



MINUTES

HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Wednesday, February 19, 2020 | 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. Val K. Potter
Rep. Paul Ray
Rep. Angela Romero

Rep. Mike Schultz
Rep. Casey Snider
Rep. Andrew Stoddard
Rep. Mark A. Strong

Staff Present:

John Feinauer, Policy Analyst
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.

Chair Perry called the meeting to order at 8:00 a.m.

MOTION: Rep. Potter moved to approve the minutes of February 14, 2020. The motion passed with a vote of 5 - 0 - 6.

Yeas-5

Rep. K. Miles
Rep. L. Perry
Rep. V. Potter
Rep. P. Ray
Rep. A. Stoddard

Nays-0

Absent-6

Rep. K. Coleman
Rep. S. Hollins
Rep. A. Romero
Rep. M. Schultz
Rep. C. Snider
Rep. M. Strong

1 . H.B. 282 Voluntary Firearms Restrictions Amendments (Maloy, A.C.)

Rep. Cory Maloy presented the bill.

MOTION: Rep. Potter moved to pass H.B. 282 out favorably. The motion passed with a vote of 6 - 1 - 4.

Yeas-6

Rep. S. Hollins
Rep. K. Miles
Rep. L. Perry
Rep. V. Potter
Rep. C. Snider
Rep. A. Stoddard

Nays-1

Rep. P. Ray

Absent-4

Rep. K. Coleman
Rep. A. Romero
Rep. M. Schultz
Rep. M. Strong

2 . H.B. 267 Prohibited Persons Amendments (Stoddard, A.)

Rep. Stoddard explained 2nd Substitute H.B. 267 with the assistance of Ryan Robinson, West Valley City Prosecutor and President-elect of Statewide Association of Prosecutors.

Meg LeFevre, March for Our Lives Utah, spoke for the bill.

Jenn Oxborrow, Executive Director, Utah Domestic Violence Coalition, spoke for the bill.

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

Te Anu Tonga, resident, spoke against the bill.

Nephi Cole, Government Relations-State Affairs, National Shooting Sports Foundation, spoke for the bill.

MOTION: Rep. Snider moved to replace H.B. 267 with 2nd Substitute H.B. 267. The motion passed with a vote of 11 - 0 - 0.

Yeas-11

Nays-0

Absent-0

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

MOTION: Rep. Ray moved to pass 2nd Substitute H.B. 267 out favorably.

The motion passed with a vote of 10 - 1 - 0.

Yeas-10

Nays-1

Absent-0

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

3 . H.B. 171 School Threat Amendments (Stoddard, A.)

Rep. Stoddard requested H. B. 171 be replaced with 1st Substitute H.B. 171.

MOTION: Rep. Ray moved to replace H.B. 171 with 1st Substitute H.B. 171. The motion passed with a vote of 11 - 0 - 0.

Yeas-11

Nays-0

Absent-0

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

Rep. Stoddard presented the bill with the assistance of Wendy Dau, Principal, Jordan High School, and Robby Russo, Chief of Police, Cottonwood Heights.

MOTION: Rep. Stoddard moved to amend 1st Substitute H.B. 171 with Amendment #1. The motion passed with a vote of 9 - 1 - 1.

Amendment 1
1st Sub. H.B. 171

1. Page 2, Lines 28 through 34:
 - 28 (1) As used in this section:
 - 29 (a) "~~Evidence-based restorative~~ Restorative justice ~~{ process }~~ practice " means a process that:
 - 30 (i) incorporates values of respect, dignity, ~~{ mutual concern }~~ fairness, collaboration, and
 - 31 accountability;
 - 32 (ii) ~~{ encourages members of a school community to engage in collaborative problem~~
 - 33 ~~solving; and }~~ focuses on the impact of behavior on those harmed and affected in the school community;
 - 34 (iii) ~~{ incorporates programming as defined in Subsection 53G-8-211(1)(c) }~~ provides an opportunity for the individual responsible for the harm to accept responsibility; and
 - ~~(iv) allows all those impacted by the behavior to engage in a collaborative process to find ways to repair the harm and restore damaged relationships .~~

Yeas-9

Rep. S. Hollins
Rep. L. Perry
Rep. V. Potter
Rep. P. Ray
Rep. A. Romero
Rep. M. Schultz
Rep. C. Snider
Rep. A. Stoddard
Rep. M. Strong

Nays-1

Rep. K. Coleman

Absent-1

Rep. K. Miles

Amber Shill, President-elect, Utah School Boards Association, spoke for the bill.

Anna Thomas, Policy Analyst, Voices for Utah Children, spoke for the bill.

Spencer Jenkins, Utah System of Higher Education, spoke to the bill.

MOTION: Rep. Potter moved to amend 1st Substitute H.B. 171 with Amendment #2.

Amendment 2
1st Sub. H.B. 171

1. Page 1, Lines 13 through 14:
 - 13 ▶ defines schools as a preschool, elementary or secondary school~~{ , or institution of~~
 - 14 ~~higher education; } ;~~
2. Page 2, Lines 35 through 38:
 - 35 (b) "School" means:
 - 36 (i) a preschool; ~~or~~
 - 37 (ii) a public or private elementary or secondary school~~{ : or } .~~
 - 38 ~~{ (iii) a public or private institution of higher education . }~~

The motion passed with a vote of 9 - 0 - 2.

