



MINUTES

HOUSE LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Monday, February 13, 2023 | 4:00 p.m. | 30 House Building

Members Present:

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

Rep. Stephen L. Whyte

Members Absent:

Rep. Jefferson S. Burton
Rep. Val L. Peterson
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 4:10 p.m.

1. 4th Sub. S.B. 128 Public Safety Officer Scholarship Program (*Ipson, D.*)

Chad Soffe, Chief, Woods Cross Police Department, and representing Law Enforcement Legislative Committee and Utah Chiefs of Police Association, spoke in support of the bill.

MOTION: Rep. Gwynn moved to replace 4th Substitute S.B. 128 with 5th Substitute S.B. 128. The motion passed with a vote of 6 - 0 - 7.

Yeas - 6

Rep. M. Gwynn
Rep. K. Hall
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. R. Wilcox

Nays - 0

Absent - 7

Rep. M. Ballard
Rep. J. Burton
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz
Rep. A. Stoddard
Rep. S. Whyte

MOTION: Rep. Hall moved to pass 5th Substitute S.B. 128 out favorably. The motion passed with a vote of 7 - 0 - 6.

Yeas - 7

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

Nays - 0

Absent - 6

Rep. M. Ballard
Rep. J. Burton
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz
Rep. S. Whyte

2. S.B. 95 Foreign Driver License Reciprocity Amendments (*Stevenson, J.*)

Rep. Candace Pierucci presented the bill.

MOTION: Rep. Hollins moved to pass S.B. 95 out favorably. The motion passed with a vote of 8 - 0 - 5.

Yeas - 8

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

Nays - 0

Absent - 5

Rep. M. Ballard
Rep. J. Burton
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz

MOTION: Rep. Hall moved to approve the minutes of February 10, 2023. The motion passed with a vote of 8 - 0 - 5.

Yeas - 8

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

Nays - 0

Absent - 5

Rep. M. Ballard
Rep. J. Burton
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz

3. H.B. 400 School Absenteeism Amendments (*Johnson, D.N.*)

Rep. Dan Johnson presented the bill with the assistance of Patty Norman, State Board of Education, and Brett Peterson, Director, Division of Juvenile Justice Services, Department of Health and Human Services. A handout was provided.

[HB 400 Statistics Sheet](#)

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

Jon England, Libertas Institute, spoke to the bill.

Chase Clyde, Utah Education Association, spoke in support of the bill.

Kayley Richards, Juvenile Justice Specialist, Commission on Criminal and Juvenile Justice, spoke in support of the bill.

MOTION: Rep. Gwynn moved to amend H.B. 400 with Amendment #1. The motion passed with a vote of 8 - 0 - 5.

Amendment 1 H.B. 400

1. Page 2, Line 58 through Page 3, Line 61:

58 (h) providing ~~{ an evidence-based }~~ a system of supports that:

59 ~~{ (i) is structured in tiers, with each tier addressing teaming, accurate data collection and~~

60 ~~analysis, and systematic action; and }~~

(i) is evidence-based as defined in Section 53G-11-303;

(ii) integrates multiple tiers that provide increasingly intensive interventions for students at risk for or experiencing chronic absenteeism; and

61 ~~{ (ii) }~~ (iii) includes dropout or chronic absenteeism interventions that seek to determine

2. Page 3, Line 74:

74 (b) absences without a valid excuse.

(7) The state board shall make rules in accordance with Title 53G, Chapter 3, Utah Administrative Rulemaking Act, to define the tiers of intervention and supports described in Subsection (2)(h)(ii) which shall:

(a) be developed to:
(i) maximize student achievement;
(ii) reduce behavior problems; and
(iii) increase long-term success; and
(b) in higher tiers of intervention and support, provide targeted interventions that increase structure, support, and feedback to address current attendance deficits experienced by students.

3. Page 5, Lines 137 through 139:

137 (b) use another evidence-based program; or
138 [(b)] (c) create {+}a{+}{-an evidence-informed-} dropout prevention and recovery services
139 plan that is evidence-informed as defined in Section 53G-11-303.

Yeas - 8

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

Nays - 0

Absent - 5

Rep. J. Burton
Rep. K. Hall
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz

MOTION: Rep. Gwynn moved to pass H.B. 400 out favorably as amended. The motion passed with a vote of 8 - 0 - 5.

Yeas - 8

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

Nays - 0

Absent - 5

Rep. J. Burton
Rep. K. Hall
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz

4. H.B. 139 Sex and Kidnap Offender Registry Requirements (*Judkins, M.*)

Rep. Marsha Judkins presented the bill.

Faye Jenkins, UPAN, spoke in support of the bill.

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

Amanda Montague, Assistant Attorney General, Office of the Attorney General, spoke to the bill.

Ryan Robinson, Statewide Association of Prosecutors, spoke in support of the bill.

MOTION: Rep. Hollins moved to replace H.B. 139 with 1st Substitute H.B. 139. The motion passed with a vote of 7 - 0 - 6.

Yeas - 7
Rep. M. Ballard
Rep. M. Gwynn
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 6
Rep. J. Burton
Rep. K. Hall
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz
Rep. A. Stoddard

MOTION: Rep. Hollins moved to pass 1st Substitute H.B. 139 out favorably. The motion passed with a vote of 7 - 0 - 6.

Yeas - 7
Rep. M. Ballard
Rep. M. Gwynn
Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 6
Rep. J. Burton
Rep. K. Hall
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz
Rep. A. Stoddard

5. H.B. 373 Law Enforcement Training and Recruitment (Welton, D.)

Rep. Douglas Welton presented the bill.

Chad Soffe answered questions from the committee and spoke in support of the bill.

