



# MINUTES

## HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE

### STANDING COMMITTEE

LEGISLATURE

Wednesday, February 20, 2019 | 8:00 a.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](http://www.le.utah.gov).

Chair Perry called the meeting to order at 8:04 a.m

**1 . H.B. 189 Theft Amendments (Shurtliff, L.)**

The bill was not heard at the request of the sponsor.

**2 . H.B. 293 Plea in Abeyance Amendments (Shurtliff, L.)**

The bill was not heard at the request of the sponsor.

**MOTION:** Rep. Potter moved to approve the minutes of the February 15, 2019 meeting. The motion passed with a vote of 5 - 0 - 6.

Yeas-5

Rep. S. Hollins  
 Rep. L. Perry  
 Rep. V. Potter  
 Rep. P. Ray  
 Rep. A. Stoddard

Nays-0

Absent-6

Rep. K. Coleman  
 Rep. K. Miles  
 Rep. A. Romero  
 Rep. M. Schultz  
 Rep. C. Snider  
 Rep. M. Strong

**3 . H.B. 17 Firearm Violence and Suicide Prevention Amendments (Eliason, S.)**

Rep. Eliason explained 1st Substitute H.B. 17 to the committee and showed two videos.

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

Ms. Sheri Mattle, Utah PTA, spoke in support of the bill.

Mr. Dan Deuel, citizen, spoke in support of the bill.

Ms. Jean Hill, Catholic Diocese of Salt Lake City, spoke in support of the bill.

**MOTION:** Rep. Ray moved to replace H.B. 17 with 1st Substitute H.B. 17. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

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

Nays-0

Absent-2

Rep. K. Coleman  
Rep. M. Schultz

**MOTION:** Rep. Stoddard moved to pass 1st Substitute H.B. 17 out favorably. The motion passed with a vote of 10 - 0 - 1.

Yeas-10

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

Nays-0

Absent-1

Rep. K. Coleman

**4 . H.B. 87 Safe Storage of Firearms Amendments (*Weight, E.*)**

Rep. Weight explained 1st Substitute H.B. 87 and provided a handout. Dr. Claudia Fruin, pediatrician, assisted in the presentation.

Dr. Charles Pruitt, Utah Chapter of the American Academy of Pediatrics, spoke in support of the bill.

Mr. Brian Judy, Utah National Rifle Association, spoke in opposition to the bill.

Ms. Ciriac Alvarez, Voices for Utah Children, spoke in support of the bill.

Mr. David Woodward, citizen, spoke in opposition to the bill.

Ms. Sheri Mattle, Utah PTA, spoke in support of the bill.

Mr. Clark Aposhian, Utah Shooting Sports Council, spoke in opposition to the bill.

Ms. Kathryn Fitzgerald, League of Women Voters of Utah, spoke in support of this bill and H.B. 152 and H.B. 17.

Mr. Leonard Wojcik, citizen, spoke in opposition to the bill.

**MOTION:** Rep. Romero moved to replace H.B. 87 with 1st Substitute H.B. 87. The motion passed with a vote of 10 - 0 - 1.

Yeas-10

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

Nays-0

Absent-1

Rep. K. Coleman

**MOTION:** Rep. Romero moved to pass 1st Substitute H.B. 87 out favorably.

**MOTION:** Rep. Ray moved to table 1st Substitute H.B. 87.

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

Yeas-7

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

Nays-3

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

Absent-1

Rep. K. Coleman

**5 . H.B. 152 Voluntary Commitment of a Firearm Amendments (Maloy, A.C.)**

Rep. Maloy presented the bill to the committee.

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

Mr. Ed Rutan, Utah Gun Violence Prevention Center, spoke in opposition to the bill.

Mr. David Woodward, citizen, spoke in support of the bill.

Mr. Dan Deuel, citizen, spoke in support of the bill.

**MOTION:** Rep. Miles moved to amend H.B. 152 with Amendment #2. The motion passed with a vote of 10 - 0 - 1.

Amendment 2  
H.B. 152

1. Page 1, Lines 12 through 14:

12 This bill:

13 ▶ defines "{owner} cohabitant" as {anyone} any adult living in the home {with an ownership interest  
14 in the firearm}.

