



# MINUTES

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

LEGISLATURE

Monday, March 9, 2020 | 7:00 a.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.

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

Yeas-5

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

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. A. Millner  
Sen. D. Thatcher

**1 . H.B. 438 Background Check Information Retention Amendments (Albrecht, C.)**

Rep. Albrecht presented the bill with the assistance of Curtis Burt, Utah Department of Health.

**MOTION:** Sen. Hillyard moved to pass H.B. 438 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. Kitchen  
Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. A. Millner  
Sen. D. Thatcher

**MOTION:** Sen. Hillyard moved to place H.B. 438 on the Consent Calendar. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. A. Millner  
Sen. D. Thatcher

**2 . 2nd Sub. H.B. 158 Data Privacy Amendments (Roberts, M.)**

Rep. Roberts presented the bill.

**MOTION:** Sen. Hillyard moved to pass 2nd Substitute H.B. 158 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. Kitchen  
Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. A. Millner  
Sen. D. Thatcher

**3 . 1st Sub. H.B. 288 Prosecutor Data Collection Amendments (*Judkins, M.*)**

Rep. Judkins presented the bill with the assistance of Rep. Hutchings.

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

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

Sen. Anderegg spoke for the bill.

Jason Groth, Attorney, spoke for the bill.

**MOTION:** Sen. Hillyard moved to pass 1st Substitute H.B. 288 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

**4 . 2nd Sub. H.B. 403 Protective Order and Stalking Injunction Amendments (*Snow, V. L.*)**

**MOTION:** Sen. Hillyard moved to amend 2nd Substitute H.B. 403 with Amendment #2. The motion passed with a vote of 6 - 0 - 2.

Amendment 2  
2nd Sub. H.B. 403

1. Page 35, Lines 1062 through 1063:

1062 (b) pretrial protective orders issued under Section 78B-7-803 and sentencing protective  
1063 orders and continuous protective orders issued under Section 78B-7-804; and

2. Page 49, Lines 1489 through 1491:

1489 [(5)] (6) (a) [An order for protection] [An ex parte civil protective order and a civil  
1490 protective order.] The protective orders and stalking injunctions described in Subsection (1)(a) shall be  
issued in the form adopted by the Administrative Office of the Courts  
1491 [pursuant to] under Subsection (1)(b).

3. Page 61, Line 1880a through Page 61a, Line 1884:

1880a (d) Notwithstanding Subsections (5)(a) through (c), a child protective order is not  
1880b effective after the day on which the child who is the subject of the order turns 18 years old and  
1880c the court may not extend the expiration date of a child protective order { under Subsection  
1880d (5)(b) or (c) } to a date after the day on which the child who is the subject of the order turns 18  
1880e years old. ←H

1881 (6) A child protective order issued against a respondent who is not a parent, stepparent,  
1882 guardian, or custodian of the child who is the subject of the order expires { when the child is } on the day on  
which the child turns 18  
1883 years old. ⚠  
1884 ⚠Section 39. Section 78B-7-402 is amended to read:

4. Page 85, Line 2624:  
2624 (1) A violation of a [criminal provision of a](#) protective order issued under this part is a class A misdemeanor.

(2) A violation of a civil provision of a protective order issued under this part is contempt of court.

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

Rep. Snow presented the bill with the assistance of Will Carlson.

[HB403S2](#)

Will Carlson spoke for the bill.

**MOTION:** Sen. Hillyard moved to pass 2nd Substitute H.B. 403 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

**5 . S.B. 236 Jail Contracting and Reimbursement Amendments (*Anderegg, J.*)**

**MOTION:** Sen. Thatcher moved to replace S.B. 236 with 1st Substitute S.B. 236. 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

Sen. Anderegg presented the bill with the assistance of Rep. Hutchings.

Nathan Curtis, President, Utah Sheriff's Association, spoke for the bill.

**MOTION:** Sen. Hillyard moved to pass 1st Substitute S.B. 236 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

**6 . S.B. 248 Probation Amendments (*Thatcher, D.*)**

Sen. Thatcher presented the bill.

**MOTION:** Sen. Thatcher moved to pass S.B. 248 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

**7 . H.B. 343 Probate Notice Amendments (*Miles, K.*)**

Rep. Miles presented the bill.

**MOTION:** Sen. Hillyard moved to pass H.B. 343 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

**8 . H.B. 361 Personal Injury Amendments (*Handy, S.*)**

**MOTION:** Sen. Thatcher moved to replace H.B. 361 with 1st Substitute H.B. 361. 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

Rep. Handy presented the bill with the assistance of David Head, Board of Governors, Utah Association for Justice.

**MOTION:** Sen. Hillyard moved to pass 1st Substitute H.B. 361 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. Kitchen  
Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. A. Millner  
Sen. D. Thatcher

**MOTION:** Sen. Hillyard moved to place 1st Substitute H.B. 361 on the Consent Calendar. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

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

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. A. Millner  
Sen. D. Thatcher

Sen. Hillyard assumed the chair.

**9 . S.B. 237 Aggravated Kidnapping Amendments (Weiler, T.)**

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

**MOTION:** Sen. Weiler moved to pass S.B. 237 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. Kitchen  
Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert  
Sen. A. Millner  
Sen. D. Thatcher

Rep. Brammer presented the bill.

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

**MOTION:** Sen. Escamilla moved to pass H.B. 346 out favorably. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

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

Nays-0

Absent-4

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

**11 . S.B. 240 Reporting Requirements for County Jails (Weiler, T.)**

Sen Weiler presented the bill with the assistance of Andrew Riggle, Public Policy Advocate, Disability Law Center.

Darcy Goddard, Chief Policy Adviser, Salt Lake County Attorney's Office, spoke for the bill.

**MOTION:** Sen. Weiler moved to pass H.B. 240 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

**12 . S.B. 252 Plea Withdrawal Amendments (Weiler, T.)**

Sen. Weiler presented the bill.

Mark Moffat, Criminal Defense Lawyer, spoke for the bill.

Deondra Brown, Pianist, spoke against the bill.

Marshall Thompson, Director, Sentencing Commission spoke to the bill.

Christopher Ballard, Assistant Solicitor General, Utah Attorney General's Office, spoke against the bill.

Joanna Landau, Director, Utah Indigent Defense Counsel, spoke for the bill.

Jeff Buhman, Executive Director, Statewide Association of Prosecutors, spoke against the bill.

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

Thomas Bruner, Deputy Solicitor General for Criminal Appeals, Utah Attorney General's Office, spoke to the bill.

Kim Cordova, spoke to the bill

Will Carlson, spoke to the bill.

Craig Barlow, Director Justice Division, Attorney General's Office spoke against the bill.

**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 Hillyard adjourned the meeting at 9:43 A.M.