



MINUTES

HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE

STANDING COMMITTEE

LEGISLATURE

Wednesday, February 24, 2021 | 8:00 a.m. | 30 House Building

Members Present:

Rep. Ryan D. Wilcox, Chair
Rep. Jefferson S. Burton, Vice Chair
Rep. Matthew H. Gwynn
Rep. Sandra Hollins
Rep. Marsha Judkins
Rep. Kelly B. Miles
Rep. Paul Ray
Rep. Angela Romero

Rep. Andrew Stoddard

Members Absent:

Rep. Francis D. Gibson
Rep. Mike Schultz

Staff Present:

John Feinauer, Policy Analyst
An Bradshaw, Committee Secretary

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

Chair Wilcox called the meeting to order at 8:06 a.m.

MOTION: Rep. Burton moved to approve the minutes of February 22, 2021. The motion passed with a vote of 6 - 0 - 5.

Yeas-6

Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hollins
Rep. P. Ray
Rep. A. Romero
Rep. R. Wilcox

Nays-0

Absent-5

Rep. F. Gibson
Rep. M. Judkins
Rep. K. Miles
Rep. M. Schultz
Rep. A. Stoddard

1 . H.B. 379 Board of Pardons Amendments (Ray, P.)

Rep. Ray presented the bill with the assistance of Amanda Montague, Assistant Attorney General. Mike Haddon, Director, Board of Pardons and Parole, was available to answer questions.

MOTION: Rep. Romero moved to amend H.B. 379 with Amendment #1. The motion passed with a vote of 8 - 0 - 3.

Amendment 1
H.B. 0379

1. Page 1, Lines 13 through 14:
13 ▶ exempts the deliberative process {~~and day-to-day operations~~} of the Board of Pardons
14 and Parole from Open and Public Meetings Act requirements; and
2. Page 2, Lines 43 through 46:
43 (7) (a) "Deliberative process" means the board or any number of the board's individual
44 members together engaging in discussions, whether written or verbal, regarding a parole, a
45 pardon, a commutation, termination of sentence, or {~~remission of~~} fines, fees, or restitution in an
46 individual case.
3. Page 6, Lines 164 through 166:
164 {~~(8) Discussions of the Board of Pardons and Parole or the board's members that pertain~~
165 only to day-to-day management and operation of the board are not a meeting as defined in
166 Section 52-4-103.}

Yeas-8

Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hollins
Rep. M. Judkins
Rep. P. Ray
Rep. A. Romero
Rep. A. Stoddard
Rep. R. Wilcox

Nays-0

Absent-3

Rep. F. Gibson
Rep. K. Miles
Rep. M. Schultz

MOTION: Rep. Burton moved to pass H.B. 379 out favorably as amended. The motion passed with a vote of 8 - 0 - 3.

Yeas-8

Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hollins
Rep. M. Judkins
Rep. P. Ray
Rep. A. Romero
Rep. A. Stoddard
Rep. R. Wilcox

Nays-0

Absent-3

Rep. F. Gibson
Rep. K. Miles
Rep. M. Schultz

2 . H.B. 383 Flag Display Amendments (Gwynn, M.)

Rep. Gwynn presented the bill to the committee.

Lee Perry, former representative and representing the Utah Law Enforcement Memorial, spoke in support of the bill.

MOTION: Rep. Romero moved to pass H.B. 383 out favorably. The motion passed with a vote of 8 - 0 - 3.

Yeas-8

Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hollins
Rep. M. Judkins
Rep. P. Ray
Rep. A. Romero
Rep. A. Stoddard
Rep. R. Wilcox

Nays-0

Absent-3

Rep. F. Gibson
Rep. K. Miles
Rep. M. Schultz

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

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

Rep. Burton assumed the chair.

Chief Wade Carpenter, President, Utah Chiefs of Police Association, spoke in support of the bill.

Bret Webster, resident, spoke in support of the bill.

John Park, Utah League of Cities and Towns, spoke in support of the bill.

MOTION: Rep. Romero moved to pass S.B. 159 out favorably. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. P. Ray
Rep. A. Romero
Rep. A. Stoddard
Rep. R. Wilcox

Nays-0

Absent-2

Rep. F. Gibson
Rep. M. Schultz

4 . H.B. 251 Electronic Keyword and Location Amendments (Wilcox, R.)

Rep. Wilcox presented the bill to the committee.

Wade Carpenter spoke in support of the bill.

Mark Moffat, criminal defense lawyer, spoke in support of the bill.

Marina Lowe, Legislative and Policy Counsel, American Civil Liberties Union, spoke to the bill.

Sheriff Chad Jensen, President, Utah Sheriffs' Association. spoke in support of the bill.

Jeff Gray, Director of the Search and Seizure Section, Attorney General's Office, spoke in support of the bill.

Ryan McBride, prosecutor, Utah County District Attorney's Office, spoke to the bill.

MOTION: Rep. Miles moved to replace H.B. 251 with 1st Substitute H.B. 251. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. P. Ray
Rep. A. Romero
Rep. A. Stoddard
Rep. R. Wilcox

Nays-0

Absent-2

Rep. F. Gibson
Rep. M. Schultz

MOTION: Rep. Miles moved to pass 1st Substitute H.B. 251 out favorably.

SUBSTITUTE MOTION: Rep. Stoddard moved to amend 1st Substitute H.B. 251 with Amendment #1. The substitute motion passed with a vote of 9 - 0 - 2.

Amendment 1
1st Sub. H.B. 0251

1. Page 3, Lines 58 through 59:
58 (e) cellular network provider; or
59 (f) any other ~~{identifying}~~ information ~~{peculiar to}~~ that would identify the owner or user of the electronic device.

2. Page 3, Lines 70 through 75:
70 (i) include a map or other visual depiction that represents the specified geographic area
71 for which the warrant is seeking data; and
72 ~~{(ii) if feasible, provide the number of individuals that the law enforcement agency~~
73 ~~estimates will be included within the scope of the warrant; and;}~~

74 ~~{(iii)}~~ (ii) establish probable cause that evidence of a crime will be found within the
75 specified geographic area and within a specified period of time.

3. Page 3, Lines 76 through 82:

76 (c) After executing a warrant described in Subsection (2)(b), a law enforcement agency
77 may obtain a reverse-location warrant for anonymized reverse-location data outside the
78 geographic area described in the initial warrant if the law enforcement agency~~{~~
79 ~~— (i) if feasible, provides the number of individuals that the law enforcement agency~~
80 ~~estimates will be included within the scope of the warrant; and~~
81 ~~— (ii) }~~ in a sworn warrant application, establishes probable cause that evidence of a crime
82 will be found outside the specified geographic area and within a specified period of time.

Yeas-9

Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. P. Ray
Rep. A. Romero
Rep. A. Stoddard
Rep. R. Wilcox

Nays-0

Absent-2

Rep. F. Gibson
Rep. M. Schultz

MOTION: Rep. Miles moved to pass 1st Substitute H.B. 251 out favorably as amended. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. P. Ray
Rep. A. Romero
Rep. A. Stoddard
Rep. R. Wilcox

Nays-0

Absent-2

Rep. F. Gibson
Rep. M. Schultz

MOTION: Rep. Romero moved to adjourn. The motion passed with a vote of 9 - 0 - 2.

Yeas-9

Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. P. Ray
Rep. A. Romero
Rep. A. Stoddard
Rep. R. Wilcox

Nays-0

Absent-2

Rep. F. Gibson
Rep. M. Schultz

Vice Chair Burton adjourned the meeting at 9:01 a.m.