



UTAH STATE

LEGISLATURE

MINUTES

HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE

STANDING COMMITTEE

Wednesday, March 6, 2019 | 4:00 p.m. | 450 State Capitol

Members Present:

Rep. Lee B. Perry, Chair
Rep. Kim F. Coleman, Vice Chair
Rep. Val K. Potter
Rep. Paul Ray
Rep. Angela Romero
Rep. Casey Snider
Rep. Andrew Stoddard
Rep. Mark A. Strong

Members Absent:

Rep. Sandra Hollins
Rep. Kelly B. Miles
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.

Vice Chair Coleman called the meeting to order at 4:19 p.m.

1 . H.B. 332 Prohibited Persons Amendments (Duckworth, S.)

Rep. Duckworth presented the bill with the assistance of Mr. Jeremy Roberts, citizen, who provided a slide show presentation.

Mr. Greg Willmore, Director of the Bureau of Criminal Investigation, spoke to the bill.

Mr. Rob Van Dyke, Kane County Attorney and President of the County and District Attorneys Association, spoke in favor of the original bill and in opposition to the 1st Substitute.

Ms. Dee Rowland, Utah Gun Violence Prevention Center, spoke in favor of the original bill and in opposition to the 1st Substitute.

Ms. Darcy Goddard, Salt Lake County Deputy District Attorney and Chief Policy Adviser for the Civil Division, spoke in favor of the original bill and in opposition to the 1st Substitute.

Mr. Clark Aposhian, representing Utah Shooting Sports Council, National Shooting Sports Foundation, and National Rifle Association of Utah, spoke in opposition to the bill.

MOTION: Rep. Perry moved to replace H.B. 332 with 1st Substitute H.B. 332. The motion failed with a vote of 3 - 4 - 4.

Yeas-3
Rep. K. Coleman
Rep. L. Perry
Rep. C. Snider

Nays-4
Rep. V. Potter
Rep. A. Romero
Rep. A. Stoddard
Rep. M. Strong

Absent-4
Rep. S. Hollins
Rep. K. Miles
Rep. P. Ray
Rep. M. Schultz

MOTION: Rep. Stoddard moved to pass H.B. 332 out favorably.

SUBSTITUTE MOTION: Rep. Perry moved to hold H.B. 332. The substitute motion passed with a vote of 7 - 0 - 4.

Yeas-7

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

Nays-0

Absent-4

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

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

Sen. Bramble presented the bill to the committee with the assistance of Ms. Heather Gunnarson, Associate University Counsel for Brigham Young University (BYU), and Chief Chris Autry, BYU Police.

Mr. Michael O'Brien, Counsel for Utah Media Coalition, spoke in support of the bill.

MOTION: Rep. Perry moved to pass S.B. 197 out favorably. The motion passed with a vote of 7 - 0 - 4.

Yeas-7

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

Nays-0

Absent-4

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

3 . 1st Sub. S.B. 175 Gang Prevention Awareness Week (*Mayne, K.*)

Sen. Mayne presented the bill to the committee.

MOTION: Rep. Romero moved to pass 1st Substitute S.B. 175 out favorably. The motion passed with a vote of 6 - 0 - 5.

Yeas-6

Rep. K. Coleman
Rep. L. Perry
Rep. V. Potter
Rep. A. Romero
Rep. A. Stoddard
Rep. M. Strong

Nays-0

Absent-5

Rep. S. Hollins
Rep. K. Miles
Rep. P. Ray
Rep. M. Schultz
Rep. C. Snider

4 . S.B. 204 Surplus Property Amendments (*Weiler, T.*)

Sen. Weiler presented the bill to the committee.

Mr. Chris Hughes, Director for the Division of Purchasing and General Services, spoke in support of the bill.

MOTION: Rep. Perry moved to pass S.B. 204 out favorably. The motion passed with a vote of 7 - 0 - 4.

Yeas-7

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

Nays-0

Absent-4

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

5 . H.B. 406 Investigation Protocols for Peace Officer Use of Force (Roberts, M.)

