

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

Friday , February 23, 2018 • 8:00 a.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. Kelly B. Miles
Rep. Paul Ray
Rep. Angela Romero
Rep. Elizabeth Weight

Rep. Mike Winder

Members Absent:

Rep. Sandra Hollins
Rep. Eric K. Hutchings

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 8:09 a.m.

MOTION: Rep. Miles moved to approve the minutes of the February 21, 2018 meeting. The motion passed with a vote of 6 - 0 - 5 .

Yeas-6

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

Nays-0

Absent-5

Rep. C. Acton
Rep. S. Hollins
Rep. E. Hutchings
Rep. A. Romero
Rep. E. Weight

1 . H.B. 309 Drug Distribution Induced Homicide (*Eliason, S.*)

Rep. Steve Eliason presented the bill with the assistance of Mr. Scott Reed, Utah Attorney General's Office.

Ms. Kim Cordova, Executive Director, Commission on Criminal and Juvenile Justice, spoke in opposition to the bill.

Mr. Dennis Cechinni, Citizen, spoke in favor of the bill.

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

Mr. Tom Ross, President, Utah Chiefs of Police Association, spoke in favor of the bill.

Mr. Reid Richards, Association of Prosecutors, spoke in favor of the bill.

MOTION: Rep. Ray moved to replace H.B. 309 with 1st Substitute H.B. 309. The motion passed with a vote of 6 - 0 - 5 .

Yeas-6

Rep. R. Edwards
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray

Nays-0

Absent-5

Rep. C. Acton
Rep. S. Hollins
Rep. E. Hutchings
Rep. A. Romero

Rep. E. Redd
Rep. M. Winder

Rep. E. Weight

MOTION: Rep. Ray moved to pass 1st Substitute H.B. 309 out favorably. The motion passed with a vote of 6 - 0 - 5 .

Yeas-6

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

Nays-0

Absent-5

Rep. C. Acton
Rep. S. Hollins
Rep. E. Hutchings
Rep. A. Romero
Rep. E. Weight

2 . H.B. 295 Driving Under the Influence Modifications (*Eliason, S.*)

Rep. Steve Eliason presented the bill with the assistance of Colonel Michael Rapich, Utah Highway Patrol.

Mr. Art Brown, President, Mothers Against Drunk Driving (MADD), spoke in favor of the bill.

MOTION: Rep. Miles moved to replace H.B. 295 with 1st Substitute H.B. 295. The motion passed with a vote of 8 - 0 - 3 .

Yeas-8

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

Nays-0

Absent-3

Rep. C. Acton
Rep. S. Hollins
Rep. E. Hutchings

MOTION: Rep. Weight moved to pass 1st Substitute H.B. 295 out favorably. The motion passed with a vote of 8 - 0 - 3 .

Yeas-8

Rep. R. Edwards
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray

Nays-0

Absent-3

Rep. C. Acton
Rep. S. Hollins
Rep. E. Hutchings

Rep. E. Redd
Rep. A. Romero
Rep. E. Weight
Rep. M. Winder

MOTION: Rep. Ray moved to place 1st Substitute H.B. 295 on the Consent Calendar. The motion passed with a vote of 8 - 0 - 3 .

Yeas-8

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

Nays-0

Absent-3

Rep. C. Acton
Rep. S. Hollins
Rep. E. Hutchings

3 . H.B. 83 Forcible Entry and Warrants Amendments (*Roberts, M.*)

Rep. Marc K. Roberts presented the bill.

MOTION: Rep. Ray moved to replace H.B. 83 with 1st Substitute H.B. 83. The motion passed with a vote of 7 - 0 - 4 .

Yeas-7

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

Nays-0

Absent-4

Rep. C. Acton
Rep. S. Hollins
Rep. E. Hutchings
Rep. A. Romero

Mr. Ross spoke in favor to the bill.

Ms. Marina Lowe, Legislative and Policy Counsel, American Civil Liberties Union (ACLU), spoke in favor of the bill.

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

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

MOTION: Rep. Miles moved to amend 1st Substitute H.B. 83 with Amendment #1. The motion passed with a vote of 8 - 0 - 3 .

Amendment 1
1st Sub. H.B. 83

1 Page 3, Lines 62 through 67

62 (5) (a) The affidavit for a warrant seeking forcible entry shall describe { :

63 {—} {(i) **why the officer believes the suspect is unable to be detained, or the residence**}

64 {**searched, using less invasive or less confrontational methods; and**}

65 {—} {(ii) } investigative activities that have been undertaken to ensure that the correct building

66 is identified and that potential harm to innocent third parties, the building, and officers may be

67 minimized.

Yeas-8

Rep. R. Edwards

Rep. K. Miles

Rep. L. Perry

Rep. P. Ray

Rep. E. Redd

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

Nays-0

Absent-3

Rep. C. Acton

Rep. S. Hollins

Rep. E. Hutchings

MOTION: Rep. Miles moved to pass 1st Substitute H.B. 83, as amended, out favorably. The motion passed with a vote of 6 - 2 - 3 .

Yeas-6

Rep. R. Edwards

Rep. K. Miles

Rep. L. Perry

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

Nays-2

Rep. P. Ray

Rep. E. Redd

Absent-3

Rep. C. Acton

Rep. S. Hollins

Rep. E. Hutchings

4 . H.B. 248 Compensatory Service in Lieu of Fine Amendments (King, B. S.)

Rep. Brian S. King presented the bill.

Mr. Gary Crane, Attorney, Layton City, spoke in opposition to the bill.

Ms. Kathryn Fitzgerald, Director, League of Women Voters, spoke in favor of the bill.

Mr. Thompson spoke in favor of the bill.

Ms. Jacey Skinner, Deputy Court Administrator, Utah Administrative Offices of the Courts, spoke in favor of the bill.

Mr. Brandon Smith, Utah League of Cities and Towns, spoke to the bill.

Ms. Lowe spoke in favor of the bill.

Mr. Gary Scheller, Director, Utah Council on Victims of Crimes, spoke in opposition to the bill.

MOTION: Rep. Redd moved to replace H.B. 248 with 1st Substitute H.B. 248. The motion passed with a vote of 9 - 0 - 2 .

Yeas-9

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

Nays-0

Absent-2

Rep. S. Hollins
Rep. E. Hutchings

MOTION: Rep. Redd moved to pass 1st Substitute H.B. 248 out favorably. The motion passed with a vote of 9 - 0 - 2 .

Yeas-9

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

Nays-0

Absent-2

Rep. S. Hollins
Rep. E. Hutchings

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

MOTION: Rep. Redd moved to adjourn. The motion passed with a vote of 9 - 0 - 2 .

Yeas-9

Rep. C. Acton

Rep. R. Edwards

Rep. K. Miles

Rep. L. Perry

Rep. P. Ray

Rep. E. Redd

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

Nays-0

Absent-2

Rep. S. Hollins

Rep. E. Hutchings

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