



MINUTES

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Wednesday, February 17, 2021 | 4:00 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 4:17 p.m.

MOTION: Sen. Kennedy moved to approve the minutes from February 16, 2021. The motion passed with a vote of 5 - 0 - 2.

Yeas-5

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

Nays-0

Absent-2

Sen. J. Stevenson
Sen. D. Thatcher

1 . S.B. 138 Violence, Disorder, and Looting Enforcement Protection Act (Hinkins, D.)

Sen. Hinkins explained the bill with the assistance of Casey Robertson, Founder/President, United Citizens' Alarm, Ken Dudley, citizen, Joe Rummel, United Citizens' Alarm, Shannon Macinnes, citizen, James Sullivan, Civilized Awakening, Sophia Anderson, citizen, Kish North, UtahPatriots.com, Clint Fredrickson, United Citizens' Alarm, Justin Sherrard, Permanent Resident, United Citizens' Alarm, Brett Stewart, United Citizens' Alarm, and Eudo Attentio, Immigrant/Citizen.

[SB138 presentation materials](#)

MOTION: Sen. Thatcher moved to amend S.B. 138 with Amendment #1. The motion passed with a vote of 7 - 0 - 0.

Amendment 1
S.B. 0138

- 1. Page 3, Line 89 through Page 4, Line 91:
- 89 background check under Section 53G-11-402 ~~[-:]~~{~~[-; and]~~}
- 90 {~~(k) for grossly negligent conduct in which an employee acting within the scope of.~~}
- 91 {~~employment fails to protect private property or individuals during a riot or violent assembly.~~}

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

Victoria Ashby, Utah League of Cities and Towns, spoke in favor of the bill.

Marina Lowe, American Civil Liberties Union Utah, spoke in opposition to the bill.

Kathryn Balmforth, citizen, spoke in favor of the bill.

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

Moses Tauteoli, Chairman, Pacific Islander Republican Coalition, spoke in favor of the bill.

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

MOTION: Sen. Thatcher moved to amend S.B. 138 with Amendment #2. The motion passed with a vote of 7 - 0 - 0.

Amendment 2
S.B. 0138

1. Page 9, Lines 259 through 260:

259 76-1-601 ; otherwise it is a class B misdemeanor. {; or }
260 {(d) the defendant intentionally obstructed traffic.}

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

MOTION: Sen. Thatcher moved to amend S.B. 138 with Amendment #3. The motion passed with a vote of 7 - 0 - 0.

Amendment 3
S.B. 0138

1. Page 9, Lines 268 through 272:

268 of five years after the date of sentencing on the conviction{;}
269 {(a) be employed by, or hold any position with, the state or any political subdivision of
270 the state{; and }.
271 {(b) collect or receive any assistance or benefits provided by or managed through the }
272 {state Department of Workforce Services.}

Yeas-7

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

Nays-0

Absent-0

MOTION: Sen. Thatcher moved to pass S.B. 138 out favorably as amended. The motion passed with a vote of 5 - 2 - 0.

Yeas-5

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

Nays-2

Sen. L. Escamilla
Sen. D. Kitchen

Absent-0

2 . 1st Sub. H.B. 95 Prison Rape Elimination Act Compliance (Romero, A.)

Rep. Angela Romero explained the bill.

Tom Ross, Utah Chiefs of Police, spoke to the bill.

MOTION: Sen. Kennedy moved to pass 1st Substitute H.B. 95 out favorably. The motion passed with a vote of 4 - 0 - 3.

Yeas-4

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

Nays-0

Absent-3

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

3 . 1st Sub. H.B. 162 Peace Officer Training Amendments (Romero, A.)

Rep. Romero explained the bill.

Andrew Riggle, Disability Law Center, spoke to the bill.

Mike Brown, Chief of Police, Salt Lake City, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass 1st Substitute H.B. 162 out favorably. The motion passed with a vote of 4 - 0 - 3.

Yeas-4

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

Nays-0

Absent-3

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

4 . 1st Sub. H.B. 155 Civil Commitment Amendments (Abbott, N.)

Rep. Nelson Abbott explained the bill.

[HB155 presentation materials](#)

Sherri Wittwer, Mental Health Advocate, Disability Law Center, spoke to the bill.

MOTION: Sen. Escamilla moved to pass 1st Substitute H.B. 155 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

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

MOTION: Sen. Kitchen moved to pass H.B. 208 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 . 2nd Sub. H.B. 239 Online Impersonation Prohibition (Lisonbee, K.)

Rep. Karianne Lisonbee explained the bill.

Mark Moffat, Criminal Defense Policy Analyst, spoke to the bill.

MOTION: Sen. Thatcher moved to pass 2nd Substitute H.B. 239 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

Rep. Paul Ray explained the bill.

7 . 1st Sub. H.B. 159 Higher Education Speech (Teuscher, J.)

Rep. Jordan Teuscher explained the bill with the assistance of Joe Cohn, Legislative and Policy Director, Foundation for Individual Rights in Education.

[HB159 presentation materials](#)

Janet Eyring, Professor, Cal State Fullerton, spoke in favor of the bill.

Sarah Clark, Former President, Utah Valley University Turning Point USA, spoke in favor of the bill.

MOTION: Sen. Thatcher moved to pass 1st Substitute H.B. 159 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 . S.B. 156 Criminal Offense Amendments (*Davis, G.*)

MOTION: Sen. Thatcher moved to replace S.B. 156 with 2nd Substitute S.B. 156. 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. Gene Davis explained the bill.

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

MOTION: Sen. Kitchen moved to pass 2nd Substitute S.B. 156 out favorably. The motion passed with a vote of 3 - 1 - 3.

Yeas-3

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

Nays-1

Sen. M. Kennedy

Absent-3

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

Rep. Keven Stratton explained the bill with the assistance of David Leavitt, Utah County Attorney.

9 . 1st Sub. H.B. 186 Criminal Nonsupport Amendments (*Stratton, K.*)

MOTION: Sen. Kennedy moved to pass 1st Substitute H.B. 186 out favorably. The motion passed with a vote of 4 - 0 - 3.

Yeas-4

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

Nays-0

Absent-3

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

10 . 1st Sub. H.B. 228 Jail Photo Distribution Prohibition (*Stratton, K.*)

Rep. Stratton explained the bill with the assistance of Chad Jensen, Sheriff, Cache County, and David Leavitt, Utah County Attorney.

Mike O'Brien, Media Attorney, Utah Media Coalition, spoke in opposition to the bill.

Sheryl Worsley, Region 3 Director, RTDNA, spoke in opposition to the bill.

Nate Carlisle, Investigative Producer and Reporter, FOX13, spoke in opposition to the bill.

Marc Sternfield, News Director, FOX13, spoke in opposition to the bill.

Zachary Bess, citizen, spoke in support of the bill.

MOTION: Sen. Thatcher moved to pass 1st Substitute H.B. 228 out favorably. The motion passed with a vote of 4 - 0 - 3.

Yeas-4

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

Nays-0

Absent-3

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

MOTION: Sen. Thatcher moved to adjourn at 6:49 p.m. The motion passed with a vote of 4 - 0 - 3.

Yeas-4

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

Nays-0

Absent-3

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