



MINUTES

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Thursday, January 19, 2023 | 2:00 p.m. | 210 Senate Building

Members Present:

Sen. Todd D. Weiler, Chair
Sen. Kirk A. Cullimore
Sen. Luz Escamilla
Sen. Michael S. Kennedy
Sen. Jerry W. Stevenson

Members Absent:

Sen. Daniel W. Thatcher

Staff Present:

Sarah Flanigan, Policy Analyst
Nancy Skidmore, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Weiler called the meeting to order at 2:10 p.m.

1. S.J.R. 7 Joint Resolution Approving Settlement Agreement with the United States (Stevenson, J.)

Sen. Stevenson presented the bill.

MOTION: Sen. Stevenson moved to pass S.J.R. 7 out favorably. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4

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

Nays - 0

Absent - 2

Sen. L. Escamilla
Sen. D. Thatcher

2. S.B. 47 Incarcerated Youth Education Amendments (Owens, D.R.)

Sen. Owens presented the bill with the assistance of Brett Peterson, Director, Juvenile Justice and Youth Services.

MOTION: Sen. Cullimore moved to amend S.B. 47 with Amendment #1. The motion passed with a vote of 4 - 0 - 2.

Amendment 1
S.B. 47

1. Page 2, Lines 32 through 37:

32 (c) "Student" means an individual who is:

33 (i) in the custody of the Division of Juvenile Justice and Youth Services {~~within the timeframe of~~

34 ~~the course~~} at any time a course is being offered, including:

35 (A) individuals in the legal custody of the Division of Juvenile Justice Services; and

36 (B) individuals who are housed in a detention center that the Division of Juvenile
37 Justice Services operates; and

2. Page 2, Lines 44 through 45:

44 (b) a consistent, two-year, flexible schedule of higher education courses delivered
45 through interactive video conferencing, in-person, or online methods to students;

Yeas - 4
Sen. K. Cullimore
Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 2
Sen. L. Escamilla
Sen. D. Thatcher

MOTION: Sen. Cullimore moved to pass S.B. 47 out favorably. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4
Sen. K. Cullimore
Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 2
Sen. L. Escamilla
Sen. D. Thatcher

3. S.B. 49 Juvenile Custodial Interrogation Amendments (*Riebe, K.*)

Sen. Riebe presented the bill with the assistance of Jared Stillion, Detective, Unified Police/Metro Gang Unit.

Will Carlson, Salt Lake County District Attorney's Office, spoke in favor of the bill.

Pamela Vickery, Executive Director, Utah Juvenile Defender Attorneys, spoke in favor of the bill.

MOTION: Sen. Cullimore moved to pass S.B. 49 out favorably. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4
Sen. K. Cullimore
Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 2
Sen. L. Escamilla
Sen. D. Thatcher

Sen. Kennedy assumed the chair.

MOTION: Sen. Stevenson moved to approve the minutes of the March 1, 2023, minutes. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3
Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 3
Sen. K. Cullimore
Sen. L. Escamilla
Sen. D. Thatcher

4. S.B. 51 Parent-time Amendments (*Weiler, T.*)

Sen. Weiler presented the bill.

Stewart Ralphs, Executive Director, Legal Aid Society of Salt Lake, spoke in favor of the bill.

MOTION: Chair Weiler moved to pass S.B. 51 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3
Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 3
Sen. K. Cullimore
Sen. L. Escamilla
Sen. D. Thatcher

5. S.B. 52 Parental Indigent Defense Amendments (*Weiler, T.*)

Sen. Weiler presented the bill.

Adam Trupp, Assistant Director, Indigent Defense Commission, spoke in favor of this bill.

MOTION: Sen. Stevenson moved to pass S.B. 52 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. L. Escamilla
Sen. D. Thatcher

Sen. Weiler resumed the chair.

6. S.B. 54 Interdisciplinary Parental Representation Pilot Program Amendments (*Harper, W.*)

MOTION: Sen. Stevenson moved to replace S.B. 54 with 1st Substitute S.B. 54. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. L. Escamilla
Sen. D. Thatcher

Sen. Harper presented the substituted bill.

MOTION: Sen. Stevenson moved to pass 1st Substitute S.B. 54 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. L. Escamilla
Sen. D. Thatcher

7. S.B. 56 Child Welfare Amendments (*Harper, W.*)

MOTION: Sen. Kennedy moved to replace S.B. 56 with 1st Substitute S.B. 56. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. L. Escamilla
Sen. D. Thatcher

Sen. Harper presented the substituted bill.

Tanya Myrup, Director, Division of Child and Family Services, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass 1st Substitute S.B. 56 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

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

Nays - 0

Absent - 3

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

8. S.B. 66 Criminal Citation Dismissals (*Pitcher, S.*)

Sen. Pitcher presented the bill.

MOTION: Sen. Escamilla moved to pass S.B. 66 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

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

Nays - 0

Absent - 3

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

9. S.B. 67 Juvenile Commitment Amendments (*Pitcher, S.*)

Sen. Pitcher presented the bill.

Will Carlson, Salt Lake County District Attorney's Office, spoke in favor of the bill.

