



# MINUTES

## HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Friday, March 1, 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. Paul Ray  
Rep. Angela Romero  
Rep. Casey Snider  
Rep. Andrew Stoddard

Rep. Mark A. Strong

**Members Absent:**

Rep. Val K. Potter  
Rep. Mike Schultz

**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).

Vice Chair Coleman called the meeting to order at 8:05 a.m.

**1 . 1st Sub. H.B. 298 Offender Registry Amendments (*Dunnigan, J.*)**

Rep. Dunnigan presented the bill to the committee.

**MOTION:** Rep. Miles moved to replace 1st Substitute H.B. 298 with 2nd Substitute H.B. 298. The motion passed with a vote of 6 - 0 - 5.

Yeas-6

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. P. Ray  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-5

Rep. L. Perry  
Rep. V. Potter  
Rep. A. Romero  
Rep. M. Schultz  
Rep. C. Snider

**MOTION:** Rep. Miles moved to pass 2nd Substitute H.B. 298 out favorably. The motion passed with a vote of 4 - 2 - 5.

Yeas-4

Rep. K. Coleman  
Rep. K. Miles  
Rep. A. Stoddard  
Rep. M. Strong

Nays-2

Rep. S. Hollins  
Rep. P. Ray

Absent-5

Rep. L. Perry  
Rep. V. Potter  
Rep. A. Romero  
Rep. M. Schultz  
Rep. C. Snider

**MOTION:** Rep. Miles moved to approve the minutes of the February 27, 2019 meeting. The motion passed with a vote of 6 - 0 - 5.

Yeas-6

Rep. K. Coleman  
Rep. S. Hollins  
Rep. K. Miles  
Rep. P. Ray  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-5

Rep. L. Perry  
Rep. V. Potter  
Rep. A. Romero  
Rep. M. Schultz  
Rep. C. Snider

**2 . 1st Sub. S.B. 109 Asset Forfeiture Amendments (Weiler, T.)**

Sen. Weiler presented the bill to the committee.

Ms. Marina Lowe, ACLU, spoke in support of the bill.

Mr. Scott Reed, Assistant Attorney General, spoke to the bill.

Chief Randy Watt, Ogden Police Department and speaking on behalf of Utah Sheriffs' Association and Utah Chiefs of Police Association, spoke in opposition to the bill.

Mr. Carroll Mays, Deputy Director of Metro Narcotics Task Force, spoke in opposition to the bill.

Mr. Conner Boyack, Libertas Institute, spoke in support of the bill.

Mr. Tim Scott, Commander of Weber and Morgan Narcotics Strike Force, spoke in opposition to the bill.

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

Mr. Scott Carver, Attorney General's Office Law Enforcement Division, spoke in opposition to the bill.

Lt. BJ Robinson, Orem Police Department and Director of Utah County Major Crimes Task Force, spoke in opposition to the bill.

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

Ms. Kim Cordova, Executive Director of Commission on Criminal and Juvenile Justice, spoke to the bill.

Mr. Brian Besser, District Agent in Charge, Drug Enforcement Agency, spoke in opposition to the bill.

Lt. Shawn Horton, Commander of Davis Metro Narcotics Task Force, spoke in opposition to the bill.

Mr. Jeremy Roberts, citizen, spoke in support to the bill.

**MOTION:** Rep. Stoddard moved to amend 1st Substitute S.B. 109 with Amendment #1. The motion passed with a vote of 9 - 0 - 2.

Amendment 1  
1st Sub. S.B. 109

1. Page 14, Lines 406 through 410:

406 ~~{(4) An agency that receives an equitable share of property forfeited by the federal~~  
407 ~~government is ineligible to participate in the program the following fiscal year.}~~  
408 ~~{(5)}~~ (4) Before transferring any property under Subsection (1), an agency shall adopt and  
409 comply with a written policy governing the transfer of property that is consistent with the  
410 provisions of this section.

Yeas-9

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

Nays-0

Absent-2

Rep. V. Potter  
Rep. M. Schultz

**MOTION:** Rep. Stoddard moved to amend 1st Substitute S.B. 109 with Amendment #2. The motion passed with a vote of 9 - 0 - 2.

Amendment 2  
1st Sub. S.B. 109

1. Page 3, Lines 76 through 78:

76 (2) The agency responsible for maintaining the property shall:

77 (a) hold all seized property in safe {~~physical~~} legal custody until [it] the seized property can be  
78 disposed of as provided in this title; and

2. Page 3, Lines 83 through 85:

83 (3) Property seized under this title is not recoverable by replevin, but is considered in  
84 the agency's {~~physical~~} legal custody subject only to the orders of the court or the official having  
85 jurisdiction.

Yeas-9

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

Nays-0

Absent-2

Rep. V. Potter  
Rep. M. Schultz

**MOTION:** Rep. Ray moved to return 1st Substitute S.B. 109 to the Rules Committee

The motion passed with a vote of 8 - 1 - 2.

Yeas-8

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

Nays-1

Rep. K. Coleman

Absent-2

Rep. V. Potter  
Rep. M. Schultz

**3 . H.B. 423 Disaster Recovery Fund Amendments (Ferry, J.)**

Rep. Ferry explained the bill with the assistance of Mr. Kris Hamlet, Director of Division of Emergency Management, Department of Public Safety.

**MOTION:** Rep. Stoddard moved to pass H.B. 423 out favorably. 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. P. Ray  
Rep. A. Romero  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-3

Rep. V. Potter  
Rep. M. Schultz  
Rep. C. Snider

**MOTION:** Rep. Ray moved to place H.B. 423 on the Consent Calendar. 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. P. Ray  
Rep. A. Romero  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-3

Rep. V. Potter  
Rep. M. Schultz  
Rep. C. Snider

**4 . H.B. 313 Hit and Run Amendments (*Eliason, S.*)**

Rep. Eliason presented 1st Substitute H.B. 313 to the committee.

**MOTION:** Chair Perry moved to replace H.B. 313 with 1st Substitute H.B. 313. 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. P. Ray  
Rep. A. Romero  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-3

Rep. V. Potter  
Rep. M. Schultz  
Rep. C. Snider

**MOTION:** Chair Perry moved to pass 1st Substitute H.B. 313 out favorably. The motion passed with a vote of 7 - 1 - 3.

Yeas-7

Rep. K. Coleman  
Rep. S. Hollins  
Rep. L. Perry  
Rep. P. Ray  
Rep. A. Romero  
Rep. A. Stoddard  
Rep. M. Strong

Nays-1

Rep. K. Miles

Absent-3

Rep. V. Potter  
Rep. M. Schultz  
Rep. C. Snider

**5 . 2nd Sub. S.B. 43 Criminal Provisions Modifications (*Mayne, K.*)**

Sen. Mayne presented the bill to the committee.

Mr. Scott Reed, Assistant Attorney General, spoke in support of the bill.

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

Mr. Will Carlson, Deputy District Attorney, Salt Lake County, spoke in support of the bill.

**MOTION:** Rep. Ray moved to pass 2nd Substitute S.B. 43 out favorably. 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. P. Ray  
Rep. A. Romero  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-3

Rep. V. Potter  
Rep. M. Schultz  
Rep. C. Snider

**MOTION:** Rep. Romero moved to adjourn. 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. P. Ray  
Rep. A. Romero  
Rep. A. Stoddard  
Rep. M. Strong

Nays-0

Absent-3

Rep. V. Potter  
Rep. M. Schultz  
Rep. C. Snider

Vice Chair Coleman adjourned the meeting at 9:37 a.m.