

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

Wednesday , February 28, 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 4:17 p.m.

MOTION: Rep. Winder moved to approve the minutes of the February 27, 2018 meeting. The motion passed with a vote of 8 - 0 - 3 .

Yeas-8

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

Nays-0

Absent-3

Rep. E. Hutchings
Rep. E. Redd
Rep. E. Weight

1 . S.B. 188 Uniform Unsworn Declarations Act (Hillyard, L.)

Sen. Lyle W. Hillyard presented the bill.

MOTION: Rep. Miles moved to pass S.B. 188 out favorably. The motion passed with a vote of 7 - 0 - 4 .

Yeas-7

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

Nays-0

Absent-4

Rep. E. Hutchings
Rep. E. Redd
Rep. A. Romero
Rep. E. Weight

MOTION: Rep. Winder moved to place S.B. 188 on the Consent Calendar. The motion passed with a vote of 7 - 0 - 4 .

Yeas-7

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

Nays-0

Absent-4

Rep. E. Hutchings
Rep. E. Redd
Rep. A. Romero

Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. M. Winder

Rep. E. Weight

2 . 3rd Sub. S.B. 134 Materials Harmful to Minors Amendments (*Weiler, T.*)

Sen. Todd Weiler presented the bill.

MOTION: Rep. Ray moved to pass 3rd Substitute S.B. 134 out favorably. 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

3 . H.B. 439 Coordinated Penalties for Sexual Abuse (*Christensen, L.*)

Rep. LaVar Christensen presented the bill with the assistance of Reed Richards, Attorney, Weber County Sheriff's Office, and Mr. David Carlson, Director, Child Protection Division, Utah Attorney General's Office.

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

MOTION: Rep. Romero moved to replace H.B. 439 with 1st Substitute H.B. 439. The motion passed with a vote of 8 - 0 - 3 .

Yeas-8

Rep. C. Acton
Rep. R. Edwards
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. A. Romero

Nays-0

Absent-3

Rep. S. Hollins
Rep. E. Hutchings
Rep. E. Redd

Rep. E. Weight

Rep. M. Winder

MOTION: Rep. Romero moved to pass 1st Substitute H.B. 439 out favorably. The motion passed with a vote of 8 - 0 - 3 .

Yeas-8

Rep. C. Acton

Rep. R. Edwards

Rep. K. Miles

Rep. L. Perry

Rep. P. Ray

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

Nays-0

Absent-3

Rep. S. Hollins

Rep. E. Hutchings

Rep. E. Redd

MOTION: Rep. Ray moved to place 1st Substitute H.B. 439 on the Consent Calendar. The motion passed with a vote of 8 - 0 - 3 .

Yeas-8

Rep. C. Acton

Rep. R. Edwards

Rep. K. Miles

Rep. L. Perry

Rep. P. Ray

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

Nays-0

Absent-3

Rep. S. Hollins

Rep. E. Hutchings

Rep. E. Redd

4 . H.B. 449 Victim Rights Amendments (*Eliason, S.*)

Rep. Steve Eliason presented the bill with the assistance of Mr. Ross.

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

MOTION: Rep. Winder moved to replace H.B. 449 with 1st Substitute H.B. 449. The motion passed with a vote of 7 - 2 - 2 .

Yeas-7

Rep. R. Edwards

Rep. S. Hollins

Nays-2

Rep. C. Acton

Rep. A. Romero

Absent-2

Rep. K. Miles

Rep. E. Redd

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Rep. E. Hutchings

Rep. L. Perry

Rep. P. Ray

Rep. E. Weight

Rep. M. Winder

MOTION: Rep. Ray moved to amend 1st Substitute H.B. 449 with Amendment #1. The motion passed with a vote of 9 - 0 - 2 .

Amendment 1
1st Sub. H.B. 449

1 Page 2, Lines 30 through 34

30 (2) A victim or victim's family may seek review of an open investigation:

31 (a) first, by the chief executive of the law enforcement agency conducting the

32 investigation;

33 (b) second, by the county **or district** attorney in the jurisdiction in which the crime occurred or the

34 person went missing;

Yeas-9

Rep. C. Acton

Rep. R. Edwards

Rep. S. Hollins

Rep. E. Hutchings

Rep. L. Perry

Rep. P. Ray

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

Nays-0

Absent-2

Rep. K. Miles

Rep. E. Redd

MOTION: Rep. Ray moved to pass 1st Substitute H.B. 449, as amended, out favorably.

