



MINUTES

HOUSE JUDICIARY STANDING COMMITTEE

Monday, February 22, 2021 | 8:00 a.m. | 2110 State Office Building

Members Present:

Rep. Karianne Lisonbee, Chair
Rep. Nelson T. Abbott
Rep. Cheryl K. Acton
Rep. Kera Birkeland
Rep. Brady Brammer
Rep. Craig Hall
Rep. Brian S. King
Rep. Stephanie Pitcher

Rep. Travis M. Seegmiller
Rep. V. Lowry Snow
Rep. Mark A. Wheatley

Members Absent:

Rep. Jon Hawkins, Vice Chair

Staff Present:

Kristina King, Policy Analyst
Jordan Gage, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Acting Chair Hall called the meeting to order at 8:03 a.m.

1 . H.B. 76 Firearm Preemption Amendments (Maloy, A.C.)

Rep. Maloy presented the bill.

Committee discussion took place on the bill.

Clark Aposhian, Chair, Utah Shooting Sports Counsel, spoke in favor of the bill.

Cameron Diehl, Utah League of Cities and Towns, spoke to the bill.

Connor Boyack, Lobbyist, Libertas Institute, spoke in favor of the bill.

Rep. Lisonbee assumed the chair.

Laurie Stringham, Councilwoman, Salt Lake County, spoke to the bill.

Sam Robinson, Utah Gun Exchange, spoke in favor of the bill.

Jenny Wilson, Mayor, Salt Lake County, spoke to the bill.

Ed Rutan, Gun Violence Prevention Center, spoke against the bill.

Lee Ivy Vosin, March for Our Lives Utah, spoke against the bill.

Dan Reid, Western Regional Director of National Rifle Association, spoke in favor of the bill.

MOTION: Rep. Abbott moved to replace H.B. 76 with 1st Substitute H.B. 76.

SUBSTITUTE MOTION: Rep. Brammer moved to go to the next item on the agenda. The substitute motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-1

Rep. J. Hawkins

Note: H.B. 76 was reconsidered later in the meeting.

MOTION: Rep. Birkeland moved to approve the minutes from the February 18, 2021 meeting. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-1

Rep. J. Hawkins

2 . H.B. 330 Restorative Justice Definition (Stoddard, A.)

Rep. Stoddard presented the bill.

Committee discussion took place on the bill.

Alexandria Yrungaray, Restorative Justice Collaborative of Utah, spoke in favor of the bill.

MOTION: Rep. Snow moved to pass H.B. 330 out favorably. The motion passed with a vote of 9 - 1 - 2.

Yeas-9

Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. V. Snow
Rep. M. Wheatley

Nays-1

Rep. T. Seegmiller

Absent-2

Rep. N. Abbott
Rep. J. Hawkins

3 . H.B. 358 Guardianship Amendments (Spendlove, R.)

Rep. Spendlove presented the bill.

Committee discussion took place on the bill.

Rich Johnson, Children Services Society of Utah, spoke in favor of the bill.

Encarni Gallardo, Executive Director, Children Services Society of Utah, spoke in favor of the bill.

MOTION: Rep. Acton moved to pass H.B. 358 out favorably. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

- Rep. N. Abbott
- Rep. C. Acton
- Rep. K. Birkeland
- Rep. B. Brammer
- Rep. C. Hall
- Rep. B. King
- Rep. K. Lisonbee
- Rep. S. Pitcher
- Rep. T. Seegmiller
- Rep. V. Snow
- Rep. M. Wheatley

Nays-0

Absent-1

- Rep. J. Hawkins

4 . 1st Sub. S.B. 85 Disinheritance Following Crimes Against Vulnerable Adults (Weiler, T.)

Sen. Weiler presented the bill.

Committee discussion took place on the bill.

Kaye Lynn Wooten, Director, Medicaid Fraud Control Unit, spoke in favor of the bill.

MOTION: Rep. Brammer moved to amend 1st Substitute S.B. 85 with Amendment #2. The motion passed with a vote of 11 - 0 - 1.

