



# MINUTES

## HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Friday, February 22, 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. Angela Romero  
Rep. Mike Schultz  
Rep. Casey Snider

Rep. Andrew Stoddard  
Rep. Mark A. Strong

**Members Absent:**

Rep. Paul Ray

**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. 270 Criminal Code Amendments (McKell, M.)**

Rep. McKell presented the bill to the committee with the assistance of Ms. Shelley Coudreaut, Attorney General's Office, and Mr. Craig Johnson, Utah County Attorney's Office.

Mr. Marshall Thompson, Director, Utah Sentencing Commission, spoke in support of the bill but expressed some concerns with the substitute bill.

Mr. Scott Sabey, Motion Picture Association of America, spoke in support of the bill.

**MOTION:** Rep. Miles moved to replace H.B. 270 with 1st Substitute H.B. 270. The motion passed with a vote of 5 - 0 - 6.

Yeas-5

Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. M. Strong

Nays-0

Absent-6

Rep. K. Coleman  
Rep. P. Ray  
Rep. A. Romero  
Rep. M. Schultz  
Rep. C. Snider  
Rep. A. Stoddard

**MOTION:** Rep. Miles moved to pass 1st Substitute H.B. 270 out favorably. The motion passed with a vote of 5 - 0 - 6.

Yeas-5

Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. M. Strong

Nays-0

Absent-6

Rep. K. Coleman  
Rep. P. Ray  
Rep. A. Romero  
Rep. M. Schultz  
Rep. C. Snider  
Rep. A. Stoddard

**MOTION:** Rep. Miles moved to place 1st Substitute H.B. 270 on the Consent Calendar. The motion passed with a vote of 5 - 0 - 6.

Yeas-5

Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. M. Strong

Nays-0

Absent-6

Rep. K. Coleman  
Rep. P. Ray  
Rep. A. Romero  
Rep. M. Schultz  
Rep. C. Snider  
Rep. A. Stoddard

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

Rep. Shurtliff presented 1st Substitute H.B. 189 with the assistance of Mr. Ryan Robinson, Statewide Association of Prosecutors.

Mr. Marshall Thompson, Director, Utah Sentencing Commission, spoke in opposition to the bill.

Mr. Patrick Fleming, Utah Substance Use and Mental Health Advisory Council, spoke in opposition to the bill.

Mr. Reed Richards, Statewide Association of Prosecutors, spoke in support of the bill.

Mr. Val Schupe, Executive Director, Utah Chiefs of Police Association, spoke in support of the bill.

Mr. Jason Groth, ACLU, spoke in opposition to the bill.

Mr. Connor Boyack, Libertas Institute, spoke in opposition to the bill.

**MOTION:** Rep. Stoddard moved to replace H.B. 189 with 1st Substitute H.B. 189. The motion passed with a vote of 6 - 0 - 5.

Yeas-6

Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-5

Rep. K. Coleman  
Rep. S. Hollins  
Rep. P. Ray  
Rep. A. Romero  
Rep. M. Schultz

**MOTION:** Rep. Stoddard moved to amend 1st Substitute H.B. 189 with Amendment #1. The motion passed with a vote of 6 - 0 - 5.

**Amendment 1  
1st Sub. H.B. 189**

1. Page 1, Lines 11 through 13:

11 This bill:

12     ▸ provides that the {~~fourth~~} fifth conviction for theft is a third degree felony if the value of  
13 the property is between \$100 and \$1,500.

Yeas-6

Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-5

Rep. K. Coleman  
Rep. S. Hollins  
Rep. P. Ray  
Rep. A. Romero  
Rep. M. Schultz

**MOTION:** Rep. Miles moved to pass 1st Substitute H.B. 189 out favorably.

The motion passed with a vote of 6 - 0 - 5.

Yeas-6

Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-5

Rep. K. Coleman  
Rep. S. Hollins  
Rep. P. Ray  
Rep. A. Romero  
Rep. M. Schultz

**3 . H.B. 301 Board of Pardons and Parole Amendments (*Hutchings, E.*)**

Rep. Hutchings presented the bill to the committee.

