



MINUTES

HOUSE JUDICIARY STANDING COMMITTEE

Tuesday, February 8, 2022 | 2:00 p.m. | 110 Senate Building

Members Present:

Rep. Jon Hawkins, Chair
Rep. Nelson T. Abbott
Rep. Cheryl K. Acton
Rep. Kera Birkeland
Rep. Brady Brammer
Rep. Brian S. King
Rep. Stephanie Pitcher
Rep. Judy Weeks Rohner

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

Members Absent:

Rep. Karianne Lisonbee, Vice Chair

Staff Present:

Jonathan Adams, 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.

Chair Hawkins called the meeting to order at 2:18 p.m.

MOTION: Rep. Acton moved to approve the minutes from the February 3, 2022, meeting. The motion passed with a vote of 7 - 0 - 5.

Yeas - 7

Rep. N. Abbott
Rep. C. Acton
Rep. J. Hawkins
Rep. B. King
Rep. T. Seegmiller
Rep. V. Snow
Rep. M. Wheatley

Nays - 0

Absent - 5

Rep. K. Birkeland
Rep. B. Brammer
Rep. K. Lisonbee
Rep. S. Pitcher
Rep. J. Rohner

1. H.B. 208 Domestic Violence Offender Treatment Board (Snow, V. L.)

Rep. Snow presented the bill with the assistance of Ned Searle, Director, Office of Domestic and Sexual Violence, and Derrick Tollefson, and Jana Fulmer, Amethyst Center for Healing.

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

Kristy Pike, Washington County Coordinated Community Response Team for Domestic Violence and Sexual Assault, spoke in favor of the bill.

Erin Jemison, Utah Domestic Violence Coalition, spoke in favor of the bill.

Rehana Baksh, Policy Analyst Fellow, YWCA Utah, spoke in favor of the bill.

Steve Burton, Defense Attorney Association, spoke in favor of the bill.

Steve Garside, Layton City, Statewide Association of Prosecutors, spoke in favor of the bill.

MOTION: Rep. Snow moved to amend H.B. 208 with Amendment #2. The motion passed with a vote of 10 - 0 - 2.

Amendment 2
H.B. 208

- 1. Page 2, Lines 32 through 34:
 32 As used in this part:
 33 (1) "Board" means the Domestic Violence Offender Treatment Board created in
 34 Section { ~~63M-7-803.~~ } 63M-7-702.

- 2. Page 2, Lines 53 through 57:
 53 (g) the director of the Division of Juvenile Justice Services, or the director's designee;
 54 { ~~(h) one judge appointed by the presiding officer of the Utah Judicial Council;~~ }
 55 { ~~(i)~~ } (h) one individual who represents the Administrative Office of the Courts appointed by
 56 the state court administrator; and
 57 { ~~(j) nine~~ } (i) ten individuals appointed by the executive director of the commission, including:

- 3. Page 3, Lines 64 through 70:
 64 (ii) one individual who represents an association of criminal defense attorneys;
(iii) one criminal defense attorney who primarily represents indigent criminal defendants;
 65 { ~~(iii)~~ } (iv) one individual who represents an association of prosecuting attorneys;
 66 { ~~(iv)~~ } (v) one individual who represents law enforcement;
 67 { ~~(v)~~ } (vi) one individual who represents an association of criminal justice victim advocates;
 68 and
 69 { ~~(vi)~~ } (vii) one individual who represents a nonprofit organization that provides domestic
 70 violence victim advocate services.

Yeas - 10
 Rep. N. Abbott
 Rep. C. Acton
 Rep. K. Birkeland
 Rep. B. Brammer
 Rep. J. Hawkins
 Rep. B. King
 Rep. S. Pitcher
 Rep. J. Rohner
 Rep. V. Snow
 Rep. M. Wheatley

Nays - 0

Absent - 2
 Rep. K. Lisonbee
 Rep. T. Seegmiller

MOTION: Rep. Brammer moved to pass H.B. 208 out favorably. 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. J. Hawkins
 Rep. B. King
 Rep. S. Pitcher
 Rep. J. Rohner
 Rep. V. Snow
 Rep. M. Wheatley

Nays - 0

Absent - 2
 Rep. K. Lisonbee
 Rep. T. Seegmiller

2. H.B. 248 Juvenile Amendments (Snow, V. L.)

Rep. Snow presented bill with the assistance of Ericka Evans and Jacqueline Carlton.

Rep. Brammer assumed the chair.

Rep. Hawkins resumed the chair.

Kayley Richards, Juvenile Justice Specialist, Utah Board of Juvenile Justice Legislative Committee, Utah Commission on Juvenile Justice, spoke in favor of the bill.

MOTION: Rep. Snow moved to replace H.B. 248 with 2nd Substitute H.B. 248. 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. J. Hawkins
Rep. B. King
Rep. S. Pitcher
Rep. J. Rohner
Rep. V. Snow
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. K. Lisonbee
Rep. T. Seegmiller

MOTION: Rep. Pitcher moved to pass 2nd Substitute H.B. 248 out favorably. 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. J. Hawkins
Rep. B. King
Rep. S. Pitcher
Rep. J. Rohner
Rep. V. Snow
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. K. Lisonbee
Rep. T. Seegmiller

3. H.B. 249 Juvenile Recodification Cross References (Snow, V. L.)

Rep. Snow presented bill with the assistance of Ericka Evans and Jacqueline Carlton.

