

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE**
Monday , February 26, 2018 • 4:00 p.m. • 250 State Capitol

Members Present:

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

Members Absent:

President Wayne L. Niederhauser
Sen. Ralph Okerlund

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.

Chair Weiler called the meeting to order at 4:10 p.m.

MOTION: Sen. Hillyard moved to approve the minutes of the February 22, 2018 meeting. 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

1 . 1st Sub. S.B. 91 Animal Welfare Amendments (Davis, G.)

MOTION: Sen. Davis moved to amend 1st Substitute S.B. 91 with Amendment #1. The motion passed with a vote of 5 - 0 - 2 .

Amendment 1
1st Sub. S.B. 91

1 Page 3, Lines 81 through 84

81 (h) (i) "Shelter," as the term relates to an animal other than a dog or cat, means , in counties of the first class, natural

82 or artificial protection against inclement weather and direct sunlight.

83 (ii) "Shelter," as it relates to a dog or cat, means , in counties of the first class, a barn, dog house, or other enclosed

84 structure that:

2 Page 4, Lines 94 through 96

94 (iii) "Shelter" does not include , in counties of the first class :

95 (A) a crawl space;

96 (B) the space under a vehicle;

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

MOTION: Sen. Davis moved to amend 1st Substitute S.B. 91 with Amendment #2. The motion passed with a vote of 5 - 0 - 2 .

Amendment 2
1st Sub. S.B. 91

1 Page 4, Lines 112 through 114

112 { ~~(i) when the temperature is below 32 degrees Fahrenheit or above 85 degrees~~

113 ~~Fahrenheit; or~~ }

114 { ~~(ii)~~ } (i) when the animal is exposed to rain, hail, snow, or severe weather;

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

Sen. Davis explained the bill.

MOTION: Sen. Thatcher moved to amend 1st Substitute S.B. 91 with Amendment #3. The motion passed with a vote of 5 - 0 - 2 .

Amendment 3
1st Sub. S.B. 91

1 Page 4, Line 114

114 (ii) when the animal is exposed to { ~~rain,~~ } hail, snow, or severe weather;

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

Mr. Dan Cockayne, President, Utah Houndsmen Association, spoke in opposition to the bill.

Mr. David Moss, Director, West Valley Animal Shelter, spoke in favor of the bill.

MOTION: Sen. Davis moved to pass 1st Substitute S.B. 91, as amended, out favorably. The motion passed with a vote of 4 - 1 - 2 .

Yeas-4

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

Nays-1

Sen. L. Hillyard

Absent-2

Sen. W. Niederhauser
Sen. R. Okerlund

2 . S.B. 219 Court Citation Amendments (*Thatcher, D.*)

Sen. Thatcher explained the bill.

MOTION: Sen. Thatcher moved to pass S.B. 219 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

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

Nays-0

Absent-3

Sen. G. Davis
Sen. W. Niederhauser
Sen. R. Okerlund

3 . S.B. 223 Utah Health Care Malpractice Act Amendments (*Hemmert, D.*)

MOTION: Sen. Thatcher moved to replace S.B. 223 with 1st Substitute S.B. 223. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

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

Nays-0

Absent-3

Sen. G. Davis
Sen. W. Niederhauser
Sen. R. Okerlund

Sen. Hemmert explained the bill with the assistance of Ms. Sarah Vaughn, Defense Attorney, Kipp and Christian Law Firm.

MOTION: Sen. Thatcher moved to pass 1st Substitute S.B. 223 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Nays-0

Absent-3

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

Sen. G. Davis
Sen. W. Niederhauser
Sen. R. Okerlund

Sen. Hillyard assumed the chair.

4 . S.B. 225 Gambling Amendments (*Weiler, T.*)

Sen. Weiler explained the bill.

MOTION: Sen. Weiler moved to pass S.B. 225 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

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

Nays-0

Absent-3

Sen. G. Davis
Sen. W. Niederhauser
Sen. R. Okerlund

Sen. Weiler resumed the chair.

5 . H.B. 70 Costs for Aggravated Murder Offenses (*Handy, S.*)

Rep. Handy explained the bill.

