



# MINUTES

## HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Wednesday, January 27, 2021 | 2:00 p.m. | 30 House Building

**Members Present:**

Rep. Ryan D. Wilcox, Chair  
Rep. Jefferson S. Burton, Vice Chair  
Rep. Francis D. Gibson  
Rep. Matthew H. Gwynn  
Rep. Sandra Hollins  
Rep. Marsha Judkins  
Rep. Kelly B. Miles

Rep. Paul Ray  
Rep. Angela Romero  
Rep. Mike Schultz  
Rep. Andrew Stoddard

**Staff Present:**

John Feinauer, Policy Analyst  
An Bradshaw, 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 Wilcox called the meeting to order at 1:59 p.m.

**MOTION:** Rep. Judkins moved to approve the minutes of January 22, 2021. The motion passed with a vote of 7 - 0 - 4.

Yeas-7

Rep. J. Burton  
Rep. F. Gibson  
Rep. M. Gwynn  
Rep. M. Judkins  
Rep. K. Miles  
Rep. P. Ray  
Rep. R. Wilcox

Nays-0

Absent-4

Rep. S. Hollins  
Rep. A. Romero  
Rep. M. Schultz  
Rep. A. Stoddard

**1 . H.B. 21 Stalking Amendments (Pierucci, C.)**

Rep. Candace Pierucci introduced the bill with the assistance of Will Carlson, Deputy District Attorney, Salt Lake County District Attorney's Office.

Alexandra Merritt, victim advocate, Utah Crime Victims Legal Clinic, spoke in opposition to the bill.

Tom Ross, Director, Commission on Criminal and Juvenile Justice, spoke in support of the bill on behalf of the commission.

Megan Mullineaux, resident, spoke in opposition to the bill.

Bethany Warr, attorney, Utah Crime Victims Legal Clinic, spoke in opposition to the bill.

Steven Burton, Executive Director, Utah Association of Criminal Defense Lawyers, spoke in support of the bill.

James Swink, Cache County District Attorney, spoke in support of the amendment and in opposition to the bill.

Matt Bartley, resident, spoke in opposition to the bill.

**MOTION:** Rep. Ray moved to amend H.B. 21 with Amendment #1.  
Amendment 1  
H.B. 0021

1. Page 1, Lines 18 through 22:

- 18 This bill:  
19     ▸ changes the definition of "course of conduct" required for the offense of stalking by{÷}  
20     {~~increasing the number of acts necessary to constitute a course of conduct; and~~}  
21 {~~—~~}requiring that the acts constituting the course of conduct evidence a continuity  
22 of purpose.
2. Page 2, Lines 35 through 37:  
35 (1) As used in this section:  
36 (a) "Course of conduct" means [two] {~~three~~} two or more acts directed at or toward a specific  
37 person evidencing a continuity of purpose, including:

Rep. Ray's motion to amend H.B. 21 with Amendment #1 passed with a vote of 10 - 0 - 1.

Yeas-10

Nays-0

Absent-1

Rep. J. Burton  
Rep. F. Gibson  
Rep. M. Gwynn  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. K. Miles  
Rep. P. Ray  
Rep. A. Romero  
Rep. M. Schultz  
Rep. R. Wilcox

Rep. A. Stoddard

**MOTION:** Rep. Judkins moved to pass H.B. 21 out favorably as amended.

Rep. Judkins' motion to pass H.B. 21 out favorably passed with a vote of 10 - 0 - 1.

Yeas-10

Nays-0

Absent-1

Rep. J. Burton  
Rep. F. Gibson  
Rep. M. Gwynn  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. K. Miles  
Rep. P. Ray  
Rep. A. Romero  
Rep. M. Schultz  
Rep. R. Wilcox

Rep. A. Stoddard

**2 . H.B. 90 Criminal Code Changes Impact Statement (Dailey-Provost, J.)**

Rep. Dailey-Provost presented the bill to the committee with the assistance of Monica Diaz, Director, Utah Sentencing Commission.

Levy Woodruff, resident, spoke in support of the bill.

**MOTION:** Rep. Judkins moved to pass H.B. 90 out favorably.

**MOTION:** Rep. Ray moved to table H.B. 90.

Rep. Ray's substitute motion to table H.B. 90 passed with a vote of 6 - 5 - 0.

Yeas-6

Rep. J. Burton  
Rep. F. Gibson  
Rep. M. Gwynn  
Rep. P. Ray  
Rep. M. Schultz  
Rep. R. Wilcox

Nays-5

Rep. S. Hollins  
Rep. M. Judkins  
Rep. K. Miles  
Rep. A. Romero  
Rep. A. Stoddard

Absent-0

**3 . H.B. 138 Post Council Membership Amendments (*Winder, M.*)**

Rep. Winder presented the bill to the committee.

