



# MINUTES

## HOUSE JUDICIARY STANDING COMMITTEE

LEGISLATURE

Monday, February 24, 2020 | 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. Travis M. Seegmiller  
Rep. V. Lowry Snow  
Rep. Steve Waldrip  
Rep. Mark A. Wheatley

**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 4:11 p.m.

**1 . H.B. 311 Controlled Substance Enhancement Amendments (*Hutchings, E.*)**

Rep. Hutchings presented the bill.

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

Will Carlson, Salt Lake County District Attorney's Office, spoke in favor of the bill.

Marshall Thompson, Director of the Utah Sentencing Commission, spoke in favor of the bill.

Brian Redd, Chief of the State Bureau of Investigation, Department of Public Safety, spoke in favor of the bill.

**MOTION:** Rep. Brammer moved to amend H.B. 311 with Amendment #1. The motion passed with a vote of 11 - 0 - 1.

Amendment 1  
H.B. 311

1. Page 3, Lines 64 through 70:

64 (d) (i) A person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree  
65 felony punishable by imprisonment for an indeterminate term of not less than:

66 (A) seven years and which may be for life[-]; or

67 (B) 15 years and which may be for life if the trier of fact ~~{-determines-}~~ determined that ~~{-any of the~~  
68 person's subordinates-} the defendant knew or reasonably should have known that any subordinate under  
Subsection (1)(a)(iv)(B) was under 18 years of age.

69 (ii) Imposition or execution of the sentence may not be suspended, and the person is  
70 not eligible for probation.

(iii) Subsection (1)(d)(i)(B) does not apply to any defendant who, at the time of the offense, was under 18 years of age.

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. T. Seegmiller  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-0

Absent-1

Rep. V. Snow

**MOTION:** Rep. Brammer moved to favorably recommend H.B. 311, as amended. 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. T. Seegmiller  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-0

Absent-1

Rep. V. Snow

**2 . H.B. 115 Dangerous Weapon Custodian Liability (Stoddard, A.)**

Rep. Stoddard presented the bill.

Clark Aposhian, Utah Shooting Sports Council, spoke against the bill.

Joseph Cluff, resident, spoke against the bill.

Brian Judy, Utah State Director, National Rifle Association, spoke against the bill.

Dr. James R. Jewell, resident, spoke against the bill.

Matthew Whitaker, resident, spoke against the bill.

Brian Meisman, resident, spoke against the bill.

John Vixon, resident, spoke against the bill.

Dee Miller, resident, spoke against the bill.

Jonathan Barker, resident, spoke against the bill.

Jeff Thornley, resident, spoke against the bill.

Austin Putnam, resident, spoke against the bill.

**MOTION:** Rep. King moved to favorably recommend H.B. 115. The motion failed with a vote of 3 - 7 - 2.

Yeas-3

Rep. B. King  
Rep. S. Pitcher  
Rep. M. Wheatley

Nays-7

Rep. C. Acton  
Rep. B. Brammer  
Rep. C. Hall  
Rep. J. Hawkins  
Rep. K. Lisonbee  
Rep. T. Seegmiller  
Rep. S. Waldrip

Absent-2

Rep. E. Hutchings  
Rep. V. Snow

**3 . H.B. 136 Safe Storage of Firearms Amendments (*Weight, E.*)**

Rep. Weight presented the bill with support from Dr. Claudia Fruin, founder of Bulletproof Kids.

Brian Judy, Utah State Director, National Rifle Association, spoke against the bill.

Reese Whitlock, high school student and member of March for Our Lives Utah, spoke in favor of the bill.

Jeff Bowles, resident, spoke against the bill.

Jake Horlacher, resident, spoke against the bill.

Clark Aposhian, Utah Shooting Sports Council, spoke against the bill.

Dr. James R. Jewell, resident, spoke against the bill.

Spencer Rands, Armed Self Defense Institute, spoke against the bill.

Randall Bateman, resident, spoke against the bill.

Steve Durant, resident, spoke against the bill.

Joseph Rust, resident, spoke against the bill.

Joseph Cluff, resident, spoke against the bill.

Greg Wright, resident, spoke against the bill.

Dee Miller, resident, spoke against the bill.

Matthew Whitaker, resident, spoke against the bill.