MOTION: Sen. Hillyard moved to pass H.B. 70 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

6 . 1st Sub. H.B. 269 Identity Theft Paraphernalia Provisions (*Arent, P.*)

Rep. Arent explained the bill with the assistance of Mr. William Carlson, Deputy Director, Salt Lake County and Sheriff Cameron Noel, Beaver County.

Mr. Robert Walton spoke in opposition to the bill.

Mr. Jeff Silvestrini, Mayor, Millcreek, spoke in favor of the bill.

Mr. Doug Lambert, Detective, Millcreek, spoke in favor of the bill.

Mr. Scott Van Wagner, Detective Sergeant, Millcreek, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass 1st Substitute H.B. 269 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 . 1st Sub. H.B. 165 Pretrial Release Amendments (Romero, A.)

Rep. Romero explained the bill with the assistance of Mr. William Carlson, Deputy Director, Salt Lake County.

Mr. Robert Walton spoke in opposition to the bill.

Sheriff Cameron Noel, Beaver County, spoke in favor of the bill.

MOTION: Sen. Thatcher moved to pass 1st Substitute H.B. 165 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

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

Nays-0

Absent-3

Sen. L. Escamilla
Sen. W. Niederhauser
Sen. R. Okerlund

8 . H.B. 205 Down Syndrome Nondiscrimination Abortion Act (Lisonbee, K.)

Sen. Thatcher assumed the chair.

Rep. Lisonbee explained the bill with the assistance of Mr. Gerald Nebeker, Utah Downs Syndrome Association and Mr. Bill Duncan, Director, Sutherland Institute.

Sen. Weiler resumed the chair.

Ms. Michelle Debbuh, Physician, OB/GYN, spoke in opposition to the bill.

Ms. Lisa Wilson spoke in favor of the bill.

Ms. Shauna Enninger spoke in opposition to the bill.

Ms. Kaye Wilson spoke in favor of the bill.

Ms. Marina Lowe, Legal Counsel, American Civil Liberties Union (ACLU) of Utah, spoke in opposition to the bill.

Mr. Aaron Simpson spoke in favor of the bill.

Ms. Jessica Fiveash, spoke in opposition to the bill.

Mr. Earl Van Weerd spoke in favor of the bill.

Ms. Catherine Balka spoke in opposition to the bill.

Ms. Rose Carter, Registered Nurse, spoke in favor of the bill.

Ms. Kris Fossum, Legislative Coalition for People with Disabilities, spoke to the bill.

Ms. Julie Simpson spoke in favor of the bill.

Dr. Chris Hutchison, Chair, American College of Obstetrician and Gynecologist (ACOG) Utah, spoke in opposition to the bill.

Amber Merkle spoke in favor of the bill.

Ms. Karen Riemer spoke in opposition to the bill.

Ms. Nicholeen Peck, President, Worldwide Association for Women, spoke in favor of the bill.

Mr. Chase Thomas, Policy and Advocacy Counsel, Alliance For a Better Utah, spoke in opposition to the bill.

Ms. Kristy Nielsen, Social Media Director, Pro-Life Utah, spoke in favor of the bill.

Mr. Andrew Ehninger spoke in opposition to the bill.

Ms. Deanna Holland, Vice President, Pro-Life Utah, spoke in favor of the bill.

Ms. Marsha Johnson, spoke in favor of the bill.

Ms. Marilee Boyack, President, Family Watch Utah, spoke in favor of the bill.

MOTION: Sen. Thatcher moved to pass H.B. 205 out favorably.

SUBSTITUTE MOTION: Sen. Hillyard made a substitute motion to adjourn. The Substitute motion failed with a vote of 1 - 4 - 2 .

Yeas-1

Sen. L. Hillyard

Nays-4

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

Absent-2

Sen. W. Niederhauser
Sen. R. Okerlund

Sen. Thatcher's motion to pass H.B. 205 out favorably passed with a vote of 3 - 2 - 2 .

Yeas-3

Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays-2

Sen. G. Davis
Sen. L. Escamilla

Absent-2

Sen. W. Niederhauser
Sen. R. Okerlund

MOTION: Sen. Davis 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 3:33 p.m.