



# MINUTES

## SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Monday, March 2, 2020 | 4:00 p.m. | 250 State Capitol

**Members Present:**

Sen. Todd Weiler, Chair  
Sen. Kirk A. Cullimore  
Sen. Luz Escamilla  
Sen. Lyle W. Hillyard  
Sen. Derek L. Kitchen  
Sen. Daniel W. Thatcher

**Members Absent:**

Sen. Daniel Hemmert  
Sen. Ann Millner

**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](http://www.le.utah.gov).

Chair Weiler called the meeting to order at 4:02 P.M.

**MOTION:** Sen. Thatcher moved to approve the minutes. The motion passed with a vote of 3 - 0 - 5.

Yeas-3

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

Nays-0

Absent-5

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

**1 . S.B. 206 Judicial Election Amendments (McCay, D.)**

Sen. McCay presented the bill.

**MOTION:** Sen. Thatcher moved to replace S.B. 206 with 1st Substitute S.B. 206. The motion passed with a vote of 3 - 0 - 5.

Yeas-3

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

Nays-0

Absent-5

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

James Jenkins, Attorney, Judicial Performance Evaluation Commission (JPEC), spoke against the bill.

Jennifer Yim, Executive Director, JPEC, spoke against the bill.

Michael Drechsel, Assistant State Court Administrator, Utah Courts, spoke against the bill.

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

**MOTION:** Sen. Hillyard moved to pass 1st Substitute S.B. 206 out favorably. The motion passed with a vote of 3 - 2 - 3.

Yeas-3

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

Nays-2

Sen. L. Escamilla  
Sen. D. Thatcher

Absent-3

Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner

**2 . H.B. 247 Unlawful Sexual Activity Statute of Limitations Amendments (*Handy, S.*)**

Rep. Handy presented the bill with the assistance of Craig Barlow, Deputy Attorney General, Utah Attorney General's Office.

[HB 247 National Children's Alliance](#)

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

Jenna Nelson, Resident, spoke for the bill.

**MOTION:** Sen. Escamilla moved to pass H.B. 247 out favorably. The motion passed with a vote of 3 - 1 - 4.

Yeas-3

Sen. L. Escamilla  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-1

Sen. L. Hillyard

Absent-4

Sen. K. Cullimore  
Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner

**3 . S.B. 189 Guardianship, Conservatorship, and Other Protective Order Amendments (*Hillyard, L.*)**

**MOTION:** Sen. Hillyard moved to replace S.B. 189 with 1st Substitute S.B. 189. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

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

Nays-0

Absent-4

Sen. K. Cullimore  
Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner

Sen. Hillyard presented the bill with the assistance of Michael Drechsel, David Connors, Judge, 2nd District Davis County, and Nancy Sylvester, Associate General Counsel, Administrative Office of the Courts.

Michael Jensen, Attorney, spoke against the bill.

Ken Alderman, Attorney, Utah State Bar Elder Law Section, spoke for the bill.

**MOTION:** Sen. Hillyard moved to pass 1st Substitute S.B. 189 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

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

Nays-0

Absent-4

Sen. K. Cullimore  
Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner

**4 . S.B. 188 Plea in Abeyance Amendments (*Thatcher, D.*)**

Sen. Thatcher presented the bill.

**MOTION:** Sen. Thatcher moved to pass S.B. 188 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

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

Nays-0

Absent-4

Sen. K. Cullimore  
Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner

**5 . S.B. 193 Statewide Jail Data Amendments (Thatcher, D.)**

Sen. Thatcher presented the bill.

Sara Walovik, Attorney, American Civil Liberties Union (ACLU) spoke to the bill.

**MOTION:** Sen. Thatcher moved to pass S.B. 193 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

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

Nays-0

Absent-4

Sen. K. Cullimore  
Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner

**6 . S.B. 185 Correctional Facility Transparency Requirements (Anderegg, J.)**

Sen. Anderegg presented with Marina Lowe, Legislative Counsel & Policy, ACLU, and David Reymann, Legal Panel Chair, ACLU.

