



MINUTES

HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Friday, February 18, 2022 | 8:00 a.m. | 30 House Building

Members Present:

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

Rep. Andrew Stoddard
 Rep. Stephen L. Whyte

Members Absent:

Rep. Mike Schultz

Staff Present:

John Feinauer, Managing 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.

1. H.B. 353 False Emergency Reporting Amendments (Matthews, A.)

Rep. Ashlee Matthews presented the bill to the committee.

MOTION: Rep. Hollins moved to amend H.B. 353 with Amendment #1. The motion passed with a vote of 9 - 0 - 2.

Amendment 1
 H.B. 0353

1. Page 3, Lines 61 through 63:

61 (B) the actor makes the false report or aids, abets, or causes a third party to make the
 62 false report with intent to ambush, attack, or otherwise harm a responding law enforcement officer or
 63 emergency responder.

Yeas - 9

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

Nays - 0

Absent - 2

Rep. J. Ferry
 Rep. M. Schultz

MOTION: Rep. Hollins moved to pass H.B. 353 out favorably as amended. The motion passed with a vote of 9 - 0 - 2.

Yeas - 9

Rep. J. Burton
Rep. J. Ferry
Rep. M. Gwynn
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. A. Romero
Rep. M. Schultz

MOTION: Rep. Hollins moved to place H.B. 353 on the Consent Calendar. The motion passed with a vote of 9 - 0 - 2.

Yeas - 9

Rep. J. Burton
Rep. J. Ferry
Rep. M. Gwynn
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. A. Romero
Rep. M. Schultz

2. 2nd Sub. S.B. 179 Criminal Justice Amendments (*Weiler, T.*)

Sen. Todd Weiler presented the bill to the committee.

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

Steve Garside, Layton City Prosecutor and Statewide Association of Prosecutors, commented on the bill.

Daniel Strong, Sentencing Commission Director, spoke in support of the bill.

Bret Webster, resident, spoke in support the bill.

MOTION: Rep. Judkins moved to replace 2nd Substitute S.B. 179 with 3rd Substitute S.B. 179.

The motion passed with a vote of 8 - 0 - 3.

Yeas - 8

Rep. M. Gwynn
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. A. Romero
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 3

Rep. J. Burton
Rep. J. Ferry
Rep. M. Schultz

MOTION: Rep. Judkins moved to pass 3rd Substitute S.B. 179 out favorably. The motion passed with a vote of 8 - 0 - 3.

Yeas - 8

Rep. M. Gwynn
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. A. Romero
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 3

Rep. J. Burton
Rep. J. Ferry
Rep. M. Schultz

3. 3rd Sub. S.B. 150 Criminal Justice Data Management Task Force (*Anderegg, J.*)

Sen. Jacob Anderegg presented the bill with the assistance of Tom Ross.

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

MOTION: Rep. Romero moved to amend 3rd Substitute S.B. 150 with Amendment #1. The motion passed with a vote of 8 - 0 - 3.

Amendment 1
3rd Sub. S.B. 150

1. Page 2, Line 36 through Page 3, Line 57:

36 (2) There is created the Criminal Justice Data Management Task Force consisting of
37 the following members:

* * * Some lines not shown * * *

54 (x) the Utah Sheriffs Association;

55 (xi) the Board of Pardons and Parole;

(xii) a representative from a bail bond agency; and

56 {~~(xii)~~ (xiii) any other organizations or groups as recommended by the executive director of

57 the Commission on Criminal and Juvenile Justice.

Yeas - 8

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

Nays - 0

Absent - 3

Rep. J. Ferry
Rep. M. Gwynn
Rep. M. Schultz

MOTION: Rep. Burton moved to pass 3rd Substitute S.B. 150 out favorably as amended. The motion passed with a vote of 8 - 0 - 3.

Yeas - 8

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

Nays - 0

Absent - 3

Rep. J. Ferry
Rep. M. Gwynn
Rep. M. Schultz

Rep. Romero assumed the chair.

4. H.B. 403 Justice Reinvestment Initiative Modifications (*Wilcox, R.*)

Rep. Wilcox presented the bill to the committee.

