



# MINUTES

## HOUSE JUDICIARY STANDING COMMITTEE

Wednesday, January 18, 2023 | 2:00 p.m. | 110 Senate Building

**Members Present:**

Rep. Jon Hawkins, Chair  
Rep. Nelson T. Abbott, Vice Chair  
Rep. Cheryl K. Acton  
Rep. Kera Birkeland  
Rep. Tyler Clancy  
Rep. James Cobb  
Rep. Brian S. King  
Rep. Karianne Lisonbee

Rep. Judy Weeks Rohner  
Rep. Rex P. Shipp  
Rep. Christine F. Watkins  
Rep. Mark A. Wheatley

**Staff Present:**

Jonathan Adams, Policy Analyst  
Makelle Winger, Committee Secretary  
Shay Berger, Committee Secretary

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 Hawkins called the meeting to order at 2:04 p.m.

**MOTION:** Rep. Birkeland moved to approve the minutes. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Cobb  
Rep. J. Hawkins  
Rep. B. King  
Rep. K. Lisonbee  
Rep. J. Rohner  
Rep. R. Shipp  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 0

Absent - 1

Rep. N. Abbott

**1. H.B. 99 Sex Offender Restrictions Amendments (*Brammer, B.*)**

Rep. Brady Brammer presented the bill.

[Presentation for HB99](#)

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

Mark Moffat, Criminal Defense Lawyer, spoke against the bill and responded to a question from Rep. Brian King.

Cynthia Poulson, Section Director at Utah Family Justice, Utah Attorney General's Office, spoke in favor of the bill.

Faye Jenkins, private citizen, spoke against the bill.

Wendy Parmley, private citizen advocate, spoke against the bill.

Jennifer Foresta, attorney and private citizen, spoke against the bill.

Sheri Mattle, Safety Commissioner, Utah Parent Teacher Association, spoke in favor of the bill.

**MOTION:** Rep. Abbott moved to pass H.B. 99 out favorably, with further discussion from the committee on the bill. Rep. Brammer further explained the purpose of the bill. The motion passed with a vote of 10 - 1 - 1.

Yeas - 10  
Rep. N. Abbott  
Rep. C. Acton  
Rep. T. Clancy  
Rep. J. Cobb  
Rep. J. Hawkins  
Rep. K. Lisonbee  
Rep. J. Rohner  
Rep. R. Shipp  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 1  
Rep. B. King

Absent - 1  
Rep. K. Birkeland

**2. H.J.R. 2 Joint Resolution Amending Rules of Civil Procedure on Injunctions (*Brammer, B.*)**

Rep. Brammer presented the bill.

[Presentation for HJR2](#)

Will Carlson, Chief Policy Advisor, Salt Lake County District Attorney's Office, spoke against the bill.

Michael Drechsel, Assistant State Court Administrator, Utah Courts, commented on the bill.

Jennifer Bell, private citizen, spoke against the bill.

John Mejia, Legal Director of American Civil Liberties Union of Utah, spoke against the bill.

Daniel Wilson, private citizen, spoke against the bill.

Mark Brinton, General Counsel and Director of Utah Medical Association, spoke against the bill's revision.

Lisa Petersen, private citizen, spoke against the bill.

Lauren Barros, private citizen, spoke against the bill.

Bill Lee, private citizen, spoke against the bill.

Staci Visser, private citizen, spoke against the bill.

Warren McDonald, private citizen, spoke against the bill.

Ryan Jensen, private citizen, spoke against the bill.

**MOTION:** Rep. Shipp moved to replace H.J.R. 2 with 1st Substitute H.J.R. 2. The motion passed with a vote of 12 - 0 - 0.

Yeas - 12

Nays - 0

Absent - 0

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Cobb  
Rep. J. Hawkins  
Rep. B. King  
Rep. K. Lisonbee  
Rep. J. Rohner  
Rep. R. Shipp  
Rep. C. Watkins  
Rep. M. Wheatley

**MOTION:** Rep. King moved to amend 1st Substitute H.J.R. 2 with Amendment #1. The motion failed with a vote of 4 - 8 - 0.