Yeas-9

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

Nays-0

Absent-2

Rep. K. Miles
Rep. A. Romero

MOTION: Rep. Coleman moved to amend 1st Substitute H.B. 171 with Amendment #3.
Amendment 3
1st Sub. H.B. 171

1. Page 1, Lines 11 through 16:

11 This bill:

- 12 ▶ creates the crime of threats against schools;
13 ▶ defines schools as a preschool, elementary or secondary school, or institution of
14 higher education;
15 ▶ provides that a threat against a school can be real or a hoax; and
16 ▶ provides penalties~~{and requires restitution.}~~.

2. Page 2, Lines 28 through 35:

28 (1) As used in this section:

- 29 ~~{(a) "Evidence-based restorative justice process" means a process that:~~
30 ~~—(i) incorporates values of respect, dignity, mutual concern, collaboration, and~~
31 ~~accountability;~~
32 ~~—(ii) encourages members of a school community to engage in collaborative problem~~
33 ~~solving; and~~
34 ~~—(iii) incorporates programming as defined in Subsection 53G-8-211(1)(c).}~~
35 ~~{(b)}~~ (a) "School" means:

3. Page 2, Line 55 through Page 3, Line 60:

- 55 ~~{(4) A minor charged under this section shall be included in a school or district level~~
56 ~~evidence-based restorative justice process facilitated by a trained staff member of:~~
57 ~~—(i) the school in which the minor is enrolled;~~
58 ~~—(ii) the school district in which the minor is enrolled;~~
59 ~~—(iii) the Utah State Board of Education; or~~
60 ~~—(iv) a nationally accredited or recognized restorative justice organization or association.}~~

4. Page 3, Lines 63 through 64:

- 63 ~~{(5)}~~ (4) It is not a defense to this section that the individual did not attempt to carry out or
64 was incapable of carrying out the threat.

5. Page 3, Line 65:

- 65 ~~{(6)}~~ (5) In addition to any other penalty authorized by law, a court shall order an individual

6. Page 3, Line 71:

- 71 ~~{(7)}~~ (6) A violation of this section shall be reported to the local law enforcement agency. If

MOTION: Rep. Ray moved to amend 1st Substitute H.B. 171 with Amendment #4.
Amendment 4
1st Sub. H.B. 171

1. Page 2, Lines 55 through 56:

- 55 (4) A minor charged under this section ~~{shall}~~ may be included in a school or district level
56 evidence-based restorative justice process facilitated by a trained staff member of:

The motion failed with a vote of 5 - 6 - 0.

Yeas-5

Rep. S. Hollins
Rep. K. Miles
Rep. P. Ray
Rep. A. Romero
Rep. A. Stoddard

Nays-6

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

Absent-0

Rep. Coleman's motion passed with a vote of 7 - 4 - 0.

Yeas-7

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

Nays-4

Rep. S. Hollins
Rep. K. Miles
Rep. A. Romero
Rep. A. Stoddard

Absent-0

MOTION: Rep. Romero moved to hold 1st Substitute H.B. 171. The motion passed with a vote of 6 - 5 - 0.

Yeas-6

Rep. S. Hollins
Rep. L. Perry
Rep. P. Ray
Rep. A. Romero
Rep. M. Schultz
Rep. A. Stoddard

Nays-5

Rep. K. Coleman
Rep. K. Miles
Rep. V. Potter
Rep. C. Snider
Rep. M. Strong

Absent-0

4 . H.B. 298 Victim Guidelines for Prosecutors (Stoddard, A.)

Rep. Stoddard presented the bill.

Rep. Coleman assumed the chair.

Will Carlson, Senior Policy Adviser, Salt Lake County District Attorney's Office, spoke for the bill.

Rep. Perry resumed the chair.

Leonor Perretta, American Immigration Lawyers Association, spoke for the bill.

Gary Giles, Chief of Orem Police Department, spoke to the bill.

Emma Zevallos, Rape Recovery Center, spoke for the bill.

MOTION: Rep. Romero moved to amend H.B. 298 with Amendment #2. The motion passed with a vote of 9 - 0 - 2.

Amendment 2
H.B. 298

1. Page 2, Lines 46 through 48:
46 (i) the Division of Child and Family Services; and
47 (ii) the { [Department of Workforce Services](#) } [Labor Commission](#) .
48 (2) "Certifying official" means:

2. Page 3, Lines 87 through 88:

87 (8) (a) Each certifying entity that receives a request for a Form I-918 Supplement B
88 certification shall report to the {[Office of the Attorney General](#)} [Commission on Criminal and Juvenile Justice](#)
before June 30 of each year:

3. Page 4, Lines 93 through 94:

93 (b) The {[Office of the Attorney General](#)} [Commission on Criminal and Juvenile Justice](#) shall report to the
Judiciary Interim Committee
94 of the Legislature, on or before November 30, 2020, and annually thereafter:

Yeas-9

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

Nays-0

Absent-2

Rep. K. Miles
Rep. P. Ray

MOTION: Rep. Snider moved to pass H.B. 298 out favorably as amended. The motion passed with a vote of 9
- 0 - 2.

Yeas-9

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

Nays-0

Absent-2

Rep. K. Miles
Rep. P. Ray

MOTION: Rep. Potter moved to adjourn. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

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

Nays-0

Absent-2

Rep. K. Miles
Rep. P. Ray

Chair Perry adjourned the meeting at 9:52 a.m.