**MOTION:** Sen. Thatcher moved to amend S.B. 185 with Amendment #1. The motion passed with a vote of 4 - 0 - 4.

Amendment 1  
S.B. 185

1. Page 5, Lines 141 through 146:

141 (u) (i) records that disclose a standard, regulation, policy, guideline, or rule regarding  
142 the operation of a correctional facility or the care and control of inmates committed to the  
143 custody of a correctional facility; and  
144 (ii) records that disclose the results of an audit or other inspection assessing a  
145 correctional facility's compliance with a standard, regulation, policy, guideline, or rule  
146 described in Subsection (3)(u)(i) if:

(A) before the records are disclosed, the correctional facility that is the subject of the audit or other inspection is given the opportunity to respond to the audit or other inspection in writing; and

(B) any response to the audit or other inspection provided by the correctional facility is attached to a response to a request for records that disclose the results of an audit or other inspection under Subsection (3)(u)(ii) .

Yeas-4

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

Nays-0

Absent-4

Sen. K. Cullimore  
Sen. D. Hemmert  
Sen. D. Kitchen  
Sen. A. Millner

Jeff Hunt, Attorney, Utah Media Coalition, spoke for the bill.

David Reymann, spoke for the bill.

**MOTION:** Sen. Thatcher moved to pass S.B. 185 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. L. Hillyard  
Sen. A. Millner

**7 . S.B. 197 Consanguinity Amendments (Mayne, K.)**

Sen. Mayne presented the bill with the assistance of Will Carlson.

**MOTION:** Sen. Thatcher moved to replace S.B. 197 with 1st Substitute S.B. 197. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. L. Hillyard  
Sen. A. Millner

**MOTION:** Sen. Escamilla moved to pass 1st Substitute S.B. 197 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. L. Hillyard  
Sen. A. Millner

**8 . 2nd Sub. H.B. 262 Juvenile Delinquency Amendments (Hall, C.)**

Rep. Hall presented the bill with the assistance of Brett Peterson, Director, Juvenile Justice Services.

Will Carlson spoke for the bill.

**MOTION:** Sen. Escamilla moved to pass 2nd Substitute H.B. 262 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. L. Hillyard  
Sen. A. Millner

**9 . H.B. 276 Administrative Garnishment Order Amendments (Miles, K.)**

Rep. Miles presented the bill with the assistance of Cory Weeks, Acting Operations Manager, Utah Division of Finance.

**MOTION:** Sen. Cullimore moved to pass H.B. 276 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. L. Hillyard  
Sen. A. Millner

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

**MOTION:** Sen. Thatcher moved to replace H.B. 298 with 2nd Substitute H.B. 298. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. L. Hillyard  
Sen. A. Millner

Rep. Stoddard presented the bill.

Jeff Buhman, Executive Director, Statewide Association of Attorneys, spoke for the bill.

Shawn Guzman, City Attorney, St. George City spoke for the bill.

**MOTION:** Sen. Thatcher moved to pass 2nd Substitute H.B. 298 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

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

Nays-0

Absent-2

Sen. D. Hemmert  
Sen. A. Millner

**11 . H.B. 330 Peace Officer Pay Plan Amendments (Perry, L.)**

Rep. Perry presented the bill with the assistance of Todd Losser, Executive Director, Utah Public Employee's Association(UPEA)

**MOTION:** Sen. Thatcher moved to pass H.B. 330 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas-6

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

Nays-0

Absent-2

Sen. D. Hemmert  
Sen. A. Millner

**MOTION:** Sen. Thatcher moved to adjourn. The motion passed with a vote of 6 - 0 - 2.



Yeas-6

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

Nays-0

Absent-2

Sen. D. Hemmert  
Sen. A. Millner

Chair Weiler adjourned the meeting at 6:08 P.M.