



# MINUTES

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

LEGISLATURE

Tuesday, February 23, 2021 | 4:45 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 at 4:49 p.m.

**MOTION:** Sen. Kitchen moved to approve the minutes from February 19, 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. 171 Pretrial Detention Revisions (Weiler, T.)**

Sen. Kennedy assumed the chair.

Sen. Todd Weiler explained the bill with the assistance of Tom Ross, Executive Director, Commission on Criminal and Juvenile Justice, Adam Trupp, Assistant Director, Utah Indigent Defense Commission, Will Carlson, Deputy District Attorney, Salt Lake County.

**MOTION:** Chair Weiler moved to replace S.B. 171 with 2nd Substitute S.B. 171. 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. J. Stevenson  
Sen. T. Weiler

Nays-0

Absent-1

Sen. D. Thatcher

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

Richard Morrow, Executive Director, Salt Lake Legal Defenders Association, spoke in favor of the bill.

Sim Gill, Salt Lake County District Attorney, spoke in favor of the bill.

Ben Aldana, Public Defender, Utah County, spoke in favor of the bill.

Melissa Holyoak, Solicitor General, Utah Attorney General's Office, spoke in opposition to the bill.

Wayne Carlos, Utah Bail Bond Association, spoke in opposition to the bill.

Troy Rawlings, Davis County District Attorney, spoke in favor of the bill.

Scott Burns, Attorney, spoke in opposition to the bill.

Jojo Liu, Director, Salt Lake County Office of Criminal Justice Initiatives, spoke to the bill.

[HB206 Jojo Liu](#)

Robert Van Dyke, Kane County Attorney, spoke in opposition to the bill.

Todd Utzinger, Legal Defender and Coordinator, spoke in favor of the bill.

Chad Jensen, President, Utah Sheriffs Association, spoke in opposition to the bill.

Michael Dreschel, Assistant State Court Administrator, Administrative Office of the Court, spoke to the bill.

David Leavitt, Utah County Attorney, spoke in favor of the bill.

**MOTION:** Chair Weiler moved to pass 2nd Substitute S.B. 171 out favorably. The motion passed with a vote of 4 - 3 - 0.

Yeas-4

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

Nays-3

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

Absent-0

**2 . S.B. 215 Sex Offender Registry Amendments (*Anderegg, J.*)**

Sen. Jacob Anderegg explained the bill.

Richard Morrow, Executive Director, Salt Lake Legal Defender Association, spoke in favor of the bill.

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

Wendy Parmley, Citizen, spoke in favor of the bill.

Robert Van Dyke, Kane County Attorney, spoke in favor of the bill.

Faye Jenkins, citizen, spoke in favor of the bill.

Ryan Holtan, Prosecutor, Utah Attorney General's Office, spoke in opposition to the bill.

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

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

Monica Diaz, Director, Utah Sentencing Commission, spoke in favor of the bill.

Kimberly Patterson, citizen, spoke in favor of the bill.

Luis Palestino, citizen, spoke in favor of the bill.

**MOTION:** Sen. Kitchen moved to pass S.B. 215 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

**3 . H.B. 38 School Technology Amendments (Seegmiller, T.)**

[HB38 Seegmiller](#)

Rep. Travis Seegmiller explained the bill with the assistance of Nicholeen Peck, Worldwide Organization for Women.

Linda Zenger, Digital Citizenship Specialist, Utah PTA, spoke in favor of the bill.

Crystal Young-Otterstrom, Executive Director, Utah Cultural Alliance, spoke to the bill.

**MOTION:** Sen. Thatcher moved to pass H.B. 38 out favorably. The motion passed with a vote of 4 - 0 - 3.

Yeas-4

Sen. L. Escamilla  
Sen. M. Kennedy  
Sen. D. Kitchen  
Sen. D. Thatcher

Nays-0

Absent-3

Sen. K. Cullimore  
Sen. J. Stevenson  
Sen. T. Weiler

**4 . S.B. 220 Court Fee Amendments (Riebe, K.)**

Sen. Kathleen Riebe explained the bill.

**MOTION:** Sen. Thatcher moved to pass S.B. 220 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. Weiler assumed the chair.

