

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE**

Tuesday , February 13, 2018 • 8:00 a.m. • 20 House Building

Members Present:

Rep. Michael K. McKell, Chair
Rep. V. Lowry Snow, Vice Chair
Rep. Kim F. Coleman
Rep. Bruce R. Cutler
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

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.

Chair McKell called the meeting to order at 8:05 a.m.

MOTION: Rep. King moved to approve the minutes of the February 9, 2018, meeting. The motion passed with a vote of 7 - 0 - 5 .

Yeas-7

Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow

Nays-0

Absent-5

Rep. K. Coleman
Rep. B. Cutler
Rep. K. Lisonbee
Rep. D. Pitcher
Rep. M. Wheatley

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

Rep. Craig Hall explained the bill.

Vice Chair Snow assumed the chair.

Chair McKell assumed the chair.

Mr. Paul Cassell, Law Professor, S.J. Quinney College of Law, University of Utah, spoke against the bill.

Ms. Marina Lowe, Legislative and Policy Counsel, ACLU of Utah, spoke in favor of the bill.

Mr. Tom Ross, Bountiful City Police Chief, spoke to the bill.

Mr. Reed Richards, Statewide Committee of Prosecutors, spoke against the bill.

MOTION: Rep. Greene moved to amend H.J.R. 9 with Amendment #1.

Amendment 1
H.J.R. 9

1 Page 2, Lines 29 through 33

29 Article I, Section 14. [Unreasonable searches forbidden -- Issuance of warrant.]

30 The right of the people to be secure in their persons, houses, {[electronic data and](#)

31 communications, } papers, and effects , including electronic data and communications, against
unreasonable searches and seizures shall not be
32 violated; and no warrant shall issue but upon probable cause supported by oath or affirmation,
33 particularly describing the place to be searched, and the person or thing to be seized.

SUBSTITUTE Rep. King moved to move to the next item on the agenda. The Substitute motion passed with a
MOTION: vote of 10 - 2 - 0 .

Yeas-10

Rep. K. Coleman
Rep. B. Cutler
Rep. K. Ivory
Rep. B. King
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Nays-2

Rep. B. Greene
Rep. K. Lisonbee

Absent-0

2 . H.B. 287 Aggravated Kidnapping Amendments (Snow, V. L.)

Rep. V. Lowry Snow explained the bill with the assistance of Mr. Ralph Dellapiana, Salt Lake Legal Defender Association.

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

Rep. Greene assumed the chair.

Mr. Marshall Thompson, Director of the Utah Sentencing Commission, spoke in favor of the bill.

Chair McKell assumed the chair.

MOTION: Rep. Greene moved to replace H.B. 287 with 1st Substitute H.B. 287. The motion passed with a
vote of 10 - 0 - 2 .

Yeas-10

Rep. K. Coleman

Nays-0

Absent-2

Rep. B. Cutler

Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Rep. S. Pulsipher

MOTION: Rep. Snow moved to amend 1st Substitute H.B. 287 with Amendment #1. The motion passed with a vote of 10 - 0 - 2 .

Amendment 1
1st Sub. H.B. 287

1 Page 1, Lines 19 through 22

19 Utah Code Sections Affected:

20 AMENDS:

21 76-5-302, as last amended by Laws of Utah 2013, Chapter 81

22 { ~~76-5-306, as last amended by Laws of Utah 2012, Chapter 39~~ }

2 Page 3, Lines 69 through 76

69 with Section 76-3-406.

70 { ~~Section 2. Section 76-5-306 is amended to read:~~

71 { ~~76-5-306. Lesser included offense.~~ }

72 { ~~[In]~~ } { For the purposes of } { ~~this part, [the following offenses are]~~ } { Section 76-5-301,

73 { Kidnapping, is a } { ~~lesser included [offenses]~~ } { offense } { ~~of Section 76-5-302, aggravated~~ }

74 { kidnapping[:] } { ~~;~~ }

75 { ~~[(1) Section 76-5-301, kidnapping; and]~~ }

76 { ~~[(2) Section 76-5-304, unlawful detention or unlawful detention of a minor.]~~ }

Yeas-10

Rep. K. Coleman
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. T. Quinn
Rep. V. Snow

Nays-0

Absent-2

Rep. B. Cutler
Rep. S. Pulsipher

Rep. M. Wheatley

MOTION: Rep. Pitcher moved to report a favorable recommendation on 1st Substitute H.B. 287, as amended. He later withdrew his motion.

SUBSTITUTE MOTION: Rep. Snow moved to hold 1st Sub. H.B. 287, as amended. The Substitute motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Nays-0

Absent-2

Rep. K. Coleman
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Rep. B. Cutler
Rep. S. Pulsipher

3 . H.B. 312 Concealed Carry Amendments (*Lisonbee, K.*)

Rep. Karianne Lisonbee explained the bill.

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

MOTION: Rep. Greene moved to report a favorable recommendation on H.B. 312. The motion passed with a vote of 9 - 0 - 3 .

Yeas-9

Nays-0

Absent-3

Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Rep. K. Coleman
Rep. B. Cutler
Rep. S. Pulsipher

4 . H.B. 321 Arrest Amendments (*Miles, K.*)

Rep. Kelly B. Miles explained the bill with the assistance of Mr. Gary Williams, Ogden City Attorney.

Mr. Reed Richards spoke in favor of the bill.

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

MOTION: Rep. Pitcher moved to report a favorable recommendation on H.B. 321. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. K. Coleman
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-2

Rep. B. Cutler
Rep. S. Pulsipher

5 . S.B. 25 Divorce Process Amendments (*Weiler, T.*)

Sen. Todd Weiler explained the bill.

MOTION: Rep. Snow moved to replace S.B. 25 with 1st Substitute S.B. 25. The motion passed with a vote of 7 - 2 - 3 .

Yeas-7

Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. T. Quinn
Rep. V. Snow

Nays-2

Rep. B. Greene
Rep. M. Wheatley

Absent-3

Rep. K. Coleman
Rep. B. Cutler
Rep. S. Pulsipher

MOTION: Rep. Quinn moved to report a favorable recommendation on 1st Substitute S.B. 25. The motion passed with a vote of 10 - 1 - 1 .

Yeas-10

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

Nays-1

Rep. M. Wheatley

Absent-1

Rep. B. Cutler

6 . 1st Sub. S.B. 62 Expungement Amendments (*Weiler, T.*)

Sen. Todd Weiler explained the bill.

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

Yeas-10

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

Nays-0

Absent-2

Rep. K. Coleman
Rep. B. Cutler

Chair McKell adjourned the meeting at 9:55 a.m.