



MINUTES

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Thursday, February 9, 2023 | 8:40 a.m. | 210 Senate Building

Members Present:

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

Members Absent:

Sen. Jerry W. Stevenson
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 8:41 a.m.

MOTION: Sen. Kennedy moved to approve the minutes of the February 6, 2023, meeting. The motion passed with a vote of 2 - 0 - 4.

Yeas - 2

Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 4

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

1. S.B. 178 Sexual Assault Modifications (McKell, M.)

Sen. McKell spoke to the substitute.

MOTION: Sen. Kennedy moved to replace S.B. 178 with 1st Substitute S.B. 178. The motion passed with a vote of 2 - 0 - 4.

Yeas - 2

Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 4

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

Sen. McKell presented the bill with the assistance of Emma Schwartz, citizen.

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

MOTION: Sen. Kennedy moved to pass 1st Substitute S.B. 178 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

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

Nays - 0

Absent - 3

Sen. L. Escamilla
Sen. J. Stevenson
Sen. D. Thatcher

2. S.B. 129 Judiciary Amendments (Cullimore, K. A.)

Sen. Cullimore presented the bill.

MOTION: Sen. Cullimore moved to replace S.B. 129 with 1st Substitute S.B. 129. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

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

Nays - 0

Absent - 3

Sen. L. Escamilla
Sen. J. Stevenson
Sen. D. Thatcher

Erik Christiansen, President-Elect, Utah State Bar, spoke in opposition to the bill.

Daniel Witte, attorney, spoke in favor of the bill.

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

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

Michael Drechsel, Administrative Office of the Courts, spoke to the bill.

Erika Larsen, attorney, spoke in opposition to the bill.

Nancy Sylvester, General Counsel, Utah State Bar, spoke in opposition to the bill.

Adam Crayk, Attorney, Utah Defense Attorneys Association, spoke to the bill.

MOTION: Sen. Kennedy moved to pass 1st Substitute S.B. 129 out favorably. The motion passed with a vote of 3 - 1 - 2.

Yeas - 3

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

Nays - 1

Sen. L. Escamilla

Absent - 2

Sen. J. Stevenson
Sen. D. Thatcher

3. S.B. 186 Juvenile Court Amendments (*Pitcher, S.*)

Rep. Pitcher presented the bill with the assistance of Pam Vickrey, Executive Director, Utah Juvenile Defender Attorneys.

MOTION: Sen. Kennedy moved to pass S.B. 186 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

4. 1st Sub. H.B. 165 Firearm Discharge on Private Property Amendments (*Lee, T.*)

Rep. Lee presented the bill with the assistance of Mitch Vilos, attorney.

MOTION: Sen. Kennedy moved to pass 1st Substitute H.B. 165 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

5. 2nd Sub. H.B. 268 Sex Offense Amendments (Stoddard, A.)

MOTION: Sen. Kennedy moved to amend 2nd Substitute H.B. 268 with Amendment #1. The motion passed with a vote of 3 - 0 - 3.

Amendment 1
2nd Sub. H.B. 268

1. Page 5, Lines 138 through 142:

138 (a) the executive director of the Department of Corrections, or the executive director's

139 designee;

140 (b) the {~~executive director~~} commissioner of the Department of Public Safety, or the {~~executive~~}

141 {~~director's~~} commissioner's designee;

142 (c) the attorney general, or the attorney general's designee;

Yeas - 3

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

Nays - 0

Absent - 3

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

Rep. Stoddard presented the bill.

MOTION: Sen. Kennedy moved to pass 2nd Substitute H.B. 268 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. Kennedy assumed the chair.

6. S.B. 156 Investigative Genetic Genealogy Modifications (Weiler, T.)

Sen. Weiler presented the bill with the assistance of Heidi Miller, Sherry Black Foundation, and Greg Miller, Sherry Black Foundation.

Whit Cook, Utah Eagle Forum, spoke in opposition to the bill.

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

MOTION: Sen. Kennedy moved to replace S.B. 156 with 1st Substitute S.B. 156. 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

MOTION: Sen. Kennedy moved to amend 1st Substitute S.B. 156 with Amendment #1. The motion passed with a vote of 3 - 0 - 3.

Amendment 1

1st Sub. S.B. 156

1. Page 13, Lines 387 through 395:

387 (a) the individual requests an investigative genetic genealogy service or a genetic
388 genealogy database search;
389 { ~~(b) the individual demonstrates no other available DNA test can provide:~~
390 ~~(i) a conclusive result; or~~
391 ~~(ii) any result due to the nature or quantity of the DNA evidence;~~
392 ~~(e)}~~ (b) the investigative genetic genealogy service or genetic genealogy database search
393 will be performed in accordance with the requirements described in Subsection (6); and
394 { ~~(d)}~~ (c) the individual covers the expenses of the investigative genetic genealogy service or
395 genetic genealogy database search.

Yeas - 3

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

Nays - 0

Absent - 3

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

MOTION: Sen. Kennedy 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 Kennedy adjourned the meeting at 9:57 a.m.

NOTE: 01st Substitute H.B. 0216, 01st Substitute H.B. 0251, H.B. 0300 were not discussed in the meeting.