Amendment 1  
1st Sub. H.J.R. 2

1. Page 4, Lines 102 through 118:

102 [(e) (4) There is a substantial likelihood that the applicant will prevail on the merits of  
103 the underlying claim, or the case presents serious issues on the merits which should be the  
104 subject of further litigation.]  
{-105-}{ ~~(f) Motion for reconsideration:  
106 (f) (1) If a court granted a restraining order or preliminary injunction on the ground that  
107 the case presented serious issues on the merits which should be the subject of further litigation,  
108 a party restrained by the order or injunction on the effective date of this resolution may move  
109 the court to reconsider whether the order or injunction should remain in effect.  
110 (f) (2) A motion for reconsideration under this paragraph (f) may be filed at any time  
111 before the final determination of the case.  
112 (f) (3) Upon a motion for reconsideration, the court must determine whether the  
113 issuance of the restraining order or preliminary injunction meets the requirements in paragraph  
114 (e) regardless of the requirements for the issuance of the order or injunction on the day on  
115 which the order or injunction was issued.  
116 (f) (4) If the court determines that the issuance of the restraining order or preliminary  
117 injunction does not meet the requirements of paragraph (e), the court must terminate the order  
118 or injunction.~~}

Yeas - 4

Nays - 8

Absent - 0

Rep. B. King  
Rep. J. Rohner  
Rep. C. Watkins  
Rep. M. Wheatley

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Cobb  
Rep. J. Hawkins  
Rep. K. Lisonbee  
Rep. R. Shipp

**MOTION:** Rep. Shipp moved to pass 1st Substitute H.J.R. 2 out favorably. The motion passed with a vote of 8 - 4 - 0.

Yeas - 8

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Cobb  
Rep. J. Hawkins  
Rep. K. Lisonbee  
Rep. R. Shipp

Nays - 4

Rep. B. King  
Rep. J. Rohner  
Rep. C. Watkins  
Rep. M. Wheatley

Absent - 0

**3. H.B. 41 Utah Retirement Systems Revisions (*Brooks, W.*)**

Rep. Walt Brooks presented the bill on the Utah Retirement Systems Revisions.

**MOTION:** Rep. Rohner moved to pass H.B. 41 out favorably. The motion passed with a vote of 9 - 0 - 3.

Yeas - 9

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. J. Cobb  
Rep. J. Hawkins  
Rep. J. Rohner  
Rep. R. Shipp  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 0

Absent - 3

Rep. T. Clancy  
Rep. B. King  
Rep. K. Lisonbee

**MOTION:** Rep. Birkeland moved to place H.B. 41 on the Consent Calendar. The motion passed with a vote of 9 - 0 - 3.

Yeas - 9

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. J. Cobb  
Rep. J. Hawkins  
Rep. J. Rohner  
Rep. R. Shipp  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 0

Absent - 3

Rep. T. Clancy  
Rep. B. King  
Rep. K. Lisonbee

**4. H.B. 122 Sex Offender Registry Amendments (*Judkins, M.*)**

Rep. Marsha Judkins presented the bill with the assistance of Amanda Montague, Utah Attorney General's Office representing the Department of Corrections.

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

Kayley Richards, Juvenile Justice Specialist at Utah Board of Juvenile Justice, spoke in favor of the bill.

**MOTION:** Rep. Watkins moved to pass H.B. 122 out favorably. The motion passed with a vote of 8 - 0 - 4.

Yeas - 8

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Cobb  
Rep. J. Hawkins  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 0

Absent - 4

Rep. B. King  
Rep. K. Lisonbee  
Rep. J. Rohner  
Rep. R. Shipp

**MOTION:** Rep. Birkeland moved to adjourn. The motion passed with a vote of 8 - 0 - 4.

Yeas - 8

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. T. Clancy  
Rep. J. Cobb  
Rep. J. Hawkins  
Rep. C. Watkins  
Rep. M. Wheatley

Nays - 0

Absent - 4

Rep. B. King  
Rep. K. Lisonbee  
Rep. J. Rohner  
Rep. R. Shipp

Chair Hawkins adjourned the meeting at 4:21 p.m.