Rep. Ray's motion to pass 1st Substitute H.B. 449, as amended, out favorably passed with a vote of 10 - 0 - 1 .

Yeas-10

Rep. C. Acton

Rep. R. Edwards

Rep. S. Hollins

Rep. E. Hutchings

Rep. K. Miles

Rep. L. Perry

Rep. P. Ray

Nays-0

Absent-1

Rep. E. Redd

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

5 . H.B. 468 Residential Vocational and Life Skills Program Amendments (Ray, P)

Rep. Ray presented the bill with the assistance of Mr. Scott Howe, The Other Side Academy.

Mr. Stan Rasmussen, Vice President, Policy and Operations, Sutherland Institute, spoke in favor of the bill.

Mr. Tim Stay, CEO, The Other Side Academy, spoke in favor of the bill.

Mr. David Durocher, Managing Director, The Other Side Academy, spoke in favor of the bill.

MOTION: Rep. Ray moved to amend H.B. 468 with Amendment #2. The motion passed with a vote of 11 - 0 - 0 .

Amendment 2

H.B. 468

1 Page 5, Lines 125 through 126

125 (e) the name and residential address of any officer, director, ~~{owner,}~~ manager, or
126 administrator of the residential, vocational and life skills program;

2 Page 5, Lines 130 through 132

130 (g) a disclosure indicating whether any officer, director, ~~{owner,}~~ or administrator of the
131 residential, vocational and life skills program has been the subject of an administrative action
132 by the division;

3 Page 5, Lines 133 through 135

133 (h) a disclosure indicating whether any officer, director, ~~{owner,}~~ or administrator of the
134 residential, vocational and life skills program has been convicted of a felony or a crime of
135 moral turpitude within the previous 10 years;

4 Page 5, Line 150 through Page 6, Line 159

150 (5) An applicant for the registration of a residential, vocational and life skills program
151 shall file a separate application and pay a separate application fee for each residential,
152 vocational and life skills program location.
153 ~~{— (6) A residential, vocational and life skills program that is registered under this section
154 is not required to obtain a license as a human services program, even if the residential,
155 vocational and life skills program also meets the description of a human services program.}~~
156 ~~{(7)}~~ (6) The division may make rules in accordance with Title 63G, Chapter 3, Utah
157 Administrative Rulemaking Act, to implement the registration application process.

158 {~~(8)~~} (7) The division may set fees in accordance with Section 63J-1-504 for a residential,
159 vocational and life skills program registration application.

5 Page 9, Lines 253 through 269

253 (i) pro forma financial statements until further information described in Subsection

254 (2)(b) is available; and

255 (ii) a commercial credit report for the residential, vocational and life skills program;

256 {~~and~~} or

257 {~~—(iii) a consumer credit report for each individual with an ownership interest in the~~
258 ~~residential, vocational and life skills program; or~~}

259 (b) for a residential, vocational and life skills program that has completed a fiscal year,
260 and as soon as the residential, vocational and life skills program completes its first fiscal year:

261 (i) a current financial statement, with all applicable footnotes, for the most recent fiscal
262 year, including a balance sheet, a statement of income, a statement of retained earnings, and a
263 statement of cash flow; and

264 (ii) a certified fiscal audit of the residential, vocational and life skills program's
265 financial statement, performed by a certified or licensed public accountant{~~;~~} .

266 {~~—(iii) a commercial credit report for the residential, vocational and life skills program;~~
267 ~~and~~

268 ~~—(iv) a consumer credit report for each individual with an ownership interest in the~~
269 ~~residential, vocational and life skills program.~~}

6 Page 10, Lines 280 through 281

280 (i) is owned or operated by any individual {~~with an ownership interest in~~} who is an officer, a director,
or an administrator of the residential,

281 vocational and life skills program; and

Yeas-11

Nays-0

Absent-0

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

MOTION: Rep. Romero moved to pass H.B. 468, as amended, out favorably. The motion passed with a vote of 11 - 0 - 0 .

Yeas-11

Nays-0

Absent-0

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

6 . H.B. 443 Offender Supervision Amendments (Ray, P)

Rep. Ray presented the bill.

MOTION: Rep. Miles moved to pass H.B. 443 out favorably. The motion passed with a vote of 10 - 0 - 1 .

