



MINUTES

HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE

STANDING COMMITTEE

LEGISLATURE

Monday, January 30, 2023 | 2:00 p.m. | 30 House Building

Members Present:

Rep. Ryan D. Wilcox, Chair
Rep. Matthew H. Gwynn, Vice Chair
Rep. Melissa G. Ballard
Rep. Jefferson S. Burton
Rep. Katy Hall
Rep. Sahara Hayes
Rep. Sandra Hollins
Rep. Trevor Lee
Rep. Karianne Lisonbee

Rep. Val L. Peterson
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 2:02 p.m.

MOTION: Rep. Stoddard moved to approve the minutes of January 25, 2023. The motion passed with a vote of 8 - 0 - 5.

Yeas - 8

Rep. J. Burton
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. V. Peterson
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 5

Rep. M. Ballard
Rep. T. Lee
Rep. K. Lisonbee
Rep. M. Schultz
Rep. S. Whyte

1. H.B. 98 Process Server Amendments (Stoddard, A.)

Rep. Stoddard presented the bill with the assistance of Chief Deputy Kari Huth, Salt Lake County Sheriff's Office.

MOTION: Rep. Hollins moved to pass H.B. 98 out favorably. The motion passed with a vote of 9 - 0 - 4.

Yeas - 9

Rep. J. Burton
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 4

Rep. M. Ballard
Rep. T. Lee
Rep. M. Schultz
Rep. S. Whyte

MOTION: Rep. Hayes moved to place H.B. 98 on the Consent Calendar. The motion passed with a vote of 9 - 0 - 4.

Yeas - 9

Rep. J. Burton
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 4

Rep. M. Ballard
Rep. T. Lee
Rep. M. Schultz
Rep. S. Whyte

2. H.B. 103 Weapon Possession While Under the Influence Amendments (*Kyle, J*)

Rep. Jason Kyle presented the bill to the committee.

Clark Aposhian, Utah Shooting Sports Council, spoke in support of the bill.

Adam Crayk, Utah Association of Criminal Defense Lawyers, spoke in support of the bill.

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

MOTION: Rep. Gwynn moved to replace H.B. 103 with 2nd Substitute H.B. 103. The motion passed with a vote of 9 - 0 - 4.

Yeas - 9

Rep. J. Burton
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 4

Rep. M. Ballard
Rep. T. Lee
Rep. M. Schultz
Rep. S. Whyte

MOTION: Rep. Gwynn moved to pass 2nd Substitute H.B. 103 out favorably. The motion passed with a vote of 9 - 0 - 4.

Yeas - 9

Rep. J. Burton
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 4

Rep. M. Ballard
Rep. T. Lee
Rep. M. Schultz
Rep. S. Whyte

3. H.B. 199 Voluntary Firearm Safekeeping Amendments (*Cutler, P.*)

Rep. Paul Cutler presented the bill to the committee.

Chad Soffe, Chief, Woods Cross Police Department, was invited by Rep. Cutler to give additional information.

Ryan Robinson, West Valley City Prosecutor and representing Statewide Association for Prosecutors, spoke in support of the bill.

Brian Gwilliam, Chief, Lone Peak Police Department and representing the Chiefs of Police Association, spoke in support of the bill.

Neca Allgood, Gun Violence Prevention Center, spoke to the bill.

Clark Aposhian, representing Shooting Sports Counsel and National Rifle Association, spoke in opposition to the bill.

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

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

MOTION: Rep. Stoddard moved to pass H.B. 199 out favorably.

SUBSTITUTE MOTION: Rep. Hall moved to hold H.B. 199.

The substitute motion passed with a vote of 6 - 4 - 3.

Yeas - 6

Rep. J. Burton
Rep. K. Hall
Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson
Rep. R. Wilcox

Nays - 4

Rep. M. Gwynn
Rep. S. Hayes
Rep. S. Hollins
Rep. A. Stoddard

Absent - 3

Rep. M. Ballard
Rep. M. Schultz
Rep. S. Whyte

4. H.B. 158 Electronic Information or Data Privacy Act Modifications (*Stoddard, A.*)

Rep. Stoddard turned the time over to Will Carlson to present the bill.

Adam Crayk spoke to the bill.

Leslie Corbly, Libertas Institute, spoke in opposition to the bill.

MOTION: Rep. Hollins moved to replace H.B. 158 with 1st Substitute H.B. 158. The motion passed with a vote of 10 - 0 - 3.

Yeas - 10

Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 3

Rep. M. Ballard
Rep. J. Burton
Rep. M. Schultz

MOTION: Rep. Gwynn moved to amend 1st Substitute H.B. 158 with Amendment #1. The motion passed with a vote of 10 - 0 - 3.

Amendment 1
1st Sub. H.B. 158

1 . Page 3, Lines 76 through 84:
76 (i) with the informed consent of the owner of the electronic device or electronic
77 information or data;

78 (ii) with a subpoena under Section 77-22-2 if the stored or transmitted data or the
79 electronic information or data is an audio or video surveillance recording of a nonresidential area ;
80 [(#)] (iii) in accordance with a judicially recognized exception to warrant requirements;
81 or
82 [(##)] (iv) subject to Subsection (2)(a)(vi)(B), from a provider of a remote computing
83 service or an electronic communication service if the provider voluntarily discloses the stored
84 or transmitted data as otherwise permitted under 18 U.S.C. Sec. 2702.

Yeas - 10

Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 3

Rep. M. Ballard
Rep. J. Burton
Rep. M. Schultz

MOTION: Rep. Hollins moved to pass 1st Substitute H.B. 158 out favorably as amended. The motion failed with a vote of 5 - 5 - 3.

