



# MINUTES

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

LEGISLATURE

Monday, March 4, 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](http://www.le.utah.gov).

Chair Weiler called the meeting to order at 4:04 p.m.

**MOTION:** Sen. Hillyard moved to approve the minutes of the February 28, 2019 meeting. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

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

Nays-0

Absent-4

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

**1 . S.B. 193 Attorney General Enforcement Amendments (Hillyard, L.)**

**MOTION:** Sen. Hillyard moved to replace S.B. 193 with 2nd Substitute S.B. 193. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

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

Nays-0

Absent-4

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

Sen. Hillyard presented the bill with the assistance of Mr. Brian Christensen, Assistant Attorney General, Anti Trust Section, Attorney General's Office.

**MOTION:** Sen. Hillyard moved to pass 2nd Substitute S.B. 193 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

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

Nays-0

Absent-2

Sen. D. Hemmert  
Sen. A. Millner

**2 . S.B. 207 Judiciary Amendments (Hillyard, L.)**

Sen. Hillard presented the bill with the assistance of Mr. Mike Drechsel, Associate General Counsel, Administrative Office of the Courts.

**MOTION:** Sen. Hillyard moved to pass S.B. 207 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

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

Nays-0

Absent-2

Sen. D. Hemmert  
Sen. A. Millner

**3 . S.B. 217 Gang Prevention Funding Amendments (Mayne, K.)**

Sen. Mayne presented the bill.

**MOTION:** Sen. Escamilla moved to pass S.B. 217 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

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

Nays-0

Absent-2

Sen. D. Hemmert  
Sen. A. Millner

**MOTION:** Sen. Escamilla moved to place S.B. 217 on the Consent Calendar. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

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

Nays-0

Absent-2

Sen. D. Hemmert  
Sen. A. Millner

**4 . S.B. 231 Judicial Discretion in Sentencing Amendments (Cullimore, K. A.)**

Sen. Cullimore presented the bill.

Mr. William Carlson, Chief Policy Analyst, Office of the Salt Lake County District Attorney, spoke to the bill.

Mr. Nick Mecham, Director, Utah Justice Coalition, spoke in favor of the bill.

Mr. Jeff Buhman, Statewide Association of Prosecutors, spoke in opposition to the bill.

Ms. Marina Lowe, Legislative Counsel, American Civil Liberties Union (ACLU), spoke in favor of the bill.

Mr. Robert Van Dyke, Attorney, Kane County, President, Utah County District Attorney Association, spoke in opposition to the bill.

Ms. Molly Davis, Policy Analyst, Libertas Institute, spoke in favor of the bill.

Mr. Art Brown, President, Mothers Against Drunk Driving (MADD), spoke in opposition to the bill.

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

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

Mr. Craig Barlow, Criminal Deputy, Attorney General's Office, spoke in opposition to the bill.

**MOTION:** Sen. Hillyard moved to pass S.B. 231 out favorably. The motion passed with a vote of 5 - 2 - 1.

Yeas-5

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

Nays-2

Sen. D. Thatcher  
Sen. T. Weiler

Absent-1

Sen. A. Millner

**5 . S.B. 238 Asset Protection Trust Amendments (Davis, G.)**

Sen. Davis presented the bill with the assistance of Mr. Robert S. Tippett, Estate Planning Attorney.

**MOTION:** Sen. Hillyard moved to amend S.B. 238 with Amendment #1. The motion passed with a vote of 4 - 0 - 4.

Amendment 1  
S.B. 238

1. Page 5, Lines 129 through 130:

129 [(+)] (k) Assets transferred to the trust may not be derived from {+}unlawful activities{+}{a  
130 [criminal activity](#)}.

2. Page 5, Lines 149 through 150:

149 (viii) the assets being transferred to the trust were not derived from {+}unlawful  
150 activities{+}{[a criminal activity](#)}.

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

Sen. Thatcher assumed the chair.

**MOTION:** Sen. Hillyard moved to next agenda item.

**SUBSTITUTE MOTION:** Sen. Kitchen moved to pass S.B. 238 out favorably. The substitute motion passed with a vote of 2 - 1 - 5.

Yeas-2

Sen. D. Kitchen  
Sen. D. Thatcher

Nays-1

Sen. L. Hillyard

Absent-5

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

**6 . H.B. 244 Misdemeanor Sentencing Timeline Clarifications (Hutchings, E.)**

Sen. Hutchings presented the bill.

Sen. Weiler resumed the chair.

**MOTION:** Sen. Thatcher moved to pass H.B. 244 out favorably. 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

**7 . 2nd Sub. H.B. 281 Prosecution Review Amendments (*Lisonbee, K.*)**

Sen. Lisonbee presented the bill with the assistance of Mr. Reed Richards, Statewide Association of Prosecutors.

Mr. Craig Barlow, Criminal Deputy, Attorney General's Office, spoke in favor of the bill.

Mr. Robert Van Dyke, Attorney, Kane County, President, Utah County District Attorney Association, spoke in favor of the bill.

**MOTION:** Sen. Hillyard moved to pass 2nd Substitute H.B. 281 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

**8 . 1st Sub. H.B. 270 Criminal Code Amendments (*McKell, M.*)**

Rep. McKell presented the bill with the assistance of Shelly Coudreaut, Attorney General's Office .

**MOTION:** Sen. Hillyard moved to pass 1st Substitute H.B. 270 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

**9 . 4th Sub. H.B. 57 Electronic Information or Data Privacy (*Hall, C.*)**

Rep. Hall presented the bill with the assistance of Mr. Connor Boyack, Libertas Institute.

**MOTION:** Sen. Hillyard moved to replace 4th Substitute H.B. 57 with 5th Substitute H.B. 57. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

**MOTION:** Sen. Hillyard moved to pass 5th Substitute H.B. 57 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

**10 . 1st Sub. H.B. 17 Firearm Violence and Suicide Prevention Amendments (*Eliason, S.*)**

**MOTION:** Sen. Hillyard moved to replace 1st Substitute H.B. 17 with 2nd Substitute H.B. 17. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

Sen. Eliason presented the bill.

[HB 17 Firearm Violence Handout](#)

Ms. Taryn Hiatt, American Foundation for Suicide Prevention, spoke in favor of the bill.

**MOTION:** Sen. Thatcher moved to pass 2nd Substitute H.B. 17 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

**MOTION:** Sen. Thatcher moved to adjourn.

Chair Weiler adjourned the meeting at 6:03 p.m.