MOTION: Rep. Snow moved to replace H.B. 249 with 1st Substitute H.B. 249. 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. J. Hawkins
Rep. B. King
Rep. S. Pitcher
Rep. J. Rohner
Rep. V. Snow
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. K. Lisonbee
Rep. T. Seegmiller

MOTION: Rep. Acton moved to pass 1st Substitute H.B. 249 out favorably. 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. J. Hawkins
Rep. B. King
Rep. S. Pitcher
Rep. J. Rohner
Rep. V. Snow
Rep. M. Wheatley

Nays - 0

Absent - 2

Rep. K. Lisonbee
Rep. T. Seegmiller

4. 1st Sub. H.B. 148 Commitment in Criminal Proceedings (*Abbott, N.*)

Rep. Abbott presented the bill.

Mark Moffat, criminal defense attorney, spoke in favor of the bill.

Rena Rogers, PEP Utah, spoke against the bill.

Tom Ross, Executive Director, Commission on Criminal and Juvenile Justice, spoke against the bill.

Sherri Wittwer, Peers Empowering Peers, spoke against the bill.

Travis Wood, Utah Association of Counties and Utah Behavioral Health Council, spoke against the bill.

Ginger Phillips, Peers Empowering Peers, spoke against the bill.

Jeff Buhman, Executive Director, Statewide Association of Prosecutors, commented on the bill.

MOTION: Rep. Abbott moved to replace 1st Substitute H.B. 148 with 3rd Substitute H.B. 148. The motion passed with a vote of 8 - 0 - 4.

Yeas - 8

Rep. N. Abbott
Rep. C. Acton
Rep. B. Brammer
Rep. J. Hawkins
Rep. B. King
Rep. S. Pitcher
Rep. J. Rohner
Rep. M. Wheatley

Nays - 0

Absent - 4

Rep. K. Birkeland
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow

MOTION: Rep. Abbott moved to pass 3rd Substitute H.B. 148 out favorably. The motion passed with a vote of 6 - 2 - 4.

Yeas - 6

Rep. N. Abbott
Rep. C. Acton
Rep. B. Brammer
Rep. J. Hawkins
Rep. S. Pitcher
Rep. J. Rohner

Nays - 2

Rep. B. King
Rep. M. Wheatley

Absent - 4

Rep. K. Birkeland
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow

5. H.B. 229 Property and Financial Offense Amendments (*Brammer, B.*)

Rep. Brammer presented the bill with the assistance of Craig Barlow, Director, Justice Division, Utah Attorney General's Office.

Rachel Walker, Ogden City Police Department, spoke in favor of the bill.

Kaye Lynn Wootton, Director, Medicaid Fraud and Patient Abuse Division, Attorney General's Office, spoke in favor of the bill.

Jeremy Cuttingham, Public Policy Director, Alzheimer's Association Utah Chapter, spoke in favor of the bill.

Steve Burton, Defense Attorney Association, commented on the bill.

Richard Larson, Litigation Section Chief, Davis County Attorney's Office, and Statewide Association of Prosecutors, spoke in favor of the bill.

Mark Moffat, criminal defense attorney, spoke against the bill.

MOTION: Rep. Brammer moved to amend H.B. 229 with Amendment #1. The motion passed with a vote of 7 - 0 - 5.

Amendment 1
H.B. 229

1. Page 8, Lines 220 through 225:

220 (1) As used in this section, "high-value property or financial offense" means any of the
221 following offenses that is punishable as a felony:

222 (a) securities fraud, Sections 61-1-1 and 61-1-21;

223 (b) sale by an unlicensed broker-dealer, agent, ~~{or investment advisor}~~ investment adviser, or investment
adviser representative, Sections 61-1-3

224 and 61-1-21;

225 (c) offer or sale of unregistered security, Sections 61-1-7 and 61-1-21;

Yeas - 7

- Rep. N. Abbott
- Rep. C. Acton
- Rep. B. Brammer
- Rep. J. Hawkins
- Rep. S. Pitcher
- Rep. J. Rohner
- Rep. M. Wheatley

Nays - 0

Absent - 5

- Rep. K. Birkeland
- Rep. B. King
- Rep. K. Lisonbee
- Rep. T. Seegmiller
- Rep. V. Snow

MOTION: Rep. Brammer moved to pass H.B. 229 out favorably. The motion passed with a vote of 6 - 1 - 5.

Yeas - 6

- Rep. N. Abbott
- Rep. C. Acton
- Rep. B. Brammer
- Rep. J. Hawkins
- Rep. J. Rohner
- Rep. M. Wheatley

Nays - 1

- Rep. S. Pitcher

Absent - 5

- Rep. K. Birkeland
- Rep. B. King
- Rep. K. Lisonbee
- Rep. T. Seegmiller
- Rep. V. Snow

MOTION: Rep. Abbott moved to adjourn. The motion passed with a vote of 7 - 0 - 5.

Yeas - 7

Rep. N. Abbott
Rep. C. Acton
Rep. B. Brammer
Rep. J. Hawkins
Rep. S. Pitcher
Rep. J. Rohner
Rep. M. Wheatley

Nays - 0

Absent - 5

Rep. K. Birkeland
Rep. B. King
Rep. K. Lisonbee
Rep. T. Seegmiller
Rep. V. Snow

Chair Hawkins adjourned the meeting at 4:35 p.m.

NOTE: H.J.R. 009 was not discussed in the meeting.