



# MINUTES

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

LEGISLATURE

Friday, January 28, 2022 | 2:00 p.m. | 210 Senate Building

**Members Present:**

Sen. Todd D. Weiler, Chair  
Sen. Luz Escamilla  
Sen. Michael S. Kennedy  
Sen. Derek L. Kitchen

Sen. Kirk A. Cullimore  
Sen. Jerry W. Stevenson  
Sen. Daniel W. Thatcher

**Staff Present:**

Jonathan Adams, Policy Analyst  
Shandra Mutchie, Committee Secretary

**Members Absent:**

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 2:07 p.m.

Sen. Weiler assumed the chair.

**MOTION:** Sen. Kitchen moved to approve the minutes. The motion passed with a vote of 3 - 0 - 4.

Yeas - 3

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

Nays - 0

Absent - 4

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

**1. S.B. 95 Limitations on Employer Liability (Owens, D.)**

Rep. Derrin R. Owens presented the bill with the assistance of Sione Havili, resident.

**MOTION:** Sen. Escamilla moved to replace S.B. 95 with 1st Substitute S.B. 95. The motion passed with a vote of 3 - 0 - 4.

Yeas - 3

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

Nays - 0

Absent - 4

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

Paige Norton, resident, spoke in favor of the bill.

Dan Walker, Clyde Companies, spoke in favor of the bill.

Brook Millard, Utah Association For Justice, spoke in favor of the bill.

Aimee Altizer, Executive Director, Flourish Bakery, Flourish Venture, spoke in favor of the bill.

Brian Nielson, Executive Director, Department of Correction spoke in favor of the bill.

Todd Ross, Utah Commission of Criminal Juvenile Justice spoke in favor of the bill.

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

Yeas - 3

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

Nays - 1

Sen. T. Weiler

Absent - 3

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

**2. H.B. 107 Small Claims Amendments (*Brammer, B.*)**

Rep. Brammer presented the bill.

**MOTION:** Sen. Kennedy moved to pass H.B. 107 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. H.B. 28 Offender Supervision Amendments (*Lisonbee, K.*)**

Rep. Lisonbee presented the bill.

Chad Jenson, Sherriff Cache County, President of Sheriff's Association, spoke in favor of the bill.

Jeff Buhman, Executive Director Statewide Association of Prosecutors, spoke in favor of the bill.

Dan Strong, Director of Utah Sentencing Commission, spoke to the bill.

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

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

Michael Drechsel, Assistant State Court Administrator, spoke to the bill.

Todd Ross, Utah Commission of Juvenile Justice, spoke to the bill.

Brian Nielson, Executive Director, Department of Corrections, spoke in favor of the bill.

**MOTION:** Sen. Escamilla moved to replace H.B. 28 with 1st Substitute H.B. 28. 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

**MOTION:** Sen. Escamilla moved to amend 1st Substitute H.B. 28 with verbal Amendment #1. The motion passed with a vote of 4 - 0 - 3.

Amendment 1  
1st Sub. H.B. 28

1. Page 15, Line 459 through Page 16, Line 462:

459 (A) the department to supervise the probation for an individual convicted of a class A  
460 misdemeanor or any felony; or

461 (B) a private organization to supervise the probation for an individual convicted of a  
462 class { ~~B or C~~ A, B, or C misdemeanor or an infraction.



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

**MOTION:** Sen. Kennedy moved to amend 1st Substitute H.B. 28 with verbal Amendment #2. The motion passed with a vote of 4 - 0 - 3.

Amendment 2  
1st Sub. H.B. 28

1. Page 12, Lines 346 through 353:

346 (1) Before the imposition of a sentence, the court may:

347 (a) upon agreement of the defendant, continue the date for the imposition of the  
348 sentence for a reasonable period of time for the purpose of obtaining a presentence  
349 investigation report from the department [~~or information from other sources~~], a law  
350 enforcement agency, or information from any other source about the defendant; and

351 (b) if the defendant is convicted of a felony or a class A misdemeanor, request that the  
352 department or a law enforcement agency prepare a presentence investigation report for the  
353 defendant.

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

**MOTION:** Sen. Kennedy moved to pass 1st Substitute H.B. 28 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

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

Chair Weiler adjourned the meeting at 3:00 p.m.