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

MOTION: Sen. Escamilla moved to pass S.B. 67 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

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

Nays - 0

Absent - 3

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

10. S.B. 70 Victim Amendments (*Pitcher, S.*)

Sen. Pitcher presented the bill.

MOTION: Sen. Escamilla moved to pass S.B. 70 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

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

Nays - 0

Absent - 3

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

11. S.B. 80 Driver License Suspension and Revocation Amendments (*Pitcher, S.*)

Sen. Pitcher presented the bill with the assistance of Kim Gibb, Legislative Liaison, Department of Public Safety.

MOTION: Sen. Escamilla moved to replace S.B. 80 with 1st Substitute S.B. 80. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

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

Nays - 0

Absent - 3

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

Will Carlson, Salt Lake County District Attorney's Office, spoke in favor of the bill.

Adam Crayk, Managing Partner, Stowell/Crayk Law Firm, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass 1st Substitute S.B. 80 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

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

Nays - 0

Absent - 3

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

12. S.B. 86 Drug Testing and Paraphernalia Amendments (*Plumb, J.*)

[SB 86: Making Fentanyl Test Strips Legal](#)

MOTION: Sen. Escamilla moved to replace S.B. 86 with 1st Substitute S.B. 86. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

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

Nays - 0

Absent - 3

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

Sen. Plumb presented the substituted bill.

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

MOTION: Sen. Escamilla moved to pass 1st Substitute S.B. 86 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

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

Nays - 0

Absent - 3

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

Sen. Escamilla assumed the chair.

13. S.B. 87 Criminal Prosecution Modifications (*Weiler, T.*)

Sen. Weiler presented the bill with the assistance of Mark Moffat, Criminal Defense Attorney, Brown, Bradshaw and Moffat.

Jason Growth, Salt Lake Legal Defender, spoke in favor of the bill.

Chrystal Powell, Victim Rights Attorney, spoke in opposition of the bill.

Craig Barlow, Division Chief, Attorney General's Office, spoke in opposition of the bill.

Rabbi Avrohom Zippel, Chair, Utah Crime Victims Council, spoke in opposition of the bill.

Scott Broadhead, President, Utah County and District Attorney's Association, spoke in opposition of the bill.

Grant Miller, Public Defender, spoke in favor of the bill.

Donna Kelly, Attorney, Utah Crime Victims Council, spoke in opposition of the bill.

Mike Smith, President, Utah County Sheriffs, spoke in opposition of the bill.

David Ferguson, Director, Utah Association of Criminal Defense Lawyers, spoke in favor of the bill.

Alex Allen, Assistant Director, Utah Crime Victims Legal Clinic, spoke in opposition of the bill.

Remington Jiro Johnson, Attorney, Salt Lake Legal Defenders Organization, spoke in favor of the bill.

Tracy Talbott, Administrator, Children Justice Center Program, Attorney General's Office, spoke in opposition to the bill.

Rob Van Dyke, Kane County Attorney, Chair Elect, Statewide Association of Prosecutors, spoke in opposition to the bill.

Chris Manberg, Public Defender, spoke in favor of the bill.

Ryan Robinson, Chief Prosecuting Attorney, West Valley City, spoke in opposition to the bill.

Samantha Connors, Public Defender, Salt Lake Legal Defenders Association, spoke in favor of the bill.

Lyla Mahmoud, Legislative and Policy Counsel, ACLU, spoke in favor of the bill.

Will Carlson, Salt Lake County District Attorney's Office, spoke in opposition of the bill.

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

Sim Gill, Salt Lake County District Attorney, spoke in opposition to the bill.

Paul Cassell, Professor, University of Utah S.J. Quinney College of Law, spoke in opposition to the bill.

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

Brandy Farmer, Victims Advocate, spoke in opposition of the bill.

MOTION: Sen. Kennedy moved to pass S.B. 87 out favorably. The motion passed with a vote of 2 - 1 - 3.

Yeas - 2
Sen. M. Kennedy
Sen. T. Weiler

Nays - 1
Sen. L. Escamilla

Absent - 3
Sen. K. Cullimore
Sen. J. Stevenson
Sen. D. Thatcher

14. S.J.R. 6 Joint Resolution Amending Rules of Procedure and Evidence Regarding Criminal Prosecutions (*Weiler, T.*)

Sen. Weiler presented the bill.

Mark Moffat, Criminal Defense Attorney, Brown, Bradshaw and Moffat, spoke in favor of the bill.

Donna Kelly, Attorney, Utah Crime Victims, spoke in opposition to the bill.

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

Paul Cassell, Professor, University of Utah S. J. Quinney College of Law, spoke in opposition of the bill.

MOTION: Sen. Kennedy moved to pass S.J.R. 6 out favorably. The motion passed with a vote of 2 - 1 - 3.



Yeas - 2

Sen. M. Kennedy
Sen. T. Weiler

Nays - 1

Sen. L. Escamilla

Absent - 3

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

MOTION: Sen. Weiler moved to adjourn. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

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

Nays - 0

Absent - 3

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

Acting Chair Escamilla adjourned the meeting at 5:04 p.m.