MINUTES

JUDICIARY INTERIM COMMITTEE

UTAH STATE LEGISLATURE

Wednesday, September 16, 2020 | 9:00 a.m. | 30 House Building

Members Present:
Sen. Todd Weiler, Chair
Rep. Karianne Lisonbee, Chair
Sen. Kirk A. Cullimore
Sen. Luz Escamilla
Sen. Lyle W. Hillyard
Rep. Cheryl K. Acton
Rep. Brady Brammer
Rep. Craig Hall
Rep. Jon Hawkins
Rep. Eric K. Hutchings
Rep. Brian S. King
Rep. Stephanie Pitcher
Rep. Travis M. Seegmiller
Rep. Steve Waldrip
Rep. Mark A. Wheatley

Members Absent:
Rep. V. Lowry Snow

Staff Present:
Adam J. Sweet, Policy Analyst
Kristina King, Policy Analyst
Jacqueline Carlton, Associate General Counsel
Christopher Williams, Associate General Counsel
Amy Hawkes, Administrative Assistant

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

Chair Weiler called the meeting to order at 9:04 a.m.

1 . Committee Business

MOTION: Rep. Hawkins moved to approve the minutes of the August 19, 2020, meeting. The motion passed with a vote of 11 - 0 - 5.

Yeas-11	Nays-0	Absent-5
Rep. C. Acton		Sen. L. Hillyard
Rep. B. Brammer		Rep. B. King
Sen. K. Cullimore		Rep. S. Pitcher
Sen. L. Escamilla		Rep. T. Seegmiller
Rep. C. Hall		Rep. V. Snow
Rep. J. Hawkins		
Rep. E. Hutchings		
Rep. K. Lisonbee		
Rep. S. Waldrip		
Sen. T. Weiler		
Rep. M. Wheatley		

2 . Withdrawing Guilty Pleas

3a Withdrawal of Plea Handout

Senator Weiler gave history and background information on withdrawing guilty pleas and what the current statute says in Utah.

Joanna Landau, Director, Utah Indigent Defense Commission, talked about what work is being done in Utah's Commission on Criminal and Juvenile Justice's (CCJJ) work group concerning withdrawing guilty pleas.

Thomas Brunker, Deputy Solicitor General, Criminal Appeals Division, Utah Attorney General's Office, gave further information about CCJJ's work group and answered committee questions.

Deondra Brown, Musician with The 5 Browns, Victim of Childhood Abuse, shared her experience with abuse and how her father's case relates to withdrawing guilty pleas.

3 . Review of Anti-SLAPP Law

Rep. Lisonbee introduced Heather Andrews, Americans for Prosperity.

Heather Andrews introduced Eric Goldman, Professor of Law, Santa Clara University School of Law.

2a Proposed Amendments to Utah Citizen Participation in Government Act (78B-6-1401-1405)

2b Uniform Public Expression Protection Act (Source: National Conference of Commissioners on Uniform State Laws)

Eric Goldman presented information on Anti-SLAPP laws throughout the United States and in Utah, gave examples where an Anti-SLAPP law could be beneficial, and answered committee questions.

MOTION: Rep. Acton moved to open a committee bill file studying Anti-SLAPP Law. The motion failed with a vote of 7 - 8 - 1.

Yeas-7	Nays-8	Absent-1
Rep. C. Acton	Rep. B. Brammer	Rep. V. Snow
Rep. C. Hall	Sen. K. Cullimore	
Sen. L. Hillyard	Sen. L. Escamilla	
Rep. B. King	Rep. J. Hawkins	
Rep. K. Lisonbee	Rep. E. Hutchings	
Rep. S. Waldrip	Rep. S. Pitcher	
Sen. T. Weiler	Rep. T. Seegmiller	
	Rep. M. Wheatley	

4 . School Children Access to Pornography

Rep. Seegmiller gave background information on, and shared his personal experience with, school children's access to pornography in schools.

Michelle Boulter, parent of a son who had access to pornography through his school computer, and Member of the Utah State School Board, shared her story and answered committee questions.

4a Presentation: Protect Utah Children From Exploitation at School

Nicholeen Peck, President, The Worldwide Organization for Women; and President, Utah Empowered Families Coalition, discussed problems with databases used in Utah schools.