Yeas-10

Nays-0

Absent-1

Rep. C. Acton
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

Rep. R. Edwards

MOTION: Rep. Hutchings moved to place H.B. 443 on the Consent Calendar. The motion passed with a vote of 10 - 0 - 1 .

Yeas-10

Nays-0

Absent-1

Rep. C. Acton
Rep. S. Hollins

Rep. R. Edwards

Rep. E. Hutchings

Rep. K. Miles

Rep. L. Perry

Rep. P. Ray

Rep. E. Redd

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

7. H.B. 345 Driving Under the Influence Amendments (Kwan, K.)

Rep. Karen Kwan presented the bill with the assistance of Mr. David Morris, President, Utah Hospitality Association, Ms. Michelle Corigliano, Executive Director, Salt Lake Area Restaurant Association, and Mr. Marshall Thompson, Director, Utah Sentencing Commission.

Captain Steven Winwood, Utah Highway Patrol, spoke to the bill.

Mr. Carlson spoke to the bill.

Mr. Alexander Castagno, President, Civolicy, spoke in favor of the bill.

Mr. Rasmussen spoke in opposition to the bill.

Rep. Norm Thurston spoke in opposition to the bill.

Ms. Gayle Ruzicka, Utah Eagle Forum, spoke in opposition to the bill.

Mr. Zane Homlquist, Vice President, Food & Beverage and Corporate Chef, spoke in opposition to the bill.

MOTION: Rep. Romero moved to amend H.B. 345 with Amendment #2.

Amendment 2

H.B. 345

1 Page 1, Lines 12 through 13

12 ▶ delays the effective date of the reduction of the blood alcohol concentration limit

13 from .08 to .05 until December 30, {~~2022~~} 2019;

2 Page 6, Lines 178 through 180

178 This bill takes effect on December 30, [2018.] {~~2022~~} 2019, except that the changes to Sections

179 41-6a-501 (Effective December 30, 2018) and 41-6a-529 (Effective December 30, 2018) take

180 effect on May 8, 2018.

SUBSTITUTE MOTION: Rep. Ray moved to replace H.B. 345 with 1st Substitute H.B. 345. The Substitute motion failed with a vote of 2 - 6 - 3 .

Yeas-2

Rep. L. Perry

Rep. P. Ray

Nays-6

Rep. C. Acton

Rep. S. Hollins

Rep. E. Redd

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

Absent-3

Rep. R. Edwards

Rep. E. Hutchings

Rep. K. Miles

Rep. Romero's motion to amend H.B. 345 with Amendment #2 passed with a vote of 8 - 0 - 3 .

Yeas-8

Rep. C. Acton

Rep. S. Hollins

Rep. L. Perry

Rep. P. Ray

Rep. E. Redd

Rep. A. Romero

Rep. E. Weight

Rep. M. Winder

Nays-0

Absent-3

Rep. R. Edwards

Rep. E. Hutchings

Rep. K. Miles

MOTION: Rep. Romero moved to pass H.B. 345, as amended, out favorably. The motion failed with a vote of 3 - 5 - 3 .

Yeas-3

Rep. S. Hollins

Rep. A. Romero

Rep. E. Weight

Nays-5

Rep. C. Acton

Rep. L. Perry

Rep. P. Ray

Rep. E. Redd

Rep. M. Winder

Absent-3

Rep. R. Edwards

Rep. E. Hutchings

Rep. K. Miles

SUBSTITUTE MOTION: Rep. Ray moved to table H.B. 345. The Substitute motion failed with a vote of 4 - 4 - 3 .

Yeas-4

Rep. C. Acton

Rep. L. Perry

Nays-4

Rep. S. Hollins

Rep. A. Romero

Absent-3

Rep. R. Edwards

Rep. E. Hutchings

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Rep. P. Ray
Rep. E. Redd

Rep. E. Weight
Rep. M. Winder

Rep. K. Miles

Rep. Romero's motion to pass H.B. 345 out favorably as amended failed with a vote of 3 - 5 - 3 .

Yeas-3

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

Nays-5

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

Absent-3

Rep. R. Edwards
Rep. E. Hutchings
Rep. K. Miles

MOTION: Rep. Ray moved to adjourn.

Chair Perry adjourned the meeting at 6:36 p.m.