MOTION: Rep. Ballard moved to replace H.B. 373 with 1st Substitute H.B. 373. The motion passed with a vote of 7 - 0 - 6.

Yeas - 7
Rep. M. Ballard
Rep. M. Gwynn
Rep. S. Hayes
Rep. T. Lee
Rep. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 6
Rep. J. Burton
Rep. K. Hall
Rep. S. Hollins
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz

MOTION: Rep. Ballard moved to amend 1st Substitute H.B. 373 with Amendment #1. The motion passed with a vote of 8 - 0 - 5.

Amendment 1
1st Sub. H.B. 373

1. Page 2, Lines 43 through 49:
43 (3) Subject to legislative appropriation, the board shall award a grant to an applicant
44 who:
45 (a) is hired by a law enforcement agency as a law enforcement officer for the first time
46 on or after May 3, 2023;
47 (b) is employed with the law enforcement agency for at least five years; and
48 (c) completes a degree or certificate from a degree granting institution of higher
49 education or technical college before or during the law enforcement officer's employment.

Yeas - 8

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

Nays - 0

Absent - 5

Rep. J. Burton
Rep. K. Hall
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz

MOTION:

Rep. Gwynn moved to pass 1st Substitute H.B. 373 out favorably as amended. The motion passed with a vote of 8 - 0 - 5.

Yeas - 8

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

Nays - 0

Absent - 5

Rep. J. Burton
Rep. K. Hall
Rep. K. Lisonbee
Rep. V. Peterson
Rep. M. Schultz

6. H.B. 354 Firearm Access Amendments (Stoddard, A.)

Rep. Stoddard presented the bill.

Dr. Jeff Robison, Pediatric Emergency Room Physician, spoke in support of the bill.

Neca Allgood, Gun Violence Prevention Center, spoke in support of the bill.

Dr. Jennifer Brinton, American Academy of Pediatrics, spoke in support of the bill.

Teresa Garrett, mother, spoke in support of the bill.

Stacey Mollinet, Utah PTA, spoke in support of the bill.

Dalane England, resident, spoke in opposition to the bill.

Chad Soffe, representing Law Enforcement Legislative Committee, spoke in opposition to the bill.

Barbara Gentry, Gun Violence Prevention Center, spoke in support of the bill.

Helen Droitsch, Moms Demand Action, spoke in support of the bill.

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

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

MOTION:

Rep. Hollins moved to amend H.B. 354 with Amendment #2. The motion passed with a vote of 10 - 0 - 3.

Amendment 2
H.B. 354

1. Page 1, Lines 11 through 17:
11 This bill:

- 12 ▶ defines terms;
13 ▶ provides that a firearm shall be securely stored or rendered inoperable by a locking
14 device; and
15 ▶ sets penalties for violations{~~;~~and}.
16 ▶ {~~provides that if a person accesses an unlocked firearm and commits a crime, the~~
17 ~~owner may be criminally liable.~~}

2. Page 2, Lines 47 through 56:

- 47 (4) If a restricted person, a minor, or an at-risk person gains access to a firearm
48 belonging to or under the control of an owner or authorized user, and the owner or authorized
49 user failed to secure the firearm in a locked container or by a locking device, the owner or
50 authorized user in control of the firearm:
51 (a) is subject to a civil fine of \$1,000; or
52 (b) if the restricted person, minor, or at-risk person commits a crime or injures another
53 person, is subject to a civil fine of \$5,000{in addition to being guilty of an offense one level
54 below the offense charged against the restricted person, minor, or at-risk person}};
55 (5) Subsection (4) does not apply if :
56 (a) the firearm is accessed by a person and used in a
lawful act of self-defense ; or
(b) the owner or authorized user of the firearm reported the firearm as stolen .

Yeas - 10

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. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 3

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

MOTION: Rep. Hollins moved to pass H.B. 354 out favorably.

SUBSTITUTE MOTION: Rep. Ballard moved to hold H.B. 354. The substitute motion failed with a vote of 5 - 5 - 3.

Yeas - 5

Rep. M. Ballard
Rep. M. Gwynn
Rep. K. Hall
Rep. K. Lisonbee
Rep. S. Whyte

Nays - 5

Rep. S. Hayes
Rep. S. Hollins
Rep. T. Lee
Rep. A. Stoddard
Rep. R. Wilcox

Absent - 3

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

The underlying motion failed with a vote of 3 - 7 - 3.

Yeas - 3

Rep. S. Hayes
Rep. S. Hollins
Rep. A. Stoddard

Nays - 7

Rep. M. Ballard
Rep. M. Gwynn
Rep. K. Hall
Rep. T. Lee
Rep. K. Lisonbee
Rep. S. Whyte
Rep. R. Wilcox

Absent - 3

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

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

Rep. Paul Cutler presented the bill with the assistance of Ryan Robinson.

Jack Carruth, Chief, City of South Salt Lake Police Department, and representing Utah Chiefs of Police Association, spoke in support of the bill.

Tom Ross spoke in support of the bill.

Daniel Strong spoke in support of the bill.

Chad Soffe, representing Law Enforcement Legislative Committee, spoke in support of the bill.

Stacy Mullinet spoke in support of the bill.

Clark Aposhian spoke in opposition to the bill.

MOTION: Rep. Stoddard moved to replace H.B. 199 with 2nd Substitute H.B. 199. 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. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 3

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

MOTION: Rep. Ballard moved to pass 2nd Substitute H.B. 199 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. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 1

Rep. K. Lisonbee

Absent - 3

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

MOTION: Rep. Stoddard moved to adjourn. 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. A. Stoddard
Rep. S. Whyte
Rep. R. Wilcox

Nays - 0

Absent - 3

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

Chair Wilcox adjourned the meeting at 6:04 p.m.