Amendment 2
1st Sub. S.B. 85

1. Page 9, Line 270 through Page 10, Line 280:

270 property or benefit if this section or the relevant part of this section was not preempted.
(10) Notwithstanding Subsections (2) through (6), and notwithstanding an abuser's conviction for a disqualifying offense, the abuser may inherit, take, enjoy, receive, or otherwise benefit from the estate of the vulnerable adult if:
(a) (i) after the abuser's conviction, the vulnerable adult executes a new governing instrument or amends or affirms an existing governing instrument under which the abuser receives a benefit; and
(ii) the vulnerable adult is not incapacitated, as that term is defined in Section 75-1-201, at the time the vulnerable adult makes the execution, amendment, or affirmation described in Subsection (7)(a)(i); or
(b) the court reviewing a petition under this section determines that a manifest injustice would result if the abuser is disinherited by operation of this section.

271 ~~{(10)(a)}~~ (11) This section:
 272 ~~{(i)}~~ (a) does not operate retrospectively;
 273 ~~{(ii)}~~ (b) except as provided in Subsection (10)~~{(a)(iii)}~~ (c), does not apply to a disqualifying
 274 felony offense that occurred prior to the effective date of this bill; and
 275 ~~{(iii)}~~ (c) applies to a disqualifying felony offense described in Subsection (10)~~{(a)(iii)}~~ (b) if any
 276 portion of the offense persists after the effective date of this bill.
 277 {(b) (i) An individual may not bring an action under this section unless the statute of
 278 limitations for an alleged disqualifying felony offense has not expired.
 279 — (ii) The expiration of a statute of limitation for the relevant alleged disqualifying felony
 280 offense is an affirmative defense to action under this section.}

2. Page 11, Lines 319 through 322:

319 Section 5. Revisor instructions.
 320 The Legislature intends that the Office of Legislative Research and General Counsel, in
 321 preparing the Utah Code database for publication, replace the references in Subsection
 322 75-2-807~~{(10)}~~ (11) from "the effective date of this bill" to the bill's actual effective date.

Yeas-11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-1

Rep. J. Hawkins

MOTION: Rep. Brammer moved to pass 1st Substitute S.B. 85 out favorably. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-1

Rep. J. Hawkins

MOTION: Rep. Brammer moved to reconsider the committee's actions on H.B. 76. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-1

Rep. J. Hawkins

5 . H.B. 76 Firearm Preemption Amendments (*Maloy, A.C.*)

MOTION: Rep. Abbott moved to replace H.B. 76 with 1st Substitute H.B. 76. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. V. Snow
Rep. M. Wheatley

Nays-0

Absent-1

Rep. J. Hawkins

MOTION: Rep. Brammer moved to amend 1st Substitute H.B. 76 with Amendment #1. The motion passed with a vote of 10 - 0 - 2.

Amendment 1
1st Sub. H.B. 0076

1. Page 4, Line 113:

113 (1) As used in this section, "homeless shelter" means a permanent facility that provides temporary

Yeas-10

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. M. Wheatley

Nays-0

Absent-2

Rep. J. Hawkins
Rep. V. Snow

MOTION: Rep. Abbott moved to pass 1st Substitute H.B. 76 out favorably. The motion passed with a vote of 6 - 4 - 2.

Yeas-6

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. K. Lisonbee
Rep. T. Seegmiller

Nays-4

Rep. C. Hall
Rep. B. King
Rep. S. Pitcher
Rep. M. Wheatley

Absent-2

Rep. J. Hawkins
Rep. V. Snow

MOTION: Rep. Brammer moved to adjourn. The motion passed with a vote of 10 - 0 - 2.

Yeas-10

Rep. N. Abbott
Rep. C. Acton
Rep. K. Birkeland
Rep. B. Brammer
Rep. C. Hall
Rep. B. King
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. T. Seegmiller
Rep. M. Wheatley

Nays-0

Absent-2

Rep. J. Hawkins
Rep. V. Snow

Chair Lisonbee adjourned the meeting at 9:18 a.m.