Hayden Jackson, resident, spoke against the bill.

Jonathan Barker, resident, spoke against the bill.

Ainsley Moench, resident, spoke in favor of the bill.

Brian Meisman, resident, spoke against the bill.

Kara Sherman, Utah PTA, spoke in favor of the bill.

Jonathan Meisman, resident, spoke against the bill.

Stephen Clarke, resident, spoke against the bill.

**MOTION:** Rep. Wheatley moved to move to the next agenda item.

**SUBSTITUTE MOTION:** Rep. Seegmiller moved to table H.B. 136. The substitute motion failed with a vote of 3 - 7 - 2.

<u>Yeas-3</u> Rep. C. Acton Rep. T. Seegmiller Rep. V. Snow	<u>Nays-7</u> Rep. B. Brammer Rep. C. Hall Rep. J. Hawkins Rep. K. Lisonbee Rep. S. Pitcher Rep. S. Waldrip Rep. M. Wheatley	<u>Absent-2</u> Rep. E. Hutchings Rep. B. King
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Rep. Wheatley's motion to move to the next agenda item passed with a vote of 10 - 0 - 2.

<u>Yeas-10</u> Rep. C. Acton Rep. B. Brammer Rep. C. Hall Rep. J. Hawkins Rep. K. Lisonbee Rep. S. Pitcher Rep. T. Seegmiller Rep. V. Snow Rep. S. Waldrip Rep. M. Wheatley	<u>Nays-0</u>	<u>Absent-2</u> Rep. E. Hutchings Rep. B. King
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**MOTION:** Rep. Hawkins moved to approve the minutes of the February 19, 2020, and the February 21, 2020, meetings. The motion passed with a vote of 10 - 0 - 2.

<u>Yeas-10</u> Rep. C. Acton Rep. B. Brammer Rep. C. Hall Rep. J. Hawkins Rep. K. Lisonbee Rep. S. Pitcher Rep. T. Seegmiller Rep. V. Snow Rep. S. Waldrip Rep. M. Wheatley	<u>Nays-0</u>	<u>Absent-2</u> Rep. E. Hutchings Rep. B. King
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**4 . 1st Sub. S.B. 45 Uniform Fiduciary Income and Principal Act Amendments (Hillyard, L.)**

Sen. Hillyard presented the bill.

**MOTION:** Rep. Waldrip moved to favorably recommend 1st Substitute S.B. 45. 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. K. Lisonbee  
Rep. S. Pitcher  
Rep. T. Seegmiller  
Rep. V. Snow  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-0

Absent-2

Rep. E. Hutchings  
Rep. B. King

**5 . H.B. 346 Recreational Activity Risks Amendments (Brammer, B.)**

Rep. Brammer presented the bill.

**MOTION:** Rep. Hawkins moved to amend H.B. 346 with Amendment #1. The motion passed with a vote of 10 - 0 - 2.

Amendment 1  
H.B. 346

- 1. Page 2, Lines 40 through 46:
- 40 (d) "Recreational activity" ~~{+}~~includes~~{+}~~~~{-means}~~ a rodeo, an equestrian activity,
- 41 skateboarding, skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking,
- 42 walking, running, jogging, bike riding, scooter riding, or in-line skating on property:
- 43 (i) owned, leased, or rented by, or otherwise made available to:
- 44 (A) with respect to a claim against a county, the county; and
- 45 (B) with respect to a claim against a municipality, the municipality; and
- 46 (ii) intended for the specific use in question.

Yeas-10

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

Nays-0

Absent-2

Rep. E. Hutchings  
Rep. B. King

**MOTION:** Rep. Hawkins moved to favorably recommend H.B. 346, 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. K. Lisonbee  
Rep. S. Pitcher  
Rep. T. Seegmiller  
Rep. V. Snow  
Rep. S. Waldrip  
Rep. M. Wheatley

Nays-0

Absent-2

Rep. E. Hutchings  
Rep. B. King

**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. K. Lisonbee
- Rep. S. Pitcher
- Rep. T. Seegmiller
- Rep. V. Snow
- Rep. S. Waldrip
- Rep. M. Wheatley

Nays-0

Absent-2

- Rep. E. Hutchings
- Rep. B. King

Chair Lisonbee adjourned the meeting at 6:12 p.m.