



MINUTES

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Thursday, February 27, 2020 | 8:00 a.m. | 250 State Capitol

Members Present:

Sen. Todd Weiler, Chair
Sen. Kirk A. Cullimore
Sen. Daniel Hemmert
Sen. Lyle W. Hillyard
Sen. Derek L. Kitchen
Sen. Ann Millner

Sen. Daniel W. Thatcher

Members Absent:

Sen. Luz Escamilla

Staff Present:

John Feinauer, Policy Analyst
Annette Sion, Committee Secretary

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

Acting Chair Thatcher called the meeting to order at 8:07 A.M.

1 . S.B. 173 Disrupting Legislative or Official Meetings (Ipson, D.)

Sen. Ipson presented the bill with the assistance of Thomas Vaughn, Attorney, Office of Legislative Research and General Counsel.

MOTION: Sen. Hillyard moved to replace S.B. 173 with 1st Substitute S.B. 173. The motion passed with a vote of 3 - 0 - 5.

Yeas-3

Sen. K. Cullimore
Sen. L. Hillyard
Sen. D. Thatcher

Nays-0

Absent-5

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Kitchen
Sen. A. Millner
Sen. T. Weiler

Marina Lowe, Legislative and Policy Counsel, American Civil Liberties Union (ACLU) of Utah, spoke to the bill.

Sen. Weiler assumed the chair.

MOTION: Sen. Thatcher moved to pass 1st Substitute S.B. 173 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore
Sen. L. Hillyard
Sen. A. Millner
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-3

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Kitchen

2 . S.J.R. 5 Joint Resolution to Amend the Rules of Civil Procedure on Disqualification of a Judge (Cullimore, K. A.)

Sen. Cullimore presented the bill with the assistance of Michael Drechsel, Assistant State Court Administrator, Utah Courts.

MOTION: Sen. Cullimore moved to replace S.J.R. 5 with 2nd Substitute S.J.R. 5. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore
Sen. L. Hillyard
Sen. A. Millner
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-3

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Kitchen

Michael Drechsel, spoke to the bill.

Bill Tibbitts, Associate Director, Crossroads Urban Center, spoke to the bill.

Robert Van Dyke, Kane County Attorney, spoke against the bill.

MOTION: Sen. Hillyard moved to pass 2nd Substitute S.J.R. 5 out favorably. The motion passed with a vote of 4 - 1 - 3.

Yeas-4

Sen. K. Cullimore
Sen. D. Hemmert
Sen. L. Hillyard
Sen. T. Weiler

Nays-1

Sen. D. Thatcher

Absent-3

Sen. L. Escamilla
Sen. D. Kitchen
Sen. A. Millner

MOTION: Sen. Hillyard moved to approve the minutes from February 25, 2020. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. K. Cullimore
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-4

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Kitchen
Sen. A. Millner

3 . S.B. 172 Court Nominating Commission Amendments (Cullimore, K. A.)

Sen. Cullimore presented the bill.

Kim Cordova, Executive Director, Commission on Criminal and Juvenile Justice, spoke against the bill.

Michael Drechsel, spoke to the bill.

Richard Mauro, Executive Director, Salt Lake Legal Defender Association, spoke against the bill.

Ron Gordon, General Counsel to Governor Herbert, spoke to the bill.

MOTION: Sen. Thatcher moved to hold S.B. 172. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. K. Cullimore
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-4

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Kitchen
Sen. A. Millner

4 . S.B. 177 Small Claims Amendments (Cullimore, K. A.)

Sen. Cullimore presented the bill with the assistance of Michael Drechsel.

Mark Moffat, Criminal Defense Lawyer, Utah State Bar Governmental Relations Committee, spoke against the bill.

Bill Tibbitts, spoke against the bill.

Michael Drechsel, spoke against the bill.

MOTION: Sen. Hillyard moved to hold S.B. 177. The motion passed with a vote of 3 - 1 - 4.

Yeas-3

Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays-1

Sen. K. Cullimore

Absent-4

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Kitchen
Sen. A. Millner

Sen. Thatcher assumed the chair.

5 . S.B. 170 Indigent Defense Amendments (Weiler, T.)

[Common Provisions of SB139 SB170 SB175](#)

Sen. Weiler presented the bill with the assistance of Joanna Landau, Director, Utah Indigent Defense Commission.

MOTION: Sen. Weiler moved to replace S.B. 170 with 1st Substitute S.B. 170. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. K. Cullimore
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-4

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Kitchen
Sen. A. Millner

Mark Moffat, spoke for the bill.

MOTION: Sen. Weiler moved to pass 1st Substitute S.B. 170 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. K. Cullimore
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-4

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Kitchen
Sen. A. Millner

6 . S.B. 175 Defense Contracts Amendments (Harper, W.)

Sen. Harper presented the bill with the assistance of Joanna Landau, and Dave Walsh, Deputy Director, Commission on Criminal and Juvenile Justice (CCJJ).

MOTION: Sen. Hillyard moved to replace S.B. 175 with 1st Substitute S.B. 175. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. K. Cullimore
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-4

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Kitchen
Sen. A. Millner

MOTION: Sen. Weiler moved to amend 1st Substitute S.B. 175 with Amendment #1. The motion passed with a vote of 4 - 0 - 4.

Amendment 1
1st Sub. S.B. 175

1. Page 30, Lines 920 through 921:

920 [(2)] (1) There is created within the {~~commission~~} office the Child Welfare Parental Defense
921 Program.

Yeas-4

Sen. K. Cullimore
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-4

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Kitchen
Sen. A. Millner

MOTION: Sen. Weiler moved to pass 1st Substitute S.B. 175 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. K. Cullimore
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-4

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Kitchen
Sen. A. Millner

MOTION: Sen. Weiler moved to adjourn. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. K. Cullimore
Sen. L. Hillyard
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-4

Sen. L. Escamilla
Sen. D. Hemmert
Sen. D. Kitchen
Sen. A. Millner

Acting Chair Thatcher adjourned the meeting at 9:51 A.M.