



MINUTES

HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Monday, March 1, 2021 | 8:10 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. Angela Romero

Members Absent:

Rep. Francis D. Gibson
Rep. Paul Ray
Rep. Mike Schultz
Rep. Andrew Stoddard

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 8:10 a.m.

MOTION: Rep. Gwynn moved to approve the minutes of February 25, 2021. The motion passed with a vote of 6 - 0 - 5.

Yeas-6

Rep. J. Burton
Rep. M. Gwynn
Rep. M. Judkins
Rep. K. Miles
Rep. A. Romero
Rep. R. Wilcox

Nays-0

Absent-5

Rep. F. Gibson
Rep. S. Hollins
Rep. P. Ray
Rep. M. Schultz
Rep. A. Stoddard

1 . H.B. 154 Use of Force Revisions (*Birkeland, K.*)

Rep. Kera Birkland presented the bill to the committee.

Nate Mutter, Assistant Chief of Investigations, Attorney General's Office, and representing the Law Enforcement Legislative Committee, spoke in support of the bill.

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

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

MOTION: Rep. Burton moved to replace H.B. 154 with 3rd Substitute H.B. 154. The motion passed with a vote of 7 - 0 - 4.

Yeas-7

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

Nays-0

Absent-4

Rep. F. Gibson
Rep. P. Ray
Rep. M. Schultz
Rep. A. Stoddard

MOTION: Rep. Romero moved to amend 3rd Substitute H.B. 154 with Amendment #1. The motion passed with a vote of 7 - 0 - 4.

Amendment 1
3rd Sub. H.B. 154

1. Page 2, Lines 34 through 38:
34 (i) the officer has probable cause to believe that the suspect has committed a felony
35 offense involving the infliction {+}or threatened infliction{+} of death {+}or serious bodily injury{+}; or
36 (ii) the officer has probable cause to believe the suspect poses a threat of death or
37 serious bodily injury to the officer or to [others] an individual other than the suspect if
38 apprehension is delayed; or

Yeas-7

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

Nays-0

Absent-4

Rep. F. Gibson
Rep. P. Ray
Rep. M. Schultz
Rep. A. Stoddard

MOTION: Rep. Romero moved to amend 3rd Substitute H.B. 154 with Amendment #2. The motion passed with a vote of 7 - 0 - 4.

Amendment 2
3rd Sub. H.B. 154

1. Page 4, Lines 106 through 110:
106 (6) Once a criminal investigation is turned over from law enforcement, all
107 investigations into an officer's use of force shall be completed within 120 days~~{-of the incident~~
108 ~~occurring-}~~ . If an investigation is not completed within 120 days, the county or district attorney
109 shall post a public statement on the county or district attorney's website stating a reasonable
110 estimate when the investigation will be complete and the reason for the delay.

Yeas-7

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

Nays-0

Absent-4

Rep. F. Gibson
Rep. P. Ray
Rep. M. Schultz
Rep. A. Stoddard

MOTION: Rep. Judkins moved to pass 3rd Substitute H.B. 154 out favorably as amended. The motion passed with a vote of 7 - 0 - 4.

Yeas-7

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

Nays-0

Absent-4

Rep. F. Gibson
Rep. P. Ray
Rep. M. Schultz
Rep. A. Stoddard

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

Sen. Gene Davis presented the bill to the committee.

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

MOTION: Rep. Burton moved to pass 2nd Substitute S.B. 156 out favorably. The motion passed with a vote of 5 - 2 - 4.

Yeas-5

Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hollins
Rep. K. Miles
Rep. A. Romero

Nays-2

Rep. M. Judkins
Rep. R. Wilcox

Absent-4

Rep. F. Gibson
Rep. P. Ray
Rep. M. Schultz
Rep. A. Stoddard

3 . 1st Sub. S.B. 151 Governmental Immunity Act Notice of Claim Amendments (Weiler, T.)

Sen. Weiler presented the bill to the committee.

Russ Hymas, Utah Association for Justice, spoke in support of the bill.

MOTION: Rep. Miles moved to pass 1st Substitute S.B. 151 out favorably. The motion passed with a vote of 7 - 0 - 4.

Yeas-7

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

Nays-0

Absent-4

Rep. F. Gibson
Rep. P. Ray
Rep. M. Schultz
Rep. A. Stoddard

MOTION: Rep. Hollins moved to adjourn. The motion passed with a vote of 7 - 0 - 4.

Yeas-7

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

Nays-0

Absent-4

Rep. F. Gibson
Rep. P. Ray
Rep. M. Schultz
Rep. A. Stoddard

Chair Wilcox adjourned the meeting at 8:51 a.m.