



MINUTES

HOUSE JUDICIARY STANDING COMMITTEE

LEGISLATURE

Wednesday, March 6, 2019 | 4:00 p.m. | 20 House Building

Members Present:

Rep. Karianne Lisonbee, Chair
Rep. Craig Hall, Vice Chair
Rep. Cheryl K. Acton
Rep. Brady Brammer
Rep. Jon Hawkins
Rep. Eric K. Hutchings
Rep. Brian S. King
Rep. Stephanie Pitcher

Rep. V. Lowry Snow
Rep. Steve Waldrip
Rep. Mark A. Wheatley

Members Absent:

Rep. Travis M. Seegmiller

Staff Present:

Mr. Steve Benard, Session Secretary
Mr. Joseph T. Wade, Policy Analyst

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Lisonbee called the meeting to order at 4:16 p.m.

1 . H.B. 359 Assessment and Treatment Decisions Amendments (*Shurtliff, L.*)

Rep. Shurtliff explained the bill.

MOTION: Rep. Hawkins moved to replace H.B. 359 with 2nd Substitute H.B. 359. The motion passed with a vote of 7 - 0 - 5.

Yeas-7

Rep. C. Acton
Rep. C. Hall
Rep. J. Hawkins
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-5

Rep. B. Brammer
Rep. E. Hutchings
Rep. B. King
Rep. T. Seegmiller
Rep. V. Snow

MOTION: Rep. Hawkins moved to hold 2nd Substitute H.B. 359. The motion passed with a vote of 7 - 0 - 5.

Yeas-7

Rep. C. Acton
Rep. C. Hall
Rep. J. Hawkins
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-5

Rep. B. Brammer
Rep. E. Hutchings
Rep. B. King
Rep. T. Seegmiller
Rep. V. Snow

2 . H.B. 421 DNA Specimen Analysis Amendments (*Eliason, S.*)

Vice Chair Hall assumed the chair.

Rep. Eliason explained the bill with the assistance of Mr. Jay Henry, Director of the crime lab of the Utah Department of Public Safety.

MOTION: Rep. Hawkins moved to replace H.B. 421 with 1st Substitute H.B. 421. The motion passed with a vote of 8 - 0 - 4.

Yeas-8

Rep. C. Acton
Rep. C. Hall
Rep. J. Hawkins
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-4

Rep. B. Brammer
Rep. E. Hutchings
Rep. B. King
Rep. T. Seegmiller

MOTION: Rep. Hawkins moved to report a favorable recommendation on 1st Substitute H.B. 421. The motion passed with a vote of 8 - 0 - 4.

Yeas-8

Rep. C. Acton
Rep. C. Hall
Rep. J. Hawkins
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-4

Rep. B. Brammer
Rep. E. Hutchings
Rep. B. King
Rep. T. Seegmiller

3 . H.B. 414 Restitution Reporting (*Pitcher, S.*)

Rep. Stephanie Pitcher explained the bill with the assistance of Troy Rawlings, Davis County Attorney.

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

Ms. Marina Lowe, ACLU of Utah, spoke in favor of the bill.

MOTION: Rep. Hutchings moved to replace H.B. 414 with 1st Substitute H.B. 414. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-3

Rep. B. King
Rep. T. Seegmiller
Rep. S. Waldrip

MOTION: Rep. Hutchings moved to report a favorable recommendation on 1st Substitute H.B. 414. The motion passed with a vote of 9 - 0 - 3.

Yeas-9

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-3

Rep. B. King
Rep. T. Seegmiller
Rep. S. Waldrip

4 . H.B. 440 Commission on Criminal and Juvenile Justice Amendments (*Hutchings, E.*)

Rep. Eric K. Hutchings explained the bill with the assistance of Ms. Kim Cordova, Executive Director, Commission on Criminal and Juvenile Justice.

Mr. Mark Moffat, criminal defense lawyer on CCJJ, spoke in favor of the bill.

Mr. Rob Van Dyke, Kane County Attorney, Chair of the County and District Attorney's Association, spoke against the bill.

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

Steve Garside, Layton City Attorney's Office, spoke against the bill.

Mr. Sim Gill, Salt Lake County District Attorney's Office, spoke in favor of the bill.

Mr. Troy Rawlings, Davis County Attorney, spoke to the bill.

MOTION: Rep. Brammer moved to replace H.B. 440 with 1st Substitute H.B. 440. The motion passed with a vote of 10 - 0 - 2.

Yeas-10

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-2

Rep. T. Seegmiller
Rep. V. Snow

MOTION: Rep. Brammer moved to amend 1st Substitute H.B. 440 with Amendment #1. The motion passed with a vote of 10 - 0 - 2.

Amendment 1
1st Sub. H.B. 440

1. Page 3, Lines 72 through 73:

72 (2) The governor shall appoint the remaining {~~three~~} five members to four-year staggered
73 terms as follows:

Yeas-10

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-2

Rep. T. Seegmiller
Rep. V. Snow

MOTION: Rep. Hutchings moved to amend 1st Substitute H.B. 440 with Amendment #2. The motion passed with a vote of 10 - 0 - 2.

Amendment 2
1st Sub. H.B. 440

1. Page 3, Line 80:

80 (e) a representative from a local faith who has experience with the criminal justice system.

Yeas-10

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-2

Rep. T. Seegmiller
Rep. V. Snow

MOTION: Rep. Brammer moved to report a favorable recommendation on 1st Substitute H.B. 440, as amended. The motion passed with a vote of 10 - 0 - 2.

Yeas-10

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-2

Rep. T. Seegmiller
Rep. V. Snow

5 . H.B. 428 Bail Bond Amendments (*Lisonbee, K.*)

Chair Lisonbee explained the bill with the assistance of Mr. Mike Drexel, Administrative Office of the Courts.

Mr. Wayne Carlos, Utah Bail Bond Association, spoke in favor of the bill.

Mr. Robert Van Dyke, Kane County Attorney, spoke to the bill.

Ms. Dyon Flannery spoke in favor of the bill.

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

Ms. Molly Davis, Libertas Institute, spoke against the bill.

Mr. Kenny O'Rourke, bail bondsman, spoke to the bill.

MOTION: Rep. Hutchings moved to replace H.B. 428 with 1st Substitute H.B. 428. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Nays-0

Absent-1

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Rep. T. Seegmiller

MOTION: Rep. Lisonbee moved to amend 1st Substitute H.B. 428 with Amendment #1. The motion passed with a vote of 11 - 0 - 1.

Amendment 1
1st Sub. H.B. 428

1. Page 5, Lines 128 through 129:

128 Section 3. Effective date.

129 This bill takes effect on {~~September~~} October 1, 2019.

Yeas-11

Nays-0

Absent-1

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Rep. T. Seegmiller

MOTION: Rep. Hutchings moved to report a favorable recommendation on 1st Substitute H.B. 428, as amended. The motion passed with a vote of 10 - 1 - 1.

Yeas-10

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-1

Rep. B. King

Absent-1

Rep. T. Seegmiller

MOTION: Rep. Hutchings moved to approve the minutes of the March 5, 2019, meeting. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-1

Rep. T. Seegmiller

MOTION: Rep. Hawkins moved to adjourn. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. C. Acton
Rep. B. Brammer
Rep. C. Hall
Rep. J. Hawkins
Rep. E. Hutchings
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. S. Waldrip
Rep. M. Wheatley

Nays-0

Absent-1

Rep. T. Seegmiller

Chair Hall adjourned the meeting at 6:13 p.m.