



UTAH STATE

LEGISLATURE

MINUTES

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

Tuesday, January 23, 2024 | 2:00 p.m. | 210 Senate Building

Members Present:

Sen. Todd D. Weiler, Chair
Sen. Luz Escamilla
Sen. Michael S. Kennedy
Sen. Jerry W Stevenson

Members Absent:

Sen. Kirk A. Cullimore
Sen. Daniel W. Thatcher

Staff Present:

Lacey Johnson, 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 2:19 p.m..

MOTION: Sen. Kennedy moved to approve the minutes of the January 17, 2024 meeting. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 3

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

1. S.B. 63 Board of Pardons and Parole Amendments (Pitcher, S.)

MOTION: Sen. Kennedy moved to replace S.B. 63 with 1st Substitute S.B. 63. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 3

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

MOTION: Sen. Kennedy moved to amend 1st Substitute S.B. 63 with Amendment #1. The motion passed with a vote of 3 - 0 - 3.

Amendment 1
1st Sub. S.B. 63

1. Page 8, Lines 224 through 227:

224 (8) The board may intervene as a limited-purpose party in a judicial or administrative
225 proceeding, including a criminal action, to seek:

226 (a) correction of an order that has or will impact the board's jurisdiction; or

227 (b) clarification regarding an order that may impact the board's jurisdiction.

(9) A motion to intervene brought under Subsection (8)(a) shall be raised within 90 days after the day on which a court enters the order that impacts the board's jurisdiction.

Yeas - 3

Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 3

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

Sen. Pitcher presented the bill with the assistance of Amanda Montague, Assistant Surgeon General, Council for Board of Pardons.

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

Mark Moffat, Defense Attorney, Defense Attorney Association, spoke in opposition to the bill.

Jeff Buhman, Executive Director, Statewide Division of Prosecutors. spoke in opposition to the bill.

MOTION: Sen. Escamilla moved to amend 1st Substitute S.B. 63 with Amendment #2. The motion passed with a vote of 4 - 0 - 2.

Amendment 2
1st Sub. S.B. 63

1. Page 8, Lines 224 through 227:

224 (8) The board may intervene as a limited-purpose party in a judicial or administrative
225 proceeding, including a criminal action, to seek:

226 (a) correction of an order that has or will impact the board's jurisdiction; or

227 (b) clarification regarding an order that may impact the board's jurisdiction.

(9) A motion to intervene brought under Subsection (8)(a) shall be raised within 60 days after the day on which a court enters the order that impacts the board's jurisdiction.

Yeas - 4

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

Nays - 0

Absent - 2

Sen. K. Cullimore
Sen. D. Thatcher

MOTION: Sen. Escamilla moved to pass 1st Substitute S.B. 63 out favorably. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4

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

Nays - 0

Absent - 2

Sen. K. Cullimore
Sen. D. Thatcher

2. S.B. 110 Domestic Violence Amendments (Pitcher, S.)

Sen. Pitcher presented the bill.

Adam Pomeroy, Assistant Attorney General, spoke in favor of the bill.

Sam Knight, Defense Attorney, Defense Attorney Association, spoke in opposition to the bill.

Taryn Evans, citizen, spoke in favor of the bill.

MOTION: Sen. Kennedy moved to amend S.B. 110 with Amendment #1. The motion passed with a vote of 4 - 0 - 2.

Amendment 1
S.B. 110

1. Page 2, Lines 29 through 31:

29 (3) Subsection 78A-7-106(6), regarding the transfer of a criminal action involving a
30 domestic violence offense from the justice court to the district court, is repealed on July 1,
31 [2024] {~~2028~~} 2027.

Yeas - 4
Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 2
Sen. K. Cullimore
Sen. D. Thatcher

MOTION: Sen. Kennedy moved to pass S.B. 110 out favorably. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4
Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 2
Sen. K. Cullimore
Sen. D. Thatcher

Sen. Kennedy assumed the chair.

3. S.B. 95 Domestic Relations Recodification (*Weiler, T.*)

Sen. Weiler presented the bill with the assistance of Jacqueline Carlton, Drafting Attorney, Associate General Counsel, Legislative Research and General Counsel.

Stewart Ralphs, Director, Legal Aid Society, spoke in favor of the bill.

MOTION: Sen. Weiler moved to pass S.B. 95 out favorably. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4
Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 2
Sen. K. Cullimore
Sen. D. Thatcher

4. S.B. 104 Children's Device Protection Act (*Weiler, T.*)

MOTION: Sen. Weiler moved to replace S.B. 104 with 1st Substitute S.B. 104. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4
Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 2
Sen. K. Cullimore
Sen. D. Thatcher

Sen. Weiler presented the bill with the assistance of Merv Arnold, citizen and Catherine Snyder, Development Manager, National Center of Child Exploitation.

Dave Davis, President, Chief Legal Officer, Utah Retail Merchants Association, spoke in opposition to the bill.