2. Page 1, Line 27 through Page 2, Line 31:

27 (1) As used in this section, "{owner} cohabitant" means {any} any individual 18 years of age or older  
residing in the

28 home who {has an ownership interest in a firearm in the home} :

(a) is living as if a spouse of the owner cohabitant;

(b) is related by blood or marriage to the owner cohabitant;

(c) has one or more children in common with the owner cohabitant; or

(d) has an interest in the safety and wellbeing of the owner cohabitant.

29 [(1)] (2) (a) {An-owner} A cohabitant may voluntarily commit a firearm to a law

30 enforcement agency for safekeeping if the {owner} cohabitant believes that the owner cohabitant  
31 or another cohabitant with access to the firearm is an immediate threat to:

3. Page 2, Lines 39 through 46:

39 [(2)] (3) Unless a firearm is an illegal firearm subject to Section 53-5c-202, a law  
40 enforcement agency that receives a firearm in accordance with this chapter shall:

41 (a) record:

42 (i) the owner cohabitant's name, address, and phone number;

43 (ii) {+}the firearm serial number{+} and the make and model of each firearm committed; and

44 (iii) the date that the firearm was voluntarily committed;

45 (b) require the {owner} cohabitant to sign a document attesting that the {owner} cohabitant resides in the  
46 home

{has an ownership interest in the firearm};

4. Page 2, Lines 54 through 57:

54 [(3)] (4) The law enforcement agency shall hold the firearm for an additional 60 days:

55 (a) if the initial 60-day period expires; and

56 (b) the cohabitant or owner cohabitant requests that the law enforcement agency hold the firearm for  
57 an additional 60 days.

5. Page 3, Lines 61 through 65:

61 [(5)] (6) Notwithstanding an ordinance or policy to the contrary adopted in accordance  
62 with Section 63G-2-701, a law enforcement agency shall destroy a record created under

63 Subsection [(2)] (3), Subsection 53-5c-202[(4)](3)(b)(iii), or any other record created in the

64 application of this chapter immediately, if practicable, but {+}no later than five days after{+}{-immediately  
65 upon} the:

(a) [returning] return of a firearm in accordance with Subsection [(2)] (3)(d); or

Yeas-10

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

Nays-0

Absent-1

Rep. K. Coleman

**MOTION:** Rep. Ray moved to pass H.B. 152 out favorably. The motion passed with a vote of 10 - 0 - 1.

Yeas-10

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

Nays-0

Absent-1

Rep. K. Coleman

**6 . H.B. 190 Liability of Firearm Custodian (Stoddard, A.)**

Rep. Stoddard presented the bill to the committee and provided "HB 190: What It Is, What It Isn't."

Ms. Madalena McNeil, March for Our Lives Utah, spoke in support of the bill.

Mr. Brian Judy, Utah National Rifle Association, spoke in opposition to the bill.

Mr. Ed Rutan, Utah Gun Violence Prevention Center, spoke in support of the bill.

Mr. Clark Apposhian, Utah Shooting Sports Council, spoke in opposition to the bill.

Mr. David Woodward, citizen, spoke in opposition to the bill.

Mr. Leonard Wojcik, citizen, spoke in opposition to the bill.

Ms. Jean Hill, Catholic Diocese of Salt Lake City, spoke in support of the bill.

**MOTION:** Rep. Romero moved to replace H.B. 190 with 1st Substitute H.B. 190. The motion passed with a vote of 11 - 0 - 0.

Yeas-11

Nays-0

Absent-0

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. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

**MOTION:** Rep. Hollins moved to pass 1st Substitute H.B. 190 out favorably.

**SUBSTITUTE MOTION:** Rep. Ray moved to hold 1st Substitute H.B. 190. The Substitute motion passed with a vote of 11 - 0 - 0.

Yeas-11

Nays-0

Absent-0

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. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

**MOTION:** Rep. Ray moved to adjourn. The motion passed with a vote of 11 - 0 - 0.



Yeas-11

Nays-0

Absent-0

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. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Chair Perry adjourned the meeting at 9:40 a.m.