



MINUTES

HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE

STANDING COMMITTEE

LEGISLATURE

Tuesday, February 12, 2019 | 3:40 p.m. | 450 State Capitol

Members Present:

Rep. Lee B. Perry, Chair
 Rep. Kim F. Coleman, Vice Chair
 Rep. Sandra Hollins
 Rep. Kelly B. Miles
 Rep. Val K. Potter
 Rep. Paul Ray
 Rep. Angela Romero

Rep. Mike Schultz
 Rep. Casey Snider
 Rep. Andrew Stoddard
 Rep. Mark A. Strong

Staff Present:

Mr. John Feinauer, Policy Analyst
 Ms. An Bradshaw, 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 3:47 p.m.

MOTION: Rep. Hollins moved to approve the minutes of the February 6, 2019 meeting. The motion passed with a vote of 7 - 0 - 4.

Yeas-7

Rep. S. Hollins
 Rep. L. Perry
 Rep. P. Ray
 Rep. A. Romero
 Rep. M. Schultz
 Rep. C. Snider
 Rep. A. Stoddard

Nays-0

Absent-4

Rep. K. Coleman
 Rep. K. Miles
 Rep. V. Potter
 Rep. M. Strong

1 . H.B. 114 Self-defense Amendments (Maloy, A.C.)

Rep. Maloy presented the bill to the committee.

Mr. Brian Judy, National Rifle Association of Utah, spoke in support of the bill.

Ms. Nancy Halden, Gun Violence Prevention Center of Utah, spoke in opposition to the bill.

Bountiful City Police Chief Tom Ross, President, Utah Chiefs of Police, and also representing the Utah Sheriffs' Association, spoke in support of the bill.

Ms. Rebecca Horn, Utah Chapter of Moms Demand Action, spoke in opposition to the bill.

MOTION: Rep. Schultz moved to amend H.B. 114 with Amendment #1. The motion passed with a vote of 10 - 0 - 1.

Amendment 1
 H.B. 114

1. Page 1, Lines 11 through 13:

11 This bill:

12 ► provides that an individual is not required to retreat from an aggressor {[even if there](#)
 13 [is a safe place to which the individual can retreat](#)};

2. Page 3, Lines 78 through 80:

78 (a) an individual does not have a duty to retreat from the force or threatened force

79 described in Subsection (2) in a place where that individual has lawfully entered or remained

80 ~~{ even if safety could be achieved by retreating }~~; and

3. Page 4, Lines 108 through 109:

108 (2) Except as otherwise provided in Section 76-2-402 and for ~~{ those }~~ ~~[persons]~~

109 ~~individuals~~ an individual described in Section 76-10-503, ~~[a person]~~ an individual who, in the presence of

Yeas-10

Rep. K. Coleman
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. V. Potter
Rep. P. Ray
Rep. A. Romero
Rep. M. Schultz
Rep. A. Stoddard
Rep. M. Strong

Nays-0

Absent-1

Rep. C. Snider

MOTION: Rep. Ray moved to pass H.B. 114 out favorably as amended.

The motion passed with a vote of 7 - 3 - 1.

Yeas-7

Rep. K. Coleman
Rep. K. Miles
Rep. L. Perry
Rep. V. Potter
Rep. P. Ray
Rep. M. Schultz
Rep. M. Strong

Nays-3

Rep. S. Hollins
Rep. A. Romero
Rep. A. Stoddard

Absent-1

Rep. C. Snider

2 . H.B. 251 Drug Diversion Reporting Requirements (*Eliason, S.*)

Rep. Eliason presented the bill to the committee.

Mr. Greg Jones, Pharmacy Director for Harmon's, spoke in opposition to the bill.

Mr. Jared Memot, Pharmacy Compliance Manager for Associated Food Stores, spoke in opposition to the bill.

Mr. Mark Brinton, General Counsel and Director of Government Affairs, Utah Medical Association, spoke in support of the bill.

Mr. Dave Davies, President, Utah Food Industry Association and the Utah Retail Merchants Association, spoke in opposition to the bill.

Rep. Coleman assumed the chair.

MOTION: Rep. Ray moved to amend H.B. 251 with Amendment #1. The motion passed with a vote of 7 - 0 - 4.

Amendment 1
H.B. 251

1. Page 2, Lines 46 through 47:

46 (3) Subsection (2) does not apply to the extent that an individual is prohibited from

47 reporting by 42 C.F.R. Part 2 or HIPAA.

Yeas-7

Rep. K. Coleman
Rep. S. Hollins
Rep. K. Miles
Rep. V. Potter
Rep. P. Ray
Rep. A. Romero
Rep. M. Strong

Nays-0

Absent-4

Rep. L. Perry
Rep. M. Schultz
Rep. C. Snider
Rep. A. Stoddard

MOTION: Rep. Ray moved to amend H.B. 251 with Amendment #2. The motion passed with a vote of 8 - 0 - 3.

Amendment 2
H.B. 0251

1. Page 2, Lines 36 through 38:

36 (ii) employed by {an individual} a person who is licensed, registered, or otherwise authorized by
37 the appropriate jurisdiction to administer, dispense, distribute, or prescribe a drug in the course
38 of professional practice or standard operations .