Rep. Roberts presented the bill with the assistance of Ms. Darcy Goddard, Salt Lake County Deputy District Attorney and Chief Policy Adviser for the Civil Division.

MOTION: Rep. Potter moved to amend H.B. 406 with Amendment #1. The motion passed with a vote of 7 - 0 - 4.

Amendment 1
H.B. 406

1. Page 2, Line 36:

36 (ii) ~~{the}~~ an arrest for or charging with a crime and committing for trial;

2. Page 2, Line 45:

45 (i) an officer's use of deadly force ~~{against a person}~~;

Yeas-7

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

Nays-0

Absent-4

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

MOTION: Rep. Potter moved to pass H.B. 406 out favorably as amended. The motion passed with a vote of 7 - 0 - 4.

Yeas-7

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

Nays-0

Absent-4

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

MOTION: Rep. Stoddard moved to approve the minutes of the March 5, 2019 meeting. The motion passed with a vote of 7 - 0 - 4.

Yeas-7

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

Nays-0

Absent-4

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

6 . H.B. 217 Open Carry Near Schools Amendments (*Briscoe, J.*)

Rep. Briscoe presented the bill to the committee and provided a PowerPoint presentation and handout.

Mr. Clark Aposhian, representing Utah Shooting Sports Council and National Rifle Association of Utah, spoke in opposition to the bill.

Ms. Anna Penner, March for Our Lives Utah, spoke in support of the bill.

Mr. Walid Boonprasit, citizen, spoke in opposition to the bill.

Mr. Nate Salazar, Salt Lake City School District, spoke in support of the bill.

Mr. Dan Deuel, citizen, spoke in opposition to the bill.

Ms. Marsha Olsen, citizen, spoke in support of the bill.

MOTION: Rep. Stoddard moved to pass H.B. 217 out favorably.

The motion failed with a vote of 2 - 6 - 3.

Yeas-2

Rep. A. Romero
Rep. A. Stoddard

Nays-6

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

Absent-3

Rep. S. Hollins
Rep. K. Miles
Rep. M. Schultz

7 . 1st Sub. H.B. 190 Liability of Firearm Custodian (*Stoddard, A.*)

Rep. Stoddard requested 1st Substitute H.B. 190 be referred to the House Judiciary Committee.

MOTION: Rep. Ray moved to refer 1st Substitute H.B. 190 to the House Judiciary Committee. The motion passed with a vote of 8 - 0 - 3.

Yeas-8

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

Nays-0

Absent-3

Rep. S. Hollins
Rep. K. Miles
Rep. M. Schultz

8 . H.B. 400 Murder Mitigation Amendments (*Stoddard, A.*)

Rep. Stoddard presented the bill to the committee with the assistance of Mr. William Hains, Criminal Division of the Attorney General's Office.

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

MOTION: Rep. Snider moved to replace H.B. 400 with 1st Substitute H.B. 400. The motion passed with a vote of 6 - 0 - 5.

Yeas-6

Rep. K. Coleman
Rep. V. Potter
Rep. A. Romero
Rep. C. Snider
Rep. A. Stoddard
Rep. M. Strong

Nays-0

Absent-5

Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. M. Schultz

MOTION: Rep. Romero moved to pass 1st Substitute H.B. 400 out favorably. The motion passed with a vote of 6 - 0 - 5.

Yeas-6

Rep. K. Coleman
Rep. V. Potter
Rep. A. Romero
Rep. C. Snider
Rep. A. Stoddard
Rep. M. Strong

Nays-0

Absent-5

Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. M. Schultz

MOTION: Rep. Strong moved to adjourn. The motion passed with a vote of 6 - 0 - 5.

Yeas-6

Rep. K. Coleman
Rep. V. Potter
Rep. A. Romero
Rep. C. Snider
Rep. A. Stoddard
Rep. M. Strong

Nays-0

Absent-5

Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. P. Ray
Rep. M. Schultz

Vice Chair Coleman adjourned the meeting at 5:59 p.m.