



MINUTES

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Tuesday, February 26, 2019 | 4:00 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.

Chair Weiler called the meeting to order at 4:05 p.m.

MOTION: Sen. Kitchen moved to approve the minutes of the February 25, 2019 meeting. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

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

Nays-0

Absent-4

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

1 . S.B. 197 Law Enforcement Agency Amendments (*Bramble, C.*)

Sen. Bramble presented the bill with the assistance of Heather Gunnarson, BYU University Counsel, and Chief Chris Autry, BYU Police.

Mr. Michael O'Brian, Media Lawyer, Utah Media Coalition, spoke in favor of the bill.

MOTION: Sen. Thatcher moved to pass S.B. 197 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

MOTION: Sen. Thatcher moved to place S.B. 197 on the Consent Calendar. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

2 . H.C.R. 6 Concurrent Resolution Designating May 5 as Missing and Murdered Indigenous Women, Girls, and LGBT+ Awareness Day (*Romero, A.*)

Rep. Romero presented the bill with the assistance of Mr. Moroni Benally, Restoring Ancestral Winds and Ms. Nasean Dean.

MOTION: Sen. Escamilla moved to amend H.C.R. 6 with Amendment #1. The motion passed with a vote of 5 - 0 - 3.

Amendment 1
H.C.R. 6

1. Page 2, Lines 35 through 41:
35 (2) remained a leading cause of death for most Native American females between 40
36 and 64 years of age;
37 { ~~WHEREAS, according to a 2018 report by the Urban Indian Health Institute, Utah is~~
38 ~~ranked 8th and Salt Lake City is ranked 9th nationwide for cases of missing and murdered~~
39 ~~Native American women, girls, and LGBT+;~~}
40 WHEREAS, challenges in collecting data and tracking prevent a full understanding of
41 the scope of the crisis of missing and murdered indigenous women, girls, and LGBT+;

Yeas-5

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

Nays-0

Absent-3

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

Chief Mike Brown, Salt Lake City, spoke in favor of the bill.

Ms. Davina Smith spoke in favor of the bill.

Mr. Beau Mason, Utah Department of Public Safety, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass H.C.R. 6 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

MOTION: Sen. Thatcher moved to place H.C.R. 6 on the Consent Calendar. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

3 . 1st Sub. H.B. 212 Expungement Changes (Barlow, S.)

Rep. Barlow presented the bill.

Mr. Marshall Thompson, Director, Utah Sentencing Commission, spoke in favor of the bill.

Mr. Richard Morrow, Executive Director, Salt Lake Legal Defenders Association, spoke in favor of the bill.

MOTION: Sen. Kitchen moved to pass 1st Substitute H.B. 212 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

MOTION: Sen. Kitchen moved to place 1st Substitute H.B. 212 on the Consent Calendar. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

4 . H.B. 215 Silver Alert Program (Perry, L.)

Rep. Perry presented the bill with the assistance of Mr. Jeremy Cunningham, Health Policy Coordinator, Alzheimer's Association.

MOTION: Sen. Thatcher moved to pass H.B. 215 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

MOTION: Sen. Thatcher moved to place H.B. 215 on the Consent Calendar. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

5 . H.B. 200 Appointment of Constables Amendments (Wilde, L.)

MOTION: Sen. Thatcher moved to replace H.B. 200 with 1st Substitute H.B. 200. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

Rep. Wilde presented the bill.

Mr. John Sindt, President, Utah State Constable Association, spoke in favor of the bill.

Sen. Thatcher assumed the chair.

MOTION: Sen. Hillyard moved to pass 1st Substitute H.B. 200 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. Kitchen
Sen. D. Thatcher

Nays-0

Absent-3

Sen. D. Hemmert
Sen. A. Millner
Sen. T. Weiler

6 . S.B. 199 Adoption Revisions (Harper, W.)

Sen. Harper presented the bill.

MOTION: Sen. Hillyard moved to amend S.B. 199 with Amendment #1. The motion passed with a vote of 5 - 0 - 3.

