



MINUTES

HOUSE JUDICIARY STANDING COMMITTEE

Tuesday, February 12, 2019 | 3:40 p.m. | 20 House Building

Members Present:

- Rep. Karianne Lisonbee, Chair
- Rep. Craig Hall, Vice Chair
- Rep. Cheryl K. Acton
- Rep. Brady Brammer
- Rep. Jon Hawkins
- Rep. Eric K. Hutchings
- Rep. Brian S. King
- Rep. Travis M. Seegmiller

- Rep. V. Lowry Snow
- Rep. Steve Waldrip
- Rep. Mark A. Wheatley

Members Absent:

- Rep. Stephanie Pitcher

Staff Present:

- Mr. Steve Benard, Session Secretary
- Mr. Joseph T. Wade, Policy Analyst

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Lisonbee called the meeting to order at 3:52 p.m.

1 . H.B. 57 Electronic Information or Data Privacy (*Hall, C.*)

Rep. Craig Hall explained the bill with the assistance of Connor Boyack, Libertas Institute.

Mr. Jeff Gray, Search and Seizure Director, Utah Attorney General's Office, spoke in favor of the bill.

MOTION: Rep. Brammer moved to replace H.B. 57 with 3rd Substitute H.B. 57. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

- Rep. C. Acton
- Rep. B. Brammer
- Rep. C. Hall
- Rep. J. Hawkins
- Rep. B. King
- Rep. K. Lisonbee
- Rep. V. Snow
- Rep. S. Waldrip
- Rep. M. Wheatley

Nays-0

Absent-3

- Rep. E. Hutchings
- Rep. S. Pitcher
- Rep. T. Seegmiller

MOTION: Rep. Brammer moved to amend 3rd Substitute H.B. 57 with Amendment #1. The motion passed with a vote of 9 - 0 - 3.

Amendment 1
3rd Sub. H.B. 57

1. Page 4, Lines 98 through 100:

98 (ii) is {~~incidentally~~} collected as part of an effort to obtain the location information,
 99 stored data, transmitted data of an electronic device, or electronic information or data provided
 100 by a remote computing service provider that is the subject of the warrant in Subsection (1)(a).

2. Page 8, Lines 238 through 242:

238 77-23c-105. Exclusion of records.
 239 All electronic information or data and records of a provider of an electronic
 240 communications service or remote computing service pertaining to a subscriber or customer
 241 that are obtained in violation of the provisions of this chapter shall be excluded subject to the rules governing
exclusion as if the records
 242 were obtained in violation of the Fourth Amendment to the United States Constitution and

Yeas-9

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. B. King
Rep. K. Lisonbee
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-3

Rep. E. Hutchings
Rep. S. Pitcher
Rep. T. Seegmiller

MOTION: Rep. Brammer moved to report a favorable recommendation on 3rd Substitute H.B. 57, as amended. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. B. King
Rep. K. Lisonbee
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-3

Rep. E. Hutchings
Rep. S. Pitcher
Rep. T. Seegmiller

2 . H.B. 100 Sexual Violence Protective Orders (Snow, V. L.)

Vice Chair Hall assumed the chair.

Rep. V. Lowry Snow explained the bill.

Ms. Mara Haight, Rape Recovery Center, spoke in favor of the bill.

Mr. Stewart Ralphs, Legal Aid Society of Salt Lake, spoke to the bill.

Ms. Krystal Hazlett, Sexual Assault Coordinator, Commission on Criminal and Juvenile Justice, spoke to the bill.

MOTION: Rep. Hawkins moved to replace H.B. 100 with 2nd Substitute H.B. 100. The motion passed with a vote of 10 - 0 - 2.

Yeas-10

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-2

Rep. K. Lisonbee
Rep. S. Pitcher

MOTION: Rep. Hawkins moved to report a favorable recommendation on 2nd Substitute H.B. 100.

SUBSTITUTE MOTION: Rep. Hutchings moved to amend 2nd Substitute H.B. 100 with Amendment #1. The Substitute motion failed with a vote of 3 - 8 - 1.

Amendment 1
2nd Sub. H.B. 100

1. Page 8, Lines 230 through 231:
230 (e) A sexual violence protective order remains in effect for {~~two years~~} 180 days after the day on
231 which the district court issues the order.

Yeas-3

Rep. B. Brammer
Rep. E. Hutchings
Rep. K. Lisonbee

Nays-8

Rep. C. Acton
Rep. C. Hall
Rep. J. Hawkins
Rep. B. King
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Absent-1

Rep. S. Pitcher

SUBSTITUTE MOTION: Rep. Snow moved to hold 2nd Substitute H.B. 100. The Substitute motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-1

Rep. S. Pitcher

3 . H.B. 111 Expungement Modifications (Stoddard, A.)

Rep. Andrew Stoddard explained the bill.

Ms. Erin Jemison, YWCA Utah, spoke in favor of the bill.

Mr. William Haynes, SWAP, spoke in favor of the bill.

MOTION: Rep. Hutchings moved to replace H.B. 111 with 2nd Substitute H.B. 111. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-1

Rep. S. Pitcher

MOTION:

Rep. Hutchings moved to report a favorable recommendation on 2nd Substitute H.B. 111. The motion passed with a vote of 7 - 3 - 2.

Yeas-7

Rep. C. Acton
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. V. Snow
Rep. M. Wheatley

Nays-3

Rep. B. Brammer
Rep. K. Lisonbee
Rep. T. Seegmiller

Absent-2

Rep. S. Pitcher
Rep. S. Waldrip

4 . H.B. 244 Misdemeanor Sentencing Timeline Clarifications (*Hutchings, E.*)

Rep. Eric K. Hutchings explained the bill with the assistance of Mr. Marshall Thompson, Sentencing Commission.

MOTION:

Rep. Lisonbee moved to report a favorable recommendation on H.B. 244. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip

Nays-0

Absent-3

Rep. B. King
Rep. S. Pitcher
Rep. M. Wheatley

MOTION:

Rep. Hawkins moved to adjourn. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow
Rep. S. Waldrip

Nays-0

Absent-3

Rep. B. King
Rep. S. Pitcher
Rep. M. Wheatley

Vice Chair Hall adjourned the meeting at 5:19 p.m.