



MINUTES

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Wednesday, January 30, 2019 | 2:00 p.m. | 250 State Capitol

Members Present:

Sen. Todd Weiler, Chair
Sen. Kirk A. Cullimore
Sen. Luz Escamilla
Sen. Daniel Hemmert
Sen. Lyle W. Hillyard

Sen. Derek L. Kitchen
Sen. Ann Millner
Sen. Daniel W. Thatcher

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 2:03 p.m.

1 . S.B. 88 Crime Victims Restitution Amendments (Iwamoto, J.)

Sen. Iwamoto explained the bill.

Mr. William Carlson, Deputy District Attorney, Salt Lake County, spoke to the bill.

MOTION: Sen. Hillyard moved to amend S.B. 88 with Amendment #1. The motion passed with a vote of 4 - 0 - 4.

Amendment 1
S.B. 88

1. Page 3, Lines 63 through 68:

- 63 (vi) the cost of necessary funeral and related services if the offense resulted in the death
- 64 of a victim[-]; and
- 65 (vii) expenses incurred by a victim in implementing reasonable security measures in response to
- 66 the offense.
- 67 (c) In determining the monetary sum and other conditions for court-ordered restitution,
- 68 the court shall consider:

Yeas-4

Sen. K. Cullimore
Sen. L. Hillyard
Sen. D. Kitchen
Sen. T. Weiler

Nays-0

Absent-4

Sen. L. Escamilla
Sen. D. Hemmert
Sen. A. Millner
Sen. D. Thatcher

Mr. Richard Marrow, Executive Director, Salt Lake Legal Defender Association, spoke to the bill.

MOTION: Sen. Hillyard moved to pass S.B. 88 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore
Sen. L. Hillyard
Sen. D. Kitchen
Sen. A. Millner
Sen. T. Weiler

Nays-0

Absent-3

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Thatcher

Sen. Hillyard assumed the chair.

2 . S.B. 32 Indigent Defense Act Amendments (Weiler, T.)

Sen. Weiler explained the bill with the assistance of Ms. Joanna Landau, Director, Utah Indigent Defense Commission and Ms. Jojo Liu, Assistant Director, Utah Indigent Defense Commission.

Mr. Todd Utzinger, Director, Legal Defense Attorneys, Davis County, spoke to the bill.

Ms. Pamela Vickrey, Executive Director, Utah Juvenile Defender Attorneys, spoke in favor of the bill.

Mr. Richard Morrow, Executive Director, Salt Lake Legal Defenders Association, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass S.B. 32 out favorably. The motion passed with a vote of 7 - 0 - 1.

Yeas-7

Sen. K. Cullimore
Sen. L. Escamilla
Sen. D. Hemmert
Sen. L. Hillyard
Sen. D. Kitchen
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-1

Sen. A. Millner

Sen. Weiler resumed the chair.

3 . S.B. 43 Criminal Provisions Modifications (Mayne, K.)

Sen Mayne explained the bill.

MOTION: Sen. Kitchen moved to replace S.B. 43 with 1st Substitute S.B. 43. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. D. Hemmert
Sen. L. Hillyard
Sen. D. Kitchen
Sen. T. Weiler

Nays-0

Absent-4

Sen. K. Cullimore
Sen. L. Escamilla
Sen. A. Millner
Sen. D. Thatcher

Mr. Steve Burton, President, Utah Association of Criminal Defense Attorneys, spoke in opposition to the bill.

Mr. William Carlson, Deputy District Attorney, Salt Lake County, spoke in favor of the bill.

Mr. Scott Reed, Utah Attorney General's Office, spoke to the bill.

MOTION: Sen. Hemmert moved to go to the next item on the agenda. The motion passed with a vote of 5 - 1 - 2.

Yeas-5

Sen. K. Cullimore
Sen. D. Hemmert
Sen. L. Hillyard
Sen. D. Kitchen
Sen. A. Millner

Nays-1

Sen. T. Weiler

Absent-2

Sen. L. Escamilla
Sen. D. Thatcher

4 . S.B. 54 Board of Pardons Amendments (Thatcher, D.)

Sen. Thatcher explained the bill with the assistance of Mr. Greg Johnson, Administrative Coordinator, Advisory Board, Board of Pardons and Parole.

Mr. Jason Groth, Attorney, American Civil Liberties Union, spoke to of the bill.

MOTION: Sen. Thatcher moved to pass S.B. 54 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. K. Cullimore
Sen. D. Hemmert
Sen. L. Hillyard
Sen. D. Kitchen
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-2

Sen. L. Escamilla
Sen. A. Millner

5 . S.B. 75 Domestic Violence Amendments (*Christensen, A.*)

Sen. Christiansen presented the bill.

MOTION: Sen. Hemmert moved to pass S.B. 75 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

Sen. K. Cullimore
Sen. D. Hemmert
Sen. L. Hillyard
Sen. D. Kitchen
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-2

Sen. L. Escamilla
Sen. A. Millner

6 . S.B. 92 Third Judicial District Judge Amendments (*Weiler, T.*)

Sen. Hillyard assumed the chair.

Sen. Weiler explained the bill with the assistance of Ms. Cathy Dupont, Appellate Court Administrator and Ms. Mary Noonan, Administrative Office of the Courts

MOTION: Sen. Weiler moved to pass S.B. 92 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore
Sen. L. Hillyard
Sen. D. Kitchen
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-3

Sen. L. Escamilla
Sen. D. Hemmert
Sen. A. Millner

Sen. Weiler assumed the chair.

MOTION: Sen. Thatcher moved to adjourn at 3:55 p.m.