Yeas - 5

Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. A. Stoddard

Nays - 5

Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson
Rep. S. Whyte
Rep. R. Wilcox

Absent - 3

Rep. M. Ballard
Rep. J. Burton
Rep. M. Schultz

5. H.B. 255 Vehicle Accident Reports Amendments (Stoddard, A.)

Rep. Stoddard presented the bill to the committee.

David Head, Utah Association for Justice, spoke in support of the bill.

Leah Hansen, citizen, spoke in support of the bill.

MOTION: Rep. Peterson moved to pass H.B. 255 out favorably. The motion passed with a vote of 10 - 0 - 3.

Yeas - 10

Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 3

Rep. M. Ballard
Rep. J. Burton
Rep. M. Schultz

6. H.B. 268 Sex Offense Amendments (Stoddard, A.)

Rep. Stoddard presented the bill with the assistance of Daniel Strong.

Tom Ross, Executive Director, Commission on Criminal and Juvenile Justice, spoke in support of the bill.

Leah Hansen spoke in opposition to the bill.

MOTION: Rep. Gwynn moved to replace H.B. 268 with 1st Substitute H.B. 268. The motion passed with a vote of 8 - 1 - 4.

Yeas - 8

Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. V. Peterson
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 1

Rep. K. Lisonbee

Absent - 4

Rep. M. Ballard
Rep. J. Burton
Rep. M. Schultz
Rep. S. Whyte

MOTION: Rep. Gwynn moved to pass 1st Substitute H.B. 268 out favorably. The motion passed with a vote of 9 - 1 - 3.

Yeas - 9

Rep. M. Ballard
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. V. Peterson
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 1

Rep. K. Lisonbee

Absent - 3

Rep. J. Burton
Rep. M. Schultz
Rep. S. Whyte

Rep. Gwynn assumed the chair.

7. H.B. 266 Amber Alert Amendments (*Wilcox, R.*)

Rep. Wilcox presented the bill to the committee.

MOTION: Rep. Lisonbee moved to pass H.B. 266 out favorably. The motion passed with a vote of 10 - 0 - 3.

Yeas - 10

Rep. M. Ballard
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. K. Lisonbee
Rep. V. Peterson
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 3

Rep. J. Burton
Rep. M. Schultz
Rep. S. Whyte

MOTION: Rep. Stoddard moved to place H.B. 266 on the Consent Calendar. The motion passed with a vote of 9 - 0 - 4.

Yeas - 9

Rep. M. Ballard
Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. K. Lisonbee
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 4

Rep. J. Burton
Rep. V. Peterson
Rep. M. Schultz
Rep. S. Whyte

Rep. Wilcox resumed the chair.

8. H.B. 203 Inmate Education Amendments (*Ballard, M.G.*)

[1st Sub HB203 policies](#)

Rep. Ballard presented the bill and provided a handout. David Bokovoy, Director, SLCC Promise; Dave Durocher, The Other Side Academy; Russell Pearson, graduate from The Other Side Academy; and Natalyn Lewis, Safe Harbor, discussed the long-term advantages of education while incarcerated.

Jim Hudspeth, Deputy Executive Director, Department of Corrections, spoke against the 1st Sub, to the 2nd Sub, and answered questions from the committee.

Katherine Rhodes, citizen, spoke in support of the bill.

Jared Haines, Senior Advisor, Utah System of Higher Education, spoke in support of the bill.

Tom Ross, representing CCJJ, spoke in opposition to the bill.

Daniel Strong spoke to the bill.

Alexander Hamm, Pioneer Park Coalition, spoke in support of the bill.

Kelly Bingham, Director of Education, Utah Prisoner Advocate Network, spoke in support of the bill.

Alex Bloomfield, formerly incarcerated, spoke in support of the bill.

Johnny Taukeiaho, formerly incarcerated, spoke in support of the bill.

Page Norton, prison reform advocate, spoke in support of the bill.

Shannon Bloomfield, formerly incarcerated, spoke in support of the bill.

Pesi Kimoana, daughter of an incarcerated father, spoke in support of the bill.

Ryan Hogan, business owner, former Navy member, and formerly incarcerated, spoke in support of the bill.

Karina Barker, Howell Group, spoke in support of the bill.

Michael Smith, Sheriff, Utah County Sheriff and representing the Utah Sheriffs' Association, spoke in opposition to the bill.

Ben Aldana, who became an attorney after incarceration, spoke in support of the bill.

James Behunin, citizen, spoke in support of the bill.

James Hudspeth answered questions from the committee.

MOTION: Rep. Hollins moved to replace H.B. 203 with 2nd Substitute H.B. 203. The motion passed with a vote of 8 - 0 - 5.

Yeas - 8

Rep. M. Ballard
Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 5

Rep. K. Hall
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz
Rep. S. Whyte

MOTION: Rep. Hollins moved to pass 2nd Substitute H.B. 203 out favorably.

The motion passed with a vote of 8 - 0 - 5.

Yeas - 8

Rep. M. Ballard
Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 5

Rep. K. Hall
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz
Rep. S. Whyte

MOTION: Rep. Hollins moved to adjourn. The motion passed with a vote of 8 - 0 - 5.

Yeas - 8

Rep. M. Ballard
Rep. J. Burton
Rep. M. Gwynn
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. A. Stoddard
Rep. R. Wilcox

Nays - 0

Absent - 5

Rep. K. Hall
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz
Rep. S. Whyte

Chair Wilcox adjourned the meeting at 5:25 p.m.