**5 . H.B. 84 Use of Force Reporting Requirements (Romero, A.)**

Rep. Angela Romero explained the bill.

Bret Webster, citizen, spoke in favor of the bill.

**MOTION:** Sen. Kennedy moved to pass H.B. 84 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

**6 . 3rd Sub. H.B. 101 Prohibited Persons Amendments (Stoddard, A.)**

Rep. Andrew Stoddard explained the bill.

Mr. Robert Van Dyke, Statewide Association of Prosecutors, spoke in favor of the bill.

**MOTION:** Sen. Escamilla moved to pass 3rd Substitute H.B. 101 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

**7 . 2nd Sub. H.B. 138 Post Council Membership Amendments (Winder, M.)**

Rep. Mike Winder explained the bill.

**MOTION:** Sen. Thatcher moved to pass 2nd Substitute H.B. 138 out favorably. The motion passed with a vote of 4 - 0 - 3.

Yeas-4

Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-3

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

**8 . 1st Sub. H.B. 249 Public Access to Court Records (Handy, S.)**

[HB249 Handy](#)

Rep. Stephen Handy explained the bill.

**MOTION:** Sen. Thatcher moved to replace 1st Substitute H.B. 249 with 2nd Substitute H.B. 249. The motion passed with a vote of 4 - 0 - 3.

Yeas-4

Sen. L. Escamilla  
Sen. D. Kitchen  
Sen. D. Thatcher  
Sen. T. Weiler

Nays-0

Absent-3

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

Jenna Nelson, citizen, spoke in favor of the bill.

Robert Walton, citizen, spoke in opposition to the bill.

**MOTION:** Sen. Thatcher moved to amend 2nd Substitute H.B. 249 with Amendment #1. The motion passed with a vote of 5 - 0 - 2.

Amendment 1  
2nd Sub. H.B. 0249

1. Page 5, Line 139:

139 Government Records Access and Management Act. Fees under ~~{this}~~ Subsection (1)(bb) and (cc) shall

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

**MOTION:** Sen. Thatcher moved to pass 2nd Substitute H.B. 249 out favorably as amended. 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

**9 . 2nd Sub. H.B. 255 Protective Order Revisions (Snow, V. L.)**

Rep. V. Lowry Snow explained the bill with the assistance of Will Carlson, Salt Lake County District Attorney's Office.

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

Robert Walton, citizen, spoke in opposition to the bill.

**MOTION:** Sen. Escamilla moved to pass 2nd Substitute H.B. 255 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

**10 . 3rd Sub. H.B. 260 Criminal Justice Modifications (Lisonbee, K.)**

Rep. Karianne Lisonbee explained the bill.

Mr. Gary Scheller, Director, Utah Office of Victims of Crimes, spoke in favor of the bill.

**MOTION:** Sen. Escamilla moved to pass 3rd Substitute H.B. 260 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

**11 . 1st Sub. H.B. 289 Victim Services Amendments (Lisonbee, K.)**

Rep. Karianne Lisonbee explained the bill.

Yolanda Francisco-Nez, Director, Restoring Ancestral Lands, spoke in opposition to the bill.

Rehana Baksh, Policy Intern, YWCA Utah, spoke to the bill.

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

Gary Sheller, Director, Office for Victims of Crimes, spoke in favor of the bill.

**MOTION:** Sen. Thatcher moved to amend 1st Substitute H.B. 289 with Amendment #5. The motion passed with a vote of 5 - 0 - 2.

Amendment 5  
1st Sub. H.B. 0289

1. Page 4, Lines 98 through 99:

98 (b) subject to court rules and the governor's approval, may advocate in appellate courts on behalf of a victim  
of  
99 crime→as described in Subsection 77-38-11(2)(a)(ii)←it;

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

**MOTION:** Sen. Kennedy moved to pass 1st Substitute H.B. 289 out favorably as amended. The motion passed with a vote of 3 - 2 - 2.

Yeas-3

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

Nays-2

Sen. L. Escamilla  
Sen. D. Kitchen

Absent-2

Sen. K. Cullimore  
Sen. J. Stevenson

**MOTION:** Sen. Thatcher moved to adjourn. 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