep. K. Coleman
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow

Nays-0

Absent-3

Rep. B. Cutler
Rep. M. McKell
Rep. M. Wheatley

MOTION: Rep. Lisonbee moved to report a favorable recommendation on 1st Substitute H.B. 115. The motion passed with a vote of 8 - 1 - 3 .

Yeas-8

Rep. K. Coleman
Rep. B. Greene
Rep. K. Ivory
Rep. K. Lisonbee
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. T. Quinn

Nays-1

Rep. B. King

Absent-3

Rep. B. Cutler
Rep. M. McKell
Rep. M. Wheatley

Rep. V. Snow

2 . H.B. 284 Criminal Procedure Amendments (*Roberts, M.*)

Rep. Marc K. Roberts explained the bill with the assistance of Mr. Steve Burton, Utah Association of Criminal Defense Attorneys.

Ms. Stephanie Pitcher, Deputy District Attorney, Davis County, spoke against the bill.

Mr. William Carlson, Salt Lake County District Attorney's Office, spoke against the bill.

Ms. Jami Brackin, Deputy County Attorney, Civil Division, Summit County, spoke against the bill.

Ms. Jacey Skinner, Administrative Office of the Courts, spoke to the bill.

Mr. Connor Boyack, Libertas Institute, spoke in favor of the bill.

Mr. Gary Sheller, Utah Office for Victims of Crime, spoke against the bill.

Mr. Sam Goble, Utah Association of Criminal Defense Lawyers, spoke in favor of the bill.

Mr. Dan Deuel, speaking for himself, spoke in favor of the bill.

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

MOTION: Rep. Greene moved to report a favorable recommendation on H.B. 284. The motion passed with a vote of 5 - 2 - 5 .

Yeas-5

Rep. K. Coleman
Rep. B. Greene
Rep. K. Ivory
Rep. D. Pitcher
Rep. S. Pulsipher

Nays-2

Rep. B. King
Rep. V. Snow

Absent-5

Rep. B. Cutler
Rep. K. Lisonbee
Rep. M. McKell
Rep. T. Quinn
Rep. M. Wheatley

3 . H.J.R. 9 Proposal to Amend Utah Constitution -- Unreasonable Searches and Seizures (*Hall, C.*)

Rep. Craig Hall explained the bill.

Mr. Shawn Hollinger spoke in favor of the bill.

Mr. Reed Richards, representing prosecutors, spoke against the bill.

MOTION: Rep. Greene moved to adjourn. The motion passed with a vote of 5 - 0 - 7 .

Yeas-5

Rep. K. Coleman
Rep. B. Greene
Rep. B. King
Rep. S. Pulsipher
Rep. V. Snow

Nays-0

Absent-7

Rep. B. Cutler
Rep. K. Ivory
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. T. Quinn
Rep. M. Wheatley

Vice Chair Snow adjourned the meeting at 7:23 p.m.