Yeas-8

Rep. K. Coleman
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. V. Potter
Rep. P. Ray
Rep. A. Romero
Rep. M. Strong

Nays-0

Absent-3

Rep. M. Schultz
Rep. C. Snider
Rep. A. Stoddard

MOTION: Rep. Ray moved to amend H.B. 251 with Amendment #3. The motion passed with a vote of 8 - 0 - 3.

Amendment 3
H.B. 251

1. Page 2, Lines 42 through 45:

42 (2) An individual is guilty of a class B misdemeanor if the individual:
43 (a) knows {or has reason to believe} that a practitioner is involved in diversion; and
44 (b) knowingly fails to report the diversion to a peace officer or law enforcement
45 agency.

Yeas-8

Rep. K. Coleman
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. V. Potter
Rep. P. Ray
Rep. A. Romero
Rep. M. Strong

Nays-0

Absent-3

Rep. M. Schultz
Rep. C. Snider
Rep. A. Stoddard

MOTION: Rep. Ray moved to pass H.B. 251 out favorably as amended. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

Rep. K. Coleman
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. V. Potter
Rep. P. Ray
Rep. A. Romero
Rep. C. Snider
Rep. M. Strong

Nays-0

Absent-2

Rep. M. Schultz
Rep. A. Stoddard

Chair Perry resumed the chair.

3 . H.B. 137 Domestic Violence Enhancement Amendments (*Pitcher, S.*)

Rep. Pitcher presented the bill to the committee with the assistance of Mr. Will Carlson, Chief Policy Adviser, Salt Lake County Attorney's Office, who provided a slide show.

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

Ms. Jenn Oxborrow, Executive Director, Utah Domestic Violence Coalition, spoke in support of the bill.

Mr. Ryan Robinson, Statewide Association of Prosecutors, spoke in support of the bill.

Ms. Kathryn Fritzgerald, League of Women Voters, spoke in support of the bill.

MOTION: Rep. Potter moved to pass H.B. 137 out favorably. The motion passed with a vote of 8 - 2 - 1.

Yeas-8

Rep. S. Hollins
Rep. L. Perry
Rep. V. Potter
Rep. P. Ray
Rep. A. Romero
Rep. C. Snider
Rep. A. Stoddard
Rep. M. Strong

Nays-2

Rep. K. Coleman
Rep. K. Miles

Absent-1

Rep. M. Schultz

4 . H.B. 94 Weapons Restrictions Amendments (*Thurston, N.*)

Rep. Thurston presented the bill to the committee.

Bountiful City Police Chief Tom Ross, President, Utah Chiefs of Police Association, spoke in support of the bill.

Mr. Will Carlson, Chief Policy Adviser, Salt Lake County Attorney's Office, spoke in opposition to the bill.

Mr. Clark Apposian, Chair, Utah Shooting Sports Council, spoke in support of the bill.

MOTION: Rep. Miles moved to amend H.B. 94 with Amendment #3. The motion passed with a vote of 9 - 0 - 2.

Amendment 3
H.B. 94

1. Page 1, Lines 12 through 19:

12 This bill:

* * * Some lines not shown * * *

18 ▶ provides an exception for an individual who carries a dangerous weapon {~~on~~} in a private residence.

19 {~~property~~} with the consent of the owner.

2. Page 2, Lines 32 through 34:

32 (1) Except for Sections 76-10-506, 76-10-508, [and] 76-10-508.1, {~~and 76-10-528,~~} this
33 part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the
34 following:

3. Page 2, Lines 40 through 46:

40 (f) a common carrier while engaged in the regular and ordinary transport of firearms as
41 merchandise.

(2) Notwithstanding Subsection (1), the provisions of Section 76-10-528 apply to any individual listed in Subsection (1) who is not employed by a state or federal agency or political subdivision that has adopted a policy or rule regarding the use of dangerous weapons.

42 {~~(2)~~} (3) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not
43 apply to any person to whom a permit to carry a concealed firearm has been issued:

44 (a) pursuant to Section 53-5-704; or

45 (b) by another state or county.

46 {~~(3)~~} (4) Except for Sections 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1, this part

4. Page 3, Lines 61 through 68:

61 (2) This section does not apply to:

* * * Some lines not shown * * *

66 (c) any person carrying a dangerous weapon in {~~or on~~} the person's residence {~~or property;~~
67 a business under the person's control;} or the residence of another with the consent of the
68 individual who is lawfully in possession.

Yeas-9

Rep. K. Coleman
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. V. Potter
Rep. P. Ray
Rep. A. Romero
Rep. C. Snider
Rep. M. Strong

Nays-0

Absent-2

Rep. M. Schultz
Rep. A. Stoddard

MOTION: Rep. Ray moved to pass H.B. 94 out favorably as amended. The motion passed with a vote of 7 - 2 - 2.

Yeas-7

Rep. K. Coleman
Rep. K. Miles
Rep. L. Perry
Rep. V. Potter
Rep. P. Ray
Rep. C. Snider
Rep. M. Strong

Nays-2

Rep. S. Hollins
Rep. A. Romero

Absent-2

Rep. M. Schultz
Rep. A. Stoddard

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



Yeas-9

Rep. K. Coleman
Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. V. Potter
Rep. P. Ray
Rep. A. Romero
Rep. C. Snider
Rep. M. Strong

Nays-0

Absent-2

Rep. M. Schultz
Rep. A. Stoddard

Chair Perry adjourned the meeting at 5:43 p.m.