Amendment 1
S.B. 199

1. Page 4, Lines 90 through 98:

90 (5) The notice required by this section:

91 (a) may be served at any time after the day on which the petition for adoption is filed,
92 but may not be served on a birth mother before she has given birth to the child who is the
93 subject of the petition for adoption;

94 (b) shall be served at least :

95 (i) [30] 60 days [prior to] before the day on which the final
96 dispositional hearing is held; or

97 (ii) if the child is in the custody of the division or under the continuing jurisdiction of the juvenile court under
98 Section 78A-6-120, 30 days before the day on which the final dispositional hearing is held;

96 (c) shall specifically state that the person served shall fulfill the requirements of
97 Subsection (6)(a) within [30] 60 days after the day on which the person receives service if the
98 person intends to intervene in or contest the adoption;

2. Page 10, Lines 288 through 296:

288 (4) (a) An adult may not adopt a prospective mature adoptee, unless at least one of the
289 following is a resident of the state for at least six consecutive months before the day on which
290 the adoption petition is filed:

291 {(a)} (i) a prospective adoptive parent;

292 {(b)} (ii) a biological parent of the prospective mature adoptee; or

293 {(c)} (iii) the prospective mature adoptee.

294 (b) Subsection (4)(a) does not apply if a prospective mature adoptee is under the continuing jurisdiction of the
295 juvenile court under Section 78A-6-120.

294 [(4)] (5) Before a court enters a final decree of adoption of a mature adoptee, the
295 mature adoptee and the prospective adoptive parent or parents shall appear before the court
296 presiding over the adoption proceedings and execute consent to the adoption.

3. Page 11, Lines 329 through 337:

329 (5) (a) Except as provided in Subsection (5)(b), an adult may not adopt a child, unless
330 at least one of the following is a resident of the state for at least six consecutive months before
331 the day on which the adoption petition is filed:

332 (i) a prospective adoptive parent;

333 (ii) a biological parent of the child; or

334 (iii) the child.

335 (b) Subsection (5)(a) does not apply :

(i) under circumstances when the division makes an

336 out-of-state placement under Title 62A, Chapter 4a, Part 7, Interstate Compact on Placement of

337 Children{~~-~~}; or

(ii) if the child is in the custody of the division or under the continuing jurisdiction of the juvenile court under Section 78A-6-120.

Yeas-5

Sen. K. Cullimore
Sen. L. Escamilla
Sen. L. Hillyard
Sen. D. Kitchen
Sen. D. Thatcher

Nays-0

Absent-3

Sen. D. Hemmert
Sen. A. Millner
Sen. T. Weiler

Sen. Weiler resumed the chair.

Mr. Lance Rich, Utah Adoption Council, spoke in opposition to the bill.

Mr. Jason Barnes, Adoption Attorney, Utah Adoption Council, spoke in opposition to the bill.

Mr. David Hardy spoke in opposition to the bill.

Ms. Donna Pope, Executive Director, Heart to Heart Adoptions, spoke in opposition to the bill.

Mr. Lance Rich, Utah Adoption Council, spoke to the bill.

Mr. David Hardy spoke to the bill.

MOTION: Sen. Hillyard moved to move to next agenda item. The motion passed with a vote of 7 - 0 - 1.

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

7 . H.B. 141 Aggravated Sexual Exploitation of a Minor (Ray, P.)

Rep. Ray presented the bill with the assistance of Shelly Cordova, Director, Family Justice Section, Attorney General's Office and Jessica Farnsworth, Commander, Internet Crimes Against Children Task Force.

Ms. Alexandra Merritt, Victim Advocate, Utah Council on Victims of Crimes, spoke in favor of the bill.

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

Mr. Nate Mutter, Assistant Chief, Law Enforcement Investigative Committee, spoke in favor of the bill.

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

Mr. Richard Maure, Executive Director, Salt Lake League of Defenders Association, spoke in opposition to the bill.

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



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

MOTION: Sen. Kitchen moved to adjourn. The motion passed with a vote of 6 - 1 - 1.

Yeas-6

Sen. K. Cullimore
Sen. L. Escamilla
Sen. D. Hemmert
Sen. L. Hillyard
Sen. D. Kitchen
Sen. D. Thatcher

Nays-1

Sen. T. Weiler

Absent-1

Sen. A. Millner

Chair Weiler adjourned the meeting at 6:09 p.m.