Jodi Hart, AT&T, spoke in opposition to the bill.

Justin Stewart, Verizon, spoke in opposition to the bill.

Olivia Dawn, Utah Eagle Forum, spoke in favor of the bill.

Sheri Mattle, citizen, spoke in favor of the bill.

Phyllis Kimpel, citizen, spoke in favor of the bill.

Linda Zenger, citizen, spoke in favor of the bill.

Jackie Warren, citizen, spoke in favor of the bill.

Heather Gibson, citizen, spoke in favor of the bill.

Benjamin Bull, General Counsel, National Center on Sexual Exploitation, spoke in favor of the bill.

Dylan Hoffman, Executive Director, TechNet, spoke in opposition of the bill.

Chris McKenna, founder, Protect Young Eyes, spoke in favor of the bill.

Caden Rosenbaum, Libertus Institute, spoke in opposition to the bill.

MOTION: Sen. Weiler moved to move to next agenda item. 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. Weiler resumed the chair.

5. S.B. 109 Corrections Amendments (Owens, D.R.)

MOTION: Sen. Kennedy moved to replace S.B. 109 with 2nd Substitute S.B. 109. 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 2nd Substitute S.B. 109 with Amendment #1. The motion passed with a vote of 3 - 0 - 3.

Amendment 1 2nd Sub. S.B. 109

1. Page 12, Line 356 through Page 13, Line 367:

356 (1) (a) The department, except as otherwise provided by law, shall supervise a
357 sentenced [~~offenders~~] offender placed in the community if the offender:

358 (i) (A) is placed on probation by [the courts,] a court;

359 (B) is released on parole by the Board of Pardons and Parole[.]; or

360 (C) [~~upon acceptance~~] is accepted for supervision under the terms of the Interstate
361 Compact for the Supervision of Parolees and Probationers[.]; and

362 (ii) has been convicted of:

363 (A) a felony;

364 (B) a class A misdemeanor when an element of the offense is the use or attempted use
365 of physical force against an individual or property; or

366 (C) {~~except as provided in~~} notwithstanding Subsection (1)(a)(ii)(B), a class A misdemeanor if the
367 department is ordered by a court to supervise the offender under Section 77-18-105.

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. Owens presented the bill with the assistance of Brian Redd, Executive Director, Utah Department of Corrections and Spencer Turley, Deputy Executive Director, Department of Corrections.

Matthew Dumont, Chief Deputy, Corrections Bureau, Salt Lake County Sheriff's Office, spoke in favor of the bill.

MOTION: Sen. Kennedy moved to pass 2nd Substitute S.B. 109 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

6. S.B. 111 Law Enforcement Canine Pilot Program (Riebe, K.)

Sen. Riebe presented the bill.

MOTION: Sen. Kennedy moved to pass S.B. 111 out favorably. The motion passed with a vote of 2 - 1 - 3.

Yeas - 2

Sen. L. Escamilla
Sen. M. Kennedy

Nays - 1

Sen. T. Weiler

Absent - 3

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

7. S.B. 119 Fire and Rescue Training Amendments (Harper, W.)

Sen. Harper presented the bill with the assistance of Brad Wardle, Director, Fire and Rescue Academy.

MOTION: Sen. Kennedy moved to pass S.B. 119 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

8. H.B. 14 School Threat Penalty Amendments (Wilcox, R.)

Rep. Wilcox presented the bill.

MOTION: Sen. Escamilla moved to pass H.B. 14 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

9. H.B. 67 First Responder Mental Health Services Grant Program Amendments (Wilcox, R.)

Rep. Wilcox presented the bill.

Katie Mazzie, Legislative Affairs, Utah System of Higher Education, spoke in favor of the bill.

MOTION: Sen. Kennedy moved to pass H.B. 67 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

10. H.B. 16 Sexual Offenses Amendments (*Hawkins, J.*)

Rep. Hawkins presented the bill with the assistance of Will Carlson, Chief Policy Advisor, Salt Lake County District Attorney's Office.

MOTION: Sen. Kennedy moved to replace H.B. 16 with 1st Substitute H.B. 16. 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

Marc Moffit, Criminal Defense Attorney, Criminal Defense Lawyers Association, spoke in opposition to the bill.

Dan Strong, Director, Sentencing Commission, spoke to the bill.

Pam Vickery, Utah Juvenile Defenders, spoke to the bill.

Marc Moffitt continued to speak to the bill.

Dan Strong, Director, Sentencing Commission, spoke to the bill.

Richard Larsen, Senior Litigation Section Chief, Davis County Attorney's Office, spoke to the bill.

Phyllis Kimpel, citizen, spoke to the bill.

MOTION: Sen. Escamilla moved to pass 1st Substitute H.B. 16 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

MOTION: Sen. Escamilla 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

Chair Weiler adjourned the meeting at 4:48 p.m..

NOTE: S.B. 0050 was not discussed in the meeting.