



# MINUTES

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

LEGISLATURE

Monday, February 8, 2021 | 3:40 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](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 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

### 1 . S.B. 127 Human Services Program Amendments (*McKell, M.*)

[McKell handout](#)

**MOTION:** Sen. Cullimore moved to replace S.B. 127 with 1st Substitute S.B. 127. 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

**MOTION:** Sen. Cullimore moved to amend 1st Substitute S.B. 127 with Amendment #1. The motion passed with a vote of 6 - 0 - 1.

Amendment 1  
1st Sub. S.B. 127

1. Page 14, Lines 413 through 417:

413 (x) a procedure for [~~licensees to report incidents;~~] a licensee to:  
(A) report the use of a restraint or seclusion within one business day after the day on which the restraint or seclusion occurs; and

414 ~~{(A)}~~ (B) report a critical incident within one business day after the day on which the  
415 incident occurs; ~~{and}~~

416 ~~{(B) provide a monthly report of all incidents during which the licensee used a restraint~~  
417 or seclusion;}

2. Page 16, Lines 473 through 475:

473 (b) (i) The office shall enter and inspect a congregate care program at least once each

474 calendar quarter.

(ii) At least two of the inspections described in Subsection (1)(b)(i) shall be unannounced.

475 (c) If another government entity conducts an inspection that is substantially similar to

3. Page 32, Lines 972 through 974:

972 (6) A congregate care program:

973 (a) when not otherwise prohibited by law, shall facilitate weekly confidential communication

974 between a child and the child's parents, guardian, foster parents, and siblings, as applicable;

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. Michael McKell explained the bill with the assistance of Paris Hilton, Celebrity, Caroline Lorson, Senior Government Relations Coordinator, Breaking Code Silence, Jeff Netto, Former "Student" at Heritage Schools, and Amanda Slater, Director, Office of License, Utah Department of Human Services.

[NATSAP letter of support](#)

[SB127 letters of support 1](#)

[Letters of Support 2](#)

David Cacanindin, Chair, Government Affairs Committee, Utah Occupational Therapy Association spoke in favor of the bill.

Brett Harper, Spare the Rod, spoke to the bill.

Nate Crippes, Legislative and Policy Counsel, Disability Law Center, spoke in favor of the bill.

Chelsea Filer, Breaking Code Silence, spoke in favor of the bill.

**MOTION:** Sen. Kennedy moved to pass 1st Substitute S.B. 127 out favorably as amended. The motion passed with a vote of 5 - 0 - 2.

Yeas-5

Sen. K. Cullimore

Sen. M. Kennedy

Sen. D. Kitchen

Sen. D. Thatcher

Sen. T. Weiler

Nays-0

Absent-2

Sen. L. Escamilla

Sen. J. Stevenson

## **2 . H.B. 201 Tolling Amendments (Abbott, N.)**

Rep. Nelson Abbott explained the bill.

**MOTION:** Sen. Kennedy moved to pass H.B. 201 out favorably. The motion passed with a vote of 3 - 0 - 4.

Yeas-3

Sen. M. Kennedy  
Sen. D. Kitchen  
Sen. T. Weiler

Nays-0

Absent-4

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. J. Stevenson  
Sen. D. Thatcher

Sen. Kitchen assumed the chair.

**3 . S.B. 150 Government Records Access and Management Act Judicial Review Amendments (*Weiler, T.*)**

Sen. Todd Weiler explained the bill.

**MOTION:** Chair Weiler moved to pass S.B. 150 out favorably. The motion passed with a vote of 3 - 0 - 4.

Yeas-3

Sen. M. Kennedy  
Sen. D. Kitchen  
Sen. T. Weiler

Nays-0

Absent-4

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. J. Stevenson  
Sen. D. Thatcher

Sen. Weiler resumed the chair.

**4 . 1st Sub. H.B. 20 Driving Under the Influence Sentencing Amendments (*Eliason, S.*)**

Rep. Steve Eliason explained the bill with the assistance of Ryan Robinson, President, Statewide Association of Prosecutors, West Valley City Prosecutor's Office.

[Extreme Risk DUI summary](#)

Wendy Parmley, Volunteer, Utah Personal Advocate Network, spoke in opposition to the bill.

Robert Van Dyke, Attorney, Kane County, Executive Board, Statewide Association of Prosecutors, spoke in favor of the bill.

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

Will Carlson, Chief Policy Advisor, Salt Lake County District Attorney, spoke in favor of the bill.

**MOTION:** Sen. Thatcher moved to pass 1st Substitute H.B. 20 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

Sen. Jacob Anderegg explained the bill with the assistance as Tom Ross, Executive Director, Commission on Criminal and Juvenile Justice.

**5 . S.B. 159 Law Enforcement Data Management Requirements (*Anderegg, J.*)**

Sen. Kennedy assumed the chair.

Molly Davis, Libertas Institute, spoke in favor of the bill.

Sen. Weiler resumed the chair.

**MOTION:** Sen. Escamilla moved to pass S.B. 159 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

Sen. Kennedy assumed the chair.

**6 . S.B. 151 Governmental Immunity Act Notice of Claim Amendments (Weiler, T.)**

Sen. Weiler explained the bill.

Russ Hymas, Utah Association for Justice, spoke in favor of the bill.

**MOTION:** Sen. Kitchen moved to pass S.B. 151 out favorably. The motion passed with a vote of 4 - 0 - 3.

Yeas-4

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

Nays-0

Absent-3

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. J. Stevenson

**7 . S.B. 165 Sex Offender Registry Revisions (Weiler, T.)**

Sen. Weiler explained the bill with the assistance of Dan Burton, Utah Attorney General's Office.

**MOTION:** Chair Weiler moved to amend S.B. 165 with Amendment #1. The motion passed with a vote of 4 - 0 - 3.

Amendment 1  
S.B. 165

1. Page 5, Lines 138 through 144:

138 (b) The court may grant the petition and order removal of the offender from the registry  
139 if the court determines that the offender has met the requirements described in Subsection  
140 (1)(a) or (b) and removal is not contrary to the interests of the public.

(c) In determining whether removal is contrary to the interests of the public, the court may not consider removal unless the offender has substantially complied with all registration requirements required under this chapter at all times.

141 ~~(c)~~ (d) If the court grants the petition, the court shall forward a copy of the order directing  
142 removal of the offender from the registry to the department and the office of the prosecutor.

143 ~~(d)~~ (e) If the court denies the petition, the offender may not submit another petition for  
144 three years.



Yeas-4

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

Nays-0

Absent-3

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. J. Stevenson

Mark Moffat, Criminal Defense Lawyer, Criminal Justice Policy Analyst, Defense Bar, spoke in favor of the bill.

Wendy Parmley, Volunteer, Utah Personal Advocate Network, spoke in favor of the bill.

Matthew Piccolo, Transcend Together, spoke in favor of the bill.

Jeff Miller, Victim Advocate, spoke in favor of the bill.

Andrew Decker, Citizen, spoke in favor of the bill.

**MOTION:** Chair Weiler moved to pass S.B. 165 out favorably as amended. The motion passed with a vote of 3 - 0 - 4.

Yeas-3

Sen. M. Kennedy  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-4

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. J. Stevenson

Sen. Weiler resumed the chair.

**MOTION:** Sen. Kennedy moved to adjourn. The motion passed with a vote of 3 - 0 - 4.

Yeas-3

Sen. M. Kennedy  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-4

Sen. K. Cullimore  
Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. J. Stevenson