



# MINUTES

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

LEGISLATURE

Tuesday, February 16, 2021 | 8:00 a.m. | 110 Senate Building

**Members Present:**

Sen. Todd D. Weiler, Chair  
Sen. Michael S. Kennedy  
Sen. Derek L. Kitchen  
Sen. Daniel W. Thatcher

Sen. Kirk A. Cullimore  
Sen. Luz Escamilla  
Sen. Jerry W. Stevenson

**Staff Present:**

Kristina King, Policy Analyst  
Rachel Boe, Committee Secretary

**Members Absent:**

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 at 8:08 a.m.

**MOTION:** Sen. Kennedy moved to approve the minutes from February 11, 2021. 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

**1 . S.B. 139 Voluntary Behavioral and Cognitive Self-improvement Pilot Program (Owens, D.)**

**MOTION:** Sen. Kennedy moved to replace S.B. 139 with 1st Substitute S.B. 139. 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

Sen. Derrin Owens explained the bill with the assistance of Aaron Osmond, Former Senator and Mark Hugentobler, Author.

Paige Norton, citizen, spoke in favor of the bill.

**MOTION:** Sen. Thatcher moved to pass 1st Substitute S.B. 139 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

**2 . S.B. 156 Criminal Offense Amendments (Davis, G.)**

Sen. Gene Davis explained the bill.

Dave Davis, President, Utah Retail Merchants Association, spoke in favor of the bill.

Marina Lowe, Legislative Counsel, ACLU, spoke in opposition to the bill.

Will Carlson, Deputy District Attorney, Salt Lake County District Attorney's Office, spoke in opposition to the bill.

**MOTION:** Sen. Thatcher moved to hold S.B. 156. The motion passed with a vote of 3 - 1 - 3.

Yeas-3

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

Nays-1

Sen. D. Kitchen

Absent-3

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

**3 . S.B. 179 DUI Probation Amendments (Mayne, K.)**

**MOTION:** Sen. Thatcher moved to amend S.B. 179 with Amendment #1. The motion passed with a vote of 4 - 0 - 3.

Amendment 1  
S.B. 179

1. Page 1, Lines 8 through 15:

8 General Description:

9 This bill { requires } allows a court to order supervised probation for certain DUI offenses to be  
10 provided by Adult Probation and Parole in certain circumstances.

11 Highlighted Provisions:

12 This bill:

13 ▶ { requires } allows a court to order supervised probation for certain DUI offenses to be  
14 provided by Adult Probation and Parole if the individual is already subject to  
15 supervised probation from Adult Probation and Parole for a different offense; and

2. Page 2, Lines 36 through 39:

36 (b) If a court determines that a person is subject to supervised probation provided by  
37 Adult Probation and Parole for an offense other than the offense for which probation is ordered  
38 under Section 41-6a-505 or 41-6a-517, the court { shall } may order supervised probation to be  
39 provided by Adult Probation and Parole.

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

Sen. Karen Mayne explained the bill.

Steve Garside, Assistant Layton City Attorney, Statewide Association of Prosecutors, spoke in favor of the bill.

Steve Burton, Director, Utah Association of Criminal Defense Lawyers, spoke in favor of the bill.

**MOTION:** Sen. Kitchen moved to pass S.B. 179 out favorably as amended. 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

**4 . H.B. 100 Postconviction Remedies Act Amendments (*Brammer, B.*)**

Rep. Brady Brammer explained the bill.

Andrew Peterson, Assistant Attorney General, Utah Attorney General's Office, spoke in favor of the bill.

**MOTION:** Sen. Kennedy moved to pass H.B. 100 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

**5 . 1st Sub. H.B. 175 Risk Management Settlement Authority Amendments (*Brammer, B.*)**

Rep. Brammer explained the bill with the assistance of Brian Nelson, Director, Utah Division of Risk Management.

**MOTION:** Sen. Kennedy moved to pass 1st Substitute H.B. 175 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

**6 . 1st Sub. H.B. 103 Retaliation and Obstruction of Justice Amendments (*Hall, C.*)**

Rep. Craig Hall explained the bill.

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

**MOTION:** Sen. Thatcher moved to pass 1st Substitute H.B. 103 out favorably. The motion passed with a vote of 3 - 1 - 3.

Yeas-3

Sen. M. Kennedy  
Sen. D. Kitchen  
Sen. D. Thatcher

Nays-1

Sen. T. Weiler

Absent-3

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

**7 . 1st Sub. H.B. 147 Revenge Porn Amendments (*Hall, C.*)**

Rep. Hall explained the bill.

Ryan Holtan, Assistant Attorney General, Utah Attorney General's Office, spoke to the bill.

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

**MOTION:** Sen. Kitchen moved to pass 1st Substitute H.B. 147 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

**8 . H.B. 196 Ballot Amendments (Nelson, M.)**

Rep. Merrill Nelson explained the bill.

Jennifer Yim, Executive Director, Judicial Performance Evaluation Commission, spoke in favor of the bill.

**MOTION:** Sen. Thatcher moved to pass H.B. 196 out favorably. The motion passed with a vote of 3 - 0 - 4.

Yeas-3

Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-4

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

**9 . H.B. 22 Medical Examiner Amendments (Nelson, M.)**

Rep. Nelson explained the bill.

**MOTION:** Sen. Thatcher moved to amend H.B. 22 with Amendment #1. The motion passed with a vote of 3 - 0 - 4.

Amendment 1  
H.B. 0022

1. Page 1, Lines 7 through 10:

7 LONG TITLE

8 {[Committee Note:](#)

9 ~~—The Law Enforcement and Criminal Justice Interim Committee recommended this bill.~~

10 ~~—Legislative Vote: 15 voting for 0 voting against 1 absent }~~

2. Page 3, Lines 61 through 64:

61 (1) (a) For a death under any of the circumstances described in Section 26-4-7, only the

62 medical examiner or the medical examiner's designee may certify the cause of death.

63 (b) An individual who **knowingly** certifies the cause of death in violation of Subsection (1)(a) is

64 guilty of a class B misdemeanor.

Yeas-3

Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-4

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

**MOTION:** Sen. Thatcher moved to pass H.B. 22 out favorably as amended. The motion passed with a vote of 3 - 0 - 4.



Yeas-3

Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-4

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

**10 . H.B. 23 Voter Referendum Amendments (Nelson, M.)**

**MOTION:** Sen. Thatcher moved to replace H.B. 23 with 2nd Substitute H.B. 23. The motion passed with a vote of 3 - 0 - 4.

Yeas-3

Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-4

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

Rep. Nelson explained the bill.

**MOTION:** Sen. Kitchen moved to pass 2nd Substitute H.B. 23 out favorably. The motion passed with a vote of 3 - 0 - 4.

Yeas-3

Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-4

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

**MOTION:** Sen. Thatcher moved to adjourn at 9:34 a.m. The motion passed with a vote of 3 - 0 - 4.

Yeas-3

Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-4

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