



# MINUTES

## SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Tuesday, February 19, 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. Daniel W. Thatcher

**Members Absent:**

Sen. Ann Millner

**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](http://www.le.utah.gov).

Chair Weiler called the meeting to order at 2:09 p.m.

**MOTION:** Sen. Hillyard moved to approve the minutes of the February 14, 2019 meeting. The motion passed with a vote of 3 - 0 - 5.

Yeas-3

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

Nays-0

Absent-5

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

### 1 . H.B. 36 Bureau of Criminal Identification Reporting Amendments (*Ward, R.*)

Rep. Ward presented the bill.

**MOTION:** Sen. Hillyard moved to amend H.B. 36 with Amendment #3. The motion passed with a vote of 3 - 0 - 5.

Amendment 3  
H.B. 36

1. Page 6, Lines 164 through 169:

164 (2) The court in the county where a determination or finding was made shall transmit a  
165 record of the determination or finding to the bureau no later than 48 hours after {receiving  
166 notice} the determination is made, excluding Saturdays, Sundays, and legal holidays, if an individual is:  
167 (a) adjudicated as a mental defective; or  
168 (b) involuntarily committed to a mental institution in accordance with Section 62A-15-  
169 631 (16).

Yeas-3

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

Nays-0

Absent-5

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

**MOTION:** Sen. Hillyard moved to pass H.B. 36 out favorably. The motion passed with a vote of 3 - 0 - 5.

Yeas-3

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

Nays-0

Absent-5

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

**2 . S.B. 148 Child Welfare in Custody Proceedings (Davis, G.)**

Sen. Davis presented the bill.

Mr. Dan Deuel, Chair, Legislative Affairs, National Parents Association of Utah, spoke in opposition to the bill.

Mr. Mark Brasher, Deputy Director, Department of Human Services, spoke in opposition to the bill.

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

Ms. Rana Williams, Executive Secretary, Utah Eagle Forum, spoke in opposition to the bill.

**MOTION:** Sen. Hillyard moved to amend S.B. 148 with Amendment #1. The motion passed with a vote of 4 - 0 - 4.

Amendment 1  
S.B. 148

1. Page 9, Line 268 through Page 10, Line 280:

268 (20){~~(a)~~} "Health benefit plan" means the same as that term is defined in Section  
269 [~~31A-22-619.6~~] 31A-1-301.

270 {~~(b) "Health benefit plan" includes:~~

271 ~~— (i) a health maintenance organization;~~

272 ~~— (ii) a third party administrator that offers, sells, manages, or administers a health~~

273 ~~benefit plan; and~~

274 ~~— (iii) the Public Employees' Benefit and Insurance Program created in Section~~

275 ~~49-20-103.~~

276 ~~— (c) "Health benefit plan" does not include a health benefit plan offered by an insurer~~

277 ~~that has a market share in the state's fully insured market that is less than 2%, as determined in~~  
278 ~~the annual Market Share Report published by the Insurance Department.}~~

279 (21) "Health care provider" means the same as that term is defined in Section

280 78B-3-403.

2. Page 23, Lines 687 through 689:

687 Section 78A-2-705, Private attorney guardian ad litem – Appointment – Costs and  
688 fees – Duties – Conflicts of interest – Pro bono obligation – Indemnification – Minimum  
689 qualifications.

Section 13. Coordinating S.B. 148 with H.B. 249 – Technical amendments.

If this S.B. 148 and H.B. 249, Revisor's Technical Corrections to Utah Code, both pass and become law, it is the intent of the Legislature that the amendments to Section 62A-2-101 in this bill supersede the amendments to Section 62A-2-101 in H.B. 249 when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.

Yeas-4

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

Nays-0

Absent-4

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

**MOTION:** Sen. Hillyard moved to move to next agenda item. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

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

Nays-0

Absent-4

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

**3 . S.B. 160 Body Camera Disclosure Amendments (McCay, D.)**

Sen. McCay presented the bill with the assistance of Karra Porter, Attorney.

**MOTION:** Sen. Hillyard moved to amend S.B. 160 with Amendment #1. The motion passed with a vote of 7 - 0 - 1.

Amendment 1  
S.B. 160

1. Page 2, Lines 48 through 52:

48 (9) An officer may deactivate a body-worn camera:

49 {+}(a) to consult with a supervisor or another officer, unless the law enforcement encounter involved the use of force by an officer against an individual prior to the consultation;{+}

50 {+}(b){+}{@-} during a significant period of inactivity; and

51 {+}(c){+}{(b)} during a conversation with a sensitive victim of crime, a witness of a crime, or

52 an individual who wishes to report or discuss criminal activity if:

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

Chief Tom Ross, Bountiful, Utah Chiefs of Police, spoke in opposition to the bill.

Sheriff Paul Wimmer, Tooele County, spoke in opposition to the bill.

Mr. Connor Boyack, President, Libertas Institute, spoke in favor of the bill.

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

**MOTION:** Sen. Thatcher moved to move to next agenda item.

**SUBSTITUTE MOTION:** Sen. Cullimore moved to pass S.B. 160 out favorably. The Substitute motion passed with a vote of 5 - 2 - 1.

Yeas-5

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

Nays-2

Sen. L. Hillyard  
Sen. D. Thatcher

Absent-1

Sen. A. Millner

**4 . H.B. 82 Aggravated Kidnapping Amendments (Snow, V. L.)**

Rep. Snow presented the bill.

**MOTION:** Sen. Thatcher moved to pass H.B. 82 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner

**MOTION:** Sen. Hillyard moved to place H.B. 82 on the Consent Calendar. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner

**5 . S.B. 162 Corrections Officer Certification Amendments (*Iwamoto, J.*)**

Sen. Iwamoto presented the bill with the assistance of the following:

Sheriff Rosie Rivera, Salt Lake County Sheriff, spoke in favor of the bill.

Sheriff Paul Wimmer, Tooele County, spoke in favor of the bill.

Mr. Scott Stephenson, Director, Utah Peace Officers Standards and Training (Post), spoke in favor of the bill.

Rep. Jim Dunningan spoke in favor of the bill.

Deputy Chloe Caldwell, Salt Lake County Sheriff, spoke in favor of the bill.

Deputy Brian Melara, Salt Lake County Sheriff, spoke in favor of the bill.

Deputy Zechariah Harger, Salt Lake County Sheriff, spoke in favor of the bill.

The following people spoke from the public:

Ms. Sabrina Suite-Mangum, spoke in favor of the bill.

Mr. Sam Klemm, Salt Lake County Council, read a written statement by Council Chairman Richard Snelgrove who is in favor of the bill.

[Statement by SL County Council Chairman Richard Snelgrove](#)

Mr. Spencer Teerlink, Student, spoke in favor of the bill.

Mr. Scott Howell, Pioneer Park Coalition, spoke in favor of the bill.

**MOTION:** Sen. Escamilla moved to pass S.B. 162 out favorably. The motion passed with a vote of 4 - 0 - 4.



Yeas-4

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

Nays-0

Absent-4

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

**MOTION:** Sen. Escamilla moved to adjourn. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

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

Nays-0

Absent-4

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

Chair Weiler adjourned the meeting at 3:48 p.m.