**MOTION:** Rep. Potter moved to pass H.B. 301 out favorably. The motion passed with a vote of 5 - 0 - 6.

Yeas-5

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

Nays-0

Absent-6

Rep. K. Coleman  
Rep. S. Hollins  
Rep. P. Ray  
Rep. A. Romero  
Rep. M. Schultz  
Rep. A. Stoddard

**MOTION:** Rep. Miles moved to place H.B. 301 on the Consent Calendar. The motion passed with a vote of 5 - 0 - 6.

Yeas-5

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

Nays-0

Absent-6

Rep. K. Coleman  
Rep. S. Hollins  
Rep. P. Ray  
Rep. A. Romero  
Rep. M. Schultz  
Rep. A. Stoddard

**MOTION:** Rep. Snider moved to approve the minutes. The motion passed with a vote of 5 - 0 - 6.

Yeas-5

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

Nays-0

Absent-6

Rep. K. Coleman  
Rep. S. Hollins  
Rep. P. Ray  
Rep. A. Romero  
Rep. M. Schultz  
Rep. A. Stoddard

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

Sen. Iwamoto explained the bill to the committee.

Mr. Michael McAinsh, citizen, spoke in opposition to the bill.

**MOTION:** Rep. Stoddard moved to pass S.B. 88 out favorably. The motion passed with a vote of 6 - 0 - 5.

Yeas-6

Rep. K. Miles  
Rep. L. Perry  
Rep. V. Potter  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-5

Rep. K. Coleman  
Rep. S. Hollins  
Rep. P. Ray  
Rep. A. Romero  
Rep. M. Schultz

**5 . H.B. 298 Offender Registry Amendments (*Dunnigan, J.*)**

Rep. Dunnigan presented 1st Substitute H.B. 298 with the assistance of Mr. Marshall Thompson, Director, Utah Sentencing Commission, and Ms. Faye Jenkins, Utah Prisoner Advocates Network.

Ms. Alexander Merritt, Utah Crime Victims Legal Clinic, spoke in opposition to the bill.

Mr. Jack Draxler, citizen, spoke in support of the bill.

Sheriff Mike Smith, Utah County, spoke in opposition to the bill.

Chief Wade Carpenter, Chiefs of Police Association, spoke in opposition to the bill.

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

Mr. Michael McAinsh, citizen, spoke in support of the bill.

Ms. Wendy Parmley, Hope After Suicide, spoke in support of the bill.

**MOTION:** Rep. Snider moved to replace H.B. 298 with 1st Substitute H.B. 298. The motion passed with a vote of 8 - 0 - 3.

Yeas-8

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. L. Perry  
Rep. A. Romero  
Rep. C. Snider  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-3

Rep. V. Potter  
Rep. P. Ray  
Rep. M. Schultz

**MOTION:** Rep. Snider moved to hold 1st Substitute H.B. 298.

**MOTION:** Rep. Miles moved to pass 1st Substitute H.B. 298 out favorably.

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

Yeas-3

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

Nays-7

Rep. K. Coleman  
Rep. S. Hollins  
Rep. L. Perry  
Rep. A. Romero  
Rep. M. Schultz  
Rep. C. Snider  
Rep. A. Stoddard

Absent-1

Rep. P. Ray

Rep. Snider's motion to hold 1st Substitute H.B. 298 passed with a vote of 10 - 0 - 1.

Yeas-10

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

Nays-0

Absent-1

Rep. P. Ray

**6 . H.B. 156 Search Amendments (Coleman, K.)**

Rep. Coleman presented the bill with the assistance of Ms. Marina Lowe, ACLU.

Mr. Reed Richards, Statewide Association of Prosecutors, spoke in support of the bill.

**MOTION:** Rep. Stoddard moved to replace H.B. 156 with 2nd Substitute H.B. 156. The motion passed with a vote of 8 - 0 - 3.

Yeas-8

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

Nays-0

Absent-3

Rep. K. Miles  
Rep. P. Ray  
Rep. M. Schultz

**MOTION:** Rep. Potter moved to pass 2nd Substitute H.B. 156 out favorably. The motion passed with a vote of 8 - 0 - 3.

Yeas-8

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

Nays-0

Absent-3

Rep. K. Miles  
Rep. P. Ray  
Rep. M. Schultz

**MOTION:** Rep. Snider moved to adjourn. The motion passed with a vote of 8 - 0 - 3.

Yeas-8

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

Nays-0

Absent-3

Rep. K. Miles  
Rep. P. Ray  
Rep. M. Schultz

Chair Perry adjourned the meeting 9:54 a.m.