Sheriff Cameron Noel, Beaver County, spoke in opposition to the bill.

Ian Adams, Executive Director, Utah State Fraternal Order of Police, spoke in support of the bill.

David Spatafore, lobbyist for Salt Lake Valley Law Enforcement Officers, spoke in support of the bill.

**MOTION:** Rep. Stoddard moved to replace H.B. 138 with 2nd Substitute H.B. 138. The motion passed with a vote of 10 - 0 - 1.

Yeas-10

Rep. J. Burton  
Rep. F. Gibson  
Rep. M. Gwynn  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. K. Miles  
Rep. P. Ray  
Rep. M. Schultz  
Rep. A. Stoddard  
Rep. R. Wilcox

Nays-0

Absent-1

Rep. A. Romero

**MOTION:** Rep. Burton moved to pass 2nd Substitute H.B. 138 out favorably. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

Rep. J. Burton  
Rep. F. Gibson  
Rep. M. Gwynn  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. K. Miles  
Rep. M. Schultz  
Rep. A. Stoddard  
Rep. R. Wilcox

Nays-0

Absent-2

Rep. P. Ray  
Rep. A. Romero

**4 . H.B. 220 Pretrial Detention Amendments (*Schultz, M.*)**

Rep. Schultz presented the bill to the committee with the assistance of Sheriff Chad Jensen, President, Utah Sheriffs' Association.

Ben Aldana, public defender, spoke in support of the bill.

Crystal Powell, attorney, Utah Crime Victims Legal Clinic, spoke in opposition to the bill.

Scott Burns, Executive Director, Utah Sheriffs' Association, spoke in support of the bill.

Jojo Liu, Director, Salt Lake County Mayor's Office of Criminal Justice Initiatives, spoke to the bill and provided a handout.

Jeff Buhman, Executive Director, Statewide Association of Prosecutors, spoke in opposition to the bill.

Sim Gill, Salt Lake County District Attorney, spoke in opposition to the bill.

James Swink, Cache County District Attorney, spoke in support of the bill.

David Leavitt, Utah County District Attorney, spoke in opposition to the bill.

Steve Burton, Executive Director, Utah Association of Criminal Defense Lawyers, spoke in opposition to the bill.

Michael Drechsel, Assistant State Court Administrator and Legislative Liaison of the Judicial Council, spoke to the bill.

Chief Gary Jensen, Logan City Police, spoke in support of the bill.

**MOTION:** Rep. Ray moved to pass H.B. 220 out favorably.

**MOTION:** Rep. Stoddard moved to hold H.B. 220.

Rep. Stoddard's substitute motion to hold H.B. 220 failed with a vote of 4 - 7 - 0.

Yeas-4

Rep. S. Hollins  
Rep. M. Judkins  
Rep. A. Romero  
Rep. A. Stoddard

Nays-7

Rep. J. Burton  
Rep. F. Gibson  
Rep. M. Gwynn  
Rep. K. Miles  
Rep. P. Ray  
Rep. M. Schultz  
Rep. R. Wilcox

Absent-0

Rep. Ray's motion passed with a vote of 7 - 4 - 0.

Yeas-7

Rep. J. Burton  
Rep. F. Gibson  
Rep. M. Gwynn  
Rep. K. Miles  
Rep. P. Ray  
Rep. M. Schultz  
Rep. R. Wilcox

Nays-4

Rep. S. Hollins  
Rep. M. Judkins  
Rep. A. Romero  
Rep. A. Stoddard

Absent-0

**5 . H.B. 208 Water Quality Act Amendments (Ray, P.)**

Rep. Ray presented the bill to the committee.

Analise Wilson, Ivory Development, spoke in support of the bill.

**MOTION:** Rep. Miles moved to pass H.B. 208 out favorably. The motion passed with a vote of 10 - 0 - 1.



Yeas-10

Rep. J. Burton  
Rep. F. Gibson  
Rep. M. Gwynn  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. K. Miles  
Rep. P. Ray  
Rep. M. Schultz  
Rep. A. Stoddard  
Rep. R. Wilcox

Nays-0

Absent-1

Rep. A. Romero

**MOTION:** Rep. Stoddard moved to adjourn. The motion passed with a vote of 10 - 0 - 1.

Yeas-10

Rep. J. Burton  
Rep. F. Gibson  
Rep. M. Gwynn  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. K. Miles  
Rep. P. Ray  
Rep. M. Schultz  
Rep. A. Stoddard  
Rep. R. Wilcox

Nays-0

Absent-1

Rep. A. Romero

Chair Wilcox adjourned the meeting at 4:48 p.m.