



# MINUTES

## HOUSE JUDICIARY STANDING COMMITTEE

Friday, February 14, 2020 | 3:40 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:**

Joseph T. Wade, Policy Analyst  
Christopher Vizcardo, 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 Lisonbee called the meeting to order at 3:45 p.m.

**MOTION:** Rep. Hawkins moved to approve the minutes of the February 11, 2020, meeting. The motion passed with a vote of 7 - 0 - 5.

Yeas-7

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

Nays-0

Absent-5

Rep. C. Acton  
Rep. B. Brammer  
Rep. B. King  
Rep. T. Seegmiller  
Rep. S. Waldrip

**1 . H.B. 262 Juvenile Delinquency Amendments (Hall, C.)**

Rep. Hall presented the bill with support from Brett Peterson, Division of Juvenile Justice Services, Department of Human Services (DHS), and Lisa St Louis, Assistant Program Director, Salt Lake Valley Detention, DHS.

Rep. Snow assumed the chair.

Will Carlson, Salt Lake County District Attorney's Office, spoke against the bill.

Chair Lisonbee assumed the chair.

Dr. Rob Butters, Assistant Professor, University of Utah, spoke in favor of the bill.

Pamela Vickrey, Utah Juvenile Defender Attorneys, spoke in favor of the bill.

Patricia Cassell, Statewide Association of Prosecutors of Utah, spoke against the bill.

Paul Wake, Utah County Juvenile Prosecutor, spoke against the bill.

**MOTION:** Rep. Hall moved to replace H.B. 262 with 2nd Substitute H.B. 262. 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. Hall moved to favorably recommend 2nd Substitute H.B. 262.

**MOTION:** Rep. Hawkins moved to hold 2nd Substitute H.B. 262. 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

**2 . H.B. 139 DUI Liability Amendments (*Eliason, S.*)**

Rep. Eliason presented the bill with support of Will Carlson, Salt Lake County District Attorney's Office.

Major Steve Winward, Utah Highway Patrol, spoke in favor of the bill.

Steve Burton, Utah Association of Defense Lawyers, spoke to the bill.

Lt. Brian Baggs, Weber County Sheriff's Office, spoke in favor of the bill.

Mark Brown, President of Mother Against Drunk Driving of Utah, spoke in favor of the bill.

Steven Waton, owner of a DUI education facility, spoke in favor of the bill.

**MOTION:** Rep. Brammer moved to replace H.B. 139 with 1st Substitute H.B. 139. 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. 139 with Amendment #1. The motion passed with a vote of 10 - 0 - 2.

Amendment 1  
1st Sub. H.B. 139

1. Page 1, Lines 18 through 20:  
 18     ▸ clarifies provisions related to driving in the wrong direction while driving under the  
 19 influence; ~~{and}~~  
 ▸ clarifies that the determination whether an individual is in actual physical control of a vehicle includes consideration of the totality of the circumstances, and creates a safe harbor provision related to that determination; and  
 20     ▸ makes technical changes.
  
2. Page 2, Lines 44 through 52:  
 44     (1) As used in this part:  
 45     (a) "Actual physical control" is determined by a consideration of the totality of the circumstances, but does not include a circumstance in which:  
 46         (i) the person is asleep inside the vehicle;  
 47         (ii) the person is not in the driver's seat of the vehicle;  
 48         (iii) the engine of the vehicle is not running;  
 49         (iv) the vehicle is lawfully parked; and  
 50         (v) under the facts presented, it is evident that the person ~~{could not have driven}~~ did not drive the  
 51 vehicle to the location while under the influence of alcohol, a drug, or the combined influence  
 52 of alcohol and any drug.
  
3. Page 16, Lines 470 through 472:  
 470     (7) A person is guilty of refusing a chemical test if a peace officer has issued the warning required in Subsection (2)(a) and the person refuses to submit to a test  
 471 of the person's blood under Subsection (1) after a court has issued a warrant to draw and test  
 472 the blood.

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 favorably recommend 1st Substitute H.B. 139, as amended. The motion passed with a vote of 9 - 1 - 2.

Yeas-9

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

Nays-1

Rep. S. Pitcher

Absent-2

Rep. T. Seegmiller  
 Rep. V. Snow

**3 . H.B. 238 Crime Enhancement Amendments (Pitcher, S.)**

Rep. Pitcher presented the bill with support of Will Carlson, Salt Lake County District Attorney's Office.

**MOTION:** Rep. Hawkins moved to replace H.B. 238 with 1st Substitute H.B. 238. 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. Hawkins moved to favorably recommend 1st Substitute H.B. 238. 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. Hawkins moved to adjourn. 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

Chair Lisonbee adjourned the meeting at 5:11 p.m.