Tom Ross spoke in support of the bill.

Steve Burton, Utah Association of Criminal Defense Attorneys, spoke in support of the bill.

Bret Webster spoke in support of the bill.

MOTION: Rep. Miles moved to replace H.B. 403 with 1st Substitute H.B. 403. 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. A. Romero
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. J. Ferry
Rep. M. Schultz

MOTION: Rep. Hollins moved to pass 1st Substitute H.B. 403 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. A. Romero
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. J. Ferry
Rep. M. Schultz

Rep. Wilcox resumed the chair.

MOTION: Rep. Miles moved to approve the minutes of February 16, 2022. 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. A. Romero
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 2

Rep. J. Ferry
Rep. M. Schultz

Rep. Burton assumed the chair.

5. H.B. 399 Government Record Amendments (*Wilcox, R.*)

Rep. Wilcox presented the bill with the assistance of Cameron Diehl, Utah League of Cities and Towns, and Chief Ken Wallentine, Utah Chiefs of Police and Utah Legislative Law Enforcement Committee.

Clint Smith, Draper City Fire Department Chief and Utah State Fire Chiefs Association, spoke in support of the bill.

Sheryl Worsley, KSL and Radio Television Digital News Association, spoke in opposition to the bill.

Colonel Michael Rapich, Department of Public Safety Deputy Commissioner, spoke in support of the bill.

Tiffany James, resident, spoke in opposition to the bill.

Ian Adams, Utah Fraternal Order of Police, spoke in support of the bill.

Sam Stecklow, resident, spoke in opposition to the bill.

MOTION: Rep. Ferry moved to amend H.B. 399 with Amendment #2. The motion passed with a vote of 10 - 0 - 1.

Amendment 2
H.B. 399

1. Page 1, Line 16:
16 ~~{court}~~ costs under the Government Records Access and Management Act and makes
2. Page 1, Line 18:
18 ▸ includes ~~{court}~~ costs in what can be claimed in certain proceedings under the
3. Page 16, Lines 467 through 469:
467 investigation into potential misconduct involving the employee if the governmental entity:
468 (a) requires the statement under threat of employment disciplinary action, including possible termination {
or other} of employment
469 ~~{sanction resulting from}~~. for the employee's refusal to provide the statement; and
4. Page 16, Line 481:
481 ~~{court}~~ costs incurred by the lead party in opposing the governmental entity's request, if:
5. Page 17, Line 497:
497 attorney fees or {court} costs under this section is not subject to Title 63G, Chapter 7.
6. Page 17, Line 504:
504 subdivision reasonable attorney fees and [other litigation] ~~{court}~~ costs reasonably incurred in
7. Page 17, Line 507:
507 (b) In determining whether to award [attorneys' fees] attorney fees or {court} costs under
8. Page 17, Line 513:
513 (c) Attorney fees and ~~{court}~~ costs shall not ordinarily be awarded if the purpose of the
9. Page 17, Line 515:
515 (3) Neither attorney fees nor ~~{court}~~ costs [shall] may be awarded for fees or costs
10. Page 17, Line 517:
517 (4) Notwithstanding Subsection (2), a court may only award attorney fees and {court}
11. Page 17, Line 519:
519 the attorney fees and {court} costs were incurred 20 or more days after the requester provided to
12. Page 17, Line 523:
523 for attorney fees or {court} costs as provided in this section [~~or for damages are~~] is not subject to

13 . Page 18, Line 551:

551 fees] as to any claim for attorney fees or {~~court~~} costs under Sections 63G-2-405 and 63G-2-802;

Yeas - 10

Nays - 0

Absent - 1

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

Rep. M. Schultz

MOTION: Rep. Ferry moved to pass H.B. 399 out favorably as amended. The motion passed with a vote of 10 - 0 - 1.

Yeas - 10

Nays - 0

Absent - 1

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

Rep. M. Schultz

MOTION: Rep. Wilcox moved to adjourn. The motion passed with a vote of 10 - 0 - 1.

Yeas - 10

Nays - 0

Absent - 1

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

Rep. M. Schultz

Chair Burton adjourned the meeting at 9:58 a.m.