



# MINUTES

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

LEGISLATURE

Thursday, March 5, 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 Hillyard called the meeting to order.

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

Yeas-3

Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Thatcher

Nays-0

Absent-5

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

**1 . H.B. 314 Controlled Substance Database Access Amendments (Hall, C.)**

Rep. Hall presented the bill.

Eliana White, Director Government Relations, Select Health, spoke for the bill.

**MOTION:** Sen. Thatcher moved to pass H.B. 314 out favorably. The motion passed with a vote of 3 - 0 - 5.

Yeas-3

Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Thatcher

Nays-0

Absent-5

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

**2 . 1st Sub. H.B. 344 Sex Offender Restrictions Amendments (Potter, V.)**

Rep. Potter presented the bill.

Sheri Mattle, Safety Commissioner, Utah PTA, spoke for the bill.

Faye Jenkins, Utah Prisoners Advocates Network, spoke to the bill.

Marshall Thomas, Director, Utah Sentencing Commission, spoke for the bill.

**MOTION:** Sen. Escamilla moved to pass 1st Substitute H.B. 344 out favorably. The motion passed with a vote of 3 - 0 - 5.

Yeas-3

Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Thatcher

Nays-0

Absent-5

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

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

Yeas-3

Sen. L. Escamilla  
Sen. L. Hillyard  
Sen. D. Thatcher

Nays-0

Absent-5

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

Chair Hillyard called the meeting to order.

**3 . H.B. 366 Utah Alternative Dispute Process for ADA Complaints Act (*Thurston, N.*)**

Rep. Thurston presented the bill with the assistance of James Ord, Litigator.

Nate Crippes, Legislative and Policy Council, Disability Law Center, spoke against the bill.

Jennifer Miller Smith, Advocate, Legislative Coalition for People with Disabilities, spoke against the bill.

Andy Curry, Executive Director, Roads to Independence, spoke for the bill.

Sen. Weiler assumed the chair.

Sarah Benj, Americans With Disabilities Coordinator, Salt Lake City Mayor's Office, spoke against the bill.

**MOTION:** Sen. Hillyard moved to pass H.B. 366 out favorably. The motion passed with a vote of 4 - 1 - 3.

Yeas-4

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

Nays-1

Sen. L. Escamilla

Absent-3

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

Sen. Hillyard resumed the chair.

**4 . S.B. 232 Exploitation of a Minor Amendments (*Weiler, T.*)**

Sen. Weiler presented the bill.

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

Steve Burton, Director, Defense Attorney's Association, spoke for the bill.

**MOTION:** Sen. Weiler moved to pass S.B. 232 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

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

**5 . 2nd Sub. H.B. 211 Renter Expenses Disclosure Requirements (*Judkins, M.*)**

Rep. Judkins presented the bill with the assistance of Angela McGuire, Utah Renters.

[Vesta](#)

Sen. Weiler resumed the chair.

Paul Smith, Executive Director, Utah Apartment Association, spoke for the bill.

Lynn Pace, League of Cities and Towns, spoke for the bill.

**MOTION:** Sen. Escamilla moved to pass 2nd Substitute H.B. 211 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 . H.B. 311 Controlled Substance Enhancement Amendments (*Hutchings, E.*)**

Rep. Hutchings presented the bill.

Art Brown, President, Mothers Against Drunk Driving, spoke for the bill.

Sheri Mattle, spoke for the bill.

**MOTION:** Sen. Hillyard moved to pass H.B. 311 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

**7 . 3rd Sub. H.B. 146 Driver License Suspension Amendments (*Maloy, A.C.*)**

Rep. Maloy presented the bill with the assistance of Molly Davis, Policy Analyst, Libertas Institute.

**MOTION:** Sen. Thatcher moved to amend 3rd Substitute H.B. 146 with Amendment #1. The motion passed with a vote of 4 - 0 - 4.

Amendment 1  
3rd Sub. H.B. 146

1. Page 18, Line 542 through Page 19, Line 555:  
542 (3) (a) A court may not order the division to suspend a person's driver's license based  
543 solely on the person's failure to pay a penalty accounts receivable.

544 (b) ~~{(i)}~~ The court may notify the division, and the division may, prior to sentencing,  
545 suspend the driver license of a person who fails to appear if the person is charged with:  
546 ~~{(A) a class C misdemeanor or higher related to the operation of a motor vehicle;}~~  
(i) an offense of any level that is a moving traffic violation;  
547 ~~{(B)}~~ (ii) an offense described in Title 41, Chapter 12a, Part 3, Owner's or Operator's  
548 Security Requirement; or  
549 ~~{(C)}~~ (iii) an offense described in Subsection 53-3-220(1)(a) or (b).  
550 ~~{(ii) For a person charged with an offense related to the operation of a motor vehicle~~  
551 ~~that is an infraction or a class C misdemeanor not related to the operation of a motor vehicle;~~  
552 ~~and the person fails to appear, the division may not suspend the person's driver license prior to~~  
553 ~~sentencing.}~~  
554 ~~{(3)}~~ (4) The abstract shall be made in the form prescribed by the division and shall  
555 include:

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 assumed the chair.

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

Sen. Weiler resumed the chair.

Mark Moffat, Defense Lawyer, spoke for the bill.

**MOTION:** Sen. Thatcher moved to pass 3rd Substitute H.B. 146 out favorably. The motion passed with a vote of 5 - 1 - 2.

Yeas-5

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

Nays-1

Sen. L. Hillyard

Absent-2

Sen. D. Hemmert  
Sen. A. Millner

**MOTION:** Sen. Hillyard 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 5:51 P.M.