



UTAH STATE

LEGISLATURE

MINUTES

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

Tuesday, January 26, 2021 | 2:00 p.m. | 110 Senate Building

Members Present:

Sen. Todd D. Weiler, Chair
Sen. Kirk A. Cullimore
Sen. Luz Escamilla
Sen. Michael S. Kennedy
Sen. Derek L. Kitchen

Sen. Jerry W. Stevenson
Sen. Daniel W. Thatcher

Staff Present:

Kristina King, Policy Analyst
Rachel Boe, Committee Secretary

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 2:10 p.m.

MOTION: Sen. Escamilla moved to approve the minutes. The motion passed with a vote of 3 - 0 - 4.

Yeas-3

Sen. L. Escamilla
Sen. D. Kitchen
Sen. T. Weiler

Nays-0

Absent-4

Sen. K. Cullimore
Sen. M. Kennedy
Sen. J. Stevenson
Sen. D. Thatcher

1 . S.B. 68 Law Enforcement Weapons Amendments (*Buxton, D. G.*)

Sen. David Buxton explained the bill.

MOTION: Sen. Thatcher moved to pass S.B. 68 out favorably. The motion passed with a vote of 5 - 0 - 2.

Yeas-5

Sen. L. Escamilla
Sen. M. Kennedy
Sen. D. Kitchen
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-2

Sen. K. Cullimore
Sen. J. Stevenson

2 . S.B. 13 Law Enforcement Internal Investigation Requirements (*Iwamoto, J.*)

Sen. Jani Iwamoto explained the bill with the assistance of Scott Stephenson, Director, Utah Department of Public Safety, Cameron Diehl, Executive Director, Utah League of Cities and Towns, and Lee Perry, citizen.

MOTION: Sen. Escamilla moved to replace S.B. 13 with 2nd Substitute S.B. 13. The motion passed with a vote of 5 - 0 - 2.

Yeas-5

Sen. L. Escamilla
Sen. M. Kennedy
Sen. D. Kitchen
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-2

Sen. K. Cullimore
Sen. J. Stevenson

Tom Ross, Executive Director, Commission on Criminal and Juvenile Justice spoke in favor of the bill.

Nate Mutter, Assistant Chief of Investigations State Attorney General's Office, spoke in favor of the bill.

Levy Woodruff, citizen, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass 2nd Substitute S.B. 13 out favorably. The motion passed with a vote of 6 - 0 - 1.

Yeas-6

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

Nays-0

Absent-1

Sen. J. Stevenson

3 . S.B. 90 Parental Defense Amendments (Harper, W.)

Sen. Wayne Harper explained the bill.

MOTION: Sen. Escamilla moved to amend S.B. 90 with Amendment #1. The motion passed with a vote of 6 - 0 - 1.

Amendment 1
S.B. 90

1. Page 13, Lines 369 through 371:

369 (b) If the anticipated deficit is not funded by the Legislature, the office may request an
370 interim assessment { ~~to participating~~ } from contributing counties as described in Subsection (6) to fund the
371 anticipated deficit.

Yeas-6

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

Nays-0

Absent-1

Sen. J. Stevenson

MOTION: Sen. Escamilla moved to pass S.B. 90 out favorably. The motion passed with a vote of 6 - 0 - 1.

Yeas-6

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

Nays-0

Absent-1

Sen. J. Stevenson

4 . S.B. 102 Peace Officer Training Qualifications Amendments (Mayne, K.)

Sen. Karen Mayne explained the bill.

Silas Nebekar, citizen, spoke in opposition to the bill.

David Spatafore, Utah Chiefs of Police and Law Enforcement Legislative Committee, spoke in favor of the bill.

Enrique Sanchez, Park City Police Department and DACA recipient, spoke in favor of the bill.

Colleen Jacobs, Chief, West Valley Police Department, spoke in favor of the bill.

Charlie Luke Jr., Explorer, Park City Police Department, spoke in favor of the bill.

MOTION: Sen. Thatcher moved to pass S.B. 102 out favorably. The motion passed with a vote of 6 - 0 - 1.

Yeas-6

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

Nays-0

Absent-1

Sen. J. Stevenson

Sen. Escamilla assumed the chair.

5 . S.B. 98 Asset Forfeiture Amendments (Weiler, T.)

Sen. Todd Weiler explained the bill with the assistance of Daniel Burton, Chief of Policy and Legislative Affairs, Utah Attorney General's Office, and Connor Boyack, Founder, Libertas Institute.

Mark Moffat, citizen/attorney, spoke in opposition to the bill.

David Spatafore, Utah Chiefs of Police Association and Law Enforcement Legislative Committee, spoke in favor of the bill.

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

Robert Church, Director, Utah Prosecution Council, spoke to the bill.

MOTION: Chair Weiler moved to pass S.B. 98 out favorably. The motion passed with a vote of 6 - 0 - 1.

Yeas-6

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

Nays-0

Absent-1

Sen. J. Stevenson

6 . S.B. 108 Penalty Enhancement Amendments (Weiler, T.)

Sen. Weiler explained the bill.

Ben Aldana, Public Defender, Utah County spoke in favor of the bill.

MOTION: Chair Weiler moved to pass S.B. 108 out favorably. The motion passed with a vote of 7 - 0 - 0.

Yeas-7

Nays-0

Absent-0

Sen. K. Cullimore
Sen. L. Escamilla
Sen. M. Kennedy
Sen. D. Kitchen
Sen. J. Stevenson
Sen. D. Thatcher
Sen. T. Weiler

Sen. Weiler assumed the chair.

7 . S.J.R. 4 Joint Resolution Amending Rules of Civil Procedure on Expert Witnesses (*McKell, M.*)

Sen. Michael McKell explained the bill with the assistance of John Lowrance, Attorney, Lowrance Lundell Logfried, and David Head, Managing Attorney, Head Law.

MOTION: Sen. Escamilla moved to pass S.J.R. 4 out favorably. The motion passed with a vote of 7 - 0 - 0.

Yeas-7

Nays-0

Absent-0

Sen. K. Cullimore
Sen. L. Escamilla
Sen. M. Kennedy
Sen. D. Kitchen
Sen. J. Stevenson
Sen. D. Thatcher
Sen. T. Weiler

8 . H.B. 47 DUI Revisions (*Eliason, S.*)

Rep. Eliason explained the bill with the assistance of Will Carlson, Deputy District Attorney, Salt Lake County District Attorney's Office, Greg and Sarah Frei, citizens.

Ben Aldana, Public Defender, Utah County spoke in opposition to the bill.

Mark Moffat, citizen/attorney, spoke in opposition to the bill.

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

Joshua Wilkerson, citizen, spoke in favor of the bill.

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

Steve Garside, Statewide Association of Prosecutors, spoke in favor of the bill.

Robert Van Dyke, Kane County Attorney, spoke in favor of the bill.

Robert Brown, President, Mothers Against Drunk Driving, spoke in favor of the bill.

MOTION: Sen. Thatcher moved to pass H.B. 47 out favorably. The motion passed with a vote of 6 - 0 - 1.



Yeas-6

Sen. L. Escamilla
Sen. M. Kennedy
Sen. D. Kitchen
Sen. J. Stevenson
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-1

Sen. K. Cullimore

MOTION:

Sen. Escamilla moved to adjourn. The motion passed with a vote of 6 - 0 - 1.

Yeas-6

Sen. L. Escamilla
Sen. M. Kennedy
Sen. D. Kitchen
Sen. J. Stevenson
Sen. D. Thatcher
Sen. T. Weiler

Nays-0

Absent-1

Sen. K. Cullimore