Robert Gowans, Educator and CTE Specialist for Tooele County School District; and Past President of Tooele Education Association, shared his experience as a teacher and the impact he has seen access to pornography in schools have on teachers and students.

Debi Dixon, resident, shared Karen Broadhead, Director and Parent Support Specialist, Life Changing Services, and concerned parent's, statement to the committee.

Stephanie Lauritzen, teacher, Canyon School District, spoke to pornography access in schools.

Natalie Cline, candidate being considered for the Utah State School Board, spoke to pornography access in schools.

Karen Hall, resident, asked other members of the public who supported the presentation and suggestions made by Nicholeen Peck to raise their hand electronically, and spoke to pornography access in schools.

Committee discussed the issues related to access to pornography in schools, asked presenters questions, and presented further information about the item.

MOTION: Rep. Lisonbee moved to open a committee bill file to study access to pornography in schools. The motion passed with a vote of 15 - 0 - 1.

Yeas-15	Nays-0	Absent-1
Rep. C. Acton		Rep. V. Snow
Rep. B. Brammer		
Sen. K. Cullimore		
Sen. L. Escamilla		
Rep. C. Hall		
Rep. J. Hawkins		
Sen. L. Hillyard		
Rep. E. Hutchings		
Rep. B. King		
Rep. K. Lisonbee		
Rep. S. Pitcher		
Rep. T. Seegmiller		
Rep. S. Waldrip		
Sen. T. Weiler		
Rep. M. Wheatley		

5 . Paycheck Garnishments

Rep. Hutchings shared his experience, and his concerns, with paycheck garnishments.

Senator Cullimore gave further information on the issues with paycheck garnishments.

Chair Weiler gave an example of how paycheck garnishments work and gave some recommendations for helping solve issues with them.

Sen. Hillyard addressed his concerns with paycheck garnishments.

Rep. King presented information on state debt collection processes.

Jacob Franklin, Assistant Attorney General, State Office of Debt Collection, answered committee questions.

Faye Jenkins, resident whose husband was incarcerated, spoke to her experience with paycheck garnishments.

MOTION: Rep. Hutchings moved to open a committee bill file to address paycheck garnishment issues. The motion passed with a vote of 13 - 0 - 3.

Yeas-13	Nays-0	Absent-3
Rep. C. Acton		Sen. L. Escamilla
Rep. B. Brammer		Sen. L. Hillyard
Sen. K. Cullimore		Rep. V. Snow
Rep. C. Hall		
Rep. J. Hawkins		
Rep. E. Hutchings		
Rep. B. King		
Rep. K. Lisonbee		
Rep. S. Pitcher		
Rep. T. Seegmiller		
Rep. S. Waldrip		
Sen. T. Weiler		
Rep. M. Wheatley		

Amanda Montague, Deputy Division Director, Utah Attorney General's Office, reminded the committee of the open bile file "Criminal Restitution Amendments" (2021FL-0508), and the overlap with the paycheck garnishments issue.

MOTION: Rep. Hawkins moved to add "Social Media Censorship" to the committee's study item list. The motion passed with a vote of 12 - 0 - 4.

Yeas-12	Nays-0	Absent-4
Rep. C. Acton		Sen. L. Escamilla
Rep. B. Brammer		Sen. L. Hillyard
Sen. K. Cullimore		Rep. B. King
Rep. C. Hall		Rep. V. Snow
Rep. J. Hawkins		
Rep. E. Hutchings		
Rep. K. Lisonbee		
Rep. S. Pitcher		
Rep. T. Seegmiller		
Rep. S. Waldrip		
Sen. T. Weiler		
Rep. M. Wheatley		

MOTION: Rep. Lisonbee moved to adjourn. The motion passed with a vote of 12 - 0 - 4.

Yeas-12	Nays-0	Absent-4
Rep. C. Acton		Sen. L. Escamilla
Rep. B. Brammer		Sen. L. Hillyard
Sen. K. Cullimore		Rep. B. King
Rep. C. Hall		Rep. V. Snow
Rep. J. Hawkins		
Rep. E. Hutchings		
Rep. K. Lisonbee		
Rep. S. Pitcher		
Rep. T. Seegmiller		
Rep. S. Waldrip		
Sen. T. Weiler		
Rep. M. Wheatley		

Chair Weiler adjourned the meeting at 11:45 a.m.