



# MINUTES

## HOUSE JUDICIARY STANDING COMMITTEE

Wednesday, February 8, 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 F. Cobb  
Rep. Brian S. King  
Rep. Karianne Lisonbee

Rep. Judy Weeks Rohner  
Rep. Rex P. Shipp  
Rep. Christine F. Watkins

**Members Absent:**

Rep. Mark A. Wheatley

**Staff Present:**

Jonathan Adams, Policy Analyst  
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 Abbott called the meeting to order.

**MOTION:** Rep. Rohner moved to approve the minutes. The motion passed with a vote of 6 - 0 - 6.

Yeas - 6

Rep. N. Abbott  
Rep. C. Acton  
Rep. J. Cobb  
Rep. J. Hawkins  
Rep. J. Rohner  
Rep. C. Watkins

Nays - 0

Absent - 6

Rep. K. Birkeland  
Rep. T. Clancy  
Rep. B. King  
Rep. K. Lisonbee  
Rep. R. Shipp  
Rep. M. Wheatley

### 1. H.B. 204 Child Welfare Proceedings Testing Requirements (*Watkins, C.*)

Rep. Watkins introduced the bill.

Stacey Snyder, Office of Guardian ad Litem, spoke in favor of the bill.

**MOTION:** Rep. Watkins moved to replace H.B. 204 with 1st Substitute H.B. 204. The motion passed with a vote of 7 - 0 - 5.

Yeas - 7

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. J. Cobb  
Rep. J. Hawkins  
Rep. J. Rohner  
Rep. C. Watkins

Nays - 0

Absent - 5

Rep. T. Clancy  
Rep. B. King  
Rep. K. Lisonbee  
Rep. R. Shipp  
Rep. M. Wheatley

**MOTION:** Rep. Watkins moved to amend 1st Substitute H.B. 204 with Amendment #1. The motion passed with a vote of 8 - 0 - 4.

Amendment 1  
1st Sub. H.B. 204

1. Page 7, Lines 186 through 191:

186 (ii) A claim of attorney-client privilege does not bar access to the records of an attorney  
187 guardian ad litem by the Legislature, through legislative subpoena.

{-188-}{ ~~(13) A guardian ad litem may not refer an individual for drug testing by means of a hair, fingernail, or saliva test that is administered to detect the presence of drugs. }~~  
189 Section 2. Section 80-2-301 is amended to read:  
190 80-2-301. Division responsibilities.  
191

Yeas - 8

Rep. N. Abbott  
Rep. C. Acton  
Rep. K. Birkeland  
Rep. J. Cobb  
Rep. J. Hawkins  
Rep. B. King  
Rep. J. Rohner  
Rep. C. Watkins

Nays - 0

Absent - 4

Rep. T. Clancy  
Rep. K. Lisonbee  
Rep. R. Shipp  
Rep. M. Wheatley

**MOTION:** Rep. Birkeland moved to pass 1st Substitute H.B. 204 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. B. King  
Rep. J. Rohner  
Rep. R. Shipp  
Rep. C. Watkins

Nays - 0

Absent - 3

Rep. T. Clancy  
Rep. K. Lisonbee  
Rep. M. Wheatley

**2. H.B. 317 Pretrial Release Modifications (Hall, K.)**

Rep. Katy Hall introduced the bill with Steve Burton, Defense Attorneys for Balanced Criminal Justice.

Richard Larsen, Davis County Attorney's Office, spoke against the bill.

Richard Mauro, Director of the Salt Lake Legal Defender Association, spoke in favor of the bill.

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

Mark Moffat, criminal defense attorney, spoke in favor of the bill.

Jeff Buhman, Executive Director of the State Wide Association of Prosecutors, spoke to the bill.

Johnnie Miller, Chief Executive Officer at Utah Counties Indemnity Pool, spoke against the bill.

Wayne Carlos, Utah Bail Bonds Association, spoke against the bill.

Michael Drechsel, Assistant State Court Administrator for State Courts, spoke to the bill.

Robert Van Dyke, Kane County Attorney, spoke against the bill.

Alexandra Allen, Assistant Director of the Utah Crime Victims Legal Clinic, spoke against the bill.

Ben Aldana, public defender in Utah County, spoke against the bill.

Marc Ebel, Director of Legislative Affairs for Aladdin Bail Bonds, spoke against the bill.

Crystal Powell, Attorney with the Utah Crime Victims Legal Clinic, spoke against the bill.

**MOTION:** Rep. Lisonbee moved to replace H.B. 317 with 1st Substitute H.B. 317. The motion passed with a vote of 11 - 0 - 1.

Yeas - 11

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

Nays - 0

Absent - 1

Rep. M. Wheatley

**MOTION:** Rep. Lisonbee moved to pass 1st Substitute H.B. 317 out favorably. The motion passed with a vote of 10 - 1 - 1.

Yeas - 10

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

Nays - 1

Rep. B. King

Absent - 1

Rep. M. Wheatley

**3. H.B. 368 Inmate Identification Amendments (*Lisonbee, K.*)**

Rep. Lisonbee introduced the bill with Lauren Krisai, Deputy Director of the Justice Action Network.

Sam Knight, defense attorney, spoke in favor of the bill.

Richard Mauro, Director of the Salt Lake Legal Defender Association, spoke in favor of the bill.

Steve Erickson, Crossroads Urban Center, spoke in favor of the bill.

Dan Blanchard, Division Director of Adult Probation and Parole, spoke in favor of the bill.

Scott Howell, Pioneer Park Coalition, spoke in favor of the bill.

**MOTION:** Rep. Shipp moved to pass H.B. 368 out favorably. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

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

Nays - 0

Absent - 2

Rep. T. Clancy  
Rep. M. Wheatley

**MOTION:** Rep. Watkins moved to adjourn. The motion passed with a vote of 10 - 0 - 2.

Yeas - 10

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

Nays - 0

Absent - 2

Rep. T. Clancy  
Rep. M. Wheatley

NOTE: H.B. 0337, H.B. 0323, H.B. 0324 were not discussed in the meeting.